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TWENTY-SIXTH JUDICIAL DISTRICT POLICIES AND PROCEDURES FOR LANGUAGE INTERPRETERS AND PROVIDERS OF SERVICES TO THE HEARING IMPAIRED

(Revised 1 April 2004)

I. Purpose

The purpose of these policies and procedures is to assure quality language interpretation services at a reasonable cost for the Court, litigants, and defendants, including youths charged with delinquency offenses and parents in abuse and neglect cases. This document describes the classification and types of interpreters used, outlines the application and local examination process, defines roles and expectations of interpreters, sets forth compensation depending on classification and type of interpreter, notes prohibitions placed on bilingual attorneys regarding interpreting for their clients before the Court, delineates grievance procedures, and outlines disciplinary actions and reinstatement procedures after disciplinary suspension.

II. Introduction

The Interpreter Management Program provides assistance to non-English speaking (NES) parties appearing in Mecklenburg County Courts. Foreign language interpreters are provided at Judicial Branch expense for indigent criminal defendants, witnesses for indigent criminal defendants, witnesses for the State, indigent respondents in involuntary commitment proceedings, and parties to juvenile, Chapter 50B domestic violence, and custody mediation proceedings. Sign language interpreters are provided for access to court services and proceedings at the expense of the Judicial Branch in all civil and criminal court proceedings.

Any interpreter appearing before the Court in a civil matter should either be on the Court-approved list, if s/he is a Spanish interpreter, or registered with the Interpreter Manager as a non-Spanish foreign language interpreter. With the exception of civil domestic violence cases and involuntary commitment proceedings, litigants in civil actions are responsible for payment of expenses incurred from use of an interpreter. The Judicial Branch will not bear this expense; therefore, an Administrative Office of the Courts (AOC) fee application submitted for services will NOT be honored.

All interpreters, either appointed or privately retained, who appear in the Courts of the 26th Judicial District will be subject to these policies and procedures, the most recent *Guidelines For the Use of Foreign Language Interpreting and Translating Services in the Court System* provided by the Administrative Office of the Courts, and all applicable North Carolina General Statutes relating to interpreting and/or translating services within the courts.

III. Interpreter Manager

Under the direction of the Trial Court Administrator and Operations Administrator, the Interpreter Manager assigns, oversees, and helps facilitate the training of language interpreters who have been locally accredited or State certified and coordinates all interpreting and translating services for the 26th Judicial District. Where appropriate, the Interpreter Manager shall establish cost-saving scheduling practices to reduce expense to the Judicial Branch for interpreting services. Areas to be reviewed include, but are not limited to, District criminal courtrooms, shifts at the Intake Center for non-English speaking defendants appearing before the Magistrate, and Court-appointed counsel cases involving both the Public Defender's Office and the private bar.

IV. Types of Interpreters

Interpreters and Other Providers for ADA Accommodations

In accordance with the Americans with Disabilities Act (ADA), the Court provides reasonable accommodations to ensure that individuals with disabilities can fully and fairly participate in its programs, services, and activities. American Sign Language and oral interpreters, caption note takers, and Communication Access Realtime Translation providers used to make ADA accommodations may bill for parking and mileage expenses along with the agreed upon hourly rate. All parking expenses must be documented with a receipt. Mileage expense is reimbursed at the State rate in effect at the time the fee application is submitted.

The Interpreter Manager serves as the ADA Coordinator for the Court. Any request for ADA accommodations shall be submitted to the Interpreter Manager at least 48 hours prior to the date when the accommodation will be needed. The accommodations can include, but are not limited to, American Sign Language interpreters, Caption Note Taking, Communication Access Realtime Translation, Oral Interpreters, and Assistive Listening Devices.

American Sign Language (ASL) Interpreters

Effective January 1, 2004, and in accordance with the North Carolina General Statute § 90D-4, there will be a new licensure requirement for persons desiring to serve as sign language interpreters in North Carolina. Specifically, under the N.C.G.S. § 90D-4, a person may not serve as a sign language interpreter or transliterator for compensation in North Carolina unless the person has been licensed by the new North Carolina Interpreter and Transliterator Licensing Board. Further, N.C.G.S. § 8B-1(3) (as revised) and N.C.G.S. § 8B-2(a) will require the courts to appoint a sign language interpreter who is licensed under Chapter 90D when a deaf or hard of hearing person is interacting with the court system. If a licensed person is not available, the Division of Services for the Deaf and the Hard of Hearing has advised that the courts should appoint persons who satisfy the licensure requirements of N.C.G.S. § 90D-7 but have not yet received their licenses.

Generally, a person is license eligible if he or she

1. is 18 years of age or older and
2. holds one of the following certifications or classifications:

- a Level 4 or Level 5 certification from the National Association of the Deaf (NAD);
- a national certification from the Registry of Interpreters for the Deaf (RID);
- a national certification recognized by the National Cued Speech Association (NCSA); or
- a Level A or Level B classification from the North Carolina Interpreter Classification System (NCICS).

Caption Note Taking

This service is offered to hearing-impaired persons who cannot understand sign language but can read English. The caption note taker types what is being said and the text appears on a screen from which the hearing-impaired person can read.

Communication Access Realtime Translation (CART)

A court reporter, using highly developed skills and special training, provides word-for-word speech-to-text interpreting service for people who need communication access. There are a small number of CART interpreters currently available. Advance notice (48 hours) is required to make this accommodation.

Oral Interpreters

This service is for those individuals who are hearing impaired and can read lips. This type of interpreter has been trained to use clear mouth movements to make it easier for the hearing-impaired person to lip read.

Assistive Listening Devices

Those who have a partial hearing impairment may benefit from this service, which broadcasts signals from microphones positioned around the courtroom to a receiver held by the hearing-impaired person. He or she listens to the proceedings using the earphones plugged into the receiver. The 26th Judicial District has equipment to provide this service.

Non-Spanish Interpreters

All non-Spanish language interpreters are used on an as needed basis. There is currently no local testing procedure for the non-Spanish interpreters. The non-Spanish interpreter candidate must complete an interpreter application and submit three letters of reference and a current resume. Since there is currently no North Carolina certification in languages other than Spanish, the Interpreter Manager must rely on the applicant's educational background, legal interpreting experience, if any, and reference letters when assigning cases.

For language interpreters other than Spanish, it is within the Court's discretion to compensate them at the rate currently paid to certified Spanish interpreters (\$35) or the rate paid to locally accredited, but non-certified, Spanish interpreters (\$30), depending on the qualifications the interpreter presents to the Court. These guidelines further provide that, in cases involving rare languages for which interpreters are difficult to locate, the Court shall have the discretion to pay the higher rate or such rate as the Court finds on the record to be necessary

to retain a qualified foreign language interpreter. A two-hour minimum will apply to assist the Court in securing interpreters and to provide some compensation for out-of-court waiting times.

The recommended payment rates apply both to individuals and private/commercial interpreting companies. That is, the compensation structure is the same whether the Court contracts directly with an individual interpreter or with a commercial provider of interpreting services.

