



ARKANSAS JUDICIARY

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## **Rule 1009. Translation Of Foreign-Language Documents And Recordings.**

- (a) **Translations.** A translation of foreign-language documents and recordings, including transcriptions, that is otherwise admissible under the Arkansas Rules of Evidence shall be admissible upon the affidavit of a ?qualified translator,? as defined in paragraph (h) of this rule, setting forth the qualifications of the translator, and certifying that the translation is fair, accurate, and complete. This affidavit, along with the translation and the underlying foreign language documents or recordings, shall be served upon all parties at least forty-five (45) days before the date of trial.
- (b) **Objections.** Any party may object to the accuracy of another party's translation by pointing out the specific inaccuracies of the translation and by stating with specificity what the objecting party contends is a fair and accurate translation. This objection shall be served upon all parties at least fifteen (15) days before the date of trial.
- (c) **Effect of Failure to Object or Offer Conflicting Translation.** If no conflicting translation or objection is timely served, the court shall admit a translation submitted under paragraph (a) without need of proof, provided however that the underlying foreign-language documents or recordings are otherwise admissible under the Arkansas Rules of Evidence. Failure to serve a conflicting translation under paragraph (a), or failure to timely and properly object to the accuracy of a translation under paragraph (b), shall preclude a party from attacking or offering evidence contradicting the accuracy of the translation at trial.
- (d) **Effect of Objections or Conflicting Translations.** In the event of conflicting translations under paragraph (a), or if objections to another party's translation are served under paragraph (b), the court shall determine whether there is a genuine issue as to the accuracy of a material part of the translation to be resolved by the trier of fact.
- (e) **Expert Testimony of Translator.** Except as provided in paragraph (c), this rule does not preclude the admission of a translation of foreign-language documents and recordings at trial either by live testimony or by deposition testimony of a qualified translator.
- (f) **Varying of Time Limits.** The court, upon motion of any party and for good cause shown, may enlarge or shorten the time limits set forth in this rule.
- (g) **Court Appointment.** The court, if necessary, may appoint a qualified translator, the reasonable value of whose services shall be taxed as court costs.
- (h) **Qualified Translator.** A ?qualified translator? is an interpreter satisfying the requirements established by the Arkansas Supreme Court in *In Re: Certification for Foreign Language Interpreters in Arkansas Courts*, 338 Ark. App?x. 827 (1999) and Administrative Order Number 11. A Registry of Interpreters is maintained by the Administrative Office of the Courts.

### **Associated Court Rules:**

Arkansas Rules of Evidence

**Group Title:**

Article X. Contents of Writings, Recordings, and Photographs

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