

NEW YORK STATE UNIFIED COURT SYSTEM

COURT INTERPRETER

Manual and Code of Ethics

Español

普通话

Русский

العربي

Kreyòl Ayisyen

广东话

Français

বাংলা



Polski

اُردُو

Ελληνικά

Shqip

हिन्दी

עברית

Português

Türkçe

Italiano

Tiếng Việt

日本語

Ўзбек

ਪੰਜਾਬੀ • پنجابی

Română

नेपाली

Tagalog

Hrvatski

Magyar

אידיש



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2018

Introduction

We are pleased to introduce the 2018 edition of the New York State Unified Court System's Court Interpreter Manual and Code of Ethics. The Manual provides information on the vital role that court interpreters perform in the administration of justice and the professional standards and ethical responsibilities they are obligated to maintain in carrying out their duties. It also provides information about the selection and employment of court interpreters.

The Unified Court System is committed to ensuring that court interpreting professionals provide fair and impartial assistance to the diverse, multilingual community we serve. It is our hope that this Manual, in setting forth the high standards of performance and ethics to which court interpreters are held, will help to promote that goal.

RONALD YOUNKINS

Executive Director

Office of Court Administration

BARRY CLARKE

Chief of Operations

Office of Court Administration

2018

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Court Interpreters in the New York State Unified Court System

The New York State Unified Court System (UCS) is committed to ensuring that legal proceedings conducted in New York's courts and court agencies are equally accessible to all persons regardless of an individual's ability to communicate effectively in the spoken English language. Court interpreters serve a fundamental role in the administration of justice by ensuring access to the courts for Limited English Proficient (LEP) and Deaf or Hard of Hearing persons.

The court system provides spoken language and American Sign Language (ASL) interpreters in proceedings for LEP persons and those who are Deaf or Hard of Hearing, at no cost to the court user. In all legal proceedings parties are provided with interpreters to ensure that they can fully participate. The New York State Courts obtain the services of interpreters in over one hundred languages as diverse as:

Amharic	Gujarati	Mixteco	Tibetan
Czech	Hungarian	Pashto	Twi
Farsi	Ibo	Tagalog	Uzbek
Fuzhou	K'iché	Tamil	Yiddish
Fulani	Mandinka	Thai	Yoruba

Court Interpreter Employees

In New York State court interpreters are employed in the following titles: Principal Court Interpreter, JG-23¹; Senior Court Interpreter, JG-21; Court Interpreter, JG-18; Court Interpreter (non-Spanish), JG-18², and Court Interpreter (ASL), JG-18. Interpreters may work full-time or part-time.

The title of Court Interpreter (Spanish) is a competitive class position that is primarily responsible for interpreting between English and Spanish in the courtroom and other settings. The title of Court Interpreter (non-Spanish), and Court Interpreter (ASL) (See Appendix K and Appendix L: Title Standard for Court Interpreter, and Title Standard Court Interpreter Sign), are non-competitive positions primarily responsible for interpreting between English and a spoken language other than Spanish, and (ASL), respectively. An interpreter employed in the non-competitive position cannot take promotional exams or request transfers to other courts. Court Interpreter employees may also assist LEP persons in filling out forms, and may perform clerical tasks such as filing or answering inquiries, and other related duties per the needs of the court.

The title of Senior Court Interpreter is non-competitive based on skills and experience. Individuals holding this title supervise and coordinate the interpreters in the courts, including coordinating work schedules, evaluating interpreters' performance, and resolving problems in the delivery of interpreting services, as well as providing interpreting services. Senior Court Interpreters may also assist LEP persons in filling out forms and preparing complaints, answer routine inquiries from the

1) JG signifies the judicial grading of the position.

2) The court system currently employs court interpreters in the following languages: Arabic, ASL, Bengali, BCS (Bosnian/Croatian/Serbian) Cantonese, French, Fuzhou, Greek, Haitian Creole, Hebrew, Italian, Korean, Mandarin, Polish, Punjabi, Romanian, Russian, Spanish, Sylheti, Toisan, Urdu, Wenzhou and Wolof.

public, and perform clerical tasks (See Appendix M: Title Standard for Senior Court Interpreter). In some jurisdictions, Senior Court Interpreters and other supervisory court personnel may administer language proficiency tests and obtain per diem interpreting services.

The title of Principal Court Interpreter is non-competitive, based on skills and experience. Principal Court Interpreter is the highest ranking Court Interpreter in a citywide court or Judicial District. They are responsible for prompt, accurate, and consistent oral, written, and sign interpreting services, and are also responsible for supervising, coordinating activities, and evaluating the performance of Senior Court Interpreters, Court Interpreters, and for oversight of per diem interpreters (See Appendix N: Title Standard for Principal Court Interpreter).

Per Diem Independent Contractors

In addition to employees who have been appointed to UCS court interpreter positions, the UCS contracts with individuals on an as needed basis, to provide interpreting services (“per diem” court interpreters) where a court or judicial district does not have a staff interpreter available.

Those freelance or per diem interpreters *are not* employees of the court system; they are hired for the day and paid a per diem rate. An invoice is submitted with supporting documentation in order for per diem interpreters to receive payment.

The court system maintains a Registry³ of individuals who have successfully completed a written English proficiency examination and an oral assessment in English and the other language. All court interpreters are also required to undergo a fingerprint based criminal background investigation. The languages for which the court system provides an oral assessment are:

Albanian	French	Italian	Russian
Arabic	Greek	Korean	Spanish
Bosnian, Croatian, Serbian (BCS)	Haitian Creole	Mandarin	Urdu
Bengali	Hebrew	Polish	Vietnamese
Cantonese	Hindi	Portuguese	Wolof
	Japanese	Punjabi	

The court system uses this Registry as a primary resource for selecting per diem court interpreters in those languages listed above, as well as languages that do not have a corresponding oral assessment (non-registry languages).

³ The NYS Registry of Per Diem Interpreters is available to court managers at each court and judicial district office, as well as through the Office of Language Access. It is not available to Per Diem Interpreters or the general public.

The Selection Process for Court Interpreters in the New York State Unified Court System

The Unified Court System has given a high priority to the development and implementation of selection procedures to ensure that court interpreters have the necessary language proficiency to perform their duties competently and professionally.

A. COURT INTERPRETER EMPLOYEES

Spanish Court Interpreters

Based upon an analysis of the knowledge, skills and abilities required to perform the duties of a court interpreter, a two-part examination process has been developed to test candidates for permanent positions. The first part requires candidates to be screened on a written, multiple-choice examination that includes reading ability in English and Spanish, grammar, syntax and vocabulary in English and Spanish, and translating written material from Spanish to English and vice versa.

Candidates who pass the written examination then take the oral language assessment; a job-simulated video is used for this test. The candidate must interpret everything said on the video in English into Spanish, and everything said in Spanish into English. Simultaneous and consecutive modes of interpreting are assessed. Each candidate is also given short written passages in English and Spanish which must be translated orally. An audio recording of each candidate's performance is made and evaluated by a group of specially trained bilingual professionals for accuracy, comprehension, fluency, speed, clarity, and pronunciation.

To qualify for appointment to the competitive class court interpreter position⁴, an individual must achieve a passing grade on both the competitive written and oral examinations, be eligible for appointment from a list certified by the Chief Administrator of the Courts, be reachable for appointment by application of the rule of "one in three," undergo a criminal history background investigation, and be appointed by the appropriate authority.

Court Interpreter (non-Spanish), Senior Court Interpreter, and Principal Court Interpreter

The titles of Court Interpreter in languages other than Spanish, Senior Court Interpreter, and Principal Court Interpreter, are in the non-competitive class positions, and are filled on the basis of an applicant's qualifications and experience. In addition, court interpreter applicants in the 22 Registry languages (see page 2) are required to successfully complete a written and oral language skills screening process for inclusion in the Registry.

⁴ Competitive class court interpreter positions currently are available only in Spanish. All other non-Spanish court interpreter positions are non-competitive and thus have a different selection process.

American Sign Language Court Interpreter

Court Interpreter (ASL) is a non-competitive position that has a different selection process from spoken languages (see Appendix L: Title Standard for Court Interpreter, Sign). An individual qualifies for employment by being listed on the Registry of Interpreters for the Deaf, Inc. (RID), a nationally recognized credentialing agency that certifies an individual's competency in (ASL). The minimum RID credential required by the NYS Unified Court System (as of December 2008) is the National Interpreter Certification (NIC). RID's directory of Certified Sign Language interpreters also includes sign interpreters in other languages.

Prior to their appointment, candidates may also be required to participate in an assessment of their language competency skills.

Section 390 of the Judiciary Law authorizes the temporary use of a sign interpreter who is "otherwise qualified" when an RID-certified interpreter is not available. The Administrative Order also establishes compensation rates for such sign interpreting services⁵.

Promotional Opportunities

Full-time Court Interpreter employees (foreign and sign language) are eligible to promote to the non-competitive title of Senior Court Interpreter, a supervisory title found in the larger courts that typically employ multiple interpreter positions (see Appendix M: Title Standard for Senior Court Interpreter). Senior Court Interpreters supervise staff and per diem court interpreters, schedule interpreter services for their court, interpret in the court, and may administer court interpreter exams in some jurisdictions.

Full-time Court Interpreter employees may also promote to the non-competitive title of Principal Court Interpreter. This opportunity is available to Court Interpreter employees with one year of service in the Senior Court Interpreter title or an equivalent combination of education and experience. Under the direction of a District Executive or Chief Clerk, a Principal Court Interpreter is the highest-ranking Court Interpreter in a citywide court or Judicial District (see Appendix N: Title Standard for Principal Court Interpreter), whose responsibilities include oversight and supervision of Senior Court Interpreters, as well as staff and per diem court interpreters. Principal Court Interpreters may also administer court interpreter examinations, investigate complaints, provide training and conduct outreach for their court or jurisdiction.

Court interpreters with a minimum of two years of permanent, competitive class service, and Senior Court Interpreters who once held the competitive title of Court Interpreter on a permanent basis, are also eligible to take the promotional examinations for Court Clerk (JG-18) and Senior Court Clerk (JG-21).

⁵ In 1992, the Office of Court Administration issued an Administrative Order which recognizes RID as the credentialing authority for Certified Interpreters of the Deaf and Sign Language in court proceedings. The Administrative Order also establishes compensation rates for such sign interpreting services. A copy of the Administrative Order, dated June 17, 1992, and a copy of Budget Bulletin 1703, dated March 16, 2017, are attached as Appendix G and Appendix T respectively.

B. PER DIEM COURT INTERPRETERS

Per Diem Court Interpreters–Spanish and Registry Languages

In order to be eligible for assignments, per diem court interpreters must be on the NYS Registry of Per Diem Court Interpreters. An individual may be placed on the Registry by passing the Court Interpreter (Spanish) open-competitive examination or successfully passing the per diem language proficiency examination.

With regard to other Registry languages, proficiency examinations are scheduled periodically, as needed, for a particular location and language. Candidates are required to pass a written, multiple choice English proficiency examination. Upon successful completion of the written examination, candidates are assessed on their ability to interpret from English to the foreign language, and from the foreign language to English, in both the simultaneous and consecutive mode. Each candidate also is given short written passages in English and the foreign language, which must be orally translated. Candidates are screened individually using a video format of simulated courtroom material. An audio recording is made of the candidate's interpretation, which is then evaluated by language experts for accuracy, fluency, and clarity.

Unlike the open-competitive examination for Spanish Court Interpreter, which generates a rank-ordered numerical score for an eligible list, this selection process will indicate a score of "pass" or "fail" but not a numerical rank. The score for the written, multiple choice English proficiency examination is provided to candidates for purposes of feedback. Individuals who pass the language exams are required to undergo a criminal background investigation. Candidates who successfully complete this process will be added to the NYS Registry of Per Diem Court Interpreters, which is available to all UCS courts. The courts and judicial districts have discretion with regard to assignments offered to Registry interpreters.

The Office of Language Access has the authority to remove interpreters, permanently or temporarily, with or without cause, from the Registry. Removal from the Registry may be permanent or for a limited timeframe and without prior notice. Registered interpreters may be removed due to failure to qualify on a new oral assessment exam administered in a language for which the interpreter had been registered, and for which there was no exam available.

Failure to provide updated contact information may result in removal from the Registry. Interpreters may also request to be removed from the Registry. Violations of the Canons of Professional Responsibility for Court Interpreters (See Appendix A) and the Code of Ethics (See page 16) may also result in the interpreter being removed from the statewide Registry.

Per Diem Court Interpreters–Non-Registry Languages

Since 2006, the UCS has expanded the required English written proficiency test to include interested candidates of all languages. Court Interpreter examinations are offered yearly for all languages. Examinations in additional languages are developed periodically, as needed. Oral performance tests in Albanian, Bengali and French were added in 2007, followed by Bosnian, Croatian, Serbian (BCS), Hebrew, Hindi, Japanese, Punjabi (Eastern), Urdu and Wolof. Languages that are under consideration for development in the future are Farsi, Fulani, Fuzhou, Mandinka, Romanian, Turkish, and Twi. The competency of per diem court interpreters for Non-Registry languages (where there is no

corresponding oral assessment) is verified by the Office of Language Access through a review of the individual's credentials, including formal language education, prior service as a court interpreter, or interpreting in a legal setting, e.g., such as for private law firms, legal aid societies, administrative tribunals, or in other situations involving the use of legal terminology or the interpreting of sworn testimony; it may also be done by the judge presiding in the courtroom at the outset of a court proceeding (See Appendix B: Judicial Bench card).

Per Diem Court Interpreters–American Sign Language

The UCS requires that all per diem American Sign Language (ASL) Interpreters be certified by the Registry of Interpreters for the Deaf, Inc. (RID), a nationally recognized credentialing organization, in the same manner as full-time American Sign Language Court Interpreters.

Experience and References

All per diem candidates are required to complete an application form which requests information about previous interpreting work, other related bilingual experience, education, and appropriate references. This information is used to help assess interpreting proficiency in languages for which an oral screening examination is not available. Application forms are available in each locality, online <http://www.nycourts.gov/COURTINTERPRETER/ExamInformation.shtml> or through the Coordinator of the Office of Language Access. Credentials are subject to verification.

Identifying Qualified and Available Court Interpreters

The Office of Court Administration (OCA) has established the Court Interpreter Electronic Scheduling System (E-System) which enables Senior Court Interpreters and other supervisory personnel to identify and access interpreting services in real time. The electronic directory is part of a comprehensive scheduling system that contains the names, languages, geographic locations and availability of all interpreting resources within locations of the UCS. It includes contact information for UCS court interpreters, per diem interpreters both in the UCS Registry and additional languages, as well as other resources.

Court Interpreter Responsibilities

To meet the challenge of ensuring that legal proceedings conducted in New York's courts and court agencies are accessible to all LEP court users, the New York State Unified Court System requires that interpreters become familiar with the following requirements in order to carry out their responsibilities:

Modes of Court Interpreting

The court interpreter shall be familiar with the most commonly used interpreting techniques. The interpreter shall also know when these modes are required.

- **SIMULTANEOUS MODE:** requires that the interpreter speak contemporaneously with the speaker whose statements are being interpreted, and is most often used in opening and closing statements and any ongoing exchanges.
- **CONSECUTIVE MODE:** requires that the interpreter allow the speaker to complete a thought or statement before giving his/her interpretation. This mode shall be used when LEP or Deaf or Hard of Hearing persons are giving testimony, or are in direct dialogue with the judge, counsel or an officer of the court.
- **SIGHT TRANSLATION:** the real time oral translation of a written document, with minimal preparation.

Accuracy

Court interpreters shall:

- faithfully and accurately interpret what is said without embellishment or omission, while preserving the language level and register of the speaker;
- provide a continuous simultaneous interpretation for litigants and the court of all open-court speeches, questions, answers, instructions, directions, and court rulings;
- provide the most accurate interpretation of a word despite a possible vulgar meaning. Colloquial, slang, obscene or crude language, as well as sophisticated and erudite language, shall be conveyed in accordance with the usage of the speaker. An interpreter is **not** to tone down, improve or edit any words or statements; and
- **not** simplify or explain statements for a LEP or Deaf or Hard of Hearing person even when the interpreter believes that the person for whom he or she is interpreting is unable to understand the speaker's language level. If necessary, the LEP or Deaf or Hard of Hearing person may request an explanation or simplification from the Court and/or judge.

Impartiality

Court interpreters shall:

- maintain an impartial attitude at all times and avoid unnecessary contact or discussions with counsel, witnesses or interested parties, either inside or outside the courtroom;
- **not** give legal advice
- avoid even the appearance of impropriety by informing the Court of any prior contact the interpreter has had with any of the parties or jurors, as soon as he or she is aware of it. This may include any contact as seemingly unimportant as merely recognizing someone in the courtroom from the interpreter's neighborhood, who the interpreter does not actually know.

Confidentiality

Court interpreters shall:

- ensure that disclosures made out of court by a LEP or Deaf or Hard of Hearing person through the court interpreter to another person shall be confidential; and
- **not** disclose any information deemed confidential by the court.

Proficiency

Court interpreters shall:

- provide professional services only in matters or areas in which the interpreter can perform accurately and when in doubt, inform the court of any impediment or inability to perform the interpreting duties for any reason; and
- consult appropriate legal and bilingual dictionaries as needed. A glossary of legal terms frequently encountered by court interpreters is provided in Appendix V and Appendix W.

Professional Demeanor

Court interpreters shall:

- speak in a clear, firm, and well-modulated voice;
- always be positioned so that the LEP, Deaf or Hard of Hearing person can hear and/or see everything the court interpreter says or signs, and to ensure that the interpreter can hear and see everything that is said or signed during the proceedings, without obstructing the view of the judge, jury or counsel; and
- wear appropriate business attire. Court interpreters should check the dress code section of the applicable collective bargaining agreement. Information is also available in the Unified Court System's Employee Handbook, <http://inside-ucs.org/oca/hr/pdfs/EmpHandBk.pdf> on page 33.

Case Preparation

Court interpreters shall, whenever possible, prepare for a proceeding by:

- having a basic understanding of the types of cases handled by the various courts, and thereby preparing for anticipated vocabulary (See Appendix V and Appendix W: Glossary of Legal Terms and Glossary of Forensic Terms).
- reviewing the case material including the charges, police reports, complaints, indictments, transcripts of interviews, motions or any other documents to be used in the case; this information may not be readily available.
- becoming familiar with the communication pattern, cultural background, and native language level of proficiency of the LEP or Deaf or Hard of Hearing person; and
- informing the LEP or Deaf or Hard of Hearing person as to the interpretation mode or signing technique that will be used.

