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The Honorable Alan K. Marks, County Counsel, San Bernardino County, has requested an opinion on the following questions:

1 May a superior court establish a procedure, separate from its periodic review procedure, for removal of an individual from the recommended list of court interpreters for failure to maintain interpreting skills or violation of the standards of professional conduct for court interpreters?

2. If the answer to the first question is affirmative, what preremoval safeguards must be provided before a court interpreter can be removed from the recommended list for violation of the standards of professional conduct?

CONCLUSION

1. A superior court may establish any procedure, consistent with the requirements of procedural due process, which is reasonably necessary for the removal of

an individual from the recommended list of court interpreters for failure to maintain interpreting skills or violation of the standards of professional conduct for court interpreters.

2. No preremoval safeguards must be provided before a court interpreter can be removed from the recommended list for violation of the standards of professional conduct.

ANALYSIS

Government Code section 68562[1] provides for the establishment by the superior court of a list of recommended court interpreters:

> "Any appropriation that provides funding for court interpreter services shall identify the county and the court interpreter programs to which it applies. In each county thus designated, beginning one year after the effective date of the designation, the superior court shall establish, maintain, and publish a list of recommended court interpreters, and the trial courts of that county shall utilize only the services of those recommended interpreters unless good cause is found by the judge for the appointment of an interpreter not on the recommended list. In establishing a list of recommended court interpreters, the superior court shall select from a list of qualified candidates who have successfully demonstrated proficiency, both written and oral, in an examination conducted by the State Personnel Board but may also impose additional testing requirements and consider additional standards, as necessary for equity or to recognize local conditions. The State Personnel Board shall establish minimum standards of proficiency of language skills, both written and oral, in both English and the language to be interpreted. In establishing these criteria, the State Personnel Board shall take into account standards adopted by the Judicial Council to ensure a court interpreter's understanding of the technical terminology and procedures used in the courts. The State Personnel Board shall administer an appropriate examination and certify to the superior courts a list of qualified interpreters once annually, commencing within one year of the effective date of this section."

Section 68564 provides for the adoption of rules and regulations by the Judicial Council:[2]

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[1] Hereinafter, all statutory references are to the Government Code unless otherwise indicated.

[2] California Constitution, article VI, section 6, provides in part that the Judicial Council shall

"The Judicial Council shall adopt rules to implement this article and shall establish:

"(a) Standards for determining the need for a court interpreter in particular cases

"(b) Standards for ensuring a court interpreter's understanding of the technical terminology and procedures used in the courts.

"(c) Standards of professional conduct for court interpreters.

"(d) A requirement for periodic review of each recommended court interpreter's skills and for removal from the recommended list of those court interpreters who fail to maintain their skills."

Pursuant to such authority the Judicial Council adopted rule 984 of the California Rules of Court:

"Each superior court shall establish a procedure for biennial, or more frequent, review of the performance and skills of each court interpreter recommended pursuant to section 68562 of the Government Code. The court may designate a review panel which shall include at least one person qualified in the interpreter's language. The review procedure may include interviews, observations of courtroom performance, rating forms, and other evaluation techniques. The superior court shall remove from the recommended list interpreters who fail to maintain their interpreting skills or who do not conform to the Standards of Professional Conduct for Court Interpreters adopted by the Judicial Council."

The initial inquiry is whether a superior court may establish a procedure, separate from its periodic review procedure, for removal of an individual from the recommended list of court interpreters for failure to maintain interpreting skills or violation of the standards of professional conduct for court interpreters. We perceive no statutory constraint upon the superior court respecting the establishment of a procedure for the removal of a name from the recommended list.

While rule 984, *supra*, provides for the establishment *by the superior court* of a procedure for biennial or more frequent review of the performance and skills of each

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". . . adopt rules for court administration, practice and procedure, not inconsistent with statute, and perform other functions prescribed by statute."

court interpreter,[3] and provides further that the superior court shall remove from the recommended list interpreters who fail to maintain their interpreting skills or who do not conform to prescribed standards of professional conduct,[4] neither the rule nor section 68564, *supra*, establishes or requires the superior court to establish a specific procedure for *removal*.

