

## **FREELANCE INTERPRETERS GUIDELINES**

Payment for interpreting services can only be made in judicial proceedings initiated by the United States (criminal cases and civil cases where the United States is a plaintiff) where the parties or witnesses speak only or primarily in a language other than English or suffer from a hearing impairment. Payment may not be made for interpreting services for proceedings initiated by private parties, except for providing services to the hearing-impaired and other persons with communications disabilities.

### **DEFINITIONS**

**AO Certified Interpreter:** An interpreter who has successfully completed the Federal Court Interpreter examination for a language in which an examination is currently available. At this time, language examinations are available for Spanish, Navajo, and Haitian Creole.

**Professionally Qualified:** An interpreter must demonstrate to the court prior employment as a conference or seminar interpreter (staff or freelance) for the Office of Language Services of the United States Department of State, the United Nations or related agencies for which examinations are a condition of employment; or membership in good standing in a professional interpreters association whose by-laws and practices at a minimum require an application specifying a minimum of 50 days of conference experience in the native language(s) of expertise; and the sponsorship of three active members in good standing who have been members of the same association for at least two years, whose language(s) are the same as the applicant's, and who attest to having witnessed the performance of the applicant, as well as the accuracy of the statements on the application.

Interpreters wishing to be included on the master list of professionally qualified must submit a resume to the court detailing education, training, experience, current telephone number and mailing address, and when applicable, membership accreditation as required by this section.

**Language Skilled Interpreters:** Interpreters who do not qualify as professionally qualified interpreters or certified interpreters, but who can demonstrate to the satisfaction of the court their ability to interpret court proceedings from English to a designated language or vice versa, will be placed on the court's local list and will be included on the United States Court's master list as a language skilled interpreter.

### **PROVIDING SERVICES TO THE HEARING-IMPAIRED AND OTHER PERSONS WITH COMMUNICATIONS DISABILITIES**

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. 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 shall give primary consideration to a participant's choice of auxiliary aid or service.

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. Participants in court proceedings include parties, attorneys, witnesses, and jurors. The services called for under these guidelines are not required to be provided to spectators, although the court may elect to do so in situations deemed appropriate. Court proceedings include trials, hearings, ceremonies and other public programs or activities conducted by the court. 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.

Special accommodations must be requested through the courtroom deputy in a sufficient manner to allow time to seek approval from the Clerk of Court and to secure services, if needed. If an interpreter is used to provide services to a person with a communication disability, the interpreter shall fill out an Interpreter Claim Form ([http://www.nywd.uscourts.gov/document/interpret\\_form.pdf](http://www.nywd.uscourts.gov/document/interpret_form.pdf)) as stated in the Payment for Services section.

## **ASSISTANCE TO LITIGANTS**

The Interpreter Coordinator shall provide assistance to parties requiring interpreter services. The local roster of certified and otherwise qualified interpreters shall be made available for inspection during Clerk's office business hours.

The Interpreter Coordinator shall, where possible, make available the services of an interpreter on a cost-reimbursable basis upon the request of any person in any action, if the presiding judicial officer approves the request. The presiding judicial officer also may require that the requesting party pay the estimated expenses of providing such services prior to providing services.

## **STANDARD FEE RATES FOR INTERPRETING SERVICES**

### **Certified and Professionally Qualified Interpreters: (Effective 4/1/2003)**

\$329 full day (between 4 and 8 hours)

\$178 half day (4 hours or less)

\$49 per hour overtime (time over 8 hours - lunch and breaks are excluded)

### **Non-Certified Language Skilled Interpreters:**

\$156 full day (between 4 and 8 hours)

\$86 half day (4 hours or less)

\$27 per hour overtime (time over 8 hours - lunch and breaks are excluded)

Fees are cumulative and apply to actual in-court hours while interpreting for all federal court units. Interpreters who work for more than one court unit during the day must bill each court unit separately on a pro rata basis at the standard fee rate. Overtime rates do not apply to transit time while in travel status.

## **TRAVEL EXPENSES**

Per Diem Rates - (Effective 12/12/03):

Buffalo: \$121

Rochester: \$130

Last Day (No Hotel): \$38

- Per diem includes all meals, lodging, tips for meals, hotels, baggage, etc. Per diem does not take into consideration the lodging taxes. Lodging taxes can be reimbursed as a miscellaneous travel expense.
- An original lodging receipt must be attached to claim the full per diem rate.
- Non-employee interpreters may obtain government hotel and car rental rates if they properly inform the vendor that they are contractors doing official government business. The hotels and car rental companies make the determination whether or not to issue the government rate.

## **AIRLINE TRAVEL**

- Non-employee interpreters are not usually entitled to government airfares. Therefore, non-employee interpreters must make their own travel arrangements and purchase refundable, economy-class tickets, on their personal charge accounts.
- A passenger copy of the airline ticket must be supplied to the court for reimbursement of airfare.

