

**FRANKLIN COUNTY MUNICIPAL COURT  
LANGUAGE ACCESS PLAN  
Effective January 1, 2018**

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**I. LEGAL BASIS AND PURPOSE**

This document serves as the Language Access Plan (“LAP”) for Franklin County Municipal Court to provide services to limited English proficient (“LEP”) individuals in compliance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq.; and 28 C.F.R. § 42 et seq. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with the Franklin County Municipal Court.

This LAP is developed to ensure equal access to court services for LEP persons and persons who are deaf or hard of hearing. Although deaf and hard of hearing individuals are covered under the Americans with Disabilities Act (“ADA”) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to our policy of access to justice and equal protection under the law.

**II. NEEDS ASSESSMENT**

**A. Statewide**

The State of Ohio provides court services to a wide range of persons, including people who do not speak English and/or who are deaf or hard of hearing. Service providers include the Supreme Court of Ohio, the courts of appeals, and trial courts throughout the state.

According to the American Community Survey as released in October 2015 by the U.S. Census Bureau, the number of people in Ohio who speak a language other than English at home is approximately 719,095. Of that number, many individuals are described as “speaking English less than very well” as outlined below:

	Language	Number of individuals who “speak English less than very well”
1.	Spanish	90,725
2.	German	14,196
3.	Chinese	20,374

4.	French	7,001
5.	Arabic	11,134
6.	Pennsylvania Dutch	10,900
7.	Italian	4,803
8.	Russian	8,416
9.	Greek	2,368

Additionally, a survey conducted in 2010 by the Supreme Court of Ohio Language Services Program revealed that the languages for which language services are most requested in courts statewide are the following, in order:

	Languages with highest numbers of requests for language services in Ohio courts
1.	Spanish
2.	American Sign Language
3.	Somali
4.	Russian
5.	Arabic
6.	French
7.	Mandarin
8.	Korean
9.	Cambodian
10.	Amharic

## B. Franklin County Municipal Court

The Franklin County Municipal Court analyzes local demographics on an annual basis to determine the language diversity and need in the county, including a review of demographic data at <http://www.lep.gov> and a review of data gathered by the local school districts and other relevant local sources. The demographics of court users in the Franklin County Municipal Court overlap with statewide numbers, though there is some divergence. According to 2016 Census estimates, Franklin County, with its county seat as Columbus, is the most populous county in Ohio, with a population of approximately 1,265,000.<sup>1</sup> Almost 10 percent of Franklin County residents are foreign-born, and over 12 percent of residents speak a language other than English at home.<sup>2</sup> When compared to other counties, Franklin County has a relatively high number of residents who are native speakers of African languages, with almost 25,000 native speakers.<sup>3</sup>

The Franklin County Municipal Court makes every effort to provide services to all LEP and deaf or hard of hearing persons in its jurisdiction. The languages for which interpreters are most frequently requested in Franklin County Municipal Court are the following:<sup>4</sup>

	Languages with the most frequent interpreter requests at the Franklin County Municipal Court
1.	Spanish
2.	Somali
3.	Arabic
4.	Nepali
5.	American Sign Language
6.	French
7.	Tigrinya
8.	Maay Maay
9.	Amharic
10.	Mandarin

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<sup>1</sup> US Census Quick Facts at <https://www.census.gov/quickfacts/fact/table/franklincountyohio/SEX255216>.

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> These languages are based on interpreter usage data for 2016.

The Franklin County Municipal Court Interpreter Services Department completed an estimated 6,095 requests for interpreter services in 2016 (of these, 4,420 requests were for Spanish and 1,675 were for Somali). There were 1,309 requests for interpreters in 52 other languages; 1,152 of these requests were filled by on-site interpreters, and 157 requests in languages of lesser diffusion (such as Zomi, Hakha Chin, Mandingo, Oromo, Yoruba, Kinyarwanda, Tamazight, Uzbek, Farsi, Cebuano and K'iche) were provided through telephonic interpretation. Arabic and Nepali interpreter requests have increased remarkably in recent years. With respect to interpreting services for deaf and hard of hearing court users, there were 135 requests for American Sign Language (“ASL”) interpreters and Certified Deaf Interpreters (“CDI”) in 2016.

### **III. LANGUAGE ASSISTANCE RESOURCES**

#### **A. Language Access Coordinator**

The Franklin County Municipal Court’s designated Language Access Coordinator is its Lead Interpreter, employed in the Interpreter Services Department. The Language Access Coordinator reports to the Administrative Judge since high-level support is essential to successful implementation. The Language Access Coordinator, along with the Court Administrator and the Administrative Judge, ensure that language services are delivered by the court in accordance with this plan and Rules 80–89 of the Rules of Superintendence for the Courts of Ohio.

Franklin County Municipal Court’s Language Access Coordinator is Lead Interpreter, Adriana Fonseca. She can be reached at Interpreting Services,<sup>5</sup> 375 South High Street, Columbus, Ohio 43215, Telephone: 614-645-7455, email: [InterpreterScheduling@fmcclerk.com](mailto:InterpreterScheduling@fmcclerk.com). Complaints submitted under Section VIII of this Language Access Plan will be addressed by the Language Access Coordinator within 30 business days. In addition to the responsibilities already outlined in this plan, the Language Access Coordinator has the following responsibilities:

- Schedule and coordinate interpreter provision for all court proceedings and functions, and ancillary court services, as required;
- Supervise other staff interpreters at the Franklin County Municipal Court for quality control, compliance with interpreter code of conduct, and other duties as employees of the Franklin County Municipal Court;
- Assign qualified translators and bilingual employees to perform language assistance functions;
- Conduct quality control of independent contractor interpreters and translators hired by the Franklin County Municipal Court;
- Identify qualified interpreters and translators to be included in an interpreter database or list as maintained by the court;
- Assist court administration with the drafting of Requests for Proposals (“RFPs”) for interpreter services, awarding of contracts, and compliance monitoring of contracts;

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<sup>5</sup> Web page available at <http://www.fmcclerk.com/court/interpreting-services>.

- Track and collect data regarding the use of interpreters and languages needed;
- Provide ongoing training to all other court divisions, judicial officers, and justice partners, such as the Clerk of the Court’s Office, the Prosecutor’s Office, and Public Defender’s Office, on early identification of language needs, procedures for requesting an interpreter or other language access services, and appropriate ways to work with interpreters and other language access service providers;
- Provide training opportunities, in partnership with the Supreme Court of Ohio and other language training professionals, to prospective and current interpreters in order to improve interpreter services provision;
- Communicate and collaborate, where appropriate, with the [Language Access Services Program](#)<sup>6</sup> at the Supreme Court of Ohio.

## **B. Interpreters Used in the Courts**

Under Ohio law and Supreme Court rules, there are two different instances in which a court must provide an interpreter: in a case or court function (see ATTACHMENT A: Sup.R. 80) and in connection with ancillary services (see ATTACHMENT C: Sup.R. 89). This distinction is important because the type of interpreter to be provided and the court’s responsibilities differ depending on the specific situation.

By statute, Ohio courts must appoint qualified interpreters. Specifically, section 2311.14 of the Ohio Revised Code provides that courts shall provide interpreters due to hearing, speech, or other impairments of a party or a witness to a case.

Additionally, Rule 88 of the Rules of Superintendence for the Courts of Ohio (see ATTACHMENT B), requires that the Franklin County Municipal Court appoint an interpreter in a case or court function when a LEP or deaf or hard of hearing individual requests an interpreter or when the court determines the services of an interpreter are necessary for the meaningful participation of the party or witness.

