

# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[ 201 PA. CODE CH. 6 ]

### Amendment of the Note to Rule 601 and Rescission of Rule 604 of the Pennsylvania Rules of Judicial Administration; No. 550 Judicial Administration Doc.

#### Order

*Per Curiam*

And Now, this 7th day of May, 2021, it is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that the Note to Rule 601 of the Pennsylvania Rules of Judicial Administration is amended and Rule 604 of the Pennsylvania Rules of Judicial Administration is rescinded in the following form.

Given the perfunctory nature of this action, notice of proposed rulemaking is not required. See Pa.R.J.A. No. 103(a)(3).

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

#### Annex A

### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

#### CHAPTER 6. MAGISTERIAL DISTRICT JUDGES

#### Rule 601. Certification requirements of interested persons.

(a) Magisterial district judges and arraignment court magistrates who are not members of the bar of this Commonwealth must complete a course of training and instruction in the duties of their respective offices and pass an examination and be certified by the Administrative Office of Pennsylvania Courts prior to assuming office.

(b)(1) Any interested individual may apply to the Minor Judiciary Education Board to be enrolled in the course of training and instruction and take the examination to be certified.

(2) Any individual who has successfully completed the course of training and instruction and passed the examination, but who has not served as a magisterial district judge or arraignment court magistrate shall be certified for only a twenty-five-month period, and must complete the continuing education course every year in order to maintain his or her certification.

(c) Any individual certified under paragraph (b) who has not served as a magisterial district judge or arraignment court magistrate within twenty-five months will be required to take a review course as defined by the Minor Judiciary Education Board and pass an examination in order to maintain his or her certification by the Administrative Office of Pennsylvania Courts.

**Official Note:** The text of this rule is taken from Rule 19 of the Rules Governing Standards of Conduct of

Magisterial District Judges, rescinded March 26, 2015, effective immediately. Rule 19 limits to twenty-five months the period of certification for individuals who have successfully completed the certification course and examination but have not served as judges or arraignment court magistrates. The rule permits individuals who are certified to serve as judges or arraignment court magistrates but who have not done so within twenty-five months of certification to take a review course and pass an examination to maintain their certification for an additional twenty-five-month period. Admission to the review course and recertification examination under paragraph (c) may be limited by the availability of space. In addition, the rule requires that all certified individuals must attend the annual continuing education course to maintain certification.

[ Act 17 of 2013, signed by the Governor and immediately effective on June 19, 2013, effectively abolished the Traffic Court of Philadelphia and transferred most of its duties to a new Traffic Division of the Philadelphia Municipal Court. See 42 Pa.C.S. § 1121. Under Act 17, the Traffic Court of Philadelphia is composed of two judges serving on the court on the effective date of the Act and whose terms expire on December 31, 2017. See 42 Pa.C.S. § 1321. Because this Rule concerns the certification and recertification of persons not yet elected to judicial office, all references to the Traffic Court of Philadelphia have been removed. ]

Rule 604. [ Continuing Education Requirement: Philadelphia Municipal Court Traffic Division ] (Rescinded).

[ (a) Every judge of the Philadelphia Municipal Court Traffic Division shall complete a continuing education program each year equivalent to not less than twenty (20) hours per year in such courses or programs as are approved by the Minor Judiciary Education Board. If a judge of the Philadelphia Municipal Court Traffic Division fails to meet these continuing education requirements the judge shall be subject to suspension until such time as evidence of compliance with such requirements is submitted by the Minor Judiciary Education Board, but in no event for longer than six months at which time the failure to meet the continuing education requirements shall be grounds for removal.

(b) No judge of the Philadelphia Municipal Court Traffic Division who is suspended by Order of the Supreme Court of Pennsylvania or the Court of Judicial Discipline shall be permitted to attend any continuing education course or program approved by the Minor Judiciary Education Board during the term of suspension. Notwithstanding the attendance requirements set forth in paragraph (a), the judge shall be provided the opportunity to make up any required hours of continuing education once the period of suspension has expired and an Order has been issued returning the judge to active status.

(c) Paragraph (b) shall not apply to any judge suspended for failure to complete the program described in paragraph (a).

(d) This Rule shall expire on January 1, 2018.]

*Official Note:* [ The text of this rule is taken, in part, from Rule 22 of the Rules Governing Standards of Conduct for Magisterial District Judges, rescinded March 26, 2015, effective immediately.

Act 17 of 2013, signed by the Governor and immediately effective on June 19, 2013, effectively abolished the Traffic Court of Philadelphia and transferred most of its duties to a new Traffic Division of the Philadelphia Municipal Court. See 42 Pa.C.S. § 1121. Section 1121(a)(2) provides that the Traffic Division consists of four judges elected to the Traffic Court prior to the effective date of Act 17 and also that if a vacancy occurs in Traffic Division, it shall not be filled. Act 17 further provides that the Traffic Court of Philadelphia is composed of two judges serving on the court on the effective date of the Act and whose terms expire on December 31, 2017. See 42 Pa.C.S. § 1321. Sections 1121(a)(2) and 1321 expire when Traffic Court is officially abolished by amendment of the Pennsylvania Constitution or on January 1, 2018, whichever date occurs later. Consequently, this ] Act 17 of 2013 effectively abolished the Traffic Court of Philadelphia and transferred most of its duties to a new Traffic Division of the Philadelphia Municipal Court. See 42 Pa.C.S. § 1121. This Rule [ will expire ] expired on January 1, 2018, when the terms [ end ] ended for the remaining judges elected to the Traffic Court of Philadelphia and assigned to the Philadelphia Municipal Court Traffic Division.

[Pa.B. Doc. No. 21-794. Filed for public inspection May 21, 2021, 9:00 a.m.]

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[ 204 PA. CODE CH. 221 ]

#### Notice of Proposed Amendments to the Regulations for Court Interpreters for Persons with Limited English Proficiency and for Persons Who Are Deaf or Hard of Hearing

The Administrative Office of Pennsylvania Courts is considering amendments to the regulations for court interpreters that synthesize the regulations with the Language Access Plan for the Unified Judicial System; revise restrictions related to remote interpreting; codify and amend the onsite interpreter fee schedule while providing increases to the current onsite interpreter rates; establish a new remote interpreter fee schedule; and include clarifying amendments.

Proposed new material is underlined and in bold-face type, and deleted material is bracketed and in bold-face type.

The Explanatory Report highlights the considerations in formulating this proposal. All interested persons are invited to submit suggestions, comments, or objections. All communications in reference to this proposal should be submitted no later than June 21, 2021 to:

Administrative Office of Pennsylvania Courts  
ATTN: Interpreter Regulation Comments  
601 Commonwealth Avenue  
P.O. Box 61260  
Suite 1500  
Harrisburg, PA 17106  
InterpreterRegulationComments@pacourts.us

GEOFF MOULTON,  
Court Administrator of Pennsylvania

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

#### CHAPTER 221. [ COURT INTERPRETERS ] LANGUAGE ACCESS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY AND FOR PERSONS WHO ARE DEAF OR HARD OF HEARING

##### Subchapter 1. GENERAL PROVISIONS

##### § 101. Scope.

These regulations are enacted pursuant to the Language Access Plan for the Unified Judicial System (UJS-LAP) and 42 Pa.C.S. §§ 4411 and 4431 (relating to duties of Court Administrator) and shall govern the appointment and use of interpreters for persons with limited English proficiency and persons who are deaf or hard of hearing in all court proceedings within the Unified Judicial System (UJS).

##### § 102. Definitions.

For purposes of these regulations:

(a) *Appellate Court Prothonotary* means the prothonotary responsible for the appellate court in which the judicial proceeding is conducted or his or her designee.

(b) *Certified Interpreter* means a person who is certified in accordance with [ the guidelines established by the Court Administrator for the certification and appointment of interpreters ] this chapter.

(c) *Court Administrator* means the Court Administrator of Pennsylvania.

(d) *Deaf or hard of hearing* means [ an impairment of hearing or speech which ] a hearing loss or impairment of speech that creates an inability to understand or communicate the spoken English language.

(e) *Direct victim* means an individual against whom a crime has been committed or attempted.

(f) *District Court Administrator* means the court administrator responsible for the administration of the courts of the judicial district in which the judicial proceeding is conducted or his or her designee.

(g) *Immediate family member* means a person other than a principal party in interest who is a spouse, child, parent, grandparent, or guardian of a principal party in interest.

(h) *Interpret* means either:

(1) within the context of court interpreters for persons with limited English proficiency, to convey spoken and written English into the language of the person with limited English proficiency and to convey spoken and written statements by that person into spoken English; or

(2) within the context of court interpreters for persons who are deaf or hard of hearing, to convey spoken English

in a manner understood by the deaf or hard of hearing person through, but not limited to, American Sign Language and transliteration or any other process, procedure, or means of communication used to convey the communications made by the deaf or hard of hearing person into spoken English.

(i) *Interpreter* includes both a certified interpreter and an otherwise qualified interpreter for persons with limited English proficiency and the deaf or hard of hearing.

(j) *Judicial proceeding* means an action, appeal, or proceeding in any court of the Commonwealth of Pennsylvania and includes any proceeding conducted by a presiding judicial officer as defined by [ § 102(n) ] **subsection (o)**.

(k) **Notice of Language Rights means a multilingual written notice that informs an individual of the right to an interpreter at no cost and how to request an interpreter.**

[ (k) ] (l) *Otherwise qualified interpreter* means a person who meets the pertinent requirements of [ **the guidelines established by the Court Administrator for qualification and appointment of interpreters ] this chapter. As with certified interpreters, otherwise qualified interpreters should be chosen from AOPC's Interpreter Certification Program (ICP) roster.**

[ (l) ] (m) *Person who is deaf or hard of hearing* means a principal party in interest or a witness who is **deaf or hard of hearing**.

[ (m) ] (n) *Person with limited English proficiency* means a principal party in interest or a witness who speaks exclusively or primarily a language other than English and is unable to sufficiently speak and understand English so as to fully participate and be understood in a judicial proceeding.

[ (n) ] (o) *Presiding judicial officer* includes justices, judges, magisterial district judges, and appointive judicial officers such as arbitrators, masters, and other like officers.

[ (o) ] (p) *Principal party in interest* means a person involved in a judicial proceeding who is:

- (1) a named party or a fiduciary for a named party;
- (2) a direct victim in a criminal proceeding or a proceeding pursuant to **the Juvenile Act**, 42 Pa.C.S. Ch. 63 (relating to juvenile matters);
- (3) a parent, guardian, or custodian of a minor or incapacitated person who is:
  - (i) a party;
  - (ii) a direct victim in a criminal proceeding or a proceeding pursuant to 42 Pa.C.S. Ch. 63; or
  - (iii) a witness.

[ (p) ] (q) *Roster* means the list of certified and otherwise qualified interpreters maintained and distributed by the Court Administrator.

[ (q) ] (r) *Staff Interpreter* means a certified [ **or otherwise qualified** ] interpreter who is an employee of the appellate court or judicial district and whose duties include providing services as an interpreter and functions related to interpreting.

[ (r) ] (s) *Transliteration* means to convey spoken or written English in an English-based sign **language** system and the process of conveying an English-based sign **language** system in spoken or written English. **Oral transliteration means conveying spoken English by using speech reading and not sign language.**

[ (s) ] (t) *Witness* means a person who testifies in a judicial proceeding.

#### Comment

**The Administrative Office of Pennsylvania Courts' (AOPC) Interpreter Certification Program is available on the Language Access & Interpreter Program page of the UJS website, <http://www.pacourts.us>.**

The definition of "Certified Interpreter" set forth in subsection (b) contains the requirement that the interpreter be certified by the Court Administrator. An interpreter who is certified pursuant to another jurisdiction or organization's policies is [ **nonetheless** ] not a certified interpreter under these regulations if that individual has not been certified by the Court Administrator. Therefore, persons charged with applying these regulations should take care to confirm that an interpreter who purports to be certified has, in fact, been certified by the Court Administrator. [ **A "Staff Interpreter" pursuant to subsection (q) is a fulltime employee of the appellate court or judicial district whose duties include providing interpretation services. Persons employed as staff interpreters—even those employed as such on or before the date of the enactment of these regulations—will be required to be certified in their language of expertise by the Court Administrator in order to attain certified status under these regulations, if such certification is available.** ]

**A "Staff Interpreter" pursuant to subsection (r) is a full-time employee of an appellate court or judicial district whose duties include providing interpretation services. Persons employed as staff interpreters—even those employed as such on or before the date of the enactment of these regulations—will be required to be certified in their language of expertise by the Court Administrator in order to attain certified status under these regulations, if such certification is available.**

These regulations are not intended to restrict a deaf or hard of hearing person's ability pursuant to the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101 *et seq.*, to request a process, procedure or means of communication other than an interpreter. Under the ADA and its regulations, a deaf or hard of hearing person may request a specific auxiliary aid and the public entity must give primary consideration to that choice unless another effective means of communication exists or it can demonstrate that doing so would fundamentally alter the nature of the service, program or activity or result in undue financial hardship. 28 C.F.R. §§ 35.160[ ; ], 35.164; 28 C.F.R. Pt. 35, App. A.

See 42 Pa.C.S. § 6302, defining "custodian" as "[a] person other than a parent or legal guardian, who stands in loco parentis to the child, or a person to whom legal custody of the child has been given by order of a court." See also Pa.R.C.P. 76, which defines fiduciaries to include "an executor, administrator, guardian, committee, receiver, trustee, assignee for the benefit of creditors, and any other person, association, partnership, or corporation, acting in any similar capacity." Pa.R.C.P. 2051 defines



“incapacitated person” to include “an adult whose ability to receive and evaluate information effectively and communicate decisions in any way is impaired to such a significant extent that the person is partially or totally unable to manage financial resources or to meet the essential requirements for physical health and safety.”

### § 103. Confidentiality of Communications.

As provided in 42 Pa.C.S. §§ 4415 and 4436 (**relating to confidential communications in presence of court interpreter**), an interpreter appointed pursuant to these regulations shall not be permitted or compelled to testify in any judicial proceeding as to any interpreted statements made by the person for whom he or she is interpreting when that person is engaged in a confidential communication as provided by any statute or general rule, including, but not limited to:

(a) 42 Pa.C.S. § 5916 (relating to confidential communications to attorney);

(b) 42 Pa.C.S. § 5928 (relating to confidential communications to attorney);

(c) 42 Pa.C.S. § 5942 (relating to confidential communications to news reporters);

(d) 42 Pa.C.S. § 5943 (relating to confidential communications to clergymen);

(e) 42 Pa.C.S. § 5944 (relating to confidential communications to psychiatrists or licensed psychologists);

(f) 42 Pa.C.S. § 5945 (relating to confidential communications to school personnel);

(g) 42 Pa.C.S. § 5945.1 (relating to confidential communications with sexual assault counselors);

(h) 42 Pa.C.S. § 5945.2 (relating to confidential communications to crime stopper or similar anticrime program); **[ and ]**

(i) **42 Pa.C.S. § 5945.3 (relating to confidential communications to human trafficking caseworkers); and**

**[ (j) ]** 23 Pa.C.S. § 6116 (relating to confidential communications to domestic violence counsel/advocates).

### § 104. Remote Interpretation.

(a) *Simultaneous audiovisual technology.*—In the event that a certified or otherwise qualified interpreter for persons with limited English proficiency or who are deaf or hard of hearing cannot be found to interpret in person, one may be appointed to interpret via remote technology allowing for two-way simultaneous communication of image and sound such as **video remote interpreting (VRI)**, video-conferencing, closed-circuit television, or web-based camera, provided that the judicial proceeding [ : ] is expected to be no more than **[ 30 minutes ] one hour** in duration [ ; **is non-evidentiary; and does not involve more than one interpreter** ]. **Priority should be given to interpreters from AOPC’s Interpreter Certification Program (ICP) roster.** Prior to utilizing the interpreter, the court must conduct a *voir dire* to determine his or her qualifications, unless the interpreter **is a certified interpreter from AOPC’s ICP roster or** has been previously used by, and his or her qualifications are known to, the court. **The use of VRI should follow guidance issued by the AOPC.**

(b) *Telephonic interpretation.*—If neither a certified nor otherwise qualified interpreter can be found to interpret in person or by **video** remote technology allowing for two-way simultaneous communication of image and

sound, one may be appointed to interpret remotely via telephone provided the judicial proceeding [ : ] is expected to be **a short, simple proceeding lasting no more than [ 30 minutes in duration; is non-evidentiary; and does not involve more than one interpreter ] one hour.** If neither a certified nor otherwise qualified interpreter can be found to interpret via telephone, the court may utilize a telephone interpreter provided by a commercial telephone interpreter service. Prior to utilizing any telephonic interpreter, the court must conduct a *voir dire* to determine his or her qualifications, unless the interpreter has been previously used by, and his or her qualifications are known to, the court.

