



COURT INTERPRETER CANCELLATION POLICY

For a variety of reasons, the services of a foreign language or ASL interpreter in court sometimes become unnecessary after the interpreter has accepted the assignment. When cancellation of an interpreter's service becomes necessary, if no other interpreting services during the time period of the cancelled proceeding are needed, reimbursement of the interpreter will be guided by the following criteria:

- A. *Requirements of Counsel, the Court, and Clerk's Office:*** In an effort to conserve public funds to provide for such interpretation, counsel, the court, and clerk's office will undertake all efforts possible to ensure early notification to the interpreters that assignments have been cancelled. Once an interpreter has been scheduled, the clerk of court or their designee shall email all parties with the interpreter's contact information. Courts should work with the clerk of court to consider calendar or docket management techniques to "group" the scheduling of cases requiring interpreters by language to maximize the use of the interpreter's time.
- B. *Cancellation by the Court/Parties/Counsel Without Payment to the Interpreter:*** No reimbursement shall be made for cancelled appearances, if the interpreter was notified by email by the clerk of court or their designee of the cancellation at least one (1) business day (24 hours) or more prior to the start time of the assignment. Interpreters shall call the clerk of court's office to confirm assignments prior to the scheduled court date. If unable to speak with the clerk of court or their designee, the interpreter must email the clerk of court, using an email address provided by the clerk of court, requesting confirmation of the scheduled assignment. This shall be done no earlier than two (2) business days prior to the scheduled court date. Failure to confirm an assignment shall result in non-payment in the event of cancellation.
- C. *Cancellation by the Court/Parties/Counsel With Payment to the Interpreter:*** If an interpreter is cancelled as a result of one of the following: (1) a party's failure to advise the clerk of court that the interpreter will not be needed, (2) the party or a litigant does not appear in court in a timely fashion, or (3) the judge's absence is known to the clerk of court more than one (1) business day (24 hours) prior to the hearing, but is not communicated to the interpreter, a cancellation fee shall be assessed by the presiding judge against the party, counsel, the county, or municipality causing the unnecessary expense. In the event the cancellation is due to an unforeseen absence of the judge, Court Administration shall be responsible for payment of this cancellation fee, which shall consist of two (2) hours of payment at the rate approved by Order of the Chief Justice.

In the event an assignment is cancelled less than one (1) business day (24 hours) before the date the proceeding was scheduled to begin, the court shall approve reimbursement to the interpreter of a cancellation fee of two (2) hours of service at the rate set by Order of the Chief Justice, provided that the clerk of court's office was unable to secure work for the interpreter in other cases or in other courts for the cancelled time period. The cost shall be the responsibility of the party who is the cause for the cancellation or last-minute continuance of the scheduled proceeding, as determined by the presiding judge, and indicated on SCCA Form 261. It shall be the responsibility of the interpreter to invoice the responsible party for the cancellation fee, which shall consist of two (2) hours of payment at the rate approved by Order of the Chief Justice.



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- D. *Cancellation by the Interpreter:*** If an interpreter must cancel an assignment, he/she must give notice to the clerk of court of a least two (2) business days (48 hours). The clerk of court should make every effort to locate a replacement interpreter who is certified or otherwise qualified. In case of an emergency, an interpreter may arrange a substitute when he/she cannot appear for the appointment, subject to the clerk's approval of the substitute. Excessive cancellations by an interpreter should be noted by clerk's staff and Court Administration notified. If an interpreter is found to have excessive cancellations, his/her future service may be curtailed or terminated.
- E. *Cancellation Due to Inclement Weather and Acts of God:*** No compensation will be made for interpreter assignments while the court is closed due to inclement weather, Acts of God, and other unforeseeable occurrences, if the public has been notified of the closure prior to the start of the work day in that courthouse. If a decision to close the courthouse is made after the workday has begun, then Court Administration shall be responsible for payment of the cancellation fee, which shall consist of two (2) hours of payment at the rate approved by Order of the Chief Justice.