

## NOTICE OF COMMENT PERIOD

The Nebraska Supreme Court is considering proposed amendments to Neb. Ct. R. § 6-701 et seq. entitled “Interpreters in Court.” The Nebraska Supreme Court directed that the proposed amendments be published for a period of public comment.

The Nebraska Supreme Court invites interested persons to comment on the proposed amendments. Anyone desiring to comment on the proposed amendments should do so in writing to the office of the Clerk of the Supreme Court and Court of Appeals, P.O. Box 98910, Lincoln, Nebraska 68509-8910, or via email to [erika.schafer@nejudicial.gov](mailto:erika.schafer@nejudicial.gov), with the rule number listed in the subject line, no later than May 1, 2024.

The full text of the proposed amendment is available below, or a paper copy may be obtained by telephoning the office of the Clerk of the Supreme Court and Court of Appeals at 402-471-3731.

### CHAPTER 6: TRIAL COURTS

....

#### **Article 7: Interpreters in ~~Court~~ the Nebraska Judicial Branch.**

##### **§ 6-701. Scope and effective date.**

These rules become effective on September 20, 2000, and will, as amended, govern the use of interpreters ~~in all by the courts of the State of Nebraska~~ Judicial Branch.

##### **§ 6-702. Statewide Register of Interpreters ~~register.~~**

The State Court Administrator will publish and maintain a statewide register of interpreters who as determined by the Administrator are available to interpret for the Nebraska Judicial Branch in accordance with Nebraska Supreme Court rules and policies, which will consist of the following:

(A) Certified ~~Court~~ Interpreters. ~~Court interpreters~~ Interpreters who have satisfied all certification requirements pursuant to § 6-705.

(B) Provisionally Certified ~~Court~~ Interpreters. ~~Interpreters for languages other than those for which an oral examination is available through the National Center for State Courts. These interpreters are provisionally certified by satisfying the requirements outlined in~~ who have satisfied all requirements pursuant to § 6-706 until such time an oral examination is developed.

~~(C) Registered Court Interpreters. Non-certified court interpreters who have not satisfied the requirements of § 6-705, but have completed an interpreter orientation program sponsored by the State Court Administrator and achieved a qualifying score on a written examination administered by the State Court Administrator, as well as achieved a score of 50 percent or better on each section of the oral legal interpreting examination administered or approved by the State Court Administrator. Interpreters who have satisfied all requirements pursuant to § 6-707.~~

~~(D) Other Non-Certified Court Interpreters. Non-certified court interpreters who have not satisfied the requirements of §§ 6-705, or § 6-706, or § 6-707.~~

~~(E) Certified Deaf Interpreters and Certified Sign Language Court Interpreters. Certified Deaf Interpreters and certified Sign Language interpreters who have satisfied the requirements of § 6-708. Sign language interpreters must be licensed, as required by Neb. Rev. Stat. § 20-151 and must possess either a Legal Specialist Certification (SC:L) awarded by the Registry of Interpreters for the Deaf, a Conditional Legal Interpreting Permit-Relay or a Level II or Level III classification awarded by the Nebraska Commission for the Deaf and Hard of Hearing, as set forth below:~~

~~Certified Sign Court Interpreters—Interpreters with current Legal Specialist Certification from the Registry of Interpreters for the Deaf (SC:L) or a CLIP-R (Conditional Legal Interpreting Permit-Relay) and a signed oath on file with the Administrative Office of the Courts.~~

~~Non-Certified Sign Court Interpreters—~~

~~Level II—Interpreters with current generalist certification from the Registry of Interpreters for the Deaf (CI/CT, CSC, NIC Master, NIC Advanced, NIC, and Deaf interpreters certified by the Registry of Interpreters for the Deaf (CDI)).~~

~~Level III—Interpreters with either a CI or CT certification from the Registry of Interpreters for the Deaf, or Nebraska state certification of QAST 5/5 or 4/4 or a combination of both, or Nebraska licensed Intermediary Interpreters (Deaf Interpreters).~~

~~Sign interpreters with Legal Specialist Certification (SC:L) or Level II credentials shall be paid at the rate for certified language interpreters. Level III sign interpreters shall be paid at the registered rate.~~

~~Diligent efforts must be made to obtain an interpreter with the highest level of certification before allowing an interpreter with a lower level of certification to interpret.~~

~~(F) Deaf Interpreters and Non-Certified Sign Language Interpreters. Deaf Interpreters and non-certified Sign Language interpreters who have not satisfied the requirements of §~~

6-708, but who are licensed, as required by Neb. Rev. Stat. § 20-1540 et seq. and possess a Nebraska Specialist Intermediary License or a Quality Assessment Screening Test – Accomplished Level (QAST V) awarded by the State of Nebraska.

**§ 6-703. Appointment of interpreters.**

~~(A) Use of Certified or Provisionally Certified Court Interpreter. Whenever an interpreter is required to be appointed by the Nebraska Judicial Branch, the State Court Administrator’s Office shall appoint interpreters based on a determination of an interpreter’s reasonable availability and the purpose for which the interpreter is needed to ensure the most qualified interpreter is being appointed. a court or probation office, the court or probation office shall first attempt to appoint a certified or provisionally certified court interpreter who is listed on the statewide register of interpreters if one is reasonably available.~~

~~(B) Use of Registered Court Interpreter on Statewide Register. If the court or probation office has made diligent efforts to obtain a certified or provisionally certified court interpreter as required by § 6-703(A) and found none to be available, the court or probation office may appoint a registered court interpreter who is otherwise competent to interpret in the courts.~~

~~(C) Use of Other Court Interpreter. If the court or probation office has made diligent efforts to obtain a certified or provisionally certified court interpreter and a registered court interpreter, and found none to be available, the court or probation office may appoint a court interpreter who is otherwise competent to interpret in the courts. All arrangements for interpreters shall be made by authorized court or probation personnel. Hearings Court proceedings and probation services for parties who appear with their own interpreter may be continued pending the court’s determination of language needs of the individual; ~~and~~ the qualifications of the interpreter, which includes whether the interpreter meets the standards adopted by the Nebraska Judicial Branch; and the availability of if a certified, provisionally certified, or registered interpreter is ~~not~~ available. Provided, however,~~

