

ARKANSAS PROFESSIONAL COURT INTERPRETER HANDBOOK



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

501-682-9400

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Section I

Knowledge, Skills and Abilities for Court Interpreters

Professional court interpreters are individuals who possess educated, native-like mastery of both English and a second language; display wide general knowledge characteristic of what a minimum of two years of general education at a college or university would provide; and perform the three major types of court interpreting: sight translation, consecutive interpreting, and simultaneous interpreting. Court interpreters must perform each type of interpreting in a manner that includes everything that is said, preserves the tone and level of language, and neither changes nor adds anything to what is said. Interpreters deliver services in a manner faithful to all canons of a Code of Professional Responsibility and policies regarding court interpreting promulgated by the judiciary.¹

The ability to perform simultaneous interpreting, consecutive interpreting and sight translation in the legal setting requires specialized training and skills. Being bilingual is an insufficient qualification for court interpreting. To understand court interpreting as a profession, one must first understand the knowledge, skills, and abilities (KSA's) that define the specific measurable skills or competencies that persons seeking to fill the role of interpreter must possess.²

Linguistic Skills: Prospective court interpreters must have superior linguistic skills in both English and all working languages. Court proceedings involve an infinite array of complex matters, ranging from constitutional arguments, DNA analyses, to medical analyses. As such, interpreters must possess:

- Native or native-like proficiency in all working languages;
- Knowledge and use of a broad range of vocabulary, including legal terminology, subject-specific terminology, and slang; and
- Knowledge and use of cultural nuances, regional variations, idiomatic expressions, and colloquialisms in all working languages.

Speaking Skills: As conduits of communication, interpreters are speaking at all times – either in English or the target language. They must speak clearly to be understood, and at the appropriate volume required by the circumstances. While strong speaking skills sometimes develop naturally, many prospective interpreters must work to develop these skills, especially if challenged with pronunciation difficulties. Examples of speaking skills include:

- The ability to speak with proper pronunciation, diction, and intonation in all working languages;
- The ability to speak with a neutralized and easily understandable accent in all working languages; and
- The ability to modulate volume appropriate to the setting by either projecting his/her voice or speaking softly.

¹ Court Interpretation: Model Guides for Policy and Practice in the State Courts - NCSC

² The KSA's identified in this section were assembled based on input from Robert Joe Lee, formerly of Court Executive Language Service Section, Administrative Office of the New Jersey Courts, and a research report commissioned by the Judicial Council of California.

Listening and Comprehension Skills: In order to interpret correctly, interpreters must completely understand all of the information that is communicated. This requires active listening skills and a high degree of concentration. Interpreters must have:

- The ability to listen to and comprehend various registers and specialized domains in all working languages.
- The ability to listen to and comprehend various regional accents and/or differences in all working languages; and
- The ability to ignore auditory distractions and focus on the source speaker.

Interpreter's Responsibility to Prepare: Court interpreters are frequently called upon to read and provide sight translation of texts associated with court hearings. Such texts can include handwritten notes, police reports, medical records, and/or highly technical legal documents from local or foreign jurisdictions. Court interpreters should request and take sufficient time to adequately prepare when given such documents with little or no advance notice. As such, the interpreter must possess:

- The ability to read and comprehend overall meaning and specific details of written text in all working languages.
- The ability to read and recognize various written contexts, including formal and informal text, subject-specific vocabulary, idiomatic expressions, and colloquialisms; and
- The ability to read quickly and comprehend with limited preparation.

Interpreting Skills: An interpreter's most important responsibility is ACCURACY AND COMPLETENESS, as expressed in Canon 1 of the Code. When performing simultaneous or consecutive mode or a sight translation the interpreter receives communication in the source language; dissects the meaning and finds equivalents in the target language in order to maintain the integrity of the message and deliver it within a matter of seconds. Interpreters are not afforded the luxury of time to consider how to best phrase words or build sentences. The process of interpreting requires skills and techniques that continually develop over years of training and work experience. A competent interpreter will have the ability to:

- Think analytically and make quick linguistic decisions regarding wording or terminology selection;
- Concentrate and focus;
- Apply short-term memory skills in retaining manageable units of information;
- Use effective note-taking techniques to supplement short-term memory.
- Provide transference from one language to another and select appropriate equivalents for vocabulary or phrases;
- Accommodate for lack of equivalents in vocabulary or phrases;
- Perform case preparation;
- Self-monitor and self-correct – on the record if necessary;
- Switch back and forth among the various modes of interpretation appropriately; and
- Preserve intent, tone, style, and utterances of all messages, including accurate reflection of register

- The ability to think and react communicatively in all working languages;
- The ability to listen to and comprehend different rates of speech in all working languages; monitoring environmental factors such as fast speech or auditory distractions.

Interpreter Responsibilities and Protocol: Court interpreters are officers of the court and are expected to behave as such. They work in a highly professional environment where standards and expectations are held to a high degree. They are entrusted with highly sensitive information and are thrust into the middle of communications concerning life and death matters. Most often, interpreters work independently and are not actively supervised by managers. It is therefore incumbent upon them to adopt the strictest of professional standards, such as:

- Conduct business in an honest and professional manner which reflect interpreter's ethical responsibilities towards LEP, colleagues and the judiciary ;
- Work professionally in various settings and collaborate with colleagues, consumers and court staff.
- Self-awareness as to whether he/she is appropriate for a certain job.
- Actively pursue knowledge and information on social, technological, cultural and legal changes that affect language.
- Confidently exercise situational control appropriately, such as articulating to a judicial officer when impediments to performance occur;
- Work effectively and productively as part of a team of interpreters;
- Request appropriate information prior to assignments so that necessary preparation can be carried out;
- Use electronic equipment appropriately, especially simultaneous and telephone interpreting devices; and
- Exercise professional judgment flowing from professional codes of conduct and conform one's practice to the role and functions of the interpreter.

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



Certification Process Overview

Thank you for your interest in becoming a Certified Foreign Language Interpreter in the State of Arkansas. The process of certification is set forth by the Arkansas Supreme Court; therefore, all the steps need to be completed. Please familiarize yourself with each step as listed below.

Certification Process:

- I. Personal Information Form for Arkansas Court Interpreters**
- II. Background Check**
- III. Candidate Assessment Exam:** Achieve a passing score (80%) on **Parts I & II**, combined, and a score of Advanced High on **Part III, the Oral Proficiency Interview (OPI)**.
- IV. Orientation:** Attend and complete successfully the Orientation Seminar and achieve a passing score (80%) on **Part IV** of the Candidate Assessment Exam.
- V. Oral Exam for Certification:** Achieve a passing score (70%) on the **Oral Exam** for Certification.
 - I. Personal Information Form for Arkansas Court Interpreters:**
 - a) Fill out and sign **Form**.
 - b) Have **Form** notarized.
 - c) Attach a recent **photo** (taken within the last 3 months) of yourself that is passport style.
 - d) Include proof of education (copy of G.E.D.; High School Diploma; or College Transcript)

II. Background Check:

- a) Fill out and sign **Release Form**.
- b) Have Release Form notarized.
- c) Attach \$25 payment (made out to Arkansas Supreme Court Foreign Language Interpreter Fund)
- d) Mail to the Administrative Office of the Courts
625 Marshall Street Little Rock, AR 72201
Attn: Court Interpreter Services

III. Candidate Assessment Exam Information:

**Be advised that this is NOT the Oral Exam for Certification.*

- a) **Part I: English Language Skills** consists of 75 Multiple Choice questions covering Sentence Completion, Synonyms, Synonyms in Context, Antonyms and Idioms.
- b) **Part II: Ethics** consists of ten multiple choice questions based on the Arkansas Code of Professional Responsibility for Interpreters in the Judiciary.
- c) **Part III: The ACTFL Oral Proficiency Interview (OPI)** is a standardized procedure for the global assessment of functional speaking ability. It measures how well a person speaks a language by comparing their performance of specific language tasks, as set forth in the criteria for each of ten proficiency levels established by the American Council for the Teaching of Foreign Languages (ACTFL). The Oral Proficiency Interview is administered remotely by a private testing provider contracted by the AOC.
- d) You must **pre-register** for the written exam by the **deadline date**. The exam fee is **\$75.00** and is non-refundable. Checks must be made out to the Arkansas Supreme Court Foreign Language Interpreter Fund. You are permitted to test only once in a 12-month period. Pay careful attention to the deadlines for each testing date. You will receive a letter of confirmation from our office upon receipt of your Registration.
- e) **Identification:** When you appear for the test, you will be asked to produce official, photo identification with the same name that appears on your registration form. Acceptable forms of identification include a VALID driver's license, an official state identification card for unlicensed drivers, or a current passport.
- f) Candidates must achieve a combined score of **80%** on **Parts I and II** and a score of Advanced High on the **Part III (OPI)** must be achieved to be eligible to attend the Court Interpreter Orientation.

IV. Orientation Information:

- a) The Orientation is a multiple day workshop which includes the introduction of the Role of the Interpreter in the Judiciary, Ethics, the Modes of Interpreting, Legal Terminology and a Mock Trial. Participants must pay a registration fee of \$50 to cover cost of meals and materials.
- b) **Part IV: Court Related Terms and Usage** portion of the Candidate Assessment Exam will be administered at the end of the Orientation. Candidates must achieve a score of **80%** on **Part IV** to be eligible to pursue certification.
- c) Upon achieving a passing score, Candidates are introduced to the resources that are available to study for the Oral Exam for Certification, which is offered within six months to a year of the Orientation.

V. Oral Exam for Certification Information:

- a) The Oral Exam for Certification is an objective test developed under the auspices of the National Center for State Courts, designed to determine whether candidates possess the minimum levels of language knowledge and interpreting skills required to perform competently during court proceedings.
- b) The test measures language knowledge and fluency in both languages and the ability to successfully render meaning from target to source language in each of the three modes of interpreting that are required of court interpreters. The three modes of interpreting include:
 - simultaneous interpreting;
 - consecutive interpreting;
 - sight translation of documents.
- c) The candidate must score at least a **70%** on **each** of the **three parts** of the oral examination in order to pass.

Visit our website at www.ArkansasCourtInterpreterInfo.com and choose the tab "Requirements for Court Interpreters" to view the necessary documents to begin your pursuit in becoming a Court Certified Interpreter.

Please do not hesitate to call our office at (501) 682-9400 if you have any questions.

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. §16-10-1103; *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 approved 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.

Section III

The role of the court interpreter is to assist the court in bringing the Limited English Proficient (LEP) speaker to equal linguistic footing with an English speaker. In doing so, the service of an interpreter enables the court to provide equal access to justice for LEP speaking witnesses, victims and defendants.

A court interpreter plays a critical role in the administration of justice as he/she transfers a message from one language to another thus ensuring access, due process and participation of all parties involved. The goal of a court interpreter is two-fold: to enable the judge, the jury, counsel and parties involved to react in the same manner to a LEP speaker as they would to an English speaker and to enable the LEP defendant to 'hear' everything and therefore participate as an English speaker would.

The court interpreter must interpret the original source material without editing, summarizing, deleting, or adding; while conserving the language level, style, tone, and intent of the speaker. If it appears appropriate to provide an explanation to the LEP speaker, it must only be done in the presence of the English speaker and interpret into English anything stated to the LEP speaker.

The court interpreter may be the only bilingual person able to communicate with the LEP. This fact may complicate further the interpreter's role by creating expectations from both the LEP and the party with whom he/she needs to communicate as to what the interpreter may bring to the interaction. It is common for either party to relinquish control of the conversation and pass that control on to the interpreter. Such expectations and actions present ethical challenges that the interpreter needs to address. It is therefore important for the interpreter to remember that his/her ONLY role is to remove the language barrier by allowing true communication between the parties. To this end and to keep the interpreter on check, a generally accepted Code of Ethics and associated Professional Standards have been developed.

