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Members, Senate Committee on Human Services

FROM: M. Alohalani Boido, M. A., Chair, Legislative Action Committee,
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HEARING: March 12, 2013, 1:45 p.m., Conf. Rm. 016

RE: **SUPPORT with amendments, HB 266 HD1, Relating to Language Access**

Hawaii Interpreter Action Network (HIAN) is dedicated to representing Hawaii's interpreters. We work to elevate professional standards of competence and ethics, and to improve working conditions. If reworded, HB 266 HD 1 Section 3(8)(A) has the potential to be a major step forward. At present, it is regressive, deceptive, and harmful.

Mistaken $D_x \rightarrow$ Mistaken R_x

"It's the money, honey." Poor conditions of work and pay, and the lack of good training.

The perception of a dearth of competent interpreters is mostly due to some very simple things. Executive branch, county offices, and non-profit service agencies largely try to obtain interpreter services by contracting with one or more local Language Service Provider (LSP) agencies. These LSPs may have standards for interpreters that are too low. They pay very little (regardless of how much they charge). They do not abide by national industry-wide standard pay practices. (Hawaii state and county government fiscal staff probably do not understand these industry standards, either.) There are no benefits. It is not worthwhile for most people to work for them. It is virtually impossible to make a living.

At least one of these agencies followed the advice given by one of your former colleagues, who has since moved on to a higher level. In 2002 this LSP reduced the fees paid to interpreters significantly (around 15%). The amount taken from interpreter pay is being used to pay for regular employees of other agencies under the umbrella organization. Although interpreter pay has since inched up, it has not gone back up to the 2001 level.

Most interpreters work in both legal and healthcare settings. On the Judiciary side, the rate of pay has not in any way kept up with inflation. At the two lowest levels (“Transitional,” a group which is not listed on the Registry because they have not passed one or more of their written tests, and Tier 1, “Registered”) they are being paid little more than the amount they would have earned 30 years ago for the same amount of time worked. Taking inflation into account, they are being paid a whole lot less than 30 years ago. There are no benefits and no job security.

People enter the Judiciary program hoping to make a living, or at least a significant part of one. When they realize that this is not possible, they find other employment. The Judiciary Registry lists around 300 people. Many of them are no longer available as interpreters. Some working interpreters devote themselves almost entirely to various private markets.

The Judiciary’s Office on Equality and Access to the Courts (OEAC) has been running a very extensive recruitment program under its hard-working director, Debi Tulang-DeSilva, ever since the certification program started in 2007. With such low rates of pay, retention is mostly not possible.

The problem is especially acute with **Micronesian languages**. Highly bilingual, educated people are in a seller’s market. They get snapped up as full-time employees. Agencies that only want to obtain services through LSPs (in the Judiciary’s case, they want to use freelancers, instead of hiring staff interpreters) do not pay enough to compete.

Two of our Chuukese interpreters, as well as Edmund S. Calaycay, Jr., the only certified Ilokano interpreter in the USA, get flown to the mainland to work in courts there. One of our Chuukese interpreters is paid by a very large mainland LSP simply to be *available* by telephone to interpret. Chou Tanchaleun, certified in Lao, also gets flown to the mainland for work. Our talented and capable people here, who work in Languages of Lesser Diffusion, are more appreciated and better paid on the mainland. Some of our interpreters now largely or entirely devote themselves to telephonic interpreting for mainland LSPs.

There are two other major problems. We have no certified, supervisory interpreters within the Judiciary, who could coach and train people. We have no language-specific training in Hawaii for court and community interpreters. Everything is taught in English. *Certified, supervisory interpreters and trainers, and language-specific training are necessities for developing competency in the vast majority of practitioners.*

In sum, poor government contracting practices, low pay, no certified, supervisory interpreters, and a general lack of language-specific training are the main reasons why we lack enough competent interpreters.

For several years, interpreters were being paid anywhere from three months to two years late. The problem of late or no pay was virtually across the board, in every setting where interpreters work. Payment is *still* late in many cases.

A more detailed account of problems with contracting and pay will follow later in this testimony.

DOJ guidance

The US DOJ emphasizes “competency.”

