

**AMENDMENTS TO THE RULES OF SUPERINTENDENCE
FOR THE COURTS OF OHIO**

Comments Requested: The Supreme Court of Ohio will accept public comments until June 2, 2025, on the following proposed amendments to the Rules of Superintendence for the Courts of Ohio.

Comments on the proposed amendments should be submitted in writing to Bruno Romero, Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215, or LangComments@sc.ohio.gov not later than June 2, 2025. Please include your full name and mailing address in any comments submitted by email.

Key to Adopted Amendments:

1. Unaltered language appears in regular type. Example: text
2. Language that has been deleted appears in strikethrough. Example: ~~text~~
3. New language that has been added appears in underline. Example: text

1 **RULE 80. Definitions.**

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3 As used in Sup.R. 80 through 89:

4
5 **(A) Ancillary court services**

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7 “Ancillary court services” means any activity, other than a case or court function, that
8 includes the exchange of legal or general court-related information with the public or
9 parties in interest and is paid for, provided by, or ordered by the court. “Ancillary court
10 services” includes, but is not limited to, the following:

- 11
- 12 (1) Dispute-resolution programs;
 - 13
 - 14 (2) Evaluations in the probate, guardianship, divorce, child-custody, and other
15 judicial contexts;
 - 16
 - 17 (3) Information counters and clerk of courts’ counters;
 - 18
 - 19 (4) Probation or criminal-diversion-program functions;
 - 20
 - 21 (5) Self-represented clinics, resources, or help centers established by the court;
 - 22
 - 23 (6) Specialized dockets and dedicated-subject-matter dockets.

24
25 **(B) Case or court function**

26
27 “Case or court function” means any hearing, trial, pre-trial conference, settlement
28 conference, or other appearance before a court in an action, appeal, proceeding, or other
29 matter conducted by a judge, magistrate, or other court official.

30
31 **(C) Conditionally approved foreign language interpreter**

32
33 “Conditionally approved foreign language interpreter” means a foreign language
34 interpreter who has received conditional approval from the Supreme Court Language
35 Services Section pursuant to Sup.R. 81(G)(5).

36
37 **~~(C)~~(D) Consecutive interpretation**

38
39 “Consecutive interpretation” means interpretation in which a foreign language interpreter
40 or sign language interpreter waits until the speaker finishes an entire message rendered in
41 a source language before rendering the message in a target language.

42
43 **~~(D)~~(E) Crime of moral turpitude**

44
45 “Crime of moral turpitude” means either of the following:

46

47 (1) A crime punishable by death or imprisonment in excess of one year pursuant
48 to the law under which the person was convicted;

49
50 (2) A crime involving dishonesty or false statement, regardless of the
51 punishment and whether based upon state or federal statute or local ordinance.
52

53
54 **~~(E)~~(F) Deaf blind**

55
56 “Deaf blind” means a combination of hearing and vision loss of any varying degree that
57 causes an individual extreme difficulty in attaining independence in daily life activities,
58 achieving psychosocial adjustment, or obtaining vocational objectives.
59

60 **~~(F)~~(G) Foreign language interpreter**

61
62 “Foreign language interpreter” means an individual who, as part of any case or court
63 function, facilitates communication between or among legal professionals and a limited
64 English proficient or non-English speaking party or witness through consecutive
65 interpretation, simultaneous interpretation, or sight translation.
66

67 **~~(G)~~(H) Language-access plan**

68
69 “Language-access plan” means a document that outlines how the court provides services
70 to people who are limited English proficient, deaf, or hard of hearing. It should include
71 the contact at the court responsible for managing the plan and for requests for assistance,
72 timelines, and allocation of resources to maintain compliance with the language-access
73 requirements under federal and state law.
74

75 **~~(H)~~(I) Limited English proficient**

76
77 “Limited English proficient” means an individual who does not speak English as a primary
78 language or who has a limited ability to read, speak, write, or understand English and
79 requires the assistance of a foreign language interpreter or sign language interpreter to
80 effectively communicate.
81

82 **~~(I)~~(J) Provisionally qualified foreign language interpreter**

83
84 “Provisionally qualified foreign language interpreter” means a foreign language interpreter
85 who has received provisional certification from the Supreme Court Language Services
86 ~~Program~~ Section pursuant to Sup.R. 81(G)(3).
87

88 **~~(J)~~(K) Registered foreign language interpreter**

89
90 “Registered foreign language interpreter” means a foreign language interpreter who has
91 registered with the Supreme Court Language Services ~~Program~~ Section pursuant to Sup.R.
92 81.01.

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~~(K)~~(L) Registered sign language interpreter

“Registered sign language interpreter” means a sign language interpreter who has registered with the Supreme Court Language Services ~~Program~~ Section pursuant to Sup.R. 82.01.

~~(L)~~(M) Sight translation

“Sight translation” means interpretation in which a foreign language interpreter or sign language interpreter renders in a target language a written document composed in a source language.

~~(M)~~(N) Sign language interpreter

“Sign language interpreter” means an individual who, as part of any case or court function, facilitates communication between or among legal professionals and a deaf, hard-of-hearing, or deaf-blind party, witness, or juror through the use of sign language or other manual or oral representation of a spoken language.

~~(N)~~(O) Simultaneous interpretation

“Simultaneous interpretation” means interpretation in which, after a brief pause to listen for or view key grammatical information, a foreign language interpreter or sign language interpreter renders in a target language the message of a person rendered in a source language as the person continues to communicate.

~~(O)~~(P) Supreme Court certified foreign language interpreter

“Supreme Court certified foreign language interpreter” means a foreign language interpreter who has received certification from the Supreme Court Language Services ~~Program~~ Section pursuant to Sup.R. 81.

~~(P)~~(Q) Supreme Court certified sign language interpreter

“Supreme Court certified sign language interpreter” means a sign language interpreter who has received certification from the Supreme Court Language Services ~~Program~~ Section pursuant to Sup.R. 82.

~~(Q)~~(R) Telephonic interpretation

“Telephonic interpretation” means the use via telephone of a foreign language interpreter who is in a location that is physically separate from that of the party or witness who is limited English proficient and requires the services of the interpreter for meaningful participation.

139 ~~(R)~~(S) **Translator**

140

141 “Translator” means an individual who, as part of any case or court function, takes written
142 text composed in a source language and renders it into an equivalent written text of a target
143 language.

144

145 ~~(S)~~(T) **Video remote interpretation**

146

147 “Video remote interpretation” means the use, via video, of a foreign language or sign
148 language interpreter who is in a location that is physically separate from the limited English
149 proficient, deaf, or hard-of-hearing individual who requires the services of the interpreter
150 for meaningful participation.