It is well settled, however, that public officers may exercise such additional powers as are necessary for the due and efficient administration of powers expressly granted by statute, or as may fairly be implied from the statute granting the powers. (*Dickey v. Raisin Proration Zone No. 1* (1944) 24 Cal. 2d 796, 810; *Manteca Union High School District v. City of Stockton* (1961) 197 Cal. App. 2d 750, 755; see also *Stewart v. County of San Mateo* (1966) 246 Cal. App. 2d 173, 283; *San Bernardino Fire & Police Protective League v. City of San Bernardino* (1962) 199 Cal. App. 2d 401, 411.) Consequently, the

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[3] Code of Civil Procedure section 264 provides:

"The judges of each superior, municipal, and justice court may adopt rules designed to assure, by requiring an examination or by other suitable means, that any interpreter whose services are used in such court performs such services competently."

[4] California Rules of Court, appendix, division I, Standards of Judicial Administration, section 18.3 prescribes standards of professional conduct for court interpreters.

(a) [Accurate interpretation] A court interpreters best skills and judgment should be used to interpret accurately without embellishing, omitting, or editing.

(b) [Conflicts of interest] A court interpreter should disclose to the judge and to all parties any actual or apparent conflict of interest. Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest. A conflict may exist if the interpreter is acquainted with or related to any witness or party to the action or if the interpreter has an interest in the outcome of the case. An interpreter should not engage in conduct creating the appearance of bias, prejudice, or partiality.

(c) [Confidentiality] A court interpreter should not disclose privileged communications between counsel and client. A court interpreter should not make statements about the merits of the case during the proceeding.

(d) [Giving legal advice] A court interpreter should not give legal advice to parties and witnesses, nor recommend specific attorneys or law firms.

(e) [Professional relationships] A court interpreter should maintain a professional relationship with court officers, parties, witnesses, and attorneys A court interpreter should strive for professional detachment.

(f) [Continuing education and duty to the profession] A court interpreter should, through continuing education, maintain and improve his or her interpreting skills and knowledge of procedures used by the courts. A court interpreter should seek to elevate the standards of performance of the interpreting profession."

superior court may establish any procedure, consistent with the requirements of procedural due process, which is reasonably necessary for the removal of an individual from the recommended list of court interpreters[5] for failure to maintain interpreting skills or violation of the standards of professional conduct for court interpreters.

We are next asked to identify, in the absence of any specific factual premises, what preremoval safeguards must be provided before a court interpreter can be removed from the recommended list for violation of the standards of professional conduct. Although it may be well contended that the failure of a court interpreter to maintain interpreting skills constitutes a violation of the standards of professional conduct (*cf*. fn. 4, *ante*), the second inquiry is understood, in context, to refer to violations of standards of conduct other than the failure to maintain adequate technical competence.[6] Further, inasmuch as it is not feasible to scan the universe of hypotheses, and in the absence of any suggestion to the contrary, it will be assumed for purposes of this analysis that the violations in question do not involve conduct which is constitutionally protected.[7]

We first examine whether removal from the recommended list is, in the first instance, subject to the constraints of procedural due process. If so, it must be determined whether *preremoval* safeguards are required. In view of our determination that preremoval safeguards are not required in the absence of extended factual averments, we do not reach the ultimate issue as to what procedures must be undertaken *before* a court interpreter may be removed from the recommended list for unprofessional conduct.

Section 1 of the Fourteenth Amendment to the Constitution of the United States, and subsection (a) of section 7 of article I of the California Constitution provide that a person may not be deprived of life, liberty, or property without due process of law. The task is to apply the appropriate federal standard and the appropriate California standard of

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[5] Inherent in the power to select a name for inclusion on the recommended list is the power to remove it, whether or not the statute contains any express provision for removal. (*Cf. Stewart v. County of San Mateo*, *supra*, 246 Cal. App. 2d at p. 243, accord, *Vincent Pet. Corp. v. Cutler City* (1941) 43 Cal. App. 2d 511, 518, and *cf*. *Serenko v. Bright* (1968) 263 Cal. App. 2d 682, 691.)

