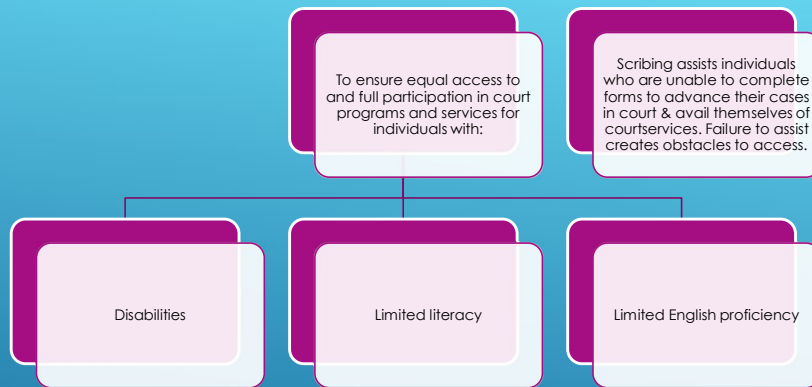




FORMS ASSISTANCE & SCRIBING

Judith Costello, Court Interpreter, Spanish and Coordinator

The Courts in Coconino Superior Court



WHY ARE SCRIBING SERVICES NECESSARY??

▶ **We Can**

- ▶ Read a Plea Agreement Aloud
- ▶ Witness a Proxy Initialing or Signing a Plea
- ▶ Assist With AZPOINT Protective Orders Requests Online
- ▶ Read a Written Statement into the Record
- ▶ Voice Responses into the Record

FORMS ASSISTANCE IS NOT LIMITED TO FILING

Title VI of the Civil Rights Act of 1964

•Requires courts take reasonable measures to ensure meaningful access to ALL court services, programs, operations, etc. for individuals with limited English proficiency.

1964

Title II of the Americans with Disabilities Act of 1990

•Requires reasonable accommodations to ensure equal access and full participation in court programs and services for qualified individuals.

1990

Language Access Plans (LAP), required by A.O. 2011-96

•Forms assistance & scribing are required elements of each court's LAP

2011



AUTHORITIES FOR SCRIBING

TITLE VI

"No person shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Civil Rights Act, 1964

Volunteers

Navigators

Bilingual staff

Interpreters

Clerks

Others

WHO IS TASKED WITH *SCRIBING*?

Requirement against giving legal advice and the unauthorized practice of law "does not mean that clerks of the court may not assist the public in the routine filling out of forms."

There are no specific prohibitions in the Code of Judicial Conduct.

The result of not lending assistance would be a judiciary that is only accessible to those able to afford counsel.

Assistance in filling out forms is desirable by allowing for an efficient flow of an individual's case through the system.

CLERKS & SCRIBING: ETHICS OPINION 88-05

ARRANGING FOR SCRIBING TO HAPPEN

DON'T DO IT ALONE!

- Pair with other court staff - especially when the party is LEP
- Make an appointment (remote or in-person) in advance when possible

Court Staff can scribe while you interpret:

- Counter clerks in municipal & justice courts
- Window clerks at Clerk of Court offices
- Law librarians, court navigators, collections/fines enforcement staff

met

- ▶ Everyone is busy
- ▶ Most people feel it is someone else's job

- ▶ It can take a *LONG* time

YOU MIGHT MEET WITH RESISTANCE...



REMIND YOUR COLLEAGUES - IT'S IN THE LAP! AND IT IS REWARDING!

ASSISTANCE TO FILL-OUT COURT FORMS AND PLEADINGS

- ▶ The Courts in EVERY ARIZONA County will assist in the filling-out of court forms for those LEP court customers who are unable to do so either by themselves or with the assistance of another competent adult proficient in English and able to render assistance in a timely manner. The Courts in Coconino County will assist LEP customers in filling out forms to the same extent as anyone incapable of completing forms, such as for those with limited literacy skills or disabilities, in the following ways:
- ▶ An interpreter (in person or remotely) will interpret between a court staff person and the court customer. The court staff will transcribe verbatim the customer's answers to form questions. The court staff person transcribing will not be the same person accepting the filing.
- ▶ A court staff interpreter will provide a complete and accurate English translation of the LEP person's answers to form questions. Whenever possible, the interpreter translating the information on the form will not be the same interpreter assisting the LEP person in court during a hearing.
- ▶ The requirement that a form be filed may be waived, where appropriate. The LEP person will then be sworn in court and examined 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.
- ▶ In all the above circumstances a notation will be added to the form indicating how the information on it 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.



IN THE TIME IT TAKES TO ARGUE...

- ▶ We can complete the task!
- ▶ People's Rights to Equal Access are Protected



FOCUS ON OUR COMMON GOALS

- ▶ Providing Equitable Access
- ▶ Ensuring Communication
- ▶ Getting the Document Filed
- ▶ Keeping the Case on Track
- ▶ Preserving Public Trust in the Judiciary
- ▶ Saving Money – When a hearing Does NOT have to be Continued
- ▶ Avoiding More Work in the Future

**YOUR IDEAS &
EXPERIENCES**

**QUESTIONS AND
DISCUSSION**

