

RE: **Proposal to Amend the Hawai‘i Rules for Certification of
Spoken-Language Interpreters**

COMPLAINTS AND DISCIPLINE

The Supreme Court of Hawai‘i seeks public comment regarding proposals to amend Rule 17 of the Hawai‘i Rules for Certification of Spoken-Language Interpreters. The amendments seek to clarify the complaint and investigation process and related procedures for court interpreters. The proposals are attached hereto.

Comments about the proposed amendments should be submitted, in writing, **no later than Monday, November 30, 2026** to the Judiciary Communications & Community Relations Office by mail to 417 South King Street, Honolulu, HI 96813, by facsimile to 539-4801, by e-mail to pao@courts.hawaii.gov, or via the [Judiciary website](#).

**PROPOSED AMENDMENTS TO THE
HAWAII RULES FOR CERTIFICATION OF
SPOKEN-LANGUAGE INTERPRETERS**

(Deleted materials is bracketed and stricken; New material is underlined)

**Rule 17. PROCEDURES FOR COMPLAINTS
AND DISCIPLINE**

17.1 Grounds for Discipline. An interpreter issued a certificate pursuant to Rule 11.1 of these Rules is subject to disciplinary sanctions for any of the following reasons:

- (a) Any felony ~~[or misdemeanor]~~ conviction;
- (b) Any misdemeanor conviction directly related to the duties, responsibilities, or ethical standards of an interpreter;
- ~~[(b)]~~(c) Fraud, dishonesty, or deception related to the functions and duties of an interpreter, including willfully and knowingly making false interpretation while serving in an official capacity;
- ~~[(c)]~~(d) Gross incompetence;
- ~~[(d)]~~(e) Failure to appear as scheduled without good cause, at two or more hearings within a six-month period;
- ~~[(e)]~~(f) Willfully and knowingly making a material misstatement on an application submitted pursuant to Rule 4.1 of these Rules; or
- ~~[(f)]~~(g) Willful violation of the Code of Professional Conduct for Court Interpreters, the Hawai'i Rules for Certification of Spoken-Language Interpreters, or any other official policies and procedures, including the Policies for Interpreted Proceedings in the Courts of the State of Hawai'i.

17.2 Complaint Procedure.

(a) Initiation.

(1) Any person may submit ~~[to the Administrative Director]~~ a written complaint regarding ~~[the conduct of]~~ an interpreter's conduct by mail, email, or in person to the Administrative Director or its designated officer appointed to act on behalf of the Administrative Director to carry out any duties in this rule (designated officer), or the Judiciary's Office on Equality and Access to the Courts (OEAC). [All complaints must be submitted within 180 days from the date of the alleged disciplinary breach. The time for submission may be extended by the Administrative Director for good cause. The Administrative Director may appoint a designated officer to act on the Administrative Director's behalf to carry out any duties in this Rule.]

(2) CONTENTS OF A COMPLAINT. The complaint must contain:

(A) The complainant's name and contact information;

(B) A reasonable description of the interpreter's alleged misconduct including, if known, the date and location of the alleged misconduct, the subject matter, names and contact information of any witnesses, and any supporting evidence such as video or audio recordings.

~~[(2)]~~(3) LANGUAGE ACCESSIBILITY. If a complainant is unable to communicate in written English, the complainant may submit the complaint in the language in which the complainant is most proficient.

~~[(3)]~~(4) Alternative forms of ~~[documentation]~~complaints, such as video or audio ~~[formats]~~recordings, or verbal complaints reduced to writing by another and acknowledged by the complainant and the preparer after affirming the complainant has read the statement or the statement was read or interpreted to the complainant, will be considered when the complainant~~[-will be considered when the complainant]~~ is unable to document a complaint in writing due, for example, to illiteracy or where no written form of the complainant's language exists.

~~[(4)]~~(5) The Administrative Director, designated officer, OEAC, or Chair of the Hawai'i Supreme Court Committee on Court Interpreters and Language Access (CILA) may, in the absence of a documented complaint, initiate an inquiry as to whether an interpreter has engaged in misconduct.

(6) All complaints must be submitted, within 180 days from the date of the alleged disciplinary breach. The time for submission may be extended for alleged violations of Rule 17.1(e) of these Rules, or by the Administrative Director for good cause.

(d) Screening of Complaints.

(1) Upon receipt of a complaint or inquiry, the Administrative Director or designated officer shall forward the complaint or inquiry to ~~[the Judiciary's Office on Equality and Access to the Courts ("OEAC")]~~OEAC, which shall determine whether the complaint or inquiry alleges grounds for disciplinary sanction pursuant to Rule 17.1 of these Rules. ~~[If such grounds are alleged, OEAC shall forward the complaint to the Chair of the Hawai'i Supreme Court Committee on Court Interpreters and Language Access ("CILA").]~~

~~[(2)]~~The CILA Chair shall review OEAC's initial decision regarding the complaint or inquiry. If the CILA Chair determines that the complaint or inquiry does not allege conduct warranting disciplinary action, the complaint shall be dismissed. OEAC shall send written notice of the dismissal via U.S. mail to the complainant and, if the interpreter received notice of the complaint, to the interpreter.

