

**PROCEDURES FOR PROVIDING COURT APPOINTED INTERPRETERS AND  
RULES APPLICABLE TO ALL INTERPRETERS IN THE  
TENTH JUDICIAL DISTRICT  
(AMENDED EFFECTIVE AUGUST 1, 2003)**

**I. Purpose**

The purpose of these Local Rules for the Tenth Judicial District is to assure quality foreign language services in the District Court process. The goal is to ensure equitable treatment for all defendants and access to the courts for persons whose native language is not English.

**II. AOC Certification or Local Accreditation**

**A.** All interpreters for the court must be certified by the North Carolina Administrative Office of the Courts (“AOC”) or meet the accreditation requirements of the Tenth Judicial District. All applicants are encouraged to seek AOC certification when available for the target language. Accreditation by the Tenth Judicial District shall only be allowed when dictated by necessity and in the discretion of the Chief District Court Judge and the Senior Resident Superior Court Judge. To be considered for accreditation by the Tenth Judicial District, an applicant must possess a mastery of the English language as well as the foreign language in question, possess knowledge of the idioms and colloquialisms of the language in question, and possess an awareness of the different dialects among regions and working knowledge of legal terminology.

**B.** Those persons wishing to serve as a court appointed or privately retained foreign language interpreter must complete the following process:

1. Submit an application (Exhibit A); and
2. Submit a current resume outlining the applicant’s relevant work experience; and
3. submit three (3) letters of recommendation, one of which shall be from a criminal defense attorney who serves on List Two of the list of court appointed attorneys for the Tenth Judicial District attesting to the applicant’s qualifications as well as to the applicant’s character; and
4. Submit a certified copy of the applicant’s global criminal record check; and
5. Demonstrate competency to interpret a foreign language for the court in one of the following ways:
  - i. Successfully complete the written exam and interview process administered by the Tenth Judicial District, indicating a familiarity with courtroom terminology and interpreter ethics; or
  - ii. Submit satisfactory documentation of the applicant’s accreditation in another North Carolina Judicial District which administers the same or substantially similar written accreditation exam used by the Tenth Judicial District, and submit a letter of recommendation from a District Court Judge or a Superior Court Judge from that Judicial District; or
  - iii. Submit satisfactory documentation of the applicant’s certification by the AOC.

- C. The items in II. B. above must be accompanied by a cover letter outlining the applicant's availability to serve in court on a regular basis and shall be submitted to a committee of District Court Judges ("Committee") appointed by the Chief District Court Judge.
- D. If the applicant requires accreditation by the Tenth Judicial District, the Committee shall review the application and will then submit it to a screening attorney and a screening interpreter (i.e. one attorney who practices in the Tenth Judicial District who is fluent in the target language and one interpreter who is fluent in the target language. Both the interpreter and the attorney shall be selected by the Committee).
- E. The accreditation oral exam will include translation/interpretation exercises to be conducted in both English and the target language.
- F. The applicant shall be notified of the Committee's decision within fifteen (15) business days of completion of the written test and the interview process. Upon successful completion of the Tenth Judicial District accreditation process, the application form shall be signed by the screening attorney and screening interpreter. Applicants accredited in other judicial districts pursuant to II.B.5.ii. above or certified by the AOC pursuant to II.B.5.iii. above also shall be notified of the Committee's decision within fifteen (15) business days of the receipt of their application and other required documents. All applications, required documents, and all attachments to the application shall be kept in the individual interpreter's file and maintained by the Committee. Upon successful completion of the accreditation process or submission of the certification documentation, the interpreter shall be added to the list of Approved Interpreters for the Tenth Judicial District. The interpreter shall be issued the oath as required pursuant to section V. below. The list of Approved Interpreters for the Tenth Judicial District shall designate whether the interpreter is certified or accredited.
- G. The AOC Directory of Certified Court Interpreters for each foreign language is available online at:

