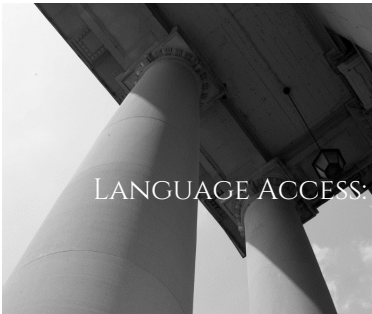





LANGUAGE ACCESS SERVICES IN
NC SUPERIOR COURTS

JANUARY 28, 2025

1




LANGUAGE ACCESS: THE BASICS




2

LIMITED ENGLISH PROFICIENCY (LEP) INDIVIDUAL

- **Limited English Proficiency (LEP) Individual:** 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.
 - The need for a court interpreter should not be based upon the individual's ability to converse in basic English.
- **LOTS:** Languages Other Than Spanish
- **Interpretation:** Rendering statements spoken in one language into statements spoken in another language.
- **Translation:** Converting a written text from one language into the written text of another language.
- **Language Access Coordinator (LAC):** Court employee who assigns Spanish interpreters for the county/district.




3



LANGUAGE ACCESS


The North Carolina Judicial Branch must provide meaningful language access for limited English proficiency individuals under Title VI of the Civil Rights Act of 1964 and its implementing regulations.

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency", strengthened Title VI responsibilities for federal and state agencies.



4


WHO HAS THE RIGHT TO AN INTERPRETER?



All Limited English Proficiency individuals who are a:

- Party;
- Victim; or
- Testifying witness

in a case has the right to a court interpreter at no cost.




5

PROVIDING LANGUAGE ACCESS FOR FAMILY MEMBERS

Language access is provided for:

- The parents, legal guardians or custodians of a juvenile who is a party, victim, or testifying witness.
- The legal guardians of an adult who is a party, victim, or testifying witness.



6

Language access must also be provided for limited English proficiency individuals who call or walk into a courthouse with (non-legal) questions or seeking information.

MEMBERS OF THE PUBLIC



7

7

COVERED COURT PROCEEDINGS

- **Magistrates:** All civil and criminal proceedings before the magistrate, including marriages.
- **Clerks:** All proceedings before the clerk of superior court, including estates, foreclosures, name changes, and other proceedings.
- **District Court:** All criminal and civil court proceedings.
- **Superior Court:** All criminal and civil court proceedings.



8

8

The NCAOC will, “provide a free, timely, and authorized court interpreter for all LEP parties in interest in **all** court proceedings and appropriate language assistance to persons who are LEP in all court operations.”

- October 25, 2022, [Memorandum of Agreement](#) with U.S. Department of Justice



9

9

ASSESSING THE NEED FOR A COURT INTERPRETER

- The language of the courtroom proceeding is far more complex than the linguistic interactions of everyday conversation.
- The level of English proficiency required to **meaningfully** participate in a legal setting requires Cognitive Academic Language Proficiency (CALP) developed through formal education and years of exposure to the language.



10

10

HOW TO EVALUATE THE NEED FOR AN INTERPRETER

If you doubt an individual's English proficiency, determine their fluency through questions.

- When is your birthday?
 - How old are you?
 - When were you born?
 - What kind of work do you do?
 - Please describe items you see here in the courtroom.
- Be aware that the heightened anxiety of being in a court room diminishes a speaker's ability to comprehend and communicate in a second language.
 - **Always err on the side of caution** and ensure a qualified court interpreter is used for all court proceedings for LEP individuals.



11

11

OLAS

The [Office of Language Access Services](#) in the NCAOC helps facilitate equal access to justice for LEP individuals by:

- Developing [Standards for Language Access Services in North Carolina State Courts](#)
- Providing support and guidance for questions or issues involving interpreting and translating services
- Ensuring qualified court interpreters are provided to the courts
- Administering court interpreter training and certification testing provided by the National Center for State Courts
- Arranging court interpreters for proceedings



12

12



LANGUAGE ACCESS SERVICES




13

13

WHAT ARE LANGUAGE ACCESS SERVICES?

