

SPANISH AND LEGAL TERMS

Hon. Blanca Oliver

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Ojalá que van a aprender mucho en este curso.

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Agenda

- Why bother?
- Legal resources
- Terms
- Interpreters
- Tips for Dealing with Interpreters
- Interpreting Services for People with Disabilities

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WHY BOTHER?

5

As the child of a native Spanish speaker, this is important to me.



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Data from the U.S. Census Bureau, 2023

35.4% of homes in Texas speak a language other than English

28.2% of Texas homes speak Spanish

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Even if a person speaks some English ...

- ... that person may be limited English proficient (LEP) or may not feel comfortable using English when legal rights may be affected.

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Remember, at trial a non-native speaker must be able to:

1. Accurately and completely describe persons, places, situations and events;
2. Tell what happened over time;
3. Request clarification when questions are vague or misleading; and
4. During cross-examination:
 - Recognize attempts to discredit their testimony
 - Refuse to confirm contradictory interpretations of facts, and
 - Defend their position

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According to the OCA

About 1 in 7 Texans doesn't speak enough English to meaningfully participate in a court hearing.

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There are legal obligations

- The 14th Amendment, the Civil Rights Act of 1968, and the Omnibus Crime Control and Safe Streets Act prohibit state action that discriminates against a protected class, including national origin.

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DOJ Civil Rights Division

- “Dispensing justice fairly, efficiently, and accurately is a cornerstone of the judiciary.
- Policies and practices that deny LEP [limited English proficient] persons meaningful access to the courts undermine that cornerstone.”

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What if court doesn't take reasonable steps to accommodate LEP persons?

- Any time the DOJ finds that a court system has not complied with the law, it can suspend or terminate funding or use civil litigation to enforce the nondiscrimination provisions.

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Americans with Disabilities Act protects litigants with communication disabilities

Your court could be liable for failing to make reasonable accommodations to allow people with a disability to access the court system

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Quiz 1

- Does the court have a legal duty to get an interpreter for a witness who doesn't speak English?
- A. No, if the witness is not a party.
B. Yes

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LEGAL
RESOURCES

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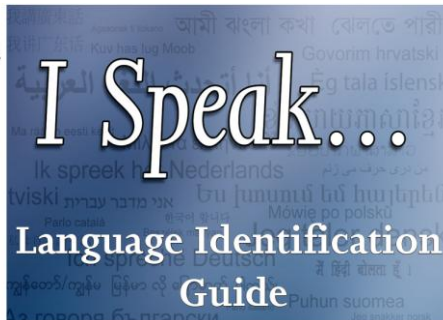
ON-LINE LEARNING

Self-Paced Module: Interpreters &
Spanish Legal Terminology

Found on TJCTC website

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A
Amharic አኔ አማርኛ ነው ምናገረው.
Arabic أنا أتحدث اللغة العربية
Armenian Ես խոսում եմ հայերեն
B
Bengali আমি বাংলা কথা বোলতে পারি
Bosnian Ja govorim bosanski
Bulgarian Az говоря български
Burmese ကျွန်ုပ်တို့က မြန်မာ ဝံ့ စဉ်းတတ် ပါတယ်
C
Cambodian



Handout 1 is a guide for
determining what
language a litigant might
speak or understand.

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TJCTC has form legal orders in Spanish for you



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For pro se litigants
TJCTC has a number of
Spanish resources

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tjctc.org

Reg. System Texas Justice Court... Statutes - Home Sign in to Concur... Virtual Private Netw... Westlaw Home | Adobe Crea... KMFA 89.5 | Austin's... TJB | 3rd COA TJB | Rules & Forms... Workspace #1

Texas Justice Court Training Center

Justices of the Peace Constables Court Personnel Legal Resources Online Learning Contact Us Access Your Student Account Handouts

Texas State > Texas Justice Court Training Center

Ensuring Justice and Fairness Through Education



Court Personnel registration opens in late October.
Check out our Court Personnel Education Events page for program dates and locations.