Communication with the LEP, Deaf or Hard of Hearing Person

Prior to the initial court appearance, the court shall:

- advise the LEP or Deaf or Hard of Hearing person that the court interpreter's role is to interpret all statements and comments throughout the proceeding (See Appendix B, Judicial Benchcard and Appendix C, Take Away Card-English);
- when necessary and where available, arrange for wireless interpreting equipment to be used⁶;
- advise the LEP or Deaf or Hard of Hearing person to direct all questions to counsel or to the court; and
- advise the LEP or Deaf or Hard of Hearing person that the interpreter **cannot** engage in independent dialogue, discussions or conversations with the LEP or Deaf or Hard of Hearing person.

Addressing the Court

To ensure that all parties are properly identified for the record, court interpreters shall:

- utilize the first person singular when interpreting; and
- address the court using the third person singular to protect the record from confusion. For example, "Your Honor, the interpreter cannot hear the witness;" "Your Honor, the interpreter needs clarification of a word or phrase," etc.

⁶ At the court's discretion, and where available, this equipment may be used during the simultaneous interpreting of the proceeding for LEP defendants.

Language and/or Hearing Difficulties

During the course of a proceeding if:

- an interpreter does not understand a word, phrase or concept, the interpreter shall inform the court which may, at its discretion, order an explanation, rephrasing or repetition of the statement. The interpreter may request time to look up an unfamiliar word in the dictionary.
- the interpreter has difficulty hearing, he/she shall inform the court. The court may, at its discretion, order the speaker to repeat the statement, to speak louder or change the position of the interpreter in the courtroom.
- the interpreter is aware that an English word or legal term does not have an equivalent translation, or that the word or concept does not exist in the foreign language, the interpreter will immediately inform the Court using the third person, as previously described. The same procedure should be followed if a word or term in the foreign language does not exist in English. In all instances, the interpreter will follow the instructions of the Court.

Errors

- When an interpreter discovers an interpretation error, the interpreter shall immediately inform the judge, even if the error is perceived after the proceeding has been completed.

Quality Control

It is the fundamental obligation of the interpreter to provide clear, accurate and impartial language access to all LEP, Deaf and Hard of Hearing court users. The courts, in collaboration with OLA, will take specific measures to enhance oversight of language access and ensure that the service provided is of the highest quality.

Oversight includes, but is not limited to, review of random samples of audio recorded proceedings, site visits to courthouses by OLA or designated staff, and implementation of an accessible and transparent complaint process for LEP, Deaf and Hard of Hearing court users, attorneys, advocates, court staff and the court interpreter named in a complaint.

This quality control process will allow for efficient and consistent resolution of complaints, whether by way of training, remediation or permanent removal of a per diem interpreter from the Registry.

Venues

The Courts

The Unified Court System includes different types of courts. It is important that interpreters are aware of where the courts are located and the types of cases each handles. Below are some of the courts in which Court Interpreters are most often provided:

City	County	Supreme, Civil
Civil	District	Supreme, Criminal
County	Family	Surrogates

In addition to the courtroom, Court Interpreters may be provided for brief attorney/client interviews, in order to facilitate furtherance in the matter before the court, that may be held in holding cells or other areas of the courthouse, pre-trial conferences with Court Attorneys in judges' chambers, and in court offices where information and instructions are provided to the public.

Problem-Solving Courts and Other Settings

Court interpreters are provided in community courts and problem-solving courts that address specific issues such as:

- Domestic Violence
- Drug Treatment
- Human Trafficking
- Mental Health
- Sex Offenses
- Veterans

Court interpreters may also assist in proceedings for Mediation, Fee Arbitration, and at hospitals.

In all courts and venues, court interpreters are bound by the same Code of Ethics and Canons of Professional Responsibility (See Appendix A).

Remote Interpreting

Providing a court interpreter who is qualified, professional and physically present in the courtroom is always the goal. However, there are times when the need for an interpreter is not known in advance, or no qualified interpreter is available in the specific language requested. In these instances, the Office of Language Access may arrange for Remote Interpreting (See Appendix E: Remote Interpreting Tip Sheet).

How It Works

Remote language access can be facilitated across the state using various technologies, including videoconferencing and telephonic interpreting. The interpreter will appear at the NYC Office of Court Administration (or another court facility), and be linked by telephone or video to the court that needs the interpreter. When the case is called, the interpreter will be heard and/or seen by all in the (offsite) courtroom, often through a speaker or speaker phone. Remote interpretation is generally rendered in the consecutive mode. With additional equipment, simultaneous interpretation may also be provided.

Who Provides the Service

Court interpreters who are employees of the Unified Court System (UCS) are called upon first to provide remote interpreting. If a staff interpreter is unavailable, then per diem court interpreters may be contracted to provide this service.

An interpreter providing remote services should always be interpreting from a UCS court facility, using UCS equipment, and with appropriate oversight. Interpreting services should NOT be provided from a non-court location or via an interpreter's personal telephone, cellphone or computer, via Skype or other connections from a non-UCS facility.

Benefits

Utilization of Remote Interpreting is cost effective and saves time, while also ensuring that:

- the court interpreter has been qualified or successfully screened by the UCS; there is oversight of the interpreter and monitoring of technical issues by OLA staff and/or court staff.
- resolution of the matter is not delayed in order to obtain an available local interpreter.
- costs for travel are reduced or eliminated.

Challenges

As the language facilitator in court proceedings, the interpreter faces a variety of challenging situations. To ensure that the record of interpreted proceedings is clear, the interpreter shall be aware of the following:

Linguistic

- The interpreter shall orally translate the exact response of the witness or speaker, even if the answer to a question is non-responsive.
- When an interpretation is challenged, the interpreter shall seek guidance from the court. The court will determine whether the interpreted matter is substantial enough to warrant any changes, and will make the final determination as to the acceptable interpretation for the record.
- When an interpreter is required for a witness in a jury trial, jurors are advised that they must rely on the translation provided by the interpreter. Jurors are also instructed to inform the court if they disagree with the interpretation rendered (See Appendix D: NY Pattern Jury Instructions, PJI 1:87). If this occurs, the interpreter must seek guidance from the court and not engage in debate with the juror.
- If a witness testifying in a foreign language uses a few words in English, the interpreter shall repeat those words for the record. If the witness utters a full English response, the interpreter shall not repeat the words, sentences or phrases but shall seek direction from the court.
- When an objection is made, the interpreter shall interpret everything that was said up to the objection and instruct the witness by hand gesture not to speak until the court has ruled on the objection.
- When a communication problem arises between the interpreter and the LEP or Deaf or Hard of Hearing person, (e.g., an individual is being disruptive or does not allow the interpreter to speak), or when there is a need to instruct the witness as to proper usage of the interpreter by the LEP or Deaf or Hard of Hearing person, the interpreter shall bring the matter to the attention of the court.
- A court interpreter shall **not** characterize or attempt to explain testimony.
- The court interpreter shall **not** mimic any gestures made by the LEP person.
- A court interpreter shall **not** correct erroneous facts or make any inferences from any statements made during a proceeding.

Fatigue Factor

- An interpreter shall inform the court, at an appropriate time during the proceedings, if the quality of interpreting is at risk due to fatigue.
- Depending on the jurisdiction and the resources, interpreters may work in teams to reduce fatigue. ASL interpreters frequently work in teams, because of the physicality involved in sign language interpreting. Court managers may implement Team Interpreting for spoken language interpreters as well where deemed necessary.⁷

⁷ For more information about Team Interpreting, contact the Office of Language Access at (646) 386-5670.

Oath

Section 387 of the Judiciary Law requires that before entering upon his or her duties, an interpreter shall file with the Clerk of the Court the constitutional oath of office.

This oath reads as follows:

“I do hereby pledge and declare that I will support the constitution of the United States and the constitution of the State of New York, and that I will faithfully discharge the duties of the position of Court Interpreter, according to the best of my ability.”

This oath shall be executed by all interpreters, including interpreters with whom the court contracts on a per diem basis. The oaths shall be filed with the Clerk of the Court⁸ (See Appendix H: Oath). One signed oath will serve for subsequent engagements. However, According to the Judicial Bench card (see Appendix B: Judicial Benchcard), a best practice for working with interpreters, staff or per diem, includes swearing in the interpreter and placing the interpreter’s appearance (full name and language) on the record.

Sample Interpreter Oath:

“Do you solemnly swear or affirm that you will interpret accurately, completely and impartially, follow all official guidelines established by this court for legal interpreting or translating, and discharge all of the duties and obligations of legal interpretation and translation?”

In some cases a judge may also choose to conduct a voir dire to assess a court interpreter’s qualifications. If this is an action taken by the judge to create a complete record, the interpreter, whether per diem or staff, should comply.

In certain jurisdictions court interpreters may also be required to swear or affirm an oath in the courtroom, to attest to their qualifications and abilities to discharge their duties.

⁸ The Office of Language Access may also maintain copies of the executed oaths.

Court Interpreting Assignments

- All interpreting assignments, for both employee and per diem court interpreters, should be reflected in the mandatory Court Interpreter Electronic Scheduling System (E-System). This statewide database, which is in real-time, helps ensure that interpreter services are utilized efficiently. The system allows UCS personnel to see which interpreters (and in which languages) are providing services in neighboring courts and jurisdictions at all times, and it is used to verify payments to per diem interpreters.
- Court interpreter assignments vary from court to court, and from county to county, within the same type of court. The interpreter may request general information about the assignment upon arrival to the court.
- Per diem interpreters may also inquire about the type of case, upon confirmation of the assignment.
- Depending on location, the court interpreter may report to the part clerk or supervisor for assignment, and for any information or administrative support needed to perform professional services.
- Once appointed to a court or jurisdiction, the court interpreter must accept assignment to any case or matter requiring interpreting services within that court or jurisdiction.
- If an interpreter is unable to carry out an assignment, the court, agency head, part clerk or supervisor should be informed immediately.
- Per diem court interpreters may, at their discretion, accept or decline assignments in any of the sixty-two counties within the State of New York (see Appendix I: NYS Judicial Districts Map).
- Court personnel are to schedule interpreting assignments to meet the needs of the courts, and are encouraged to call upon any/all interpreters who are listed as qualified for a particular language.
- Per Diem Court Interpreters will be compensated for the length of time engaged in services actually rendered (See Appendix T: Budget Bulletin # 1703, March 16, 2017).

Code of Ethics of the Unified Court System

A Code of Ethics for Nonjudicial Employees was added to the Rules of the Chief Judge in January 2003. This Code sets forth basic principles of ethical conduct that court employees must observe so that the court system can fulfill its role as a provider of effective and impartial justice. The Code also provides a comprehensive review of the existing laws, rules and ethical obligations that apply to nonjudicial employees and may be found at 22 N.Y.C.R.R., Part 50 of the Rules of the Chief Judge of the State of New York (See Appendix O: Part 50- Rules of the Chief Judge).

In keeping with the Unified Court System's Code of Ethics, Canons of Professional Responsibility for Court Interpreters, including per diem interpreters, were codified in February 2003 (See Appendix A). To ensure that court interpreters do not violate any elements of the Code, they shall:

- immediately report to the Court any solicitation or effort to induce or encourage a violation of any law, professional standard or regulation promulgated by the Chief Administrator of the Courts;
- disclose, on the record, any services previously provided on a private basis to any of the parties involved in a proceeding;
- **not** have any direct or indirect interest in any business or transaction, nor incur any obligations which are in conflict with the proper discharge of the duties of court interpreter or which may affect the outcome of the proceedings. An interpreter shall not derive personal profit or advantage from any confidential information acquired while acting in a professional capacity;
- **not** accept money, consideration or favor for the performance of his or her duties from anyone (other than the compensation received from the court);
- **not** use the court's time, facilities, equipment or supplies for private gain or advantage;
- **not** serve in any proceeding which involves an associate, friend or relative of the interpreter;
- **not** give legal advice of any kind to anyone concerned with the proceeding, whether solicited or not;
- **never** act as an individual referral service for an attorney; and
- **not** respond to requests or conduct interviews with the media.

In October 2003, the Unified Court System issued a memorandum to court managers designed to clarify the issue of outside employment of court interpreters who are employees of the court system. The memorandum reads, in part:

It is the court system's policy that outside employment of any kind – paid or unpaid – must not create a conflict of interest or interfere with the employee's performance of his or her duties. Prior to accepting outside employment, court interpreters should seek permission from their supervisor or an appropriate person in the local administrative office. This will help ensure that engaging in the outside employment does not compromise the public trust in interpreting services provided in matters before the court.

No specific prohibition prevents court system interpreters from providing interpreting services to criminal defense attorneys (including 18-B attorneys) and their clients. However, please be reminded that the general rules regarding outside employment apply: Interpreters must receive advance approval, and these services may only be provided outside the interpreter's normal work schedule (see Appendix P). Where the interpreter has previously provided outside interpreting services for a party appearing before the court, the interpreter should disclose the prior relationship to the court and the parties at the onset of the proceedings in which he or she is assigned to interpret (See Appendix A: NYS Unified Court System Canons of Professional Responsibility for Court Interpreters, Canon 7). In no event should an interpreter provide outside interpreting services for a defendant during the course of the interpreter's assignment to interpret a hearing or trial.

Office of Language Access

To ensure uniform administration of court interpreting services, the Office of Court Administration (OCA) in 1994 created the position of Coordinator of the Office of Court Interpreting Services (CIS) as part of the Division of Human Resources. In 2004, the functions of CIS were incorporated into the Division of Court Operations. In 2015 the Office of Court Interpreting Services was renamed the Office of Language Access. The Office of Language Access (OLA) assists in the development and implementation of policies and best practices that support the NYS Unified Court System's (UCS) commitment to ensure that persons with Limited English Proficiency (LEP), or who are Deaf or Hard of Hearing, have equal access to the courts and available court services. OLA is responsible for ensuring that prompt, accurate and consistent foreign language and sign interpretation and translation are provided in a manner that complies with UCS policies and procedures.

Complaints

The Unified Court System has a longstanding internal procedure to address complaints filed against its court interpreters who are employees. Matters of concern revolving around an interpreter's lack of performing his or her duties are reported to that interpreter's immediate supervisors, and may be noted on probationary reviews, performance evaluations, and referred to the Inspector General's office.

All UCS personnel who are responsible for providing or supervising per diem court interpreters have been given access to the Language Services Incident Report. This standardized form was developed by the Office of Language Access and is available online, through the court system's intranet at: http://apps.courtnet.org/webdev/incident_report.jsp

Concerns or complaints about the quality of interpreting services provided may also be emailed to: InterpreterComplaints@nycourts.gov. Designated staff of OLA review all complaints on a case-by-case basis, and make recommendations as needed.

The Coordinator of Language Access (and staff/designee) monitors and evaluates compliance with OCA's standards, policies and procedures for delivering interpreting services and is responsible for maintaining a high professional standard for the delivery of these services. The Coordinator also recommends the implementation of policies and procedures that will further facilitate accurate and consistent oral, written, and sign language interpreting services.

Testing

In collaboration with the UCS Division of Human Resources, OLA may assist with development of the civil service Court Interpreter (Spanish) examination and screening examinations in languages other than Spanish. To that end, OLA also conducts an ongoing assessment of the language needs of the courts statewide.

Working with other OCA units, representatives of the courts, and interpreting consultants, OLA develops and presents in-service workshops and training programs for interpreters of all languages. These programs cover a wide variety of subjects including interpreting modes, ethics, rules, policies and procedures, enhancement of language skills, and other related subjects.

Through partnership with local government, community groups, the UCS Advisory Committee on Language Access, and members of the Bar, OLA works to assess and address the language needs of court users throughout the state.

FOR MORE INFORMATION OR FOR ADDITIONAL INFO CONTACT:

OFFICE OF LANGUAGE ACCESS

Office of Court Administration • 25 Beaver Street, 8th floor • New York, NY 10004

Email: courtinterpreter@nycourts.gov

Website: www.nycourts.gov/courtinterpreter

Telephone: (646) 386-5670

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Canons of Professional Responsibility for Court Interpreters



UNIFIED COURT SYSTEM'S CANONS OF PROFESSIONAL RESPONSIBILITY FOR COURT INTERPRETER

As officers of the court, interpreters are obligated to observe high standards of professional conduct to effectively perform their duties and to ensure public confidence in the administration of justice. The New York State Unified Court System has approved **“Canons of Professional Responsibility for Court Interpreters.”** These Canons set forth principles of professional conduct for all court interpreters. To perform their duties, interpreters are obligated to meet these professional guidelines.

- Canon 1** Court interpreters are obligated to interpret accurately and objectively without indicating any personal bias or beliefs, avoiding even the appearance of partiality.
- Canon 2** Court interpreters shall maintain impartiality by avoiding undue contact with witnesses, attorneys, defendants and their families, and any contact with jurors. This should not limit, however, those appropriate contacts necessary to prepare adequately for their assignments.
- Canon 3** Court interpreters shall reflect proper court decorum and treat with dignity and respect all court officials and personnel and all parties before the court.
- Canon 4** Court interpreters shall avoid professional or personal conduct that could discredit the court.
- Canon 5** Court interpreters shall not disclose, except upon court order, any information of a confidential nature about court proceedings and cases, obtained while performing interpreting duties.

Canons of Professional Responsibility for Court Interpreters (*cont.*)

- Canon 6** Court interpreters shall not engage in, nor have any interest, direct or indirect, in any activity, business or transaction, nor incur any obligation, that is in conflict, or that creates an appearance of conflict, with the proper discharge of their interpreting duties or that affects their independence of judgment in the discharge of those duties.
- Canon 7** Court interpreters shall disclose to the court and to the parties in a case any prior involvement with that case or private involvement with the parties or others significantly involved in the case.
- Canon 8** Court interpreters shall work unobtrusively with full awareness of the nature of the proceedings.
- Canon 9** Court interpreters shall refrain from giving advice of any kind to any party or individual and from expressing personal opinions in a matter before the court.
- Canon 10** Court interpreters must accurately state their professional qualifications and shall refuse any assignment for which they are not qualified or under conditions that substantially impair their effectiveness.
- Canon 11** Court interpreters shall not accept remuneration, gifts, gratuities or valuable consideration in excess of their authorized compensation in the performance of their official interpreting duties.
- Canon 12** Court interpreters shall not take advantage of knowledge obtained in the performance of official duties, or by their access to court records, facilities, or privileges, for their own or another's personal gain.
- Canon 13** Court interpreters are obligated to inform the court of any impediment in the observance of these Canons or of any effort by another to cause these Canons to be violated.

Judicial Bench Card

THE NEW YORK STATE UNIFIED COURT SYSTEM

UCS Benchcard and
Best Practices for Judges

WORKING WITH COURT INTERPRETERS

Persons with limited English proficiency (LEP) and those who are deaf or hard of hearing face special challenges when they use the judicial system, and Court Interpreters serve a fundamental role in providing access to justice for these individuals.

