

REQUIREMENTS FOR COURT INTERPRETERS IN THE ARKANSAS JUDICIARY



ARKANSAS SUPREME COURT ADMINISTRATIVE OFFICE OF THE COURTS

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AUTHORITY AND SCOPE

The Administrative Office of the Courts (AOC) is charged by law and Supreme Court order with responsibility for the certification and matters related thereto of foreign language and Sign Language interpreters for Limited English Proficiency (LEP) individuals appearing in the state and local courts of Arkansas as a party, witness or victim. Ark. Code Ann. §16-10-1101 et seq.

Except as provided by the *per curiam* order of September 30, 1999, any person who desires to serve as an interpreter for a LEP party, witness or victim must be authorized to do so by the AOC.

Authorized interpreters are foreign (spoken) language AOC court certified interpreters, court qualified sign language interpreters, interpreters from other jurisdictions recognized through reciprocity, candidates for court certification and registered interpreters.

SECTION I - REQUIREMENTS FOR FOREIGN (SPOKEN) LANGUAGE COURT INTERPRETER CERTIFICATION

1) Application Process

An applicant must be at least 21 years of age and have the legal right to live and work in the United States. Applicant must submit to the Administrative Office of the Courts (AOC) a completed Personal Information Form for Arkansas Court Interpreters attaching:

- a recent passport photo;
- proof of education (copy of G.E.D., high school diploma, or post-secondary transcript).

Any applicant whose application is denied shall be promptly notified.

2) Orientation

Upon completing application process requirements, an applicant must register for the Orientation. Each applicant must successfully complete an orientation training. The Orientation is designed to familiarize the applicant with the Arkansas court system and provide instruction on the role of the interpreter and the skills and ethics required of an interpreter in the courtroom. The Orientation is one of several steps involved in the initial training of a court interpreter.

Participants will attend the Orientation at their own expense and must pay a non-refundable registration fee of \$200.00 to cover materials and the processing costs for the exams. Dates and locations will be announced well in advance.

3) English Language Assessment Exam

On the final day of the Orientation, the applicant must take the English Language Assessment Exam, which is an objective, multiple choice test developed under the auspices of the National Center for State Courts (NCSC).

Before coming to the Orientation, each applicant will receive a copy of Administrative Order No. 11, *Arkansas Code of Professional Responsibility for Foreign Language Interpreters in the Judiciary* and the Overview of the English Language Assessment Exam. These documents should be studied in preparation for taking the English Language Assessment Exam. The Code is an important component of the test.

English Language Assessment Exam:

Part I - English Proficiency

Part II- Court-Related Terms & Usage, and Ethics and Professional Conduct.

A passing score is a combined score of 80% on Parts I and II of the English Language Assessment Exam.

4) Oral Proficiency Interview Computerized - (Foreign Language Assessment)

Applicants who achieve a passing score on the English Language Assessment Exam will be eligible to take the Oral Proficiency Interview-computerized (OPIc) in the foreign language that they will interpret. Applicants must register to take the OPIc within three (3) months of receiving notice of passing. The OPIc is a valid and reliable testing method that measures how well a person speaks a language. The OPIc is administered remotely by a private testing provider contracted by the AOC. Applicants are required to score a minimum of “Advanced High” on the proficiency scale established by the American Council for the Teaching of Foreign Languages (ACTFL). Testing dates and locations will be announced well in advance.

5) Sight Translation Foreign Language Assessment

In the event the OPIc is not offered for the applicant’s foreign language by a testing provider approved by the AOC, the applicant will be given a Sight Translation Language Assessment. This assessment consists of 10 sentences written in English. The applicant will be recorded reading the English sentences and then providing a sight translation of each sentence into the foreign language. This assessment is not a translation test but is used to evaluate the applicant’s proficiency in the foreign language. The recorded test will be sent either to raters of that particular language provided by the National Center for State Courts to a language expert approved by the AOC. The raters will evaluate the applicant’s performance on the Sight Translation Language Assessment on syntax, false cognates, general grammar, idioms and vocabulary and provide the AOC a pass/no pass score based on the applicant’s proficiency in the language.

