

Language Access in State Courts

Nevada 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? *No*

A court rule provides courts with the discretion to appoint an interpreter in civil cases.¹ Although we were not able to determine what the general practice is in the state, the North Las Vegas Justice Court warns civil litigants that “if you are appearing for a Civil or Small Claims case, or a Landlord-Tenant dispute, you **SHOULD** bring a translator with you when you appear at the Clerk’s Office, or for your Court appearance. Otherwise, you may not be able to present your information to the Judge.”² Likewise, the 8th Judicial District Court requires parties needing interpreters for court-ordered mediation in family cases to bring an interpreter with them.³

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

Pursuant to a court rule, when an interpreter is appointed in a civil proceeding, the court can either be “be paid out of funds provided by law or by one or more of the parties as the court may direct, and may be taxed ultimately as costs, in the discretion of the court.”⁴ In practice, Nevada courts will cover the costs of interpretation only when a determination of indigence has been made.⁵ In the Eighth Judicial District, covering Clark County, when an interpreter must be brought from outside the county, even indigent individuals may be required to pay.⁶

¹ Nev. R. Civ. P. 43(d). *See also Caballero v. Seventh Judicial Dist. Court ex rel. County of White Pine*, 167 P.3d 415 (Nev. 2007) (holding that courts have inherent authority to appoint interpreters); Interview with Andrea Krlickova, Court Services Analyst, Admin. Office of the Cts., Mar. 3, 2008.

² North Las Vegas Justice Ct., Courtroom Standards, available at http://www.accessclarkcounty.com/depts/justicecourt_nlv/Pages/index.aspx (emphasis in original).

³ Nev. 8th Jud. Dist. R. Prac. 5.70.

⁴ Nev. Dist. Ct. R. Civ. Proc. 43(d).

⁵ Nev. 8th Jud. Dist. R. Prac. 7.80(a) (providing that courts may pay for interpreters in civil cases only when a determination of indigency has been made, and that in all other cases parties must pay interpreter costs before an interpreter is provided); *Caballero v. Seventh Jud. Dist. Ct. ex rel. County of White Pine*, 167 P.3d 415, 421 (Nev. 2007) (providing that a court “may” order compensation for interpreters for indigent parties); Interview with Andrea Krlickova, *supra*.

⁶ Nev. 8th Jud. Dist. R. Prac. 7.80(a) (providing that when interpreters must be brought in from outside the county, “actual and necessary expenses shall also be paid by the party requesting the interpreter”).

3. Ensures that all LEP individuals receive interpreters in civil proceedings: Has clear guidelines for appointment, or provides an interpreter whenever one is requested? No

The court rule providing courts with discretion to appoint interpreters does not specify the types of cases in which an interpreter should be appointed. Nor does it specify a standard for deeming an individual to be one who needs an interpreter.⁷

B. Ensures that interpreters are competent by testing before appointing an interpreter in civil proceedings? No

In general, whether or not a “certified” interpreter is appointed is left to the discretion of the court, which is tasked with weighing the gravity and complexity of the given proceedings.⁸ In Justice Court proceedings, however, if the court decides to appoint an interpreter it must be a volunteer interpreter if one is available, and if not then the court may consider appointing a “registered” interpreter.⁹

To be deemed “certified” in Nevada, an interpreter must:

- 1) attend a two-day orientation program;
- 2) pass the Consortium’s written examination regarding English vocabulary, court-related terms and usage, and ethics and professional conduct;
- 3) pass the Consortium’s oral performance examination assessing consecutive and simultaneous interpreting and sight translation skills;
- 4) perform 40 hours of court interpreting or court observation in the Nevada courts in the previous 12 months, provide proof of courtroom experience or observation;
- 5) successfully complete a criminal background check; and
- 6) swear to uphold the Code of Professional Responsibility in the Nevada Courts, and
- 7) pay a \$50 administrative fee.¹⁰

An interpreter will be deemed “registered” if he or she has fulfilled all of the above steps except the oral exam.¹¹ It does not appear that there exists a requirement that anyone assess the foreign language fluency or interpreting skills of “registered” interpreters.

The Administrative Office of the Courts provides a proposed voir dire for judges to use to determine the education, experience, and ability of individuals who are neither “registered” nor

⁷ The Nevada Rules of Civil Procedure provide simply that “The court may appoint an interpreter of its own selection and may fix the interpreter’s reasonable compensation.” See Nev. R. Civ. P. 43(d).

⁸ Nev. Sup. Ct., Admin. Office of the Cts., Nevada Certified Court Interpreters Program, State Court Administrative Guidelines for the Nevada Certified Court Interpreter Program (Jun. 4, 2008), § 4.1, available at: http://www.nvsupremecourt.us/documents/misc/GUIDELINES_FOR_INTERPRETER_PROGRAM.pdf.

⁹ According to the Nevada Supreme Court: “Initially, the court should encourage the party to secure his or her own competent volunteer interpreter. In the absence of a volunteer interpreter, and after exhausting reasonable efforts to secure a volunteer interpreter, the court may appoint a state-registered interpreter and determine any compensation.” *Caballero v. Seventh Jud. Dist. Ct. ex rel. County of White Pine*, 167 P.3d 415, 420-21 (Nev. 2007).

¹⁰ Nev. Sup. Ct., Admin. Office of the Cts., Nevada Certified Court Interpreters Program, State Court Administrative Guidelines for the Nevada Certified Court Interpreter Program (Jun. 4, 2008), § 2.11.

¹¹ *Id.* § 2.13.

“certified.”¹² Regardless of whether an interpreter is certified or not, he or she is bound by the rules governing expert witnesses,¹³ must take an oath to provide an accurate translation,¹⁴ and may not appear in proceedings in which he or she has a conflict of interest.¹⁵

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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¹² Nev. Sup. Ct., Admin. Office of the Cts., Nevada Certified Court Interpreters Program, Suggested Voir Dire to Determine Qualifications of a Proposed Interpreter (Nov. 6, 2008), available at: <http://www.nvsupremecourt.us/documents/misc/VoirDireDraft.doc>.

¹³ Nev. Rev. Stat. § 50.045.

¹⁴ *Id.* § 50.054(2).

¹⁵ *Id.* § 50.054(1).