In-Person Interpreting for Court Proceedings	Staff Court Interpreters in 9 counties: Alamance, Buncombe, Chatham, Durham, Forsyth, Guilford, Mecklenburg, Orange, and Wake Contract Court Interpreters
Telephone Interpreting	Use by magistrates for initial appearances, public access, and brief, non-evidentiary matters. Use by district court for first appearances and brief routine matters Use for out-of-court communication or court operations
Current Vendor: Proprio	
Video Remote Interpreting	Use for any proceeding conducted via Webex. (Separate audio channels for LEPS is coming)
Translation	Court Forms and vital court documents
Transcription-Translation	Audio/visual evidence for district attorneys, public defenders, or assigned counsel. Court interpreters are prohibited by their ethics from interpreting audio/visual recordings; all audio/visual recordings must be transcribed and translated <i>prior to the court proceeding</i> .




14

14

COURT INTERPRETERS

- The use of court interpreters provides meaningful language access for limited English proficiency (LEP) individuals in the North Carolina justice system.
- Using a properly training court interpreter ensures full and fair participation and facilitates equal access to justice for limited English proficiency (LEP) individuals.
- Depending on the proceeding, the interpreter may be in-person, by telephone, or by video.



15

15

SPOTLIGHT: TEAM INTERPRETING

Longer proceedings, or proceedings that are complex in nature, will require more than one interpreter. A team of two interpreters should be scheduled for such proceedings.

A team of interpreters consists of an active interpreter and a support interpreter. The active interpreter interprets the proceeding for all LEP parties and witnesses, while the support interpreter is available to assist the active interpreter with research, vocabulary, equipment or other issues.

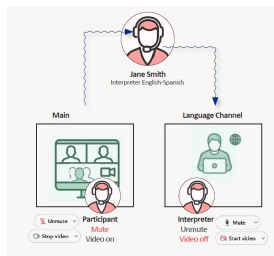
The active interpreter and the support interpreter will alternate roles every 20-30 minutes to minimize interpreter fatigue.



16

16

SPOTLIGHT: VIDEO REMOTE INTERPRETING

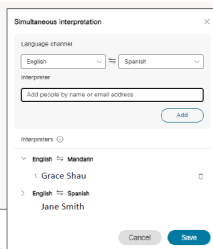
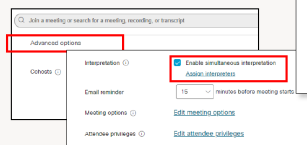


17

17

Scheduling must be done through the Webex website to enact the separate audio channels.

- 1 Type nccourts.webex.com into your browser to schedule your hearing.
- 2 Click Advanced Options.
- 3 Check Enable simultaneous interpretation then click Assign interpreters.



- 4 Add interpreters (or the LAC email address if unknown) then click Save.



18

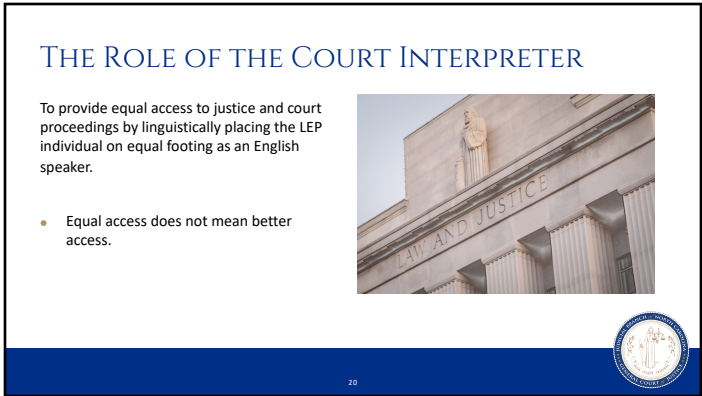
18



LANGUAGE ACCESS: THE ROLE OF THE INTERPRETER

19

19



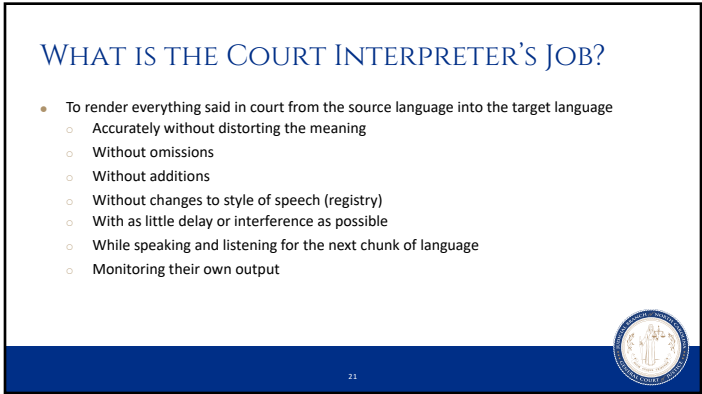
THE ROLE OF THE COURT INTERPRETER

To provide equal access to justice and court proceedings by linguistically placing the LEP individual on equal footing as an English speaker.

