Maryland Court Interpreter Handbook

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Section 1 Knowledge, Skills and Abilities for Court Interpreters (KSA)

Professional court interpreters are individuals who possess an educated, native-like mastery of both English and a second language; display a wide general knowledge equivalent to what a minimum of two years of general education at a college or university would provide; and who can perform the three major types of court interpreting: sight translation, consecutive interpreting, and simultaneous interpreting. Court interpreters must perform each type of interpreting in a manner that includes everything that is said, preserving the tone and level of the language. The court interpreter must neither change nor add anything to what is said. Interpreters deliver services in a manner faithful to the 11 Canons of the Maryland Code of Conduct for Court Interpreters and Rule 1-333 of the Maryland Rules of the Procedure.

The ability to perform simultaneous interpreting, consecutive interpreting and sight translation in the legal setting requires specialized training and skills. Being bilingual is an insufficient qualification for court interpreting. To understand court interpreting as a profession, one must first understand the knowledge, skills, and abilities that define the specific measurable skills or competencies that persons seeking to fill the role of interpreter must possess.

Linguistic Skills: Prospective court interpreters must have superior linguistic skills in both English and all working languages. Court proceedings involve an infinite array of complex matters ranging from traffic ticket violations to constitutional arguments and DNA analyses. As such, interpreters must possess:

- Native or native-like proficiency in all working languages;
- Knowledge and use of a broad range of vocabulary, including legal terminology, subject-specific terminology, slang; and
- Knowledge and use of cultural nuances, regional variations, idiomatic expressions, and colloquialisms in all working languages.

Speaking Skills: As conduits of communication, interpreters are speaking at all times – either in English or the target language. They must speak clearly to be understood, and at the appropriate volume required by the circumstances. While strong speaking skills sometimes develop naturally, many prospective interpreters must work to develop these skills, especially if challenged with pronunciation difficulties. Examples of speaking skills include:

- The ability to speak with proper pronunciation, diction, and intonation in all working languages;
- The ability to speak with a neutralized and easily understandable accent in all working languages; and
- The ability to modulate volume appropriate to the setting by either projecting his/her voice or speaking softly.

Listening and Comprehension Skills: In order to interpret correctly, interpreters must completely understand all of the information that is communicated. This requires active listening skills and a high degree of concentration. Interpreters must have:

- The ability to listen to and comprehend various registers and specialized domains in all working languages.
- The ability to listen to and comprehend various regional accents and/or differences in all working languages; and
- The ability to ignore auditory distractions and focus on the source speaker.

Interpreter's Responsibility to Prepare: Court interpreters are frequently called upon to read and provide sight translation of texts associated with court hearings. Such texts can include hand-written notes, police reports, medical records, and/or highly technical legal documents from local or foreign jurisdictions. Court interpreters should request and take sufficient time to adequately prepare when given such documents with little or no advance notice. As such, the interpreter must possess:

- The ability to read and comprehend overall meaning and specific details of written text in all working languages.
- The ability to read and recognize various written contexts, including formal and informal text, subject-specific vocabulary, idiomatic expressions, and colloquialisms; and
- The ability to read quickly and comprehend with limited preparation.

Interpreting Skills: An interpreter's most important responsibility is ACCURACY AND COMPLETENESS as expressed in Canon 1 of the Code. When performing in simultaneous or consecutive mode or a sight translation, the interpreter receives communication in the source language; dissects the meaning and finds equivalents in the target language in order to maintain the integrity of the message and deliver it within a matter of seconds. Interpreters are not afforded the luxury of time to consider how to best phrase words or build sentences. The process of interpreting requires skills and techniques that continually develop over years of training and work experience. A competent interpreter will have the ability to:

- Think analytically and make quick linguistic decisions regarding wording or terminology selection;
- Concentrate and focus;
- Apply short-term memory skills in retaining manageable units of information;
- Use effective note-taking techniques to supplement short-term memory.
- Provide transference from one language to another and select appropriate equivalents for vocabulary or phrases;
- Accommodate for lack of equivalents in vocabulary or phrases;
- Perform case preparation;
- Self-monitor and self-correct – on the record if necessary;
- Switch back and forth among the various modes of interpretation appropriately;
- Preserve the intent, tone, style, and utterances of all messages, including accurate reflection of register;
- Think and react communicatively in all working languages; and
- Listen to and comprehend different rates of speech in all working languages; monitoring environmental factors such as fast speech or auditory distractions.