In rare emergency situations, the agency or recipient may have to rely on...persons whose language skills and competency in interpreting have not been established. Proper agency or recipient planning and implementation is important in order to ensure that those situations rarely occur. (Emphasis added.)

The only way to establish competency is to test people.

DOJ also states that interpreters should be “...bound by confidentiality agreements.”

Currently there are two DOJ Civil Rights Division attorneys assigned to Hawaii matters.

Standards, standards, standards: HIAN’s suggested amendments
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On page 5, line 1, HIAN recommends:

(1) Maintain a publicly available roster of spoken language interpreters and translators, listing any of their certifications and/or licenses, together with whatever contact information they may choose to make available;

(2) Train state and state-funded agencies on how to effectively obtain and utilize the services of language interpreters and translators;

(3) Support the recruitment and retention of spoken language interpreters and translators providing services to state and state-funded agencies;

(4) Provide, coordinate, and publicize training opportunities to increase the number and availability of competent spoken language interpreters and translators and further develop their language interpretation and translation skills;

(5) Work toward identifying and/or creating a process to test and certify spoken language interpreters and translators and promote use of the process to ensure the competence of spoken language interpreters and translators;

(6) Develop and cooperate in the development of certification examinations for bilinguals and spoken language interpreters and translators to ensure that they are competent to provide services, and

(7) Identify and/or develop tests that are scientifically valid, performance-based, objective, and criterion-referenced examinations; and

(8) Provide test takers with the information they need to realistically understand their areas of strength and weakness.

(9) Provide the legislature, test takers, and the public with information on the activities of the language access resource center.

On page 9, line 8, HIAN recommends:

(A) Maintain a publicly available roster of spoken language interpreters and translators, listing any of their certifications and/or licenses, together with whatever contact information they may choose to make available;

(B) Train state and state-funded agencies on how to effectively obtain and utilize the services of language interpreters and translators;

(C) Support the recruitment and retention of spoken language interpreters and translators providing services to state and state-funded agencies;

(D) Provide, coordinate, and publicize training opportunities to increase the number and availability of competent spoken language interpreters and translators and further develop their language interpretation and translation skills;

(E) Work toward identifying and/or creating a process to test and certify spoken language interpreters and translators and promote use of the process to ensure the competence of spoken language interpreters and translators;

(F) Develop and cooperate in the development of certification examinations for bilinguals and spoken language interpreters and translators to ensure that they are competent to provide services, and

(G) The tests identified and/or developed shall be scientifically valid, performance-based, objective, and criterion-referenced examinations, and

(H) Test takers shall be provided with a section-by-section breakout of their scores.

(I) The director of the office on language access shall collect and analyze statistics pertinent to interpreter and translator testing. This report shall be made a part of the annual report of the director of the office on language access and contain analyses and recommendations for the improvement of the interpreter and translator program.

(J) The director of the office on language access shall publish an annual report giving statistics on the number of applicants for each test and the results of the testing process for each language and certification, the number of trainings provided, the number of people who attend each training, a description for each training, and the names and credentials of the trainers..

On page 10, line 4, HIAN recommends:

SECTION 4. The executive director of the office of language access shall have the authority to hire personnel necessary to staff the statewide language access resource center and to administer its multilingual website. Such staff shall, at the minimum, consist of one full-time project coordinator, three full-time program specialists, and one full-time clerk. The program manager for the language access resource center shall be an experienced, certified court, healthcare or medical interpreter. The full-time clerk shall be assigned to the language access resource center. As much as possible, all staff except the clerk shall be bilingual at a minimum at Level 3 on the Interagency Language Roundtable system, as verified by testing prior to hiring.

To be scientifically valid, certification tests must be created according to the standards of the American Psychological Association. Valid tests are described above, and they are legally defensible. Valid tests can be recognized by the National Commission for Certifying Agencies.

With competency an issue, let OLA begin by hiring someone competent to run a language access resource center, a task which requires years of experience working in the interpreting profession as a certified interpreter. Otherwise, Hawaii will be faced with one more person who does not know the turf. Thinking that an attorney, social worker, or other type of professional can get up to speed quickly is a fantasy, and dramatically underestimates the expertise required.