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152

153 **RULE 81. Supreme Court Certified Foreign Language Interpreters, ~~and~~ Provisionally**
154 **Qualified Foreign Language Interpreters, and Conditionally Approved Foreign Language**
155 **Interpreters.**

156
157 **(A) Certification**
158

159 A foreign language interpreter may receive certification from the Supreme Court Language
160 Services ~~Program~~ Section and be styled a “Supreme Court certified foreign language
161 interpreter” pursuant to the requirements of this rule.
162

163 **(B) General requirements for certification**
164

165 An applicant for certification as a Supreme Court certified foreign language interpreter
166 shall satisfy each of the following requirements:
167

- 168 (1) Be at least eighteen years old;
169
170 (2) Be a citizen or legal resident of the United States or have the legal right to
171 remain and work in the United States;
172
173 (3) Have not been convicted of any crime involving moral turpitude.
174

175 **(C) Application for certification**
176

177 An applicant for certification as a Supreme Court certified foreign language interpreter
178 shall file an application with the ~~program~~ Section. The application shall include each of the
179 following:
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- 181 (1) Verification the applicant is at least eighteen years old;
182
183 (2) Verification the applicant is a legal resident or citizen of the United States
184 or has the legal right to remain and work in the United States;
185
186 (3) ~~A copy of a completed criminal background check showing no conviction~~
187 ~~of a crime involving moral turpitude~~ an oral assessment in English and the target
188 foreign language demonstrating at minimum general professional proficiency based
189 on an oral proficiency interview;
190
191 (4) A nonrefundable application fee in an amount as determined by the ~~program~~
192 Section.

193
194 **(D) Orientation training**
195

196 An applicant shall attend an orientation training session conducted or sponsored by the
197 ~~program~~ Section providing an introductory course to interpreting and addressing ethics,
198 legal procedure and terminology, modes of interpretation, and other substantive topics. The
199 ~~program~~ Section may waive this requirement upon demonstration by the applicant of

200 equivalent experience or training. The program Section shall charge the applicant a
201 nonrefundable fee in an amount as determined by the program Section for attendance at a
202 program Section-sponsored training session.

203
204 **(E) Written examination**

205
206 (1) An applicant for certification as a Supreme Court certified foreign language
207 interpreter shall take the written examination of the National Center for State Courts. The
208 examination shall be administered by the program Section in accordance with the standards
209 described in the test administration manuals of the center.

210
211 (2) To pass the written examination, an applicant shall receive an overall score of
212 eighty percent or better in the English language and grammar, court-related terms and
213 usage, and professional conduct sections of the examination. The written exam score may
214 be carried to qualify for the oral exam for a period of no more than five years.

215
216 (3) An applicant who fails the written examination shall wait ~~one year~~ no less than six
217 months before retaking the examination provided that there are two written exams made
218 available by the National Center for State Courts.

219
220 (4) An applicant who has taken the written examination in another state within the past
221 twenty-four months may apply to the program Section for recognition of the score. The
222 program Section shall recognize the score if it is substantially comparable to the score
223 required under division (E)(2) of this rule.

224
225 **(F) Post-written examination training course**

226
227 Upon compliance with the written examination requirements of division (E) of this rule,
228 an applicant for certification as a Supreme Court certified foreign language interpreter shall
229 attend a training course sponsored by the program Section focusing on simultaneous,
230 consecutive, and sight translation modes of interpretation in English and the target
231 language of the applicant. The program Section may charge the applicant a nonrefundable
232 fee in an amount as determined by the program Section for attendance at the training
233 course.

234
235 **(G) Oral examination**

236
237 (1) After attending the post-written examination training course pursuant to division
238 (F) of this rule, an applicant for certification as a Supreme Court certified foreign language
239 interpreter shall take the oral examination of the National Center for State Courts. The
240 examination shall be administered by the program Section in accordance with the standards
241 described in the test administration manuals of the center.

242
243 (2) To pass oral examination, an applicant shall receive a score of seventy percent or
244 better in each of the sections of the examination.

245

246 (3) An applicant who receives a score of less than seventy percent but at least sixty
247 percent in each of the sections of the oral examination shall receive provisional certification
248 from the ~~program~~ Section and be styled a “provisionally qualified foreign language
249 interpreter.” The applicant may maintain provisional certification provided that their
250 credential is not revoked pursuant to Sup.R. 83 for up to thirty-six months following the
251 examination. If the applicant fails to receive an overall score of at least seventy percent in
252 the sections of the examination within this time frame, the provisional certification of the
253 applicant shall cease.

254
255 (4) An applicant who receives a score of at least seventy percent in two of the sections
256 of the oral examination may carry forward the passing scores for up to thirty-six months or
257 three testing cycles, whichever occurs last. If the applicant fails to successfully pass any
258 previously failed sections of the examination during the time period which passing scores
259 may be carried forward, the applicant shall complete all sections of the examination at a
260 subsequent examination. An applicant may not carry forward passing scores from an
261 examination taken in another state.

262
263 (5) An applicant who receives a score of less than seventy percent but at least fifty-five
264 percent in each section of the oral examination shall receive conditional approval from the
265 Section and be styled a “conditionally approved foreign language interpreter.” The
266 applicant is eligible to retake the examination six months after the previous examination.

267
268 **(H) Written and oral examination preparation**

269
270 The ~~program~~ Section shall provide materials to assist applicants for certification as
271 Supreme Court certified foreign language interpreters in preparing for the written and oral
272 examinations, including overviews of each examination. The ~~program~~ Section also shall
273 provide, and approve, or coordinate training for applicants.

274
275 **(I) Reciprocity**

276
277 An applicant for certification as a Supreme Court certified foreign language interpreter
278 who has previously received certification as a foreign language interpreter may apply to
279 the ~~program~~ Section for certification without fulfilling the training and examination
280 requirements of division (D) through (G) of this rule as follows:

281
282 (1) An applicant who has received certification from the federal courts shall
283 provide proof of certification and be in good standing with the certifying body.

284
285 (2) An applicant who has received certification from another state shall provide
286 proof of having passed the oral examination. The ~~program~~ Section may verify the
287 test score information and testing history before approving certification.

288
289 (3) An applicant who has received certification from the National Association
290 of Judiciary Interpreters and Translators shall provide proof of having received a
291 score on the examination of the association substantially comparable to the scores
292 required under divisions (E)(2) and (G)(2) of this rule. The ~~program~~ Section may

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verify the test score information and testing history before approving reciprocal certification.

(4) Requests for reciprocal certification from all other applicants shall be reviewed by the ~~program~~ Section on a case-by-case basis, taking into consideration testing criteria, reliability, and validity of the examination procedure of the certifying body. The ~~program~~ Section shall verify the test score of the applicant after accepting the certification criteria of the certifying body.