(c) *Exceptions.*—Preliminary arraignments pursuant to Rule of Criminal Procedure 540 and proceedings for emergency orders under the Protection from Abuse Act (23 Pa.C.S. § 6101 *et seq.*), **the Protection of Victims of Sexual Violence or Intimidation Act (42 Pa.C.S. § 62A1-01 et seq.)**, and the Older Adults Protective Services Act (35 P.S. § 10225.101 *et seq.*) may be conducted via remote technology without regard to subsections (a) and (b) above, except that a *voir dire* still must be conducted to determine the interpreter’s qualifications, unless the interpreter **is a certified interpreter from AOPC’s ICP roster or** has been previously used by, and his or her qualifications are known to, the court.

### Comment

Although this regulation allows for remote interpretation under certain limited circumstances, interpretation in person is strongly preferred. Pursuant to subsections (a) and (b), if an interpreter **[ can not ] cannot** be found to interpret in person, the next step should be to find one to interpret via remote means that allow for two-way simultaneous communication of image and sound. It is only after determining that an interpreter cannot be found to interpret via two-way simultaneous communication of image and sound that the court should consider an audio-only device such as a telephone.

**Moreover, courts should be cautious in their use of video remote platforms (such as Zoom and Microsoft Teams) to facilitate virtual hearings. When using remote platforms, courts should follow guidance issued by the AOPC, use interpreters from AOPC’s ICP roster, do a practice run using the remote platform in advance of the hearing, and, if unable to secure a rostered interpreter for the proceeding, voir dire the interpreter to ascertain his or her qualifications.**

### § 105. Waiver of Interpreter.

(a) *Waiver by a principal party in interest.*—A **principal party in interest** with limited English proficiency or **[ party ]** who is deaf or hard of hearing may waive the right to an interpreter provided the waiver is conducted in the presence of the presiding judicial officer and the party seeking to waive is represented by counsel or has knowingly waived the right to counsel. The presiding judicial officer shall ascertain from the **principal party in interest** with limited English proficiency or **[ party ]** who is deaf or hard of hearing whether the waiver is knowing, voluntary and intelligent **and that the waiver will not impede the party’s communication with the court and the fact finder.** If the judicial proceeding is conducted in a court of record, the foregoing determination shall be made on the record. The **principal party in interest** with limited English proficiency or **[ party ]** who is deaf or hard of hearing must be provided with an

interpreter during the waiver process. In addition, the waiver shall be in writing signed by the **principal party in interest** with limited English proficiency or [ **party** ] who is deaf or hard of hearing, with a representation that the party was told of the right to an interpreter and that the party chose not to have an interpreter at the judicial proceeding. The written waiver shall be on the form provided by the Court Administrator for this purpose and shall be made part of the record of the judicial proceeding. **If the presiding judicial officer subsequently determines that an interpreter is necessary, he or she shall proceed pursuant to § 204(b) (relating to determination of need for interpreter).**

(b) *Waiver by a non-party.*—When a non-party who is entitled to an interpreter under these regulations seeks to waive the right to an interpreter, the provisions of subsection (a) above should be followed, with the exception that counsel need not be present.

#### Comment

When persons with limited English proficiency or [ **persons** ] who are deaf or hard of hearing waive their right to an interpreter pursuant to § 105, they are divesting themselves of an important due process safeguard. For this reason, the presiding judicial officer should take great care to ensure that the person's waiver is knowing, voluntary and intelligent. When deciding whether to permit waiver the presiding judicial officer should consider not only the needs of the person with limited English proficiency or person who is deaf or hard of hearing, but also the needs of the presiding judicial officer and others involved in the proceedings to accurately understand that person. **In the case of persons with limited English proficiency or who are deaf or hard of hearing who are witnesses, the presiding judicial officer should primarily consider the need for the finder of fact to accurately understand the witness and whether a party in interest wants an interpreter present to ensure the accuracy of the testimony rather than the preference of the witness.** If the presiding judicial officer feels that the interpreter is necessary for the presiding judicial officer or others involved in the proceedings to accurately understand the person with limited English proficiency or [ **person** ] who is deaf or hard of hearing, the waiver request should be denied. **Waiver forms are available on the Language Access & Interpreter Program page of the UJS website: <http://www.pacourts.us>.**

#### § 106. Oath for Interpreters.

Before commencement of interpreter duties, an interpreter shall take the following oath:

Do you solemnly swear or affirm that you will make an accurate, complete, and impartial interpretation from the English language into the (target language), and vice-versa, of all communication during this proceeding using your best skill, judgment, and ability and that you will abide by the Rules of Professional Conduct for Judiciary Interpreters, and so you do swear or affirm?

Once the oath is administered, the interpreter becomes an officer of the court for the duration of his or her appointment.

#### § 107. Cost of Providing Interpreters for Persons with Limited English Proficiency.

(a) *General rule.*—An interpreter appointed pursuant to § [ 203 ] **205 (relating to appointment of inter-**

**preters)** for a principal party in interest or a witness is entitled to a reasonable fee for interpreter services and shall be reimbursed for actual and reasonable expenses by the county of the court or the appellate court that has jurisdiction over the judicial proceeding in accordance with the compensation schedule approved by the Court Administrator pursuant to 42 Pa.C.S. § 4411(d). In no event shall the costs of providing interpreter services be the responsibility of the person who is limited English proficient (**LEP**).

(b) *Assignment of costs.*—In those cases where appointment of an interpreter is discretionary as specified in [ **section 203(d)** ] § **205(d)** regarding appointment of interpreters for immediate family members, the presiding judicial officer may order reimbursement by the family member to the county of the court or the appellate court that has jurisdiction over the judicial proceeding for which the interpreter was appointed for its responsibilities under this chapter. In determining the amount of actual and reasonable expenses to be paid to the interpreter, the presiding judicial officer shall follow the fee schedule for interpreters established by the Court Administrator.

#### Comment

[ **The compensation schedule referred to in subsection (a) will be published in the *Pennsylvania Bulletin* and the official web site of the Administrative Office of Pennsylvania Courts and will be subject to periodic review. In a judicial district comprised of more than one county, the county of the court that has jurisdiction over the judicial proceedings is the county in which the cause of action arose.** ]

**A copy of the interpreter fee schedules for both onsite and remote interpreting can be found in Schedule G and on the Interpreter Program page of the UJS website, <http://www.pacourts.us>.**

**In a judicial district comprised of more than one county, the county of the court that has jurisdiction over the judicial proceedings is the county in which the cause of action arose.**

#### § 108. Costs of Providing Interpreters for Persons who are Deaf or Hard of Hearing.

[ (a) ] *General rule.*—[ **Except as provided in subsection (b), an** ] **An** interpreter appointed in accordance with [ § 203 ] § **205** is entitled to a reasonable fee for his or her services and shall be reimbursed for actual and reasonable expenses by the county of the court that has jurisdiction over the judicial proceeding in accordance with the compensation schedule approved by the Court Administrator pursuant to 42 Pa.C.S. § 4431(d). [ **Except as provided in subsection (b), expenses** ] **Expenses** related to interpreters appointed for appellate judicial proceedings shall be the responsibility of the appellate court. In no event shall the cost of providing interpreter services be the responsibility of the person who is deaf or hard of hearing.

[ (b) ] *Payment determination of costs related to appointment of interpreters for immediate family members.*—Disposition of all or part of the cost of providing an interpreter appointed in accordance with § 203(d) (interpreter for immediate family members) shall be in the discretion of the court that has jurisdiction over the judicial proceeding and in accordance with the compensation schedule approved by the Court Administrator. If the princi-

pal party in interest is indigent, the cost of providing interpreter services shall be the responsibility of the county of the court or the appellate court that has jurisdiction over the judicial proceeding for which the interpreter was appointed. The presiding judicial officer may order reimbursement to the county or the appellate court for its responsibilities under this chapter. In no event shall the cost of providing interpreter services be the responsibility of the person who is deaf or hard of hearing. ]

#### Comment

[ The compensation schedule referred to in subsection (a) will be published in the *Pennsylvania Bulletin* and the official website of the Administrative Office of Pennsylvania Courts and will be subject to periodic review. In a judicial district composed of more than one county, the county of the court that has jurisdiction over the judicial proceedings is the county in which the cause of action arose.

Subsection (b) is designed to give the court discretion in assessing the costs of providing an interpreter for immediate family members pursuant to § 203(d). This discretion, however, should never extend to requiring the person who is deaf or hard of hearing to pay the cost of the interpreter. ]

A copy of the interpreter fee schedules for both onsite and remote interpreting can be found in Schedule G and on the Interpreter Program page of the UJS website, <http://www.pacourts.us>.

In a judicial district composed of more than one county, the county of the court that has jurisdiction over the judicial proceedings is the county in which the cause of action arose.

#### Subchapter 2. PROCEDURES FOR NOTIFICATION AND DETERMINATION OF THE NEED FOR, AND FOR THE PROCUREMENT AND APPOINTMENT OF, INTERPRETERS

[ § 201. Notice of Need for Interpreter; Procurement of Certified and Otherwise Qualified Interpreters.

(a) Persons required to give notice; persons to whom notice is to be given; timing of notice.—

(1) If a principal party in interest is a person with limited English proficiency or a person who is deaf or hard of hearing and is in need of an interpreter, either the principal party in interest or his or her attorney shall give notice of the need for an interpreter as soon as is practicable after learning of the need. The notice shall be made to the presiding judicial officer or the Appellate Court Prothonotary/District Court Administrator or his or her designee and contain the information required in subsection (b)(2) of this regulation.

(2) If the person with limited English proficiency or person who is deaf or hard of hearing is a witness, notice of the need for an interpreter shall be given by the party that intends to call the person as a witness as soon as is practicable after learning of the need. The notice shall be made to the presiding judicial officer or the Appellate Court Prothonotary/District Court Administrator or his or her designee and contain the information required in subsection (b)(2) of this regulation.

(3) If the person with limited English proficiency or person who is deaf or hard of hearing is a direct victim, notice of the need for an interpreter shall be given by the Commonwealth as soon as is practicable after learning of the need. The notice shall be made to the presiding judicial officer or the Appellate Court Prothonotary/District Court Administrator or his or her designee and contain the information required in subsection (b)(2) of this regulation.

(4) In addition to the foregoing persons, anyone with knowledge of a principal party in interest, witness or direct victim's need for an interpreter may give notice of that need to the presiding judicial officer or the Appellate Court Prothonotary/District Court Administrator or his or her designee and contain the information required in subsection (b)(2) of this regulation.

(b) Form and content of notice.—

(1) Notice form.—The notice of need for an interpreter should be given on the form provided by the Court Administrator for this purpose, if practicable. If notice by way of said form is not practicable, written or oral notice may be given provided it contains the information set forth in subsection (b)(2) below.

(2) Content of notice.—The notice of need for an interpreter, whether on the form specified in subsection (b)(1) or otherwise, must contain at minimum the following information:

(i) party and case identifying information; and

(ii) for a person with limited English proficiency, the language spoken (specifying any particular dialect or regional version) and the country of origin; or

(iii) for a person who is deaf or hard of hearing, the type of sign language or method of communication used, the country of origin (if a foreign sign language is used to communicate), and a description of any educational, physical, mental or other particular condition which may limit the person's ability to communicate.

(c) Procurement of certified or otherwise qualified interpreters.—

(1) Once the Appellate Court Prothonotary/District Court Administrator or his or her designee is made aware of the need for an interpreter, he or she shall procure a certified interpreter in the manner provided by the guidelines established by the Court Administrator for the appointment of certified interpreters.

(2) If the Appellate Court Prothonotary/District Court Administrator or his or her designee cannot procure a certified interpreter in the manner set forth in subsection (c)(1) above, he or she shall procure an otherwise qualified interpreter in the manner provided by the guidelines established by the Court Administrator for the appointment of otherwise qualified interpreters.

#### Comment

Subsection (a) requires that notice be given as soon as practicable after learning of the need. The fact that no specific time limit is given is in recognition of the fact that situations may arise in which significant advance notice is not feasible. Nevertheless, the party responsible for giving no-



tice under these regulations or anyone aware of the need must notify the presiding judicial officer or Appellate Court Prothonotary/District Court Administrator or his or her designee as soon as the need for an interpreter is known so as to avoid unnecessary delay.

Subsection (b)(1) makes clear that notice on the form provided by the Court Administrator is the preferred method of providing notice of need for an interpreter. If use of the Court Administrator's form is not practicable, other written or oral notice is acceptable provided it conveys the information set forth in subsection (b)(2).

The regulations do not require that only one person be designated by the District Court Administrator to handle requests for interpreters in the district. Different individuals can be assigned to handle different courts within the district. For example, the designee for common pleas interpreter requests may be the District Court Administrator while for cases in the magisterial district courts the special or minor courts administrator could be designated.

In the case of a deaf or hard of hearing juror, the District Court Administrator or his or her designee should follow the judicial district's existing policies pursuant to the Americans With Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101 *et seq.*, to ensure proper accommodation of a deaf or hard of hearing juror. Juror summonses and/or questionnaires should advise prospective jurors to give notice of need for an accommodation prior to the date they report for jury duty.

Subsection (c)(1) requires the Appellate Court Prothonotary/District Court Administrator or his or her designee to follow the Court Administrator's guidelines for appointing a certified interpreter and to make the necessary arrangements to secure the interpreter's services for the judicial proceeding if one is found. If a certified interpreter cannot be found, subsection (c)(2) requires the Appellate Court Prothonotary/District Court Administrator or his or her designee to obtain an otherwise qualified interpreter in the manner provided in the Court Administrator's guidelines. In procuring either a certified or otherwise qualified interpreter, and when the person requiring the interpreter is a person with limited English proficiency, the Appellate Court Prothonotary/District Court Administrator or his or her designee may obtain the services of an interpreter to interpret remotely subject to the limitations of § 104. In the event that neither a certified nor an otherwise qualified interpreter can be procured, the Appellate Court Prothonotary/District Court Administrator or his or her designee shall contact the Court Administrator's office for guidance.

#### § 202. Determination of Need for Interpreter.

(a) Proceedings to determine need for an interpreter.—If, after considering the notice of need, the presiding judicial officer requires additional information in order to make the determination, he or she may request any additional filings from the parties or conduct any proceedings he or she deems necessary including, but not limited to, conducting the *voir dire* for determination of need for an interpreter for persons with limited English profi-

ciency established by the Court Administrator. If the Appellate Court Prothonotary/District Court Administrator or his or her designee requires additional information, he or she may request additional information and may request that the presiding judicial officer conduct proceedings to determine the need for an interpreter.

(b) If, during the course of the judicial proceedings, and without regard to whether notice of need for an interpreter was given, the presiding judicial officer determines that a principal party in interest, witness, or direct victim is a person with limited English proficiency or that a principal party in interest, witness, direct victim or juror is deaf or hard of hearing and is in need of an interpreter, he or she shall give notice to the Appellate Court Prothonotary/District Court Administrator or his or her designee as provided in subsection (b) of this regulation.

#### Comment

Subsection (a) covers situations where the person notified of need for an interpreter pursuant to § 201 requires additional information. It also allows the presiding judicial officer to acquire additional information in order to make the determination of need by way of supplemental filings, hearings and any other means typically within the presiding judicial officer's power in handling the particular judicial proceeding and, in the case of persons with limited English proficiency, suggests using the *voir dire* established by the Court Administrator for assessing the level of English proficiency of the individual in question. The Appellate Court Prothonotary/District Court Administrator may request additional information but is not empowered to conduct any proceedings to gather information.

Subsection (b) is intended to clarify that even if notice of the need for an interpreter is not given by one of the individuals required to give notice under § 201(a), the presiding judicial officer may *sua sponte* determine the need for an interpreter and thereby start the appointment process if he or she deems it appropriate to do so under these regulations.

#### § 203. Appointment of Interpreters.

(a) Appointment of a certified interpreter.—The presiding judicial officer shall appoint the certified interpreter procured pursuant to § 201(c)(1) unless a certified interpreter is unavailable.