[6] With respect to disqualifications based on objective standards of competence or skill, see *Fuchs v. Los Angeles County Civil Serv. Com.* (1973) 34 Cal. App. 3d 709, *Civil Service Assn. v. City and County of San Francisco* (1978) 22 Cal. 3d 552, 563, n. 6, and *cf*. *Mathews v. Eldridge* (1976) 424 U.S. 319. 343–344.

[7] *Cf. Board of Regents v. Roth* (1972) 408 U.S. 564, *Perry v. Syndermann* (1972) 408 U.S. 593, *Bekiaris v. Board of Education* (1972)6 Cal. 3d 575, 585–586. *Bogacki v. Board of Supervisors* (1971) 5 Cal. 3d 771, 782, *Bagley v. Washington Township Hospital District* (1966) 65 Cal. 2d 499, 503–504; *Rosenfield v. Malcolm* (1967) 65 Cal. 2d 559, 562.

procedural due process in the public employment related context. It is, of course, beyond the realm of dispute that property interests protected by procedural due process extend beyond ownership of tangibles and include certain specific benefits, one of which is permanent public employment. (*Arnet v. Kennedy* (1974) 416 U.S. 134; *Skelly v. State Personnel Board* (1975) 15 Cal. 3d 194, 206.) It is equally clear that there must be a legitimate claim of entitlement to the benefit, and not merely an abstract need or unilateral expectation of it. (*Board of Regents v. Roth* (1972) 408 U.S. 564, *Skelly v. State Personnel Board*, *supra*, at pp. 206–207.) The issue, then, is whether an individual whose name is on the recommended list has a legitimate claim of entitlement to the continued inclusion of his name on the list.

Property interests are created and their dimensions are defined by existing rules or understandings that stem from an independent source, including state statutes and regulations. (*Board of Regents v. Roth*, *supra*, 408 U.S. at pp. 569–570, 577; *Perry v. Syndermann*, *supra*, 408 U.S. at pp. 599, 601; *Skelly v. State Personnel Board*, *supra*, 15 Cal. 3d at p. 207.) Whether a property interest is created expressly by statute or ordinance, or by the rules of an administrative agency implementing a statutory delegation of authority and having the force of law (*Zumwalt v. Trustees of Cal. State Colleges* (1973) 33 Cal. App. 3d 665, 675), or by implied contract, the sufficiency of the claim of entitlement, i.e., whether there is an enforceable expectation of remaining on the list, must he decided by reference to state law. (*Bishop v. Wood* (1976) 426 U.S. 341, 344–345.)

At the outset, there is significant doubt whether the "benefit' or "status" here involved is constitutionally cognizable in terms of procedural due process. The presence of an individual's name on the recommended list has no beneficial significance apart from the prospect of appointment by a court for the performance of professional services in a particular case. Bearing in mind that we must look not to the "weight" but to the nature of the interest at stake (*Goss v. Lopez* (1975) 419 U.S. 565, 575–576), we nevertheless perceive the nature of the interest in question, in the absence of additional representations or hypotheses as to an actual employment relationship (see § 69904(b)) or some practice or pattern of conduct indicating an implied contract or understanding, to be conditional, indefinite, and of an essentially speculative order. Nothing in the statutory scheme (§§ 68560–68564) would suggest the existence of any enforceable expectation of appointment upon which the exercise of one's skill as a court interpreter and remuneration therefor depend. Nor does the fact that an individual's name is on an eligible list confer any vested right to be appointed. (*Dawn v. State Personnel Board* (1979) 91 Cal. App. 3d 588, 592; *Graham v. Bryant* (1954) 123 Cal. App. 2d 66, 70.) Thus, if each of the courts of a county elected not to select a certain individual from the list, there would be no remedial recourse, although the effect and result of nonselection would be the effective equivalent of removal.