With the exception of needs arising at Arrest Processing, requests for non-Spanish language interpreters must be processed by the Interpreter Manager if they involve indigent defendants, custody mediation, juveniles, involuntary commitments, or civil domestic violence proceedings. Request forms are available from the Interpreter Manager. All requests, either faxed or orally submitted, shall be made at least one week prior to the date the interpreter will be needed. The Interpreter Manager shall provide the criminal magistrates with a list of non-Spanish interpreters and private/commercial interpreting companies [the latter to be utilized only when there is no interpreter listed for a particular language or the person(s) listed are unavailable] for their use when the need for a non-Spanish interpreter arises.

Spanish Interpreters

All Spanish-speaking interpreters must be on the 26th Judicial District Court-approved list to provide interpreting services before the Court. To be placed on the Court-approved list, the interpreter must be either locally accredited or State certified. Locally accredited interpreters have passed both a written and oral examination conducted by the 26th Judicial District, but their accreditation is limited to this district. State-certified interpreters have successfully completed the National Center for State Courts' consortium exam and are approved by the AOC Foreign Language Services Project in Raleigh. All interpreters who are certified in North Carolina are placed on a statewide listing of approved court interpreters.

All Court-approved Spanish-speaking interpreters have been issued an identification badge. This badge must be worn at all times within the courthouse and/or whenever providing interpreting services for a court official, legal counsel or court-related program representative.

V. Application Process for Local Accreditation

Those desiring to serve as court interpreters shall submit to the Interpreter Manager a completed application; a current résumé, which outlines all relevant education and work experience; three letters of reference from individuals who can attest to the interpreter's qualifications and character; and the name, address, and telephone numbers of the applicant's last two employers.

Upon receipt of the required material, the Interpreter Manager shall:

- review the information for completeness and accuracy,
- communicate with the references, conduct a record check with the Foreign Language Services Project in Raleigh to ensure no complaints have been filed against the candidate in other counties,

- conduct a criminal history check,
- interview the candidate,
- provide a brief overview of the 26th Judicial District Interpreter Management Program,
- schedule the candidate for a written examination and
- if successfully completed, schedule an oral examination before a panel of at least one bilingual professional and one State-certified interpreter to examine the applicant and recommend whether the applicant should be accredited. The examination will be waived if the applicant meets the necessary qualifications noted in Section VI.

After being approved, the interpreter will be sworn in as a 26th Judicial District Interpreter. At the swearing in ceremony, the candidate will be requested to sign an oath to abide by the Code of Professional Responsibility of Interpreters in the 26th Judicial District and these policies and procedures. This signed oath will be kept on file for future reference.

The Interpreter Manager shall maintain a list of Court-approved Spanish interpreters and distribute such listing to the Clerk of Court, Public Defender, District Attorney, and Mecklenburg County Bar. ***No person will be allowed to appear in Court and serve as a Spanish language interpreter unless his or her name appears on that list.***

Note: The 26th Judicial District reserves the right to suspend the application process for local accreditation at any time without prior notice.

VI. Necessary Qualifications for Waiving the Local Examination

If an applicant believes that s/he meets one of the below preferred or acceptable qualifications to waive the local examination, s/he should submit a one page letter outlining his or her qualifications along with documentation of such to the Interpreter Manager. Upon receipt, the Interpreter Manager will meet with the Operations Administrator to determine if the qualifications satisfy the necessary requirements to waive the local examination. The applicant will then be notified of the decision in writing.

Preferred

- Successful completion of both the written and oral sections of the federal court examination (Spanish, Haitian Creole, Navajo, etc.); or
- Successful completion of an examination by a consortium state (see www.ncsconline.org for complete listing of consortium states); or

Acceptable

- Successful completion of an examination administered by a non-consortium state court, which has comparable standards and testing; or
- Successful completion of an examination administered by a recognized international agency (e.g., the United Nations) that has been shown to be valid and reliable; or
- Graduation from an accredited institution of higher education with a major in judicial interpreting or related skills.

VII. Classification and Role of Interpreters

Upon being placed on the Court-approved list, each interpreter must identify the classification(s) of which s/he would like to be a member. To be listed in a particular classification, the interpreter must agree to abide by any and all policies applicable to that classification. There are four classifications within the 26th Judicial District: Interpreters of the Day, Defense Interpreters, Prosecution Interpreters, and Arrest Processing Center Interpreters.

- A. Interpreters of the Day - Assist the Court by interpreting between the defendant, witnesses, and court personnel (judge, defense attorneys, assistant district attorneys, courtroom clerks, deputies, probation officers, etc.) in criminal and juvenile proceedings, including the screening process outlined in Section X. They also assist in the Post-Judgment Services Center by interpreting between the defendant and the post-judgment agency representatives. In addition, they facilitate communication between court personnel and litigants involved in civil domestic violence and custody mediation proceedings.
- B. Defense Interpreters - Interpret between the defendant, his or her attorney, witnesses and court personnel. They must maintain client confidentiality to the same extent as attorneys. Defense Interpreters may be either privately retained or appointed by the Court (for indigent defendants).
- C. Prosecution Interpreters - Assist the District Attorney in the preparation or the trial of a case.
- D. Arrest Processing Center Interpreters - Facilitate communication between the Magistrate and defendants or victims seeking to obtain a warrant.

In all encounters with the defendant, the interpreter should interpret only the words spoken or translate documents as written or presented. If the need arises to explain an interpreting problem (*e.g.*, a term or phrase with no direct equivalent in the target language or a misunderstanding that only the interpreter can clarify), the interpreter should ask the Court's permission to provide an explanation. Interpreters are strictly prohibited from providing legal counsel or advice.

VIII. Types of Cases

1. Criminal Cases. All non-English speaking (NES) defendants will be provided with a Court-approved interpreter at their first appearance. A Court-approved interpreter will also be provided at subsequent appearances to indigent NES defendants. **Non-indigent NES defendants (with or without retained counsel) must choose and bear the expense of a Court-approved interpreter for subsequent appearances before the Court. Non-indigent NES defendants should contact the Interpreter Manager for the Court-approved list of interpreters.**

2. Civil Cases. Upon request to the Interpreter Manager, each NES person shall be provided with a list of Court-approved interpreters. **Each NES party shall bear the expense of the interpreter.**

3. Juvenile and Custody Mediation Proceedings. Upon request to the Interpreter Manager, NES parties involved in juvenile and custody mediation proceedings shall be provided with a Court-approved interpreter for the duration of the juvenile case or custody mediation session.

4. Civil Domestic Violence (50-B Hearings). Upon request to the Interpreter Manager, a Court-approved interpreter will be provided to NES parties involved in Civil Domestic Violence hearings.

5. Involuntary Commitment Proceedings. Upon request to the Interpreter Manager, a Court-approved interpreter will be provided to NES respondents in involuntary commitment proceedings.

IX. Use of Interpreters of the Day

Interpreters of the Day are stationed in Courtroom 2205. At the call of the morning and afternoon dockets, the Assistant District Attorneys (ADAs) assigned to Courtrooms 1101, 2202, 2203, 2207, and 2209 respectively will determine if there are any NES defendants in the audience who require the services of the Interpreters of the Day. The ADAs will identify anyone in need of assistance to the Interpreters of the Day, who will circulate through each of these courtrooms as they open. The Interpreters of the Day will make a second inquiry in Spanish in each courtroom for the benefit of those in the audience who might have been unable to understand the original inquiry of the ADA. The Interpreters of the Day will also check with the juvenile courts and the civil domestic violence courtroom (203) to determine whether interpreting services are needed.

