



# Language Access Services

## *Frequently Asked Questions for Judicial Officials*

### **Who is entitled to a court interpreter?**

The Judicial Branch is committed to removing barriers that hinder equal access to justice by individuals with limited English proficiency (LEP). The court should require an interpreter for any court proceeding involving a party in interest who speaks a language other than English as the primary language and has a limited ability to read, speak, or understand English.

### **Who pays for the court interpreter?**

The Judicial Branch will provide a court interpreter at state expense and at no cost to the party in the following types of court proceedings:

- All court proceedings heard before the magistrate
- All court proceedings heard before the clerk of superior court
- All court proceedings heard before the district court judge
- All court proceedings heard before the superior court judge

### **Who is considered a party in interest?**

Parties in interest in a court proceeding can be any of the following: a party; a victim; a witness; the parent, legal guardian or custodian of a minor party; the legal guardian or custodian of an adult party.

### **How do I determine whether a person has limited English proficiency and needs a court interpreter?**

To help determine whether to require a court interpreter, the court should conduct a voir dire that asks open-ended questions that cannot be answered with a simple yes or no. Sample questions include, "What kind of work do you do?" or "Why are you here in court today?"

### **What types of interpreting services are available?**

The Judicial Branch offers a number of language access services to meet the needs of LEP individuals, including staff court interpreters, contract court interpreters, telephone interpreting, remote interpreting, translation, and transcription-translation services. Certified staff court interpreters provide Spanish interpreting services in 9 counties: Alamance, Buncombe, Chatham, Durham, Forsyth, Guilford, Mecklenburg, Orange and Wake.

### **The court proceeding is scheduled for today, but no court interpreter has been scheduled. Is it possible to find an interpreter on such short notice?**

The request process set forth in the Standards requires a completed *Request for Spoken Foreign Language Court Interpreter* be submitted by counsel, if applicable, or court personnel to the local Language Access Coordinator at least 10 days in advance of the court date or as soon as the matter is placed on the calendar, whichever occurs first. Court

interpreters are often scheduled well in advance of the court date, so last-minute coverage is unlikely outside of staff court interpreter districts. Attorneys should be instructed to submit a request for a future court date. Court personnel should assist with submitting the request on behalf of self-represented litigants.

**If parties bring friends or family with them to interpret, may we use those friends or family as court interpreters?**

No. Only court interpreters approved by OLAS may provide interpreting services during a court proceeding. Friends and family may help parties communicate with court staff outside the courtroom, but they *may not serve as court interpreters*.

**May court personnel who speak other languages serve as court interpreters in court proceedings?**

No. Court personnel who speak other languages may help parties communicate with court staff *outside* the courtroom, but they *may not serve as court interpreters* in court proceedings. Additionally, law enforcement officers, corrections officers, and attorneys may *not serve as court interpreters* in court proceedings.

**May I use telephone interpreting to conduct a trial?**

The telephone interpreting services may be used for brief matters before the judicial official, such as continuances or first appearances. However, a telephone interpreter should not be used for trials or any other types of evidentiary hearings in district court. Telephone interpreting services are not available in superior court.

**What if one of the parties needs an interpreter outside of the court proceeding?**

The Judicial Branch will provide an interpreter for out-of-court communications on behalf of the district attorney, Guardian ad Litem Program, and, pursuant to a memorandum of understanding between NCAOC and the Office of Indigent Defense Services (IDS), on behalf of public defenders, assigned counsel, and guardians ad litem representing indigent parties for IDS.

The Judicial Branch does not provide interpreting services to facilitate communications between private counsel and clients, witnesses or other parties *outside of the court proceeding*. Language access services required for all out-of-court communications involving private counsel, including all interviews, investigations, and other aspects of general case preparation, are outside the scope of services provided or funded by the Judicial Branch.

**Will the court interpreter maintain the confidentiality of what is said between attorney and client?**

Yes. The court interpreter is ethically bound to maintain the confidentiality of any information disclosed between attorney and client.

**Where should I direct questions about language access services?**

If you have questions about language access services, contact OLAS at 919-890-1407 or [OLAS@nccourts.org](mailto:OLAS@nccourts.org).