



## *Office of Court Administration* Montgomery County

Hon. Tracy Gilbert, District Courts  
Hon. Claudia Laird, County Courts at Law

Chad Peace, Director  
Berenice Greathouse, OCA Manager  
Camara McWashington, Admin. Assist.

### 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 of Montgomery County, Texas.

This document serves as the plan for Montgomery County District Courts and County Courts at Law 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 appointment of 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 interpreter daily for regular dockets (rover) and for specific needs under 30 minutes. The OCA will schedule and provide court interpreter, upon receipt of a written request from the Court for trials and/or specific cases greater than 30 minutes. 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 in a case to

301 North Main, Suite 304 Conroe, Texas 77301  
Phone: (936) 538-8170 Facsimile: (936) 538-8165

which they have been assigned. Court Interpreters shall notify the Montgomery County OCA 24-hours in advance if a court interpreter is unable to attend their court assignment.

If a party is requesting an interpreter, the court staff will flag the case in Odyssey. 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 on daily basis.

### **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](mailto:Court.Administration@mctx.org)

Court interpreters covering regular dockets (rover) shall appear in person at 8:00 a.m. or 12:00 p.m., if assigned for morning or afternoon accordingly, to check in with the Montgomery County OCA prior to the commencement of the docket time. The interpreter must bring its own interpreting equipment. The court 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.  $\frac{1}{2}$  a day and 8:30 a.m. to 5:00 p.m. for a full day. 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.

### **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.

Cancellations of a scheduled trial day that is made on the same calendar day as a scheduled assignment will

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permit full payment of the scheduled assignment. Cancellation of a scheduled trial day made within 24 hours of the scheduled assignment will permit payment at  $\frac{1}{2}$  the normal rate for the next scheduled trial day. An assigned interpreter is not entitled to payment for a cancelled assignment if the cancellation is made more than 24 hours in advance of the scheduled assignment.

### **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 "Order for Payment of Foreign Language Interpreter Fees Montgomery, County, Texas" to the Montgomery County OCA. The Order for Payment of Foreign Language Interpreter Fees must be recognized and initialed by court personnel for each completed assignment.

The Montgomery County OCA will submit all Orders for Payment to the Administrative Judge. Once the Order for Payment is signed by the Administrative Judge, the Order for Payment will be delivered to the Auditor's office to be processed for payment.

Timely submission of the Order for Payments shall be no later than two business days following the completion of the assignment.

### **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 with office/headquarters listed outside of Montgomery County.