Working with the Limited English Proficient (LEP) Community

A Guide for Clerks

When must the court appoint an interpreter?

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

What services are available through AOC Court Interpreter Services (CIS)?

- Three certified staff Spanish interpreters
- One certified staff sign language interpreter
- Contact information for certified interpreters listed by the AOC to be contracted for use in court proceedings (the Court Interpreter Services Registry)
- Assistance in locating and contracting deaf/blind interpreters, deaf interpreters, and interpreters for rare languages.
- Assistance with forms that have been translated into foreign languages by Court Interpreter Services
- Remote translation via telephone or, for sign language, by video (*Limited availability*)
- Communication Access Real-time Translation (CART): a verbatim, word-for-word, instant translation of the spoken word into written text. The text appears instantly on a computer screen so that deaf or hard-of-hearing consumers may read what is being said. (*Limited availability*)
- Development of foreign language resources

How do I request an interpreter?

When the court becomes aware that an interpreter will be needed for an in-court proceeding, AOC Court Interpreter Services should be notified by entering the request on the on-line IMSS system, available at www.aocinterpreters.com (select the "Customers" option), or by calling 1-800-950-8221. If a Spanish or sign language interpreter is required and the AOC staff interpreters are available, they will be scheduled to interpret for the proceeding. If interpretation for a language other than Spanish or sign language is required or if AOC staff interpreters are not available, the AOC will assist the local court in contracting with an available interpreter who is listed on the registry of interpreters.

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

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

When can an LEP individual use family members or friends to interpret?

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

Tips for communication with LEP individuals

Remember that you should *always* use a certified interpreter when conveying any sensitive information regarding an LEP individual's case. However, in some cases you may find yourself needing to convey simple logistical information or responding to basic informational queries. If the LEP individual has not brought a friend or family member to interpret, follow these useful tips:

Foreign Language Speakers

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

Deaf, Deaf/Blind, and Hearing-Impaired

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

Assessing bilingual staff

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

Signage

Clerk's offices are required to post notice of the availability of interpreter services under Ark. Code Ann. § 16-10-1103(d). To this end, Court Interpreter Services has developed a poster and pamphlets describing availability of interpreters in the state's most commonly spoken foreign languages. If you are unable to determine the language of the LEP individual, CIS distributes an "I Speak" card that allows the individual to choose his/her language from 38 listed languages. CIS also provides a glossary of English to Spanish translations of important court locations or notices to assist you in translating existing signage. All resources are available on the CIS website.

To schedule an interpreter or for further questions:

Court Interpreter Services
Administrative Office of the Courts
625 Marshall St.
Little Rock, AR 72201
Phone: 501-682-9400
http://courts.arkansas.gov/administration/interpreters