Interpreter Responsibilities and Protocol: Court interpreters are officers of the court and are expected to behave as such. They work in a highly professional environment where standards and expectations are held to a high degree. They are entrusted with highly sensitive information and are thrust into the middle of communications concerning life and death matters. Most often, interpreters work independently and are not actively supervised by managers. It is therefore incumbent upon them to adopt the strictest of professional standards, such as:

- Conducting business in an honest and professional manner which reflects the interpreter's ethical responsibilities towards the Limited English Proficient individuals (LEP), colleagues and the Maryland Judiciary;
- Working professionally in various settings and collaborating with colleagues, consumers and court staff.
- Self-awareness to determine whether or not he/she is the appropriate interpreter for a certain job.
- Actively pursuing knowledge and information on social, technological, cultural and legal changes that affect language.
- Confidently exercising situational control appropriately, such as articulating to a judicial officer when impediments to performance occur;
- Working effectively and productively as part of a team of interpreters. Team interpreters work together alternating as an active and passive interpreter, switching approximately every 30 minutes. Both interpreters shall remain in the courtroom at all times with the passive interpreter assisting the active interpreter.
- Requesting appropriate information prior to assignments so that necessary preparation can be carried out;
- Using electronic equipment appropriately, especially simultaneous equipment provided by the Maryland courts; and
- Exercising professional judgment derived from professional codes of conduct and conforming one's practice to the role and functions of the interpreter.

Section 2 The Certification Process for Court Interpreters in Maryland

The following are the requirements interpreter candidates must meet in order to be listed on the Maryland Court Interpreter Registry

- ***Submission of Application to attend a 1-day Introductory Workshop on Court Interpreting***

  The application is posted on the Maryland Court Interpreter Program website: http://www.courts.state.md.us/interpreter/index.html approximately three months before the date of the Introductory Workshop on Court Interpreting.

- ***1-Day Introductory Workshop on Court Interpreting***

  The purpose of the introductory workshop is to familiarize potential candidates with the field of court interpreting, the Maryland court system, and the interpreter's role in a courtroom setting. Additionally, interpreter candidates are provided with tools on how to prepare for the written examination.

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- ***Written Examination***

  The AOC administers the written examination developed by the Consortium, several times a year. The 3-hour written examination covers English proficiency, legal terms, court protocol and ethical situations. Currently, there are two versions of the written examination available to interpreter candidates. Interpreters in Maryland may take each version once, and must achieve a score of 80% or higher to pass. Candidates who fail to pass the written examination are no longer eligible to become court interpreters for the State of Maryland.

- ***Language Proficiency Interview***

  Once an interpreter candidate passes the written examination, he or she must pass a Language Proficiency Interview (LPI). The LPI does not measure interpreting skills; only how well the candidate speaks English and the target language. It does not focus on legal or courtroom terminology. A LPI must be administered to a candidate within a year of passing the written examination.

- ***Background Check***

  A criminal background check is required in order be listed on the Maryland Court Interpreter Registry.

- ***2-Day Court Interpreter Orientation Workshop***

  Once the interpreter candidate has completed and passed the above steps, he/she must register and attend the two-day Court Interpreter Orientation Workshop. This workshop gives the candidates an opportunity to practice the three modes of court interpreting and provides candidates with an introduction to the use of wireless court interpreting equipment. Candidates review the Court Interpreter Protocol as established by the Maryland Court Interpreter

Program as well as invoicing procedures. Upon completion of the workshop, candidates are placed on the Maryland Court Interpreter Registry as ***"eligible"*** interpreters.