The Interpreters of the Day shall coordinate with each courtroom as to when their services will be needed and shall keep the court officials in Courtroom 2205 informed of their whereabouts. If there is no need for a language interpreter in any of the courtrooms, the Interpreters of the Day shall remain in Courtroom 2205 and interpret for Spanish-speaking defendants making their first appearance. Whenever possible, at least one Interpreter of the Day should always remain in Courtroom 2205. Any other courtroom with a need for interpreting services may contact Courtroom 2205 via the interpreter phone line (704-331-2119) or contact the Interpreter Manager.

At the close of the session, the Interpreters of the Day shall check with all criminal, juvenile, civil domestic violence (203) courtrooms and the Post-Judgment Services Center to ensure that their services are no longer needed and notify the Interpreter Manager before departing for the day.

Interpreters of the Day must be available for the entire session to which they have been assigned. If exigent circumstances prevent an on-time arrival, interruption in services, or departure prior to the end of the session, it is incumbent upon the interpreter to notify the Interpreter Manager, who will ensure that the other interpreters scheduled for the session can provide

adequate coverage. Recurring tardiness, interruption in services, or departure prior to the end of the session will subject the interpreter to disciplinary procedures as delineated in Section XVI.

To encourage language interpreters within the 26th Judicial District to take the State certification exam, scheduling preference for Interpreter of the Day assignments in District Court will be given to State-certified interpreters. Any openings in the schedule that cannot be filled by State-certified interpreters will be first assigned to those locally accredited interpreters who have taken the State certification exam and have scored at least 60% on each section. Then, any remaining openings will be assigned to those locally accredited interpreters who have not taken the State certification exam or those who have not received at least 60% on each section of the exam.

In order to maintain preferential status, any locally accredited interpreter who has taken the exam and scored at least 60% on each section must retake and pass it within 18 months of the date of the previous exam.

X. Determining the Need for Defense Interpreters

All non-English speaking (NES) defendants will be identified at the first appearance in 1101 or 2205. The only defendants who will appear in a trial court without a Defense Interpreter to assist them are: (1) those who have been denied Court-appointed counsel and decided not to hire an interpreter, or (2) individuals who have waived Court-appointed counsel and decided to go to court without an interpreter. In both of these situations, the services of an Interpreter of the Day may still be used to enable the judge and others to communicate with the defendant at the time of trial. Under these circumstances, the presiding Judge shall add a \$35.00 fee per hour to the defendant's Cost Bill to reimburse the State for the expense of providing an interpreter. The Court may also assess the costs of a foreign language interpreter against an indigent criminal defendant if the defendant is found guilty. See N.C.G.S. § 7A-455 (1999).

- A. Courtroom 1101 - The Court will ensure that all non-English speaking defendants making appearances in 1101 receive the translated (see attached) "Notice to Non-English Speaking Defendants" (currently only available in Spanish). The Sheriff's Deputy at the jail will give in-custody defendants the Notice prior to the video appearance. Out-of-custody defendants will be given the Notice by the ADA calling the docket.

If the Court finds a NES defendant to be indigent, it will appoint counsel and address the need for an interpreter. The Court will ensure he or she receives the translated (see attached) "Notice to Defendant" (currently only available in Spanish), which will inform him/her: (1) of the next court date; and (2) that if in jail, s/he will be visited by his/her attorney; or (3) that if not in jail, s/he must go to the Public Defender's Office immediately to begin the process of assignment of counsel. The Court will also ensure that BOTH the shuck and the "Order of Assignment or Denial of Counsel" form (copy to be forwarded to the Public Defender's Office) are stamped "INTERPRETER." Once the Public Defender's Office receives the paperwork, the need for an interpreter will be addressed in accordance with the procedures outlined in Section XI.

If the Court finds a NES defendant is NOT indigent, or if the NES defendant waives Court-appointed counsel, that defendant shall be given the translated (see attached) "Case Continuance Form" (currently only available in Spanish), which will inform him/her of the next court date. The need for an interpreter shall be noted on the court file.

- B. Courtroom 2205 - All non-English speaking defendants making appearances in Courtroom 2205 shall be given the "Notice to Non-English speaking Defendants."

If the Court finds a NES Defendant to be indigent, it will appoint counsel and address the need for an interpreter. The Court will ensure he or she receives the translated (see attached) "Notice to Defendant" (currently only available in Spanish), which will inform him/her of the next court date and instruct him/her to go to the Public Defender's Office immediately to begin the process of assignment of counsel. BOTH the shuck and the "Order of Assignment or Denial of Counsel" form (copy to be forwarded to the Public Defender's Office) will be stamped "INTERPRETER." The need for an interpreter will be addressed in accordance with the procedures outlined in Section XI.

If the Court finds that a NES defendant is NOT indigent, or if the NES defendant waives court-appointed assistance, the defendant shall be given the translated (see attached) "Instructions to Defendants," which will inform him/her that if s/he wants a lawyer, s/he will have to hire one and also notifies him/her of the next court date. The need for an interpreter shall be noted on the court file.

- C. Trial Courtrooms - If it comes to the attention of the ADA in a trial courtroom that a NES defendant is appearing without an interpreter and was not previously screened, the presiding judge shall make inquiry of the defendant and follow the procedures outlined for screening in Courtroom 2205 (Section X(B) above). The presiding judge may also choose to utilize the Interpreter of the Day on duty to assist in the disposition of the case.

XI. Use of Defense Interpreters

Misdemeanor cases: In general, court appearances are handled by the Interpreters of the Day. However, if any non-court appearances are necessary (i.e., office visits with farm-out attorneys, field investigations or jail visits), the defense attorney must contact the Interpreter Manager for the assignment of an interpreter. Using an equitable rotation, the Interpreter Manager will assign the case to a State-certified interpreter. Once assigned to a case, the interpreter will be allowed to appear at all court dates and bill for a two-hour minimum.

Public Defender's Office visits. Any office visits associated with misdemeanor cases that require the assistance of a Spanish-speaking interpreter should be scheduled during the *Public Defender "office visit interpreter"* time slots. During this time period, a Court-approved interpreter will be stationed at the Public Defender's Office and will assist the attorneys and office personnel in communicating with Spanish-speaking defendants.

Felony Cases:

- a.) In-House. The Public Defender's staff will use an equitable rotation through the list of Defense Interpreters to distribute cases assigned to attorneys within the PD's Office. At all times, State-certified interpreters shall be given preference. It is the interpreter's responsibility to notify the assigned attorney and the Interpreter Manager upon realizing there is a conflict. Consistent with the protocol of the PD's Office, a conflict can consist of but is not limited to co-defendants and defendants who were assisted by the interpreter at the Arrest Processing stage.
- b.) Farm out. On certain occasions, the Public Defender's Office appoints defense attorneys from its "farm-out" list to handle cases. These attorneys shall contact the Interpreter Manager upon notification that an interpreter is needed. Using an equitable rotation method, the Interpreter Manager will assign a State-certified interpreter to the case. The assigned interpreter will be responsible for all court appearances until disposition of the case or the defendant hires his or her own attorney.