~~(1) In court proceedings in which a Spanish interpreter is utilized, only a certified or registered interpreter shall be allowed.~~

~~(2) In court proceedings in which a sign an interpreter is utilized to interpret for a Deaf or hard of hearing person, only an interpreter qualified pursuant to Neb. Rev. Stat. § 25-2407 and Neb. Rev. Stat. § 20-150 et seq. awarded a Level I or Level II classification by the Nebraska Commission for the Deaf and Hard of Hearing shall be allowed.~~

~~(D) To determine whether a certified or registered interpreter is reasonably available, reasonable advance attempts must be made to arrange for the presence of a certified or provisionally certified interpreter prior to the use of a registered interpreter and then, for~~

~~the presence of a or registered interpreter prior to the use of an interpreter who is not certified, provisionally certified, or registered.~~

(C) ~~(E)~~ Number of Interpreters. For any single court proceeding or probation service scheduled for ~~3~~ 2 hours or more hours, two ~~spoken foreign~~ language interpreters shall be appointed. For any single court proceeding or probation service scheduled for more than 1 hour, two ~~sign~~ Sign Language interpreters shall be appointed. For any single court proceeding or probation service lasting more than 2 hours, if two ~~spoken foreign~~ or ~~sign-language~~ Sign Language interpreters are not reasonably available, the interpreter must be given ~~not less than~~ a minimum of a 10-minute break every 30 minutes.

(D) ~~(F)~~ Rebuttable Presumption. There is a rebuttable presumption that an interpreter must be appointed if an interpreter is requested or it is shown that the person cannot readily understand or communicate in the English language.

(E) ~~(G)~~ All interpreters shall be at least 19 years of age old, ~~shall have read the Code of Professional Responsibility for Interpreters~~, shall take the Interpreter Oath and shall verify in writing that ~~he/she has~~ they have read and understands the Code of Professional Responsibility for Interpreters prior to interpreting for the Nebraska Judicial Branch in the Nebraska Courts or the Nebraska State Probation System.

(F) ~~(H)~~ Individuals serving as interpreters for the State of Nebraska Judicial Branch, pursuant to these rules, shall not be considered employees of the ~~State of Nebraska~~ Judicial Branch.

See Appendix 1 for Code of Professional Responsibility for Interpreters and Interpreter Oath.

#### **§ 6-704. Examination for foreign language interpreter certification.**

(A) ~~Submission of Application.~~ An individual who wants to become ~~is desirous of being considered for certification as~~ a certified, provisionally certified, or a registered interpreter as defined in these rules, in a particular foreign language, must do the following ~~submit an application, on form(s) approved by the State Court Administrator, to the Administrative Office of Courts and Probation (AOCP).~~

(B) ~~Evaluation of Application.~~ In order to protect the integrity of court proceedings the Nebraska Judicial Branch and the safety of the public, and to ensure an a court interpreter's should be one whose record of conduct justifies the trust of the courts, probation, witnesses, jurors, attorneys, parties, and the public.

(~~1A~~) Upon Application for Apply to attend the Nebraska Judicial Branch Interpreter Orientation, Upon application for Interpreter Orientation on a form approved by the State Court Administrator, the Director of Language Access or designated Nebraska Judicial Branch staff (AOCP) will evaluate the application and determine if the applicant meets

the initial qualification requirements of §§ 6-705, 6-706, or 6-707, ~~including minimum age.~~

(B) Attend Nebraska Judicial Branch Interpreter Orientation. Orientation for interpreters will include an introduction to the courts and probation, the ethics of a court interpreter, vocabulary, the skills needed to assume the responsibilities of an interpreter, and the requirements to be certified, provisionally certified, and registered as outlined in §§ 6-705, 6-706, and 6-707. The State Court Administrator may waive this requirement for any interpreter who has previously attended a Nebraska Judicial Branch or other state or federal court interpreter orientation within the last 3 calendar years.

(2C) Apply for the Interpreter Written Examination. ~~Upon Application for the Interpreter Written Examination after successful completion of interpreter orientation, Only after attending the Nebraska Judicial Branch Interpreter Orientation or the State Court Administrator waiving the requirement to attend the orientation may the applicant shall submit an application to take the written examination and execute a criminal history record check release on forms approved by the State Court Administrator, and the The Language Access Director or designated Nebraska Judicial Branch staff AACP will~~ evaluate the application and conduct a criminal background check to verify the absence of criminal convictions and/or pending charges. A felony conviction of an applicant shall warrant denial of participation within the certification program, or removal from the ~~roster statewide register of court~~ interpreter. A misdemeanor conviction in the preceding 5 calendar years manifesting a significant deficiency in the honesty, trustworthiness, diligence, or reliability of an applicant may warrant denial of participation within the certification program, or removal from the ~~roster statewide register of court~~ interpreters. Disposition of any felony charges less than 5 years in the past other than by acquittal or dismissal (e.g., pretrial diversion) shall be the basis for denial of certification. Disposition of misdemeanor charges manifesting a significant deficiency in honesty, trustworthiness, diligence, or reliability less than 5 years in the past other than by acquittal or dismissal (e.g., pretrial diversion) may be the basis for denial of participation within the certification program, or removal from the statewide register of interpreters.

~~(C) Revocation or suspension of certification as a court interpreter in any other jurisdiction will preclude certification as a Nebraska court interpreter.~~

~~(D) Orientation for court interpreters will include an introduction to Nebraska Courts and court proceedings, the ethics of a court interpreter, vocabulary, and the skills needed to assume the responsibilities of a court interpreter and meet the requirements for certification or provisional certification as outlined in §§ 6-705 and 6-706. After completing orientation and subject to the results of a criminal background check, applicants will be eligible to take a written examination.~~

~~(E)~~ Written Examination. The written examination to qualify to take the oral examination of § 6-705(F)~~(D)~~ or to be considered for provisional certification pursuant to § 6-706(F), shall require no fee for an initial or second attempt for residents of Nebraska. If subsequent attempts are undertaken, ~~based on previous non-passing scores,~~ a fee as prescribed by the Nebraska Supreme Court shall be assessed per each attempt. For out of state residents, a fee as prescribed by the Nebraska Supreme Court shall be assessed per each attempt of the written examination to qualify to take the oral examination of § 6-705(F)~~(D)~~ or to be considered for provisional certification pursuant to § 6-706(F). The written examination shall consist of three parts: general English language vocabulary, court-related terms and usage, and ethics and professional conduct. The written examination will be administered at such times and places as ~~the designated by the Nebraska Judicial Branch AOC~~ designated by the Nebraska Judicial Branch AOC. The State Court Administrator shall waive this requirement for any interpreter who has previously taken the oral ~~interpreter-competency~~ examination of § 6-704(E) § 6-704(F). If the applicant achieves a qualifying score of 80 percent or higher on the written examination, the applicant shall then be eligible to take the oral examination, if available for the interpreter's language, or provide documentation to support consideration for provisional certification. Results of the written examination will be electronically sent to the applicant.

