

Language Access Services Available to North Carolina Magistrates

October 23, 2023



Topics

- Office of Language Access Services
- Types of Language Access Services
- Role of the court interpreter
- How to request an interpreter
- How to work with a court interpreter



Limited English Proficiency (LEP) Individual

- 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.
- The need for a court interpreter should not be based upon the individual's ability to converse in basic English.



Equal Access to Justice



Using a properly trained court interpreter ensures full and fair participation and facilitates equal access to justice for Limited English Proficiency individuals (LEPs) in the North Carolina justice system.

Equally important is...



The Administration of Justice

The North Carolina Judicial Branch agrees “it is essential to remove remaining barriers that deny LEP individuals meaningful access to the court system and that doing so serves the Judicial Branch’s interest in ensuring accurate communications in proceedings and operations, protecting the integrity of evidence, delivering justice, and promoting public trust and confidence in the judicial system.”

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



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.

The parents, legal guardians, or custodians of a juvenile and the legal guardians of an adult meeting one of the criteria above also has the right to a court interpreter at no cost.

This MEANS...



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



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.



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 diminishes a speaker's ability to comprehend and communicate in the second language.
 - Always err on the side of caution and ensure a qualified court interpreter is provided for LEPs in covered court proceedings.



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.

Current Vendor:
Propio

Use by district court for first appearances and brief routine matters
Use for out-of-court communication or court operations

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 *prior to the court proceeding*.



Telephone Interpreting For Magistrates

All criminal court proceedings

Brief non-evidentiary matters in Small Claims Court

Responding to public inquires



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.



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



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.

UNQUALIFIED INTERPRETERS



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

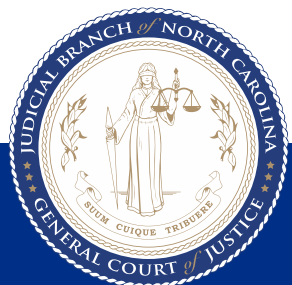
Attorneys, Law Enforcement, Magistrates, and Judges CANNOT act as the interpreter for any legal proceedings.



Liability

You should not act as the interpreter or allow others to act as the interpreter during proceedings due to the liability you could incur.

Even if it's just the LEP and you.



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.



Court Interpreter Ethics

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

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



The Interpreter Ethically Cannot...



