

Language Access in State Courts

Arizona Summary

A. Provides interpreters free of charge to all LEP litigants and witnesses in all civil proceedings?

1. Ensures a statewide mandate is in place covering all civil proceedings? *No*

In Arizona, there is no statewide statutory mandate requiring the appointment of interpreters, and no statewide interpreter program.¹ Consequently, the cases in which interpreters are available and the procedures for appointment vary from county to county:

- **Pima County:** The court will provide interpreters in probate, domestic relationship, and forcible detainer hearings to parties who are indigent and satisfy at least one of the following criteria: (1) appearing pro se, (2) representation is provided by Legal Aid or a pro bono attorney, (3) representation is provided by the Family Support Division of the County Attorney's Office, or (4) the County Attorney's Office initiated the civil action.² Interpreters are also provided regardless of indigence for all orders of protection, injunctions against harassment, and emergency hearings where there is a public safety concern.³

- **Maricopa County:** Judges can request an interpreter in cases involving forcible entry and detainer, orders of protection, and injunctions against harassment, and “[i]n appropriate cases, in the Justice of the Peace’s discretion.”⁴

2. Does not charge for interpreters in civil proceedings? *No*

At the court’s discretion, interpreters may be paid for from appropriated funds, or the costs may be assessed against either party.⁵ Although litigants in Pima County who qualify as indigent have all fees waived for the life of their suits,⁶ there do not appear to be any statewide guidelines for when or how costs should be assessed against parties.

¹ Az. Rev. St. § 12-241 (stating that “[t]he court may when necessary appoint interpreters”); Az. R. Civ. Proc. 43(c) (“The court may appoint an interpreter of its own selection.”).

² Ariz. Super. Ct., Pima County, Court Interpreter, Interpretation, available at: <http://www.sc.pima.gov/?tabid=152>; E-mail from Victoria Vásquez, Director, Interpreting Services, Office of the Court Interpreter, Pima County (April 3, 2009).

³ E-mail from Victoria Vásquez, Director, Interpreting Services, Office of the Court Interpreter, Pima County (April 3, 2009).

⁴ Ariz. Super. Ct., Maricopa County, Admin. Order 2004-002 (Jan. 5, 2004) at C1, C2, available at <http://www.superiorcourt.maricopa.gov/SuperiorCourt/AdministrativeOrders/docs/ao2004-002.pdf>.

⁵ Az. R. Civ. Proc. 43(c) (“The compensation shall be paid out of funds provided by law or by one or more of the parties as the court may direct, and may be taxed ultimately as costs, in the discretion of the court.”).

⁶ Interview with Victoria Vásquez, Pima County Office of the Court Interpreter (July 2007).

3. Ensures that all LEP individuals receive interpreters in civil proceedings: Has clear guidelines for appointment, or provides an interpreter whenever one is requested? No

In Pima County, while anyone may contact the court interpreter office to request that an interpreter be made available for an upcoming civil proceeding, judges may reject requests if they find that the person for whom an interpreter is requested can communicate proficiently in English or is not indigent.⁷ There do not appear to be any formal guidelines for how to determine whether a person's proficiency in English is so great that appointment of an interpreter should be denied. However, all denials of a court interpreter are on the record and can be appealed.⁸

In Maricopa County, the court may proceed with an interpreter provided by a party, so long as the interpreter does not have an interest in the resolution of the suit.⁹ In cases involving forcible entry and detainer, orders of protection, and injunctions against harassment, the court also has the option of relying on a court staff member if he or she has been approved for Spanish interpretation by the Court Interpretation and Translation Services ("CITS") office, is comfortable performing the interpretation, and the LEP individual agrees.¹⁰ Where none of those circumstances is present, the judge can request an interpreter "[i]n appropriate cases, in the Justice of the Peace's discretion."¹¹ Although these guidelines are extremely unclear, a legal services attorney in Maricopa County reports that in practice, requests for court interpreters in family court proceedings in Superior Court are generally met in a timely fashion and with skilled interpreters.¹²

B. Ensures that interpreters are competent by testing before appointing an interpreter. No, because there is no statewide mandate. However, some counties do ensure competency.

