

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
ADMINISTRATIVE ORDER NO. 09-04**

Court Interpreting Services - Supersedes Administrative Order 98-12

WHEREAS, the District of Columbia Interpreters for Hearing-Impaired and Non-English Speaking Persons Act of 1987, D.C. Code § 2-1901 *et seq.*, (Act) provides that the presiding judge of any court of the District of Columbia may, and upon request shall, appoint a qualified interpreter to interpret court proceedings to hearing-impaired and non-English and limited-English speaking persons (hereinafter referred to as “communication-impaired” persons), and the testimony of communication-impaired persons in such proceedings, and

WHEREAS, the Act further provides that the salaries, fees, expenses and costs incident to providing interpreter services shall be paid by a central Office of Interpreter Services, which has never been established or funded by the District of Columbia government;¹ and

WHEREAS, the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, requires the provision of services or auxiliary aids at no cost to a hearing-impaired person in any court proceeding to afford the person the opportunity to participate in or benefit from the proceeding; and

WHEREAS, the regulations implementing section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, require recipients of federal financial assistance to take reasonable steps to ensure meaningful access to limited English proficient persons;

NOW THEREFORE, IT IS HEREBY,

ORDERED that the following procedures shall apply to the provision of interpreters in court proceedings:

I. Notice of Right to Interpreter. Pursuant to D.C. Code § 2-1903(b), when the Court learns that a hearing-impaired person, or a non-English or limited-English speaking person is or will be coming before it as a party, witness, or parent, guardian, custodian or representative of a minor who is a party, the Court shall inform the party, witness or the parent, guardian, custodian, or representative of the minor who is a party, of the communication-impaired person’s right to a qualified interpreter as provided below.

II. Services for Hearing Impaired. In all proceedings in cases before the Superior Court, the Court, upon request of a hearing-impaired person, shall without charge provide such interpreter services or auxiliary aids as necessary to afford the person the opportunity to participate in or benefit from the proceeding.

¹ Council of the District of Columbia, Committee on Government Operations, Report on Bill 7-108, Interpreters for Hearing Impaired and Non-English Speaking Persons Act of 1987, June 11, 1987; *Mesa v. United States*, 875 A.2d 79, 90 (D.C. 2005).

III. Services for Non-English or Limited English Speaking Persons.

A. Criminal and Juvenile Delinquency Proceedings. The Court shall appoint and compensate an interpreter in any criminal or juvenile delinquency proceeding in which a non-English or limited-English speaking person is before it as a party, witness, or parent, guardian or custodian of a minor who is party.

B. Party Proceeding In Forma Pauperis. Upon request of a party who is proceeding *in forma pauperis*, the Court shall appoint and compensate an interpreter for a non-English or limited-English-speaking person who is before it as a party, witness, or parent, guardian, custodian, or representative of a minor who is a party, in a civil, family, tax, or probate court proceeding.²

C. Landlord and Tenant and Small Claims Proceedings. Given the volume and nature of the cases in the Landlord and Tenant and Small Claims Branches and the inability of the majority of litigants to afford an interpreter, the Court shall provide for Spanish interpretation for all proceedings, commencing at the roll call, in the Landlord and Tenant and Small Claims courtrooms. Upon request made with reasonable notice,³ the Court shall appoint and compensate an interpreter for languages other than Spanish for any non-English or limited-English-speaking person in a Landlord and Tenant or Small Claims proceeding. The Court shall also appoint and compensate an interpreter upon request of any non-English or limited-English-speaking person whose Landlord and Tenant case has been certified to the Civil Division. Notwithstanding the provisions in this paragraph (C), no interpreter shall be provided in Small Claims proceedings in which the party is provided interpreter services through private insurance.

IV. Privately Engaged Interpreters. When a non-English or limited-English speaking person is, or will be coming before the Court as a party, witness, or parent, guardian, custodian, or representative of a minor who is a party, in a civil case (other than a landlord and tenant case or a small claims case), or a family, tax, or probate case, and the party, whether represented by counsel or proceeding *pro se*, is not proceeding *in forma pauperis*, the party, or the parent, guardian, custodian, or representative of the minor who is a party, may obtain from the Office of Court Interpreting Services a list of qualified interpreters that the party may engage to provide such services, and if the party engages an interpreter that is not on that list, the party is required to provide the name and qualifications of the interpreter to the Office of Court Interpreting Services so that an assessment of the interpreter's abilities can be made.

² The right to a qualified interpreter may be waived on the record by a communication-impaired party if the Court determines that the use of a court interpreter is not necessary to assure complete and accurate communication with the person, the Court has explained the nature and effect of the waiver through a court interpreter and is satisfied that the person is making the waiver knowingly and voluntarily, that the person has consulted with counsel (if any), and that the person will not thereby be deprived of any substantive rights. A communication-impaired person who has waived an interpreter may provide his or her own interpreter at his or her own expense. See D.C. Code § 2-1906(b).

³ "Reasonable notice" of the need for an interpreter will depend on the availability of interpreters for the requested language.

V. Preliminary Determination of Court-Appointed Interpreter's Qualifications. Pursuant to D.C. Code § 2-1904, before appointing an interpreter, the Court shall make a preliminary determination that the interpreter is able to accurately communicate with and translate information to and from the communication-impaired person involved. If the interpreter is not able to provide effective communication with the communication-impaired person, the Court shall appoint another qualified interpreter.

VI. Duties of the Office of Court Interpreting Services. The Office of Court Interpreting Services shall not require an order of the Court to provide services in accordance with this order.

THIS ORDER SHALL BE EFFECTIVE IMMEDIATELY.

SO ORDERED.

BY THE COURT

Date: February 27, 2009

/s/
Lee F. Satterfield
Chief Judge

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