Under Ohio law, foreign language interpreters will be provided at court expense if the party is found to be indigent. However, in order to comply with the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et. seq., the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3789d(c), and 28 C.F.R. Part 42, Subparts C and D, recipients of federal funds must provide meaningful access to LEP individuals.<sup>7</sup> The U.S. Department of Justice advises that practices, such as charging for interpretation and translation services or seeking recoupment for those costs, significantly impair, restrict, or preclude the participation of LEP individuals in the judicial system and are inconsistent with recipients’ Title VI obligations. For more information, please refer to [Language Access Guidance Letter to State Courts from Assistant Attorney General Thomas E. Perez](#) (Aug. 16, 2010)<sup>8</sup>; Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed.

<sup>6</sup> Web page available at <https://www.sconet.state.oh.us/JCS/interpreterSvcs/>.

<sup>7</sup> *Lau v. Nichols*, 414 U.S. 563 (1974)

<sup>8</sup> Web page available at [https://www.lep.gov/final\\_courts\\_ltr\\_081610.pdf](https://www.lep.gov/final_courts_ltr_081610.pdf).

Reg. 41455 (June 18, 2002); and the recent U.S. Department of Justice report “[Language Access in State Courts](#)” (September 2016).<sup>9</sup>

In the Franklin County Municipal Court, sign language interpreters are provided at court expense for all deaf or hard of hearing court parties, witnesses, or jurors in compliance with the ADA and for court or case functions, as well as for ancillary court services, under Rule of Superintendence 89(B).

Similarly, pursuant to federal and Ohio law, spoken language interpreters are provided at court expense for all LEP parties, witnesses, and persons with a significant interest<sup>10</sup> in the case in all court proceedings. For ancillary court services, the Franklin County Municipal Court provides, at the court’s expense, a qualified bilingual court employee, or a certified, registered, or provisionally qualified interpreter for LEP persons pursuant to Rule of Superintendence 89(A).

#### **IV. USE OF INTERPRETERS**

##### **A. Determining the Need for an Interpreter**

There are various ways that the Franklin County Municipal Court determines whether an LEP or deaf or hard of hearing person needs the services of a court interpreter.

First, the LEP or deaf or hard of hearing person may request an interpreter. Second, court personnel and judges may determine that an interpreter is necessary for the meaningful participation of a party or witness. Many people who need an interpreter will not request one because they do not realize that interpreters are available, they mistakenly think they will have to pay for the interpreter, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Therefore, when it appears that an individual has any difficulty communicating, the court staff, judge, or magistrate must provide an interpreter to ensure full access to the court. See Sup.R. 88(A)(2), (B)(1)(b). Court staff, particularly those at key points of contact with the public, such as courtroom bailiffs and probation officers, will receive ongoing training on proactively inquiring court users about language services needs upon first contact whenever a party or witness appears to have any difficulty communicating in English or may be deaf or hard of hearing.

In legal proceedings, judges and magistrates must make a determination, on the record, as to the need for an interpreter. In court functions and ancillary services, designated staff may make a determination as to the need of an interpreter and take affirmative steps to inquire about language

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<sup>9</sup> Web page available at <https://www.justice.gov/crt/file/892036/download>.

<sup>10</sup> “Persons with a significant interest” include persons with a significant interest or involvement in a case or with legal decision-making authority, or whose presence or participation in the matter is necessary or appropriate as determined by a judicial officer. Examples of persons who may have a significant interest include victims; legal guardians or custodians of a minor involved in a case as a party, witness, or victim; and legal guardians or custodians of adults involved in a case as a party, witness, or victim.

service needs. Once it is determined language services are needed, court staff and judicial officers must notify the Interpreter Services Department as early as practicable.

Third, once a party or a witness has been identified as an LEP or deaf or hard of hearing individual, the court will exercise every effort to appoint interpreters in all future related proceedings or court functions, including, but not limited to, making notations in the court file and, to the degree possible, in CourtView or any subsequent case management system. Furthermore, the court will follow the requirements of Sup.R. 88 (ATTACHMENT B) to appoint an interpreter (see Section C below). If no in-person interpreter is available at the given instance, the court will grant a continuance, or if possible and appropriate, in accordance with Sup.R. 88, Appendix J, use the services of a telephonic interpreter.

The court provides I-Speak cards at all points of contact between court users and the court. In addition, where appropriate, there are telephones with instructions for staff to contact LanguageLine Solutions (“LanguageLine”)<sup>11</sup> to provide telephonic interpretation services if a bilingual staff person or an in-person interpreter is not otherwise available. Court staff must receive periodic training on the use of I-Speak cards and LanguageLine. Further, the court will continue to make LanguageLine available to the Clerk of the Court’s Office, per Supreme Court of Ohio approval, and the Lead Interpreter will train clerks on an ongoing basis on the appropriate use of the telephonic interpreting service.

The court will work closely with its justice partners, particularly the Clerk of the Court’s Office, the Prosecutor’s Office, the Public Defender, and the jail, to identify effective mechanisms for early identification of language needs by LEP and deaf or hard of hearing individuals. Such mechanisms include immediate notification of language needs to the Interpreter Services Department upon filing of court documents, client or witness interviews, jail booking, etc. To the extent possible, court staff and the Clerk of Court will develop systems for notation of language needs in the case management system, currently CourtView, and any new case management systems implemented in the future, particularly incorporating the notification feature into any e-filing system developed by the court in coming years. In addition to training employees of these justice partners, the court, through its Lead Interpreter, will continue to provide regular training to the Franklin County private bar, through the Columbus Bar Association and other appropriate organizations, regarding the need to notify the court of a client’s or witness’ language services needs as early as possible in the court process.

The court will add a link to the Interpreting Services web page on all of the various court departments’ web pages, so court users will know how to request an interpreter by email or telephone. Interpreter request information will be translated into the court’s top 10 languages by the end of fiscal year 2018–2019. Multilingual signage and signage pertaining to assistive listening devices located throughout the courthouse, particularly outside of publicly accessible offices and courtrooms, will inform court users of the availability of a free court interpreter and process for requesting assistance through Interpreting Services or other court employee, who will then contact Interpreting Services accordingly.

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<sup>11</sup> Through the Supreme Court of Ohio’s Language Services Program, the Franklin County Municipal Court has a contract with LanguageLine for the provision of telephonic interpreting services to the court as appropriate.

**Resource:**

When determining the need of an interpreter, judges, magistrates, and court staff should rely on Supreme Court of Ohio resources such as:

- [\*Interpreters in the Judicial System: A Handbook for Ohio Judges\*](#),
- [\*Working with Foreign Language Interpreters in the Court\*](#), and
- [\*Working with Interpreters for Deaf & Hard of Hearing Persons in the Courtroom\*](#)

**B. Court Interpreter Qualifications**

The Language Services Program of the Supreme Court of Ohio maintains a statewide roster of interpreters who may work in the courts. Foreign language interpreters on the roster have passed a written examination, attended at least 24 hours of court interpreter training, and have scored within a designated range that measures their language and interpreting skills. Sign language interpreters have also met similar requirements as necessary for national certification through the Registry of Interpreters for the Deaf. The definition of each category of interpreter is set forth in [Sup.R. 80-88](#).<sup>12</sup>

The Franklin County Municipal Court currently employs three full-time staff interpreters: two certified in Spanish and one for Somali, Mai-Mai, and Swahili. Staff interpreters fill the majority of the interpreting need in the court, and meet the highest requirements for court interpreters in Ohio. For other languages, or where the in-house capacity is not sufficient, the court enters into contracts, updated and renewed every four years, with interpreting services providers, including interpreting agencies and independent contractor interpreters as well as the above-referenced Language Line contract with the Supreme Court of Ohio. Contracts provide for the qualification of interpreters provided by these agencies as well as that of the independent interpreters contracted individually. In addition, the Lead Interpreter utilizes the statewide roster to confirm the qualifications of interpreters.

