

## NOTICE OF COMMENT PERIOD

The Supreme Court's Language Access Committee submitted proposed amendments to Neb. Ct. R. § 6-701 et seq., "Interpreters in Court," and proposed a new rule Neb. Ct. R. § 6-710, "Criminal history and revocation or suspension of certification reporting requirement." On September 26, 2018, the Nebraska Supreme Court directed that the proposed amendments and new rule be published for a public comment period.

The Nebraska Supreme Court invites interested persons to comment on the proposed amendments and new rule. Anyone desiring to comment on the proposed amendments and new rule 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 e-mail to [wendy.wussow@nebraska.gov](mailto:wendy.wussow@nebraska.gov), no later than November 16, 2018.

The full text of the proposed amendments is available below, or a hard copy may be obtained from the Office of the Clerk of the Supreme Court and Court of Appeals upon request.

### **Article 7: Interpreters in Court.**

- [Appendix 1 - Code of professional responsibility for interpreters](#)
- [Appendix 2 - Continuing education compliance form](#)

### **§ 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 courts of the State of Nebraska.

*Scope and Effective Date amended September 17, 2003. Renumbered and codified as § 6-701, effective July 18, 2008.*

### **§ 6-702. Interpreter register.**

The State Court Administrator will publish and maintain a statewide register of interpreters which will consist of the following:

(A) Certified Court Interpreters: Court 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 Consortium for Language Access in the Court. These interpreters are provisionally certified by satisfying the requirements outlined in [§ 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 passing 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.

(D) Other Court Interpreters. Non-certified court interpreters who have not satisfied the requirements of [§ 6-705](#) or [§ 6-706](#).

(E) Sign Language Court Interpreters. 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~~ 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.

*[Originally numbered as] Rule 1(A) – (D) amended September 17, 2003; [originally numbered as] Rule 1(D) amended January 4, 2007, effective July 1, 2007; [originally numbered as] Rule 1(B) – (D) amended June 25, 2008, effective July 1, 2008. Renumbered and codified as § 6-702, effective July 18, 2008; § 6-702 amended October 21, 2009; § 6-702(D) amended May 12, 2010; § 6-702 amended March 16, 2011; § 6-702 amended August 5, 2014.*

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

(A) Use of Certified or Provisionally Certified Court Interpreter. Whenever an interpreter is required to be appointed by 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 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, if a certified, provisionally certified, or registered interpreter is not available. Provided, however, in proceedings in which a Spanish interpreter is utilized, only a certified or registered interpreter shall be allowed. In proceedings in which a sign interpreter is utilized, only an interpreter 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 registered interpreter prior to the use of an interpreter who is not certified, provisionally certified, or registered.

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

(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 party is having difficulty in communicating.

(G) All interpreters shall be at least 19 years 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 read and understands the Code of Professional Responsibility for Interpreters prior to interpreting in the Nebraska Courts or the Nebraska State Probation System.

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

See [Appendix 1](#) for Code and Interpreter Oath.

*[Originally numbered as] Rule 2(B)–(D) amended September 17, 2003; [originally numbered as] Rule 2(D) moved to (G) on January 4, 2007, effective July 1, 2007; [originally numbered as] Rule 2(D)–(F) adopted January 4, 2007, effective July 1, 2007; [originally numbered as] Rule 2(B)–(D) and (G) amended June 25, 2008, effective July 1, 2008. Renumbered and codified as § 6-703, effective July 18, 2008; § 6-703(A)-(C) and (E)-(H) amended October 21, 2009; § 6-703(A)-(D) amended March 16, 2011; § 6-701(A)-(C) amended May 16, 2012, effective July 1, 2012; § 6-703(E) amended November 26, 2014.*

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

(A) Submission of Application. An individual who is desirous of being considered for certification as a certified, provisionally certified, or a registered interpreter as defined in these rules, in a particular language, must submit an application, on form(s) approved by the State Court Administrator, to the office of the State Court Administrator.

(B) Evaluation of Application. ~~The State Court Administrator will evaluate the application and determine if the applicant meets the initial qualification requirements of §§ 6-705, 6-706, or 6-707 (minimum age and absence of criminal convictions and/or pending charges based on criminal history record check). If initial qualification requirements are met, applicants will be required to take a 2-day orientation. In order to protect the integrity of court proceedings and the safety of the public, a court interpreter should be one whose record of conduct justifies the trust of the courts, witnesses, jurors, attorneys, parties, and the public.~~

(1) Upon Application for Interpreter Orientation the State Court Administrator 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.