(b) Appointment of an otherwise qualified interpreter.—

(1) An otherwise qualified interpreter shall be appointed by the presiding judicial officer if the presiding judicial officer determines that the Appellate Court Prothonotary/District Court Administrator or his or her designee made a good faith effort to procure a certified interpreter and a certified interpreter was not available and that the otherwise qualified interpreter was properly procured pursuant to § 201(c)(2). In making the foregoing determinations the presiding judicial officer shall consider the efforts made by the Appellate/District Court Administrator or his or her designee and whether these efforts complied with the requirements of § 201(c).

(i) Persons with limited English proficiency.—Prior to the appointment of the otherwise qualified

interpreter for a person with limited English proficiency, the presiding judicial officer shall determine the interpreter's qualifications by:

(A) conducting the *voir dire* for qualifying interpreters for persons with limited English proficiency recommended by the Court Administrator;

(B) ascertaining that the otherwise qualified interpreter has read, understands and agrees to abide by the Rules of Professional Conduct for Judiciary Interpreters established by the Court Administrator; and

(C) verifying that the otherwise qualified interpreter is listed in the interpreter roster published by the Court Administrator.

(ii) Persons who are deaf or hard of hearing.—Prior to the appointment of the otherwise qualified interpreter for a person who is deaf or hard of hearing, the presiding judicial officer shall determine the interpreter's qualifications by:

(A) conducting the *voir dire* for qualifying interpreters for persons who are deaf or hard of hearing recommended by the Court Administrator;

(B) ascertaining that the otherwise qualified interpreter has read, understands and agrees to abide by the National Association of the Deaf (NAD)—Registry of Interpreters for the Deaf (RID) code of professional conduct, and the Rules of Professional Conduct for Judiciary Interpreters established by the Court Administrator;

(C) verifying that the otherwise qualified interpreter is listed in the interpreter roster published by the Court Administrator;

(D) verifying that the otherwise qualified interpreter is certified by the NAD or RID, by asking to see the interpreter's membership card; and

(E) that the otherwise qualified interpreter has complied with the requirements of the Sign Language Interpreter and Transliterators State Registration Act, 63 P.S. § 1725.1 *et seq.*, and is registered with the Office for the Deaf and Hard of Hearing (ODHH) within the Department of Labor and Industry of the Commonwealth.

(2) In ascertaining whether an individual is able to interpret and should be appointed as an otherwise qualified interpreter, the presiding judicial officer shall follow the guidelines established by the Court Administrator for the appointment of otherwise qualified interpreters for persons with limited English proficiency or for persons who are deaf or hard of hearing.

(c) Additional interpreter(s).—After consideration of the type and length of the judicial proceeding and the number of persons requiring interpreters involved, the presiding judicial officer may appoint, as provided for in subsections (a) and (b), an additional interpreter or provide for additional interpretation in a manner deemed appropriate by the presiding judicial officer. In making this determination, the presiding judicial officer shall follow the guidelines established by the Court Administrator for the appointment of additional interpreters for persons with limited English proficiency or for persons who are deaf or hard of hearing.

(d) Interpreter for immediate family.—The presiding judicial officer may appoint, as provided in

subsections (a) and (b), an interpreter or provide for additional interpretation, as provided in subsection (c), for an immediate family member of a principal party in interest.

(e) Persons who are not to be appointed as interpreters.—Under no circumstances should the presiding judicial officer appoint a family member of the person with limited English proficiency or person who is deaf or hard of hearing, a witness, party, or other persons who may have an interest in the outcome of a judicial proceeding or those who may be perceived to have an interest in the outcome (i.e., police officers, sheriff's deputies, constables, etc.) to act as an interpreter for that person.

#### Comment

Subsection (a) of § 203 authorizes the presiding judicial officer to appoint a certified interpreter after the steps outlined in §§ 201 and 202 have been taken. If the judicial proceeding is conducted in a court of record, the formal appointment of either a certified interpreter or an otherwise qualified interpreter should always be done on the record at the first appearance of the interpreter at the proceeding. Subsection (c) allows for the appointment of a team of interpreters if the judicial proceeding is a jury trial, is likely to be more than two hours in duration, or, in the case of a deaf or hard of hearing person, whenever the limitations and particularities of the person's form of communication (such as when the deaf or hard of hearing person is a foreign national who does not communicate in any of the forms of sign language spoken in this country) requires it. ]

#### § 201. Notices to be Provided Concerning Right to an Interpreter.

(a) District Court Administrators, presiding judicial officers, judicial staff, and filing offices must ensure that a Notice of Language Rights is provided to named parties and witnesses for all judicial proceedings.

(b) Every notice or subpoena for any judicial proceeding, as defined in § 102, including summary trials before a presiding judicial officer as defined in § 102, must include a multilingual Notice of Language Rights. This notice shall inform the recipient of the right to a court-appointed interpreter at no cost and the process for requesting one.

(c) Information concerning language rights and services available must be conspicuously displayed on posters, cards, and brochures throughout court facilities, posted on court websites, and provided to the public, justice partners, legal aid agencies, and community-based organizations.

#### Comment

The Notice of Language Rights created pursuant to the Language Access Plan for the UJS provides contact information for the language access coordinator (LAC) for each judicial district, and informs LEP and deaf or hard of hearing parties that they may contact the LAC to arrange for an interpreter.

#### § 202. Persons to Notify Court Concerning Need for Interpreters.

(a) The following persons shall give notice to the court where a person has limited English profi-



ciency or is deaf or hard of hearing and requires an interpreter for any judicial proceeding:

(1) For a principal party in interest in a judicial proceeding, either the principal party in interest or his or her attorney, without delay.

(2) For a witness in a judicial proceeding, the party that intends to call the person as a witness as soon as is practicable after learning of the need for an interpreter.

(3) For a crime victim whose presence is anticipated at a judicial proceeding, the affiant, law enforcement officer, or the attorney for the Commonwealth, as soon as is practicable after learning of the need.

(b) Any other person with knowledge that a principal party in interest, witness, or crime victim will require an interpreter may give notice of the need for an interpreter.

(c) Notice to the Court pursuant to this section may be made to the presiding judicial officer, the language access coordinator (LAC) for the judicial district in which the proceeding will be held, or the Appellate Court Prothonotary/District Court Administrator or his or her designee, and should contain the information required in subsection (d)(2).

(d) Form and content of notice.—

(1) Notice form.—The notice of need for an interpreter should be given on the form provided by the Court Administrator, if practicable. If notice by way of said form is not practicable, written or oral notice may be given provided it contains the information set forth in paragraph (2).

(2) Content of notice.—The notice of need for an interpreter, whether on the form specified in paragraph (1) or otherwise, must contain, at a minimum, the following information:

(i) party and case identifying information; and

(ii) for a person with limited English proficiency, the language spoken (specifying any particular dialect or regional version) and the country of origin; or

(iii) for a person who is deaf or hard of hearing, the type of sign language or method of communication used, the country of origin (if a foreign sign language is used to communicate), and any other information that will help identify the person's preferred means of communication.

#### Comment

This section is intended to clarify those persons who are required to provide notice to the court of the need for an interpreter for an LEP or deaf or hard of hearing person. In addition, subsection (b) provides that any person may provide notice of the need for an interpreter when they have knowledge that someone appearing in a judicial proceeding is LEP or deaf or hard of hearing.

Subsection (a) requires that notice be given without delay or as soon as practicable after learning of the need. The fact that no specific time limit is given is in recognition of the fact that situations may arise in which significant advance notice is not feasible. Nevertheless, the party responsible for giving notice under these regulations or anyone

aware of the need must notify the presiding judicial officer or Appellate Court Prothonotary/District Court Administrator or his or her designee as soon as the need for an interpreter is known so as to avoid unnecessary delay.

Subsection (d)(1) makes clear that notice on the form provided by the Court Administrator is the preferred method of providing notice of need for an interpreter. If use of the Court Administrator's form is not practicable, other written or oral notice is acceptable provided it conveys the information set forth in subsection (d)(2). The request form can be found on the Interpreter Program page of the UJS website, <http://www.pacourts.us>.

§ 203. Procurement of Certified or Otherwise Qualified Interpreters.

(a) Once the Appellate Court Prothonotary/District Court Administrator or his or her designee is made aware of the need for an interpreter, he or she shall procure a certified interpreter in the manner provided by the guidelines established by the Court Administrator for the appointment of certified interpreters.

(b) If the Appellate Court Prothonotary/District Court Administrator or his or her designee cannot procure a certified interpreter in the manner set forth in subsection (a), he or she shall procure an otherwise qualified interpreter in the manner provided by the guidelines established by the Court Administrator for the appointment of otherwise qualified interpreters.

(c) Courts shall utilize existing mechanisms available in statewide case management systems and shall develop mechanisms in conjunction with their filing offices to track the need for an interpreter throughout the life cycle of a case.

#### Comment

The regulations do not require that only one person be designated by the Appellate Court Prothonotary/District Court Administrator to handle requests for interpreters. For example, the designee for common pleas interpreter requests may be the District Court Administrator, while for cases in the magisterial district courts, the special or minor courts administrator could be designated. A complete list of LACs is available on the Language Access and Interpreter Program page of the UJS website, <http://www.pacourts.us>.

In the case of a deaf or hard of hearing juror, the District Court Administrator or his or her designee should follow the judicial district's existing policies pursuant to the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 *et seq.*, to ensure proper accommodation of a deaf or hard of hearing juror. Juror summonses and/or questionnaires should advise prospective jurors to give notice of need for an accommodation prior to the date they report for jury duty.

Subsection (a) requires the Appellate Court Prothonotary/District Court Administrator or his or her designee to follow the Court Administrator's guidelines for appointing a certified interpreter and to make the necessary arrangements to secure the interpreter's services for the judicial proceeding if one is found. If a certified interpreter cannot be found, subsection (b) requires the Appellate

Court Prothonotary/District Court Administrator or his or her designee to obtain an otherwise qualified interpreter in the manner provided in the Court Administrator's guidelines. In procuring either a certified or otherwise qualified interpreter, and when the person requiring the interpreter is a person with limited English proficiency, the Appellate Court Prothonotary/District Court Administrator or his or her designee may obtain the services of an interpreter to interpret remotely subject to the limitations of § 104. In the event that neither a certified nor an otherwise qualified interpreter can be procured, the Appellate Court Prothonotary/District Court Administrator or his or her designee shall contact the Court Administrator's office for guidance.

The requirement in subsection (c) comes from the Language Access Plan for the Unified Judicial System (UJS-LAP), available at <http://www.pacourts.us>. UJS-LAP at 31, "Documentation of Language Needs."

#### § 204. Determination of Need for Interpreter.

(a) *Proceedings to determine need for an interpreter.*—Ordinarily, the presiding judicial officer must appoint an interpreter after notice of need for an interpreter is given or a request for an interpreter is made. If, after considering the notice of need, the presiding judicial officer requires additional information in order to make the determination that the person is LEP or deaf or hard of hearing, or of the appropriate language or means of communication with the interpreter, he or she may request any additional filings from the parties or conduct any proceedings he or she deems necessary including, but not limited to, conducting the *voir dire* for determination of need for an interpreter for persons with limited English proficiency or who are deaf or hard of hearing established by the Court Administrator. If the Appellate Court Prothonotary/District Court Administrator or his or her designee requires additional information, he or she may request additional information and may request that the presiding judicial officer conduct proceedings to determine the need for an interpreter.

(b) If, during the course of the judicial proceeding, and without regard to whether notice of need for an interpreter was given, the presiding judicial officer determines that a principal party in interest or a witness is a person with limited English proficiency or that a principal party in interest, witness, direct victim, or juror is deaf or hard of hearing and is in need of an interpreter, he or she shall give notice to the Appellate Court Prothonotary/District Court Administrator or his or her designee as provided in § 202(d) (relating to persons to notify court concerning need for interpreters).

#### Comment

Presiding judicial officers, the Appellate Court Prothonotary/District Court Administrator and their designees taking action under this section must do so in compliance with the non-discrimination provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and the regulations promulgated thereunder, 28 C.F.R. 42.101 *et seq.*, as well as the stated purpose of 42

Pa.C.S. Ch. 44 (relating to court interpreters). See 42 Pa.C.S. § 4401 (relating to legislative findings and declaration).

Persons who request language access services should be provided with them. Subsection (a) covers the exceptional circumstance where the person notified of need for an interpreter may require additional information. This subsection permits a presiding judicial officer to acquire additional information in order to make the determination of need by way of supplemental filings, hearings, and any other means typically within the presiding judicial officer's power in handling the particular judicial proceeding and, in the case of persons with limited English proficiency, suggests using the *voir dire* established by the Court Administrator for assessing the level of English proficiency of the individual in question. The Appellate Court Prothonotary/District Court Administrator may request additional information but is not empowered to conduct any proceedings to gather information.

Subsection (b) is intended to clarify that even if notice of the need for an interpreter is not given by one of the individuals required to give notice under § 202(a), the presiding judicial officer may *sua sponte* determine the need for an interpreter and thereby start the appointment process if he or she deems it appropriate to do so under these regulations.

#### § 205. Appointment of Interpreters.

(a) *Appointment of a certified interpreter.*—The presiding judicial officer shall appoint the certified interpreter procured pursuant to § 203(a) (relating to procurement of certified interpreters) unless a certified interpreter is unavailable.

(b) *Appointment of an otherwise qualified interpreter.*—

(1) An otherwise qualified interpreter shall be appointed by the presiding judicial officer if the presiding judicial officer determines that the Appellate Court Prothonotary/District Court Administrator or his or her designee made a good faith effort to procure a certified interpreter and a certified interpreter was not available and that the otherwise qualified interpreter was properly procured pursuant to § 203(b). Otherwise qualified interpreters should also be chosen, if available, from the roster. In making the foregoing determinations, the presiding judicial officer shall consider the efforts made by the Appellate Court Prothonotary/District Court Administrator or his or her designee and whether these efforts complied with the requirements of § 203.

(i) *Persons with limited English proficiency.*—

Prior to the appointment of the otherwise qualified interpreter for a person with limited English proficiency, the presiding judicial officer shall determine the interpreter's qualifications by:

(A) verifying that the otherwise qualified interpreter is listed in the interpreter roster published by the Court Administrator. This can be accomplished in a number of ways, including but not limited to asking the interpreter to present their Interpreter Certification Program card issued by AOPC. Where the interpreter is on the roster, steps (B) and (C) below are not necessary.

(B) conducting the *voir dire* for qualifying interpreters for persons with limited English proficiency; and

(C) ascertaining that the otherwise qualified interpreter has read, understands, and agrees to abide by the Rules of Professional Conduct for Judiciary Interpreters. See Schedule F of these regulations.

(ii) *Persons who are deaf or hard of hearing.*—Prior to the appointment of the otherwise qualified interpreter for a person who is deaf or hard of hearing, the presiding judicial officer shall determine the interpreter's qualifications by:

(A) conducting the *voir dire* for qualifying interpreters for persons who are deaf or hard of hearing recommended by the Court Administrator;

(B) verifying that the otherwise qualified interpreter is certified by the National Association of the Deaf (NAD) or Registry of Interpreters for the Deaf (RID), by asking to see the interpreter's membership card;

(C) ascertaining that the otherwise qualified interpreter has read, understands, and agrees to abide by the NAD-RID code of professional conduct, and the Rules of Professional Conduct for Judiciary Interpreters established by the Court Administrator;

(D) verifying that the otherwise qualified interpreter is listed in the interpreter roster published by the Court Administrator by asking them to present their ICP card issued by AOPC; and

(E) verifying that the otherwise qualified interpreter has complied with the requirements of the Sign Language Interpreter and Transliterators State Registration Act, 63 P.S. § 1725.1 *et seq.*, and is registered with the Office for the Deaf and Hard of Hearing (ODHH) within the Pennsylvania Department of Labor and Industry.

(2) In ascertaining whether an individual is able to interpret and should be appointed as an otherwise qualified interpreter, the presiding judicial officer shall follow the guidelines established by the Court Administrator for the appointment of otherwise qualified interpreters for persons with limited English proficiency or for persons who are deaf or hard of hearing and these regulations.

(c) *Additional interpreter(s).*—After consideration of the type and length of the judicial proceeding and the number of persons requiring interpreters involved, the presiding judicial officer may appoint, as provided for in subsections (a) and (b), an additional interpreter or provide for additional interpretation in a manner deemed appropriate by the presiding judicial officer. The presiding judicial officer should appoint a team of interpreters in the following circumstances: where a bench trial, jury trial, or other judicial proceeding is expected to last longer than two hours; in capital cases; in cases involving complex subject matter and expert witnesses; or whenever three or more persons need the services of the interpreter and there is no simultaneous remote interpreting equipment available in the courtroom. In making this determination, the presiding judicial officer shall follow the guidelines established by the Court Administrator for the appointment of additional interpreters for persons

with limited English proficiency or for persons who are deaf or hard of hearing.