When a judicial officer appoints an interpreter who is not credentialed by the state, the judicial officer must make sure the interpreter is qualified. If necessary, judges and magistrates must follow the *voir dire* guidelines set forth in the Supreme Court of Ohio's bench card for working with spoken language interpreters,<sup>13</sup> and understand the requirements for qualified sign language interpreters as delineated in the bench card addressing interpreters for deaf and hard of hearing individuals.<sup>14</sup>

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<sup>12</sup> Web page available at

<http://www.supremecourt.ohio.gov/LegalResources/Rules/superintendence/Superintendence.pdf#Rule80>

<sup>13</sup> [Working with Foreign Language Interpreters in the Court](#). Web page available at

<https://www.supremecourt.ohio.gov/JCS/interpreterSvcs/LSResources/benchNotes.pdf>.

<sup>14</sup> [Working with Interpreters for Deaf & Hard of Hearing Persons in the Courtroom](#). Web page available at

<https://www.supremecourt.ohio.gov/JCS/interpreterSvcs/LSResources/benchNotes.pdf>.



From an operational standpoint, independent interpreters are required, under their contracts with the court, to report to the Interpreter Services Department to check in and sign out before and after an assignment. Until dismissed by the Interpreter Services Department, their assignment is not considered complete. The Interpreter Services Department maintains an internal record of contracted interpreters, interpreter credentials or other qualifications, and any complaints or feedback provided by court staff or judicial officers regarding each interpreter. At the Lead Interpreter's discretion, if an independent contractor's performance or professional conduct is sufficiently deficient to warrant a suspension or termination from court assignments, the appropriate agency will be contacted and the interpreter in question will not be allowed to continue to accept court assignments with the Franklin County Municipal Court unless the agency and/or interpreter prove to the satisfaction of the Lead Interpreter that any issues have been addressed.

To ensure the highest quality of interpreters possible, the court will periodically monitor the quality of interpreters provided through its contracts, to ensure compliance with the terms of the contract and with the Rules of Superintendence. The Lead Interpreter will review contracts, obtain feedback on interpreter performance, review the credentials of interpreters dispatched to court functions and services, and review internal records regarding interpreter professional conduct.

**Resource:**

The interpreter roster can be accessed on the Supreme Court's web page at <http://sc.ohio.gov/JCS/interpreterSvc/certification/rosters/default.asp>

**C. Appointment of a Court Interpreter**

The Franklin County Municipal Court will appoint in-person and telephonic court interpreters in accordance with all criteria set forth in Sup.R. 88 (ATTACHMENT B) as well as telephonic interpreting guidelines set forth in ATTACHMENT D, and will ensure that certified court interpreters are used whenever reasonably available.

Pursuant to Sup.R. 88(C), the Franklin County Municipal Court will make all reasonable efforts to avoid appointing foreign language interpreters or sign language interpreters if they are compensated by a business owned or controlled by a party or a witness; a friend or a family or household member of a party or witness; a potential witness; court personnel employed for a purpose other than interpreting; a law enforcement officer or probation department personnel; or would not serve to protect a party's rights or ensure the integrity of the proceedings or have a conflict of interest, real or perceived. These efforts include inquiring of a prospective interpreter, whenever not secured through the Interpreter Services Department, whether they fall under any of the categories just set forth and, if so, denying that individual the ability to interpret for that

matter unless, under the discretion of the court, appointment serves the administration of justice and will not detrimentally affect any party or the integrity of the court.

#### **D. Language Services Outside of the Courtroom**

In accordance with Sup.R. 89 (ATTACHMENT C), the Franklin County Municipal Court shall ensure that LEP individuals and individuals who are deaf or hard of hearing have meaningful access to ancillary services outside of the courtroom. LEP individuals and individuals who are deaf or hard of hearing may come in contact with court personnel via the telephone, counter, or other means.

The Franklin County Municipal Court has the following resources to assist LEP individuals and individuals who are deaf or hard of hearing outside of the courtroom:

- When a court staff member does not know what language a customer is speaking, the staff person can use an “I Speak” card, which includes references in 63 languages. The Language Access Coordinator is responsible for distributing I Speak cards to all new and current staff as well as ensuring that the Clerk of the Court’s Office staff is aware of and has access to the cards.
- In order to meet the needs of those who speak less-common languages, court staff may rely on telephonic interpretation or relay services to bridge communication. Currently, telephonic interpretation services are provided through the Supreme Court of Ohio’s contract with LanguageLine.
- The court also has a range of translated forms for use in courtrooms, probation information, and multilingual videos for the court’s small claims mediation services (see Section V for more detail).
- The court provides information on all relevant pages on its website regarding the process for requesting an interpreter. Web pages with this information include the Clerk of the Court’s web page, the Interpreting Services web page, the Self-Help Center web pages, as well as the Small Claims Division web page.
- The court employs bilingual staff for the provision of in-language services, particularly at key points of contact with the public, such as in the Probation Department, where a number of probation officers and other staff are bilingual. The court is in the process of instituting language proficiency assessments for all of its bilingual staff members.
- The Franklin County Municipal Court has also undertaken a video remote interpreting (“VRI”) pilot project to begin developing guidelines for the appropriate use of VRI in court functions, including for ancillary services, such as mediation and self-help services. Once guidelines are developed and technological requirements established, the court will ensure all judicial officers and court staff are properly trained in their use. Similarly, the court will train those interpreters who will participate in VRI proceedings to understand the technology and how to meet their ethical and professional obligations while interpreting remotely.
- Future projects anticipated by the court include the development of more audio-visual tools for LEP court users, including increasing the language capacity of existing small claims, mediation, and arraignment videos; multilingual kiosks for the more efficient triage of court users in high volume courtrooms and court services offices; and multilingual signage to better direct all court users to various court departments, courtrooms, and services.

**Resources:**

- “I Speak” cards are available on the Supreme Court of Ohio’s Language Services Program’s website at <http://sc.ohio.gov/JCS/interpreterSvcs/ISpeakCards.pdf>.
- The Supreme Court of Ohio has provided each court with a code by which telephonic interpretation can be accessed via LanguageLine. Please contact the Supreme Court of Ohio’s Language Services Program for additional information on how to access telephonic interpretation: <http://sc.ohio.gov/JCS/interpreterSvcs/default.asp>.

**V. TRANSLATED FORMS AND DOCUMENTS**

Ohio courts understand the importance of translating forms and documents so that LEP individuals have greater access to the courts’ services.

When interpreters are hired for hearings, interpreters are expected to provide sight translations for corresponding documentation to LEP individuals. Additionally, the Supreme Court of Ohio has translated over 80 vital forms into five languages: Arabic, Chinese, Russian, Somali, and Spanish. These are posted on the Supreme Court of Ohio website<sup>15</sup> and are available to all courts. Among these are several municipal court forms routinely used at the Franklin County Municipal Court.

