

Guide to Judiciary Policy

Vol 5: Court Interpreting

Ch 1: Overview

§ 110 Purpose

§ 120 Authority

§ 130 Applicability

§ 140 Definitions

§ 110 Purpose

This volume is designed to provide guidance on the use of interpreters for participants in court proceedings who speak only or primarily a language other than English, or who are hearing-impaired or have communications disabilities. It also provides references and links to other policy guidance when interpreters are used in other instances.

§ 120 Authority

These guidelines are promulgated by the Director of the Administrative Office (AO) as authorized by 28 U.S.C. §§ 604(a)(14), (15), and (16) and 28 U.S.C. § 1827 and § 1828. The guidelines incorporate references to Judicial Conference policy and case law related to the use of court interpreters. Under 28 U.S.C. § 602(d), the Director may delegate any functions, powers, duties, and authority to other officers and employees of the judicial branch of the government, subject to such terms and conditions as the Director may consider appropriate.

§ 130 Applicability

This volume applies to the federal courts as defined in 28 U.S.C. § 610. It does not apply to the Supreme Court of the United States.

§ 140 Definitions	
Act	The Court Interpreters Act as amended, 28 U.S.C. § 604(a)(14), § 604(a)(15), § 604(f), § 1827 and § 1828 (Pub. L. No. 95-539 (1978); Pub. L. No. 100-702 (1988); and Pub. L. No. 104-317 (1996)).
Certified Interpreter	An interpreter who has successfully passed all the required components of the Federal Court Interpreter Certification Examination administered under the auspices of the Administrative Office. All staff court interpreters must be federally certified court interpreters. See: Guide, Vol 5, § 310.10.
Clerk	The clerk of the district court or the bankruptcy court or a court unit executive designated by the chief judge of the district court to implement the Act.
Conference Interpreter	A conference interpreter works in multilingual meetings and renders a message from one language into another, naturally and fluently. Unlike court interpreters, conference interpreters adopt the delivery, tone and convictions of the speaker and often make necessary adjustments to the speech.
Consecutive Interpretation	The consecutive mode is used to interpret testimony given by a limited English proficiency (LEP) individual on the witness stand, or other statements for the record involving questions and answers, as well as for situations in which dialogue with the LEP individual develops, such as interviews. The interpreter verbally conveys the translation of the original message into the target language after the speaker has paused. Note-taking is an essential tool for optimal performance during consecutive interpreting.
Director	The Director of the AO or the Director's designee.
Judge or Presiding Judicial Officer	A U.S. district judge, bankruptcy judge, magistrate judge, and, in the case of a grand jury proceeding, a U.S. attorney.
Language of Limited Diffusion (LLD)	A language used in a country by a group which is significantly smaller in number than the rest of the population, also called a linguistic or language minority. Those who speak the language may be nationals of the country, but they have distinguishing ethnic, religious, or cultural features which they wish to safeguard.
Languages other than Spanish (LOTS)	All languages other than the Spanish language.
Limited English Proficiency (LEP) Person	Individuals who speak only or primarily a language other than the English language.

§ 140 Definitions	
Otherwise Qualified Interpreter	The category “otherwise qualified interpreter” includes interpreters that are “professionally qualified” or “language skilled/ad hoc.” These are interpreters, not certified by the AO, who can competently interpret in court proceedings. Interpreters who meet specific AO standards described in § 320.20 of this volume may be deemed “professionally qualified.” Interpreters who do not meet such standards, but who are deemed to be competent, are classified as language skilled/ad hoc interpreters. Interpreters for languages for which the AO has certified interpreters (Spanish, Navajo, and Haitian Creole) cannot be deemed professionally qualified.
Relay Interpretation	Relay interpretation occurs when no interpreter is available to interpret a language of limited diffusion (LLD) into English, but one can interpret the needed language into another language for which there is an available, qualified interpreter. The non-English speaking interpreter “relays” the interpretation into the common language and the second interpreter relays this into English and vice versa. (Examples: Mixtec to Spanish to English, or Tactile Signing to American Sign Language (ASL) to English.)
Simultaneous Interpretation	The rendering of the full and accurate meaning of speech from one language into another while the speaker or signer is still talking. This requires the interpreter to listen, comprehend, translate, and reproduce a speaker or signer’s message while the speaker or signer continues to speak or sign, typically lagging a matter of seconds behind the speaker or signer’s communication. The simultaneous mode is used by interpreters when interpreting all that is said in courtroom proceedings for non-English speaking defendants or other participants as defined in Guide, Vol 5, § 210.10 and § 255.20(c).
Simultaneous Interpretation Equipment	Electronic equipment that allows the interpreter to interpret into a microphone and the interpreted speech to be sent in real time via a transmitter to a receiver (earphones) for one or more defendants. The use of such equipment also enables interpreters to better position themselves where they can hear and see the speakers without strain and to serve multiple defendants at the same time.
Sight Translation	Conveying orally in one language the meaning of a text written in another language. It is a hybrid of translation and interpretation that requires the interpreter to first review the original written text, then render it orally into the other language.
Source Language	The language from which a statement in another language is translated or interpreted.
Target Language	The language into which a statement in another language is translated or interpreted.

§ 140 Definitions	
Team Interpreting	The use of two or more interpreters for trials or lengthy hearings. The interpreter not actively interpreting (known as the passive interpreter) researches terms, takes notes, monitors the interpretation being provided, and provides support to the active interpreter. Team interpreters alternate roles during the interpreted event.
Transcription	The production of a written text that reflects an oral message as it is spoken. Both the original spoken message and the parallel written text are in the same language.
Transcription and Translation of Recordings	The reproduction in writing of the original spoken words recorded on tape or other media in a source language, and their subsequent translation into the target language as part of a transcript.
Translation	The transference of meaning of a written document from the source language into the target language in writing. The translator is given a text and prepares an accurate parallel text in writing, without the pressure of immediate delivery.

Guide to Judiciary Policy

Vol 5: Court Interpreting

Ch 2: Appointment and Payment Authorities

- § 210 Criminal and Civil Actions Instituted by the United States
 - § 210.10 Appointment of Interpreters in Judicial Proceedings Instituted by the United States
 - § 210.20 Waivers of Appointment
 - § 210.30 Funds Available for Payment of Interpreters

- § 215 Government Witnesses

- § 220 Criminal Justice Act (CJA)
 - § 220.10 Payment for Interpreters Appointed under the CJA
 - § 220.20 Services for Short Attorney-Client Interviews
 - § 220.30 Payment of Fees, Expenses, and Cost of Interpreters for CJA Representation

- § 225 Retained Counsel
 - § 225.10 General Policy
 - § 225.20 Payment of Interpreters Obtained by Retained Counsel

- § 230 Habeas Corpus Petitions

- § 235 Probation and Pretrial Services Proceedings
 - § 235.10 General Policy
 - § 235.20 Payment for Interpreter Services on Probation and Pretrial Services

- § 240 Bankruptcy Proceedings
 - § 240.10 Bankruptcy Appeals and Bankruptcy Cases
 - § 240.20 Section 341 Meetings of Creditors

- § 245 Court-Sponsored Alternative Dispute Resolution Programs

- § 250 Special Master Proceedings
 - § 250.10 General Policy
 - § 250.20 Special Masters Appointed in Prison Condition Cases

- § 255 Services to the Hearing Impaired and Others with Communication Disabilities
 - § 255.10 General Policy
 - § 255.20 Sign Language Interpreters and Other Auxiliary Aids and Services

- § 255.30 Provision for and Payment of Juror Services
- § 255.40 Procedures
- § 255.50 Reporting
- § 255.60 Funding

§ 260 Civil Proceedings Not Initiated by the Government

§ 265 Cost Reimbursement

§ 210 Criminal and Civil Actions Instituted by the United States

§ 210.10 Appointment of Interpreters in Judicial Proceedings Instituted by the United States

- (a) A judge must appoint interpreters in judicial proceedings instituted by the United States, if the judge determines that a party or a witness speaks only or primarily a language other than English or has a hearing impairment (whether or not suffering also from a speech impairment), so as to inhibit that person's comprehension or communication in the proceeding.
- (b) This may include the assignment of an interpreter to assist in facilitating communication between counsel and the party, even if it results in multiple in-court interpreters.
- (c) Judicial proceedings instituted by the United States include all in-court criminal proceedings and any in-court civil proceeding in which the United States is the plaintiff.
- (d) A judge may also appoint interpreters for defense witnesses in judicial proceedings instituted by the United States. **See:** 28 U.S.C. § 1827(d)(1) and (c)(2).
- (e) For bankruptcy court proceedings, **see also:** § 240.