6) Validity of Exam Scores

Scores of the English Language Assessment Exam, the Oral Proficiency Interview-computerized (foreign language) or Sight Translation Language Assessment exam will remain valid for two (2) years from the date on which a letter is mailed to an applicant stating that he/she has achieved a passing score.

Any applicant who does not achieve a passing score shall be promptly notified.

7) Background Check Release Form

Applicants who achieve a passing score on the English Language Assessment Exam and the OPIc- (foreign language) or the Sight Translation Foreign Language Assessment must complete and submit a notarized Background Check Release Form, allowing the AOC to request a background check of the applicant from the Arkansas State Police.

8) Oral Proficiency Examination for Court Certification

An applicant who successfully completes an Orientation, achieves a passing score on the English Language Assessment Exam, the OPIc (foreign language) or the Sight Translation Foreign Language Assessment and passes the background check will be eligible to take the Oral Proficiency Exam for Court Certification (OPECC).

The OPECC is an objective test developed under the auspices of the National Center for State Courts (NCSC). The OPECC measures language knowledge and fluency in both languages and ability to successfully render meaning from target to source language in each of the three modes of interpreting that are required of court interpreters. The three modes of interpreting are:

- simultaneous interpreting, from English to the applicable foreign language;
- consecutive interpreting, English to the applicable foreign language and applicable foreign language to English; and;
- sight translation of documents, (two parts) (1) an English document into the applicable foreign language and (2) a document in the applicable foreign language into English.

In order to qualify to interpret in Arkansas courts a person must successfully complete Section I, step 8 by demonstrating proficiency in the three modes of interpretation.

An applicant must score at least 70% in each mode to qualify as an Arkansas Certified Court Interpreter. For Arkansas scoring purposes, parts one and two of the sight translation mode are combined for one score; however, if one part of the sight translation is below 65%, even if the combined score is more than 70%, the section will not be considered as passing. To achieve a passing score, an applicant must successfully complete all three sections of the exam in one sitting.

The fee for taking the OPECC is \$250.00, which must be submitted upon registration. Examinees will be notified in writing of a pass or fail result. Testing dates and locations will be announced well in advance.

No person shall use the title “certified” interpreter in conjunction with his or her name without a valid Court Interpreter Certification issued by the AOC.

9) Testing Limits for the OPECC

For some languages, several versions of the NCSC OPECC exist. If multiple versions are available, the Candidate will take a different version of the exam each time the Candidate tests. The first testing cycle will begin the year the Candidate completes the requirements for court interpreter certification. **Candidates may retake the certification exam a maximum of four (4) times within a period of three (3) years. Candidates must wait a minimum of 6 months between tests.**

Candidates for certification whose language has only one version of the OPECC or an abbreviated exam must wait at least 12 months before retaking the exam. The one version of the exam or abbreviated exam can be taken a maximum of three times within a three year period. If a new version becomes available while a Candidate is eligible to test, the applicant must wait at least 6 months before taking the new version. The three year testing limit applies.

Candidates who do not obtain certification within the three year time limit may apply in writing to begin the process again.

10) Classification of Foreign (spoken) Language Court Interpreters

a) Certified Court Interpreter

An applicant who has successfully completed Section I and achieves the 70% minimum passing score on each of the three parts of the OPECC pursuant to Section I, step 8 will be considered an Arkansas Certified Court Interpreter.

An individual who achieves **Court Interpreter Certification** may use the title “certified” in conjunction with his or her name, and his or her name will be listed on the Certification Roster of Arkansas Certified Interpreters and may be added to the Registry of Certified Court Interpreters.

b) Candidate for Court Interpreter Certification

An individual who achieves a minimum score of 60% on each of the three parts of the OPECC will qualify as a Candidate for Court Interpreter Certification. For Arkansas scoring purposes, parts one and two of the sight translation mode are combined for one score; however, if one part of the sight translation is below 55%, even if the combined score is more than 60% the section will not be considered as passing for purposes of becoming a Candidate for Court Certification.