- Equal access does not mean better access.

20

20



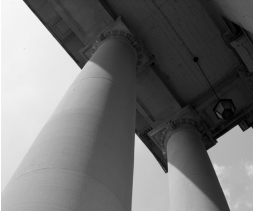
WHAT IS THE COURT INTERPRETER'S JOB?

- To render everything said in court from the source language into the target language
 - Accurately without distorting the meaning
 - Without omissions
 - Without additions
 - Without changes to style of speech (registry)
 - With as little delay or interference as possible
 - While speaking and listening for the next chunk of language
 - Monitoring their own output

21

21

INTERPRETERS IN THE COURTROOM



Three Modes of Court Interpreting

- **Simultaneous**- Appropriate form of interpreting for most court situations. The interpreter listens in the source language while simultaneously interpreting into the target language.
- **Consecutive**- Appropriate form of interpreting for question and answering situations, such as if there is an LEP on the witness stand.
- **Sight Translation**- Appropriate for short documents where the interpreter reads the document in the source language while interpreting out loud in the target language.



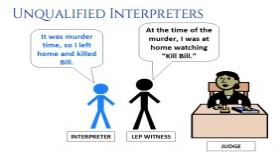
22

22

TRAINED COURT INTERPRETERS

- Attend Orientation
- Pass English Written Exam (an NCSC exam)
- Pass a Translation Test
- Attend a Skill-Building Workshop
- Pass North Carolina Court Interpreter Certification Exam* (an NCSC exam)
- Provide 4 Letters of Recommendation
- Pass a background check

*exam is only available in 16 languages.
Interpreters are encouraged to pass an OPI for languages where the NCCICE is not available.



23

23

USING INDIVIDUALS TO INTERPRET

Magistrates, judges, attorneys, bailiffs, family members, or friends cannot be used to interpret court proceedings in place of a court interpreter.

Only authorized court interpreters can interpret court proceedings. An authorized court interpreter is a certified, conditionally qualified, or minimally qualified court interpreter approved by OLAS to work as a staff court interpreter or an independent contract interpreter and listed on a court interpreter registry maintained by OLAS.



24

24

PROPERLY TRAINED COURT INTERPRETER VS. BILINGUAL PERSON

Do not allow bilingual law enforcement officers or other untrained bilingual individuals (including court personnel) to serve as interpreters for LEPS.

Why?

1. Avoid any appearance of bias or conflict of interest
2. Ensure the use of qualified, skilled interpreters
3. Ensure full and fair participation



25

25

AN INTERPRETER'S TOOLS

- Interpreters might bring with them:
 - A notepad and pen
 - A bilingual dictionary (may be located on their phone)
- Interpreters may ask a speaker (LEP, attorney, or judicial officer) to repeat what they said to ensure an accurate interpretation.



26

26

COURT INTERPRETER ETHICS

Court Interpreters must abide by the Code of Professional Responsibility for Court Interpreter.

- | | |
|---|---|
| • Canon 1: Accuracy and Completeness | • Canon 6: Restriction of Public Comment |
| • Canon 2: Representation of Qualifications | • Canon 7: Scope of Practice |
| • Canon 3: Impartiality and Avoidance of Conflict of Interest or Appearance of Conflict of Interest | • Canon 8: Assessing and Reporting Impediments to Performance |
| • Canon 4: Professional Demeanor | • Canon 9: Duty to Report Ethical Violations |
| • Canon 5: Confidentiality | • Canon 10: Professional Development |



27

27

THE INTERPRETER ETHICALLY CANNOT...

