
**Nebraska
Interpreter
Protocol**

2013

<p>Who is allowed an interpreter paid by the AOC?</p>		<p>Any party before a court who the court determines does not speak sufficient English to fully understand the court proceeding; any witness who does not speak English who is providing testimony, while on the stand.</p> <p>Any party who does not speak English appearing before the court in any civil, criminal, juvenile, or administrative proceeding.</p> <p>A defendant or guardian of a minor who does not speak English who appears before a probation officer to complete a pre-sentence investigation; or to receive in-office supervision during the term of probation.</p> <p>The AOC will provide an interpreter for investigations, supervision, and programs conducted by probation officers. For programs conducted by external entities under contract with the Office of Probation Administration, the external entity is responsible for providing an interpreter; however, if the entity is unable to do so, the AOC will take reasonable steps to procure an interpreter as needed.</p> <p>A deaf or hearing-impaired juror.</p> <p>A juvenile and/or his/her parents or guardian who is limited English proficient during the intake process, all court proceedings, and probation services.</p> <p>Telephonic interpreters shall be used by a probation officer to assist in field supervision.</p>
<p>Who is <u>not</u> allowed an interpreter paid by the AOC?</p>	<p>Any party, witness or party who is being interviewed by a prosecutor or defense attorney outside the incidental conversations of a courtroom setting.</p> <p>Jurors are not entitled to a foreign language interpreter in order to perform jury service.</p>	<p>If a prosecutor or public defender, court appointed attorney, civil attorney, or prosecutor interviews a defendant, witness or party, that expense is a local expense and shall be billed to the local governmental agency, not the AOC. A court appointed attorney who uses an interpreter to interview a defendant in custody shall bill the local governmental agency, not the AOC.</p> <p>Jurors are not entitled to an interpreter except to comply with the Federal American with Disabilities Act which would require a sign interpreter if that would accommodate the deaf or hard of hearing person. Courts should schedule an interpreter, if needed, to determine someone's English language ability to become a juror.</p>

<p>Who can serve as an interpreter for the courts?</p>	<ol style="list-style-type: none"> 1. Anyone certified or provisionally certified by the AOC (www.supremecourt.ne.gov) 2. In languages other than Spanish or American Sign, any non-certified registered interpreter: only if a certified interpreter is not available. 3. In languages other than Spanish or American Sign, any one the court determines qualified: only if a certified or non-certified registered interpreter is not available. 4. Except in very informal contexts to obtain basic information, courts and probation officers should not use family or friends of an LEP person to interpret, as using such individuals could result in a breach of confidentiality, a conflict of interest, or inadequate interpretation. 	<p>To examine a prospective interpreter's qualifications:</p> <ol style="list-style-type: none"> 1. Assess the relevant personal background and English language proficiency. 2. Assess the cognitive and motor skills that are a prerequisite to interpreting (shadowing and short-term memory). 3. Assess the candidate's proficiency in the foreign language through "back translation" (by use of a tape recorder, the candidate interprets English into the foreign language and then after the passage of time, interprets his or her own foreign language interpretation back into English).
<p>Does the court schedule court interpreters for both civil and criminal cases?</p>	<p>Yes.</p>	<p>The court is responsible for equal access to the courts for non-English speaking or deaf persons. The responsibility cannot be transferred to the parties or their attorneys. The court shall cooperate with the parties and attorneys in scheduling interpreters but the ultimate responsibility is the courts.</p>

<p>How many interpreters should the court schedule for the courtroom?</p>	<p>For a proceeding scheduled for two or less hours.</p> <p>For a proceeding that is scheduled for over two hours.</p> <p>For a proceeding where there are both a non-English speaking party and non-English speaking witnesses.</p>	<p>One interpreter. For a trial, the interpreter should sit at the counsel table to interpret the proceedings to the party. While at counsel table or in the few minutes before or after the proceeding, the interpreter can provide any incidental interpretation to facilitate attorney/client communication</p> <p>Two interpreters should be scheduled for the entire proceeding. The interpreters should trade places every 20 – 30 minutes to avoid interpreter fatigue and to avoid delays in the proceeding. The interpreter who is not actively interpreting may work to assist the active interpreter by researching vocabulary, terminology, etc.</p> <p>Two interpreters may be scheduled if necessary. They will trade roles every 20 – 30 minutes, again to avoid interpreter fatigue and to ensure no slowing of the proceeding. One interpreter may interpret for the non-English speaking witnesses and the other interpreter for the party.</p> <p>A single interpreter can interpret for both the witness and the party by use of wireless electronic transmitting equipment.</p> <p>Remember that the interpreter scheduled by the court is neutral – not part of the defense or part of the prosecution – and the interpreter can perform any interpreting in the courtroom.</p> <p>Any incidental communication between attorney and client remains confidential, as specified in the Code of Professional Responsibility for Interpreters.</p> <p>If there is a need for more than one interpreter, the AOC shall approve the use of multiple interpreters in advance.</p>
<p>Can the court schedule an interpreter to assist outside the courtroom (at the counter, etc.)?</p>	<p>In certain circumstances</p>	<p>Discussions at the counter or time-pay desk should be handled by bilingual employees, telephonically by the Spanish on-call interpreter or by the interpreter working in the courtroom, or by Language Line.</p> <p>The only exception to this shall be by AOC approval in advance. The State of Nebraska does not pay for interpretations done for or on behalf of the prosecution or defense. Those expenditures are a local expense and should be billed to the party requesting the interpretation and not be authorized by court or probation personnel.</p>

<p>Can the court pay for an interpreter the attorney brings?</p>	<p>Yes, however....</p>	<p>In order to be paid by the AOC, the interpreter must be certified or registered with the attorney providing proof that a certified interpreter was not available. The fees and expenses shall be fixed and ordered paid by the judge before whom such proceeding takes place. § 25-2406. In other words, it is not automatic. If an attorney brings an interpreter, the court should first determine whether an interpreter is necessary to benefit the court in the court proceedings and if so, determine the qualifications of the interpreter and then enter an order authorizing pay for the interpreter. If not, the court should continue the hearing until a qualified interpreter can be obtained, and deny authorization and the interpreter should be paid by the party bringing the interpreter.</p>
<p>Is remote interpreting allowed?</p>	<p>Yes, interpreting by telephone, or video service is encouraged when appropriate.</p>	<p>Spanish On-call interpreters are available daily and should be used whenever possible.</p> <p>For languages other than Spanish or hours when local interpreters may not be available, the State of Nebraska has an agreement with Language Line to provide interpreting for all state agencies. Instructions for use of the Language Line have been provided to all courts and probation offices.</p>
<p>Who should I turn to for specific problems about interpreter policy, rules, statutes, etc., that hinder access of linguistic minorities to the courts?</p>	<p>Administrative Office of the Courts, Nebraska Supreme Court, 402-471-2671</p>	<p>The State Court Administrator and the Nebraska Supreme Court are dedicated to improving the quality of interpreting and in helping courts in the administrative areas involving interpreters. The AOC and the Supreme Court are prepared to assist you with any questions you may have regarding scheduling, protocols, quality, payment Issues, or interpreter ethics. Do not hesitate to contact us for any reason.</p> <p>An AOC decision rendered upon a complaint regarding an interpreter will include notification that complainants may also file a complaint directly with the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street NW, Washington, DC 20531.</p>