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SUPREME COURT OF GUAM

ADMINISTRATIVE RULE NO. 13-004

SUPREME COURT OF GUAM

REGARDING THE ADOPTION OF THE ADMINISTRATIVE RULES OF COURT RE: REGISTERED COURT INTERPRETER PROGRAM FOR INDIGENT CRIMINAL DEFENSE

In an effort to promote the accuracy and integrity of judiciary proceedings and to preserve fundamental principles of fairness and access to justice, the Judiciary of Guam is committed to provide language access services to Limited English Proficient (LEP) and/or Deaf and Hard of Hearing (DHH) persons who are serviced by the Judiciary. The Judiciary of Guam recognizes the importance of having LEP and/or DHH persons receive meaningful access to the courts in a language that they are able to understand, and in which they are able to be understood by the Court.

Therefore, pursuant to the authority to "make and promulgate rules governing the administration of the judiciary and the practice and procedure in the courts of the judicial branch of Guam," 48 U.S.C. § 1424-1(a)(6), the Supreme Court hereby adopts the following Administrative Rules of Court re: Registered Court Interpreter Program for Indigent Criminal Defense.

This Rule, attached hereto as "Attachment 1," shall govern the assignment and use of registered interpreters for indigent criminal defense work, courtroom proceedings involving criminal indigent defendants, for juvenile delinquency defense, and juvenile proceedings when parental rights are implicated. This Rule shall be effective as of the date appearing below.

SO ORDERED this 24 day of June, 2013.

*Robert J. Torres*

ROBERT J. TORRES  
Associate Justice

*Katherine A. Maraman*

KATHERINE A. MARAMAN  
Associate Justice

*F. Philip Carbullido*

F. PHILIP CARBULLIDO  
Chief Justice

I do hereby certify that the foregoing is a full true and correct copy of the original on file in the office of the clerk of the Supreme Court of Guam

JUN 24 2013

By: IMELDAR DIENAS

CLERK OF THE SUPREME COURT OF GUAM

# ATTACHMENT 1

## ADMINISTRATIVE RULES OF COURT REGISTERED COURT INTERPRETER PROGRAM FOR INDIGENT CRIMINAL DEFENSE JUDICIARY OF GUAM May 30, 2013 Version

In an effort to promote the accuracy and integrity of judiciary proceedings and to preserve fundamental principles of fairness and access to justice, the Judiciary of Guam is committed to provide language access services to Limited English Proficient (LEP) and/or Deaf and Hard of Hearing (DHH) persons who are serviced by the Judiciary. LEP and/or DHH persons should have meaningful access to the courts in a language that they are able to understand, and in which they are able to be understood by the Court. This Rule governs the assignment and use of registered interpreters for indigent criminal defense work, courtroom proceedings involving criminal indigent defendants, for juvenile delinquency defense, and juvenile proceedings when parental rights are implicated.

I. **Magistrate Determination.** The Magistrate Judge will make a determination at first appearance whether the defendant requires the assignment of a court registered interpreter and the source language necessary to protect the constitutional rights of an indigent criminal defendant of Limited English Proficiency (LEP) and/or who are Deaf or Hard of Hearing (DHH), including juvenile defendants or parents involved in juvenile proceedings where the rights of the parents are implicated. This determination of record will remain until otherwise changed or altered by the assigned trial judge.

II. **Assignment of Registered Interpreters.**

a. ***Courtroom Hearings.*** Requests for assignment of a registered interpreter for the designated source language of a defendant shall be made through the Language Assistance Manager (LAM). The supervisor for each Team Chamber, or designee, is responsible for reviewing the court's docket to determine whether a hearing is forthcoming involving a defendant who requires an interpreter based the Magistrate's initial determination.

The Language Assistance Manager is required to respond promptly to a request from the Team Chamber staff, to provide the assigned interpreter information pertaining to the type of case, case number, the name(s) of the defendant(s), assigned counsel of record, and any other information to permit the interpreter to determine whether or not to properly accept the case.

b. ***Non-Courtroom Office Appointments.*** Requests for non-courtroom interpreting services can be made by court appointed counsel, the Probation Division, Client Services and Family Counseling, and any other division of the Superior Court of Guam to the LAM. Court appointed counsel may also request for services to be performed at any Department of Corrections facility. No pleading is required to be filed. All requests shall be made by electronic means. The LAM is required to respond to a request for non-courtroom interpreting services promptly. No assignment is allowable unless the LAM has conducted a review and approved the request. Each request for office or DOC appointments shall be notated by the LAM in a Schedule Assignment Book, to be kept for audit purposes for two (2) years.