WHO IS ENTITLED TO AN INTERPRETER?

IN NEW YORK STATE, PARTIES AND WITNESSES WHO ARE UNABLE TO UNDERSTAND OR COMMUNICATE IN ENGLISH OR CANNOT HEAR THE COURT PROCEEDINGS are entitled to an interpreter at every stage of a proceeding, in all types of court cases. (Part 217 of the Rules of the Chief Administrator of the Courts, 22 NYCRR Part 217). A judge may presume a need for an interpreter when an attorney or self-represented party advises the Court that a party or a witness has difficulty communicating or understanding English, or that a party is deaf or hard of hearing. If a request for an interpreter has not been made, but it appears that a party or witness has limited ability to communicate or understand court proceedings in English, a judge should ask a few questions (on the record) to determine if an interpreter is necessary:

SAMPLE QUESTIONS TO ASSESS THE ENGLISH PROFICIENCY OF A PARTY OR WITNESS:

- **What is your name?**
- **How comfortable are you in proceeding with this matter in English?**
- **In what language do you feel most comfortable speaking and communicating?**
- **Would you like the court to provide an interpreter in that language to help you communicate and to understand what is being said?**

HOW DO I GET AN INTERPRETER FOR MY COURT?

Depending on your location, a court administrator, clerk or senior court interpreter is responsible for scheduling and assigning interpreters to the court. If there is no local interpreter available to appear in-person at your court, **REMOTE INTERPRETING**, by phone or video-conference from another UCS location, can be arranged.

HOW DO I KNOW IF THE INTERPRETER IS QUALIFIED?

The UCS uses two types of Court Interpreters:

- (1) Staff Court Interpreter (UCS employee) or
- (2) Per Diem Court Interpreter (freelancer/voucher-paid) from the UCS Registry of Qualified Court Interpreters.

Foreign language interpreters from both groups have satisfied the court system's language-skills screening process and assessment exams, as well as a criminal background check; Sign language interpreters are required to hold certification from the Registry of Interpreters for the Deaf (RID). The clerk or other court staff are responsible for confirming an interpreter's qualifications prior to scheduling the interpreter to appear at your court.

Occasionally, the court may need to call upon an interpreter who is neither a staff court interpreter nor a per diem interpreter on the UCS Registry of Qualified Court Interpreters. Such interpreters should be used *only on an emergency basis*, if a staff or eligible per diem interpreter is not available, and if remote interpreting cannot be arranged. If the court is unsure of an interpreter's qualifications, the judge should review the interpreter's credentials by asking a few questions (on the record) at the outset of the court proceeding:

SAMPLE VOIR DIRE QUESTIONS TO ASSESS COURT INTERPRETER QUALIFICATIONS:

- **How did you learn English?**
- **How did you learn the foreign language or sign language that you will be interpreting today?**
- **What training or credentials do you have to serve as a court interpreter?**
- **How long have you been an interpreter?**
- **How many times have you interpreted in court?**

Judicial Bench Card (*cont.*)

Rev: 5/2015

BEST PRACTICES FOR WORKING WITH COURT INTERPRETERS:**EXPLAIN THE ROLE OF THE COURT INTERPRETER**

It is important that the party who needs an interpreter understands the role of the interpreter. **The judge should instruct the interpreter to communicate the following information to the party, as it is read aloud by the judge, in the courtroom:**

- I have been informed that you are more comfortable communicating in (Foreign language or Sign language) instead of English.
- The person next to you is the (language) interpreter.
- The interpreter's job is to repeat to you in (language) everything that is said in English during this court proceeding.
- The interpreter will also repeat for us anything you say in (language) back into English.
- Nothing will be changed or left out of this interpretation. The interpreter is not allowed to give you advice or have private conversations with you.
- The interpreter will not talk about your case with anybody outside the court.
- If something is not clear to you or you have a question, raise your hand. I (the Judge) will answer your questions or concerns. Do not ask the interpreter directly for information or advice about the case.
- Do you understand what the interpreter is supposed to do?
- Do you have any difficulty understanding the interpreter?
- I will now swear-in the interpreter for the record.

SWEAR-IN THE INTERPRETER

All interpreters should be sworn-in. Placing the interpreter's appearance on the record underscores the importance of adhering to the principles of good court interpreting. Also, when the interpreter states his or her name, it is a good opportunity to inquire whether any party knows the interpreter. This question can eliminate potential conflicts or the appearance of impropriety.

SAMPLE INTERPRETER OATH:

"Do you solemnly swear or affirm that you will interpret accurately, completely and impartially, follow all official guidelines established by this court for legal interpreting or translating, and discharge all of the duties and obligations of legal interpretation and translation?"

ADVISE THE JURY (WHERE APPLICABLE)

Explain to jurors that languages other than English may be used during the proceeding. Even if members of the jury understand the non-English language that is being spoken, jurors must base their decision on the evidence presented in the English interpretation. (See PJI 1:87 for a jury instruction on interpreters.)

ASSESS THE PERFORMANCE OF THE COURT INTERPRETER

A judge's observations can aid in the evaluation of an interpreter's performance, even if one does not speak the language that is being interpreted.

Accordingly, consider the following to determine if the interpreter is communicating effectively during the proceeding:

- Are there significant differences in the length of interpretation as compared to the original testimony?
- Is the interpreter leading the witness, or trying to influence answers through body language or facial expressions?
- Is the interpreter acting in a professional manner?
- Is the interpretation being done in the first-person? For example, while verbally translating what is being said in court, the interpreter will relay the words as if he/she is the person speaking.
- If the interpreter has a question, does he or she address the Court in the third-person (e.g. "Your honor, the interpreter could not hear the last question...") to keep a clear record?

*If you have any concerns or questions about an interpreter's performance, contact the Chief Clerk of the court.
You may also contact the Office of Language Access at (646) 386-5670 or by e-mail:
InterpreterComplaints@nycourts.gov*

THE NEW YORK STATE UNIFIED COURT SYSTEM

UCS Benchcard and Best Practices for Judges

WORKING WITH COURT INTERPRETERS

Take Away Card - English



Information About
**Language Access
in the Courts**

If you need an interpreter, the court will provide one to you at no cost. This is a free service for people who use the courts.

The reverse side of this card provides information about the court interpreter's role, and what the interpreter can or cannot discuss with you.

If you have a question or concern about court interpreting services, alert the Judge, speak to the Clerk of the Court where the case is being heard, or contact the Office of Language Access:

Office of Language Access
NYS Unified Court System
Office of Court Administration
25 Beaver Street, 8th Floor
New York, New York 10004

Phone: (646) 386-5670
Email: courtinterpreter@nycourts.gov

nycourts.gov/courtinterpreter

Take Away Card - English (*cont.*)

English



Using a Court Interpreter

- To help with communication during the court proceeding, you will be given an interpreter who speaks your language.
- The interpreter's job is to repeat to you in your language, everything that is said in English by the Judge or others in the court.
- The interpreter will also repeat anything that you say in your language, back into English.
- Nothing that is said will be changed or left out of this interpretation.
- The interpreter is not allowed to give you advice or have private conversations with you.
- The interpreter will not talk about your case with anybody outside the court.
- If something is not clear to you or if you have a question, raise your hand. The judge will answer your questions or concerns. Do not ask the interpreter directly for information or advice.

nycourts.gov/courtinterpreter

Pattern Jury Instructions 1:87 General Instructions-Interpreters

PJI1:87General Instructions—Interpreters, N.Y. Pattern Jury Instr.--Civil 1:87

N.Y. Pattern Jury Instr.--Civil 1:87

New York Pattern Jury Instructions--Civil

Database updated December 2014

Committee on Pattern Jury Instructions Association of Supreme Court Justices

Division 1. General Charges

C. General Instructions Not Applicable to All Cases

6. Witnesses

PJI 1:87 General Instructions—Interpreters

You are about to hear testimony in [*identify language other than English*]. An interpreter will provide a translation. You must rely only on the translation provided by the interpreter, even if you understand the language spoken by the witness and even if you disagree with the interpreter's translation. If you believe that the interpreter translated testimony incorrectly, you must advise the court immediately. Do not offer your own translation of any testimony to the other jurors at any point during the trial or the deliberations.

Comment

Caveat: Absent special circumstances, this charge should be given immediately before the witness testifies.

22 NYCRR § 217 provides that “[i]n all civil and criminal cases, when a court determines that a party or witness, or an interested parent or guardian in a Family Court proceeding, is unable to understand or communicate to the extent that he or she cannot meaningfully participate in the proceedings, the court shall appoint an interpreter,” see [People v Lee](#), 21 NY3d 176, 969 NYS2d 834, 991 NE2d 692 (2013). Interpreters must file the oath of office that is required by the Constitution with the Clerk of the Court, [Judiciary Law § 387](#); see [People v Lee](#), supra. The Office of Court Administration internal Court Interpreter Manual and Code of Ethics states that an interpreter must faithfully and accurately interpret what the witness has said without embellishments or omissions, see [Matter of Yovanny L.](#), 33 Misc3d 894, 931 NYS2d 485 (Fam Ct 2011). The Interpreter Manual also contains additional guidance as to the interpreter's impartiality, confidentiality, proficiency and professional demeanor, see id. Interpreters are enjoined to provide services only in areas where they can perform accurately, and they should inform the court immediately upon learning that an error has been made, see id. The Office of Court Administration has issued a benchcard to aid judges in assessing interpreters' competence and performance. The contents of this benchcard are reproduced in [Matter of Yovanny L.](#), supra.

An interpreter should be a person who is not biased and has no interest in the outcome of the case, [Matter of James L.](#), 143 AD2d 533, 532 NYS2d 941 (4th Dept 1988); see [People v Lee](#), 21 NY3d 176, 969 NYS2d 834, 991 NE2d 692 (2013). There may be circumstances where no competent disinterested interpreter is available and the court finds that it is necessary to appoint a person with an interest or other potential source of bias, [People v Lee](#), 89 AD3d 633, 933 NYS2d 272 (1st Dept 2011), aff'd, 21 NY3d 176, 969 NYS2d 834, 991 NE2d 692 (2013); [Matter of James L.](#), supra. In such cases, the court must interrogate the interested interpreter to determine the extent of bias and, further, must admonish the interpreter to translate exactly what the witness has said, [Matter of James L.](#) supra; see [People v Lee](#), supra; [People v Fisher](#), 223 NY 459, 119 NE 845 (1918).

In general, the court has discretion to determine whether a witness should be permitted to testify through an interpreter, [People v O'Sullivan](#), 258 AD2d 330, 686 NYS2d 2 (1st Dept 1999). The use of an interpreter may be permitted where a witness has limited command of English and the clarity of his or her testimony would otherwise be hindered, id; see [People v Morrison](#), 244 AD2d 168, 663 NYS2d 841 (1st Dept 1997); [People v Wilson](#), 188 AD2d 405, 591 NYS2d 397 (1st Dept 1992). In [Mehmood v Wong](#), 18 AD3d 518, 795 NYS2d 86 (2d Dept 2005), a personal injury action, it was held that the trial court's failure to appoint

Pattern Jury Instructions 1:87 General Instructions-Interpreters (*cont.*)

PJI1:87General Instructions—Interpreters, N.Y. Pattern Jury Instr.--Civil 1:87

an interpreter deprived plaintiffs of a fair trial where the witness's difficulty in understanding questions and answering them in English was obvious and substantial questions were raised as to the jury's ability to understand the testimony. The appellate court in *Mehmood* held that the trial court's alternative procedure, in which the witness was permitted to request the assistance of an interpreter on a question-by-question basis, was not sufficient to remedy the problem.

The court may, in the exercise of its discretion, determine that an interpreter is competent and that any misunderstandings in the translation process have been rectified, *People v Watkins*, 12 AD3d 165, 786 NYS2d 133 (1st Dept 2004); *People v Nedal*, 198 AD2d 42, 603 NYS2d 454 (1st Dept 1993); *People v Frazier*, 159 AD2d 278, 552 NYS2d 841 (1st Dept 1990); *Matter of James L.*, 143 AD2d 533, 532 NYS2d 941 (4th Dept 1988). Occasional difficulties in translation are not sufficient grounds to challenge a verdict, at least where the difficulties are adequately rectified and the witness's testimony was properly presented to the jury, *People v Kowlessar*, 82 AD3d 417, 918 NYS2d 41 (1st Dept 2011); see *People v Watkins*, *supra* (difficulties in translation did not prevent effective cross-examination of witness). Thus, the court properly exercised its discretion in accepting an interpreter's assurances that there had been adequate communication between herself and the witness, where the juror who originally questioned the precision of the translation assured the court that she detected no real inaccuracies, *People v Staley*, 262 AD2d 30, 692 NYS2d 314 (1st Dept 1999). Whether any difficulties in the translation led to prejudice is an important consideration, see *People v Singleton*, 59 AD3d 1131, 873 NYS2d 838 (4th Dept 2009); *People v Watkins*, *supra*; *People v Pham*, 283 AD2d 952, 725 NYS2d 245 (4th Dept 2001). With respect to the interpreter's competence, consideration must be given to the proposed interpreter's grasp of the English language as well as to his or her ability to follow the oath required by *Judiciary Law* § 387, *Matter of James L.*, *supra*.

Questions about the reliability of the process may arise when a juror who understands the language being translated into English raises questions about the accuracy of the translation. In such instances, the questions should be resolved and the court should seek assurances from the juror that he or she can accept the translation, *People v Staley*, 262 AD2d 30, 692 NYS2d 314 (1st Dept 1999). When a juror raises questions about the accuracy of the translation after the verdict has been announced, the rules against impeaching the verdict are applicable and the court should undertake inquiry only in extraordinary circumstances, such as where there is a risk that a juror's knowledge of the witness's language put him or her in the position of an unsworn witness in the jury room, *People v Sanchez*, 185 AD2d 331, 586 NYS2d 149 (2d Dept 1992).

Individuals who are profoundly hearing-impaired or profoundly speech-impaired are competent to testify and may give evidence through an interpreter, *Cowley v People*, 83 NY 464 (1881); *Matter of Luz P.*, 189 AD2d 274, 595 NYS2d 541 (2d Dept 1993). *Judiciary Law* § 390 authorizes the appointment of "a qualified interpreter of the deaf sign-language." For a discussion of the use of sign language interpreters, see *Matter of Luz P.*, *supra*, and *People v Rodriguez*, 145 Misc2d 105, 546 NYS2d 769 (Sup 1989).

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Remote Interpreting Tip Sheet

THE NEW YORK STATE UNIFIED COURT SYSTEM

Working with Interpreters
by Video or Teleconference

TIPS FOR REMOTE INTERPRETING

USE OF REMOTE INTERPRETING:

Remote Interpreting is a useful alternative in providing court interpreting services, when availability or critical need renders on-site interpretation impractical.

Telephone or video interpretation may be used in place of on-site interpreting whenever the quality of interpretation is not compromised and:

1. there is no on-site UCS staff or qualified freelance interpreter available, and there is a time-sensitive matter to be heard; or
2. there is no available on-site UCS staff or qualified freelance interpreter available for a less-immediate matter; or
3. it is more responsible to obtain the service by remote-means than to delay a court proceeding.

Remote interpreting may be considered a suitable option when there is a time-sensitive matter requiring interpretation and no other resources are available. Adhering to the following “tips” will help to ensure that the remote appearances run smoothly and efficiently.

SCHEDULING A REMOTE INTERPRETER:

The Clerk (or appropriate court personnel) should provide as much advance notice as possible when an interpreter is needed. Requests for remote interpreting services may be submitted online, using the **Request for Remote Interpreting Services form** that is available on Courtnet, or by submission of a detailed e-mail to: remoteinterpreting@nycourts.gov

Include as much case information as possible with the request for interpreting services (e.g., case type, procedural phase, which party needs the interpreter), to help the interpreter prepare for vocabulary or legal terminology that may be used during the procedure.

If it is the first time the court is conducting a remote session, a “test run” is strongly recommended. This test will confirm the clarity and proper use of video and/or telephonic connections and equipment to be used during the remote interpretation, and should be conducted at least 30 minutes prior to the remote session.

BEFORE THE PROCEEDING:

- Before the proceeding begins, the court user should be informed (by the Judge) that the interpreter is appearing by video or phone; the judge should also ascertain that they can both hear and understand one another.

- Explain to the court user, through the interpreter, that the interpreter's role is to translate what is said in the courtroom in English into the foreign language and vice versa. The interpreter cannot give any advice, make suggestions, or engage in private conversations with the court user.
- The court should advise all parties in the courtroom that **one person should speak at a time, in a loud and clear voice**; it is impossible to interpret multiple or inaudible voices.
- The court user should be advised (by the judge) that if they are unable to hear or understand what the interpreter has said, s/he should raise their hand and the judge will ask for clarification from the interpreter.
- If there is a jury present, explain that languages other than English may be used during the proceeding. Even if members of the jury understand the non-English language being spoken, jurors must base their decision on the evidence presented in the English interpretation.
- In proceedings where an interpreter for the **Deaf or Hard of Hearing** is required, the positioning of the parties is particularly important. Facial expressions, lip movements and bodily gestures are interpreted. The person who is deaf or is hard of hearing must be able to see the monitor clearly, and the remote interpreter must also be able to see the court user clearly.

Remote Interpreting Tip Sheet (*cont.*)

WORKING WITH INTERPRETERS BY VIDEO OR TELECONFERENCE

DURING THE PROCEEDING:

- The Judge should have the interpreter state his/her name, spelling it out, for the record. Inquire whether any party knows the interpreter, to eliminate potential conflicts or the appearance of impropriety.
- Once the case is ready to proceed the interpreter can be sworn in. Administering the oath to the interpreter underscores the importance of adhering to the principles of clear and accurate court interpreting.

SAMPLE OATH FOR THE INTERPRETER:

"Do you solemnly swear or affirm that you will interpret accurately, completely, and impartially, follow all official guidelines for legal interpreting or translating, and discharge all of the duties and obligations of legal interpretation and translation?"

- Remote interpretation should be done in the consecutive mode. All responses and verbal exchanges should include a pause after a sentence or two, in order for the interpreter to fully capture what is being said and to orally translate.
- If the court user and his/her attorney need to confer privately, the handset of the telephone may be used; if one receiver is utilized, it should be shared between the court user and the attorney.
- If needed, the court can utilize the 'mute' button for in-court exchanges that do not involve the court user (similar to an off-the-record bench conference).

Beware of shuffling papers or other activity near the microphones. Turn off cellphones and electronic devices. All sounds near the unit will be transmitted and may interfere with the interpretation.

