

**OFFICE OF THE CLERK  
UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA**

**GUIDELINES FOR PROVIDING SERVICES TO THE HEARING-IMPAIRED AND  
OTHER PERSONS WITH COMMUNICATION DISABILITIES**

In accordance with the Judicial Conference's general policy as outlined in the *Guide to Judiciary Policies and Procedures, Chapter III, Part G*, bankruptcy courts are required to provide reasonable accommodations and services to the hearing-impaired and other persons with communication disabilities.

**ELIGIBILITY REQUIREMENTS FOR INTERPRETERS AND OTHER AUXILIARY AIDS  
AND SERVICES:**

In bankruptcy courts, the United States will pay for language interpreters if the government initiates the proceeding. In all other instances, the parties are responsible for payment of the interpreter's compensation and expenses. However, in the instance of sign language interpreters, each court may provide, at judiciary expense, a qualified sign language interpreter to provide services to a party, an attorney, witness, or other participants<sup>1</sup> in a judicial proceeding, whether or not the proceeding is initiated by the United States.

Bankruptcy courts are not obligated to pay for sign language interpreters or other communication aids for a section 341 meeting. A section 341 meeting is a meeting of creditors convened and presided over by the United States trustee or bankruptcy administrator. Therefore, in accordance with the *Guidelines for Providing Services to the Hearing-Impaired and Other Persons with Communication Disabilities (Appendix A)* section 341 meetings are not considered court proceedings. The abovementioned guidelines specifically define court proceedings to include "trials, hearings, ceremonies, and other public programs or activities conducted by the court".

In addition to sign language interpreters, bankruptcy courts may also be required to provide, at judiciary expense, other appropriate auxiliary aids and services to participants in court proceedings who are deaf, hearing-impaired, or have other communication disabilities. In these instances, the court shall give primary consideration to a participant's choice of auxiliary aid or service (see the footnote in *Appendix A* for a more detailed description of auxiliary aids and services that may be provided). For the purpose of these *Guidelines*, primary consideration means that the court will honor a participant's choice of auxiliary aid or service unless it can demonstrate that another equally effective means of communication is available or that the use of the means chosen would result in

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<sup>1</sup> The services called for under these guidelines are not required to be provided to spectators, although the court may elect to do so in situations where it is determined to be appropriate. For example, providing an interpreter to the deaf spouse of a criminal defendant so that the spouse may follow the course of the trial.

a fundamental alteration in the nature of the court proceeding or in undue financial or administrative burden.

***DESIGNATION OF ACCESS COORDINATORS:***

The court's *Human Resource Manager* will have overall responsibility for the implementation and management of this court's *Guidelines*. The *Deputy-Clerks-In-Charge* in each divisional office are designated as *Access Coordinators*, and as such, will handle local requests for services under these *Guidelines*. The *Access Coordinator(s)* must be familiar with the judiciary's policy of providing reasonable accommodations to persons with communication disabilities and will ensure that the policy is properly implemented. Further, the *Access Coordinator(s)* must have a working knowledge of the types of auxiliary aids and services available to serve the needs of disabled persons, and maintain a list of local resources from which auxiliary aids and services may be procured. A list of local agencies who employ certified language interpreters and lease other communication aids is available at *Appendix B*.

The identity and location of the divisional *Access Coordinator* will be posted for public information and viewing in the intake/lobby areas of each divisional office. The required posting is attached at *Appendix C*. The court shall also make copies of these *Guideline* available at the public counters and on the court's web site.

***FILING REQUIREMENTS:***

An Application for Services to Persons with Communication Disabilities must be filed with the local *Access Coordinator* at least *three weeks* in advance of the date the actual use of those services or equipment will be required. This will allow the *Access Coordinator* the minimum time necessary to actually procure the specific services and/or equipment needed. The *Application* attached to these *Guidelines* at *Appendix D* must be used for this purpose. There is no filing fee required for this application, nor is there a requirement for notice and hearing to other parties.

***PROCESSING THE APPLICATION FOR SERVICES TO PERSONS WITH COMMUNICATION DISABILITIES:***

Upon receipt of the abovementioned *Application*, the *Access Coordinator* will file stamp its receipt and forward a copy to both the *Human Resource Manager* and the appropriate *Courtroom Deputy*. If the *Application* meets the criteria outlined in these *Guidelines*, the *Courtroom Deputy* will ensure that the court calendar is annotated to reflect the need for the services and advise the presiding judge of the intended action. Thereafter, the *Courtroom Deputy* will coordinate with the *Access Coordinator* to ensure that all other requirements and/or arrangements have been met.

The *Access Coordinator* (or his/her designee) will make the specific arrangements for services

and/or equipment and ensure that they are acceptable to all parties involved, and approved by the presiding judge in advance of the court proceeding requiring the arrangements.