(E) Applying for the Interpreter Oral Examination. Only after passing the written examination may the applicant submit an application to take the oral examination and execute a criminal history record check release on forms approved by the State Court Administrator. The Director of Language Access or designated Nebraska Judicial Branch staff will evaluate the application and conduct a criminal background check to verify the absence of criminal convictions and/or pending charges. A felony conviction of an applicant shall warrant denial of participation within the certification program, or removal from the statewide register of interpreters. A misdemeanor conviction in the preceding 5 calendar years manifesting a significant deficiency in the honesty, trustworthiness, diligence, or reliability of an applicant may warrant denial of participation within the certification program, or removal from the statewide register of interpreters. Disposition of any felony charges less than 5 years in the past other than by acquittal or dismissal (e.g., pretrial diversion) shall be the basis for denial of certification or removal from the statewide register of interpreters. Disposition of misdemeanor charges manifesting a significant deficiency in honesty, trustworthiness, diligence, or reliability less than 5 years in the past other than by acquittal or dismissal (e.g., pretrial diversion) may be the basis for denial of participation within the certification program or removal from the statewide register of interpreters.

(F) Oral Examination. Oral examinations in specific languages will consist of three components: sight interpretation, consecutive interpretation, and simultaneous interpretation. Such examinations will be administered at such times and places as ~~the designated by the Nebraska Judicial Branch AOC~~ designated by the Nebraska Judicial Branch AOC. Results of the oral certification examinations will be electronically sent ~~e-mailed or mailed by regular U.S. Mail~~ to the applicant, ~~per applicant's request.~~

(G) Revocation or suspension as an interpreter in any other jurisdiction will preclude certification as a Nebraska Judicial Branch interpreter.

~~(GH)~~ Confidentiality. All information relating to the examination is treated as confidential by the Nebraska Judicial Branch AACP and test administrators except that aggregate statistical information relating to the examinations and applicants may be released at the discretion of the State Court Administrator.

**§ 6-705. Certified foreign language court interpreter requirements.**

A certified foreign language court interpreter must be able to interpret simultaneously and consecutively and provide sight translation from English into the target language of ~~the non-English speaking person~~ and from the target language of ~~that person~~ into English. An interpreter will be eligible for certification upon establishing to the satisfaction of the AACP State Court Administrator that the individual has:

(A) Reached the age of 19;

(B) Had no past felony convictions or pending felony criminal charges. In addition, in the preceding 5 years had no misdemeanor convictions or pending charges manifesting a significant deficiency in honesty, trustworthiness, diligence, or reliability. Disposition of any felony charges less than 5 years in the past other than by acquittal or dismissal (e.g., pretrial diversion) shall be the basis for denial of certification. Disposition of misdemeanor charges manifesting a significant deficiency in honesty, trustworthiness, diligence, or reliability less than 5 years in the past other than by acquittal or dismissal (e.g., pretrial diversion) may be the basis for denial of certified interpreter status certification;

(C) Completed ~~an~~ the Nebraska Judicial Branch or other state or federal court interpreter orientation that satisfy the requirements of § 6-704(B) provided by the AACP or approved by the AACP;

(D) Achieved a qualifying score of 80 percent or higher on a National Center for State Courts written examination administered by the Nebraska Judicial Branch AACP or any ~~state that is a~~ member of the National Center for State Courts Language Access Services Section; and

(E) Achieved a qualifying score of 70 percent or higher on each segment of the ~~oral examination (National Center for State Courts oral certification examination)~~ administered by the AACP or approved by the Nebraska Judicial Branch AACP as described in § 6-704~~(F)(E)~~. If an interpreter received a qualifying score of 70 percent on any of the three segments of a previous National Center for State Courts oral examination that was administered within the last 3 calendar years, the qualifying score shall be

honored, and the applicant shall not be required to repeat that segment of a current examination.

(F) In addition, any interpreter possessing a Federal Court Interpreter ~~e~~Certification or a Court Interpreter Certification from ~~any state which is~~ a member of the National Center for State Courts Language Access Services Section, formerly known as the Consortium for Language Access in the Courts, is recognized as a certified ~~court~~ interpreter. ~~Any American Sign Language interpreter possessing a Specialist Certificate Legal (SC:L) or any interpreter possessing a certification (CI/CT, NIC-Master or NIC Advanced, CSC, or CDI) or possessing a provisional legal certification (CLIP) is recognized as a certified court interpreter.~~

(G) To maintain certified status, ~~court~~ interpreters must comply with continuing education requirements as outlined in ~~§ 6-710 § 6-709~~. Failure to complete ~~recognized~~ continuing education requirements shall be grounds for removal of the interpreter's name from the ~~list of Nebraska Certified Court~~ statewide register of interpreters.

**§ 6-706. Provisionally certified foreign language ~~court~~ interpreter requirements.**

A provisionally certified foreign language interpreter must be able to interpret simultaneously and consecutively and provide sight translation from English into the target language and from the target language into English.