Individuals agreeing to serve as a Defense Interpreter must comply with the following expectations or face possible removal from this classification on the Court-approved list:

- 1.) Be punctual for all appointments, interviews, jail visits and court appearances.
- 2.) If unable to be present for any appointment, interview, jail visit or court appearance due to a personal conflict, the interpreter must arrange for coverage by another State-certified interpreter on the list. However, this substitute interpreter will NOT be allowed to bill the AOC for time spent on the case. Compensation arrangements should be made between the assigned interpreter and the substitute interpreter.
- 3.) Be able to be reached on short notice either by pager or cell phone, which must be registered with the Interpreter Manager.
- 4.) Be available to interpret for jail interviews prior to the initial bond hearing, which usually allows only one or two days notice.
- 5.) Be available and willing to go into the field with defense investigators to interpret during witness interviews.
- 6.) Be available and willing to interpret for experts retained by the defense to evaluate defendants.
- 7.) Be available to assist the attorney as needed in translating and responding to correspondence from the client.
- 8.) Be willing to translate discovery for the defendant in a timely manner.
- 9.) Provide accurate interpretation without commentary.
- 10.) Keep strict confidentiality of all communications between members of the defense team and the client.
- 11.) Be willing and able to interpret in all types of criminal cases, regardless of the charge(s) involved, and not decline cases due to the nature of the charge.
- 12.) Be willing to continue involvement with all phases of a case even if the case lasts a year or more.

- 13.) Observe all rules of courtroom decorum and attire.
- 14.) Inform defense attorneys involved and the Interpreter Manager whenever a conflict arises.

In no instance, should there be two interpreters working with one defendant. If a State-certified interpreter consistently misses appointments, jail visits, or court dates which necessitates coverage by other interpreters, the State-certified interpreter will be subject to removal from this classification (see Section XXI - Disciplinary Procedures).

XII. Use of Arrest Processing Interpreters

When interpreting services are required at the Arrest Processing Center, the Magistrate will either utilize the interpreter(s) scheduled to be on duty or contract for services on a defendant-by-defendant basis during periods when no one has been scheduled. In either instance, the Magistrates will only appoint interpreters appearing on the Court's approved list of Arrest Processing Interpreters. Appointments are only for the arrest processing stage and do not constitute an appointment for the life of the case.

If a Court-approved interpreter is contacted by a Magistrate, s/he MUST notify the Magistrate of the approximate time of arrival at the Intake Center. If the interpreter cannot arrive within 30 minutes of notification, the Magistrate should call another interpreter. However, when attempts to locate an interpreter on the Court's approved list have been exhausted, the Magistrate may employ another reliable source, such as the escorting police officer.

During those times when there is an interpreter working shift hours, under NO circumstances should a non-shift interpreter process a defendant before a Magistrate. If an interpreter is needed prior to the commencement of a scheduled shift, the Magistrate should attempt to call the assigned interpreter before calling another Arrest Processing interpreter not scheduled to work. However, if the non-shift interpreter is called in, s/he should provide interpreting services up until the assigned shift interpreter arrives. Once the non-shift interpreter has finished with the defendant s/he was assisting when the shift interpreter arrived, the non-shift interpreter should leave the Magistrate area.

While most interpreting needs at the Arrest Processing Center will be for communications between Magistrates and defendants who are in custody, interpreters may also be employed for communications between Magistrates and victims/witnesses who are seeking to obtain a warrant. The interpreter on duty shall be utilized in these instances or an interpreter from the Court's approved list shall be called during those periods when no one is scheduled. The only exception to the previous statement is when a police officer escorts a non-English speaking person to the public window and the officer is willing and able to assist as an interpreter. The Magistrate may use that officer if there is no interpreter on duty. When assisting victims/witnesses, the interpreter shall write "No File Number" at the top of the application for payment (AOC-G-107) and indicate the exact nature of the proceeding to justify the missing file number (i.e., victim swearing warrant/assault). The Magistrate shall complete the separate "Request for an Interpreter" form indicating whether probable cause was found and attach the original to the interpreter payment application. Otherwise, payment for services rendered in these situations will be in accordance with Section XIII(D) below.

Interpreters providing services at the Arrest Processing Center shall purchase a rubber stamp, which reads: "Interpreted by (Insert Name of Interpreter)." The Magistrate shall stamp the interpreter's name on the yellow copy of the warrant in a prominent location so that it will be easily noticed by the Public Defender's Office. The stamp will serve two purposes: (1) alert court officials at later stages that an interpreter is needed; and, (2) enable court officials to avoid assigning the interpreter used at the Arrest Processing Center as a Defense Interpreter later in the case.

Effective January 1, 2005, scheduling preference for all interpreter services provided at the Arrest Processing Center will be given to State-certified interpreters. For non-shift assignments, the Magistrates will use an equitable rotation to distribute the work among State-certified interpreters. When making shift assignments, any openings in the schedule that cannot be filled by State-certified interpreters will be first assigned to those locally accredited interpreters who have taken the State certification exam and have scored at least 60% on each section. Then, any remaining openings will be assigned to those locally accredited interpreters who have not taken the State certification exam or those who have not received at least 60% on each section of the exam. In order to maintain preferential status, any locally accredited interpreter who has taken the exam and scored at least 60% on each section must retake and pass it within 18 months of the date of the previous exam.

XIII. Rate of Pay for Interpreters

- A. Interpreters of the Day - Interpreters of the Day may be assigned by the Interpreter Manager for half-day sessions, full-day sessions, or as an extra interpreter. Interpreters of the Day assigned to cover the morning sessions of court shall be available from 9:00 a.m. to 12:30 p.m. Interpreters of the Day assigned to cover the afternoon sessions of court shall be available from 1:30 p.m. to 5:00 p.m. Extra interpreters shall be scheduled as needed. The rate of pay shall be \$30.00 per hour for interpreters who have Mecklenburg County accreditation and \$35.00 per hour for those with North Carolina certification. Interpreters covering a half-day will receive \$105.00 if locally accredited and \$122.50 if State certified. A locally accredited interpreter covering a full day will receive \$210.00, and a State-certified interpreter will receive \$245.00. Services provided beyond the length of the normal session will be compensated according to the respective hourly rates and should be billed in 15-minute increments. There will be no payment to cover travel costs or parking.

The Interpreter of the Day will use **59VAR** in place of a case number on the application for payment (AOC-G-107) and indicate that s/he is the **Interpreter of the Day** and whether s/he worked a half-day, full day, or as an extra interpreter in the *Case Name* section. The interpreter will also provide the Interpreter Manager with a full written listing of all defendants and courtrooms served during each session. After the appropriate signatures have been obtained, the application for payment along with the above-referenced listing should be submitted as soon as practicable to the Interpreter Manager. *Absent exigent circumstances, any fee applications that are submitted over 120 days after the date of service will not be approved for payment.*

If an Interpreter of the Day who is also classified as a Defense Interpreter has court appearances for assigned cases (including juvenile) on the same date as being assigned as Interpreter of the Day, then s/he must do one of the following depending on the circumstances:

1. If the court appearances involve one or two assigned cases, s/he should deduct time spent on assigned cases from the Interpreter of the Day fee application.
2. If the court appearances involve more than two assigned cases, the interpreter should give up the court shift. The Interpreter Manager **MUST** be notified immediately if this occurs so proper coverage for the court can be obtained.