- ***Issuing of Court Interpreter Photo ID***

  Upon completion of the 2-day Orientation Workshop, eligible interpreters will receive their photo IDs which will identify them as court interpreters. Those interpreters already listed on the Court Interpreter Registry that do not have court interpreter picture IDs should contact the Court Interpreter Program staff at (410) 260-1291 to schedule an appointment to have their ID issued.

- ***Oral Certification Examination***

  As a member of the Consortium for Language Access in the Courts, Maryland has access to full versions of court interpreter certification examinations in the following languages: Arabic, Bosnian-Croatian-Serbian, Cantonese, French, Haitian Creole, Korean, Mandarin, Portuguese, Russian, Spanish, Turkish and Vietnamese. In order to become a "certified" interpreter in the State of Maryland, an interpreter must pass the oral certification examination. The certification exam consists of three sections: sight translation, consecutive, and simultaneous. The candidate must score at least a 70% on each of the three sections of the test in order to pass with an overall score of 70% or higher.

- ***Skills Building Workshops***

  Various skills building language-specific and language-neutral workshops are offered throughout the year to help interpreters improve their interpreting skills.

  Court interpreters listed on the Maryland Court Interpreter Registry should check the Maryland Court Interpreter Program website at: http://www.courts.state.md.us/interpreter/index.html for announcements about upcoming skills-building and informational workshops.

Section 3 The Maryland Code of Conduct for Court Interpreters

The role of the court interpreter is to assist the court in bringing the Limited English Proficient (LEP) speakers to an equal linguistic footing with an English speaker. In doing so, the service of an interpreter enables the court to provide equal access to justice for LEP speaking witnesses, victims and defendants.

A court interpreter plays a critical role in the administration of justice as he/she transfers a message from one language to another thus ensuring access, due process and participation of all parties involved. The goal of a court interpreter is two-fold: to enable the judge, the jury, counsel and parties involved to react in the same manner to an LEP speaker as they would to an English speaker and to enable the LEP individual to 'hear' everything and, therefore, participate as an English speaker would.

The court interpreter must interpret the original source material without editing, summarizing, deleting, or adding; while conserving the language level, style, tone, and intent of the speaker.

The court interpreter may be the only bilingual person able to communicate with the LEP individual. This fact may complicate further the interpreter's role by creating expectations from both the LEP individual and the party with whom he/she needs to communicate as to what the interpreter may bring to the interaction. It is common for either party to relinquish control of the conversation and pass that control to the interpreter. Such expectations and actions present ethical challenges that the interpreter needs to address. It is therefore important for the interpreter to remember that his/her ONLY role is to remove the language barrier by allowing true communication between the parties. To this end and to keep the interpreter in compliance, the Maryland Code of Conduct for Court Interpreters and associated Court Interpreter Protocol have been developed.

MARYLAND RULES OF PROCEDURE

APPENDIX: MARYLAND CODE OF CONDUCT FOR COURT INTERPRETERS

ADD new Maryland Code of Conduct for Court Interpreters, as follows:

MARYLAND CODE OF CONDUCT FOR COURT INTERPRETERS

Preamble

In the absence of a court interpreter, many persons who come before the courts are partially or completely excluded from full participation in the proceedings because they have limited proficiency in the English language, have a speech impairment, or are deaf or hard of hearing. It is essential that the resulting communication barrier be removed, as far as possible, so that these persons are placed in the same position and enjoy equal access to justice as similarly situated persons for whom there is no such barrier. As officers of the court, interpreters help to ensure that these persons enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively.

Applicability

This Code shall guide and be binding upon all certified interpreters and interpreters eligible for certification, as those terms are defined in Rule 16-819, and all agencies and organizations that administer, supervise the use of, or deliver interpreting services in the courts of this State.

