

# Language Access Requirements in Wisconsin Courts

## Quick Tips for Schedulers & Court Staff

### What is Limited English Proficiency or Proficient (LEP)?

**Limited English Proficiency or Proficient LEP** means the inability to adequately understand or communicate effectively in English in a court proceeding because of:

- national origin (where someone was born)
- disability (Deaf or hard of hearing)

**Authority:** Wis. Stat. §885.38(1)(b)1&2

### When must the court provide language assistance services?

The court provides interpreters or reasonable accommodations in **all** case types (criminal and civil) during court proceedings for LEP individuals.

**Authority:** Wis. Stat. §885.38(8)(a)1

#### Mandatory appointment if the person is a:

- party
- witness while testifying
- alleged victim as defined in §950.02 (4)
- parent or legal guardian of a minor
- legal guardian of a party in interest
- Deaf member of a jury panel & jury
- any other person affected by the proceedings (requires court determination)

**Authority:** Wis. Stat. §885.38(3)(a)1-5 ; (3)(c)

#### Discretionary appointment in other situations:

- at the clerk's counter\*
- outside the courtroom for events related to court proceedings, e.g. court-ordered psychiatric or medical exams, mediation
- other actions or proceedings (requires court determination)

**Authority:** Wis. Stat. §885.38(3)(d),(e)&(f)

*\*The clerk should always provide an interpreter, particularly if safety issues are involved, e.g. filing a TRO petition at the counter.*

### INTERPRETER QUALIFICATIONS

- ◆ Certified interpreters should be used **first** whenever reasonably available either in-person or via technology, e.g. telephone or other audiovisual means such as video conferencing (Zoom).
  - Interpreters cannot be used via telephone or other audiovisual means for trials per Wis. Stats. §§807.14 & 967.09.
- ◆ Interpreters must abide by the Code of Ethics when working in Wisconsin Courts per SCR Ch. 63.
- ◆ Interpreters should be sworn in before commencing duties:
  - *"Do you solemnly swear [or affirm] that you will interpret truly, accurately, completely, and impartially, in accordance with the standards prescribed by law, the code of ethics for court interpreters, and Wisconsin guidelines for court interpreting?"*
- ◆ Interpreters for Deaf jurors have an additional oath they must swear to before accompanying jurors to deliberations:
  - *"Do you also swear [or affirm] that you will not participate personally in the jury's deliberations, nor make any comment about your personal recollections of the evidence or your opinions about the outcome of this case and that you will not disclose or comment upon anything you hear in jury deliberations unless ordered to do so by the court?"*
- ◆ Interpreters should be allowed to view court files and other documents prior to the assignment as they are considered officers of the court.
- ◆ Courts should schedule a team of interpreters for all hearings expected to exceed 2 hours.
- ◆ To file an ethical complaint against an interpreter, visit this link: <https://www.wicourts.gov/services/public/interpretercomplaint.htm>

## Resources for Locating Certified and Qualified Interpreters

### COURT'S PUBLIC WEBSITE

Interpreters listed on the Court Interpreter Program Roster should always be used first whenever available.

#### ◆ Wisconsin's Court Interpreter Program (CIP) Roster

<https://www.wicourts.gov/services/interpreter/search.htm>

- Searchable by language, interpreter name, county, and qualification level
- Certified, Provisional, and Authorized interpreters (mostly in-state) available for assignments:
  - Arabic-Standard, ASL, ASL-Deaf, Cantonese, French, German, Hindi, Hmong, Mandarin, Mongolian, Polish, Punjabi, Romanian, Russian, Serbian-Croatian, Somali, Spanish, Urdu, and Vietnamese

#### ◆ Languages of lesser diffusion internal roster on CourtNet

Searchable list that contains the names of vetted interpreters who work in rare languages.

### OTHER USEFUL WEBSITES (EXTERNAL)

#### ◆ Registry of Interpreters for the Deaf (RID)

<https://myaccount.rid.org/Public/Search/Member.aspx>

#### ◆ National Association of Judiciary Interpreters and Translators (NAJIT)

<https://najit.org/>

#### ◆ American Translators Association (ATA)

[https://www.atanet.org/onlinedirectories/search\\_advanced.php](https://www.atanet.org/onlinedirectories/search_advanced.php)

#### ◆ Minnesota Court Interpreter Roster

<http://findinterpreters.courts.state.mn.us/>

#### ◆ Iowa Roster of State Court Interpreters

<https://www.iowacourts.gov/opr/court-interpreters/find-an-interpreter/>

#### ◆ Illinois Court Language Interpreter Registry

<https://publicapps.illinoiscourts.gov/apex/f?p=303:25:>

#### ◆ California Judicial Council Master List of Interpreters

<http://www.courts.ca.gov/3796.htm>

#### ◆ Washington Court Interpreter Roster

[https://www.courts.wa.gov/programs\\_orgs/pos\\_interpret/](https://www.courts.wa.gov/programs_orgs/pos_interpret/)

### TRANSLATED COURT FORMS

If you are looking for a statewide translated court form, visit this link on the court's public website:

[https://www.wicourts.gov/forms1/circuit/ccform.jsp?FormName=&FormNumber=&Language=es&beg\\_date=&end\\_date=&StatuteCite=&Format=&Category](https://www.wicourts.gov/forms1/circuit/ccform.jsp?FormName=&FormNumber=&Language=es&beg_date=&end_date=&StatuteCite=&Format=&Category)

### SCHEDULERS BY COUNTY

<http://courtnet.wicourts.gov/publications/docs/interpschedulerscty.pdf>

- Contact information of staff responsible for scheduling interpreters by county