



**ARKANSAS SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
COURT INTERPRETER SERVICES**

**REQUIREMENTS FOR CERTIFICATION OF
FOREIGN LANGUAGE INTERPRETERS IN
ARKANSAS COURTS**

Section 1: Authority and Scope

The Administrative Office of the Courts (AOC) is charged by law and Supreme Court order with responsibility for the certification and matters related thereto of foreign language interpreters for non-English speaking parties or witnesses in the state and local courts of Arkansas. Ark. Code Ann. §16-10-127; *In re Certification for Foreign Language Interpreters in Arkansas Courts* 338 Ark. App'x 827 (1999).

Except as provided by the *per curiam* order of September 30, 1999, any person who desires to serve as an interpreter for non-English speaking parties or witnesses must be certified to do so by the AOC.

Section 2: Registry of Interpreters

(a) The registry of interpreters is maintained by the AOC and made available to attorneys, state and local courts, law enforcement, other government agencies, and the public in general. The registry lists foreign language and sign language interpreters certified for court interpreting by the AOC. Only those foreign language interpreters that have completed both Phase 1 and Phase 2 certification requirements and remain in good standing with the AOC will be listed in the registry. These requirements apply to all applicants regardless of the language(s) which they intend to interpret.

(b) Phase I Requirements: (i) submit Personal Information Form pursuant to Section 3(c) below, (ii) submit Background Check Release Form pursuant to Section 3(e) below (iii) make a satisfactory score on the Candidate Assessment Exam pursuant to Section 4 below, (iv) complete the orientation training pursuant to Section 5 below, and (v) agree in writing to adhere to the Arkansas Code of Professional Responsibility for Interpreters in the Judiciary pursuant to Section 6 below.

Applicants who successfully complete the Phase I requirements will be officially considered Candidates for Certification by the AOC and may be contacted by Court Interpreter Services for use in short, non-evidentiary hearings.

(c) Phase II Requirement: Candidates for Certification who successfully complete the Phase II requirement, the Oral Certification Exam, pursuant to Sections 8 and 9 below, will be listed on the registry as certified foreign language interpreters.

Section 3: Phase I -- Application to Pursue Certification

An applicant for certification must:

(a) be at least 18 years old and be of good moral character;

(b) have the legal right to live and work in the United States;

(c) complete and submit to the AOC a notarized copy of the Personal Information Form for Arkansas Court Interpreters attaching both a recent passport-style photo and proof of education (copy of G.E.D., high school diploma, or college transcript);

(d) complete and submit a notarized copy of the Background Check Release Form, allowing the AOC to request a background check of the candidate from the Arkansas State Police (the completed form should be accompanied by a \$25 payment to cover processing costs); and

(e) submit to the AOC written documentation if the applicant claims a waiver of the training requirement and/or the language examination requirement as explained in Section 10.

Each application will be processed by the AOC, and the applicant will be advised in writing of the time and place that the first phase of the testing process will be conducted. If the AOC waives the training requirement and/or the language examination requirement, the applicant will be notified to submit the documentation set out herein. Any applicant whose application is denied shall be promptly notified.

Each applicant will receive a copy of Administrative Order No. 11, *Arkansas Code of Professional Responsibility for Foreign Language Interpreters in the Judiciary* and the Overview of the Candidate Assessment Exam. These documents should be studied in preparation for taking the Candidate Assessment Exam. The Code is an important component of the test.

Section 4: Phase I - Candidate Assessment Exam

Upon completing Section 3 requirements and passing the background check, applicants must register for the Candidate Assessment Exam and include a \$75 non-refundable payment to cover materials and processing costs for the exam.

The applicant must achieve a satisfactory score on the first three parts of the Candidate Assessment Exam before advancing to the orientation and the administration of the fourth and final part of the exam.

Part I (Written) - English Proficiency

Part II (Written) - Code of Professional Responsibility

Part III (Oral) - Oral Proficiency Interview (OPI)

A satisfactory score is a combined score of 80% on Parts I and II of the Candidate Assessment Exam and a score of "Advanced High" on Part III.