Canon 1

Accuracy and Completeness

Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written and without explanation.

Commentary

The interpreter has a twofold duty: 1) to ensure that the proceedings reflect precisely what was said, and 2) to place the person with limited English proficiency on an equal footing with those who understand English. This creates an obligation to conserve every element of information contained in a source language communication when it is rendered in the target language.

Therefore, interpreters are obligated to apply their best skills and judgment to preserve faithfully the meaning of what is said in court, including the style or register of speech. Verbatim, "word for word," or literal oral interpretations are not appropriate if they distort the meaning of the source language, but every spoken statement, even if it appears non--responsive, obscene, rambling, or incoherent, should be interpreted. This includes apparent misstatement. Interpreters should never interject their own words, phrases, or expressions. If the need arises to explain an interpreting problem (*e.g.*, a term or phrase with no direct equivalent in the target language or a misunderstanding that only the interpreter can clarify), the interpreter should ask the court's permission to provide an explanation. Interpreters should convey the emotional emphasis of the speaker without reenacting or mimicking the speaker's emotions or dramatic gestures.

Sign language interpreters, however, *must* employ all of the visual cues that the language that they are interpreting requires including facial and spatial grammar.

The obligation to preserve accuracy includes the interpreter's duty to correct any error of interpretation discovered by the interpreter during the proceeding.

Interpreters should demonstrate their professionalism by objectively analyzing any challenge to their performance.

Canon 2

Representation of Qualifications

Interpreters shall accurately and completely represent their certifications, training, and pertinent experience.

Commentary

Acceptance of a case by an interpreter conveys linguistic and interpreting competency in legal settings. Withdrawing or being asked to withdraw from a case after it begins causes a disruption of court proceedings and is wasteful of scarce public resources. It is therefore essential that, prior to appointment, interpreters present a complete and truthful account of their training, certification, and experience, so the officers of the court can fairly evaluate their qualifications for delivering interpreting services.

Canon 3

Impartiality and Avoidance of Conflict of Interest

Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.

Commentary

The interpreter serves as an officer of the court, and the interpreter's duty in a court proceeding is to serve the court and the public to which the court is a servant. This is true regardless of whether the interpreter is retained publicly at government expense or privately at the expense of one of the parties.

Interpreters should avoid any conduct or behavior that presents the appearance of favoritism toward any of the parties. Interpreters should maintain professional relationships with the participants and should not take an active part in any of the proceedings.

During the course of the proceedings, interpreters should not converse with parties, witnesses, jurors, attorneys, or law enforcement officers or with friends or relatives of any party, except in the discharge of official functions. It is especially important that interpreters who are familiar with courtroom personnel refrain from casual and personal conversations

that may convey an appearance of a special relationship with or partiality to any of the court participants.

Interpreters should strive for professional detachment. Verbal and non-verbal displays of personal attitudes, prejudices, emotions, or opinions should be avoided at all times.

Whenever an interpreter becomes aware that a proceeding participant views the interpreter as having a bias or being biased, the interpreter should disclose that knowledge to the appropriate judicial authority and counsel.

Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest. Before providing services in a matter, court interpreters must disclose to all parties and presiding officials any prior involvement, whether personal or professional, that could be reasonably construed as a conflict of interest. This disclosure should not include privileged or confidential information.

The following are circumstances that are presumed to create actual or apparent conflicts of interest for interpreters so that they should not serve:

1. The interpreter is a friend, associate, or relative of a party or counsel involved in the proceedings;

2. The interpreter has served in an investigative capacity for any party to the case;

3. The interpreter was retained by a law enforcement agency to assist in the preparation of the civil or criminal case at issue;

4. The interpreter or the interpreter's spouse or child has a financial interest in the subject matter in controversy or in a party to the proceeding or has any other interest that would be affected by the outcome of the case;

5. The interpreter has been involved in the choice of counsel or law firm for that case.

Interpreters should disclose to the court and other parties whenever they have been retained previously for private employment by one of the parties in the case.