§ 210.20 Waivers of Appointment

Individuals other than witnesses who are entitled under 28 U.S.C. § 1827(f) to court-provided interpreter services may waive their right to such services and utilize the services of an interpreter of their choice. A judge should consider the requirements of the statute in accepting a waiver of interpreter services.

§ 210.30 Funds Available for Payment of Interpreters

Funds are available in a general authorization account for the payment of interpreters appointed by a judge as described above. For more information on the use of the general authorization account, **see:** Guide, Vol 5, § 410.

§ 215 Government Witnesses

- (a) If a government witness speaks only or primarily a language other than English and requires an interpreter, the U.S. attorney is responsible for securing and paying for such services (28 U.S.C. § 1827(c)(2)).
 - (1) There is no statutory requirement that the same interpreter serve all persons who require interpreter services in a case.
 - (2) The statute leaves the decision to appoint interpreters to a judge's discretion.

- (b) If the U.S. attorney utilizes a court-provided contract interpreter, the court may (28 U.S.C. § 1827(g)(3)) bill the portion of services for government witnesses to the Department of Justice (DOJ) if the costs are sufficient to offset the accounting administrative cost. Similarly, if a staff interpreter is utilized for a government witness, the court may bill for reimbursement of salary at the hourly rate that is equal to the interpreter's salary plus benefits (e.g., government contribution to retirement, overhead). Reimbursed funds must be deposited into the appropriation originally charged (28 U.S.C. § 1827(g)(3)). For reimbursement procedures, contact the Finance and Accounting Division of the Administrative Office (AO).

§ 220 Criminal Justice Act (CJA)

§ 220.10 Payment for Interpreters Appointed under the CJA

Interpreters whose services are obtained by defense counsel appointed under the CJA, 18 U.S.C. § 3006A, to facilitate communication between counsel and the defendant out-of-court are generally paid under that statute. These services are not provided for under 28 U.S.C. § 1827, but rather under the CJA as necessary defense services.

§ 220.20 Services for Short Attorney-Client Interviews

- (a) Interpreter services by a contract or staff interpreter may be provided at no expense to the Defender Services appropriation for short CJA attorney-client consultation (for the public defender or CJA panel attorneys) between attorney and client:
 - (1) **if** interpreting occurs in the courthouse immediately before and/or after a proceeding (as covered by 28 U.S.C. § 1827), and
 - (2) **only if** the matter is incidental to a court proceeding that was already scheduled to take place.
- (b) Such interpreting arrangements should be authorized by a judicial officer or the clerk of court in advance.

§ 220.30 Payment of Fees, Expenses, and Cost of Interpreters for CJA Representation

The fees, expenses, and costs of interpreters for CJA representation are paid from the Defender Services appropriation.

§ 220.30.10 Determination and Approval of Claims and Rates

Rates may be negotiated between the interpreter and the federal defender or CJA panel attorney. When interpreters are authorized under the CJA or related statutes to render services to CJA panel attorneys, interpreters must complete the applicable CJA voucher form and return it to counsel for certification that the services itemized were rendered. The court will review the voucher for reasonableness. **See:** Director's memorandum, Sept. 12, 2008, Audit of CJA Payments Made to Panel Attorneys and Interpreters.

§ 220.30.20 Contract Court Interpreters

Contract court interpreters may not bill or receive funds from any other federal court unit, federal public defender, community defender organization, or other attorneys or entities obtaining interpreting services under the CJA or the related statutes for any services rendered during the same half- or full-day for which the contract court interpreter is being compensated pursuant to the contract. **See:** Contract Court Interpreter Services Terms and Conditions.

§ 225 Retained Counsel

§ 225.10 General Policy

In any civil or criminal proceeding, retained counsel may hire interpreters to facilitate communication with a client or witness who speaks a language other than English.

§ 225.20 Payment of Interpreters Obtained by Retained Counsel

The cost of interpreters used to facilitate communication between a client or witness and retained counsel in preparation for and following court proceedings are paid by the party, and the rates may be negotiated between the interpreter and the party. For guidance on payment of court interpreters for in-court proceedings, **see:** Guide, Vol 5, § 210 and § 260.

§ 230 Habeas Corpus Petitions

Habeas corpus petitions filed under 28 U.S.C. §§ 2241 or 2254 and § 2255 motions are considered "judicial proceedings instituted by the United States" as defined by 28 U.S.C. § 1827(j). A judge must appoint an interpreter for such in-court proceedings when:

- (a) the petitioner speaks only or primarily a language other than the English language or suffers from a hearing impairment; and
- (b) this fact inhibits either:
 - (1) the petitioner's comprehension of the proceedings or communication with counsel or the presiding judicial officer, or
 - (2) a witness' comprehension of questions and the presentation of testimony.

§ 235 Probation and Pretrial Services Proceedings

§ 235.10 General Policy

- (a) Probation and pretrial services interviews conducted to prepare presentence reports and pretrial services reports, while not addressed by statute, are considered within the scope of the court interpreting program in the federal courts, as they are integral parts of the judicial process.

- (b) Interpreter services needed to assist the probation and pretrial services officer in interviewing an individual for purposes of preparing presentence reports and pretrial services reports may be paid from the general authorization, as noted in Guide, Vol 5, § 410.

§ 235.20 Payment for Interpreter Services for Probation and Pretrial Treatment Services

Interpreter services to assist in providing treatment and medical services to offenders should be paid from the same funds used by the AO Probation and Pretrial Services Office to provide treatment and medical services to offenders and should not be paid from the general authorization.

§ 240 Bankruptcy Proceedings

§ 240.10 Bankruptcy Appeals and Bankruptcy Cases

- (a) In a bankruptcy appeal in a district court or a bankruptcy case in bankruptcy court, the parties are responsible for providing interpreter services for court proceedings as well as communications between counsel and the parties, except in very limited instances:
 - (1) when the bankruptcy proceedings are instituted by the United States or
 - (2) when the parties have a hearing impairment (whether or not suffering also from a speech impairment).
- (b) If the proceedings are instituted by the United States, the procedures outlined in § 210 should be followed, and payment may be made from the general authorization. Matters instituted by the United States are adversary proceedings initiated by agencies such as:
 - the U.S. Trustee (UST);
 - the Internal Revenue Services (IRS);
 - the Securities and Exchange Commission (SEC); and
 - the Federal Deposit Insurance Corporation (FDIC).

§ 240.20 Section 341 Meetings of Creditors

- (a) In the majority of bankruptcy courts, Section 341 meetings (meeting of creditors) are not considered to be instituted by the United States, and

interpreter services, including the selection of an interpreter and the payment for the services, are the responsibility of the parties.