303 **RULE 81.01. Registered Foreign Language Interpreters.**

304

305 **(A) Registration**

306

307 A foreign language interpreter may register with the Supreme Court Language Services
308 ~~program~~ Section and be styled a “registered foreign language interpreter” pursuant to the
309 requirements of this rule.

310

311 **(B) Requirements for registration**

312

313 An applicant for registration as a registered foreign language interpreter shall satisfy each
314 of the following requirements:

315

316 (1) Be at least eighteen years old;

317

318 (2) Be a citizen or legal resident of the United States or have the legal right to
319 remain and work in the United States;

320

321 (3) Have not been convicted of any crime involving moral turpitude;

322

323 (4) Is ineligible for certification as a Supreme Court certified foreign language
324 interpreter due to the lack of an oral examination of the National Center for State
325 Courts for that language or there are less than ten in-state certified interpreters listed
326 on the Supreme Court roster;

327

328 (5) Receive an overall score of eighty percent or better in the English language
329 and grammar, court-related terms and usage, and professional conduct sections of
330 the written examination of the National Center for State Courts. The examination
331 shall be administered by the ~~program~~ Section in accordance with the standards
332 described in the test administration manuals for the National Center for State
333 Courts.

334

335 (6) Complete twenty-four hours of court interpreter training. The training shall
336 consist of six hours of legal terminology, six hours of court interpreter ethics, and
337 twelve hours of modes of interpretation.

338

339 (7) Complete an oral proficiency assessment in that foreign language and
340 receive a score at the top of the scale demonstrating superior native fluency.

341

342 **(C) Application for registration**

343

344 An applicant for registration as a registered foreign language interpreter shall file an
345 application with the ~~program~~ Section. The application shall include each of the following:

346

347 (1) Verification the applicant is at least eighteen years old;

348

349 (2) Verification the applicant is a legal resident or citizen of the United States
350 or has the legal right to remain and work in the United States;

351
352 (3) A copy of a completed criminal background check showing no conviction
353 of a crime involving moral turpitude;

354
355 (4) A nonrefundable application fee in an amount as determined by the ~~program~~
356 Section.

357
358 (5) An applicant from another state may apply for reciprocity of registered
359 status as a registered foreign language interpreter provided that they meet the
360 requirements of division (B) of this rule.
361

362 **RULE 82. Certification for Sign Language Interpreters.**

363

364 **(A) Certification**

365

366 A sign language interpreter who has received a passing score on the “Specialist
367 Certification: Legal” examination of the Registry of Interpreters for the Deaf may receive
368 certification from the Supreme Court Language Services ~~Program~~ Section and be styled a
369 “Supreme Court certified sign language interpreter” pursuant to the requirements of this
370 rule.

371

372 **(B) General requirements for certification**

373

374 An applicant for certification as a Supreme Court certified sign language interpreter shall
375 satisfy each of the following requirements:

376

377 (1) Be at least eighteen years old;

378

379 (2) Be a citizen or legal resident of the United States or have the legal right to
380 remain and work in the United States;

381

382 (3) Have not been convicted of any crime involving moral turpitude.

383

384 **(C) Application for certification**

385

386 An applicant for certification as a Supreme Court certified sign language interpreter shall
387 file an application with the ~~program~~ Section. The application shall include each of the
388 following:

389

390 (1) Verification the applicant is at least eighteen years old;

391

392 (2) Verification the applicant is a legal resident or citizen of the United States
393 or has the legal right to remain and work in the United States;

394

395 (3) A copy of a completed criminal background check showing no conviction
396 of a crime involving moral turpitude;

397

398 (4) Proof of having received a passing score on the “Specialist Certification:
399 Legal” examination;

400

401 (5) A nonrefundable application fee in an amount as determined by the ~~program~~
402 Section.

403 **RULE 82.01. Registered Sign Language Interpreters.**

404

405 **(A) Registration**

406

407 A sign language interpreter may be registered by the Supreme Court Language Services
408 Program Section and be styled a “registered sign language interpreter” pursuant to the
409 requirements of this rule.

410

411 **(B) Requirements for registration**

412

413 An applicant for registration as a registered sign language interpreter shall satisfy each of
414 the following requirements:

415

416 (1) Be at least eighteen years old;

417

418 (2) Be a citizen or legal resident of the United States or have the legal right to
419 remain and work in the United States;

420

421 (3) Have not been convicted of any crime involving moral turpitude;

422

423 (4) Hold one of the following certifications:

424

425 (a) A “National Interpreter Certification” from the National Association
426 of the Deaf and the Registry of Interpreters for the Deaf;

427

428 (b) A “Certification of Interpretation” and “Certification of
429 Transliteration” from the Registry of Interpreters for the Deaf;

430

431 (c) A “Comprehensive Skills Certificate” from the Registry of
432 Interpreters for the Deaf;

433

434 (d) A “Level V Certification” from the National Association of the
435 Deaf;

436

437 (e) A “Level IV Certification” from the National Association of the
438 Deaf.

439

440 (f) A “Level III Certification” from the National Association of the
441 Deaf.

442

443 (5) Be in good standing with the entity from which the interpreter received
444 certification;

445

446 (6) Receive an overall score of eighty percent or better in the English language
447 and grammar, court-related terms and usage, and professional conduct sections of
448 the written examination of the National Center for State Courts. The examination
449 shall be administered by the program Section in accordance with the standards

450 described in the test administration manuals of the center. An interpreter who has
451 taken the written examination in another state within the past twenty-four months
452 may apply to the ~~program~~ Section for recognition of the score. The ~~program~~
453 Section shall recognize the score if it is substantially comparable to the score
454 required under this division.
455

456 (7) Complete twenty-four hours of court interpreter training. The training shall
457 consist of six hours of legal terminology, six hours of court interpreter ethics, and
458 twelve hours of modes of interpretation or other specialized legal topics for court
459 interpreters.
460

461 (8) An applicant from another state may apply for reciprocity of registered
462 status as a registered interpreter provided that they meet the requirements of
463 division (B) of this rule.
464

465 **(C) Application for registration**
466

467 An applicant for registration as a registered sign language interpreter shall file an
468 application with the ~~program~~ Section. The application shall include each of the following:
469

- 470 (1) Verification the applicant is at least eighteen years old;
- 471
- 472 (2) Verification the applicant is a legal resident or citizen of the United States
473 or has the legal right to remain and work in the United States;
- 474
- 475 (3) A copy of a completed criminal background check showing no conviction
476 of a crime involving moral turpitude;
- 477
- 478 (4) A nonrefundable application fee in an amount as determined by the ~~program~~
479 Section.
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484 **RULE 83. Revocation of Supreme Court ~~Certification or Registration~~ Credentials.**

485

486 The Supreme Court Language Services ~~Program~~ Section may revoke the certification of a Supreme
487 Court certified foreign language interpreter, ~~or a Supreme Court certified sign language interpreter,~~
488 ~~the provisional certification of a provisionally qualified foreign language interpreter, or the~~
489 ~~registration of a registered foreign language interpreter, a conditionally approved foreign language~~
490 interpreter, or a registered sign language interpreter for any of the following reasons:

491

492 (A) A material omission or misrepresentation in the application for certification from
493 the interpreter;

494

495 (B) A substantial breach of the “Code of Professional Conduct for Court Interpreters
496 and Translators,” as set forth in Appendix H to this rule;

497

498 (C) Noncompliance with the applicable continuing education requirements of Sup.R.
499 85;

500

501 (D) Revocation of credentials by initial certification body, another state court system,
502 or other entity listed in Sup.R. 81(I).