Interpreters should not serve in any matter in which payment for their services is contingent upon the outcome of the case.

An interpreter who is also an attorney should not serve in both capacities in the same matter.

Canon 4

Professional Demeanor

Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

Commentary

Interpreters should know and observe the established protocol, rules, and procedures for delivering interpreting services. Interpreters should work without drawing undue or inappropriate attention to themselves.

Interpreters should avoid obstructing the view of any of the individuals involved in the proceedings. However, the positioning of interpreters should be conducive to receiving effective communications.

Canon 5

Confidentiality

Interpreters shall protect the confidentiality of all privileged and other confidential information.

Commentary

The interpreter must protect and uphold the confidentiality of all privileged information obtained during the course of her or his duties. It is especially important that the interpreter understand and uphold the attorney-client privilege, which requires confidentiality with respect to any communication between attorney and client. This rule also applies to other types of privileged communications.

Interpreters must also refrain from repeating or disclosing information that is obtained by them in the course of their employment and that may be relevant to the legal proceeding.

In the event that an interpreter becomes aware of information that suggests imminent harm to someone or relates to a crime being committed during the course of the proceedings, the interpreter should immediately disclose the information to an appropriate authority within the judiciary who is not involved in the proceeding and seek advice in regard to the potential conflict in professional responsibility.

Canon 6

Restriction of Public Comment

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

Canon 7

Scope of Practice

While serving as interpreters, interpreters shall limit themselves to interpreting or translating and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating.

Commentary

Since interpreters are responsible only for enabling others to communicate, they should limit themselves to the activity of interpreting or translating.

Interpreters should refrain from initiating communications while interpreting, except as necessary for ensuring an accurate and faithful interpretation. Interpreters may be required to initiate communications during a proceeding when they find it necessary to seek assistance in performing their duties. Examples of such circumstances include seeking direction when unable to understand or express a word or thought, requesting speakers to moderate their rate of communication or to repeat or rephrase something, correcting their own interpreting errors, or notifying the court of reservations about their ability to satisfy an assignment competently. In such instances, interpreters should make it clear that they are speaking for themselves.

An interpreter may convey legal advice from an attorney to a person only while that attorney is giving it. An interpreter should not explain the purpose of forms or services or otherwise act as counselors or advisors but, rather, merely interpret for someone who is acting in that official capacity. The interpreter may translate language on a form for a person who is filling out the form but may not explain the form or its purpose for such a person.

The interpreter should not perform acts that are the official responsibility of other court officials including, but not limited to, court clerks, pretrial release investigators or interviewers, or probation counselors.

Canon 8

Assessing and Reporting Impediments to Performance

Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the appropriate judicial authority.

Commentary

Interpreters should notify the appropriate judicial authority whenever the communication mode or language of the persons with limited English proficiency cannot be interpreted readily.

Interpreters should notify the appropriate judicial authority about any environmental or physical limitation that impedes or hinders their ability to deliver interpreting services adequately (*e.g.*, the courtroom is not quiet enough for the interpreter to hear or be heard, more than one person at a time is speaking, or principals or witnesses are speaking too rapidly for the interpreter to interpret adequately). Sign language interpreters must ensure that, prior to commencement of the proceeding, they are positioned visually in the most appropriate position for the deaf or hard of hearing person to convey and receive the communication. The proceeding should not begin, even by permitting the attorneys to identify themselves for the record, until the sign language interpreter is positioned properly. Immediately after the attorneys have identified themselves, the interpreter oath should be administered, regardless of the type of proceeding.

Interpreters should notify the presiding officer of the need to take periodic breaks to maintain mental and physical alertness and to prevent interpreter fatigue. Interpreters should recommend and encourage the use of a relay interpreter and/or interpreter teams as necessary.