As stated in *Board of Regents v. Roth*, *supra*, 408 U.S. at page 576, and *Skelly v. State Personnel Board*, *supra*, 15 Cal. 3d at page 206, "[t]he Fourteenth Amendment's procedural protection of property is a safeguard of the security of interests that a person has *already acquired in specific benefits*." (Emphasis added.) The situation presented is fundamentally dissimilar to a professional license or credential the granting of which authorizes a person to pursue one's profession and the denial or revocation of which deprives an individual of his right to do so. (*Cf. Morrison v. State Board of Education* (1969) 1 Cal. 3d 214.) The inclusion of an individual's name on the recommended list does not authorize him to engage in any conduct or activity whatever; nor does the exclusion or removal of the name from the list deprive him from pursuing his profession as an interpreter apart from the potential engagement in that capacity for a particular court, in a particular case, in a particular county. (*Cf. Morrison v. State Board of Education*, *supra*, at p. 218, n. 2; and see *Board of Trustees v. Stubblefield* (1971) 16 Cal. App. 3d 820, 826.)[8]

Rather, the present situation is, in our view, more analogous to employment at the pleasure of the appointing authority as in the case of a permanent non-civil service employee (*Bogacki v. Board of Supervisors* (1971) 5 Cal. 3d 771) or of a provisional or probationary civil service employee. (*Rosenfleld v. Malcolm* (1967) 65 Cal. 2d 559.) The benefit or status of such individuals who are *actual full-time* employees is more specific and substantial than that of a person whose name is on a recommended list for *potential intermittent* appointment. Nevertheless, as in the case of an individual on the list who lacks any statutory or contractual claim to appointment, the permanent non-civil servant enjoys no claim to continued employment, and the provisional civil servant has no basis of entitlement to permanent appointment. It has been universally held in such cases that the termination of the benefit or status is not subject to the constraints of procedural due process. (*Bogacki v. Board of Supervisors*, *supra*, at pp. 782–783; and *cf. Zumwalt v. Trustees of Cal. State Colleges*, *supra*, 33 Cal. App. 3d at p. 678; *Rosenfield v. Malcolm*, *supra*, at pp. 562–563; *Anderson v. State Personnel Board* (1980) 103 Cal. App. 3d 242, 249; *Boutwell v. State Board of Equalization* (1949) 94 Cal. App. 2d 945, 950.)

Nor do the terms of the statute involved provide a reliable basis for expectation that an individual's name will remain on the recommended list. Neither rule 984 nor its underlying statute provides for notice or hearing upon which a claim of reasonable expectation of permanency might be predicated. Section 68564 provides that the Judicial Council shall adopt rules prescribing standards of professional competence and

[8] Unlike the fundamental right to work in the common occupations of the community (*Sail'er Inn, Inc. v Kirby* (1971) 5 Cal. 3d 1) there is no such underlying interest in public employment (*Massachusetts Board of Retirement v. Murgia* (1976) 427 U.S. 307. 313, *San Antonio Ind. Sch. Dist .v. Rodriguez* (1973) 411 U.S. 1, 33–34, *D'Amico v. Board of Medical Examiners* (1974) 11 Cal. 3d 1, 18. *Townsend v. County of Los Angeles* (1975) 49 Cal. App. 3d 263, 267.)

conduct, and requiring "periodic review of each recommended court interpreter's skills and for removal from the recommended list of those court interpreters who fail to maintain their skills." Rule 984 provides for periodic review, and that "[t]he superior court shall remove from the recommended list interpreters who fail to maintain their interpreting skills or who do not conform [to professional standards]."[9] Unlike *Arnett v. Kennedy*, *supra*, 416 U.S. 134, and *Skelly v. State Personnel Board*, *supra*, 15 Cal. 3d 194, involving statutes providing that an employee may be discharged only for cause (see *Civil Service Assn. v. City and County of San Francisco* (1978) 22 Cal. 3d 552, 559), the statutes and rules here considered do not compel the conclusion that an individual's name may not be removed from the list *but for cause*.