(d) *Interpreter for immediate family.*—The presiding judicial officer may appoint, as provided in subsections (a) and (b), an interpreter or provide for additional interpretation, as provided in subsection (c), for an immediate family member of a principal party in interest.

(e) *Persons who are not to be appointed as interpreters.*—Under no circumstances should the presiding judicial officer appoint a family member of the person with limited English proficiency or person who is deaf or hard of hearing, a witness, party, or other persons who may have an interest in the outcome of a judicial proceeding or those who may be perceived to have an interest in the outcome (e.g., police officers, sheriff's deputies, constables, lawyers in the case, advocates assisting the parties, etc.) to act as an interpreter for that person.

#### Comment

Subsection (a) authorizes the presiding judicial officer to appoint a certified interpreter after the steps outlined in §§ 202, 203, and 204 have been taken. If the judicial proceeding is conducted in a court of record, the formal appointment of either a certified interpreter or an otherwise qualified interpreter should always be done on the record at the first appearance of the interpreter at the proceeding.

Subsection (c) recommends the appointment of a team of interpreters if the judicial proceeding is a trial, is likely to be more than two hours in duration, or, in the case of a deaf or hard of hearing person, whenever the limitations and particularities of the person's form of communication require it (such as when the deaf or hard of hearing person is a foreign national who does not communicate in any of the forms of sign language spoken in this country). In addition, judicial officers should be aware that accuracy of interpretation can decline substantially after 30 minutes of continuous interpretation and should provide the interpreter with regular breaks accordingly.

§ [ 204 ] 206. Replacement or Removal of Interpreter.

(a) The presiding judicial officer shall dismiss an interpreter and obtain the services of another interpreter in accordance with this chapter if the interpreter:

(1) fails to follow the standards prescribed by law, by the Rules of Professional Conduct for Judiciary Interpreters established by the Court Administrator or the NAD-RID code of professional conduct or any other professional organization regulating the interpreter, by engaging in conduct such as, but not limited to:

(i) knowingly and willfully making false, misleading, or incomplete interpretation while serving in an official capacity;

(ii) knowingly and willfully disclosing confidential or privileged information obtained while serving in an official capacity;

(iii) failing to reveal potential conflicts of interest;

(iv) misrepresenting his or her credentials; or

(v) failing to appear as scheduled without good cause.

(2) is unable to effectively communicate with the presiding judicial officer or the person with limited English



proficiency or the person who is deaf or hard of hearing, including where the interpreter self-reports such inability.

(b) In the event a presiding judicial officer removes an interpreter for the grounds specified in subsection (a)(1), he or she shall notify the Court Administrator.

#### Comment

Subsection (b) requires that a presiding judicial officer inform the Court Administrator whenever an interpreter has to be removed for failing to follow standards prescribed by law or the Rules of Professional Conduct for Judiciary Interpreters established by the Court Administrator, the NAD-RID code of professional conduct or any other professional organization regulating the interpreter. This mandatory reporting requirement allows the Court Administrator to enforce the applicable standards and Rules of Professional Conduct for Judiciary Interpreters. In addition to reporting violations resulting in removal of a court interpreter, the presiding judicial officer is encouraged to report any other suspected violations of legal standards, the Rules of Professional Conduct for Judiciary Interpreters, failure to follow Interpreter Certification Program guidelines, the Sign Language Interpreter and Transliterator State Registration Act, 63 P.S. § 1725.1 *et seq.*, and the standards of the Department of Labor and Industry's Office of the Deaf and Hard of Hearing (ODHH), even if the suspected violations are not sufficient to cause the presiding judicial officer to remove the interpreter.

### Subchapter 3. CERTIFICATION REQUIREMENTS.

#### § 301. Interpreter Certification Requirements.

To become certified or otherwise qualified, interpreters shall meet the requirements set forth in this chapter.

#### § 302. Registration.

All interpreters must register with the [ **Interpreter Certification Program** ] **ICP** by completing a registration form. Registration is free and indicates the interpreter's willingness to become certified according to program guidelines. Sign language interpreters must also register with the Office for the Deaf and Hard of Hearing (ODHH) within the Department of Labor and Industry of the Commonwealth as required by the Sign Language Interpreter and Transliterator State Registration Act, 63 P.S. § 1725.1 *et seq.* if they hold a Registry of Interpreters for the Deaf (RID) or National Association of the Deaf (NAD) certificate.

#### Comment

[ **As of January 1, 2010, only** ] **Only** registered interpreters who have attended an orientation workshop, passed the written examination, and passed [ **the simultaneous part of** ] **all three parts of the** oral examination [ , ] can work in the Unified Judicial System [ **pending the outcome of their certification process** ] (**UJS**). Registration forms are available on the [ **ICP web site: [www.pacourts.us/t/aopc/courtinterpreterprog](http://www.pacourts.us/t/aopc/courtinterpreterprog)** ] **Language Access & Interpreter page of the UJS website, <http://www.pacourts.us>**.

#### § 303. Orientation Workshop.

Interpreters must attend a two-day orientation workshop sponsored by the ICP. Schedule A of these regulations contains a list of the topics covered by the orientation workshop.

#### § 304. Examinations.

(a) *Written examination.*—After completing the orientation workshop, interpreters are eligible to take the writ-

ten examination. The written exam is designed to measure the interpreter's general English language proficiency and usage, knowledge of court-related terms, and familiarity with ethical and professional conduct.

(1) *Multiple choice.*—The first part of the written examination consists of multiple-choice questions. All interpreters, regardless of the language they interpret, must take the multiple choice part of the examination. Schedule B of these regulations discusses the number of questions on the multiple choice portion of the examination and the minimum number of questions that must be answered correctly for an interpreter to pass.

(2) *Foreign Language Assessment Exercise.*—Interpreters who interpret languages for which there is a full or abbreviated oral proficiency examination must also take and pass a foreign language assessment exercise. Interpreters who interpret in more than one language for which a full or abbreviated oral examination exists must take the foreign language assessment exercise for each language. Interpreters must pass both the multiple-choice examination and the foreign language assessment exercise.

If no full or abbreviated oral exam exists in any of an interpreter's working languages, he or she is not required to take the foreign language assessment exercise. Sign language interpreters are exempt from taking the foreign language assessment exercise.

#### Comment

Interpreters are advised to take the foreign language assessment exercise in the language in which they are most fluent first. Subsequently, when attempting to become certified in a second language they must take the foreign language assessment exercise for that language before taking the oral exam. Schedule B of these regulations discusses the content, passing requirements, and time allotted for the foreign language assessment exercise. Schedule C contains a list of languages for which full or abbreviated oral proficiency examinations exist.

(b) *Oral proficiency examination.*—

(1) *Foreign language interpreters.*—Interpreters who pass the written examination must next take an oral proficiency examination. The type and format of the proficiency examination depends on the language interpreted and whether there is a full or abbreviated proficiency examination available in that language. Interpreters who interpret more than one language must be certified in each language.

(i) *Languages for which there is a full or abbreviated oral proficiency examination.*—Interpreters who interpret languages for which there is a full or abbreviated oral proficiency examination must take and pass all available parts in order to become certified. Where there is only an abbreviated examination, the interpreter must pass the available parts and agree to take the remaining parts when available in order to remain certified. Schedule C of these regulations details the contents of the full oral proficiency examination and provides lists of languages for which there is a full or abbreviated oral proficiency examination.

(ii) *Languages for which there is no oral proficiency examination.*—To demonstrate linguistic proficiency, interpreters of languages for which there is no full or abbreviated oral performance examination must comply with one or more of the following requirements:

(A) pass an oral proficiency interview in their foreign language in which the interpreter's foreign language

skills are evaluated by expert raters during the course of a telephone based interview session. Details of the oral proficiency interview are contained in Schedule C of these regulations;

(B) pass an oral English proficiency [ **interview and/or Test of English as Foreign Language (TOEFL) ] exam such as the Versant Spoken English language test. When an interpreter's English language skills are deemed insufficient, he or she may be asked to take and pass an English proficiency interview at the superior level [ and/or a TOEFL ] at the discretion of the ICP; [ or ] and**

(C) agree to take a full or abbreviated test when available.

(iii) *Administration of oral proficiency examinations.*—The oral proficiency examination must be taken and passed in the manner, and within the time periods, described in Schedule C of these regulations.

(iv) *Retaking the oral proficiency examination.*—Interpreters who fail any portion of the oral proficiency examination may retake it in the manner described in Schedule C of these regulations.

(2) *Sign language interpreters.*—After attending the orientation workshop and passing the multiple-choice part of the written exam, sign language interpreters must comply with the following requirements in lieu of an oral examination:

(i) be certified by RID or NAD;

(ii) provide proof of RID or NAD certifications (proof shall consist of a copy of the interpreter's certificates and a valid active membership card, or a letter from RID or NAD certifying the results of the proficiency examination and status); and

(iii) hold a relevant RID or NAD certificate for legal interpretation as determined by the Court Administrator. A list of relevant RID or NAD certificates for legal interpretation can be found in Schedule C of these regulations.

### § 305. Criminal Background Check.

All interpreters who have satisfactorily completed the oral proficiency requirements shall be subject to a criminal background check performed through the [ **Administrative Office of Pennsylvania Courts** ] **AOPC**. The following constitute grounds for failing the background check:

(a) conviction of any type of felony or a misdemeanor involving fraud, dishonesty, corruption, moral turpitude, or false statements; or

(b) any conviction related to [ **ethical violations and** ] the functions and duties of a court interpreter.

### § 306. Interpreter Classification.

In general, there are two broad categories of interpreters: certified and otherwise qualified. For certification purposes, interpreters are divided into three groups: (1) those who interpret in a language for which a full or abbreviated oral proficiency examination exists; (2) those who interpret in a language for which there is no oral proficiency examination; and (3) sign language and deaf interpreters. The classifications and certification criteria are subject to modification, revision and change. Schedule D of these regulations contains tables detailing the current classification of the three certification groups.

### Comment

The classifications and certification criteria are subject to modification, revision and change based on developments such as the availability of new performance tests, the effectiveness or development of evaluation tools, reconsideration of the skill level represented by the various categories, and other related factors. Therefore, these classifications should not be viewed as definitive or permanent, especially for those in the otherwise qualified category.

### § 307. Interpreter Rules of Professional Conduct.

All interpreters must sign a statement that they will abide by the Rules of Professional Conduct for Judiciary Interpreters.

### Comment

A copy of the Pennsylvania Rules of Professional Conduct for Judiciary Interpreters may be found in Schedule F of these regulations.

### § 308. Age Requirement.

To be certified, an interpreter must be at least 18 years of age and agree to provide proof of age if requested by any court official or member of the ICP.

### § 309. Fees.

Interpreters shall pay all fees required during the certification process and in the future for the renewal of their certification status, and any other fees imposed for the completion of any mandated program requirements. Fees will be waived for staff interpreters employed full time by any judicial district in Pennsylvania. Schedule E of these regulations contains a table of the current ICP fees.

### § 310. Renewal of Certification.

All interpreters must renew their certification every two years, from the date the interpreter was placed on the roster, by doing all of the following:

(a) Complete 16 continuing education (CE) units within the two-year compliance period. CE [ **credits** ] **units** may be obtained by: taking training or skill development workshops sponsored by institutes and professional organizations; taking academic courses in accredited colleges or universities in areas relevant to court interpreting; presenting as faculty in courses, workshops or seminars on topics related to interpreting such as skill building, ethics, and professional issues; or teaching an academic course in an accredited college or university on a subject related to courts, legal interpreting, or their language of expertise. All CE units must be approved in advance by the program administrator.

(b) Be free of any revocation or suspension under § 402 [ **of these regulations** ] (relating to **suspension or revocation of certification and roster status**) or any similar sanction in any other jurisdiction.

(c) Undergo a new criminal background check when applying for renewal. Interpreters who have been found guilty of a major felony or crime will be denied renewal of their credentials. Misdemeanor offenses will be evaluated on a case-by-case basis to determine if they constitute a violation of the Rules of Professional Conduct for Judiciary Interpreters.

(d) Pay the renewal fee.

### § 311. Waiver and Reciprocity of Examination Requirements.

(a) Interpreters certified in another [ **Consortium member** ] state **that is a member of the National**

**Center for State Courts' (NCSC) Language Access Services Section.**—Any interpreter who has successfully completed all the requirements of the oral proficiency examination administered in accordance with the standards of [ **the Consortium for State Court Interpreter Certification in another Consortium** ] **another NCSC Language Access Services Section** member state may apply for reciprocity. The interpreter must have obtained a minimum of 70 percent of all parts of the oral proficiency examination and obtain a letter from the [ **State's** ] **state's** program manager certifying the results. These interpreters must also comply with all additional program requirements.

(b) Interpreters holding Federal [ **or NAJIT certifications** ] **certification.**—Interpreters holding [ **either the** ] **a valid** Federal Court Interpreter credential [ **or the National Association of Judiciary Interpreters and Translators (NAJIT) certification** ] will be granted reciprocity under the same conditions explained above with regard to other [ **Consortium** ] **NCSC Language Access Services Section** member states. These interpreters must also comply with all additional program requirements.

#### Subchapter 4. DISCIPLINARY PROCEDURES

##### § 401. Scope.

These procedures apply only to interpreters who are included on the roster maintained by the [ **Interpreter Certification Program (ICP)** ] **ICP.** Staff interpreters who are employees of their respective judicial districts may also be subject to additional personnel and human resources policies in the districts where they are employed.

These procedures apply to complaints about roster interpreters who have allegedly engaged in unethical or unprofessional conduct in the course of performing their interpreter duties and, in some instances, of unethical conduct outside the scope of interpreting.

##### Comment

**Separate and distinct from the procedures under this chapter is the Language Access Complaint Form, available on the Language Access & Interpreter Program page of the UJS website, <http://www.pacourts.us>. Anyone can utilize the Language Access Complaint Form to make the court aware of other language access problems, such as where no interpreter is provided.**

##### § 402. Suspension or Revocation of Certification and Roster Status.

The following shall constitute grounds for disciplinary action against interpreters registered with the ICP. Certified, otherwise qualified or registered status may be suspended or revoked for any of the following reasons:

- (a) violation of the Rules of Professional Conduct for Judiciary Interpreters;
- (b) conviction of a felony or misdemeanor involving moral turpitude, dishonesty, or false statements;
- (c) fraud, dishonesty, or corruption related to the functions and duties of a court interpreter;
- (d) knowing misrepresentation of court certification or roster status;
- (e) knowing and willful disclosure of confidential or privileged information obtained while serving in an official capacity as a court interpreter;

- (f) unprofessional or unethical conduct;
- (g) fraud or misrepresentation in obtaining or renewing certification status;
- (h) non-compliance with continuing education requirements;
- (i) non-payment of renewal fees; or
- (j) disciplinary action taken in conjunction with the interpreter's services in another jurisdiction.

##### § 403. Reporting of Arrest or Discipline.

An interpreter who is arrested in any jurisdiction or has been disciplined by the interpreter program of any other jurisdiction shall report the arrest or discipline to the ICP within forty-eight hours of the arrest or receiving notification of the discipline and shall provide, upon request of the ICP, any pertinent information related to the arrest or discipline.

##### § 404. Disciplinary Procedures.

(a) *Lodging a complaint against an interpreter subject to these procedures.*—A complaint must be submitted to the ICP in writing on a standard complaint form signed by the complainant. The complaint shall include a description of the alleged improper activity and the identity of any witnesses. Any person, including the ICP Administrator, may initiate a complaint.

(b) *Review of Complaint.*—The ICP Administrator will review the complaint and determine whether the allegations, if true, constitute grounds for disciplinary action pursuant to § 402 [ **of these regulations** ] (**relating to suspension or revocation of certification and roster status**). If the ICP Administrator determines that the complaint does not allege conduct that constitutes grounds for discipline, the complaint shall be dismissed and both the complainant and the interpreter will be notified. If the ICP Administrator determines that sufficient grounds for discipline exist, a copy of the complaint will be sent to the interpreter.

(c) *Response.*—Upon receipt of a copy of the complaint, the interpreter may submit a written response to the ICP Administrator within 20 days. Failure to respond will be deemed an admission of the violations alleged in the complaint. The ICP Administrator will then apply whatever sanctions are considered to be appropriate.