In languages for which no oral examination is available, an applicant may be provisionally certified upon establishing to the satisfaction of the ~~AOC~~ State Court Administrator that the individual has:

(A) Reached the age of 19;

(B) Filed with the State Court Administrator a resume, a completed questionnaire regarding ~~his or her~~ their experience, ~~and work~~ education, ~~and~~ work history, and permission for the State Court Administrator to ~~do~~ execute a criminal records check ~~on the applicant~~;

(C) Had no past felony convictions or pending felony criminal charges. In addition, in the preceding 5 years had no misdemeanor convictions or pending charges manifesting a significant deficiency in honesty, trustworthiness, diligence, or reliability. Disposition of any felony other than by acquittal or dismissal (e.g., pretrial diversion) shall be the basis for denial of provisional certification. Disposition of misdemeanor charges manifesting a significant deficiency in honesty, trustworthiness, diligence, or reliability less than 5 years in the past other than by acquittal or dismissal (e.g., pretrial diversion) may be the basis for denial of provisionally certified status ~~certification~~;



(D) Completed ~~an~~ the Nebraska Judicial Branch or other state, federal, or member of the National Center for State Courts Language Access Services Section court interpreter orientation that satisfy the requirements of § 6-704(B) provided by the AACP or approved by the AACP;

(E) Achieved a qualifying score of 80 percent or higher on a National Center for State Courts written examination administered by the Nebraska Judicial Branch AACP or any ~~state that is a~~ member of the National Center for State Courts Language Access Services Section; and

(F) ~~In addition, provisional certification requires that the applicant d~~ Demonstrate both written and oral proficiency in both English and the foreign language by the following:

(1) Proof of the applicant's English written proficiency shall be demonstrated by one or more of the following:

(a) A degree from an accredited college or university in a country where English is the official language; or

(b) A minimum of 1 year of completed graduate coursework at an accredited university in a country where English is the official language; or

(c) A score of 400 in the Test of English as a Foreign Language (TOEFL) Toefel paper-based language test; a score of 97 in the ~~(TOEFL) Toefel~~ PC-based language test; or a score of 32 in the ~~(TOEFL) Toefel~~ Internet-based language test; or

(d) Publication in English where the candidate is the sole or main author; or

(e) Translator certification by the American Translators Association (ATA) in translation of ~~a~~ non-English documents into the English language.

(2) Proof of the applicant's English oral proficiency shall be demonstrated by one or more of the following:

(a) A minimum of 2 years of teaching experience at the college level (undergraduate or graduate) using English as the language of instruction; or

(b) A minimum of 2 years of other professional work experience in the United States or in a country where the official language is English.

(3) Proof of written proficiency in the foreign language(s) as demonstrated by the following:

(a) A minimum 4-year college degree from the United States or an equivalent higher education degree from another country where instruction is conducted in that language; or

(b) Publication in the foreign language in which the applicant is the sole or main author; or

(c) Translator certification from the American Translators Association (ATA) in translation of an English document into a ~~non-English~~ foreign language.

(4) Proof of oral proficiency in the foreign language as demonstrated by the following:

(a) A minimum of 2 years of teaching at the college level (undergraduate or graduate) using the foreign language as the language of instruction; or

(b) A minimum of 2 years of other professional experience in a country where the foreign language is the official language; or

(c) A degree from an internationally recognized university or academic institution, ideally in, but not limited to, translation and interpretation with a concentration in the foreign language.

(5) Three letters of reference to attest to the applicant's interpreting and professional experience within the past 2 years.

(6) The State Court Administrator shall ~~have the responsibility of determining~~ whether an applicant's degree, coursework, teaching experience, and/or professional work experience meet the requirements of this rule and may determine if an applicant meets the requirements of this rule if an applicant passes an equivalent test or obtains a certification that demonstrates proof of oral proficiency in both English and the foreign language.

(7) Upon the applicant's meeting the above requirements, the individual will be assigned to a mentor program developed and approved by the Nebraska Judicial Branch AOCB. Upon completion of the mentor program and a favorable report from the assigned mentor, the applicant shall be considered a provisionally certified interpreter.

(G) ~~Continuing Education and Reassessment of Provisionally Certified Status.~~ To maintain provisionally certified status, court interpreters must comply with continuing education requirements as outlined in § 6-710 § 6-709. Failure to complete recognized continuing education shall be grounds for removal of the interpreter's name from the list of Nebraska Provisionally Certified Court statewide register of interpreters.

(H) Provisional certification shall be recognized by the Nebraska Judicial Branch State of Nebraska until such time as an oral examination is available from the National Center for State Courts. The provisional certification will be withdrawn 6 months after an oral test is made available in the interpreter's non-English language. Provisionally certified interpreters who are not able to pass the status will be adjusted based on their National Center for State Courts oral examination results will be considered registered interpreters.

**§ 6-707. Registered foreign language court interpreter requirements.**

(A) A registered foreign language court interpreter must be able to interpret simultaneously and consecutively and provide sight translation from English into the target language of the non-English speaking person and from the target language of that person into English, only when a certified interpreter is not available. See § 6-703(B).

(B) An interpreter will ~~be eligible for registration~~ qualify as a registered interpreter upon establishing to the satisfaction of the ~~AACP~~ State Court Administrator that the individual has:

(1) Reached the age of 19;

(2) Had no past felony convictions or pending felony criminal charges. In addition, in the preceding 5 years had no misdemeanor convictions or pending charges manifesting a significant deficiency in honesty, trustworthiness, diligence, or reliability. ~~Disposition of any felony charges or those misdemeanor charges less than 5 years in the past other than by acquittal or dismissal (e.g., pretrial diversion) shall be the basis for denial of registered court interpreter status~~ Disposition of any felony other than by acquittal or dismissal (e.g., pretrial diversion) shall be the basis for denial of registered interpreter status. Disposition of misdemeanor charges manifesting a significant deficiency in honesty, trustworthiness, diligence, or reliability less than 5 years in the past other than by acquittal or dismissal (e.g., pretrial diversion) may be the basis for denial of registered interpreter status; (3) ~~Completed an~~ completed an the Nebraska Judicial Branch or other state, federal, or member of the National Center for State Courts Language Access Services Section court interpreter orientation that satisfy the requirements of § 6-704(B) provided by the AACP or approved by the AACP;

(3) (4) Achieved a qualifying score of 80 percent or higher on a National Center for State Courts written examination administered by the Nebraska Judicial Branch AACP or ~~any state that is~~ a member of the National Center for State Courts Language Access Services Section; and

(4) (5) Achieved a qualifying score of 50 percent or higher on each segment of the National Center for State Courts oral examination administered or approved by the Nebraska Judicial Branch AACP as described in § ~~6-704(E)~~ § 6-704(F). Registered

interpreters in languages for which the oral examination is not available will be included on the retained upon the list of registered statewide register of interpreters only upon submission providing to the Nebraska Judicial Branch AOCB some other measure of language competence (e.g., a passing score on an oral proficiency exam) acceptable by the Nebraska Judicial Branch AOCB.