Similarly, in *Bishop v. Wood, supra*, 426 U.S. 341, a policeman was discharged, without a hearing, for conduct unsuited to an officer, under an ordinance which provided in part that "[i]f a permanent employee fails to perform work up to the standard of the classification held, or continues to be negligent, inefficient, or unfit to perform his duties, he may be dismissed. . . . Any discharged employee shall be given written notice of his discharge setting forth the effective date and reasons for his discharge if he shall request such a notice." The Supreme Court, while noting that the ordinance could fairly be read as a grant of tenure, accepted the district court's interpretation that the ordinance failed to provide a sufficient expectancy of continued employment to constitute a protected property interest. (*Id*., at pp. 344–345.) Again, nothing in the statutes and rules under consideration goes so far as the ordinance in *Bishop*, to provide explicitly or by any reasonable inference for written notice or a statement of reasons for termination or removal. Assuming, then, that there is a constitutionally significant benefit or status, there remains considerable doubt whether an individual whose name is on the recommended list has a legitimate claim of entitlement to the continued inclusion of his name on the list.

In the absence of a property interest, however, there remains the question whether there is a liberty interest within the purview of the Fourteenth Amendment. Procedural due process is essential where government action would seriously impair an individual's opportunity to earn a living, or seriously damage his standing or associations in his community. (*Bell v. Duffy* (1980) 111 Cal. App. 3d 643, 651; *Lubey v. City and County of San Francisco* (1979) 98 Cal. App. 3d 340, 346.) In the absence of public disclosure of the reasons for removal, even assuming such reasons are false, it cannot be said that removal per se would form the basis for a claim of impairment of one's good name, reputation, honor, or integrity even though such removal might make him somewhat less attractive to other employers. (*Bishop v. Wood*, *supra*, 426 U.S. at pp. 348–349; and *cf*

[9] We express no opinion as to whether the purported requirement of removal for failure to conform to standards of professional conduct, as distinguished from the failure to maintain interpreting skills, falls within the ambit of statutory authority.

Zumwalt v. Trustees of Cal. State Colleges, *supra*, 33 Cal. App. 3d 665.) It would stretch the concept too far to suggest that a person is deprived of liberty simply because he is not rehired, or retained, in one job but remains as free as before to seek another. (*Id*., at p. 348; *Board of Regents v. Roth*, *supra*, 408 U.S. at p. 575.)

Finally, we note that the Supreme Court of this state recently determined the scope of the due process clauses of the California Constitution, article I, sections 7(a) and 15, in the context of an individual's *liberty* interest in freedom from *arbitrary adjudicative procedures*. The court held that when a person is deprived of a *statutorily conferred benefit* (revocation of commitment for treatment of a criminal offender as a narcotics addict in the California Rehabilitation Center), due process analysis must start "not with a judicial attempt to decide whether the statute has created an 'entitlement' that can be defined as 'liberty' or 'property,' but with an assessment of what procedural protections are constitutionally required in light of the governmental and private interests at stake." (*People v. Ramirez* (1979) 25 Cal. 3d 260, 263–264.) Both the specifically defined context of *Ramirez*, pertaining to adjudicative procedures and predicated upon the existence of a statutorily conferred benefit, and the continued reliance on *Bogacki v. Board of Supervisors*, *supra*, 5 Cal. 3d 771 (*San Francisco Bay Area Rapid Transit Dist. v. Superior Court* (1979) 97 Cal. App. 3d 153, 164, hg. den.; *Lubey v. City and County of San Francisco*, *supra*, 98 Cal. App. 3d at pp. 345–346; and *cf*. *People ex rel. Dept. of Transportation v. Lucero* (1980) 114 Cal. App. 3d 166, 171–173), indicate that the scope of due process as determined in *Ramirez* does not extend contextually or rationally to public employment related administrative decisions. (E.g., *Bogacki v. Board of Supervisors*, *supra*; *Skelly v. State Personnel Board*, *supra*, 15 Cal. 3d 194; *Civil Service Assn. v. City and County of San Francisco*, *supra*, 22 Cal. 3d 552.)