(2) Upon Application for the Interpreter Written Exam after successful completion of Interpreter Orientation, the Applicant shall execute a Criminal History Record Check release form, and the State Court Administrator 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 of court 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 roster of court interpreters.

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

~~(C)~~ (D) Orientation for 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, applicants will be required to take a written examination.

~~(D)~~ (E) Written Examination. The written examination to qualify to take the oral examination of § 6-705(D) or be considered for provisional certification pursuant to § 6-706(F), shall require no fee and 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 State Court Administrator may designate. The State Court Administrator shall waive this requirement for any interpreter who has previously taken the oral interpreter competency examination of § 6-704(E). If the applicant achieves a passing score (80 percent or higher) on the written examination, the applicant shall then be required to take an oral examination, if available for the interpreter's language, or provide documentation to support consideration for provisional certification.

~~(E)~~ (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 State Court Administrator may designate. Results of the oral certification examinations will be e-mailed or mailed by regular U.S. Mail to the applicant, per applicant's request.

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

*§ 6-704 adopted October 21, 2009; § 6-704(A)-(D) amended March 16, 2011.*

### **§ 6-705. Certified court interpreter requirements.**

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

(A) Reached the age of 19;

~~(B) Had no past convictions or pending criminal charges, either felony or misdemeanor, which are deemed by the Supreme Court to evidence moral turpitude, dishonesty, fraud, deceit, or misrepresentation. Disposition of criminal charges other than by acquittal or dismissal (e.g., pretrial diversion) may also be the basis for denial of certification; Had no past felony convictions or pending felony criminal charges. In addition, in the preceding five (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 five 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 five years in the past other than by acquittal or dismissal (e.g., pretrial diversion) may be the basis for denial of certification;~~

(C) Completed the orientation approved by the State Court Administrator;

(D) Achieved a passing score (80 percent or higher) on a written examination administered by the State Court Administrator; and

(E) Achieved a passing score (70 percent or higher on each segment) on the oral certification examination (Consortium oral certification examination) administered or approved by the State Court Administrator as described in [§ 6-704\(E\)](#). If an interpreter shall have received a passing score of 70 percent on any of the three segments of a previous Consortium oral certification examination that was administered within the last 3 calendar years, the passing grade 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 Certified Court Interpreter Certificate, a Court Interpreter Certification Certificate from any state which is a member of the National Center for State Court's Consortium for Language Access in the Courts, formerly known as the Consortium for State Court Interpreter Certification, or a sign language Specialist Certificate Legal (SC:L) for interpreters that are fully certified (CI/CT, NIC Master or NIC Advanced, CSC, or CDI) or provisional legal certificate (CLIP) is recognized as a certified court interpreter.

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

*[Originally numbered as] Rule 3(C)–(E) amended September 17, 2003. Renumbered and codified as § 6-704, effective July 18, 2008; § 6-704 renumbered to § 6-705 and amended October 21, 2009; § 6-705(G) adopted May 16, 2012, effective July 1, 2012.*

#### **§ 6-706. Provisionally certified court interpreter requirements.**

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

(A) Reached the age of 19;

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

~~(C) Had no past convictions or pending criminal charges, either felony or misdemeanor, which are deemed by the Supreme Court to evidence moral turpitude, dishonesty, fraud, deceit, or misrepresentation. Dispositions of criminal charges other than by acquittal or dismissal (e.g., pretrial diversion) may also be the basis for denial of certification; Had no past felony convictions or pending felony criminal charges. In addition, in the preceding five (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 five years in the past other than by acquittal or dismissal (e.g. pretrial diversion) may be the basis for denial of certification;~~

(D) Completed the orientation approved by the State Court Administrator;

(E) Achieved a passing score (80 percent or higher) on a written examination administered by the State Court Administrator;

(F) In addition, provisional certification requires that the applicant 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 Toefel paper-based language test; a score of 97 in the Toefel PC-based language test; or a score of 32 in the Toefel Internet-based language test; or

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

(e) Accreditation from the ATA American Translators Association in translation into English.

(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) Accreditation from the ATA American Translators Association in translation into the 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 language as the language of instruction; or

(b) A minimum of 2 years of other professional experience in a country where the 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 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.