- (b) However, in the six courts with bankruptcy administrators, such meetings are considered to be instituted by the United States and interpreter services required by a party in interest or a witness at a Section 341 meeting are therefore paid from the general authorization.

§ 245 Court-Sponsored Alternative Dispute Resolution Programs

In the case of court-sponsored alternative dispute resolution programs, interpreter services must be provided for hearing impaired individuals as noted below in § 255, but not for parties who speak languages other than English unless the United States instituted the proceeding.

§ 250 Special Master Proceedings

§ 250.10 General Policy

Proceedings before a special master are not judicial proceedings, unless a U.S. magistrate judge is acting as the special master. The clerk may assist a special master in locating an interpreter, but the cost of the interpreter is usually a reimbursable expense of the special master as directed by the court appointing the special master. **See:** Fed. R. Civ. P. 53. For exception information, **see:** Guide, Vol 5 § 250.20.

§ 250.20 Special Masters Appointed in Prison Condition Cases

- (a) The only exception is for special masters appointed in prison condition cases where compensation for the reasonable costs of experts, including interpreters, must be paid by a court (18 U.S.C. § 3626(f)(4)).
- (b) Charges for interpreter services provided to special masters in prison condition cases should be made to the fiscal year when the obligation was incurred (fund 092000, budget organization DXXPLRX, Cost Organization Code ending with X, and BOC 2529).

§ 255 Services to the Hearing Impaired and Others with Communication Disabilities

§ 255.10 General Policy

- (a) As adopted in September 1995, it is the policy of the Judicial Conference that all federal courts provide reasonable accommodations to persons with communications disabilities (JCUS-SEP 95, p. 75). This policy provides for services in addition to those required by the Court Interpreters Act (28 U.S.C. § 1827).
- (b) Under 28 U.S.C. § 1827(l), a judge **may** provide a sign language interpreter for a party, witness or other participant in a judicial proceeding, whether or not the proceeding is instituted by the United States.
- (c) Under Judicial Conference policy, a court **must** provide sign language interpreters or other auxiliary aides and services to participants in federal court proceedings who are deaf, hearing-impaired or have communication disabilities and **may** provide these services to spectators when deemed appropriate.
- (d) For information on policies for employees with disabilities, **see:** Guide, Vol 12, Ch 2 (Fair Employment Practices).

§ 255.20 Sign Language Interpreters and Other Auxiliary Aids and Services

(a) Requirement

Each federal court is required to provide, at judiciary expense, sign language interpreters or other appropriate auxiliary aids and services to participants in federal court proceedings who are deaf, hearing-impaired, or have other communications disabilities. The court will give primary consideration to a participant's choice of auxiliary aid or service.

(b) Real-time reporting

- (1) When deemed appropriate by a court, computer-assisted real-time reporting is one of the services that may be provided under these guidelines, but solely in furtherance of the limited purposes for which the guidelines have been adopted. Thus, real-time reporting should be provided only for as long as necessary and for those specific purposes required by a participant; for example, only for the duration of a deaf witness's testimony.

- (2) Real-time reporting is to be used solely to assist in communication and is not to be used in lieu of conventional means of producing the official record.
 - (3) Real-time services provided under these guidelines will be limited to a video display of spoken words, and may not include enhancements such as keyword searching or the provision of unedited daily transcripts.
 - (4) Courts may not use this policy as an authorization to purchase and install real-time court reporting equipment in the courtroom. Such purchase is governed by Judicial Conference policy on court reporting.
- (c) Definitions
- (1) "Participants" in court proceedings include parties, attorneys, and witnesses. The services called for under these guidelines are not required to be provided to spectators, although courts may elect to do so in situations when deemed appropriate, for example, a court may provide an interpreter to the deaf spouse of a defendant so that the spouse may follow the course of the trial.
 - (2) "Court proceedings" include trials, hearings, ceremonies and other public programs or activities conducted by a court.
 - (3) "Primary consideration" means that the court is to honor a participant's choice of auxiliary aid or service, unless it can show that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the nature of the court proceeding or an undue financial or administrative burden.
 - (4) "Auxiliary aids and services" include: qualified interpreters; assistive listening devices or systems; or other effective methods of making aurally delivered materials available to individuals with hearing impairments.

§ 255.30 Provision for and Payment of Juror Services

- (a) When an individual is found to be legally qualified to serve as a juror, but has a communications disability, payment for services necessary to address the communications disability should be made from the jury fee appropriation.
- (b) Services provided under these guidelines include a sign language interpreter or other appropriate auxiliary aids.
- (c) The determination of whether a prospective juror with a communications disability is legally qualified to serve as a juror is one for the judgment of the trial court under the Jury Selection and Service Act, 28 U.S.C. §§ 1861, et seq., and that determination is not governed or affected by these guidelines.

§ 255.40 Procedures

- (a) Each court is required to identify a specific office or individual(s) to serve as access coordinator from whom participants in court proceedings may request auxiliary aids or services.
 - (1) The access coordinator must be familiar with the judiciary's policy of providing reasonable accommodations to persons with communications disabilities to ensure that the policy is properly implemented.
 - (2) The access coordinator must have a ready working knowledge of the types of auxiliary aids and services available to serve the needs of disabled persons and of the local sources from which auxiliary aids and services may be procured.
 - (3) Personnel in each court are to be instructed as to the judiciary's policy and the identity and location of the access coordinators in their particular court.
 - (4) Each court will appropriately publicize the identity and location of its access coordinator through, for instance:
 - courthouse signs,
 - bulletin board announcements,
 - pamphlets, and
 - announcements in the local press.

- (b) Courts may, but are not required to, establish specific procedures through which requests for auxiliary aid services are to be submitted, such as requiring that they be submitted to the access coordinator in writing or that they be submitted in advance of the court proceeding involved. Courts may also establish procedures through which persons dissatisfied with the court's proposed provision of auxiliary aids and services may seek review or reconsideration.
 - (1) Any such procedures must be appropriately publicized.
 - (2) These guidelines are not intended to extend or modify existing law.

§ 255.50 Reporting

In all situations in which services are provided under these guidelines, regardless of whether any costs are incurred, courts are to file reports with the AO on forms provided for this purpose. **See:** Guide, Vol 5, § 370.

§ 255.60 Funding

Except as noted above in § 255.30, payment for sign language interpreters or other auxiliary aids should be from the general authorization. **See:** Guide, Vol 5, § 410.

§ 260 Civil Proceedings Not Initiated by the Government

Interpreter services needed to assist parties to civil proceedings not instituted by the United States, both in court and out of court, are the responsibility of the parties to the action, except as noted above in § 210 through § 255.

§ 265 Cost Reimbursement

- (a) In any proceeding not instituted by the United States, the presiding judge or the clerk or designee may make the services of an interpreter "available to that person on a cost-reimbursable basis, but the presiding judge may also require the prepayment of the estimated expenses of providing such services" (28 U.S.C. § 1827(g)(4)).
- (b) Because of the administrative burden placed on the judiciary in having to subsequently track and collect the reimbursed costs of these services, interpreter services should be provided on a cost-reimbursable basis only in limited circumstances when no other options are available.