The OEAC was able to get up to speed quickly because the National Center for State Courts Consortium for Language Access in the Courts has a large group of materials that provide as close to a turn-key system as you can get. (Even so, they lack the expertise that only a certified court interpreter can provide in certain key areas.) There is no equivalent set of resources available to executive branch agencies.

OLA is reinventing the square wheel.

The idea of a public roster of unscreened, alleged bilinguals is out-of-date. It is based on the assumption that any bilingual can interpret or translate—something well-known for several decades to be a false assumption. No government entity in the USA publishes a roster of interpreters and translators *unless* the people on the roster have first met objective, test-based standards. Self-report of ability and credentials is not reliable. We don't let a person drive a car unless they've passed a written test of knowledge and a test of driving skill. Interpreting and translating for government entities and medical care can and should be the same way.

Say "No" to open season on immigrants.

It is quick and easy to make a very big mess. Cleaning it up later will be costly in time, effort, and money. The damage done to Limited-English Proficient (LEP) individuals will probably never be undone. Section 3(8)(A) opens the door for OLA to put the weight of government approval behind misleading and deceptive "qualifications and credentials." Through that open door will come every fake, flake, fraud, and fast operator who wants to make a buck off the needs of our LEP population and tourists.

OLA may evade legal responsibility by putting a disclaimer on the roster. But how can they, or you as legislators, escape moral responsibility and responsibility to the public?

In 2007, the Legislature already made plain that it does not want lists of unscreened, untested language service providers when it put pressure on the Judiciary to implement a certification program. The certification program forced out many incompetents, as well as a number of toxic, unscrupulous individuals. OLA's proposal will let them all back in.

“It takes more than having two hands to be a concert pianist.”

There is a big difference between being a bilingual and being an interpreter or translator. Bilinguals vary a great deal in their knowledge of each language. Few people have the high level of knowledge of two languages needed to go on to become interpreters or translators. Of that group, only some can develop the skills necessary to do the work competently.

The “twin professions” of interpretation and translation only recognize those credentials based on passing a performance test of the skills necessary to carry out the tasks according to a minimum standard of competence. Most of these credentials are called “certifications.”

The nationally recognized certifications are:

1. Tests administered by a state, national, or international entity, such as US federal or state courts, the U. S. Dept. of State, the United Nations, European Parliament, etc.
2. Tests administered by a nationally recognized professional organization, such as the American Translators Association (ATA) or the National Association of Judiciary Interpreters and Translators (NAJIT) for spoken languages.
3. For spoken language healthcare interpreters, we have the Certification Commission for Healthcare Interpreters (CCHI) and the National Board of Certification for Medical Interpreters (NBCMI). Both the CCHI and NBCMI tests have been approved by the National Commission for Certifying Agencies.
4. RID and state certifications for ASL.

We *know* from experience that people will be offering as credentials a bunch of stuff that is not based on passing a performance-based test, or where the standard for passing a test is too low.

Some people will offer falsified and even non-existent “credentials.” OLA does not plan to verify credentials or anything else. *They do not even plan to do a criminal history record check.*

Is this state going to publish a roster of people who claim to be education interpreters, without checking to see if people are convicted child molesters? People who claim to be healthcare interpreters, and have a criminal history of drug abuse? Social service interpreters, who have a history of domestic violence? Say what? How can any responsible person support such a thing?

A very small number of the languages that we need on rare occasions in Hawaii do not have any tests in interpretation. We do have tests for Chuukese and Marshallese, as well as Ilokano and Tagalog. There are also tests available to evaluate:

1. Written and/or oral proficiency in English (a minimum standard for virtually all), and
2. Written and/or oral proficiency in the Language Other Than English (LOTE).
3. There are organizations and companies which offer proficiency testing for bilinguals, interpreters and translators.

To be placed on a public roster, a person should at a minimum:

- Hold a nationally recognized certification or license, or
- Go through training on ethics, procedure, and skills, and
- Pass a written and/or oral proficiency test in English and the LOTE, and
- Pass a written test on the applicable Code(s) of Ethics.
- Everyone should pass a criminal history background check.
- Healthcare interpreters should have a current, negative TB test.