Important Links

- [How To Register For a Conference](#)

Legal Resources

- [For the Public](#)
- [Ask a Legal Question](#)
- [Search a Legal Question](#)
- [Watch a Webinar](#)
- [Read a Deskbook](#)
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Useful Materials

- [Self-Represented Litigants](#)

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Note: The materials provided on this webpage are not legal advice. TJCTC is not allowed by its grant conditions to provide legal advice to private citizens and we are not able to answer any questions you may have about your case or these materials. If you are unsure what to do after reviewing these materials, you may wish to contact an attorney.


For help locating an attorney, or to see if you qualify for low-cost or no-cost legal assistance, please contact:
[2020 Referral Directory from the Legal Access Division of the State Bar of Texas](#) - 1.800.204.2222, Ext. 1855

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Justice Court Information Packets & Forms

Click below for information packets and forms for eviction, small claims and debt

- [FILING A SMALL CLAIMS CASE](#) - updated March 2024
- [WHEN A SMALL CLAIMS CASE HAS BEEN FILED AGAINST YOU](#) - updated March 2024
- [WHEN A DEBT CLAIM CASE HAS BEEN FILED AGAINST YOU](#) - updated March 2024
- [FILING AN EVICTION CASE](#) - updated March 2024
- [WHEN YOU HAVE BEEN LOCKED OUT OR YOUR LANDLORD HAS CUT OFF YOUR UTILITIES](#) - updated March 2024
- [WHEN AN EVICTION CASE HAS BEEN FILED AGAINST YOU](#) - updated March 2024
- [WHEN YOUR LANDLORD WILL NOT MAKE REPAIRS](#) - updated March 2024
- [SPANISH FORMS](#)


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including Eviction Rates 900-920 are the ones that specifically apply to Justice Courts.



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[WHEN AN EVICTION CASE HAS BEEN FILED AGAINST YOU](#) - updated March 2024

[WHEN YOUR LANDLORD WILL NOT MAKE REPAIRS](#) - updated March 2024

[SPANISH FORMS](#)

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TJCTC has SRL info for people filing a small claims case

- One packet and 8 separate forms in Spanish for them to use.

tjctc.org/srl/srl-spanish-forms.html

Reg. System Texas Justice Court... Statutes - Home Sign in to Concur [...] Virtual Private Netw... Westlaw



Justices of the Peace Constables Court Personnel Legal Resources Online Learning Contact Us Access

Texas State > Texa

SRL Spanish Forms

AL PRESENTAR UN CASO DE RECLAMOS MENC

[SRL - Paquete De Autoayuda - Casos Menores \(Filing a Small Claims](#)

[FIANZA DE APELACIÓN DEL DEMANDANTE \(Appeal Bond - Plaintiff\)](#) (DOCX, 15.2KB

[SOLICITUD PARA ORDEN DE EJECUCIÓN \(Application for Writ of Execution\)](#) (DOCX

[SOLICITUD PARA ORDEN DE EMBARGO \(Application for Writ of Garnishment\)](#) (DC

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For Landlords

- TJCTC has a packet and 5 forms in Spanish

CÓMO PRESENTAR UN CASO DE DESALOJO

[Cómo presentar un caso de desalojo \(Filing an Eviction\)](#)

[EMANDANTE \(Appeal Bond - Plaintiff\)](#) (DOCX, 15KB)

[EJECUCIÓN \(Application for Writ of Execution\)](#) (DOCX, 15.1KB)

[EMBARGO \(Application for Writ of Garnishment\)](#) (DOCX, 15.1KB)

[AD PARA SUPLIR PAGOS SOBRE LOS GASTOS JUDICIALES O UNA FIANZA D](#)

[P \(Petition -- Eviction Case\)](#) (DOCX, 21.9KB)

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For Tenants

- TJCTC has a packet and 3 forms in Spanish

CUANDO UN CASO DE DESALOJO HA SIDO

[petete de autoayuda- Cuando un caso de desalojo ha sido
been filed against you\)](#)

