

**DISCIPLINARY PROCEDURES OF THE GEORGIA  
COMMISSION ON INTERPRETERS FOR NON-ENGLISH  
SPEAKERS**

**(I) DISCIPLINE.**

Pursuant to Rule IV(B)(1) of the Order of the Supreme Court of Georgia issued February 7, 2007, the Georgia Commission on Interpreters for Non-English speakers has the authority to set forth disciplinary procedures for court interpreters in Georgia that are consistent with the Rules contained within the Supreme Court's Order.

**(A) Suspension or Revocation of Certification.**

Certified or registered status issued by the Georgia Commission on Interpreters to an interpreter may be suspended or revoked for any of the following reasons:

- (1) Conviction of a felony or a misdemeanor involving moral turpitude, dishonesty, or false statements;
- (2) Fraud, dishonesty, or corruption which is related to the functions and duties of a court interpreter;
- (3) Continued false or deceptive advertising after receipt of notification to discontinue;
- (4) Knowingly and willfully disclosing confidential or privileged information obtained while serving in an official capacity;
- (5) Gross incompetence or unprofessional or unethical conduct;
- (6) Failing to appear in court or at a deposition as scheduled without good cause;
- (7) Noncompliance with any existing continuing education requirements;
- (8) Nonpayment of any required renewal fees; or
- (9) Violation of the Code of Professional Responsibility for Court Interpreters.

**(II) DISCIPLINARY PROCEDURES.**

**(A) General Considerations.**

**(1) Disciplinary Panel.**

- (a) **Panels.** The Commission on Interpreters shall appoint two panels with the authority to handle disciplinary matters on its behalf: the Probable Cause

Panel and the Disciplinary Hearing Panel. The Probable Cause Panel screens and investigates complaints and makes a recommendation as to whether to hold a hearing. The Disciplinary Hearing Panel will hear the complaint and issue a decision.

- (b) **Quorum.** Five members constitute each panel but three members will make a quorum for business.

(2) **Time.**

- (a) **Computation of Time.** Any period of time referenced in these procedures refers to calendar days. The time period begins to run with the first day following the event requiring the computation of time. When the last day of the period so computed falls on a day on which the office of the Commission staff is closed, the period shall run until the end of the following business day.

- (b) **Extensions of Time.** In its sole discretion and for good cause shown, the Commission may extend any time limit prescribed or allowed by these procedures. All requests for such extensions, including requests for postponements or continuances, shall be made by written motion submitted to the Commission. The Commission shall notify all parties of its action on said motion.

(3) **Communication Requirements.**

- (a) **Address for Receipt of Communications to the Commission.** All communications regarding topics governed by these procedures must be written and submitted by mail or by hand delivery, with the exception of requests for complaint forms. All communications must be sent to the Commission at the following address:

Georgia Commission on Interpreters  
Suite 300  
244 Washington St. SW  
Atlanta, GA 30334-5900

- (b) **Receipt of Communications.** All communications under these procedures are deemed filed on the date upon which they are received in the Commission office at the address above.

- (c) **Effect of Unwritten Communications to the Commission.** Any communication not submitted in writing will not be considered by the Commission.

- (d) **No Ex Parte Communications.** No ex parte communications between Commission members and parties and attorneys to the complaint may occur; however, the Disciplinary Hearing Panel may conduct such communications as permitted by Disciplinary Procedure II(B)(4)(b)(vii). If any ex parte

communication in violation of this provision nonetheless occurs, the Commission or its staff shall notify all parties of the communication, informing them of its substance and the circumstance of its receipt. Notwithstanding this provision, Commission members, and Commission staff may communicate with the Commission's attorney(s) regarding the substance of any pending complaint. The status of a complaint will be communicated only to interested parties, their counsel, the Commission, or Commission staff.

**(4) Commission Staff.**

**(a) Duties and Responsibilities.** Staff members of the Administrative Office of the Courts shall be assigned to assist the Commission (hereinafter "staff"). The staff so assigned will have administrative responsibilities delegated by the Commission, which may include, among other duties, disseminating communications on behalf of the Commission, communicating with the parties and other designated persons or entities where necessary, and/or arranging meetings for the Commission.

**(b) Transmittal of Written Materials to Commission Staff.** The staff receives all communications directed to the Commission under the Disciplinary Procedures. The Commission's staff will duplicate and disseminate all written communications received by it in accordance with these procedures on or before the date of the next regularly scheduled Commission meeting following the date of receipt of the materials by the Commission staff. Any time-sensitive material must be received in the Commission office by 5 p.m. Eastern Standard Time, on the date upon which it is due.