(7) Upon the applicant's meeting the above requirements, he or she will be assigned to a mentor program developed and approved by the State Court Administrator. 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 [§ 6-709](#). Failure to complete recognized continuing education shall be grounds for removal of the interpreter's name from the list of Nebraska Provisionally Certified Court Interpreters.

(H) Provisional certification shall be recognized by the State of Nebraska until such time as an oral examination is available from the Consortium for Language Access in the Courts. The provisional certification will be withdrawn 6 months after an oral test is made available in the interpreter's target language. Provisionally certified interpreters who are not able to pass the consortium oral examination will be considered registered interpreters.

*§ 6-706 adopted March 16, 2011; § 6-706(G) amended May 16, 2012, effective July 1, 2012.*

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

(A) A registered court interpreter must be able to interpret simultaneously and consecutively and provide sight translation from English to the language of the non-English-speaking person and from the 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 as a registered interpreter upon establishing to the satisfaction of the State Court Administrator that he or she has:

(1) Reached the age of 19;

~~(2) Had no past convictions or pending criminal charges, either felony or misdemeanor, which are deemed by the Supreme Court to evidence moral turpitude, dishonesty, fraud, deceit, or misrepresentation. Dispositions of criminal charges other than by acquittal or dismissal (e.g. pretrial diversion) may also be the basis for denial of certification;~~ Had no past felony convictions or pending felony criminal charges. In addition, in the preceding five (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 five 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;

(3) Completed the orientation approved by the State Court Administrator;

(4) Achieved a passing score (80 percent or higher) on a written examination administered by the State Court Administrator; and

(5) Achieved a score of 50 percent or better on the oral certification examination administered or approved by the State Court Administrator as described in [§ 6-704\(E\)](#). Registered interpreters in languages for which the oral certification is not available will be retained upon the list of registered interpreters only upon submission to the State Court Administrator some other measure of language competence (e.g., a passing score on an oral proficiency exam) acceptable by the State Court Administrator.

(C) To maintain registered status, court interpreters must comply with continuing education requirements as outlined in [§ 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.

*[Originally numbered as] Rule 5(B) amended September 17, 2003. Renumbered and codified as § 6-706, effective July 18, 2008; § 6-706 amended October 21, 2009; § 6-706 renumbered to § 6-707 March 16, 2011; § 6-707(C) adopted May 16, 2012, effective July 1, 2012.*

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

The opportunity to provide interpreter services to the courts under the direction of the State Court Administrator is at the Administrator's complete and continuing discretion because of the critical reliance the courts must have on the skills, performance, and integrity of the interpreter in performing duties for the court. This discretion applies to any interpreter who is certified or registered with the Administrative Office of the Court. A court interpreter should be one whose record of conduct justifies the trust of the courts, witnesses, jurors, attorneys, parties, and the public. In order to protect the integrity of court proceedings 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 or registered interpreter:



(1) Unprofessional or unethical conduct that violates the Code of Professional Responsibility (see [Appendix 1](#));

(2) Conviction of any felony criminal charge, Conviction, within the past five (5) years, of a misdemeanor criminal charge manifesting a significant deficiency in honesty, trustworthiness, diligence, or reliability, either misdemeanor or felony, which is deemed by the Supreme Court to evidence moral turpitude, dishonesty, fraud, deceit, or misrepresentation. 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 or probation may also constitute grounds for suspension or revocation; and

(3) Incompetence as an interpreter.

(4) Failure to report in writing to the Statewide Language Access Coordinator any misdemeanor or felony charge, or motion to revoke probation within five (5) business days.

(5) Failure to report in writing to the Statewide Language Access Coordinator within five (5) business days any revocation or suspension of certification as a court interpreter in any other jurisdiction.

(B) Investigation and Notification of Grounds for Imposition of Sanctions. Upon receipt by the State Court Administrator of a complaint in writing against a certified or registered interpreter, or upon the initiation by the office of the State Court Administrator itself of a complaint, such complaint shall be investigated, ~~to determine if the complaint warrants formal action~~ 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: In any case where formal action is deemed necessary, written notice of the complaint shall be sent by certified mail to the interpreter, and that interpreter shall have 15 days to file a written response with the Office of the State Court Administrator. Upon receipt and review of any such written response, the State Court Administrator may take any of the following actions:

(1) dismiss the complaint; or

(2) allow the interpreter to retain certification for the pendency of the process and schedule a hearing to consider the complaint formally.;

(3) immediately suspend the certification of the interpreter and schedule a hearing to consider the complaint;

In any case where the State Court Administrator deems a hearing necessary, written notice of the complaint shall be sent by certified mail to the interpreter, and that interpreter shall have 15 days to file a written response with the Office of the State Court Administrator.