- ❌ Explain anything to anyone
- ❌ Fill out forms
- ❌ Advocate



28

28



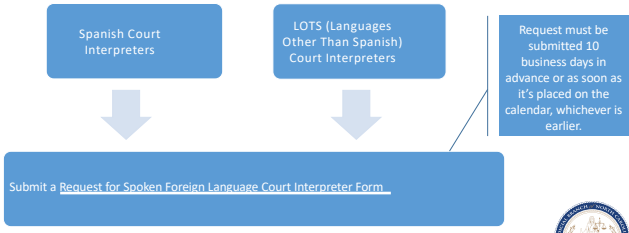
LANGUAGE ACCESS: REQUEST PROCESS




29

29

INTERPRETER REQUEST PROCESS



```
graph TD; A[Spanish Court Interpreters] --> C[Submit a Request for Spoken Foreign Language Court Interpreter Form]; B[LOTS (Languages Other Than Spanish) Court Interpreters] --> C; D[Request must be submitted 10 business days in advance or as soon as it's placed on the calendar, whichever is earlier.] -.-> C;
```



30

30

WHO SCHEDULES WHAT?

- **LACs schedule Spanish court interpreters** upon receipt and evaluation of a completed Request for Spoken Foreign Language Court Interpreter form.
- **OLAS staff schedules language other than Spanish (LOTS) interpreters.** Many LOTS interpreters must be flown in from out of state, so advance notice is necessary, as is certainty of a trial date.

ALL court interpreters MUST be scheduled by the LAC or OLAS in order TO BE PAID for services rendered in AOC covered matters.



31

31

SCHEDULING CONSIDERATIONS

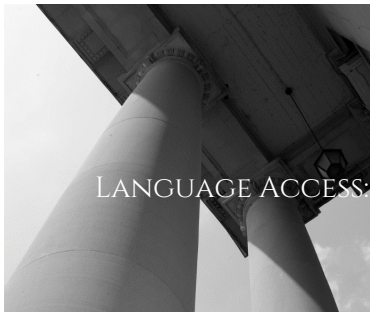
- Interpreters are reserved for:
 - Two hours for a single case
 - Three hours for a single morning or single afternoon session
 - All-day
- Frequently, interpreters are blamed as the reason for continuances when they've been waiting in court for a case to be called.
- Interpreter cases should be called quickly so they can be released for other courtrooms.
- The interpreter request form is important so that interpreters can be effectively scheduled.



32

32

LANGUAGE ACCESS: OUT-OF-COURT



33

33

OUT OF COURT COMMUNICATION

Judicial Branch funds are provided for interpreting services for out-of-court communications on behalf of the district attorney, Guardian ad Litem Program, public defenders, assigned counsel, and guardians ad litem representing indigent parties for IDS.

Staff court interpreters are prohibited from providing services out of court.

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 NOT provided or funded by the Judicial Branch.



34

34

NCAOC does not provide interpreters at state expense for other state agencies, such as probation and parole functions.

Just as the North Carolina Judicial Branch provides interpreters for court proceedings, other state agencies have Title VI responsibilities to provide language access for limited English proficiency individuals.

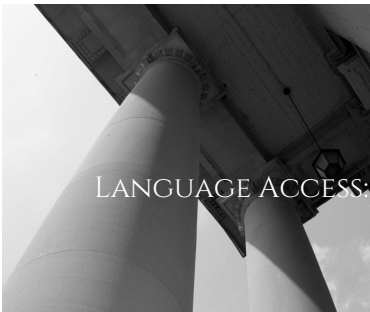
OTHER STATE AGENCIES



35

35

LANGUAGE ACCESS: CONSIDERATIONS



36

36

OUT OF COURT LANGUAGE ACCESS FOR PRIVATE COUNSEL IN CIVIL AND NON- INDIGENT CRIMINAL DEFENSE CASES



37

37

- Civil litigants and criminal defendants who have hired privately retained counsel MUST privately retain the services of an interpreter for any out-of-court communication or for any necessary case preparations.
 - This includes settlement conferences which civil attorneys may expect to have before the start of a trial.

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.

Staff court interpreters are prohibited from providing services out of court.

AOC INTERPRETERS CANNOT PROVIDE THIS SERVICE AT JUDICIAL BRANCH EXPENSE.



38

38

WHAT TO EXPECT WHEN PARTIES HAVE NON- ENGLISH DOCUMENTS OR NON-ENGLISH AUDIO SOURCES



39

39

TRANSLATION SERVICES

In all court proceedings, the parties submitting documents in a language other than English are responsible for obtaining certified translations, at their own expense, except in civil and criminal cases in which the State bears the costs of representation.

District Attorneys Offices, Public Defenders, or Appointed Counsel should contact the Office of Language Access Services to have any written documents in a language other than English translated prior to the proceeding.