Upon obtaining the status of Candidate for Court Interpreter Certification, at the discretion of the AOC OCIS, a Candidate may be assigned to interpret in Arkansas district courts for short, non-evidentiary hearings. Assignments will be scheduled as close to the Candidate’s residence as possible. Whenever possible, the Candidate may be accompanied by an AOC staff interpreter who will observe the candidate. During this observation period, the AOC staff interpreter will provide the Candidate with interpreting techniques and/or vocabulary to improve skills and offer guidance on courtroom protocol and ethics. The AOC staff interpreter will provide written progress reports to both the Candidate and the AOC Office of Court Interpreter Services (OCIS).

c) Registered Interpreters

Applicants who wish to work in Arkansas state courts in a language for which there is no Oral Proficiency Examination for Court Certification (OPECC) developed and available by the NCSC, must successfully complete Section I, Steps 1 to 7 and take an Oral Proficiency Interview-computerized in English (OPIc). The OPIc-English is a valid and reliable testing method that measures how well a person speaks the language.

Applicants are required to achieve a minimum score of “Advanced High” on the proficiency scale established by the American Council for the Teaching of Foreign Languages (ACTFL). The fee for the OPIc English is \$75.00. Examinees will be notified in writing of a pass or fail result. Testing dates and locations will be announced well in advance.

An applicant who has successfully completed Section I, Steps 1 to 7 and has successfully achieved a passing score on the English OPIc will be considered a Registered Interpreter and at the discretion of the AOC OCIS will be eligible to interpret in any Arkansas court proceeding.

At the discretion of the AOC OCIS, the Requirements under this section may be waived for an interpreter of a language of lesser diffusion or if the NCSC Court Interpreter Certification Exam is not available for administration in the interpreter's language.

Once the NCSC has developed and made available an Oral Proficiency Examination for Court Certification in the Registered Interpreter's foreign language, the interpreter will be notified by the AOC that the test is available and the interpreter must sit for the OPECC within two years of the test's availability.

11) Code of Professional Responsibility

Applicants who pass the background check and have achieved AOC court interpreter certification, Candidate for court interpreter certification or registered status must agree in writing to adhere to the *Arkansas Code of Professional Responsibility for Foreign Language Interpreters in the Judiciary* as established by Supreme Court Administrative Order No. 11.



SECTION II - REQUIREMENTS FOR SIGN LANGUAGE INTERPRETERS TO WORK IN ARKANSAS COURTS

Sign Language interpreters who want to be listed on the Arkansas Registry of Certified Court Interpreters must be able to work and provide interpreting services to Arkansas state courts and are required to complete the following requirements before being eligible to interpret in any Arkansas court proceeding.

An applicant must hold one of the following certifications from the Registry of Interpreters for the Deaf (RID): SC:L, NIC, NIC-A, NIC-M CI, CT, NAD V, CDI, and/or Board for Evaluation of Interpreters (BEI) Court Interpreter Certification and/or Level V Intermediary, and provide documentation of at least 30 hours of formal legal interpreter training.

1) Application Process

An applicant must be at least 21 years old and have the legal right to live and work in the United States. Applicant must submit to the AOC a completed Personal Information Form for Arkansas Court Interpreters and must attach:

- a recent passport-style photo;
- current Registry of Interpreters for the Deaf (RID) membership and/or Board for Evaluation of Interpreters (BEI) annual certificate renewal; and,
- Arkansas license as pursuant to Ark. Code Ann. §20-14-801.

Any applicant whose application is denied shall be promptly notified.

2) Orientation

Upon completing application process requirements, an applicant must register for the Orientation. Each applicant must successfully complete an orientation training. The Orientation is designed to familiarize the applicant with the Arkansas court system and provide instruction on the role of the interpreter and the skills and ethics required of an interpreter in the courtroom. The Orientation is one of several steps involved in the initial training of a court interpreter.

Participants will attend the Orientation at their own expense and must pay a non-refundable registration fee of \$200.00 to cover materials and the processing costs for the exams. Dates and locations will be announced well in advance.

3) English Language Assessment Exam

On the final day of the Orientation, the applicant must take the English Language Assessment Exam, which is an objective, multiple choice test developed under the auspices of the National Center for State Courts.

