ILLINOIS
JUDICIAL BRANCH

Court Personnel Information Card on Limited English Proficient Individuals

How Do I Determine Whether a Person should have an Interpreter Appointed?

According to the Illinois Supreme Court Language Access Policy (effective Oct. 1, 2014), the court should provide an interpreter for any Limited English Proficient (LEP) Person who is involved in a legal proceeding as a party or witness. "LEP Person" means someone who speaks a language other than English as his or her primary language and has a limited ability to read, write, speak or understand English and requires the assistance of a foreign language interpreter or sign language interpreter to effectively communicate in a legal proceeding. "Legal proceeding" means any court proceeding (civil or criminal) and any mandatory court-annexed proceeding, such as court-annexed mediation or mandatory arbitration under Illinois Supreme Court Rules.

Four Steps for Securing Language Assistance:

Step 1: Determining language spoken

If you need to determine the language spoken by an individual, you may refer to the Language Identification Flashcard or "I speak" card developed by the U.S Census at http://www.lep.gov/ISpeakCards2004.pdf. The individual can check or point to the box that indicates which language he or she speaks. Once the language has been identified, a court interpreter can be appointed if necessary.

Step 2: Communicating with LEPs outside of a legal proceeding

If you need to communicate with an LEP person at the clerk's counter or elsewhere in the courthouse outside of the courtroom, the following options are available to you to help facilitate communication: 1) bilingual staff in the courthouse, 2) the LEP person's bilingual advocate, family member or friend, or 3) remote interpreting services, such as Language Line. Please contact the Office of the Chief Judge in your circuit for dial-in information, or request that the service be installed (Language Line can be installed at no cost).

Step 3: Appointing an interpreter for a proceeding

Appointing an interpreter is a matter of judicial discretion. According to the Supreme Court Language Access Policy:

(1) Courts must make reasonable efforts to appoint a "certified" foreign language interpreter from the AOIC Interpreter Registry. Certified interpreters have passed all exams and have met all credentialing requirements.*

(2) If none is available, the court must appoint a "registered" interpreter from the Registry. Registered interpreters have passed the written exam only and have not been assessed for foreign language proficiency or interpreting skills.*

(3) If none is available from the Registry, the court may appoint an "unregistered" interpreter and must examine the interpreter in open court to ensure minimum qualifications and impartiality. *Illinois Supreme Court Language Access Policy*, effective Oct. 1, 2014.

Note: When an unqualified or inexperienced court interpreter is used, there is a high possibility of misinterpretation or unethical behavior that can directly affect the outcome of a case.

A court shall use reasonable efforts to avoid appointing the following types of individuals as an interpreter:

1) An individual compensated by a business owned or controlled by a party or witness; 2) A friend or family or household member of a party or witness; 3) A potential witness; 4) Court personnel employed for a purpose other than interpreter; 5) A law enforcement officer or probation department personnel; 6) An individual with a pecuniary or other interest in the outcome of a case; or 7) Any other individual that does or may have a real or perceived conflict of interest.

Step 4: Locating a certified or registered interpreter

The Administrative Office of the Illinois Courts (AOIC) website maintains a statewide registry of certified and registered interpreters at publicapps.illinoiscourts.gov. The registry is arranged alphabetically by language. If no interpreter is listed on the registry for the language you need, please contact the AOIC Language Access Services Specialist, Sophia Akbar, at 312-793-2013 or sakbar@illinoiscourts.gov.

Sample Interpreter Qualification Questions:

- Are you certified? If you are not certified, are you on the AOIC Interpreter Registry?
- What is your experience interpreting in court? Have you completed any training to qualify you as an interpreter?
- Do you understand that as an interpreter you must interpret everything, and that you may not summarize the testimony or other proceedings?
- Do you have any experience in simultaneous interpreting? Do you have any experience in consecutive interpreting?
- Is your dialect compatible with Mr./Ms._____?
- Are there any cultural or community concerns between you and Mr./Ms. _____ that the court should be aware of?
- Have you ever interpreted for any of the people involved in this case?
- Are you able to remain fair and impartial?

Courts Are Required to Provide / Pay for Interpreter?

Circuit county courts are responsible for the arrangement and compensation of interpreters.

Courts are required to appoint an interpreter in criminal proceedings for limited English proficient defendants in misdemeanor and felony cases via a written order. Criminal Proceeding Interpreter Act, 725 ILCS 140.

Court is required to appoint an interpreter in civil proceedings for LEP parties and witnesses via a written order. Code of Civil Procedure, 735 ILCS 5/8-1403.

Courts are required to provide a qualified sign language interpreter for deaf persons who are involved in any legal proceeding as a litigant, witness, victim, juror, or spectator. Code of Civil Procedure, 735 ILCS 5/8-1402.

Courts should appoint an interpreter for any legal proceeding, including criminal, traffic and civil cases, and any court-annexed proceeding such as mediation or arbitration, for parties or witnesses.* *Illinois Supreme Court Language Access Policy*, effective Oct. 1, 2014.

*Recognizing the limited resources for language access, funding priority should be given to providing interpreter services without charge to low and moderate income persons.

Tips for Communicating Through Interpreters:

- Speak loudly and clearly and speak one at a time.
- Allow the interpreter to converse briefly with the non-English speaker to ensure understanding of accents, dialect or pronunciation differences.
- Speak directly to the non-English speaking person.
- Don't ask the interpreter to independently explain/restate anything said by the party.
- The interpreter must convey all questions, answers and courtroom dialogue, and therefore, is constantly working. Advise the interpreter to notify the court when breaks are needed.
- Suggest that the interpreter ask the court's permission to review the court file prior to the hearing, to become familiar with names, dates and technical vocabulary.
- Monitor the interpreter so that side conversations aren't held with the non-English speaking person.
- Recognize that court proceedings can be confusing and intimidating for a non-English speaker since other countries' legal systems and concepts often vary from those of the U.S.

If the court expects the hearing or trial to last for several hours or days, the court may wish to appoint two interpreters. Due to the level of concentration required to accurately conduct a simultaneous interpretation, interpreters require frequent breaks. If the court appoints two interpreters, they can conduct a continuous interpretation by alternating, thereby allowing the court to conduct the proceedings without unnecessary delays or interruptions.

For Additional Assistance, please contact:

Administrative Office of the Illinois Courts
Civil Justice Division
Sophia Akbar
Language Access Services Specialist
312-793-2013
sakbar@illinoiscourts.gov