

Agenda

Court Interpreter Committee

October 28, 2011
12:00 to 1:30 p.m.

Administrative Office of the Courts
Scott M. Matheson Courthouse
450 South State Street
Judicial Council Room, Suite N31

Welcome and approval of minutes	Tab 1	Judge Vernice Trease
Interpreters in District Court and Juvenile Court	Tab 2	Tim Shea
Approved interpreter qualifications	Tab 3	Luther Gaylord
2012 meeting schedule		See below

Committee Web Page: <http://www.utcourts.gov/committees/CourtInterpreter/>

Meeting Schedule: Matheson Courthouse, Judicial Council Room, 12:00 to 1:30 unless otherwise stated.

January 27, 2012 (Conference Room B/C, Suite W19)

April 27, 2012 (Education Room)

July 27, 2012

October 26, 2012

Tab 1

Meeting Date		Court Interpreter Committee	
July 29, 2011		Judicial Council Room	
Members Present		Member Excused	
Greg Johnson		Deborah Kreek Mendez	
Jennifer Storrer		Judge Noonan	
Ghulam Hasnain		Daryl Hague	
Dinorah Padro			
Wendell Roberts			
Craig Johnson			
Luther Gaylord			
Judge Romney			
Maureen Magagna			
Judge Trease			
Staff: Rosa Oakes			
Guests:			
Topic: Approve minutes of May 20, 2011			
Discussion: Craig Johnson moved to approve the minutes. Maureen Magagna seconded the motion.			
Motion:			
Vote: Yes		No	Abstain
			Motion: Passed
Topic: Review of Application Denial (Appeal)		By Judge Trease	
<p>While the applicant was in the waiting area outside the meeting, Judge Trease questioned if there was anyone on the committee that would like to discuss the appeal prior to bringing in the applicant. Jennifer Storrer discussed her history with the applicant and decided not to participate in the discussion. Judge Trease brought in the applicant. The applicant stated she is not represented by counsel and will proceed on her own. The applicant states she has experience and education in sign language interpreting. The applicant distributed to the committee copies of her resume and cover letter. The applicant stated in the last 18 years she has lived an exemplary life including her interpreting skills that reach state and national level. She also states that she holds the masters level which is only held by three people in the state. She has volunteered for the past 15 years with various agencies including victims advocates. Utah State Division for the Deaf and Hard of Hearing has approved the applicant. Sego Lilly deaf center and Girl Scouts of Utah have also cleared her. She has quite a bit of leadership, including being one of eleven board members for interpreters for the deaf. She is a long-time educator for the past 12 years.</p> <p>Addressing her second degree felony conviction in 1993 when she was 18 years old. The applicant accepted a plea deal and was put on probation. She believed she would later be eligible for expungement. America-on-Line was her employer at the time. They later changed their policy to terminate employees convicted of a crime. She discussed getting an expungement with her employer so that she could retain her</p>			

employment. The applicant did not state whether she was terminated but did state her employment lasted only a few weeks.

She paid off all the restitution and completed her two year probation successfully in 1995. In 2007 she attempted an expungement. She requested to lower the felony to a class A non-violent. She was unsuccessful. She requested if this is not approved by the committee that the committee withdraw her application in its entirety so that she may pursue other avenues to include the possibility of reapplying at a later time. The committee addressed their questions with the applicant. The applicant was involved with a convenience store robbery. She was also facing aggravated kidnaping charges. Restitution was set at \$3,184. The applicant paid that in full. She stated that she never received any of the original \$3,184. that was stolen. The kidnaping involved the store clerks. The clerks were restrained in the store during the course of the robbery. The charge was aggravated robbery so the applicant assumes a weapon was used. One of her roommates did own a gun. The committee noted that the applicant had misdemeanors in 2002. The applicant stated that it was an incident with her husband. She contacted the police and believes she did not hurt her husband. Her husband was violent prior to their arrival. Her husband told the police she was the aggressor. She was required to complete a diversion. He was not charged.

The committee questioned if the applicant has interpreted for anyone in the jail system or prison. The applicant stated she had interpreted in the jail but was not required to go through a back-ground check. She stated it was in Davis County from April, 2007 and September, 2009. The applicant stated she has a masters degree and was considering law school but decided to become an interpreter. The applicant stated that there are no other convictions on her record. The applicant stated that when she spoke to the prosecutor they informed her she must go through her previous attorney. The applicant stated that she hired representation at one time but he has since passed away (John Kane). The applicant attempted in 2003 an expungement but was denied because it had previously been denied. The committee stated that her resume was "quite ample" so wondered why she would want to add court interpreting to her schedule. The applicant stated she was interested in how the police and court proceedings work. Currently she is more of an educator than an interpreter. The committee informed the applicant a decision would be made and she would be notified by a letter. The applicant left the room and discussions began. The committee is concerned with the precedence of allowing an exception for someone with a second degree felony. There is concern about the applicant having access to jail inmates with a felony conviction. There is also a concern for some of the committee members that the applicant did not accept responsibility, others felt she was heartfelt and remorseful. The committee discussed the possibility of limiting or restricting her interpretations (i.e. in the prison). The committee questioned the applicants involvement in the robbery due to the denial of her expungement. They also questioned the dollar amount being stolen was a significant amount. It was noted that the applicant did enter into a plea deal accepting her part of the crime. It was also noted that the police tracked her down, that she did not report the crime. It's important, as noted, to accept the limitations of information that is available. The committee proposed to allow the applicant to withdraw her application instead of denying it. However, the application will be kept on file. Luthor Gaylord moved to deny the appeal without prejudice. Evangeline seconded the motion. The motion to deny the review (changing of the denial of her application) and allow applicant to withdraw her application passed unanimously.

Topic: Certification Testing Results

By Rosa Oakes

The certification process is once a year capable of testing 16 languages. There were three languages tested this year. Nineteen people tested this year, the majority were Spanish, however, there was also a test done for Russian, Mandarin, and Cantonese. There is a two day orientation, and a five day skill building workshop with an out-of-state trainer. Then the applicants complete an oral exam. Five people passed the Spanish test though only one person has completed all of the requirements to be a certified interpreter. One applicant moved from Arkansas as already a certified interpreter. We reciprocate the certification with 48 other states. We now have a Russian certified interpreter. The applicant who tested for Mandarin and Cantonese did not pass the simultaneous. She can come back next year for that test only. She successfully passed the other tests. The newly certified interpreters will be on the website shortly. The list has been provided to the webmaster. They are encouraged to get a blue badge as soon as possible to properly identify themselves in court.

