

The Consortium for State Court Interpreter Certification

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My job is to talk to you this morning about the Consortium for State Court Interpreter Certification. And that will be the last time that I give you the full name, the unlovely name, and I'll just be referring to the Consortium itself. So what is it? It was founded in 1995 by the National Center for State Courts, and that followed research I had done in the early 1990s looking for models of interpreter programs around the country to try to help the state courts. And it was in the early 90s that interpreting emerged as a huge administrative issue, and the short version of what I found in my research was there really were no models. There were no model programs to speak of. There were some models of good testing programs, and the first one right off the bat of course was the federal examination that has been described to you in great detail and which I've had the privilege of administering up until my retirement for about five, six years. And there were at that time two states in the country that were doing a good job with testing. Those states had the luck to get a mandate from their legislatures and some money behind it to develop certification programs. There were two states, and that was Washington and New Jersey. There were two states, Minnesota and Oregon who had recently gotten a mandate to do testing and they asked, "What? How are we supposed to do this?" So, they came to me and at that time, the conditions were right. I saw an opportunity based on the research that I had done.

Several of the conclusions that I had reached involved establishing some sort of standard national testing program because test development was so expensive. If basically interpreting in Utah is the same as interpreting anywhere else, why keep reinventing the wheel? Why keep spending these enormous amounts of money? So I used Minnesota and Oregon's money to convene a series of meetings with representatives from Minnesota, Oregon, New Jersey and Washington to sort of hammer out [details]. It immediately emerged that we were not just going to be sharing New Jersey or Washington tests with Minnesota and Oregon. Immediately we understood that we were really setting a national standard test. So, once those early negotiations were over, we established the consortium. Basically the consortium is just a voluntary collaboration between state courts to share money through agreements. There's an actual ten or twelve page agreements document that I've developed, that people sign, and it has all of the rules for being a member of the consortium. It is available online.

The original focus of the consortium was directly on certification testing. I'm using the word "certification" loosely here. Basically the focus was on the development of a standard national exam. The idea was to develop one exam. The states themselves use a standard exam, and the certification process is a *state* process. I make that distinction. If a necessary criterion for certification is to pass this test, it is not sufficient. In most states there might be other things that the state piles on, requirements that have to do with things like criminal history record check. It might have to do with some educational requirements, paying money, and so on. Once the consortium was established, it evolved really into a best practices network.

What are the conditions? Initially, it was a one shot deal, based on the percentage in the state of home speakers of languages other than English according to

the Census Bureau figures. Most of the states were required to put in twenty-five thousand dollars. For a few smaller states, it was fifteen, and for some larger states, California, Texas, a few others, it was fifty thousand dollars. [Consortium states] were required to appoint an official representative and to abide by (and this is very important) the administration standards. You can have a nice instrument and screw it all up with administration. The states needed to participate in governance activities.

So, what are the advantages of having a national standard test? Obviously, you can get published test documentation, credibility, and maintenance of statistics. A standard test allows you to have interstate reciprocity. If somebody passed the test in Utah, you don't have to spend the money again to test them in New Jersey. We've discovered that it contributes to administration innovations, even with the federal exam. By the way, the model for the state test is the federal exam. Basically, the federal government had relatively enormous amounts of money to invest in this pioneering. The states had very little money. Following the process of not reinventing the wheel, the model of the federal exam has been applied in the states.

Q: Why didn't you just use the federal exam?

A: Well, because it's proprietary. I did do a formal inquiry at some point about that. You would look at three different scoring levels to pass. You could in theory do that with the federal exam, but there was just no way that they were going to risk that enormous investment in the test. Remember the federal courts are just a minuscule part of the action in the legal environment in the United States. The exposure of the test in the state structure would just be enormously greater, [with] all of the risks of compromising test integrity. In fact, here's a funny story. This happened in one of our states, and it's relevant to one of the implementation issues I was going to talk about. That has to do with staff turnover. A person was appointed to be the program manager for the interpreter program in a given state. He knew it all, he didn't need to come to training at the National Center or pay attention to what we had learned over the years, and what the standards were. So, the first time he administered the test, by paying the fee, by right, he got to have copies of the exam and administer it. When the exam scoring is over, the scoring is done on a test script, a written document. The test raters mark on that when they hear the scoring unit, and they have their little marks and so on. When the scoring was over, so few people passed, which was typical, this guy mailed out, with the test results form, the summary results form! He actually mailed out the marked copies of the test script! And he just gave the test back to them. So it completely compromised a version of the test that cost thousands of dollars. And it cost that state. I had to actually charge them. I think they got away with eighteen thousand dollars or something like that, which they paid.