The Oral Proficiency Interview is administered remotely by a private testing provider contracted by the AOC. Applicants are required to score "Advanced High" on the proficiency scale established by the American Council for the Teaching of Foreign Languages (ACTFL). All applicants who successfully complete Section 4 of the requirements will be eligible to attend the orientation training session. For those who may not be able to attend the orientation at the first available date offered, scores for Parts I, II, and III of the Candidate Assessment Exam will remain valid for one year from the date an applicant's letter of passing is mailed.

Section 5: Phase I - Orientation

Each applicant must successfully complete an orientation training session. Participants will attend the orientation at their own expense and must pay a registration fee of \$50.00 to cover meals and materials. Dates and locations will be announced well in advance of each session.

The orientation is designed to familiarize the applicant with the Arkansas court system and provide instruction on the role of the interpreter and the skills and ethics required of an interpreter in the courtroom.

In addition, applicants will take Part IV (Written) of the Candidate Assessment Exam, testing knowledge of court-related terms. A satisfactory score of 80% on Part IV is required to further advance in the certification process.

Section 6: Phase I - Code of Professional Responsibility

At the conclusion of the orientation, the candidate must agree in writing to adhere to the *Arkansas Code of Professional Responsibility for Foreign Language Interpreters in the Judiciary* as established by Supreme Court Administrative Order No. 11.

Section 7: Candidate for Certification

An applicant who successfully completes the Phase I requirements (Sections 3- 6) will be officially considered a Candidate for Certification and at the discretion of the AOC Court Interpreter Services, will be eligible to interpret in Arkansas district courts for short, non-evidentiary hearings. As available, an AOC Certified Interpreter may accompany a candidate to courtroom proceedings to further his or her training.

Section 8: Phase II - Oral Certification Exam

In order to qualify as a Certified Interpreter, a person must complete Phase II training by demonstrating proficiency in three modes of interpretation:

- (a) simultaneous interpretation from English to the applicable foreign language;
- (b) consecutive interpretation, English to the applicable foreign language and applicable foreign language to English; and
- (c) sight translation (two parts) (1) an English document into the applicable foreign language and (2) the applicable foreign language into English.

The Oral Certification Exam is an objective test developed under the auspices of the National Center for State Courts. An individual must score at least 70% in each mode to qualify as an Arkansas Certified Interpreter. For Arkansas scoring purposes, parts one and two of the sight translation mode are combined for one score. The fee for taking the language examination is \$200, which must be submitted upon registration. Applicants will be notified in writing on a pass/fail basis. However, an unsuccessful applicant will be informed of which section(s) the applicant failed.

When considered for reciprocity among states utilizing the NCSC exam, the two parts of the sight translation testing are treated as separate scores, and the exam consists of four parts. An individual must score a minimum of 70% on each of the four parts of the exam.

Section 9: Certified Interpreter

A Candidate for Certification who achieves a minimum passing score on the Oral Certification Exam (Section 8) will be listed on the registry as a Certified Interpreter. No person shall use the title Certified Interpreter in conjunction with his/her name without a valid certificate issued by the AOC.

Section 10: Interpreters Certified in Other Jurisdictions

At the discretion of the AOC, the language examination requirement may be waived if the federal court system or state using an NCSC-based examination certifies in writing to the AOC that the applicant obtained a passing score on a language certification test administered by the federal court system or that state court system. Similarly, the orientation training requirement may be waived if the applicant submits to the AOC written documentation of having fulfilled the training requirements of the federal courts or another state court system. Individuals requesting a waiver are still required to complete all application requirements listed Section 3. In addition, the applicant must furnish a "good standing" letter from the jurisdiction of origin.

Section 11: Complaint Policy

Any person may initiate a complaint by filing it in accordance with the procedures set forth in Section 12. Complainants may include, but are not limited to, defendants, litigants, court personnel, judges and judicial officers, other interpreters, and courtroom observers. These procedures are not intended to be a vehicle for complaints about interpreting errors made by interpreters during the course of a proceeding unless there is an allegation of gross incompetence or knowing misinterpretation or misrepresentation. These procedures may be used in addition to the sanction of disqualification for good cause imposed by a judge in a proceeding as set forth in the *per curiam* order of the Arkansas Supreme Court dated September 30, 1999.

All complaints and investigations shall be confidential, except that when a final determination is made to impose any of the sanctions listed in Section 14, the final disposition, including the grounds for the sanction(s) and the facts cited in support of the disposition, shall be accessible to the public.