**(c) Communications from Commission Staff.** Communications disseminated by the staff concerning a complaint under these procedures are deemed communications by the Commission. Communications from the Commission or its staff to a party's attorney shall be deemed communications to that party.

**(5) Confidentiality.** Commission records pertaining to complaints shall be confidential and not available for public inspection, except as otherwise directed by the Commission or by law; however, the Commission, in its sole discretion, may release final disciplinary orders.

**(6) Voluntary Dismissal of Pleading.** A complainant desiring to voluntarily dismiss a complaint filed with the Commission shall file a motion to dismiss. The staff of the Commission shall notify all parties of said filing, and any party with an objection thereto shall, within 10 days of notice of the motion, file a statement with the Commission setting forth the reasons for the objection. Dismissal is subject to the sole discretion of the Commission.

- (7) **Intervention.** Within its sole discretion, the Commission may allow any party not initially joined in the action or proceeding to intervene therein. Any non-party desiring to intervene must file a motion with the Commission stating therein the grounds for intervention.
- (8) **Disabilities.** The Commission reserves the right, in its sole discretion, on its own motion, or on that of a party, to modify these procedures to the extent necessary to make accommodations for parties or witnesses involved with a complaint under this procedure who have disabilities. “Disability” for this purpose means a physical or mental impairment that substantially limits one or more major life activities of such individual, a record of such impairment, or being regarded as having such impairment.
- (9) **Consolidation.** The Commission, upon its own motion or upon a party’s motion, in its sole discretion, may order proceedings involving a common issue of law or fact to be consolidated into a single proceeding on any or all issues.

**(B) Complaint Process.**

- (1) **Initiation of a Complaint.** Disciplinary proceedings may be initiated by a complainant on a standard form asserting a violation of these rules. The complaint shall be in writing and filed with the staff of the Commission on Interpreters. Standard forms shall be promulgated by the Commission. The Commission may also initiate disciplinary proceedings on its own motion.
- (2) **Probable Cause and Answer.** Upon receipt of a complaint, the Commission staff shall forward it to the Probable Cause Panel for review. If the Probable Cause Panel finds the complaint to be facially insufficient, the complaint shall be dismissed without prejudice and the complainant shall be so notified in writing. If the complaint is facially sufficient and there is probable cause to support it, the Probable Cause Panel shall send a copy of the complaint to the interpreter by certified mail and request a written response to the allegations. The interpreter shall have 14 days from the postmark date to answer the complaint. The complaint, answer and any other supporting documentation shall then be forwarded to the Disciplinary Hearing Panel for further review.
- (3) **Summary Dismissal.** The Disciplinary Hearing Panel may dismiss a complaint in summary fashion without a formal hearing, but may with such dismissal, privately counsel, admonish, or reprimand such respondent.
- (4) **Hearing.**
  - (a) **Hearing Date.** If the Disciplinary Hearing Panel determines that a hearing is necessary then a hearing date will be set no earlier than 30 days or more than 120 days from the date of the determination.
  - (b) **Party-initiated Complaint.**

- (i) **Participation of Complainant.** If the Disciplinary Hearing Panel determines that a hearing shall be held upon a party-initiated complaint, then the complainant shall present their case during the hearing. The form of the complainant's presentation in a particular hearing is in the Panel's sole discretion. In its sole discretion, the Disciplinary Hearing Panel may require the complainant to (1) appear personally during the hearing, (2) furnish a writing for the Panel's consideration during the hearing, (3) participate in a deposition, (4) participate in the hearing via conference call, or (5) do all or any combination of the above. The notice of the hearing will specify the form of participation.
- (ii) **Participation of Respondent.** If the Disciplinary Hearing Panel determines that a hearing shall be held upon a party-initiated grievance, then the respondent shall be entitled to present a response to the complaint. The respondent must present any response in order for the same to be considered by the Panel in evaluating the complaint. If the respondent refuses or fails without just cause after notice to be present for the hearing in the method designated by the Panel, the Panel may take disciplinary or other action in the absence of such response if the panel determines such action is appropriate. The Panel, in its sole discretion, may require the respondent to (1) appear personally during the hearing, (2) furnish a writing for the Panel's consideration during the hearing, (3) participate in a deposition, (4) participate in the hearing via conference call, or (5) do all or any combination of the above. The notice of hearing will specify the form of the participation.
- (iii) **Presentation of Complaint.** At the hearing, the complainant is charged with presenting to the Disciplinary Hearing Panel the complaint and any additional documentation filed with the complaint or filed in response to an express solicitation from the Panel. If the complainant refuses, or fails without just cause after notice, to be present at the hearing in the manner designated by the Panel, the Panel may dismiss the complaint.
- (iv) **Consideration of Evidence at Hearing.** All parties shall bring any exhibits or supporting documentation that is to be considered by the Disciplinary Hearing Panel to the hearing.
- (v) **Costs.** Each party shall bear its own costs of attending and participating in the hearing, including the cost of court reporter services, if such is desired.
- (vi) **Notification of Hearing.** It shall be the responsibility of the Commission staff to arrange the hearing time and place and notify all parties and witnesses. Before any hearing is held, all parties shall be given 30 calendar days written notice of the hearing from the postmark date by the Commission staff. The notice shall state the authority for