Placement on a public roster must be based on passing tests. Anything less is irresponsible.

Performance-based certification examinations already exist in a number of language pairs, and should be recognized by the State of Hawaii. If and when Hawaii creates its own tests, these tests must ensure the quality and accuracy of interpretation and translation services. That is why we specify the types of examinations to be developed, that is, “scientifically valid, performance-based, objective, criterion-referenced...”

We added “cooperate in the development of” because, for Languages of Lesser Diffusion with large populations in Hawaii, i.e. Micronesian and some others, Hawaii could pool resources with

other states to develop examinations in those languages. The Hawaii Judiciary already did this for the oral exams in Chuukese and Marshallese.

“There ain’t no such thing as a free lunch.”

Or:

Pay and other problems.

Most people need to earn a living. Hawaii is a near-perfect storm of practices that make it virtually impossible for a competent interpreter or translator to earn a living.

The problems:

1. Fragmentation of need by geography and language.
2. Lack of standards for trainers and teachers. No understanding that trainers should be certified interpreters or translators.
3. No clear career path.
4. Lack of standards for interpreters and translators.
 - No meaningful, test-based standards outside of the Judiciary.
 - Too many people competing for too little work.
 - Employers accept poor work instead of *requiring* competence.
5. Poor government and medical service provider contracting practices.
 - Failure to build performance and credential standards into contracts with language service provider (LSP) agencies.
 - Failure to require LSP agencies to pay a reasonable minimum to interpreters.
 - Failure to cap charges for administrative services from LSP agencies.
 - Failure to have a feedback loop to LSPs and/or the contact person who contracted freelancers.
 - Government agencies avoid using interpreters when they are needed, and force LEP individuals to either attempt to proceed in English, or to bring in ad hoc “interpreters,” usually family members or friends.
 - Lack of appropriate disciplinary procedures allow unethical and/or incompetent practitioners to continue working.
6. Payment problems.

- *Low rates of pay*, especially for interpreters or translators obtained through an LSP agency.
 - No full-time employment with benefits in most languages.
 - Late payment—payment can be weeks, months, or years late.
 - Uncertain payment—no certainty about when payment will be made.
 - Incomplete/partial payment (for ex., payment for services, but mileage goes unpaid).
 - No payment from government and LSP agencies. (It happens.)
 - Failure on the part of employers to keep their commitments on pay—broken agreements.
7. Poor working conditions, often created by uninformed employers.
- Disrespectful treatment of interpreters and translators.
 - Employers think that any and all bilinguals can interpret or translate.
 - Employers create stress by pressuring interpreters to do things that are unethical.
8. Fluctuation in demand by language and island over time.

Gresham’s Law: “Bad money drives out good.”
 Hawaii’s reality:
 Low pay and widespread use of incompetents drives competent professionals out of the field.

A deceptive roster of unscreened, untested, alleged bilinguals, interpreters, and translators will only make things far, far worse. Nor will Hawaii’s LEP residents and tourists be well served.

For years I have watched helplessly as ethical, competent practitioners have been driven to take work in other fields, or have left Hawaii. They will not come back—they have told me so.

Hawaii has people with the potential to develop into competent practitioners. They need financial incentives to do so. *Why should an ethical, competent person have to compete on equal terms with non-professionals?* We don’t allow this in other professions.

We already have public rosters. There is significant overlap between those listed on the Judiciary Registry and those currently working or available to work in government, healthcare, and other settings. Executive Branch interpreter needs are often semi-legal in nature, making the Judiciary Registry the first and most logical choice for finding interpreters.

