

IN THE THIRD JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 2008- 005
Replaces 2007-002

COURT INTERPRETER PROGRAM

Whereas, pursuant to the Fifth Amendment of the United States Constitution, no person shall “be deprived of life, liberty, or property, without due process of law;” and

Whereas, pursuant to Article I, section 21 of the Florida Constitution, all persons are entitled to access to the courts; and

Whereas, non-English speaking persons or hearing impaired persons, when participating in a court proceeding, cannot be guaranteed due process of law or meaningful access to the courts without the assistance of a foreign language interpreter or sign language interpreter; and

Whereas, on July 1, 2006, the Supreme Court of Florida adopted the Florida Rules for Certification and Regulation of Court Interpreters, establishing standards and procedures for qualifications, certification, professional conduct, discipline, and training of foreign language court interpreters who are appointed by a court of competent jurisdiction; and

Whereas, on July 1, 2008, Florida courts are mandated to be in compliance with rule 2.560(e), Florida Rules of Judicial Administration, which will require the use of foreign language interpreters under specified circumstances; and

Whereas, in order to ensure compliance with the Americans With Disabilities Act and rule 2.540, Florida Rules of Judicial Administration; and

Whereas, to ensure uniform and skilled interpretations, to avoid real or perceived conflicts of interest within court proceedings, and in order to meet the Supreme Court of

Florida standards and procedures for foreign language court interpreters, it is necessary to establish uniform guidelines for foreign language court interpretation within the Third Judicial Circuit. It is therefore

ORDERED:

INTERPRETER REQUESTS

1. The Third Judicial Circuit will establish and operate a Court Interpreter Program under the direction of the Administrative Office of the Courts.

2. The Court Interpreter Program will maintain a list of approved interpreters for criminal, domestic violence, dependency, and some civil and family proceedings involving indigent parties.

3. Court interpreters will be employed as freelance interpreters on an "as needed" basis.

4. The scheduling of court interpreters shall occur only through the Court Interpreter Program. Whenever possible, requests for court interpreters shall be made in advance of the court date. Requests may be made by e-mail at Interpreter@jud3.flcourts.org or by telephone at (386) 758-2161. E-mail sent to Interpreter@jud3.flcourts.org cannot include any other addresses in the "To", "cc" or "bcc" address lines. Additional addresses will prevent delivery to the interpreter address.

Persons making the interpreter request must include the following information:

- a. the style of the case;
- b. the date and time the interpreter is needed;
- c. the language needed;
- d. the name of the person requiring the service;
- e. the name and telephone number of the person making the request;
- f. the location of the event; and
- g. the estimated duration of the event.

APPROVED INTERPRETERS

5. As of March 5, 2007, all foreign language Court Interpreters in the Third Circuit must meet the qualification of a Duly Qualified Interpreter as defined by Rule 14.100, Florida Rules for Certification and Regulation of Court Interpreters, prior to being hired for interpretive needs.

6. By July 1, 2008, pursuant to Fla. R. Jud. Admin. R. 2.073(e), whenever possible, foreign language court interpreters utilized in the Third Circuit must shall be certified pursuant to Rule 14.100, Florida Rules for Certification and Regulation of Court Interpreters or shall have a certificate of Qualification for the Office of the State Courts Administrator in Tallahassee.

7. For interpretive needs of languages rarely encountered in the Third Judicial Circuit, *e.g.*, Farsi or Mandarin Chinese, the Court Interpreter Program may be required to schedule an interpreter who has not met all of the standards under Rule 14.00, Florida Rules for Certification and Regulation of Court Interpreters. The presiding judge must then qualify the language interpreter of the less common languages prior to the utilization of the interpreter, in a manner consistent with rule 2.560(e)(2).

8. Only persons employed by the Third Judicial Circuit Court Interpreter Program and scheduled through the Court Interpreter Program are permitted to act as interpreters at court events. Persons who have not entered into a Professional Services Agreement with the Court Interpreter Program are *not* authorized to act as interpreters at court events, *e.g.*, volunteers, deputies, attorneys, family members, friends, the public, court staff.

9. Approval to serve as a court interpreter within the Third Judicial Circuit may be revoked without cause, at any time, by the Chief Judge.

QUALIFICATION

10. Prior to commencement of each court event, all court interpreters must be qualified by the presiding judge and take an oath pursuant to section 90.606 (3), Florida Statutes.

PAYMENT

11. Payment of court interpreters will be made pursuant to the terms outlined in each interpreter's individual Professional Services Agreement.

CANCELLATION POLICY

12. Persons who request a sign language interpreter must inform the Court Interpreter Program of a cancellation at least two working days prior to the scheduled event. Failure to provide at least two working days notice of cancellation may result in the person or entity requesting the interpreter to be responsible for payment of the interpreter invoice.

13. Persons who request a foreign language interpreter must inform the Court Interpreter Program of a cancellation twenty-four hours prior to the scheduled court event. Failure to provide this notice may result in the person or entity requesting the interpreter to be responsible for payment of the interpreter invoice.

14. Court interpreters will be notified of cancellations by the Court Interpreter Program at the time of the cancellation. If notification of a cancellation is not given until the day of the event, the Court interpreter will be paid for one hour of work whether the event was an in-county or out-of-county event. Cancellations made prior to the day of

the event will not result in compensation to the interpreter.

15. A court interpreter must notify the Court Interpreter Program immediately if unable to interpret at a scheduled event. Failure to give advance notice may result in removal from the Court Interpreter Program list.

TARDINESS POLICY

16. In the event an interpreter expects to be late to an event, the interpreter shall immediately notify Court Administration at 386-758-2163.

17. If the Judge continues or otherwise is unable to hear the case due to the tardiness of the interpreter, Court Administration reserves the right to deny reimbursement compensation and/or mileage for the interpretation services as they were not performed.

LANGUAGE LINE

18. When an interpreter need arises at first appearance or at other court events of brief duration, in an emergency situation, on a holiday or during the weekend, a commercial "language line" may be utilized as an interpretive service and arranged by the Court Operations Manager, Carrina Cooper, 386-758-2161. For all other court events of longer duration, such as hearings, trials, etc., a court interpreter should be present in the courtroom to interpret.

19. Court Administration's Language Line account information has been provided to several of the county jails for use during First Appearances. Language Line is not available for interviews, depositions, conferences or any event where a judge has not convened court. All calls placed to Language Line shall be followed up with an e-mail to cooper.carrina@jud3.flcourts.org or phone call to Carrina Cooper 386-758-2161.

The following information is needed: name of defendant, duration of call, and purpose of call. In the event a call is placed that is not for a convened court event or if Court Administration is not notified of the call details, the entity placing the call will be held responsible for the charges.

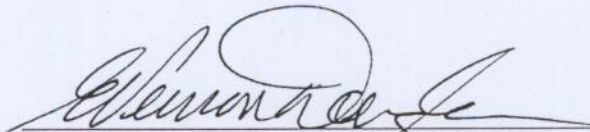
PROCEEDINGS

20. A court interpreter may only interpret for one defendant or party during a proceeding where the appearance of a conflict of interest may be created (ie; family law case) or where due to the duration of the event the interpreter would not receive adequate breaks (ie, trial with multiple defendants). In those instances, each defendant or party to a proceeding in need of interpretive services shall be assigned an interpreter.

21. This Order rescinds and supersedes Administrative Order No. 2007-002 dated March 6, 2007.

ORDERED on

May 5th 2008


E. VERNON DOUGLAS, CHIEF JUDGE

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