

# BEST PRACTICES

## FORMS ASSISTANCE

Should a LEP court customer be unable to complete a required form, either alone or with the assistance of another competent adult proficient in English in a timely manner, the court must make arrangements to assist the customer complete forms in English, in keeping with ACJA §1-303 (Code of Conduct for Judicial Employees). This assistance for LEP court customers may take various forms:

- a. Engaging an interpreter (in person or remotely) to interpret between a court staffperson and the court customer, thus allowing the court staffperson to scribe verbatim the customer's answers to form questions. In this instance, a notation should be added to the form indicating to the court how the information on the form was obtained, thereby allowing the creation of an oral record in open court confirming the form's content matches the LEP person's intended meaning. If possible, a different staffperson should then accept the filing per normal business practices.
- b. Engaging a court staff interpreter to assist the LEP person to complete the form by writing a complete and accurate English translation of the LEP person's answers to form questions. (Alternately, the interpreter can scribe verbatim in the LEP person's language and then translate it into English.) In this instance, a notation should be added to the form indicating to the court how the information on the form was obtained thereby allowing the creation of an oral record in open court confirming the form's content matches the LEP person's intended meaning. Whenever possible, the staff interpreter translating information onto the form should not be the same interpreter assisting the LEP person in court during a hearing.
- c. Waiving the requirement that a form be filed, where appropriate. In this instance the LEP person should be taken into the courtroom, sworn, and examined with the assistance of an interpreter to create an oral record of what would otherwise have been filed in writing via the form. If necessary, that record can then be transcribed verbatim into the corresponding form fields by court staffpersons. A notation should be added to the form indicating how the information on it was obtained.

Any assistance should be provided in a timely manner considering the urgency of the action and any impending deadlines.

**NOTE:** For any of the examples described above, court staff that is merely bilingual should not serve as interpreter or translator without the requisite skills and abilities to transfer meaning between languages accurately and completely. Linguistic services aimed at obtaining information that will become part of the court record are held to high standards of precision and professional responsibility.

**NOTE:** Ethics Opinion 88-05 makes clear that it is acceptable for staff to assist with the filling out of forms. It would actually be unethical not to provide such assistance. However, in providing this assistance, staff must be cautious to not offer legal advice.