

NOTICE OF COMMENT PERIOD

The Administrative Office of the Courts and Probation, Language Access Program, submitted proposed amendments to Neb. Ct. R. §§ 6-701 to 6-710, entitled “Interpreters in Court.” The Nebraska Supreme Court directed that the proposed amendments be published for a public comment period.

The Nebraska Supreme Court invites interested persons to comment on the proposed amendments. Anyone desiring to comment 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 wendy.wussow@nebraska.gov, with the rule section(s) listed in the subject line, no later than March 12, 2021.

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

CHAPTER 6: TRIAL COURTS

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Article 7: Interpreters in Court.

§ 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.

§ 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~~ National Center for State Courts. 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~~ 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.

(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 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.

§ 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 spoken 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 spoken or sign language 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 person~~ cannot readily understand or communicate in the English language.

(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.

§ 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~~ Administrative Office of Courts and Probation (AOCP).

(B) Evaluation of Application. 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~~ 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.

(2) Upon Application for the Interpreter Written Examination after successful completion of interpreter orientation, the applicant shall execute a criminal history record check release form, and the ~~State Court Administrator~~ AOCP 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 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 ~~required~~ eligible to take a written examination.

(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 for an initial or second attempt. 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. ~~and~~ 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(D) or 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 ~~State Court Administrator~~ AOCP 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 qualifying score of (80 percent or higher) on the written examination, the applicant shall then be ~~required~~ eligible to take ~~an~~ the oral examination, if available for the interpreter's language, or provide documentation to support consideration for provisional certification.

(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~~ AOCP 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.

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

§ 6-705. Certified court interpreter requirements.

A certified court interpreter must be able to interpret simultaneously and consecutively and provide sight translation from English into 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~~ AOCP that ~~he or she~~ 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 certification;

(C) Completed ~~the~~ an orientation provided by the AOCP or approved by the ~~State Court Administrator~~ AOCP;

(D) Achieved a passing qualifying score of (80 percent or higher) on a National Center for State Courts written examination administered by the State Court Administrator AOCF or any state that is a member of the National Center for State Courts Language Access Services Section; and

(E) Achieved a passing qualifying score (of 70 percent or higher on each segment) on of the oral certification examination (Consortium National Center for State Courts oral certification examination) administered by the AOCF or approved by the State Court Administrator AOCF as described in § 6-704(E). If an interpreter shall have received a passing qualifying score of 70 percent on any of the three segments of a previous Consortium National Center for State Courts oral certification examination that was administered within the last 3 calendar years, the passing grade 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 ~~Certified Court~~ Interpreter ~~Certificate, certification or~~ a Court Interpreter Certification ~~Certificate~~ from any state which is a member of the National Center for State ~~Court's~~ Courts Language Access Services Section, ~~formerly known as the Consortium for Language Access in the Courts, formerly known as the Consortium for State Court Interpreter Certification, or is recognized as a certified court interpreter. Any American Sign Language interpreter possessing a sign language Specialist Certificate Legal (SC:L) for or any interpreter possessing a certification interpreters that are fully certified (CI/CT, NIC Master or NIC Advanced, CSC, or CDI) or possessing a provisional legal certificate 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 § 6-709. Failure to complete recognized continuing education shall be grounds for removal of the interpreter's name from the list of Nebraska Certified Court Interpreters.

§ 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 AOCF that ~~he or she~~ 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 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 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 certification;

(D) Completed ~~the~~ an orientation provided by the AOCF or approved by the State Court Administrator AOCF;

(E) Achieved a passing qualifying score of (80 percent or higher) on a National Center for State Courts written examination administered by the State Court Administrator AOCF or any state that is a member of the National Center for State Courts Language Access Services Section;

(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~~ Translator certification ~~from~~ by the ATA American Translators Association (ATA) in translation of a non-English document 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) ~~Accreditation from~~ Translator certification by the ATA American Translators Association (ATA) in translation of an English language document into the foreign a non-English 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~~ the individual will be assigned to a mentor program developed and approved by the ~~State Court Administrator~~ AOCP. 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~~ National Center for State Courts. The provisional certification will be withdrawn 6 months after an oral test is made available in the interpreter's ~~target~~ non-English language. Provisionally certified interpreters who are not able to pass the ~~consortium~~ National Center for State Courts oral examination will be considered registered interpreters.