- *Hawaii Judiciary Registry*, published by the Office on Equality and Access to the Courts (OEAC):
http://www.courts.state.hi.us/services/court_interpreting/court_interpreting.html.
 The Registry is currently 16 pages long and lists around 300 people. There will be more around June or July, when the results of the Spring Written Exams come out. *The people on the Judiciary Registry offer services in every single language in demand in Hawaii*, as well as a number of languages which are seldom needed. The Judiciary offers certification in around 20 languages. We have certification exams for Chuukese, Ilokano, Marshallese, and Tagalog available. For almost all languages where there is no certification exam (as well as for all the languages for which there is a certification exam), people can take an interpreting skills test from LionBridge. If LionBridge is looking for a specific language, then test candidates can take their tests for *free* directly from LionBridge. (Within each tier, people are listed in reverse alphabetical order. Debi Tulang-DeSilva is the OEAC Director.)
- *Federal court* has a roster of people who must pass an FBI 10-point fingerprint check every two years.
- *Professional associations* have on-line rosters. Both the American Translators Association and the National Association of Judiciary Interpreters and Translators have public rosters, as do various regional associations. The Certification Commission for Healthcare Interpreters (CCHI) has an on-line interpreter credential verification page. The National Board of Certification for Medical Interpreters (NBCMI) has an on-line registry. For the two healthcare/medical interpreting testing entities, *anyone* who meets the prerequisites can take the tests. As long as English is one of their languages, people can test with CCHI.

Pass this bill as currently worded, and you will be throwing away another generation of talent. OLA's list will flood Hawaii with unscreened people. That would be a giant step backwards after the progress made by the Judiciary's certification program.

On the phony horns of a false dilemma:
OLA's "trained interpreter with credentials in housing counseling"
v. a certified healthcare interpreter.

OLA testified that "a trained interpreter with credentials in housing counseling and familiar with that area of government service may be more desirable to certain agencies than someone who may charge more because they have a health care interpreter certification."

So far, we do not have any certified healthcare interpreters in Hawaii. Yet OLA is already trying to undermine their ability to get work, and with a very odd argument. The first peculiar juxtaposition is between "a trained interpreter" and a certified healthcare interpreter. To be eligible to take the tests to become a certified healthcare interpreter, the test candidate *must* present satisfactory documentary proof of a *minimum* of 40 hours of training. How much training does OLA's hypothetical "trained interpreter" have? 40 minutes? 4 hours? Or...? Who trained them? Did the training meet professional standards? All unknown.

The second oddity is this: With a certified healthcare interpreter, we know in advance that in addition to their 40 hours of training, they have passed a written test of vocabulary and ethics, and then an oral test of interpreting skills. *It is precisely because they have passed a test of interpreting skills that we know that a certified interpreter really is an interpreter.* But OLA's "trained interpreter"? How do we know this person can interpret? What skills test has this person passed? Has this person even been tested to verify that s/he speaks two languages at the level necessary to interpret competently? We don't know. OLA is confusing an alleged bilingual who had unspecified training with a real interpreter.

What does a "credential in housing counseling" have to do with any of this? A trained, certified interpreter, either medical or legal, has passed tests of vocabulary as well as interpreting skills. *A professional interpreter will prepare any specialized vocabulary needed in advance.*

Ah, but OLA's hypothetical "trained interpreter" might be...cheaper. Will that make them more desirable to certain agencies than a certified interpreter? Quite likely. That is precisely why competent, ethical interpreters have such a hard time making a living in Hawaii. Many agencies do not understand the importance of interpreter certification, nor why *a certified interpreter or translator should be the first choice in hiring.* They do not understand interpreter and translator testing and credentialing. *They do not know what they do not know.*

HIAN is willing to come to the table to negotiate the text of this bill with the sponsoring Senator and OLA staff.

Tier system based on testing: HIAN does not necessarily completely oppose having a tier system, somewhat similar to the Hawaii Judiciary's, where people who take tests but score below the minimum competency (certification) level are listed, within certain reasonable limits. We do think that written and oral language proficiency testing of the uncertified is a must. It should be followed by interpretation or translation skill testing, when available. However, note the opinion of experts:

Attempting to define a level of interpreter below that of a "certified interpreter" is problematic and unworkable.

Healthcare/medical interpreters: We would very much like to see a roster of those who have passed the tests given by one or more of the two national healthcare interpreter testing entities. First, standards need to be worked out for accepting tests of this kind now and in the future, since other testing entities are likely to arise.