EVALUATING THE REMOTE INTERPRETING SERVICE:

The court's observation can aid in the evaluation of an interpreter's performance. Accordingly, consider the following to determine if the interpreter is communicating effectively during the proceeding:

- Are there significant differences in the length of interpretation as compared to the original testimony?
- Does the individual needing the interpreter appear to be asking questions of the interpreter?
- Is the interpreter leading the witness, or trying to influence answers through body language or facial expressions?
- Is the interpreter acting in a professional manner?
- Is the interpretation being done in the first-person? For example, while verbally translating what is being said in court, the interpreter must relay the statement as if he/she is the person speaking.
- In order to keep a clear record, does he/she address the Court in the third-person? (e.g. "Your Honor, the interpreter could not hear the last question.")

At the conclusion of each Remote Session, please complete the **Remote Interpreting Assessment**, which is available online via Courtnet. The Office of Language Access (OLA) relies on your comments and suggestions in order to make remote interpreting a useful service.

If an interpreter will be needed for a subsequent date, please submit a **Request For Remote Interpreting Services Form** to the Office of Language Access, so that the remote arrangements can be made; scheduling arrangements for future assignments should not be made during the current video or telephonic remote interpreting appearance.

If you have any concerns or questions about an interpreter's performance, contact the Chief Clerk of the court. You may also contact the Office of Language Access at (646) 386-5670 or by e-mail: InterpreterComplaints@nycourts.gov

THE NEW YORK STATE UNIFIED COURT SYSTEM

Working with Interpreters
by Video or Teleconference

TIPS FOR REMOTE INTERPRETING

OLA TipSheet.2 Rev. 08.27.15

Part 217-Rules of the Chief Administrative Judge

ADMINISTRATIVE RULES OF THE UNIFIED COURT
SYSTEM & UNIFORM RULES OF THE TRIAL COURTS**Uniform Rules for N.Y.S. Trial Courts****PART 217. Access to Court Interpreter Services for Persons
With Limited English Proficiency****§217.1 Obligation to appoint interpreter in court
proceedings in the trial courts.**

- (a) In all civil and criminal cases, when a court determines that a party or witness, or an interested parent or guardian of a minor party in a Family Court proceeding, is unable to understand and communicate in English to the extent that he or she cannot meaningfully participate in the court proceedings, the clerk of the court or another designated administrative officer shall schedule an interpreter at no expense from an approved list maintained by the Office of Court Administration. The court may permit an interpreter to interpret by telephone or live audiovisual means. If no pre-approved interpreter is available, the clerk of the court or another designated administrative officer shall schedule an interpreter at no expense as justice requires. This rule shall not alter or diminish the court's authority and duty to assure justness in proceedings before it.
- (b) A person with limited English proficiency, other than a person testifying as a witness, may waive a court-appointed interpreter, with the consent of the court, if the person provides his or her own interpreter at his or her own expense.

§217.2 Provision of interpreting services in clerk's offices.

A court clerk shall provide interpreting services at no expense to a person with limited English proficiency seeking assistance at the court clerk's office in accordance with the needs of the person seeking assistance and the availability of court interpreting services. Such services may be provided by telephone or live audiovisual means.

Administrative Order, June 17, 1992

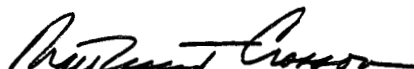
ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATOR OF THE COURTS

Pursuant to the authority vested in me by Section 390 of the Judiciary Law, I hereby:

(1) approve the Registry of Interpreters for the Deaf, Inc., as a recognized authority for certified interpreters of the deaf sign language in court proceedings; and

(2) establish compensation rates for services of interpreters of the deaf sign language employed by the courts, as set forth in the attached OCA Budget Bulletin. The conditions for payment of those rates shall be as set forth in that Bulletin.

This order shall take effect August 13, 1992.


CHIEF ADMINISTRATOR
OF THE COURTS

Dated: June 17, 1992

AO/128/92

Oath

OATH OF OFFICE
for
Per Diem Court Interpreters

NAME (Print) _____

Last	First	Middle Initial

Street Residential Address	City	State	Zip Code
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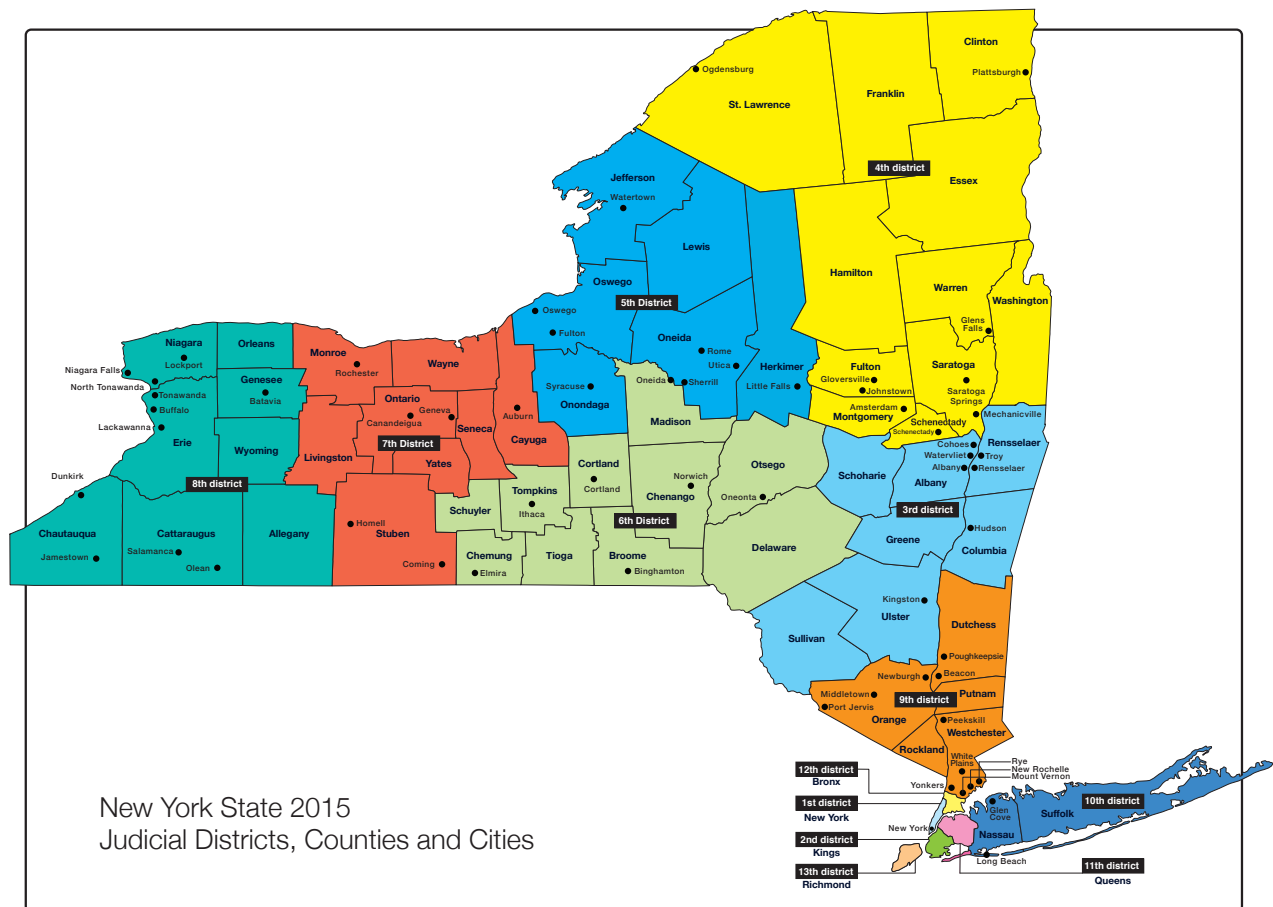
STATE OF NEW YORK }
COUNTY OF _____ } I do hereby pledge and declare that I will support the constitution of the United States and the
constitution of the State of New York, and that I will faithfully discharge the duties of the position of Court Interpreter, according to
the best of my ability.

Signature of per diem court interpreter

Date _____

THE ABOVE OATH MUST BE EXECUTED BY COURT INTERPRETERS AND FILED WITH THE CLERK OF THE COURT (Section 387- Judiciary Law). ONE OATH WILL SERVE FOR SUBSEQUENT ENGAGEMENTS.

NYS Judicial Districts Map



Case Types

CITY, CRIMINAL AND DISTRICT COURTS

730 Hearing	Mediation
Arraignments	Menacing
Assault w/ Intent	Misdemeanor Case
Burglary	Petit Larceny
Criminal Mischief	Possession of Gambling Device
Disorderly Conduct	Public Lewdness
Domestic Violence	Summons Appearance
Drug Case	Theft of Services
DWI	Traffic Court
Forcible Touching	Trespassing
Harassment	Unlicensed Vending
Loitering	Violations

CIVIL COURTS AND DISTRICT COURTS

Civil Cases (up to \$25K)	Infant Compromises
Consumer Credit Dept. Transactions	Landlord & Tenant (Rent arrears)
HP Action (Lack or repairs, heat/water)	Name changes
Holdover (possession of apt.)	Small Claims Court (suits for up to \$5K)
Housing matters	

FAMILY COURTS

Adoptions	Mediation
Custody/ Visitation	Neglect/ Abuse
Domestic Violence	Paternity
Family Treatment Court	PINS
Foster Care	Support
Guardianship	Termination of Parental Rights
Juvenile Delinquency	

SUPREME COURT, CIVIL TERM OR NYS SUPREME COURT

(OUTSIDE OF NYC)

Commercial Cases Foreclosures	Motor Vehicle Cases
Guardianship Infant Compromise	NYC (vs. NYC Board of Ed, NYPD, MTA, etc.)
Mass Torts (ex: asbestos, products liability)	Personal Injury
Matrimonial	Special Proceedings (Art. 78)
Mechanic Liens	Suits for over \$25K
Medical Malpractice	Tax Certiorari & condemnation cases
Mental Hygiene	White Collar crimes (ex.: Fraud)

Case Types (*cont.*)**SUPREME COURT, CRIMINAL TERM OR COUNTY COURT**

(OUTSIDE OF NYC)

Arson	Rape
Arraignments	Robbery
Assault	Sexual assault
Burglary	Weapons Possession
Drugs (Possession, Sales)	Estates and Trusts
Kidnapping	Guardianship
Larceny	Probate
Murder	

SURROGATES COURTS

Accounting	Guardianship/17 & 17-A
Administration	Probate
Adoptions: Infant, family, adult, foreign, and/or step-parent	Small Estate/Voluntary Administration
Estates and Trusts	Trusts
Fiduciary accounts	Wills
Guardianship/17 & 17-A	

Title Standard for Court Interpreter, JG-18

TITLE: COURT INTERPRETER

Effective Date: 06/30/1994

Salary Grade: 18

Title Code Number: 9442707

Jurisdictional Classification: C or NC

DISTINGUISHING FEATURES OF WORK:

Court Interpreters are primarily responsible for interpreting between English and another language in the courtroom and other settings. When court activity does not require interpreting services, Court Interpreters also may oversee per diem interpreting services, perform clerical tasks such as filing or answering inquiries, and other related duties.

TYPICAL DUTIES:

Interprets verbatim between English and another language in formal and informal settings.

Translates official, technical, medical and legal documents, certificates, letters and other written material, and audio recordings into English or another language.

Assists non-English speaking persons in filling out forms and preparing complaints.

Performs clerical tasks such as indexing and filing court papers and answering routine inquiries from the public.

May administer per diem interpreter proficiency tests, obtain per diem interpreting services and evaluate language proficiency.

The above statements are intended to describe the general nature and level of work being performed by persons assigned to this title. They do not include all job duties performed by employees in this title, and every position does not necessarily require these duties.

KNOWLEDGE, SKILLS, AND ABILITIES:

Knowledge of English and another language including vocabulary, grammar and pronunciation, as well as street language or slang, equivalent to that of a native speaker of English and the other language.

Ability to accurately interpret oral exchanges from one language into another in both simultaneous and consecutive modes.

Ability to communicate effectively with persons of varying linguistic levels and different cultural backgrounds.

Ability to translate written documents.

Ability to read, write, and communicate verbally at a level equivalent to a twelfth grade education in English and another language.

Ability to understand and follow oral and written instructions.

QUALIFICATIONS:

High school diploma or the equivalent; or An equivalent combination of education and experience.

Note: All candidates will be tested for proficiency in English and another language.

Title Standard for Court Interpreter Sign, JG-18

TITLE: COURT INTERPRETER SIGN

Effective Date: 12/11/2008
Title Code Number: 9463251

Salary Grade: 18
Jurisdictional Classification: NC

DISTINGUISHING FEATURES OF WORK:

Court Interpreters (Sign) are primarily responsible for interpreting between American Sign Language (ASL) and spoken English in the courtroom and other settings. They also translate written documents into sign language. When court activity does not require interpreting services, Court Interpreters (Sign) also may oversee per diem interpreting services, perform clerical tasks such as filing or answering inquiries, and other related duties.

TYPICAL DUTIES:

Interprets verbatim between English and sign language in formal and informal settings.
 Translates official, technical, medical and legal documents, certificates, letters and other written material, and audio recordings into sign language.
 Assists signers in completing forms and preparing complaints.
 Performs clerical tasks such as indexing and filing court papers and answering routine inquiries from the public.
 May administer per diem interpreter proficiency tests, obtain per diem interpreting services and evaluate language proficiency.

The above statements are intended to describe the general nature and level of work being performed by persons assigned to this title. They do not include all job duties performed by employees in this title, and every position does not necessarily require these duties.

KNOWLEDGE, SKILLS, AND ABILITIES:

Knowledge of the grammatical rules and syntax of American Sign Language.
 Knowledge of English including vocabulary, grammar and pronunciation, including street language or slang.
 Knowledge of the policies, procedures and standards regarding provision of sign translation services.
 Ability to accurately interpret verbal and sign exchanges in simultaneous, consecutive, and Sight modes.
 Ability to read, write, and communicate verbally in a clear and concise manner.
 Ability to translate written documents into sign.
 Ability to understand and follow verbal and written instructions.
 Ability to communicate effectively with persons of varying cultural backgrounds.

Title Standard for Court Interpreter Sign, JG-18 (*cont.*)**QUALIFICATIONS:**

High School diploma or the equivalent and professional certification by a recognized credentialing authority as required by Section 390 of the Judiciary Law;

or

An equivalent combination of education and experience.

Note: The Chief Administrative Judge has established the Registry of Interpreters for the Deaf, Inc. (RID) as a recognized credentialing authority. The minimum RID credential required by the New York State Unified Court System is the National Interpreter Certification (NIC).

Prior to appointment, candidates may be required to participate in a language competency skills

Title Standard for Senior Court Interpreter, JG-21

TITLE: SENIOR COURT INTERPRETER

Effective Date: 06/30/1994

Salary Grade: 21

Title Code Number: 9442706

Jurisdictional Classification: NC

DISTINGUISHING FEATURES OF WORK:

Under supervision, Senior Court Interpreters are responsible for supervising and coordinating the activities of court interpreters and for evaluating their performance. Senior Court Interpreters also interpret between English and another language, perform clerical and administrative tasks, and other related duties.

TYPICAL DUTIES:

Plans and coordinates work schedules; trains subordinate staff and per diem interpreters; develops work performance standards and checks for compliance with instructions and procedures.

Evaluates court interpreters' language proficiency and overall performance based on observation and comments provided by judges and others and prepares appraisals of their performance.

Reviews and resolves problems concerning the fair and efficient delivery of interpreting services and investigates complaints.

Assists in the selection of court interpreters; provides court interpreters with guidance and supervises their work.

Provides information to court administrators to assist in further developing language services in the courts.

Interprets verbatim between English and another language in formal and informal settings.

Translates official, technical, medical and legal documents, certificates, letters and other written material, and audio recordings into English or another language.

Reviews time sheets and maintains related records.

Collects statistics and prepares periodic reports.

Administers per diem interpreter proficiency tests, and obtains per diem interpreting services as necessary.

Assists non-English speaking persons in filling out forms and preparing complaints.

May perform clerical tasks and answer routine inquiries from the public.

The above statements are intended to describe the general nature and level of work being performed by persons assigned to this title. They do not include all job duties performed by employees in this title, and every position does not necessarily require these duties.

Title Standard for Senior Court Interpreter, JG-21 (*cont.*)**KNOWLEDGE, SKILLS, AND ABILITIES:**

Knowledge of English and another language including grammar, usage, and punctuation, as well as street language or slang, equivalent to that of a person using the language on an everyday basis.

Knowledge of court procedures and practices and legal terminology.

Ability to train and lead subordinates and coordinate the activities of a subordinate staff.

Ability to evaluate staff performance against job requirements.

Ability to obtain information and solve problems.

Ability to establish work priorities.

Ability to simultaneously and accurately interpret oral exchanges between English and another language.

Ability to communicate effectively with persons of varying linguistic levels.

Ability to translate written documents.

Ability to read, write, and communicate verbally in a clear and concise manner.

Familiarity with warrants, orders, petitions, calendars and other court documents and forms.

QUALIFICATIONS:

One year of permanent, competitive class service in the Court Interpreter title;

or

An equivalent combination of education and experience.

Title Standard for Principal Court Interpreter, JG-23

TITLE: PRINCIPAL COURT INTERPRETER

Effective Date: 12/01/2006

Salary Grade: 23

Title Code Number: 9463250

Jurisdictional Classification: NC

DISTINGUISHING FEATURES OF WORK:

Under the direction of a District Executive, or Chief Clerk, Principal Court Interpreters are the highest ranking Court Interpreter in a citywide court or Judicial District. They are responsible for ensuring prompt, accurate, and consistent, oral, written, and sign interpreting services. Principal Court Interpreters are also responsible for supervising, coordinating activities, and evaluating the performance of Senior Court Interpreters, Court Interpreters, and voucher paid interpreters. Principal Court Interpreters maintain a schedule of interpreters assigned to courts or districts, and make recommendations related to interpreter staffing. Principal Court Interpreters interpret between English and another language, collect and analyze statistics related to interpreter services, perform clerical and administrative tasks, and other related duties.

TYPICAL DUTIES:

Monitors the quality of interpreting services, evaluates problems and recommends solutions related to interpreting services.

Plans and coordinates work schedules for all interpreters.

Trains subordinate staff and voucher paid interpreters.

Investigates and resolves complaints related to interpreter services.

Develops work performance standards and checks for compliance with instructions and procedures.

Evaluates court interpreters' language proficiency and overall performance based on observation and comments provided by judges and others.

Conducts performance evaluations.

Assists in the selection of court interpreters.

Provides court interpreters with guidance and supervises their work.

Provides information to court administrators to assist in further developing language services in the courts.

Interprets verbatim between English and another language in formal and informal settings.

Translates official, technical, medical and legal documents, certificates, letters, other written material and audio recordings into English or another language.

