



## Guide to Using the Telephone Interpreting Service

- To reach an interpreter, dial **800-319-1352** from any phone.
- When prompted, enter the four-digit Master Account number for the NC Administrative Office of the Courts.
- You will then be prompted to enter the language code.
- At the last prompt, **Press 1** for a Legal Environment Trained Spanish interpreter, or **Press 2** for any other language, or for a certified Spanish interpreter.
- Give the interpreter your name and the non-English speaker's name. The interpreter is only allowed to give you their first name and ID number.
- Speak clearly in short phrases, pausing to allow for the interpretation.
- Ask one question at a time.
- Use simple language to express your meaning. Remember that slang does not translate.
- Explain any terms you believe may be unclear.
- Allow the interpreter to stop you and seek an explanation when necessary and to repeat back to you any critical information that requires clarification.
- Don't say anything that you do not want interpreted.
- If for any reason you get disconnected during a call, please hang up and call again. You may or may not get connected to the same interpreter.
- All language interpretation sessions are strictly confidential.

**If there are any connection issues with the primary phone number,  
dial our back-up line, 855-258-5696, to reach an interpreter.**

**To reach a supervisor for technical support dial 800-428-6149.**



## **Guide to Interpreter Language Needed and Interpreter Used Indicators Office of Language Access Services (OLAS)**

This document is designed to assist with the use of the interpreter language needed and interpreter used indicators in the following systems: eCITATION, NCAWARE, ACIS, CourtFlow, CCIS-CC, CCIS-DA, VCAP, and JWisE. These indicators should be used to indicate spoken foreign language interpreting services and sign language interpreting services for the deaf and hard of hearing. The interpreter language needed and interpreter used indicators should be used for managing cases that need or use an interpreter, and should not be used solely for scheduling interpreters.

### **Use of Interpreter Indicators**

If a case is coded as interpreter language needed, an interpreter should not automatically be scheduled for every setting of that case. Judicial officials, attorneys, and court personnel always should check the case file to determine who needs the interpreter and if an interpreter actually will be needed for the proceeding. For example, the victim in a criminal case who needed an interpreter during a trial may not be present during the defendant's subsequent probation violation hearing, so the court would not schedule an interpreter for the subsequent proceeding. Courts should use interpreter resources efficiently by sharing interpreters between criminal and civil courtroom calendars, scheduling an interpreter only for the time the interpreter is needed and not requesting interpreters "just in case," as their services are often needed in another courtroom or county.

### **What is a court proceeding?**

A court proceeding is any hearing, trial, or other appearance before any North Carolina state court in an action, appeal, or other proceeding, including any matter conducted by a judicial official.

### **Who is a judicial official?**

A judicial official is a clerk, judge, magistrate, or justice of the General Court of Justice.

### **Interpreter Language Needed Data**

- Interpreter language needed indicates that an interpreter is needed for a limited English proficient (LEP) individual in a case. Once it is turned on, it should never be turned off unless it was entered in the system incorrectly.
- Once the language is selected for the case, it should never be changed unless it was set incorrectly
- Use the [I Speak](#) cards to assist you in identifying the language needed
- Indicate the language needed and corresponding 3-digit code (see pg. 2) in the system
- The language information will appear on calendars generated from the automated systems
- If you are not able to update the interpreter language needed indicator, or if the system is down, please use the [Interpreter Indicator Request Form](#) to request that the clerk update the interpreter information in the appropriate system
  - Note to DA: please use the [Interpreter Indicator Request Form](#) to request that the clerk update the interpreter information in ACIS / CCIS-CC or JWisE
  - Note to CaseWise users: please use the [Interpreter Indicator Request Form](#) to request that the clerk update the interpreter information in VCAP

- This information may be used to identify the need for an interpreter at any point during the life of the case

### Interpreter Used Data

- Interpreter used indicates that an interpreter was used in any court proceeding for an LEP individual in a case at some time. Once it is turned on, it should never be turned off unless it was entered in the system incorrectly.
- Indicate that an interpreter was used in the case by selecting Yes / Y
- A blank field or No / N indicates that an interpreter was never used in the case
- This applies to live, distance and telephone interpreting
- If you are not able to update the interpreter used indicator, or if the system is down, please use the [Interpreter Indicator Request Form](#) to request that the clerk update the interpreter information in the appropriate system
  - **Note to DA:** please use the [Interpreter Indicator Request Form](#) to request that the clerk update the interpreter information in ACIS / CCIS-CC or JWisE
  - **Note to CaseWise users:** please use the [Interpreter Indicator Request Form](#) to request that the clerk update the interpreter information in VCAP

