NAJIT
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STATEMENT TO THE UNITED STATES FEDERAL COURTS

Compliance with the Court Interpreters Act: Prioritizing Federally Certified Court Interpreters

To: Chief Judges, United States District Courts; Clerks of Court; Court Administrators; and Personnel Responsible for Procuring Court Interpreter Services

Subject: Compliance with the Interpreter Selection Requirements of the Court Interpreters Act, 28 U.S.C. § 1827

The National Association of Judiciary Interpreters and Translators (NAJIT) respectfully calls upon all United States federal courts to reaffirm their commitment to the requirements of the Court Interpreters Act, 28 U.S.C. § 1827, particularly those provisions governing the selection and appointment of federally certified court interpreters.

The Court Interpreters Act establishes a statutory framework intended to ensure meaningful language access in federal judicial proceedings and to uphold the integrity, fairness, and accuracy of the administration of justice. Central to that framework is the congressional mandate that federally certified interpreters be utilized when reasonably available, with otherwise qualified, non-certified interpreters serving as an alternative only when no certified interpreter is reasonably available.

The Statutory Mandate

Section 1827(b)(2) expressly limits the use of otherwise qualified interpreters to circumstances in which no certified interpreter is reasonably available. This requirement is reinforced by Section 1827(d)(1), which directs the presiding judicial officer, with the assistance of the Director of the Administrative Office of the United States Courts, to utilize the services of the most available certified interpreter or, when no certified interpreter is reasonably available, an otherwise qualified interpreter.

The statutory language establishes a clear order of preference. The use of an otherwise qualified interpreter is not an interchangeable alternative to the use of a federally certified interpreter when a certified interpreter is reasonably available. Rather, it is an alternative contemplated by Congress for circumstances in which the statutory condition for its use has been met.

Accordingly, federal courts must take appropriate steps to identify and secure the services of available federally certified interpreters before engaging interpreters who do not hold federal certification. The availability of a non-certified interpreter, the convenience of an existing contractor, administrative preferences, or considerations of routine procurement should not displace the statutory preference established by Congress.

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Protecting the Integrity of Federal Judicial Proceedings

The Court Interpreters Act reflects Congress's recognition that meaningful participation in judicial proceedings depends upon accurate and competent interpretation. The selection of an interpreter is therefore not merely an administrative or budgetary decision. It is a decision with direct consequences for due process, access to justice, the reliability of the judicial record, and public confidence in the courts.

The federal judiciary has an obligation to ensure that the statutory protections established by Congress are implemented consistently and faithfully. That obligation includes respecting the distinction between federally certified interpreters and otherwise qualified interpreters and adhering to the statutory order of preference when procuring interpreter services.

NAJIT recognizes the operational challenges that federal courts may encounter in securing qualified interpreters, particularly for languages for which federal certification examinations are not available or for which the pool of certified interpreters is limited. The Act expressly accommodates these circumstances. However, those exceptions should not become routine procurement practices that circumvent the statutory preference for federally certified interpreters.

NAJIT therefore calls upon all federal courts to reaffirm their commitment to the Court Interpreters Act by ensuring that federally certified interpreters are engaged whenever reasonably available and that non-certified interpreters are utilized only in accordance with the statutory conditions established by Congress. Compliance with the Court Interpreters Act is essential not only to honoring the law but also to preserving the integrity of federal judicial proceedings and ensuring that every individual, regardless of language proficiency, has a meaningful opportunity to participate in the administration of justice.



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On behalf of:

National Association of Judiciary Interpreters and Translators (NAJIT)