Interpreters are required to inquire as to the nature of a case before accepting an assignment. This enables interpreters to match their professional qualifications, skills, and experience more closely to potential assignments, to assess more accurately their ability to satisfy those assignments competently, and to identify any personal bias arising from the nature of the case.

Even competent and experienced interpreters may encounter situations in which routine proceedings involve unanticipated technical or specialized terminology unfamiliar to the interpreter (*e.g.*, the unscheduled testimony of an expert witness). When such instances occur, interpreters should request a recess for a sufficient amount of time to familiarize themselves with the terminology. If familiarity with the terminology requires extensive time or more intensive research, interpreters should inform the presiding officer.

Interpreters should refrain from accepting a case whenever they feel the language or subject matter of that case is likely to exceed their skills or capacities. Interpreters should feel no compunction about notifying the presiding officer if they feel unable to perform competently, due to lack of familiarity with terminology, lack of preparation, or difficulty in understanding a witness or defendant.

Canon 9

Duty to Report Ethical Violations

Interpreters shall report to the proper judicial authority any effort to impede their compliance with any law, any provision of this Code, or any other official policy governing court interpreting and legal translating.

Commentary

Since users of interpreting services frequently misunderstand the proper role of the interpreter, they may ask or expect the interpreter to perform duties or engage in activities that run counter to the provisions of this Code or of laws, regulations, or policies governing court interpreters. It is incumbent upon the interpreter to inform such persons of his or her professional obligations. If, having been apprised of these obligations, the person persists in demanding that the interpreter violate them, the interpreter should ask a supervisory interpreter, a judge, or another official with jurisdiction over interpreter matters to resolve the situation.

Canon 10

Professional Development

Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education and interaction with colleagues and specialists in related fields.

Commentary

Interpreters must continually strive to increase their knowledge of the languages in which they work professionally, including past and current trends in technical, vernacular, and regional terminology as well as their application within court proceedings.

Interpreters should keep informed of all statutes, rules of courts and policies of the judiciary that relate to the performance of their professional duties.

Interpreters should seek to elevate the standards of the profession through participation in workshops, professional meetings, interaction with colleagues, and reading of current literature in the field.

Canon 11

Compliance

After notice and a reasonable opportunity to respond, the Administrative Office of the Courts may remove an interpreter from the list of court interpreters.

When Called About an Assignment

Who/What/Where/When/How Much: When an interpreter is contacted about an assignment, the interpreter should inquire as to the type of hearing or legal proceeding it is, who will require the interpreting, where he/she must report upon arrival at the courthouse, and what time he/she is expected to arrive. The interpreter should also confirm whether this assignment will be paid as a two-hour or four-hour minimum.

Obtaining this information helps the interpreter determine what degree of preparation is necessary; identify whether potential conflicts of interest exist; avoid confusion when arriving for the assignment; and helps avoid a disagreement with amounts submitted on an invoice.

Before the Assignment

Dress: Interpreters are expected to dress professionally. Dress should be both conservative in style and color, and bright colors or casual clothing should be avoided. Interpreters should not use heavy perfume, cologne, make-up, or excessive jewelry. As conduits of communication, interpreters must assure that focus is placed on the courtroom participants.

Driving/Transportation/Parking: Courts expect interpreters to arrive on time, and excuses for tardiness due to getting lost, being stuck in traffic, or having difficulty finding parking will not be accepted. If working at a court location for the first time, interpreters should investigate the best driving directions, bus lines, etc. as well as parking availability and costs in advance. Interpreters should arrive for their assignment at least 15 minutes early to allow sufficient time for parking and passing through security at the courthouse. Interpreters should always carry a cell phone with them, as well as contact numbers for the courthouse. If it appears that a delay is unavoidable and the interpreter will be late for any reason, he/she must notify the court as soon as possible and keep them informed of their arrival status. Interpreters need to be aware that if a hearing was continued to a later date due to tardiness of the interpreter, the interpreter may not be paid for the assignment.