## **PRIVATELY OWNED VEHICLE**

- Reimbursement for distances of 30 miles or more one-way from the interpreter's residence will be reimbursed at the current mileage rates.
- Parking fees if applicable (at airports, etc).

## **CAR RENTAL**

There may be instances where it is less expensive for an interpreter to fly into a city other than the court city. If the cumulative costs of traveling to one city over another and renting a car are advantageous to the government, reimbursement of car rental expenses are permitted. Otherwise, car rental expenses are not reimbursable. The interpreter must document the constructive cost savings to the court. Documentation must include a printed proposal from the travel agency or via the Internet, detailing price differences between the origination and each destination city on the pertinent dates. Any car rental expenses which exceed the airfare amount to the court city will be the responsibility of the interpreter.

## **MISCELLANEOUS EXPENSES**

- Telephone calls to residence with travel of at least one overnight stay (not more than one per day and maximum of \$5 each) must be itemized by date and amount of each call.
- Lodging taxes.
- Taxis to/from airport, shuttles, parking fees.

## **RECEIPTS REQUIRED FOR REIMBURSEMENT OF TRAVEL EXPENSES**

- Original lodging receipt - without lodging receipt, full per diem cannot be allowed.
- Passenger copy of airline ticket (if a flight changed due to early completion of trial, etc.), and a different flight is taken, the court must have copies of both airline tickets.
- Receipts must be furnished for any miscellaneous expenses over \$25 (other than food) including taxi cab fare, parking fees, etc.

Interpreter's claim for reimbursement must indicate times of day and dates of:

- departure from home location;
- arrival at destination city;
- departure from court city;
- arrival home at end of travel; and
- the number of miles claimed, if a privately-owned vehicle is driven from home location to airport and return home.

## **FEES TO BE PAID FOR TRAVEL DAYS**

- Prior Day Travel - When travel to court city more than 30 miles from the interpreter's residence is required on a day prior to trial or court hearing, the court will pay the half-day rate for the travel day.
- Day After Travel - If travel home from court city is required on the day after completion of a trial or court hearing, the court will pay an interpreter service fee of one half-day rate for the travel day.
- Combined Travel Days - If travel days for both coming to the court city and the return home are on days other than trial days, a maximum of one full-day rate will be paid for both days.
- Day of Travel - If travel to the court city is on the morning of the day scheduled for afternoon trial or hearing, the court will pay one full-day rate; if travel home is on the afternoon of a day for which an interpreter is paid the half-day interpreting fee for that morning in court, the court will pay one full-day rate.
- All above fees are in addition to standard per diem and transportation expenses.

## **WEEKEND / NON-WORKDAYS**

For trials that extend over a weekend or holiday, the interpreter should contact the courtroom deputy regarding either returning home or staying in the official duty station city. If the interpreter is authorized by the court to stay in the official duty station, the court will pay per

diem of the official duty station, one half-day rate and necessary transportation costs. The court may authorize a half-day fee for non-workdays.

## **CANCELLATION FEES**

**Prior Day Travel** - If a trial is canceled after an interpreter is in travel status to the court city or after an interpreter arrives at the court city, with travel on day prior to scheduled full-day trial, the court will pay a half-day fee for the day of travel to the court city, and will pay one full-day cancellation fee representing one trial day. A separate fee will not be paid for the return trip home since the return would be on the date originally scheduled for trial and for which the cancellation fee is being paid.

**Day of Travel** - If a trial is canceled after an interpreter is in travel to the court city or after an interpreter arrives at the court city, with travel in the morning of the day scheduled for an afternoon trial, the court will pay one full-day cancellation fee.

**Prior Notice of Cancellation** - If an interpreter is not notified by the court at least one full business day prior to the start of an assignment, the interpreter shall be paid compensation at the half-day rate.

**Trial Terminates Early** - The length of a trial is estimated by the courtroom deputy prior to the trial and is not guaranteed. However, if a multi-day trial does not go the anticipated length, the interpreter may receive a half-day fee for one subsequent day.

All above fees are in addition to standard per diem and transportation expenses.

## **PAYMENT FOR SERVICES**

A freelance interpreter must complete and sign the Interpreter Claim Form and forward same to the Interpreter Coordinator, with applicable receipts, within two weeks after the completion of services. In the event that the Interpreter Claim Form ([http://www.nywd.uscourts.gov/document/interpret\\_form.pdf](http://www.nywd.uscourts.gov/document/interpret_form.pdf)) or supporting documentation is incomplete, payment will be delayed until it is received.

### **Please direct any inquires to:**

Interpreter Coordinator  
(716) 332-1752 (voice)  
(716) 551-3288 (fax)

### **Mail invoices to:**

United States District Court  
Attention: Interpreter Coordinator  
304 U.S. Courthouse  
68 Court Street  
Buffalo, NY 14202