Before coming to the Orientation, each applicant will receive a copy of Administrative Order No. 11, *Arkansas Code of Professional Responsibility for Foreign Language Interpreters in the Judiciary* and the Overview of the English Language Assessment Exam. These documents should be studied in preparation for taking the English Language Assessment Exam. The Code is an important component of the test.

English Language Assessment Exam:

Part I - English Proficiency

Part II – Court-Related Terms & Usage and Ethics and Professional Responsibility

A passing score is a combined score of 80% on Parts I through II of the English Language Assessment Exam.

This exam will be waived for those applicants who possess the following certifications: RID SC:L and/or BEI Court Interpreter Certificate and/or Level V Intermediary.

4) Background Check Release Form

Interpreters who achieve a passing score on the English Language Assessment Exam must complete and submit a notarized Background Check Release Form, allowing the AOC to request a background check of the applicant from the Arkansas State Police.

5) Code of Professional Responsibility

Applicants who pass the Background Check and have successfully completed Section II, steps 1 through 4 must agree in writing to adhere to the *Arkansas Code of Professional Responsibility for Foreign Language Interpreters in the Judiciary* as established by Supreme Court Administrative Order No. 11.

6) Classification of Sign Language Interpreters

An applicant who has successfully completed Section II, steps 1 through 5 will be considered an Arkansas Court Qualified Sign Language Interpreter and may be added to the Arkansas Registry of Certified Court Interpreters.

7) Renewal of credentials

It is the responsibility of an Arkansas Court Qualified Sign Language Interpreter to update the OCIS with his or her annual RID membership and/or BEI annual certificate renewal and annual Arkansas license. Lapse of any of these will result in removal of the interpreter's name from the Registry of Interpreters.



SECTION III - RECIPROCITY REQUIREMENTS FOR INTERPRETERS CERTIFIED IN OTHER JURISDICTIONS

At the discretion of the AOC, reciprocity may be granted to interpreters from other jurisdictions who have been credentialed by the U.S. Courts, a state using an NCSC examination, RID SC:L or BEI provided they meet all Arkansas standards for court interpreters as set forth by the certification requirements of the Arkansas Supreme Court.

All interpreters who seek reciprocity and want to be listed on the Arkansas Registry of Interpreters must be available to work and provide interpreting services to Arkansas state courts and are required to complete the following:

1) Application Process

An applicant must be at least 21 years old and have the legal right to live and work in the United States. Applicant must submit to the AOC a completed Reciprocity Form for Arkansas Court Interpreters attaching the following items:

- Recent passport photo,
- Copy of Credentials - Submit to the AOC the test version, date administered and test scores provided to the interpreter by the certifying state, U.S. Courts, or sign language interpreter credentialing authority. Sign Language Interpreters will need to comply with Arkansas licensing requirements for Sign Language Interpreters and provide a current copy of their license.
- Letter of Good Standing - Submit a “good standing” letter from the AOC, or equivalent, in the interpreter’s current jurisdiction. A letter of good standing should state that there have been no complaints of ethical or professional issues that would violate the interpreter’s professional code while the interpreter has been working in that jurisdiction. If he or she has recently moved to a different jurisdiction, a letter from the AOC in the prior jurisdiction shall also be submitted.

2) Agreements

Applicants will receive a copy of each of the documents listed below and must agree in writing to adhere to and comply with:

- Administrative Order No. 11, *Arkansas Code of Professional Responsibility for Foreign Language Interpreters in the Judiciary* ; and,
- All Arkansas policies and procedures established by OCIS for interpreters working in Arkansas courts.

Any applicant whose application is denied shall be promptly notified.

Each application will be processed by the AOC, and if additional documentation is required, the applicant will be notified promptly as set out herein. At the discretion of the AOC OCIS Director, the individual seeking reciprocity may be required to attend Orientation or complete a court observation assignment with an Arkansas AOC Staff Interpreter.

Once the AOC OCIS Director has reviewed all documents submitted, the applicant will be advised in writing whether the application has been accepted and reciprocity will be granted. If accepted, the name of the applicant will be added to the Arkansas Registry of Certified Court Interpreters through reciprocity. Any applicant whose application is denied shall be promptly notified.



