

INTRODUCTION

We are pleased to introduce the 2008 edition of the New York State Unified Court System's Court Interpreter's 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.

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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 Proficiency (LEP) and deaf or hard of hearing persons.

The court system provides language and sign interpreters in proceedings for LEP persons and those who are deaf or hard of hearing. In all proceedings parties are provided with interpreters to ensure that they clearly comprehend and are able to participate in legal proceedings.

UCS 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 (Sign), JG-18. Interpreters may work full-time, part-time, or on an hourly basis.

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 (Sign), are non-competitive positions primarily responsible for interpreting between English and a spoken language other than Spanish, and American Sign Language, respectively. 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.

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 public, and perform clerical tasks. (See Appendix B) In some jurisdictions, Senior Court Interpreters and other supervisory court

¹JG signifies the judicial grading of the position.

²The court system currently employs court interpreters in the following languages: Arabic, Bengali, Cantonese, Croatian, Dutch, French, Greek, Haitian Creole, Hebrew, Hindi, Italian, Japanese, Korean, Mandarin, Polish, Punjabi, Romanian, Russian, Serbian, Spanish, Urdu and Woloff.

personnel also may administer language proficiency tests and obtain per diem interpreting services³.

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 per diem interpreters.

Per Diem Independent Contractors

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

Per diem interpreters are not employees of the court system; they are hired for the day and paid a per diem rate. A voucher is submitted with supporting documentation in order for per diem interpreters to receive payment.

The court system maintains a registry⁴ of individuals who have successfully completed a written English proficiency screening examination and an oral assessment in English and the other language. The languages for which the court system provides proficiency examinations are:

Albanian	Greek	Polish
Arabic	Haitian Creole	Portuguese
Bengali	Italian	Russian
Cantonese	Korean	Spanish
French	Mandarin	Vietnamese

The court system uses this registry as a primary resource for selecting per diem court interpreters in those languages.

³The typical duties, knowledge, skills and abilities are more fully set forth in the Title Standard for this position. (See Appendix A)

⁴Copies of the NYS UCS Registry of Per Diem Interpreters are available to court managers at each court and judicial district office. The Registry is also available through the Office of Court Interpreting Services.

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. UCS COURT INTERPRETERS

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.

Those candidates who pass the written examination then take the oral language assessment examination; in this test, a job-simulated videotape is used. The candidate must interpret everything said on the videotape in English into Spanish, and everything said in Spanish into English. Simultaneous and consecutive modes of interpreting are assessed. Each candidate also is given short written passages in English and Spanish which must be translated orally. An audiotape 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 position⁵, an individual must achieve a passing grade on both the competitive written and oral examinations, be certified by the Chief Administrator of the Courts for appointment from an eligible list, 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) and Senior Court Interpreter

The titles of Court Interpreter, in languages other than Spanish, and Senior Court Interpreter, are in the noncompetitive class positions, and are filled on the basis of an applicant's qualifications and experience. In addition, court interpreter applicants in the 15 registry languages (see page 2) are required to successfully complete a written and oral language skills screening process for inclusion in the registry.

⁵Competitive 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.

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 with more interpreter positions (see Appendix B).

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 eligible to take the promotional examinations for Court Clerk (JG-18) and Senior Court Clerk (JG-21).

Additionally, the UCS has established a Principal Court Interpreter position with a primary responsibility to assist in monitoring the availability and quality of interpreting services for spoken foreign languages and Sign Language in both employee and per diem paid resources for a citywide court or judicial district. Principal Court Interpreters supervise, coordinate activities, and evaluate the performance of Senior Court Interpreters, Court Interpreters, and per diem interpreters. This opportunity is available to UCS Court Interpreters with one year of service in the Senior Court Interpreter title or an equivalent combination of education and experience.

Court Interpreter (Sign)

Full-time Court Interpreters (Sign) are non-competitive positions that have a different selection process (see Appendix C). 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 American Sign Language. 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 services⁶.