Topic: Remote Interpreting Update

By Rosa Oakes

There has been an expansion. Vernal has been active with remote hearings with positive feedback. The setbacks are simple operating errors (i.e. headsets, log-on identification). Vernal contacted on an emergency basis for an interpreter. These glitches need to be identified and corrected. The committee realized that this is an occurrence that will happen from time to time. The red headsets are for the defendant. Overall the returned comments were positive. There is a preference for face to face interpreting but they are satisfied with the remote use as well. Roosevelt courthouse is being wired and should be up and running soon. Richfield's remote system is incorporated in their sound system. Interpreters are getting good experience in toggling the system between listening and responding to the attorneys and judges.

Topic: Staff Interpreters

By Evangelina Burrows

There are two staff interpreters. They are available from 8:00 a.m. to 5:00 p.m. This has been fantastic for courts who have unexpected needs including juvenile court, district court and legal aid. The interpreters said they are welcomed by the clerks and bailiffs. Their experience has been positive. The staff interpreters spend approximately 70% of their time in the courtroom. They are spending 15% to 20% filling in and translation work. This has been very helpful especially now that we are getting civil matters. They have not been outsourced to other courthouses. They are both very responsive. Frank Chavez is an opera singer who enjoys singing in the court from the 5th floor early in the morning.

Topic: Outreach Action Plan

By Judge Vernice Trease

Interpreters in uncommon languages and public right to interpreters. The word needs to be spread that these services are available for multiple types of scenarios. A

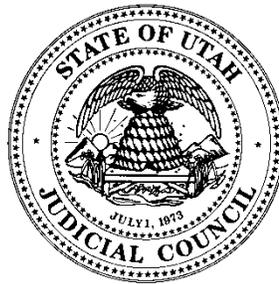
suggestion was made to hand out cards with information on them. Contact with the Office of Refugee Services needs to be made. The NGO's typically choose to use their in-house interpreters, however contact needs to be made. Please email any suggestions you have to Rosa Oakes. Rosa and Jennifer has made great progress with the ASL program. The ADA has different rules that need to apply. Radio spots have been considered but with budget restrictions this is not possible for now. KRCL public service announcements may be at no-cost. They are a non-profit and need to be approached.

Tab 2



Utah State Courts

Interpreters in the Trial Courts of Record 2009 – 2011



Report to the Utah Judicial Council
October 24, 2011

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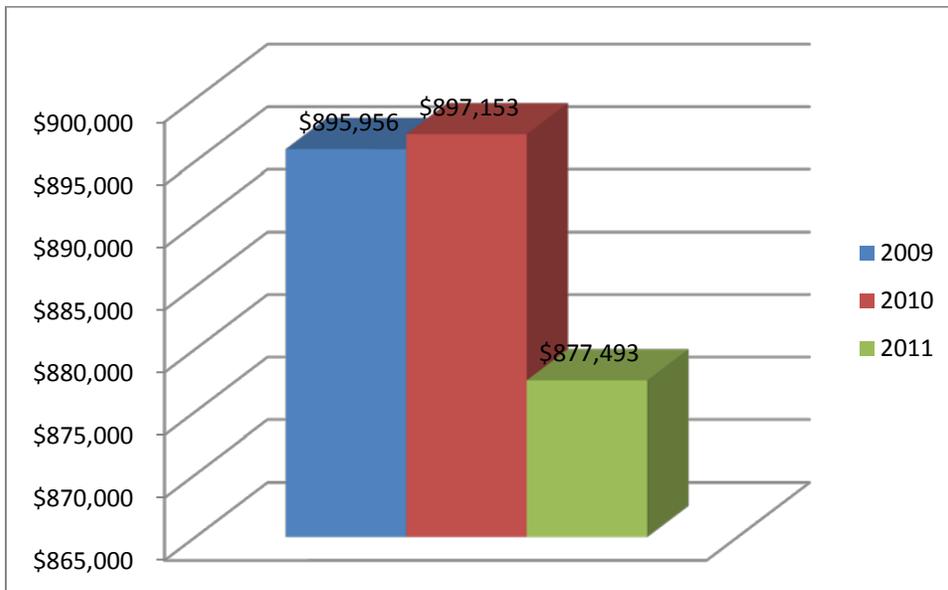
(1) Hispanic or Latino Population^[ts1]

County	Hispanic or Latino	Non Hispanic or Latino
Salt Lake	17%	83%
Weber	17%	83%
Wasatch	14%	86%
Millard	13%	87%
Carbon	12%	88%
Summit	12%	88%
Tooele	11%	89%
Beaver	11%	89%
Utah	11%	89%
Cache	10%	90%
Washington	10%	90%
Grand	10%	90%
Sanpete	9%	91%
Davis	8%	92%
Box Elder	8%	92%
Iron	8%	92%
Uintah	7%	93%
Piute	7%	93%
Duchesne	6%	94%
Emery	6%	94%
Garfield	5%	95%
Sevier	4%	96%
San Juan	4%	96%
Rich	4%	96%
Wayne	4%	96%
Juab	4%	96%
Kane	4%	96%
Daggett	3%	97%
Morgan	2%	98%
State	13%	87%

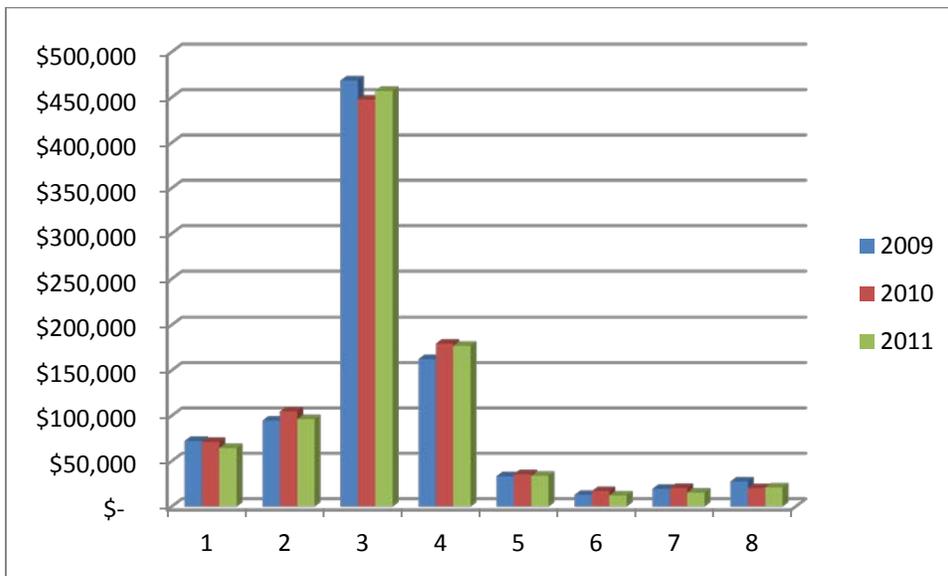
Source: U.S. Census Bureau

(2) Total Payments to Interpreters

(a) State [ts2]



