

Opinion No. 20-2707

October 8, 1920

BY: N. D. MEYER, Assistant Attorney General

TO: Mr. Louis E. Armijo, Attorney at Law, Las Vegas, New Mexico.

Interpreters' Fees Should Not Be Taxed as Costs.

OPINION

We have your favor of recent date in which you ask this office to place a construction upon Chapter 167, Laws of 1919.

You wish to know particularly whether or not in civil cases tried before the court in chambers, the interpreter's fee should be taxed as costs in the case, or whether said expense should be paid out of the court fund.

It is rather difficult to arrive at a conclusion in this matter from the mere reading of the statutes on the subject, but basing our opinion upon what the practice in that regard has heretofore been, and how judges view that question, including those who have gone from the district bench to the Supreme Court bench, together with Chapter 167, we would be inclined to hold that the court interpreter is an officer of the court, which officer the court uses as its means by which it hears the evidence which is presented to it in a foreign language.

This being the case, you see that the court has provided itself with an interpreter under authority of law in order to enable it to discharge its duty. Therefore, the interpreter is not the agency of the litigant but of the court.

Therefore, no distinction should be drawn between criminal and civil cases, whether tried during session or in chambers, and the same rule governing the payment of official court interpreters in criminal cases should apply in civil cases.

I do not think that interpreters' fees should be taxed as costs under any circumstances.