Explain anything to anyone



Fill out forms



Advocate

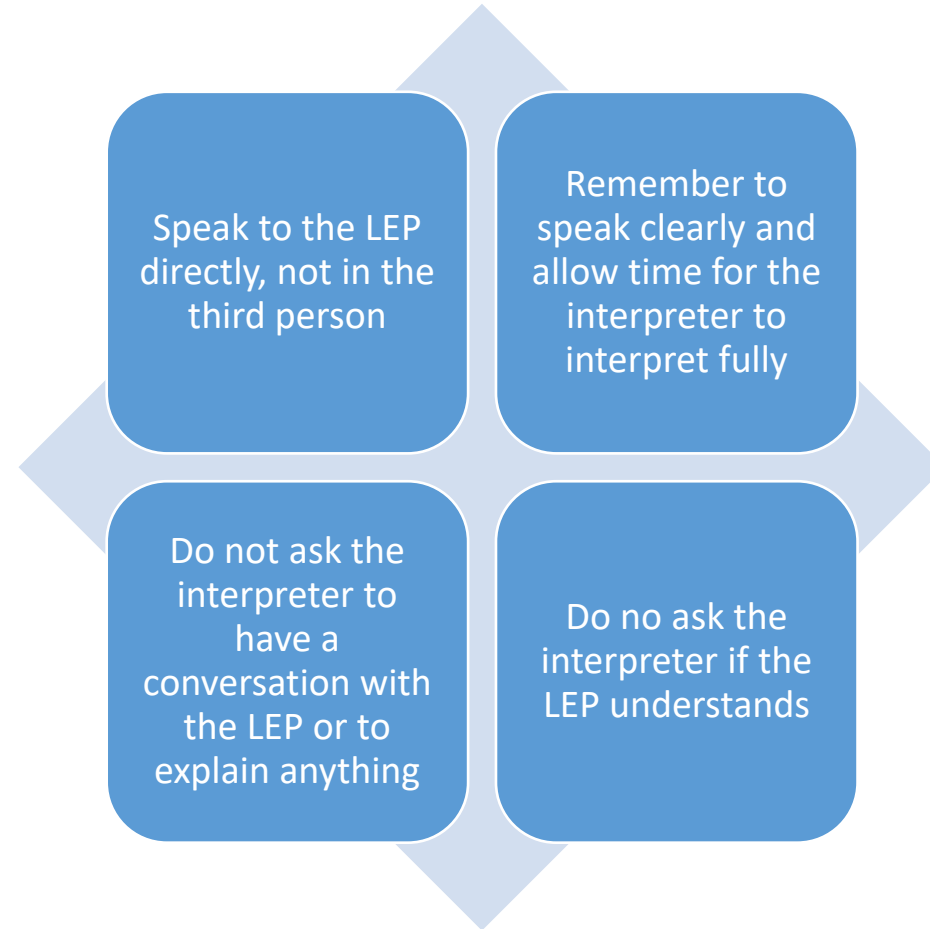


Proper Use of the Court Interpreter

- 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.
- Become familiar with the code of ethics and monitor the interpreter's actions for compliance.
- **Interpreter Fatigue.** A team of two interpreters should be scheduled for any proceeding lasting over two hours. If a team has not been scheduled, breaks every 30 minutes should be scheduled to allow the interpreter to rest. This will allow the interpreter to maintain the level of proficiency required to ensure the LEP party has equal access to the proceeding.
- NOTE: Please report any inappropriate interpreter behavior to OLAS, including stepping outside the bounds of their scope of service.



When Using an Interpreter...



Translations



Forms

Search statewide judicial forms. Narrow your search by entering a keyword, General Statute, form number, form title, etc.

Filters

You can use the filters to show only results that match your interests.

Contains

Form Number

General Statute

Subject

Language

- Any -
- English
- Español
- Tiếng Việt

Looking for local rules and forms? [Find them by county](#) or [search all local forms](#).



eCourts Guide & File NOW AVAILABLE to help users prepare court documents to file for certain case types. [Learn more](#) or [start a filing](#).

1,038 Forms

ADC-CR-314 Criminal Forms (CR)

POPULAR

[Criminal Record Search](#)

ADC-CV-100 Civil Forms (CV)

POPULAR

[Civil Summons](#)

— Multiple languages available

ADC-E-506; CONTINUATION PAGES Estate (E)

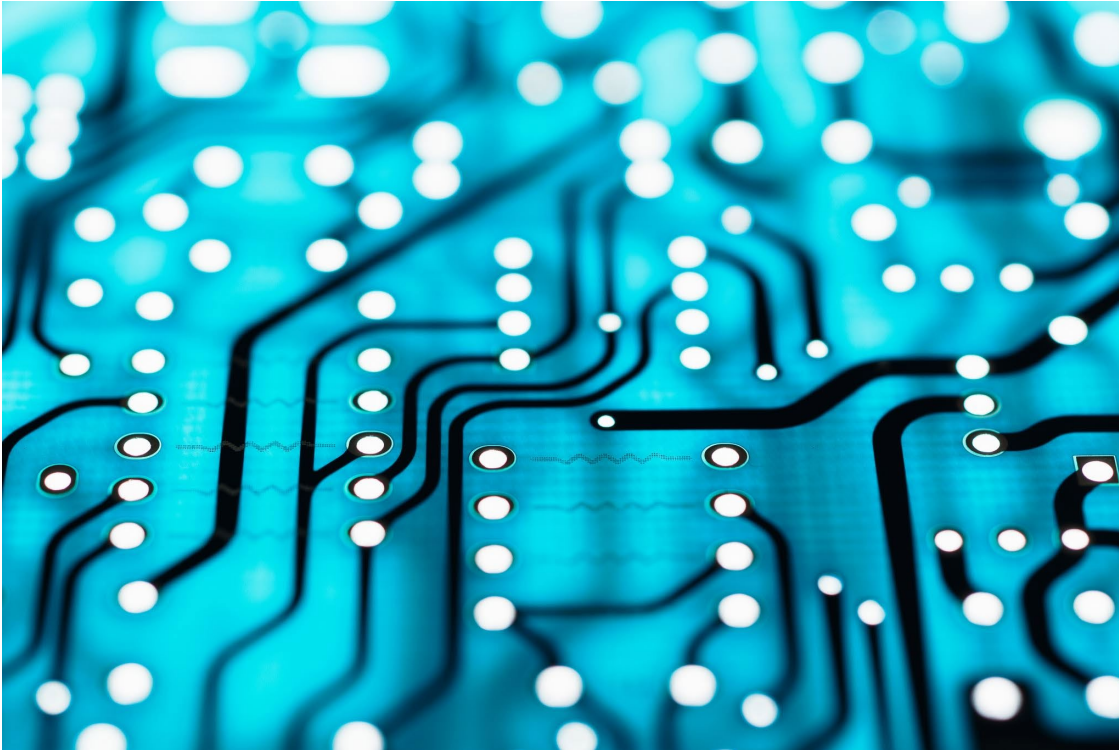
POPULAR

[Account](#)