If there are any costs associated with providing services and/or equipment covered and authorized for payment by these *Guidelines*, the court's *Financial Administrator* shall pay these expenses using both the general authorization codes for the centrally administered account and the court's specific cost organizational code. For example, on a voucher processed by this court, the *Financial Administrator* would use the following code during FY 2000:

00-092000-BXXBBCX-B0EDC-2523

At the conclusion of the proceeding in which services are provided under these guidelines (regardless of whether the judiciary is responsible for payment for the service), the *Access Coordinator* will immediately prepare and send the *Report of Services Provided to Persons with Communication Disabilities (Appendix E)* to the *Human Resource Manager*. The *Human Resource Manager* will maintain a district-wide file of all reports and will be responsible for submitting quarterly reports to the AOUSC by the 15<sup>th</sup> day of the month following the end of the applicable quarter ( i.e. January 15, April 15, July 15, and October 15). These reports may be faxed to the regional administrator at (202) 273-1555.

Appendices:

- Appendix A - Guidelines for Providing Services to the Hearing-Impaired and Other Persons with Communications Disabilities
- Appendix B - Fees and Contacts for Language Interpreters and Other Communication Aids
- Appendix C - Application for Services to Persons with Communication Disabilities
- Appendix D - Public Notice Regarding Services to Persons with Communication Disabilities
- Appendix E - Report of Services Provided to Persons with Communication Disabilities

### Chapter III. GENERAL MANAGEMENT AND ADMINISTRATION

#### Part G. Guidelines for Providing Services to the Hearing-Impaired and Other Persons with Communications Disabilities

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##### 1. General Policy.

As adopted in September 1995, it is the policy of the Judicial Conference that all Federal courts provide reasonable accommodations to persons with communications disabilities.

##### 2. Sign Language Interpreters and Other Auxiliary Aids and Services.

Each federal court is required to provide, at judiciary expense, sign language interpreters or other appropriate auxiliary aids and services to participants in federal court proceedings who are deaf, hearing-impaired, or have other communications disabilities. The court shall give primary consideration to a participant's choice of auxiliary aid or service.

"Auxiliary aids and services" include qualified interpreters, assistive listening devices or systems, or other effective methods of making aurally delivered materials available to individuals with hearing impairments.<sup>1</sup> "Participants" in

1. Where a court determines such to be appropriate, computer-assisted real-time reporting is one of the services that may be provided under these guidelines, but solely in furtherance of the limited purposes for which the guidelines have been adopted. Thus, real-time reporting should be provided only for as long as and for the specific purposes required by a participant; for example, only for the duration of a deaf witness's testimony. Real-time reporting is to be used solely to assist in communication and is not to be used in lieu of conventional means of producing the official record. Real-time service provided under these guidelines shall be limited to a video display of spoken words, and shall not include enhancements such as key word searching or the provision of unedited daily transcripts. Courts may not use this policy as an authorization to purchase and install real-time court reporting equipment in the courtroom. Such purchase is controlled by Judicial Conference policy relating to the methods of court reporting.

court proceedings include parties, attorneys, and witnesses. The services called for under these guidelines are not required to be provided to spectators, although courts may elect to do so in situations where they determine such to be appropriate, for example, providing an interpreter to the deaf spouse of a criminal defendant so that the spouse may follow the course of the trial. "Court Proceedings" include trials, hearings, ceremonies and other public programs or activities conducted by a court. "Primary consideration" means that the court is to honor a participant's choice of auxiliary aid or service, unless it can show that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the nature of the court proceeding or in undue financial or administrative burden.

3. Jurors.

The determination of whether a prospective juror with a communications disability is legally qualified to serve as a juror is one for the judgment of the trial court under the Jury Selection and Service Act, and that determination is not governed or effected by these guidelines. However, where an individual with a communications disability is found so qualified, a sign language interpreter or other appropriate auxiliary aid or service should be provided under these guidelines.

4. Procedures.

Each court is required to identify a specific office or individual(s) to serve as access coordinator from whom participants in court proceedings may request auxiliary aids or services. The access coordinator must be familiar with the judiciary's policy of providing reasonable accommodations to persons with communications disabilities, to ensure that the policy is properly implemented. The access coordinator must have a ready working knowledge of the types of auxiliary aids and services available to serve the needs of disabled persons and of the local sources from which auxiliary aids and services may be procured. Personnel in each court are to be instructed as to the judiciary's policy and the identity and location of the access coordinators in their particular court. Each court shall appropriately publicize the identity and location of its access coordinator through courthouse signs, bulletin board announcements, pamphlets, announcements in the local press, etc.

Courts may, but are not required to, establish specific procedures through which requests for auxiliary aids services are to be submitted, such as requiring that they be submitted to the access coordinator in writing or that they be submitted in advance of the court proceeding involved. Courts may also establish procedures through which persons dissatisfied with the court's proposed provision of auxiliary aids and services

may seek review or reconsideration. Any such procedures must be appropriately publicized. These guidelines are not intended to, nor should they be construed to extend or modify existing law.