the hearing, the cause for the hearing, and the place, date, and time of the hearing, as well as the form of participation of the parties at the hearing. The place for the hearing may be fixed at any site in the State of Georgia, in the Panel's sole discretion. Copies of all pleadings will be forwarded to all Panel members prior to the hearing.

- (vii) **Executive Session.** The Disciplinary Hearing Panel may enter into Executive Session to hear complaints, discuss findings or issues, or vote on issues presented during hearings. In its sole discretion, the Panel may enter into Executive Session during any phase of these procedures. Without limiting the foregoing, the Panel shall have the authority to exclude any or all persons during its deliberations on disciplinary proceedings and to discuss any disciplinary matter in private with a respondent and the legal counsel of that respondent.
- (viii) **Final Order after Hearing by the Disciplinary Hearing Panel.** The final order after a hearing by the Disciplinary Hearing Panel ("final order") will be issued by the Panel within 30 calendar days after the hearing unless the Panel, for good cause and in its sole discretion, determines that the time should be extended. The final order shall be written and shall be sent by certified mail, return receipt requested, to all parties at their addresses on record with staff. The Panel may direct its staff to disseminate the final order.
- (c) **Commission-initiated Complaint.** The Commission may initiate complaints upon its own motion. The complaint shall be signed by one member of the Probable Cause Panel before review by the Disciplinary Hearing Panel.

  - (i) **Representation by Attorney General's Office.** If the Disciplinary Hearing Panel determines that a hearing shall be held upon a complaint filed upon the Commission's own motion, it shall request the Attorney General's Office to represent the Commission's interest at a hearing before the Panel.
  - (ii) **Investigation.** In preparation for a hearing on a Commission-initiated complaint, the Commission may hire an independent investigator ("investigator") to conduct the pre-hearing investigation. The Commission staff will provide administrative assistance to coordinate between the Attorney General's office and the investigator.
  - (iii) **Participation of Respondent.** If the Disciplinary Hearing Panel determines that a hearing shall be held upon a Commission-initiated grievance, the respondent shall be entitled to present a response to the complaint. The respondent must present any response in order for the same to be considered by the panel in evaluating the complaint. If the respondent refuses or fails without just cause after notice to be present for

the hearing in the method designated by the Panel, the Panel may take disciplinary or other action in the absence of such response if the Panel determines such action is appropriate. The Panel, in its sole discretion, may require the respondent to (1) appear personally during the hearing, (2) furnish a writing for the Panel's consideration during the hearing, (3) participate in a deposition, (4) participate in the hearing via conference call, or (5) do all or any combination of the above. The notice of hearing will specify the form of the participation.