The Role of Court Interpreters

The role of the court interpreter can be defined in the following ways:

- The duty of the Court Interpreter is to serve as a conduit between non-English speakers and English-speaking officials in legal forums. As they convert one language to another, interpreters play a critical role in the administration of justice and make it possible to ensure the rights of due process and participation in the court system for all those involved.
- The goal of a court interpreter is to enable the judge and jury to react in the same manner to a non-English-speaking witness as they do with one who speaks English. Also, the limited - or non-English-speaking defendant should be enabled to hear everything that an English speaker has the privilege to hear.
- The proper role of the interpreter is to place the non-English speaker, as closely as linguistically possible, in the same situation as an English speaker in a legal setting. In doing so the interpreter does not give any advantage or disadvantage to the non-English-speaking witness or defendant.
- The goal of a court interpreter is to produce a legal equivalent, a linguistically true and legally appropriate interpretation.²

Court interpretation for foreign language speaking and deaf or hearing impaired individuals is a highly specialized form of interpreting that cannot be effectively performed without commensurate specialized training and skills. Being bilingual, even fluently so, is insufficient qualification for court interpreting. Interpreters must be able to interpret with exactitude while accurately reflecting a speaker's nuances and level of formality. The interpreter must interpret the original source material without editing, summarizing, deleting, or adding; while conserving the language level, style, tone, and intent of the speaker. The interpreter must render what may be termed the "legal equivalent, of the source message."³

Interpreting requires the use of several cognitive and motor skills, including:

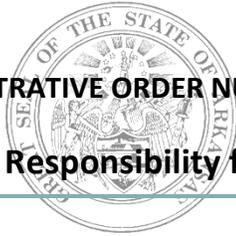
1. Listen
2. Comprehend
3. Abstract the message from the words and word order
4. Store ideas
5. Search for the conceptual and semantic matches
6. Reconstruct the message in the other language
7. WHILE...speaking and listening for the next chunk of language to process
8. WHILE. ...monitoring their own output.⁴

Court interpreters must be able to use these skills in three different modes: simultaneous interpretation, consecutive interpretation, and sight interpretation of documents.

To clarify the role and govern the behavior of the interpreter in the state court system, the Code of Professional Responsibility was promulgated by the Minnesota Supreme Court in 1996.

²Roseann D. Gonzalez, Victoria C. Vasquez and Holly Mikkelson, *Fundamentals of Court Interpretation; Theory, Policy and Practice*, (Durham, N.C.: Carolina Academic Press, 1991)

³William E. Hewitt, *Court Interpretation: Model Guides for Policy and Practice in the State Courts* (National Center for State Courts, State Justice Institute, 1995) ⁴Id.



ADMINISTRATIVE ORDER NUMBER 11

Arkansas Code of Professional Responsibility for Interpreters in the Judiciary

PREAMBLE

Many persons who come before the courts are partially or completely excluded from full participation in the proceedings due to limited English proficiency or a speech or hearing impairment. It is essential that the resulting communication barrier be removed, as far as possible, so that these persons are placed in the same position as similarly situated persons for whom there is no such barrier.¹ As officers of the court, interpreters help assure that such persons may enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively. Interpreters are highly skilled professionals who fulfill an essential role in the administration of justice.

APPLICABILITY

This code shall guide and be binding upon all persons, agencies and organizations who administer, supervise use, or deliver interpreting services to the judiciary.

Commentary:

The black letter principles of this model code are principles of general application that are unlikely to conflict with specific requirements of rule or law in the states, in the opinion of the code's drafters. Therefore, the use of the term "shall" is reserved to the black letter principles. Statements in the commentary use the term "should" to describe behavior that illustrates or elaborates the principles. The commentaries are intended to convey what the drafters of this model code believe are *probable* and *expected* behaviors. Wherever a court policy or routine practice appears to conflict with the commentary in this code, it is recommended that the reasons for the policy as it applies to court interpreters be examined.

CANON 1: ACCURACY AND COMPLETENESS

Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.

1. Non-English speaker should be able to understand just as much as an English speaker with the same level of education and intelligence.

Commentary:

The interpreter has a two fold duty: 1) to ensure that the proceedings in English reflect precisely what was said by a non-English speaking person, and 2) to place the non-English speaking person on an equal footing with those who understand English. This creates an obligation to conserve every element of information contained in a source language communication when it is rendered in the target language.

Therefore, interpreters are obligated to apply their best skills and judgment to preserve faithfully the meaning of what is said in court, including the style or register of speech. Verbatim, “word for word,” or literal oral interpretations are not appropriate when they distort the meaning of the source language, but *every spoken statement, even if it appears non-responsive, obscene, rambling, or incoherent should be interpreted.* This includes apparent misstatements.

Interpreters should never interject their own words, phrases, or expressions. If the need arises to explain an interpreting problem (e.g., a term or phrase with no direct equivalent in the target language or a misunderstanding that only the interpreter can clarify), the interpreter should ask the court’s permission to provide an explanation. Interpreters should convey the emotional emphasis of the speaker without reenacting or mimicking the speaker’s emotions, or dramatic gestures.

Sign language interpreters, however, *must* employ all of the visual cues that the language they are interpreting for requires -including facial expressions, body language, and hand gestures. Sign language interpreters, therefore, should ensure that court participants do not confuse these essential elements of the interpreted language with inappropriate interpreter conduct.

The obligation to preserve accuracy includes the interpreter’s duty to correct any error of interpretation discovered by the interpreter during the proceeding. Interpreters should demonstrate their professionalism by objectively analyzing any challenge to their performance.

CANON 2: REPRESENTATION OF QUALIFICATIONS

Interpreters shall accurately and completely represent their certifications, training and pertinent experience.

Commentary:

Acceptance of a case by an interpreter conveys linguistic competency in legal settings. Withdrawing or being asked to withdraw from a case after it begins causes a disruption of court proceedings and is wasteful of scarce public resources. It is therefore essential that interpreters present a complete and truthful account of their training, certification and experience prior to appointment so the officers of the court can fairly evaluate their qualifications for delivering interpreting services.

CANON 3: IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST

Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.

Commentary:

The interpreter serves as an officer of the court and the interpreter's duty in a court proceeding is to serve the court and the public to which the court is a servant. This is true regardless of whether the interpreter is publicly retained at government expense or retained privately at the expense of one of the parties.

The interpreter should avoid any conduct or behavior that presents the appearance of favoritism toward any of the parties. Interpreters should maintain professional relationships with their clients, and should not take an active part in any of the proceedings. The interpreter should discourage a non-English speaking party's personal dependence.

During the course of the proceedings, interpreters should not converse with parties, witnesses, jurors, attorneys, or with friends or relatives of any party, except in the discharge of their official functions. It is especially important that interpreters, who are often familiar with attorneys or other members of the courtroom work group, including law enforcement officials, refrain from casual and personal conversations with anyone in court that may convey an appearance of a special relationship or partiality to any of the court participants.

The interpreter should strive for professional detachment. Verbal and non-verbal displays of personal attitudes, prejudices, emotions, or opinions should be avoided at all times.

Should an interpreter become aware that a proceeding participant views the interpreter as having a bias or being biased, the interpreter should disclose that knowledge to the appropriate judicial authority and counsel.

Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest. Before providing services in a matter, court interpreters must disclose to all parties and presiding officials any prior involvement, whether personal or professional, that could be reasonably construed as a conflict of interest. This disclosure should not include privileged or confidential information.

The following are circumstances that are presumed to create actual or apparent conflicts of interest for interpreters where interpreters should not serve:

1. The interpreter is a friend, associate, or relative of a party or counsel for a party involved in the proceeding;
2. The interpreter has served in an investigative capacity for any party involved in the case;

3. The interpreter has previously been retained by a law enforcement agency to assist in the preparation of the criminal case at issue;
4. The interpreter or the interpreter's spouse or child has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that would be affected by the outcome of the case;
5. The interpreter has been involved in the choice of counsel or law firm for that case.
Interpreters should not serve in any matter in which payment for their services is contingent upon the outcome of the case.

An interpreter who is also an attorney should not serve in both capacities in the same matter.

CANON 4: PROFESSIONAL Demeanor

Interpreters shall conduct themselves in a matter consistent with the dignity of the court and shall be as unobtrusive as possible.

Commentary:

Interpreters should know and observe the established protocol, rules, and procedures for delivering interpreting services. When speaking in English, interpreters should speak at a rate and volume that enable them to be heard and understood throughout the courtroom, but the interpreter's presence should otherwise be as unobtrusive as possible. Interpreters should work without drawing undue or inappropriate attention to themselves. Interpreters should dress in a manner that is consistent with the dignity of the proceedings of the court.

Interpreters should avoid obstructing the view of any of the individuals involved in the proceedings. However, interpreters who use sign language or other visual modes of communication must be positioned so that hand gestures, facial expressions, and whole body movement are visible to the person for whom they are interpreting.

Interpreters are encouraged to avoid personal or professional conduct that could discredit the court.

CANON 5: CONFIDENTIALITY

Interpreters shall protect the confidentiality of all privileged and other confidential information.

Commentary:

The interpreter must protect and uphold the confidentiality of all privileged information obtained during the course of this or her duties. It is especially important that the interpreter understand and uphold the attorney-client privilege, which requires confidentiality with respect to any communication between attorney and client. This rule also applies to other types of privileged communication.

Interpreters must also refrain from repeating or disclosing information obtained by them in the course of their employment that may be relevant to the legal proceeding.

In the event that an interpreter becomes aware of information that suggests imminent harm to someone or relates to a crime being committed during the course of the proceedings, the interpreter should immediately disclose the information to an appropriate authority within the judiciary who is not involved in the proceeding and seek advice in regard to the potential conflict in professional responsibility.

CANON 6: RESTRICTION OF PUBLIC COMMENT

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

CANON 7: SCOPE OF PRACTICE

Interpreters shall limit themselves to interpreting or translating, and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

Commentary:

Since interpreters are responsible only for enabling others to communicate, they should limit themselves to the activity of interpreting or translating only. Interpreters should refrain from initiating communications while interpreting unless it is necessary for assuring an accurate and faithful interpretation.

Interpreters may be required to initiate communications during a proceeding when they find it necessary to seek assistance in performing their duties. Examples of such circumstances include seeking direction when unable to understand or express a word or thought, requesting speakers to moderate their rate of communication or repeat or rephrase something, correcting their own interpreting errors, or notifying the court of reservations about their ability to satisfy an assignment competently. In such instances they should make it clear that they are speaking for themselves.

An interpreter may convey legal advice from an attorney to a person only while that attorney is giving it. An interpreter should not explain the purpose of forms, services, or otherwise act as counselors or advisors unless they are interpreting for someone who is acting in that official capacity. The interpreter may translate language on a form for a person who is filling out the form, but may not explain the form or its purpose for such a person.

The interpreter should not personally serve to perform official acts that are the official responsibility of other court officials including, but not limited to, court clerks, pretrial release investigators or interviewers, or probation counselors.

CANON 8: ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE

Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the appropriate judicial authority.

Commentary:

If the communication mode or language of the non-English-speaking person cannot be readily interpreted, the interpreter should notify the appropriate judicial authority.

Interpreters should notify the appropriate judicial authority of any environmental or physical limitation that impedes or hinders their ability to deliver interpreting services adequately (e.g., the court room is not quiet enough for the interpret to hear or be heard by the non-English speaker, more than one person at a time is speaking, or principals or witnesses of the court are speaking at a rate of speed that is too rapid for the interpreter to adequately interpret). Sign language interpreters must ensure that they can both see and convey the full range of visual language elements that are necessary for communication, including facial expressions and body movement, as well as hand gestures.

Interpreters should notify the presiding officer of the need to take periodic breaks to maintain mental and physical alertness and prevent interpreter fatigue. Interpreters should recommend and encourage the use of team interpreting whenever necessary.

Interpreters are encouraged to make inquiries as to the nature of a case whenever possible before accepting an assignment. This enables interpreters to match more closely their professional qualifications, skills, and experience to potential assignments and more accurately assess their ability to satisfy those assignments competently.

Even competent and experienced interpreters may encounter cases where routine proceedings suddenly involve technical or specialized terminology unfamiliar to the interpreter (e.g., the unscheduled testimony of an expert witness). When such instances occur, interpreters should request a brief recess to familiarize themselves with the subject matter. If familiarity with the terminology requires extensive time or more intensive research, interpreters should inform the presiding officer.

