

PROCEDURES FOR PROVIDING COURT-APPOINTED INTERPRETERS IN THE 9TH JUDICIAL DISTRICT

I. Purpose

The purpose of these Local Rules for the 9th Judicial District is to assure quality foreign language interpreter services in the District and Superior Court process. The goal is to ensure equitable treatment for all defendants and access to the courts for persons whose native language is not English.

II. Local Appointment and scheduling

- A. The AOC “Policies and Best Practices for the Use of Foreign Language Interpreting and Translating Services in the North Carolina Court System” effective 1 February 2007, are incorporated into these local rules. To be considered for local appointment, an applicant must possess a mastery of the English language as well as the foreign language in question. He/she must possess knowledge of the idioms and colloquialisms of the language in question. The applicant should also possess an awareness of the different dialects among regions and a working knowledge of legal terminology.
- B. Those persons wishing to serve as a court-appointed foreign language interpreter must complete the process as indicated in “Policies and Best Practices for the Use of Foreign Language Interpreting and Translating Services in the North Carolina Court System” effective 1 February 2007. Upon successful completion, and upon being placed on the AOC Foreign Language Registry, the applicant should contact by letter, outlining the applicant’s availability to serve in court on a regular basis, to the attention of the Trial Court Coordinators, Mary Ann Parrott for District Court or Ella Wrenn for Superior Court, who shall review for completeness and submit it to the Chief District Court Judge and Senior Resident Superior Court Judge or their designees.

III. Procedure for Interpreter appointed by session

Each County in the District will be assigned an interpreter to cover the regularly scheduled sessions of criminal district court beginning at 9:30 AM for the morning session (minimum 3 hours unless court concludes sooner) as follows:

Franklin – Monday and Tuesday
Granville – Monday and Wednesday
Vance – Monday, Tuesday and Thursday
Warren – Wednesday

In the interest of judicial economy, and at the discretion of the presiding judge, any case requiring the services of an interpreter will be called first. At the call of the calendar in the Criminal Court the Assistant District Attorney shall ask the audience if there is any defendant in need of a language interpreter. The goal is for all non-represented, non-English speaking defendants to go before the judge presiding prior to morning break, such that an Affidavit of Indigency and attorney-appointment process can be completed within the interpreter's 3-hour minimum billing period.

The Sheriff in each County is requested to transport all defendants with pending cases requiring interpreter services on the first transport to the courthouse during court days.

For court interpreter services, a \$10 fee may be required by the Court from the defendant, or actual costs, whichever is greater, billed in increments of 15 minutes.

Interpreters are to assist the Court by interpreting between the defendant, witnesses, victims and court personnel (judge, defense attorneys, assistant district attorneys, courtroom clerks, bailiffs, etc.) in criminal proceedings, juvenile proceedings, 50B domestic violence proceedings, DSS Child support contempt, DSS Juvenile Abuse and Neglect and custody mediation proceedings. AOC does not provide funding for interpreters to assist in the post-judgment services by interpreting between the defendant and the post-judgment agency representative, such as Probation and Community Service. Any AOC compensated interpreter services between the court-appointed defense attorney and defendant would, for the most part, be limited to conversation regarding the verdict, fines, etc. Conversations where the attorney would learn of the details of the incident, discuss any possible defenses, etc., would need to be discussed out of court and would be compensated by Indigent Defense Services using the interpreter's daily billing sheet (AOC-A-216). Scheduling of interpreter services at the jail or in the court-appointed defense attorney's office for such meetings with defendants can be scheduled by contacting the lead interpreter for District, who is currently, Rudy Calderon, 919-818-1352, rudycalderon@bellsouth.net. Interpreter services could be scheduled with greatest ease on Monday and Wednesday afternoons.

IV. Procedure for Interpreters on call

If more than one interpreter is required for any session, the Trial Court Coordinator must be notified in advance to schedule. If the assigned Interpreter cannot appear for any reason, he/she must notify the Trial Court Coordinator as far in advance as possible.

The clerk in a courtroom in need of a Spanish interpreter at calendar call must notify the trial court coordinator of the need for assistance or the interpreter directly and the interpreter will proceed to that courtroom as soon as possible.

- A Court-appointed attorney who is requesting the services of an interpreter for a jail visit should contact an AOC certified interpreter practicing in the 9th District directly. The lead interpreter from this District is Rudy Calderon, and can be reached at 919-818-1352, or via e-mail at rudycalderon@bellsouth.net.