Guide to Judiciary Policy

Vol 5: Court Interpreting

Ch 3: Court Management and Responsibility

§ 310 Types of Interpreters

§ 310.10 Staff Court Interpreters

§ 310.20 Contract Court Interpreters

§ 320 Qualifications of Interpreters

§ 320.10 Certified Interpreters

§ 320.20 Otherwise Qualified Interpreters

§ 330 Locating Interpreters

§ 330.10 Responsibility for Locating Interpreters

§ 330.20 Resources

§ 330.30 Selection of Interpreters

§ 340 Orientation of Interpreters

§ 340.10 General Orientation

§ 340.20 Prior Contact with Case or Any Party or Witness in the Case

§ 350 Administration of Oaths

§ 360 Supervising Staff Interpreters and Managing Contract Court Interpreter Resources

§ 360.10 Staff Court Interpreters

§ 360.20 Contract Court Interpreters

§ 360.30 Effective Use of Interpreters

§ 360.40 Background Security Check Requirements

§ 370 Statistical Reporting

§ 370.10 Interpreter Statistical Reporting

§ 370.20 Reporting of Usage for Communication Disabilities

§ 310 Types of Interpreters

There are two types of court interpreters:

- staff; and

- contract.

§ 310.10 Staff Court Interpreters

§ 310.10.10 Definition

A staff court interpreter is an employee of the court. All staff interpreters have passed the necessary written and oral exams to be certified as Federally Certified Court Interpreters (FCCI).

§ 310.10.20 Authorization for Staff Interpreter Positions

- (a) New staff interpreter positions are authorized by the Judicial Conference of the United States, upon recommendation of its Committee on Judicial Resources.
- (b) The appointment authority for staff interpreters comes from 28 U.S.C. § 751, which establishes a clerk for each district court and authorizes clerks to appoint employees with the approval of the court.
- (c) The court may not select an employee of the government (as defined in 5 U.S.C. § 2105), other than a staff interpreter, to serve as a court interpreter during that employee's assigned work period.

§ 310.20 Contract Court Interpreters

§ 310.20.10 Definition

A contract court interpreter is not an employee of the court, but is an independent contractor used for short durations to provide interpreting services. Contract court interpreters may be certified or otherwise qualified interpreters.

§ 310.20.20 Authorization to Hire Contract Court Interpreters

Authority to hire contractors to perform interpreting duties is derived from 28 U.S.C. § 1827(c)(2), which states, “[t]he clerk of the court, or other court employee designated by the chief judge, shall be responsible for securing the services of certified interpreters and otherwise qualified interpreters required for proceedings initiated by the United States, except that the United States attorney is responsible for securing the services of such interpreters for governmental witnesses.”

§ 310.20.30 Fee Schedule for Contract Court Interpreters

The Court Interpreters Act, 28 U.S.C. § 1827(b)(3), requires the Director of the AO to prescribe and periodically update a schedule of reasonable fees for services rendered by interpreters, both certified and otherwise qualified, who provide services in proceedings instituted by the United States. The current fee schedule is available on a Fee Schedule for Contractor Interpreters webpage in the Contract Court Interpreters area of JNet.

§ 320 Qualifications of Interpreters

Interpreters are classified according to their credentials as either:

- (a) Certified; or
- (b) Otherwise Qualified, which includes:
 - (1) professionally qualified; or
 - (2) language skilled/ad hoc.

These classifications are described below.

§ 320.10 Certified Interpreters

A certified interpreter has successfully passed the Federal Court Interpreter Certification Examination (FCICE). Certification testing programs have been developed and administered for Spanish, Navajo, and Haitian Creole. The FCICE is a criterion-referenced performance examination (28 U.S.C. § 1827(b)(1)) developed and administered under the supervision of the AO Court Services Office.

Information on the certification program is available from the Federal Court Interpreters page on the judiciary's public website.

§ 320.20 Otherwise Qualified Interpreters

§ 320.20.10 Description of Otherwise Qualified Interpreters

For languages for which the AO has not developed a certification program, an interpreter is considered "otherwise qualified," and is classified as either professionally qualified or language skilled/ad hoc depending on the interpreter's credentials.

§ 320.20.20 Professionally Qualified Interpreters

The category of professionally qualified (P.Q.) interpreters applies to all languages, except those for which the AO has certified interpreters (Spanish, Navajo, and Haitian Creole). Credentials for professionally qualified interpreters require sufficient documentation and authentication, and must meet the criteria in one of the following:

- (a) Passed the U.S. Department of State conference or seminar interpreter test in a language pair that includes English and the target language. The U.S. Department of State's escort interpreter test is not accepted as qualifying.
- (b) Passed the interpreter test of the United Nations in a language pair that includes English and the target language.
- (c) Is a current member in good standing of:
 - (1) the Association Internationale des Interprètes de Conférence (AIIC); or
 - (2) The American Association of Language Specialists (TAALS).The language pair of the membership qualification must be English and the target language.
- (d) For sign language interpreters, someone who holds the Specialist Certificate: Legal (SC:L) of the Registry of Interpreters for the Deaf (RID).

§ 320.20.30 Language Skilled/Ad Hoc Interpreters

- (a) An interpreter who does not qualify as an AO certified or professionally qualified interpreter, but who can demonstrate to the satisfaction of the court the ability to interpret court proceedings from English to a designated language and from that language into English, will be classified as a language skilled/ad hoc interpreter.
- (b) This group includes all individuals not certified or professionally qualified, who, through a precisely structured *voir dire* process, can be deemed competent to handle simultaneous and/or consecutive interpretation and/or sight translation with sufficient language proficiency in both English and the target language.
- (c) In some instances, the presiding judge may need to take extra time and make special accommodations to ensure that the proceedings can be

conveyed through the language skilled/ad hoc interpreter. For example, in some languages for which there are few interpreters, it may be difficult or impossible to find interpreters with the skills to interpret a court proceeding simultaneously. In addition, some interpreters may profess to have simultaneous skills that prove inadequate for a court proceeding. When this occurs, the presiding judge may need to instruct the parties to speak slowly in order to allow the interpreter time to interpret consecutively. The presiding judge and parties may also need to simplify the language they use, or explain the meaning of some legal terms, so that the interpreter may understand what the parties are saying and transmit it to the non-English speaker.

§ 330 Locating Interpreters

§ 330.10 Responsibility for Locating Interpreters

- (a) The clerk or the clerk's designee is responsible for locating certified or otherwise qualified interpreters for court proceedings instituted by the United States. However, the U.S. attorney's offices are responsible for locating, contracting, and paying interpreters for government witnesses. **See:** 28 U.S.C. § 1827(g)(3).
- (b) Where the appointment of an interpreter for in-court proceedings is not required by statute or Conference policy, the clerk may provide assistance to the parties in locating an available interpreter. **See:** Guide, Vol 5 § 330.20.30.

§ 330.20 Resources

§ 330.20.10 National Court Interpreter Database (NCID)

- (a) By statute, the Director is required to maintain a current master list of all certified interpreters and otherwise qualified interpreters (28 U.S.C. § 1827(b)(3)). This master list, the National Court Interpreter Database (NCID), is in InfoWeb. Searches can be done by language, qualification level, and state.
- (b) AO staff will maintain current contact information for certified interpreters. Courts with updates to information on Federally Certified Court Interpreters (FCCI) are requested to send it by e-mail to the AO Court Services Office at NCID_help@ao.uscourts.gov.

- (c) Each court will maintain the names and contact information of otherwise qualified interpreters if the court was satisfied with the interpreter's performance and is willing to refer them for use in other courts. The names, addresses, and phone numbers of professionally qualified and language skilled/ad hoc interpreters should be submitted to the AO for review and entry into the NCID.
- (d) A background check should be performed for all contract court interpreters. Information on use of the NCID for requesting a Federal Bureau of Investigation (FBI) check and on reviewing the FBI report on a contract court interpreter may be found on the Human Resources page on JNet. The clerk may add a professionally qualified or a language skilled/ad hoc interpreter to the NCID for purposes of requesting an FBI background check.

