

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

WHEREAS, pursuant to s. 2(d), Art. V 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, cases sometimes involve persons who require the assistance of a foreign language interpreter or sign language interpreter when attending court proceedings; and

WHEREAS, the role of the interpreter is to facilitate communication between the court and non-English (NES) speaker(s) during criminal court proceedings, Interpreter Services are provided to the Criminal Divisions of the Circuit, County, and Juvenile Court, as well as Domestic Violence Injunction proceedings; and

WHEREAS, qualified language and sign interpreters for NES and hearing impaired individuals 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 hearing impaired individuals, for all courts; and

WHEREAS, the Court Interpreter Department consists of a director, full-time staff Spanish interpreters and an administrative assistant, the court also contracts with free-lance interpreters for Sign Language, Spanish, Creole, and other exotic languages; and

WHEREAS, in an effort to ensure the effective administration of justice, it is necessary that a policy be established to provide certain basic principles concerning court interpreters in the

Ninth Judicial Circuit;

NOW, THEREFORE, I, Belvin Perry, Jr., 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 order 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:

1. Staff interpreters are assigned to the primary courthouses in Orange and Osceola Counties. When necessary, interpreters will travel to branch courthouses (Juvenile, Jail, Apopka, Ocoee, & Winter Park) for language interpretation. Staff interpreters, as well as free-lance interpreters, will provide their services remotely from the main office whenever possible. Interpreter services are provided to the Criminal Divisions of the Circuit, County and Juvenile Court, as well as Domestic Violence Injunction proceedings. Interpreter services shall only be utilized for individuals appearing before the court. Interpreter services shall not be used to cover mediations. Spoken language interpreter services shall not be provided for persons summoned for jury service.
2. Interpreter services may only be requested by a judge, judicial assistant, trial clerk, or Court Administration. If the services of an interpreter are needed at a hearing, the attorney must so inform the judicial assistant when scheduling the hearing. Opposing counsel must inform the judicial assistant of the need for interpreter services as soon as counsel is made aware of the need. If interpreter services are needed for trial or plea or for a witness who will testify in court, the attorney shall so inform the court at the pre-trial conference. Requests shall be made no less than two (2) business days in advance of the scheduled date for Spanish interpreters, and no less than ten (10) business days in advance of the scheduled date for unique languages, which shall include all languages other than Spanish. Once the need for an interpreter has been determined, the requesting party must contact the Court Interpreter Department via email: Interpreter@ocnjcc.org in Orange County or ctadyr1@ocnjcc.org in Osceola County. Same day requests should be made by telephone at 407-836-2399 in Orange County and 407-742-2400 in Osceola County and shall be covered whenever possible, depending upon the availability of resources.
3. 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.

4. 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 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 are required is 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 the courtroom.
5. It is preferable to have two interpreters for jury trials. Trials requiring foreign language interpretation shall be coordinated with the Court Interpreter Office no less than two (2) business days in advance from the scheduled date for Spanish interpreters and for languages other than Spanish, no less than ten (10) business days in advance of the scheduled date. Jury trials involving interpreters are scheduled as "time certain" trials within a trial period. Only time certain trials will be assigned two interpreters. Only when a request is made for a time certain trial, which includes estimated days of service required, will the Court Interpreter Department guarantee the presence of interpreters for the duration of said trial. **A single division shall not order interpreters for more than one time certain trial on a single day.**
6. Interpreters shall not be required to hold discussions or offer interpretation to defendants without the presence of defendant's counsel, unless directed by the court and only as interpreters for the Assistant State Attorney.
7. 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.
8. 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. When necessary, the judge shall instruct the interpreter to assist an attorney with communicating with an "in-custody" client once the defendant is brought into the courtroom.
9. Interpreters shall not accompany defendants or any other NES individual to the Clerk's Office, Probation Office, or to any other destination.
10. 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. Interpreters shall not be required to translate disposition reports or case plans during court proceedings due to the excessive length of the document.

11. If foreign language audio or video recordings are to be used as evidence in a trial or hearing, the party offering the tape shall translate the recording into English at his or her 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.
12. Court Administration will seek the services of a free-lance interpreter if the target language is Spanish and a staff interpreter is unavailable to cover the assignment, or the target language is not offered by the Court Interpreter Department. The manager of the Court Interpreter Department must approve all individual or agency contracts. Free-lance, Federal or State certified interpreters will have right of first refusal on any assignment over court-qualified and otherwise qualified interpreters.
13. 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 free-lance interpreter to cover the assignment. In the event that the Spanish interpreter covering that weekend is not a staff interpreter, the clerk is directed to contact the department coordinator at (407) 719-0268 for assistance.
14. Interpreter services are provided for NES parents or guardians of a minor who are directly involved in a juvenile court proceeding. Interpreter services are provided to any NES individual who is served a summons to appear before the court due to his or her direct involvement in a minor's juvenile court proceeding.
15. The use of headsets and wireless microphones shall be used in all venues wherever possible.
16. Every effort must be made to obtain the most qualified interpreter for each court proceeding.

DONE AND ORDERED at Orlando, Florida, this 22nd day of January, 2008.

_____/s/_____
Belvin Perry, Jr.
Chief Judge

Copies provided to:

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