

**STATE OF MAINE  
SUPREME JUDICIAL COURT**

ADMINISTRATIVE ORDER JB-06-3 (A. 11-17)

**GUIDELINES FOR COURT-APPOINTED  
INTERPRETATION AND TRANSLATION SERVICES**

Effective: November 1, 2017

This Order sets forth the guidelines for determining when the Judicial Branch will provide an interpreter or other translation service in Maine's State Courts for persons with limited English proficiency, hereinafter identified as "LEP" individuals, who are: parties, potential litigants seeking assistance through the Clerks' Offices, witnesses, or parents of minors in juvenile matters.

*Limited English proficiency* refers to the inability to adequately understand or communicate effectively in English in a court proceeding. This phrase applies to individuals whose primary language is a language other than English and whose ability to speak English is not at the level of comprehension and expression needed to participate effectively in court transactions and proceedings, including individuals whose primary language is American Sign Language. The interpretation and/or translation services for LEP individuals whose primary language is American Sign Language are primarily governed by 5 M.R.S. § 48-A, and then by the requirements of this Administrative Order.

I. DETERMINATION OF ELIGIBILITY FOR COURT-APPOINTED INTERPRETATION AND TRANSLATION SERVICES

Maine's State Courts will provide all LEP individuals who are parties or witnesses in any type of court case, or parents of minors involved in juvenile actions, with an interpreter in all court proceedings, at the State's expense. "All court proceedings" includes case management conferences, CADRES and judicially-assisted mediations, dispositional conferences, motion hearings, arraignments, commitment hearings, competency hearings, jury selection, trials, sentencing, appellate arguments, grand jury proceedings, and any other court events or proceedings authorized by the presiding judge or justice.

When the LEP individual has court-appointed counsel, that attorney may request authorization from the Maine Commission on Indigent Legal Services to incur expenses for interpreter and/or translator services for client conferences, court authorized evaluations, and depositions.

Whenever an LEP individual who needs interpretation services requests information and/or assistance at a court clerk's window, the court clerk will provide the information and/or assistance by using an in-person interpreter or other service, such as a telephone interpreting services.

Other requests for interpretation/translation services or other accommodation will be considered pursuant to the Judicial Branch's *Policy on Access for People with Disabilities* (effective May 5, 2000).

Court clerks are authorized to arrange for interpreter or translator services whenever requested by a judge, an individual litigant, a litigant's attorney or representative, or when, in the clerk's estimation, an individual does not understand the information being provided or when the clerk does not understand the requests being made by the individual.

## II. AMERICAN SIGN LANGUAGE INTERPRETER QUALIFICATIONS FOR COURT PROCEEDINGS

Interpretation and/or translation services for LEP individuals whose primary language is American Sign Language are governed by 5 M.R.S. § 48-A. In addition to the qualifications listed therein, court interpretation services may be provided by an American Sign Language interpreter who is currently licensed in the State of Maine, holds national interpreter certification recognized by the Registry of Interpreters for the Deaf, and:

- A. holds a bachelor's degree in any field or an associate's degree in interpreting, and demonstrates at least 50 hours of legal interpreting or mentoring experience and 30 hours of formal legal training;
- B. holds an associate's degree in any field and demonstrates at least 75 hours of legal interpreting or mentoring experience and 50 hours of formal legal training; or

- C. demonstrates at least 100 hours of legal interpreting or mentoring experience and 70 hours of legal training.

For the Court,

\_\_\_\_\_/s/  
Leigh I. Saufley  
Chief Justice

Promulgation Date: October 24, 2017

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Guidelines for Determination of Eligibility for Court-Appointed Interpretation and Translation Services, AO JB-06-3 (A. 11-17), effective November 1, 2017, and dated October 24, 2017

Signed by Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court

Amended to reflect statutory changes to 5 M.R.S. § 48-A establishing updated qualification, certification, and credentialing standards for American Sign Language interpreters serving in court proceedings. Specifically, amended to (1) rephrase the second paragraph, (2) in section I, add dispositional conferences and grand jury proceedings to the list of included court proceedings for which an interpreter will be provided at the State's expense, and (3) add section II regarding American Sign Language interpreter qualifications for court proceedings.

**Historical Derivation of JB-06-3:**

Guidelines for Determination of Eligibility for Court-Appointed Interpretation and Translation Services, AO JB-06-3 (A. 7-13), effective and dated July 16, 2013

Signed by Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court

Amended to clarify that, when an individual is receiving the services of court-appointed counsel, any request for authorization of out-of-court expenses must be presented to the Maine Commission on Indigent Legal Services.

Guidelines for Determination of Eligibility for Court-appointed Interpretation and Translation Services, AO JB-06-3, effective and dated October 11, 2006

Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court