III. **Eligibility.** To be eligible to become a Court Registered Interpreter a person must submit an application, application costs, attend and complete a basic courtroom interpreting course,

successfully pass an interpreter examination, not have any felony criminal record in the past ten (10) years, or have been convicted of a crime of moral turpitude regardless of the date of conviction, and submit to and pass a drug and alcohol screening. All Court Registered Interpreters must have a current Guam Business License.

**IV. Hourly Rate/Maximum.** The hourly rate for a court registered interpreter shall be established and set as adopted in the Compensation Schedule for Court Interpreter Registration Program. [Promulgation Order 13-001-01]

**V. General Rules.**

- a.** A registered court interpreter is an officer of the court, and must uphold the standards of professional conduct contained in the Code of Conduct for Court Interpreter registry Program. The Clerk of Court shall maintain a current master listing of registered court interpreters.
- b.** A registered court interpreter must attend a basic interpreter training that entails principles and modes of interpreting, professional ethics for interpreters, and courtroom protocol and decorum. The training shall be as designated by the LAM.
- c.** A registered court interpreter must take and successfully pass a written and oral examination as approved by the Judiciary, pertaining to basic interpreting skills and the Code of Conduct for Court Interpreter Registry Program.
- d.** The LAM is responsible for maintaining records of assignments for interpreting services performed by each CIRP Interpreter; providing statistics on the number of interpreting events conducted in the source languages; and the annual/fiscal costs for CIRP interpreting services. The LAM should conduct periodic observations, and obtain performance survey results on the effectiveness and professional demeanor of interpreter services.
- e.** The LAM is responsible for securing the interpreting services requested by indigent defense counsels, and to confirm the assignment promptly.
- f.** The Public Defender Service Corporation (PDSC), or Alternative Public Defender (APD), may secure the services of a registered interpreter for an office appointment by submitting a written or electronic request to the LAM. The PDSC and APD shall be required to maintain a log book of interpreter appointments, to make those log books available for review and inspection by the Clerk of Court, and to maintain the log books for a period of no less than two (2) years for auditing purposes.
- g.** An interpreter must inform the Clerk of Court at least 24 hours in advance of the designated proceedings in the event he/she cannot fulfill the required services as approved. Failure to do so may result in temporary suspension of services, or termination.
- h.** Guam Bar members who are approved for practice on the Indigent Defense Panel may request the assistance of a registered court interpreter for court appointed cases only. Use of a registered court appointed interpreter by a privately retained attorney shall be at the expense of the private attorney or client. The Clerk of Court may provide any member of the Guam Bar Association a listing of available registered court interpreters who wish to independently hire a registered interpreter at no cost to the Judiciary.
- i.** A registered court interpreter may be dismissed from the proceedings by a judge if in the discretion of the judge, or upon request of an attorney, the interpreter is unable to perform his or her services accurately, and such services appear to be hindering the ends of justice.
- j.** The LAM is responsible for monitoring the work and performance of all CIRP Interpreters through continued training, updating records, and conducting periodic courtroom observations.

- k. The Clerk of Court shall report periodically on the performance of interpreters to the Administrator of the Courts for any complaints related to the performance of a court registered interpreter.
- l. The Judiciary is not responsible for securing interpreters for the Attorney General's Office, nor responsible for paying for the services of such interpreters for governmental witnesses at trial, hearings, grand jury proceedings, investigations, or office appointments with prosecutors or other staff of the AG's Office.

**VI.** Each Team Supervisor, or designated Team member, shall be responsible for requesting the services of interpreters required for criminal/juvenile courtroom proceedings. The supervisor for each Team Chamber, or designee, is responsible for reviewing the court's docket to determine whether a hearing is forthcoming involving a defendant who requires an interpreter based the Magistrate's initial determination. Notification is required to be given to the Language Assistance Manager (LAM) no less than 3 working days prior to the hearing informing the LAM of the following:

- a. Criminal Case caption
- b. Date and Time
- c. Source language requested
- d. Type of courtroom proceeding

**VII.** **Invoices/Vouchers.** Vouchers must be presented to the LAM for verification. All courtroom clerks are responsible for signing an interpreter's voucher as proof of appearance and services rendered. All vouchers shall be signed by the interpreter, provide the date of the services rendered, the case number and caption, and indicated whether it was a proceeding in court, or an appointment. The LAM will verify whether the information on the voucher is consistent with assignments, and JustWare case events for courtroom proceedings. Vouchers should be verified for payment by the LAM within a five (5) day time period of their submittal, and forwarded for approval and payment to the Administrator of Courts.