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Court Interpreters in District Court

Expansion of language access services and
improvement in quality

Presented to the District Court Judges Fall Conference
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Goals of the Session

- NCAOC Director's Notice of Expansion and Enhancement of Foreign Language Interpreting Services
- Identifying the need for a court interpreter
- Identify for what cases a spoken foreign language interpreter can currently be appointed at state expense and at no cost to the party
- Understanding the proper role of the court interpreter
- Qualifications and testing of court interpreters
- The importance of requiring a trained court interpreter for all LEP parties who come before the court, including matters for which the interpreter must be hired privately
- How to choose a court interpreter for authorized matters – Spanish and non-Spanish
- Scheduling - Encourage the efficient and effective use of court interpreters



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Expansion of Language Access Services

Judge Smith issued his policy memo dated August 8, 2012, which set forth NCAOC's commitment to the continued provision and expansion of language access services to limited English proficient (LEP) persons whom the courts serve.

Section I addresses the immediate expansion of language access services to additional case types at no cost to any party, expanded resources, new procedures for identifying when an interpreter is needed, and the establishment of the LAO and a formal complaint process.

Section II addresses future plans for expanding foreign language access services, including implementation measures.



Limited English Proficient (LEP) Individuals

Definition: one who speaks a language other than English as his or her primary language and has a limited ability to read, write, speak, or understand English.

Equal access to justice for LEP individuals requires *meaningful* language access to our court system.

The services provided should place the LEP individual on equal footing with an English-speaking individual – no more and no less.



Who needs a court interpreter?

In determining whether or not an individual is LEP, the need for a court interpreter should not be based upon the individual's ability to converse in basic English. The courtroom is an entirely different and complex environment that requires adequate language skills. To determine this, the court should ask open-ended questions in English regarding such things as the person's native country, education, occupation, etc.

RECOMMENDATION: Err on the side of caution when determining whether or not the person should be provided an interpreter.



Who is Eligible for a Court Interpreter at State Expense?

- All criminal court **proceedings** where either the defendant, victim, or witnesses for either the defendant or the State are LEP
- Parties to juvenile delinquency **proceedings**
- Parties to A/N/D (abuse, neglect and dependency) **proceedings**
- Parents ordered to court-ordered child custody mediation
- Chapter 50B Domestic Violence **proceedings** *
- Chapter 50C **proceedings** *
- Respondents in involuntary commitment **proceedings**

*NOTE: NCAOC does not pay for interpreting services needed to facilitate counsel/client, or Legal Aid/petitioner meetings or conferences.



Working with Court Interpreters

Requiring the use of a properly trained court interpreter ensures full and fair participation and improves access to justice for linguistic minorities in our courts.



Role of the Court Interpreter

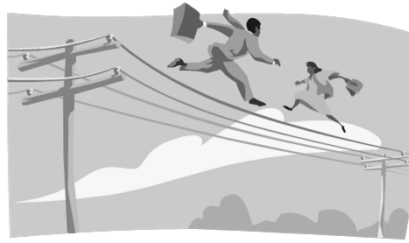
Bilingual Speakers vs. Certified Court Interpreters

- *Bilingual speakers know or use two languages proficiently.*

- *Certified court interpreters are bilingual speakers who have demonstrated proficiency through objective testing measures that they possess the language skills AND, equally important, the interpreting skills required to perform the tasks of the court interpreter: sight translation, consecutive interpreting and simultaneous interpreting.*

The Court Interpreter's Role is . . .

LANGUAGE CONDUIT



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What must they be able to do?

To render everything said in court from the source language into the target language.

Accurately without any distortion of meaning

Without omissions

Without additions

Without changes to style or register

With as little delay or interference as possible

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While . . .

Speaking and listening for the next chunk of language

Monitoring their own output



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Cognitive Motor Skills

What a court interpreter does

Listen

Comprehend

Abstract message from words and word order

Store ideas

Search for conceptual/semantic matches

Reconstruct message in new language



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NC Court Interpreter Certification

The NCCICE focuses on the three modes of court interpreting:

Sight Translation of documents – translation-interpreting hybrid where a written document in the source language is rendered orally into the target language

Consecutive Interpreting of testimony or witness examination

Simultaneous Interpreting of an opening statement or closing argument



NC Interpreter Certification

Candidates **MUST** pass all three parts of the NCCICE with at least a 70% score on **each** part to become a certified court interpreter in NC (LEVEL A - CERTIFIED)

*Candidates must also pass a background check, demonstrate legal authorization to work in the United States, and provide 4 letters of recommendation in order to contract with NCAOC to provide interpreting services to the North Carolina Court System.

* NOTE: A passing score of 70% indicates the individual is minimally competent to perform the tasks required of a court interpreter.



AOC Spanish Foreign Language Registry

<http://www.nccourts.org/Citizens/CPrograms/Foreign/Documents/spanishforeignlanguage registry.pdf>

The Spanish Foreign Language Registry is updated each month

HOW TO USE:

Scroll down to your district to identify Spanish interpreters available to provide service in your district, keeping in mind the interpreter's county of residence and choosing an interpreter within closest proximity and at the highest proficiency level available.



