

SUPREME COURT OF PENNSYLVANIA
Administrative Office of Pennsylvania Courts
Interpreter Certification Program

Guidelines for the Procurement and Appointment of Interpreters

These guidelines are issued in compliance with the Administrative Regulations Governing Court Interpreters, issued by the Court Administrator pursuant to 42 Pa.C.S. §§ 4411 and 4431. Pursuant to § 201 – § 204 of the Regulations, the following guidelines should be followed when procuring and appointing foreign and sign language interpreters.

I. Procurement of Interpreters

When the need for an interpreter arises, Act 172 and the Regulations require preference be given to the appointment of a certified interpreter. Only when a certified interpreter is not available, or cannot be found, should an otherwise qualified interpreter be appointed. Otherwise qualified interpreters must also be selected from the roster.

1. Factors to consider when procuring an interpreter

Upon receiving notice of the need for an interpreter, the Appellate Court Prothonotary, District Court Administrator, or his or her designee should verify that the information requested in the notice is complete. When procuring an interpreter, consider the following factors:

- a. Case type and venue. Is the case a criminal or civil matter; in Common Pleas, Family or Magisterial District Court?
- b. Nature of the charges. Is it a capital case; felony; misdemeanor; preliminary hearing; arraignment, bail hearing, protection from abuse, support, custody, divorce, traffic matter, landlord/tenant, civil litigation or lawsuit?
- c. Complexity and length. Is it a jury or bench trial; involves expert witness testimony; or highly technical or complex subject matter; lengthy or traumatic witness testimony; expected to last more than a few days?
- d. Gravity and outcome. Is the defendant subject to the imposition of capital punishment or life imprisonment; deprived of civil rights or property; be declared incompetent to stand trial; lose parental rights or custody of a child; be subject to additional prosecution in federal or state court if found guilty?

2. Determining which interpreter to appoint

Restrictions on the type of case interpreters can be appointed to are based on their classification which reflects the level of knowledge, skills and abilities demonstrated by each interpreter during the certification process. These apply to both foreign and sign language interpreters. Based on

their classification and level of expertise, interpreters should be appointed in accordance with the Appointment Table in Appendix A.

3. Search the roster

Once the Court Administrator or his or her designee has all necessary information, he or she can proceed to procure an interpreter by:

- a. Searching for a master or certified interpreter in the roster provided by the ICP on the AOPC web site: www.pacourts.us/t/aopc/courtinterpreterprog/interpreterroster.
- b. If a certified interpreter can not be found or is not available, search the roster for an otherwise qualified interpreter subject to the limitations on the use of otherwise qualified interpreters stated in the table above.
- c. When there are no interpreters listed in the roster for the language being sought, the Court Administrator or their designee should contact the ICP for assistance.

II. Appointment of Interpreters

1. Appoint only interpreters listed in the roster and follow these best practices:

- a. Confirm interpreter experience, availability, and credentials
 - Use only interpreters listed in the roster, whether certified or otherwise qualified
 - Check whether the interpreter has experience in the type of case in which he/she is called upon to interpret.
 - Make sure the interpreter is available for the duration of the case, and advise the interpreter of any potential time extensions.
 - If necessary, verify credentials by asking for a copy of the certification letter provided to the interpreter by the ICP upon his/her installation in the roster.
 - Deaf interpreters have membership cards from RID that state their type of certification and expiration date. They should also be registered with ODHH.
 - Contact the ICP in order to clarify any credentialing issues before appointing an interpreter.
- b. Provide case information
 - Provide all the information in the request notice to the interpreter and any additional information requested by the interpreter about the case.
 - Facilitate the opportunity for the interpreter to review the case file in preparation for a case when requested.
- c. Compensation
 - Use the Compensation Fee Schedule provided by the ICP.
 - Consider contacting interpreters directly rather than through an agency in order to save the agency fee.

- The fee schedule represents compensation paid to the interpreter and does not account for additional agency fees.
- Follow compensation policy for additional items like cancelation fees, mileage, travel costs, parking, etc.
- Clarify all invoicing and billing procedures, and other payment requirements (receipts, payment vouchers or any additional expenses to be covered when necessary).

2. When appointing an otherwise qualified interpreter:

- Confirm that he/she is eligible to work the type of case for which his or her services are needed.
- Advise the court of the efforts made in attempting to obtain a certified interpreter
- Remind the court of the procedure to be conducted before appointing the otherwise qualified interpreter to a case:
 - a. conducting a voir dire;
 - b. verification of roster status;
 - c. administering the oath and agreement to abide by the ethics code; and
 - d. in the case of sign language interpreters, verification of RID certification by requesting to see the interpreter's RID membership card.

