

**441—61.15(217,622A) Interpreters and translators for legal proceedings.** The languages offered by the bureau for interpretation and translation services shall be Serbo-Croatian, Nuer, Cambodian, Hmong, Laotian, Vietnamese, and Tai Dam. Documents to be translated shall be limited to those specified by the presiding judicial officer as those requiring translation and may be any written materials including offers of evidence, correspondence, briefs, memoranda, or other documents. A certification will be attached to each document that certifies that the translator is competent to translate and that the translation is accurate.

**61.15(1) Requests for interpretation or translation services.** A presiding judicial officer shall initiate the request for interpretation or translation services if the officer determines on the officer's own motion or on the motion of a party that the party (including a defendant in a criminal case) or a witness who may present testimony in the action speaks only or primarily a language other than the English language so as to inhibit the party's comprehension of the proceedings or communication with counsel or the presiding judicial officer or so as to inhibit a witness's comprehension of questions and the presentation of testimony.

**61.15(2) Method of interpretation.** The method of interpretation to be used by staff interpreters will be the consecutive mode, except when the presiding judicial officer authorizes, with the approval of all interested parties, that a summary interpretation will aid in the efficient administration of justice.

**61.15(3) Qualifications and assignment of staff.** Interpreters and translators must be capable of interpreting or translating precisely from a language other than English to English and from English to a language other than English. The bureau chief shall maintain a current master list of all staff interpreters and translators determined as qualified.

The bureau chief or designee shall assign interpreters or translators to each request for services, after consultation with the presiding judicial officer of the court.

**61.15(4) Roles and responsibilities of interpreters and translators.** Staff interpreters and translators shall provide interpretation and translation services during business hours Monday through Friday (8 a.m. to 4:30 p.m.) and occasionally beyond those hours of operation, if required. The interpreter or translator shall:

- a. Keep all assignment-related information strictly confidential.
- b. Not counsel, elaborate, advise or interject personal opinions.
- c. Function in a professional manner appropriate for the situation.
- d. Interpret in the method prescribed by the presiding judicial officer and limited to the methods described in this rule.
- e. Maintain a solid perspective on the role of the interpreter or translator (the main function is solely a linguistic one to facilitate communication).
- f. Not be responsible for what is said, only for conveying it accurately.
- g. Withdraw from assignments if the interpreter's or translator's own feelings or beliefs will interfere with rendering the message accurately.
- h. Withdraw from assignments where family members or close personal or professional relationships may affect impartiality.
- i. Swear or affirm to interpret or translate accurately.

**61.15(5) Dismissal or disqualification of interpreter.** If any interpreter is unable to communicate effectively with the presiding judicial officer, the attorney, a party (including a defendant in a criminal case), or a witness, the presiding judicial officer may dismiss the interpreter and obtain the services of another interpreter.

Any court or administrative agency may inquire into the qualifications and integrity of any interpreter and may disqualify any person from serving as an interpreter.

**61.15(6) Fee schedule.** The bureau shall not be compensated for costs related to interpretation or translation services in excess of the maximum allowable under the schedule of fees prescribed pursuant to this subrule. Any moneys collected under this rule shall be used to reimburse the appropriation obligated and disbursed in payment for services.

a. *Rate for services.* The fee schedule for interpretation services shall be based on a portal-to-portal basis multiplied by the appropriate rate. The standard rate shall be \$25 per hour, plus

actual expenses not to exceed the state reimbursement rate for meals, lodging, parking, and ground or air transportation costs incurred in providing services.

When a single interpretation assignment exceeds six hours, a flat salary rate of \$150 per day, plus actual expenses, not to exceed the state reimbursement rate, shall be charged.

The fee for translating documents shall be \$25 per page for verbatim translations and \$10 per page for summary translations.

*b. Minimum charges.* A minimum charge of one hour shall be charged for providing requested interpretation services. A minimum of one hour shall be charged for cancellations less than 12 hours prior to a prescheduled appointment. A minimum one-hour charge, plus incidental costs, shall be charged for party no-shows.

For any legal action preparatory to appearing before any court which is facilitated through a telephone interpretation, a minimum charge of 15 minutes shall be charged. A charge for each additional 15-minute increment, after the first 15 minutes, shall be billed at a prorated share of the scheduled standard rate of \$25 per hour.

**61.15(7) Payment.** Payment for interpretation and translation services invoiced according to the fee schedule shall be issued to the bureau by the clerk of court, if the interpreter or translator is appointed by the presiding judicial officer, unless other state or federal statutory provisions preclude the payment. The presiding judicial officer may order that all or part of the salaries, fees, expenses and costs be apportioned between or among the parties or be taxed according to existing state or federal statutory provisions.

Invoices for interpretation and translation services shall be sent on the tenth of the month following the service date to the appropriate clerk of court. Information on this invoice form is considered confidential and shall include:

1. Name and address of party initiating the service request.
2. Date, time and location of assignment.
3. Description and rate.
4. Hours of service delivery.
5. Name of interpreter(s) and translator(s).
6. Detailed statement of related costs.