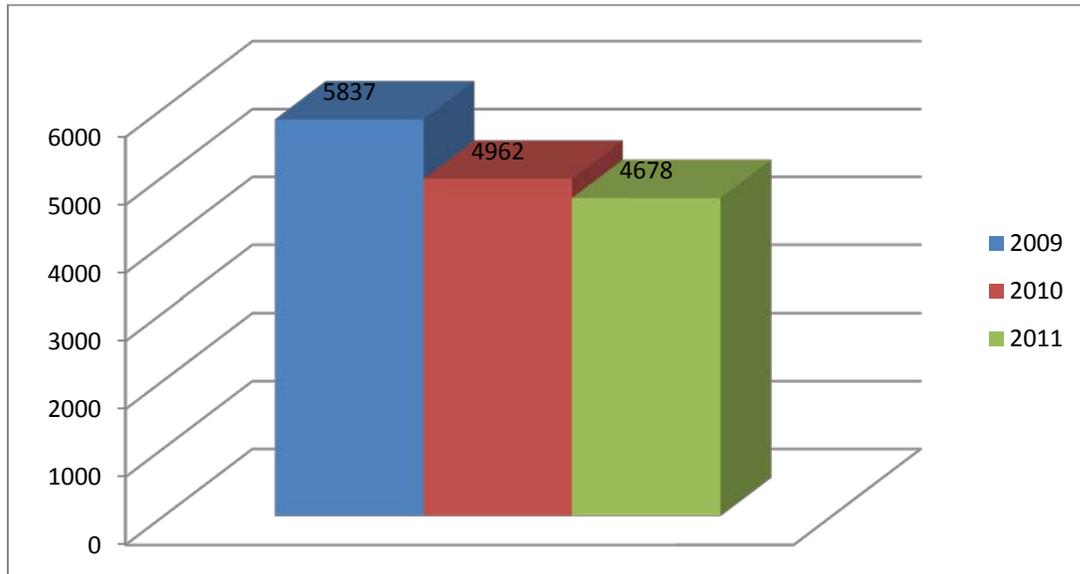
(b) Judicial Districts [ts3]



Source: FINET

(3) Assignments (District Court) [ts4]

(one interpreter; one case)



Source: CORIS

(4) All Languages [ts5]

Language	2009	2010	2011
Spanish	87.48%	85.55%	85.91%
ASL	2.40%	4.59%	3.95%
Arabic	1.59%	1.53%	1.39%
Vietnamese	1.60%	1.50%	1.30%
Tongan	1.01%	1.21%	0.86%
Somali	0.38%	0.43%	0.63%
Mandarin	0.07%	0.04%	0.49%
Portuguese	0.17%	0.43%	0.49%
Russian	0.68%	0.25%	0.46%
Laotian	0.38%	0.47%	0.44%
French	0.27%	0.28%	0.43%
Swahili	0.08%	0.17%	0.38%
Dinka	0.11%	0.23%	0.38%
Bosnian	0.47%	0.53%	0.37%
Korean	0.43%	0.25%	0.35%
Samoan	0.41%	0.73%	0.27%
Burmese	0.11%	0.16%	0.26%
Farsi	0.37%	0.15%	0.26%
Thai	0.03%	0.07%	0.19%
Kirundi	0.04%	0.07%	0.18%
Cantonese		0.03%	0.14%

Language	2009	2010	2011
Navajo	0.43%	0.37%	0.13%
Nuer	0.10%	0.08%	0.12%
Cambodian	0.48%	0.15%	0.11%
Japanese		0.06%	0.07%
Chuukese	0.04%	0.03%	0.07%
Urdu	0.03%		0.05%
Tigrigna	0.07%	0.05%	0.05%
Nepalese	0.02%	0.02%	0.03%
Hmong			0.03%
Panjabi	0.01%	0.07%	0.03%
Hindi	0.06%	0.07%	0.02%
Tagalog	0.02%	0.14%	0.02%
Tibetan	0.04%	0.04%	0.02%
Mongolian	0.01%	0.01%	0.02%
Maay			0.02%
Liberian	0.01%	0.02%	0.02%
Albanian	0.02%		0.02%
Ewe			0.02%
Armenian		0.02%	0.01%
Marshallese	0.08%	0.03%	0.009%
German		0.01%	0.006%
Mabaan	0.01%	0.01%	0.006%

Language	2009	2010	2011
Croatian	0.00%		0.004%
Zigula	0.05%	0.01%	0.003%
Amharic	0.02%	0.02%	
Chinese	0.32%	0.08%	
Czech	0.01%		
Indonesian	0.01%	0.02%	
Italian	0.05%		
Karen		0.01%	

Language	2009	2010	2011
Krahn		0.00%	
Mai Mai		0.01%	
Romanian	0.03%	0.02%	
Swedish	0.00%		
Yapese		0.01%	
Yupik	0.01%		

Source: FINET

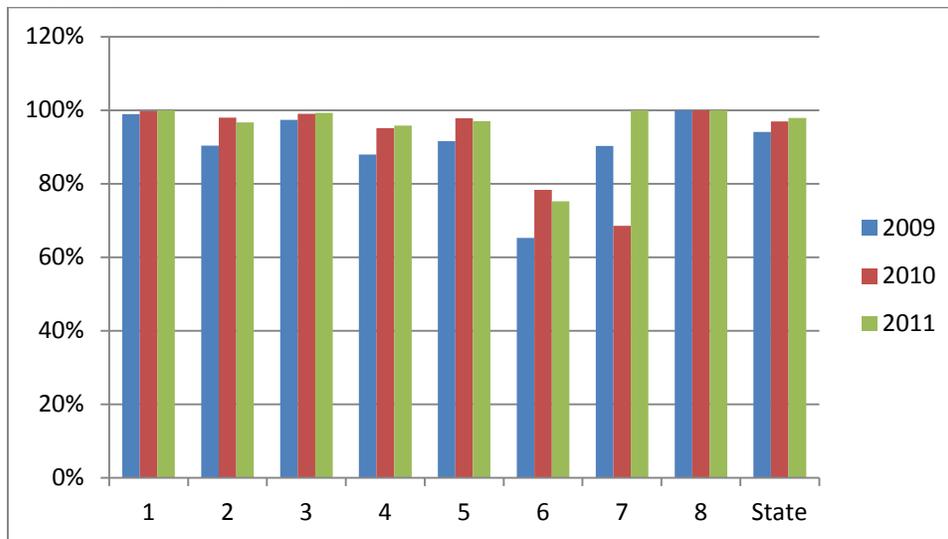
(5) Travel Reimbursement^[ts6]

