

Attorney's Bench Card For Limited English Proficiency Cases

Locating an Interpreter

Appointing an interpreter is a matter of judicial discretion. It is the responsibility of the court to determine whether a participant in a legal proceeding has a limited ability to understand and communicate in English. Once the judge has determined the language needed and has entered an order for an interpreter to be appointed, an interpreter should be located with the following preferences, per Tenn. Supreme Court Rule (SCR) 42(3)(c):

- (1) Certified**
- (2) Registered**
- (3) Non-Credentialed

The AOC maintains a roster of interpreters at www.tncourts.gov. Once on the AOC webpage, click on "Programs and Services", and then click on Court Interpreters. Select "Roster of Certified and Registered Interpreters." The roster is arranged alphabetically by language and then by city. Should you need an interpreter in a language other than Spanish not listed on the roster, please contact the AOC at (615) 741-2687. The Supreme Court rules do not specify whether the prosecutor, defense counsel, or court is required to secure the services of an interpreter. Some trial courts have resolved this matter by issuing an order placing the burden on the person or persons the court deems appropriate or the judicial district may have adopted a local rule which sets out who has responsibility for securing the services of an interpreter.

*****Credentialed interpreters are willing to travel statewide. Should there not be a credentialed interpreter in your county, please contact one in another locality.***

When to Locate 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.

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

Tenn. R. Crim. P. 28
Tenn. S. Ct. Rules 13, 41, and 42
Tenn. R. Civ. P. 54
Tenn. R. Evid. 604
Tenn. Code Ann. § 16-3-813

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Languages Other Than Spanish

For cases in which the interpreter is to be paid by state funds that the AOC processes from the indigent defense fund, Tennessee Supreme Court Rule 13 provides for Spanish interpreter rates and allows courts to approve a "reasonable rate" for languages other than Spanish "if the court finds that the rates are inadequate to secure the services of a qualified interpreter."

Interpreter Compensation

(Pursuant to Supreme Court Rule 13 for Spanish interpretations)

Certified interpreters are compensated at a rate of \$50 per hour, with a \$500 daily max.

Registered interpreters are compensated at a rate of \$40 per hour, with a \$400 daily max.

Non-credentialed interpreters are compensated at a rate of \$25 per hour, with a \$250 daily max.

Interpreters are also paid a 2 hour minimum when providing in-court interpretation. 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.

The interpreters are to bill the Administrative Office of the Courts, Indigent Defense Fund, directly for payment of services covered under Supreme Court Rule 13. The defense attorney should not pay the interpreter in advance for services, nor pay the invoice and seek reimbursement from the AOC.

For inquiries regarding what services may be assessed against the Indigent Defense Fund, please contact Mistee Simmons at (615) 741-2687.

Please be sure to sign the "Request for Payment of Interpreter Services" form at the end of each hearing or trial.

Court Interpreter Credentialing Program Contact Information

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