SECTION IV - CERTIFICATION ROSTER OF ARKANSAS CERTIFIED INTERPRETERS AND REGISTRY OF CERTIFIED COURT INTERPRETERS

1) Certification Roster

The AOC maintains the Certification Roster which is a list of all individuals who have been certified by the AOC based upon testing and satisfying all requirements for Foreign Language Court Interpreter Certification (spoken languages only). This Certification Roster lists individuals' names in alphabetical order with the date certification was achieved.

Only those interpreters certified by the Arkansas AOC are listed on the Certification Roster, and the list is considered a reference for verification of certification status.

Removal of any Arkansas certified interpreter from the Certification Roster will follow the Complaint and Discipline Policy, Section V.

2) Registry

The AOC maintains the Registry of Certified Court Interpreters who are currently serving Arkansas state courts. The registry is a list of the names, language, location and contact information of the interpreter. The registry includes:

- a) Arkansas certified foreign (spoken) language interpreters,
- b) court qualified Sign Language interpreters; and,
- c) interpreters from other jurisdictions who have been granted reciprocity.

Individuals listed on the Registry must be available to work and provide interpreting services to Arkansas state courts.

Once the name of the interpreter is listed on the Registry, it is that individual's responsibility to provide the AOC OCIS with contact information that will be accessible to the public and to keep said information up to date.

Any person whose name appears on the Registry may be removed at the discretion of the AOC for reasons including but not limited to the following:

- Certification has been revoked pursuant to Section V.
- Certification has lapsed pursuant to Section II.
- Certification has been suspended pursuant Section V.
- Interpreter has been charged with a felony or misdemeanor (other than a traffic violation) involving moral turpitude, dishonesty or false statements. Interpreter's name will be removed from the Registry while the matter is pending.
- Interpreter's name has been removed from Registry pursuant to Section V.
- Interpreter is not available for court assignments on a consistent basis.

Any interpreter whose name has been removed from the Registry of Interpreters for Arkansas Courts may apply in writing to the OCIS Director to be considered for reinstatement. Any applicant whose request is denied shall be promptly notified.



SECTION V - COMPLAINT and DISCIPLINE POLICY for INTERPRETERS IN ARKANSAS COURT PROCEEDINGS or RELATED MATTERS

1) Complaint Process

Any person may initiate a complaint by filing it in accordance with the procedures set forth in subsection 2) Filing a Complaint. Complainants may include, but are not limited to, defendants, litigants, court personnel, judges and judicial officers, other interpreters, and courtroom observers. These procedures are not intended to be a vehicle for complaints about interpreting errors made by interpreters during the course of a proceeding unless there is an allegation of gross incompetence or knowing misinterpretation or misrepresentation. These procedures may be used in addition to the sanction of disqualification for good cause imposed by a judge in a proceeding as set forth in the *per curiam* order of the Arkansas Supreme Court dated September 30, 1999.

All complaints and investigations shall be confidential, except that when a final determination is made to impose any of the sanctions listed in subsection 3) Review of Complaints, the final disposition, including the grounds for the sanction(s) and the facts cited in support of the disposition, shall be accessible to the public. If the subject of the complaint is a staff interpreter employed by the AOC, then the complaint shall be governed by the policies of the AOC, including the employee handbook and applicable provisions in Section VI.

Complaints against foreign (spoken) language AOC court certified interpreters, court qualified sign language interpreters, interpreters from other jurisdictions recognized through reciprocity, candidates for court certification, registered interpreters and other persons acting as interpreters in Arkansas Court Proceedings or related matters may be filed for reasons including but not limited to:

(a) conviction of a felony or misdemeanor (other than a traffic violation) involving moral turpitude, dishonesty or false statements (conviction is defined as a plea of guilty, or nolo contendere, or a guilty verdict);

(b) fraud, dishonesty, or corruption related to the functions and duties of a court interpreter;

(c) knowing misrepresentation of court certification or Registry status;

(d) knowing and willful disclosure of confidential or privileged information obtained while serving in an official capacity as a court interpreter;

(e) gross incompetence;

(f) failure to appear as scheduled without good cause or habitual neglect of duty;

(g) the misrepresentation or omission of material facts in the application process or in obtaining certification;

(h) being unable to interpret adequately, including where the interpreter self-reports such inability;

(i) knowingly and willfully making false interpretation while serving in an official capacity;

(j) failing to adhere to the requirements prescribed by the AOC, including the Arkansas Code of Professional Responsibility for Foreign Language Interpreters;

(k) any intentional violation of, noncompliance with or gross negligence in complying with any rule or directive of the Supreme Court of Arkansas, or any other court within this State;

(l) failing to follow other standards prescribed by law; or,

(m) failing to comply with any conditions invoked by a sanction.