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504

505 **RULE 84. Code of Professional Conduct for Court Interpreters and Translators.**

506

507 Supreme Court certified foreign language interpreters, provisionally qualified foreign language
508 interpreters, conditionally approved foreign language interpreters, registered foreign language
509 interpreters, Supreme Court certified sign language interpreters, registered sign language
510 interpreters, and translators shall be subject to and take an oath or affirmation under which the
511 interpreter or translator affirms to know, understand, and act in accordance with the “Code of
512 Professional Conduct for Court Interpreters and Translators,” as set forth in Appendix H to this
513 rule. The Supreme Court Language Services Section shall maintain a signed oath as part of their
514 record.

515

516 **RULE 85. Continuing Education.**

517

518 **(A) Requirements**

519

520 ~~(1)~~ Each Supreme Court certified foreign language interpreter, provisionally qualified
521 foreign language interpreter, conditionally approved foreign language interpreter,
522 registered foreign language interpreter, Supreme Court certified sign language interpreter,
523 and registered sign language interpreter shall complete and report, on a form provided by
524 the Supreme Court Language Services ~~Program~~ Section, at least twenty-four credit hours
525 of continuing education offered or accredited by the ~~program~~ Section for each two-year
526 reporting period. Six of the credit hours shall consist of ethics instruction and the remaining
527 eighteen general credit hours shall be relevant to the work of the interpreter in the legal
528 setting. The interpreter may carry forward a maximum of twelve general credit hours into
529 the following biennial reporting period.

530

531 ~~(2) — Each provisionally qualified foreign language interpreter shall complete and report,~~
532 ~~on a form provided by the program, at least twenty four credit hours of continuing~~
533 ~~education offered or accredited by the program within twenty four months after the date of~~
534 ~~the last oral examination of the National Center for State Courts administered by the~~
535 ~~program.~~

536

537 **(B) Compliance with requirements**

538

539 The ~~program~~ Section shall keep a record of the continuing education hours of each
540 Supreme Court certified foreign language interpreter, provisionally qualified foreign
541 language interpreter, conditionally approved foreign language interpreter, registered
542 foreign language interpreter, Supreme Court certified sign language interpreter, and
543 registered sign language interpreter, provided it shall be the responsibility of the interpreter
544 to inform the ~~program~~ Section of meeting the continuing education requirements.

545

546 **(C) Accreditation**

547

548 The ~~program~~ Section shall accredit continuing education programs, activities, and sponsors
549 and establish procedures for accreditation, provided any continuing education programs or
550 activities offered by the National Center for State Courts, the National Association of
551 Judiciary Interpreters and Translators, the Registry of Interpreters for the Deaf, and the
552 American Translators Association shall not require accreditation. The ~~program~~ Section
553 may assess a reasonable nonrefundable application fee in an amount as determined by the
554 ~~program~~ Section for a sponsor submitting a program or activity for accreditation.

555

556 **RULE 86. Certification-Roster of Interpreters.**

557
558 The Supreme Court Language Services-~~Program~~ Section shall maintain a roster of each Supreme
559 Court certified foreign language interpreter, Supreme Court certified sign language interpreter,
560 provisionally qualified foreign language interpreter, conditionally approved foreign language
561 interpreter, registered foreign language interpreter, and registered sign language interpreter who is
562 in compliance with the applicable continuing education requirements of Sup.R. 85. The ~~program~~
563 Section shall post the roster on the website of the Supreme Court. The Section may also include a
564 list of assessed interpreters who have scored no less than 70 percent on the written exam, have
565 attended twenty-four hours of court-related training, and have demonstrated proficiency in the
566 foreign language through an oral proficiency interview. Assessed interpreters must also pass a
567 background check showing no conviction of a crime involving moral turpitude and have the legal
568 right to work in the United States.

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~~RULE 87 is reserved for future use~~

RULE 87. The Use of Artificial Intelligence in Court Interpretation and Translation.

(A) Translation

A court shall not utilize artificial intelligence in translating any substantive legal writings. Substantive legal writings include legal forms, court orders, probation conditions, and any other similar writings that may impact the outcome of a case or a litigant’s constitutional or civil rights.

(1) A court may use artificial intelligence in translating non-substantive, non-legal writings, provided that the use of artificial intelligence is clearly disclosed to public users and as such may contain errors. Non-substantive, non-legal writings include materials relating to general court information such as websites, webpages, chatbots, court signage, court hours, department or office locations, and other writings that are not legal in nature and do not implicate a litigant’s constitutional or civil rights.

(2) When possible, the court may review the translated pages or items for accuracy and completeness. The review may be performed by a qualified human translator or a proficient native speaker of the language.

(B) Interpretation

A court shall not utilize artificial intelligence for interpretation in any substantive legal proceeding, case, or court function whether this includes oral interpretation or translated close captioning.

Commentary

The use of artificial intelligence oral interpretation is subject to error, misrepresentation, breach of privacy, and may cause harm to the individual who receives the information in the foreign language, or that the court may receive the information in English.

By using artificial intelligence oral interpretation, the output may jeopardize the litigant’s constitutional or civil rights.

The court is required under R.C. 2311.14(A) to appoint a “qualified” interpreter and to administer an oath before the interpreter enters upon official duties as specified in R.C. 2311.14(B).

Sup.R. 88(D) through (I) requires a court to appoint a certified, provisionally qualified, registered or language-skilled interpreter to participate “in-person” or through telephonic or video remote participation.

Sup.R. 87 may be subject to change as technology advances.