Interpreters should refrain from accepting a case if they feel the language and subject matter of that case is likely to exceed their skills or capacities. Interpreters should feel no compunction about notifying the presiding officer if they feel unable to perform competently, due to lack of familiarity with terminology, preparation, or difficulty in understanding a witness or defendant.

Interpreters should notify the presiding officer of any personal bias they may have involving any aspect of the proceedings. For example, an interpreter who has been the victim of assault may wish to be excused from interpreting in cases involving similar offenses.

CANON 9: DUTY TO REPORT ETHICAL VIOLATIONS

Interpreters shall report to the proper judicial authority any effort to impede their compliance with any law, any provision of this code, or any other official policy governing court interpreting and legal translating.

Commentary:

Because the users of interpreting services frequently misunderstand the proper role of the interpreter, they may ask or expect the interpreter to perform duties or engage in activities that run counter to the provisions of this code or other laws, regulations, or policies governing court interpreters. It is incumbent upon the interpreter to inform such persons of his or her professional obligations. If, having been apprised of these obligations, the person persists in demanding that the interpreter violate them, the interpreter should turn to a supervisory interpreter, a judge, or another official with jurisdiction over interpreter matters to resolve the situation.

CANON 10: PROFESSIONAL DEVELOPMENT

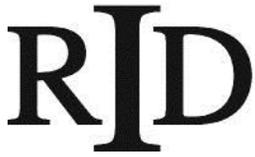
Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education, and interaction with colleagues and specialists in related fields.

Commentary:

Interpreters must continually strive to increase their knowledge of the languages they work in professionally, including past and current trends in technical, vernacular, and regional terminology as well as their application within the court proceedings.

Interpreters should keep informed of all statutes, rules of courts and policies of the judiciary that relate to the performance of their professional duties.

An interpreter should seek to elevate the standards of the profession through participation in workshops, professional meetings, interaction with colleagues, and reading current literature in the field.



CODE OF PROFESSIONAL CONDUCT

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NAD-RID Code of Professional Conduct

Scope

The National Association of the Deaf (NAD) and the Registry of Interpreters for the Deaf, Inc. (RID) uphold high standards of professionalism and ethical conduct for interpreters. Embodied in this Code of Professional Conduct (formerly known as the Code of Ethics) are seven tenets setting forth guiding principles, followed by illustrative behaviors.

The tenets of this Code of Professional Conduct are to be viewed holistically and as a guide to professional behavior. This document provides assistance in complying with the code. The guiding principles offer the basis upon which the tenets are articulated. The illustrative behaviors are not exhaustive, but are indicative of the conduct that may either conform to or violate a specific tenet or the code as a whole.

When in doubt, the reader should refer to the explicit language of the tenet. If further clarification is needed, questions may be directed to the national office of the Registry of Interpreters for the Deaf, Inc.

This Code of Professional Conduct is sufficient to encompass interpreter roles and responsibilities in every type of situation (e.g., educational, legal, medical). A separate code for each area of interpreting is neither necessary nor advisable.

Philosophy

The American Deaf community represents a cultural and linguistic group having the inalienable right to full and equal communication and to participation in all aspects of society. Members of the American Deaf community have the right to informed choice and the highest quality interpreting services. Recognition of the communication rights of America’s women, men, and children who are deaf is the foundation of the tenets, principles, and behaviors set forth in this Code of Professional Conduct.

Voting Protocol

This Code of Professional Conduct was presented through mail referendum to certified interpreters who are members in good standing with the Registry of Interpreters for the Deaf, Inc. and the National Association of the Deaf. The vote was to adopt or to reject.

Adoption of this Code of Professional Conduct

Interpreters who are members in good standing with the Registry of Interpreters for the Deaf, Inc. and the National Association of the Deaf voted to adopt this Code of Professional Conduct, effective July 1, 2005. This Code of Professional Conduct is a working document that is expected to change over time. The aforementioned members may be called upon to vote, as may be needed from time to time, on the tenets of the code.

The guiding principles and the illustrative behaviors may change periodically to meet the needs and requirements of the RID Ethical Practices System. These sections of the Code of Professional Conduct will not require a vote of the members. However, members are encouraged to recommend changes for future updates.

Function of the Guiding Principles

It is the obligation of every interpreter to exercise judgment, employ critical thinking, apply the benefits of practical experience, and reflect on past actions in the practice of their profession. The guiding principles in this document represent the concepts of confidentiality, linguistic and professional competence, impartiality, professional growth and development, ethical business practices, and the rights of participants in interpreted situations to informed choice. The driving force behind the guiding principles is the notion that the interpreter will do no harm.

When applying these principles to their conduct, interpreters remember that their choices are governed by a “reasonable interpreter” standard. This standard represents the hypothetical interpreter who is appropriately educated, informed, capable, aware of professional standards, and fair-minded.



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CODE OF PROFESSIONAL CONDUCT

Tenets

1. Interpreters adhere to standards of confidential communication.
2. Interpreters possess the professional skills and knowledge required for the specific interpreting situation.
3. Interpreters conduct themselves in a manner appropriate to the specific interpreting situation.
4. Interpreters demonstrate respect for consumers.
5. Interpreters demonstrate respect for colleagues, interns, and students of the profession.
6. Interpreters maintain ethical business practices.
7. Interpreters engage in professional development.

Applicability

- A. This Code of Professional Conduct applies to certified and associate members of the Registry of Interpreters for the Deaf, Inc., Certified members of the National Association of the Deaf, interns, and students of the profession.
- B. Federal, state or other statutes or regulations may supersede this Code of Professional Conduct. When there is a conflict between this code and local, state, or federal laws and regulations, the interpreter obeys the rule of law.
- C. This Code of Professional Conduct applies to interpreted situations that are performed either face-to-face or remotely.

Definitions

For the purpose of this document, the following terms are used:

Colleagues: Other interpreters.

Conflict of Interest: A conflict between the private interests (personal, financial, or professional) and the official or professional responsibilities of an interpreter in a position of trust, whether actual or perceived, deriving from a specific interpreting situation.

Consumers: Individuals and entities who are part of the interpreted situation. This includes individuals who are deaf, deaf-blind, hard of hearing, and hearing.

1.0 CONFIDENTIALITY

Tenet: Interpreters adhere to standards of confidential communication.

Guiding Principle: Interpreters hold a position of trust in their role as linguistic and cultural facilitators of communication. Confidentiality is highly valued by consumers and is essential to protecting all involved.

Each interpreting situation (e.g., elementary, secondary, and post-secondary education, legal, medical, mental health) has a standard of confidentiality. Under the reasonable interpreter standard, professional interpreters are expected to know the general requirements and applicability of various levels of confidentiality. Exceptions to confidentiality include, for example, federal and state laws requiring mandatory reporting of abuse or threats of suicide, or responding to subpoenas.

Illustrative Behavior - Interpreters:

- 1.1 Share assignment-related information only on a confidential and "as-needed" basis (e.g., supervisors, interpreter team members, members of the educational team, hiring entities).



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- 1.2 Manage data, invoices, records, or other situational or consumer-specific information in a manner consistent with maintaining consumer confidentiality (e.g., shredding, locked files).
- 1.3 Inform consumers when federal or state mandates require disclosure of confidential information.

2.0 PROFESSIONALISM

Tenet: Interpreters possess the professional skills and knowledge required for the specific interpreting situation.

Guiding Principle: Interpreters are expected to stay abreast of evolving language use and trends in the profession of interpreting as well as in the American Deaf community.

Interpreters accept assignments using discretion with regard to skill, communication mode, setting, and consumer needs. Interpreters possess knowledge of American Deaf culture and deafness-related resources.

Illustrative Behavior - Interpreters:

- 2.1 Provide service delivery regardless of race, color, national origin, gender, religion, age, disability, sexual orientation, or any other factor.
- 2.2 Assess consumer needs and the interpreting situation before and during the assignment and make adjustments as needed.
- 2.3 Render the message faithfully by conveying the content and spirit of what is being communicated, using language most readily understood by consumers, and correcting errors discreetly and expeditiously.
- 2.4 Request support (e.g., certified deaf interpreters, team members, language facilitators) when needed to fully convey the message or to address exceptional communication challenges (e.g. cognitive disabilities, foreign sign language, emerging language ability, or lack of formal instruction or language).
- 2.5 Refrain from providing counsel, advice, or personal opinions.
- 2.6 Judiciously provide information or referral regarding available interpreting or community resources without infringing upon consumers' rights.

3.0 CONDUCT

Tenet: Interpreters conduct themselves in a manner appropriate to the specific interpreting situation.

Guiding Principle: Interpreters are expected to present themselves appropriately in demeanor and appearance. They avoid situations that result in conflicting roles or perceived or actual conflicts of interest.

Illustrative Behavior - Interpreters:

- 3.1 Consult with appropriate persons regarding the interpreting situation to determine issues such as placement and adaptations necessary to interpret effectively.
- 3.2 Decline assignments or withdraw from the interpreting profession when not competent due to physical, mental, or emotional factors.
- 3.3 Avoid performing dual or conflicting roles in interdisciplinary (e.g. educational or mental health teams) or other settings.
- 3.4 Comply with established workplace codes of conduct, notify appropriate personnel if there is a conflict with this Code of Professional Conduct, and actively seek resolution where warranted.
- 3.5 Conduct and present themselves in an unobtrusive manner and exercise care in choice of attire.



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- 3.6 Refrain from the use of mind-altering substances before or during the performance of duties.
- 3.7 Disclose to parties involved any actual or perceived conflicts of interest.
- 3.8 Avoid actual or perceived conflicts of interest that might cause harm or interfere with the effectiveness of interpreting services.
- 3.9 Refrain from using confidential interpreted information for personal, monetary, or professional gain.
- 3.10 Refrain from using confidential interpreted information for the benefit of personal or professional affiliations or entities.

4.0 RESPECT FOR CONSUMERS

Tenet: Interpreters demonstrate respect for consumers.

Guiding Principle: Interpreters are expected to honor consumer preferences in selection of interpreters and interpreting dynamics, while recognizing the realities of qualifications, availability, and situation.

Illustrative Behavior - Interpreters:

- 4.1 Consider consumer requests or needs regarding language preferences, and render the message accordingly (interpreted or transliterated).
- 4.2 Approach consumers with a professional demeanor at all times.
- 4.3 Obtain the consent of consumers before bringing an intern to an assignment.
- 4.4 Facilitate communication access and equality, and support the full interaction and independence of consumers.

5.0 RESPECT FOR COLLEAGUES

Tenet: Interpreters demonstrate respect for colleagues, interns and students of the profession.

Guiding Principle: Interpreters are expected to collaborate with colleagues to foster the delivery of effective interpreting services. They also understand that the manner in which they relate to colleagues reflects upon the profession in general.

Illustrative Behavior - Interpreters:

- 5.1 Maintain civility toward colleagues, interns, and students.
- 5.2 Work cooperatively with team members through consultation before assignments regarding logistics, providing professional and courteous assistance when asked and monitoring the accuracy of the message while functioning in the role of the support interpreter.
- 5.3 Approach colleagues privately to discuss and resolve breaches of ethical or professional conduct through standard conflict resolution methods; file a formal grievance only after such attempts have been unsuccessful or the breaches are harmful or habitual.
- 5.4 Assist and encourage colleagues by sharing information and serving as mentors when appropriate.
- 5.5 Obtain the consent of colleagues before bringing an intern to an assignment.



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6.0 BUSINESS PRACTICES

Tenet: Interpreters maintain ethical business practices.

Guiding Principle: Interpreters are expected to conduct their business in a professional manner whether in private practice or in the employ of an agency or other entity. Professional interpreters are entitled to a living wage based on their qualifications and expertise. Interpreters are also entitled to working conditions conducive to effective service delivery.