Reviews time and leave requests and maintains related records.

Collects statistics and prepares periodic reports.

Administers per diem interpreter proficiency tests, and obtains per diem interpreting services as necessary.

Title Standard for Principal Court Interpreter, JG-23 (*cont.*)

Assists non-English speaking persons in completing forms and preparing complaints.

May perform clerical tasks and answers routine inquiries from the public.

The above statements are intended to describe the general nature and level of work being performed by persons assigned to this title. They do not include all job duties performed by employees in this title, and every position does not necessarily require these duties.

KNOWLEDGE, SKILLS, AND ABILITIES:

Knowledge of planning, management and evaluation techniques.

Knowledge of English and another language including grammar, usage, and punctuation, as well as street language or slang, equivalent to that of a person using the language on an everyday basis.

Knowledge of court procedures and practices and legal terminology.

Ability to train and lead subordinates and coordinate the activities of a subordinate staff.

Ability to evaluate staff performance against job requirements.

Ability to obtain information and solve problems.

Ability to establish work priorities.

Ability to simultaneously and accurately interpret oral exchanges between English and another language.

Ability to communicate effectively with persons of varying linguistic levels.

Ability to translate written documents.

Ability to read, write, and communicate verbally in a clear and concise manner.

QUALIFICATIONS:

One year of service in the Senior Court Interpreter title;

or

An equivalent combination of education and experience.

Part 50 - Rules of the Chief Judge

RULES OF THE CHIEF JUDGE **PART 50. RULES GOVERNING CONDUCT OF NONJUDICIAL COURT EMPLOYEES**

Section 50.1 Code of ethics for nonjudicial employees of the Unified Court System.

PREAMBLE: A fair and independent court system is essential to the administration of justice. Court employees must observe and maintain high standards of ethical conduct in the performance of their duties in order to inspire public confidence and trust in the fairness and independence of the courts. This code of ethics sets forth basic principles of ethical conduct that court employees must observe, in addition to laws, rules and directives governing specific conducts, so that the court system can fulfill its role as a provider of effective and impartial justice.

(I.) Court employees shall avoid impropriety and the appearance of impropriety in all their activities.

(A.) Court employees shall respect and comply with the law.

(B.) Court employees shall not use or attempt to use their positions or the prestige of judicial affiliation to secure privileges or exemptions for themselves or others.

(C.) Court employees shall not solicit, accept or agree to accept any gifts or gratuities from attorneys or other persons having or likely to have any official transaction with the court system.

(D.) Court employees shall not request or accept any payment in addition to their regular compensation for assistance given as part of their official duties, except as provided by law.

(E.) Court employees shall not perform any function in a manner that improperly favors any litigant or attorney.

(II.) Court employees shall adhere to appropriate standards in performing the duties of their office.

(A.) Court employees shall perform their duties properly and with diligence.

(B.) Court employees shall be patient and courteous to all persons who come in contact with them.

(C.) Court employees shall not discriminate, and shall not manifest by words or conduct bias or prejudice, on the basis of race, color, sex, sexual orientation, religion, creed, national origin, marital status, age or disability.

(D.) Court employees shall not disclose any confidential information received in the course of their official duties, except as required in the performance of such duties, nor use such information for personal gain or advantage.

Section 50.1, cont.

(III.) Court employees shall conduct their outside activities in a manner that does not conflict with their employment duties.

(A.) Court employees shall not engage in outside employment or business activities that interfere with the performance of their official duties or that create an actual or appearance of conflict with those duties.

(B.) Court employees shall not engage in political activity during scheduled work hours or at the workplace.

Section 50.2 Rules governing conduct for nonjudicial court employees not contained in this Part.

(a) *Appointments by the Court.* Court employees may not be appointed as guardians, guardians *ad litem*, court evaluators, attorneys for alleged incapacitated persons, receivers, referees (to sell real property) or persons designated to perform services for any of these, as provided in section 36.2(c)(3) of the Rules of the Chief Judge (22 NYCRR 36.2[c][3]).

(b) *Financial disclosure.* Court employees who are required to file financial disclosure statements in accordance with section 40.2 of the Rules of the Chief Judge [22 NYCRR 40.2] must comply with the requirements of that section.

(c) *Political activity of personal appointees of judges.* Court employees who are personal appointees of judges on the judges' staffs may not engage in political activities as set forth in section 100.5(C) of the Chief Administrator's Rules Governing Judicial Conduct (22 NYCRR 100.5[C]).

Section 50.3 Dual employment in the court service.

(a) No employee regularly employed in a position in the classified service in the Unified Court System shall, while continuing to hold such position, accept appointment or employment in any other position or title, or in any capacity whatsoever, on a full-time or part-time basis, either in the classified or unclassified service, in another department or agency of the State or a political subdivision, or in the Legislature or the Judiciary, for which employment compensation or salary is payable, without the previous consent in writing of his or her appointing authority, except that such consent shall be subject to approval by the Chief Administrator of the Courts for employees of courts other than the appellate courts. Such written consent shall be required, in each case, for each such additional appointment or employment accepted or undertaken by such employee.

(b) A willful violation of the provisions of this section shall be deemed sufficient cause for disciplinary action, including removal.

Section 50.4 Obstruction of court service rights; false representation; impersonation in examination; misuse or misappropriation of examination material.

(a) Any person who shall willfully, by himself or herself, or in cooperation with other persons, defeat, deceive or obstruct any person in respect of his or her right of examination, registration, certification, appointment, promotion or reinstatement, pursuant to the provisions of this Part or who shall willfully and falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this Part or aid in so doing, or who shall willfully make any false representations concerning the same, or concerning the person examined, or who shall willfully furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified, or who shall impersonate any other person, or permit or aid in any manner any other person to impersonate him or her, in connection with any registration or application or request to be registered, shall for each offense be subject to the provisions of section 106 of the Civil Service Law.

(b) A person who shall:

- (1) impersonate, or attempt to or offer to impersonate, another person in taking an examination held pursuant to this Part;
- (2) take, or attempt to take or offer to take, such an examination in the name of any other person;
- (3) procure or attempt to procure any other person to falsely impersonate him or her or to take, or attempt to take or offer to take, any such examination in his or her name;
- (4) have in his or her possession any questions or answers relating to any such examination, or copies of such questions or answers, unless such possession is duly authorized by the appropriate authorities;
- (5) sell or offer to sell questions or answers prepared for use in any such examination;
- (6) use in any such examination any questions or answers secured prior to the administration of the examination or secure the questions or secure or prepare the answers to the examination questions prior to the administration of the examination, unless duly authorized to do so by the appropriate authorities; or
- (7) disclose or transmit to any person the questions or answers to such examination prior to its administration, or destroy, falsify or conceal the records or results of such examination from the appropriate authorities to whom such records are required to be transmitted in accordance with this Part, unless duly authorized to do so by the appropriate authorities;

Section 50.4, cont.

shall be subject to the provisions of section 50(11) of the Civil Service Law. Additionally, a person who is found by the appropriate administrative authority to have violated this section, in addition to any disciplinary penalty that may be imposed, shall be disqualified from appointment to the position for which the examination is being held and may be disqualified from being a candidate for any civil service examination for a period of five years.

Section 50.5 Prohibition against certain political activities; improper influence.

(a) *Recommendations based on political affiliations.* No recommendation or question under the authority of this Part shall relate to the political opinions or affiliations of any person whatever; and no appointment or selection to or removal from an office or employment within the scope of this Part shall be in any manner affected or influenced by such opinions or affiliations. No person in the Unified Court System is for that reason under any obligation to contribute to any political fund or to render any political service, and no person shall be removed or otherwise prejudiced for refusing so to do. No person in the Unified Court System shall discharge or promote or reduce, or in any manner change the official rank or compensation of any other person in the Unified Court System, or promise or threaten so to do, for giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose. No person in the Unified Court System shall use his or her official authority or influence to coerce the political action of any person or body or to interfere with any election.

(b) *Inquiry concerning political affiliations.*

(1) No person shall directly or indirectly ask, indicate or transmit orally or in writing the political affiliations of any employee in the Unified Court System or of any person dependent upon or related to such an employee, as a test of fitness for holding office. A violation of this subdivision shall be subject to the provisions of subdivision 2 of section 107 of the Civil Service Law. Nothing herein contained shall be construed to prevent or prohibit inquiry concerning the activities, affiliation or membership of any applicant or employee in any group or organization which advocates that the government of the United States or of any state or of any political subdivision thereof should be overturned by force, violence or any unlawful means.

(2) No question in any examination or application or other proceeding pursuant to this Part shall be so framed as to elicit information concerning, nor shall any other attempt be made to ascertain, the political opinions or affiliations of any applicant, competitor or eligible, and all disclosures thereof shall be disregarded. No discrimination shall be exercised, threatened or promised against or in favor of any applicant, competitor or eligible because of his or her political opinions or affiliations.

(c) *Political assessment.* No employee of the Unified Court System shall, directly or indirectly, use his or her authority or official influence to compel or induce any other employee of the Unified Court System to pay or promise to pay any political assessment, subscription or contribution. Every employee who may have charge or control in any building, office or room occupied for any governmental purpose is hereby authorized to prohibit the entry of any person,

Section 50.5, cont.

and he or she shall not knowingly permit any person to enter the same for the purpose of making, collecting, receiving or giving notice therein, of any political assessment, subscription or contribution; and no person shall enter or remain in any such office, building or room, or send or direct any letter or other writing thereto, for the purpose of giving notice of, demanding or collecting a political assessment; nor shall any person therein give notice of, demand, collect or receive any such assessment, subscription or contribution. No person shall prepare or take any part in preparing any political assessment, subscription or contribution with the intent that the same shall be sent or presented to or collected from any employee subject to the provisions of this Part, and no person shall knowingly send or present any political assessment, subscription or contribution to or request its payment of any employee. Any person violating any provision of this subdivision shall be subject to the provisions of subdivision 3 of section 107 of the Civil Service Law.

(d) *Prohibition against promise of influence.* Any person who, while holding any public office, or in nomination for, or while seeking a nomination or appointment for any public office, shall corruptly use or promise to use, whether directly or indirectly, any official authority or influence, whether then possessed or merely anticipated, in the way of conferring upon any person, or in order to secure or aid any person in securing any office or public employment, or any nomination, confirmation, promotion or increase of salary, upon the consideration that the vote or political influence or action of the last-named person, or any other, shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration, shall be subject to the provisions of subdivision 4 of section 107 of the Civil Service Law. Any public officer, or any person having or claiming to have any authority or influence for or affecting the nomination, public employment, confirmation, promotion, removal or increase or decrease of salary of any public officer, who shall corruptly use, or promise, or threaten to use any such authority or influence, directly or indirectly in order to coerce or persuade the vote or political action of any citizen or the removal, discharge or promotion of any officer or public employee, or upon any other corrupt consideration, shall also be subject to the provisions of subdivision 4 of section 107 of the Civil Service Law.

(e) *Political organizations.* No employee of the Unified Court System may hold an elective office in a political party, or a club or organization related to a political party, except that an employee may be a delegate to a judicial nominating convention or a member of a county committee other than the executive committee of a county committee.

Section 50.6 Practice of law.

(a) A lawyer who is employed full-time in any court or agency of the Unified Court System shall not maintain an office for the private practice of law alone or with others, hold himself or herself out to be in the private practice of law, or engage in the private practice of law except as provided in this section.

(b) Subject to prior written application and approval as to each professional engagement, a person referred to in subdivision (a) of this section may engage in the private practice of law as to matters not pending before a court or a governmental agency, in uncontested matters in the Surrogate's

Section 50.6, cont.

Court, uncontested accountings in the Supreme Court and other *ex parte* applications not preliminary or incidental to litigated or contested matters. Such approval shall continue only to the completion of the particular engagement for which permission was obtained, except that prior approval for the provision of *pro bono* services, authorized under subdivision (c) of this section, may be granted on an annual basis with respect to an organization or project that provides such services to persons unable to afford counsel. Prior approval must be obtained from:

- (1) the Chief Judge of the Court of Appeals for lawyers employed in that court;
- (2) the Presiding Justice of the appropriate Appellate Division for lawyers employed by an Appellate Division; and
- (3) the Chief Administrator of the Courts for lawyers employed in every other court or court-related agency in the Unified Court System.

(c)

(1) Persons referred to in subdivision (a) of this section may provide *pro bono* legal services, which do not interfere with the performance of their jobs, in contested or uncontested matters, except those brought in the courts of their own employment.

(2) *Pro bono* services in any contested matter shall be performed under such written terms and conditions as may be specified by the approving authority designated in paragraph (b)(1), (2) or (3) of this section.

(3) No provision of legal services or related activities authorized pursuant to this section may take place during usual working hours unless appropriate leave is authorized and charged. No public resources may be used in any such connection. Reasonable precautions must be taken in all cases by approving authorities and authorized employees to avoid actual and perceived conflicts of interest and the actual or perceived lending of the prestige or power of the public offices or positions of the employees and conveying the impression that such employees are in special positions to exert influence.

(d) An employee of the Unified Court System who is employed on a part-time basis shall not participate directly or indirectly as a lawyer in any contested action or proceeding in the court in which he or she serves, or in any other practice of law which is incompatible with or which would reflect adversely upon his or her position or the performance of his or her duties. Such employee may participate as a lawyer in uncontested actions or proceedings in the court in which he or she serves only with prior written approval of the Chief Administrator of the Courts.

(e) No partner or associate of a part-time law secretary or law clerk shall practice law before the justice or judge by whom such law secretary or law clerk is employed.

(f) Each approving authority or designee shall report annually to the Chief Administrator of the Courts the number of requests and approvals. With respect to *pro bono* representation, each

Section 50.6, cont.

authorized employee shall report annually to the Chief Administrator the number of representations and *pro bono* hours performed.

Dual Employment/Extra Service Approval Form: Request for approval to serve with another state agency

AC 1588 (Rev. 5/06)

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
BUREAU OF STATE PAYROLL SERVICES

**DUAL EMPLOYMENT/EXTRA SERVICE APPROVAL FORM
REQUEST FOR APPROVAL TO SERVE WITH ANOTHER STATE AGENCY**

SEND APPROVALS TO:
Office of the State Comptroller
Bureau of State Payroll Services

TO BE COMPLETED BY EMPLOYEE

PRESENT EMPLOYMENT:

Name..... Agency (where employed).....
Title Dept. ID
Last 4 Digits of Social Security Number

ADDITIONAL EMPLOYMENT REQUEST:

I request approval to render additional service to the.....
(Name of Agency) (Dept. ID)
at , for the period from through
(Location of Employment)
for the purpose of
(Brief Description of Work to be Performed)

☐

I do not render additional service in any other agency.

☐

I render additional service in another agency. The name of that agency is

..... Dept. ID

This requested additional service will not interfere with my regular duties.

Date..... Signature.....

ACTION BY HEAD OF DEPARTMENT OR AGENCY WHERE REGULARLY EMPLOYED

☐

*Approved

☐

Disapproved (Do not forward to Office of the State Comptroller)

☐

Approved through

☐

Approved with the following limitations:

This additional service will not interfere with the
performance of the employee's regular duties.

.....
Name of Agency Department Head

Date.....

By.....

*ALL APPROVALS WITHOUT A LIMITING DATE WILL EXPIRE
CLOSE OF BUSINESS ON MARCH 31st OF THE FISCAL YEAR.

.....
(Signature & Title of Authorized Designee)

A Signed Original of this Form Must Be Forwarded to the Bureau of State Payroll Services Before Payments Can Be Processed.

Per Diem Court Interpreter (Freelance) American Sign Language



UCS-23

EMPLOYMENT
OPPORTUNITY
ANNOUNCEMENT
STATE OF NEW YORK
UNIFIED COURT SYSTEM

PLEASE POST
ANNOUNCEMENT NO. 1709

POSITION TITLE: PER DIEM COURT INTERPRETER (FREELANCE)
AMERICAN SIGN LANGUAGE

LOCATION: NEW YORK STATE COURTS

COMPENSATION: FULL-DAY RATE: \$300.00
HALF-DAY RATE: \$170.00
There are no fringe benefits available

QUALIFICATIONS: High School Diploma **or** the equivalent **and** professional certification by a recognized credentialing authority as required by Section 390 of the judiciary law; **or** an equivalent combination of education and certification.

NOTE: The Chief Administrative Judge has established the Registry of Interpreters for the Deaf, Inc (RID) as a recognized credentialing authority. The minimum RID credential required by the New York State Unified Court System is the National Interpreter Certificate (NIC). Prior to appointment, candidates may be required to participate in an assessment of their language competency and skills. Currently, RID CI certification is recognized as equivalent to the NIC requirement.

DISTINGUISHING FEATURES OF WORK:

Per diem court interpreters (Sign) are independent contractors who work on a per-diem basis and are primarily responsible for interpreting between American Sign language (ASL) and spoken English in the courtroom and/or other settings. They perform simultaneous and consecutive interpretation, as well as translation of court documents and other written material. For more information see the Court Interpreter Manual and Code of Ethics at: www.nycourts.gov/courtinterpreter/pdfs/CourtinterpreterManual.pdf

GENERAL INFORMATION:

Qualified individuals are listed in the Statewide Registry of per diem interpreters eligible for court interpreting assignments in the New York courts based upon the specific counties where they would be willing to work. Interpreters who meet the qualifications listed will be required to attend (at no fee) specific seminars on ethics and the courtroom procedures conducted by the Office of Language Access. Unified Court System employees are not eligible to be placed on this registry.

APPLICATION PROCEDURES: Individuals can file directly by completing the Application For Language Skills Screening which is available online at: <http://www.nycourts.gov/careers/applicationforms.shtml> or by contacting the Office of Language Access at the address below:

Coordinator, Office of Language Access
Office of Court Administration
Division of Professional and Court Services
25 Beaver Street - Room 809
New York, NY 10004
Phone Number : 646-386-5670
e-mail: courtinterpreter@nycourts.gov

There are NO APPLICATION FILING FEES OR EXAMINATION FEES for this opportunity at this time. However, individuals who meet all of the qualifications, including passing the screening examinations, will be required to pay a fee for fingerprint processing to conduct a required criminal history background check.

ISSUE DATE: April 2017

APPLICATIONS WILL BE ACCEPTED CONTINUOUSLY

The New York State Unified Court System is an equal opportunity employer, and does not discriminate on the basis of race, color, religion, gender (including pregnancy and gender identity or expression), national origin, political affiliation, sexual orientation, marital status, disability, age, membership in an employee organization, parental status, military service, or other non-merit factor.

