

Summary of Act Requirements

The Director of the Administrative Office of the United States Courts (AO) has delegated unlimited procurement authority to chief judges to obtain contract court interpreter services at rates authorized by the AO, subject to the policies and procedures of the court interpreter's program.

When using contract interpreters, every effort must be made to obtain the services of the most qualified interpreter who is reasonably available at the established interpreter rates. For definitions of court interpreter qualifications, see Classification of Interpreters in this document.

Classification of Interpreters

1. Interpreters are classified according to their credentials and skill levels as described below:

Certified interpreters: Certified interpreters have passed the Administrative Office certification examination. To date, Administrative Office certification programs have been developed for Spanish, Navajo and Haitian Creole. In these languages, the courts should only select from available interpreters those who have met the Administrative Office's criteria for certification unless a certified interpreter is not reasonably available. The Administrative Office's certification examination is administered in two phases and includes written and oral tests that, among other things, measure a candidate's ability to accurately perform simultaneous as well as consecutive interpretation and sight translations as encountered in the federal courts.

2. When a certified interpreter is not reasonably available, the court may use an "otherwise qualified interpreter" (28 U.S.C. § 1827(b)(2)). "Otherwise qualified" interpreters consist of the following two categories:

Professionally qualified interpreters (for languages other than Spanish, Navajo, and Haitian Creole): There are three ways in which an interpreter can be designated as professionally qualified. To be designated as "professionally qualified," an interpreter must provide documentation to demonstrate to the court:

1. Prior or existing employment or contract services as a conference or seminar interpreter for the Office of Language Services of the United States Department of State, or the United Nations, or related agencies for which successfully passing interpreter proficiency examinations is a condition of employment or contract services; or
2. Membership in good standing in a professional interpreter association whose by-laws and practices at a minimum requires: (a) 50 hours of conference interpreting experience in English and the target language(s); and (b) the sponsorship of three active members in good standing of the same association who have been members for at least two years and whose language(s) are the same as the applicant's, and who will attest to having witnessed the applicant's performance and to the accuracy of the statements on the application. Individuals who can demonstrate to the local court that they are eligible in either of these two ways can be classified as professionally qualified.
3. For interpreters of American Sign Language, a Specialist Certificate for Legal (SC:L) from the Registry of Interpreters for the Deaf.

Language-skilled interpreters (for all languages): Interpreters who are not Administrative Office certified (Spanish, Navajo, or Haitian Creole) or cannot document that they meet the criteria for professionally qualified (all other languages), as described above, but who can demonstrate to the satisfaction of the court their ability to effectively interpret from the foreign or sign language into English and vice versa in court proceedings, can be classified as language skilled interpreters.

Identifying Contract Court Interpreters

When the judge determines that the Court Interpreters Act (28 U.S.C. § 1827) requires the appointment of an interpreter, the Clerk or his/her designee should do the following, preferably in the order listed below:

1. For languages certified by the Administrative Office, currently Spanish, Haitian Creole and Navajo, first consideration should be given to assigning an available court staff interpreter; all staff interpreters are Administrative Office certified. If a staff interpreter is not available, the Clerk should determine whether an individual from the local roster of Administrative Office certified interpreters is available on a contract basis.
2. When the interpreter services are needed for a language for which there is no Administrative Office certification, the services of the most reasonably available professionally qualified interpreter should be secured.
3. When an Administrative Office certified interpreter or a professionally qualified interpreter is not available locally, the Clerk or designee should:
 - a. After taking the steps set forth above, the court may use the services of a language skilled interpreter from the National Court Interpreter Database or the clerk's local roster. A language skilled interpreter should not be used if an Administrative Office certified or a professionally qualified interpreter is reasonably available
 - b. The court must ensure that the individual is capable of the interpreting task and the court must make a determination of those qualifications as described in Classification of Interpreters, above. Administrative Office certified interpreters are qualified by way of certification testing. The interpreter also must be qualified by the court as an expert in accordance with Rule 604 of the Federal Rules of Evidence.