

USING CERTIFIED INTERPRETERS IN CALIFORNIA COURTS

By: Kim Kennedy, Legal Assistant, Bay Oak Law

Many California residents prefer using a language other than English. Judicial proceedings need all parties to communicate well with each other. Certified Interpreters can enable clear communication when a party is more comfortable in a different language.

Certified Interpreters. When using an interpreter, make sure to use a certified interpreter. The California Government Code specifies that “[e]xcept for good cause . . . , any person who interprets in a court proceeding using a language designated by the Judicial Council under subdivision (a) of Section 68652 shall be a *certified* court interpreter as defined in Section 68566 for the language used.” Cal. Gov’t Code § 68561(a), emphasis added. This certification requirement tries to provide consistency and accurate translation.

The Government Code states that “[t]he Legislature recognizes that the number of non-English speaking persons in California is increasing, and recognizes the need to provide equal justice under the law to all California citizens and residents and to provide for their special needs in their relations with the judicial and administrative law system.” Cal. Gov’t Code § 68560(e).

The Judicial Council lists its certified languages as

- ◆ American Sign Language
- ◆ Arabic
- ◆ Armenian (East and West dialects)
- ◆ Cantonese
- ◆ Japanese
- ◆ Korean
- ◆ Mandarin
- ◆ Portuguese
- ◆ Russian
- ◆ Spanish
- ◆ Tagalog, and
- ◆ Vietnamese.

Non-certified Languages. For all other languages, “[a]ny person who interprets in a court proceeding using a language not designated by the Judicial Council shall be qualified by the court under the qualification procedures and guidelines adopted by the Judicial Council. If this qualified interpreter also passes an English fluency examination offered by a testing entity approved by the Judicial Council, this person shall be designated a ‘registered interpreter.’” Cal. Gov’t Code § 68561 (d).

When a witness needs a language for which the Judicial Council has not listed any certified interpreters, subdivisions (c) and (d) allow for the appointment by the court of an uncertified translator if good cause is shown. The Code states that “[a] court may for good cause appoint an interpreter for a language designated by the Judicial Council who does not hold a court

interpreter certificate. The court shall follow the good cause and qualification procedures and guidelines adopted by the Judicial Council.” Cal Gov’t Code § 68561(c). In these cases, another interpreter must be tested and made a “registered interpreter” or appointed by the trial court under subsection (c). However, for most cases, a certified interpreter will be available, and many are willing to travel.

Judicial Council Website. The Judicial Council lists certified and registered interpreters at <http://www.courtinfo.ca.gov/programs/courtinterpreters/master.cfm>. The website offers tools to search by language and location for a certified interpreter to meet your needs. Best practices suggest the need to reserve an interpreter as soon as possible, as some languages and areas have fewer certified interpreters available than others. For example, out of about 65 interpreters certified in Korean, only one is based in the Bay Area.

Using a registered or certified interpreter ensures that information gathered is admissible in court under § 68561. Cal. Gov’t Code § 68561(a) states that “[e]xcept for good cause... any person who interprets in a court proceeding... *shall* be a certified court interpreter” (emphasis added) and the mandatory language suggests that interpretations using uncertified or unregistered interpreters are not admissible into evidence. Subsections (c) and (d) provide remedies when good cause is shown. There is no excuse for not following § 68561.

Translations. This Code applies to any translations of documents from another language as well. If a letter, newspaper article, or any other piece of written evidence must be translated into English, a registered or certified interpreter must be used. Also, if your opposition is appearing *in propria persona* or *in forma pauperis* and does not have strong English skills, they can qualify for an interpreter through the court’s financial need programs or under Cal. Gov’t Code § 68630 *et seq.*

The time when a lawyer could rely on a friend or associate who may speak the language in question is now past. Cal. Gov’t Code § 68561 lowers the language barriers in court while ensuring accurate communication.