What we oppose, and oppose vehemently, is a public roster of unscreened, untested individuals.

Please support HB 266 HD 1, with our proposed amendments. Thank you.

Supplemental information and materials

Note: In previous testimony, HIAN provided supplemental information and materials in our footnotes. We have moved these footnotes to these pages, and added more materials. We realize this is unusual. The hope is that you will find these useful now and in the future.

“Criterion-referenced” means graded on a standard, not on a curve. This testing requirement is found in the AOUSC’s regulations governing the court interpreter certification program.

American Psychological Association standards for test creation:

<http://www.apa.org/science/programs/testing/standards.aspx>.

National Commission for Certifying Agencies: <http://www.credentialingexcellence.org/ncca>

The US DOJ Civil Rights Division has an extensive web site:

<http://www.justice.gov/crt/about/cor/>

The quote HIAN excerpted is from: <http://www.justice.gov/crt/about/cor/Pubs/lepqa.php>

11) What are the standards for oral interpretation?

The obligation to provide meaningful opportunity to individuals who are LEP is not limited to written translations. Oral communication between recipients and beneficiaries often is a necessary part of the exchange of information. Thus, a recipient that limits its language assistance to the provision of written materials may not be allowing LEP persons "effectively to be informed of or to participate in the program."

There are a number of steps which can assist recipients and federal agencies in providing such oral assistance. They range from hiring bilingual staff or staff interpreters competent in the skill of interpreting, to contracting with qualified outside in-person or telephonic interpreter services, to arranging formally for the services of qualified voluntary community interpreters who are bound by confidentiality agreements. Generally, it is not acceptable for agencies or recipients to rely upon an LEP individual’s family members or friends to provide the interpreter services. The agency or recipient should meet its obligations under EO 13166 or Title VI by supplying competent language services free of cost. In rare emergency situations, the agency or recipient may have to rely on an LEP person’s family members or other persons whose language skills and competency in interpreting have not

been established. Proper agency or recipient planning and implementation is important in order to ensure that those situations rarely occur.

National Center for State Courts Consortium for Language Access in the Courts:

<http://www.ncsc.org/education-and-careers/state-interpreter-certification-archive.aspx>

Understanding proficiency levels for bilinguals, interpreters, and translators

The Interagency Language Roundtable (ILR) is a federal government agency. It has many resources on its web site that describe, explain, and categorize different levels of language knowledge. There are levels for skills in reading, listening, speaking, writing, interpretation, translation, and cultural competency. ILR is not a testing entity. <http://www.govtilr.org/>

Interagency Language Roundtable Language Skill Level Descriptions – Speaking

<http://www.govtilr.org/Skills/ILRscale2.htm>:

Speaking 3 (General Professional Proficiency) Able to speak the language with sufficient structural accuracy and vocabulary to participate effectively in most formal and informal conversations in practical, social and professional topics. Nevertheless, the individual's limitations generally restrict the professional contexts of language use to matters of shared knowledge and/or international convention. Discourse is cohesive. The individual uses the language acceptably, but with some noticeable imperfections; yet, errors virtually never interfere with understanding and rarely disturb the native speaker. The individual can effectively combine structure and vocabulary to convey his/her meaning accurately. The individual speaks readily and fills pauses suitably. In face-to-face conversation with natives speaking the standard dialect at a normal rate of speech, comprehension is quite complete. Although cultural references, proverbs and the implications of nuances and idiom may not be fully understood, the individual can easily repair the conversation. Pronunciation may be obviously foreign. Individual sounds are accurate: but stress, intonation and pitch control may be faulty. **Examples:** Can typically discuss particular interests and special fields of competence with reasonable ease. Can use the language as part of normal professional duties such as answering objections, clarifying points, justifying decisions, understanding the essence of challenges, stating and defending policy, conducting meetings, delivering briefings, or other extended and elaborate informative monologues. Can reliably elicit information and informed opinion from native speakers. Structural inaccuracy is rarely the

major cause of misunderstanding. Use of structural devices is flexible and elaborate. Without searching for words or phrases, the individual uses the language clearly and relatively naturally to elaborate concepts freely and make ideas easily understandable to native speakers. Errors occur in low-frequency and highly complex structures. (Has been coded S-3 in some nonautomated applications.) [Data Code 30]

International standards for interpretation and translation:

The current standard for interpretation services (under revision):

http://www.saludycultura.uji.es/archivos/ASTM_F2089-Stand_Guide_Lang_Interp_Services_%28EEUU%29.pdf.