Case Preparation: With experience, court interpreters will require less preparation time for hearings that they encounter frequently, such as arraignments and/or plea hearings. However, new interpreters should take time to prepare, even for these routine matters. Most courts provide copies of their frequently used forms and statements of rights online, and interpreters should become familiar with these in advance. For more involved hearings that will include legal motions and witness testimony, interpreters should request copies of documents so that they can better understand the context of the proceeding, and have the opportunity to look up unfamiliar vocabulary. If such preparation cannot occur a few days prior to the assignment, it is advisable that interpreters appear early for the assignment, and use time at court to review documents and prepare accordingly.

Interpreter Tools: Court interpreters should always come prepared by bringing a pad of paper and pens for note taking, a bilingual dictionary and/or legal glossary. Interpreters should wear their court interpreter photo ID and bring an invoice for the assignment.

Cancellations: The interpreter should always avoid canceling an assignment. They should immediately contact the court if, for unforeseen reasons, he/she is unable to keep the assignment. Depending on how much advance notice is possible, the interpreter may consider offering to assist the court in locating another interpreter. The Interpreter should never send a substitute interpreter without prior authorization by the court.

During the Assignment

Check-In With Court Interpreter Coordinator: While practices vary from court to court, the court interpreter coordinator usually expects court interpreters to check in with them prior to entering a courtroom. The court coordinator can frequently provide last minute information about the proceeding(s) for which the interpreter was hired, and any other relevant information that would be helpful.

Check-In with the Courtroom Clerk: Upon entering the courtroom, the interpreter should check in with the Courtroom clerk or the Bailiff. The interpreter should introduce him/herself to the courtroom clerk in the following manner: "Hello, my name is John Smith and I am the court-appointed Spanish interpreter for case # 212121". After checking in, the interpreter may use any wait time to:

- Introduce him/herself to the attorney representing the LEP speaker. He/she may ask the attorney's permission to inform the LEP speaker that he/she will be interpreting and will repeat in English, for the attorney's benefit, exactly what is being said in the target language
- Inquire where the LEP speaker is from; this will enable the interpreter to be prepared for any colloquialisms or idiomatic expressions from that person's country of origin.
- If the interpreter knows the LEP speaker will be testifying, he/she will tell the witness that a hand signal will be used to indicate that they should pause to allow the interpreter to render the testimony into English, thereby ensuring an accurate and complete interpretation of what he/she has just said.

The Interpreter will repeat to the attorney, in English, all statements that have been made to the LEP speaker to avoid the appearance of side conversations between interpreter and the LEP speaker. If the LEP speaker is not represented by an attorney, the interpreter may have this brief conversation in the presence of a courtroom clerk or bailiff, or may wait until the case is called and request that it be done briefly at the beginning of the case.

"Outside of the Courtroom" Interpretation: It is frequently expected that court interpreters will briefly interpret for attorney/client conversations immediately preceding and following courtroom hearings, as many decisions and important conversations occur at this time.

Where to Sit and Wait: While courts expect interpreters to arrive on time, they rarely begin all hearings as scheduled. The interpreter should not bring newspapers or magazines to

read while waiting for the hearing to begin. The interpreter should not sit next to the LEP speaker, as that is often an invitation for conversation, which can lead to the appearance of unethical conduct. The interpreter should sit far away from the LEP speaker, or ask the courtroom clerk or bailiff if he/she may sit in the jury box or on a chair in the inner courtroom area referred to as "the well"; an area where some attorneys typically sit and wait for cases to be called.

Credentials, Swearing-In and Oath: Judges may ask interpreters questions on the record regarding their qualifications. The court is required to swear in the interpreter and administer an oath requiring the interpreter to provide a complete an accurate interpretation.

Proper Ways of Addressing Parties in Court: Be formal when addressing parties in court (i.e. 'Your Honor', 'Counselor', 'Mr./Mrs', 'Doctor', 'Professor').