	Amount	% of Total Cost
FY2011 Estimate	\$88,323	10%

Source: FINET (5 months of data)

(6) Interpreter Credentials

(a) Spanish Certified^[ts7]



Source: FINET

(b) Languages Other than Spanish^[ts8]

Language	Certified				Approved				Conditionally Approved			
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
Albanian					0%	0%		0%	100%	100%		100%
Amharic					0%	0%	0%		100%	100%	100%	
Arabic					97%	92%	88%	94%	3%	8%	12%	6%
Armenian							69%	73%			31%	27%
Bosnian					95%	95%	95%	100%	5%	5%	5%	0%
Bulgarian					0%				100%			
Burmese					74%	39%	96%	86%	26%	61%	4%	14%

Language	Certified				Approved				Conditionally Approved			
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
Cambodian					98%	100%	100%	100%	2%	0%	0%	0%
Cantonese					100%		100%	45%	0%		0%	55%
Chinese					100%	100%	100%		0%	0%	0%	
Chuukese					0%	0%	0%	0%	100%	100%	100%	100%
Croatian					0%	0%		100%	100%	100%		0%
Czech						100%				0%		
Dinka					0%	0%	0%	0%	100%	100%	100%	100%
Ewe								0%				100%
Farsi					69%	46%	93%	84%	31%	54%	7%	16%
French					100%	97%	100%	100%	0%	3%	0%	0%
German					90%		40%	100%	10%		60%	0%
Gujarati					0%				100%			
Hindi					86%	38%	100%	54%	14%	62%	0%	46%
Hmong								0%				100%
Indonesian						0%	0%			100%	100%	
Italian					100%	100%			0%	0%		
Japanese					0%		95%	51%	100%		5%	49%
Karen							0%				100%	
Kirundi					0%	0%	0%	0%	100%	100%	100%	100%
Korean					85%	99%	86%	98%	15%	1%	14%	2%
Krahn							0%				100%	
Laotian					82%	74%	86%	99%	18%	26%	14%	1%
Liberian						0%	0%	0%		100%	100%	100%
Maay							0%	0%			100%	100%
Mabaan					0%	0%	0%	0%	100%	100%	100%	100%
Mandarin					91%	100%	78%	75%	9%	0%	22%	25%
Marshallese					100%	100%	100%	100%	0%	0%	0%	0%
Mende					0%				100%			
Mongolian					0%	0%	0%	0%	100%	100%	100%	100%
Navajo	85%	58%	71%	52%		6%	0%	36%	15%	35%	29%	13%
Nepalese						0%	0%	0%		100%	100%	100%
Nuer					0%	0%	0%	0%	100%	100%	100%	100%
Panjabi					74%	0%	83%	0%	26%	100%	17%	100%
Pohnpeian					0%				100%			
Polish					0%				100%			
Portuguese					100%	100%	96%	99%	0%	0%	4%	1%
Romanian						0%	0%			100%	100%	
Russian					100%	100%	98%	100%	0%	0%	2%	0%
Samoan					1%	2%	21%	0%	99%	98%	79%	100%
Somali					98%	65%	60%	66%	2%	35%	40%	34%
Swahili					0%	0%	0%	0%	100%	100%	100%	100%
Swedish						0%				100%		
Tagalog					0%	0%	0%	0%	100%	100%	100%	100%

Language	Certified				Approved				Conditionally Approved			
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
Thai						0%	27%	90%		100%	73%	10%
Tibetan					0%	0%	0%	0%	100%	100%	100%	100%
Tigrigna						51%	76%	100%		49%	24%	0%
Tongan					93%	97%	97%	99%	7%	3%	3%	1%
Urdu						0%		22%		100%		78%
Vietnamese	79%	80%	77%	78%	18%	9%	16%	15%	3%	11%	8%	8%
Yapese							0%				100%	
Yupik						0%				100%		
Zigula						0%	0%	0%		100%	100%	100%
Total					77%	77%	73%	73%	23%	23%	27%	27%

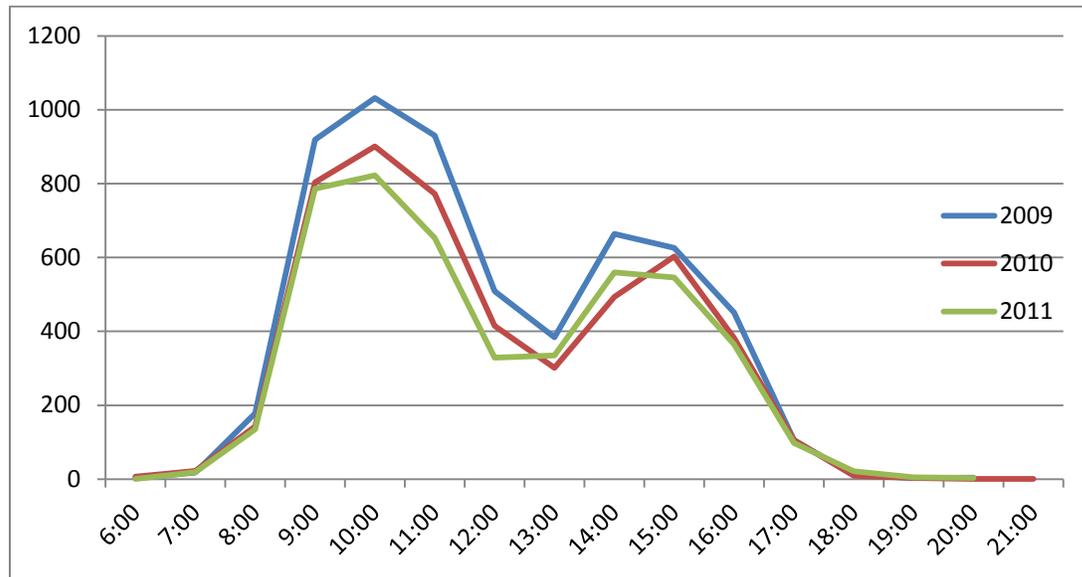
Source: FINET

(c) Credentials by Case Type (District Court^(ts9))

Casetype	Certified			Approved		
	2009	2010	2011	2009	2010	2011
Cohabitant Abuse	50	26	46	7	3	1
Conservatorship			7			
Custody and Support	3	2	4			
Debt Collection			2			
Divorce	2	1	4			
Eviction	1		2			
Felony	3861	3449	3270	230	114	62
Guardianship			4			
Infraction	3	1		2		
Miscellaneous		1	3			
Misdemeanor	725	564	473	91	42	10
Misdemeanor DUI	201	127	83	24	8	1
Name Change			3			
Parking	2					
Post Conviction Relief	1	1				
Stalking	2	3	2	3		
Traffic	114	155	144	31	21	15
Trial De Novo			1			

Source: CORIS

(7) Interpreter Scheduling^[ts10]



(8) Webpage Translations

The current list of Spanish language webpages is at: <http://www.utcourts.gov/howto/sp/>. There are 18 webpages; one-third of those have been added during 2011. There are associated forms in Spanish for small claims and cohabitant abuse. The Council allocates about \$5,000 per year for translations.