3. Appointment of interpreters provided by agencies

Interpreters provided by agencies whether certified or otherwise qualified must also be listed in the roster. Although agencies are aware of their obligation to provide interpreters who are in compliance with ICP requirements to the courts, it is the court's responsibility to verify the credentials of interpreters provided by the agencies to make sure they are in compliance.

4. Limitations of remote interpreting

(a) The services of an in-person interpreter should always be preferred. However under special circumstances remote interpreting can be allowed as long as the following conditions apply:

- The judicial proceeding is expected to last no more than 30 minutes;
- Is non-evidentiary;
- Does not require the services of more than one interpreter.

(b) When using remote interpreters, the presiding judicial officer must:

- Conduct a voir dire;
- Confirm familiarity with and responsibility to abide by the ethics code;
- Assess qualifications, experience and skills in the particular case requiring the interpreter's services;
- Attempt to obtain a certified or otherwise qualified interpreter from the roster to interpret remotely before using the services of a commercial telephonic interpreting service.

5. Appointment of additional interpreters

Additional interpreters should be appointed in the following circumstances:

- Whenever the judicial proceeding is expected to last more than two hours.
- In capital cases, jury trials expected to last more than one day, and complex subject matter cases involving expert witnesses.
- Whenever 3 or more persons need the services of the interpreter and there is no simultaneous remote interpreting equipment available in the courtroom.
- At the discretion of the presiding judicial officer whenever an immediate family member who is not a party to the case requests the services of an interpreter.
- In the case of deaf or hard-of-hearing persons, whenever the limitations or particularities of the person's form of communication requires it (such as when the deaf person communicates in a foreign sign language or home-based system) and does not speak ASL or any other form of sign language spoken in this country.
- Under any additional circumstance at the discretion of the presiding judicial officer.

6. Persons not to be appointed as interpreters

Under no circumstances should the presiding judicial officer appoint any of the following to serve as an interpreter:

- a family member of the LEP, deaf or hard-of-hearing person;
- a witness or party to the case
- law enforcement officers such as police, sheriff's deputies, or constables
- a social worker, counselor or health professional involved in the case
- any person who may have an interest or perceived interest in the outcome to the case.

7. Report non-compliance and other issues to the ICP

Any issues related to lack of compliance with Act 172, the Regulations, the Code of Ethics and Professional Conduct, and ICP policies or requirements should be promptly reported to the program administrator. In particular, the following should be reported immediately:

- Use of unregistered and unqualified interpreters
- Failure to accurately represent qualifications
- Any violation of the canons of accuracy, confidentiality and impartiality
- Failing to reveal a potential or real conflict of interest
- Ineffectiveness in communicating with the court or following established protocol
- Requests for compensation beyond the recommended fee schedule or unreasonable demands in order to provide services
- Repeatedly turning down reasonable work assignment requests

APPENDIX A

Administrative Office of Pennsylvania Courts
Interpreter Certification Program

Appointment of Interpreters by Case and Certification Level

The type of case an interpreter can be appointed to is based on their classification which reflects the level of knowledge, skills and abilities demonstrated during the certification process. This applies to both foreign and sign language interpreters. Based on their classification and level of expertise, interpreters should be appointed as follows:

| COURT | CASE TYPE | PROCEEDING | INTERPRETER LEVEL | GUIDANCE |
|----------------|--------------------------|---|---|---|
| Common Pleas | Homicides | All proceedings | Master or Certified only | Must look for a Master interpreter first for capital cases, jury trials, expert witness testimony, and complex or technical subject matter trials. Registered only when the language requires it. |
| | Felonies and Evidentiary | Trials Guilty pleas All Hearings Parole violations | Certified, or Registered only (when language requires) | Master or Certified are always preferred. Qualified may be used when a Master or Certified is not available. Registered may be used when the language requires it. Registered interpreters work in languages for which there is no Consortium testing and should also be voir dire before starting a case. Do not use Conditional interpreters for these cases. |
| | | Arraignments Waivers Pre-trial conference | Certified, Qualified or Registered (when language requires) | |
| | Misdemeanors and Summary | Bail Arraignments Guilty pleas Pre-trial proceedings Waivers | Certified, Qualified, Conditional or Registered | Look for Certified or Qualified interpreters first. Conditional only for bail, arraignments or protective orders; never for hearings, trials, waivers or guilty pleas. Registered only when the language requires it. |
| Civil – Family | Juvenile Delinquency | Detention hearings Adjudications Probation violations Truancy, Motions | Certified, Qualified or Registered | Must look for Certified interpreter first. Only when a Certified is not available can a Qualified be used. Registered only when the language requires it. |
| | Juvenile Dependency | All hearings Termination of Parental Rights | Certified, Qualified or Registered | |
| | Domestic Relations | Abuse, Custody, Support, Paternity, Masters | Certified, Qualified, Conditional or Registered | Must look for Certified or Qualified first. Only when a Certified or Qualified is not available can a Conditional be used. Registered only when the language requires it. |