§ 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 into 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~~ AOCP that ~~he or she~~ 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;

(3) Completed ~~the~~ an orientation provided by the AOCP or approved by the ~~State Court Administrator~~ AOCP;

(4) Achieved a ~~passing~~ qualifying score of (80 percent or higher) on a National Center for State Courts written examination administered by the ~~State Court Administrator~~ AOCP or any state that is a member of the National Center for State Courts Language Access Services Section; and

(5) Achieved a score of 50 percent or ~~better~~ higher on the oral ~~certification~~ examination administered or approved by the ~~State Court Administrator~~ AOCP as described in § 6-704(E). Registered interpreters in languages for which the oral examination ~~certification~~ is not available will be retained upon the list of

registered interpreters only upon submission to the ~~State Court Administrator~~ AOCP some other measure of language competence (e.g., a passing score on an oral proficiency exam) acceptable by the ~~State Court Administrator~~ AOCP.

(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.

§ 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~~ AOCP. 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 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 ~~Statewide Language Access Coordinator~~ Director of Language Access any misdemeanor or felony charge, or motion to revoke probation within 5 business days.

(5) Failure to report in writing to the ~~Statewide Language Access Coordinator~~ Director of Language Access within 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~~ AOCP of a complaint in writing against a certified or registered interpreter, or upon the initiation by the ~~office of the State Court Administrator~~ AOCP 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 its 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. process and schedule a hearing to consider 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. of the interpreter and schedule a hearing to consider 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.~~

~~In any case where the State Court Administrator deems a hearing is 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 Hearing. If the State Court Administrator at the Administrator's complete and continuing discretion elects to schedule a hearing, such hearing shall be held within 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 hearing. On the hearing panel, one of the judge members of the Language Access Committee shall preside over the hearing, together with one certified interpreter member of the Language Access Committee, and one court staff member of the Language Access Committee. If requested, any individual whose attendance is sought at the hearing shall be permitted to appear telephonically. Notice of the time and place of the hearing shall be given by certified mail to the interpreter under complaint, at least 15 days prior thereto.~~

~~(C) (D) Conduct of Hearing Evaluation and Consideration of the Complaint. The hearing panel Director of Language Access shall receive such information and/or documentation as ~~it~~ he or she sees fit, including, if deemed appropriate by the panel, the taking of testimony. The rules of evidence do not apply to these hearings this evaluation and consideration of complaint, 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 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.~~

~~(D) (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 of the Director of Language Access, 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~~ interpreter written 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.

~~(E)~~ ~~(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~~ AOCP, during his or her suspension or revocation.

~~(F)~~ ~~(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.

§ 6-709. Continuing education requirements.

Continuing education is required by the ~~Nebraska Supreme Court Administrative Office of the Courts~~ ~~(AOCP)~~ to ensure that certified, provisionally certified, and registered interpreters who serve in the Nebraska state courts maintain and improve their interpreting skills and expand their vocabulary. Additionally, continuing education is required to ensure that certified interpreters are in compliance with Local Rules in Chapter 6 (Trial Courts), Article 7 (Interpreters in 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 in the Nebraska state courts. Meeting these requirements is a condition for continued certification, provisional certification, or registered status of court interpreters.

(A) CONTINUING EDUCATION REQUIREMENT refers to educational activities in which the interpreter engages after successfully passing the certification examination, being provisionally certified, or having registered status.

Every certified, provisionally certified, or registered interpreter shall complete and report ten (10) credit hours of approved continuing education offered or accredited by the AOCP during each two-year reporting period. At least four (4) continuing education hours must be earned at an AOCP-approved ethics and skills building workshop. The two-year reporting period commences as set forth below at § 6-709(C).

(B) 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 ~~Consortium~~ 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 AOCP, 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. Each certified, provisionally certified, or registered interpreter is required to submit a completed Continuing Education Compliance Form (Appendix 2) to the AOCP every two years. The 24-month time period begins on January 1 following the date an interpreter becomes certified and is awarded the Nebraska State Certified Court Interpreter Certificate. The AOCP will make available, by the interpreter's request or online, the approved compliance form to be submitted.

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

§ 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 Courts and Probation. 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~~ Director of Language Access 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~~ Director of Language Access any misdemeanor or felony charge or conviction, or motion to revoke probation within 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~~ Director of Language Access any misdemeanor or felony charge or conviction, or motion to revoke probation within 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~~ Director of Language Access 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~~ Director of Language Access any revocation or suspension of certification in 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.