617 **RULE 88. Appointment of a Foreign Language Interpreter or Sign Language**
618 **Interpreter.**

619
620 **(A) When appointment of a foreign language interpreter is required**
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622 A court shall appoint a foreign language interpreter in a case or court function in either of
623 the following situations:
624

625 (1) A party or witness who is limited English proficient or non-English
626 speaking requests a foreign language interpreter and the court determines the
627 services of the interpreter are necessary for the meaningful participation of the party
628 or witness;
629

630 (2) Absent a request from a party or witness for a foreign language interpreter,
631 the court concludes the party or witness is limited English proficient or non-English
632 speaking and determines the services of the interpreter are necessary for the
633 meaningful participation of the party or witness.
634

635 **(B) When appointment of a sign language interpreter is required**
636

637 (1) A court shall appoint a sign language interpreter in a case or court function in either
638 of the following situations:
639

640 (a) A party, witness, or juror who is deaf, hard of hearing, or deaf blind requests
641 a sign language interpreter;
642

643 (b) Absent a request from a party, witness, or juror for a sign language
644 interpreter, the court concludes the party, witness, or juror is deaf, hard of hearing,
645 or deaf blind and determines the services of the interpreter are necessary for the
646 meaningful participation of the party, witness, or juror.
647

648 (2) When appointing a sign language interpreter pursuant to division (B)(1) of this rule,
649 the court shall give primary consideration to the method of interpretation chosen by the
650 party, witness, or juror, in accordance with 28 C.F.R. 35.160(b)(2), as amended.
651

652 **(C) Appointments to avoid**
653

654 A court shall use all reasonable efforts to avoid appointing an individual as a foreign
655 language interpreter pursuant to division (A) of this rule or sign language interpreter
656 pursuant to division (B) of this rule if any of the following apply:
657

658 (1) The interpreter is compensated by a business owned or controlled by a party
659 or a witness;
660

661 (2) The interpreter is a friend or a family or household member of a party or
662 witness;

- 663
664 (3) The interpreter is a potential witness;
665
666 (4) The interpreter is court personnel employed for a purpose other than
667 interpreting;
668
669 (5) The interpreter is a law enforcement officer, probation-department
670 personnel, prosecutor, defense counsel, or counsel for a party or witness;
671
672 (6) The interpreter has a pecuniary or other interest in the outcome of the case;
673
674 (7) The appointment of the interpreter would not serve to protect a party's rights
675 or ensure the integrity of the proceedings;
676
677 (8) The interpreter does or may have a real or perceived conflict of interest or
678 appearance of impropriety.

679
680 **(D) Appointment of ~~and certification requirement for~~ certified foreign language**
681 **interpreters**

682
683 ~~(1)~~ Except as provided in divisions ~~(D)~~~~(2)~~~~(E)~~ through ~~(4)~~~~(H)~~ of this rule, when
684 appointing a foreign language interpreter pursuant to division (A) of this rule, a court shall
685 appoint a Supreme Court certified foreign language interpreter to participate in-person at
686 the case or court function.

687
688 **(E) Appointment of provisionally qualified foreign language interpreters or registered**
689 **foreign language interpreters**

690
691 ~~(2)~~ Except as provided in divisions ~~(D)~~~~(3)~~~~(F)~~ and through ~~(4)~~~~(H)~~ of this rule, if a
692 Supreme Court certified foreign language interpreter does not exist or is not reasonably
693 available to participate in-person at the case or court function and after considering the
694 gravity of the proceedings and whether the matter could be rescheduled to obtain a
695 Supreme Court certified foreign language interpreter to participate in-person at the case or
696 court function, a court may appoint a provisionally qualified foreign language interpreter
697 or registered foreign language interpreter to participate in-person at the case or court
698 function. The court shall summarize on the record its efforts to obtain a Supreme Court
699 certified foreign language interpreter to participate in-person at the case or court function
700 and the reasons for using a provisionally qualified foreign language interpreter.

701
702 **(F) Appointment of provisionally qualified foreign language interpreters or registered**
703 **foreign language interpreters**

704
705 Except as provided in divisions (G) and (H) of this rule, if a Supreme Court certified foreign
706 language interpreter or a provisionally qualified foreign language interpreter does not exist
707 or is not reasonably available to participate in-person at the case or court function and after
708 considering the gravity of the proceeding and whether the matter could be rescheduled to

709 obtain a Supreme Court certified foreign language interpreter to participate in-person at the
710 case or court function, a court may appoint a conditionally approved foreign language
711 interpreter. The court shall summarize on the record its efforts to obtain a Supreme Court
712 certified foreign language interpreter or a provisionally qualified foreign language
713 interpreter to participate in-person at the case or court function and the reasons for using a
714 conditionally approved foreign language interpreter.

715
716 **(G) Appointment of language-skilled foreign language interpreters**

717
718 (3) Except as provided in division ~~(D)~~(4)(H) of this rule, if a Supreme Court certified
719 foreign language interpreter, provisionally qualified foreign language interpreter,
720 conditionally approved foreign language interpreter, or registered foreign language
721 interpreter does not exist or is not reasonably available to participate in-person at the case
722 or court function and after considering the gravity of the proceedings and whether the
723 matter could be rescheduled to obtain a Supreme Court certified foreign language
724 interpreter, provisionally qualified foreign language interpreter, or registered foreign
725 language interpreter to participate in-person at the case or court function, a court may
726 appoint a foreign language interpreter who demonstrates to the court proficiency in the
727 target language and sufficient preparation to properly interpret the proceedings to
728 participate in-person at the case or court function. Such interpreter shall be styled a
729 “language-skilled foreign language interpreter.”

730
731 (1) The court shall summarize on the record its efforts to obtain a Supreme
732 Court certified foreign language interpreter, ~~or~~ provisionally qualified foreign
733 language interpreter, conditionally approved foreign language interpreter, or
734 registered foreign language interpreter to participate in-person at the case or court
735 function and the reasons for using a language-skilled foreign language interpreter.

736
737 (2) The language-skilled foreign language interpreter's experience, knowledge,
738 and training should be stated on the record. Each language-skilled foreign language
739 interpreter shall take an oath or affirmation under which the interpreter affirms to
740 know, understand, and act according to the “Code of Professional Conduct for
741 Court Interpreters and Translators,” as set forth in Appendix H to this rule.

742
743 **(H) Appointment of telephonic and video remote foreign language interpreters**

744
745 (4) If a Supreme Court certified foreign language interpreter, provisionally qualified
746 foreign language interpreter, conditionally approved foreign language interpreter,
747 registered foreign language interpreter, or language-skilled foreign language interpreter
748 does not exist or is not reasonably available to participate in-person at the case or court
749 function and after considering the gravity of the proceedings and whether the matter could
750 be rescheduled to obtain a Supreme Court certified foreign language interpreter,
751 provisionally qualified foreign language interpreter, registered foreign language
752 interpreter, or language-skilled foreign language interpreter to participate in-person at the
753 case or court function, a court may appoint an interpreter to participate in the case or court
754 function through telephonic or video remote interpretation.