~~[(3)]~~If the CILA Chair determines that further investigation of the complaint or inquiry is required, the CILA Chair shall forward the matter to a 3-member panel ("Initial Panel") comprised of CILA members. The Initial Panel shall be *ad hoc* and appointed by the CILA Chair for each case.]

(2) Upon review of the complaint, and any other relevant information, OEAC shall recommend one of the following actions:

(A) DISMISSAL OF THE COMPLAINT. OEAC shall recommend dismissal if the complaint or inquiry does not allege conduct warranting disciplinary action. If the CILA Chair concurs with this recommendation, OEAC shall send a written notice of the dismissal to the complainant and, if the interpreter was notified of the complaint, to the interpreter;

(B) INFORMAL RESOLUTION AND DEFERRAL OF INVESTIGATION. OEAC may recommend informal resolution and defer further investigation when informal resolution is deemed appropriate to caution an interpreter concerning the alleged misconduct. The period of deferral shall not exceed one year unless extended for good cause by the Administrative Director or designated officer. OEAC shall issue an Administrative Letter outlining the terms of the informal resolution.

(i) If the interpreter complies with the agreed-upon terms of the informal resolution, OEAC shall dismiss the complaint and send a written notice of the dismissal to both the interpreter and complainant.

(ii) If the interpreter either does not agree to the terms of the informal resolution, or fails to comply with the agreed upon terms of the informal resolution, the matter shall be forwarded to the CILA Chair for further investigation.

(C) FURTHER INVESTIGATION. If the CILA Chair agrees that the further investigation of the complaint is required, the CILA Chair shall forward the matter to a three-member panel (“Initial Panel”) comprised of CILA members. The Initial Panel shall be ad hoc and appointed by the CILA Chair for each case.

(3) If OEAC determines the proceeding shall be concluded through informal resolution by private or public reprimand, such reprimand shall be imposed in accordance with procedures established by OEAC. If a public reprimand, reassignment, suspension, or revocation is imposed, electronic notice of discipline shall be forwarded by OEAC to all state court presiding judges, chief court administrators, and court interpreter assignment coordinators, if deemed appropriate by OEAC. Both the interpreter and the complainant shall be notified of the disposition in writing by OEAC.

17.3 Preliminary Investigation and Evaluation.

(a) The Initial Panel shall meet in person or by conference call within 30 calendar days of appointment to initiate review of the complaint or inquiry and determine whether further action is required. ~~[Time]~~The 30 days may be extended for reasonable cause with approval of the CILA Chair.

(b) In addition to the information contained in the complaint, ~~[T]he~~ Initial Panel may also consider any other information ~~[other than that included in the complaint]~~ received relevant to the investigation.

(c) If the Initial Panel does not find sufficient cause to warrant further investigation against the interpreter, it shall recommend to OEAC dismissal of the complaint or closure of the ~~[inquiry]~~investigation. If OEAC concurs with the recommended dismissal, it shall send written notice of the disposition ~~[via U.S. mail]~~ to the complainant and, if the interpreter received notice of the complaint, to the interpreter. ~~[If OEAC concludes the Initial Panel’s determination is unlawful, clearly erroneous, arbitrary, or an abuse of discretion, it may remand the matter for further proceedings based upon the details of that written determination.]~~

17.4 Formal Investigation.

(c) A hearing may be conducted at which the Initial Panel may, at its discretion, call witnesses and consider or clarify any evidence presented. The interpreter may be represented by counsel at the interpreter’s own expense, and shall be given the opportunity to testify, comment on the allegations, present evidence, and call witnesses. The parties have the right to cross-examine witnesses who testify and to submit rebuttal evidence. Testimony shall be under oath. The rules of evidence shall not apply, but the Initial Panel shall admit only trustworthy evidence. Hearing proceedings shall be reported or recorded electronically and shall be confidential except upon request of the interpreter facing the allegations.

(d) Efforts to informally resolve the complaint or inquiry may be initiated by the Initial Panel [~~or the interpreter~~] at any time. Any resolution informally reached shall be submitted in writing to OEAC. Upon review of the proposed informal resolution, OEAC shall promptly either affirm and issue an Administrative Letter detailing the terms of the informal resolution, or remand the matter for further proceedings before the Initial Panel. Both the complainant and the interpreter shall be notified of the agreed resolution in writing [~~by U.S. mail~~] by OEAC.

