

**THE IOWA DISTRICT COURT SEVENTH JUDICIAL DISTRICT
ADMINISTRATIVE OFFICE, SCOTT COUNTY COURTHOUSE
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DAVENPORT, IA 52801-1104
(563)326-8783
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Kathy M. Gaylord
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EDMS BULLETIN | 2015-03

DATE: December 7, 2015
IMPACT: ALL COUNTIES IN THE SEVENTH JUDICIAL DISTRICT
SUBJECT: Interpreters for Legal and Court Proceedings

In December 2014, the Iowa Supreme Court adopted new and amended rules governing court interpreters (Chapters 47 and 48 of the Iowa Court Rules). These rules became effective July 1, 2015. Attorneys should immediately adhere to the procedures outlined below.

DEFINITIONS AND RESPONSIBILITY

The revised Chapter 47 rules distinguish between *legal* and *court* proceedings as well as written translation. Court proceedings are those that come before a judge and are, therefore, on the court's calendar. Arrangements for interpreters at court proceedings, in addition to written translation, must be made by Court Administration. For any other legal proceeding that is not a court proceeding (e.g. deposition, settlement negotiation, attorney-client communication), the responsibility for coordinating an interpreter lies with the attorney.

COURT PROCEEDINGS

A limited English proficient (LEP) participant, or his/her attorney, should follow these guidelines for all court proceedings:

- The first time an interpreter is required on a case, an application for court-appointed interpreter must be made. An application form is available at the following website:
www.iowacourts.gov/administration/court_interpreters/forms/
- Court Administration must be immediately notified by a self-represented party or his/her attorney when any court proceeding is set or continued for which an interpreter is required, so that an interpreter can be scheduled/cancelled.
- Court Administration will draft all orders appointing interpreters for court proceedings and submit them before a judicial officer for review.

Reimbursement Process:

- The interpreter will complete and sign a Fee Itemization Form (also available on the Judicial Branch website above). If the form is completed and signed at the conclusion of the hearing, it can be handed directly to the judicial officer, who can then file an order approving a fee amount and send the Fee Itemization Form to the Clerk of Court for filing. Otherwise, the interpreter should file the form directly with the Clerk of Court.
- The Clerk will process the filing(s) and notify Court Administration.
- If an order approving a fee amount has not yet been filed (the interpreter was unable to have an order entered immediately following the hearing), Court Administration will draft an order and submit it before a judicial officer. Once all court documents required for reimbursement are in order, Court Administration will provide them to the interpreter via email.

COUNTIES

Cedar

Clinton

Jackson

Muscatine

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- The interpreter is ultimately responsible for obtaining and submitting required documents for payment. For instructions on the steps required to be paid, visit www.iowacourts.gov/administration/court_interpreters/compensation/

OTHER LEGAL PROCEEDINGS

An attorney appointed at state expense with a limited English proficient (LEP) client or witness should follow these guidelines for legal proceedings which are not court proceedings:

- Preference should be given to a court-appointed interpreter previously appointed by the court on any given case. However, an attorney may hire any interpreter. A roster of court interpreters is available on the Iowa Judicial Branch website at: www.iowacourts.gov/administration/court_interpreters/roster/
- In order for contract attorneys/interpreters to be properly reimbursed by the State Public Defender for cases involving indigent defendants, an application to hire a court interpreter at state expense must be filed. A proposed order should also be submitted authorizing the hiring of the interpreter and setting a reimbursement rate and fee limit for the services to be rendered. (If a fee limit is set in advance, a separate order approving the fee amount is unnecessary unless it exceeds the limit.)
- If counsel pays the interpreter, those expenses may be submitted for reimbursement by counsel. If counsel does not pay the interpreter, the interpreter may submit the claim directly to the State Public Defender or Local Public Defender in accordance with policies established by State Court Administration.

TRANSLATION OF WRITTEN AND RECORDED MATERIALS

Iowa Court Rule 47.13 specifically governs written translation of court-related material and specifies the priorities in selecting a certified or qualified translator. Attorneys should familiarize themselves with these new rules. If written translation of court-related material is necessary in a case, attorneys should follow these guidelines:

- An application for written translation of court-related material must be filed. The application must include ① an explanation of the need for a written translation and why oral/sign language interpretation of the material would not be sufficient to ensure due process under the circumstances; ② the name, contact information, qualifications, and certifications of the proposed translator; ③ the number of words in the document or number of minutes of recorded communication, the hourly fee or fee per word to be paid to the translator, and the total translation fee; and ④ the deadline, if any, by which the translated materials must be completed. An application form is available on the Iowa Judicial Branch website.
- If the proposed translator is not certified by the American Translators Association (ATA) or the National Association of Judiciary Interpreters and Translators (NAJIT), Court Administration will review the application and may make alternate arrangements for appointment of a translator.

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