755 (1) The court shall summarize on the record its efforts to obtain a Supreme
756 Court certified foreign language interpreter, provisionally qualified foreign
757 language interpreter, conditionally approved foreign language interpreter,
758 registered foreign language interpreter, or language-skilled foreign language
759 interpreter to participate in-person at the case or court function and the reasons for
760 using an interpreter who will participate in the case or court function through
761 telephonic or video remote interpretation.

762
763 (2) In appointing the interpreter, the court shall follow the order of certification
764 preference in divisions (D)(4) through (3)(G) of this rule and comply with the
765 “Standards for the Use of Telephonic Interpretation,” as set forth in Appendix J to
766 this rule, or the “Standards for the Use of Video Remote Interpretation,” as set forth
767 in Appendix G to this rule, as applicable.

768
769 **(E)(I) Appointment of and certification requirement for certified, registered, and eligible**
770 **sign language interpreters**

771
772 (1) Except as provided in divisions (E)(I)(2) through (5) of this rule, when appointing
773 a sign language interpreter pursuant to division (B) of this rule, the court shall appoint a
774 Supreme Court certified sign language interpreter.

775
776 (2) Except as provided in divisions (E)(I)(3) through (5) of this rule, if a Supreme Court
777 certified sign language interpreter does not exist or is not reasonably available and after
778 considering the gravity of the proceedings and whether the matter could be rescheduled to
779 obtain a Supreme Court certified sign language interpreter, a court may appoint a registered
780 sign language interpreter.

781
782 (3) Except as provided in divisions (E)(I)(4) and (5) of this rule, if a Supreme Court
783 certified sign language interpreter or registered sign language interpreter does not exist or
784 is not reasonably available and after considering the gravity of the proceedings and whether
785 the matter could be rescheduled to obtain a Supreme Court certified sign language
786 interpreter or registered sign language interpreter, a court may appoint a an eligible sign
787 language interpreter who holds one of the following certifications:

788
789 (a) A “National Interpreter Certification” from the Registry of Interpreters for
790 the Deaf;

791
792 (b) A “Certification of Interpretation” and “Certification of Transliteration”
793 from the Registry of Interpreters for the Deaf;

794
795 (c) A “Comprehensive Skills Certificate” from the Registry of Interpreters for
796 the Deaf;

797
798 (d) A “Level V Certification” from the National Association of the Deaf;

799
800 (e) A “Level IV Certification” from the National Association of the Deaf;

801 (f) A “Level III Certification” from that National Association of the Deaf.

802
803 (4) If the communication mode of the deaf, hard-of-hearing, or deaf-blind party,
804 witness, or juror is unique and cannot be adequately accessed by a sign language interpreter
805 who is hearing, a court shall appoint a sign language interpreter certified as a “Certified
806 Deaf Interpreter” by the Registry of Interpreters for the Deaf.

807
808 (5) If the communication mode of the deaf, hard-of-hearing, or deaf-blind party,
809 witness, or juror requires silent oral techniques, a court may appoint a sign language
810 interpreter who possesses an “Oral Transliteration Certificate” from the Registry of
811 Interpreters for the Deaf.

812
813 (6) A court shall summarize on the record its efforts to obtain and reasons for not using
814 a Supreme Court certified sign language interpreter or registered sign language interpreter.
815 The sign language interpreter’s name, experience, knowledge, and training should be stated
816 on the record.

817
818 **~~(F)~~(J) Appointment of multiple foreign language interpreters or sign language interpreters**

819
820 (1) To ensure the accuracy and quality of interpretation, when appointing a foreign
821 language interpreter pursuant to division (A) of this rule or sign language interpreter
822 pursuant to division (B) of this rule, a court shall appoint two or more foreign language
823 interpreters or sign language interpreters in either of the following situations:

824
825 (a) The case or court function will last two or more hours and requires
826 continuous, simultaneous, or consecutive interpretation;

827
828 (b) The case or court function will last less than two hours, but the complexity
829 of the circumstances warrants the appointment of two or more interpreters.

830
831 (2) To ensure the accuracy and quality of interpretation, a court shall appoint two or
832 more foreign language interpreters or sign language interpreters for a case or court function
833 involving multiple parties, witnesses, or jurors requiring the services of an interpreter.

834
835 **~~(G)~~(K) Examination on record**

836
837 (1) In determining whether the services of a foreign language interpreter are necessary
838 for the meaningful participation of a party or witness pursuant to division (A) of this rule,
839 the court shall conduct an examination of the party or witness on the record. During the
840 examination, the court shall utilize the services of a foreign language interpreter, who may
841 participate remotely. However, in doing so the court is not required to comply with the
842 requirements of ~~division~~ divisions (D) through (H) of this rule.

843
844 (2) In determining whether the services of a sign language interpreter are necessary for
845 the meaningful participation of a party, witness, or juror, pursuant to division (B) of this
846 rule, the court shall conduct an examination of the party, witness, or juror on the record.

847 During the examination, the court shall utilize the services of a sign language interpreter,
848 who may participate remotely. However, in doing so the court is not required to comply
849 with the requirements of division ~~(E)~~(I) of this rule.

850
851 **~~(H)~~(L) Waiver**

852
853 A party may waive the right to a foreign language interpreter under division (A) of this rule
854 or sign language interpreter under division (B) of this rule, unless the court has determined
855 the interpreter is required for the protection of the party's rights and the integrity of the
856 case or court function. When accepting the party's waiver, the court shall utilize the
857 services of a foreign language interpreter or sign language interpreter, who may participate
858 remotely. However, in doing so the court is not required to comply with the requirements
859 of ~~division~~ divisions (D) ~~or through~~ ~~(E)~~(I) of this rule.

860
861 **~~(H)~~(M) Administration of oath or affirmation**

862
863 A court shall administer an oath or affirmation to a foreign language interpreter appointed
864 pursuant to division (A) of this rule or sign language interpreter appointed pursuant to
865 division (B) of this rule in accordance with ~~Evid.R. 604~~ R.C. 2311.14.

866
867 **~~(J)~~(N) Language-Access Plan**

868
869 For purposes of ensuring language access and effective appointment of interpreters, a court
870 shall develop and implement a language access plan. The language-access plan shall
871 address how the court will provide language services in case or court functions and
872 ancillary court services. The court shall update the language access plan at least once every
873 three years. A court that adopts the Supreme Court of Ohio Model Language Access Plan
874 template is presumed to have complied with this rule.

