

# Working with Interpreters in Tennessee Courts

## Benchcard for Judges

# 2024

The AOC has funding to pay for interpreter costs:

1. During court hearings in juvenile, general sessions, trial and appellate courts.
2. Whether the case is a civil case or a criminal case.
3. Whether the parties are found indigent or not.

### SUGGESTED QUESTIONS TO ESTABLISH NEED FOR AN INTERPRETER AND TO DETERMINE LEP

- *What is your name and address?*
- *Tell the court when your birthday is and how old you are?*
- *How did you come to court today?*
- *What kind of work do you do?*
- *How comfortable are you understanding and speaking English?*

#### STEP 1- Determine the Language Spoken

If you need to determine the language spoken by an individual, you may refer the individual to the [Language Identification Flashcard](#) developed by the U.S. Census Bureau. The individual can check or point to the box that indicates which language he/she speaks. Once the language has been identified, a court interpreter can be appointed if necessary.

#### STEP 2- Appoint a Credentialed Interpreter

Appointing an interpreter is a matter of judicial discretion. The court shall, pursuant to SCR 42, appoint an interpreter according to the following preferences: Certified, Registered, and Non-Credentialed. It is important to appoint according to preferences as certified interpreters have passed all credentialing requirements. Registered interpreters are either waiting to take the oral exam or have not passed all parts. Non-credentialed interpreters have not completed program requirements.

#### STEP 3- Locate a Credentialed Interpreter

The AOC maintains a roster of interpreters at [www.tncourts.gov](http://www.tncourts.gov). At the top of the AOC webpage, put your cursor on "Programs". A drop down menu appears – click on "Court Interpreters". On the left hand side of the page, click on "Find a Court Interpreter". Follow instructions to find a list of interpreters for the language needed. The roster is arranged alphabetically by city. If no interpreter is listed on the roster for the language you need, please contact the AOC at (615) 741-2687.

### SUGGESTED QUESTIONS TO ESTABLISH INTERPRETER QUALIFICATIONS

Establish an interpreter's qualifications on the record with questions to assess skills and experience, to determine if any conflicts exist, and to demonstrate understanding the Code of Ethics for Court Interpreters.

- *Are you credentialed as a court interpreter by the State of Tennessee or and other state or federal court?*
- *Do you have formal training in interpreting, specifically legal interpreting? Please describe your formal schooling?*
- *Are you able to interpret simultaneously and consecutively? Do you understand that you must interpret everything said on the record?*
- *Have you read Rule 41: Rules of Ethics for Spoken Foreign Language Interpreters in Tennessee Courts?*
- *Are you aware of any conflict of interest you might have in this case? Have you interpreted in any incident related to this case?*
- *Have you talked with the person briefly? Are there any communication problems?*

#### When should a non-credentialed be appointed?

A non-credentialed interpreter may be appointed only if neither a certified nor a registered interpreter is reasonably available and "the court has evaluated the totality of the circumstances including the gravity of the judicial proceeding and the potential penalty or consequence involved." (SCR 42) If a language is not listed on the court roster, services of a non-credentialed interpreter may be utilized.

#### Rules that Govern the Appointment, Credentialing, and Compensation of Interpreters

Tenn. S. Ct. Rules 41 and 42  
Tenn. R. Evid. 604  
Tenn. Code Ann. § 16-3-813

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### Who is Responsible for Securing the Services of an Interpreter?

The Supreme Court rules do not specify whether the counsel, party, or court is required to secure the services of an interpreter. The trial court can resolve this matter by issuing an order placing the burden on the person or persons the court deems appropriate. The judicial district may wish to consider adopting a local rule which sets out who has responsibility for securing the services of an interpreter.

### When to Use Multiple Interpreters

If the court expects the hearing or trial to last for several hours or days, the court may wish to appoint two interpreters. Due to the level of concentration required to accurately conduct a simultaneous interpretation, interpreters require frequent breaks. If the court appoints two interpreters, they can conduct a continuous interpretation by alternating, thereby allowing the court to conduct the proceedings without unnecessary delays or interruptions.

### Compensation for Spanish Interpreters Certified

\$50 per hour, with a \$500 daily max.

### Registered

\$40 per hour, with a \$400 daily max.

### Non-credentialed

\$25 per hour, with a \$250 daily max.

If the court approves an amount in excess of (\$5,000.00) for interpreter/ translator services, the order(s) and any attachments must be submitted to the AOC for prior approval.

### Compensation for Languages Other Than Spanish (LOS) Interpreters

LOS Interpreters are compensated at a rate not to exceed \$75 per hour, and the maximum per day rate of \$500 unless a court makes written findings that a higher maximum hourly/per day rate is inadequate to secure the services of a qualified interpreter for an LOS interpreter.

Interpreters are also paid a 2 hour minimum per day if in-court interpretation is provided. Travel time is included within the 2 hour minimum. Review or transcription/translation of audio or video tapes is compensated according to the rates above. Document translation is compensated at a rate of \$.20 per word.

### Translation of Non-Evidentiary Case-Related Documents

*The decision to translate non-evidentiary case-related documents is the discretion of the judge.*

### Translation of Case-Related Documents from English into Another Language.

At times, judges may have a need for interpreters to provide a translation of court document or court-ordered document from English into another language to give the litigant access to the document in the litigant's language or when it may be needed for use by a court or agency in another county.

### Translation of Case-Related Documents for Another Language into English:

At times, judges may have a need to have non-evidentiary case-related non-English documents submitted to the court translated into English, such as narrative portions for an emergent application, correspondence or court-orders from another county, letters from victims, family members, or inmates, and birth, death or marriage certificates.

### Translation of Evidentiary Submissions to the Court.

Unless otherwise permitted by the court, all evidentiary documents are to be presented in English and all non-English documents intended to be introduced into evidence must be accompanied by a certified translation. In the alternative and in limited circumstances, the court may consider permitting sight translation on the record for non-English documents. If the intended evidence is in the form of a non-English audio/video recording or text message, a transcription in the original language should accompany the translation.