2) Filing a Complaint

A complaint must be submitted in writing or an acceptable alternative format, signed by the complainant, and mailed or delivered to the AOC. The complaint shall state the date, time, place and nature of the alleged improper conduct. If possible, the complaint shall include the name, title and telephone number of possible witnesses. Finally, the complaint shall state why the complainant believes the alleged improper activity should be sanctioned.

If the complainant is unable to communicate in written English, the complainant may submit the complaint in his or her native language.

3) Review of Complaints

(a) The Office of Court Interpreter Services (OCIS) Director shall review the complaint and determine within 30 days whether the allegations, if true, would constitute grounds for discipline. If the OCIS Director determines that the complaint alleges conduct that would be grounds for discipline, an investigation shall proceed according to subsection 3 (e) of these procedures.

(b) If the OCIS Director determines that the complaint does not allege conduct that would be grounds for discipline, the OCIS Director shall dismiss the complaint and notify the interpreter and complainant via first class mail or an acceptable alternative format. The notification shall include an explanation of the reason(s) for the OCIS Director's determination that the complaint does not allege conduct that would be grounds for discipline.

(c) If the complainant disagrees with the OCIS Director's determination in subsection 3(b) above, the complainant may file a petition for review with the AOC within twenty (20) days of the receipt by the complainant of the OCIS Director's determination. The petition shall briefly state the facts that form the basis for the complaint and the complainant's reasons for believing that review is warranted.

(d) The AOC Director shall make a decision on the complainant's petition within thirty (30) days. If the AOC Director determines that the complaint does allege conduct that would be grounds for discipline, the OCIS Director shall proceed to investigate the complaint as provided in subsection 3(e) below. If the AOC Director determines that the complaint does not allege conduct that would be grounds for discipline, the complaint shall be dismissed and the interpreter and complainant shall be notified via first class mail or an acceptable alternative. Such a determination by the AOC Director shall be final. The AOC Director may appoint a designated officer to act on his or her behalf in carrying out any of the aforementioned duties in this section.

(e) If the complaint does allege conduct that would be grounds for discipline, the OCIS Director shall investigate as necessary or refer the investigation to a qualified agency or individual. As part of this investigation, the OCIS Director will notify the interpreter via first class mail or an acceptable alternative format of the complainant's allegations and offer the interpreter the opportunity to respond. This response shall be included in the investigative report. Except for good cause shown, if the interpreter fails to respond in writing to the complaint and request for response within twenty (20) days of receipt of the complaint and request, the allegations in the complaint shall be deemed admitted.

At the conclusion of the investigation, if the OCIS Director determines that conduct occurred that would be grounds for discipline, the OCIS Director shall submit a report of his/her findings to the AOC Director for review.

If, at the conclusion of the investigation, the OCIS Director determines that no conduct occurred that would be grounds for discipline, the OCIS Director shall dismiss the complaint and notify the interpreter and the complainant by first class mail or an acceptable alternative format. The notification shall include an explanation of the reason(s) for the OCIS Director's determination that no grounds for discipline exist. If the complainant disagrees with the determination, he or she may file a petition for review with the AOC Director under the same procedure as outlined in subsections 3(b) and 3(c) of these procedures.

(f) If upon reviewing the results of the investigation, the AOC Director determines that disciplinary action is not warranted, the AOC Director shall dismiss the complaint and notify the interpreter and the complainant by first class mail or an acceptable alternative format. The notification shall include an explanation of the reason(s) for the determination that the alleged conduct is not grounds for discipline. Such a determination shall be final.