Assuming, in any event, that removal of an individual's name from the recommended list is subject to the constraints of procedural due process, it does not follow inexorably that preremoval safeguards are required. In *Skelly v. State Personnel Board*, *supra*, 15 Cal. 3d at page 208, the court observed that until 1974 a line of United States Supreme Court cases (e.g., *Sniadach v. Family Finance Corp*. (1969) 395 U.S. 337; *Fuentes v. Shevin* (1972) 407 U.S. 67; *Bell v. Burson* (1971) 402 U.S. 535; *Boddie v. Connecticut* (1971) 401 U.S. 371) and of California decisions (e.g., *Adams v. Dept. of Motor Veh*. (1974) 11 Cal. 3d 146; *Brooks v. Small Claims Court* (1973) 8 Cal. 3d 661; *Randone v. Appellate Department* (1971) 5 Cal. 3d 536; *Blair v. Pitchess* (1971) 5 Cal. 3d 258; *McCallop v. Carberry* (1970) 1 Cal. 3d 903) adhered to a rather rigid and mechanical interpretation of the due process clause, under which every significant deprivation of property was required to be preceded by notice and a hearing absent "extraordinary" or "truly unusual" circumstances. The court further expounded, however, that under a less inflexible approach (see *Goss v. Lopez*, *supra*, 419 U.S. 565, 579; *Beaudreau v. Superior Court* (1975) 14 Cal. 3d 448) the right to a prior hearing will depend on an appropriate

accommodation of the competing interests involved. (*Skelly v. State Personnel Board*, *supra*, 15 Cal. 3d at p. 209; *Civil Service Assn. v. City and County of San Francisco*, *supra*, 22 Cal. 3d at pp. 560–561.

Thus, in *Alatheus v. Elldridge* (1976) 424 U.S. 319 the Supreme Court declared that '[t]he ultimate balance involves a determination as to when, under our constitutional system, judicial-type procedures must be imposed upon administrative action to assure fairness. . . . The judicial model of an evidentiary hearing is neither required, nor even the most effective, method of decision making in all circumstances. . . ." (*Id*., at p 348.) Further, " . . . '[d]ue process, unlike some legal rules, is not a technical conception with a fixed content unrelated to time, place and circumstances. . ." *Cafeteria Workers v. McElroy*, 367 U.S. 886, 895 (1961). '[D]ue process is flexible and calls for such procedural protections as the particular situation demands.' *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972). Accordingly, resolution of the issue whether the administrative procedures provided here are constitutionally sufficient *requires analysis of the governmental and private interests at stake*. . . ." (*Id*., at p. 334, emphasis added.) In *Dixon v. Love* (1977) 431 U.S. 105, the United States Supreme Court upheld the constitutional adequacy of a state regulation authorizing the administrative revocation of a driver's license without preliminary hearing, upon multiple convictions of traffic offenses, emphasizing inter alia that the driver had "had the opportunity for a full judicial hearing in connection with each of the traffic convictions. . . ." The court cited the "ordinary principle" established by its prior decisions that 'something less than an evidentiary hearing is sufficient prior to adverse administrative action." (*Id*., at p. 113) In *Mackey v. Montrym* (1979) 443 U.S. 1 sustaining automatic statutory revocation, without prior hearing, of a driver's license for refusal to submit to a test for intoxication, the court added that " . . . when prompt postdeprivation review is available for correction of administrative error, we have generally required no more than that the predeprivation procedures used be designed to provide a reasonably reliable basis for concluding that the facts justifying the official basis for concluding that the facts justifying the official action are as a responsible governmental official warrants them to be." (*Id*., at p. 13.)