(C) To maintain registered status, ~~court~~ interpreters must comply with continuing education requirements as outlined in § 6-710 § 6-709. Failure to complete recognized continuing education shall be grounds for removal of the interpreter's name from the ~~list of Nebraska Registered Court Interpreters~~ statewide register of interpreters.

**§ 6-708. Certified Deaf Interpreter and Certified Sign Language interpreter requirements.**

(A) An interpreter will qualify as a Certified Deaf Interpreter or certified Sign Language interpreter upon establishing to the satisfaction of the State Court Administrator that the individual has:

(1) A license as required by Neb. Rev. Stat. § 20-150 et seq. and possesses one or more of the certifications awarded by the Registry of Interpreters for the Deaf (RID), Certified Deaf Interpreter Certification (CDI), Conditional Legal Interpreting Permit-Relay (CLIP-R), Specialist Certificate Legal (SC:L), National Interpreter Certification – Master (NIC Master), National Interpreter Certification – Advanced (NIC Advanced), National Interpreter Certification (NIC), Certificate of Interpretation (CI), Certificate of Transliteration (CT), Comprehensive Skills Certificate (CSC), or National Association of the Deaf – V (NAD-V); and

(2) Had no past felony convictions or pending felony criminal charges. In addition, in the preceding 5 years had no misdemeanor convictions or pending charges manifesting a significant deficiency in honesty, trustworthiness, diligence, or reliability. Disposition of misdemeanor charges manifesting a significant deficiency in honesty, trustworthiness, diligence, or reliability less than 5 years in the past other than by acquittal or dismissal (e.g., pretrial diversion) may be the basis for denial of certified interpreter status. Disposition of any felony charges less than 5 years in the past other than by acquittal or dismissal (e.g., pretrial diversion) shall be the basis for denial of certification or removal from the statewide register of interpreters. Disposition of misdemeanor charges manifesting a significant deficiency in honesty, trustworthiness, diligence, or reliability less than 5 years in the past other than by acquittal or dismissal (e.g., pretrial diversion) may be the basis for denial of participation within the certified program or removal from the statewide register of interpreters. To maintain certified status, a Certified Deaf Interpreter or certified Sign Language interpreter must comply with continuing education requirements as outlined in § 6-710. Failure to complete continuing education requirements shall be grounds for removal of the interpreter's name from the statewide register of interpreters.

**§ ~~6-708~~ 6-709. Investigation of complaints and imposition of sanctions.**

The opportunity to provide interpreter services to the ~~courts~~ Nebraska Judicial Branch under the direction of the State Court Administrator is at the Administrator's complete and continuing discretion because of the critical reliance the Nebraska Judicial Branch ~~courts~~ must have on the skills, performance, and integrity of the interpreter in performing duties for the ~~court~~ Nebraska Judicial Branch. This discretion applies to any interpreter who is certified, provisionally certified, ~~or~~ registered, or non-certified with the Nebraska Judicial Branch AOC. ~~An court~~ interpreter ~~should be~~ is one whose record of conduct justifies the trust of the courts, probation, witnesses, jurors, attorneys, parties, and the public. In order to protect the integrity of ~~court proceedings~~ the Nebraska Judicial Branch and the safety of the public, the Supreme Court authorizes the State Court Administrator to investigate complaints and impose sanctions.

(A) Grounds for Imposition of Sanctions. Any of the following may be grounds for imposition of sanctions against a certified, provisionally certified, ~~or~~ registered, or non-certified interpreter:

(1) Unprofessional or unethical conduct that violates the Code of Professional Responsibility for Interpreters (see Appendix 1);~~;~~

(2) Conviction of any felony criminal charge. Conviction, within the past 5 years, of a misdemeanor criminal charge manifesting a significant deficiency in honesty, trustworthiness, diligence, or reliability. Dispositions of either felony or misdemeanor criminal charges other than by acquittal or dismissal (e.g., pretrial diversion), or the filing of a probation violation or the revocation of probation may also constitute grounds for suspension or revocation. ~~;~~ ~~and~~

(3) Incompetence as an interpreter.

(4) Failure to report in writing to the Director of Language Access or designated Nebraska Judicial Branch staff any misdemeanor or felony citation, charge, or motion to revoke probation within 5 business days.

(5) Failure to report in writing to the Director of Language Access or designated Nebraska Judicial Branch staff within 5 business days any revocation or suspension of certification as an court interpreter in any other jurisdiction.

~~(B) Investigation and Notification of Grounds for Imposition of Sanctions. Upon receipt by the AOC of a complaint in writing against a certified or registered interpreter, or upon the initiation by the AOC itself of a complaint, such complaint shall be investigated by the State Court Administrator. Upon receipt and initial investigation of any such complaint, if the State Court Administrator determines formal action is necessary, the Administrator may take any of the following formal actions:~~

~~(1) Dismiss the complaint. In any case where the State Court Administrator dismisses the complaint, written notice of the complaint and notice of the dismissal shall be sent by certified mail to the interpreter and the complainant.~~

~~(2) Allow the interpreter to retain certification or registered interpreter status for the pendency of the evaluation and consideration of the complaint. In any case where the State Court Administrator deems it is necessary to consider the complaint, written notice of the complaint and the retention or suspension of the interpreter's certified or registered status shall be sent by certified mail to the interpreter, and that interpreter shall have 15 days to file a written response with the State Court Administrator; or~~

~~(3) Immediately suspend the certification or registered interpreter status for the pendency of the evaluation and consideration of the complaint. In any case where the State Court Administrator deems it is necessary to consider the complaint, written notice of the complaint and the retention or suspension of the interpreter's certified or registered status shall be sent by certified mail to the interpreter, and that interpreter shall have 15 days to file a written response with the State Court Administrator.~~

~~(C) Evaluation and Consideration of the Complaint. The Director of Language Access shall receive such information and/or documentation as he or she sees fit. The rules of evidence do not apply to this evaluation and consideration of complaint, and the interpreter is not entitled to representation by counsel. After evaluation and consideration of the complaint, the Director of Language Access shall within 60 days recommend in writing to the State Court Administrator any § 6-708(E) sanctions it determines appropriate.~~

(B) Complaint Received. Upon receipt by the Nebraska Judicial Branch of a complaint in writing against a certified, provisionally certified, registered, or non-certified interpreter, or upon the initiation by the Nebraska Judicial Branch itself of a complaint, it shall be evaluated and considered by the Director of Language Access or designated Nebraska Judicial Branch staff.