In addition to statewide translations, the Franklin County Municipal Court currently has the following forms translated into commonly used languages:

- Plea forms (Spanish and Somali)
- Waiver of rights (Spanish and Somali)
- Information sheets regarding court-ordered programs (Spanish)
- Captioning for a number of small claims mediation videos (Spanish and Somali), available at <http://smallclaims.fcmeclerk.com/home/mediation>.

The Franklin County Municipal Court follows the process to translate material described in Appendix J of *Interpreters in the Judicial System: A Handbook for Ohio Judges*.<sup>16</sup> Appendix J identifies the steps included in translating material, with focus on project management and editing, as well as proofreading and publishing. The section also describes the process for the selection of qualified translators. In addition to following the process included in this handbook, the court will rely on the Language Services Program at the Supreme Court of Ohio for consultation and technical assistance. The court will focus on plain language translation to ensure documents and other written and/or audio-visual tools are accessible in English before being translated into multiple languages.

<sup>15</sup> Available at <http://www.supremecourt.ohio.gov/JCS/interpreterSvcs/forms/default.asp>

<sup>16</sup> Available at [https://www.sconet.state.oh.us/publications/interpreter\\_services/IShandbook.pdf](https://www.sconet.state.oh.us/publications/interpreter_services/IShandbook.pdf).

The Franklin County Municipal Court will be undertaking additional translation efforts to increase the number of vital forms available in languages other than English, and will be adding other commonly requested languages to those forms and documents currently available in Spanish and Somali. To that end, the Lead Interpreter will work with the other staff interpreters and colleagues outside of the court to translate additional forms into Spanish and Somali, and add translations in Arabic, Nepali, French, Tigrinya, and Chinese.

The court will assess the demographics of court users, analyze the most commonly used forms, and embark on the translation of additional forms as resources allow.

## **VI. LOCAL RULE**

The Franklin County Municipal Court has not adopted a local rule regarding appointment of interpreters.

## **VII. TRAINING**

Ohio courts are committed to providing language access training opportunities for all staff members who come in contact with or may come in contact with LEP individuals and individuals who are deaf or hard of hearing. The Ohio Judicial College and the Language Services Program provide [ongoing training](#) for court staff regarding issues related to LEP populations, individuals who are deaf or hard of hearing, the use of interpreters, and other language access matters.<sup>17</sup>

Franklin County Municipal Court staff that have direct contact with LEP individuals or individuals who are deaf or hard of hearing will continue to receive training on language access services coordinated by the Language Access Coordinator. The Language Access Coordinator will ensure that all staff receives updated trainings on a regular basis and that all new staff members are trained at the time of hire.

All new Franklin County Municipal Court staff will undergo a mandatory orientation session regarding language access services, including policies and procedures for working with interpreters and LEP court users. In addition, the training and education resources provided by the Supreme Court of Ohio on its website will be made available to all court staff for periodic review.

Judicial officers at the Franklin County Municipal Court will similarly continue to participate in training opportunities offered at Judicial College and other events for judicial officers to stay abreast of language access policies and developments. New judicial officers will receive information regarding the resources available on the Supreme Court of Ohio's Language Access Program's page regarding statewide language access rules and policies, how to work with LEP parties, and how to utilize the services of interpreters.

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<sup>17</sup> Information available at [https://www.sconet.state.oh.us/publications/interpreter\\_services/IShandbook.pdf](https://www.sconet.state.oh.us/publications/interpreter_services/IShandbook.pdf).

**Resource:**

The Supreme Court of Ohio created a brief video that outlines the requirements of Sup.R. 88. The video can be accessed on the court's website at <http://www.ohiochannel.org/video/training-video-understanding-rule-88-for-judges-court-personnel>

## VIII. COMPLAINT PROCESS

The Franklin County Municipal Court will ensure that all LEP individuals and individuals who are deaf or hard of hearing receive language assistance services in their primary language. To promptly address any concerns that an LEP person or an individual who is deaf or hard of hearing did not receive language assistance, the Supreme Court of Ohio has developed a process for handling such complaints.

Franklin County Municipal Court employees will also provide information on this complaint process to LEP individuals or individuals who are deaf or hard of hearing upon request or if an LEP or deaf or hard of hearing individual voices concern about the lack of language access services or the quality of services that were provided. Information on the complaint process will be available on the court's Interpreting Services website, as well as in person at public offices in the court.

In addition to the Supreme Court's complaint process, the Franklin County Municipal Court has developed a local complaint resolution process as well. If the Language Access Coordinator receives a language access complaint, s/he will document receipt of the complaint and provide information about it to the individual who supervises the affected employee(s). Once the supervisor receives notice of a language access complaint, s/he will take prompt action to review, investigate, and respond to its allegations. The Language Access Coordinator will also notify the Supreme Court of Ohio manager of the Language Services Program of such complaint.

The Franklin County Municipal Court will display the following sign translated into Ohio's 12 most frequently used languages that states:

*You may have the right to a court-appointed interpreter. If one is not provided, call 1.888.317.3177, Monday–Friday, 8 a.m. to 5 p.m.*

The Franklin County Municipal Court will display this sign at common areas visible to all court users. In the Franklin County Municipal Court, the Language Access Coordinator is responsible for making sure signs are visible, interpreters are provided, and the LAP plan is monitored.

**Resource:**

For more information on the complaint resolution process, please visit <http://www.supremecourt.ohio.gov/JCS/interpreterSvcs/default.asp>.

Parties may also call 1(888)-317-3177, Monday–Friday, 8 a.m. to 5 p.m., or send correspondence via email to [InterpreterServices@sc.ohio.gov](mailto:InterpreterServices@sc.ohio.gov) or via US Postal Service to the following address:

Language Services Program  
Complaint Resolution  
65 South Front Street  
Columbus, Ohio 43215

**IX. PUBLIC NOTIFICATION AND EVALUATION OF THE LAP**

**A. LAP Approval**

The Franklin County Municipal Court LAP has been approved by the Administrative Judge of the court. Any future revisions to the plan will be submitted to the Administrative Judge for approval. Copies of the Franklin County Municipal Court LAP will be distributed to all court staff by the Language Access Coordinator.

**B. Notification**

The Language Access Coordinator will ensure that any new staff receives a copy of the plan. Copies of the Franklin County Municipal Court LAP will be provided to the public upon request. In addition, the Franklin County Municipal Court will post this plan on its website at <http://www.fcmcclerk.com/> as well as on its Interpreting Services web page at <http://www.fcmcclerk.com/court/interpreting-services>.

**C. Evaluation of the LAP**

The Language Access Coordinator will review this plan on an annual basis and make changes based on the review. The evaluation will include the review of any complaints received, identification of any problem areas, development of required corrective action strategies, and input from court staff. Elements of the evaluation may include:

- Assessing the number of LEP or deaf hard of hearing persons requesting court interpreters in Ohio courts;

- Assessing current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LEP policies and procedures and how to carry them out;
- Reviewing complaints received since the last review; and
- Gathering feedback from LEP or deaf hard of hearing communities around the state, using that feedback as collaboration on any revisions to the LAP.

Any revisions made to the plan will be approved by the Administrative Judge and will be communicated by posting the updated plan on the Franklin County Municipal Court public website.

## **X. LANGUAGE ACCESS COORDINATOR AND LANGUAGE ACCESS STAFF**

Language Access Coordinator

Name: Adriana Fonseca

Title: Lead Interpreter

Address: 375 South High Street, 16<sup>th</sup> Floor

City, State, Zip: Columbus, OH 43215

Phone: (614) 645-7455

Email: InterpreterScheduling@fcmclerk.com

In the event that the Language Access Coordinator is unavailable, the following will serve as the substitute.

