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MAR 05 2015

State of North Dakota

JOINT PROCEDURE COMMITTEE

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FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT

March 5, 2015

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STATE OF NORTH DAKOTA

Honorable Gerald W. VandeWalle, Chief Justice
North Dakota Supreme Court
600 East Boulevard Avenue
Bismarck, ND 58505-0530

Re: Proposed Amendments to N.D. Sup. Ct. Admin. R. 50; N.D.R.Civ.P. 43;
N.D.R.Crim.P. 28; and Trial Court Administration Policy 522

Dear Chief Justice:

State Court Administrator Sally Holewa, in consultation with the Supreme Court, developed a series of rule amendments related to interpreters. The amendments were designed to implement the changes to Rule 42 and Rule 28 that the Court made effective March 1, 2014. She requested that the Joint Procedure Committee review these amendments and provide comments and suggestions.

The committee discussed the proposed amendments at its September 2014 and January 2015 meetings. The committee understands that payment for interpreter services is a concern for the Court and that the proposed amendments reflect that concern. During the committee's discussion of the rule proposals in September, some members took the position that courtroom interpreter services should be provided by the court system in criminal and civil cases, without any reimbursement for these services by parties or other court participants. Others took the position that, in civil cases, interpreters had traditionally been paid by the parties and this should continue. One area of consensus was that witnesses should not have to pay for interpreter services and that if any reimbursement is to be sought for witness interpreters, it should be sought from the parties.

At the January meeting, the committee discussed modifications to the Administrator's

proposed rule amendments. Based on these discussions, the committee suggests that there be language in Admin. Rule 50 that would limit any reimbursement for courtroom interpreter services to parties in civil cases with the ability to pay, which is very similar to what the Administrator proposed. The committee suggests that the explanatory notes of Rule 43 and Rule 28 contain language warning of the possibility of reimbursement in civil cases and pointing to Admin. Rule 50 for details about payment for interpreter services.

Copies of the amendments proposed by the Administrator, with further proposed amendments by the Joint Procedure Committee, are attached. Thank you for referring this matter to the committee.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dale Sandstrom", with a large, stylized flourish at the end.

Dale V. Sandstrom
Chair, Joint Procedure Committee