

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1896

Amending Administrative Rule 6 concerning the court system's responsibility to provide and pay for interpreter services for persons with limited English proficiency.

IT IS ORDERED:

Administrative Rule 6 is amended to read as follows:

Rule 6. Interpreter Services in Court Proceedings for Persons with Limited English Proficiency.

(a) **Construction.** This rule shall be liberally construed and applied to promote meaningful participation in court proceedings, consistent with due process, by persons with limited English proficiency. A limited English proficient (LEP) person is someone who speaks a language other than English as his or her primary language and has a limited ability to read, speak, or understand English.

(b) **Court System Responsibility to Pay for Interpreter Services.** The court system will provide and pay for the necessary services of an interpreter during proceedings in court for ~~persons~~ all parties, witnesses, and victims with limited English proficiency in all cases and for other individuals with limited English proficiency as follows:

~~(1) in all cases,~~

~~(A) for a party who is appearing pro se,~~

~~(B) — for a party who is represented by a private attorney but cannot reasonably afford the costs of an interpreter, and~~

~~(C) — for a party who is represented by an attorney furnished by the Alaska Legal Services Corporation, the Alaska Pro Bono Program, the Alaska Network on Domestic Violence and Sexual Assault Pro Bono Program, or the Alaska Native Justice Center;~~

~~(2) — in criminal cases, for all defendants at arraignment or felony first appearance;~~

~~(3) — in protective order proceedings, for the petitioner or respondent;~~

~~(14) for the parents or guardian of the juvenile in delinquency proceedings, and~~

~~(A) — for a juvenile at the initial court appearance prior to the appointment or appearance of counsel, and~~

~~(B) — for the parents or guardian of the juvenile; and~~

~~(25) for the tribal representatives, foster parents, out-of-home care providers, or grandparents in child-in-need-of-aid proceedings;~~

~~(A) — for a parent at the initial court appearance prior to the appointment or appearance of counsel, and~~

~~(B) — for the tribal representatives, foster parents, out-of-home care providers, or grandparents.~~

~~(c) **Method of Delivery.** Interpreter services may be provided in-person, telephonically, or by video depending on the availability of qualified interpreters, the court location, and the length of the proceeding.~~

~~(c) **Agency Responsibility to Pay for Interpreter Services.** If a party is represented by a public agency, or someone under contract to a public agency, the agency is responsible for providing and~~

~~paying for necessary interpreter services required by the party and the party's witnesses. For purposes of this rule, "public agency" means an agency of the state or a political subdivision of the state.~~

~~(d) — **Party Responsibility to Pay for Interpreter Services.** If interpreter services are not the responsibility of the court system or a public agency, as set forth in subsections (b) and (c), the party is responsible for providing and paying for necessary interpreter services required by the party and the party's witnesses.~~

~~(e) — **Court Discretion to Proceed.** If a party or public agency is responsible for providing and paying for interpreter services and the party appears without a qualified interpreter, the judicial officer may provide an interpreter at court system expense rather than delay the proceeding. In such instances, the judicial officer may order the party or public agency responsible for providing the interpreter to pay the fees of the court-provided interpreter.~~

~~(f) — **Witnesses.** Responsibility for providing and paying for necessary interpreter services for a party during court proceedings includes necessary interpreter services for that party's witnesses.~~

~~(dg) **Court-Provided Second Interpreter at Hearings or Trial.** To prevent interpreter fatigue and ensure effective communication, the court system will may, in its discretion, provide and pay for the services of a second, qualified interpreter at any hearing or trial that exceeds two hours. for a party at trial upon request of a judicial officer, and at other proceedings with the approval of the administrative director. Nothing in this subsection relieves a party or public agency of responsibility for providing and paying for interpreter services under this rule. A court-provided "proceedings" interpreter may, upon request, interpret confidential communications between an LEP individual and his or her attorney during the course~~

of a hearing or trial. If an LEP party desires a separate “table” interpreter to sit at counsel table to facilitate confidential attorney-client communications, the party must provide and pay for that interpreter.

(eH) **Amount the Court System Pays.** When the court system provides and pays for interpreter services, the rate or fee paid is set by Administrative Bulletin 82.

Notes: This rule does not limit a judicial officer’s authority under Civil Rule 95 to order a party to pay the costs of interpreter services as a sanction for violation of Civil Rule 11.

An individual who is eligible to receive a court-provided interpreter under this rule should request interpreter services as early as possible in the case by filing a notice or otherwise notifying the local clerk of court. The court system’s Interpreter Services Coordinator is available to assist any agency, attorney, or litigant to locate a qualified language interpreter or translator to provide language services remotely or on-site. The Interpreter Services Coordinator can be reached at interpreters@akcourts.us.

DATED: September 21, 2016

EFFECTIVE DATE: October 15, 2016

/s/
Chief Justice Stowers

/s/
Justice Winfree

/s/
Justice Maassen

/s/
Justice Bolger

/s/
Justice Carney