Illustrative Behavior - Interpreters:

- 6.1 Accurately represent qualifications, such as certification, educational background, and experience, and provide documentation when requested.
- 6.2 Honor professional commitments and terminate assignments only when fair and justifiable grounds exist.
- 6.3 Promote conditions that are conducive to effective communication, inform the parties involved if such conditions do not exist, and seek appropriate remedies.
- 6.4 Inform appropriate parties in a timely manner when delayed or unable to fulfill assignments.
- 6.5 Reserve the option to decline or discontinue assignments if working conditions are not safe, healthy, or conducive to interpreting.
- 6.6 Refrain from harassment or coercion before, during, or after the provision of interpreting services.
- 6.7 Render pro bono services in a fair and reasonable manner.
- 6.8 Charge fair and reasonable fees for the performance of interpreting services and arrange for payment in a professional and judicious manner.

7.0 PROFESSIONAL DEVELOPMENT

Tenet: Interpreters engage in professional development.

Guiding Principle: Interpreters are expected to foster and maintain interpreting competence and the stature of the profession through ongoing development of knowledge and skills.

Illustrative Behavior - Interpreters:

- 7.1 Increase knowledge and strengthen skills through activities such as:
 - pursuing higher education;
 - attending workshops and conferences;
 - seeking mentoring and supervision opportunities;
 - participating in community events; and
 - engaging in independent studies.
- 7.2 Keep abreast of laws, policies, rules, and regulations that affect the profession.

Section IV

General Information for Interpreters

Compiling Your Interpreting Portfolio

It is best practice for legal interpreters to be prepared to undergo the qualifying or voir dire process prior to the start of a trial, court proceeding, legal proceeding or deposition. Creating a portfolio which includes copies of certification, legal interpreter training, specialist training and a resume is beneficial when undergoing the qualification or voir dire process. In some instances, the court or attorneys may want to see copies of the documentation so have several copies available for the court and court personnel.

When Called About an Assignment

Who/What/Where/When/How Much: When an interpreter is contacted about an assignment, the interpreter should inquire into who requires the interpreting, what type of hearing or legal proceeding it involves, where the interpreter must report upon arrival at the courthouse, and what time the interpreter is expected to arrive. If a contract or formal payment policy is not in place, the interpreter should also confirm the hourly rate, hourly minimum, travel reimbursement and cancellation policy.

Obtaining this information helps the interpreter determine what degree of preparation is necessary; identify whether potential conflicts of interest exist; avoid confusion when arriving for the assignment; and avoid disagreement when submitting an invoice for what the court or the contracting parties may consider an unexpected amount.

Before the Assignment

Dress: Interpreters are expected to dress professionally to conform to the courtroom culture. Dress should be both conservative in style and color, and bright colors or casual clothing should be avoided. As conduits of communication, interpreters must assure that focus is placed on the courtroom participants.

Driving/Transportation/Parking: Courts expect interpreters to arrive on time, and excuses for tardiness due to being lost, stuck in traffic, or difficulty finding parking will not be acceptable. If working at a court location for the first time, investigate into the best driving directions, bus lines, etc., as well as parking availability and costs. Interpreters should always carry a cell phone with them, as well as contact numbers for the courthouse. If it appears that a delay is unavoidable and the interpreter will be late for any reason, he/she must notify the court as soon as possible and keep them informed as to their status. Be aware that if a hearing was continued to a later date due to tardiness of the interpreter, the interpreter may not be paid for the assignment.

Case Preparation: With experience, court interpreters will require less time to prepare for types of hearings which they frequently encounter, such as arraignments or plea hearings. However, new interpreters should take time to prepare, even for these routine matters. Most courts provide copies of their frequently used forms and statements of rights online, and interpreters should be familiar with these in advance. For more involved hearings that will include legal motions and witness testimony, interpreters should request copies of documents so that they can better understand the context of the proceeding, and have the opportunity to look up unfamiliar vocabulary. If such preparation cannot occur in days prior to the assignment, it is advisable that interpreters appear early for the assignment, and use time at court to review documents and prepare accordingly.

Bring Your Tools: Court interpreters should always arrive armed with a pad of paper and pen for note taking, a bilingual dictionary and/or legal glossary, business cards and a copy of the local jurisdiction's code of ethics. Additionally, the interpreter may consider bringing along a copy of his/her credentialing certificate, an invoice for the assignment, a copy of the interpreter's oath, and any other information which may be helpful.

Cancellations: The interpreter should always avoid cancelling an assignment he/she has accepted and should immediately contact the court if, for unforeseen reasons he/she is unable to keep the assignment. Depending on how much advance notice is possible, the interpreter may consider offering to assist the court in locating another interpreter. Interpreter should never send a substitute interpreter without prior authorization by the court.

During the Assignment

Check-In With Court Administration: While practices vary from court to court, court staff frequently expects court interpreters to check in with them prior to proceeding to a courtroom. The court may want to verify start time, and can frequently provide last minute information about the proceeding(s) for which the interpreter was hired, and any other relevant information that would be helpful.

Check-In at the Courtroom Too: When arriving at the courthouse the interpreter should also check in with the appropriate person in charge of the calendar or schedule. This frequently is not the judge, because he/she is likely either involved in other legal proceedings, or is in chambers. If the interpreter is new to a courthouse, he/she can likely receive assistance from the courtroom clerk, a bailiff, judicial assistant or sheriff's deputy. After checking in the interpreter may use any wait time to:

- Introduce him/herself to the attorney representing the LEP speaker. He/she may ask the attorney's permission to inform the LEP speaker that he/she will be interpreting and will repeat in English, for the attorney's benefit, exactly what is being said in the target language
- Inquire where the LEP speaker is from; this will enable the interpreter to be prepared for any colloquialisms or idiomatic expressions from that person's country of origin.
- If the interpreter knows the LEP speaker will be testifying, he/she will tell the witness that a hand signal will be used to indicate that they should pause to allow the interpreter

to render the testimony into English, thereby ensuring an accurate and complete interpretation of what he/she has just said.

Interpreter will repeat to the attorney, in English, all remarks that have been made to the LEP speaker to avoid the appearance of side conversations between interpreter and the LEP speaker. If the LEP speaker is not represented by an attorney, the interpreter may have this brief conversation in the presence of a courtroom clerk or sheriff's deputy, or may wait until the case is called and request that it be done briefly at the beginning of the case.

“Hallway” Interpretation: It is frequently expected that court interpreters will interpret for attorney/client conversations immediately preceding and following courtroom hearings, as many decisions and important conversations occur at this time.

Where to Sit and Wait: While courts expect interpreters to arrive on time, they rarely begin all hearings as scheduled. The interpreter should not bring newspapers or magazines to read while waiting for the hearing to begin. The interpreter should not sit next to the LEP speaker, as that is often an invitation for conversation which can lead to the appearance of unethical conduct. The interpreter should sit far away from the LEP speaker, or ask the courtroom clerk or sheriff's deputy if he/she may sit in the jury box or on a chair in the inner courtroom area referred to as “the well,” an area typically where attorneys sit and wait for cases to be called.

Introduce Yourself to the Court Reporter: Court reporters are expected to get a full record of the proceedings. If given the opportunity, the interpreter should briefly introduce him/herself to the court reporter and give him/her a copy of the interpreter's business card so that the interpreter's name is noted accurately on the record.

Qualification, Swearing-In and Oath: Most judges are required under the Rules of Evidence to ask interpreters questions on the record regarding their qualifications, and, regardless of their credentials and experience, interpreters should not feel offended by such questions. The Rules similarly require the court to swear in the interpreter and administer an oath requiring the interpreter to provide a complete and accurate interpretation.

Positioning and Volume: Unless electronic simultaneous interpreting equipment is provided, an interpreter is expected to stand/sit close to the LEP speaker. The interpreter should not position him/herself in between the LEP speaker and his/her attorney. Instead, he/she should stand or sit to the side, and slightly behind the LEP speaker. When simultaneously interpreting to the LEP speaker, the interpreter's voice should be quiet enough to avoid unnecessary noise pollution in the courtroom, yet loud enough so that the LEP speaker can clearly hear what is being interpreted.

Requesting Assistance from a Judge: Remember that judges manage and control courtroom proceedings. If the interpreter needs time to consult a dictionary, request a repetition, ask that a person speak more loudly or slowly, he/she must always direct the statement or request to the judge. However, this must be done in a respectful way in accordance with courtroom decorum. Should the court interpreter need to make a request or ask a question, the interpreter must always refer to him/herself in the third person; for example, state loudly and clearly, “Your honor, for the record the interpreter requests...” When an interpreter speaks in the first person using “I” or “me”, the court record will inaccurately reflect that these statements/questions came from the LEP speaker.

The judge then will instruct the witness or attorney to speak louder, to repeat the questions, or whatever the interpreter’s request to the judge was. The interpreter will then interpret the instructions from the judge.

If the interpreter is interpreting testimony and realizes that a mistake was made in the interpretation, it is the interpreter’s duty and responsibility to correct it. He/she will direct such a request directly to the judge in the same manner as above; “Your honor, for the record, the interpreter would like to make a correction”, the judge will instruct the interpreter to voice the correction, “the interpreter interpreted ‘brother’ when it should be ‘sister’”. The record will be corrected and the testimony will proceed.

Appropriate Use of the First and Third Person During the Proceeding: When interpreting, interpreter must accurately interpret what is stated rather than restate on behalf of someone. When an LEP speaker states to his/her attorney “what will happen to me?” the interpreter will look at the attorney and say in English “what will happen to me?” and not “he wants to know what will happen to him.” If an attorney, judge or other courtroom professional directs questions to the interpreter instead of the LEP speaker (“ask the defendant where he lives”), politely instruct them to direct the questions directly to the LEP speaker to avoid confusion. If the LEP speaker directs questions or statements to the interpreter (“tell the lawyer that I have to get back to work this afternoon”), accurately and completely interpret this information to the English speaker. Interpreters must avoid any type of conversation with the LEP speaker. But if the interpreter finds it necessary to engage in a conversation with the LEP, he/she must be sure to do so in the presence of the English speaker and interpret everything being said.

After the Assignment

More Hallway or Front-Counter Interpretations: Following many hearings, parties are expected to complete paperwork, receive new hearing dates, make arrangements for payments, etc. It is crucial that all of these conversations are also interpreted so that LEP speakers can fully understand and participate in the court process. Once the courtroom hearing is done, the interpreter should verify whether his/her services will be necessary for any such exchanges. If, alternatively, the interpreter is requested to provide additional interpreting for a time period exceeding the originally scheduled time, and/or interpreting for a non-court agency (e.g., the court asks the interpreter to accompany a defendant to undergo an alcohol evaluation at the department of probation), the interpreter should check-in with the court staff to clarify their time commitment and to whom to direct any /all invoices.

Check-Out: The interpreter should not leave the courthouse without verifying with the appropriate judge or court staff that the scheduled time has expired, and/or that there are no other matters requiring the interpreter's assistance. Court staff may want to note the departure time for billing purposes. If possible, the interpreter may provide an invoice at this time. Court staff appreciate timely submission of an interpreter's invoices.

Note: If the interpreter arrives in court for an assignment and one of the court clerks or another staff member informs him/her that services will probably not be needed because the LEP speaker is not coming to court (deported, hospitalized, incarcerated elsewhere, etc.), the interpreter must remember that the case is still on the docket, or court list. Therefore, the interpreter must remain in the court until that case is called and/or the appropriate person excuses (releases) him/her. There may also be another unforeseen matter that requires interpreting services. Depending on the payment arrangements, there is usually a minimum fee paid whether the services are rendered or not. It is important for the court to document that the interpreter did arrive as requested. If appropriate, the interpreter may request if the particular case can be called first (or as soon as it is convenient for the court). When the case is called the judge will determine if the interpreter's services will be needed. At that time the interpreter may ask to be excused. At the end of the assignment, the interpreter should request that the appropriate staff sign the invoice.

Navigating Ethical Challenges in the Profession

The challenges the interpreter encounters are of two main types: The first type has to do with difficult or complex terminology, idioms, inaudible or very rapid speech and other language-related difficulties. In Section IV the interpreter is given the tools, with which to remove these barriers to allow him/her to request a repetition, a clarification, or to review the case prior to the proceeding.