§ 330.20.20 Local Rosters (Lists) of Interpreters

- (a) In addition to the list of professionally qualified and language skilled/ad hoc interpreters maintained in the NCID, each court should maintain a local roster of interpreters available to perform interpreting services. The roster should include as much information as possible about the qualifications of the interpreters. The court may require interpreters who ask to be included on the court's local roster to:
 - (1) submit documentation evidencing their stated credentials; and
 - (2) consent to background checks according to Judicial Conference requirements.
- (b) Listings for otherwise qualified interpreters provided to the parties or attorneys should contain a statement that the interpreters have not been tested or certified to interpret the language in question in the courts and that neither the AO nor the clerk's office can attest to the level of interpreting skills of the listed interpreters.

§ 330.20.30 Availability of NCID Information and Local Rosters

- (a) Upon request of a party to a case, information concerning locally available interpreters should be made available to that party (28 U.S.C. § 1827(c)(1)) either from the NCID or from the court's local roster. Specifically, an individual who desires the assistance of an interpreter, but is not entitled to the appointment of an interpreter under the Act, may examine the roster of local interpreters during ordinary business hours or online, if available. The roster may also be utilized by attorneys and

others involved in the court system. For this reason, it is important to maintain current business contact information for the interpreters (telephone numbers and addresses), while at the same time ensuring that personal identifiers (e.g., social security numbers) are not provided.

- (b) Clerks' offices may also distribute their local roster of interpreters or listings of interpreters from the NCID to other federal or state agencies for reciprocal assistance in locating interpreter resources. A partial or full list of names of interpreters should not be shared with private or commercial entities for the purpose of the private or financial gain by these entities.

§ 330.20.40 Additional Resources

For additional information, including a list of professional associations, the Registry of Interpreters for the Deaf (RID), and government agencies to contact for help in locating interpreters, **see**: Court Interpreting page on JNet.

§ 330.30 Selection of Interpreters

- (a) Under 28 U.S.C. § 1827(d)(1), if the language is one for which there are AO certified interpreters (Spanish, Navajo and Haitian Creole), the court should select a certified interpreter if the presiding judge determines that one is reasonably available. If an AO certified interpreter is not reasonably available, a language skilled/ad hoc interpreter may be selected. Under 28 U.S.C. § 1827(b)(2), if the presiding judge determines that an AO certified interpreter is not reasonably available, an otherwise qualified interpreter may be selected. **See**: Guide Vol 5, § 320.20.20.
- (b) Care should be exercised when selecting interpreters who have conference interpreting experience to ensure that they can fully and accurately render, without altering, omitting, or adding anything to what is stated or written, and without explanation, the meaning of the speaker into the other language.
- (c) If the language requiring interpretation is not one for which the AO has certified interpreters (Spanish, Navajo and Haitian Creole), the court may select an otherwise qualified interpreter (professionally qualified or language skilled). Preference should be given to a professionally qualified interpreter if the presiding judge determines that one is reasonably available. For further information on interpreter services for parties with a hearing impairment, **see**: Guide, Vol 5, § 255 and § 320.20.30(d).

On Dec. 17, 1993, the AO Office of General Counsel advised as follows:

Legislative history makes it clear that the Congressional intent behind the requirement to use certified interpreters is to improve the quality of interpretation services in the Federal courts. Thus, to prohibit the use of certified interpreters for certain proceedings or when funding is tight appears to be inconsistent with that statute. Therefore, courts should use non-certified interpreters only when a certified interpreter cannot be found for a given proceeding, not as a money saving measure.

- (d) Courts may also contact the AO Court Services Office at 202-502-1500, or other federal courts, for assistance in locating interpreters. The preferred order in which interpreters should be considered is indicated below:
- (1) Staff interpreter, since all are certified;
 - (2) Certified contract interpreter from a court's local roster or from the NCID if there is sufficient time for travel;
 - (3) Certified interpreter through the Telephone Interpreting Program (TIP) if the proceeding is less than one hour and not too complex and the courtroom is equipped for TIP. **See:** Guide, Vol 5, § 540;
 - (4) Professionally qualified interpreter from a court's local roster or from the NCID if there is sufficient time for travel;
 - (5) Professionally qualified interpreter through the TIP if the proceeding is less than one hour and not too complex and the courtroom is equipped for TIP. **See:** Guide, Vol 5, § 540;
 - (6) Language skilled/ad hoc interpreter from a court's local roster or from the NCID if there is sufficient time for travel;
 - (7) Language skilled interpreter through the TIP if the proceeding is less than one hour and not too complex and the courtroom is equipped for TIP. **See:** Guide, Vol 5, § 540;
 - (8) Interpreter from interpreter organizations and other sources, such as interpreting agencies. For further information on working with interpreter agencies, **see:** Guide, Vol 5, § 420.60.
- (e) The presiding judge may voir dire the interpreter as to the interpreter's qualifications to ensure that the individual has the requisite skills and abilities to interpret for the required proceedings. When selecting

otherwise qualified interpreters, each court should ensure that professionally qualified interpreters meet the qualification requirements as stated in Guide, Vol 5, § 320.20.30.

§ 340 Orientation of Interpreters

§ 340.10 General Orientation

- (a) An orientation program for any staff or contract court interpreter with little or no experience serving in a federal court can improve the service they provide to the courts. New interpreters may be given the opportunity to view orientation material available on the Court Interpreter Training webpage in the Court Interpreting area of JNet.
- (b) The ethics and protocol required of federal court interpreters are included in the contract form which may be found on the Court Interpreter Services area of JNet. This document should be reviewed with new or infrequently used contract court interpreters to ensure that they are aware of its requirements. Staff interpreters (e.g., judicial branch employees) are required to observe the Guide, Vol 2A, Ch 3 (Code of Conduct for Judicial Employees).

§ 340.20 Prior Contact with Case or Any Party or Witness in the Case

The court may require an interpreter to disclose to the court and to the parties any prior involvement with the case or with any party or witness involved in the case.

§ 350 Administration of Oaths

- (a) Under Fed. R. Evid. 604, the presiding judge should ensure that each interpreter takes an oath to discharge properly the interpreter function, including accurately interpreting for the speakers in the proceeding and properly preparing for the assignment. Rule 604 states: “An interpreter is subject to the provisions of these rules relating to qualification as an expert and the administration of an oath or affirmation to make a true translation.” In some courts, the duty of administering an oath to the interpreter is delegated to the clerk. In taking the oath, the interpreter becomes an officer of the court with the specific duty and responsibility of interpreting between English and the target language. Courts also may have the interpreter sign an oath to keep on file.

§ 350(a) Sample Oaths	
Version 1	Version 2
<p>Do you solemnly swear that you will well and truly act as an interpreter in this matter now before the court, so help you God?</p> <p>Or alternatively:</p> <p>Do you solemnly affirm that you will well and truly act as an interpreter in this matter now before the court; do you so affirm?</p>	<p>Do you solemnly swear that you will interpret faithfully and accurately in this matter now before the court, so help you God?</p> <p>Or alternatively:</p> <p>Do you solemnly affirm that you will interpret faithfully and accurately in this matter now before the court; do you so affirm?</p>

- (b) Policies with regard to the oath of interpreters vary from district to district and from judge to judge. In some districts, contract interpreters are sworn in each day. In others, administering the oath at the beginning of a proceeding is sufficient for the entire case, regardless of duration. Some districts administer the oath to staff and contract interpreters once, and keep it on file.
- (c) The name of the interpreter serving during any court proceeding will be noted in the record of the case.
- (d) All staff interpreters are deputy clerks appointed under 28 U.S.C. § 751. As deputy clerks, staff interpreters may administer oaths and affirmations under the authority of 28 U.S.C. § 953, which confers oath-administering authority on all deputy clerks.