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

(C) Scheduling of ~~Formal~~ Hearing. If the State Court Administrator at the Administrator's complete and continuing discretion elects to schedule a ~~formal~~ hearing, such hearing shall be held within ~~30~~ 45 days of the receipt by the State Court Administrator of the interpreter's written response. A panel of three individuals appointed by the Chair of the Language Access Committee shall be responsible for the conduct of the ~~formal~~ hearing. On the hearing panel, one of the judge members of the Interpreter Advisory Language Access Committee shall preside over the hearing, together with two one certified

~~interpreter member of the Language Access interpreters from the Interpreter Advisory Committee, and one court staff member of the Language Access Committee, to be appointed by the judge presiding over the hearing.~~ If requested, any individual whose attendance is sought at the ~~formal~~ hearing shall be permitted to appear telephonically ~~and/or by video connection~~. Notice of the time and place of the ~~formal~~ hearing shall be given by certified mail to the interpreter under complaint, at least 15 days prior thereto.

(D) Conduct of ~~Formal~~ Hearing. The hearing panel shall receive such information and/or documentation as it sees fit, including, if deemed appropriate by the panel, the taking of testimony. The rules of evidence do not apply to these hearings, and the interpreter is not entitled to representation by counsel. At the conclusion of the hearing, the panel shall within 45 days of the date of the hearing may take any such action as recommend in writing to the Court Administrator any § 6-708(E) sanctions it determines appropriate, including the immediate suspension or revocation of the interpreter under complaint, the dismissal of the complaint, or the imposition of any of the other sanctions described in § 6-708(E) below. ~~The rules of evidence do not apply to these hearings.~~

(E) Sanctions. If the State Court Administrator, based upon the information and documentation provided in the complaint, the interpreter's response, and the hearing panel recommendation, determines sufficient cause exists, the State Court Administrator may within 45 days of receipt of the Hearing Panel's 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 legal interpreting competency examination;

(3) Suspend the interpreter from serving as an interpreter in the Nebraska 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 Nebraska courts or Probation Services.

(F) 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 State Court Administrator's Office, during his or her suspension or revocation.

(G) Complaints made against a sign language 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.

*§ 6-707 adopted October 21, 2009; § 6-707 renumbered to § 6-708 March 16, 2011.*

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PROPOSED NEW RULE

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

The opportunity to provide interpreter services to the courts under the direction of the State Court Administrator is at the Administrator's complete and continuing discretion because of the critical reliance the courts must have on the skills, performance, and integrity of the interpreter in performing duties for the court. This discretion applies to any interpreter who is registered with the Administrative Office of the Court. A court interpreter should be one whose record of conduct justifies the trust of the courts, 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 court interpreter must report in writing to the Statewide Language Access Coordinator any misdemeanor or felony charge or conviction incurred during the course of the certification process.

(B) All certified, provisionally certified, registered, or other interpreters on the Nebraska court interpreter roster shall report in writing to the Statewide Language Access Coordinator any misdemeanor or felony charge or conviction, or motion to revoke probation within five (5) days and shall acknowledge this responsibility on their biannual Continuing Education Report form.

(C) Any certified, provisionally certified, registered or other interpreter on the Nebraska court interpreter roster who fails to report in writing to the Statewide Language Access Coordinator any misdemeanor or felony charge or conviction, or motion to revoke probation within five (5) days may be subject to imposition of sanctions pursuant to § 6-708.

(D) All certified, provisionally certified, registered or other interpreters on the Nebraska court interpreter roster shall report in writing to the Statewide Language Access Coordinator any:

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

(2) Acts that indicate abuse of or disrespect for the judicial process.

(E) Any certified, provisionally certified, registered or other interpreter on the Nebraska court interpreter roster who fails to report in writing to the Statewide Language Access Coordinator any revocation or suspension of certification by any other jurisdiction or acts that indicate abuse of or disrespect of the judicial process within 30 days may be subject to imposition of sanctions pursuant to § 6-708.