The second type of challenge is a more difficult one as ethical dilemmas are not always black and white and the answers cannot be found in a dictionary. Many times court staff, attorneys, and LEP speaking parties - who may not be familiar with the proper role of the interpreter - ask interpreters to do things that are outside their professional role. Therefore, it is imperative that the interpreter have a complete knowledge and comprehension of each of the canons in the Code of Professional Responsibility for the Interpreter in the Judiciary. Because the interpreter is usually interpreting for a defendant, witness or victim it is perceived, erroneously, that the interpreter is working for the LEP person. However the court interpreter is an officer of the court working for the judge. Keeping this in mind may be helpful in clarifying how to handle certain situations.

This section provides ethically challenging scenarios, all taken from real-life situations, with brief analysis and possible solutions. Some of the following examples could appropriately be resolved in other ways, particularly if the facts were modified even slightly. Keep in mind that each situation will be different. There is a fine line regarding ethical dilemmas; if in doubt it is best to err on the side of caution.

Scenario #1: An interpreter has interpreted for a police interrogation, which is not tape recorded. The suspect is later charged with a crime, and the matter goes to trial. The prosecutor subpoenas the interpreter, requesting that he/she testify about statements made by the suspect during the interrogation.

Analysis: The process of interpretation requires fast cognitive processing of information, relying on short-term memory. While there may be exceptions, interpreters are typically unable to remember the specific nuances of matters for which they interpret. Even if details are retained, the Code of Professional Responsibility prohibits interpreters from publicly discussing or reporting on matters for which they have served as interpreters, and they certainly shouldn't serve as witnesses testifying to the content of the interpretation.

However, in situations such as confessions which constitute strong evidence in proving a defendant's guilt, it is appropriate for the parties to call the interpreter of the interrogation as a witness, for purposes of putting his/her credentials on the record. If a defendant confesses in an interpreted interrogation, it is strongly relevant whether the interpreter was experienced and credentialed.

Recommended Course of Action: Interpreters should never ignore a subpoena. Contact the attorney and ask what specifically he/she intends to question you about in court. If the attorney wants you to testify about the contents of the interrogation, explain the conflict you have with the Code of Professional Responsibility. Let him/her know that the interpreter cannot repeat anything he/she hears while interpreting. If you are still required to testify, bring extra copies of the Code with you to court. When asked about the contents of the interrogation state “I’m not sure that my Code of Conduct permits me to answer this question.” This allows the judge to make a judgment call. Follow the directions of the judge.

Scenario #2: You are called to interpret in court for a litigant who has no attorney and is representing himself. Before the proceeding begins, you introduce yourself to the litigant, identifying yourself as the interpreter. The litigant then proceeds to ask you questions requiring legal information, such as what to expect in the courtroom, how to behave in front of the judge, etc.

Analysis: While the temptation may be great to provide people with additional information and assistance, interpreters play the specific role of interpreting for the court. Interpreters are strictly forbidden from providing legal advice, and sometimes providing legal information can lead to many problems: conversations between the interpreter and litigant may give the appearance of bias; discussions about “legal information” inevitably lead to questions for “legal advice.” Court personnel and judicial officers are responsible for providing legal information about court proceedings, not interpreters;

Recommended Course of Action: If a non-English speaker asks you for information about the court, legal process etc., reply with “I’m sorry, I’m not able to answer that question, but let’s find someone who can answer it, and I’m happy to interpret for you.”

If at all possible, in order to avoid the conflict stated above, before you introduce yourself to the plaintiff ask someone from the court staff to accompany you; such as the bailiff, court clerk, maybe one of the attorneys. Follow the process of always interpreting everything that is being said.

Scenario #3: You are interpreting consecutively for a witness at a jury trial. While testifying the witness becomes enraged – he shouts, makes strong hand gestures to emphasize his points, uses profanity towards the attorney, and speaks in long utterances.

Analysis: Interpreters are sworn to provide complete and accurate interpretations, ensuring that their renditions reflect precisely what was stated in the source language. Interpreters shall not omit, edit or embellish what was originally stated. If witnesses use foul language, no matter how offensive, the interpreter is expected to convey the same thing in the target language. While there may not be a direct equivalent between the two languages, the interpreter should use foul language with the same meaning. Even if it is offensive to others in the room, the interpreter shall not, under any circumstance, edit or soften what was stated.

When a witness is speaking with great emotional expression, non-verbal cues are part of the message being communicated. However, interpreters should be careful of the degree to which they include such non verbal elements in their rendition. The interpreter's rendition should include these non-verbal elements *only* to the degree that is necessary for the message to be accurately conveyed, and to the degree that it is necessary for others to understand. If, for example, a witness shouts for a full utterance, others already hear that tone of voice. The interpreter may speak in a louder voice, but need not shout at the same volume level. Alternatively, if the witness shouts a specific word to emphasize it, the interpreter too should emphasize that word by using the appropriate voice inflection.

As a general rule, interpreters should not repeat the witness' hand gestures or facial expressions in their renditions. During consecutive interpreting, interpreters are typically physically positioned to the side or slightly behind the speaker, and do not have a clear view of all non verbal communications.

Accurate consecutive interpretation depends heavily on the memory skills of the interpreter, and the longer the utterances, the more difficult to interpret the meaning with complete accuracy. When a speaker in the source language makes utterances that are too long for the interpreter to retain, the interpreter must ask the court for a repetition, and/or request the court to instruct the speaker to pause more frequently.

Recommended Course of Action: Always provide a complete and accurate interpretation. Include the same equivalent foul language in the target language, use voice inflection to indicate which words were shouted by the defendant. When the witness pauses, the interpreter should begin interpreting and continue interpreting the previous utterance up to the pause. If the previous utterance was so long that the interpreter needs part to be repeated, the interpreter should say to the judge, "Your Honor, for the record, the interpreter was unable to retain the last part of the witness' testimony. Interpreter requests that it be repeated." The judge will then instruct the witness, in English, to repeat the statement. The interpreter will interpret the judge's instructions. During testimony, it is appropriate for the interpreter to use a hand signal indicating that the witness should pause.

Scenario #4: Young and attractive female Defendant is charged with a minor driving offense. The evidence against her is strong. She speaks no English, and is from the country of ABC. Interpreter Z has been hired to interpret.

Prosecutor makes a standard offer in exchange for a guilty plea. Defense Attorney explains this "deal" to Defendant, and she refuses it without explanation. Before the hearing, Defendant briefly leaves the courtroom. Defense Attorney shakes her head in frustration. Interpreter Z leans over and states: "You know, I've lived in country ABC. Their legal system is extremely corrupt. Typically, if a *deal* is offered to someone who looks like her, there's an expectation of sexual favors. That might be the cause for her hesitation."

Defense Attorney explains this to Prosecutor. When Female Defendant returns, Prosecutor clarifies aloud that this is the same offer that's made to all defendants with similar charges, there are no other expectations, and that Prosecutor is bound to follow a code of ethics. Female Defendant pleads guilty pursuant to the plea agreement.

Analysis: The role of the court interpreter is to provide complete and accurate interpretation, and to eliminate the language barrier faced by limited English proficient court customers. While some interpreters may have backgrounds and experiences that give them insight into different cultures, traditions and legal systems, as interpreters, they are not to play the role of cultural experts. Interpreters are tested and trained on their interpreting abilities, and not their knowledge of the countries and customs of the groups of people who speak the language. Interpreters are not verifiable experts on these topics. And while some interpreters may have great insight and experience, their offering of such information creates a standard and expectation that all interpreters also play the role of "culture broker."

Recommended Course of Action: In this case, Interpreter Z is overstepping his/her bounds by intervening in the matter and offering a personal opinion. The interpreter has no personal knowledge as to the reason for the defendant's hesitation and is making assumptions. It is the attorney's responsibility to speak to her client about the deal, and try to understand the source of the hesitation. And even if the attorney fails to do that, the attorney's failure doesn't give the interpreter authorization to overstep his/her boundaries. Interpreter Z should keep these thoughts to him/herself.

Scenario #5- You were called in to interpret for a trial. Upon entering the courtroom, you see the defendant and you have an immediate feeling that you have met him somewhere before. You don't remember his name and you don't remember exactly where you have seen him, but the defendant definitely looks familiar to you. What do you do?

Analysis: Under no circumstances should you, as the interpreter, talk to the defendant and their attorney to find out where he/she might have met them before. Under no circumstances should the interpreter decide for herself whether to recuse herself or not. Only the judge in the proceeding can make such a decision. Simply state the facts and let the Court decide

Recommended Course of Action: When the judge enters the courtroom and the trial begins, request the judge's permission to approach the bench (the defense attorney and State's Attorney may approach the bench with you too). Inform the judge that you think you may be familiar with the defendant and to what extent you are familiar with the defendant. The judge will make a decision as to whether this could be considered as a conflict of interest or not. The defense attorney and State's Attorney may provide their opinions on the situation as well.

Scenario #6- You completed your assignment in the courtroom, signed out with the court staff, and are about to leave the building. Outside the courthouse, you bump into the witness for whom you were interpreting. She is an older lady who looks very nervous and lost. Her attorney is no longer with her. The witness asks you if you could give her a ride in your car to the nearest metro station. What do you do?

Analysis: If you encounter the parties you interpreted for outside the courthouse upon completion of your court assignment, you should avoid getting involved with the parties in any situation. Even if you are outside the courtroom, you are still bound by the Code of Conduct to avoid a conflict of interest.

Recommended Course of Action: Explain to the witness that the Code of Conduct does not permit you to give her a ride in your car, but you will be happy to call a cab for her.

Section V

Arkansas' Policies and Requirements for Contract Interpreters

This section details state policies and requirements for freelance interpreters:

- ◆ Interpreter Compensation & Assignment Protocol
- ◆ IMSS System Login Instructions for Interpreters
- ◆ Protocol for Changing Accepted Assignments
- ◆ Audio Equipment guidelines and Policy
- ◆ Certified Interpreter Badge Protocol
 - W-9 Form
 - Direct Deposit Form
 - Interpreter Reimbursement Form
 - Audio Equipment Sign-out Form
 - Interpreter Observation Form



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

Foreign and Sign Language Interpreter Compensation and Assignment Protocol

The Administrative Office of the Courts (AOC) is charged by law and Supreme Court directive with the responsibility for the certification and related matters of foreign language interpreters for non-English speaking parties or witnesses in the state and local courts of Arkansas. (Ark. Code Ann. §16-10-1106 and Arkansas Supreme Court *Per Curiam* Order of September 30, 1999.) The AOC is also responsible for the provision of sign language interpreters and other auxiliary aids for persons who are deaf, deaf blind or hard of hearing in the state and local courts of Arkansas pursuant to Arkansas Code Ann. § 16-31-108.

The Arkansas General Assembly appropriates funds for the purpose of reimbursing the services of eligible foreign language and sign language interpreters who serve during in-court proceedings in the state's circuit and district courts. Because the amount of money available is insufficient to provide for the large demand for interpreter services in the state, courts are urged to utilize the services of these interpreters as efficiently as possible. The AOC has staff positions for three full-time certified Spanish interpreters and one certified sign language interpreter who are available on request and as time permits to provide direct interpreter services to state courts.

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ELIGIBLE FOREIGN LANGUAGE AND SIGN LANGUAGE INTERPRETERS

An **eligible** interpreter is one whose name appears on the current registry of interpreters maintained by the AOC and who has met all the requirements prescribed by the Arkansas Supreme Court to serve in a particular case. An eligible foreign language interpreter may also be an interpreter currently certified by another state which administered the Oral Proficiency Exam developed by the Consortium for Language Access in the Courts (formerly known as the Consortium for State Court Interpreter Certification) which is currently the Language Division at the National Center for State Courts or who is certified by the Federal Courts, and has registered with the Arkansas Court Interpreter Services Program. Written verification of current certification/qualification by the certifying entity is required. An eligible sign language interpreter holds current and recognized certification from the Registry of Interpreters for the Deaf (RID) and is a member in good standing with RID and the Arkansas Registry of Interpreters for the Deaf (ARID). Written verification of certification and membership must be provided to the AOC.