### Language Access Codes

Spanish	spa	Farsi (Persian)	pes	Mnong (Montagnard)	mng
Vietnamese	vie	Gujarati	guj	Nepali	nep
Russian	rus	Haitian Creole	hat	Pashto (Pushto)	pbt
French	fra	Hakka (Chinese)	hak	Polish	pol
Mandarin (Chinese)	cmn	Hausa	hau	Punjabi (Panjabi, Punjabi)	pan
Arabic	arb	Hindi	hin	Rhade (Montagnard)	rad
Portuguese	por	Hindko	hnd	Serbian	srp
Korean	kor	Igbo (Ibo)	ibo	Swahili	swh
Hmong	hnj	Indonesian	ind	Tagalog	tgl
Burmese	mya	Japanese	jpn	Thai	tha
Amharic	amh	Jarai (Montagnard)	jra	Tigrinya	tir
Bosnian	bos	Karen (Karen Languages)	kar	Urdu	urd
Bu Nong (Montagnard)	cmo	Khmer (Cambodian)	khm	American Sign Language	ase
Cantonese (Chinese)	yue	Krahn	kqo	Undetermined	und
Chatino	cly	Kru (Kru Languages)	klu	Other	999
Chuukese	chk	Lao	lao		
Czech	ces	Marshallese	mah		

## Reference Charts

The following charts are intended to assist with determining when use the indicators.

Event	Indicator	May I change the indicator after the initial entry?
An interpreter will be needed for a limited English proficient (LEP) individual in a case	YES – Indicate the language needed	NO – unless it was entered in the system incorrectly
An interpreter was used in any court proceeding for an LEP individual in a case at some time	YES – Interpreter used	NO – unless it was entered in the system incorrectly

If an interpreter is needed / was used:	Do I set the indicator?	Is the cost of the interpreter currently covered at state expense?*
First appearances	Yes	Yes
All criminal / traffic proceedings	Yes	Yes
Criminal non-Support / show cause proceedings	Yes	Yes
Juvenile delinquency proceedings	Yes	Yes
Abuse / neglect / dependency proceedings (includes child planning conferences)	Yes	Yes
Chapter 50B proceedings	Yes	Yes
Chapter 50C proceedings	Yes	Yes
Child Custody proceedings	Yes	Yes
Civil commitment proceedings before a judicial official	Yes	Yes
Incompetency proceedings	Yes	Yes
Estate / adoption hearing before the clerk	Yes	No
Initial appearance before a magistrate	Yes	Yes
Any district or superior court pretrial hearing / conference presided over by a judicial official	Yes	No
VWLA conversation with victim outside of court proceeding	No	Yes
GAL home visit	No	No
Clerk answers a question about a court date outside of court proceeding	No	Yes
Probation home / office visit	No	No

*\*This column applies only to spoken foreign language court interpreters and not to services for the deaf and hard of hearing.*

## FAQ

For additional information, please see [Frequently Asked Questions: Interpreter Needed and Interpreter Used Indicators](#).

## Contact

For procedural questions on the use of the interpreter indicators, please contact the Office of Language Access Services at 919 890-1407 or [OLAS@nccourts.org](mailto:OLAS@nccourts.org).



# LANGUAGE AND LITIGATION

*What judges and attorneys need to know about interpreters in the legal process*

Judith Kenigson Kristy

1. **Use credentialed, preferably certified, court interpreters for in-court and out-of-court events. Verify the interpreter’s credentials. If it is an in-court proceeding, make sure the interpreter is sworn in before the proceeding begins.**
  - Verify credentials by consulting your state or federal court roster, or by calling your local court (clerk’s office or interpreter’s office). Judges should conduct a *voir dire* of the interpreter and ask for credentials to be stated on the record.
  - Do not use untrained bilinguals. It is inappropriate to use family members, children, foreign language students or teachers, court staff, or law enforcement officers as interpreters.
  - Don’t allow defendants to bring their own interpreters — not only does this practice create potential conflicts of interest, but the ad hoc person acting as “interpreter” may not be trained or competent.
  - Don’t ask for a translator when you need an interpreter — they are not interchangeable. Translators work with written communication. Interpreters work with oral communication.
  