For sale: <http://www.astm.org/Standards/F2089.htm>. ASTM International Standard F2575-06: Standard Guide for Quality Assurance in Translation, also available.

There are credentials that need some cloaking to protect the interpreter or translator. These are the result of training and testing by the U. S. Dept. of Defense, the FBI, etc. There are probably quite a few of these professionals in Hawaii, formerly employed in surveillance. They would benefit from being able to take tests that can be comfortably presented to the public as credentials.

Major national interpreter and translator professional organizations:

American Translators Association (ATA)

http://www.atanet.org/certification/aboutcert_overview.php

National Association of Judiciary Interpreters and Translators (NAJIT)

<http://www.najit.org/>

Certification Commission for Healthcare Interpreters (CCHI)

<http://www.healthcareinterpretercertification.org/>

National Board of Certification for Medical Interpreters (NBCMI)

<http://www.certifiedmedicalinterpreters.org/>

There are limited circumstances where an interpreter or translator does not need to know English—when working as part of a relay team. Relays are used for situations where a person may speak a language of extremely limited diffusion, such as an indigenous language of the

Americas. The first interpreter might work from the indigenous language to Spanish, and the second interpreter from Spanish to English. In Hawaii, one interpreter might work from Tahitian to French, and another from French to English.

Language proficiency testing:

Minimum testing requirements: Written proficiency for translators, oral proficiency for interpreters.

Extensive list of language testing agencies as of 2008:

http://www.hablamosjuntos.org/newsletters/2008/june/pdf/langtestingoptions_06-23-08.pdf

Some major testing agencies: ALTA <http://www.altalang.com/language-testing/government.html>, <http://www.altalang.com/language-testing/qualified-bilingual-staff.html>; LTI <http://www.languagetesting.com/>; Second Language Testing, Inc. (previously Berlitz) <http://2lti.com/>; Versant <http://www.versanttest.com/>.

The Hawaii Judiciary is already using the tests given by one of these companies.

<http://www.lionbridge.com/>

The Hawaii Judiciary certification program requires 16 hours of training. Nationally there is agreement that healthcare interpreters should have a *minimum* of 40 hours of training. Both of the major healthcare interpreter testing entities require documented proof of 40 hours of training to be eligible for interpreter testing.

For a very few languages, a test of proficiency in the LOTE may not yet be available.

However, these can and should be developed for languages in significant demand in Hawaii.

On disrespectful treatment of translators, see “*Snappy Answers (to Stupid Comments about Translation)*.” <http://nopeanuts.wordpress.com/nopeanuts-humor/snappy-answers/>. Accessed on March 7, 2013.

On problems with low rates of pay for translators, see “*Are bad translators driving out the good? – Luigi Muzii and Sir Thomas Gresham*,” an interview of Luigi Muzii. <http://nopeanuts.wordpress.com/2012/09/26/bad-translators-driving-out-good/> Accessed on March 7, 2013.

Gresham's Law: "When the government reduced the amount of copper in the pennies it produced, we saw that bad money drives out good; everyone saved copper pennies and only spent the less pure ones. Ever since cheap, flimsy furniture began to be manufactured in large quantities, it has been very difficult to find solid, well-made furniture. Bad craftsmanship, like bad money, drives out good." Sir Thomas Gresham (c. 1519 – 21 November 1579).

On how Hawaii might proceed, see Nataly Kelly, "*Interpreter Certification Programs in the U.S. Where Are We Headed?*" http://atanet.org/chronicle/feature_article_january2007.php.

"Attempting to define a level of interpreter below that of a "certified interpreter" is problematic and unworkable." From Chapter 10, "Model Court Interpreter Act," **Court Interpretation: Model Guides for Policy and Practice in the State Courts**, State Justice Institute, 1995.