Per Diem Court Interpreter (Freelance) Languages Other Than Spanish



UCS-23

EMPLOYMENT
OPPORTUNITY
ANNOUNCEMENT
STATE OF NEW YORK
UNIFIED COURT SYSTEM

PLEASE POST
ANNOUNCEMENT NO. 1708

POSITION TITLE: PER DIEM COURT INTERPRETER (FREELANCE)
LANGUAGES OTHER THAN SPANISH*

LOCATION: NEW YORK STATE COURTS
While opportunities exist statewide, there is a special need for these language services in New York City and for several counties in upstate New York.

COMPENSATION: FULL-DAY RATE: \$300.00
HALF-DAY RATE: \$170.00
There are no fringe benefits available

REQUIREMENTS: High School Diploma or the equivalent **and** a legal right to work in the United States.

The NYS Courts provide interpreters in over 100 languages each year. **Candidates for ALL LANGUAGES are encouraged to apply.**

*SPANISH court interpreter candidates must apply through the open competitive exam that is offered on a different schedule.

DISTINGUISHING FEATURES OF WORK:

Per diem court interpreters are independent contractors who work on a per-diem basis and are responsible for interpreting between English and another language in the courtroom and/or other settings. They perform simultaneous and consecutive interpretation, as well as translation of court documents and other written material.

ADDITIONAL QUALIFICATIONS:

To qualify as a per diem court interpreter, individuals must first demonstrate sufficient English language competency by passing the New York State Court System's Written Test of English Language Proficiency and Legal Terminology. This 75-question written test is designed to assess English language proficiency involving grammar, vocabulary, word usage, reading comprehension, idiomatic expressions and legal terminology. Individuals are allowed 90 minutes to complete the written test and must obtain a passing score. More information about this written test can be found at:

<http://www.nycourts.gov/careers/English%20Language%20Proficiency%20Sample%20Questions.pdf>.

Upon successful completion of the written exam, candidates may be assessed on their oral language skills. Oral Assessment examinations are currently conducted in Albanian, Arabic, Bengali, Bosnian/Croatian/Serbian (BCS), Cantonese, French, Greek, Haitian Creole, Hebrew, Hindi, Italian, Japanese, Korean, Mandarin, Polish, Portuguese, Punjabi (Eastern), Russian, Urdu, Vietnamese, and Wolof. Please see the Candidate Guide for more information on the oral tests at:

<http://www.nycourts.gov/courtinterpreter/pdfs/candidateguide.pdf>

Candidates will be required to submit professional references related to their interpreting skills for languages that do not have an oral assessment. Interpreters possessing out-of-state court interpreter certification or other federal certification or professional credentials may apply for state reciprocity for the Registry designated languages or other languages subject to specific conditions (i.e., minimum educational requirements, professional training and experience, and a criminal history check). Additional information on reciprocity provisions may be found at: <http://www.nycourts.gov/courtinterpreter/pdfs/Reciprocityprovisions.pdf>

GENERAL INFORMATION:

Successful individuals are listed in the Statewide Registry of per diem interpreters eligible for court interpreting assignments in the New York Courts based upon the specific counties where they would be willing to work. Interpreters who meet the qualifications listed will be required to attend (at no fee) specific seminars on ethics and courtroom procedures conducted by the Office of Language Access. Unified Court System employees are not eligible to be placed on this registry. Written and oral examinations are administered in test centers throughout New York State and are held on a periodic basis depending upon the needs of the courts.

APPLICATION PROCEDURES:

Individuals can file directly by completing the Application For Language Skills Screening which is available online at: <http://www.nycourts.gov/careers/applicationforms.shtml> or by contacting the Office of Language Access at the address below:

Coordinator, Office of Language Access
Office of Court Administration
Division of Professional and Court Services
25 Beaver Street - Room 809
New York, NY 10004
Phone Number: 646-386-5670
e-mail: courtinterpreter@nycourts.gov

There are **NO APPLICATION FILING FEES OR EXAMINATION FEES** for this opportunity at this time. However, individuals who meet all of the qualifications, including passing the screening examinations, will be required to pay a fee for fingerprint processing to conduct a required criminal history background check.

ISSUE DATE: April 2017

APPLICATIONS WILL BE ACCEPTED CONTINUOUSLY

The New York State Unified Court System is an equal opportunity employer, and does not discriminate on the basis of race, color, religion, gender (including pregnancy and gender identity or expression), national origin, political affiliation, sexual orientation, marital status, disability, age, membership in an employee organization, parental status, military service, or other non-merit factor.

DFM Bulletin 1202: Per Diem Court Interpreter Payments


**NEW YORK STATE
Unified Court System**
HONORABLE LAWRENCE K. MARKS
ADMINISTRATIVE DIRECTOR

RONALD P. YOUNKINS, ESQ.
CHIEF OF OPERATIONS

OFFICE OF COURT ADMINISTRATION

MAUREEN H. McALARY
DIRECTOR, DIVISION OF FINANCIAL MANAGEMENT

Division of Financial Management

DFM Bulletin

Number 1202

March 30, 2012

TO: Holders of the Financial Planning and Control Manual

SUBJECT: Per-Diem Court Interpreter Payments

This bulletin promulgates a new form which replaces all previous forms, including vouchers, for the reimbursement of per-diem court interpreter services. It also provides procedural direction for entering interpreter invoices into the Statewide Financial System (SFS).

The newly created form is available both as a fillable PDF or as a two-part hard copy as follows:

Fillable PDF: Available on the DFM Forms page: [Per Diem Court Interpreter Invoice](#)

Two-Part Detachable Version (which provides a signed copy for the Interpreter): An initial supply of forms will be sent to those courts currently using a two-part form. Subsequent quantities should be requested from the [Office of Court Interpreting Services](#) on a quarterly basis.

The signed invoice form and the E-system check-in report are required before entry is made into SFS. Each invoice corresponds to one instance of service by the court interpreter; multiple assignments or payments will no longer be permitted on the same form.

4 ESP, SUITE 2001, EMPIRE STATE PLAZA, ALBANY, NEW YORK 12223

PHONE: 518-453-8600 • FAX: 518-474-3218 • MMALARY@COURTS.STATE.NY.US

DFM Bulletin 1202: Per Diem Court Interpreter Payments (*cont.*)

- 2 -

Information needed for SFS data entry:

“Invoice Number” - The invoice number is unique for each reimbursement request and is created by the fiscal office via data entry of date, type and court assignment. Guidelines are as follows:

Date of Interpreter Assignment: MM/DD/YYYY

Type of Assignment: HD (Half Day: am/ pm), FD (Full Day) or NC (Night Court)

Court Name: This field is limited to 13 characters. Abbreviations should be consistent.

Example: Cattaraugus Family Court could be entered as: Cattaraug Fam

Invoice remittance display: **04/24/2012 HD AM Cattaraug Fam**

Vendors may access payment information through the [SFS vendor support site](#).

Please ensure distribution of this bulletin to all personnel within your court/agency who may be responsible for the processing of, or the monitoring of internal controls related to, court interpreter payments. Thank you for your cooperation.

NYS UNIFIED COURT SYSTEM
FOR ADMINISTRATIVE
PURPOSES ONLY


Maureen H. McAlary

4 ESP, SUITE 2001, EMPIRE STATE PLAZA, ALBANY, NEW YORK 12223

PHONE: 518-453-8600 • FAX: 518-474-3218 • MMALARY@COURTS.STATE.NY.US

Budget Bulletin #1703, March 16, 2017


NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

RONALD P. YOUNKINS, ESQ.
 EXECUTIVE DIRECTOR

BARRY R. CLARKE, ESQ.
 CHIEF OF OPERATIONS

MAUREEN H. McALARY
 DIRECTOR, DIVISION OF FINANCIAL MANAGEMENT

Division of Financial Management

DFM Bulletin	Number 1703	March 16, 2017
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TO: Holders of the Financial Planning and Control Manual

SUBJECT: Per Diem Rates - Interpreter Services

** This supersedes the provisions of Budget Bulletin 362 dated April 24, 2006*

Effective April 1, 2017 the rates for per diem interpreter services provided to the courts and agencies of the Unified Court System shall be as follows:

Per Diem Interpreter Rates - Effective April 1, 2017

Full Day Rate	Half Day Rate
\$300.00	\$170.00

The above rates are applicable to all sub-contractors providing per diem language or sign interpreting services. The half-day rate listed above shall be the amounts payable for engagements of four (4) hours or less in duration.

Please ensure distribution of this bulletin to all personnel within your respective jurisdictions who may be responsible for the recruiting or making payments for per diem interpreting services, or for the monitoring of internal controls relating thereto.

 NYS UNIFIED COURT SYSTEM
 FOR ADMINISTRATIVE
 PURPOSES ONLY

 Maureen H. McAlary

Per Diem Court Interpreter Invoice



NEW YORK STATE UNIFIED COURT SYSTEM

PER DIEM COURT INTERPRETER INVOICE

UCS_CIS-PDInvoice, Rev. 3/2017

INTERPRETER INSTRUCTIONS:

- **Complete all items in Section A**
- **Submit form to court personnel, who will fill-in Section B**
- **Sign the form at the conclusion of the assignment (Section C)**
- **Keep a copy for your records**

COURT PERSONNEL INSTRUCTIONS:

- **Complete all items in Section B**
- **Verify the hours worked with the E-system check-in/check-out, and attach a copy of the completed check-in page**
- **Sign the form at the conclusion of the assignment (Section C)**
- **Forward invoice to local Fiscal or District Administrative office for processing of payment**

SECTION A- TO BE COMPLETED BY THE INTERPRETER

▼ **NAME** (clearly PRINT full name)

▼ **VENDOR ID #** (A Vendor ID is required for all payments) *If the Vendor ID# is not yet issued or unknown, enter the interpreter's SOCIAL SECURITY or TAXID#* ▼

▼ **AGENCY OR BUSINESS NAME** (if applicable) ▼

▼ **ADDRESS** ▼ **CITY**

▼ **STATE** ▼ **ZIP** ▼ **TELEPHONE**

SECTION B- TO BE COMPLETED BY COURT PERSONNEL (ONLY)

▼ **DATE OF INTERPRETER ASSIGNMENT** ▼ **COURT**

▼ **STREET ADDRESS** ▼ **CITY** ▼ **COUNTY**

WAS THIS A REMOTE INTERPRETING APPEARANCE? *YES: ☐ NO: ☐ *IF YES Indicate remote technology used: VIDEO: ☐ PHONE: ☐

IF YES: COURT THAT REQUIRED THE REMOTE INTERPRETER (This is the Court that pays the Interpreter) ▼

IF YES: FROM WHICH COURT DID THE REMOTE INTERPRETER PHYSICALLY REPORT/APPEAR? ▼

COURT PART	CASE NAME OR DOCKET #	LANGUAGE	*START TIME	*END TIME

▼ APPROVED PAYMENT TYPE	▼ AMOUNT **
☐ HALF-DAY	
☐ FULL-DAY:	
☐ OTHER:	

* attach a copy of the completed check-in / check-out page from the E-system

** NYS Unified Court System rates for per diem court interpreters is \$170 for half-day (up to four hours in duration); \$300 for full day. Amount will be verified by UCS Administrative personnel prior to payment.

SECTION C- SIGNATURES (REQUIRED)

INTERPRETER:

The payment requested reflects services that I have provided, in compliance with UCS policies and procedures for court interpreters. I hereby affirm that on the date of the interpreting assignment indicated on this form (you must check one of these options):

☐ I HAVE NOT worked in another court within the UCS

☐ I HAVE worked in another court within the UCS. Indicate court and county: _____

Interpreter Name (print) ▲ Interpreter Signature ▲ Date ▲

COURT PERSONNEL:

I certify that this invoice is just, true and correct, and that the services rendered were used in the performance of official functions and duties.

Court Employee Name & Title (print) ▲ Court Employee Signature ▲ Date ▲

FOR FISCAL PROCESSING / BUDGET OFFICE USE:

Glossary of Legal Terms

A & R: Accounts and Records. In New York City Family Court a statement of the Support Collection Unit (SCU) on an order of support.

ABATEMENT: Removal or reduction of rent based on landlord's breach of warranty of habitability. In housing cases, tenants sometimes request abatement.

ABET: To assist, incite or encourage another to commit an offense.

ABUSE: Abuse of a child under 18 years of age. Used in cases where a parent or person legally responsible for the child's care is alleged to have physically or sexually abused the child or permits another person to physically or sexually abuse the child.

ACCESSORY: One who assists, participates in or contributes in a secondary role to the commission of an offense.

ACCOMPLICE: An associate or partner in the commission of a crime.

ACCUSE: To formally initiate criminal proceedings against a person by charging him or her with having committed an offense.

ACD: "Adjournment in Contemplation of Dismissal" - Legal disposition of a case which will be dismissed at the end of six months (or one year, depending on the circumstances of the case) if the defendant does not violate any laws during that period of time.

ACQUIT: To exonerate (by judge or jury) a person of the offense charged.

ACS: Administration for Children's Services. A city agency charged with investigating allegations of child abuse/neglect,

encouraging family stability and, when necessary, the placing of children in foster care and in adoptive homes.

ACTION: A civil judicial proceeding where one party prosecutes another for a wrong done or for protection of a right or prevention of a wrong. An action requires service of process on an adversary party.

ADJOURN: To delay a legal proceeding for a brief period. To suspend until a later stated time or indefinitely

ADJOURNMENT: The postponement of a proceeding for a specific period of time.

ADJUDICATE: To hear or try and determine judicially.

ADMINISTRATOR: Any person to whom letters of administration have been issued. One who administers: executive. Law. One who administers an estate.

ADMINISTRATOR c.t.a: Any person to whom letters of administration, with the will annexed, have been issued.

ADMINISTRATOR d.b.a: Any person to whom ancillary letters of administration have been issued (administer, carry out administration).

ADMISSION: A statement made by a party adverse to his or her interests. The act of admitting or the state of being admitted. A confession of wrongdoing. The right to enter; access. An entrance fee.

ADOPTION: A proceeding where a person or couple is given a legal relationship of parent to a child, thereby acquiring parental rights and responsibilities as if the child was biologically born to that person or couple.

ADVERSARY: An opponent; the defendant is the plaintiff's adversary.

AFFIANT: One who swears to an affidavit; deponent.

AFFIDAVIT: A sworn written statement of facts.

AFFIRMED: Upheld, agreed with. For example, the appellate court affirmed the judgment of the Civil Court.

AGREEMENT: A manifestation of mutual assent between two or more legally competent persons which ordinarily leads to a contract. In common usage, it is a broader term than contract, bargain, or promise, since it includes executed sales, gifts, and other transfers of property, as well as promises without legal obligation.

AID AND ABET: To actively, knowingly, intentionally, or purposefully facilitate or assist another individual in the commission or attempted commission of a crime.

AKA: "Also Known As" - Indicates an alias.

ALIAS: An assumed name. Otherwise named: also known as

ALLEGATION: The assertion, declaration or statement of a party to an action, made in a pleading, setting out what the party expects to prove.

ALLEGE: To assert a fact in a pleading.

ALLEN CHARGE: Further instructions in a criminal case which the judge gives to a jury having difficulty reaching a decision in order to encourage the jury to reach a verdict.

ALLOCUTION: Oral explanation by a judge of procedures, plea or stipulation of settlement for the purpose of ensuring that the parties understand the terms and effect.

AMEND: To revise, modify or alter by addition or deletion.

AMOUNT REALIZED: The amount received by a taxpayer upon the sale or exchange of property. This becomes the starting point for determine whether there is a sufficiently substantial change in the taxpayer's economic situation to warrant the imposition of an income tax.

ANCILLARY ADMINISTRATOR: Any person to whom ancillary letters of administration have been issued.

ANCILLARY EXECUTOROR: Any person to whom ancillary letters testamentary or ancillary

ADMINISTRATOR C.T.A.: Letters of administration c.t.a have been issued.

ANCILLARY GUARDIAN: Any person to whom ancillary letters of guardianship, whether of the person, property, or both, of an infant have been issued.

ANNUL: To make void, to dissolve that which once existed, as to "annul" the bonds of matrimony.

ANSWER: A paper filed in court and sent to the plaintiff by the defendant, admitting or denying the statements in the plaintiff's complaint, briefly stating why the plaintiff's claims are incorrect and why the defendant is not responsible for the plaintiff's injury or loss.

APARTMENT: A part of a house occupied by a person, while the rest is occupied by another, or others.

APARTMENT BUILDING: A building arranged in several suites of connecting rooms, each suite designed for independent housekeeping, but with certain mechanical

conveniences, such as heat, light, or elevator services, in common to all families occupying the building.

APPEAL: The judicial proceedings or steps in the proceedings resulting from a request to a higher court for a review of the decision of a lower court.

APPEARANCE: The participating in the proceedings by a party summoned in an action, either in person or through an attorney.

APPELLANT: The party who takes an appeal to a higher court.

APPELLEE: The party against whom an appeal is taken.

APPROPRIATE: To set apart for, or to assign to, a particular purpose or use, in exclusion of all others.

APPROVE: To be satisfied with, to confirm, ratify, sanction, or consent to some act or thing done by another.

ARBITER: One appointed by the court to decide a controversy according to law or equity. A decision-maker who is not a judicial officer.

ARBITRATION: A process in which an impartial person decides a dispute instead of the court.

ARBITRATOR: A impartial person chosen by the parties to solve a dispute between them, who is vested with the power to make a final determination concerning issues in controversy.

ARCHIVES: Any place where old records and books are kept.

ARGUMENT: A reason given in proof or rebuttal.

ARMED ROBBERY: The forcible and felonious taking of property from another while armed with a deadly weapon.

ARRAIGNMENT: A hearing before a judicial officer at which the defendant is informed of the charges against him or her and pleads guilty or not guilty. Bail may be set at this time.

ARREARS: That which is unpaid although due to be paid.

ARREST: The apprehension or detention of an individual for the purpose of charging that individual with a specific offense.

ARREST RECORD: A written account listing all the instances in which a person has been arrested.

ARSON: The malicious and intentional burning of property (such as a building).

ASSAULT: A violent attack with the intention of injuring a person.

ASSIGNED COUNSEL: A defense attorney designated by the court to represent a defendant who does not have the funds to retain an attorney.

ASSIGNMENT PART: Part to which all new cases are referred for further proceedings.

ATTACHMENT: The taking of property into legal custody by an enforcement officer.

ATTEMPT: An overt act directed toward the commission of an offense which is performed with the intent and ability to commit the offense.

AUTHENTIC: Genuine; true; real; pure; reliable; trustworthy; having the character and authority of an original; duly vested with all necessary formalities and legally attested; competent, credible, and reliable as evidence.

AWARD: The decision or determination rendered by arbitrators or commissioners, or other private or extrajudicial deciders, upon a controversy submitted to them; also the writing or document embodying such decision. The final decision; something awarded.

