

Language Access in State Courts

New Jersey Summary

A. Provides interpreters free of charge to all LEP litigants and witnesses in all civil proceedings?

1. Ensures a statewide mandate is in place covering all civil proceedings? *Yes.*

Pursuant to a statewide directive issued by the New Jersey Judiciary, a court interpreter should be assigned to proceedings in Superior Court and Tax Court for any LEP person.¹

2. Does not charge for interpreters in civil proceedings? *Yes.*

Funding for the New Jersey court interpreter program comes from general state appropriations for county courts.² The Judiciary bears all costs for interpretive services in the Superior and Tax Courts.³

3. Ensures that all LEP individuals receive interpreters in civil proceedings: Has clear guidelines for appointment, or provides an interpreter whenever one is requested? *Yes.*

Pursuant to New Jersey Judiciary's Interpreter Standards, issued by the New Jersey Judiciary, an interpreter should be presumed necessary whenever an individual, or his or her attorney, informs the court that the individual "is unable to understand or communicate readily in the English language."⁴ The Interpreter Standards advise assignment of an interpreter in all court-connected proceedings for any LEP party or witness "whenever a failure communication may have significant negative repercussions."⁵

A judge may reject a request for a court interpreter only when the presumption that an interpreter is necessary is rebutted with substantial evidence.⁶ However, the former court interpreter program administrator reported that all requests should be viewed as bona fide and not be rejected.⁷

B. Ensures that interpreters are competent by testing before appointing an interpreter in civil proceedings? *No. Although there appears to be rigorous assessment of the credentials and abilities of all interpreters on the Registry of Interpreting Resources, in unusual situations judges can use an interpreter who is not on the Registry, and there is no requirement that anyone assess the credentials of such interpreters.*

¹ N.J. Jud., Dir. #3-04, Std. 1.2, From Richard J. Williams to Assignment Judges, Stds. for Delivering Interpreting Services In the New Jersey Judiciary, available at http://www.judiciary.state.nj.us/directive/personnel/dir_03_04.pdf.

² *Id.*

³ *Id.*

⁴ *Id.*, Comment to Std. 1.1.

⁵ *Id.*, Std. 1.2.

⁶ N.J. Jud., Dir. #3-04, Comment to Std. 1.1.

⁷ Interview with Robert Joe Lee, then-Court Executive, Language Services Section, N.J. Admin. Office of the Cts. (Oct. 4, 2007).

The Interpreter Standards require courts to use interpreters on the “Registry of Interpreting Resources” maintained by the New Jersey Administrative Office of Courts, if those interpreters are available.⁸ All interpreters in the Registry are classified in one of three categories: two levels of approval (“Master” and “Journeyman”) and a probationary or trainee level called “Conditionally Approved”). “Conditionally approved” interpreters can be used only when there are no “master approved” or “journeyman” approved interpreters for that language, or when “substantial effort has failed to locate” such an interpreter.⁹ All interpreters in the Registry must attend a one-day orientation and pass a written test assessing knowledge of English vocabulary, court-related terminology and procedure, and ethics/protocol.¹⁰

Whether interpreters must take an oral proficiency exam, what that exam tests, and how they are classified depends on the language in which they work. Interpreters who work in languages for which there is an oral performance exam are classified on the basis of their test scores on both the oral and written exams:

- “Master” interpreters are those who have achieved 80% or higher on each section of the oral exam and 85% or higher on the written exam;
- “Journeyman” interpreters are those who have achieved 70% or higher on each section of the oral exam and 80% or higher on the written exam;
- “Conditionally approved” interpreters are those who have achieved 50% or higher on each section of the oral exam, with an overall average of at least 55%, plus a score of 70% or higher on the written exam.¹¹

Notably, for some languages the oral performance exam assesses proficiency with simultaneous, sight and consecutive modes of interpreting. For some languages, the exam assesses only one or two of these modes.¹²

Interpreters who work in other languages are classified on the basis of five criteria: scores on the written test, scores on a separate test of oral English pronunciation and fluency, experience, training in interpretation, and related testing (if any). Once interpreters complete these requirements, then they may be included in the Registry, at which point they become eligible to provide contract interpreting services.¹³

In the “unusual situation” in which no Registry interpreter is available, an interpreter provided by an agency is used. In such situations, individual judges should, but are not required to, conduct a *voir dire* to certify an interpreter as an expert.¹⁴

New Jersey is a member of the Consortium for State Court Interpreter Certification.¹⁵ It administers its own interpreter certification program but accepts test scores from the exams of

⁸ N.J. Jud., Dir. #3-04, Std. 1.3.

⁹ *Id.*, Comment to Std. 1.3.

¹⁰ N.J. Jud., *Becoming a NJ Court Interpreter in a Spoken Language*, available at <http://www.judiciary.state.nj.us/interpreters/intro.htm>; N.J. Jud., *Overview of the Written Exam for Prospective Court Interpreters*, p. 1, available at <http://www.judiciary.state.nj.us/interpreters/examover.pdf>. Interpreters who were placed on the Registry prior to 2005 were not required to attend the orientation or pass the written test. N.J. Jud., *Overview of the Registry of Interpreting Resources*, pp. 2-3, available at http://www.judiciary.state.nj.us/interpreters/registry_overview.pdf.

¹¹ N.J. Jud., *Overview of the Registry of Interpreting Resources*, *supra*, pp. 2-3.

¹² N.J. Jud., *Overview for Examinees Interested in Taking a Court Interpreter Performance Examination in New Jersey*, p. 4, available at <http://www.judiciary.state.nj.us/interpreters/testover.pdf>.

¹³ N.J. Jud., *Overview of the Registry of Interpreting Resources*, *supra*, pp. 2-3.

¹⁴ N.J. Jud., Dir. #3-04, Std.1.3.

other Consortium states.¹⁶ Reciprocity may be offered to interpreters who have attained test scores in other Consortium states equal to or higher than the scores required for approval in New Jersey, so long as the exam is itself a Consortium exam and the candidate has not initiated the court interpreter credentialing process in New Jersey.¹⁷

Note: This description of New Jersey's court interpreter program applies only to the state's superior and tax courts. There are no interpreter requirements covering Municipal Court, which handles matters such as parking ticket violations, minor criminal offenses, and municipal ordinance or fish and game violations.

The Brennan Center for Justice report, Language Access in State Courts, contains guidelines for the provision of court interpreters in civil cases. It also contains aggregate information – in the form of United States maps – regarding the extent to which the 35 states with the highest proportion of limited English proficient people (as a percentage of population) comply with the guidelines regarding providing interpreters in all civil cases and providing them free of charge.

This series of “state summaries” contains additional, detailed information about the extent to which the 35 states comply with those guidelines, and with the guideline regarding ensuring that interpreters are competent.

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¹⁵ National Center for State Courts, Consortium for State Court Interpreter Certification, Consortium Member States, available at http://www.ncsconline.org/D_Research/CourtInterp/Res_CtInte_ConsortMemberStatesMay07.pdf.

¹⁶ N.J. Jud., Becoming a NJ Court Interpreter in a Spoken Language – Frequently Asked Questions, available at <http://www.judiciary.state.nj.us/interpreters/faq.htm>.

¹⁷ *Id.* at 2. The other state's exam must have been given after the state became a member of the Consortium, and the person must not have already started the testing process in New Jersey.