§ 360 Supervising Staff Interpreters and Managing Contract Court Interpreter Resources

§ 360.10 Staff Court Interpreters

§ 360.10.10 Supervision

Staff interpreters assigned to courts are under the supervision of the clerk of court.

§ 360.10.20 Additional Duties

The clerk may find it desirable to add duties to the job description of the staff interpreter, consistent with good human resources practices. When a staff interpreter has no case preparation or in-court work to perform, the clerk may assign other duties that take advantage of the interpreter's language/interpreting skills, such as telephone and

over-the-counter assistance to non-English speakers. At the discretion of the clerk, staff interpreters may also be assigned to assist other courts through the TIP, if the court has the equipment necessary to provide this service. This practice is encouraged and may result in savings to the judiciary and also help ensure that federally certified court interpreters are available. For further information on TIP, **see:** Guide, Vol 5, § 540.

§ 360.10.30 Use of Staff Interpreters

- (a) Staff interpreters are employed to provide interpreting services at the request of judges, the clerk's office, and probation and pretrial services offices for proceedings instituted by the United States in their respective districts. Staff interpreters may be used by other federal courts when deemed available by the employing court. Inter-district travel must be authorized through the AO Court Services Office.
- (b) Interpreting services by a staff interpreter may be provided at no expense to federal public defender organizations, community defender organizations, Criminal Justice Act (CJA) panel attorneys, and U.S. attorney's offices for short attorney-client consultations if interpreting occurs in the courthouse immediately before and/or after a proceeding. **See:** Guide, Vol 5, § 220.20.
- (c) If U.S. attorney's offices or other federal non-judiciary agencies or programs utilize the services of a staff interpreter during the interpreter's scheduled tour of duty, the clerk must make it clear to those offices that they may be billed for services rendered. There is no authority for a staff interpreter to work for the U.S. attorney's office outside the interpreter's scheduled tour of duty.
- (d) A judiciary contracting officer may not knowingly award a contract to a staff interpreter, or any other judiciary employee. **See:** Guide, Vol 14, § 150.40.20 (Prohibitions on Purchasing from Relatives or Judiciary Employees). Procurements may not be awarded to a relative of a judiciary employee; another judiciary employee; or a business concern (or other organization) owned or substantially owned or controlled by a judiciary employee(s) or a relative(s) of judiciary employees. If, however, a compelling reason exists for such an award, full information must be provided to the Procurement Executive, for consideration of an approved written exception. **See:** Guide, Vol 14, § 150.40 (Standards of Conduct).
- (e) Likewise, executive branch agencies and organizations are generally prohibited from contracting with staff interpreters under the Federal Acquisition Regulations (FAR), 48 CFR subpart 3.6. The FAR states that a contracting officer may not knowingly award a contract to a government

employee or to a business concern or other organization owned or substantially owned or controlled by one or more government employees. This policy is intended to avoid any conflict of interest that might arise between the employees' interests and their government duties, and to avoid the appearance of favoritism or preferential treatment by the government toward its employees.

- (f) A staff interpreter may be hired by non-government entities or retained counsel to provide interpreting services. If the services are required during the interpreter's tour of duty hours, the interpreter must use approved annual leave or authorized leave without pay in order for the interpreter to provide interpreting services to those entities. Such outside employment must be authorized by the clerk and within the requirements of the Guide, Vol 2A, Ch 3 (Code of Conduct for Judicial Employees).

§ 360.20 Contract Court Interpreters

§ 360.20.10 Rotation of Contract Interpreter Assignments

Contract interpreters certified by the AO should be placed on the court's local roster of interpreters. Courts should observe fair practices in rotating assignments to all locally available certified or professionally qualified interpreters. If only language skilled/ad hoc interpreters are available, rotation should also be fair, but courts must always give preference to the interpreter who is most competent and has the best interpreting credentials and skills.

§ 360.30 Effective Use of Interpreters

It is important to guard against diminished performance caused by fatigue, poor acoustics, and attorneys inexperienced in the proper use of interpreters. Interpreting court proceedings is an intense and tiring task, and every reasonable measure must be taken to ensure proper performance. The physical and mental stress of interpreting over a long period may lead to a reduction in interpreting accuracy. A number of measures may be employed to protect the accuracy of the record and avoid errors, including:

- (a) positioning interpreters so they can hear and see the parties whose messages must be interpreted;
- (b) providing the interpreter with drinking water in the courtroom; and
- (c) providing attorneys with general guidance as to the demands that an interpreted proceeding will impose on them and other courtroom participants, including the:

- (1) use of sound equipment;
- (2) need to speak clearly;
- (3) location of the interpreter in the courtroom;
- (4) need to change interpreters periodically during lengthy proceedings (**see:** Guide, Vol 5, § 140 (Team Interpreting));
- (5) possibility of interruption by the interpreter to clarify a matter; and
- (6) need to avoid social and *ex parte* contact with interpreters.

§ 360.40 Background Security Check Requirements

Background security checks should be conducted according to established Judicial Conference policies as described in the Guide, Vol 12, § 570 (Background Checks and Investigations) and in the instructions for conducting background checks on contract court interpreters.

§ 370 Statistical Reporting

§ 370.10 Interpreter Statistical Reporting

§ 370.10.10 Requirement to Report

Under the Court Interpreters Act (28 U.S.C. § 1827(b)(3)), "[t]he Director ... shall report periodically on the use and performance of both certified and otherwise qualified interpreters in judicial proceedings instituted by the United States[.]”

The reporting requirements and format can be found on JNet under Reporting Requirements.

§ 370.10.20 Reporting Frequency

To monitor usage and provide the information required in the annual report to Congress, courts are requested to report their usage statistics on a quarterly basis through the judiciary’s InfoWeb. They should provide this information even if no interpretation services were required during that quarter.

§ 370.10.30 Report Submission Dates

Quarterly reports should be submitted by the 15th day of the month following the end of the quarter (January 15, April 15, July 15, and October 15).

§ 370.10.40 Report Contents

- (a) The report should contain a summary of the preceding quarter's use of interpreters for in-court and out-of court (probation or pretrial services) proceedings under the Court Interpreters Act. Each district has the discretion to determine whether the district court and the probation or pretrial services office will provide separate or combined reports.
- (b) Each report should indicate the number of docketed events in which certified staff, certified contractor, or otherwise qualified interpreters were provided, by language. An event for the purpose of this reporting requirement is: one interpreter, one date, one case number, equals one event.

§ 370.20 Reporting of Usage for Communication Disabilities

§ 370.20.10 Services for Participants

- (a) If interpreter services for participants with communication disabilities are required for in-court proceedings, courts should identify the sign language the party needing the interpreter services uses.
- (b) Court proceedings include:
 - trials;
 - hearings;
 - ceremonies; and
 - other public programs or activities conducted by a court.
- (c) Participants in court proceedings may include:
 - parties;
 - attorneys;
 - witnesses; and
 - jurors.

§ 370.20.20 Services for Spectators

See: Guide, Vol 5, § 255.10(c) and § 255.20(c)(1).

§ 370.20.30 Reporting Requirements

Where interpreter services are provided under these guidelines, courts are to file reports with the AO on Form AO 50 (Report of Services Provided to Persons with Communications Disabilities).