TRANSCRIPTION-TRANSLATION SERVICES

- Court interpreters are prohibited by their ethics from trying to interpret audio recordings in court because it is impossible to do so accurately, which would threaten the integrity of the evidence.
- The best evidence format for non-English audio is a properly prepared transcription-translation, accompanied by a notarized certificate of accuracy from the lead translator setting forth the lead translator's credentials.
 - This work requires an extremely high level of skill.



TRANSCRIPTION-TRANSLATION EXAMPLE

NOTICE: This document is a translation of a document in Spanish. It is not a certified translation. The original document is the only authoritative version of the document. This translation is provided for informational purposes only.

Page No.	1
Page Title	NOTICE OF APPEARANCE
Page Subtitle	NOTICE OF APPEARANCE
Page Content	NOTICE OF APPEARANCE

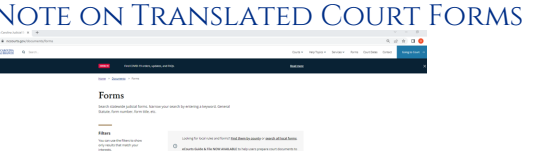
Line	Translation/Transcription	Interpretation
1	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
2	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
3	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
4	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
5	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
6	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
7	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
8	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
9	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
10	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
11	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
12	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
13	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
14	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
15	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
16	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
17	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
18	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
19	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
20	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
21	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
22	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
23	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
24	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
25	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
26	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
27	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
28	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
29	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
30	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
31	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
32	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
33	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
34	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
35	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
36	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
37	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
38	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
39	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
40	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
41	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
42	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
43	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
44	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
45	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
46	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
47	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
48	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
49	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
50	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
51	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
52	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
53	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
54	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
55	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
56	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
57	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
58	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
59	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
60	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
61	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
62	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
63	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
64	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
65	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
66	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
67	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
68	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
69	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
70	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
71	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
72	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
73	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
74	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
75	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
76	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
77	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
78	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
79	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
80	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
81	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
82	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
83	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
84	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
85	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
86	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
87	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
88	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
89	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
90	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
91	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
92	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
93	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
94	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
95	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
96	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
97	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
98	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
99	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE
100	NOTICE OF APPEARANCE	NOTICE OF APPEARANCE



[illegible]


43

A NOTE ON TRANSLATED COURT FORMS



The screenshot shows the California Judicial Branch website. The 'Forms' section is active, displaying a list of forms. A red circle highlights the 'Language' dropdown menu, which is currently set to 'English'. To the right of the forms list, a red box contains the text 'Select Spanish or Vietnamese'.

44



Seal of the State of California

44

[illegible]

WHAT TO EXPECT WITH COURT ORDERED PSYCHOLOGICAL EVALUATIONS

45

[illegible]

NCAOC does not provide court interpreters for treatment, classes, counseling, or other similar services whether or not ordered by the court.

- Prior to ordering an LEP individual to undergo treatment, you should consider whether the service provider provides language access services that eliminate barriers to accessing the treatment.

Healthcare providers have their own responsibilities to ensure LEP individuals can access healthcare services.



46

46

THERE IS ONE EXCEPTION...

Court interpreters will be provided for court-ordered psychological evaluations if:

- counsel is assigned or appointed;
- the appointed or assigned counsel made the motion to have their client evaluated; and
- counsel completes the interpreter request for their client if the court ordered psychological evaluation is granted

Then a court interpreter will be provided at IDS expense.



47

47

WHEN USING A COURT INTERPRETER



48

48

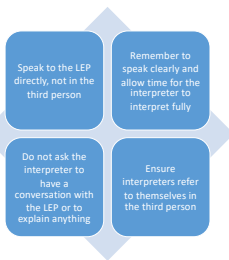
PROPER USE OF THE COURT INTERPRETER

- Give instructions to parties and witnesses about the role of the court interpreter as a neutral language conduit
- Be aware that interpreters are ethically prohibited from developing any sort of rapport with the LEP for whom they are interpreting
- Do not ask the interpreter to gauge if they think the LEP individual understands
- Do not allow multiple speakers to talk at the same time or over each other. The interpreter interpret everything that is said, and multiple speakers make it impossible to perform this duty.
- NOTE: Please report any inappropriate interpreter behavior to OLAS, including stepping outside the bounds of their scope of service.



49

49



50

50

FINAL THOUGHTS



Language access services ensure **full and fair** participation and provides equal access to justice for LEP individuals



Language access services help you communicate with LEP parties to get the information you need to make decisions



51

51



52



53
