

**IN THE SUPREME COURT OF FLORIDA**

**IN RE: AMENDMENTS TO FLORIDA  
RULES FOR CERTIFICATION AND  
REGULATION OF COURT  
INTERPRETERS; DISCIPLINARY  
REVIEW PROCESS.**

**CASE NO.**

**RESPONSE TO CHIEF JUSTICE’S REQUEST FOR DISCIPLINARY  
REVIEW PROPOSAL SUBMITTED BY THE COURT INTERPRETER  
CERTIFICATION BOARD**

1. The Chief Justice, in a letter dated December 17, 2007 (Appendix C), to the Chair of the Court Interpreter Certification Board (hereinafter the “Board”), Judge Ronald N. Ficarrota, directed the Board to file proposed amendments to rule 14.460, Florida Rules for Certification and Regulation of Court Interpreters, concerning the appeal process for court interpreter disciplinary proceedings. Specifically, the Board was directed to “consider alternatives to the Chief Justice’s direct participation in the court interpreter disciplinary proceedings, including whether procedures similar to those for registered paralegals should be adopted.” It should be noted that paralegal disciplinary procedures are all contained within the framework of The Florida Bar and thus have no judicial involvement.

2. The Board is guided in its deliberations by the recent submission of a proposed rule amendment dealing with mediator disciplinary appeals. The mediation proposal has recommended the adoption of a six-person appellate panel to be appointed by the Chief Justice. Similar to this proposal, the Board recommends that the panel membership for court interpreter appeals be comprised of senior justices, active or senior district court judges, and active circuit judges with appellate experience. It would be designated as the Court Interpreter Appellate Panel (CIAP). Three judges would be selected at random from the CIAP to compose the appellate panel in any given case. In a manner similar to the mediation proposal, the Board recommends that the rules of appellate procedure would generally apply. In addition, the rule would provide a standard of review which would mandate that the appellate panel neither reweigh the evidence in the record nor substitute its judgment for that of the hearing panel. Judges chosen to serve on a panel would be subject to the disqualification provisions of the Board Operating Procedures, adopted pursuant to rule 14.110(f)(2).

3. If the Court decides that it would be in the interest of judicial economy and/or consistency of results, the Board would not object to the creation of one appellate panel that could serve both mediators and court interpreters. Such panel could be named as the Court deems appropriate.

4. The Board recommends that disciplinary appeals from decisions of the hearing panel would be controlled by the amended version of rule 14.460, entitled Court Interpreter Appellate Panel. The rule proposal, which is contained in Appendix A (full-page) and Appendix B (two-column), would require the appointment of the six-member panel pursuant to administrative order of the Chief Justice. This would reduce the role of the Chief Justice from one with direct to indirect participation, in accordance with the Chief Justice's December 17 letter.

5. The Board would also take this opportunity to address an ambiguity in rule 14.440, Florida Rules for Certification and Regulation of Court Interpreters, in relation to the effect of the appellate process on confidentiality. Presently, the rule is unclear whether confidentiality, which ends with the imposition of a sanction or sanctions (with the exception of private reprimand) by a hearing panel, is reinstated if no sanction survives the appellate process. The Board believes that the interpreter should have maximum protection throughout the appellate process and therefore proposes a solution similar to that in the mediation proposal.

Specifically, the Board recommends that in situations involving the imposition of a sanction (other than a private reprimand), confidentiality should continue until the time for an appeal has expired or until a decision which upholds imposition of at least one sanction becomes final. The Board's proposal will provide a meaningful

review process for disciplinary reviews, which would afford due process protections commensurate to the gravity of the situation.

6. The Board does not request oral argument, but is prepared to respond to any of the Court's questions or concerns about the proposed appellate review process.

Respectfully Submitted,



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Ronald N. Ficarrotta, Circuit Judge  
Chair, Court Interpreter Certification Board  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 28, 2008 a copy of the foregoing was furnished by a member of the Court Interpreter Certification and Regulation Program staff via United States mail to:

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Ronald N. Ficarrotta, Circuit Judge