§ 370.20.40 Further Guidance

For additional information on providing services to the hearing impaired and other persons with communications disabilities, **see:** Guide, Vol 5, § 255.10.

Guide to Judiciary Policy

Vol 5: Court Interpreting

Ch 4: Funding, Contracting, and Paying

§ 410 Funding Authorization

§ 410.10 General Authorization Fund

§ 410.20 Benefits of Centralized Fund Management

§ 420 Delegation of Procurement Authority

§ 420.10 Negotiating the Interpreter Contract or Agreement

§ 420.20 Contract for Court Interpreters

§ 420.30 Contracts with Government Employees or Employee-Controlled Concerns

§ 420.40 Use of Interpreting Agencies

§ 430 Paying Contract Court Interpreters

§ 430.10 Rate Determination and Review

§ 430.20 Prompt Payment to Contract Interpreters

§ 430.30 Payment Procedures

§ 410 Funding Authorization

§ 410.10 General Authorization Fund

The general authorization fund for contract court interpreters (BOC 2523, under fund #092000, organization code, court's Cost Organization Code) is for use by all court units when paying the approved invoices submitted by contract court interpreters who have provided service under the Court Interpreters Act in proceedings initiated by the United States, or by providers of appropriate accommodations, including sign language interpreters, for participants in court proceedings who have a hearing impairment or communications disability. Charges for interpreter services provided under the Court Interpreters Act should be made to the fiscal year in which the obligation was incurred. The following organization codes should be used when paying approved invoices:

Appellate	AXXBBCX
Bankruptcy	BXXBBCX
District Court	DXXBBCX
Probation and Pretrial	PXXBBCX

For guidance on when it is appropriate to use this account, **see:** Guide, Vol 5, §§ 210, 235.10, 240, and 255.

§ 410.20 Benefits of Centralized Fund Management

Centralized management of this general authorization account since 1998 has improved the judiciary's ability to effectively allocate interpreter funds while also ensuring that courts provide interpreter services in the most efficient manner possible.

§ 420 Delegation of Procurement Authority

§ 420.10 Negotiating the Interpreter Contract or Agreement

§ 420.10.10 Authority

All negotiations and execution of contracts are subject to the delegation of procurement authority by the Director of the Administrative Office (AO).

§ 420.10.20 Location of Instructions and Forms

Further information, including the Contract Court Interpreter Services Terms and Conditions ("the Contract") and attachments, and the Instructions and Procedures for Locating and Procuring Contract Court Interpreter Services ("Contract Instructions"), is on JNet. The Contract and attachments and other information for contract court interpreters are also available on the Federal Court Interpreters page on the judiciary's public website.

§ 420.20 Contract for Court Interpreters

- (a) Each court must negotiate, execute, and sign the contract with each non-staff interpreter according to the contract instructions provided.
- (b) The contract, attachments, and instructions used must be the most recently published version so to ensure compliance with judiciary guidelines and to provide a degree of consistency for contract court interpreters, especially those who serve in multiple districts.
- (c) The negotiation and the execution of the written agreement should take place before services are rendered. This will ensure that payment, reimbursement, travel authorization and terms, cancellation terms, and other working conditions are established and agreed upon before services are rendered.

- (d) A presiding judicial officer's selection of a person to serve as an interpreter does not constitute an appointment of that person as an employee of the United States, except in respect to an interpreter who otherwise is an employee of the United States by prior appointment. The interpreter's relationship with the United States is that of an independent contractor.
- (e) Income taxes and social security taxes are not deducted from a contract interpreter's compensation. Social security benefits for a contract interpreter are based entirely on the interpreter's contributions as a self-employed individual and the government makes no contribution as an employer.

§ 420.30 Contracts with Government Employees or Employee-Controlled Business Concerns

Generally, a contract may not be knowingly awarded to a judiciary employee or a business concern (or other organization) owned or substantially owned or controlled by relatives of judiciary employees. If there is a compelling reason for such an award, an exception should be requested from the AO Procurement Executive. **See:** Guide, Vol 14, § 150.40 (Standards of Conduct).

§ 420.40 Use of Interpreting Agencies

- (a) Since there is no guarantee of the certification or skill level of any interpreter provided by agencies, and contracting with an agency will increase the cost to the judiciary, procuring interpreters through interpreting agencies should be considered carefully.
- (b) Engaging an interpreter through an interpreting agency involves special contracting issues. The Contract Court Interpreter Services Terms and Conditions and related documents are only appropriate for contracting with individual interpreters, but can be used when the individual is a corporation and is the person who will be providing interpreting services directly. However, when contracting with agencies that hire individuals to perform interpreting services, the Judiciary Small Purchase Procedures should be followed, using a purchase order (PO) instead of the Terms and Conditions document. The PO must include procurement Clause 3-3. **See:** Guide, Vol 14, Appx 1B. Courts have the authority to enter into commercial agreements under the Level 3 delegation (General Contracting Authority under the Contracting Officer's Certification Program). **See:** Guide, Vol 14, § 140.30.
- (c) For languages of limited diffusion (LLD) requirements, courts may have to obtain services through translation or interpretation agencies.

- (d) There must also be a statement of the required skill level of the interpreter, and of the court's requirement for simultaneous and consecutive interpretation and sight translation, including a stipulation that summary interpretation is not acceptable. The statement should also cover performance and protocol issues and the required FBI background check.

§ 430 Paying Contract Court Interpreters

§ 430.10 Rate Determination and Review

- (a) Fees for interpreter services are set by the Director and are subject to periodic review.
- (b) Interpreters providing services under the Court Interpreters Act, 28 U.S.C. § 1827, should be compensated no higher than the maximum rates established by the Director of the AO. For further guidance on payment of AO certified interpreters, **see**: Contract Instructions.
- (c) Compensation for language skilled/ad hoc interpreters is set at a lower rate than that set for certified and professionally qualified interpreters.
- (d) The following must be negotiated and established using the Contract document before the interpreter performs the work or travels to the assignment, unless unusual circumstances prevent advance arrangements:
 - (1) fees;
 - (2) compensation for authorized travel time;
 - (3) reimbursement of authorized travel expenses; and
 - (4) cancellation terms.
- (e) For information on current rates, **see**: Fee Schedule for Contract Interpreters on JNet and the Current Fees for Contract Interpreters page on the judiciary's public website.

§ 430.20 Prompt Payments to Contract Interpreters

The willingness of interpreters to work for the courts may be affected over time by the promptness with which they are paid. Although the judiciary is not subject to the Prompt

Payment Act of 1982, timely payment of proper invoices for service rendered under the Court Interpreters Act or the CJA will help to facilitate subsequent recruitment.

§ 430.30 Payment Procedures

- (a) The Contract advises the interpreter what information is required in an invoice, and to whom the invoice should be submitted. The Contract instructions provide information to the court on processing of invoices.
- (b) Interim payments for work already performed are allowed for lengthy proceedings, but payment may not be provided before the work is performed. Some interpreting agencies demand payment in advance, but the government is not authorized to pay for services in advance of the service being rendered.