The consortium test is in these fourteen languages, and the little numbers in parentheses indicate how many versions of the test we have. We have four different forms in Spanish, and two in Vietnamese. I put a question mark by Laotian because one of the problems when you move out into lesser-spoken languages is where to find the experts. Who said they were experts? What do they know anyway? And so on and so forth. Well, our Laotian experts have died. You know various things have happened, and I don't even know what we would do if we had to administer a Laotian test. Who would rate it?

Start-up issues are really important. One of the main issues that I had to face, and I was just dealing with four people, was the dysfunctional sort of concerns of individuals. A zero sum mentality went into the negotiations about what this test should be like. [For] a couple of personalities it was, "I've got to come out a winner in this. I've got to get something out of this." That was really dysfunctional and it increased the cost of doing this enormously. There were people who had strong ego concerns: "I know the right way to do this. If you do it that way, you're not going to be doing it right, and I need to control this process."

There were genuine problems [and] security concerns obviously. How are we going to manage all that? And in the case of legal interpreting, there were variations in the testing context. In New Jersey, the test was given as a screening exam and for people who were going to be employees of the court and [who] would have administrative supervision and mentoring opportunities. They would have opportunities to learn legal language. I mean, learning the technical vocabulary is child's play here. You know, we all do it every time we go into a new context. You learn the terms really quickly. That's easy to teach. Teaching interpreting, that's a whole other thing. Well, anyway, in New Jersey, the people were going to go into a structured employment setting. In Washington State, the test was basically saying to a judge anywhere in the state, this person I'm sending you is basically competent to interpret right now. So there was a big tension over how much technical language there would be in the exam. One of the advances made with the federal test, changes or evolutions over time, is a more highly specified set of instruction standards in terms of the scoring units: how many grammar units, how many register units, how many modifiers, what technical language. And those are very highly structured [standards]. So at least, from one form to another, remember the forms have to be interchangeable, there's very simple, easy face validity right off the bat.

What are some of the evolving concerns about the consortium? By the way, lest I forget, it will probably come out, but the challenges that I faced at that time were far fewer than what you face, because nobody was doing [this work]. In the medical interpreting arena, you've got all sorts of initiatives going on everywhere, and all these competing proprietary sorts of issues are really going to get in your way. Who's going to win? And of course there's a lot of money technically at stake here. Immediately one of the initial concerns we ran into right away was the importance of having a registry of who took the test and how they scored. Much more quickly than we expected, we got "state hoppers." For example, people took the test in Utah and failed it. So then they ran over to another state and took it again, hoping to be exposed to the same form. We had to restrict their exposure to the form, so they couldn't just keep hurling themselves at the gate and eventually passing it.

Actually, the success of the consortium itself and its wide expansion has proven to be a problem. When we first got going, everybody who started in on it understood the rules, understood the values, understood the administrative challenges, and then as we spread out, centrally we couldn't keep track of it all. We had high staff turnover, and we had things like this incident in this one state. I mean, how could you imagine that in a training session, you would want to go up to somebody and say, "Oh, by the way, don't mail the test out to forty people around the United States." I mean how would you even consider training on that point? So staff turnover was a big problem and central administration was a problem. And that's all of my prepared remarks. So, I have time for questions.

Q: I want to go back to why the states want a state court certification instead of just requiring the federal certification? Is there a difference in the job done by federal court interpreters and the state court interpreters?

A: This is a legitimate issue. The federal test pass rate has been uniform basically at around four to five percent. Now that's of all the people that present themselves for the written test. There's about a twenty percent pass rate on the written test. Of those people who qualify for the oral test, the overall is about four percent. For the federal test, there were no prerequisites whatsoever. "I went to Mexico and spent four weeks one time, spent a lot of time in the bar. I think I can be an interpreter." So, why not use the federal test, or why not use federal certification? Well, you have to get 80 per cent of the scoring units correct. And this is a process intending to be objective. It approximates objectivity. So remember now this is twenty percent of these interpreting challenges you can get wrong and still pass the test, even in the federal [test]. In the state context, we did the same thing. "Well, what should a passing rate be?" And it came out to seventy percent, so you can misinterpret close to one third of the units and still pass the test. But it's the scoring standard. There are enough interpreters for the federal courts now, but the gap in terms of having enough *certified* interpreters is just huge. And that's the issue. You have to squarely confront that issue. What is our standard of testing? What are we trying to accomplish?

Q: You had said earlier that you modeled the state tests on the federal tests. Do you use that same system, doing the language proficiency test first and then the performance test?