⁶In 1992, the Office of Court Administration issued an Administrative Order which recognizes RID as the credentialing authority for certified interpreters of the deaf 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 362, dated April 24, 2006, are attached as Appendix D and E respectively.

B. PER DIEM COURT INTERPRETERS

Per Diem Interpreters in Spanish and Registry Languages

Per Diem interpreters in Spanish 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 a 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 videotaped format of simulated courtroom material. An audio tape 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 only "pass" or "fail." Individuals who successfully pass the language screening are required to undergo a criminal background investigation. Candidates who successfully complete this process will be added to the NYS Registry of Per Diem Interpreters, which is available to all UCS courts. The courts and judicial districts have discretion with regard to assignments offered to Registry interpreters.

To ensure the local availability of interpreters, per diem proficiency testing has been decentralized throughout the State. Proficiency examinations for additional languages will be developed as needed.

Per Diem Interpreters in 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 solely on the basis of the needs of individual courts for court interpreting services in the specified languages. Examinations in additional languages are developed periodically, as needed. Oral performance tests in Albanian, Bengali and French were added in 2007, with Farsi, Fuzhou, Japanese, Turkish and Urdu in development for the future. The competency of per diem court interpreters for Non-Registry languages is verified by court administrators and the judge presiding in the courtroom at the outset of the court proceeding. This is done 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. New York State Courts obtain the services of interpreters in over one hundred languages as diverse as:

Armenian	Czech Farsi	Foochow	Fulani	Gujarati
Hungarian	Ibo	Malayalam	Mandinka	Mixteco
Pashto	Tagalog	Tamil	Thai	Tibetan
Twi	Ukranian	Yiddish	Yoruba	

Per Diem Interpreters in Sign Language

The UCS requires that all per diem sign language 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 sign language interpreters. See page 4.

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 also is used to help assess interpreting proficiency in languages for which a screening examination is not available. Application forms are available in each locality or through the Office of the Coordinator of Court Interpreting Services. Credentials are subject to verification.

Identifying Qualified and Available Court Interpreters

The Office of Court Administration has established the Court Interpreter Electronic Scheduling 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 which contains the names, languages, geographic locations and availability of all interpreting resources within 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 Unified Court System requires that interpreters become familiar with the following requirements in order to carry out their responsibilities:

Knowledge of Modes of Court Interpreting

The court interpreter shall be familiar with the most commonly used interpreting techniques.

- 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 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, without preparation.

Accuracy

Court interpreters shall:

- faithfully and accurately interpret what is said without embellishment or omission, while preserving the language level and/or 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 impaired person even when the interpreter believes that the LEP speaking or deaf or hard of hearing person 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.

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; and
- **not** give legal advice.

Confidentiality

Court interpreters shall:

- ensure that disclosures made out of court by a LEP or deaf or hard of hearing person through a 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 G.

Professional Demeanor

Court interpreters shall:

- speak in a clear, firm, and well-modulated voice;
- always be positioned so that the LEP or hard of hearing person can hear and 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 also is available in the Unified Court System's Employee Handbook, on page 33.

Case Preparation

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

- 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;
- 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 or Deaf or Hard of Hearing Person

Prior to the initial court appearance, the court interpreter 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;
- when necessary and where available, arrange for wireless interpreting

equipment to be used⁷;

- advise the LEP or deaf or hard of hearing person to direct all questions to counsel or to the court; and
- **not** 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.

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.

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.

⁷At the court’s discretion, and where available, this equipment may be used during the simultaneous interpreting of the proceeding for LEP defendants.

Interpreting 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:

- The interpreter shall 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.
- 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 interpreter shall **not** mimic any gestures made by the LEP speaking 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 in the proceedings, if the quality of interpreting is about to suffer due to fatigue.