(9) 2011 Policy Changes

- Provide interpreters in civil cases
- Test for “approved” credentials

(10) Remote Interpreting Pilot Program

Since October 2010, the courts in Vernal and Richfield have used special remote interpretation equipment to interpret some hearings. Remote interpretation equipment was installed in Roosevelt and Moab in June 2011. Remote interpretation equipment is telephone-based technology that allows the interpreter to hear what is being said in the courtroom and toggle between interpreting for: the party or witness; the public; and an attorney/client conversation. The interpreter can use any telephone, and the courts have a remote interpretation office, with a telephone and a computer, in the Matheson Courthouse.

Interpreters are reimbursed for travel expenses and paid a minimum fee based on the distance traveled to the hearing. For example, if an interpreter travels 0 - 24 miles to a 15 minute hearing, the interpreter is paid for one hour; if an interpreter travels 75 or more miles to the same hearing, the interpreter is paid for four hours. So eliminating or reducing travel means:

- Reduced minimum fee for short hearings
- No or reduced travel reimbursement

From January 1 through June 30, 2011 the courts in Vernal had 19 assignments remotely interpreted. All of the assignments were an hour or less. The courts assigned their favorite interpreter, who is from Ogden. For each assignment, the interpreter would have driven 416 miles, qualifying for a minimum fee of \$154.52 and mileage reimbursement of 210.08. Instead, the interpreter did not drive anywhere, qualifying for a minimum fee of \$38.63 and no mileage reimbursement. Total savings for one location for six months: \$6,193.

The capital cost of the equipment is approximately \$5,000 or \$15,000, depending on the vendor. The courts have purchased at least one system from each of two vendors to compare systems. The primary continuing cost is the cost of the analogue telephone lines. The current systems do not work with digital telephone lines.

The primary concern with remote interpretation equipment is quality. Participants periodically report equipment issues and user errors; hearings are a less efficient because the interpreter cannot use normal visual cues. The cumulative issues mean that remote interpretation is probably not appropriate for trials and longer hearings.

A full report with recommendations will be delivered in the future.

(11) Staff Interpreter Pilot Program

Since April 2011, the Third Judicial District has employed two full-time staff interpreters on a one-year basis. The salary is \$30.00 per hour (\$45.00 for overtime) with no benefits compared to \$38.63 per hour and no benefits for a contract interpreter.

The benefit of employment to the interpreter is full-time work, albeit at a lower rate, and the possibility of overtime pay. The benefits to the court are:

- Reduced fee for regular assignments
- No minimum fee for short assignments
- No travel reimbursement
- Services available only from an interpreter on-site full time

Preliminary measurements show that staff interpreters have saved approximately \$8,900¹ so far. Some of that savings is from work that would not have been done but for the availability of a staff interpreter, but a staff interpreter has costs that do not apply to a contract interpreter. A full report with recommendations will be delivered in the future.

¹ The savings probably is a little more. We do not have the assignment data for one of the staff interpreters for the initial two months of the program. We have not yet tried to measure the savings from avoiding the cost of a contract interpreter's travel reimbursement and minimum fee based on the distance traveled.

Time Category	Hours	Cost of Staff Interpreter	Cost of Contract Interpreter	Savings
Regular (Assignments that would normally be filled by contract interpreters.)	1197	\$35,895	\$46,221	\$10,326
Fill In (Contract interpreter fails to appear; last minute need.)	26	\$775	\$998	\$223
Services that would not have been performed but for the availability of a staff interpreter.				
Translations (Webpages, forms, case related documents)	166	\$4,973	\$6,403	\$1,430
Walk In (Front counter; Law Library; Legal Aid Society)	11	\$323	\$415	\$93
Remote Interpretation	0			
Costs not associated with a contract interpreter.				
Administrative	17	\$495	\$0	\$(495)
Holiday/Leave	91	\$2,715	\$0	\$(2,715)
Total				\$8,862

(12) Interpreter Recruitment

During FY 2011 the courts added two certified Spanish interpreters and several registered Spanish interpreters. An interpreter registered in Russian has become certified. An interpreter registered in Mandarin has become approved. However, we have been unable to recruit interpreters in other languages. We must continue this effort. If there are no certified, approved or registered interpreters in a language, the person appointed must be vetted and approved on a case-by-case basis, which is more time-consuming. Moreover, the ability to test the person's level of skill is limited.

(13) Community Outreach

- Webpage with information and forms for requesting an interpreter in English, Spanish and Vietnamese.
- Summary of right to an interpreter and how to request one in English and Spanish as part of notice of hearing forms, subpoena forms and civil coversheet.
- Summary of right to an interpreter and how to request one in English and Spanish distributed at community events that attract diverse groups.

Tab 3

CJA 3-306 currently defines a “certified interpreter” as a person who has successfully passed the examination of the Consortium for Language Access in the Courts and has fulfilled the requirements established in paragraph (3).

CJA 3-306 currently defines an "approved interpreter" as a person who has been rated as “superior” in the Oral Proficiency Interview conducted by Language Testing International and has fulfilled the requirements established in paragraph (3).

The Utah State Courts currently pay certified interpreters \$38.63 per hour. Approved interpreters are paid \$33.10 per hour.

Should the Utah State Courts accept a superior rating on the OPI (and pay those interpreters \$33.10 per hour) when the Consortium for Language Access in the Courts offers a full certification exam in that language?

Specifically, should a Spanish interpreter be paid \$33.10 per hour after passing the OPI with a superior rating? Doesn't that remove the incentive to prepare for and pass the more rigorous Consortium certification exam?

I believe that the Utah State Courts should strive to use the most qualified interpreters available. Therefore, I propose that CJA 3-306 be amended to accept OPI results as a qualification for "approved" status only in those languages where no Consortium certification is available.