(d) *Investigation.*—When the interpreter submits a timely response to the complaint, the ICP Administrator shall conduct an investigation. The ICP Administrator may contact the interpreter, the complainant and any other person deemed to have relevant information, and use any reasonable means necessary to ascertain the facts and investigate the allegations. The ICP Administrator may also meet with the parties in an attempt to resolve the matter informally. Such a resolution may or may not include sanctions as agreed to by the parties.

(e) *Determination.*—If, at the conclusion of the investigation, the ICP Administrator determines that no conduct occurred that constitutes ground for discipline, the complaint shall be dismissed and both the complainant and the interpreter shall be notified. The notification shall include an explanation of the reason(s) for the ICP Administrator's determination.

When, after an investigation, the ICP Administrator determines that a violation of the Rules of Professional Conduct for Judiciary Interpreters has occurred and that sufficient grounds exist to support the allegations in the complaint, the ICP Administrator will submit a report of



the findings in writing to the complainant and the interpreter including which policies have been violated and whatever sanctions are considered to be appropriate.

(f) *Petition for review.*—If the interpreter disagrees with the ICP Administrator’s findings and proposed sanctions and wants to contest them, the interpreter shall submit a petition for review in writing to the Court Administrator within 20 days of receiving the ICP Administrator’s report and proposed sanctions. The petition shall briefly state the facts that form the basis for the initial complaint and the interpreter’s reasons for disagreeing with the ICP Administrator’s findings or proposed sanctions. A copy of the petition shall be provided to the ICP Administrator. Failure to file a petition for review in a timely manner will be deemed an admission of the violations alleged in the complaint and the ICP Administrator will implement the recommended sanctions.

(g) *Hearing.*—If the interpreter contests the findings of the ICP Administrator’s report or disagrees with the recommended sanctions and submits a timely petition for review as provided in [ § 404(f) ] **subsection (f)**, the interpreter may request, and shall be given, a hearing before a hearing officer designated by the Court Administrator. A request for a hearing must be included in the petition for review.

If the interpreter requests a hearing in a timely manner, the hearing shall be held within 60 days from the date on which the petition is received by the Court Administrator. The following conditions will apply at the hearing.

(i) *Legal representation.*—The interpreter may be represented by counsel. The interpreter shall be responsible for all of his or her costs and expenses including attorney’s fees.

(ii) *Pre-hearing discovery.*—Pre-hearing discovery shall not be permitted unless expressly authorized by the hearing officer in response to a written request.

(iii) *Rules of evidence.*—Strict rules of evidence shall not apply. The hearing officer may, in his or her discretion, consider any evidence presented, including affidavits, and give such evidence the weight he or she deems appropriate.

(iv) *Reporting of [ hearings ] hearing.*—A record of the hearing shall be made.

(v) *Confidentiality.*—Hearings shall be private and confidential, except upon request of the interpreter facing the allegations. Complainants, however, shall be entitled to attend the hearing.

(vi) *Hearing procedure.*—At the hearing, both the ICP Administrator and the interpreter shall be afforded the opportunity to introduce documents and other relevant evidence and to elicit sworn testimony. The hearing officer may, at his or her discretion, call witnesses, and consider or clarify evidence presented, giving such evidence the weight he or she deems appropriate.

(h) *Decision.*—Within 60 days after the hearing, the hearing officer shall advise the interpreter and the complainant via certified United States mail of his or her

action on the complaint. If the hearing officer’s action includes sanctions, the hearing officer shall specifically enumerate the sanctions [ , ] **and** the reason for such sanctions [ **and the interpreter’s right to appeal** ]. If the sanctions include suspension or revocation of the interpreter’s certification or roster status or placing the interpreter in a lower qualification or skill level on the roster, the hearing officer shall specify the conditions and timeframe within which the interpreter may apply for reinstatement of his or her prior certification or roster status and any conditions that must be met.

#### § 405. Disciplinary Dispositions.

(a) *Burden of Proof.*—If the hearing officer finds that there is clear and convincing evidence that the interpreter has violated the interpreter Rules of Professional Conduct for Judiciary Interpreters, or that there are any other grounds for discipline as stated in § 402 [ **of these regulations** ] (**relating to suspension or revocation of certification and roster status**), the hearing officer shall impose such discipline or sanctions as he or she may deem appropriate. In determining the type of sanction, the hearing officer shall consider the nature and seriousness of the violation, any pattern of improper activity, the effect of the improper activity on the court system and/or the complainant, the amount of experience of the interpreter, and any other mitigating or aggravating information presented.

(b) *Notification.*—All decisions of the hearing officer shall be in writing and maintained on file with the ICP and, if adverse to the interpreter, shall contain factual findings supporting the decision. A copy of the decision shall be sent to the interpreter via certified United States Mail to the latest address listed with the ICP and by mail to the complainant.

(c) *Sanctions.*—Sanctions may consist of, but are not limited to, one or more of the following:

- (i) issuing a private or public reprimand;
- (ii) requiring that specific remedial education courses be taken;
- (iii) requiring that one or more portions of the certification examination or the certification requirements be successfully taken or retaken;
- (iv) requiring that the interpreter’s work be supervised;
- (v) limiting the scope of practice or services the interpreter can provide;
- (vi) placing the interpreter at a lower qualification or skill level on the roster;
- (vii) requiring restitution, costs, or expenses to be paid;
- (viii) suspension of certification and/or roster status for a period not to exceed one year; or
- (ix) revocation of certification or roster status.

#### § 406. Reinstatement.

An interpreter whose certification or roster status has been suspended for a period exceeding one year, or whose certification or roster status has been revoked, may not resume work in any area related to legal interpreting within the Unified Judicial System without first applying for reinstatement.

(a) *Time for filing application for reinstatement.*—An interpreter whose certification or roster status has been

revoked may not apply for reinstatement until the expiration of at least two years from the effective date of revocation of his or her certification or roster status, or any other specific [ **time frame** ] **timeframe** established by the revocation decision. An interpreter whose certification or roster status has been suspended may apply for reinstatement no earlier than ninety days before the end of the suspension period. An interpreter whose certification or roster status is suspended or revoked based on disciplinary action imposed by a foreign jurisdiction may apply for reinstatement at any earlier date on which reinstatement may be sought in the jurisdiction of initial discipline.

(b) *Form and content of the application for reinstatement.*—The application for reinstatement shall be in writing and addressed to the ICP Administrator. The application shall explain why the interpreter believes that he or she should be reinstated and shall include proof of compliance with any conditions imposed as a condition for reinstatement.

(c) *Disposition of the application for reinstatement.*—Within 60 days of receiving the application for reinstatement, and after reviewing and analyzing the merits of the case, the ICP Administrator shall make a recommendation to the Court Administrator on whether or not the interpreter should be reinstated. The recommendation should explain the basis for the recommendation. The decision to grant or deny such a request shall be at the sole discretion of the Court Administrator who can impose any additional conditions upon reinstatement as he or she may deem appropriate.

#### § 407. Confidentiality.

(a) When a disciplinary proceeding is either dismissed or results in a private reprimand, all records of the proceeding shall remain confidential unless otherwise provided for in this chapter. Otherwise, all such records shall become public whenever the decision becomes final.

(b) Complaints submitted to the ICP Administrator shall be confidential unless they result in formal disciplinary action.

(c) All communications to the Court Administrator, ICP Administrator, hearing officers, attorneys or counsel for the parties and staff, and all testimony given during a hearing pursuant to this disciplinary procedure relating to conduct for which an interpreter could be suspended, have his or her certification revoked or be otherwise disciplined, shall be privileged.

### Schedule A

#### Interpreter Orientation Workshop

#### Topics Covered by the Interpreter Orientation Workshop

1. Interpreting as a Profession.
2. Description of the Pennsylvania Judicial System.
3. Ethics and Professional Development.
4. Interpreting Skills and Modes of Interpretation.
5. Preparing for the Written and Oral Examinations.

Interpreters will also receive training materials, information about resources, legal glossaries and study tips at the Interpreter Orientation Workshop.

#### Faculty for the Interpreter Orientation Workshop

The Interpreter Orientation workshops will be taught by qualified professional trainers who are [ **Federally** ]

**federally** and RID certified interpreters and possess vast experience in the field of legal interpreting.

### Schedule B

#### Written Interpreter Certification Examination

**Multiple Choice: questions; passing requirements; time allotted.**

The first part of the written examination consists of 135 multiple-choice questions. In order to pass the multiple-choice part, 80 percent (108 questions) must be answered correctly. Examinees are allotted two hours and fifteen minutes to complete the multiple-choice part of the test.

**Foreign Language Assessment Exercise: questions; passing requirements; time allotted.**

For the Foreign Language Assessment Exercise, the interpreter must translate ten items from English into the target language. The foreign language assessment will be administered the same day, immediately after the multiple-choice part of the examination, and will be rated on a pass/borderline pass/not pass basis. Examinees will have [ **45 minutes** ] **1 hour** to translate the ten items.

### Schedule C

#### Oral Proficiency Examination

#### Content of the Full Oral Proficiency Examination.

The full oral proficiency exam consists of three parts: simultaneous interpretation, consecutive interpretation, and sight translation. For languages in which there is only an abbreviated exam, one or more of these segments has not yet been developed.

**1. Simultaneous interpreting.** The interpreter listens through headphones to a [ **CD** ] recording of a simulated attorney's opening or closing statement to a judge or jury, a judge instructing a jury, or the cross-examination of a witness. The interpreter interprets aloud what he or she hears over the headset. This mode of interpreting simulates many situations interpreters encounter in courtrooms while interpreting for defendants during procedural hearings and trials. The statement is approximately 800 to 850 words in length, is recorded at an approximate speed of 120 words per minute, and is about seven minutes long.

**2. Consecutive interpreting.** The interpreter interprets English language statements into the foreign language and foreign language responses into English. In consecutive interpreting the interpreter must wait until the speaker finishes the utterance before beginning to deliver the interpretation. This is the appropriate type of interpreting for non-English speaking witnesses, and other question-and-answer situations involving [ **limited English proficient** ] **LEP** persons. The segments are pre-recorded [ **on a CD** ] and the interpreter may ask to have two of the segments repeated.

**3. Sight translation.** The interpreter is asked to interpret one document from English into the foreign language and another from the foreign language into English. Each document is approximately 225 words in length and the interpreter is allowed six minutes to interpret each document.

#### Languages for which there are Full or Abbreviated Oral Proficiency Examinations.

**1. Full examination:** Arabic [ **(Modern Standard)** ], Cantonese, **Filipino (Tagalog)**, French, Haitian Creole, Hmong, [ **Ilocano, Italian** ] **Khmer**, Korean, [ **Lao-**

tian, ] Mandarin, [ **Marshallese,** ] Polish, Portuguese, Russian, [ **Somali,** ] Spanish, and Vietnamese

2. **Abbreviated examination:** [ **Arabic (Egyptian Colloquial), Bosnian, Chuukese, Croatian, German, Serbian,** ] **Bosnian/Croatian/Serbian,** and Turkish

**Oral Proficiency Interview for Languages in Which There is no Full or Abbreviated Oral Proficiency Examination.**

Oral proficiency interviews were developed by the American Council on the Teaching of Foreign Languages (ACTFL) for evaluating the language communication skills of speakers of foreign languages and are administered by Language Testing International (LTI). There are over 50 languages available and the interpreter must perform at the superior level to pass. The interpreter travels to a location with secure access to a phone line and, after providing a valid picture ID and other verifying information, the interpreter is placed in a room where the interview is administered over the telephone. The results are reported to the ICP and the interpreter.

**Administration of Oral Proficiency Examinations.**

1. **Full oral proficiency examination.** Interpreters in languages for which there is a full oral proficiency exam will first be given the simultaneous part of the examination. After passing the simultaneous part, they will sit for the consecutive and sight portions at a subsequent date. The consecutive and the sight portions of the examination must be completed within one year from the date on which they took and passed the simultaneous portion. Interpreters will be allowed to carry forward the score of any portions they have passed for a maximum of two years. The same version of the examination can be taken a maximum of two times and the examination cannot be repeated more than once in a [ **ten-month** ] **six-month** period.

2. **Abbreviated oral proficiency examination.** Interpreters in languages for which only an abbreviated examination exists will be given the simultaneous portion first, if there is one. If no simultaneous part exists, they will take whatever portions are available, either the consecutive part, the sight part, or both. The scores of any portion passed can be carried forward for a maximum

of two years. The same version of the examination can be taken a maximum of two times and the examination cannot be repeated more than once in a [ **ten-month** ] **six-month** period.

**Retaking Part of the Oral Proficiency Examination.**

Interpreters who fail the simultaneous part may retake the examination again [ **at any time** ]. However, [ **it is recommended that they allow themselves at least six to eight months** ] **they must wait six months in order** to practice and develop their skills before attempting to retake the examination. If after passing the simultaneous part the interpreter fails either the consecutive or the sight portions, they must retake and pass whichever part they failed within one year. This is because interpreters must pass all three parts of the oral proficiency examination within one testing cycle, which consists of two years. The testing cycle requirement is not triggered until the interpreter passes the simultaneous portion.

Interpreters of languages for which there is only an abbreviated oral proficiency examination must also complete the remaining parts within one testing cycle after passing the simultaneous part, if there is one. If no simultaneous part exists, the interpreter must take whatever parts are available within one testing cycle. The testing cycle requirement is not triggered until the interpreter passes at least one part of the available parts of the oral proficiency examination that are available.

**RID or NAD Certificates for Legal Interpretation.**

- Specialist Certificate—Legal (SC-L)
- Combined Certificate of Interpretation and Transliteration (CI/CT)
- Comprehensive Skills Certificate (CSC)
- National Interpreter Certification (NIC)
- Certified Deaf Interpreter (CDI)
- Conditional Legal Interpreting Permit-Relay (CLIP-R)
- Individual CI or CT
- NAD V Master
- NAD IV Advanced.

**Schedule D**

**Interpreter Classification Tables**

**1. Interpreters Working in a Foreign Language for Which There is a Full or Abbreviated Oral Proficiency Examination.**

CRITERIA	CLASSIFICATION			
	Certified		Otherwise Qualified	
	Master	Certified	Qualified	Conditional
Written Exam	85% or higher	80% or higher	80% or higher	80% or higher
Simultaneous	85% or higher	70% or higher	60% or higher	50% or higher
Consecutive	85% or higher	70% or higher	60% or higher	50% or higher
Sight (Eng./FL)	85% or higher average but no lower than 80% in each part	70% or higher average but no lower than 65% in each part	60% or higher average but no lower than 55% in each part	50% or higher
Sight (FL/Eng.)	85% or higher average but no lower than 80% in each part	70% or higher average but no lower than 65% in each part	60% or higher average but no lower than 55% in each part	50% or higher



**2. Interpreters Working in a Foreign Language for Which There is no Full or Abbreviated Oral Proficiency Examination.**

CRITERIA	CLASSIFICATION	
	Otherwise Qualified	
	Registered	Conditional
Written Exam	80% or higher	80% or higher
Oral Proficiency Interview	Superior Level	No Oral Proficiency Interview available
English Oral Proficiency Test	[ Superior Level (if necessary) ] <u>Versant English Test Passing score 47</u>	[ Superior Level (if necessary) ] <u>Versant English Test Passing score 47</u>
[ TOEFL (written test) ]	[ Pass (if necessary) ]	[ Pass (if necessary) ]
Other	Pass oral proficiency test in their language when available	Pass oral proficiency test in their language when available

**3. Sign Language Interpreters and Interpreters for the Deaf.**

CRITERIA	CLASSIFICATION			
	Certified		Otherwise Qualified	
	Master	Certified	Qualified	Registered
Written Exam	85% or higher	80% or higher	80% or higher	80% or higher
RID Certification	SC/L	CI/CT, CDI, CLIP-R, CSC, NIC	CI or CT, or any other relevant	Any other relevant RID certificate
NAD Certification	None	NAD V	NAD IV	Any other relevant NAD certificate
Register with ODH	Yes	Yes	Yes	Only if holding a RID certificate
Attempt to obtain relevant legal certificate	Not applicable	As necessary	As necessary	As necessary
Provide evidence of certification	Yes	Yes	Yes	Yes

**Schedule E**

**Interpreter Certification Program Fees**

Event	Applies To	In-State	Out-of-State
Registration	All interpreters	No charge	No charge
Orientation Workshop	All interpreters	\$150	\$175
Written Examination	All interpreters (except those qualifying for reciprocity)	\$50	\$75
<b>Language Assessment Exercise Retakes</b>	<b>Interpreters in languages with a full or abbreviated NCSC test</b>	<b>\$25</b>	<b>\$25</b>
Oral Exam—Simultaneous	Interpreters in languages with a full or abbreviated NCSC test (except those who qualify for reciprocity)	\$100	\$125
Oral Exam—Consecutive & Sight	Interpreters in languages with a full or abbreviated NCSC test (except those who qualify for reciprocity)	\$150	\$175
<b>Oral Exam—Full test</b>	<b>Interpreters in languages with a full NCSC test (except those who qualify for reciprocity)</b>	<b>\$250</b>	<b>\$300</b>

<i>Event</i>	<i>Applies To</i>	<i>In-State</i>	<i>Out-of-State</i>
<b><u>Oral Exams Retakes— Any one part</u></b>	<b><u>Interpreters in languages with a full or abbreviated NCSC test (except those who qualify for reciprocity)</u></b>	<b><u>\$100</u></b>	<b><u>\$125</u></b>
<b><u>Oral Exams Retakes— Any two parts</u></b>	<b><u>Interpreters in languages with a full or abbreviated NCSC test (except those who qualify for reciprocity)</u></b>	<b><u>\$150</u></b>	<b><u>\$175</u></b>
Oral Proficiency Interview	Interpreters [ of ] in languages for which there is no [ Consortium ] NCSC full or abbreviated oral exam	[ \$143 ] <u>\$139</u>	[ \$143 ] <u>\$139</u>
<b><u>Versant English Test</u></b>	<b><u>Interpreters in languages for which there is no NCSC full or abbreviated oral exam</u></b>	<b><u>\$32.95</u></b>	<b><u>\$32.95</u></b>
Registration of RID or NAD certifications	Sign language interpreters only	\$25	\$25
Background check	All interpreters	No charge	No charge
Registration of out-of-state certification	Interpreters applying for reciprocity	\$25	\$25
Renewal of certification (every two years)	All interpreters	\$25	\$25

**Schedule F**

**Pennsylvania Rules of Professional Conduct for  
Judiciary Interpreters**

**Legal Authority**

In accordance with Act 172 of 2006 (42 Pa.C.S. §§ 4411(e) and 4431(e)), the Court Administrator of Pennsylvania hereby establishes these Rules of Professional Conduct for Judiciary Interpreters in the Unified Judicial System of Pennsylvania.

