

WORKING WITH COURT INTERPRETERS

Limited English Proficiency (LEP):

LEP means the inability to adequately hear, understand or communicate effectively in English in a court proceeding.

Evaluate the Need for an Interpreter:

A voir dire for determining fluency/understanding of the non-English speaker asks open-ended questions, requiring exposition such as:

- “Please tell us your birthday, how old you are, and where you were born.”
- “How did you come to court today?”
- “What kind of work do you do?”
- “Please tell the court how comfortable you feel speaking and understanding English.”
- “Tell us about your family.”

Appointment of Interpreter:

- If the court determines that the person needs an interpreter to communicate with counsel, understand English testimony, or be understood in English, then the court should advise of the right to a qualified interpreter. **This determination does not require an elaborate hearing.**
- Keep in mind that the court system is authorized to provide foreign language interpreters at State expense only in those instances when the State is bearing the costs of representation. Examples include indigent criminal defendants, witnesses for indigent criminal defendants, witnesses for the State, parties to juvenile proceedings, indigent respondents in involuntary commitment proceedings, and custody mediation sessions. The Judicial Branch has also been granted special legislative authority to pay for interpreters for victims in 50-B protective orders matters.

How Do I Locate an Interpreter?

- For a Spanish foreign language interpreter, check the website at: <http://www.nccourts.org/Citizens/CPrograms/Foreign/Documents/spanishforeignlanguageregistry.pdf> for a registered Spanish interpreter who may serve your area or contact Brooke A. Bogue at 919-890-1213.
- For other foreign language interpreters, e-mail or fax a Request for Non-Spanish Interpreter (located at http://www.nccourts.org/Citizens/CPrograms/Foreign/Documents/requestfor_nonspanishinterpreter.pdf) to Courtney.J.Lyman@nccourts.org in Interpreting Services. She will assign an appropriate interpreter.

How Do I Know if the Interpreter is Qualified?

- Being bilingual alone does not qualify a person to interpret.
- Children, relatives, and other persons with an interest in the outcome of the proceeding should never be used to interpret.
- Judges, attorneys, and court personnel should never function as interpreters.
- Certified interpreters should be called whenever available.
- A qualified interpreter is readily able to: communicate with the person of LEP and interpret without omissions or additions, conserving the meaning, tone, and style of the original statement, including dialect, slang, and specialized vocabulary.
- Good interpreters know the code of ethics for court interpreters
- If you are unsure about an interpreter’s qualifications, ask a few questions to make a determination.
 - What training or credentials do you have as an interpreter?
 - Are you certified in the State of _____?
 - Are you familiar with the Code of Professional Responsibility for interpreters? What are its main points?
 - How did you learn English and (non-English language)?
 - Do you have any potential conflict of interest in this case?
 - Did you formally study either language in school? To what extent?
- When you are assured that the interpreter is qualified, administer an oath.

The Interpreter’s Oath: (Administer from the Bench)

“Do you solemnly swear or affirm that you will interpret accurately, completely and impartially, using your best skill and judgment in accordance with the standards prescribed by law and the Code of Professional Responsibility for Court Interpreters, follow all official guidelines established by this court for legal interpreting or translating, and discharge all of the solemn duties and obligations of legal interpretation and translation?”

Code of Professional Responsibility for Court Interpreters:

<http://www.nccourts.org/Citizens/CPrograms/Foreign/CourtStaff/Default.asp>

- Canon 1: Accuracy & Completeness
- Canon 2: Representation of Qualifications
- Canon 3: Impartiality/Avoid Conflicts of Interest
- Canon 4: Professional Demeanor
- Canon 5: Confidentiality
- Canon 6: Restriction of Public Comment
- Canon 7: Scope of Practice
- Canon 8: Assess/Report Impediments
- Canon 9: Duty to Report Ethical Violations
- Canon 10: Professional Development

Maximizing Communication in Interpreted Proceedings:

The Judge should:

- Instruct all parties and witnesses, and the jury, as to the role of the interpreter.
- Keep the courtroom as quiet as possible, allow only one person to speak at a time, ensure the interpreter can see and hear the proceedings, instruct all participants to speak loudly and clearly, and speak directly to the party or witness, not to the interpreter.
- Speak and read slowly and clearly enough for the interpreter to keep up. Speak in logical, meaningful phrases, pausing to allow the interpreter to keep the pace. Allow appropriate interpreter tools (language dictionaries, note taking). Allow interpreters to use appropriate signals to regulate speakers when the length of an utterance becomes too long.
- Allow interpreters to briefly converse with the non-English speaker to ensure understanding of dialect and pronunciation differences. Allow interpreters to view court file to familiarize themselves with names, parties and unique vocabulary.
- Do not ask the interpreter to explain or restate anything said by the party and do not allow attorneys to ask that of an interpreter. Interpreters cannot act as advocates or advisers. Judges and attorneys should observe interpreters to make sure all statements are interpreted but no conversation is going on.
- Provide rest breaks as needed, since interpreter accuracy declines significantly after 30 minutes of continuous interpretation. Consider using two interpreters for trials and longer contested proceedings

The Interpreter should:

- Interpret in the first person and address the court in the third person (as “the interpreter”), to keep a clear record.
- Clarify statements, correct mistakes, check dictionaries, and request clarification if a phrase or word is not understood.
- Be professional and as unobtrusive as possible.
- Position him/herself in best location for seeing and hearing the speaker.

Other Suggested Instructions:

Clarifying the Interpreter’s Role to a Witness:

“I want you to understand the role of the interpreter. The interpreter is here only to interpret the proceedings. The interpreter will say only what is said in your language and will not add, omit, or summarize anything. The interpreter will say in English everything that you say in your language, so do not say anything you do not want everyone to hear. If you do not understand a question asked of you, request clarification from the person who asked it. Do not ask the interpreter. You are giving testimony to this court; therefore please speak directly to the attorney or to me (the court). Do not ask the interpreter for advice. Speak in a loud clear voice. If you do not understand the interpreter please tell me. If you need the interpreter to repeat, please make your request to me, not to the interpreter. Please wait until the entire statement has been interpreted before you answer. Do you have any questions?”

Jury Instructions:

“This court seeks a fair trial for all regardless of the language they speak and regardless of how well they may or may not speak English. Bias against or for persons who have little or no proficiency in English is not allowed. Therefore, do not allow the fact that the party requires an interpreter to in any way influence you.”

Program Contact Information:

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Interpreting Services Website: - <http://www.nccourts.org/Citizens/CPrograms/Foreign/CourtStaff/Default.asp>