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. One signed oath will serve for subsequent engagements. In the event the interpreter does not have an oath on file, the judge or his/her designee shall obtain a sworn oath, for the record, prior to engaging the services of that individual.

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

Work Assignments - UCS Interpreter Employees

- Court interpreter assignments vary from court to court and from county to county within the same type of court. Specifics about the assignment should be obtained upon arrival at the assigned location.
- 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.
- As an officer of the court, it is the obligation of the court interpreter to accept assignment to any case or matter requiring interpreting services.
- If an interpreter is not able to carry out an assignment, the court, agency head or part clerk should be informed immediately.

⁸Appropriate court personnel should ensure that per diem interpreters take an oath on an annual basis.

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 H)

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 I) 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 any 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 full-time 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. 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 outset of the proceedings in which he or she is assigned to interpret (see 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 COURT INTERPRETING SERVICES

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.

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 interpreters' lack of performing his or her duties are reported to their immediate supervisors, noted on probationary reviews, performance evaluations, and also 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 Court Interpreting Services and is available online, through the court system's intranet. Designated staff of CIS review complaints on a case-by-case basis, and make recommendations as needed.

The Coordinator (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.

In collaboration with the Personnel Office of OCA, CIS may assist with development of the civil service Court Interpreter (Spanish) examination and screening examinations in languages other than Spanish. CIS 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, the CIS 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 its work with local government, community groups, and members of the Bar, CIS works to assess and address the language needs of court users throughout the state.

Contact information:

NYS Unified Court System
Office of Court Administration
Court Interpreting Services
25 Beaver Street, 8th floor
New York, NY 10004

Telephone: (646) 386-5670

Email: courtinterpreter@nycourts.gov

Website: www.nycourts.gov/courtinterpreter

**APPENDIX A
TITLE STANDARD
COURT INTERPRETER, JG-18**

TITLE: COURT INTERPRETER

Effective Date: 06/30/1994
Title Code Number: 9442707
Salary Grade: 18
Jurisdictional Classification: C

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.

or

Note: All candidates will be tested for proficiency in English and another language. Examinations in this title will be given in other languages based on the needs of the courts.

APPENDIX B
TITLE STANDARD
SENIOR COURT INTERPRETER, JG-21

TITLE: SENIOR COURT INTERPRETER

Effective Date: 06/30/1994

Title Code Number: 9442706

Salary Grade: 21

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.

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.

APPENDIX C
TITLE STANDARD
COURT INTERPRETER SIGN, JG-18

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.

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 assessment.

APPENDIX D
ADMINISTRATIVE ORDER
JUNE 17, 1992

Copy to:

PJR
CBH
NPC
MB
PB

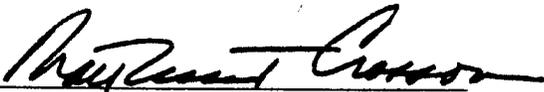
ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATOR OF THE COURTS

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

APPENDIX E
BUDGET BULLETIN #362
APRIL 24, 2006



NEW YORK STATE
Unified Court System

LAWRENCE K. MARKS, ESQ.
 ADMINISTRATIVE DIRECTOR

RONALD P. YOUNKINS, ESQ.
 CHIEF OF OPERATIONS

OFFICE OF COURT ADMINISTRATION

JOSEPH M. DECHANTS
 DIRECTOR, DIVISION OF BUDGET AND FINANCE

BUDGET BULLETIN	NUMBER 362	April 24, 2006
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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 Bulletins 263 and 275, dated September 22, 1994 and July 13, 1995, respectively.*

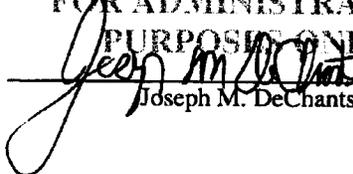
Effective May 1, 2006 the rates for per diem interpreter services provided to the courts and agencies of the Unified Court System shall be as follows:

Per Diem Interpreter Rates - Effective May 1, 2006

Full Day Rate	Half Day Rate
\$250.00	\$140.00

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

 Joseph M. DeChants

APPENDIX F
UCS FORM NO. 2070



PER DIEM COURT INTERPRETER ASSIGNMENT SHEET

UCS 2070

Revised 12/08

*Send original with Quick Pay Voucher to the NYC Budget Office.
A copy may be kept for court records.