**Preamble**

Many persons who come before the courts are partially or completely excluded from full participation in the proceedings due to limited English proficiency (LEP) or [ a ] **because they are** speech **impaired** or [ **hearing impairment** ] **have a hearing loss**. It is the Court's intention to remove this communication barrier in order to provide equal access and due process so that these persons are placed in the same position as similarly situated persons for whom there is no such impediment. As officers of the court, interpreters help assure that such persons may enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively. Interpreters are highly skilled professionals who fulfill an essential role in the administration of justice. In their capacity as officers of the court, court interpreters are bound by rules of professional conduct.

**Applicability and Enforcement**

These rules shall guide and be binding upon all persons, agencies and organizations who administer, supervise, deliver, or attempt to become certified to deliver, interpreting services to the Judiciary. It shall govern the conduct of persons who are employed, under contract or otherwise appointed by the Judiciary to interpret, transcribe, [ translate ] or deliver foreign and sign lan-

guage interpreting services to the judicial system. This shall include persons who offer their services free of charge or on a volunteer basis.

Violations of these rules may result in the interpreter being removed from a case, being suspended, being denied future appointments by the courts, losing certification if the interpreter has been certified pursuant to Act 172 and the Administrative Regulations Governing Court Interpreters for Persons with Limited English Proficiency and for Persons who are Deaf or Hard of Hearing or any other sanctions deemed appropriate by the Court Administrator of Pennsylvania. The Court Administrator is authorized to adopt policies and procedures necessary to enforce these rules.

**RULE 1: REPRESENTATION OF QUALIFICATIONS.**

**Interpreters shall accurately and completely represent their certifications, training and pertinent experience.**

**Comment**

Acceptance of a case by an interpreter conveys linguistic competency in legal settings. Withdrawing or being asked to withdraw from a case after it begins causes a disruption of court proceedings and is wasteful of scarce public resources. It is therefore essential that interpreters present a complete and truthful account of their certification, training and experience prior to appointment so the officers of the court can fairly evaluate their qualifications for delivering interpreting services.

**RULE 2: ACCURACY AND COMPLETENESS.**

**Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without embellishment or explanation.**

### Comment

The interpreter has a twofold duty: (1) to ensure that the proceedings in English reflect precisely what was said by the [ **limited English proficient (LEP) person or LEP, speech [ or hearing impaired person, ] impaired, or hard of hearing person;** and (2) to place the LEP [ or ], speech [ or hearing impaired person ] **impaired, or hard of hearing person** on an equal footing with those who understand English. This creates an obligation to conserve every element of information contained in a source language communication when it is rendered in the target language.

Therefore, interpreters are obligated to apply their best skills and judgment to preserve faithfully the meaning of what is said in court, including the style and register of speech. Verbatim or literal oral interpretations are not appropriate when they distort the meaning of the source language, but every spoken statement, even if it appears non-responsive, obscene, rambling or incoherent should be interpreted. This includes apparent misstatements.

Interpreters should never interject their own words, phrases or expressions. They should convey the emotional emphasis of the speaker without reenacting or mimicking the speaker's emotions or dramatic gestures.

Sign language interpreters, however, *must* employ all of the visual cues that the language they are interpreting for requires—including facial expressions, body language and hand gestures. Sign language interpreters, therefore, should ensure that court participants do not confuse these essential elements of the interpreted language with inappropriate interpreter conduct.

The obligation to preserve accuracy includes the interpreter's duty to correct any error of interpretation discovered by the interpreter during the proceeding. Interpreters should also demonstrate their professionalism by objectively analyzing any challenge to their performance.

### **RULE 3: IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST.**

**Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias or favoritism. Interpreters shall disclose any real or perceived conflict of interest.**

### Comment

Interpreters serve as officers of the court and their main duty in court proceedings is to serve the court. This is true regardless of whether the interpreter is publicly retained at government expense or retained privately at the expense of one of the parties.

Interpreters should avoid any conduct or behavior that presents the appearance of favoritism toward any of the parties. Interpreters should maintain professional relationships with their clients and should not take an active part in any of the proceedings. The interpreter should discourage an LEP or speech **impaired person, or [ hearing impaired party's ] person with hearing loss's** personal dependence **on the interpreter.**

During the course of the proceedings, interpreters should not converse with parties, witnesses, jurors, attorneys or with friends or relatives of any party, except in

the discharge of their official functions. It is especially important that interpreters, who are often familiar with attorneys, courtroom staff and law enforcement officers, refrain from casual and personal conversations with anyone in court that may convey an appearance of a special relationship or partiality to any of the court participants.

The interpreter should strive for professional detachment. Verbal and non-verbal displays of personal attitudes, prejudices, emotions or opinions should be avoided at all times.

Should the interpreter become aware that a proceeding participant views the interpreter as having a bias or being biased, the interpreter should disclose that knowledge to the appropriate judicial authority and counsel.

Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest. Before providing professional services in a matter, interpreters must disclose to all parties any prior involvement, whether personal or professional, that could be reasonably construed as a conflict of interest. This disclosure should not include privileged or confidential information. The following circumstances are presumed to create actual or apparent conflicts of interest for interpreters and should preclude them from serving in any proceeding in which:

1. they are a friend, associate or relative of a party or counsel for a party involved in the proceedings;
2. they, their spouse, child or relative is a party to the proceeding or have a financial interest or any other interest that would be affected by the outcome of the proceeding;
3. they have been previously retained by a law enforcement agency to assist in the preparation of the criminal case at issue or have served in an investigative capacity for any party involved in the case; and
4. they have been involved in the choice of counsel or law firm for that case.

Interpreters should also disclose to the court and other parties when they have previously been retained for private employment by one of the parties in the case and should not serve in any matter in which payment for their services is contingent upon the outcome of the case.

An interpreter who is also an attorney should not serve in both capacities in the same matter. Similarly, attorneys, probation officers, investigators, police officers, sheriffs, therapists, social workers, advocates and other professionals should not interpret in any judicial proceeding or any court support service in which they are professionally involved with a party to the matter.

### **RULE 4: PROFESSIONAL Demeanor.**

**Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.**

### Comment

Interpreters should know and observe established protocol, rules and procedures for delivering interpreting services. They should speak at a rate and volume that enables them to be heard and understood throughout the courtroom, but their presence should otherwise be as unobtrusive as possible. They should not draw undue or



inappropriate attention to themselves and should dress in a manner that is consistent with the dignity of the proceedings and the court. Interpreters are encouraged to avoid personal or professional conduct that could discredit or be embarrassing to the court.

**RULE 5: CONFIDENTIALITY.**

**Interpreters shall protect the confidentiality of all privileged and other confidential information.**

**Comment**

Interpreters must protect and uphold the confidentiality of all privileged information obtained during the discharge of their duties. Privileged information refers to confidential information that is protected from disclosure by law or statute, as listed in 42 Pa.C.S. §§ 4415 and 4436 and § 103 of these Regulations. They must be familiar with and understand the rules applicable to the handling of privileged and confidential information. It is especially important that interpreters understand and uphold the attorney-client privilege, which requires confidentiality with respect to any communication between attorney and client. Interpreters must also refrain from repeating or disclosing information obtained in the course of their employment that may be relevant to the legal proceeding.

In the event that an interpreter becomes aware of information that suggests imminent harm to someone or relates to a crime being committed during the course of the proceedings, the interpreter should immediately disclose the information to an appropriate authority within the judiciary who *is not* a party in the proceeding and seek advice in regard to the potential conflict in professional responsibility.

**RULE 6: RESTRICTION FROM PUBLIC COMMENT.**

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

**Comment**

Even when communications are not privileged, interpreters should be mindful not to discuss a case while it is pending. An exemption to this rule would be if the interpreter is called upon to testify as a language expert. In such instances the interpreter should limit his or her opinion to strict matters of linguistic expertise such as the meaning and usage of specific words or culturally bound terms. When called upon to testify in court, the interpreter should request a ruling by the court upon the propriety of testimony on confidential matters. Also, if a disciplinary complaint or lawsuit arising out of interpretation services is filed against an interpreter, he or she may testify about relevant communications.

**RULE 7: SCOPE AND LIMITATIONS OF PRACTICE.**

**Interpreters shall limit themselves to interpreting, transliterating or translating and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting, transliterating or translating while serving as an interpreter.**

**Comment**

Since interpreters are responsible only for enabling others to communicate, they should limit themselves to

the activity of interpreting, transliterating or translating only. They should not take a primary role in such communications and may take a secondary role only as necessary for assuring an accurate and faithful interpretation, transliteration or translation.

Interpreters may assume a secondary role when they find it necessary to speak directly to the court to seek assistance in performing their duties, e.g., requesting that speakers moderate their rate of communication or repeat or rephrase a statement, correcting an interpreting error, or notifying the court of their reservations about their ability to satisfy an assignment competently.

Interpreters should avoid activities that may be reasonably construed to constitute the practicing of law, e.g., giving legal advice or answering parties' questions that would ordinarily be answered by an attorney. An interpreter may convey legal advice from an attorney to a person only while the attorney giving it is present.

Interpreters should not explain the purpose of forms and services or otherwise act as counselors, advisors or advocates unless they are interpreting for someone who is acting in that official capacity. The interpreter may translate language on a form for a person who is filling out the form, but may not explain the form or its purpose for such a person.

Interpreters should not personally serve to perform official acts that are the official responsibility of other court officials including, but not limited to, court clerks, pretrial release investigators, interviewers, probation officers, hearing officers, or counselors.

**RULE 8: ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE.**

**Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the court or other appropriate judicial authority.**

**Comment**

Interpreters should immediately notify the court if the communication mode or language of the LEP person cannot be readily interpreted or if the interpreter's language of expertise does not match that of the LEP person. They should also notify the court of any environmental or physical limitation that impedes or hinders their ability to deliver interpreting services adequately (e.g., too much noise in the courtroom, inability to hear the speaker or be heard by the LEP person, more than one person speaking at a time, or principals and witnesses speaking at a high rate of speed).

Sign language interpreters must ensure that they can both see and convey the full range of visual language elements necessary for communication, including facial expressions and body movement, as well as hand gestures.

Interpreters should inform the presiding officer of the need to take periodic breaks in order to maintain mental and physical alertness and prevent interpreter fatigue. They should also recommend and encourage the use of team interpreting whenever necessary.

Interpreters should refrain from accepting a case if they feel the language and subject matter is likely to

exceed their skills or capacities. Even competent and experienced interpreters may encounter cases in which routine proceedings suddenly involve technical or specialized terminology unfamiliar to them. Interpreters should feel no compunction about notifying the presiding officer if they feel unable to perform competently, due to lack of familiarity with terminology, preparation or difficulty in understanding a witness or defendant.

Finally, interpreters should notify the court of any personal bias they may have involving any aspect of the proceedings which may prevent them from performing their duties according to these rules. For example, an interpreter who has been the victim of a sexual assault may wish to be excused from interpreting in cases involving similar offenses.

**RULE 9: DUTY TO REPORT ETHICAL VIOLATIONS.**

**Interpreters shall report to the proper judicial authority any effort to impede their compliance with any law, any provision of these rules, or any other official policy governing court interpreting and legal translating.**

**Comment**

Because users of interpreting services frequently misunderstand the proper role of the interpreter, they may ask or expect the interpreter to perform duties or engage in activities that run counter to the provisions of these rules or other laws, regulations, or policies governing court interpreting. It is incumbent upon the interpreter to inform such persons of the interpreter's professional obligations. If after having been apprised of these obligations, the person persists in demanding that the interpreter violate them, the interpreter should inform a supervisor, the judge, the court or another official with jurisdiction over interpreter matters to resolve the situation. Interpreters should report any solicitation or effort by another to induce or encourage them to violate any law, any provision of these rules, or any other standard governing interpreting, transliteration or translating promulgated by the Judiciary.

**RULE 10: ACCEPTANCE OF COMPENSATION.**

**Interpreters shall accept no remuneration, gifts, gratuities or any other valuable consideration in excess of their authorized compensation in the performance of their official interpreting duties.**

**Comment**

Interpreters should never accept any type of gifts, payment or compensation other than their due payment

for services rendered. They should reject any offers of favors, presents, tips (monetary or otherwise), or other acknowledgement as a "thank you" for services rendered. Neither should they accept invitations to events where their presence, admission, or participation can be construed as remuneration for professional services or assistance rendered in the course of the discharge of their duties. Interpreters should never be perceived as taking advantage of knowledge or information obtained in the performance of their official duties, or by their access to court records, facilities or privileges, for their own or another's personal gain.

**RULE 11: PROFESSIONAL DEVELOPMENT.**

**Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education, and interaction with colleagues and specialists in related fields.**

**Comment**

Interpreters must continually strive to increase their knowledge of the languages they work professionally, including past and current trends in technical, vernacular and regional terminology as well as their application within court proceedings. They should also keep abreast of all statutes, rules of court and policies of the judiciary that relate to the performance of their professional duties.

An interpreter should seek to continually elevate the standards of the profession through participation in workshops, professional meetings, interaction with colleagues and reading current literature in the field.

**RULE 12: AGREEMENT TO ABIDE BY THESE RULES.**

Interpreters[ , ] **and** transliterators [ **and translators** ] working for the Unified Judicial System of Pennsylvania accept and agree to be bound by these rules, and understand that appropriate sanctions may be imposed by the ICP Administrator, hearing officer or Court Administrator for willful violations.

**Comment**

Upon completion of all certification requirements, interpreters shall be sworn in and issued a certificate attesting that they have successfully completed all program requirements. At the same time they will be asked to sign a copy of these rules of conduct which will then be placed in their permanent file. They will also receive a copy of the program's disciplinary policy.

