

ADMINISTRATIVE ORDER
NO. 2008-01-02

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE AND OSCEOLA
COUNTIES, FLORIDA

**AMENDED ADMINISTRATIVE ORDER ESTABLISHING THE
NINTH JUDICIAL CIRCUIT COURT INTERPRETER POLICY**

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, qualified foreign language and sign language interpreters for limited English proficient (LEP) persons are ordered by the court, as mandated by sections 90.606 and 90.6063, Florida Statutes, and under the provisions of the Americans with Disability Act, for all courts. Furthermore, those persons who require the assistance of a foreign language interpreter sometimes require the assistance of an interpreter of languages of limited diffusion, also referred to as minority languages, exotic languages, or rare languages (LLD); and

WHEREAS, an LLD may generally be defined as a language used in a country by a group which is significantly smaller in number than the rest of the population and spoken by a relatively small number of people. For purposes of this Order, in an effort to maintain the smooth and efficient operation of the Court and safeguard limited financial resources, an LLD

shall include all languages other than Spanish and Creole; and

WHEREAS, the Court Interpreter Department employs full-time staff interpreters. The court also contracts with freelance interpreters for all other languages and for Spanish, on occasion, when staff is unable to cover the demand for services; and

WHEREAS, Interpreter Services are provided to the Criminal Divisions of the Circuit, County, and Juvenile Court, as well as Domestic Violence Injunction and child support proceedings; and

WHEREAS, due to the expenses associated with engaging a qualified interpreter of LLDs and making provisions for other intensive coverage trials and proceedings, such as but not limited to: travel arrangements, the standard cancellation policy that binds the Circuit to pay an interpreter whenever hired and the trial does not go forward, and the requirement that all trials must have the assistance of two interpreters due to the fatigue factor which affects accuracy; and

WHEREAS, due to a shortage of certified interpreters, the Ninth Judicial Circuit has created and utilizes virtual remote interpreting; and

WHEREAS, in an effort to ensure the effective administration of justice, and in an effort to safeguard taxpayer funds, it is necessary that a policy be established to provide certain basic principles concerning court interpreters in the Ninth Judicial Circuit;

NOW, THEREFORE, I, Frederick J. Lauten, in order to facilitate the efficient operation of the administration of justice, and pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby order that that all judges, judicial assistants, trial clerks, and attorneys appearing in this Court, as well as Court Administration, shall abide by the following, **effective immediately** and to continue until further order:

1. **Scope of Coverage:** Staff interpreters are assigned to the primary courthouses in Orange and Osceola Counties. Staff interpreters, as well as freelance interpreters, will provide their services remotely whenever possible, but, if necessary, interpreters will travel to branch courthouses (Juvenile, Jail, Apopka, Ocoee & Winter Park) for language interpretation. Interpreter services shall be utilized for individuals appearing before the court in Criminal Divisions of the Circuit, County, and Juvenile Court, as well as Domestic Violence Injunction proceedings. Interpreter services are also provided for LEP parents or LEP guardians of a minor who is directly involved in a juvenile court proceeding. Spoken language interpreter services shall not be used to cover mediations, depositions, or for persons summoned for jury service.
2. **Requesting Interpreters for Proceedings:** If the services of an interpreter are needed at a court proceeding, the attorney, or opposing counsel, must so inform the judicial assistant when scheduling the proceeding or as soon as the need for interpreter services is identified. The request should specify whether one or multiple interpreters are needed. The judicial assistant must submit the requesting form to the Court Interpreter Department via email: Interpreter@ocnjcc.org. Trial clerks or court staff should make same day requests by telephone at 407-836-2399, which shall be covered whenever possible, depending on interpreter availability.
3. **Requesting Interpreters for Trials:** As a best practice, two interpreters should be assigned for jury trials. Trials requiring interpreter services shall be coordinated with the Court Interpreter Office no less than **two (2) business days** in advance from the scheduled date for Spanish interpreters, no less than **ten (10) business days** in advance of the scheduled date for Creole, Portuguese and American Sign Language interpreters, and no less than **thirty (30) days** for all other languages (LLDs).
4. **Special Requirements for LLD Cases:** Due to the enormous costs involved with hiring interpreters for these matters, cases requiring LLD interpreters, as defined herein, shall comply with the following procedures:
 - a. The Defendant's Attorney must certify that he has met with the defendant and shall notify the court within **forty-five (45) days** of filing a Notice of Appearance that the case requires an LLD interpreter to move forward with the case.
 - b. Within **thirty (30) days** of receiving notification of the need for an LLD interpreter, the court will hold a status conference, with the defendant present, to establish a case management schedule and to determine whether the case will be resolved by plea or set for trial.
 - c. Judges, prior to ordering the services of an interpreter for trial, shall set a status conference to determine whether all the appropriate steps have been taken to resolve the case by plea or other means.