Name: Emily Shaw

Title: Court Administrator

Address: 375 South High Street, 10<sup>th</sup> Floor

City, State, Zip: Columbus, OH 43215

Phone: (614) 645-8214

Email: ShawE@fcmclerk.com

## **XI. HELPFUL RESOURCES**

- Federal interagency website about language access: [www.lep.gov](http://www.lep.gov)
- American Bar Association Standards for Language Access in Courts, February 2012, available at [www.americanbar.org](http://www.americanbar.org)
- Department of Justice Language Access Planning and Technical Assistance Tool for Courts, February 2014, available at [www.lep.gov](http://www.lep.gov)
- The Supreme Court of Ohio's Interpreter Services Program: <https://www.supremecourt.ohio.gov/JCS/interpreterSvc/>
- Franklin County Municipal Court Interpreting Services web page: <http://www.fcmclerk.com/court/interpreting-services>



**XII. LAP ADMINISTRATIVE JUDGE APPROVAL**

This LAP was reviewed and approved by:

Date:

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Judge Mark Hummer

**XIII. EFFECTIVE DATE**

[INSERT EFFECTIVE DATE HERE]

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**ATTACHMENT F:** Model Form: Notice for Appointment of a Sign Language Interpreter, Certificate of Service, and Proposed Order

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**ATTACHMENT H:** Model Form: Order Appointing a Foreign Language Interpreter

## ATTACHMENT A

### **RULE 80. Definitions.**

As used in Sup.R. 80 through 88:

#### **(A) Case or court function**

“Case or court function” means any hearing, trial, pre-trial conference, settlement conference, or other appearance before a court in an action, appeal, proceeding, or other matter conducted by a judge, magistrate, or other court official.

#### **(B) Consecutive interpretation**

“Consecutive interpretation” means interpretation in which a foreign language interpreter or sign language interpreter waits until the speaker finishes an entire message rendered in a source language before rendering the message in a target language.

#### **(C) Crime of moral turpitude**

“Crime of moral turpitude” means any of the following:

- (1) Aggravated murder as described in R.C. 2903.01 or murder as described in 2903.02;
- (2) A sexually oriented offense as defined in R.C. 2950.01;
- (3) An offense of violence as defined in section R.C. 2901.01, if the offense is a felony of the first or second degree;
- (4) Complicity in committing an offense described in division (C)(1) of this rule;
- (5) An attempt or conspiracy to commit or complicity in committing any offense described in division (C)(1) through (4) of this rule if the attempt, conspiracy, or complicity is a felony of the first or second degree;
- (6) A violation of any former Ohio law, any existing or former law of any other state, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any offense listed in division (C)(1) through (5) of this rule.

**(D) Deaf blind**

“Deaf blind” is a combination of hearing and vision loss of any varying degree that causes an individual extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining vocational objectives.

**(E) Foreign language interpreter**

“Foreign language interpreter” means an individual who, as part of any case or court function, facilitates communication between or among legal professionals and a limited English proficient or non-English speaking party or witness through consecutive interpretation, simultaneous interpretation, or sight translation.

**(F) Limited English proficient**

“Limited English proficient” means an individual who does not speak English as a primary language or who has a limited ability to read, speak, write, or understand English and requires the assistance of a foreign language interpreter or sign language interpreter to effectively communicate.

**(G) Provisionally qualified foreign language interpreter**

“Provisionally qualified foreign language interpreter” means a foreign language interpreter who has received provisional certification from the Supreme Court Language Services Program pursuant to Sup.R. 81(G)(3).

**(H) Sight translation**

“Sight translation” means interpretation in which a foreign language interpreter or sign language interpreter renders in a target language a written document composed in a source language.

**(I) Sign language interpreter**

“Sign language interpreter” means an individual who, as part of any case or court function, facilitates communication between or among legal professionals and a deaf, hard of hearing, or deaf blind party, witness, or juror through the use of sign language or other manual or oral representation of a spoken language.

**(J) Simultaneous interpretation**

“Simultaneous interpretation” means interpretation in which, after a brief pause to listen for or view key grammatical information, a foreign language interpreter or sign language interpreter renders in a target language the message of a person rendered in a source language as the person continues to communicate.

**(K) Supreme Court certified foreign language interpreter**

“Supreme Court certified foreign language interpreter” means a foreign language interpreter who has received certification from the Supreme Court Language Services Program pursuant to Sup.R. 81.

**(L) Supreme Court certified sign language interpreter**

“Supreme Court certified sign language interpreter” means a sign language interpreter who has received certification from the Supreme Court Language Services Program pursuant to Sup.R. 82.

**(M) Telephonic interpretation**

“Telephonic interpretation” means the use via telephone of a foreign language interpreter who is in a location that is physically separate from that of the party or witness who is limited English proficient and requires the services of the interpreter for meaningful participation.

**(N) Translator**

“Translator” means an individual who, as part of any case or court function, takes written text composed in a source language and renders it into an equivalent written text of a target language.

## **ATTACHMENT B**

### **RULE 88. Appointment of a Foreign Language Interpreter or Sign Language Interpreter.**

#### **(A) When appointment of a foreign language interpreter is required**

A court shall appoint a foreign language interpreter in a case or court function in either of the following situations:

- (1) A party or witness who is limited English proficient or non-English speaking requests a foreign language interpreter and the court determines the services of the interpreter are necessary for the meaningful participation of the party or witness;
- (2) Absent a request from a party or witness for a foreign language interpreter, the court concludes the party or witness is limited English proficient or non-English speaking and determines the services of the interpreter are necessary for the meaningful participation of the party or witness.

#### **(B) When appointment of a sign language interpreter is required**

(1) A court shall appoint a sign language interpreter in a case or court function in either of the following situations:

- (a) A party, witness, or juror who is deaf, hard of hearing, or deaf blind requests a sign language interpreter;
- (b) Absent a request from a party, witness, or juror for a sign language interpreter, the court concludes the party, witness, or juror is deaf, hard of hearing, or deaf blind and determines the services of the interpreter are necessary for the meaningful participation of the party, witness, or juror.

(2) When appointing a sign language interpreter pursuant to division (B)(1) of this rule, the court shall give primary consideration to the method of interpretation chosen by the party, witness, or juror, in accordance with 28 C.F.R. 35.160(b)(2), as amended.

#### **(C) Appointments to avoid**

A court shall use all reasonable efforts to avoid appointing an individual as a foreign language interpreter pursuant to division (A) of this rule or sign language interpreter pursuant to division (B) of this rule if any of the following apply:

- (1) The interpreter is compensated by a business owned or controlled by a party or a witness;

- (2) The interpreter is a friend or a family or household member of a party or witness;
- (3) The interpreter is a potential witness;
- (4) The interpreter is court personnel employed for a purpose other than interpreting;
- (5) The interpreter is a law enforcement officer or probation department personnel;
- (6) The interpreter has a pecuniary or other interest in the outcome of the case;
- (7) The appointment of the interpreter would not serve to protect a party's rights or ensure the integrity of the proceedings;
- (8) The interpreter does or may have a real or perceived conflict of interest or appearance of impropriety.