(C) Evaluation and Consideration of the Complaint. Upon receipt and initial evaluation of any such complaint, the Director of Language Access or designated Nebraska Judicial Branch staff shall receive such information and/or documentation as they see fit. Within 10 business days after receiving the complaint, the Director of Language Access or designated Nebraska Judicial Branch staff shall report in writing to the State Court Administrator their findings and recommendations for the following formal actions to be considered and imposed by the State Court Administrator:

(1) Dismiss the complaint. In any case where the State Court Administrator dismisses the complaint, written notice of the complaint and notice of the dismissal shall be sent by certified mail to the interpreter and the complainant;

(2) Allow the interpreter to retain certified, provisionally certified, registered, or non-certified interpreter status and remain on the statewide register of interpreters for the pendency of the evaluation and consideration of the complaint. In any case where the State Court Administrator deems it is necessary to consider the complaint, written notice of the complaint and the retention or suspension of the interpreter's status shall be sent by certified mail to the interpreter, and that interpreter shall have 15 business days from the date the written notice is received to file a response to the State Court Administrator; or

(3) Immediately suspend the interpreter's certified, provisionally certified, registered, or non-certified interpreter status and remove them from the statewide register of interpreters for the pendency of the evaluation and consideration of the complaint. In any case where the State Court Administrator deems it is necessary to consider the complaint, written notice of the complaint and the retention or suspension of the interpreter's status and removal from the statewide interpreter register shall be sent by certified mail to the interpreter, and that interpreter shall have 15 business days to file from the date the written notice is received to file a response to the State Court Administrator.

(D) Investigation and Notification of Grounds for Imposition of Sanctions. The Director of Language Access or designated Nebraska Judicial Branch staff shall receive such information and/or documentation as they see fit. The rules of evidence do not apply to the investigation. After investigation of the information provided and the interpreter's response, the Director of Language Access or designated Nebraska Judicial Branch staff shall within 60 business days recommend in writing to the State Court Administrator any § 6-708(E) sanctions determined to be appropriate.

~~(D)~~ (E) Sanctions. If the State Court Administrator, based upon the information and documentation provided in the complaint, the interpreter's response, and the recommendation of the Director of Language Access or designated Nebraska Judicial Branch staff, determines sufficient cause exists, the State Court Administrator may within 45 business days of receipt of the recommendation impose one or more of the following sanctions in order to protect the integrity of court proceedings and the safety of the public:

(1) Issue a written reprimand;

(2) Specify corrective action with which the interpreter must fully comply in order to remain on the statewide register of interpreters, including the completion of educational courses and/or re-taking one or more parts of the interpreter written examination;

(3) Suspend the interpreter from serving as an interpreter ~~in~~ for the Nebraska Judicial Branch courts or Probation Services for a specified period of time, or until corrective action is completed; and

(4) Revoke the standing of and permanently prohibit the interpreter from serving as an interpreter ~~in~~ for the Nebraska Judicial Branch courts or Probation Services.

The State Court Administrator shall provide the interpreter with written notice of the sanctions sent by certified mail to the interpreter.

~~(E) No interpreter who has been suspended or revoked shall be utilized as an interpreter in any State judicial proceeding in the State of Nebraska, nor shall such interpreter be entitled to any compensation from the AOCF, during his or her suspension or revocation.~~

(F) Complaints made against a ~~sign language~~ Sign Language interpreter, Certified Deaf Interpreter or Deaf Interpreter shall be processed pursuant to the procedure set forth in Rules and Regulations Relating to Sign Language Interpreters adopted by the Nebraska Commission for the Deaf and Hard of Hearing.

(G) Suspended or revoked interpreters shall be removed from the statewide register of interpreters. No interpreter who has been suspended or revoked shall be utilized as an interpreter by the Nebraska Judicial Branch, nor shall such interpreter be entitled to any compensation from the Nebraska Judicial Branch, during his or her suspension or revocation.

**§ ~~6-709~~ 6-710. Continuing education requirements.**

Continuing education is required by the ~~AOCF~~ Nebraska Judicial Branch to ensure that certified, provisionally certified, and registered interpreters who serve ~~in~~ the Nebraska Judicial Branch state courts maintain and improve their interpreting skills ~~and expand their vocabulary.~~ Additionally, continuing education is required to ensure that certified, provisionally certified, and registered interpreters are in compliance with Local Rules in Chapter 6 (Trial Courts), Article 7 (Interpreters in the Nebraska Judicial Branch Court), and the Nebraska Code of Professional Responsibility for ~~Court~~ Interpreters (Appendix 1).

As of July 1, 2012, these requirements apply to all interpreters who are certified, provisionally certified, or registered ~~court~~ interpreters in the State of Nebraska who wish to interpret ~~for~~ in the Nebraska Judicial Branch state courts. Meeting these requirements is a condition ~~for continued certification to remain a certified, provisionally certified certification,~~ or registered ~~status of court~~ interpreters, and to remain on the statewide register of interpreters.

(A) ~~CONTINUING EDUCATION REQUIREMENT~~ Continuing Education Requirement refers to educational activities in which the interpreter engages after ~~successfully passing the certification examination, being~~ qualifying as a certified,



provisionally certified, or ~~having~~ registered status foreign language interpreter, or a certified or non-certified Sign Language or Deaf Interpreter.

