



**JUDICIAL COUNCIL OF GEORGIA
STANDING COMMITTEE ON COURT INTERPRETERS
MODEL FORM FOR USE OF NON-LICENSED INTERPRETER (*Ad Hoc Permitted*)**

INSTRUCTIONS and LEGAL AUTHORITY

Pursuant to Rule 2-2(e) of the Rules of Legal Interpreting in the State of Georgia, using a non-licensed interpreter¹, specifically an Ad Hoc Permitted interpreter, “should be reserved for situations in which [...] no licensed interpreter [is] available or the burden of providing a licensed interpreter is greater than the potential harm to the [limited English proficient] individual or individual whose matter depends on the [limited English proficient] individual having full access to the court.”

Further, the Rules advise that when selecting an Ad Hoc Permitted interpreter, courts “should fully examine the individual to assess their qualifications, consider any conflicts of interest between the ad hoc permitted interpreter and any parties and the court as well as fully document such measures and collect the interpreter’s personal information.” *Id.*

Finally, in *Ramos v. Terry*, 279 Ga. 889 (2005), the Georgia Supreme Court held it is

“an abuse of discretion to appoint someone to serve as an interpreter who is neither certified nor registered as an interpreter without ensuring that the person appointed is *qualified* to serve as an interpreter, without apprising the appointee of the role s/he is to play, without verifying the appointee’s understanding of the role, and without having the appointee agree in writing to comply with the interpreters’ code of professional responsibility.” (Emphasis Added)²

Therefore, after the court has reviewed the Rules, specifically Rule 2-2(e) relating to the use of Ad Hoc Permitted interpreters, considered the relevant case law, the needs of the parties, and the interest of justice, and determined that the use of an Ad Hoc Permitted interpreter is appropriate, and that a specific individual is qualified to serve as an Ad Hoc Permitted legal interpreter, the court or the court’s designee should use this form in accordance with the Rules of Legal Interpreting in the State of Georgia (“Rules”), Order of the Supreme Court of Georgia, effective January 1, 2024.

NOTE: Courts of Record - Rule 7-1(a)(5) of the Rules requires that when an Ad Hoc Permitted interpreter is used to interpret between English and a non-English spoken language, “the court

¹ *Ad Hoc Permitted* (Rule 2-2(e)) or Apprentice (Rule 2-2(d))

² **Note:** The classifications of “Certified” or “Registered” became obsolete with the current Rules. The current, applicable designations for licensed legal interpreters in Georgia are Master Licensed Legal, Licensed Legal, and Conditional Licensed Legal. See, Rule 2-2 (a) – (c). Regardless of licensure level, or if a person is non-licensed, *Ramos* requires any individual serving as an interpreter to be *qualified* to serve.

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shall make an audio or audio-visual recording of any testimony given in a language other than English.” Further, “[s]uch recording shall include any colloquies between the Court and any [limited English Proficient] individuals, statements or testimony made to the court given by an [limited English Proficient] individual, as well as all translations provided by the interpreter of such proceedings.” The court should then incorporate said recordings as “part of the record of the proceeding.”

NOTE: Pre-Appearance Interview - Courts are encouraged to consider that good cause may exist to hold a pre-appearance interview, with the assistance of a qualified interpreter, with the limited English proficient party or witness to become familiar with speech patterns and linguistic traits and to determine what technical or special terms may be used. Counsel may be present at the pre-appearance interview.

During the pre-appearance interview with a non-English speaking, deaf or hard of hearing witness, the Court should instruct the **witness** on the following procedures to be followed when the witness is testifying:

- a) The witness must communicate in a loud, clear voice so that the entire court and not just the interpreter can hear.
- b) The witness must direct all responses to the person asking the question, not to the interpreter.
- c) The witness must direct all questions to counsel or to the court and not to the interpreter. The witness may not seek advice from or engage in any discussion with the interpreter.
- d) The witness must inform the court if the witness cannot understand the interpreter.

During the pre-appearance interview with a non-English speaking, deaf or hard of hearing party, the courts should also instruct the non-licensed **interpreter** on the following instructions on the procedures to be used when the non-English speaking, deaf or hard of hearing party is not testifying:

- a) The interpreter will interpret all statements made in open court.
- b) The party must direct any questions to counsel. The interpreter will interpret all questions to counsel and the responses. The party may not seek advice from or engage in discussion with the interpreter.

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COURT/CASE INFORMATION (To be completed by Court /Court's Designee)**

Court:	
Case Number:	
Plaintiff/Petitioner:	
Defendant/Respondent:	
OTHER:	

Ad Hoc Interpreter's Personal Information:

Name:	
Mailing Address:	
Phone Number:	
Email Address:	
Interpreting credentials held (if any):	
Relationship to any Party (if applicable)	

I, the above-named Ad Hoc Permitted Interpreter, hereby attest under oath that I have been advised by the court of the following ethical rules and further agree to adhere to the same.