Select Spanish or Vietnamese



Interpreters & Case Management Systems



- Used in the following systems: eWarrants (phasing out NCAWARE) ACIS, CCIS-CC, CCIS-DA, CCIS-PD, VCAP, and JWisE.
- Should be used to indicate when:
 - Spoken Language Interpreter Needed
 - Spoken Language Interpreter Used



Interpreter Needed Data

- Use the “I Speak...” cards to assist you in identifying the language needed
- Indicate the language needed and corresponding 3-digit code (see next slide) 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 complete the Interpreter Indicator Request Form to request that the clerk update the interpreter information in the appropriate system



Language Access Codes

Spanish	spa
Vietnamese	vie
Russian	rus
French	fra
Mandarin (Chinese)	cmn
Arabic	arb
Portuguese	por
Korean	kor
Hmong	hnj
Burmese	mya
Amharic	amh
Bosnian	bos
Bu Nong (Montagnard)	cmo
Cantonese (Chinese)	yue
Chatino	cly
Chuukese	chk
Czech	ces

Farsi (Persian)	pes
Gujarati	guj
Haitian Creole	hat
Hakka (Chinese)	hak
Hausa	hau
Hindi	hin
Hindko	hnd
Igbo (Ibo)	ibo
Indonesian	ind
Japanese	jpn
Jarai (Montagnard)	jra
Karen (Karen Languages)	kar
Khmer (Cambodian)	khm
Krahn	kqo
Kru (Kru Languages)	klu
Lao	lao
Marshallese	mah

Mnong (Montagnard)	mng
Nepali	nep
Pashto (Pushto)	pbt
Polish	pol
Punjabi (Panjabi, Punjabi)	pan
Rhade (Montagnard)	rad
Serbian	srp
Swahili	swh
Tagalog	tgl
Thai	tha
Tigrinya	tir
Urdu	urd
American Sign Language	ase
Undetermined	und
Other	999



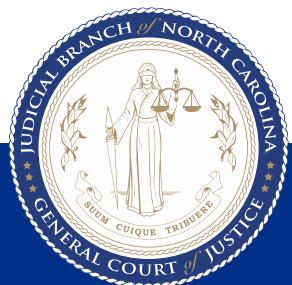
Interpreter Used Data

- Indicates that an interpreter was used in any court proceeding for an LEP individual in a case at some time
- Interpreter Used- Yes (Y) or No (N or blank field)
- This applies to live, remote (Webex), and telephone interpreting
- If you are not able to update the interpreter used indicator, or if the system is down, please complete the Interpreter Indicator Request Form to request that the clerk update the interpreter information in the appropriate system



When to Use Indicators

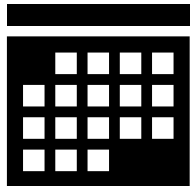
Event	Indicator	May I change the indicator after the initial entry?
An interpreter will be needed for a limited English proficient (LEP) individual in a case	YES – Indicate the language needed	NO – unless it was entered in the system incorrectly
An interpreter was used in any court proceeding for an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



Request Process

Spanish Court
Interpreters

LOTS (Languages
Other Than
Spanish) Court
Interpreters



Request for Spoken Foreign Language Court Interpreter Form must be submitted 10 business days in advance or as soon as case is placed on the calendar, whichever is earlier.



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.*



What Does OLAS Do?

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

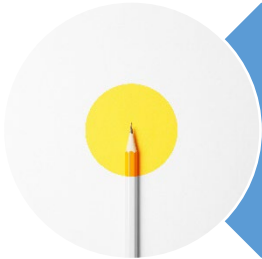
- Developing [Standards for Language Access Services in North Carolina State Courts](#)
- Providing support and guidance for questions or issues involving interpreting and translating services
- Ensuring qualified court interpreters are provided to the courts
- Administering court interpreter training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



Final Thoughts



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



Language access services help get you the information you need to make decisions



Magistrates are the gateway to our justice system and can have a profound impact on efficiency and access





Thank You

Office of Language Access Services

OLAS@nccourts.org

919-890-1407