BAIL: The money or property deposited with the court as insurance that the person will return to court. This permits the person in custody to be released while awaiting disposition of his or her case.

BALANCE: An equality between the sums total of the two sides of an account, or the excess on either side.

BAR: The railing in a courtroom enclosing the area where the lawyers and defendants sit. A system of law courts. The legal profession collectively or the whole body of lawyers.

BENCH CONFERENCE: A meeting between the attorneys and the judge at the judge's bench to discuss an issue in the case or an aspect of the proceedings. It may or may not be part of the official record.

BENEFICIARY: Any person entitled to any part or all of an estate.

BEQUEST OR LEGACY: A transfer of persons property by will.

BEYOND A REASONABLE DOUBT: The degree of certainty required by the trier of fact (judge or jury) to find a criminal defendant guilty.

BGT: Blood Group Test. Order by the court which requires mother, alleged father, and child to submit to blood tests. Also known as Blood Genetic Marker Test.

BILL OF PARTICULARS: Factual detail submitted by a claimant after a request by the adverse party which details, clarifies or explains further the charges and/or facts alleged in a pleading.

BOOK: To enter a person's name, the offense for which he or she was arrested and other pertinent information in the police files.

B PETITION: When an agency responsible for a child in foster care believes that the child's parents have not kept in contact, have not planned for the child's future, have abandoned the child, have severely or repeatedly abused the child, or are mentally ill or retarded in a way that may harm the child, the agency can file a petition to terminate parental rights to the child. If the court grants the petition, the child is freed for adoption.

BREACH OF CONTRACT: A party's failure to perform some contracted-for or agreed-upon act.

BRIEF: A written or printed document prepared by the attorneys on each side of a dispute and submitted to the court in support of their arguments. A brief includes the points of law which the lawyer wishes to establish, the arguments the lawyer uses and the legal authority on which the lawyer rests his or her conclusions.

BURDEN OF PROOF: The duty of a party to substantiate an allegation or issue, in order to prevail in a civil or criminal suit.

BURGLARY: The act of entering a building with an intent to commit a crime.

CABINET: The advisory board or council of a chief executive.

CALENDAR: A schedule of matters to be heard in court.

CALENDAR CALL: The calling of matters requiring parties, or their attorneys, to appear and be heard. There is usually one at the beginning of each court day. Other calendar calls may take place throughout the day.

CAPTION: The heading or introductory clause in a pleading, deposition or other paper connected with a case in court, which shows the names of the parties, name of the court, number of the case on the docket or calendar, etc.

CASA: Court Appointed Special Advocates. Non-attorneys who work in aid of children in foster care.

CAUSE OF ACTION: Grounds on which a legal action may be brought (e.g., property damage, personal injury, goods sold and delivered, labor and services).

CCA: Civil Court Act.

CERTIFICATE OF OCCUPANCY/C OF O: A document by a local government agency signifying that a building or dwelling conforms to local building code regulations.

CERTIFIED COPY: A document that contains a seal that establishes the document as a genuine true copy, so that it may be used as evidence at a trial or hearing. A document may be certified by an official record keeper, a clerk of the court, or any other authorized person.

CERTIFIED STATEMENT: A statement which has been sworn to before a Notary Public or Commissioner of Deeds as a true statement.

CHALLENGE: Objection by a party to the selection of a prospective juror.

CHAMBERS: Private office or room of a judge.

CHANGE OF VENUE: The removal of a case begun in one county or district to another for trial or from one court to another court in the same county or district.

CHARGE: An allegation that a person has committed a specific offense.

CHARGE TO THE JURY: Instructions given by a judge to a jury before deliberations begin.

CHATTEL: Article of personal property.

CHILD ABUSE: Situation where a child's (less than eighteen years of age) parent or person legally responsible for his/her care, inflicts or allows physical injury to be inflicted upon him/her or commits, or allows to be committed, a sex offense against such child as defined in the Penal Law.

CHILD ABUSE OR NEGLECT PROCEEDINGS: A proceeding brought in court to protect a child from injury or mistreatment by a parent or other person legally responsible for the child.

CHILD NEGLECT: Situation where a child (less than eighteen years of age) lacks proper care, including those where he/she suffers or is in imminent danger of suffering psychological or physical damage for any reason.

CHILD PROTECTIVE AGENCY: Any agency, association, corporation, institution, society or other organization which is incorporated or organized under the laws of this state to care for, to place, or to board out children.

CIC: Change in circumstances. Term often used as a basis for modifying a court order.

CIVIL ACTION: Action maintained to protect a private, civil right, or to compel a civil remedy, as distinguished from a criminal prosecution.

CIVIL CONTEMPT: A willful failure to comply with a court order. Civil contempt is committed when a person violates an order of the court which specifically requires that the person do or refrain from doing an act. Punishment for civil contempt may be a fine or imprisonment; the goal of the punishment is to have the person comply with the original order of the court.

CJJ: Commissioner of Juvenile Justice.

CLAIM: The assertion of a right to money or property.

CLAUSE: A single paragraph or subdivision of a legal document, such as a contract, deed, will or statute.

CLO: Court Liaison Officer. Probation officer assigned to the court.

CLOSING ARGUMENTS: Final statements during trial made by attorneys for each party in which they summarize the evidence they have presented and whatever they assert the opposing party has failed to prove.

COI: Court ordered investigation, usually performed by ACS.

COLLUSION: Agreement with another to engage in illegal activity or commit fraud.

COMMERCIAL NON-PAYMENT PROCEEDING: Proceeding against a company for failure of payment.

COMMON AREA: In landlord-tenant law, portions of premises used in common by all tenants.

COMPARISON MICROSCOPE: Two microscopes optically bridged to one eye piece to enable the viewing of two items of evidence side by side.

COMPLAINT: A paper filed in court and delivered to the party(s) being sued stating the plaintiff's claims against the defendant.

CONCURRENT SENTENCE: A penalty consisting of two or more prison terms which are to be served simultaneously.

CONDITIONAL DISCHARGE: Sentence without imprisonment or probation but with a condition that must be complied with.

CONFESSION OF JUDGMENT: Entry of a judgment upon written admission of the debtor.

CONSECUTIVE SENTENCE: A penalty consisting of two or more prison terms which are to be served in sequence one to begin when the other has been completed.

CONSENT: Voluntary agreement.

CONSENT TO MARRY: The marriage of a minor who is at least 14 years of age and less than 16 years of age must have the consent of the court.

CONSPIRACY: The criminal enterprise of two or more persons who have entered into an agreement to commit an unlawful act.

CONTEMPT OF COURT: The finding of the court that an act was committed with the intention of embarrassing the court, disobeying its lawful orders or obstructing the administration of justice in some way.

CONTROLLED SUBSTANCE: Drug which has been categorized by law according to the potential for its abuse and the risk posed.

CONVICT: To prove or find guilty of the crime charged.

CONVICTION: A finding of guilt by a judge, a jury, or a guilty plea.

CORPORATE TRUSTEE: Any trust company or bank authorized to exercise fiduciary powers.

COSTS: The statutory sum awarded to the successful party when a judgment is entered.

COUNTERCLAIM: A legal claim by the defendant against the plaintiff.

COURT: Body of government that is responsible for the resolution of disputes arising under the laws of the government.

COURT ORDER: A command or direction issued by a court.

COURT REPORTER: A person who stenographically takes down testimony during court proceedings.

COVENANT: An agreement or contract

CPL: Criminal Procedure Law.

CPLR: Civil Practice Law and Rules.

CREDITOR: A person to whom a debt is owed by another who is the "debtor."

CRIME: An act of omission or commission in violation of law which carries criminal consequences.

CROSS CLAIM: Claim litigated by co-defendants or co-plaintiffs against each other and not against a party on the opposite side of the litigation.

CROSS EXAMINATION: The interrogation of a witness by the opposing party or attorney. Cross examination is limited to those matters about which the witness testified during direct examination.

CSET: Child Support Enforcement Term of the Family Court. A special term with city-wide jurisdiction created in New York

County to handle support enforcement when the person to be supported receives public assistance.

CSS: Commissioner of Social Services

CUSTODY (V PETITION): Petition seeking to establish that a person is legally declared to be responsible for the care of a child.

DECISION: A finding of fact or conclusion of law by the court, usually in writing.

DEED: Written document conveying title of realty to another.

DEFAULT: A default occurs when a party fails to plead or otherwise defend within the time allowed or fails to appear at a court appearance.

DEFAULT JUDGMENT: A judgment entered against a defendant due to his or her failure to appear or submit papers at an appointed time during a legal proceeding.

DEFENDANT: In civil proceedings, the party responding to the complaint. In criminal proceedings, the person charged with the commission of a crime, also called the accused.

DEFENSE: Answer to the accusation offered by the defendant.

DFY: Division for Youth. See NYS Office of Children and Family Services.

DELIBERATION: The process by which a panel of jurors comes to a decision on a verdict.

DE NOVO: From the beginning; a new trial.

DEPOSITION: Sworn testimony of a witness outside of the courtroom.

DESIGNATED FELONY ACTS (E PETITION):

Certain serious violent act crimes committed by a 13, 14, or 15 year old.

DEVISE: When used as a noun, a transfer of real property by will. When used as a verb, to transfer real property by will.

DEVISEE: Any person to whom real property is transferred by will.

DHCR: Division of Housing and Community Renewal.

DHPD: Department of Housing Preservation and Development

DIRECT EXAMINATION: The first questioning of a witness by the party presenting that witness.

DIRECTED VERDICT: An order of the entry of a verdict by the judge without allowing the jury to consider it.

DISCONTINUANCE: The voluntary cessation of a proceeding by the plaintiff.

DISCOVERY: The efforts of a party to a lawsuit to get information about the other party's contentions before trial. During discovery a party may: demand that the other party produce documents or other physical evidence; request written interrogatories which are questions and answers written under oath and; take depositions which involve an in-person session at which one party has the opportunity to ask oral questions of the other party or his or her witnesses.

DISMISS: To terminate a case or charge without a complete trial.

DISMISSAL WITH PREJUDICE: Action dismissed on the merits which prevents renewal of the same claim or cause of action.

DISMISSAL WITHOUT PREJUDICE: Action dismissed, not on the merits, which may be re-instituted.

DISORDERLY CONDUCT: Tumultuous or unruly behavior in public.

DISPOSITION: The termination of proceedings in a case.

DISTRIBUTE: Any person entitled to take or share in the property of a decedent under the statutes governing descent and distribution.

DISTRICT ATTORNEY: An attorney whose official duty is to conduct criminal proceedings on behalf of the People against one accused of committing criminal offenses.

DOCKET: A list of cases pending in a court of law; or a record of the individual transactions in reference to a case.

DOCKET NUMBERS: Numbers sequentially assigned to new cases filed in the court.

DOMICILE: A fixed, permanent, and principal home to which a person, wherever temporarily located, always intends to return.

DOMICILIARY: A person whose domicile is within a designated area.

DSS: Department of Social Services

DUE PROCESS: The guarantee under the Fifth and Fourteenth Amendments that legal proceedings will be carried out pursuant to rules established for the protection of substantive and procedural rights.

DWELLING: A structure or apartment used as a home for a family unit.

DWI: "Driving While Intoxicated" - The unlawful operation of a motor vehicle while under the influence of drugs or alcohol.

18B ATTORNEY: An attorney assigned by the court to represent a party. The assignment is made under County Law, Article 18b.

EJECTMENT: A legal action brought by one claiming a right to possess real property against another who possesses the premises adversely or is a holdover tenant who remains beyond the termination of a lease.

EMBEZZLE: To appropriate, fraudulently, to one's use what is entrusted to one's care.

EMERGENCY REMOVAL: The taking of a child from the home because the child is in danger.

ENFORCE: To make effective; as, to enforce a writ, a judgment, or the collection of a debt or fine.

ESCROW: Money or other property delivered to a third person to be held until the happening of a contingency or performance of a condition.

ESCROW ACCOUNT: Money temporarily deposited with a bank to safeguard funds held in escrow.

ESTATE: All of the property of a decedent prior to distribution of that property.

EVICITION: Expulsion of occupants from premises.

EVIDENCE: Any type of probative matter offered at trial in order to convince the trier of fact (judge or jury) of the merit of a party's contention.

EXAMINATION BEFORE TRIAL (EBT): A formal interrogation of parties and witnesses before trial.

EXCLUSIONARY RULE: Doctrine which prohibits the introduction of illegally obtained evidence at trial.

EXECUTION: The process of carrying into effect a court's judgment, decree or order.

EXECUTOR: A person designated in a will to carry out the directions in the will.

EXHIBIT: Physical evidence such as a paper, document or other article produced and presented to a court during a trial or hearing.

EX PARTE: A proceeding or application made by one party only without notice to any other party.

EXTENSION OF PLACEMENT: A proceeding instituted by an authorized agency to which a child has been placed by Family Court to extend the placement with such agency.

EXTRA JUDICIAL SURRENDER: A written surrender of a child by a parent which is not executed and acknowledged before a judge, but executed before witnesses from an authorized agency. The agency must then file an application for approval of the surrender with the court.

EXTRADITE: To surrender by one state or country to another an accused or convicted person.

FACT-FINDING HEARING: The first trial in Family Court where it will be decided if the charges have been proven.

FAMILY OFFENSE (O PETITION): A claim that a person injured or threatened a member of the claimant's family or household.

FAMILY OFFENSE PROCEEDINGS: A proceeding concerning acts between spouses or former spouses or between parent and child, or between members of the same family or household that would constitute disorderly conduct, menacing, reckless endangerment, harassment or assault.

FCA: Family Court Act.

FELONY: A crime punishable by more than a year's imprisonment.

FIDUCIARY: A person or institution that manages money or property for another and must exercise a certain standard of care in that relationship - such as an executor of an estate, a guardian or a trustee.

FINAL JUDGMENT: One which puts an end to a suit or action.

FINDING: Any determination by a judge as to a matter of law or fact, or by a jury as to a matter of fact.

FOREIGN REGISTRATION: If the duty of support for any child, spouse or former spouse is based on a support order of a state other than New York, the petitioner shall have the additional remedy of registering the foreign support order with the clerk of a court of the state. The filing constitutes registration.

FORGERY: The creation, falsification or alteration of a document with intent to commit a fraud.

FORTHWITH: Immediately

FOSTER CARE: Placement of a child by a parent or person legally responsible with an agency authorized to provide care for children.

FOSTER CARE REVIEWS (K PETITION): If a child is in voluntary foster care for 12 continuous months or longer, the court must review the placement and will decide what to do with the child.

FUNERAL EXPENSE: Includes reasonable expense of a funeral, suitable church or other services as an integral part thereof, expense

of interment or other disposition of the body, a burial lot and suitable monumental work thereon and a reasonable expenditure for perpetual care of a burial lot of the decedent.

GAG ORDER: A court ruling limiting the information that the parties and their counsel can reveal about a case.

GARNISHMENT: Process by which a party who controls property belonging to a judgment debtor is forced to turn it over to a judgment creditor.

GH/HA/DNA: Human leucocyte blood tissue test. DNA is an alternative to blood generic marker test.

GRAND JURY: A body of people (generally 23 in number) that indicts persons for crimes when it has determined after presentation by the prosecutor, that there is sufficient evidence to warrant holding a person for trial.

GUARDIAN: A person lawfully invested with the power to take care of or manage the property of another person.

GUARDIAN AD LITEM: A person appointed by a court to represent the interests of a minor under 21 years of age or an incompetent.

GUARDIANSHIP PROCEEDING: A proceeding which seeks to confer the guardianship of the person to another.

HARASSMENT: Any exercise of authority in such manner as to be unnecessarily oppressive.

HE: Hearing Examiner.

HEARING: Legal proceeding at which evidence or arguments are presented before a judge.

HEARSAY: A statement, other than one made by the person testifying at a trial or hearing, offered in evidence to prove the truth of the matter asserted.

HEARSAY RULE: A rule that declares as generally inadmissible as evidence statements made by others than the persons testifying.

HOLDOVER PROCEEDING: Proceeding to remove occupants from premises for reasons other than non-payment of rent.

HOLDOVER TENANCY TENANCY AT SUFFERANCE: A tenancy that comes into existence when one at first lawfully possesses land as under a lease and subsequently remains there after the term of the lease ends.

HOMICIDE: The act of intentionally, recklessly, or negligently causing the death of another person.

HRA: Human Resources Administration

HUNTLEY HEARING: Hearing to determine if statements made by the defendant to the police should be admitted in the criminal proceeding.

IDO: Income or payroll deduction order

IEO: Income execution order.

IMPEACH (A WITNESS): To question the veracity of a witness by showing evidence that the witness is unworthy of belief.

IN CAMERA: Proceedings to which the public is not admitted.

INCAPACITATED PERSON: Any person who, for any cause, is incapable adequately to protect his or her rights, including a person for whom a guardian has been appointed pursuant to article 81 of the Mental Hygiene Law.

INCOME EXECUTION: An order by a court that a portion of the judgment debtor's wages or other property be withheld from the debtor in an amount necessary to satisfy the judgment.

INCOMPETENT: Any person judicially declared unable to manage his or her affairs.

INDEX NUMBER: A number issued by the clerk's office which is used to identify a case.

INDICTMENT: An accusation in writing, made by a grand jury, charging that a person has committed a crime.

INDIGENT: Financially destitute person.

INDIVIDUAL TRUSTEE: Any trustee who is not a corporate trustee.

INFANT: A person under the age of eighteen years.

INFANT'S COMPROMISE: A civil proceeding or motion for obtain court approval of the settlement of an infant's claim.

INQUEST: A non-jury trial for the purpose of determining the amount of damages due on a claim, if a party has not appeared or defended against the claim and after the merits of the claim have been proven.

INSTALLMENTS: Different portions of the same debt payable at different successive periods as agreed.

INTAKE: First court proceeding in Family Court where the petition is read and charges/demands explained.

INTENT: The state of mind with which a person seeks to accomplish a certain result through a course of action.

INTERPRETER: A person sworn at a judicial proceeding to translate oral or written language.

INTERROGATORIES: Written questions propounded by one party and served on another who must provide written answers under oath.

INTESTATE: One who dies without leaving a will.

I & R: Investigation and Report by the probation department or ACS.

ISSUE OF FACT: A question concerning a fact maintained by one party that is disputed by the opposing party.

ISSUE OF LAW: A question that concerns an interpretation of law.

JUDGMENT: The final decision of the judge.

JUDGMENT OF POSSESSION: Judgment allowing eviction of occupants from premises.

JUDICIAL HEARING OFFICER (JHO): A person serving as a hearing officer who formerly served as a judge or justice of a court of record of the Unified Court System.

JUDICIAL SURRENDER: A surrender of a child to an authorized agency for the purpose of adoption which is executed and acknowledged before a judge of the Family Court or a Surrogate.