[www.nccourts.org/citizens/cprograms/foreign/directory.asp](http://www.nccourts.org/citizens/cprograms/foreign/directory.asp)

### **III. Procedures for Court Appointed Interpreters**

- A. Interpreters for the Session. Interpreters who are accredited or certified to interpret in Spanish shall be provided each session of District Court for indigent criminal matters, juvenile proceedings, ex parte §50-B matters, on the first day of the week for Superior Court criminal calendar call, and on Thursday morning of each week for criminal Superior Court or on such other day of a Superior Court criminal session as the Senior Resident Superior Court Judge shall designate. The Committee shall set the procedures for rotation of interpreters through these courtrooms in order to maximize efficiency and use of State funds. A copy of this rotation schedule shall be provided to each courtroom clerk and shall be used in securing the services of the interpreter assigned to that courtroom during that session. Any judge assigned to any of the courtrooms served by an interpreter may

appoint the interpreter of the session and authorize payment for that interpreter's services by signing form AOC G-107.

- B. Interpreters for a Specific Case.** For all other foreign language matters, [i.e. foreign languages other than Spanish, all Superior Court criminal matters (except as provided in III.A. above), and for District Court matters which require interpretation services which are anticipated to be greater than one hour in length, each courtroom clerk shall keep a current list of Approved Interpreters for the Tenth Judicial District.

If a court appointed attorney or the assistant district attorney believes that a case will require services of an interpreter for more than one hour during any one day, that attorney or assistant district attorney shall immediately file a motion requesting the appointment of an interpreter and present it to the presiding judge.

Upon written motion by a court appointed attorney for a foreign language interpreter, the judge, in his or her discretion, shall instruct the Clerk to appoint an interpreter, using form AOC G-107. A copy of this form shall be maintained in the Court file. The Clerk, as with court appointed attorneys, shall proceed in numerical order down the list for the required language to the next name and appoint said interpreter, unless otherwise instructed by the presiding judge. In appointing an interpreter for Superior Court matters, judges are encouraged to appoint interpreters who have been certified by the AOC.

- C. Use of Court Appointed Interpreters.** The services of court appointed interpreters may only be used for indigent criminal defendants, witnesses for indigent criminal defendants, witnesses for the State, parties to juvenile proceedings, and §50-B matters. Privately retained attorneys in criminal matters must retain the services of a court-approved interpreter if needed to communicate with the Court, unless the client is eligible for a court appointed interpreter pursuant to *State v. Boyd*, 332 N.C. 101, 107-09, 418 S.E. 2d 471, 474-76 (1992).
- D. Assessment of Costs.** If an indigent criminal defendant is convicted, the Court, in its discretion, may assess the time required for the interpreter as a court cost payable by the defendant.

#### **IV. Responsibilities of Foreign Language Interpreters (Court appointed and Privately Retained)**

- A. Pager or Cell Phone.** Understanding that court appointed interpreters may be serving in more than one case during a session of court, all interpreters must be available to the court appointed attorney, assistant district attorney, and the Court by pager or cell phone. Interpreters shall immediately notify the clerk in each courtroom of any changes in their phone or page numbers. Cell phones and pagers must be on vibrate or some other silent mode of notification while any interpreter is serving in the courtroom.
- B. Notification of Courtroom Assignment.** Even though each courtroom has a copy of the interpreter assignment schedule, all session interpreters shall report to each of

their assigned courtrooms at the beginning of each session to ensure that the courtroom clerk has the interpreter's name and correct contact information.