Complaints against registry interpreters may be filed for reasons including but not limited to:

(a) conviction of a felony or misdemeanor involving moral turpitude, dishonesty or false statements (Conviction is defined as a plea of guilty, or nolo contendere, or guilty verdict.);

(b) fraud, dishonesty, or corruption which is related to the functions and duties of a court interpreter;

(c) knowing misrepresentation of court certification or roster status; knowing and willful disclosure of confidential or privileged information obtained while serving in an official capacity as a court interpreter;

(d) gross incompetence;

(e) failure to appear as scheduled without good cause or habitual neglect of duty;

(f) the misrepresentation or omission of material facts in the application process or in obtaining certification;

(g) being unable to interpret adequately, including where the interpreter self-reports such inability;

(h) knowingly and willfully making false interpretation while serving in an official capacity;

(i) failing to adhere to the requirements prescribed by the AOC, including the Arkansas Code of Professional Responsibility for Foreign Language Interpreters;

(j) any intentional violation of, noncompliance with or gross negligence in complying with any rule or directive of the Supreme Court of Arkansas, or any other court within this State; or

(k) failing to follow other standards prescribed by law.

Section 12: Filing a Complaint

A complaint must be submitted in writing or an acceptable alternative format, signed by the complainant, and mailed or delivered to the Administrative Office of the Courts. The complaint shall state the date, time, place and nature of the alleged improper conduct. If possible, the complaint shall include the name, title and telephone number of possible witnesses. Finally, the complaint shall state why the complainant believes the alleged improper activity should be sanctioned.

If the complainant is unable to communicate in written English, the complainant may submit the complaint in his or her native language.

If the subject of the complaint is a staff interpreter employed by the AOC, then the complaint shall be governed by the policies of the AOC, including the employee handbook. Complaints against registry interpreters who are not on the staff of the AOC shall be governed by the procedures set out below.

Section 13: Review of Complaints

(a) The Court Interpreting Services Coordinator (Coordinator) shall review the complaint and determine whether the allegations, if true, would constitute grounds for discipline. If the Coordinator determines that the complaint alleges conduct that would be grounds for discipline, an investigation shall proceed according to this section.

(b) If the Coordinator determines that the complaint does not allege conduct that would be grounds for discipline, the Coordinator shall dismiss the complaint and notify the interpreter and complainant via first class mail. The notification shall include an explanation of the reason(s) for the Coordinator's determination that the complaint does not allege conduct that would be grounds for discipline.

(c) If the complainant disagrees with the Coordinator's determination in (b), the complainant may file a petition for review with the AOC within twenty (20) days of the receipt by the complainant of the Coordinator's determination. The petition shall briefly state the facts that form the basis for the complaint and the complainant's reasons for believing that review is warranted.

(d) The AOC Director shall make a decision on the complainant's petition within thirty (30) days. If the AOC Director determines that the complaint does allege conduct that would be grounds for discipline, the Coordinator shall proceed to investigate the complaint as provided in subsection (e) below. If the

AOC Director determines that the complaint does not allege conduct that would be grounds for discipline, the complaint shall be dismissed and the interpreter and complainant shall be notified via first class mail. Such a determination by the AOC Director shall be final. The AOC Director may appoint a designated officer to act on his or her behalf in carrying out any of the aforementioned duties in this section.

(e) If the complaint does allege conduct that would be grounds for discipline, the Coordinator shall investigate as necessary or refer the investigation to a qualified agency or individual. As part of this investigation, the Coordinator will contact the interpreter, inform him/her of the complainant's allegations, and give the interpreter the opportunity to respond. This response shall be included in the investigative report.

At the conclusion of the investigation, if the Coordinator determines that conduct occurred that would be grounds for discipline, the Coordinator shall submit a report of his/her findings to the AOC Director for review.

If, at the conclusion of the investigation, the Coordinator determines that no conduct occurred that would be grounds for discipline the Coordinator shall dismiss the complaint and notify the interpreter and the complainant by first class mail. The notification shall include an explanation of the reason(s) for the Coordinator's determination that no grounds for discipline exist. If the complainant disagrees with the determination, he/she may file a petition for review with the AOC Director under the same procedure as outlined in subsection (c) of these procedures.