875
876 **(O) Interpreter responsibility in case or court function and ancillary court services**

877
878 When directed by the court, an interpreter appointed pursuant to divisions (D) through (I)
879 of this rule shall provide interpreting services, without regard to whether the services take
880 place inside the courtroom, for all of the following: proceedings, case or court function,
881 ancillary court services, and attorney-client communications related to the proceeding or
882 ancillary court service. The terms in this paragraph do not apply to an interpreter who is
883 providing services as an expert witness and subject to Evid.R. 604 and 702.

884 **RULE 89. Use of Communication Services in Ancillary Court Services.**

885

886 **(A) Limited English proficient individuals**

887

888 A court shall provide foreign language communication services to limited English
889 proficient individuals in conjunction with ancillary court services. Dependent upon the
890 significance and complexity of the ancillary court service, the following individuals may
891 provide the communication services in person, telephonically, or via other electronic means
892 available:

893

894 (1) An employee of the court, other than a Supreme Court certified foreign
895 language interpreter or provisionally qualified foreign language interpreter, who
896 has demonstrated proficiency in English and the target language in accordance with
897 standards set by Supreme Court Language Services ~~Program~~ Section and who the
898 ~~program~~ Section has determined is qualified to conduct communication services
899 directly with a limited English proficient individual in the target language;

900

901 (2) A Supreme Court certified foreign language interpreter;

902

903 (3) A provisionally qualified foreign language interpreter;

904

905 (4) A registered foreign language interpreter;

906

907 (5) A language-skilled foreign language interpreter.

908

909

910 **(B) Deaf, hard-of-hearing, and deaf-blind individuals**

911

912 A court shall provide sign language communication services to deaf, hard-of-hearing, and
913 deaf-blind individuals in conjunction with ancillary court services. Dependent upon the
914 significance and complexity of the ancillary court service, a Supreme Court certified sign
915 language interpreter, a registered sign language interpreter, or an interpreter eligible
916 pursuant to Sup.R. 88~~(E)~~(I)(3) may provide the communication services in person,
917 telephonically, or via other electronic means available.

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APPENDIX G

STANDARDS FOR THE USE OF VIDEO REMOTE INTERPRETATION

Overview.

These standards are established to guide Ohio courts appointing foreign language and sign language interpreters who participate through video remote interpretation pursuant to Sup.R. ~~88(D), 88(E), (H)~~ and 89.

These standards set forth the minimum requirements and recommendations. The guiding principle for these standards is to ensure due process is preserved when using video remote interpretation. A limited English, deaf, or hard-of-hearing individual shall be able to fully participate and be afforded meaningful access, including the ability to access complete and accurate information, confer with counsel, and exercise all rights as if the individual were present in person. The best way to ensure the rights of these individuals are protected is to have the deaf or hard-of-hearing individual and the court interpreter present on-site where the proceeding takes place. However, due to public health orders, natural disasters, or scarcity of resources, courts may find it necessary to use technology.

These standards aim to identify critical infrastructure for video remote interpretation. Technological specifications remain general to allow local courts to work within their technological capacity and to guide considerations to establish a functional and effective set up.

[Existing language unaffected by the amendments is omitted to conserve space]

944 **APPENDIX H**

945 **CODE OF PROFESSIONAL CONDUCT FOR COURT INTERPRETERS AND**
946 **TRANSLATORS**

947
948
949
950 **Preamble.**

951
952 Foreign language interpreters, sign language interpreters, and translators help ensure that
953 individuals enjoy equal access to justice, including case and court functions and court support
954 services. Foreign language interpreters, sign language interpreters, and translators are highly
955 skilled professionals who fulfill an essential role by assisting in the pursuit of justice. They act
956 strictly in the interest of the courts they serve and are impartial officers of those courts, with a duty
957 to enhance the judicial process.

958
959
960 **Definitions.**

961
962 As used in this code, “conditionally approved foreign language interpreter,” “provisionally
963 qualified foreign language interpreter,” “Supreme Court certified foreign language interpreter,”
964 “Supreme Court certified sign language interpreter,” “registered foreign language interpreter,”
965 “registered sign language interpreter,” “telephonic interpretation,” “video remote interpretation,”
966 and “translator” have the same meanings as in Rule 80 of the Rules of Superintendence for the
967 Courts of Ohio.

968
969
970 **Applicability.**

971
972 This code applies to Supreme Court certified foreign language interpreters, provisionally qualified
973 foreign language interpreters, Supreme Court certified sign language interpreters, conditionally
974 approved foreign language interpreter, registered foreign language interpreters, registered sign
975 language interpreters, telephonic interpreters, video remote interpreters, and translators. This code
976 shall bind all agencies and organizations that administer, supervise, use, or deliver interpreting or
977 translating services in connection with any case or court function.

978
979 A court may use this code to assist it in determining the qualifications of any individual providing
980 services as an interpreter under Rule 702 of the Rules of Evidence.

981
982
983 **Canon 1. High Standards of Conduct.**

984
985 Interpreters and translators shall conduct themselves in a manner consistent with the dignity of the
986 court and shall be as unobtrusive as possible, consistent with the ends of justice.

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Commentary

Interpreters and translators should maintain high standards of conduct at all times to promote public confidence in the administration of justice, including compliance with all state and federal laws and regulations and court rules and policies.

997 **Canon 2. Accuracy and Completeness.**

998

999 Interpreters and translators shall render a complete and accurate interpretation or translation
1000 without altering, omitting, or adding anything to what is spoken or written, and shall do so without
1001 explaining the statements of the original speaker or writer.

1002

1003

1004

1005

Commentary

1006 In order to preserve the record of the court and assist in the administration of justice, interpreters
1007 should completely and accurately interpret the exact meaning of what is said or written without embellishing,
1008 explaining, omitting, adding, altering, or summarizing anything. This includes maintaining accuracy of style
1009 or register of speech, as well as not distorting the meaning of the source language, even if it appears
1010 obscene, incoherent, non-responsive, or a misstatement. Interpreters and translators have a duty to inform
1011 the court of any error, misinterpretation, or mistranslation so that the record may be promptly corrected.
1012 The terms “accurately,” “completely,” and “exact” do not signify a word-for-word or literal interpretation, but
1013 rather mean to convey the exact meaning of the discourse of the speaker or writer.

1014

1015

1016 **Canon 3. Impartiality and Avoidance of Conflicts of Interest.**

1017

1018 Interpreters and translators shall be impartial and unbiased. Interpreters and translators shall
1019 refrain from conduct that may give the appearance of bias and shall disclose any real or perceived
1020 conflict of interest.