1. I will not discuss the pending proceedings with any party or witness, outside of the professional employment in the same case. _____(Initial)
2. I will not disclose communications that occur between an attorney and that attorney's client. _____(Initial)

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3. I will not give legal advice to a party or witness. I will refer all legal questions to the attorney or to the court. ____ *(Initial)*
4. I will inform the court if I am unable to interpret a particular word, expression, sign, or dialect; if I do not understand any special terminology; if I become mentally or physically tired and need a break; if I realize that I have made an error in my interpretation; or if I have any doubts about my linguistic ability to perform adequately in a particular case. **I will not attempt to clarify my lack of understanding without first informing the court.** If I have a problem, I will respectfully interrupt the proceedings and ask to speak with the judge and the attorneys. ____ *(Initial)*
5. When interpreting, I will interpret the entire message, including but not limited to slang, derogatory comments, and vulgar statements. I will interpret all communications in open court including arguments by attorneys, objections, responses, and rulings. I will not interpret side bars or bench conferences even if I am in a position to hear or observe what is being said. ____ *(Initial)*
6. When interpreting, I will use the “first person” language and relay the message as the speaker would. I will not use the phrase “he/she/they said” to indicate what the individual I am interpreting for is saying. Everything that I say shall be the direct message from the individual for whom I am interpreting unless I inform the court otherwise. ____ *(Initial)*
7. I will position myself and use equipment appropriately as to ensure the clear communication between myself and the limited English proficient/deaf or hard of hearing individual, the court, and interested parties while doing my best not to block the view of the judge, jury, or counsel. ____ *(Initial)*
8. When I am interpreting at counsel table, between an attorney and their client, I will speak or communicate well enough to be heard or observed by attorney and their client, but not so to be heard or observed by others and not so as to interfere with the proceedings. ____ *(Initial)*

The Interpreter’s Oath:

Do you solemnly swear or affirm that you will faithfully interpret from (state the language) into English and from English into (state the language) the proceedings before this court in an accurate manner to the best of your skill and knowledge?

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By signing and dating this form, the undersigned further indicates that (1) the non- licensed interpreter has a basic understanding of the interpreter’s role in court proceedings, (2) that the interpreter’s oath was administered as required by the Standing Committee on Interpreters, (3) the interpreter agrees to comply with the Code of Professional Responsibility for Interpreters as found in the Rules, Article VIII and was given a copy, and (4) the individual is eligible to serve as an **Ad Hoc Permitted** interpreter (pursuant to Rule 2-2(e)), to the best of the undersigned’s knowledge.

Interpreter’s Signature

Date

Interpreter’s Printed Name

Interpreter’s Mailing Address

Interpreter’s Telephone Number

Interpreter’s E-Mail Address

Court or Court’s Designee Signature

Date

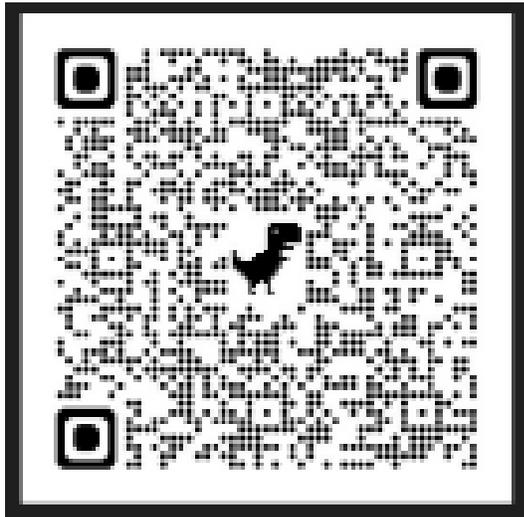
Court or Court’s Designee Printed Name

Instructions: Court/Court Designee email the completed Model Form for Use of Ad Hoc (Non-Licensed) Interpreter to GCR@georgiacourts.gov.

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Rules for Legal Interpreting in the State of GA, *eff. January 1, 2024*

<https://ocp.georgiacourts.gov/wp-content/uploads/2024/01/Committee-Rules-2023-September-2023-edits-approved-by-banc-12.14.2023-clean-2.pdf>



**Rules for Legal Interpreting in State of GA – Article VIII – Interpreter
Code of Professional Responsibility**

<https://ocp.georgiacourts.gov/wp-content/uploads/2024/04/Article-VIII.pdf>

