

FILED

May 21, 2020

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

ADM09-8009

**IN RE AMENDMENTS TO RULE 8 OF THE
GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS**

In an order filed on February 28, 2020, amendments to Rule 8 of the General Rules of Practice for the District Courts, which governs the use of interpreters in court proceedings, were promulgated effective as of July 1, 2020. Further amendments to Rule 8.02(a) and Rule 8.06 are necessary to clarify the standards and use of certain interpreters.

Based on all of the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. Rule 8.02(a) of the General Rules of Practice, is amended as follows:

Rule 8.02 Appointment; Applicability of Ethics Rules to All Interpreters.

(a) Use of Certified Court Interpreter. Whenever an interpreter is required to be appointed by the court, the court shall appoint ~~only~~ a certified court interpreter who is listed on the statewide roster of interpreters established by the State Court Administrator under Rule 8.01, except as provided in Rule 8.02(b), (c), ~~and (d), and (e).~~ A certified court interpreter shall be presumed competent to interpret in all court proceedings. The court may, at any time, make further inquiry into the appointment of a particular certified court interpreter. By objection made at the commencement of a proceeding, or by motion made appropriately in advance of a proceeding, Objections made by a party regarding special circumstances which render the certified court interpreter unqualified to interpret in the proceeding must be presented to the court made in a timely manner. The court shall use a certified court interpreter except when no certified court interpreter is reasonably available. A certified interpreter is not reasonably available if the hearing would have to be unreasonably delayed to secure the presence of the interpreter, if the interpreter would have to travel an unreasonable distance to attend the hearing, or if the interpreter is unwilling to provide interpreting services by remote means at the request of the court.

2. Rule 8.06 of the General Rules of Practice is amended, in paragraph (a) (Relevant Conduct), as follows:

Rule 8.06 Application for Certification Character and Fitness Standards for Inclusion on the Statewide Roster.

~~(a) — Complete Application.~~ An applicant desiring legal interpreting certification in a particular language shall file with the Coordinator a complete and notarized application on a form prepared by the State Court Administrator's Office and pay the application fee established by the State Court Administrator's Office.

~~(b) — Certification Standards.~~

~~1. Screening.~~ The State Court Administrator's Office shall administer character, fitness and competency screening. It shall perform its duties in a manner that ensures the protection of the public by recommending for certification including on the Statewide Roster only those who qualify and who meet character and fitness standards. A court interpreter should be one whose record of conduct justifies the trust of the courts, witnesses, jurors, attorneys, parties, and others with respect to the official duties owed to them. A record manifesting significant deficiency in the honesty, trustworthiness, diligence or reliability of an applicant may constitute a basis for denial of inclusion on the Statewide Roster certification.

~~2.(a) Relevant Conduct.~~ The revelation or discovery of any of the following should be treated as cause for further inquiry before the State Court Administrator's Office decides whether the interpreter applicant possesses the character and fitness to qualify for inclusion on the Statewide Roster certification to interpret in the courtroom:

- ~~(1)a.~~ conviction of a crime which resulted in a sentence or a suspended sentence;
- ~~(2)b.~~ misconduct involving dishonesty, fraud, deceit or misrepresentation;
- ~~(3)c.~~ revocation or suspension of certification as an interpreter, or for any other position or license for which a character check was performed in this state or in other jurisdictions; and
- ~~(4)d.~~ acts that indicate abuse of or disrespect for the judicial process.

3. Rule 8.02(a) and Rule 8.06(a) of the General Rules of Practice for the District Courts as amended by this order are prescribed and promulgated to be effective as of July 1, 2020. Except as amended by this order, all other amendments to Rule 8 of the General Rules of Practice and the effective date for those amendments are governed by the order filed on February 28, 2020.

Dated: May 21, 2020

BY THE COURT:



Lorie S. Gildea
Chief Justice