Luther Gaylord
Certified Court Interpreter

ACTFL Proficiency Guidelines—Speaking *Revised 1999*

Karen E. Breiner-Sanders
Georgetown University, Middlebury College

Pardee Lowe, Jr.
U.S. Department of Defense

John Miles
Educational Testing Service

Elvira Swender
American Council on the Teaching of Foreign Languages

Preface

The ACTFL Proficiency Guidelines — Speaking (1986) have gained widespread application as a metric against which to measure learners' functional competency; that is, their ability to accomplish linguistic tasks representing a variety of levels. Based on years of experience with oral testing in governmental institutions and on the descriptions of language proficiency used by Interagency Language Roundtable (ILR), the ACTFL Guidelines were an adaptation intended for use in academia (college and university levels particularly) in the United States. For this reason, the authors of the Provisional Guidelines (1982) conflated the top levels (ILR 3-5), expanded the descriptions of the lower levels (ILR 0-1), and defined sublevels of competency according to the experience of language instructors and researchers accustomed to beginning learners. Their efforts were further modified and refined in the ACTFL Proficiency Guidelines published in 1986.

After additional years of oral testing and of interpretation of the Guidelines, as well as numerous research projects, scholarly articles, and debates, the time has come to reevaluate and

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refine the Guidelines, initially those for Speaking, followed by those for the other skills. The purposes of this revision of the Proficiency Guidelines — Speaking are to make the document more accessible to those who have not received recent training in ACTFL oral proficiency testing, to clarify the issues that have divided testers and teachers, and to provide a corrective to what the committee perceived to have been possible misinterpretations of the descriptions provided in earlier versions of the Guidelines.

An important example is the treatment of the Superior level. The ILR descriptions postulate a spectrum of proficiency abilities from 0 which signifies no functional competence, to 5 which is competence equivalent to that of a well-educated native speaker. Due to the language levels most often attained by adult learners, the ACTFL Guidelines do not include descriptions of the highest ILR levels. The ACTFL Superior level, roughly equivalent to the ILR 3 range, is thus to be seen as a baseline level; that is, it describes a particular set of functional abilities essential to that level, but not necessarily the whole range of linguistic activities that an educated speaker with years of experience in the target language and culture might attain. Keeping this distinction in mind reduces the tendency to expect the Superior speaker to demonstrate abilities defined at higher ILR levels.

For this reason, among others, the committee has broken with tradition by presenting this version of the Speaking Guidelines — in descending rather than ascending order. This top-down approach has two advantages. First, it emphasizes that the High levels are more closely related to the level above than to the one below, and represents a considerable step towards accomplishing the functions at the level above, not just excellence in the functions of the level itself. Second, it allows for fewer negatives and less redundancy in the descriptions when they refer, as they must, to the inability of a speaker to function consistently at a higher level.

Another significant change to the 1986 version of the Guidelines is found in the division of the Advanced level into the High, Mid, and Low sublevels. This decision reflects the growing need in both the academic and commercial communities to more finely delineate a speaker's progress through the Advanced level of proficiency. The new descriptors for Advanced Mid and Advanced Low are based on hundreds of Advanced-level language samples from OPI testing across a variety of languages.

The committee has also taken a slightly different approach to the presentation of these Guidelines from previous versions. The Guidelines are accompanied by a Chart of Summary Highlights intended to alert the reader to the major features of the levels and to serve as a quick reference, but not in any way to replace the full picture presented in the descriptions themselves. Indeed, at the lower levels they refer to the Mid rather than to the baseline pro-

ficiency, since they would otherwise describe a very limited profile and misrepresent the general expectations for the level.

This revision of the ACTFL Proficiency Guidelines—Speaking is presented as an additional step toward more adequately describing speaking proficiency. Whereas this effort reflects a broad spectrum of experience in characterizing speaker abilities and includes a wide range of insights as a result of on-going discussions and research within the language teaching profession, the revision committee is aware that there remain a number of issues requiring further clarification and specification. It is the hope of the committee that this revision will enhance the Guidelines' utility to the language teaching and testing community in the years to come.

Superior

Speakers at the Superior level are able to communicate in the language with accuracy and fluency in order to participate fully and effectively in conversations on a variety of topics in formal and informal settings from both concrete and abstract perspectives. They discuss their interests and special fields of competence, explain complex matters in detail, and provide lengthy and coherent narrations, all with ease, fluency, and accuracy. They explain their opinions on a number of topics of importance to them, such as social and political issues, and provide structured argument to support their opinions. They are able to construct and develop hypotheses to explore alternative possibilities. When appropriate, they use extended discourse without unnaturally lengthy hesitation to make their point, even when engaged in abstract elaborations. Such discourse, while coherent, may still be influenced by the Superior speakers' own language patterns, rather than those of the target language.

Superior speakers command a variety of interactive and discourse strategies, such as turn-taking and separating main ideas from supporting information through the use of syntactic and lexical devices, as well as intonational features such as pitch, stress and tone. They demonstrate virtually no pattern of error in the use of basic structures. However, they may make sporadic errors, particularly in low-frequency structures and in some complex high-frequency structures more common to formal speech and writing. Such errors, if they do occur, do not distract the native interlocutor or interfere with communication.

Advanced High

Speakers at the Advanced-High level perform all Advanced-level tasks with linguistic ease, confidence and competence. They are able to consistently explain in detail and narrate fully and accurately in all time frames. In addition, Advanced-High speakers handle the tasks pertaining to the Superior level but cannot sustain performance at

that level across a variety of topics. They can provide a structured argument to support their opinions, and they may construct hypotheses, but patterns of error appear. They can discuss some topics abstractly, especially those relating to their particular interests and special fields of expertise, but in general, they are more comfortable discussing a variety of topics concretely.

Advanced-High speakers may demonstrate a well-developed ability to compensate for an imperfect grasp of some forms or for limitations in vocabulary by the confident use of communicative strategies, such as paraphrasing, circumlocution, and illustration. They use precise vocabulary and intonation to express meaning and often show great fluency and ease of speech. However, when called on to perform the complex tasks associated with the Superior level over a variety of topics, their language will at times break down or prove inadequate, or they may avoid the task altogether, for example, by resorting to simplification through the use of description or narration in place of argument or hypothesis.

Advanced Mid

Speakers at the Advanced-Mid level are able to handle with ease and confidence a large number of communicative tasks. They participate actively in most informal and some formal exchanges on a variety of concrete topics relating to work, school, home, and leisure activities, as well as to events of current, public, and personal interest or individual relevance.

Advanced-Mid speakers demonstrate the ability to narrate and describe in all major time frames (past, present, and future) by providing a full account, with good control of aspect, as they adapt flexibly to the demands of the conversation. Narration and description tend to be combined and interwoven to relate relevant and supporting facts in connected, paragraph-length discourse.

Advanced-Mid speakers can handle successfully and with relative ease the linguistic challenges presented by a complication or unexpected turn of events that occurs within the context of a routine situation or communicative task with which they are otherwise familiar. Communicative strategies such as circumlocution or rephrasing are often employed for this purpose. The speech of Advanced-Mid speakers performing Advanced-level tasks is marked by substantial flow. Their vocabulary is fairly extensive although primarily generic in nature, except in the case of a particular area of specialization or interest. Dominant language discourse structures tend to recede, although discourse may still reflect the oral paragraph structure of their own language rather than that of the target language.