Positioning and Volume: Unless electronic simultaneous interpreting equipment is used, an interpreter is expected to stand/sit close to the LEP speaker. The interpreter should not position him/herself in between the LEP speaker and his/her attorney. Instead, he/she should stand or sit to the side, and slightly behind the LEP speaker. When simultaneously interpreting to the LEP speaker, the interpreter's voice should be quiet enough to avoid unnecessary noise in the courtroom, yet loud enough so that the LEP speaker can clearly hear what is being interpreted.

Simultaneous/Consecutive/Sight Translation Interpreting Modes: Interpreters must interpret all lengthy English language proceedings in the simultaneous mode using wireless equipment. The Consecutive mode of interpreting should be used during direct testimony and without the equipment. Sight Translation is the oral rendition of a written document whereby the written text must be comprehended and instantaneously rendered orally in the target language. Interpreters may be asked to sight translate foreign documents entered into evidence, decisions, court forms, etc.

Requesting Assistance from a Judge: Interpreters should remember that judges manage and control courtroom proceedings. If the interpreter needs time to consult a dictionary, request a repetition, or ask that a person speak more loudly or slowly, he or she must always direct the statement or request to the judge. However, this must be done in a respectful way in accordance with courtroom decorum. Should the court interpreter need to make a request or ask a question, the interpreter must always refer to him/herself in the third person and state loudly and clearly, "Your honor, for the record the interpreter requests…". When an interpreter speaks in the first person using "I" or "me", the court record will inaccurately reflect that these statements or questions came from the LEP speaker. The judge will consider the interpreter's request, and the interpreter will then interpret the instructions from the judge.

If the interpreter is interpreting testimony and realizes that a mistake was made in the interpretation, it is the interpreter's duty and responsibility to correct it. He or she will direct such a request directly to the judge in the same manner as above; "Your Honor, for the record, the interpreter would like to make a correction", the judge will instruct the interpreter to voice the correction, "the interpreter interpreted 'brother' when it should be 'sister'". The record will be corrected and the testimony will proceed.

Appropriate Use of the First and Third Person During the Proceeding: When interpreting, the interpreter must accurately interpret what is stated rather than restate on behalf of someone. When an LEP speaker states to their attorney "what will happen to me?" the interpreter will look at the attorney and say in English "what will happen to me?" and not "he wants to know what will happen to him." If the LEP speaker directs questions or statements to the interpreter ("tell the lawyer that I have to get back to work this afternoon"), accurately and completely interpret this information to the English speaker. Interpreters must avoid any type of conversation with the LEP speaker. If the interpreter finds it necessary to engage in a conversation with the LEP, he or she must be sure to do so in the presence of the English speaker and interpret everything being said.

After the Assignment

"Outside of the Courtroom" or Clerk's Office Interpretations: Following many hearings, parties are expected to complete paperwork, receive new hearing dates or make arrangements for payments, etc. It is crucial that all of these conversations are also interpreted so that LEP speakers can fully understand and participate in the court process. Once the courtroom hearing is completed, the interpreter should verify whether his or her services will be necessary for any such exchanges. If, alternatively, the interpreter is requested to provide additional interpreting for a time period exceeding the originally scheduled time, and/or interpreting for a non-court agency (e.g., the court asks the interpreter to accompany a defendant to undergo an alcohol evaluation at the department of probation), the interpreter should check-in with the court staff to clarify their time commitment and to whom to direct any or all invoices.

Check-Out: The interpreter should not leave the courthouse without verifying with the appropriate judge or court staff that the scheduled time has expired, and that there are no other matters requiring the interpreter's assistance.

Note: If the interpreter arrives in court for an assignment and one of the court clerks or another staff member informs him/her that services will probably not be needed because the LEP speaker is not coming to court (deported, hospitalized, incarcerated elsewhere, etc.), the interpreter must remember that the case is still on the docket. