

CLEVELAND MUNICIPAL COURT
LANGUAGE ACCESS PLAN
[Effective Date: 3/16/2017]
[Revised Date: 6/22/2022]

I. LEGAL BASIS AND PURPOSE

This document serves as the Language Access Plan (“LAP”) for CLEVELAND 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 CLEVELAND MUNICIPAL COURT.

The Supreme Court of Ohio provides the following advisement:

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 limited English proficient (LEP) individuals. *Lau v. Nichols*, 414 U.S. 563 (1974). 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 Guidance from the U.S. Department of Justice to state court justices and administrators’ Letter from Assistant Attorney of the Civil Rights Division to Chief Justices and State Court Administrators (Aug. 16, 2010); Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455 (June 18, 2002).

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. Protections for individuals with qualifying disabilities includes the following:

- Title II of the Americans with Disabilities Act (ADA) requires public entities, including state and local courts, to provide equal access to their programs and services. 42 U.S.C. §§ 12131-12134.
- Public entities are required to “take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.” 28 C.F.R. § 35.160(a).

- Public entities must “furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.” 28 C.F.R. § 35.160(b)(1).
- These auxiliary aids and services include the provision of “qualified interpreters, notetakers, computer-aided transcription services, written materials,... or other effective methods of making aurally delivered materials available to individuals with hearing impairments.” 28 C.F.R. § 35.104.
- To determine “what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities.” 28 C.F.R. § 35.160(b)(2).
- Deaf and hard of hearing people may not be charged for the costs of such auxiliary aids or services. 28 C.F.R. § 35.130(f). I

II. NEEDS ASSESSMENT

Resource:

The Supreme Court of Ohio will update the LAP template on a biannual basis. CLEVELAND MUNICIPAL COURT will visit the [Language Services webpage](#) to obtain the most current version of the template for reference in its annual review pursuant to Section IX.

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 2019 by the U.S. Census Bureau, the number of people over the age of five in Ohio who, at home, speak a language other than English is approximately 825,270. The survey includes the following top 15 languages in Ohio:

<u>Language</u>	<u>No. of speakers over age of five</u>
1. Spanish	265,761
2. PA Dutch and other West Germanic	62,701
3. Chinese (Mandarin, Cantonese)	46,828
4. German	42,942
5. Arabic	41,582
6. Nepali, Marathi or Other Indic	32,446
7. Somali, Amharic & Other Afro-Asiatic	28,994
8. French	27,884
9. Hindi	18,964

10. Telugu	17,908
11. Ukrainian and Other Slavic Languages	15,067
12. Russian	14,265
13. Vietnamese	14,223
14. Tagalog (Filipino)	14,153
15. Swahili	13,389

Correspondingly, data compiled by the Language Services Program on the use of telephonic interpreters in the state of Ohio from 2019-2020 revealed that the most widely used remote languages used in courts statewide are the following:

<u>Language</u>	<u>2019-2020 Avg.</u>
1. Spanish	1,828
2. Nepali	332
3. Arabic	270
4. French	209
5. Swahili	209
6. Somali	184
7. Kinyarwanda	103
8. Mandarin	101
9. Russian	69
10. Vietnamese	55
11. Burmese	35
12. Tigrinya	35
13. Amharic	30
14. Punjabi	25
15. Korean	20

B. CLEVELAND MUNICIPAL COURT

The CLEVELAND MUNICIPAL COURT will make every effort to provide services to all LEP and deaf or hard-of-hearing persons in its jurisdiction. The most commonly used languages in CLEVELAND MUNICIPAL COURT are the following:

1. Spanish
2. Swahili
3. Nepali
4. Arabic
5. Kinyarwanda
6. American Sign Language
7. Vietnamese
8. French
9. Mandarin
10. Farsi
11. Somali
12. Hindi

Resource:

A local court can determine which languages are spoken in the court's jurisdiction by accessing demographic data at <https://www.lep.gov/> or through data gathered by the local school district on languages spoken by LEP students.

III. LANGUAGE ASSISTANCE RESOURCES**A. Language Access Coordinator**

The CLEVELAND MUNICIPAL COURT (CMC) will designate a Language Access Coordinator. The Language Access Coordinator should report to the administrative judge since high level support is essential to successful implementation. The Language Access Coordinator, along with the Deputy Court Administrators, Court Administrator and the Administrative Judge, will assist in ensuring that language services are delivered by the court in accordance with this plan and in accordance with this plan and the Rules of Superintendence for the Courts of Ohio, Rules 80 - 89.

The CLEVELAND MUNICIPAL COURT has an Interpretation and Translation Services Unit (ITSU) staffed by Certified Interpreters and a Court Interpreter Coordinator. Language Access functions and responsibilities fall within the purview of the ITSU. As such, the role of Language Access Coordinator within the CMC is supplemental and complimentary to that of the Court Interpreter Coordinator and the ITSU.

The CLEVELAND MUNICIPAL COURT has established an Ad Hoc Language Access Committee. The Ad Hoc Language Access Committee, along with all stakeholders, drafted and ratified the Language Access Plan for the CMC. The Ad Hoc Language Access Committee continues to work along with all stakeholders to ensure that all CMC language access needs and benchmarks are met and exceeded.

CLEVELAND MUNICIPAL COURT's Language Access Coordinator is KEVIN MERCADO. He can be reached at 216-664-4970. Complaints submitted under Section VIII of this Language Access Plan will be addressed by the Language Access Coordinator within 3 business days.

In addition to the responsibilities already outlined in this plan, the Language Access Coordinator shall be responsible for providing support on matters of language access to the ITSU, Ad Hoc Language Access Committee, CMC and all stakeholders.

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 CLEVELAND 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 limited English proficient (LEP) individuals. *Lau v. Nichols*, 414 U.S. 563 (1974). 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 Guidance from the U.S. Department of Justice to state court justices and administrators' letter from Assistant Attorney of the Civil Rights Division to Chief Justices and State Court Administrators (Aug. 16, 2010); Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455 (June 18, 2002).

In the CLEVELAND MUNICIPAL COURT, interpreters will be provided at court expense for all LEP, deaf or hard of hearing court parties, witnesses, or jurors in compliance with the ADA, Title VI and Rules of Superintendence for the Court of Ohio.

IV. USE OF INTERPRETERS

A. Determining the Need for an Interpreter

There are various ways that the CLEVELAND MUNICIPAL COURT will determine 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. The request may be made in person, by phone, in writing or electronically via the court's website. (See ATTACHMENT E: Interpreter Request Form)

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).

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.

Resource:

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

- *Interpreter in the Judicial System: A Handbook for Ohio Judges,*
- *Video Remote Interpreting (VRI) in Ohio Courts,*
- *Working with Telephonic Interpretation Services in Courts, and*
- *How Do I know if a Party or Witness Needs and Interpreter?*

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. 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.

B. Court Interpreter Qualifications

The Language Services Program of the Supreme Court of Ohio maintains a statewide roster of interpreters who are qualified to interpret 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 skill. 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.

Resource:

The interpreter roster can be accessed on the Supreme Court's webpage here:

<http://sc.ohio.gov/JCS/interpreterSvcs/certification/rosters/default.asp>

C. Appointment of a Court Interpreter

The CLEVELAND MUNICIPAL COURT will appoint in-person and remote court interpreters in accordance with all criteria set forth in Sup.R. 88 (Attachment B) and will ensure that certified court interpreters are used whenever reasonably available.

Pursuant to Sup.R. 88(C), the CLEVELAND 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; friend or a family or household member of a party or witness; a potential witness; court personnel employed for a purpose other than interpreting; 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.

D. Language Services outside the Courtroom

In accordance with Sup.R. 89 (Attachment C), the CLEVELAND MUNICIPAL COURT shall ensure that LEP individuals and individuals who are deaf or hard of hearing have meaningful access to ancillary services outside the courtroom. LEP individuals and individuals who are deaf or hard of hearing may come in contact with court personnel via the phone, counter, or other means. The CLEVELAND MUNICIPAL COURT has the following resources to assist LEP individuals and individuals who are deaf or hard of hearing:

- When a court staff member does not know what language a person is speaking, they may refer to an "I Speak" Language Identification Guide which lists 63 languages. The Language Access Coordinator is responsible for making sure that the guide is readily available for all staff.

Resource:

"I Speak" language identification card to assist in determining language need can be found here: <https://www.dhs.gov/xlibrary/assets/crcl/crcl-i-speak-booklet.pdf>

- Use of Language Line language identification guide to help identify an LEP Person's primary language and connect to telephonic services if applicable. Both the guide and services are secured for court staff through the Interpretation and Translation Services Unit.
- Use of an iPad for Video Remote Interpreting services.
- Use of JAVS audio systems in a number of courtrooms as an auxiliary hearing aid.
- Use of EARTEC UltraLITE wireless headset system as an auxiliary hearing aid.
- 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.

Resource:

The Supreme Court of Ohio has provided each court with a code by which telephonic interpretation can be accessed via remote telephonic service. Please contact the Supreme Court of Ohio Language Services Section for additional information on how to access telephonic interpretation.

<https://www.supremecourt.ohio.gov/JCS/interpreterSvcs/telephonic/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.

The CLEVELAND MUNICIPAL COURT currently has the following forms translated into commonly used languages:

1. Constitutional Rights - Arabic, French, Italian, Kinyarwanda/Kirundi, Korean, Nepali, Persian/Farsi/Dari/Tajik, Portuguese, Romanian, Russian, Simplified Chinese, Somali, Spanish, Swahili (Rwanda-Burundi-Congo), Traditional Chinese, Turkish, Urdu, Vietnamese
2. Waiver of Statutory Period - Spanish
3. Waiver of Trial by Jury - Spanish
4. Pretrial Services Conditions of Release - Spanish
5. Pretrial Services Court Supervised Release Program - Spanish
6. Plea of Guilty Without Personal Appearance - Spanish
7. Clerk of Courts Time to Pay Authorization - Spanish
8. Clerk of Courts Fine and Cost Sheet – Balance Due - Spanish
9. Clerk of Courts Personal Bond - Spanish
10. Clerk of Courts Cash/Surety Release Agreement - Spanish
11. Clerk of Courts Motion for Limited Driving Privileges or 12 Point Suspension Appeal - Spanish
12. Prosecutor's Office How to Register Charges When a Warrant has Been Issued - Spanish
13. Prosecutor's Office How to Register Charges When a Summons has been Issued or the Suspect is in Jail - Spanish
14. Not Guilty Plea Form (Misdemeanor Offense) - Arabic, Spanish, French, Russian
15. Not Guilty Plea Form (Traffic Only) - Arabic, French, Kinyarwanda, Nepali, Russian, Spanish, Swahili
16. Application to Seal After NG or Dismissal - Arabic, French, Kinyarwanda, Nepali, Russian, Spanish, Swahili
17. Application to Seal Arrest Record - Arabic, French, Nepali, Russian, Spanish
18. Application to Seal Arrest Record with Poverty Affidavit - Arabic, French, Nepali, Russian, Spanish

19. Application to Seal Conviction - Arabic, French, Kinyarwanda, Nepali, Russian, Spanish, Swahili
20. Motion for Continuance - Arabic, French, Kinyarwanda, Nepali, Russian, Spanish, Swahili
21. Motion for Hearing on Ability to Pay - Arabic, French, Kinyarwanda, Nepali, Russian, Spanish, Swahili
22. Motion for Limited Driving Privileges - Arabic, French, Kinyarwanda, Nepali, Russian, Spanish, Swahili
23. Motion for Release of Vehicle - Arabic, French, Kinyarwanda, Nepali, Russian, Spanish, Swahili
24. Plea Not Guilty Form (Misdemeanor Offense) - Arabic, French, Nepali, Russian, Spanish
25. Plea Not Guilty Form (Traffic Only) - Arabic, French, Kinyarwanda, Nepali, Russian, Spanish, Swahili
26. Affidavit and Order in Aid of Execution Examination Before Judge - Spanish
27. Case Designation Sheet 2017 Revised 11-2017 - Spanish
28. Garnishment - Final Report of Garnishee - Spanish
29. Garnishment - Interim Report & Answer of Garnishee - Spanish
30. Garnishment - Notice of Court Proceedings to Collect Debt - Spanish
31. Garnishment - Notice to Judgment Debtor - Spanish
32. Garnishment - Request for Hearing Form - Spanish
33. Garnishment - Section A - Spanish
34. Garnishment - Section B - Spanish
35. Notice to Judgment Debtor of Garnishment of Property Other Than Personal Earnings - Spanish
36. Payment to Avoid Garnishment - Spanish
37. Request for Hearing Other Than Personal Earnings - Spanish
38. Small Claims Form - Spanish
39. Ohio Crime Victim's Rights - Spanish
40. Information Related to OVI Charges - Spanish
41. Subpoena form - Spanish

Interpreters, both staff and contracted, may be tasked with providing sight translations for corresponding documentation to LEP individuals, when applicable. Additionally, the Supreme Court of Ohio has translated a number of court forms into various languages: Arabic, Chinese, Russian, Somali and Spanish. These are posted on the Supreme Court of Ohio website and are available to all courts. They can be found here:

<https://www.supremecourt.ohio.gov/JCS/interpreterSvcs/translatedForms/default.asp>

The CLEVELAND MUNICIPAL COURT follows the process to translate material described in Appendix J (found here): *Interpreters in the Judicial System: A Handbook for Ohio Judges*. Appendix J identifies the steps to translate material from project management to editing, proofreading, and publishing. The section also describes the process for the selection of qualified translators. The court will also rely on the Language Services Program at the Supreme Court of Ohio for consultation and technical assistance.

The CLEVELAND MUNICIPAL COURT will assess demographics and analyze the most commonly used forms and embark in the translation of additional forms as resources allow.

VI. LOCAL RULE

The CLEVELAND MUNICIPAL COURT has adopted a local rule regarding appointment of interpreters. CLEVELAND MUNICIPAL COURT’S local rule regarding appointment of interpreters is available to the public and it may be viewed on the court’s website under “Interpreter Services”.

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 on-going 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.

CLEVELAND MUNICIPAL COURT staff with direct contact with LEP individuals or individuals who are deaf or hard of hearing will receive training on language access, to be coordinated by the Language Access Coordinator. The Language Access Coordinator will ensure that all staff receives updated trainings regularly and that all new staff are trained at the time of hire.

Additional Training Information:

1. Title II, Title VI, ADA, United States Constitution (5th, 6th, and 14th Amendments) Working with Interpreters for Socially Distanced and Remote Hearings
Status: Completed in 2020 and 2021
2. Roundtable with the Manager of SCO’s Language Services Program attended by various CMC Judges and ITSU. Status: Completed on November 22nd 2019
3. Video Remote Interpreting: Benefits and Limitations Webinar presented by the SCO Judicial College attended by ITSU.
Status: Completed on October 9th 2020.
4. Diversity, Equity and Inclusion (DEI) training via Percipio’s online portal mandatory for all CMC employees.
Status: Completed by December 31st, 2021.

Resource:

The Supreme Court of Ohio created a brief video which outlines the requirements of Sup.R. 88. The video can be accessed on the Court’s website at:

<https://www.ohiochannel.org/video/training-video-understanding-rule-88-for-judges-court-personnel>

VIII. COMPLAINT PROCESS

The CLEVELAND 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.

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 AM to 5 PM, or send correspondence via email to: InterpreterServices@sc.ohio.gov or via US Postal Service to:

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

CLEVELAND 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/deaf or hard of hearing individual voices concern about the lack of language access services or the quality of services that were provided.

In addition to the Supreme Court's complaint process, the CLEVELAND MUNICIPAL COURT has developed a local complaint resolution process as well. If the Language Access Coordinator receives a language access complaint, they will document receipt of the complaint and provide information about it to the individual who supervises the affected employee(s). Once the supervisor or monitor receives notice of a language access complaint they 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 Section of such complaint.

The CLEVELAND MUNICIPAL COURT will display a sign translated into the court's most frequently used languages which states:

If you are limited English proficient, you have the right to a court-appointed interpreter. To request one please inform court personnel or contact the following number:

216.664.3952

*If you are not provided an interpreter, call the Supreme Court of Ohio complaint line at
1.888.317.3177*

The CLEVELAND MUNICIPAL COURT will display this sign in common areas visible to all court users. In the CLEVELAND MUNICIPAL COURT, the Language Access Coordinator is responsible for making sure signs are visible, and our LAP plan is monitored.

Resource:

The Supreme Court of Ohio's right to an interpreter notification poster can be accessed on the website at <https://www.supremecourt.ohio.gov/JCS/interpreterSvcs/compliance/Poster.pdf>

IX. PUBLIC NOTIFICATION AND EVALUATION OF LAP

A. LAP Approval

The CLEVELAND MUNICIPAL COURT'S 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 CLEVELAND MUNICIPAL COURT'S 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 CLEVELAND MUNICIPAL COURT'S LAP will be provided to the public upon request. In addition, the CLEVELAND MUNICIPAL COURT will post this plan on its website. Its public website will continue to update available language services on a yearly basis.

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 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/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/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 on the CLEVELAND MUNICIPAL COURT'S public website.

X. OFFICIAL DESIGNATION OF LANGUAGE ACCESS COORDINATOR AND BACK-UP LANGUAGE ACCESS COORDINATOR.

Language Access Coordinator

Name: Kevin Mercado
Title: Interpreter Coordinator
Address: 1200 Ontario Street
City, State, Zip: Cleveland, OH 44113
Phone: (216) 664-4970
Email: mercadok@cmcoh.org

In the event that the Language Access Coordinator is unavailable, in substitute, a Deputy Court Administrator will serve as back-up Language Access Coordinator.

Back-up Language Access Coordinator

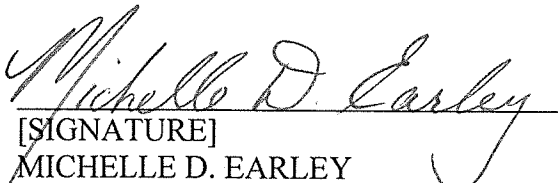
Name: Tracey Gonzalez
Title: Deputy Court Administrator
Address: 1200 Ontario Street
City, State, Zip: Cleveland, OH 44113
Phone: (216) 664-3788
Email: gonzalez@cmcoh.org

XI. HELPFUL RESOURCES

- Federal interagency website about language access - LEP.GOV
- [American Bar Association Standards for Language Access in Courts](#), February 2012
- [Department of Justice Language Access Planning](#)
- Supreme Court of Ohio's [Language Services Program](#).

XII. LAP ADMINISTRATIVE JUDGE APPROVAL

This LAP was reviewed and approved by:


[SIGNATURE]
MICHELLE D. EARLEY
PRESIDING AND ADMINISTRATIVE JUDGE


[PRINTED NAME]
MICHELLE D. EARLEY

[SIGNATURE DATE]

XIII. EFFECTIVE DATE

[03/16/17]
[REVISED 12/14/17]
[REVISED 6/2022]

TABLE OF ATTACHMENTS

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ATTACHMENT B: Rule 88. Appointment of a Foreign Language Interpreter or Sign Language Interpreter

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ATTACHMENT E: Interpreter Request Form

ATTACHMENT F-I: Reserved for future use

ATTACHMENT J: Administrative Order No. 2017-009

ATTACHMENT A

RULE 80. Definitions.

As used in Sup.R. 80 through 89:

(A) Ancillary court services

“Ancillary court services” means any activity, other than a case or court function, that includes the exchange of legal or general court-related information with the public or parties in interest and is paid for or provided by the court. “Ancillary court services” includes, but is not limited to, the following:

- (1) Alternative dispute resolution programs;
- (2) Evaluations;
- (3) Information counters;
- (4) Probation or criminal diversion program functions;
- (5) Pro se clinics;
- (6) Specialized dockets and dedicated-subject-matter dockets.

(B) 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.

(C) 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.

(D) Crime of moral turpitude

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

- (1) A crime punishable by death or imprisonment in excess of one year pursuant to the law under which the person was convicted;
- (2) A crime involving dishonesty or false statement, regardless of the

punishment and whether based upon state or federal statute or local ordinance.

(E) Deaf blind

“Deaf blind” means 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.

(F) 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.

(G) 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.

(H) 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).

(I) Registered foreign language interpreter

“Registered foreign language interpreter” means a foreign language interpreter who has registered with the Supreme Court Language Services Program pursuant to Sup.R. 81.01.

(J) Registered sign language interpreter

“Registered sign language interpreter” means a sign language interpreter who has registered with the Supreme Court Language Services Program pursuant to Sup.R. 82.01.

(K) 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.

(L) 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.

(M) 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.

(N) 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.

(O) 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.

(P) 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.

(Q) 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 or registered 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, provisionally qualified foreign language interpreter or registered 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 registered 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, registered 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, registered 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, registered 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 (5) 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 (5) 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 registered sign language interpreter.

(3) Except as provided in divisions E(4) and (5) of this rule, if a Supreme Court certified sign language interpreter or registered 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 or registered 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 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 “Level V Certification” from the National Association of the Deaf;
- (d) A “Level IV Certification” from the National Association of the Deaf.

(4) 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.

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

(6) A court shall summarize on the record its efforts to obtain and reasons for not using a Supreme Court certified sign language interpreter or registered sign language interpreter. The sign language interpreter’s name, experience, knowledge, and training should be stated on the record.

(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 other electronic means available:

- (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, a Supreme Court certified sign language interpreter, a registered sign language interpreter, or an interpreter eligible pursuant to Sup.R. 88(E)(3) may provide the communication services in person, telephonically, or via other electronic means available.

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, court 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

Request an Interpreter

Home > Judicial Services > Administrative Services > Interpreter Services > Request an Interpreter
[print](#)

To request an interpreter please complete the Interpreter Request Form below. Once the completed form is received, your request will be forwarded to the court interpreter assigned to your case.

Date of Request *

MM/DD/YY

Limited English Proficient (LEP) Individual's Name or Deaf Person's Name in Need of an Interpreter

Case Number *

Judge / Session - Magistrate

Requestor *

Requestor's Email Address for Confirmation *

Date of Service *

Courtroom and Time *

Language / Dialect Requested *

Describe type of proceeding:

ADA accommodations needed? If so, please describe additional comments or request.

[Generate New Image](#)

Type the code from the image

ATTACHMENT F-I

Reserved for future use

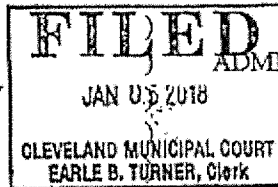
ATTACHMENT J

ATTACHMENT J

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Court
Earle B. Turner,
CLERK

IN THE CLEVELAND MUNICIPAL COURT

STATE OF OHIO
CUYAHOGA COUNTY



ADMINISTRATIVE ORDER
NO. 2017-009

IN RE: AMENDMENT OF LOCAL RULES TO MAKE PROVISION COURT
LANGUAGE ACCESS SERVICES

At its December 21, 2017 monthly meeting, the court, by unanimous vote, adopted amendments to the Local Rules of Practice and Procedure that delineate for the court certain language access services for individuals with limited English language proficiency. Those amendments are attached hereto and marked as Exhibit A. The amendments were adopted to comply with the dictates of RC §2311.44, Ohio Supreme Court's Rule of Superintendence 88 and the Ohio Rules of Evidence.