PROCEDURE FOR REQUESTING INTERPRETERS

When a state circuit or district court becomes aware that a foreign language interpreter or sign language interpreter or other auxiliary aid will be needed for an in-court proceeding, the request should be made by the court by using the online system, www.aocinterpreters.com provided by the AOC's Court Interpreter Services (CIS). Each court will be provided its own Login, Password and Codeword and complete instructions on how to request the interpreter. The request needs to be made only by the court's office. For questions, Court Interpreter Services may be reached at 501-682-9400 or 1-800-950-8221.

If a Spanish interpreter is required and one of the staff interpreters is available, one will be assigned to interpret for the proceeding. If the staff interpreters are not available, Court Interpreter Services will contract with an available freelance certified Spanish interpreter who is listed on the registry of interpreters. Considering the complexity of the case, the Director of Court Interpreter Services will match the interpreter to the assignment. If interpretation for a language other than Spanish is required, Court Interpreter Services will contract with an available freelance interpreter who is listed on the registry of interpreters. If an interpreter for a language that is not listed on the registry of interpreters is required, Court Interpreter Services will perform a search on the NCSC Language Access list-serve of other states' interpreters and will verify that the credentials and training of the interpreter meet reciprocity standards with Arkansas courts.

If the available contract interpreter is out of state and is required to travel to Arkansas, the Director of Court Interpreter Services will take into consideration the interpreter fee, travel time fee, airfare, lodging, per diem and any additional related costs to bring the interpreter to Arkansas and factor in the complexity of the case, type of case, rarity or complexity of the language required, length of time the case is set for and availability and training of contract interpreter.

In order to control costs, the Director of Court Interpreter Services may recommend remote video or telephone interpreting services as an alternative to having the interpreter present in the courtroom.

If a sign language interpreter or other auxiliary aid is needed for a person who is deaf, deaf blind or hard of hearing, the full time staff interpreter will be scheduled to interpret for the proceeding. If the sign language staff interpreter is not available, Court Interpreter Services will contract with an available freelance interpreter who is listed on the registry of interpreters. Whenever it is determined that the services of a specialized linguistic facilitator will be beneficial as an additional communication aid, a deaf interpreter will be assigned along with the certified sign language interpreter.

If a conflict in scheduling should arise, CIS will contact the court directly to resolve it.

PROCEDURE FOR PAYMENT FOR INTERPRETER SERVICES

The AOC prescribes a Reimbursement Request Form and Court Interpreter Services provides it to each interpreter to use as his/her invoice for payment. At the conclusion of the court appointed interpreter services, the contract interpreter will complete the appropriate sections of the payment form and present it to the judge for approval. The judge will certify that the interpreter provided the services for the court by signing the completed payment form. Only the judge should sign this form.

The interpreter will then forward the original copy of the completed payment form to the AOC, Court Interpreter Services, for payment.

The AOC Court Interpreter Services gathers data from each of the forms provided by the interpreter for statistical and budgetary purposes. It is imperative that the interpreter complete the form with the information requested before turning it in for payment.

For payment, the AOC must receive the completed Reimbursement Form by the 5th day of the month following the interpreter's court assignment.

AOC Court Interpreter Services staff interpreters are not required to have a form signed by the judge.

RATE OF PAYMENT

In the event that the services of an interpreter are arranged locally without the knowledge or assistance of the AOC, the responsibility for payment of the interpreter's fees and costs will be with the local court.

CERTIFIED INTERPRETERS

A **certified foreign language interpreter**, as denoted on the registry of court interpreters, will be paid \$50.00 for the first hour for in-court services with a guaranteed one hour minimum. Additional hours in increments of 15 minutes will be paid at a rate of \$40.00 per hour. Travel time will be reimbursed at the rate of \$20.00 per hour. Mileage will be reimbursed at the rate of .42 cents per mile. Travel time and mileage will be reimbursed **ONLY** when the certified interpreter is required to travel a distance of 20 miles or more each way from where he or she resides to location of assignment. Travel time is billed for "actual" time of travel. Travel time is **not** billed in 15 minute increments. There is no minimum amount of time billed and travel time should not be rounded.

A **RID Certified interpreter**, as denoted on the registry of court interpreters, will be paid \$80.00 for the first two hours for in-court services with a guaranteed two hour minimum. Additional hours in increments of 15 minutes will be paid at a rate of \$40.00 per hour. Travel time will be reimbursed at the rate of \$30.00 per hour. Mileage will not be reimbursed. Travel time will be reimbursed **ONLY** when the certified interpreter is required to travel a distance of 20 miles or more each way from where he or she resides to location of assignment. Travel time is billed for "actual" time of travel. Travel time is **not** billed in 15 minute increments. There is no minimum amount of time billed and travel time should not be rounded.

Certified Deaf Interpreter - Is recognized as a specialized linguistic facilitator. A deaf interpreter, whose name appears on the registry of interpreters as a **certified deaf interpreter**, as denoted on the registry of court interpreters, will be paid \$80.00 for the first two hours for in-court services with a guaranteed two hour minimum. Additional hours in increments of 15 minutes will be paid at a rate of \$40.00 per hour. Travel time will be reimbursed at the rate of \$30.00 per hour. Mileage will not be reimbursed. Travel time will be reimbursed **ONLY** when the certified interpreter is required to travel a distance of 20 miles or more each way from where he or she resides. Travel time is billed for "actual" time of travel. Travel time is **not** billed in 15 minute increments. There is no minimum amount of time billed and travel time should not be rounded. Certified deaf interpreters shall always be teamed with a certified ASL interpreter.

NON-CERTIFIED INTERPRETERS

A foreign language interpreter whose name is on the registry of interpreters as a **candidate for certification** will be paid \$20.00 per hour with a guaranteed one hour minimum. Additional hours should be billed in increments of 15 minutes, and will be paid at a rate of \$20.00 per hour. Mileage will be reimbursed at the rate of .42 cents per mile when the candidate for certification is required to travel a distance of 20 miles or more each way from where he or she resides to location of assignment. Candidates for certification are **not** eligible for travel time. The AOC Court Interpreter Services reserves the right to offer travel time of \$10.00 per hour to any candidate on a case by case basis. This exception will only be offered if a candidate has been requested for an assignment which meets the requirement of 20 miles each way from his/her residence, and has been authorized by the Director of Court Interpreter Services.

Deaf Interpreter - Is recognized as a specialized linguistic facilitator. A deaf interpreter whose name appears on the registry of interpreters as a **deaf interpreter**, but who has not reached a certified level will be paid \$60.00 for the first two hours for in-court service with a guaranteed two hour minimum. Additional hours in increments of 15 minutes will be paid at a rate of \$20.00 per hour. **Non-certified deaf interpreters are not eligible for travel time.** The AOC Court Interpreter Services reserves the right to offer travel time of \$10.00 per hour to any non-certified deaf interpreter on a case by case basis. This exception will only be offered if a candidate has been requested for an assignment which meets the requirement of 20 miles each way from their residence, and has been authorized by the Director of Court Interpreter Services. Non-certified deaf interpreters shall always be teamed with a certified ASL interpreter.

COURT ASSIGNMENTS

GENERAL COURT ASSIGNMENTS FOR INTERPRETERS

When a state court determines that a language or ASL interpreter is needed for a defendant, victim or witness, the court will enter the case information in the on-line IMSS system to request the interpreter through the CIS office. CIS monitors the court's requests and assigns the interpreter according to the needs of the court. CIS may assign a staff interpreter to the case or request a contract interpreter; depending on the complexity of the case, geographical location of the interpreter and/or costs that may be involved. All assignment requests for foreign language or ASL or deaf interpreters will be entered into the on-line system. CIS may call the interpreter first to verify availability before entering request on the on-line system but acceptance of the assignment is defined when the interpreter accepts the assignment on-line on the IMSS system.

All interpreters whose names appear on the Registry of Interpreters are provided with a secure password to the IMSS system to view their individual requests. These requests are not viewable by anyone else other than that particular interpreter logged-in.

An interpreter shall not take any assignments that have not been offered to him/her specifically by CIS through the on-line IMSS system.

Any assignment offered is subject to cancellation or change.

Once the assignment has been accepted it is the responsibility of the interpreter to call the court ahead of time to verify the information provided by the court such as: location of the assignment, time the interpreter is needed, and length of in-court services needed for that particular assignment. Interpreter will report back to CIS if any information is different than what the court originally entered.

If a foreign language or ASL interpreter is requested for more than one assignment in two different courts which are located within the same courthouse, and both assignments are completed within the allotted time for the guaranteed minimum fee, the interpreter should invoice the minimum hourly fee on one invoice and prepare a second invoice with only the judge's signature as confirmation that the services were provided, cross reference and turn in both forms for payment. The interpreter cannot invoice a minimum guaranteed fee for each judge. If the assignments are in the same city but in different locations, the interpreter is allowed to invoice the minimum fee for each location and travel time and mileage (if entitled) between the different locations.

STANDARD INTERPRETER DAY ASSIGNMENTS

In an effort to meet the high demand of some state courts with the limited foreign language interpreter resources available, CIS has developed the “Standard Interpreter Day”. Each court chooses a particular day of the week or month to set their interpreter cases, and CIS automatically assigns the interpreter. Participation from the courts is voluntary, but both the court and CIS benefit from the arrangement. By assigning one interpreter for multiple cases on the same day, interpreter services are utilized efficiently, thus saving money. The TCA or District Clerk benefits from not having to enter each day into the IMSS system, and the assigned interpreter will have the responsibility of calling the court to see about changes and make sure the services will be needed.

The interpreters who participate in Standard Interpreter Day are offered the assignments on a monthly or quarterly basis; depending on the frequency a particular court needs the service. CIS guarantees the length of the assignment offered to the interpreter while the interpreter agrees to maintain communication with the court in order to be certain the interpreter is needed and to ascertain the approximate length of time services will be needed for that particular day. In the rare event that the court does not need the services of the interpreter on any particular day, the interpreter will be eligible for a cancellation fee as per the Cancellation Policy.

CANCELLATION POLICY

Cancellation fees are reimbursed only to foreign language, ASL or any other interpreter who has confirmed acceptance of the assignment.

Notice of the cancellation of a proceeding for which a certified foreign language, ASL or any other interpreter has been scheduled should be provided by the Court to the AOC, Court Interpreter Services, as soon as the court is aware of a change in the type of hearing or a cancellation. When CIS receives a cancellation of an assignment, CIS will determine if there are any unfilled interpreting needs within that vicinity. If there is no additional available work for the contract interpreter, the CIS will cancel the assignment and pay the cancellation fee as shown below. The AOC, Court Interpreter Services, will contact the interpreter assigned immediately upon receiving notification of the cancellation or change of type of hearing. The contracted interpreter is deemed advised of a cancellation when notice of the cancellation is given to the interpreter via telephone call, voicemail and/or by email at the contact telephone number and email address as listed in the *Registry of Interpreters*, not when the contract interpreter actually retrieves the message. It is the interpreter's responsibility to maintain up to date contact information with the office of Court Interpreter Services.

Contract interpreters who receive at least 24 hour advance notice of a cancellation of any assignment will not be entitled to a cancellation fee.

CANCELLATIONS OF ASSIGNMENTS OF LESS THAN TWO DAYS

Cancellation Circumstances	Payment to Be Made
Contract interpreter advised of cancellation a minimum of 24 hours in advance, excluding weekends and holidays.	None
Interpreter contracted for a court assignment of an estimated duration of 4 hours or less, as per the assignment request, advised of cancellation less than 24 hours in advance, excluding weekends and holidays, but before the interpreter could have reasonably been expected to leave for assignment.	The contract interpreter will be paid the minimum rate for any proceeding which was estimated at 4 hours or less.
Interpreter contracted for on-site assignment of an estimated duration of more than 4 hours, as per the assignment request, advised of cancellation less than 24 hours in advance, excluding weekends and holidays, but before the interpreter could have reasonably been expected to leave for assignment.	The contract interpreter will be paid the four hour minimum for any proceeding with an estimated duration of more than 4 hours.