Advanced-Mid speakers contribute to conversations on a variety of familiar topics, dealt with concretely, with much accuracy, clarity and precision, and they convey

their intended message without misrepresentation or confusion. They are readily understood by native speakers unaccustomed to dealing with non-natives. When called on to perform functions or handle topics associated with the Superior level, the quality and/or quantity of their speech will generally decline. Advanced-Mid speakers are often able to state an opinion or cite conditions; however, they lack the ability to consistently provide a structured argument in extended discourse. Advanced-Mid speakers may use a number of delaying strategies, resort to narration, description, explanation or anecdote, or simply attempt to avoid the linguistic demands of Superior-level tasks.

Advanced Low

Speakers at the Advanced-Low level are able to handle a variety of communicative tasks, although somewhat haltingly at times. They participate actively in most informal and a limited number of formal conversations on activities related to school, home, and leisure activities and, to a lesser degree, those related to events of work, current, public, and personal interest or individual relevance.

Advanced-Low speakers demonstrate the ability to narrate and describe in all major time frames (past, present and future) in paragraph length discourse, but control of aspect may be lacking at times. They can handle appropriately the linguistic challenges presented by a complication or unexpected turn of events that occurs within the context of a routine situation or communicative task with which they are otherwise familiar, though at times their discourse may be minimal for the level and strained. Communicative strategies such as rephrasing and circumlocution may be employed in such instances. In their narrations and descriptions, they combine and link sentences into connected discourse of paragraph length. When pressed for a fuller account, they tend to grope and rely on minimal discourse. Their utterances are typically not longer than a single paragraph. Structure of the dominant language is still evident in the use of false cognates, literal translations, or the oral paragraph structure of the speaker's own language rather than that of the target language.

While the language of Advanced-Low speakers may be marked by substantial, albeit irregular flow, it is typically somewhat strained and tentative, with noticeable self-correction and a certain 'grammatical roughness.' The vocabulary of Advanced-Low speakers is primarily generic in nature.

Advanced-Low speakers contribute to the conversation with sufficient accuracy, clarity, and precision to convey their intended message without misrepresentation or confusion, and it can be understood by native speakers unaccustomed to dealing with non-natives, even though this may be achieved through repetition and restatement. When attempting to perform functions or handle topics

associated with the Superior level, the linguistic quality and quantity of their speech will deteriorate significantly.

Intermediate High

Intermediate-High speakers are able to converse with ease and confidence when dealing with most routine tasks and social situations of the Intermediate level. They are able to handle successfully many uncomplicated tasks and social situations requiring an exchange of basic information related to work, school, recreation, particular interests and areas of competence, though hesitation and errors may be evident.

Intermediate-High speakers handle the tasks pertaining to the Advanced level, but they are unable to sustain performance at that level over a variety of topics. With some consistency, speakers at the Intermediate High level narrate and describe in major time frames using connected discourse of paragraph length. However, their performance of these Advanced-level tasks will exhibit one or more features of breakdown, such as the failure to maintain the narration or description semantically or syntactically in the appropriate major time frame, the disintegration of connected discourse, the misuse of cohesive devices, a reduction in breadth and appropriateness of vocabulary, the failure to successfully circumlocute, or a significant amount of hesitation.

Intermediate-High speakers can generally be understood by native speakers unaccustomed to dealing with non-natives, although the dominant language is still evident (e.g. use of code-switching, false cognates, literal translations, etc.), and gaps in communication may occur.

Intermediate Mid

Speakers at the Intermediate-Mid level are able to handle successfully a variety of uncomplicated communicative tasks in straightforward social situations. Conversation is generally limited to those predictable and concrete exchanges necessary for survival in the target culture; these include personal information covering self, family, home, daily activities, interests and personal preferences, as well as physical and social needs, such as food, shopping, travel and lodging.

Intermediate-Mid speakers tend to function reactively, for example, by responding to direct questions or requests for information. However, they are capable of asking a variety of questions when necessary to obtain simple information to satisfy basic needs, such as directions, prices and services. When called on to perform functions or handle topics at the Advanced level, they provide some information but have difficulty linking ideas, manipulating time and aspect, and using communicative strategies, such as circumlocution.

Intermediate-Mid speakers are able to express personal meaning by creating with the language, in part by com-

binning and recombining known elements and conversational input to make utterances of sentence length and some strings of sentences. Their speech may contain pauses, reformulations and self-corrections as they search for adequate vocabulary and appropriate language forms to express themselves. Because of inaccuracies in their vocabulary and/or pronunciation and/or grammar and/or syntax, misunderstandings can occur, but Intermediate-Mid speakers are generally understood by sympathetic interlocutors accustomed to dealing with non-natives.

Intermediate Low

Speakers at the Intermediate-Low level are able to handle successfully a limited number of uncomplicated communicative tasks by creating with the language in straightforward social situations. Conversation is restricted to some of the concrete exchanges and predictable topics necessary for survival in the target language culture. These topics relate to basic personal information covering, for example, self and family, some daily activities and personal preferences, as well as to some immediate needs, such as ordering food and making simple purchases. At the Intermediate-Low level, speakers are primarily reactive and struggle to answer direct questions or requests for information, but they are also able to ask a few appropriate questions.

Intermediate-Low speakers express personal meaning by combining and recombining into short statements what they know and what they hear from their interlocutors. Their utterances are often filled with hesitancy and inaccuracies as they search for appropriate linguistic forms and vocabulary while attempting to give form to the message. Their speech is characterized by frequent pauses, ineffective reformulations and self-corrections. Their pronunciation, vocabulary and syntax are strongly influenced by their first language but, in spite of frequent misunderstandings that require repetition or rephrasing, Intermediate-Low speakers can generally be understood by sympathetic interlocutors, particularly by those accustomed to dealing with non-natives.

Novice High

Speakers at the Novice-High level are able to handle a variety of tasks pertaining to the Intermediate level, but are unable to sustain performance at that level. They are able to manage successfully a number of uncomplicated communicative tasks in straightforward social situations. Conversation is restricted to a few of the predictable topics necessary for survival in the target language culture, such as basic personal information, basic objects and a limited number of activities, preferences and immediate needs. Novice-High speakers respond to simple, direct questions or requests for information; they are able to ask only a very few formulaic questions when asked to do so.