The Court may determine at an initial setting that there is a need for a non-Spanish interpreter for a future motion or trial in a specific case. These may be interpreters for any language. In these instances, a "Request for a Non-Spanish Interpreter" form (found on nccourts.org website) must be completed and emailed to Courtney.J.Lyman@nccourts.org or faxed to 919 890-1907, along with AOC-CR-224 (Order of Assignment or Denial of Counsel) AND AOC-G-107 (Motion and Appointment Authorizing Foreign Language Interpreter/Translator must be attached) forms, to obtain the services of a non-Spanish interpreter. A Spanish registry can be found at: <http://www.nccourts.org/Citizens/CPrograms/Foreign/Documents/spanishforeignlanguageregistry.pdf>

Magistrates have also been instructed in how to contact vendor (Language Learning Enterprises, Inc.) to provide telephone interpreting services. Each county has a designated code for its district court for using this system, and can be used for first appearances.

V. Responsibilities of Foreign Language Interpreters (Court-Appointed and Private)

A. Pager or Cell Phone

Understanding that a court appointed interpreter may be serving in more than one case during a session of court, the interpreter is to be available to the court appointed attorney and the court by phone, pager or cell phone. The interpreter shall immediately notify the clerk in each courtroom of any changes in phone or pager numbers. Cell phones and pagers must be on vibrate or some other silent mode of notification while the interpreter is serving in the courtroom.

B. Confidentiality

The interpreter is to keep all assignment related information strictly confidential.

C. Complete and Accurate Interpretation

The interpreter shall render a complete and accurate interpretation without altering, omitting, or adding anything to what is stated or written, and without explanation.

D. Conflicts of Interest

The interpreter shall refrain from conduct that may give an appearance of bias and must promptly disclose any real or perceived conflict of interest.

- E. No Opinions
The interpreter shall not publicly discuss or offer an opinion concerning a matter in which he has been appointed or engaged.
- F. No Legal Advice
An interpreter shall not, under any circumstances, offer legal advice, even when asked. An interpreter who attempts to give legal advice is subject to being removed from the Court approved list of interpreters as well as to being reported to the North Carolina State Bar for the unauthorized practice of law.
- G. Rate of Pay for Court Appointed Interpreters
Interpreters will complete a monthly invoice of hours worked which details days and hours worked for district court, superior court, district attorneys, assigned indigent counsel and magistrates. The rate of payment shall be determined by the classification level authorized by the AOC.
- H. Private Interpreters
Nothing in these rules shall prevent an interpreter from accepting private employment. However, an interpreter shall not approach individuals for the purpose of soliciting business inside the Ninth Judicial District county courthouses. If approached by a person desiring private interpreting services while inside the courthouse, the interpreter may give the person a business card with his/her telephone number but may not make business arrangements or receive payment inside the courthouse. In no event may the interpreter be paid for private interpreting services in a case in which the Court has appointed him. All private interpreters shall follow the rules and procedures outlined for court appointed interpreters and it shall be in the discretion of the judge whether an interpreter "brought from home" is able to read and write well enough in the target language to appear with the person needing services to assist him in such matters as signing waivers, etc. Under no circumstances would an interpreter "brought from home" be allowed to interpret for a defendant, witness or victim when on the stand giving testimony. When testifying before the Court, an AOC-approved interpreter must always be used, whether Court-appointed or privately retained.

VI. Rule Violations

Violation of the Rules set forth in Section V above by any court appointed or retained interpreter shall subject the offending party to a verbal warning from the Committee for the first offense, followed by a written warning, followed by removal from the court appointed list for the third offense.

ADOPTED this 7th day of May, 2001.
AMENDED this 19th day of June, 2006.
AMENDED this 1st day of September, 2010.

Daniel Finch
CHIEF DISTRICT COURT JUDGE

Robert H. Hobgood
SENIOR RESIDENT SUPERIOR COURT JUDGE

Exhibit A

**APPLICATION FOR SCHEDULING AS A
COURT INTERPRETER IN THE
NINTH JUDICIAL DISTRICT**

Name _____

Address _____

Telephone Numbers:

Daytime _____

Evening _____

Beeper _____

Cell Phone _____

Fax _____

Email _____

Language(s) spoken (*indicate dialects*): _____

Are you certified through the US Certified Court Interpreter Program (☐ Yes ☐ No);
or through the State Court Interpreter Certification Consortium (☐ Yes ☐ No)?

Indicate days and times available for interpretation: _____

Signature of Applicant

Date

Please forward to:

Superior Court
Ella Wrenn
Trial Court Coordinator
Franklin County Courthouse
Louisburg, N. C. 27549
919/947-4300

District Court
Mary Ann Parrott
Trial Court Coordinator
145 Williamsboro Street, Room 129
Oxford, N. C. 27565
919/693-5193

CERTIFICATION BY APPLICANT

I hereby certify that I have read the above entitled PROCEDURES FOR PROVIDING COURT-APPOINTED INTERPRETERS IN THE 9TH JUDICIAL DISTRICT and that I understand the same. I further agree to abide by these Local Rules and understand the responsibilities contained therein and the consequences for failure to abide by the same.

Signature of Applicant