



NORTH CAROLINA
ADMINISTRATIVE OFFICE
of the COURTS

Office of the Director
Judge John W. Smith
Director

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MEMORANDUM

To: Superior Court Judges, District Court Judges, Clerks of Superior Court, Trial Court Coordinators, Trial Court Administrators, Magistrates, Language Access Stakeholders Committee

From: John W. Smith

A handwritten signature in blue ink, appearing to read "John W. Smith".

Date: December 30, 2014

Re: Expansion of Language Access Services to Summary Ejectment and Foreclosure Proceedings

As indicated in my [August 8, 2012, memorandum](#),¹ the North Carolina unified court system is committed to the continued provision and expansion of language access services to limited English proficient (LEP) persons whom the courts serve. This memorandum announces the expansion of language access services to summary ejectment and foreclosure proceedings, effective Thursday, January 1, 2015. As of that date, foreign language court interpreters shall be provided in summary ejectment and foreclosure proceedings at state expense for LEP parties in interest in the following types of proceedings:

1. Summary ejectment proceedings before Magistrates,
2. Summary ejectment appeals to District Court,
3. Foreclosure proceedings before the Clerk of Superior Court,
4. Foreclosure appeals to Superior Court,
5. Judicial foreclosures before the Superior Court, and
6. Eminent domain proceedings before the Superior Court.

¹ Memoranda regarding language access services can be viewed at <http://www.nccourts.org/LanguageAccess/Interpreters/Policies.asp>

With the cooperation of all judicial officials and court personnel, we should be able to provide services for these cases using existing resources. The key is to ensure that an interpreter is scheduled only when it is clear that the proceeding for which the interpreter is requested is, in fact, going to be heard by the court.

To assist your courts with effective interpreter scheduling, a two-sided chart to assist with scheduling court interpreters for summary ejectment and foreclosure proceedings is attached. The charts distinguish between districts with staff court interpreters assigned and districts without staff court interpreters, and between Spanish language needs and LOTS. Please use the one that applies to your district. An updated *Working with Court Interpreters – A Guide for Judges* bench card has also been posted on the website for reference.²

Providing court interpreters and scheduling cases requiring court interpreters may be a new process for many, so the Office of Language Access Services (OLAS) offers the following tips to assist you:

1. When summary ejectment or foreclosure actions are filed, the language access needs of either of the parties should be identified and noted in the case file.
2. Court personnel and judicial officials in criminal courts and civil courts must **coordinate calendars** to make the most judicious use of the interpreter's time throughout the courthouse. Court interpreters are expected to cover the needs of the entire courthouse for all covered case types, so please expect to share the interpreter and communicate scheduling needs with each other.
3. For Spanish language needs before the Magistrate for summary ejectment proceedings, it may not be necessary to schedule an interpreter specifically for the summary ejectment proceeding. In many cases, a Spanish court interpreter is already scheduled to provide interpreting services in your courthouse for a District Court and / or Superior Court session. If this is the case, please utilize this same interpreter to cover the interpreting needs before the Magistrate. Unless the interpreter is providing services for an LEP party in a trial which requires the interpreter's constant presence, the interpreter will likely have sufficient down time between cases to cover your needs.
4. Interpreting services for LOTS must be requested in advance by the parties or attorneys to give OLAS time to locate and assign the appropriate language interpreter for the proceeding. The attached charts provide links to the request forms.
5. Failure to provide sufficient time to secure a qualified court interpreter may result in a delay or postponement of the court proceeding if a qualified interpreter is not available.
6. If multiple summary ejectment or foreclosure proceedings are identified that require interpreting in the same language, those cases should be **grouped and scheduled on the same day and a single interpreter scheduled to cover all of them**. Requests will be easier to fill, particularly for Spanish language needs, if more than one case is scheduled on the calendar that will utilize the services of the court interpreter.
7. **Interpreters are neutral language conduits**, so it is not necessary to schedule an interpreter for each party in a single case if the parties speak the same foreign language.

² Updated Bench Card: <http://www.nccourts.org/LanguageAccess/Documents/benchcard.pdf>

8. Make every effort to **minimize the interpreter's time in the court proceeding** by hearing the cases requiring an interpreter as soon as possible after the interpreter arrives in the courtroom.
9. **Notify the interpreter as soon as the case is delayed, continued or otherwise disposed.** The interpreter is entitled to payment if you fail to notify him of cancellation at least 24 hours prior to the scheduled court proceeding.

OLAS will provide technical assistance to court officials to develop and implement procedures for expansion and the efficient allocation of current staff and contract interpreting services.

If you have any questions about this memorandum or future plans, please contact OLAS staff at (919) 890-1407.