



WORKING WITH THE LIMITED ENGLISH PROFICIENT (LEP) COMMUNITY

A GUIDE FOR COURT PERSONNEL

WHEN MUST THE COURT APPOINT A COURT INTERPRETER?

Arkansas courts are required both by statute and court rule to “appoint a qualified interpreter to assist a person with limited English proficiency in a court proceeding.” Ark. Code Ann. § 16-10-1101 et seq. When an attorney or pro se litigant makes a request for an interpreter on behalf of a party or a witness, the court should make arrangements with the AOC Office of Court Interpreter Services (OCIS) for a qualified interpreter for the duration of the proceeding. If a request for an interpreter is not made, but it appears a party or witness has limited English proficiency, either due to language ability or hearing impairment, the court may request an interpreter at the judge’s discretion.

WHAT IS THE ROLE OF THE OFFICE OF COURT INTERPRETER SERVICES (OCIS)?

- Oversees Court Interpreter Certification process.
- Provides language access services to all Arkansas State courts for all types of proceedings.
- Provides trainings for court personnel, the judiciary and interpreters.
- Maintains the Arkansas Registry of Court Certified Interpreters
- Locates, contracts, coordinates interpreters/CART providers for deaf/blind, deaf, hard of hearing, and LEP individuals in all spoken foreign languages.
- Coordinates translations of court forms/documents into Spanish/English, and other languages on a per-case basis.
- Coordinates remote interpretation via telephone, GoToMeeting, Skype, or other applications.
- OCIS consists of: five full-time certified staff interpreters (4 Spanish, 1 Sign Language); One full-time Executive Assistant/Language Access Coordinator.

HOW DO I REQUEST A COURT INTERPRETER?

When the court becomes aware that an interpreter will be needed for an in-court proceeding, AOC OCIS should be notified by entering the request on the on-line IMSS scheduling system, available at www.aocinterpreters.com. Each court has an individual login and passcode for requesting interpreter services. If assistance is needed, please call 1-800-950-8221 and ask for the Office of Court Interpreter Services. OCIS will coordinate and process the court’s request and assign an AOC OCIS approved interpreter at no cost to the court.

Being bilingual or knowing sign language does not qualify a person to interpret. Children, relatives and friends should never be used to interpret in court. Likewise, judges, attorneys and court personnel should not function as interpreters in court. For foreign language interpreters, “the court may appoint a non-certified interpreter only upon finding that diligent, good faith efforts to obtain a certified interpreter have been made and none has been found to be reasonably available.” *In re Certification for Foreign Language Interpreters in Arkansas Courts*, 338 Ark. App’x 827 (1999).

While AOC OCIS only provides interpreters for in-court proceedings and directly related actions, the interpreters listed on the Registry are available to be contracted by any other authorities. Should an interpreter be requested by attorneys, law enforcement, mental health professionals, or any other court-affiliated authorities, please direct them to the registry, available by visiting the Office of Court Interpreter Services website www.courtinterpreterinfo.com or contacting our office directly at 1-800-950-8221.

WHEN CAN AN LEP INDIVIDUAL USE FAMILY MEMBERS OR FRIENDS TO INTERPRET?

Never in a court proceeding. LEP individuals will often bring English-speaking friends or family along to assist them. Given their lack of training and lack of impartiality, family or friends should never be used to interpret in court or when dealing with specific details of the LEP individual's case. That said, you may allow them to interpret in very limited circumstances outside of the courtroom where the level of vocabulary and complexity of information is very low (e.g., the LEP individual is seeking to submit completed documents or get logistical details for his or her proceeding).

TIPS FOR COMMUNICATION WITH LEP INDIVIDUALS AT THE COUNTER / OFFICE

You may find yourself needing to convey simple logistical information or responding to basic informational queries. Follow the useful tips provided below:

Foreign Language Speakers

- Speak slowly and clearly, using simple English and avoiding colloquialisms. Say “yes” and “no” rather than “uh-huh” or “yeah”.
- Do not raise your voice. Increasing your volume does not improve comprehension and can be confusing to the LEP person.
- Avoid contractions. The difference between “can” and “can’t” can be especially difficult for non-native English speakers.
- Ask open-ended questions to check comprehension. Remember that many LEP persons will nod in assent or answer yes or no questions even without understanding the conversation.
- Use body language. Look directly at the individual, speak expressively, and utilize gestures.
- Use universally understood symbols or pictures. For example, if you are discussing a date, point to time on a clock or use a calendar. If you are discussing a location, use a map and draw directions.
- Be sensitive to cultural differences. Some cultures have very different standards regarding eye contact, personal space, hygiene, and physical contact.

Deaf, Deaf/Blind, and Hearing-Impaired

- Do not assume English literacy. The native language of most deaf individuals is sign language, not English. American Sign Language is based on the French language, therefore, the average English reading level of the deaf in the US is just under that of a third-grader. This is not a measure of intelligence, merely of capability in a language that, for many deaf people, is foreign.
- Do not assume ability to lip-read.
- Use body language. Look directly at the individual, speak expressively, and utilize gestures.

ASSESSING BILINGUAL STAFF

Bilingual staff are critical in communicating information to the LEP population and language abilities should thus be strongly considered in the hiring process. Some activities, such as assisting a litigant in filling out forms, require a very high level of fluency for effective communication. The OCIS can assist hiring authorities in assessing the foreign language level of applicants by connecting them with independent language testing services. Once the results have been received, OCIS is also available to help clerks determine the extent to which the bilingual employee may be expected to work with LEP individuals.

SIGNAGE

Clerk's offices are required to post notice of the availability of interpreter services under Ark. Code Ann. § 16-10-1103(d). To this end, OCIS has developed a poster and pamphlets describing availability of interpreters in the state's most commonly spoken foreign languages. If you are unable to determine the language of the LEP individual, OCIS distributes an “I Speak” card that allows the individual to choose his/her language from numerous languages. OCIS also provides a glossary of English to Spanish translations of important court locations or notices to assist you in translating existing signage. All resources are available on the OCIS website www.courtinterpreterinfo.com.

FOR FURTHER QUESTIONS PLEASE CONTACT:

AOC OFFICE OF COURT INTERPRETER SERVICES

625 MARSHALL ST. LITTLE ROCK, AR 72201

PH: 501-682-9400 / 1-800-950-8221

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