NO Interpreter of the Day is permitted to interpret for a defendant with retained counsel unless the presiding Judge is made aware that counsel is retained and that the interpreter is on shift assignment and therefore being paid by the Administrative Office of the Courts. In accordance with AOC policy, the only situation where payment by the Judicial Branch will be permissible is when the presiding judge has determined that the defendant does not have the financial resources to pay both his or her counsel and interpreter. Upon notification that the defense attorney is privately retained, the judge will make the determination as to whether the services of the Interpreter of the Day would be appropriate in accordance with this policy.

- B. Defense Interpreters - Misdemeanor cases handled by the Interpreter of the Day shall not be billed separately. Interpreters assigned to the Public Defender's Office visit slots shall bill for 2.5-hour sessions. The rate of pay shall be \$30.00 per hour for interpreters who have Mecklenburg County accreditation and \$35.00 per hour for those with North Carolina certification. Interpreters covering a 2.5-hour session will receive \$75.00 if locally accredited and \$87.50 if State certified. Services provided beyond the length of the normal session will be compensated according to the respective hourly rates and should be billed in 15-minute increments.

All other Defense Interpreters shall be paid at the same hourly rate of \$30.00 if locally accredited and \$35.00 if State certified (to be billed in 15-minute increments) except that application for payment (AOC-G-107) shall be made for the specific case. Defense Interpreters are guaranteed payment for a minimum of two hours per case (not appearance). Judges will only appoint and pay persons on the Court-approved list maintained by the Interpreter Manager. ***Note: Interpreter appointments must be made via the Public Defender's Office for in-house felony cases and by the Interpreter Manager for farm-out felony cases before services are delivered or payment will not be made.***

The fee petition (AOC-G-107) for interpreting services shall be prepared and submitted to the presiding judge immediately upon the conclusion of the case. Signed fee applications shall be forwarded to the Interpreter Manager for processing. Absent exigent circumstances, the Interpreter Manager will not process a fee application without a defense tracking sheet attached or which is submitted over 120 days after the last date of service.

In an effort to conserve public funds to provide for interpretation, court personnel shall undertake all efforts possible to ensure early notification to interpreters when assignments have been cancelled and/or rescheduled. When less than 24 hours notice is given in canceling an assignment of one day or more, then the Interpreter Manager shall make every effort to reassign the interpreter for an equivalent period of time. In addition, court personnel shall endeavor to effectively schedule cases requiring the use of an interpreter in order to maximize the use of the interpreter's time.

If the defendant does not show up for his or her court date and an order for arrest for the defendant is issued, the interpreter must hold the fee application for a minimum of 45 days to verify that the OFA has not been served. If the defendant is served with the Order for Arrest and provided another court date, the assigned interpreter should resume involvement with the case. The defense interpreter should notify the Interpreter Manager of such situations to implement a tracking system for the case. If the Order for Arrest has not been served within 45 days, the interpreter should submit the fee application with a minimum of 2 hours or actual time spent on the case, whichever is greater.

Defense Interpreters who are providing services to a defendant with retained counsel shall not submit any fee application for payment from the Judicial Branch without express consent of the presiding judge and notification to the Interpreter Manager. The only situation where payment by the Judicial Branch will be permissible is when the presiding judge has determined that the defendant does not have the financial resources to pay both his or her counsel and interpreter.

- C. Prosecution Interpreters - Prosecution Interpreters shall also be paid at an hourly rate of \$30.00 if locally accredited and \$35.00 if State certified (to be billed in 15-minute increments) and application for payment (AOC-G-107) shall be made for the specific case. Prosecution Interpreters are guaranteed payment for a minimum of two hours per case (not appearance). Judges will only appoint and pay persons on the Court-approved list maintained by the Interpreter Manager. ***Note: Court appointments must be made before services are delivered or payment will not be made.***

The fee petition (AOC-G-107) for interpreting services shall be prepared and submitted to the presiding judge immediately upon the conclusion of the case. Signed fee applications shall be forwarded to the Interpreter Manager for processing. Absent exigent circumstances, the Interpreter Manager will not process a fee application submitted over 120 days after the last date of service.

- D. Arrest Processing Center Interpreters - Interpreters who are on duty will cover five-hour shifts beginning Friday night at 10:00 p.m. and ending on Sunday morning at 8:00 a.m. The first shift will begin at 10:00 p.m. and run until 2:59 a.m. The second shift will begin at 3:00 a.m. and run until 8:00 a.m. The on-duty interpreter will keep the Magistrates aware of his or her whereabouts at all times. The rate of pay shall be \$40.00 per hour for interpreters who have Mecklenburg County accreditation and \$45.00 per hour for those with North Carolina certification.

Interpreters covering the first or second shift will receive \$200.00 if locally accredited and \$225.00 if State certified. A locally accredited interpreter covering both shifts will receive \$400.00, and a State-certified interpreter will receive \$450.00.

Interpreters who are on duty will submit the application for payment (AOC-G-107) to the Interpreter Manager. In place of a case number, **59VARnght** should be indicated. In the “Nature of Proceedings” block, the interpreter should write “**Magistrate Shift Work**”. The interpreter who is on duty shall also provide the Interpreter Manager with a full written listing of all defendants served during each shift and the length of time spent with each one. Interpreters on duty shall serve a defendant until the normal point of completion even if the service provided carries past the end of a scheduled shift. Any services provided beyond the length of the normal session will be compensated according to the respective hourly rates and should be billed in 15-minute increments. Application for payment, together with the above-referenced listing, should be submitted as soon as practicable after services have been delivered. Absent exigent circumstances, ***fee applications submitted over 120 days after the date of service will not be approved for payment.***

Arrest Processing Interpreters who are not on duty and are appointed per defendant shall be paid \$30.00 per hour if locally accredited and \$35.00 if State certified (to be billed in 15-minute increments) for services delivered between 8:00 a.m. and 5:59 p.m. Locally accredited interpreters shall be paid \$40.00 per hour and State-certified interpreters \$45.00 per hour (to be billed in one-half hour increments) for services delivered Monday through Friday between the hours of 6:00 p.m. and 7:59 a.m. and on weekends and holidays. There is also a two-hour minimum guarantee for services delivered between the hours of 6:00 p.m. and 7:59 a.m. Monday through Friday and on weekends and holidays per visit to the Arrest Processing Center. A minimum of at least two hours must have elapsed between visits for an additional two-hour guarantee to apply.

In extreme cases, when an Arrest Processing interpreter who is NOT on shift must interpret during a scheduled shift as outlined in Section XII, the interpreter shall only bill for the actual time in the Magistrate area. The interpreter is NOT entitled to the 2-hour minimum as discussed above.

If the delivery of services begins in one time segment and then carries over to another time segment, the rate for the time segment in which the services began will apply throughout. Application for Payment (AOC-G-107) for services rendered on a defendant-by-defendant basis shall be made for a specific case and must specify the time period when such services were delivered. Also, attached to every Application for Payment (AOC-G-107) shall be the Arrest Processing Center Tracking Form from the Mecklenburg County Sheriff’s Office, which reflects the time spent by the defendant in each stage of the process. Copies of these completed forms can be obtained from the Sheriff’s Deputy working the hallway outside the Magistrate’s Office in the Mecklenburg County Jail Central.