AOC Spanish Foreign Language Registry

Interpreters should be chosen at the highest level of proficiency, starting with the certified interpreters (Level A), available in the district. **LEVEL A INTERPRETERS SHOULD BE USED FOR ALL TRIALS.**

Spanish Interpreters **MUST** be chosen from the Spanish Foreign Language Registry in order to be compensated by NCAOC for authorized matters.



AOC Classification Levels for Court Interpreters for the Spanish Language

Level A: State or Federally Certified - Achieved passing or higher scores on all sections of the NC Court Interpreter Certification Examination (NCCICE) or Federal (FCICE) oral exam. The certified court interpreter has proven both language and interpreting skills proficiency at a level required of a court interpreter.

Level B: Qualified - Achieved passing scores on two of three sections of the NCCICE or scored within 10 points of passing on all three sections of the NCCICE. The qualified court interpreter has demonstrated language skills and *some* interpreting skills proficiency.

Level C: Minimally Qualified - Attended two-day NCAOC orientation training and passed both written screening tests, demonstrating language skills **ONLY**. **This level will be eliminated 12/31/12.**



Other Spoken Foreign Languages

If a spoken foreign language interpreter is needed for a language OTHER than Spanish (LOTS), a Request for Non-Spanish Interpreter must be submitted to NCAOC Interpreting Services staff. An interpreter will be found and assigned on a case by case basis.



Non-Spanish Court Interpreter Request Forms

For use by most of the state:

<http://www.nccourts.org/Citizens/CPrograms/Foreign/Documents/LOTSRequestForm.pdf>

Staff Court Interpreter Districts (10, 11, 14, 15B, 18, 21, 26, 28):

<http://www.nccourts.org/Citizens/CPrograms/Foreign/Documents/LOTStaffRequestForm.pdf>



Non-Spanish Court Interpreter Request Forms

Should be submitted as soon as possible so the most qualified court interpreter can be located and assigned.

We have access to certified court interpreters for LOTS who reside out of state. We can access them remotely through our distance court interpretation equipment (Biamp).

Advance notice is required to reserve the interpreter's time and to arrange for the delivery of the equipment.



State Certification for LOTS Interpreters

LOTS Certification (NCCICE) is available for these languages:

Arabic	Eastern Armenian	French
Cantonese	Farsi (in 2012)	Haitian-Creole
Korean	Khmer	Hmong
Mandarin	Punjabi	Ilocano
Portuguese	Tagalog	Laotian
Russian	Polish	Somali
Vietnamese		

Abbreviated tests: Bosnian Chuukese Marshallese Turkish



Telephone Interpreting for First Appearances

District Courts have access to a telephone interpreting service made available through a contract between NCAOC and Universe Technical Translation, Inc. This service has proven to be very effective for first appearances and for when a live interpreter is not available. An interpreter is obtained over the telephone with the assistance of a speakerphone. This avoids any delay of the defendant's first appearance.

Service is available 24 hours per day, 365 days per year.

Over 150 languages are available.

Access Codes are assigned per county.



Interpreters for Civil and Domestic Proceedings

Foreign language interpreting services for civil and domestic matters are not currently authorized to be provided at state expense. Pursuant to the policy memo, the NCAOC will expand language access services over the next two years in the following priority order: cases involving the welfare of children and families, loss of residency, and money and property disputes.

IN THE MEANTIME, even if courts are not currently authorized to appoint an interpreter at state expense in these case types. . .



In Civil and Domestic Cases. . . What can judges do to assure language access?

Be cognizant of language issues and be proactive in addressing them.

The court may appoint an interpreter on its own motion and require the parties to bear the cost of that interpreter in whatever proportion the court deems appropriate. The costs would be charged the same as an expert witness' fees.

Rules of Evidence 604 and 706 provide the court with this authority.

The court must order parties to pay for interpreting services or allow them to take a moment to hire privately, if an NCAOC interpreter is already present. NCAOC Interpreters are prohibited from charging their time in these matters to NCAOC.



Interpreters for Civil and Domestic Proceedings Until Expansion is Authorized. . .

To ensure the professional ethics of the court interpreter and the proficiency of the interpreting services provided to LEP parties, it is strongly recommended that courts require all Spanish court interpreters who appear before them to be on the NCAOC Spanish Foreign Language Registry, even if the interpreter must be hired privately.

Requiring a certified court interpreter for all court proceedings ensures equal access to justice for LEP individuals.



Use of Interpreters in Court

Scheduling of court interpreters for the Spanish language should be done mindfully to ensure adequate coverage but avoid inefficiency.

It is recommended that a single point person be designated to schedule all court interpreting needs in the courthouse to assist with efficiency.

Communication and cooperation with the DA's office, PD's office, clerk's office and private counsel will be necessary to determine the best approach for your district.



Use of Interpreters in Court

To the extent possible, cases requiring an interpreter for the Spanish language should be heard on the docket close in time, or on the same date, or scheduled for the same time of day.

Please refrain from regularly scheduling Spanish interpreters for sessions of court unless there is a need to do so.

Mindful scheduling is required to use state resources efficiently and effectively. State resources include not only state funds, but the NCAOC court interpreters, as well.



CONTACT

NCAOC's Office of Language Access Services is responsible for providing quality court interpreting services to the North Carolina court system and meaningful access to the LEP persons who must access the courts.

Please do not hesitate to contact me with any questions or issues that arise, or any input you would like to provide regarding the use of language access services.

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http://www.youtube.com/watch?v=Xtbbo_lHqAs