**Schedule G**

**Interpreting Fee Schedules**

**Pursuant to 42 Pa.C.S. § 4411(d) and § 4431(d), the Court Administrator establishes the following reasonable fee schedules for onsite and remote interpreting services rendered by certified and otherwise qualified interpreters in judicial proceedings and other court services. These fees apply to both foreign and sign language interpretation.**

**Onsite Interpreting Fee Schedule**

<i>Interpreter Classification</i>	<i>Hourly (2 hr. min.)</i>	<i>Half day (3.5 hrs.)</i>	<i>Full day (7 hrs.)</i>
<b>Master</b>	<b>\$80</b>	<b>\$260</b>	<b>\$475</b>
<b>Certified</b>	<b>\$65</b>	<b>\$210</b>	<b>\$400</b>
<b>Qualified</b>	<b>\$45</b>	<b>\$140</b>	<b>\$270</b>

<u>Interpreter Classification</u>	<u>Hourly (2 hr. min.)</u>	<u>Half day (3.5 hrs.)</u>	<u>Full day (7 hrs.)</u>
<u>Conditional</u>	<u>\$35</u>	<u>\$105</u>	<u>\$200</u>
<u>Registered</u>	<u>\$60</u>	<u>\$200</u>	<u>\$390</u>
<u>Rare or Uncommon Languages and Interpreters from Resource Lists Provided by ICP</u>	<u>Interpreters in this category will be compensated based on their qualifications, experience, type of case and language within the parameters of the compensation schedule and the guidelines.</u> <u>Note: Rare or uncommon languages are languages of low diffusion not listed in the ICP Roster.</u>		

Miscellaneous Provisions

1. Minimum compensation. When hired at an hourly rate, interpreters are entitled to a two (2) hour minimum guaranteed compensation per assignment.

2. Assignments. An assignment is the contracted timeframe for which the interpreter is retained regardless of the number of cases scheduled within that timeframe. When interpreters are assigned to several cases at various courts in the same judicial district/county scheduled sequentially on the same day, that constitutes an assignment and compensation will be based on the total time worked in that district that day. The two (2) hour minimum applies per assignment not on a per case basis. A half day consists of three and a half (3.5) hours and a full day consists of 7 hours.

3. Cancellation. Cancellations are based on business days and exclude weekends and holidays.

a. Interpreters who receive at least forty-eight (48) hours advance notice of a cancellation, excluding weekends and holidays, are not entitled to a cancellation fee.

b. Hourly, half, and one day assignments. If cancellation occurs with less than forty-eight (48) hours' notice, excluding weekends and holidays, after the interpreter starts traveling to, or reports for an assignment, the cancellation fee shall be equivalent of two (2) hours pay based on the hourly rate and interpreter classification.

c. Multiple day assignments. When the interpreter is hired for an assignment lasting two (2) or more days, if cancellation occurs with less than forty-eight (48) hours' notice, excluding weekends and holidays, after the interpreter starts traveling to or reports for an assignment, the cancellation fee shall be equivalent to one (1) full day compensation for the first day and one (1) hour for each additional day based on interpreter classification. If a case ends before the contracted time (i.e., an interpreter is retained for three (3) day trial, but the case settles after the first day), an interpreter will be entitled to two (2) hours pay for each canceled day.

d. Interpreters will be entitled to reimbursement of any incurred expenses in accordance with Section 4.

e. When the interpreter cancels an assignment, there will be no compensation.

4. Mileage, parking, tolls, and travel.

a. Mileage will be paid at the prevailing rate in the county or court whenever the interpreter travels more than twenty-five (25) miles round trip to an assignment. If no mileage rate is set locally, mileage will be paid at the prevailing IRS rate. Tolls will be reimbursed with proof of payment (i.e., detailed bills evidencing payment, receipts, and/or canceled checks).

b. Parking will be paid when no free parking exists within a five (5)-block radius of the assignment location. No parking will be paid when free parking is provided.

c. Travel time will be paid when the interpreter travels more than two (2) hours round trip from the interpreter's normal business address or location to an assignment. Travel time will be paid at half the hourly compensation rate for the interpreter's classification.

d. Travel by public transportation. If travel by bus, train or plane is required, the interpreter is entitled to full reimbursement of travel costs.

e. Overnight accommodations. If overnight hotel accommodations are required for the completion of an assignment, this expense is reimbursable to the interpreter. Courts are encouraged to make the necessary reservations themselves at a local hotel close to the assignment location. The interpreter is also entitled to a per diem for overnight assignments based on the prevailing CONUS rates.

f. Proof of payment (i.e., detailed bills evidencing payment, receipts, and/or canceled checks) must accompany all requests for reimbursement.

5. Overtime. Overtime will be paid only when an assignment exceeds a full day (7 hours). Compensation will be in hourly increments, or fraction thereof, at one and a half (1.5) times the interpreter's hourly rate based on the interpreter contracted rate and credentialing level. Assignments that exceed the interpreter's contracted time but are less than seven (7) hours long will be paid in hourly increments, or fraction thereof, based on the interpreter-contracted rate and credentialing level.

6. Interpreting Equipment. Interpreters are not allowed to charge for the use of their own interpreting equipment. Courts are encouraged to purchase interpreting equipment and make it available to interpreters.



## Remote Interpreting Fee Schedule

<u>Interpreter Classification</u>	<u>VIDEO &amp; TELEPHONIC INTERPRETING RATES</u>			
	<u>Hourly up to 3.5 Hours</u>		<u>Half &amp; Full Day</u>	
	<u>First Hour (Hourly rate) (1 hr. min.)</u>	<u>Each Additional 15 Minutes (1/4 hourly rate)</u>	<u>Half Day (3.5 hrs.)</u>	<u>Full Day (7 hrs.)</u>
<u>Master</u>	<u>\$80</u>	<u>\$20</u>	<u>\$260</u>	<u>\$475</u>
<u>Certified</u>	<u>\$65</u>	<u>\$16.25</u>	<u>\$210</u>	<u>\$400</u>
<u>Qualified</u>	<u>\$45</u>	<u>\$11.25</u>	<u>\$140</u>	<u>\$270</u>
<u>Conditional</u>	<u>\$35</u>	<u>\$8.75</u>	<u>\$105</u>	<u>\$200</u>
<u>Registered</u>	<u>\$60</u>	<u>\$15</u>	<u>\$200</u>	<u>\$390</u>
<u>Rare or uncommon languages and interpreters from resource lists provided by the ICP</u>	<u>Interpreters in this category will be compensated based on their qualifications, experience, type of case, and language within the parameters of the compensation schedule and the guidelines.</u> <u>Note: Rare or uncommon languages are languages of low diffusion not listed in the ICP Roster.</u>			

Miscellaneous Provisions

1. Cancellation. Cancellations are based on business days and exclude weekends and holidays.

a. Interpreters who receive at least forty-eight (48) hours advance notice of a cancellation, excluding weekends and holidays, are not entitled to a cancellation fee.

b. Hourly assignments. If cancellation occurs with less than forty-eight (48) hours' notice, excluding weekends and holidays, or after the interpreter reports for an assignment, the cancellation fee shall be equivalent to one (1) hour pay based on the hourly rate and interpreter classification.

c. Half and full day assignments. If cancellation occurs with less than forty-eight (48) hours' notice, excluding weekends and holidays, or after the interpreter reports for an assignment, the cancellation fee shall be equivalent to two (2) hours pay based on the hourly rate and interpreter classification.

d. When the interpreter cancels an assignment, there will be no compensation.

2. Compensation, time extensions, and overtime

a. Hourly Rate. The first hour is paid according to the table above. After the first hour, compensation will be paid in fifteen (15) minute increments at one quarter (1/4) of the hourly rate for the next two and a half (2.5) hours based on the interpreter credentialing level. Judicial districts are strongly encouraged to consider hiring at the half or full-day rate when assignments are expected to go over two (2) hours and when hiring for more than one case.

b. Half-day rate. Assignments that exceed the interpreter's contracted time, but are less than seven (7) hours long will be paid at half (1/2) the hourly rate in thirty (30) minute increments, or fraction thereof, based on the interpreter hourly rate and credentialing level.

c. Overtime. Additional compensation will be paid when an assignment exceeds the equivalent of a full day (7 hours). Compensation will be paid in

hourly increments, or fraction thereof, based on the interpreter's hourly rate and credentialing level.

d. Remote assignments outside normal business hours (8am—5pm) via video or phone will be paid at one and a half (1.5) the hourly rate based on the interpreter credentialing level. A one and a half (1.5) hour minimum will apply. Additional time will be paid in thirty (30) minute increments at half (1/2) the hourly rate based on the interpreter credentialing level.

3. Time commitment

a. Interpreters should be notified about the expected length of the assignment by the court (language access coordinator or assignment clerk) when contracted. This will be based on the best estimate available to the court at the time of hiring. Interpreters must remain available for the duration of the contracted time unless they are released by the court prior to the expiration of their contracted time.

b. Interpreters are expected to allow at least a thirty (30) to forty-five (45) minute window between cases when contracting to provide services remotely. This will allow for a smooth transition between assignments. The exception is when cases are scheduled sequentially in the same judicial district.

c. When reporting for a remote assignment, the interpreter must always advise the court if they have another matter scheduled after the expected time commitment they agreed to when hired for the case.

d. Under no circumstances will the interpreter leave an on-going matter due to a scheduled conflict with an upcoming assignment without the consent of the presiding judicial officer. The interpreter must alert the presiding judicial officer of any possibility of a scheduling conflict and wait for the court to conclude the matter before withdrawing from the call. If necessary, the interpreter should be given an opportunity to inform their client for the next assignment that they are delayed.

**e. Any interpreter that intentionally leaves a video or telephonic assignment without the consent of the presiding judicial officer and before the expiration of the agreed length of time, for which the interpreter was contracted, will not be compensated for any time worked on the case.**

#### **4. Equipment considerations**

**a. The interpreter shall have the necessary equipment, hardware, software, and internet broadband connection, to provide effective video and telephone interpretation and will maintain such equipment in proper working order. The equipment must be compatible with the various platforms and solutions used by judicial districts. The use of an ethernet connection, headphones, and microphones for providing video remote interpretation is preferred and considered a best practice.**

**b. A fast and secure wired connection is preferred for providing telephonic interpretation during both court proceedings and conference calls and when using a separate line to provide simultaneous interpretation during video calls. This is due to security and privacy concerns and to the unreliability and vulnerability of mobile devices and wireless signals. If a mobile wireless device is used, the interpreter must make sure they are in a location with a strong signal and are working within a secure network.**

**c. Interpretation should be provided from a quiet location free of noise and distraction, preferably from a designated space in the interpreter's office or home that also provides a neutral background and noise cancellation. Interpretation should never be done from a vehicle or while driving.**

**d. Interpretation should not be made over speakerphone when the interpreter is in a location that does not provide privacy and a quiet, secure environment.**

**e. Interpreters are not allowed to charge for the use of their own interpreting equipment.**

### **EXPLANATORY REPORT**

#### **Amendments to the Regulations for Court Interpreters for Persons with Limited English Proficiency and for Persons Who Are Deaf or Hard of Hearing**

The Administrative Office of Pennsylvania Courts is considering amendments to the regulations for court interpreters that would synthesize the regulations with the Language Access Plan for the Unified Judicial System (UJS Language Access Plan); revise restrictions related to remote interpreting; codify and amend the onsite interpreter fee schedule while providing increases to the current onsite interpreter rates; and establish a new remote interpreter fee schedule. AOPC developed the proposed amendments in consultation with its Language Access Monitoring and Evaluation Team and a group of rostered interpreters. The more substantive proposed amendments are detailed below.

The definition of a “staff interpreter” in § 102(r) was amended to exclude “otherwise qualified” interpreters. A definition for “oral transliteration” was added to § 102(s).

Section 103(i) was added to include confidential communications to human trafficking caseworkers on the list of

communications about which an interpreter cannot be permitted or compelled to testify. Section 104(c) was revised to include reference to the Protection of Sexual Victims and Intimidation Act.

Section 104 has been revised to increase the maximum time limit of video remote and telephonic interpreting from 30 minutes to one hour and remove other restrictions. Section 104 was revised based on feedback received from the judicial districts and interpreters on the average length and type of cases currently being handled remotely.

Section 108(b) has been eliminated to comply with the Americans with Disabilities Act and regulations pursuant thereto and the Rehabilitation Act of 1973, which require public entities to provide sign language interpreters for free. See 42 U.S.C. § 12131, *et seq.*; 29 U.S.C. § 794; 28 C.F.R. § 35.160 (Subpart E—Communications).

Subchapter 2 was reorganized for clarity and includes new language codifying the UJS Language Access Plan's requirement that judicial districts utilize available mechanisms to track the need for an interpreter throughout the life of a case.

Section 311 replaces the reference to the former “consortium” with a reference to the present advisory body, the National Center for State Courts' Language Access Services Section, and updates the reciprocity guidelines.

Section 404(h) deletes the requirement for hearing officers to specifically enumerate the interpreter's right to appeal because no formal appeal process exists.

In Schedule B, the exam time frame was changed to 1 hour from 45 minutes for examinees to translate ten items. One hour was determined to be a fairer time allocation for completion of the test.

In Schedule C, the amount of time before a retake of the oral proficiency exam is permitted was shortened to six months from “six to eight months” following agreement between Conference of Language Access Coordinators members and National Center for State Courts that six months was sufficient time to prevent overexposure of test content. The full and abbreviated examination languages available were also updated.

Schedule D was clarified to provide that in order to pass the English Oral Proficiency Test, the examinee must have a Versant English Test Passing score 47. The TOEFL written test was also removed from the Table 2 because it was never used.

The oral exam retake fees have been codified in Schedule E.

In Schedule F, the term “translate” has been eliminated from the “Applicability and Enforcement” section because these rules govern only interpreters, not translators. Similar changes have been made to Rule 12.

Schedule G was added to codify revisions to the onsite interpreter and new remote interpreter fee schedules. The original onsite interpreter compensation schedule was promulgated in 2010 and posted on the UJS website. These changes were developed with input received from rostered interpreters through three virtual meetings held in fall 2020. The proposed schedules ensure that Pennsylvania remains competitive with the surrounding states by minimally increasing the onsite rates and providing greater clarity to the cancellation, travel, and overtime

policies for both onsite and remote interpreting. The new remote interpreting fee schedule's one hour minimum is based upon the average length of remote interpreting sessions and the newly revised time limit for remote and telephonic interpreting set forth in § 104.

All comments and suggestions concerning this proposal are welcome.

[Pa.B. Doc. No. 21-795. Filed for public inspection May 21, 2021, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CUMBERLAND COUNTY

#### Local Rule 212-4; Civil 96-1335

##### Order of Court

*And Now*, this 7th day of May, 2021, and effective July 1, 2021, or thirty (30) days after publication in the *Pennsylvania Bulletin*, whichever is later, Cumberland County Local Rule of Court 212-4 is amended to read as follows:

##### Rule 212-4.

Each party to a civil action shall submit a pretrial memorandum to the Prothonotary's office and serve a copy on all other parties, no later than Friday prior to the pretrial conference. The memorandum shall set forth in the following order:

- 1) A statement of the basic facts as to liability.
- 2) A statement of the basic facts as to damages.
- 3) A statement as to the principal issues of liability and damages.
- 4) A summary of legal issues regarding admissibility of testimony, exhibits or any other matter, and legal authorities relied on.
- 5) The identity of witnesses to be called.
- 6) A list of exhibits with brief identification of each.
- 7) The current status of settlement negotiations including a statement as to whether an Alternative Dispute Resolution option has been utilized.

Adopted and effective August 28, 1981.

Amended December 1, 1991, effective December 1, 1991.

Amended February 5, 2010, effective July 1, 2010.

Amended May 7, 2021, effective July 1, 2021.

The Cumberland County District Court Administrator is Ordered and Directed to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).
2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to [bulletin@palrb.us](mailto:bulletin@palrb.us) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish these Rules on the Cumberland County Court website at [www.ccpa.net](http://www.ccpa.net).
4. Incorporation of the local rule into the set of local rules on [www.ccpa.net](http://www.ccpa.net) within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.

5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

6. Forward one (1) copy to the *Cumberland Law Journal*.

*By the Court*

EDWARD E. GUIDO,  
*President Judge*

[Pa.B. Doc. No. 21-796. Filed for public inspection May 21, 2021, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### GREENE COUNTY

#### Local Rule—Criminal Pretrial Services; C.A. No. 8 of 2021

##### Order

*And Now*, this 11th day of May, 2021, it is hereby Ordered, Directed and Decreed that the following Rule is adopted as Greene County Local Rule G530-CRIM.