Note: Fee applications along with the Tracking Form attachment must be submitted to the Magistrate for approval immediately upon the completion of services. The Magistrate shall verify the amount of time being billed and, if correct, approve the Application for Payment (AOC- G-107) by initialing the document in the top right corner and signing in the sections labeled Motion and Appointment. Once the Magistrate has initialed and signed AOC-G-107, the interpreter shall transmit it along with the Tracking Form to the Interpreter Manager for final processing. Absent exigent circumstances, the Interpreter Manager will not process a fee application submitted over 120 days after the last date of service. Also, if the Interpreter Manager notes a discrepancy between the hours indicated on the Tracking Form and the hours submitted by the interpreter on the Application for Payment, the hours indicated on the Tracking Form will always prevail.

If an interpreter is appointed to provide services to more than one defendant during the same time period, payment for each defendant may only be requested for the actual time that services were provided. Interpreters may not bill twice for any overlapping time. *The Court will not order payment for interpreting services provided prior to the defendant's appearance before the Magistrate. However, the Court will pay up to one additional hour for time spent with the defendant after the appearance before the Magistrate for meeting with Court Services, jail reception, booking and arranging for a bondsman. All appointments expire with the completion of services delivered at the Arrest Processing Center.*

- E. Non-Spanish Foreign Language Interpreters and Interpreters for ADA Accommodations - Both non-Spanish foreign language interpreters and interpreters for ADA accommodations are assigned on an as needed basis by the Interpreter Manager. With these interpreters, the hourly rate can vary depending on the language or accommodation needed. The Interpreter Manager shall attempt to find the most reasonably priced interpreter taking into account the type of case, the individual's needs and the interpreter's qualifications. If at any point the hourly rate exceeds the normal range, the Interpreter Manager will seek approval from the Operations Administrator prior to assigning the case to the interpreter. All such interpreters shall submit a fee application as outlined in (B). *Interpreters used to provide ADA accommodations are the only interpreters eligible for reimbursement of mileage and parking expenses.*

XIV. Attorneys Interpreting for Clients and Witnesses

A defense attorney must be either locally accredited or State certified to interpret before the Court. However, under no circumstances, shall the defense attorney serve as both legal counsel and interpreter for his or her client and/or for a witness appearing in the hearing or trial of his or her client's case. The Court must ensure that the interpretation is not being affected by a personal interest in the outcome of the case. For all court appearances involving an indigent defendant, the attorney shall use the Interpreter of the Day for all misdemeanor cases, interpreter assigned by the Public Defender's Office for all in-house felony cases, and the interpreter assigned by the Interpreter Manager for all farm-out felony cases. If the case is retained, the

attorney shall make arrangements prior to court to ensure that a Court-approved interpreter will be present for the proceedings.

XV. Legal Assistants on the Court-Approved Interpreter's List

Any interpreter who is on the Court-approved list and employed by an attorney or law firm in a capacity other than as an interpreter should not approach the presiding judge, Assistant District Attorney, and/or courtroom clerk for signatures on an unrelated matter or case other than one pertaining to his or her interpreting services. Non-interpreting duties shall not be conducted during the court session at which the interpreter is providing interpreting services.

XVI. Evaluation of Interpreting Skills and Compliance with Policy

Annually, each interpreter on the Court-approved list will be evaluated for his/her interpreting skills and compliance with these policies and procedures. The evaluation will be conducted either by a presiding judge, the Interpreter Manager, a Federally certified interpreter, an unbiased interpreting service expert from an educational institution, or some combination thereof. The interpreter being evaluated will be notified that an evaluation will be taking place within a determined time period utilizing a Court-approved form and process. Upon completing the evaluation, any comments and suggestions will be addressed to the interpreter by the Interpreter Manager.

XVII. Personnel File

Each interpreter providing services within the 26th Judicial District will be responsible for maintaining an updated resume on file with the Interpreter Manager in addition to copies of certifications and proof of professional enhancement. The Interpreter Manager will also maintain documentation as to any grievances filed and/or disciplinary actions that have been taken against the interpreter. Any information in the interpreter's personnel file may be shared with the Foreign Language Services Project in Raleigh or local court officials.

The information contained in each interpreter's file will be kept confidential to the extent permitted by law. Interpreters providing services within the 26th Judicial District are not employees of the State and, therefore, are not subject to the provisions of the State personnel law or Judicial Branch personnel policies.

XVIII. Continuing Education and Training

All interpreters used by the 26th Judicial District must provide documentation that he or she has successfully completed at least 3 credit hours of continuing education and/or has attended an enrichment seminar on interpretation or translation each year. The Interpreter Manager will post and communicate any such classes and/or seminars being offered that will fulfill such requirement. If an interpreter fails to achieve this requirement within the time period

allotted, s/he will not be allowed to accept any interpreting assignment until the completion of the continuing education and training requirement, whichever comes first.

XIX. General Rules

- Interpreters shall arrive on time for all assignments and see them through to completion.
- No soliciting by interpreters is permitted in or around any of the courthouses, jails, Arrest Processing Center, or Law Enforcement Center. Violators will be subject to the contempt powers of the court.
- Interpreters who provide services at the pre-arrest, investigation, arrest, arrest processing, or bond stage shall not serve the same client during any subsequent court appearance.
- Interpreters who provide services to the State in a particular case may not serve as a Defense Interpreter at any other stage in that same case. Interpreters should immediately notify the Public Defender's Office and Interpreter Manager when they become aware of a conflict.
- A bail bondsman may not serve as an interpreter in any case where he or she has provided the services of a bondsman.
- Defense Interpreters have the same duties as an attorney with respect to privilege and confidentiality.
- Interpreters shall dress in professional attire during court proceedings. Business casual attire is permissible for any services provided at the Magistrate office, during jail visits, attorney office visits, and any investigation proceedings.
- No personal, outside business, non-court related or non-interpreter related phone calls shall be placed on the interpreter phone line.
- No interpreter is to look up officer court dates in the courtroom notebooks for any reason.
- Interpreters should always request permission to approach the Judge's bench, no matter the circumstances.

XX. Grievance Procedures

Any court official, attorney, agency representative, interpreter, and/or community member who suspects an interpreter within the 26th Judicial District of violating any of the policies and procedures set forth herein should contact the Interpreter Manager in writing. The correspondence should include the date of the alleged violation, a detailed account of the facts concerning the alleged violation and the complainant's contact information for verification of the details. Upon receiving the written complaint, within 30 days, the Interpreter Manager shall complete the following:

- 1.) Communicate with the author of the complaint and any others who were present or involved (if necessary) to obtain all of the pertinent information.
- 2.) Meet with the interpreter named in the complaint and discuss the issues involved.
- 3.) Request a written response to the complaint from the named interpreter to be included in his or her personnel file and possibly shared with the complainant and/or others as appropriate.

- 4.) Discuss the complaint and investigation findings with the Operations Administrator and Trial Court Administrator to determine the appropriate action to be taken.

If the complaint warrants disciplinary action, those listed in XXI will be followed.

XXI. Disciplinary Procedures

All interpreters providing services within the 26th Judicial District will be subject to the following disciplinary actions if warranted. The degree of discipline to be imposed shall depend on factors such as the seriousness of the violation, the intent of the interpreter, whether there is a pattern of improper activity, and the effect of the improper activity on others or on the judicial system.

