

IN THE THIRD JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 2015-003
Replaces 2013-007

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 March 27, 2014, the Supreme Court of Florida adopted the Florida Rules for Certification and Regulation of Spoken Language Interpreters, enhancing the standards and procedures for qualifications, certification, professional conduct, discipline, and training of spoken language court interpreters who are appointed by a court of competent jurisdiction; and

Whereas, pursuant to Rule 2.560, Florida Rules of Judicial Administration, foreign language interpreters shall be appointed 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 spoken language court interpreters, it is necessary to

establish uniform guidelines for spoken and sign language court interpretation within the Third Judicial Circuit. It is therefore

ORDERED:

INTERPRETER REQUESTS

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

2. To the extent possible events requiring the use of foreign language and sign language interpreters will be conducted via Video Remote Interpreting (VRI). In instances, where VRI is not practical or unavailable, such as trials or when communication is needed for persons who are deaf-blind, Court interpreters will be employed as freelance interpreters on an "as needed" basis.

3. The scheduling of court interpreters, pursuant to the Rules of Judicial Administration, Rule 2.560, shall occur only through the Court Interpreter Program. Making the request for an interpreter is the responsibility of the litigant requiring the interpreter, the attorney representing the litigant, and/or the attorney summoning the witness requiring an interpreter.

4. Requests for court interpreters shall be made no less than three (3) days in advance of the court date absent exceptional circumstances. Requests may be made by e-mail at interpreter@jud3.flcourts.org or by telephone to 386-758-2163. 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.

5. If receipt of the interpreter request is not confirmed within 24 hours, call 386-758-2163 to confirm the request.

APPROVED INTERPRETERS

6. Pursuant to Rule 14.205(a), Florida Rules for Certification and Regulation of Spoken Language Court Interpreters, certified interpreters shall be given priority when scheduling interpreters. Absent a certified interpreter, the Third Circuit Court Interpreter Program may schedule provisionally approved interpreters, Rule 14.100(c).

7. For 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 designated as language skilled as outlined in Rule 14.100(b), Florida Rules for Certification and Regulation of Spoken Language Court Interpreters.

8. The appointment of an interpreter who is not certified, language skilled, or provisionally approved shall be limited to a specific proceeding and shall not be extended to subsequent proceedings in a case without additional findings of good cause. The presiding judge must qualify the language interpreter prior to the utilization of the interpreter, in a manner consistent with Judicial Administration Rule 2.560(e)(2).

9. Interpreters certified by the Registry of Interpreters for the Deaf/National Association of the Deaf shall be appointed to provide interpreting services to court participants who are deaf, hard of hearing, late-deafened, or deaf blind. If, after diligent search, a registered interpreter is not available, an interpreter who is otherwise qualified

may be appointed if good cause is found.

QUALIFICATION

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

VIDEO REMOTE INTERPRETING

11. Video remote interpreting utilizing integrated audio/video technology to provide on-demand simultaneous interpretation services from a remote location is approved for use in the Third Judicial Circuit. VRI is suited for court events for which an interpreter is provided at public expenses and the event is of short duration, such as arraignments, pleas, violations of probation, etc.

12. Use of VRI for providing services for persons with hearing loss, shall comply with all federal requirements. Currently, real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high quality video images that do not produce lags, choppy, grainy or blurry images or irregular pauses; a sharply delineated image that is large enough to display the interpreter's face, arms, hands and fingers, and the participating individuals face, arms, hands and fingers regardless of his or her body position; and a clear audible transmission of voices are required. (U.S. Department of Justice, Civil Rights Division, Disability Rights Section)

LANGUAGE LINE

13. When an unscheduled need arises or on holidays/ weekends, and it is in the best interest of the court to proceed without waiting to obtain an interpreter or to use

VRI, a commercial “language line” may be utilized as an interpretive service. For all other court events an interpreter request should be made to Court Administration with sufficient notice for VRI to be utilized or a court interpreter to be in the courtroom to interpret.

14. Court Administration’s Language Line account information is available for use only when court is convened. All calls placed to Language Line using the Court Administration account information shall be followed up with an e-mail to interpreter@jud3.flcourts.org or phone call to Court Administration 386-758-2163. The following information is needed: name of defendant, duration of call, and purpose of call. If 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 may be responsible for the charges.

PAYMENT

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

CANCELLATION POLICY

16. 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 may result in the person or entity requesting the interpreter to be responsible for payment of the interpreter invoice.

17. 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.

18. 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. Cancellations made prior to the day of the event will not result in compensation to the interpreter.

19. 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

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

21. 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.

PROCEEDINGS

22. 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). In those instances, each defendant or party to a proceeding in need of interpretative services shall be assigned an interpreter. In extenuating circumstances, the parties may waive any potential conflict and/or the interpreter shall be provided sufficient breaks to ensure accurate interpretation.

23. All Court participants and Court Administration must make the best use of the interpreter's time and availability by ensuring that those cases requiring an interpreter are promptly called and brought to the court's attention.

24. This Order rescinds and supersedes Administrative Order No. 2013-007.

ORDERED on March 23, 2015



GREGORY S. PARKER, CHIEF JUDGE

Copies provided to:

- All Third Judicial Circuit Judges
- All Third Judicial Circuit Judicial Assistants
- All Third Judicial Circuit Clerks of Court
- All Third Judicial Circuit Sheriffs
- Public Defender
- State Attorney
- Regional Conflict Counsel