**(D) Appointment of and certification requirement for foreign language interpreters**

(1) Except as provided in divisions (D)(2) through (4) of this rule, when appointing a foreign language interpreter pursuant to division (A) of this rule, a court shall appoint a Supreme Court certified foreign language interpreter to participate in person at the case or court function.

(2) Except as provided in divisions (D)(3) and (4) of this rule, if a Supreme Court certified foreign language interpreter does not exist or is not reasonably available to participate in person at the case or court function and after considering the gravity of the proceedings and whether the matter could be rescheduled to obtain a Supreme Court certified foreign language interpreter to participate in person at the case or court function, a court may appoint a provisionally qualified foreign language interpreter to participate in person at the case or court function. The court shall summarize on the record its efforts to obtain a Supreme Court certified foreign language interpreter to participate in person at the case or court function and the reasons for using a provisionally qualified foreign language interpreter.

(3) Except as provided in division (D)(4) of this rule, if a Supreme Court certified foreign language interpreter or provisionally qualified foreign language interpreter does not exist or is not reasonably available to participate in person at the case or court function and after considering the gravity of the proceedings and whether the matter could be rescheduled to obtain a Supreme Court certified foreign language interpreter or provisionally qualified foreign language interpreter to participate in person at the case or court function, a court may appoint a foreign language interpreter who demonstrates to the court proficiency in the target language and sufficient preparation to properly

interpret the proceedings to participate in person at the case or court function. Such interpreter shall be styled a “language-skilled foreign language interpreter.” The court shall summarize on the record its efforts to obtain a Supreme Court certified foreign language interpreter or provisionally qualified foreign language interpreter to participate in person at the case or court function and the reasons for using a language-skilled foreign language interpreter. The language-skilled foreign language interpreter's experience, knowledge, and training should be stated on the record. Each language-skilled foreign language interpreter shall take an oath or affirmation under which the interpreter affirms to know, understand, and act according to the “Code of Professional Conduct for Court Interpreters and Translators,” as set forth in Appendix H to this rule.

(4) If a Supreme Court certified foreign language interpreter, provisionally qualified foreign language interpreter, or language-skilled foreign language interpreter does not exist or is not reasonably available to participate in person at the case or court function and after considering the gravity of the proceedings and whether the matter could be rescheduled to obtain a Supreme Court certified foreign language interpreter, provisionally qualified foreign language interpreter, or language-skilled foreign language interpreter to participate in person at the case or court function, a court may appoint an interpreter to participate in the case or court function through telephonic interpretation. The court shall summarize on the record its efforts to obtain a Supreme Court certified foreign language interpreter, provisionally qualified foreign language interpreter, or language-skilled foreign language interpreter to participate in person at the case or court function and the reasons for using an interpreter who will participate in the case or court function through telephonic interpretation. In appointing the interpreter, the court shall follow the order of certification preference in divisions (D)(1) through (3) of this rule and comply with the “Standards for the Use of Telephonic Interpretation,” as set forth in Appendix J to this rule.

**(E) Appointment of and certification requirement for sign language interpreters**

(1) Except as provided in divisions (E)(2) through (4) of this rule, when appointing a sign language interpreter pursuant to division (B) of this rule, the court shall appoint a Supreme Court certified sign language interpreter.

(2) Except as provided in divisions (E)(3) and (4) of this rule, if a Supreme Court certified sign language interpreter does not exist or is not reasonably available and after considering the gravity of the proceedings and whether the matter could be rescheduled to obtain a Supreme Court certified sign language interpreter, a court may appoint a sign language interpreter who holds one of the following certifications:

- (a) A “National Interpreter Certification” from the National Association of the Deaf and the Registry of Interpreters for the Deaf;
- (b) A “Certification of Interpretation” and “Certification of Transliteration” from the Registry of Interpreters for the Deaf;



(c) A “Comprehensive Skills Certificate” from the Registry of Interpreters for the Deaf;

(d) A “Master Comprehensive Skills Certificate” from the Registry of Interpreters for the Deaf;

(e) A “Level V Certification” from the National Association of the Deaf;

(f) A “Level IV Certification” from the National Association of the Deaf.

(3) If the communication mode of the deaf, hard of hearing, or deaf blind party, witness, or juror is unique and cannot be adequately accessed by a sign language interpreter who is hearing, a court shall appoint a sign language interpreter certified as a “Certified Deaf Interpreter” by the Registry of Interpreters for the Deaf.

(4) If the communication mode of the deaf, hard of hearing, or deaf blind party, witness, or juror requires silent oral techniques, a court may appoint a sign language interpreter who possesses an “Oral Transliteration Certificate” from the Registry of Interpreters for the Deaf.

(5) A court shall summarize on the record its efforts to obtain and reasons for not using a Supreme Court certified sign language interpreter.

**(F) Appointment of multiple foreign language interpreters or sign language interpreters**

(1) To ensure the accuracy and quality of interpretation, when appointing a foreign language interpreter pursuant to division (A) of this rule or sign language interpreter pursuant to division (B) of this rule, a court shall appoint two or more foreign language interpreters or sign language interpreters in either of the following situations:

(a) The case or court function will last two or more hours and requires continuous, simultaneous, or consecutive interpretation;

(b) The case or court function will last less than two hours, but the complexity of the circumstances warrants the appointment of two or more interpreters.

(2) To ensure the accuracy and quality of interpretation, a court shall appoint two or more foreign language interpreters or sign language interpreters for a case or court function involving multiple parties, witnesses, or jurors requiring the services of an interpreter.

**(G) Examination on record**

(1) In determining whether the services of a foreign language interpreter are necessary for the meaningful participation of a party or witness pursuant to division (A) of this rule, the court shall conduct an examination of the party or witness on the record.

During the examination, the court shall utilize the services of a foreign language interpreter, who may participate remotely. However, in doing so the court is not required to comply with the requirements of division (D) of this rule.

(2) In determining whether the services of a sign language interpreter are necessary for the meaningful participation of a party, witness, or juror, pursuant to division (B) of this rule, the court shall conduct an examination of the party, witness, or juror on the record. During the examination, the court shall utilize the services of a sign language interpreter, who may participate remotely. However, in doing so the court is not required to comply with the requirements of division (E) of this rule.

**(H) Waiver**

A party may waive the right to a foreign language interpreter under division (A) of this rule or sign language interpreter under division (B) of this rule, unless the court has determined the interpreter is required for the protection of the party's rights and the integrity of the case or court function. When accepting the party's waiver, the court shall utilize the services of a foreign language interpreter or sign language interpreter, who may participate remotely. However, in doing so the court is not required to comply with the requirements of division (D) or (E) of this rule.

**(I) Administration of oath or affirmation**

A court shall administer an oath or affirmation to a foreign language interpreter appointed pursuant to division (A) of this rule or sign language interpreter appointed pursuant to division (B) of this rule in accordance with Evid.R. 604.

## **ATTACHMENT C**

### **RULE 89. Use of Communication Services in Ancillary Services.**

#### **(A) Limited English proficient individuals**

A court shall provide foreign language communication services to limited English proficient individuals in conjunction with ancillary court services. Dependent upon the significance and complexity of the ancillary court service, the following individuals may provide the communication services in person, telephonically, or via video:

- (1) An employee of the court, other than a Supreme Court certified foreign language interpreter or provisionally qualified foreign language interpreter, who has demonstrated proficiency in English and the target language in accordance with standards set by Supreme Court Language Services Program and who the program has determined is qualified to conduct communication services directly with a limited English proficient individual in the target language;
- (2) A Supreme Court certified foreign language interpreter;
- (3) A provisionally qualified foreign language interpreter;
- (4) A registered foreign language interpreter.

