



United States District Court Western District of New York

CJA Interpreter Tips

Interpreters and Translators

Interpreting services provided under the CJA are compensated according to the terms and conditions set forth in the court interpreter contract.

- **Interpretation** deals with the spoken word. An interpreter, someone who repeats the message but in a different language, deals with live conversation.
- **Translation** focuses on written content. Translators work to decipher the meaning of written content from a source language into English.
- **Sight translation** is an alternative for written content, 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 text, then render it orally into the other language.
- **Transcription and Translation** of recordings is the reproduction in writing of the original spoken words recorded on tape or media in a source language, and their subsequent translation into the target language as part of a transcript.

Authorization for Interpreters and Translators

As provided in CJA Guideline § 320.15.20, in determining reasonableness of rates paid to interpreters under the CJA, our court utilizes the half day and full day rates established for contract court interpreters performing in-court services.

Travel time is included in the calculation of whether an interpreter has worked a half or full day.

Counsel should consider the travel starting place of the interpreter they select.

- The translation of written documents is billed by the English word at the \$0.165 rate set forth by the court. Prior authorization is required by our court for providing translation in written form verses the spoken word.

- Counsel needs to provide justification as to why certain documents are critical to the defense as well as the reason why they need to be translated in writing. Transcription and translation of recordings also requires prior authorization and require the same justification as noted above.
- Additionally prior authorization must be obtained for any provider compensation in excess of \$1,000 per representation, and not per service provider. When seeking authorization, counsel must indicate the necessity of the service, the provider's name, and estimated number of hours to complete the work.

Overlap of Billing Time Periods

- An interpreter billing on a half or full day rate basis under the CJA must not charge any other federal court unit, federal public defender, community leader, CJA panel attorney, or other person or entity otherwise authorized by the court to obtain the services of an interpreter under the CJA or related statutes for any services rendered within the same period.

Services for Short Attorney-Client Interviews

Interpreter services by a contract interpreter may be provided at no expense to the Defender services appropriation for short CJA attorney-client consultation for CJA panel attorneys:

- If interpreting occurs in the courthouse immediately before and/or after a proceeding and
- Only if the matter is incidental to a judicial proceeding that was already scheduled to take place.

Such interpreting arrangements should be authorized in advance by a judge or designee. All interpreters are paid via a CJA Form 21 eVoucher in non-capital cases and a CJA Form 31 in a capital case.

Transcription and Translation of Recordings

The rate for the transcription of recorded materials can vary by the half or full day for the time spent on the task, per word or per page translated. The rates are contingent upon the nature, length and specificity of the transcription required.

Counsel should be mindful that there are three levels of transcription.

- ***Summaries*** of documents or recordings,
- ***Full translation*** of documents or recordings,
- ***Certified transcriptions*** in the foreign language, English, and identification of speaker. Certified transcriptions are worded and formatted the same as a transcript and requires justification for the need along with prior authorization.

Overview of requirements for preparing a prior authorization request for interpreter services:

- Include a detailed justification and description of the services that are being requested. Specify the type of interpretation, for example, in person interpretation/translation, telephone interpretation, etc., as well as the location.
- For translation requests of documents that render a written document, there needs to be a detailed justification as to why written is required as opposed to orally rendering the translation. Additionally, include the name/type of documents that are going to be translated. Include the number of documents, and the length (words and/or pages.)
- For transcription and translation of recordings in writing, there needs to be a detailed description of the type of recordings, the need for those recordings, as well as the reason why they need to be in writing as opposed to spoken. Additionally, include the number of recordings, and the length of the recordings.
- Include the name and contact information for the expert/interpreter.

If you have any questions, please contact Maria or Courtney at 716-551-1730.