- C. Unavailability After Assignment. If the interpreter appointed to any session of court or any case **cannot be** available when scheduled, it is that interpreter's responsibility to find a substitute interpreter from the list of Approved Interpreters for the Tenth Judicial District. Interpreters appointed to each court session should avoid accepting court appointments to a specific case or accepting privately retained cases during their session appointments. When such conflicts are unavoidable, the session interpreters shall make suitable arrangements for coverage for the session appointment. If such arrangements cannot be made, the session appointment has priority over appointments to specific court cases or privately retained work.
- D. Court Priority. The chief priority of all court appointed interpreters is to provide services to the Court. While it is understood that other court personnel and court appointed attorneys need the services of the interpreter to speak with indigent criminal defendants, State's witnesses, parties to juvenile proceedings, parties to §50-B matters, and others involved in cases, the interpreter shall be available at all times to interpret for the Court. Unless the interpreter is in another courtroom interpreting for the Court, interpreters shall immediately answer any telephone call or page indicating that their services are needed for the Court. If the interpreter is in a private counseling room assisting court personnel or an attorney, the interpreter shall notify the courtroom clerk and the courtroom deputy of his or her location. If the interpreter is summoned to a courtroom, the interpreter shall report to that courtroom immediately and may return to the counseling room when the business of the Court is concluded.
- E. Confidentiality. Interpreters shall keep all assignment related information strictly confidential. Interpreters shall preserve the confidentiality of any privileged or confidential information they interpret.
- F. Complete and Accurate. Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation. Interpreters shall not alter the meaning of the statements they are interpreting. Interpreters shall not elaborate on or explain the statements they are interpreting. Interpreters shall not correct misstatements, even when a misstatement is an obvious error (for example, a witness answers "1899" rather than "1999"). Interpreters shall preserve the tone and register of the statements they are interpreting.
- G. Impartiality and Conflicts of Interest. Interpreters shall remain impartial. Interpreters shall refrain from conduct that may give an appearance of bias and must promptly disclose any real or perceived conflict of interest.
- H. No Opinions. Interpreters shall not publicly discuss or offer an opinion concerning a matter in which they have been appointed or privately retained.

- I. No Legal Advice. Interpreters shall not, under any circumstances, offer legal advice, even when asked. Interpreters who attempt to give legal advice are subject to being removed from the list of Approved Interpreters in the Tenth Judicial District as well as being reported to the North Carolina State Bar for the unauthorized practice of law.
- J. Conduct of Interpreters. All interpreters shall conduct themselves in a professional manner at all times while serving as interpreters, including, but not limited to, dressing appropriately for court and conducting themselves in a courteous and responsible manner.
- K. Rate of Pay for Court Appointed Interpreters. Court appointed interpreters in the Tenth Judicial District shall be paid at the rate approved by the AOC, which is currently \$35.00 per hour for this district. Time shall be submitted in ¼ hour increments and shall not include travel time. No claim shall be made for mileage or parking expenses unless authorized in advance. If any interpreter accompanies a defendant to the offices of court deferral programs the interpreter may be paid for the time served in that capacity.

Interpreters for the session must include a list of all services rendered during their appointment on the back of form AOC G-107. If the interpreter for the session has also served during the session as a court appointed interpreter for a specific case or has done privately retained work, the interpreter shall note any time spent in these cases on the back of form AOC G-107 and shall not include this time as part of the session work. The interpreter also shall inform the judge authorizing payment for the session of the time spent on privately retained work.

After completing interpreting services, an interpreter shall sign and submit form AOC G-107 for payment directly to the judge who made disposition in the case by placing the form in that judge's basket in the office of the District Court Judges or the office of the Superior Court Judges.

- L. Privately Retained Interpreters. Nothing in these rules shall prevent an interpreter on the list of Approved Interpreters for the Tenth Judicial District from accepting privately retained employment. An interpreter shall not approach individuals for the purpose of soliciting business inside the Wake County Courthouse. If approached by a person desiring privately retained interpreting services while inside the courthouse, the interpreter may give the person a business card with the interpreter's telephone number, but may not make business arrangements or receive payment inside the Courthouse. In no event may the interpreter be paid for privately retained interpreting services in a case in which the Court has appointed that interpreter or for privately retained work performed during appointment as interpreter for a session.

In order to interpret for the Court, all privately retained interpreters must be on the list of Approved Interpreters for the Tenth Judicial District or be certified by the AOC. All privately retained interpreters shall follow the rules and procedures outlined in Sections III and IV for court appointed interpreters.