N.Y.S. COURT _____

COUNTY OF _____

Street Address _____

City, State and Zip Code _____

INTERPRETER INFORMATION:

TODAY'S DATE _____ TAX ID/ SS# _____

NAME _____ / BUSINESS OR _____

(Last, First)

★AGENCY

Mailing

Address: _____

(Number and Street)

(City,

State,

Zip Code)

I hereby affirm that on today's date _____ I HAVE NOT worked in another court within the UCS.
(Enter Date)

I HAVE worked in another court within the UCS.
(You must check one ▲)

●Name and County of Court

Interpreter's Signature

●Required if V.P. interpreter UCS court on the same date.

FOR OFFICIAL USE ONLY:

COURTROOM Part / Room No.	CASE INFORMATION Case No. / Case Name	◇LANGUAGE(S)	LENGTH OF SERVICES	
			Time Began	Time Ended
		◇		
Authorized UCS Personnel:	_____			
	Name	Title	Signature	

*For vouchers processed in NYC only.



PER DIEM COURT INTERPRETER ASSIGNMENT SHEET

*Send original with Quick Pay Voucher to the NYC Budget Office.
A copy may be kept for court records.

UCS 2070

Revised 12/08

- ★Payment should be made out to the Business or Agency Name.
- ◇Accumulator Code corresponds to this language.

APPENDIX G
GLOSSARY OF LEGAL TERMS

Revised March 2006

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 EXECUTOR OR ADMINISTRATOR c.t.a.	Any person to whom ancillary letters testamentary or ancillary 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.
EVICTION	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.
GHLA/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 FILIAION	A finding by the court that a male party to a parternity 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 DISTRIBUTEES	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.

PRO SE	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.

APPENDIX H
GLOSSARY OF FORENSIC TERMS
FOR FIREARMS

Revised March 2006

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.

**APPENDIX I
PART 50 - RULES OF THE
CHIEF JUDGE**

1 of 1 DOCUMENT

NEW YORK CODES, RULES AND REGULATIONS

*** THIS DOCUMENT REFLECTS CHANGES RECEIVED THROUGH NOVEMBER 25, 2005 ***

TITLE 22. JUDICIARY
SUBTITLE A. JUDICIAL ADMINISTRATION
CHAPTER I. STANDARDS AND ADMINISTRATIVE POLICIES
SUBCHAPTER A. RULES OF THE CHIEF JUDGE
PART 50. RULES GOVERNING CONDUCT OF NONJUDICIAL COURT EMPLOYEES

22 NYCRR § 50.1 (2005)

§ § 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.

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.

Added 50.1 on 2/05/03.

1 of 1 DOCUMENT

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22 NYCRR § 50.2 (2005)

§ § 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.

(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 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.

Added 50.2 on 2/05/03.

1 of 1 DOCUMENT

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22 NYCRR § 50.3 (2005)

§ § 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.

Added 50.3 on 2/05/03.

1 of 1 DOCUMENT

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22 NYCRR § 50.4 (2005)

§ 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; or

(2) Take, or attempt to take or offer to take, such an examination in the name of any other person; or

(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; or

(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; or

(5) Sell or offer to sell questions or answers prepared for use in any such examination; or

(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; 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.

Added 50.4 on 2/05/03.

