



Office of Language
Access Services

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MEMORANDUM

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

From: Brooke B. Crozier

A handwritten signature in blue ink, appearing to read "B. Crozier".

Date: April 30, 2015

Re: Expansion of Language Access Services to All Cases Heard before Magistrates

As indicated in Judge Smith's [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 all civil proceedings before the magistrate, including marriages, effective Friday, May 1, 2015. As of that date, foreign language court interpreters now shall be provided at state expense to LEP parties in interest in all court proceedings heard before the magistrate on or after May 1, and subsequent appeals to district court.

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 courts is attached. The charts distinguish between districts with staff court interpreters assigned and districts without staff court interpreters, and between Spanish language

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

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 actions are filed, the language access needs of either of the parties should be identified and noted in the case file. Remember to always err on the side of caution and provide an interpreter if there is any doubt about a party's ability to read, speak, or understand English at a level sufficient to understand everything that is said during the proceeding, and to communicate effectively. If a request for an interpreter is received by the party, an interpreter should be provided.
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, it may not be necessary to schedule an interpreter specifically for the 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 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.