



Office of Court Administration
Montgomery County

Hon. Patty Maginnis, Administrative Judge, District Courts
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**MONTGOMERY COUNTY DISTRICT AND COUNTY COURTS AT LAW LIMITED
ENGLISH PROFICIENCY (LEP) PLAN**

Purpose

This plan is intended to guide judges, court staff, and interpreters on the policies and procedures governing language access in the District and County Courts at Law and Justice of the Peace Courts of Montgomery County, Texas.

This document serves as the plan for Montgomery County District Courts, County Courts at Law, and Justice of the Peace Courts to provide persons with Limited English Proficiency (LEP) services that are in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d, et seq) and in compliance with the Texas' statutes on court interpreters (Tex. Gov't Code 57.001, et seq.).

Application of Policy to All Courts

In accordance with Chapter 57, Texas Government Code, this LEP Plan applies to all proceedings, both civil (meaning civil, family, and juvenile) and criminal cases. The request for the appointment of an interpreter may be made by motion of a party, a witness, or on the judge's own motion.

Nothing within this policy shall prohibit a judge in a civil proceeding from directing an interpreter's fees be paid as cost in accordance with Rule 183, Texas Rules of Civil Procedure. Interpreter fees will only be charged in instances when those fees would not affect any party's ability to participate in court proceedings or inhibit "meaningful access" to the courts. When cost are assessed, parties may request waiver of said fees depending on their individual circumstances.

Procedures to Request a Court Interpreter

The Montgomery County Office of Court Administration (OCA) will schedule and provide court interpreters daily for regular dockets (Interpreters of the Day) and for specific needs upon request. The OCA will schedule and provide court interpreters, upon receipt of a written request from the Court for trials

and/or specific cases greater than 30 minutes. Judges may directly schedule their own interpreters only for extended hour matters. The OCA will provide a “standard request form” that will be maintained on the department website that must accompany all interpreter requests.

Court interpreters shall not make arrangements directly with the court or counsel for a substitute interpreter in a case to which they have been assigned. Court Interpreters shall notify the Montgomery County OCA 48 hours in advance if a court interpreter is unable to attend their court assignment. If a party requests an interpreter, court staff will flag the case in Odyssey as interpreter services required. The OCA will run a daily report in Odyssey containing the cases flagged that will need an interpreter. The OCA will provide the Odyssey report to the interpreter upon check-in with the OCA on the morning of the assignment.

Duties of a Court Interpreter

A certified court interpreter assigned to provide interpretation services in the Courts by the Montgomery County OCA is accountable to the Courts for the completion of their duties. Likewise, a certified court interpreter shall not seek payment from private attorneys or parties while on assignment from the Montgomery County OCA. Any activities in violation of this policy may result in removal from the list of certified court interpreters used by Montgomery County.

To maintain certified status, court interpreters must submit to Montgomery County OCA proof of successful completion of the minimum requirements for continuing education every year via email to Court.Administration@mctx.org.

Court interpreters covering regular dockets as Interpreter of the Day shall appear in person at 8:00 a.m. to check in with the Montgomery County OCA prior to the commencement of the docket time. The interpreter must bring their own interpreting equipment, as needed, for the assignment. The interpreter should notify the Montgomery County OCA if he/she will be late for the assignment. The Montgomery County OCA will then notify the Court Coordinators.

Interpreters scheduled to cover regular dockets should be in the courthouse between 8:30 a.m. to 12:00 p.m. for a minimum ½ day assignment. When arriving for an assignment in a Court, the interpreter must check in with the Court Coordinator and/or Judge.

Court interpreters must notify the appropriate court authority, as soon as possible, of any perceived or prospective limitations that may potentially impede or hinder their ability to deliver interpreting services.

On special hearings or trials, the court interpreter should notify the presiding Judge of the need to take periodic breaks to maintain mental and physical alertness and prevent the court interpreter from becoming fatigued.

In the event the court interpreter sees the need for an additional interpreter for special hearings and trials, the court interpreter should notify the Montgomery County OCA as soon as the need is recognized.

Upon the completion of all assignments, the court interpreter must check with the Montgomery County OCA to determine if the court interpreter can be of further assistance in other cases or other matters pending.

Parties may not request that an interpreter provide live translation of any audio or video recordings as part of their interpreter services, nor will the county provide an interpreter for any audio or video transcription for private parties. Parties that anticipate needing to enter an audio or video recording into the record as an exhibit are required to obtain a certified transcription from a licensed interpreter per statute.

Cancellation of a Scheduled Assignment

In the event of unexpected emergency, an interpreter shall notify the Montgomery County OCA at the earliest possible time. A confirmation of such communication must be sent by the OCA to the interpreter before the interpreter is released from an assignment.

Cancellation of a scheduled trial day made less than 2 business days prior to the scheduled assignment will be paid at full payment at the normal rate for the next two scheduled trial days provided that the interpreter appears in court and is available to work as an Interpreter of the Day for the two days when trial was otherwise scheduled. An assigned interpreter is not entitled to payment for a cancelled assignment if the cancellation is made more than 2 business days in advance of the scheduled assignment.

Interpreter of the Day assignments may only be cancelled with 48 hours notice to the interpreter.

Certified Interpreter Availability

Montgomery County provides certified Spanish interpreters to the courts by statute due to the size of the county's population. In the event interpreters in another language other than Spanish are requested, the Montgomery County OCA will search diligently for a certified court interpreter in that language within a 75- mile radius of Montgomery County. In the event that a certified court interpreter in that language is not located, the court may, in its discretion, use a non-certified interpreter for the parties or witness requesting language access.

Processing Billing

Court Interpreters shall submit the "Language Interpreter Services Fee Voucher" to the Montgomery County OCA. For each case in which the interpreter appears and attempts to provide services, the interpreter must include a cause number and case disposition, and present their fee voucher to be initialed by court personnel in each court for each assignment.

Court Interpreters are paid for a minimum half day block of four hours per day and by the hour, in full hour increments, for each hour worked thereafter. Interpreters must submit their completed form with total payment requested to the Montgomery County OCA in person at the end of the day on which services are rendered if services are rendered in the District and County courts at law, or by email sent to

Court.Administration@mctx.org if services are rendered remotely or in the Justice of the Peace Courts for Montgomery County. Interpreters may not submit more than one voucher per calendar day for services rendered to any Montgomery County court.

The Montgomery County OCA will submit all Language Interpreter Services Fee Vouchers to the Auditor's office to be processed for payment, and notify the interpreter by email at the interpreter's registered email address that their voucher has been submitted.

Assistance for the hearing impaired

Pursuant to the Americans with Disabilities Act (ADA), when a request for interpreters is made by parties that are hearing impaired, all reasonable accommodations will be made to ensure access to the court proceeding as promulgated by the ADA.

Payment for Mileage

Mileage for travel to and from the court for official court interpreter assignments shall be paid at the current Montgomery County rate to an interpreter whose business address, as noted in their W-9 on file with the Montgomery County Auditor, is listed outside of Montgomery County.

Effective January 20, 2023.