

## Language Access in State Courts

### Maryland Summary

#### **A. Provides interpreters free of charge to all LEP litigants and witnesses in all civil proceedings?**

##### **1. Ensures a statewide mandate is in place covering all civil proceedings? *Yes***

Pursuant to a court rule, courts in Maryland “shall” appoint an interpreter whenever a party or witness either does not “understand English well enough to participate fully in the proceedings and to assist counsel” or does not “speak English well enough to be understood by counsel, the court, and the jury.”<sup>1</sup>

##### **2. Does not charge for interpreters in civil proceedings? *No***

At the court’s discretion, fees for interpreters may be charged against parties as costs of the proceedings, or covered by the county.<sup>2</sup> Indigent parties can seek a waiver of the requirement that they pay costs.<sup>3</sup> Additionally, the “Request for Spoken Language Interpreter” form warns litigants that if they miss a court appearance without informing the court in writing at least two days earlier, they may be charged for the interpreter’s services.<sup>4</sup> The statewide Court Interpreter Program Administrator assured us that interpreter fees are assessed as costs only in “rare instances.”<sup>5</sup>

##### **3. Ensures that all LEP individuals receive interpreters in civil proceedings: Has clear guidelines for appointment, or provides an interpreter whenever one is requested? *Yes***

Pursuant to a court rule, courts in Maryland “shall” appoint an interpreter whenever a party or witness either does not “understand English well enough to participate fully in the proceedings and to assist counsel” or does not “speak English well enough to be understood by counsel, the court, and the jury.”<sup>6</sup> The court rule instructs judges making this determination to ask questions concerning who the LEP individual is, and requiring the party to demonstrate knowledge of “active vocabulary in vernacular English, and the court proceedings,” and provides examples of each.<sup>7</sup>

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<sup>1</sup> Md. R. 16-819(c)(2)(A).

<sup>2</sup> Md. Code, Cts. & Jud. Proceedings, § 9-114(b); Md. R. 2-603(c).

<sup>3</sup> Md. Code, Cts. & Jud. Proceedings, § 7-201; E-mail from Ksenia A. Boitsova, Court Interpreter Program Administrator (Feb. 24, 2009).

<sup>4</sup> Md. Jud., Request for Spoken Language Interpreter, available at <http://www.courts.state.md.us/courtforms/joint/ccdc041.pdf>.

<sup>5</sup> E-mail from Ksenia A. Boitsova, *supra*.

<sup>6</sup> Md. R. 16-819(c)(2)(A).

<sup>7</sup> *Id.*

**B. Ensures that interpreters are competent by testing before appointing an interpreter in civil proceedings? Yes**

The Administrative Office of the Courts maintains a registry of court interpreters, which it distributes to the state's courts biannually.<sup>8</sup> Maryland's court rules require courts to "make a diligent effort" to appoint a "certified" interpreter. If no such interpreter is available, the court must "make a diligent effort to obtain the services of an interpreter eligible for certification." Only if neither level of interpreter is available can a court appoint a "non-certified interpreter."<sup>9</sup>

A "certified" interpreter is one who:

- 1) has prior interpreting experience,
- 2) passes a criminal background check,
- 3) attends a one-day orientation workshop and two-day training workshop,
- 4) passes a written exam on English, legal terminology, courtroom procedures and the Maryland Code of Professional Conduct for Court Interpreters,
- 5) passes an oral proficiency interview, which tests proficiency in the language to be interpreted, although not interpreting ability, and
- 6) passes an oral exam in the three modes of interpreting (either the Maryland exam or an exam from another Consortium state).<sup>10</sup>

An "eligible for certification" interpreter is one who has complied with all of the above requirements except for the oral exam.<sup>11</sup>

Before non-certified interpreters are appointed, court personnel in charge of appointing interpreters conduct a voir dire to assess the interpreter's level of education, fluency in English and foreign languages, and interpreting experience.<sup>12</sup>

*The Brennan Center for Justice report, Language Access in State Courts, contains guidelines for the provision of court interpreters in civil cases. It also contains aggregate information – in the form of United States maps – regarding the extent to which the 35 states with the highest proportion of limited English proficient people (as a percentage of population) comply with the guidelines regarding providing interpreters in all civil cases and providing them free of charge.*

*This series of "state summaries" contains additional, detailed information about the extent to which the 35 states comply with those guidelines, and with the guideline regarding ensuring that interpreters are competent.*

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<sup>8</sup> Md. Admin. Office of the Cts., Court Interpreter Program, available at <http://www.courts.state.md.us/interpreter/index.html>.

<sup>9</sup> Md. R. 16-819(d)(1).

<sup>10</sup> Md. Admin. Office of the Cts., Ct. Interpreter Program, So You'd Like to be a Court Interpreter, available at <http://www.courts.state.md.us/interpreter/pdfs/trifold.pdf>; Md. Admin. Office of the Courts, Court Interpreter Program, available at <http://www.courts.state.md.us/interpreter/index.html>.

<sup>11</sup> Md. Admin. Office of the Cts., Ct. Interpreter Program, So You'd Like to be a Court Interpreter, available at <http://www.courts.state.md.us/interpreter/pdfs/trifold.pdf>.

<sup>12</sup> E-mail from Ksenia A. Boitsova, *supra*. See also Md. R. 16-819(d)(2) & App. on Ct. Interp. Questions, available at: <http://www.michie.com/maryland/lpext.dll/mdrules/8/1290?fn=document-frame.htm&f=templates&2.0>.