

## **ADMINISTRATIVE OFFICE OF THE COURTS**

The Administrative Office of the Courts (AOC) is charged by law and Supreme Court directive with the responsibility for the certification and matters related thereto of foreign language interpreter for non-English speaking parties or witnesses in the state and local courts of Arkansas. Ark. Code Ann. §16-10-127 and Arkansas Supreme Court *Per Curiam* Order of September 30, 1999.

### **FOREIGN LANGUAGE INTERPRETER COMPENSATION POLICY**

The 2005 Arkansas General Assembly appropriated funds for the purpose of reimbursing the services of eligible foreign 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 number of interpreters providing services in the state, local courts are urged to utilize the services of these interpreters as efficiently as possible. The Administrative Office of the Courts has also employed two full-time Spanish interpreter who are available on request and as time permits to provide direct interpreter services to local courts.

### **ELIGIBLE FOREIGN LANGUAGE INTERPRETER**

An **eligible** foreign language interpreter is one whose name appears on the current registry of interpreters maintained by the AOC and who has been appointed by the presiding judge to serve in a particular case or cases. An eligible foreign language interpreter may also be an interpreter currently certified by another state which is a member of the Consortium for State Court Interpreter Certification or who is certified by the U.S. Courts, and has registered with the Arkansas Foreign Language Interpreter Program. Written verification of current certification/qualification by the certifying entity is required.

### **PROCEDURE FOR PAYMENT**

When a state circuit or district court becomes aware that a foreign language interpreter will be needed for an in-court proceeding, the request should come in directly from the court by using a FAX REQUEST FORM, provided by the AOC's Foreign Language Interpreter Program, or by calling the Coordinator, Ms. Mara Simmons at 1-800-950-8221. If a Spanish interpreter is required and the staff interpreters are available, one will be scheduled to interpret for the proceeding. If interpretation for a language other than Spanish is required or if the staff interpreters are not available, she will contract with an available interpreter who is listed on the registry of interpreters. Depending on the complexity of the case, Ms. Simmons will match the interpreter to the assignment.

At the conclusion of the interpreter's court appointed services, the interpreter will complete the appropriate portion of the interpreter payment form prescribed by the Administrative Office of the Courts and present it to the judge for approval. The judge will certify that the party requiring the interpreter was indigent and unable to otherwise afford the services of an interpreter and that the interpreter provided the services for the court. The interpreter will then forward the form to the Administrative Office of the Courts for payment.

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

### **RATE OF PAYMENT**

A **certified interpreter**, as denoted on the registry of interpreters, will be paid \$50.00 per 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 .45 cents per mile. Travel time and mileage will be reimbursed **ONLY** when the certified interpreter is required to travel outside of the county where he or she resides. **Notice of the cancellation of a proceeding for which a certified interpreter has been scheduled should be provided by the Court to the Administrative Office of the Courts as soon as possible.** The AOC will contact the certified interpreter immediately. In the event that notice of a cancellation is provided more than 24 hours prior to the commencement of the proceeding the certified interpreter will not be entitled to any payment. In the event that notice of a cancellation is provided less than 24 hours prior to the commencement of the proceeding, the certified interpreter will be paid the one hour minimum for any proceeding which was set for less than one full day and a rate equal to four hours of service for any proceeding which was set for more than one full day. In the event the interpreter travels (outside of his/her county) to the assigned court and the AOC did not receive notification of the cancellation the interpreter will also be reimbursed for the travel time and mileage.

An interpreter whose name on the registry of interpreters appears 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. Mileage will be reimbursed at the rate of .39 cents per mile when the candidate for certification is required to travel outside of the county where he or she resides. (Travel time will not be reimbursed to **candidates for certification** even when traveling outside of the county where he or she resides).

Nothing contained herein precludes the presiding judge from ordering exclusive or additional payment from another source as he or she deems appropriate (provided, Title II of the Americans with Disabilities Act prohibits courts from including interpreter's fees in the "court cost").  
56 Fed Reg 35705-06(July 26, 1991).

### **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 Administrative Office of the Courts will be the final arbiter for contested payments.

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