[DE APELACIÓN DEL DEMANDADO \(Appeal Bond - Defendant\)](#) (DOCX

[ACIÓN SE INCAPACIDAD PARA SUPLIR PAGOS SOBRE LOS GASTOS
t Costs\)](#) (DOCX, 50.2KB)

[I PARA ANULAR FALLO POR INCOMPARIENCIA \(Motion to Set Aside I](#)

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FOR DEBT CLAIM DEFENDANTS

- TJCTC has a packet and 7 forms in Spanish

CUANDO SE HA PRESENTADO UN CASO DE RECLAMACIÓN DE DEUDA

[SRL - Cuando se ha presentado un caso de reclamación de deuda en su contra \(When a debt claim is filed against you\)](#)

[RESPUESTA DEL DEMANDADO \(RECLAMOS O CASOS DE RECLAMACIÓN DE DEUDA \(Answer - Civil\)\)](#) (DOCX, 15.1KB)

[FIANZA DE APELACIÓN DEL DEMANDADO \(Appeal Bond - Defendant\)](#) (DOCX, 15.1KB)

[DECLARACIÓN SE INCAPACIDAD PARA SUPLIR PAGOS SOBRE LOS GASTOS JUDICIALES O UNA FIANZA PARA SUPLIR PAGOS \(Declaration of Inability to Pay Court Costs or a Bond to Pay Court Costs\)](#) (DOCX, 50.2KB)

[ORDEN DE PROPUESTA PARA UN NUEVO JUICIO \(Motion for New Trial\)](#) (DOCX, 19.7KB)

[MOCIÓN PARA ANULAR FALLO POR INCOMPARIENCIA \(Motion to Set Aside Default Judgment\)](#) (DOCX, 19.5KB)

[MOCIÓN PARA TRANSFERIR EL JUICIO \(Motion to Transfer Venue\)](#) (DOCX, 20.3KB)

[SOLICITUD DE EMISIÓN DE UNA CITACIÓN \(Request for Subpoena\)](#) (DOCX, 20.7KB)

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For Locked-Out Tenants

- TJCTC has an information packet in Spanish

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Texaslawhelp.org

- has a series of short videos in Spanish for Tenant Rights Basic Training at <https://texaslawhelp.org/article/tenant-rights-basic-training-Spanish>, covering eviction defense, repairs and remediation, service and emotional support animals, and understanding your TAA lease.

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Houston Bar Association Spanish Legal Line

- Volunteers may be able to provide a 20-minute consultation. It's on the first Thursday of the month from 6pm – 8pm.
- The attorneys are not representing the callers or considering the case for placement with a pro bono attorney.
- People can register for it at
- <https://texaslawhelp.org/event/houston-bar-association-legal-line-spanish-line> or <https://www.hba.org/?pg=LegalLine>
- Email: probono@hvlp.org
- Phone: (713) 228-0735

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Hotlines with Spanish speakers for people in the relevant geographic service areas

- LegalLine
- (512) 472-8303
- 1st Tuesday of each month
- 5:30pm – 7:30pm
- Bastrop, Hays, Travis, and Williamson County residents
- Attorneys who are bilingual are available.
- Texas Access to Justice from Texas Rural Legal Aid
- (888) 988-9996
- Monday - Friday
- 9am – 5pm
- For those who qualify in their service area.
- Spanish language assistance available

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Group Discussion

- How does your court help LEP people?

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Spanish Legal Terminology

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Parties

- Defendant: el/la acusado(a), demandado(a)
- Plaintiff: el/la demandante

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Officers of the Court

- Judge: el/la Juez
- Attorney: el/la abogado(a), licenciado(a), apoderado(a), letrado(a)
- Bailiff: el alguacil, la guarda de sala
- Jury: el jurado

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WITNESS

El/la testigo(a)

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Legal documents

- Affidavit: la declaración jurada por escrito, el affidavit
- Complaint: la querrela, la queja, la denuncia, la reclamación.
- Judgment/verdict: el juicio, la sentencia
- Lawsuit: la demanda
- Warrant: la orden

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Damages

- La indemnización, daños y perjuicios.