5. **Prioritizing Interpreter Services:** The presiding judge shall call cases involving the use of interpreters before other matters, but shall not be required to interrupt a proceeding that has already begun. **Interpreters shall move to their next assignment if the presiding judge does not utilize the interpreter's services within fifteen (15) minutes of their arrival, or the conclusion of the immediate case before the court, whichever occurs first.** The Court Interpreter Department will be notified when the interpreter is to return to the courtroom if the case for which their services were requested is not ready to be heard. When interpreters are requested for a general trial call, only one interpreter shall be present to assist with possible pleas or negotiations. Every effort shall be made to minimize the length of time the interpreter must remain in any courtroom.

6. **Prioritizing Coverage of Trials:** When interpreter services are needed to assist in more trials than the Interpreter Department has personnel to cover, cases will be given priority in the following order: (1) capital cases; (2) cases in which speedy trial has not been waived and the end of the speedy trial time period is most quickly approaching; and (3) by the severity of the offense. In the event of a conflict concerning the severity of the offense, the chief judge or his designee shall decide which case will be given precedence. Cases for which interpreter services were not available on the preceding day will be given priority the following day, if possible.

7. **Interpreter Assistance to Attorneys and Pro Se Litigants:**
 - a. Court interpreters shall not be required to sit in the jury box with a defendant and shall not accompany an attorney into a holding cell to conduct "in-custody" client interviews, except where a unique circumstance occurs which requires the court to proceed to a holding cell to advise a defendant of certain consequences of his actions where a defendant refuses to leave a holding cell.

 - b. The interpreter may assist an attorney with conducting a brief "in-custody" client exchange, such as updating or conveying an offer, within the courtroom. This shall only occur under unique circumstances as the presiding judge may deem necessary.

8. **Translating Documents and Interpreting Audio/Video Recordings:** Interpreters may sight translate brief court documents during a court proceeding, but shall not explain court documents, procedures, or otherwise communicate with litigants outside of the court proceeding. If foreign language audio or video recordings are to be used as evidence in a trial or hearing, the party offering the tape shall transcribe and translate the recording into English at their own expense, or as provided for indigent criminal defendants, and shall provide in advance a copy of the recording, foreign language transcript, and transcript of the English translation to opposing counsel and the court. The court interpreter shall not interpret audio or video recordings during court proceedings.

9. **Contracting Freelance Interpreters:** Court Administration will seek the services of a freelance interpreter if a staff interpreter is unavailable to cover the assignment. The manager of the Court Interpreter Department must approve all individual or agency contracts. Federal or State certified interpreters will have right of first refusal on any assignment over otherwise qualified interpreters. Every effort must be made to obtain the most qualified interpreter for each court proceeding.
10. **Weekend/Holiday Coverage:** Interpreter services will be available for initial appearance and other proceedings during weekends and holidays. Spanish interpreters are always present during weekend and holiday sessions. If the need for an interpreter for a language other than Spanish, including American Sign Language, were to arise during the weekend, the trial clerk may request that the staff interpreter present during the proceeding attempt to call a freelance interpreter to cover the assignment. In the event the Spanish interpreter covering that weekend is not a staff interpreter, the clerk is directed to contact the department coordinator at 407-982-0890 for assistance.
11. **Sign Language Interpreting:** A person requiring the need for a sign language interpreter should call the Court's ADA number at 407-836-2303 at least **five (5) days** before the date services are needed. Sign language interpreters are provided for all court proceedings or court programs, including for civil cases, jury service, and mediation.
12. **Remote Interpreting:** Staff and freelance interpreters shall provide their services remotely whenever possible.
13. **Telephonic Phone Interpreting:** The use of telephonic phone interpreting companies, such as LanguageLine Solutions, shall only be used for last-minute proceedings for languages other than Spanish.
14. **Miscellaneous:** The use of headsets and wireless microphones shall be used in all venues wherever possible. Judges may not conduct group pleas.

Administrative Order No. 2008-01-02 is hereby vacated and set aside and has been incorporated and/or amended herein.

DONE AND ORDERED at Orlando, Florida, this 17th day of September, 2015.

_____/s/_____
Frederick J. Lauten
Chief Judge

Copies provided to:

Clerk of Court, Orange County
Clerk of Court, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>