JURISDICTION: The lawful authority of a court over an issue, person or geographic area.

JURY DEMAND: A request for a trial by jury by either party.

JURY INSTRUCTIONS: Directions given by the judge to the jury.

JUVENILE DELINQUENT: A person over seven years of age, and under 16 years of age, who commits an act that would be a crime if it were done by an adult.

JUVENILE DELINQUENCY PROCEEDING: A proceeding to determine whether a minor over the age of seven, but under sixteen, has committed an act which, if committed by an adult, would constitute a crime and whether the minor requires supervision, confinement or treatment.

KINDRED : Refers to related individuals and family members. Generally used in cases where a child is removed from the parents' home and placed with kin.

KINSHIP FOSTER CARE: Foster care placement with a family member.

LACHES: Undue lapse of time in enforcing a right of action.

LARCENY: The unlawful taking of something that belongs to another; a theft.

LAW GUARDIAN: Lawyer assigned by the court to act as a child's attorney.

LEADING QUESTION: A question asked of a witness which suggests the desired answer.

LEASE: Any relationship which gives rise to a relationship of landlord and tenant.

LEASEHOLD: Realty held under a lease.

LEGAL LIFE TENANT: Any person entitled for his or her life or for the life of another to the possession and use of real or personal property.

LEGATEE: Any person designated to receive a transfer by will of personal property.

LETTERS: Authorization from a court to act in a fiduciary capacity, e.g., letters of administration of an estate issued by the Surrogate's Court.

LESSEE: Person who controls property by virtue of a lease.

LESSOR: Owner of property who gives a lease to another.

LICENSEE PROCEEDING: Proceeding against someone allowed to live in premises but whose rights have been revoked.

LIEN: A claim on specific property for payment of a debt.

LITIGANT: Party to a legal action.

LITIGATE: To bring before a court of law for decision.

LOCKOUT: A cessation of the furnishing of work to employees by the employer in an effort to get for the employer more desirable terms in the course of a contract dispute.

MBR: Minimum Basic Rent.

MCI: "Major Capital Improvements" - Rent increases issued by the DHCR based on the upgrading of a building.

MDR: Multiple Dwelling Registration

MHS: Mental Health Study/Mental Health Services

MANAGING AGENT: A person authorized by another to act for the other with regard to management of a building or business.

MANDATORY MINIMUM SENTENCE: A statutory requirement that prescribes a fixed minimum penalty for persons convicted of a crime.

MANSLAUGHTER: The unlawful killing of another without malice or deliberation; may be either voluntary upon a sudden impulse, or involuntary in the commission in an unlawful manner of an act that might produce death.

MARRIAGE APPLICATION PROCEEDING: A proceeding seeking the approval and consent to marry when either party is over fourteen and under sixteen years of age.

MARSHAL: An officer of the court whose duty is to execute the process of the courts. A marshal's duties are very similar to those of a sheriff.

MEDIATION: A discussion led by an impartial third party to facilitate a settlement of a lawsuit. The results of mediation are not binding unless the parties have signed a settlement agreement.

MINOR: Any child under the age of 18 years in the State of New York.

MIRANDA RIGHTS: The rights of a person suspected of having committed an offense and of which he or she must be informed prior to interrogation.

MISDEMEANOR: A crime punishable by imprisonment of no more than one year.

MISTRIAL: A trial terminated and declared void prior to conclusion.

MITIGATING CIRCUMSTANCES: Factors related to the commission of an offense which do not excuse the act but which may reduce the responsibility of the defendant.

MONEY JUDGMENT: Order allowing creditor to collect money from debtor.

MONTGOMERY WARNING: Advice that must be given to a convicted defendant of his or her right to appeal a sentence within thirty days.

MORTGAGE: An interest in land provided to a creditor as security for the payment of a debt.

MOTION: A request to the court, usually in writing, for a ruling or order made before, after or during trial.

MOTION TO DISMISS: An application to the court for an order dismissing a complaint or petition.

MURDER: The unlawful killing of a person committed intentionally, knowingly, or under circumstances manifesting extreme indifference to the value of human life, or during the commission of specific felonies.

NEGLIGENCE: Failure to do what a reasonable and prudent person would have done under similar circumstances, or doing something that a reasonable and prudent person would not have done.

NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES: A New York State agency which administers the institutional placement of minors after juvenile delinquency findings.

NON-PAYMENT PROCEEDING: A summary proceeding in Housing Court for the collection of rent or, in the alternative, the recovery of a premises.

NOTICE OF APPEAL: Written notice of intent to appeal a decision/order of a court.

NOTICE OF CLAIM: A paper required to be sent to the city or a public authority, prior to filing a lawsuit, when a person claims an official or employee of that city or a public authority caused the person damage.

NOTICE OF ENTRY: A notice stating that the attached copy of an order or judgment has been filed in the clerk's office of the court.

NOTICE OF PETITION: A petitioner's written notice delivered to the respondents of when the court will hear the petition.

NOTICE TO CURE: Written notice giving opportunity to correct a breach of the terms of a lease.

NOTICE TO QUIT: Written notice to remove from a premises.

NUISANCE HOLDOVER: Proceeding seeking removal of occupants from a premises on the basis that they are causing annoyance, discomfort, inconvenience or damage to others.

NUNC PRO TUNC: "Now for then" - Allows an act to be considered as having been done in a timely manner even though the time for doing so has expired.

OATH: A solemn promise of truthfulness invoking accountability.

OBJECTION: An assertion by a party that a certain witness, question, item of evidence or other matter is inappropriate or illegal and a request that the judge rule to that effect.

OFFENSE: A wrongful act punishable under criminal laws.

ORDER: An oral or written command or a direction from a judge.

ORDER OF FILIATION: A finding by the court that a male party to a paternity case is the father of the child in question.

ORDER OF PROTECTION: Order prohibiting a person from harming or threatening another.

ORDER OF SUPPORT: An order directing payments of support to a child or spouse.

ORDER OF VISITATION: Order which provides that the person who has custody of a child must allow another person to visit the child on specific days and times.

ORDER TO PRODUCE: An order directing a state or city Commissioner of Corrections to produce an inmate for a court appearance.

ORDER TO SHOW CAUSE: A written direction by the court, usually prepared and presented to the court by a party, that the court is shortening the required advance notice of a action to the other parties. Sometimes the order to show cause contains a direction to the parties that they stop some specific activity until the court hears the motion.

OVERRULE: To rule against or reject.

PANEL: A list of jurors to serve in a particular court or for the trial of a particular action.

PAROLE: Conditional release of an offender at the discretion of the paroling authority prior to the completion of the prison sentence imposed. The offender is required to observe certain conditions under the supervision of a parole agency.

PARTY: A person having a direct interest in a legal matter, transaction or proceeding.

PATERNITY PETITION: Petition to determine if a man is the father of a child.

PATERNITY SUIT: A proceeding to establish paternity of a child born out of wedlock.

PENALTY: The punishment required by law for a person convicted of an offense.

PERMANENT NEGLECT: Allegation by an agency responsible for a child in foster care that the child's parents have not kept

in contact or have not planned for the child's future, even though physically and financially able to do so, for a period of more than one year.

PERSON IN NEED OF SUPERVISION (PINS)

PROCEEDING: A proceeding to determine whether a child under the age of 18, who is found to be incorrigible, ungovernable, habitually disobedient, or fails to attend school as legally required or is beyond the lawful control of a parent or lawful authority, requires supervision or treatment.

PERSON INTERESTED: Any person entitled or allegedly entitled to share as beneficiary in the estate of a person, or the trustee in bankruptcy or receiver of the assets of such person.

PERSON UNDER DISABILITY: Any person who is an infant, an incompetent, an incapacitated person, or whose whereabouts are unknown, or who is confined as a prisoner and fails to appear under circumstances which the court finds are due to confinement in a penal institution.

PETITION: Document that commences a special proceeding and informs respondent of the substance of the claim being made.

PETITIONER: Person who files a petition that starts a special proceeding.

PLACEMENT: The commitment or assignment of a person to any facility or to any supervisory, care or treatment program.

PLAINTIFF: A person who brings an action.

PLEA BARGAINING: The process whereby the defendant and the prosecutor reach a resolution of a criminal case prior to the commencement or completion of a trial.

PLEADINGS: A complaint or petition, answer, and reply.

POLLING THE JURY: A practice whereby the jurors are asked individually whether they assented, and still assent, to the verdict.

POOR PERSON'S RELIEF: When a party to a lawsuit cannot afford the costs of a lawsuit, the court may permit that party to proceed without being required to pay for court costs.

PRELIMINARY EXECUTOR: Any person to whom preliminary letters testamentary have been issued.

PREMISES: A distinct and definite locality, such as a room, an apartment, a shop, a building, or other definite area.

PREPONDERANCE OF THE EVIDENCE: A standard used to evaluate and accept probative matter which requires that the probative matter be more convincing than that which is offered by the opposing party.

PRESUMPTIVE DISTRIBUTE: Any person who would be a distributee, if the person alleged to be deceased or absent were dead.

PRIMA FACIE CASE: A case sufficient on its face and supported by the requisite minimum of evidence.

PROBABLE CAUSE: A reasonable ground to believe that certain alleged facts are true; same as reasonable cause.

PROBATE: The act or process of showing a will to be valid.

PROBATION: Conditional freedom granted by a judge as long as the person meets certain conditions of behavior.

PROPERTY: Anything that may be the subject of ownership.

PROSE: Appearance on one's own behalf without a lawyer in an action before the court.

PSA: Protective Services for Adults.

PUBLIC ASSISTANCE: Welfare.

RAP SHEET: Term for the official document listing all prior arrests, dispositions, aliases and identifying information of a defendant in a criminal case.

REASONABLE CAUSE: A reasonable ground to believe that certain alleged facts are true; same as probable cause.

REBUTTAL: Argument made to refute or oppose a claim made by another party.

RECEIVER: Person appointed to manage someone's property while a proceeding is pending.

RECORD: A permanent written account of some act, court proceeding or transaction that is prepared by a proper officer and designated to remain as permanent evidence of what has been done in a lawsuit.

REFEREE: Most often, a person to whom the court refers a pending case to take testimony, hear the parties, and report back to the court. A referee is an officer with judicial powers who serves as an arm of the court.

REGISTRY: NYS Child Abuse Central Registry.

REMAND: To return to a prison or other designated facility, pending trial or further detention.

REPLEVIN: An action brought by the owner of items to recover possession of those items when those items were wrongfully taken or are being wrongfully kept.

REPLY: A plaintiff's response to a defendant's answer when the answer contains a counterclaim.

RESPONDENT: The person who is sued in a special proceeding.

REST A CASE: To advise the court that the attorney has presented all the evidence he or she intends to offer in the proceeding.

REVERSE: To set aside or revoke judicial action.

RPAPL: Real Property Actions and Proceedings Law.

SAFE DEPOSIT COMPANY: Any corporation authorized, under the banking law, to let out receptacles for safe deposit of personal property.

SCRIE: Senior Citizens Rent Increase Exemption.

SCU: Support Collection Unit. Collects, accounts for, and disburses funds paid pursuant to an order of support.

SEAL A COURTROOM: To prohibit the public from observing the proceeding.

SEAL THE RECORDS: To prohibit public access to records relating to a case.

SEARCH AND SEIZURE: A police practice whereby a person or a place is searched and evidence considered useful in the investigation and prosecution of the offense is obtained.

SEIZURE: The process by which a person authorized under the law to do so takes into custody the property, real or personal, of a person against whom a judgment has been issued or might be issued.

SENTENCE: The formal court judgment specifying the penalty to be imposed upon a person convicted of an offense.

SERVICE: Delivery of legal documents such as a summons or subpoena to an individual.

SET ASIDE: To cancel or declare void a judgment.

SETTLEMENT: A voluntary agreement by the parties that resolves a lawsuit.

SEVER: To separate, for purposes of trial, one or more of the defendants or causes of action named in a charging document.

72 HOUR NOTICE: Notice by a city marshal that occupants will be evicted from premises no earlier than 72 hours from the time of the service of the notice.

SHERIFF: The executive officer of the local court in some areas. In other jurisdictions the sheriff is the chief law enforcement officer of a county.

SQUATTER PROCEEDING: Proceeding seeking to evict persons who occupy a premises without permission.

SRO: Single Room Occupancy.

SRSD: Self Represented Service Division.

STAY OF EVICTION: Order precluding judgment of eviction from being enforced for a specific period of time.

STIPULATION: An agreement by the parties entered into the record.

STIPULATION OF SETTLEMENT: A formal agreement between litigants and/or their attorneys resolving their dispute.

SUBPOENA: A written court order requiring a person to appear in court at a designated time to testify in a case or to produce documents or items to be used as evidence.

SUBPOENA DUCES TECUM: Subpoena to appear and to produce documents.

SUM CERTAIN: Liquidated damages pursuant to contract, promissory note, law, etc.

SUMMARY PROCEEDING: A special proceeding permitted by the RPAPL for the purpose of recovering real property.

SUMMONS: An order requesting one to appear to answer a charge.

SUPPORT PETITION (F): A petition filed to determine who is legally responsible for the support of a child, spouse, or relative and how much support should be paid.

SUPPORT PROCEEDING: A proceeding to compel the support of a spouse, ex-spouse and/or children by the person chargeable with such support.

SUPPRESS EVIDENCE: To preclude certain evidence from being introduced because it was seized illegally.

SUSPECT: A person considered by the authorities as one who may have committed an offense, but who has not yet been charged or arrested.

TEMPORARY ADMINISTRATOR: Any person to whom letters of temporary administration have been issued.

TEMPORARY ORDER OF PROTECTION: A short term order usually issued in domestic violence cases on an emergency basis to protect the petitioner until the matter is heard by the court.

TEMPORARY ORDER OF SUPPORT: An interim order issued during the pendency of a court case concerning the payment of support.

TEMPORARY RESTRAINING ORDER (TRO): An emergency order issued by the court under special circumstances, prohibiting specific conduct until the arguments or evidence concerning the circumstances can be heard by a judge.

TERMINATION OF PARENTAL RIGHTS PROCEEDING: A proceeding to determine whether a natural parent's custody and guardianship of a child should be terminated.

TESTAMENTARY TRUST: A trust created by a will.

TESTAMENTARY TRUSTEE: A person to whom letters of trusteeship have been issued in a trust created by a will.

TESTIMONY: An oral declaration made by a witness or party under oath.

TORRES HEARING: Hearing to support vacating of a default judgment in a non-payment proceeding.

TORT: Any wrong or injury to a person or property.

TRANSCRIPT: The written, word-for-word record of a legal proceeding, including testimony at trial, hearings or depositions.

TRAVERSE HEARING: Hearing to determine if service was done properly in a proceeding

TRIAL: The formal examination of a legal controversy in court so as to determine the issue.

TRIAL DE NOVO: A new trial.

TRUST: An arrangement through which property is held by one person for the benefit of another.

TURNOVER PROCEEDING: A hearing after a judgment has been issued in which a creditor seeks to establish through evidence that the debtor (or a third party who is in possession of the debtor's property) is in possession of money or property that would satisfy, or partially satisfy, the judgment.

U AND O: "Use and Occupancy" - Term used to indicate the amount to be paid for the use of a premises after the tenancy has been terminated.

UCCJA: Uniform Child Custody Jurisdiction Act.

UIFSA: Uniform Interstate Family Support Act. A nationwide law that encompasses registration, enforcement, and modification provisions regarding child support and spousal support.

UNDERTAKING: A deposit of a sum of money or filing of a bond in court.

VACATE: To annul or rescind.

VENUE: The geographic area wherein a court has the power or authority to hear a case.

VERDICT: The decision of the judge or jury that the defendant is guilty or not guilty of the offense for which he or she has been tried.

VERIFICATION: Confirmation of the truth or authenticity of a pleading or other paper by an affidavit or oath.

VISITATION (V PETITION): Proceeding which requests the right to visit with children.

VOIR DIRE: The preliminary examination of a witness or a potential juror concerning the person's qualifications to testify or to serve.

VOLUNTARY FOSTER CARE PLACEMENT

(L PETITION): A court review of the voluntary placement of a child by a parent who is unable to care for a child.

VSA: Victim Services Agency

WAIVE: To give up or relinquish voluntarily.

WAIVER: An intentional and voluntary relinquishment of some known right.

WARRANT: An order issued by the court which directs a law enforcement officer to arrest a person or to seize property specified in a warrant.

WARRANT OF EVICTION: Order by the court allowing eviction of occupants from a premises.

WARRANTY OF HABITABILITY: Warranty that premises are reasonably fit for occupation.

WILL: A legal document indicating the distribution of a person's possessions after his or her death.

WILLFULNESS HEARING: Used in spousal or child support proceedings to determine if the respondent intentionally failed to obey any lawful order of support.

WRIT: A document issued by a judge ordering or forbidding the performance of a specific act.

WRIT OF HABEAS CORPUS: An order issued by the court directing that a person be produced in court immediately.

YOUTHFUL OFFENDER: A person under the age of 19 appearing in criminal court for whom special correctional commitments and special record sealing procedures are made available by statute.

Glossary of Forensic Terms for Firearms

AUTOMATIC: A firearm that discharges a bullet, ejects the case, and feeds a new cartridge continuously until the trigger is released or all ammunition is exhausted.

BREECH FACE: Metal of the firearm slide, bolt, or frame around the firing pin hole.

BULLET: The projectile that travels through and out of the barrel of a firearm.

CARTRIDGE: A single, complete round of ammunition.

CASE: The container of a cartridge. For rifles and handguns it is usually of brass or other metal; for shotguns it is usually of paper or plastic with a metal head and is more often called a "shell".

CHAMBER: Area at the beginning of the barrel or in a cylinder that holds the cartridge before it is fired.

EJECTOR: A metal rod that knocks the fired case out of the firearm.

EXTRACTOR: Metal hook that pulls the fired case out of the chamber.

HANDGUN: A pistol (i.e., Glock) or revolver (i.e., S&W Chief). A firearm intended to be fired by the use of one hand.

PRIMER: The component in the base of the case containing an explosive compound that, when struck, ignites the gunpowder.

RIFLE: A long-barreled rifled firearm usually meant to be fired with two hands, from the shoulder; A shoulder gun with rifled bore.

RIFLING: A series of high and low areas or polygonal shape twisting left or right that has been either cut or formed in the barrel of a firearm by the manufacturer.

SEMI-AUTOMATIC: A firearm designed to fire a single cartridge, eject the empty case and reload the chamber each time the trigger is pulled.

SHOTGUN: A shoulder gun with smooth-bored barrel(s) primarily intended for firing multiple small, round projectiles, (shot, birdshot, pellets), larger shot (buck shot), single round balls (pumpkin balls) and cylindrical slugs.