Sanctions

- 1st Offense: Oral reprimand and, if appropriate, deduction of actual time or 30 minutes, whichever is longer, on fee application
- 2nd Offense: Written reprimand and, if appropriate, deduction of actual time or 30 minutes, whichever is longer, on fee application
- 3rd Offense: Suspension from the Court-approved list for a minimum of 30 days

Subsequent offenses will result in indefinite suspension from the Court-approved list (see reinstatement provision below).

Note: Upon suspension, the interpreter must provide a list of cases currently assigned to him or her to the Interpreter Manager for reassignment.

Reinstatement after Suspension

An interpreter who has been indefinitely suspended must submit a written request for reinstatement to the Court-approved list. This letter should state the reasons why the interpreter thinks he or she should be reinstated. The interpreter shall be notified in writing within 30 days as to whether the request for reinstatement has been granted or denied. When appropriate, the interpreter may be required to meet certain conditions to be reinstated. After reinstatement, a probationary period of 90 days will apply. If subsequent abuses of these policies and procedures occur during the probationary period, the interpreter may be permanently removed from the Court-approved list.

Automatic Removal from Court-Approved List

The following offenses may result in automatic removal from the Court-approved list without the possibility of reinstatement:

- Conviction of a felony or a misdemeanor involving moral turpitude, dishonesty, or false statements,

- Fraud, dishonesty, or corruption which is related to the functions and duties of a court interpreter;
- Knowingly and willfully disclosing confidential or privileged information obtained while serving in an official capacity;
- Gross incompetence or unprofessional or unethical conduct; or
- Violation of the Code of Professional Responsibility for Interpreters in the 26th Judicial District.

Amended this the 1st day of April 2004.

Fritz Y. Mercer, Jr.
Chief District Court Judge

Robert P. Johnston
Senior Resident Superior Court Judge

APPLICATION TO SERVE AS A COURT-ASSIGNED INTERPRETER
IN THE TWENTY-SIXTH JUDICIAL DISTRICT

Name _____

Address _____

Telephone Numbers:

Daytime	_____	Evening	_____
Beeper	_____	Cell Phone	_____
Fax	_____	E-Mail	_____

Language(s) spoken (indicate dialects) _____

Are you interested in serving as a (circle all that apply):

Court Interpreter Defense Interpreter State Interpreter Arrest Processing Interpreter

Are you certified through the US Certified Court Interpreter Program?	Y	N
Are you certified through the State Court Interpreter Certification Consortium?	Y	N
Are you willing to accept late night assignments at the Intake Center?	Y	N

Please list any interpreting/translating courses you have taken _____

Signature of Applicant

Date

Please attach a current resume, which outlines all relevant education and work experience, three letters of reference from individuals who can attest to your interpretation qualifications and character, the name, address, and telephone numbers of your last 2 employers, and a signed copy of the Code of Professional Responsibility for Interpreters in the 26th Judicial District. Submit to:

Interpreter Manager
Trial Court Administrator's Office
800 East Fourth Street, Suite 311
Charlotte, NC 28202

Interpreters providing services within the 26th Judicial District are not employees of the State and are not subject to the provisions of the State personnel law or Judicial Branch personnel policies.

CODE OF PROFESSIONAL RESPONSIBILITY FOR INTERPRETERS IN THE 26TH JUDICIAL DISTRICT

Canon 1: Accuracy and Completeness

Interpreters shall preserve the tone and register of the statements they are interpreting and render, without explanation, a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written.

Canon 2: Representation of Qualifications

Interpreters shall accurately and completely represent their certifications, training, and pertinent experience.

Canon 3: Impartiality and Avoidance of Conflict of Interest

Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias, such as making any positive or negative comment regarding any attorney or law firm. While providing services on a case and for the duration of the proceedings, interpreters shall neither interact with nor socialize with the parties, attorneys, witnesses, jurors, or friends or relatives of one of these persons, except as required in the performance of their official duties. It is especially important that interpreters, who are often familiar with attorneys or other members of the courtroom work group, including law enforcement officers, refrain from casual and personal conversations with anyone in court that may convey an appearance of a special relationship or partiality to any of the court participants. Interpreters shall disclose any real or perceived conflict of interest, however remote.

Canon 4: Professional Demeanor

Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

Canon 5: Confidentiality

Interpreters shall protect the confidentiality of all privileged and other confidential information.

Canon 6: Restriction of Public Comment

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

Canon 7: Scope of Practice

Interpreters shall limit themselves to interpreting or translating and shall not give legal advice; assist defendants in the handling of their cases; negotiate with the District Attorney; express personal opinions to individuals for whom they are interpreting; make referrals to any specific attorney, law firm, agency or individual; or engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

Canon 8: Assessing and Reporting Impediments to Performance

Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the appropriate judicial authority.

Canon 9: Duty to Report Ethical Violations

Interpreters shall report to the proper judicial authority any effort to impede their compliance with any law, any provision of this code, or any other policies and procedures governing court interpreting and legal translating.

Canon 10: Professional Development

Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education, and interaction with colleagues and specialists in related fields.

Note: Interpreters shall abide by these same guidelines when providing translation services.

**LANGUAGE INTERPRETER OATH
26TH JUDICIAL DISTRICT**

I do solemnly swear (affirm) to interpret accurately, completely and impartially, using my best skill and judgment in accordance with the standards prescribed by law and the Code of Professional Responsibility for Interpreters in the 26th Judicial District, follow all policies and procedures established by this court for legal interpreting or translating, and discharge all the solemn duties and obligations of legal interpretation and translation as they now exist and as they may be amended in the future.

Name of Interpreter

Signature of Interpreter

Date

Sworn to and subscribed before me this _____ day of _____.

Notary Public

Commission Expires _____

NOTICE TO NON-ENGLISH SPEAKING DEFENDANTS

You have been charged with a crime or traffic violation and have been identified as an individual who does not speak English. You may be eligible for a court-appointed lawyer as well as a court-appointed language interpreter.

At the appropriate time, you will be asked if you would like to apply for a court-appointed interpreter. The court official will tell you whether you are eligible based on your financial need. If you are appointed an interpreter, that person will work for you until your case is finished. In the event that you are required to pay interpreting fees, you will do so at the Cashier's window. You shall NOT pay the interpreter directly.

If you are **NOT** appointed an interpreter, the Judge will have an interpreter available to assist him or her in hearing your case at the time of the trial. If you bring your own interpreter, that person must be on the Court-approved language interpreter list. You are responsible for his or her fee.

Please note that interpreters do not have legal training and cannot offer any legal advice on how you should prepare your case.

AVISO A LOS DEMANDADOS QUE NO HABLAN INGLÉS

A usted le han acusado de una falta o infracción de tránsito y se le ha sido identificado como una persona que no habla inglés. Usted podría calificar para que le asignen un abogado y un intérprete que hable su idioma.

En el momento debido, a usted le preguntarán si quiere solicitar un intérprete asignado por el tribunal. Basándose en su estado financiero, el funcionario del tribunal le dirá si usted califica. Si le asignan un intérprete, esa persona trabajará en su caso hasta que se termine. En caso de que el tribunal le requiera que pague los honorarios del intérprete, Ud. tendrá que pagarlos en la ventanilla del cajero. NO pagará directamente al intérprete.