1 of 1 DOCUMENT

NEW YORK CODES, RULES AND REGULATIONS

*** THIS DOCUMENT REFLECTS CHANGES RECEIVED THROUGH NOVEMBER 25, 2005 ***

TITLE 22. JUDICIARY
SUBTITLE A. JUDICIAL ADMINISTRATION
CHAPTER I. STANDARDS AND ADMINISTRATIVE POLICIES
SUBCHAPTER A. RULES OF THE CHIEF JUDGE
PART 50. RULES GOVERNING CONDUCT OF NONJUDICIAL COURT EMPLOYEES

22 NYCRR § 50.5 (2005)

§ § 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, 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.

22 NYCRR § 50.5

(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.

Added 50.4 on 2/05/03.

1 of 1 DOCUMENT

NEW YORK CODES, RULES AND REGULATIONS

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22 NYCRR § 50.6 (2005)

§ 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 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 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 subdivision (b) (1), (2) or (3).

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

Added 50.6 on 2/05/03.

APPENDIX J
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.
- 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.

APPENDIX K
TITLE STANDARD
PRINCIPAL COURT INTERPRETER, JG-23

TITLE: PRINCIPAL COURT INTERPRETER**Effective Date:** 12/01/2006**Title Code Number:** 9463250**Salary Grade:** 23**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.

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.

APPENDIX L
BENCH CARD

THE NEW YORK STATE UNIFIED COURT SYSTEM

Working with Interpreters in the Courtroom

BENCHCARD FOR JUDGES

Persons with limited English proficiency and those who are deaf or significantly hearing-impaired 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; Judiciary Law §390.*) In addition, section 390 of Judiciary Law requires the provision of an interpreter for hearing-impaired victims and members of their immediate families in criminal cases.

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 significantly hearing-impaired. 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 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) from the UCS List of Eligible Court Interpreters.

Foreign language interpreters from both groups have fully satisfied the court systems' 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, Inc (RID). The clerk or other court staff are responsible for confirming an interpreter's qualifications prior to scheduling the interpreter to appear in 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 List of Eligible 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 or is not suitable for the proceeding. If the court is unsure of an interpreter's qualifications, the court should review the interpreter's credentials by asking a few questions:

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?

SUGGESTED BEST PRACTICES FOR WORKING WITH COURT INTERPRETERS:

EXPLAIN THE ROLE OF THE COURT INTERPRETER

It is important that the individual who needs an interpreter understands the role of the interpreter. Here are some basic points which may help ensure this understanding. You may instruct the individual, through the interpreter, as follows:

- An interpreter's role is to listen to what is said in the courtroom in English, and convey it in sign language or the foreign language.
- The interpreter cannot give advice, make suggestions, or engage in private conversations with the person needing the interpreter. The person should raise a hand if s/he has a question or does not understand something during the proceeding.

Following this explanation, ask if the person needing the interpreter is able to understand and communicate through the interpreter, to confirm that the person and the interpreter can understand each other's language, or specific dialect.

ADVISE THE JURY

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.

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 inter-

preter. 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?"

ASSESS THE PERFORMANCE OF THE COURT INTERPRETER

A judge's observations 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 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 Court Interpreting Services at (646) 386-5670 or by e-mail: InterpreterComplaints@courts.state.ny.us

THE NEW YORK STATE UNIFIED COURT SYSTEM

Working with Interpreters
in the Courtroom

BENCHCARD FOR JUDGES

APPENDIX M
PART 217

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby promulgate, effective immediately, a new Part 217 of the Rules of the Chief Administrator of the Courts, relating to court interpreter services, to read as follows:

PART 217
ACCESS TO COURT INTERPRETER SERVICES
FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

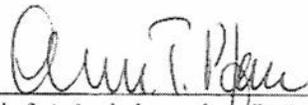
§217.1 Obligation to appoint interpreter in court proceedings in the trial courts.

(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 court shall appoint an interpreter. The court may permit an interpreter to interpret by telephone or live audiovisual means.

(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.

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

A court clerk shall provide interpreting services 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.



Chief Administrative Judge of the Courts

Dated: October 16, 2007

AO/ 455 /07