In compliance with Pa. Rule of Civil Procedure 239 and Pa. Rule of Judicial Administration 103, we promulgate the following Greene County Local Rule and the District Court Administrator shall:

- a. File one copy of the local rule with the Administrative Office of Pennsylvania Courts;
- b. File two paper copies and one electronic copy in Microsoft Word format only on a CD-ROM, or other agreed upon alternate format that complies with the requirements of 1 Pa. Code § 13.11(b), containing the text of the local rule to the Legislative Bureau for publication in the *Pennsylvania Bulletin*;
- c. File one copy with the Criminal Procedural Rules Committee; and
- d. File a copy of the local rule, which shall be continuously available for inspection and copying, in the Office of the Prothonotary of Greene County.

This local rule shall become effective not less than thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

*By the Court*

LOUIS DAYICH,  
*President Judge*

##### G530—CRIM. Pretrial Services.

A Pretrial Services Unit shall be established within the Adult Probation and Parole Office to assist the Court by gathering and making recommendations concerning the release and conditions on bail for individual defendants, to monitor, supervise, and assist defendants released on bail, and to inform the Court of any breach of conditions of release. It is further ORDERED that the following regulations shall govern the pretrial services program:

1. The Adult Probation and Parole Office, through the Pretrial Services Unit, is hereby designated as the bail agency for the Court of Common Pleas of Greene County provided that the posting of bail and other ministerial functions shall remain with the Greene County Clerk of Courts during regular business hours and with the on-call District Judge on weekends, holidays or after hours.



a. The Pretrial Services Unit shall monitor and assist defendants released on bail. The duties and powers of the unit shall include the following:

(i) Collecting and analyzing defendant information for use by the bail authority in assessing the likelihood of failure to appear and the danger that the release of such person may pose to any other person or the community.

(ii) Making recommendations to the Court concerning bail, appropriate conditions of release and continuing conditions of release.

(iii) Monitoring and supervising Defendants who are released on bail conditions during the pretrial phase of their cases; and

(iv) Assisting Defendants released into Pretrial Services in securing any necessary employment, medical, or social services.

2. All motions concerning bail before verdict pursuant to Pa.R.Crim.P. 529(c) shall be heard by the designated Judge in open Court and on the record. Notice of the hearing concerning bail before verdict must be given to the attorney for the Commonwealth, Defense counsel of record, and bail agency (Adult Probation and Parole Office).

3. Whenever a Defendant has failed to comply with the rules and regulations of the bail bond, or of the bail agency, or any other additional conditions of his release, the bail agency shall notify the attorney for the Commonwealth, the attorney for the Defendant, and the Court.

a. The attorney for the Commonwealth may request a bond revocation and arrest warrant if it appears that a Defendant has violated a term of the bail. The warrant may be served by any authorized law enforcement officer including pretrial and probation officers of the Adult Probation and Parole Office.

[Pa.B. Doc. No. 21-797. Filed for public inspection May 21, 2021, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### List of Financial Institutions

Notice is hereby given that pursuant to Rule 221(b), Pa.R.D.E., the following List of Financial Institutions have been approved by the Supreme Court of Pennsylvania for the maintenance of fiduciary accounts of attorneys. Each financial institution has agreed to comply with the requirements of Rule 221, Pa.R.D.E, which provides for trust account overdraft notification.

SUZANNE E. PRICE,  
*Attorney Registrar*

### FINANCIAL INSTITUTIONS APPROVED AS DEPOSITORIES OF TRUST ACCOUNTS OF ATTORNEYS

#### Bank Code A.

595 Abacus Federal Savings Bank  
2 ACNB Bank  
613 Allegent Community Federal Credit Union  
375 Altoona First Savings Bank  
376 Ambler Savings Bank  
532 AMERICAN BANK (PA)

615 Americhoice Federal Credit Union  
116 AMERISERV FINANCIAL  
648 Andover Bank (The)  
377 Apollo Trust Company

#### Bank Code B.

558 Bancorp Bank (The)  
485 Bank of America, NA  
662 Bank of Bird in Hand  
415 Bank of Landisburg (The)  
664 BankUnited, NA  
642 BB & T Company  
501 BELCO Community Credit Union  
652 Berkshire Bank  
663 BHCU  
5 BNY Mellon, NA  
392 Brentwood Bank  
495 Brown Brothers Harriman Trust Co., NA  
161 Bryn Mawr Trust Company (The)

#### Bank Code C.

654 CACL Federal Credit Union  
618 Capital Bank, NA  
16 CBT Bank, a division of Riverview Bank  
136 Centric Bank  
394 CFS BANK  
623 Chemung Canal Trust Company  
599 Citibank, NA  
238 Citizens & Northern Bank  
561 Citizens Bank, NA  
206 Citizens Savings Bank  
576 Clarion County Community Bank  
660 Clarion FCU  
591 Clearview Federal Credit Union  
23 CNB Bank  
223 Commercial Bank & Trust of PA  
21 Community Bank (PA)  
371 Community Bank, NA (NY)  
132 Community State Bank of Orbisonia  
647 CONGRESSIONAL BANK  
380 County Savings Bank  
536 Customers Bank

#### Bank Code D.

339 Dime Bank (The)  
27 Dollar Bank, FSB

#### Bank Code E.

500 Elderton State Bank  
567 Embassy Bank for the Lehigh Valley  
541 Enterprise Bank  
28 Ephrata National Bank  
601 Esquire Bank, NA  
340 ESSA Bank & Trust

#### Bank Code F.

629 1st Colonial Community Bank  
158 1st Summit Bank  
31 F & M Trust Company—Chambersburg  
658 Farmers National Bank of Canfield  
205 Farmers National Bank of Emlenton (The)  
34 Fidelity Deposit & Discount Bank (The)  
343 FIDELITY SAVINGS & LOAN ASSOCIATION OF BUCKS COUNTY  
583 Fifth Third Bank  
661 First American Trust, FSB  
643 First Bank  
174 First Citizens Community Bank  
191 First Columbia Bank & Trust Company  
539 First Commonwealth Bank

504 First Federal S & L Association of Greene County  
 525 First Heritage Federal Credit Union  
 42 First Keystone Community Bank  
 51 First National Bank & Trust Company of Newtown (The)  
 48 First National Bank of Pennsylvania  
 426 First Northern Bank & Trust Company  
 604 First Priority Bank, a division of Mid Penn Bank  
**592 FIRST RESOURCE BANK**  
 657 First United Bank & Trust  
 408 First United National Bank  
 151 Firstrust Savings Bank  
 416 Fleetwood Bank  
 175 FNCB Bank  
 291 Fox Chase Bank  
 241 Franklin Mint Federal Credit Union  
 639 Freedom Credit Union  
 58 Fulton Bank, NA

**Bank Code G.**

499 Gratz Bank (The)  
 498 Greenville Savings Bank

**Bank Code H.**

402 Halifax Branch, of Riverview Bank  
 244 Hamlin Bank & Trust Company  
 362 Harleysville Savings Bank  
 363 Hatboro Federal Savings  
 463 Haverford Trust Company (The)  
 606 Hometown Bank of Pennsylvania  
 68 Honesdale National Bank (The)  
 350 HSBC Bank USA, NA  
**364 HUNTINGDON VALLEY BANK**  
 605 Huntington National Bank (The)  
 608 Hyperion Bank

**Bank Code I.**

669 Industrial Bank  
 365 InFirst Bank  
 557 Investment Savings Bank  
 526 Iron Workers Savings Bank  
 668 Inspire FCU  
 670 Investors Bank

**Bank Code J.**

70 Jersey Shore State Bank  
 127 Jim Thorpe Neighborhood Bank  
 488 Jonestown Bank & Trust Company  
 659 JPMorgan Chase Bank, NA  
**72 JUNIATA VALLEY BANK (THE)**

**Bank Code K.**

651 KeyBank NA  
 414 Kish Bank

**Bank Code L.**

554 Landmark Community Bank  
 542 Linkbank  
 78 Luzerne Bank

**Bank Code M.**

361 M & T Bank  
 386 Malvern Bank, NA  
 510 Marion Center Bank  
 387 Marquette Savings Bank  
 81 Mars Bank  
 43 Marysville Branch, of Riverview Bank  
 367 Mauch Chunk Trust Company

511 MCS (Mifflin County Savings) Bank  
 641 Members 1st Federal Credit Union  
 555 Mercer County State Bank  
 192 Merchants Bank of Bangor  
 671 Merchants Bank of Indiana  
 610 Meridian Bank  
 420 Meyersdale Branch, of Riverview Bank  
 294 Mid Penn Bank  
**276 MIFFLINBURG BANK & TRUST COMPANY**  
 457 Milton Savings Bank  
**596 MOREBANK, A DIVISION OF BANK OF PRINCETON (THE)**  
**484 MUNCY BANK & TRUST COMPANY (THE)**

**Bank Code N.**

433 National Bank of Malvern  
 168 NBT Bank, NA  
 347 Neffs National Bank (The)  
**434 NEW TRIPOLI BANK**  
 15 NextTier Bank, NA  
 636 Noah Bank  
 638 Norristown Bell Credit Union  
 666 Northern Trust Co.  
 439 Northumberland National Bank (The)  
 93 Northwest Bank

**Bank Code O.**

653 OceanFirst Bank  
 489 OMEGA Federal Credit Union  
 94 Orrstown Bank

**Bank Code P.**

**598 PARKE BANK**  
 584 Parkview Community Federal Credit Union  
 40 Penn Community Bank  
 540 PennCrest Bank  
 419 Pennian Bank  
 447 Peoples Security Bank & Trust Company  
 99 PeoplesBank, a Codorus Valley Company  
 556 Philadelphia Federal Credit Union  
 448 Phoenixville Federal Bank & Trust  
 665 Pinnacle Bank  
 79 PNC Bank, NA  
 449 Port Richmond Savings  
 667 Premier Bank  
 451 Progressive-Home Federal Savings & Loan Association  
 354 Prosper Bank  
 637 Provident Bank  
 456 Prudential Savings Bank  
 491 PS Bank

**Bank Code Q.**

107 QNB Bank  
 560 Quaint Oak Bank

**Bank Code R.**

452 Reliance Savings Bank  
 220 Republic First Bank d/b/a Republic Bank  
 628 Riverview Bank

**Bank Code S.**

153 S & T Bank  
 316 Santander Bank, NA  
 460 Second Federal S & L Association of Philadelphia  
 646 Service 1st Federal Credit Union  
 458 Sharon Bank  
 462 Slovenian Savings & Loan Association of Franklin-Conemaugh

- 486 **SOMERSET TRUST COMPANY**
- 633 SSB Bank
- 518 **STANDARD BANK, PASB**
- 440 SunTrust Bank
- 122 Susquehanna Community Bank

**Bank Code T.**

- 143 TD Bank, NA
- 656 **TIOGA FRANKLIN SAVINGS BANK**
- 182 **TOMPKINS VIST BANK**
- 609 Tristate Capital Bank
- 640 TruMark Financial Credit Union
- 467 Turbotville National Bank (The)

**Bank Code U.**

- 483 UNB Bank
- 481 Union Building and Loan Savings Bank
- 634 United Bank, Inc.
- 472 United Bank of Philadelphia
- 475 United Savings Bank
- 600 Unity Bank
- 232 Univest Bank & Trust Co.

**Bank Code V.**

- 611 Victory Bank (The)

**Bank Code W.**

- 119 **WASHINGTON FINANCIAL BANK**
- 121 Wayne Bank
- 631 Wells Fargo Bank, NA
- 553 WesBanco Bank, Inc.
- 494 West View Savings Bank
- 473 Westmoreland Federal S & L Association
- 476 William Penn Bank
- 272 Woodlands Bank
- 573 **WOORI AMERICA BANK**
- 630 WSFS (Wilmington Savings Fund Society), FSB

**Bank Code X.**

**Bank Code Y.**

- 577 York Traditions Bank

**Bank Code Z.**

**PLATINUM LEADER BANKS**

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher

of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

**FINANCIAL INSTITUTIONS WHO HAVE FILED AGREEMENTS TO BE APPROVED AS A DEPOSITORY OF TRUST ACCOUNTS AND TO PROVIDE DISHONORED CHECK REPORTS IN ACCORDANCE WITH RULE 221, Pa.R.D.E.**

*New*

- 670—Investors Bank
- 671—Merchants Bank of Indiana

*Name Change*

- 354—Coatesville Savings Bank—Change to 354 Prosper Bank

*Platinum Leader Change*

- 392—Brentwood Bank—Remove

*Correction*

*Removal*

[Pa.B. Doc. No. 21-798. Filed for public inspection May 21, 2021, 9:00 a.m.]

**DISCIPLINARY BOARD OF THE SUPREME COURT**

**Notice of Suspension**

Notice is hereby given that Barry Jay Beran having been suspended from the practice of law in the State of New Jersey; the Supreme Court of Pennsylvania issued an Order dated May 6, 2021 suspending Barry Jay Beran from the practice of law in this Commonwealth for a period of three years, effective June 5, 2021. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,  
*Board Prothonotary*

[Pa.B. Doc. No. 21-799. Filed for public inspection May 21, 2021, 9:00 a.m.]

**SUPREME COURT**

**Duty Assignment Schedule for Emergency Petitions in the Year 2021; No. 542 Judicial Administration Doc.**

**Amended Order**

*Per Curiam:*

*And Now*, this 11th day of May, 2021, the order dated December 24, 2020 regarding emergency duty assignment for the year 2021, is hereby amended as follows:

June	Justice Sallie Updyke Mundy Justice Christine Donohue	(Eastern District) (Western District)
July	Justice Debra Todd Justice David Wecht	(Eastern District) (Western District)
August	Justice Tom Saylor Justice Debra Todd	(Eastern District) (Western District)
September	Justice Christine Donohue Justice Sallie Updyke Mundy	(Eastern District) (Western District)



October	Justice David Wecht Justice Kevin Dougherty	(Eastern District) (Western District)
November	Justice Kevin Dougherty Justice Tom Saylor	(Eastern District) (Western District)
December	Justice Sallie Updyke Mundy Justice Christine Donohue	(Eastern District) (Western District)

[Pa.B. Doc. No. 21-800. Filed for public inspection May 21, 2021, 9:00 a.m.]

## SUPREME COURT

### Financial Institutions Approved as Depositories for Fiduciary Accounts; No. 207 Disciplinary Rules Doc.

#### Order

#### *Per Curiam*

*And Now*, this 6th day of May, 2021, it is hereby Ordered that the financial institutions named on the following list are approved as depositories for fiduciary accounts in accordance with Pa.R.D.E. 221.

#### FINANCIAL INSTITUTIONS APPROVED AS DEPOSITORIES OF TRUST ACCOUNTS OF ATTORNEYS

##### Bank Code A.

595 Abacus Federal Savings Bank  
2 ACNB Bank  
613 Allegent Community Federal Credit Union  
375 Altoona First Savings Bank  
376 Ambler Savings Bank  
**532 AMERICAN BANK (PA)**  
615 AmeriChoice Federal Credit Union  
**116 AMERISERV FINANCIAL**  
648 Andover Bank (The)  
377 Apollo Trust Company

##### Bank Code B.

558 Bancorp Bank (The)  
485 Bank of America, NA  
662 Bank of Bird in Hand  
415 Bank of Landisburg (The)  
664 BankUnited, NA  
642 BB & T Company  
501 BELCO Community Credit Union  
652 Berkshire Bank  
663 BHC  
5 BNY Mellon, NA  
392 Brentwood Bank  
495 Brown Brothers Harriman Trust Co., NA  
161 Bryn Mawr Trust Company (The)

##### Bank Code C.

654 CACL Federal Credit Union  
618 Capital Bank, NA  
16 CBT Bank, a division of Riverview Bank  
136 Centric Bank  
**394 CFS BANK**  
623 Chemung Canal Trust Company  
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238 Citizens & Northern Bank  
561 Citizens Bank, NA  
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475 United Savings Bank

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473 Westmoreland Federal S & L Association  
476 William Penn Bank  
272 Woodlands Bank  
**573 WOORI AMERICA BANK**  
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**IOLTA EXEMPTION**

Exemptions are not automatic. If you believe you qualify, you must apply by sending a written request to the IOLTA Board's executive director: 601 Commonwealth Avenue, Suite 2400, P.O. Box 62445, Harrisburg, PA 17106-2445. If you have questions concerning IOLTA or exemptions from IOLTA, please visit their website at [www.paiolta.org](http://www.paiolta.org) or call the IOLTA Board at (717) 238-2001 or (888) PAIOLTA.

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AGREEMENTS TO BE APPROVED AS A  
DEPOSITORY OF TRUST ACCOUNTS AND TO  
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*Correction**Removal*

[Pa.B. Doc. No. 21-801. Filed for public inspection May 21, 2021, 9:00 a.m.]