In *Oregon State Penitentiary v. Hammer* (1977) 434 U.S. 945, the majority of the court in an opinion *per curlam* vacated and remanded for reconsideration in light of *Dixon v. Love*, *supra*, a judgment of a state supreme court holding that a tenured corrections officer was improperly discharged for cause absent the affording of pretermination rights such as those required by *Skelly. Hence*, the principles set forth in *Dixon* are applicable in the context of public employment. (*Cf. Willson v. State Personnel Board* (1980) 113 Cal. App. 3d 312, 316–317, n 2; see also *Civil Service Assn. v. City and County of San Francisco, supra*, 22 Cal. 3d at pp. 56 1–562, n 3). As the Supreme Court had previously noted in *Bishop v. Wood, supra*, 426 U.S. at p. 349, n. 14, [t]he fact of the matter, however, is that the instances in which the federal judiciary has required a state agency to reinstate a

discharged employee for failure to provide a pretermination hearing are extremely rare. . "

The courts of this state, interpreting the due process clauses of the California Constitution, have similarly held that the " . . . courts must evaluate the extent to which procedural protections can be tailored to promote more accurate and reliable administrative decisions in light of the governmental and private interests at stake." (*People v. Ramirez*, *supra*, 25 Cal. 3d at p. 267 (emphasis added); and *cf. Willson v. State Personnel Board, supra*, 113 Cal. App. 3d at p. 317.) In *Wilson*, the court adopted the formula prescribed in *Mathews*:

> " . . . In *Mathews v. Eldridge* (1976) 424 U.S. 319, the high court has enumerated the factors to be considered in analyzing the extent to which due process requires notice and hearing prior to the deprivation of some type of property interest: first, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.' (P. 335.)" (*Id*., at p. 316.)

(See also *Civil Service Assn. v. City and County of San Francisco*, *supra*, 22 Cal. 3d at p. 561; *Skelly v. State Personnel Board*, *supra*, 15 Cal. 3d at p. 209; *People v. Ramirez*, *supra*, 25 Cal. 3d at p. 269.)

Assuming the existence of a property interest, therefore, we proceed to balance the respective interests in question. With regard to the private interest involved, it is again emphasized that we are not dealing with an occupational license or other governmental regulation affecting an entire trade or profession, or impairing an individual's freedom to pursue lawful private employment. (Compare, *Endler v. Schutzbank* (1968) 68 Cal. 2d 162; *Willner v. Committee on Character* (1963) 373 U.S. 96.) Rather, the present situation concerns the mere possibility, absent any right or entitlement, of a limited appointment for the performance of services in a court of a certain county, should the need arise. It is manifest that an individual whose name is on the recommended list and who is suspected of unprofessional conduct would nor, assuming such charges were generally known among the judicial community, be likely to receive an appointment, so that the Interim loss resulting from the failure to provide preremoval safeguards would be neither substantial nor even significant. (*Cf. Skelly v. State Personnel Board*, *supra*, 15 Cal. 3d at p. 209*; Civil Service Assn. v. City and County of San Francisco*, *supra*, 22 Cal. 3d at p. 562.) In any case, by the intermittent nature of such appointments, any interim loss incurred would be problematical.

Moreover, the risk of error and probable value of the preremoval safeguards in alleviating such risks are minimal. The analysis and findings of probative facts and the determination of issues by one or more experienced judges of a superior court provide an adequate and more than ordinarily reasonable reliability as to the sufficiency of cause or basis for removal.

Finally, the interest of the government in immediately precluding the possibility of appointment is paramount. We are concerned with a service of such technical complexity and specialty that any irregularity or deviation of accuracy may not be readily apparent to the court, the trier of fact, the witness, or the parties involved, and which bears an intimate relationship to the public interest and welfare, and specifically to the administration of justice, all of which warrants a greater deference to the governmental interest at stake.

The conclusion, therefore, which is expressly limited to the scope of inquiry, is that no preremoval safeguards must be provided before a court interpreter can be removed from the recommended list for violation of the standards of professional conduct.

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