(f) Upon review of the Initial Panel's report and recommendation, OEAC shall promptly either affirm the recommended discipline and issue an Administrative Disciplinary Letter, imposing upon the interpreter one or more forms of disciplinary sanction specified in Rule 17.5 of these Rules, remand the matter for further proceedings before the Initial Panel, or dismiss the petition with the consent of the Initial Panel Chair, provided that no such consent shall be required where the Initial Panel recommended dismissal of the petition. In the event OEAC determines the proceeding shall be concluded by private or public reprimand, such reprimand shall be imposed in accordance with procedures established by OEAC. If a public reprimand, reassignment, suspension, or revocation is imposed, electronic notice of discipline shall be forwarded by OEAC to all state court presiding judges, chief court administrators, and court interpreter assignment coordinators, if deemed appropriate by OEAC. Both the interpreter and the complainant shall be notified of the disposition in writing [~~by U.S. mail~~] by OEAC.

17.5 Disciplinary Sanctions.

- (a) Disciplinary sanctions may consist of one or more of the following:
- ~~[(a)]~~(1) Private reprimand;
 - ~~[(b)]~~(2) Public reprimand;
 - ~~[(c)]~~(3) Restriction on the types of cases to which the interpreter may be assigned;
 - ~~[(d)]~~(4) Reassignment of the interpreter to a lower tier of court interpreter designation on a permanent or temporary basis;
 - ~~[(e)]~~(5) Suspension of the certificate issued pursuant to Rule 11.1 of these Rules, for a specified period of time;
 - ~~[(f)]~~(6) 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)]~~(7) Requiring that one or more interpreter examinations be retaken and passed;
 - ~~[(h)]~~(8) Requiring continuing education courses, mentoring, or other training options, at the interpreter's expense;
 - ~~[(i)]~~(9) Restitution; or
 - ~~[(j)]~~(10) Payment of costs and expenses incurred by the Initial Panel in connection with the proceeding, including investigative and hearing costs.

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

- (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;

- (2) whether there is a pattern of improper activity by the interpreter; and
- (3) the effect of the interpreter's improper activity on others or on the judicial system.

17.6 Secondary Review.

(a) Initiation.

~~[(a)]~~(1) The interpreter may request a secondary review of the Administrative Disciplinary Letter issued by OEAC by submitting a written request no later than 30 ~~calendar~~ days ~~[after the decision is mailed]~~ from the date the Administrative Disciplinary Letter was sent to the interpreter (postmark or date of email).

~~[(b)]~~(2) The request for review shall be directed to the Administrative Director by email or in person and shall include the interpreter's ~~[written]~~ objections to the Administrative Disciplinary Letter and contact information to allow the Administrative Director or designated officer to communicate with the interpreter.

(b) Review by the Administrative Director.

~~[(c)]~~(1) The Administrative Director shall consider the request for review based upon the written record including, but not limited to: the interpreter's file maintained by OEAC; written material submitted by the interpreter; the written findings, conclusions, and recommendation of the Initial Panel; and the Administrative Disciplinary Letter issued by OEAC.

~~[(d)]~~(2) The Administrative Director shall determine whether the Initial Panel's findings, conclusions, and recommendations and the Administrative Disciplinary Letter issued by OEAC were unlawful, clearly erroneous, arbitrary, or an abuse of discretion. There shall be no hearing on the matter unless required at the Administrative Director's discretion.

~~[(e)]~~(3) The Administrative Director shall issue a Final Decision within 30 calendar days of receipt of the written request for review. Written notice of the Final Decision shall be sent to the interpreter and the complainant, if any, ~~[by U.S. mail]~~ by the Administrative Director. If a public reprimand, reassignment, suspension, or revocation is imposed, electronic notice of discipline shall be forwarded by the Administrative Director to all state court presiding judges, chief court administrators, and court interpreter assignment coordinators, if deemed appropriate by the Administrative Director.

17.9 Confidentiality.

(a) In General. All current or pending proceedings involving allegations of misconduct by an interpreter shall be kept confidential to the extent permitted by law until and unless: (1) the interpreter agrees that the matter shall be public, or (2) an Administrative Disciplinary Letter or Final Decision is issued for the imposition of public reprimand, reassignment, suspension, or revocation. All participants in ~~[the]~~ any current or pending proceedings shall conduct themselves so as to maintain the confidentiality of ~~[the]~~ such proceedings. This Rule shall not preclude the Initial Panel or OEAC from providing to the complainant reasonable information regarding the status of the matter and its disposition, nor shall it preclude internal administrative communications

[necessary] for the management of the disciplinary process or other reasonably necessary communications for investigation needed by the disciplinary process, e.g., engaging in services of other qualified translator(s) to verify truthfulness of allegations made against an interpreter.

(b) Disclosure. This provision shall not be construed to automatically deny access to relevant information by authorized agencies investigating the qualifications of interpreters for certification or employment. To the extent certain information or records are otherwise subject to disclosure under Chapter 92F of the Hawai'i Revised Statutes, the Uniform Information Practices Act (Modified), as amended, or any other applicable State or Federal statutes, this provision shall be superseded by such applicable laws and will not apply to such information or records.