2. **Be aware that an interpreter creates an even playing field for limited-English speakers; an interpreter provides no advantage or disadvantage.**
  - Interpreters should never interject their own knowledge, comments, or opinions into the interpretation. Interpreters are prohibited from advocating for any party.
  - Don’t ask interpreters what they think a defendant or witness might or might not have understood; it is not their area of expertise.
  
3. **Use the interpreter to facilitate direct communication with limited-English proficient parties, not as a “go-between.”**
  - Address the client directly in English, as if he understood everything you are saying. The interpreter will then repeat what you have said in the required language. This avoids the use of indirect speech (e.g., “Ask him if...” or “He says that...”), which can create confusion and a flawed record.
  
4. **Check to make sure that all speech, by all parties, is being interpreted.**
  - If someone is speaking and the interpreter’s mouth is not moving, there is a problem. If someone makes a lengthy statement and the interpretation is a few words, or vice versa, there is a problem. The interpreter’s job is to interpret *everything* that is



- being said— no omissions, modifications, or additions.
  - In court, an interpreter should be interpreting simultaneously for a defendant. If a non-English speaking witness testifies, an interpreter should interpret the questions and answers consecutively so that a clear record may be made.
5. **To be understood, speak clearly at a moderate speed and an audible volume.**
    - Unclear speech cannot be accurately interpreted. Avoid interruptions and overlapping voices. Avoid long, convoluted questions. Unfamiliar jargon or acronyms may cause a problem for the interpreter.
    - Although reluctant to interrupt the give-and-take of courtroom exchanges, interpreters have an ethical obligation to ask for a repetition if speech is too low, too fast, too lengthy or incomprehensible ( due to the use of unknown references, heavy accent, jargon, abbreviations, or acronyms).  
Very long or complex questions and answers can result in interruptions or incomplete rendering by the interpreter, causing confusion.
  
  6. **The interpreter’s only task is to interpret. In order to conserve impartiality and confidentiality, the interpreter should not be asked to be alone with a defendant. Whenever possible, the interpreter will exit the room when the attorney exits the room.**
    - Interpreters may not reveal information they have interpreted, but no privilege protects them if communication occurs when the attorney is not present. Any explanations that need to be made should be made by the attorney and then interpreted. The interpreter may, however, note and report to the attorney any confusion due to culture or vocabulary, and make an appropriate request for clarification.
  
  7. **Provide interpreters with the information and support needed to get the job done.**
    - The more information an interpreter has about a case, the better he or she can interpret. Arrange for interpreters to receive or have access to documents related to the assignment: complaints and indictments with supporting documents, investigative reports, motions and responses, witness and exhibit lists, bank and telephone records, PSRs, etc. Whenever possible, try to use the same interpreter for both in-court and out-of-court events in a given case.

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- Whenever possible, inform defendants, court participants, and jurors about the interpreter's role.
8. **In order to ensure an accurate record, provide a team of two interpreters for any lengthy or complex proceeding.**
- Studies have shown that interpreters, no matter how experienced or competent, suffer mental fatigue after about 30 minutes of continuous interpreting. The use of a team prevents interpreter fatigue and ensures accuracy. Teams act as a safety net, so that any errors may be corrected and terminology queries answered. When a large number of defendants will be present at a proceeding, it may be necessary to hire more interpreters to facilitate attorney-client consultations.
9. **A conflict of interest is not the same for an interpreter as for an attorney. An interpreter can work for either side or both sides of a case. The only prohibition is that an interpreter cannot be a witness in the same case in which he is acting as a proceedings interpreter.**
- Interpreters cannot be advocates or take sides. They are neutral officers of the court and thus may work for either side, or both sides, of a dispute. A proceedings interpreter should reveal to the judge and parties any prior contacts with the case. However, a conflict does arise if an interpreter may be called by one of the parties as a witness. An interpreter cannot testify as an expert witness and also work as a proceedings interpreter in the same case.
10. **Foreign-language evidence should be handled appropriately. The party offering the evidence should obtain prior transcription and translation of any tape recordings. Foreign-language documents introduced into evidence should be accompanied by a translation. (The translation may be stipulated, or authenticated through testimony.) A sound file or tape recording should never be translated "on the spot" in court.**
- Just as there are experts in fingerprint identification, there are experts in transcribing and translating recorded material for evidentiary purposes. Find and use an expert for this kind of work. Never ask an interpreter to render a simultaneous interpretation of recorded material in court — at best, the results will be approximate and guesswork, not evidence.