Guide to Judiciary Policy

Vol 5: Court Interpreting

Ch 5: Special Interpretation Services

§ 510 Simultaneous Interpreting in Government-Initiated Multiple-Defendant Cases

§ 510.10 Courts' Responsibility to Provide Services

§ 510.20 Equipment Purchase

§ 510.30 Reimbursement for Use of Personal Equipment

§ 520 Simultaneous Interpreting in Multiple-Party Cases Not Initiated by the Government

§ 530 Use of Multiple Interpreters (Team Interpreting)

§ 530.10 Makeup of Interpreting Teams

§ 530.20 Mitigating Demands on Interpreters

§ 530.30 Proceedings Warranting Multiple Interpreters

§ 530.40 Proceedings Not Typically Requiring Multiple Interpreters

§ 540 Telephone Interpreting Program (TIP)

§ 540.10 Purpose

§ 540.20 Proceedings Where TIP Is Appropriate

§ 540.30 TIP Interpretation for Spanish or Other Languages

§ 540.40 Court Responsible for Interpreting Arrangements and Payment

§ 540.50 TIP Equipment Funding

§ 550 Documents in Languages Other than English

§ 550.10 English Language Requirement

§ 550.20 Translation of Documents Filed with the Court

§ 550.30 Translation of Documents Prepared by the Court

§ 510 Simultaneous Interpreting in Government-Initiated Multiple-Defendant Cases

§ 510.10 Courts' Responsibility to Provide Services

Each court should provide for simultaneous interpreting services in multiple-defendant criminal actions and multiple-party civil actions initiated by the United States (28 U.S.C. § 1828(a)).

*Last substantive revision (Transmittal 05-001) July 21, 2010
Last revised (minor technical changes) May 30, 2014*

§ 510.20 Equipment Purchase

Each court is authorized to purchase equipment to be used in providing simultaneous interpretation services in multiple-defendant criminal cases and multiple-party civil cases initiated by the United States. Clerks' offices are provided with funds for such purchases in the aggregate allotment.

§ 510.30 Reimbursement for Use of Personal Equipment

There are no provisions or authorization to reimburse interpreters for use of an interpreter's personal equipment.

§ 520 Simultaneous Interpreting in Multiple-Party Cases Not Initiated by the Government

In multiple-party civil cases not initiated by the United States, the clerk of court, with the approval of the presiding judge, may make the court's simultaneous interpretation equipment available to interpreters hired by and paid for by the parties (28 U.S.C. § 1828(b)). Contract interpreters, even when using court provided equipment, should be contracted and paid directly by the parties in these cases.

§ 530 Use of Multiple Interpreters (Team Interpreting)

§ 530.10 Makeup of Interpreting Teams

Teams of interpreters may be comprised of a combination of staff interpreters, individually contracted interpreters, interpreters contracted by an agency under a single contract, or interpreters contracted through more than one agency.

§ 530.20 Mitigating Demands on Interpreters

The mental and physical demands on interpreters in lengthy or multiple-defendant trials are a particular area of concern. To safeguard the integrity of interpreting services, and to insure that the quality does not decrease due to interpreter fatigue, the presiding judge may:

- (a) designate two or more interpreters to work as a team (recommended for trials or lengthy proceedings); or
- (b) provide frequent breaks for an interpreter working alone.

§ 530.30 Proceedings Warranting Multiple Interpreters

Some examples of the type of lengthy proceedings for which multiple interpreters may be necessary include:

- trials and evidentiary hearings;
- legal arguments on motions;
- sentencing hearings at which complex issues are argued; and
- any other complex proceeding.

§ 530.40 Proceedings Not Typically Requiring Multiple Interpreters

Examples of the type of proceedings that can normally be covered by a single interpreter may include shorter assignments such as:

- initial appearances;
- arraignments;
- pretrial services interviews;
- status conferences;
- pleas;
- sentences; and
- other proceedings that are relatively simple and brief.

§ 540 Telephone Interpreting Program (TIP)

§ 540.10 Purpose

The Judicial Conference approved the judiciary's Telephone Interpreting Program (TIP) in 1994 to provide simultaneous and consecutive interpreting for short proceedings (JCUS-MAR 94, pp. 16-17). TIP provides remote interpreting in situations where on-site court interpreters are not available or cost-effective. Requests for telephone interpreting services may be made via the judiciary's intranet, and provider courts will respond to the request. The TIP page on JNet also provides information on equipment requirements and related telephone interpreting information.

§ 540.20 Proceedings Where TIP Is Appropriate

Courts should consider the use of TIP for the following short proceedings when certified or qualified interpreters are not available locally, and it is not feasible to have interpreters travel from outside the area:

- pretrial hearings;
- initial appearances;

- arraignments; and
- probation and pretrial services interviews.

For more information on TIP and how to schedule TIP services, **see:** Telephone Interpreting Overview page on JNet.

§ 540.30 TIP Interpretation for Spanish or Other Languages

All TIP interpretation for Spanish is done by certified interpreters, usually court staff interpreters. Interpretation via TIP for other languages is done by contract interpreters known to the provider court (where the interpreter is physically located), and skilled in the use of the TIP equipment.

§ 540.40 Court Responsible for Interpreting Arrangements and Payment

The court providing the interpreter handles all the logistical arrangements, including negotiating terms, executing the contract, and paying the invoice. The user court (where the hearing is located) only needs to make the request, initiate the telephone call at the time of the hearing, and report the event on the quarterly usage report.

§ 540.50 TIP Equipment Funding

The AO will fund the purchase of equipment needed for provider courts or user courts to participate in TIP, subject to the availability of funding. For information on purchasing equipment, contact the Courtroom Technology staff in the AO Office of Facilities and Security, 202-502-1200.

§ 550 Documents in Languages Other than English

§ 550.10 English Language Requirement

- (a) There is no nationwide requirement that parties in the federal courts file documents and pleadings in the English language. No statute explicitly permits the filing of documents and pleadings written in languages other than English. Except for the District of Puerto Rico (48 U.S.C. § 864), there is no federal statute requiring documents to be written in English. Some courts have addressed the language requirements for the filing of documents through local rules.
- (b) When an evidentiary document is submitted to the court in a language other than English, the presiding judge may issue an order to the party submitting the documents, requiring the documents to be filed in English.

Translation of evidentiary documents is the responsibility of the party tendering the documents to the court.

§ 550.20 Translation of Documents Filed with the Court

§ 550.20.10 Finding Qualified Translators

- (a) While it is generally expected that all documents filed with the court will be in the English language, occasionally there is a need to have documents translated into English. The Court Interpreters Act does not address written translation requirements, and the Federal Court Interpreter Certification Examination (FCICE) tests high-level interpreting skills in both English and Spanish but does not test for translation skills.
- (b) Qualified translators can be located through the American Translators Association or any other organization that tests translation ability in the appropriate language combination, such as the Language Services Unit of the State Department or the Language Services Section of the Federal Bureau of Investigation.

§ 550.20.20 Rates for Document Translation

- (a) When a court needs documents translated, the rates should be negotiated between the translator and the court. Payment can be:
 - per word or per page translated; or
 - per hour of real time translation work.
- (b) The current State Department rates for translation are available on the Interpreting Program page on JNet and may be used for reference in negotiating rates for translations required by the court. The daily interpreter fee rates do not apply to the translation of documents.

§ 550.20.30 Rates for Transcription of Recorded Materials

If required by the presiding judge, the transcription of recorded materials, which is documenting a spoken communication in a language primarily other than English, can be negotiated by the half-day, the full-day, or by the hour for the actual time spent on the task.

§ 550.20.40 Payment Responsibility for Translations and Transcriptions

Translations and transcriptions are not within the scope of the Court Interpreters Act, and payment for such services is not funded from the general authorization for contract court interpreting.

§ 550.30 Translation of Documents Prepared by the Court

In practice, English is the language used by the courts, and all official documents of the court should be written in English. The recipient of an official court document is responsible for translation to another language if necessary for that party's understanding of the official document.

A number of courts have responded to changing demographics and now make available (either on the courts' websites or at the courthouses) unofficial forms and other information for individuals with limited English proficiency.