Novice-High speakers are able to express personal meaning by relying heavily on learned phrases or recombinations of these and what they hear from their interlocutor. Their utterances, which consist mostly of short and sometimes incomplete sentences in the present, may be hesitant or inaccurate. On the other hand, since these utterances are frequently only expansions of learned material and stock phrases, they may sometimes appear surprisingly fluent and accurate. These speakers' first language may strongly influence their pronunciation, as well as their vocabulary and syntax when they attempt to personalize their utterances. Frequent misunderstandings may arise but, with repetition or rephrasing, Novice-High speakers can generally be understood by sympathetic interlocutors used to non-natives. When called on to handle simply a variety of topics and perform functions pertaining to the Intermediate level, a Novice-High speaker can sometimes respond in intelligible sentences, but will not be able to sustain sentence level discourse.

Novice Mid

Speakers at the Novice-Mid level communicate minimally and with difficulty by using a number of isolated words and memorized phrases limited by the particular

context in which the language has been learned. When responding to direct questions, they may utter only two or three words at a time or an occasional stock answer. They pause frequently as they search for simple vocabulary or attempt to recycle their own and their interlocutor's words. Because of hesitations, lack of vocabulary, inaccuracy, or failure to respond appropriately, Novice-Mid speakers may be understood with great difficulty even by sympathetic interlocutors accustomed to dealing with non-natives. When called on to handle topics by performing functions associated with the Intermediate level, they frequently resort to repetition, words from their native language, or silence.

Novice Low

Speakers at the Novice-Low level have no real functional ability and, because of their pronunciation, they may be unintelligible. Given adequate time and familiar cues, they may be able to exchange greetings, give their identity, and name a number of familiar objects from their immediate environment. They are unable to perform functions or handle topics pertaining to the Intermediate level, and cannot therefore participate in a true conversational exchange.

Chart

SUMMARY HIGHLIGHTS
ACTFL PROFICIENCY GUIDELINES—SPEAKING (REVISED 1999)

SUPERIOR	ADVANCED	INTERMEDIATE	NOVICE
<p>Superior-level speakers are characterized by the ability to:</p> <ul style="list-style-type: none"> • participate fully and effectively in conversations in formal and informal settings on topics related to practical needs and areas of professional and/or scholarly interests • provide a structured argument to explain and defend opinions and develop effective hypotheses within extended discourse • discuss topics concretely and abstractly • deal with a linguistically unfamiliar situation • maintain a high degree of linguistic accuracy • satisfy the linguistic demands of professional and/or scholarly life 	<p>Advanced-level speakers are characterized by the ability to:</p> <ul style="list-style-type: none"> • participate actively in conversations in most informal and some formal settings on topics of personal and public interest • narrate and describe in major time frames with good control of aspect • deal effectively with unanticipated complications through a variety of communicative devices • sustain communication by using, with suitable accuracy and confidence, connected discourse of paragraph length and substance • satisfy the demands of work and/or school situations 	<p>Intermediate-level speakers are characterized by the ability to:</p> <ul style="list-style-type: none"> • participate in simple, direct conversations on generally predictable topics related to daily activities and personal environment • create with the language and communicate personal meaning to sympathetic interlocutors by combining language elements in discrete sentences and strings of sentences • obtain and give information by asking and answering questions • sustain and bring to a close a number of basic, uncomplicated communicative exchanges, often in a reactive mode • satisfy simple personal needs and social demands to survive in the target language culture 	<p>Novice-level speakers are characterized by the ability to:</p> <ul style="list-style-type: none"> • respond to simple questions on the most common features of daily life • convey minimal meaning to interlocutors experienced with dealing with foreigners by using isolated words, lists of words, memorized phrases and some personalized recombinations of words and phrases • satisfy a very limited number of immediate needs
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Court Interpreting

CONSORTIUM ORAL EXAMINATIONS READY FOR ADMINISTRATION (15 languages)

Language	Version	Comments
Arabic, Modern Standard	1	Sight and Simultaneous only
Arabic, Egyptian Colloquial	1	Consecutive only
Cantonese	1	Full examination
Chuukese	1	Abbreviated examination (funding provided by AR, HI, OR)
French	1	Full examination (Donated by NJ; conformed to Consortium specifications; FL donated funds for rater training)
Haitian Creole	1	Full examination
Haitian Creole	2	Full examination
Haitian Creole	3	Full examination
Hmong	1	Full examination
Ilocano	1	Full examination
Korean	2	Full examination
Laotian	1	Full examination
Mandarin	1	Full examination
Marshallese	1	Abbreviated exam (funding provided by AR, HI, OR)
Polish	1	Full examination (Donated by NJ; conformed to Consortium specification.)
Portuguese	1	Full examination (Donated by NJ; conformed to Consortium specifications; FL donated funds for rater training)
Russian	1	Full examination
Russian	2	Full examination
Somali	1	Full examination
Spanish	2.2	Full examination
Spanish	4.2	Full examination
Spanish	5	Full examination
Turkish	1	Abbreviated examination (Donated by NJ)
Vietnamese	1	Full examination
Vietnamese	2	Full examination

These are the oral, court interpreting performance examinations. There are two models in the Consortium’s oral performance testing program (see §5.2 of the Consortium’s *Agreements for Consortium Organization and Operation*):

1. Full examination (18)
 - a. Sight translation, with two sub-parts:
 - i. English to the other language
 - ii. Other language to English
 - b. Consecutive interpretation (question and answer format in both directions)
 - c. Simultaneous interpretation (only from English into the other language)
2. Abbreviated examination (2)
 - a. Simultaneous interpretation (only from English into the other language)
 - b. A test of spoken English proficiency selected from a list promulgated and maintained by the Technical Committee (the list is maintained and available to Consortium members via the “Members Only” link).

See Overview of the Oral Examination.

Interpreter Credentials

Credentials	Qualifications	Fee	Difference to Next Level
Certified	Has completed an English diagnostic test, a test on the Interpreter Code of Professional Responsibility, a one-day orientation workshop a background check and 10 hours of observation. Has completed a seven-day training course and passed a three-part examination offered through the National Center for State Courts.	\$38.63	
Approved	Has completed an English diagnostic test, a test on the Interpreter Code of Professional Responsibility, a one-day orientation workshop a background check and 10 hours of observation. Has passed an Oral Proficiency Interview offered by Language Testing International.	\$33.10	16.7%
Registered 1	Has completed an English diagnostic test, a test on the Interpreter Code of Professional Responsibility, a one-day orientation workshop a background check and 10 hours of observation. There is no examination available in the language for certified or approved credentials.	\$33.10	-
Registered 2	Has completed an English diagnostic test, a test on the Interpreter Code of Professional Responsibility, a one-day orientation workshop a background check and 10 hours of observation. Has not taken or has not passed the examination available for certified or approved credentials.	\$24.82	14.9%
Conditionally Approved	Vetted by the appointing authority for suitability in the particular hearing.	\$18.03	59.8%