- M. Use of Non-Certified or Non-Accredited Interpreters. It shall be in the discretion of the judge whether an interpreter “brought from home” is able to read and write well enough in the target language to appear with the person needing services to assist in such matters as signing waivers, applying for court appointed counsel or other matters. A “brought from home” interpreter is a friend, family member, co-worker, or other person who appears gratis (free) and whose appearance is only occasional.
- N. Rule Violations. Violation of the Rules set forth above by any court appointed or retained interpreter shall subject the offending party to a verbal warning from the Committee Chair for the first offense, followed by a written warning, followed by removal from the court appointed list for the third offense.

**V. Oath**

The following oath shall be administered to all Approved Interpreters for the Tenth Judicial District prior to their service and each interpreter shall sign and date the oath:

Do you solemnly swear (or affirm) that you will interpret accurately, completely, and impartially, using you best skill and judgment in accordance with the standards prescribed by law and the Code of Ethical Conduct for Court Interpreters adopted by the Administrative Office of the Courts, follow all official guidelines established by this court for legal interpreting or translating, and discharge all of the solemn duties and obligations of legal interpretation and translation?

The signed oath shall be kept in the individual interpreter’s file and maintained by the Committee.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Chief District Court Judge

\_\_\_\_\_  
Senior Resident Superior Court Judge

Exhibit A

**APPLICATION TO SERVE AS A COURT INTERPRETER  
TENTH JUDICIAL DISTRICT**

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone Numbers:

Daytime \_\_\_\_\_

Evening \_\_\_\_\_

Beeper \_\_\_\_\_

Cell Phone \_\_\_\_\_

Fax \_\_\_\_\_

Email \_\_\_\_\_

Taxpayer ID or Social Security No \_\_\_\_\_

Language(s) spoken (*indicate dialects*):

\_\_\_\_\_

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Are you certified by the North Carolina Administrative Office of the Courts?

Yes       No

Are you certified through the Federal Court Interpreter Certification Examination Program?

Yes       No

Are you certified through the National Consortium for State Court Interpreter Certification?

Yes       No

Please list any interpreting/translating courses you have taken and when they were taken:

\_\_\_\_\_

\_\_\_\_\_

Indicate days and times available for interpretation: \_\_\_\_\_

\_\_\_\_\_

References:

Name \_\_\_\_\_ Phone \_\_\_\_\_

Name \_\_\_\_\_ Phone \_\_\_\_\_

Name \_\_\_\_\_ Phone \_\_\_\_\_

Name \_\_\_\_\_ Phone \_\_\_\_\_

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Please attach a current resume, letters of recommendation from the above three references who will address interpretation qualifications, and a criminal record check, and forward to:

Interpreters Committee  
District Court Judges' Office  
P. O. Box 351  
Raleigh, NC 27602



Approved: \_\_\_\_\_

Denied: \_\_\_\_\_

\_\_\_\_\_  
Screening Interpreter

\_\_\_\_\_  
Screening Attorney

**CERTIFICATION BY APPLICANT**

I hereby certify that I have read the “**Procedures for Providing Court Appointed Interpreters and Rules Applicable to All Interpreters in the Tenth Judicial District**” and the “**Guidelines for the Use of Foreign Language Interpreting and Translating Services in the Court System**” and that I understand the same. I further agree to abide by these Local Rules and understand the responsibilities contained therein and the consequences for failure to abide by the same.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Signature of Applicant

# INTERPRETER'S OATH

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will interpret accurately, completely, and impartially, using my best skill and judgment in accordance with the standards prescribed by law and the Code of Ethical Conduct for Court Interpreters adopted by the Administrative Office of the Courts, follow all official guidelines established by this court for legal interpreting or translating, and discharge all of the solemn duties and obligations of legal interpretation and translation.

\_\_\_\_\_

Sworn to and subscribed before me,  
This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public