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Appellate terms

Appeal: la apelación, el recurso

- Appellant: el/la apelante
- Appellee: el/la demandado a la apelación

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Other terms

- Evidence: la evidencia, la prueba
- Crime: el crimen
- Plea: el alegato, la suplica, el pretext
- Conviction: la condena, la convicción
- Bankruptcy: la bancarrota

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Something to keep in mind

- Because a notary public in Mexico has significantly more authority than they do in the U.S., it is a violation of the Texas Deceptive Trade Practices Act for someone to advertise as a “notario publico,” even though that is a literal translation of “notary public.”

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Quiz 2

- A person comes into your office and says something about “Licenciado Zúñiga.” Who is that?
 - A. An attorney
 - B. A witness

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Quiz 3

- What is a demanda?
 - A. A lawsuit
 - B. A warrant

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Interpreters

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When MAY the court appoint an interpreter in civil cases?

- \$3 of the Local Consolidated Civil Filing Fee is allocated for the county's language access fund.
- Rule 183 – The court may appoint an interpreter of its own selection and fix the interpreter's reasonable compensation. The compensation may be paid out of funds provided by law or by one or more of the parties as the court may direct, and may be taxed ultimately as costs, in the discretion of the court.

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Difference between translator and interpreter

- Translator deals with the written word.
- Interpreter deals with spoken language.

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When MUST the court appoint an interpreter in civil cases?

- A court shall appoint a certified court interpreter or a certified CART provider for an individual who has a hearing impairment or a licensed court interpreter for an individual who can hear but does not comprehend or communicate in English **if a motion** for the appointment of an interpreter or provider **is filed** by a party **or requested by a witness** in a civil or criminal proceeding in the court.
- Tex. Gov't Code section 57.002(a)

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When MUST the court appoint an interpreter in criminal cases?

- When a motion for appointment of an interpreter is filed by any party or on motion of the court, in any criminal proceeding, it is determined that a person charged or a witness does not understand and speak the English language, an interpreter must be sworn to interpret for the person charged or the witness.”
- CCP Art. 38.30(a)

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Normally, the Government Code expects a licensed court interpreter

- Qualified under
- CCP Art. 38.31;
- Civ. Prac. & Rem. Code § 21.003; or
- “Certified CART provider”

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Exception to licensed interpreter

- County with population <50,000
- Or
- In a county with 50,000 or more, if
 - (1)The necessary language is not Spanish; and
 - (2)Court finds there is no licensed court interpreter within 75 miles

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If interpreter is not certified

- The person:
 - (1) Must be qualified by the court as an expert;
 - (2) Must be at least 18 years of age; and
 - (3) May not be a party.

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Texas Court Remote Interpreter Service (1/2)

- OCA provides free Spanish, French, Portuguese, and German interpretation by advanced scheduling or on demand. Only for short, non-contested, and non-evidentiary hearings that typically last 30 minutes or less.
 - Done by telephone or by video conference, using the court's existing equipment.
 - It cannot be used for customer service at the clerk's office.

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Texas Court Remote Interpreter Service (2/2)

Mailing address:

TCRIS
PO Box 12033
Austin, Texas 78711

- To schedule a court interpreter through this program, visit: <http://www.txcourts.gov/tcris/>.
- Email: interpreter@txcourts.gov
- Phone (512) 463-5656
- Fax (512) 666-3633

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Texas Office of Court
Judicial Branch Certification

Licensee S

Enter Search Criteria

If you only have a partial name of a facility/personnel or having troubles finding the facility with that word will appear, for example, "west". To obtain licensee contact information, use the "Advanced Search" link.