This Administrative Order becomes effective immediately upon its filing with, and journalization by, the Clerk of the Cleveland Municipal Court, and shall remain in effect until further order of the court.

IT IS SO ORDERED.

Date: 12/29/2017

Ronald B. Adrine
Administrative & Presiding Judge

EXHIBIT A

(A) **Use of Court Interpreter(s).** The Cleveland Municipal Court (hereinafter "Court") shall provide interpreting and translation services through the Interpreting & Translation Services Unit. Whether a foreign language or sign language interpreter is required in any case, court function, or ancillary service shall be determined by the Court.

(1) **Skill-Level.** Certified, provisionally qualified or language skilled interpreters shall be provided in all cases, court functions, or ancillary services for a party or witness that does not speak, read or understand English or is Limited English Proficient (LEP), Deaf or hearing-impaired. Interpreters shall be utilized in accordance with Rules of Superintendence 80 thru 89 and in accordance with the Court Policy on Use of Interpretation and Translation Services.

(2) **Oath.** Prior to serving as an interpreter for the Court, each individual shall be required to read and sign the Ohio approved "Interpreter's Oath." The Court's staff interpreters are required to sign this Oath as a requirement of their employment. For outside interpreters, where applicable, a record of compliance with this requirement shall be acknowledged in the court's record for every case.

(B) **Requests for interpreters.** Any LEP, a person serving as counsel or representative for any LEP party, a court employee, or any person who becomes aware that there is a need for interpretation or translation services, shall immediately notify the Court, and/or its administrative offices including the Interpreting & Translation Services Unit for assistance.

(1) **Written Request.** For purposes of complying with Rules of Superintendence 80 thru 89, if a foreign language or American Sign Language (ASL) interpreter is needed, the Court shall properly document the need for Interpreter or Translation Services and this request shall be communicated to the administrative offices of the Court and to the Judge or hearing officer presiding over a case involving the need for interpreter services. Upon receiving the notification, the Court shall schedule interpreters and translation services in compliance with the Rules of Superintendence.

(2) **Complex Hearings and Cases.** For any hearing lasting more than 2 continuous hours and/or in cases where the complexity of the procedure is such that it warrants the assistance of 2 interpreters, and/or in the case of multiple parties in need of interpreting services, the Court shall follow the guidelines provided in the Rules of Superintendence.

(3) **Walk-ins/Language Line.** In lieu of an in-person interpreter, when effective, the Court may use telephonic interpretation. In those cases, the Court shall follow the guidelines for telephonic interpretation in accordance with the Rules of Superintendence, and the Telephonic Interpretation Bench Card published by the Supreme Court of Ohio.

(C) **Auxiliary Aids for the Hearing Impaired.** Interpreter services, including services rendered by a properly qualified sign language interpreter, for a person who is hearing-impaired or who otherwise has a communication disability shall be obtained in the same manner as language interpreter services. Additionally, when a party or witness in a proceeding is hearing-impaired, the Court in lieu of an in-

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Court
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CLERK

person sign language interpreter, where effective, may use auxiliary aids including but not limited to:
written materials, electronic recording equipment, and real time transcription.

Effective 12/28/17:

CROSS-REFERENCES

See Ohio Rules of Superintendence 80-60 (Provision of Interpreter services)

See O.R.C.231.14 (Interpreter provide for person with hearing, speech or other impediment)

See Ohio Rule of Evidence 604 (Interpreters as Expert Witnesses)

See Ohio Rule of Evidence 702 (Expert Witness Qualifications)

See Language Services Bench Notes