**Interpreters are support staff for your court: please help promote an atmosphere of consideration, respect, and cooperation among those who work with them.** When interpreters work in the judicial system, they need a table in the courtroom for notebooks or laptops, a cup of water, a place to store their belongings, and a place to rest when off duty. Your kindness is much appreciated.

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## Office of Language Access Services (OLAS)

Quick Reference for North Carolina Magistrates (Version 2014)

OLAS@nccourts.org | 919 890-1407

### Telephone Interpreting Service – Spoken Foreign Language

1. The telephone interpreting service (UTT, Inc.) may be used by magistrates for
  - **All criminal court proceedings** where the defendant, victim, or witnesses for either the defendant or the State are limited English proficient (LEP) – this includes first appearances before the magistrate; the magistrate should *not* use law enforcement officers, or friends or family of the LEP individual to interpret during court proceedings
  - **Responding to public inquiries** and assisting the public with general questions of a short duration
  - **Brief matters in Small Claims Court**, such as notifying parties that a case is continued or that they should hire an OLAS qualified court interpreter; a telephone interpreter should not be used for trials or any hearing in small claims court
2. To access the service, the following items should be available:
  - **Guide to Using the Telephone Interpreting Service**
  - Confidential access code specific to your county’s office
  - **I Speak** card (<http://www.lep.gov/ISpeakCards2004.pdf>)
    - Language List
3. Problems with the service
  - To reach a supervisor for technical support, dial 800 428-6149
  - For connections issues with the primary phone number, dial 855 258-5696
  - For equipment (telephone) difficulties – call the NCAOC Help Desk at 919 890-2407
4. If you use any interpreting service and issue a process (criminal summons, warrant for arrest, release order, appearance bond), indicate in NCAWARE that an interpreter was **used** and the language **needed** on the court information screen – refer to the **Guide to Interpreter Language Needed and Interpreter Used Indicators** (distributed to all Judicial Branch staff in May 2013) for more information

### Small Claims Court and Wedding Ceremonies – Spoken Foreign Language

#### 1. Evaluate the need for a court interpreter

To help determine whether to require a court interpreter, the judicial official should ask open-ended questions that cannot be answered with a simple yes or no. For example:

“Please tell us your birthday, how old you are, and where you were born.”

“What kind of work do you do?”

“Tell us about your family.”

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## 2. Require a court interpreter

Until NCAOC's expansion plan is extended by the Director to small claims matters and wedding ceremonies, parties in these proceedings must bear the cost of spoken foreign language court interpreters for court proceedings. If the judicial official determines that the party has limited English proficiency (LEP), the judicial official should:

- Appoint a court interpreter and require the parties to bear the cost of the interpreter in whatever proportion the court deems appropriate, OR
- Require that the LEP party hire a qualified court interpreter
  - Refer parties to *NCAOC's Registry of Spoken Foreign Language Court Interpreters* ([www.nccourts.org/LanguageAccess](http://www.nccourts.org/LanguageAccess)) as a source of available Spanish court interpreters, and to OLAS for languages other than Spanish (LOTS)
  - Parties must make private arrangements with the interpreter for payment of services

The court should only allow an interpreter to provide services in North Carolina courts if OLAS has evaluated and confirmed the interpreter's qualifications. The court should not allow family or friends to interpret in court.

## 3. Administer interpreter oath from the bench

*Sample Oath:* "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 the Code of Professional Responsibility for Court Interpreters, follow all official guidelines established by the North Carolina Administrative Office of the Courts for legal interpreting and translating, and discharge all of the solemn duties and obligations of legal interpretation and translation?"