Currently, there is no statewide mandate that Arizona state courts utilize certified interpreters.¹³ Arizona, which is one of ten states that are not members of the National Center for State Courts Consortium for State Court Interpreter Certification, does not have its own certification program.¹⁴ While some individual counties in Arizona do have their own certification programs, there is no universal reciprocity between counties.¹⁵ Counties do provide their own courts with rosters of certified, qualified, or otherwise available court interpreters, and

⁷ Interview with Victoria Vásquez, *supra*.

⁸ *Id.*

⁹ Ariz. Super. Ct., Maricopa County, Admin. Order 2004-002, *supra*, p. C1.

¹⁰ *Id.* p. C2.

¹¹ *Id.* p. C3.

¹² Interview with Sarah Youngblood, Community Legal Services (Nov. 20, 2007).

¹³ Ariz. Super. Ct., Pima County, Court Interpreter – Frequently Asked Questions, available at <http://www.sc.pima.gov/Default.aspx?tabid=149>.

¹⁴ National Center for State Courts, Consortium for State Court Interpreter Certification, available at http://www.ncsconline.org/D_RESEARCH/CourtInterp/Res_CfInte_ConsortMemberStatesPubNove07.doc

¹⁵ Interview with Victoria Vásquez, *supra*.

there is an effort underway by the Administrative Office of the Courts of Arizona to create a statewide registry of court interpreters.¹⁶

In Pima County, the court interpreter program requires that all staff and daily contract interpreters present one of three types of proof that they possess interpreting and translation skills: 1) federal certification, 2) successful completion of the State Court Interpreter Examination administered by the University of Arizona National Center for Interpretation, or 3) successful completion of the Agnese Haury Institute for Interpretation. Staff interpreters and daily contractors who have passed federal certification are prioritized for use in trials and longer proceedings.¹⁷ These experienced certified interpreters are used in all criminal trials and hearings and in approximately 50 percent of domestic and other civil interpreted cases.¹⁸ Judges, litigants, or anybody else in the courtroom may raise an issue of interpreter competence or challenge an interpreter's translation.¹⁹ While there is no periodic, oral or written retesting of court interpreters, the personnel evaluation process for interpreters includes an in-court review,²⁰ and the court mandates that staff interpreters complete 16 hours of Continuing Legal Education per year that is tailored to improve interpreting and translation skills.²¹

As part of its hiring process, Maricopa County tests applicants for its court interpreter positions through Language Testing International (LTI) (which assesses language proficiency) and the University of Arizona's Interpreter Oral Assessment Exam (which assesses interpreting skills). Applicants must pass both exams in order to be considered for employment. Independent contractors must also provide proof that they passed the exam administered by LTI or another U.S. Government approved examination. Applicants and contractors are required to pass both English and the targeted language portions of the exam. While no periodic re-assessment of court interpreters is required, the individual performance evaluation does include performance assessment, including an in-court review. The Court is in the process of implementing an internal training program to ensure that its interpreters achieve and maintain quality interpreting and translation skills. Staff interpreters are also strongly encouraged to pursue certifications offered by the federal government as well as certifications from recognized industry organizations such as National Association of Judiciary Interpreters and Translators (NAJIT) and American Translators Association (ATA), and the Agnese Haury Institute for Interpretation.²²

The Brennan Center for Justice report, Language Access in State Courts, contains guidelines for the provision of court interpreters in civil cases. It also contains aggregate information – in the form of United States maps – regarding the extent to which the 35 states with the highest

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² E-mail from Carol Westwood, Maricopa County Superior Court (April 8, 2009). See also Dr. Roseann Dueñas Gonzalez, *The University of Arizona National Center for Interpretation: Past and Present*, InterPress (Fall 2007), pp. 7, 12, available at http://www.aciaonline.org/InterPress/InterPress-Fall_2007.pdf (noting that the University of Arizona National Center for Interpretation has developed an interpreter proficiency test for Maricopa County Superior Court).

proportion of limited English proficient people (as a percentage of population) comply with the guidelines regarding providing interpreters in all civil cases and providing them free of charge.

This series of “state summaries” contains additional, detailed information about the extent to which the 35 states comply with those guidelines, and with the guideline regarding ensuring that interpreters are competent.

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