

Language Access in State Courts

Illinois 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*

Illinois does not mandate that interpreters be provided in all civil proceedings. In Cook County, “foreign language interpreters are provided for all Criminal Division cases, for Domestic Relations cases and in some civil matters as directed by the judge.”¹ In that county, court interpreters are also provided for mediation in dependency cases.² That represents the high water mark for provision of interpreters in Illinois, as other counties lack the resources of Cook County.³

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

Courts in Illinois are not required to cover interpreters’ fees in civil cases.⁴

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*

Because interpreters need not be provided in civil proceedings, there do not appear to be any guidelines in place governing their appointment. In practice, one attorney reports that interpreters are provided on a first come first serve basis, which presents particular problems for those disputes over housing and other cases which tend to proceed quickly, and therefore don’t allow for the time necessary to wait for an interpreter to become available.⁵ Additionally, because only judges may request an interpreter, practitioners cannot arrange for one in advance, and are often instructed to provide their own as there is no obligation that the state supply interpreters in civil proceedings.⁶

B. Ensures that interpreters are competent by testing before appointing an interpreter in civil proceedings? *No*

¹ State of Illinois, Circuit Court of Cook County, Court Services, Office of Interpreter Services, available at: <http://www.cookcountycourt.org/services/index.html>.

² Cook County Cir. Ct. R. 19A.19(iv)(c).

³ Interview with Adela Carlin, Senior Attorney, Legal Assistance Foundation of Metropolitan Chicago (July 2008). *See also* 3rd Jud. Cir. Ct. R. 5(h) (providing that in court-ordered arbitration proceedings “[a]ny party requiring the services of a language interpreter . . . shall be responsible for providing same”); 11th Jud. Cir. Ct. R. 106(G)(6) (same).

⁴ *See* 18th Jud. Cir. Ct., DuPage County, Illinois, Court Interpreters, available at: http://www.dupageco.org/courts/generic.cfm?doc_id=2215 (“There are no statutory requirements nor any constitutional obligations that public funds be expended for appointment of language interpreters in civil cases.”); 19th Jud. Cir. Ct., Lake County, Court Interpreters, available at http://www.19thcircuitcourt.state.il.us/crtadmin/court_interpreters.htm (same).

⁵ Interview with Adela Carlin, *supra*.

⁶ *Id.*

A statute provides that the Administrative Office of the Illinois Courts “may establish and administer by rule or procedure a program of testing and certification for foreign language court interpreters.”⁷ However, there is no statewide statute or court rule requiring that interpreters in civil cases must be certified or otherwise demonstrate competency before they are appointed.⁸

Practice varies from county to county. Cook County uses the Consortium’s certification exams to assess interpreters.⁹ DuPage County and Lake Counties require interpreters in their circuit courts to demonstrate proficiency in English and the foreign language, as well as familiarity with courtroom procedures and vocabulary, and the ability to provide simultaneous translation at a rate of 200 words per minute.¹⁰

Not surprisingly, given the absence of a statewide regime, the quality of interpretation provided tends to vary. While some interpreters receive praise for their abilities,¹¹ one practitioner said that in her experience the professionalism of interpreters has been poor, that they often argue with witnesses in the middle of proceedings, and that her clients have found them to be intimidating and hostile.¹²

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 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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⁷ 705 Ill. Comp. Stat. 78/5.

⁸ See 18th Jud. Cir. Ct., DuPage County, Illinois, Court Interpreters, *supra* (noting that there is no statutory certification requirement); 19th Jud. Cir., Lake County, Court Interpreters, *supra* (same).

⁹ Cook County Cir. Ct., Court Services, Office of Interpreter Services, available at <http://www.cookcountycourt.net/services/services/interpreter.html>.

¹⁰ 18th Jud. Cir. Ct., DuPage County, Ill., Court Interpreters, *supra*. See also 19th Jud. Cir., Lake County, Court Interpreters, *supra*.

¹¹ Kate Thayer, *Filling the Language Gap*, Kane County Chron., Feb. 8, 2007, available at <http://www.kcchronicle.com/articles/2007/02/07/news/local/doc45c981b0d8337598824526.txt>.

¹² Interview with Adela Carlin, *supra*.