Every certified, provisionally certified, ~~or~~ and registered foreign language interpreter shall complete and report ~~ten (10)~~ five (5) credit hours of approved continuing education offered or accredited by the AACP Nebraska Judicial Branch every ~~during each two-year reporting period.~~ At least ~~four (4)~~ two (2) continuing education hours must be earned at an AACP- ~~in approved ethics and skills building professional responsibility workshop.~~ The ~~one two-year~~ reporting period commences as set forth below at ~~§ 6-710(C)~~ § 6-709(C).

Every certified Sign Language and Certified Deaf Interpreter must complete and report the Registry of Interpreters for the Deaf (RID) required 20 contact hours with the minimum of 15 hours in Professional Studies every year. Participants must work with a RID-Approved Sponsor to earn continuing education credits.

Every non-certified Sign Language and Deaf Interpreter must complete and report the Nebraska Commission for the Deaf and Hard of Hearing required 12 clock hours with a minimum of 9 hours in Professional Studies and 1.5 hours in interpreter ethics every year.

~~(B) APPROVED/ACCREDITED CONTINUING EDUCATION~~ Approved/Accredited Continuing Education shall be earned in participatory activities, i.e., a course, conference, workshop, lecture, or other activity, at which attendance is monitored and verified. Participatory continuing education activities may include courses offered at accredited institutions of higher learning or conferences or workshops sponsored by accredited professional organizations.

Continuing Education credits may be obtained through programs, conferences, and workshops endorsed and credited for continuing education by the Nebraska or other State or Federal Administrative Offices of the Courts, the Nebraska Association for Translators and Interpreters (NATI), the National Association of Judiciary Interpreters and Translators (NAJIT), the American Translators Association (ATA), and the Registry of Interpreters for the Deaf (RID), along with educational programs offered by colleges and/or universities, or training programs offered by other Language Access Services Section member states.

Continuing education credit granted shall be for the actual number granted by accredited programs, conferences, workshops, or training programs. Auditing an academic college level language course for continuing education credit or taking same for academic credit is permitted with education credits under this rule allocated as follows: one academic quarter unit shall be deemed equivalent to 10 continuing education credits and one academic semester unit shall be deemed equivalent to 15 continuing education credits.

~~Interpreters for the deaf and hard of hearing must complete the RID required 8.0 continuing education credits (80 hours) in a cycle (4 years). These eight continuing education credits are divided into two Content Areas: Professional Studies and General Studies. Participants must work with a RID Approved Sponsor to earn continuing education credits.~~

Continuing education credit will be awarded only after completion of the entire activity. Partial attendance does not qualify for continuing education credit. Reasonable absences are allowed for academic courses. The academic institution's attendance requirements for credit must be met to be eligible for continuing education credit. If an educational activity spans two compliance periods, credit will be earned in the period in which the activity is completed. No continuing education hours may be carried over from one compliance period to the next.

To receive continuing education credit for a particular educational activity, other than those listed above, the interpreter may request credit by submitting information regarding the activity (e.g., description of curriculum, agenda of conference, etc.) to the Nebraska Judicial Branch AACP, and must receive approval prior to attendance at the activity. This information shall be submitted in advance of the program to ensure approval. Retroactive approval may be sought for good cause.

Any interpreter who wishes to receive continuing education credit must be able to show proof of having taken the course or attended the conference or workshop (e.g., an official transcript from the university or college, or a receipt and/or certificate of completion from the conference or workshop).

(C) ~~COMPLIANCE~~ Compliance. Each certified, provisionally certified, ~~or~~ and registered foreign language interpreter and each certified and non-certified Sign Language or Deaf Interpreter is required to submit a completed Annual Interpreter Continuing Education Compliance Form (Appendix 2) ~~to the AACP~~ every ~~two~~ years. The ~~24-month time period~~ year begins on January 1 following the date an interpreter becomes certified, provisionally certified, or registered, ~~and is awarded the Nebraska State Certified Court Interpreter Certificate~~. The AACP Nebraska Judicial Branch will make available, by the interpreter's request or online, the approved compliance form to be submitted. The approved compliance form shall be filed no later than February 1 of each year.

(D) ~~NONCOMPLIANCE~~ Noncompliance. Noncompliance with the continuing education requirement shall result in the interpreter's name being removed from the statewide register of interpreters ~~list of Nebraska Certified Court Interpreters, Nebraska Provisionally Certified Court Interpreters, or the Nebraska Registered Court Interpreters~~ whose names have been removed from the lists for noncompliance with the continuing education requirement and they shall not be given interpreting assignments with the Nebraska Judicial Branch courts. ~~Interpreters will not be added back onto the list until the continuing education requirement is met.~~

**§ ~~6-710~~ 6-711. Criminal history and revocation or suspension of certification reporting requirement.**

The opportunity to provide interpreter services to the Nebraska Judicial Branch courts under the direction of the State Court Administrator is at the Administrator's complete and continuing discretion because of the critical reliance the Nebraska Judicial Branch courts must have on the skills, performance, and integrity of the interpreter in performing duties for the Nebraska Judicial Branch court. This discretion applies to any interpreter who is on the statewide register of interpreters or may be appointed to interpret for the Nebraska Judicial Branch ~~registered with the Administrative Office of the Courts and Probation. A court~~ An interpreter should be one whose record of conduct justifies the trust of the courts, probation, witnesses, jurors, attorneys, parties, and the public. All interpreters and those seeking certification shall comply with the following:

(A) Any applicant seeking certification or registration as a Nebraska Judicial Branch court interpreter must report in writing to the Director of Language Access or designated Nebraska Judicial Branch staff any misdemeanor or felony citation, charge or conviction, or motion to revoke probation incurred during the course of the certification process within 5 business days.

(B) All certified, provisionally certified, registered, or ~~other non-certified~~ interpreters on the statewide register of Nebraska court interpreters roster shall report in writing to the Director of Language Access or designated Nebraska Judicial Branch staff any misdemeanor or felony citation, charge or conviction, or motion to revoke probation within 5 business days ~~and shall acknowledge this responsibility on their biannual Continuing Education Report form.~~

(C) Any certified, provisionally certified, registered, or ~~other non-certified~~ interpreter on the statewide register of interpreters Nebraska court interpreters roster who fails to report in writing to the Director of Language Access or designated Nebraska Judicial Branch staff any misdemeanor or felony citation, charge or conviction, or motion to revoke probation within 5 business days may be subject to imposition of sanctions pursuant to ~~§ 6-708~~ § 6-709.