Interpreter contracted for on-site assignment of an estimated duration of more than 4 hours, arrives at the courthouse without having been advised of the cancellation or change in type of hearing.	The contract interpreter will be paid a four hour fee for that day, plus any mileage and travel time to which the contract interpreter would be entitled.
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CANCELATION OF ASSIGNMENTS OF TWO DAYS OR LONGER

Cancellation Circumstance	Payment to Be Made
Contract interpreter advised of cancellation a minimum of 24 hours in advance, excluding weekends and holidays.	None
Contract interpreter has been scheduled for an assignment, but the start date has to be postponed by one day and the interpreter is advised of the postponement less than 24 hours in advance, excluding weekends and holidays.	Four hours of the fee to which the contract interpreter would have been entitled on that first day.
Contract interpreter is advised of cancellation while en route to, immediately upon arrival, or after starting to provide services but before the end of the last date originally contracted for (e.g., case continued, parties do not show, case settles, case concludes early, etc.)	For an assignment of two to four days: <ol style="list-style-type: none"> 1. Four hour fee for the date for which the assignment/contract is cancelled. 2. Four hour fee to which the contract interpreter would be entitled for the next day. 3. Mileage reimbursement to which the contract interpreter would be entitled for each day traveled, if any. 4. No payment due for additional days if cancellation is more than 24 hours in advance for those days.

CANCELLATIONS DUE TO EMERGENCY CLOSING

Emergency closing encompasses any courthouse closure, including closures caused by weather, security incidents, governmental shutdown, or similar cause beyond the control of the Judiciary.

Cancellation circumstance	Payment to Be Made
Courthouse closed before start of business day and interpreter did not leave to go to the courthouse.	None
Courthouse closed before start of business day but interpreter leaves to get to courthouse and learns of the closing while en route or upon arrival. The closing of the courthouse was advertised in local media on a timely basis but interpreter was unaware.	None
Courthouse closed before start of business day but interpreter leaves to get to courthouse and learns of the closing while en route or upon arrival and the contract interpreter could not have known not to come given the timing of when the closing was posted.	Whatever mileage and travel fee, if any, to which the contract interpreter may ordinarily be entitled.
Courthouse closed during the day but interpreter services were provided before closing.	Whatever compensation interpreter would have been entitled to on that date.

If an assignment of a contract interpreter is cancelled within the time frame that would constitute a cancellation fee but CIS offers another assignment as a replacement of the original assignment that was cancelled, no cancellation fee will be paid. If the new assignment lasts longer than the time covered by what the cancellation fee would have been, the interpreter will be paid for the entire time at his/her normal reimbursement rate. If the replacement assignment requires interpreter to travel, mileage and travel reimbursement to which the contract interpreter is entitled will be paid.

Nothing contained herein precludes the presiding judge from ordering exclusive or additional payment from another source as he or she deems appropriate.

LIMITATION

Any payment from state funds is contingent upon verification by the AOC that (1) the interpreter is eligible for payment, (2) the procedures outlined in this policy have been followed, and (3) sufficient funds are available. Should it become necessary, based upon balances within the fund, preference for payment will be given to felony criminal cases and then to juvenile delinquency matters. The Director of the AOC will be the final arbiter for contested payments.

Administrative Office of the Courts

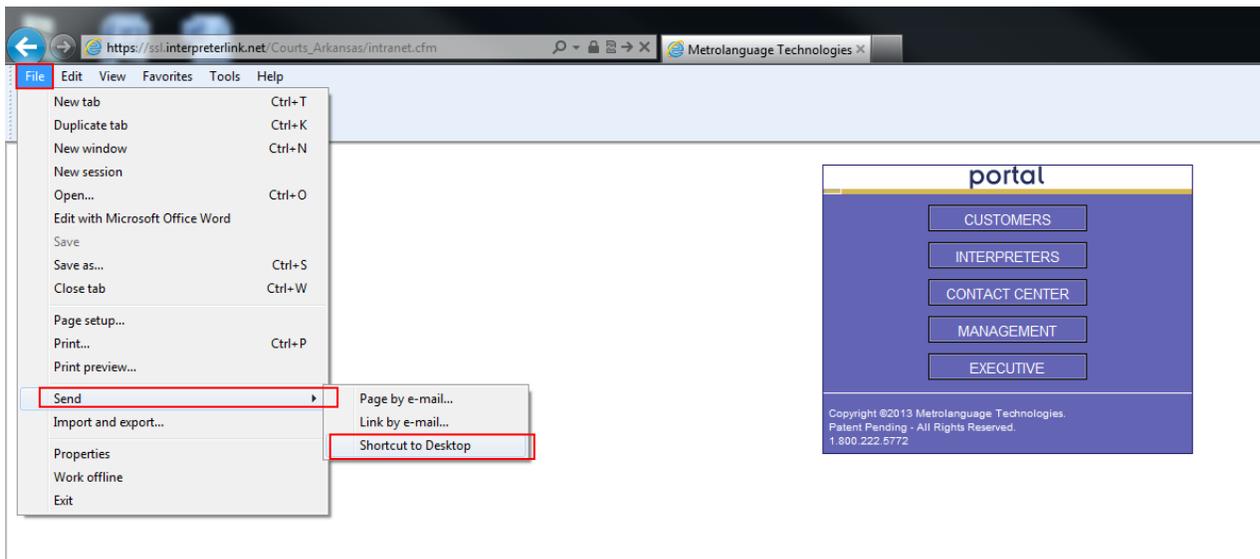
IMSS System Login Instructions for Interpreters

All contract interpreters in good standing with the AOC and whose names appear on the Arkansas Registry of Court Interpreters will be assigned a personal login, password and codeword to access our scheduling system.

www.aocinterpreters.com

DO NOT TAKE AN ASSIGNMENT UNLESS YOU HAVE BEEN SPECIFICALLY REQUESTED BY THE AOC.

1. Click on the link above and create a bookmark in your browser or a shortcut on your desktop prior to logging in for the first time. To create a shortcut on your desktop open Internet Explorer, click on File (on the menu bar), Send, Shortcut to Desktop.



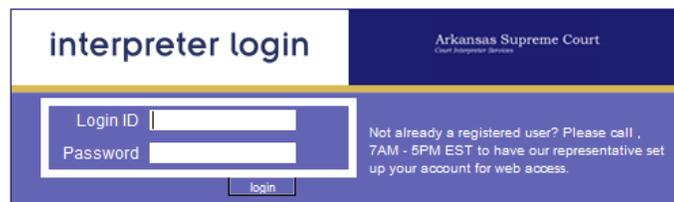
2. Click on “Interpreters”



3. To log into the system, use the login, password and codeword provided to you by the AOC Court Interpreter Services. It is ***highly recommended*** that you record this information in a secure place in case you should need to refer to it in the future. You may also print these instructions and record them in the table provided below.

Login	Password	Codeword

4. Enter your Login and Password



5. Enter your Codeword



6. Click on “My Profile” in the upper left corner of the page.

Arkansas Supreme Court
Court Interpreter Services
interpreters

My Profile | Adv Search | Email | Home | Log out | Welcome, Cheryl

Wednesday, Sep 04, 2013

APPOINTMENTS

Appointments
Order Update

Notice: DO NOT ASSIGN YOURSELF TO ANY REQUEST UNLESS YOU ARE THE INTERPRETER WHO HAS BEEN REQUESTED BY THE OFFICE

Seven Day Schedule	Twelve Week Schedule	Urgent Appointments	You've been requested
Appointments	Order #	Customer	Priority
09/09/13 09:00 AM	G0805SG01	Robinson, Mike DIST	Normal
09/12/13 01:30 PM	G0815SG04	Herzfeld, Robert CIR	Normal
09/17/13 09:00 AM	G0816SG01	Carroll, Robin CIR	Normal

7. Verify that all of the information is correct. On this screen you may also change your login, password and codeword.

Arkansas Supreme Court
Court Interpreter Services
interpreters

My Profile | Adv Search | Email | Home | Log out | Welcome, John | Order Number

Wednesday, Sep 04, 2013

APPOINTMENTS

Appointments
Order Update

Update Profile: John Doe

General Information

First Name: John
Middle Initial: L
Last Name: Doe
Gender: Male
Interpreter Specialties: Both

SSN: 123-45-6789
Email: doe1@...
Login: doe1
Password: doe2
Subword: doe3

Currently Selected Language(s): Spanish
If you need to update your language selection(s), please contact Arkansas Courts

Languages

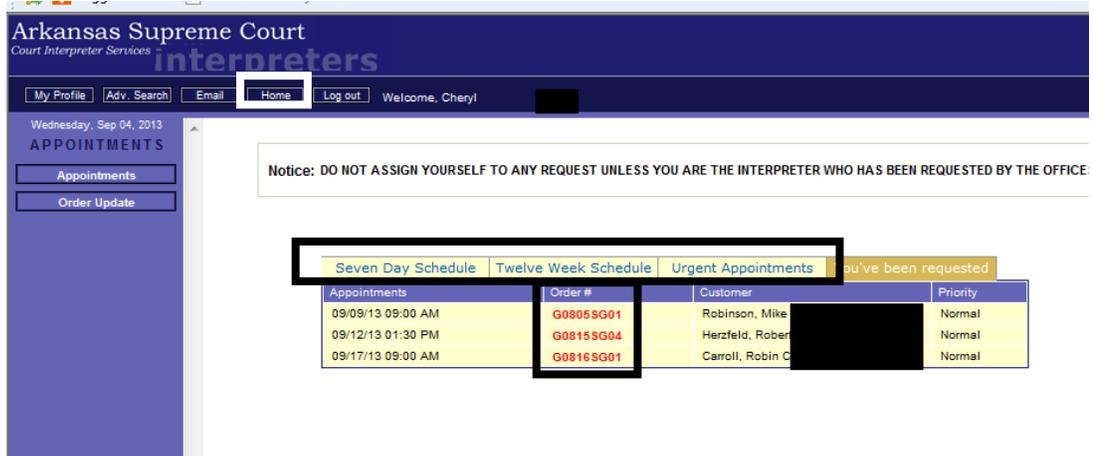
Contact Information

Street Address: ...
Subscript: ...
City/State/Zip: ...
Country: USA
Home Phone: 501 555-1212
Work Phone: ...
Pager: ...
Cell Phone: ...
Fax: ...