#### **(B) Deaf, hard of hearing, and deaf blind individuals**

A court shall provide sign language communication services to deaf, hard of hearing, and deaf blind individuals in conjunction with ancillary court services. Dependent upon the significance and complexity of the ancillary court service, the following individuals may provide the communication services in person, telephonically, or via video:

- (1) A Supreme Court certified sign language interpreter;
- (2) A sign language interpreter listed in Sup.R. 88(E)(2) through (4);
- (3) A sign language interpreter employed by a community center for the deaf.

## **ATTACHMENT D**

### **STANDARDS FOR THE USE OF TELEPHONIC INTERPRETATION**

#### **Preamble.**

These standards apply to courts appointing a foreign language interpreter who, pursuant to Sup.R. 88(D)(4), is participating in the case or court function through telephonic interpretation.

Due process requires courts to ensure limited English proficient individuals are able to fully participate in the proceedings of and are afforded meaningful access in case and court functions. The fundamental role of a foreign language interpreter is to provide complete and accurate interpretation services in the case or court function in order to meet these due process requirements. The best way to accomplish this, especially in complex or prolonged proceedings, is to have the foreign interpreter present on site where the case or court function is taking place.

However, in some instances, this may prove difficult due to factors such as the interpreter's lack of proximity. In these instances, telephonic interpretation may be an appropriate alternative. However, telephonic interpretation should not be used when a Supreme Court certified foreign language interpreter, provisionally qualified foreign language interpreter, or language-skilled foreign language interpreter is reasonably available to facilitate communication in person.

Furthermore, the quality and success of telephonic interpretation depend on a variety of factors. Examples include the interpreter's quality of training, the quality of the equipment used, the length of the case or court proceeding, the number of speakers, and whether reference will be made to evidence or documents to which the interpreter does not have access. These and other factors can all have a bearing on the effectiveness of the telephonic interpretation.

Ultimately, telephonic interpretation services should aim to provide the same quality of services as in-person interpretation. To this end, these standards represent recommended practices and minimum requirements to ensure the efficient and effective administration of justice and are intended to complement court rules and federal and state laws, regulations, and standards pertaining to use of court interpretation services.

#### **Definitions.**

As used in these standards, "case or court function," "consecutive interpretation," "foreign language interpreter," "limited English proficient," "provisionally qualified foreign language interpreter," "sight translation," "simultaneous interpretation," "Supreme Court certified foreign language interpreter," and "telephonic interpretation" have the same meanings as in Sup.R. 80 and "language-skilled foreign language interpreter" means a foreign language interpreter appointed by a court pursuant to Sup.R. 88(D)(3).

**Standard 1. When Telephonic Interpretation May Be Used.**

A court may use telephonic interpretation in a case or court function if all of the following apply:

- (A) A Supreme Court certified foreign language interpreter, provisionally qualified foreign language interpreter, or language-skilled foreign language interpreter is not reasonably available to serve on site;
- (B) The matter cannot be postponed or delayed;
- (C) The quality of interpretation will not be compromised.

**Commentary**

While it is impossible to list all situations where telephonic interpretation might be appropriate, the court may consider the following: initial appearances, arraignments, simple traffic hearings, uncontested name changes, uncontested guardianships, ex parte civil protection orders, and marriages. The court may identify any other instances where telephonic interpretation may be suitable.

**Standard 2. When Telephonic Interpretation Should Not Be Used.**

A court should not use telephonic interpretation in a case or court function if any of the following apply:

- (A) A Supreme Court certified foreign language interpreter, provisionally qualified foreign language interpreter, or language-skilled foreign language interpreter is reasonably available to serve on site;
- (B) The interpretation is necessary for a proceeding that is expected to last longer than forty-five minutes, provided the interpretation may exceed forty-five minutes if the communication is clear, the proceeding is simple and routine, and the rights of the party are not compromised;
- (C) The interpretation is necessary for a proceeding that involves witness testimony or introduces complex evidence;
- (D) The limited English proficient party or witness is a child, is elderly, is an unsophisticated user of interpreter services, has profound speech or language problems, or is or is alleged to be mentally disabled or mentally ill;
- (E) It is determined that using telephonic interpretation would negatively impact access for any reason.

**Standard 3. Compliance with Applicable Laws, Rules, and Standards.**

A court using telephonic interpretation shall comply with all court rules and federal and state laws, regulations, and standards pertaining to use of court interpretation services.

**Standard 4. Accommodating Modes of Interpretation.**

**(A) General**

Subject to division (B) of this standard, courts using telephonic interpretation should accommodate sight translation, consecutive interpretation, or simultaneous interpretation, as is necessary for proper and effective communication between the court, the parties, and the limited English proficient speaker.

**(B) Sight translation**

A court should not use sight translation with telephonic interpretation unless the foreign language interpreter has access to the documents beforehand and ample time to render the document from one language into the other. If sight translation is used with telephonic interpretation, the document should be short and routine.

**Standard 5. Oath.**

A foreign language interpreter participating through telephonic interpretation shall take an oath or affirmation that the interpreter knows, understands, and will act according to the “Code of Professional Conduct for Court Interpreters and Translators,” as set forth in Appendix H to these rules and that the interpreter will make a true translation or interpretation as required by Evid.R. 604.

**Standard 6. Telephonic Interpretation Equipment.**

**(A) Adequacy of equipment**

A court using telephonic interpretation should have adequate equipment in the courtroom and other locations where case and court functions involving the presence and participation of limited English proficient individuals take place.

**(B) Quality of transmission**

A court using telephonic interpretation should ensure the telephonic interpretation equipment has the capacity to deliver clear and audible transmission of voice and minimizes background noise and disruptions that might affect the quality of the interpretation.

**(C) Integration into existing audio speaker system**

A court using telephonic interpretation may integrate the telephonic interpretation into a courtroom's existing audio speaker system using a digital audio platform device or a simple stand-alone device with amplification.

**Standard 7. Coordination of Telephonic Interpretation Services.**

A court using telephonic interpretation should designate one individual to arrange and monitor the provision of the service in order to ensure continuous and efficient operation.

**Commentary**

Having a coordinator to arrange and monitor telephonic interpretation helps to ensure an efficient operation and eliminate minor issues that can arise with the use of telephonic interpretation. Additionally, the accumulated experience of one individual produces efficiency.

**Standard 8. Training on the Use of Telephonic Interpretation Services.**

A court using telephonic interpretation should provide training to users of the technology, relevant support staff, and other involved individuals in order to ensure an efficient operation and the integrity in the use of the service.

**Standard 9. Monitoring Telephonic Interpretation Services.**

A court using telephonic interpretation should collect and analyze information regarding the performance of the service on a regular basis in order to evaluate the quality of the service, its benefits and limitations, and its cost-effectiveness.

**ATTACHMENT E**

IN THE \_\_\_\_\_ COURT

_____	:	
Plaintiff	:	Case No. _____
v.	:	
	:	Judge _____
_____	:	
Defendant	:	Magistrate _____
	:	
	:	Motion for Appointment of Foreign Language Interpreter

Pursuant to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et. seq.) and Sup.R. 88(A) and (D), \_\_\_\_\_ (party) requests a foreign language interpreter in \_\_\_\_\_ (language) at all hearings scheduled in this case. \_\_\_\_\_ (party) is a non-English speaking person (or has limited English proficiency) and cannot meaningfully participate without the services of an interpreter. The interpreter fee is to be assumed by the Court.

A proposed Order is attached.

Respectfully submitted,

\_\_\_\_\_  
 INSERT SIGNATURE BLOCK  
 Attorney for \_\_\_\_\_ (party)

**Certificate of Service**

On \_\_\_\_\_, a copy of the Motion for Appointment of Foreign Language Interpreter was served via ordinary mail on: \_\_\_\_\_ (opposing parties).

\_\_\_\_\_  
 INSERT SIGNATURE BLOCK  
 Attorney for \_\_\_\_\_ (party)



IN THE \_\_\_\_\_ COURT

\_\_\_\_\_,  
Plaintiff

v.

\_\_\_\_\_,  
Defendant

:  
:  
:  
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:  
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:  
:  
:

Case No. \_\_\_\_\_

**Judge** \_\_\_\_\_

**Magistrate** \_\_\_\_\_

**ORDER**

The Court hereby orders that a foreign language interpreter in \_\_\_\_\_ pursuant to the criteria in Sup.R. 88(A) and (D) shall appear to interpret at all hearings scheduled in this case. Furthermore, it is ordered that the Court shall assume the interpreter’s fees and not tax said fees as court costs.

IT IS SO ORDERED.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge/Magistrate

**ATTACHMENT F**

IN THE \_\_\_\_\_ COURT

_____	:	
Plaintiff	:	Case No. _____
v.	:	
	:	Judge _____
_____	:	
Defendant	:	Magistrate _____
	:	
	:	Motion for Appointment of Sign Language Interpreter

Pursuant to the Americans with Disabilities Act and Sup.R. 88(B) and (E), \_\_\_\_\_ (party) requests a sign language interpreter at all hearings scheduled in this case. \_\_\_\_\_ (party) is a deaf or hard of hearing person and cannot meaningfully participate without the services of an interpreter. \_\_\_\_\_ (party) prefers the following method of interpretation \_\_\_\_\_.

The interpreter fee is to be assumed by the Court.

A proposed Order is attached.

Respectfully submitted,

\_\_\_\_\_  
 INSERT SIGNATURE BLOCK  
 Attorney for \_\_\_\_\_ (party)

**Certificate of Service**

On \_\_\_\_\_, a copy of the Motion for Appointment of Sign Language Interpreter was served via ordinary mail on: \_\_\_\_\_ (opposing parties).

\_\_\_\_\_  
 INSERT SIGNATURE BLOCK  
 Attorney for \_\_\_\_\_ (party)

IN THE \_\_\_\_\_ COURT

\_\_\_\_\_,  
Plaintiff

v.

\_\_\_\_\_,  
Defendant

:  
:  
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:

Case No. \_\_\_\_\_

**Judge** \_\_\_\_\_

**Magistrate** \_\_\_\_\_

**ORDER**

The Court hereby orders that a sign language interpreter pursuant to the criteria in Sup.R. 88(B) and (E) shall appear to interpret at all hearings scheduled in this case. Furthermore, it is ordered that the Court shall assume the interpreter's fees and not tax said fees as court costs.

IT IS SO ORDERED.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge/Magistrate

**ATTACHMENT G**

IN THE \_\_\_\_\_ COURT

\_\_\_\_\_,  
Plaintiff :  
v. : Case No. \_\_\_\_\_  
\_\_\_\_\_,  
Defendant :

**ORDER**

**Sign Language Interpreter**

A party, witness, or juror is either deaf, hard of hearing, or deaf blind. At the request of a party or witness, or after examination by the Court, the Court finds that the services of a sign language interpreter are necessary for the meaningful participation of the party, witness, or juror in the proceedings.

- A Supreme Court Certified Sign Language Interpreter is appointed and will be *voir dire*d on the record to comply with Evid.R. 604 and 702. Sup.R. 88(E)(1).
- A Supreme Court Certified Sign Language Interpreter does not exist or is not reasonably available. The Court has considered the gravity of the proceedings and the ability to reschedule in order to obtain a Supreme Court Certified Sign Language Interpreter. For good cause shown, a sign language interpreter who holds one of the certifications listed in Sup.R. 88(E)(2) is appointed. Type of certification of appointed interpreter \_\_\_\_\_.
- The communication mode of the deaf, hard of hearing, or deaf blind party, witness, or juror is unique and cannot be adequately accessed by a sign language interpreter who is hearing. A sign language interpreter certified as “Certified Deaf Interpreter” by the Registry of Interpreters for the Deaf is appointed.
- The communication mode of the deaf or hard of hearing party, witness, or juror requires silent oral techniques. A sign language interpreter who possesses an “Oral Transliteration Certificate” is appointed.

**OATH OR AFFIRMATION**

(for interpreters who are not certified by the Supreme Court of Ohio)

On the record, the interpreter has sworn or affirmed that s/he will interpret accurately, completely, and impartially using the best of his or her skill and judgment.

The sign language interpreter has sworn or affirmed that s/he knows, understands, and will act according to the Code of Professional Conduct for Court Interpreters and Translators. (Sup.R. 88, App. H)

\_\_\_\_\_  
Date Judge/Magistrate

Interpreter's Name:	<input type="checkbox"/> Certification #
Signature:	Date of Service:
Agency:	

**ATTACHMENT H**

**IN THE FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO**

\_\_\_\_\_,  
**Plaintiff,**  
**v.**  
\_\_\_\_\_,  
**Defendant.**

:  
:  
:  
:  
:  
:

Case No. \_\_\_\_\_

**ORDER**

**Foreign Language Interpreter**

A party or witness is either limited English proficient or non-English speaking. At the request of a party or witness, and after examination by the Court, the Court finds that the services of a foreign language interpreter are necessary for the meaningful participation of the party or witness in the proceedings.

- A Supreme Court Certified Foreign Language Interpreter is appointed and is presumed to comply with Evid.R. 604 and 702. Sup.R. 88(D)(1).
- A Supreme Court Certified Foreign Language Interpreter does not exist or is not reasonably available. The Court has considered the gravity of the proceedings and the ability to reschedule in order to obtain a Supreme Court Certified Foreign Language Interpreter. For good cause shown, a Provisionally Qualified Foreign Language Interpreter is appointed.
- Neither a Supreme Court Certified Foreign Language Interpreter nor a Provisionally Qualified Foreign Language Interpreter exist or is reasonably available. The Court has considered the gravity of the proceedings and the ability to reschedule in order to obtain a Supreme Court Certified Foreign Language Interpreter or a Provisionally Qualified Foreign Language Interpreter. For good cause shown, a Language-Skilled Foreign Language Interpreter is appointed.

**OATH OR AFFIRMATION**

On the record, the interpreter has sworn or affirmed that s/he will interpret accurately, completely, and impartially using the best of his or her skill and judgment. Sup.R. 88(I)

- The language-skilled foreign language interpreter has sworn or affirmed that s/he knows, understands, and will act according to the Code of Professional Conduct for Court Interpreters and Translators. Sup.R. 88(D)(3), App. H

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Judge/Magistrate**

Interpreter's Name:	<input type="checkbox"/> SCCFLI #
Signature:	<input type="checkbox"/> PQFLI
Language:	<input type="checkbox"/> LSFLI
Agency:	Date of Service:

Supreme Court Certified Foreign Language Interpreter	SCCFLI
Provisionally Qualified Foreign Language Interpreter	PQFLI
Language-Skilled Foreign Language Interpreter	LSFLI