(f) If upon reviewing the results of the investigation, the AOC Director determines that disciplinary action is not warranted, the AOC Director shall dismiss the complaint and notify the interpreter and the complainant by first class mail. The notification shall include an explanation of the reason(s) for the determination that the alleged conduct is not grounds for discipline. Such a determination shall be final.

If the AOC Director determines that disciplinary action may be warranted, the AOC Director shall send to the interpreter, by certified mail, a copy of the complaint, the Coordinator's report, a citation to the ethical rules which may have been violated, the sanctions deemed appropriate, and a request for a written response to the allegations and to any specific questions posed. Except for good cause shown, if the interpreter fails to respond in writing to the complaint and request for response within twenty (20) days of receipt of the complaint and request, the allegations in the complaint shall be deemed admitted.

The AOC Director shall make a final decision on the factual allegations and appropriate sanctions, if any, based solely on the written submissions by the Coordinator and the interpreter's written response. This decision must be made within ninety (90) days of receiving the written submissions by the Coordinator and the interpreter. This decision will be final. Provided, however, if the AOC Director determines that either the sanction of suspension or revocation may be in order, the interpreter shall be notified and afforded the opportunity for a hearing as provided in Section 14 prior to a final decision.

The AOC Director may appoint a designated officer to act on his or her behalf in carrying out any of the aforementioned duties in this section.

Section 14: Hearing and Sanctions

(a) Upon being advised of the right to a hearing, if the interpreter requests one, a hearing shall be conducted by the AOC Director or his or her designee (Hearing Officer), and the interpreter will be notified of the time and place of the hearing.

1. Pre-hearing discovery shall not be permitted unless expressly authorized in response to a written request.
2. The interpreter may be represented by counsel.
3. All hearings will occur at the Justice Building.
4. Strict rules of evidence shall not apply. Both the Coordinator and the interpreter shall be afforded the opportunity to introduce documents and other relevant evidence, and to elicit sworn testimony. The Hearing Officer may, in his or her discretion, consider any evidence presented, including affidavits, giving such evidence the weight he or she deems appropriate.

The Coordinator may appoint a designated officer to act on his or her behalf in carrying out any of the aforementioned duties in this section.

(b) The Hearing Officer shall advise the interpreter and complainant via first class mail of his or her action on the complaint and shall make written findings of fact based on the evidence presented. If the sanction of suspension or revocation of the interpreter's court certification or registry status is imposed, the conditions and time frame within which the interpreter may apply for

reinstatement of his or her prior court certification or registry status must be specified. The decision of the Hearing Officer is final.

(c) If the Hearing Officer finds that there is clear and convincing evidence that the interpreter has violated the Code of Professional Responsibility or that there are any other grounds for discipline stated in these rules, he or she shall impose such discipline or sanctions as he or she may deem appropriate. In determining the type of sanction, the nature and seriousness of the violation, any pattern of improper activity, the effect of the improper activity on the court interpreter system and/or the complainant, the amount of experience the interpreter has as a court interpreter, and any other mitigating or aggravating information presented shall be considered. Sanctions that may be imposed include but are not limited to:

1. Issuing a reprimand;
2. Issuing a corrective order with which the interpreter must comply in order to remain on the registry;
3. Requiring that certain education courses be taken;
4. Requiring that the interpreter work with a mentor, or that the interpreter's work be supervised;
5. Limiting the type of court hearings for which the interpreter may interpret;
6. Suspension of interpreter court certification or registry status;
7. Revocation of interpreter court certification or registry status.

"Revocation" means to unconditionally prohibit the conduct authorized by the certification or registry status.

"Suspension" means to prohibit, whether absolutely or subject to conditions which are reasonably related to the grounds for suspension, for a defined period of time, the conduct authorized by the certificate or registry status.

(d) An interpreter whose court certification or registry status has been suspended or revoked may apply in writing to the Coordinator for reinstatement within the time frame established in the suspension/revocation decision or order. The Coordinator or his or her designated officer shall have sole discretion in determining whether the conditions for reinstatement have been satisfied.

Section 15: Removal from Registry

Any person whose name appears on the registry as a certified interpreter who has not interpreted in the Arkansas court system during any two-year period, or who has not registered and attended training offered by the AOC during any two-year period will be removed from the registry. He or she may re-apply and begin the process again. Any contract interpreter charged with a felony or misdemeanor, other than minor traffic violations, shall be removed from the registry until such time as the matter is resolved.