Program *	Licensed Court Interpretn ▼	Edit
Last Name		Fin
Certification #		Ca
(+ Address Information)		

Reset Search

Althent Licensing System Version 11.3.17.04 Dated: De

Database for Interpreters

<https://jbcctexas.txcourts.gov/Protected/LIC/LicenseeSearch.aspx?Program=LIC&PubliSearch=Y&returnURL=~/Login.aspx?TI=2#noback>

By clicking on “(+ Address Information)” on that page, you can search by county for different interpreters.

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- “Do you solemnly swear or affirm that you will interpret accurately, completely and impartially, using your best skill and judgment in accordance with the standards prescribed by law and Texas Licensed Court Interpreters’ Code of Ethics; follow all official guidelines established by this court for legal interpreting or translating, and discharge all of the solemn duties and obligations of legal interpretation and translation?”

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How do you find or retain your interpreters?

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Tips for Hearings Using Court Interpreters

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Step One

- Meet with the interpreter to see how the interpretation will occur and make sure that you have the equipment/facilities to meet the interpreter's needs.

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Step Two

- Meet with the Limited English Proficient (LEP) person and explain how the interpreting will work.

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Step Three

- Don't speak to the interpreter directly. They will interpret everything you say.
- "Ask the witness what their name is."
- ✓ "What is your name?"

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Step Four

- While the interpreter's vocabulary is vast and impressive, witnesses should help them by avoiding slang, acronyms, and idioms.

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Step Five

- Always do equipment checks to ensure the audio is good. This is especially important for virtual interpreting.

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Step Six

- Be prepared to schedule in breaks if the hearing is going to take a while.
- United Nations standards for conference interpreting call for replacing interpreters every 45 minutes, but this may not be feasible for you.

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Step Seven

- Provide interpreters with relevant materials before the trial to help them prepare. This can include names, case types, and any relevant documents.

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Step Nine

- Be responsive when an interpreter reports an impediment to their interpretation.

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Step Ten

- Ensure the interpreter is the right fit, for whatever reason.

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Interpreting Services for Persons with Disabilities

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What does the ADA mean?

- The ADA protects the rights of people who have a physical or mental impairment that substantially limits their ability to perform one or more major life activities, like breathing, walking, reading, thinking, seeing, hearing, or working.
- If a person has this sort of disability, you must make reasonable accommodations to allow them access to your court.

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What kind of impairment

- The impairment can be substantial even if it can be moderated (like someone who has hearing aids).
- The impairment can also be temporary.

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Examples of communication aids and services

- American Sign Language interpreters
- Video remote interpreting
- Notetakers
- Large print materials
- Captioning
- Accessible electronic and information technology

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Reasonable accommodations = flexibility

- People with certain disabilities might communicate in different ways.
- The goal is to find a solution that fits the circumstances.

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Time

- Sometimes you can request a reasonable amount of time for aids or services, depending on the length of time you need to acquire it.
- Still, if someone just walks in with a request, you need to do the best you can to accommodate.

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For example:

- If a person who is deaf is paying for a ticket and has a question, exchanging notes may be effective.
- This would not be a good idea for trial.

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Quiz 4

- When choosing an aid or service, title II entities, like your court, are required to give primary consideration to the choice of aid or service requested by the person who has a communication disability.
A. True
B. False

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Quiz 5

- True or False: If a litigant comes to court with their 15-year-old daughter, the court does not have to find a different interpreter for a hearing or trial.
- A. True
- B. False

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Quiz 6

- If a Spanish speaking clerk converses with a party in Spanish, does the clerk have to be a licensed interpreter?
- A. Yes
- B. No, if the clerk is designated as an expert in a county with a population of less than 50,000 people
- C. No.

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Quiz 7

- Is the court required to use the same interpreter for every hearing in a case?
 - A. Not usually
 - B. Yes

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Quiz 8

- In a civil case, a party asks for a translator. The opposing party claims that this person speaks flawless English. Does the court have to appoint an interpreter?
 - A. Yes, the party's allegation must be taken as true to provide that person with Due Process
 - B. No.

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