1021

1022

1023

1024

Commentary

1025 Interpreters and translators must disclose to the court any prior involvement with a case or court
1026 function, parties, or witnesses that creates or could be viewed as creating a conflict of interest, provided
1027 such disclosure must not include anything that is privileged or confidential. The court must then determine
1028 whether the interpreter or translator may continue on the case or court function. Counsel for either party
1029 may petition the court for appointment of a different interpreter or translator on the basis of a conflict of
1030 interest and the court must determine on the record whether to release the interpreter or translator from the
1031 case or court function.

1032

1033

1034 **Canon 4. Confidentiality.**

1035

1036 Interpreters and translators shall protect from unauthorized disclosure all privileged or other
1037 confidential communications, documents, or information they hear or obtain while acting in a
1038 professional capacity.

1039

1040

1041 **Commentary**

1042
1043 Interpreters and translators must maintain confidentiality with respect to any communication,
1044 document, information, or other type of confidential matter, including police and medical records and
1045 attorney-client privileged communications protected under section 2317.02 of the Revised Code.
1046 Interpreters and translators must not derive, either directly or indirectly, any profit or advantage from any
1047 confidential communication, document, or information acquired while acting in a professional capacity.
1048
1049

1050 **Canon 5. Representation of Qualifications.**

1051
1052 Interpreters and translators shall accurately and completely represent their credentials,
1053 certifications, training, references, and pertinent experience.
1054
1055

1056 **Commentary**

1057
1058 Interpreters and translators have a duty to present accurately and completely any applicable
1059 credentials, certifications, training, references, and pertinent experience, consistent with Canon 6 of this
1060 code. It is essential that interpreters and translators present a complete and truthful account of their
1061 qualifications before appointment to allow the court to fairly evaluate their qualifications for delivering
1062 interpreting or translating services.
1063
1064

1065 **Canon 6. Proficiency.**

1066
1067 Interpreters and translators shall provide professional services only in matters in which they can
1068 proficiently perform.
1069
1070

1071 **Commentary**

1072
1073 By accepting an assignment, interpreters and translators warrant they have the skills, training, and
1074 understanding of terminology to interpret or translate accurately and effectively in the given setting, are
1075 fluent in the required languages, and have the ability to understand regional differences and dialects.
1076 Interpreters have a duty to request from the court and the parties all pertinent information and materials
1077 necessary to prepare for the case or court function.
1078

1079 Interpreters and translators should strive continually to improve language skills and knowledge of
1080 specialized vocabulary and familiarize themselves with the judicial system and any applicable court rules.
1081 Interpreters and translators are responsible for having the proper dictionaries and other reference materials
1082 available when needed.
1083
1084

1085 **Canon 7. Assessing and Reporting Impediments to Performance.**

1086
1087 Interpreters and translators shall at all times assess their ability to perform effectively and
1088 accurately. If an interpreter or translator discovers anything impeding full compliance with the
1089 oath or affirmation of the interpreter or translator and this code, the interpreter or translator shall
1090 immediately report this information to the court. Interpreters and translators shall not accept
1091 assignments they cannot fulfill. Interpreters and translators shall further refrain from
1092 recommending other interpreters or translators who are unqualified.

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Commentary

Interpreters and translators must immediately inform the court of any condition interfering with their ability to provide accurate and complete interpretation or translation. This may include excessively rapid, quiet, or indistinct speech, physical interference such as inability to see exhibits, noise in their surroundings, or any other interfering factor.

Interpreters and translators must inform the court if they are having difficulties obtaining pertinent information or materials required to prepare for a case or court function that may impede their ability to perform adequately. If at the time of a hearing or trial the interpreter or translator has not been provided with necessary information or materials, the interpreter or translator must inform the court on the record and request a recess to review such information or materials.

Interpreters and translators should withdraw from an assignment if they are unable to understand or satisfactorily communicate with the non-English speaking, limited English proficient, deaf, deaf-blind, or hard-of-hearing party, witness, or juror, or if they lack required skills, preparation, or terminology to perform effectively in the case or court function for which they have been summoned.

If, after accepting an assignment, an interpreter or translator is unable to fulfill the same, the interpreter or translator shall notify the court. Interpreters or translators shall not transfer their assignments. Interpreters who knowingly recommend unqualified interpreters may be subject to disciplinary action pursuant to Sup.R. 83.

[Existing language unaffected by the amendments is omitted to conserve space]

1120 **APPENDIX J**

1121

1122

1123 **STANDARDS FOR THE USE OF TELEPHONIC INTERPRETATION**

1124

1125 **Preamble.**

1126

1127 These standards apply to courts appointing a foreign language interpreter who, pursuant to
1128 Sup.R. ~~88(D)(4)~~(H), is participating in the case or court function through telephonic
1129 interpretation.

1130

1131 Due process requires courts to ensure limited English proficient individuals are able to fully
1132 participate in the proceedings of and are afforded meaningful access in case and court functions.
1133 The fundamental role of a foreign language interpreter is to provide complete and accurate
1134 interpretation services in the case or court function in order to meet these due process requirements.
1135 The best way to accomplish this, especially in complex or prolonged proceedings, is to have the
1136 foreign interpreter present on-site where the case or court function is taking place.

1137

1138 However, in some instances, this may prove difficult due to factors such as the interpreter’s lack
1139 of proximity. In these instances telephonic interpretation may be an appropriate alternative.
1140 However, telephonic interpretation should not be used when a Supreme Court certified foreign
1141 language interpreter, provisionally qualified foreign language interpreter, or language-skilled
1142 foreign language interpreter is reasonably available to facilitate communication in person.

1143

1144 Furthermore, the quality and success of telephonic interpretation depend on a variety of factors.
1145 Examples include the interpreter’s quality of training, the quality of the equipment used, the length
1146 of the case or court proceeding, the number of speakers, and whether reference will be made to
1147 evidence or documents to which the interpreter does not have access. These and other factors can
1148 all have a bearing on the effectiveness of the telephonic interpretation.

1149

1150 Ultimately, telephonic interpretation services should aim to provide the same quality of services
1151 as in-person interpretation. To this end, these standards represent recommended practices and
1152 minimum requirements to ensure the efficient and effective administration of justice and are
1153 intended to complement court rules and federal and state laws, regulations, and standards
1154 pertaining to use of court interpretation services.

1155

1156

1157 **Definitions.**

1158

1159 As used in these standards, “case or court function,” “consecutive interpretation,” “foreign
1160 language interpreter,” “limited English proficient,” “provisionally qualified foreign language
1161 interpreter,” “sight translation,” “simultaneous interpretation,” “Supreme Court certified foreign
1162 language interpreter,” and “telephonic interpretation” have the same meanings as in Sup.R. 80
1163 and “language-skilled foreign language interpreter” means a foreign language interpreter
1164 appointed by a court pursuant to Sup.R. ~~88(D)(3)~~(G).

1165

1166 [Existing language unaffected by the amendments is omitted to conserve space]