A: No. We did not. Initially, we went right at performance. The bottom line is, you know, I don't care how well you do on a multiple choice written exam that allows you to choose the correct choice for prestidigitation. You know, I don't really care about that. What I care about is, "Can you get up and interpret in an interpreting context and conserve meaning?" And there are some other complex things about that. Part of it being that the cost of developing a written test is huge in terms of legal defensibility and so on. And so the issue is what's the bang for the buck? It's true that we replicated in a paper and published a paper on the predictive validity of the written exam. It's absolutely true that there is a significant statistical correlation between passing the written exam and passing the oral exam. As a practical matter, how good a job is it doing? Reasonable people can disagree. And in one of the studies that we did, we did come up with false negatives. In other words, we did the same thing, allowing people to take the oral test who had failed the written test. And we found just enough people who failed the written test and passed the oral test to make us nervous. In an environment (this is for the federal test now) where you're really hungry for people who have face competence, that false negatives thing makes one a little nervous.

Q: With regard to the process, as you mention, the states use the same tests, but the processes are state driven. You mentioned some of the different requirements: education requirements, background checks. Has the national center compiled any information about what the different states are doing and how it's affecting their ability to have a group of qualified interpreters?

A: Well, the first part is yes. If you go to the National Center's website and work your way into the interpreting section under the consortium, you'll find a lot of resources there now, one of which is surveys of what the various requirements by the states are for certification. So yes, you can go and get information about what it takes in Utah versus what it takes in California. But in terms of saying, "Well is this one better than that one?" My personal opinion, based on a lot of qualitative stuff, is that there's very few objective [screening] criteria that you're going to be able to use to tell you who's going to be able to perform interpreting or not. I'm one of those people that strongly objects to setting degree requirements for interpreting. An AA degree from a community college, is that necessarily going to say that you can be a competent sign language interpreter? I don't think so. There have been some studies of the relationship between degrees and interpreting performance, and there ain't none. You can give me all the college professors you want to take the federal exam or the state exam. Spanish college professors. And [with respect to] the relationship between being really competent monolingually and being able to interpret, you know, there's a lot of difference.

Q: My reason for asking was I know some states have a training requirement prior to taking the test. In those states, it seems that a lot of the people who might fail learn actually what it is to be an interpreter. And some of them realize that maybe they want to wait and get some more training.

A: Exactly. That's one real value in having a training component as a prerequisite to taking the exam. Even if the training doesn't do any good, the people might figure out during the training program, "Hey I can't do this." Also, just the fees, paying the fee and so on and so forth, these are deterrents to a whimsical decision of a non-competent person to take the exam. An interesting fact with respect to areas of specialized knowledge: your misjudgment of your ability is higher the more ignorant you are. The less you understand about something, the more likely you might be to say, "Oh, I can do this."

Q: I know in Washington State at least, there's a constant concern that there aren't enough certified court interpreters. And it appears that in the courts where they don't have enough, they just use uncertified court interpreters. So I'm wondering, what do we gain? I perceive this is going to happen in medical interpreting as well. We're not going to be able to certify enough people, so I'm afraid hospitals will just say, "Well, we'll just use uncertified people." So, why would you go get certified?

A: One of the things I'm a strong believer in is you've got to start somewhere. You've got to announce a standard, establish a standard. If you don't have it, you can't move toward professionalization. Many of you may be familiar with Holly Mikkelson's article on community interpreting, and all of the barriers to professionalization. You've got to announce a standard. And the political tension to lower the standard is great. By the way, [with regard to] RIDs lessons, I agree, almost everything Laurie Swabey said is right. All of our experience is the same. I agree and so I don't need to say anything more. There's a lot of evolution in the testing program. By the way [RID's] was one of the first testing programs I began to look at, remembering part of the reason that there were no standard tests in interpreting is that there's no professional organization, nothing comparable to RID. I studied or observed the NAD-RID wars. Oh, by the way, in interpreting (and I think this is really a lesson to take home), there is still to this day no strong, viable professional association on a national level in the interpreting community. What organization is there that would pretend to that? Well, ATA, yeah. That is a highly

evolved professional association, but translating and interpreting are not the same thing. There's something called NAJIT, and it aspires perhaps. It is the most influential and numerous association in the United States in interpreting. But what does its name stand for? National Association of Judiciary Interpreters and Translators. If I have one take-home sort of comment to make, and that's throughout my experience, I'm absolutely convinced that we do need [to discuss] in this country the notion of what interpreting is, and to have examinations and standards for being an interpreter, and then worry about the specializations later. I think all of the issues about specializing in a medical field, a legal field and so on are minuscule compared to the challenges associated with developing a professional cadre of interpreters. And that's never going to change until we can attack the whole employment environment and turn some things around. It's a negative vicious cycle between failure to appreciate and compensate interpreters, which goes hand in hand with the question, "What rational person would commit themselves to a career choice of being an interpreter when they get treated like crap. They get underpaid. You know, nobody values their services. And if you're in a language outside of Spanish, maybe in your city or in a court environment, you would get invited to work one day every month or something like that.