APPENDIX A

| COURT | CASE TYPE | PROCEEDING | INTERPRETER LEVEL | GUIDANCE |
|--|---|--|---|---|
| Civil – Other | Orphans Court Estates Tort Private lawsuit | Pre-trial hearings Trials Depositions Arbitrations Competency hearing Adoptions | Certified, Qualified or Registered only | Look for a Certified interpreter first. Only when a Certified is not available can a Qualified be used. Registered only when the language requires it. |
| Magisterial District Court & Municipal Court | Criminal | Bail Arraignment Hearings Misdemeanors Trials Guilty pleas | Certified, Qualified, Conditional or Registered | Look for a Certified or Qualified interpreter first. Only when a Certified or Qualified is not available can a Conditional be used. Use Registered interpreters only when the language requires it. These interpreters work in languages for which there is no formal testing and should also be voir dire before starting a case. |
| | Civil | Restraining order Protection from abuse Landlord/Tenant Small Claims | | Must conduct a voir dire before using Qualified, Conditional, Registered and remote or telephonic interpreters. |
| Special Courts | All cases | All hearings | Certified, Qualified or Registered only | Certified interpreters preferred. Only when a Certified is not available can a Qualified be used. No Conditional interpreters. Registered only when the language requires it. |
| Traffic Court | All cases | All hearings | Qualified, Conditional or Registered | Certified interpreters when available. Look for Qualified before Conditional. Registered only when the language requires it. |
| All L & I, Executive Branch & Local Agencies | Administrative Hearings | Unemployment Worker's Compensation DPW hearings Reinstatement Benefits | Certified, Qualified, Conditional or Registered | Look for a Certified or Qualified interpreter first. Only when a Certified or Qualified is not available can a Conditional be used. Registered only when the language requires it. Must voir dire all remote and telephonic interpreters. |
| | Appeals | All appeals | Certified, Qualified, or Registered only | Certified preferred. Only when a Certified is not available can a Qualified be used. No Conditional interpreters on appeals. Registered only when the language requires it. |

APPENDIX B

Interpreter Compensation Fee Schedule

Pursuant to 42 Pa.C.S.A. §4411(d) and §4431(d), the Court Administrator establishes the following schedule of reasonable fees for services rendered by certified interpreters and otherwise qualified interpreters used in judicial proceedings.

| INTERPRETER CLASSIFICATION | FOREIGN LANGUAGE | | | SIGN LANGUAGE | | |
|----------------------------|--|-----------|-----------|---------------|-----------|-----------|
| | Hourly | Half day | Full day | Hourly | Half day | Full day |
| Master | \$75-65 | \$235-200 | \$400-350 | \$75-65 | \$235-200 | \$400-350 |
| Certified | \$60-45 | \$180-150 | \$330-300 | \$60-45 | \$180-150 | \$330-300 |
| Qualified | \$40-35 | \$125-100 | \$225-200 | \$40-35 | \$125-100 | \$225-200 |
| Conditional | \$30-25 | \$95-80 | \$170-160 | n/a | n/a | n/a |
| Registered | \$55-40 | \$175-135 | \$325-265 | \$30-25 | \$95-80 | \$170-160 |
| Rare or uncommon languages | Depends on qualifications, experience, type of case and language but within guidelines | | | | | |

Miscellaneous Provisions

1. When interpreters are hired at an hourly rate, no more than a two-hour minimum should be required.
2. Interpreters who receive at least forty-eight hour advance notice of a cancellation would not be entitled to a cancellation fee. If cancellation occurs with less than forty-eight hours notice, the cancellation fee should be equivalent to one hour compensation. If cancellation occurs after the interpreter appears for an assignment, the cancellation fee should be the equivalent of two hours pay. Interpreters hired at the half or full day rates will be entitled to cancellation fees based on the hourly rate and reimbursement of any incurred expenses.
3. Interpreters should also be entitled to reimbursement of mileage, parking, tolls, and travel time.
 - a. Mileage would be paid at the prevailing rate in the county or court whenever the interpreter has to travel more the fifty miles round trip to an assignment.
 - b. Parking allowances would be paid when no free parking exists within a five block radius of the assignment location
 - c. When travel to an assignment is more than two hours from the interpreter's normal business address or location, the interpreter can request compensation for travel time at half the minimum hourly compensation rate for his/her classification.
 - d. If travel by train or plane is required, the interpreter should be entitled to full reimbursement of travel costs and a per diem.
 - e. If overnight accommodations are required for the completion of an assignment, these expenses would also be reimbursable to the interpreter.
 - f. All requests for reimbursement must be accompanied by proper receipts.