5. Reporting.

In all situations in which services are provided under these guidelines, regardless of whether any direct new costs are incurred, courts are to file reports with the Administrative Office on forms provided for this purpose.

6. Effective Date.

These guidelines are now in effect.

***FEES AND CONTACTS FOR LANGUAGE INTERPRETERS  
AND OTHER COMMUNICATION AIDS***

***MAXIMUM FEES FOR CONTRACT COURT INTERPRETERS (as of 6/10/99):***

Certified and Professionally Qualified Interpreters:

Full Day: \$305  
Half day: \$165  
Overtime: \$ 45 per hour or part thereof

Non-Certified Interpreters:

Full Day: \$145  
Half Day \$ 80  
Overtime: \$ 25 per hour or part thereof

*Updated fee schedules for interpreters may be obtained from the  
Court Administration Division of the AO at (202) 502-1570*

***INTERPRETER POINTS OF CONTACT (as of 3/9/00):***

For Sacramento and Modesto: NorCal Center on Deafness  
(916) 973-8448

For Fresno: Valley Advocacy & Communication Center for the  
Deaf and Hearing Impaired (VACC)  
(559) 225-3323

Certification: To be classified as a *Professionally Qualified Sign  
Language Interpreter*, the interpreter must be  
registered with the Registry of Interpreters for the  
Deaf (RID) and hold a Legal Interpreter Certificate.

Languages: American Sign Language (ASL), Signed Exact  
English (SEE), and Pidgin Signed English (PS)

***ASSISTIVE LISTENING DEVICE RENTAL:***

For Sacramento and Modesto: NorCal Center on Deafness  
(916) 973-8448

For Fresno: Presentations Inc.  
(559) 436-4275

*Appendix B*



***PUBLIC NOTICE REGARDING  
SERVICES TO PERSONS WITH COMMUNICATION DISABILITIES***

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In accordance with Judicial Conference policy, the United States Bankruptcy Court for the Eastern District of California will provide reasonable accommodations and services to persons with communication disabilities. When authorized, the court is prepared to provide, at judiciary expense, sign language interpreters or other appropriate auxiliary aids and services to participants in court proceedings who are deaf, hearing-impaired, or have other communication disabilities. The court will attempt to provide a participant's choice of auxiliary aid or service unless it can be shown that another equally effective means of communication is available or that the use of the means chosen would result in a fundamental alteration in the nature of the court proceeding or in undue financial or administrative burden.

For the purposes of this policy, participants in court proceedings are generally defined as parties, attorneys, or witnesses. Court proceedings include: trials, hearings, ceremonies, and other public programs or activities conducted by the court. Section 341 meetings are presided over by the United States trustee and are not considered court proceedings.

***ACCESS COORDINATORS:***

Requests for any auxiliary service described above must be submitted in writing to the local Access Coordinator at least three weeks in advance of the court proceeding. The request must be submitted on an *Application for Services to Persons with Communication Disabilities*, which are available at the public counter. The local Access Coordinators are as follows:

***In Sacramento: Shelly Fritch  
U. S. Bankruptcy Court  
501 I Street, Suite 3-200  
Sacramento, CA 95814-2322***

***In Fresno: Cheryl Michaels  
U. S. Bankruptcy Court  
1130 O Street, Suite 2656  
Fresno, CA 93721***

***In Modesto: Kathy Thompson  
U.S. Bankruptcy Court  
PO Box 5276  
Modesto, CA 95352***

The Access Coordinators are familiar with the judiciary's policy of providing reasonable accommodations to persons with communication disabilities and will ensure that the policy is properly implemented. The Access Coordinators have a working knowledge of the types of auxiliary aids and services available to serve the needs of persons with communication disabilities and of the local sources from which auxiliary aids and services may be procured.

*Appendix D*

**REPORT OF SERVICES PROVIDED TO  
PERSONS WITH COMMUNICATION DISABILITIES**

**COURT:**        **UNITED STATES BANKRUPTCY COURT**  
                  **EASTERN DISTRICT OF CALIFORNIA**  
                  \_\_\_\_\_ **DIVISION**

**TYPE OF COURT PROCEEDING  
OR ACTIVITY:** \_\_\_\_\_  
\_\_\_\_\_

**DATE(S) SERVICES  
PROVIDED:** \_\_\_\_\_

**PARTICIPANT PROVIDED  
SERVICES (e.g., DEBTOR):** \_\_\_\_\_

**DESCRIPTION OF  
SERVICES PROVIDED:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COST TO JUDICIARY (If Any):** \_\_\_\_\_

**SPECIAL PROBLEMS ENCOUNTERED:** \_\_\_\_\_  
\_\_\_\_\_

**OTHER COMMENTS:** \_\_\_\_\_  
\_\_\_\_\_

**ACCESS COORDINATOR  
SUBMITTING REPORT:** \_\_\_\_\_

**PHONE NUMBER:** \_\_\_\_\_

*Forward completed form to the Human Resource Manager*