If the AOC Director determines that disciplinary action may be warranted, the AOC Director shall send to the interpreter, by certified mail, a copy of the complaint, the OCIS Director's report, a citation of the ethical rules which may have been violated, the sanctions deemed appropriate, and a request for a written response to the allegations and to any specific questions posed. Except for good cause shown, if the interpreter fails to respond in writing to the complaint and request for response within twenty (20) days of receipt of the complaint and request, the allegations in the complaint shall be deemed admitted.

The AOC Director shall make a final decision on the factual allegations and appropriate sanctions, if any, based solely on the written submissions by the OCIS Director and the interpreter's written response. This decision must be made within ninety (90) days of receiving the written submissions by the OCIS Director and the interpreter. This decision will be final. However, if the AOC Director determines that a sanction of suspension or revocation may be in order, the interpreter shall be notified and afforded the opportunity for a hearing as provided in subsection 4) Hearing and Sanctions prior to a final decision.

The AOC Director may appoint a designated officer to act on his or her behalf in carrying out any of the aforementioned duties in this section.

4) Hearing and Sanctions

(a) Upon being advised of the right to a hearing, and at the interpreter's request, a hearing shall be conducted by the AOC Director or his or her designee (Hearing Officer), and the interpreter will be notified of the time and place of the hearing.

- Pre-hearing discovery shall not be permitted unless expressly authorized in response to a written request.
- The interpreter may be represented by counsel.
- All hearings will occur at the Justice Building.
- Strict rules of evidence shall not apply. Both the OCIS Director and the interpreter shall be afforded the opportunity to introduce documents and other relevant evidence, and to elicit sworn testimony. The Hearing Officer may, at his or her discretion, consider any evidence presented, including affidavits, giving such evidence the weight he or she deems appropriate.

The OCIS Director may appoint a designated officer to act on his or her behalf in carrying out any of the aforementioned duties in this section.

(b) If the Hearing Officer finds that there is clear and convincing evidence that the interpreter has violated the Code of Professional Responsibility or that there are any other grounds for discipline stated in these rules, he or she shall impose such discipline or sanctions as he or she may deem appropriate. In determining the type of sanction, the nature and seriousness of the violation, any pattern of improper activity, the effect of the improper activity on the court interpreter system and/or the complainant, the amount of experience the interpreter has as a court interpreter, and any other mitigating or aggravating information presented shall be considered. Sanctions that may be imposed include but are not limited to:

- (1) Issuing a reprimand;
- (2) Issuing a corrective order with which the interpreter must comply;
- (3) Requiring that certain education courses be taken;
- (4) Requiring that the interpreter work with a mentor, or that the interpreter's work be supervised;

- (5) Limiting the type of court hearings for which the interpreter may interpret;
- (6) Suspension of interpreter Registry status;
- (7) Revocation of interpreter's court certification. Name will be removed from the Certification Roster and/or Registry of Arkansas Certified Court Interpreters.

(c) If the sanction of revocation of the interpreter's court certification is imposed, the Hearing Officer shall advise the interpreter and complainant via first class mail or an acceptable alternative of his or her action on the complaint and shall make written findings of fact based on the evidence presented. The notification shall include an explanation of the reason(s) for the determination that the alleged conduct is grounds for decertifying the interpreter. The decision of the Hearing Officer is final.

(d) At any time, an interpreter may waive his or her right to a hearing and consent to have his or her name removed from the Certification Roster or to revocation of his or her certification.

(e) An interpreter whose Registry status has been suspended may apply in writing to the OCIS Director for reinstatement within the time frame established in the suspension decision or order. The OCIS Director or his or her designated officer shall have sole discretion in determining whether the conditions for reinstatement have been satisfied.

"Revocation" or "decertification" means unconditionally and permanently removing interpreter's court certification, prohibiting him or her from serving as an Arkansas foreign (spoken) language court certified interpreter and any conduct authorized by the certified status. Interpreter will be prohibited from using the title "certified" in conjunction with his or her name and his or her name will be removed from the Certification Roster and Registry.

"Suspension" means to prohibit, whether absolutely or subject to conditions which are reasonably related to the grounds for suspension, for a defined period of time, the conduct authorized by the certificate and/or Registry status.