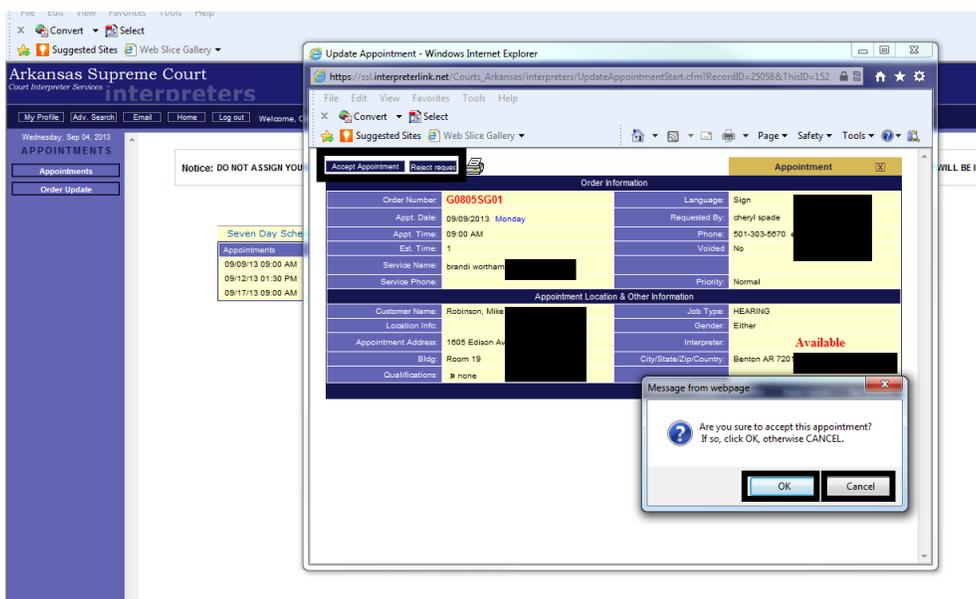
[Update]

8. Click on the “Home” box and you will be re-directed to the main screen. This screen displays:
 - a. Urgent Appointments
 - b. Assignments for which you have been requested
 - c. Seven Day Schedule
 - d. Twelve Week Schedule

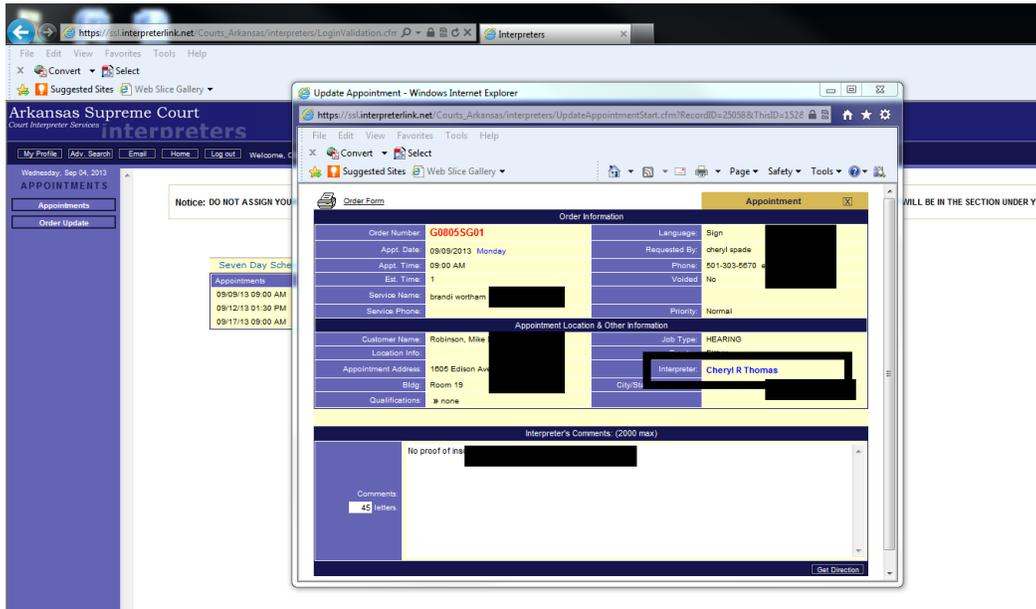
To accept or reject an assignment click on the order number



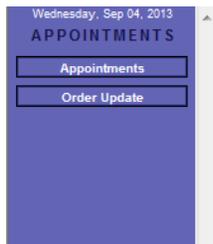
9. The information regarding the assignment will appear. Click “Accept” or “Reject” on the upper left corner of the pop up window. If you accept the assignment, click “OK” on the popup window to verify. If you accepted the assignment in error, click “Cancel” and reject the assignment.



- The assignment information will appear again, this time with your name in blue. You may now close the assignment window and repeat the same process for any other requests that are pending in IMSS.



- Once all of your requests have been accepted or rejected, your home screen will look like the one below. Click on the Seven Day Schedule, Twelve Week Schedule or Urgent Appointments tabs to review your upcoming assignments.



Notice: DO NOT ASSIGN YOURSELF TO ANY REQUEST UNLESS YOU ARE THE INTERPRETER WHO HAS BEEN REQUESTED BY THE OFFICES AT TH



If you have problems or questions feel free to call the office at 501-682-9400 or toll free at 800-950-8221.

Protocol for Changing Accepted Assignments

When a contract interpreter accepts an assignment from the AOC, the assignment then becomes the responsibility of the interpreter. It is understandable that unforeseen circumstances can arise that could impede the interpreter's ability to fulfill the assignment. When an accepted assignment must be changed with **more than 72 hours (3 BUSINESS DAYS)** notice from the appointment time, the following must occur:

- The assigned interpreter must call the AOC to relinquish the assignment.
- The AOC will be responsible for finding a suitable interpreter to take the assignment, and the originally assigned interpreter will be removed from the assignment.

When an accepted assignment must be changed with **less than 72 hours (3 BUSINESS DAYS)** notice from the appointment time, the following must occur:

If the allotted time for the accepted assignment is **less than 4 hours**:

- The assigned interpreter must notify the AOC immediately.
- The assigned interpreter must seek a qualified interpreter as a possible replacement.
- The assigned interpreter must have the possible replacement interpreter call the AOC to seek authorization.
- Once the AOC has been contacted by the approved replacement interpreter, the originally assigned interpreter will be removed from the assignment and the assignment will then become the responsibility of the replacement interpreter.

If the allotted time for the accepted assignment is **more than 4 hours**, and the assigned interpreter can only cover part of the assignment:

- The assigned interpreter must notify the AOC immediately.
- The assigned interpreter must seek a qualified interpreter to possibly take the portion of the assignment that he/she is unable to cover.
- The assigned interpreter must require that the possible additional interpreter call the AOC to seek authorization. **(If travel time is required by only one interpreter, then normal roundtrip rates apply. However, if both interpreters require travel, each will only receive payment for his/her one-way travel to the courthouse, not roundtrip.)**
- Once the AOC has approved the additional interpreter and received the additional interpreter's call, the assignment will be carried out according to the time arrangements made between the two interpreters.

(NOTE: The above is protocol for ACCEPTED ASSIGNMENTS. Prior to accepting an 8-hour assignment, as long as it is more than 72 business hours(3 business days) from the appointment time, a requested interpreter may notify the AOC that he/she can only cover half the allotted time of the assignment, and the AOC will take responsibility for requesting a suitable additional or replacement interpreter.



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

Simultaneous Interpreting Audio Equipment Guidelines and Policy

The Administrative Office of the Courts, Court Interpreter Services purchases audio interpreting equipment which consists of one transmitter, one microphone, two receivers and two headsets, for the purpose of assisting each certified interpreter to be more effective in his or her interpreting duties in the courtroom. The equipment is provided to the certified interpreters who are working as freelance interpreters directly with the AOC Court Interpreter Services and who are in good standing.

This equipment is designed for courtroom simultaneous interpreting as it allows for simultaneous interpreting within the courtroom but at a distance from the LEP individual. When the interpreter has to sit next to the LEP individual to interpret, he or she has to use a louder voice which creates a distraction in the courtroom. The simultaneous interpreting equipment eliminates the constant background voice of the interpreter since the interpreter may use a very low voice which is transmitted clearly to the LEP individual. This is a more effective way to interpret simultaneously as the LEP individual is able to hear everything and focus on what is being said.

Another benefit is that one interpreter may interpret simultaneously to multiple LEP individuals at the same time. Each receiver has the option of adding a double jack with additional headsets. Additional jacks and headsets may be supplied by the individual interpreter. Use of this equipment is strictly limited to state courts or assignments to which the interpreter is directly contracted by a state court or state agency, such as a mediation, a DHS staffing, etc. As long as the matter has the potential of going to court, the use of the audio equipment is allowed.

Each interpreter who receives equipment is provided with an inventory list of the items he/she receives; along with an agreement stating that the equipment is property of the AOC Court Interpreter Services. In the event the interpreter becomes ineligible to interpret for the AOC Court Interpreter Services for whatever reason, the equipment must be returned immediately to said office in good working condition. The interpreter is responsible for lost, or stolen, or damaged equipment. The equipment is purchased by the AOC at an approximate cost of \$1000.00 for the set.



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

Certified Interpreter Badge Protocol

The Administrative Office of the Courts (AOC) makes available to contract certified interpreters who have fulfilled all the requirements and are in good standing with the AOC an Administrative Office of the Courts identification card and a badge as part of their credential as a judicial interpreter for Arkansas Courts for when on assignment for the AOC. Due to the nature of the design of the badge **extreme caution should be exercised when carrying these**, the general public may conclude that you are a law enforcement officer, which would imply that the interpreter is also carrying a weapon. This misinterpretation could result in harm or liability to the interpreter, or an expectation from the public that you are able to assist them in case of emergency. Therefore it is imperative that the interpreter refrain from any such improper uses of the badge.

- Badges may be used when going through security at State courthouses only. Courthouse security personnel reserve the right to ask interpreters to pass through metal detectors and/or be searched prior to entry, despite the interpreter having presented his/her badge.
- Badges are to be used only when on a court assignment for the AOC Court Interpreter Services. If the interpreter is interpreting for other state law enforcement agencies such as Prosecutor's subpoena, Public Defender's office or jail interview, or detective interview or for a DHS staffing, mediation or a deposition the interpreter may use the AOC ID card as proof of being registered as a judicial interpreter on the Arkansas Registry of Court Interpreters
- Badges may not be worn if the interpreter is working for Federal Court, medical interpreting in a doctor's office, clinic or hospital or in any other venue that is not related to state law enforcement or a court case. If the party or agency requires verification of the interpreter's credential, the interpreter may show the AOC Certified Interpreter ID card but it may not be worn.
- Spoken language interpreters: Badges may be worn around the neck in the holder provided with the AOC identification card facing the front while the interpreter is in the courtroom.
- Sign language interpreters: the badge is to remain in the wallet provided by the AOC along with your identification card.
- Badges are not to be worn outside of the courthouse or in any unofficial capacity.
- Badges are not to be left unattended.
- All AOC identification cards, badges and holders are property of the AOC. Badges and holders shall not be altered or modified in any way.
- If your badge is lost or stolen, contact the AOC Court Interpreter Services immediately. There is a \$145.00 replacement fee should your badge and holder be lost or stolen.
- Badges are not to be represented in any way as a law enforcement tool or in any way that might be misconstrued as identifying the bearer as a law enforcement officer.
- Improper use of badge may result in the immediate removal of badge.


ARKANSAS SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
COURT INTERPRETER SERVICES

Interpreter Observation

Name of Interpreter _____ Candidate/Certified (circle one)

Language Observed _____

Date _____

Name of Judge _____

City _____

Case Type _____ Interpreter Services Provided For: (Check as many as apply)

Defendant ___ Witness ___ Victim ___ Parent ___ Minor ___ Plaintiff ___

Name of Observing Supervising Interpreter _____

Date of Interpreter's Last evaluation _____

EVALUATION

Language proficiency

Were there any problems with vocabulary, grammar, or rendering of idiomatic speech?

Notes & Examples:

Interpreting skills

Was the appropriate mode of interpreting used?

Consecutive Mode:

Simultaneous Mode:

Sight Translation:

Could the interpreter keep up without omitting or summarizing what was said?

Notes & Examples:

Was the register of speech preserved?

Notes & Examples:

Were names and numbers accurately conserved?

Notes & Examples:

Professional conduct

Did the interpreter arrive on time?

Notes & Examples:

Was the interpreter dressed appropriately for court?

Notes & Examples:

Were verbal exchanges between the interpreter and the party or witness restricted to interpretation?

Notes & Examples:

Did the interpreter refrain from giving advice?

Notes & Examples:

Did the interpreter refrain from adding or modifying anything that was said?

Notes & Examples:

Did the interpreter refer to herself or himself properly in the third person when addressing the court?

Notes & Examples:

Demeanor and Rapport

Does the interpreter work well with other interpreters?

Yes No Not Observed

Does the interpreter work well in a team interpreting environment?

Yes No Not Observed

Does the interpreter communicate appropriately with court staff?

Yes No Not Observed

Notes & Examples:

Overall evaluation

- Appears to be a skilled interpreter.
- Appears to be an adequate interpreter, but additional study and practice is indicated. Some caution should be exercised when assigning this interpreter.
- Problems appear to be severe. The Court Interpreter Program should further evaluate this Interpreter's language knowledge and skills with structured testing.

Additional Observations

Interpreter's Comments

Date discussed with interpreter _____

Supervisor Recommendation - Follow-up: 6 months 12 month ASA

Signature of Interpreter (after discussion)

Signature of Managing Interpreter/Observer