## 4. Clarify interpreter's role to the witness

The judicial official should explain the role of the interpreter to the witness, including the following points: the interpreter is present to interpret *everything* that is said and he will not add, omit, or summarize anything that is said; the witness should speak directly to the attorney or to the court, not to the interpreter; the interpreter is not permitted to answer questions, give advice, or explain anything; the witness should wait until the entire statement has been interpreted before answering.

### **Accommodating Persons who are Deaf or Hard of Hearing**

1. Guidelines: <http://www.nccourts.org/LanguageAccess/Documents/GuidelinesdeafandHH.pdf>
2. The legal requirements governing accommodations for persons who are deaf or hard of hearing arise from:
  - Chapter 8B of the North Carolina General Statutes – the Judicial Branch must provide interpreters for *parties and witnesses*, in all court proceedings
  - Title II of the federal Americans with Disabilities Act (ADA) – the Judicial Branch must provide accommodations for *all court services, programs and activities* and extends to persons in addition to just parties and witnesses (for example, jurors)
3. **Determine the appropriate accommodation:** sign language interpreter; real-time court reporter (CART or CAN); sound system; oral interpreter; cued speech transliterator; signed English interpreter / transliterator
4. Local court officials **complete form AOC-G-116** ("*Motion, Appointment and Order Authorizing Payment of Deaf Interpreter or Other Accommodation*") to appoint and compensate the interpreter and **contact the interpreter directly** to arrange for services (<http://ncdhhs.gov/dsdhh/directories.htm>)

## Universe Technical Translation, Inc., Language List:

Acholi	French	Krahn	Portuguese Creole
Akan	French Cajun	Krio	Punjabi
Albanian	French Canadian	Kunama	Quiche
Amharic	French Creole	Kurdish	Romanian
Arabic	Fulah	Lanvhou	Russian
Armenian	Ga	Laotian	Samoan
Ashanti	Gaelic	Latvian	Sarahuleh
Assyrian	Georgian	Lingala	Serbian
Azerbaijani	German	Lithuanian	Serbo-Croatian
Balinese	Grebo	Luganda	Shanghainese
Belgian	Greek	Luo	Sichuan
Belorussian	Gujarati	Maay Somali	Sicilian
Bengali	Haitian Creole	Macedonian	Sindhi
Bosnian	Hakka	Malay	Sinhalese
Brazilian Portuguese	Hausa	Malayalam	Slovakian
Bulgarian	Hawaiian	Malinke	Slovenian
Burmese	Hawaii Creole	Mam	Somalian
Cakchiquel	Hebrew	Mandarin	Soninke
Cambodian	Hindi	Mandingo	Sorani
Cantonese	Hmong	Mandinka	Spanish
Cape Verdean	Hokkien	Marathi	Sundanese Arabic
Catalan	Hunanese	Marshallese	Susu/Soso
Cebuano	Hungarian	Mien	Swahili
Chaldean	Ibo	Minh	Swedish
Chin	Icelandic	Mirpuri	Sylheti
Chinese	Ilocano	Mixteco	Syrian
Chuukese	Ilonggo	Moldavan	Taechew
Creole	Indonesian	Mongolian	Tagalog
Crioulo	Italian	Montenegrin	Taiwanese
Croatian	Jamaican Creole	Moroccan Arabic	Tamil
Czech	Japanese	Navajo	Tigrigna (Eritrea)
Danish	Javanese	Ndebele	Telugu
Dari	Jula	Neopolitan	Thai
Dinka	Kachchi	Nepali	Thonga
Dutch	Kanjobal	Nigerian	Tibetan
Ebon	Kannada	Nigerian English Pidgin	Tigre
Edo	Karen	Norwegian	Tigrinya
Estonian	Karenni/Kayah	Nuer	Toisan
Ethiopian	Kazakh	Oromo	Toishanese
Ewe	Khmer	Pakastani	Tongan
Farsi	Kikuyu	Pangasinan	Trukese
Fijian	Kinya/Rwanda	Pashto	Turkish
Finnish	Kirundi	Persian	Twi
Flemish	Korean	Polish	Ukrainian
Foochow	Kosovan	Portuguese	Urdu

