

Electronically Filed
Supreme Court
SCRU-19-0000121
21-AUG-2019
11:54 AM

SCRU-19-0000121

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the

HAWAI'I RULES FOR CERTIFICATION OF
SPOKEN-LANGUAGE INTERPRETERS

ORDER AMENDING RULE 17.5 OF THE HAWAI'I RULES FOR
CERTIFICATION OF SPOKEN-LANGUAGE INTERPRETERS

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

IT IS HEREBY ORDERED that Rule 17.5 of the Hawai'i Rules for Certification of Spoken-Language Interpreters is amended, effective January 1, 2020, as follows (deleted material is bracketed and stricken; new material is underscored):

Rule 17. PROCEDURES FOR COMPLAINTS AND DISCIPLINE

17.5 Disciplinary Sanctions. Disciplinary sanctions may consist of one or more of the following:

- (a) Private reprimand;
- (b) Public reprimand;
- (c) Restriction on the types of cases to which the interpreter may be assigned;
- (d) Reassignment of the interpreter to a lower tier of court interpreter designation on a permanent or temporary basis;
- (e) Suspension of the certificate issued pursuant to Rule 11.1 of these Rules, for a specified period of time;

(f) Revocation of the certificate issued pursuant to Rule 11.1 of these Rules, including specification as to whether the interpreter will be allowed to apply for reinstatement following a specified period of time;

(g) Requiring that one or more interpreter examinations be retaken and passed;

(h) Requiring continuing education courses, mentoring, or other training options;

(i) Restitution; or

(j) Payment of costs and expenses incurred by the Initial Panel in connection with the proceeding, including investigative and hearing costs.

The specific disciplinary sanction and the degree of discipline imposed should depend upon factors that include:

~~(a)~~(1) aggravating and mitigating factors including, but not limited to, the nature and seriousness of the violation, the intent of the interpreter, and the interpreter's level of experience;

~~(b)~~(2) whether there is a pattern of improper activity by the interpreter; and

~~(c)~~(3) the effect of the interpreter's improper activity on others or on the judicial system.

DATED: Honolulu, Hawai'i, August 21, 2019.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

