

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

In the Matter of:

Translations by Individuals not Certified  
as Spanish-English Federal Court  
Interpreters by the Administrative Office  
of the United States Courts

MISC. NO. 13-218 (ADC)

- Clarifying Local Civil Rule 5(g)'s waiver of certification by federally-certified interpreter by stipulation

CLERK'S OFFICE  
U.S. DISTRICT COURT  
SAN JUAN, P.R.

RECEIVED AND FILED  
2013 MAY 22 AM 11:04

**GENERAL ORDER**

It has come to the attention of the Court that litigants are more often relying on non-certified translations of documents.

Local Civil Rule 5(g) of the Local Rules of the United States District Court for the District of Puerto Rico states that,

All documents not in the English language which are presented or filed, whether as evidence or otherwise, must be accompanied by a certified translation into English prepared by an interpreter certified by the Administrative Office of the United States Courts. Certification by a federally-certified interpreter may be waived upon stipulation by all parties.

(emphasis ours).

In approving Local Civil Rule 5(g)'s requirement that documents not in the English language must be accompanied by a translation certified by a federally-certified interpreter, 28 U.S.C. § 1827, the Court unambiguously recognized the use of competent federal court interpreters as critical to ensure that justice is carried out fairly for defendants and other stakeholders. Thus, a document's translation by a federally-certified translator should be the first choice for a litigant.

Local Civil Rule 5(g) also denotes that the Court is not blind to the quandary faced by litigants every day: the rising costs of litigation and the need to secure that

documents in languages other than English which are vital to the effective presentation of their clients' claims be translated into English by qualified translators who are not federally-certified. Waiver of the certification, even if by stipulation, is not favored by the Court.

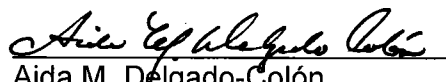
The parties may waive certification of a translation by a federally-certified interpreter by stipulation on the record. The substantial increase in the number of such waivers requires that the Court clarify that Local Civil Rule 5(g) requires that such stipulation by the parties, written or oral, must be straightforward.

The parties must take care that the record of the case clearly reflects their agreement to waive the certification of a document's translation by a federally-certified interpreter, so that there is no confusion later; this point of agreement is essential to the clarity of proceedings and will contribute to judicial economy.

Thus, absent a clear and unequivocal stipulation by the parties, the Court will continue to strictly enforce Local Civil Rule 5(g)'s certification requirement ordering that translations "be prepared by an interpreter certified by the Administrative Office of the United States Courts."

IT IS SO ORDERED.

In San Juan, Puerto Rico, this ~~22~~<sup>nd</sup> day of May, 2013.

  
Aida M. Delgado-Colón  
Chief United States District Judge