Si **NO** le asignan un intérprete, el juez tendrá uno disponible para que le ayude al oír su caso durante su juicio. Si usted trae su propio intérprete, esa persona tiene que estar en la lista oficial de intérpretes. Usted será responsable por sus honorarios.

Por favor note que los intérpretes no tienen estudios de leyes y por lo tanto no pueden ofrecer consejos legales acerca de cómo preparar su caso.

NOTICE TO DEFENDANT:

**You Now Have a Lawyer.
Your Lawyer's Telephone No. Is 704-347-7870,
The Public Defender's Office**

IF YOU ARE IN JAIL, your attorney will visit you as soon as possible to talk to you about your case.

IF YOU ARE NOT IN JAIL, you must go by the Public Defender's office immediately to begin the process of assignment of counsel. The address is:

720 East Fourth Street
Charlotte, NC 28202

**Room 308, Third Floor
County and Courts Building
(Between Criminal and Civil Buildings)
(Old County Office Building)
Charlotte, North Carolina 28202
Telephone: 704-347-7870**

CALL 704-347-7870 in three (3) days to get your lawyer's name and make an appointment to see your lawyer.

**Do not talk with anyone except your lawyer or Public Defender Investigator about your case.
ANYONE YOU TALK TO CAN BE CALLED TO COURT AS A WITNESS AGAINST YOU.**

If anyone tries to talk to you about your case, tell them to call your lawyer.

Case No.: _____

Charge: _____

Your case has been continued until: _____ at
9:00 a.m./1:30 p.m., District Superior Court No. _____.

If you fail to appear on your new court date, an Order for your Arrest will be issued and a new bond will be set.

PLEASE PRINT THE FOLLOWING:

NAME: _____

ADDRESS: _____
(City, State, Zip)

SOCIAL SECURITY NO.: _____

TELEPHONE NO.: _____

**REMEMBER: GO BY THE PUBLIC DEFENDER'S OFFICE IMMEDIATELY AND CALL
THEM IN THREE (3) DAYS FOR YOUR LAWYER'S NAME.**

AVISO AL DEMANDADO:

**Usted tiene un abogado.
El número de teléfono de su abogado es (704) 347-7870,
Oficina del defensor de oficio**

SI USTED ESTÁ EN LA CÁRCEL, su abogado le visitará tan pronto como sea posible para conversar con Ud. sobre su caso.

SI USTED NO ESTÁ EN LA CÁRCEL, debe pasar por la oficina del defensor de oficio inmediatamente para empezar el proceso de nombramiento de un abogado. La dirección es:

**Sala 308, tercer piso
Edificio del condado y tribunales [County and Courts Building]
720 East Fourth Street
(Ubicado entre los edificios de los tribunales penales y civiles)
Charlotte, North Carolina 28202
Teléfono: (704) 347-7870**

Después de tres (3) días LLAME al (704) 347-7870 para saber el nombre de su abogado y pedir una cita para reunirse con él.

No hable con nadie sobre su caso, excepto con su abogado o el investigador que trabaja para el defensor de oficio. A CUALQUIER PERSONA CON QUIEN USTED HABLE PUEDE CITÁRSELE AL TRIBUNAL COMO TESTIGO EN SU CONTRA.

Si alguien intentara hablar con usted sobre su caso, dígame que llame a su abogado.

Núm. del caso: _____

Cargo(s): _____

Su caso ha sido postergado hasta: _____ a las 9:00 a.m./1:30 p.m., en el tribunal de distrito superior en la sala número: _____.

Si usted no comparece al tribunal, en la fecha nueva, se emitirá una orden para su arresto y se le fijará una nueva fianza.

POR FAVOR LLENAR LO SIGUIENTE:

NOMBRE: _____

DIRECCIÓN: _____

NÚMERO DE SEGURO SOCIAL: _____

NÚMERO DE TELÉFONO: _____

RECUERDE: PASE POR LA OFICINA DEL DEFENSOR DE OFICIO INMEDIATAMENTE Y LLÁMELES DESPUÉS DE TRES (3) DÍAS PARA QUE LE DEN EL NOMBRE DE SU ABOGADO.

CASE CONTINUANCE FORM

NOTICE TO DEFENDANT:

Your case has been continued to ____/____/____ at 9:00 am / 1:30 pm in
District Court # _____.

NOTIFICACIÓN DE LA POSTERGACIÓN DEL CASO

AVISO AL DEMANDADO:

Su caso ha sido pospuesto para el día ____ del mes de _____ del
año ____ a las 9:00 a.m. / 1:30 p.m. en la sala número ____ del tribunal de
distrito.

INSTRUCTIONS TO DEFENDANTS

COURT DATE: _____

TIME: **9:00 A.M.** **1:30 P.M.**

COURTROOM: **2202** **2203** **2205** **2207** **2209**

Criminal Courts Building
700 East Fourth Street, Charlotte, NC 28202

- **If you want to hire a lawyer, do it now.** Do not wait until just before it is time to come to court to hire a lawyer. Your case will not be rescheduled to give you more time to hire a lawyer.
- **If you have been appointed a Public Defender, go to the Public Defender's office right now to make an appointment to meet with your lawyer.**

Public Defender's Office
720 East Fourth Street, Suite 308
Charlotte, North Carolina 28202-2894
Telephone: (704) 347-7870

- We intend to handle your case on your assigned court date. Do not expect to postpone the case.
- You are required to be on time and sitting in the courtroom at the time assigned above. Give yourself enough time to travel, to find parking, and to enter through the security checkpoint.
- **Payment of Fines and Court Costs**

If you plead guilty or are convicted at your trial, be prepared to pay the fines and court costs by 5:00 pm on the date of your court appearance. Do not wait until your trial date to begin saving or borrowing the money needed to pay fines and court costs. Unpaid fines and court costs will result in your arrest.

INSTRUCCIONES PARA LOS DEMANDADOS

FECHA DE COMPARECENCIA: _____

HORA:	9:00 A.M.		1:30 P.M.		
SALA:	2202	2203	2205	2207	2209

Edificio de los tribunales penales
700 East Fourth Street, Charlotte, NC 28202

- **Si usted quiere contratar un abogado, hágalo inmediatamente.** No espere hasta que sea la fecha de comparecencia para contratar al abogado. No se postergará su caso para darle más tiempo para conseguir un abogado.
- **Si se le ha asignado un defensor de oficio, vaya inmediatamente a la oficina del defensor de oficio y pida hora para reunirse con él/ella.**

Oficina del defensor de oficio
720 East Fourth Street, Suite 308
Charlotte, North Carolina 28202-2894
Teléfono: (704) 347-7870

- Vamos a procesar su caso en la fecha señalada. No cuente con que se le postergue el caso.
- Debe llegar a tiempo y tomar asiento en la sala del tribunal a la hora indicada arriba. Salga con suficiente anticipación para llegar, encontrar estacionamiento y pasar por el control de seguridad.

- **Pago de multas y costes judiciales**

Si se declara culpable o le condenan en juicio, debe pagar la multa y los costes judiciales antes de las 5:00 p.m. ese mismo día. No espere hasta la fecha de su juicio para empezar a reunir el dinero o pedir prestada la suma necesaria para pagar las multas y los costes judiciales. Si usted no paga las multas y los costes judiciales, se emitirá una orden de arresto en su contra.