- (iv) **Costs.** The Commission shall bear its own costs of a hearing initiated upon its own motion. The respondent to a Commission-initiated complaint shall bear their own costs for attending and participating in the hearing, including the cost of court reporter services, if such is desired.
- (v) **Final Order after Hearing.** The final order after a hearing by the Disciplinary Hearing Panel ("final order") will be issued by the Panel within 30 calendar days after the hearing unless the Panel, for good cause and in its sole discretion, determines that the time should be extended. The final order shall be written and shall be sent by certified mail, return receipt requested, to all parties at their addresses on record with the Commission. The Panel may direct its staff to disseminate the final order, and notify the Commission.
- (d) **Hearing Decorum.** All persons present for or participating in a hearing under these procedures shall conduct themselves in the standards of decorum commonly prevailing in courts of law. The Disciplinary Hearing Panel may take such action as it deems appropriate to remedy inappropriate decorum.
- (e) **Representation.** Any party may have an attorney representing their interests at a hearing.
- (f) **Attendance at Hearing.** It is the responsibility of each party, at their own expense, to arrange for their participation, as well as for that of the party's witnesses and, if applicable, the party's counsel, at a hearing under these procedures.
- (g) **Oral Argument.** Any party shall have a right before the close of a hearing to argue orally before the Disciplinary Hearing Panel regarding matters relevant to the hearing; however, the Panel may impose reasonable limitations upon the length of the argument.
- (h) **Evidence.** Discovery shall not be permitted and the strict rules of evidence shall not apply at such hearings. The Disciplinary Hearing Panel may in its discretion, consider any evidence presented including affidavits, giving such evidence the weight it deems appropriate.

- (5) **Burden of Proof.** The complainant has the burden of proof and must prove their case with clear and convincing evidence.
- (6) **Informal Resolution of the Complaint.** Efforts to resolve the complaint informally may be initiated by the Disciplinary Hearing Panel, the complainant, or the interpreter at any time. Any resolution reached by the parties must be submitted to the Panel for approval. Upon approval of any resolution reached informally, the Panel shall notify the complainant and the interpreter in writing of the resolution reached, and the hearing shall be cancelled.

### **(III) APPEAL.**

- (A) **Appointment of Special Masters.** The Supreme Court of Georgia shall appoint three qualified attorneys to serve as Special Masters to consider appeals. The terms of the Special Masters shall be for a period of five years except that the terms for the initial panel shall be staggered at five, three and one year. Any Special Master serving a term of three years or less may be reappointed for an additional five year term. Special Masters will be assigned individually to appeals on a rotating basis.

#### **(B) Procedure for Appeal of Final Order.**

- (1) **Notice and Filing of Appeal.** The Disciplinary Hearing Panel's decision may be appealed by any party against whose favor the final order is rendered within 30 days of the Disciplinary Hearing Panel's decision thereon, by said party's filing a notice of appeal. Said notice of appeal shall be directed to the Commission on Interpreters and shall be filed with the staff of the Commission. The staff will notify the Commission, all parties, and the Special Master appointed for the hearing, of the notice of appeal. The notice shall state the nature of the appellant's interest, the facts showing appellant is aggrieved by the decision, and the grounds upon which the appellant contends the decision should be reversed or modified. The appeal shall be solely on the original record.
- (2) **Transmittal of Appeal; Consideration by Special Master.** The staff shall forward the appeal to the designated Special Master for review. The Special Master may stay the effective date of any decision of the Disciplinary Hearing Panel pending outcome of the appeal and shall notify the appellant of the procedures to be followed on appeal.
- (3) **Stay.** The mere filing of a notice of appeal does not stay enforcement of the Disciplinary Hearing Panel's decision or final order; however, either the Disciplinary Hearing Panel or the Special Master may grant a stay against enforcement of the Disciplinary Hearing Panel's final order or decision pending the decision of the Special Master on appeal.

- (4) **Transmittal of Record.** Within 30 days of the filing of the notice of appeal, or within such extension of time as may be allowed by the Special Master, the staff of the Commission will transmit the entire record regarding the appeal to the Special Master for review.
- (5) **Special Master's Recommendation.** Upon consideration of the original record, the Special Master shall forward their recommendation to the Supreme Court of Georgia for final disposition. The Special Master may make a recommendation to affirm, modify, or remand the decision of the Disciplinary Hearing Panel.

**(IV) SANCTIONS.**

**Sanctions.** Sanctions may include but are not limited to a private reprimand, a public reprimand, or suspension or revocation of the status of the court interpreter. The Disciplinary Hearing Panel shall have the discretion to further order that specified educational courses be taken or that one or more parts of the interpreter certification examination be retaken. If the status of the interpreter is suspended, the Disciplinary Hearing Panel shall identify the length of suspension and such conditions as will be necessary for reinstatement.

**(V) CONFIDENTIALITY.**

**Confidentiality.** The Commission, its Panels, and its agents shall keep all proceedings herein confidential until such time as the discipline becomes final. At such time, the order shall become public but the investigation, dismissal for lack of probable cause, the evidence, and record of proceedings before the Commission and its Panels shall remain confidential. Dismissal for facial insufficiency shall be disclosed only at the request of the interpreter.