(D) All certified, provisionally certified, registered, or ~~other non-certified~~ interpreters on the statewide register of interpreters Nebraska court interpreters roster shall report in writing to the Director of Language Access or designated Nebraska Judicial Branch staff any:

(1) Revocation or suspension of certification as ~~a court~~ an interpreter in any other jurisdiction;

(2) Acts that indicate abuse of or disrespect for the judicial process, including significant deficiency in honesty, trustworthiness, diligence, or reliability.

(E) Any certified, provisionally certified, registered, or ~~other~~ non-certified interpreter on the statewide register of interpreters ~~Nebraska court interpreters roster~~ who fails to report in writing to the Director of Language Access or designated Nebraska Judicial Branch staff any revocation or suspension of certification in any other jurisdiction or acts that indicate abuse of or disrespect of the judicial process within 30 business days may be subject to imposition of sanctions pursuant to ~~§ 6-708~~ § 6-709.

## APPENDIX 1

### CODE OF PROFESSIONAL RESPONSIBILITY FOR INTERPRETERS

#### **Preamble.**

Many ~~individuals persons~~ who come before the courts and probation are partially or completely excluded from full participation in the proceedings due to a communication barrier ~~limited English proficiency or a speech or hearing impairment~~. It is essential that the ~~resulting~~ communication barrier be removed, as much far as possible, so that these ~~individuals persons~~ are placed in the same position as similarly situated ~~individuals persons~~ for whom there is no such barrier. As officers of the court, interpreters help ensure that such ~~individuals persons~~ may enjoy equal access to justice and that court proceedings and probation court support services function efficiently and effectively. Interpreters are highly skilled professionals who fulfill an essential role in the administration of justice.

#### **Applicability.**

This Code shall guide and be binding upon all persons, agencies, and organizations who administer, supervise use of, or deliver interpreting services to the Nebraska Judicial Branch ~~judiciary~~.

#### **Canon 1. Accuracy and completeness.**

Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.

#### **Canon 2. Representation of qualifications.**

Interpreters shall accurately and completely represent what their training and pertinent experience is and any certification they may have.

#### **Canon 3. Impartiality and avoidance of conflict of interest.**

Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.

#### **Canon 4. Professional demeanor.**

Interpreters shall conduct themselves in a manner consistent with the formality and civility of the court and probation and shall draw as little attention to themselves as possible.

#### **Canon 5. Confidentiality.**

Interpreters shall keep confidential all privileged and other confidential information.

#### **Canon 6. Restriction of public comment.**

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

#### **Canon 7. Scope of practice.**

Interpreters shall limit themselves to interpreting or translating, and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

**Canon 8. Assessing and reporting inabilities to perform.**

Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment completely, they shall immediately convey that reservation to the appropriate Nebraska Judicial Branch ~~judicial~~ authority.

**Canon 9. Duty to report ethical violations.**

Interpreters shall report to the proper Nebraska Judicial Branch ~~judicial~~ authority any effort to encourage a lack of compliance with any law, any provision to this Code, or any other official policy governing court interpreting and legal translating.

**Canon 10. Professional development.**

Interpreters shall strive to continually improve their skills and knowledge and advance the profession through activities such as professional training and education, and interactions with colleagues and specialists in related fields.

INTERPRETER OATH

I, \_\_\_\_\_, swear or affirm that I will, to the best of my skill and judgment, after my appointment as interpreter, make a true \_\_\_\_\_

(Language)

interpretation of all court proceedings, probation activities, or any other proceeding into a language which the party understands and that I will in the English language repeat the party's statements to the court, probation, or jury, or officials before whom such proceedings take place.

APPENDIX 2

ANNUAL INTERPRETER CONTINUING EDUCATION  
COMPLIANCE FORM

~~Please type or print clearly and legibly in ink. Please submit only one compliance form for each two-year compliance period and complete every section of the form.~~

THIS COMPLIANCE PERIOD IS FROM: January 1, \_\_\_\_\_ - December 31, \_\_\_\_\_

**INSTRUCTIONS**

- Type or print clearly and legibly in ink.
- Complete every section.
- Attach proof of attendance for each continuing education activity.
- Deadline to submit form is February 1.

**SECTION I - GENERAL INFORMATION**

Name: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Contact Numbers: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Certified Language(s): \_\_\_\_\_

*If contact information needs to be updated, please check box and provide below.*

Address/City/State/Zip Code: \_\_\_\_\_

Contact Number(s): \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**SECTION II - SKILLS AND KNOWLEDGE**

~~Please list your continuing education activities for the current compliance period. You must complete a total of 10 hours of continuing education, including 4 hours in Ethics/Skills Building activities.~~

Please list your continuing educational activities and credit hours for the current compliance period.



- Foreign language interpreters must complete a total of 5 credit hours, including 2 credit hours in professional responsibility.
- Certified Deaf Interpreters and Certified Sign Language Interpreters must complete a total of 20 contact hours with a minimum of 15 hours in Professional Studies.
- Deaf Interpreters and Non-Certified Sign Language interpreters must complete a total of 12 clock hours with a minimum of 9 hours in Professional Studies and 1.5 hours in interpreter ethics.

Please attach proof of attendance.

**~~Continuing Education Activities (please attach proof of attendance.)~~**

Activity (Title)	Date(s)	
Provider (Name)	Number of credits	Professional Responsibility/Professional Studies/Interpreter Ethics

Activity (Title)	Date(s)	
Provider (Name)	Number of credits	Professional Responsibility/Professional Studies/Interpreter Ethics

Activity (Title)	Date(s)	
Provider (Name)	Number of credits	Professional Responsibility/Professional Studies/Interpreter Ethics

Activity (Title)	Date(s)	
Provider (Name)	Number of credits	Professional Responsibility/Professional Studies/Interpreter Ethics

**TOTAL CREDITS:** \_\_\_\_\_

### **Language Access Committee Payment Policy**

Certified interpreters serving on the Language Access Committee may be paid for the time that they spend attending and traveling to meetings of the Language Access Committee upon submission of a Statement for Payment of Interpreters.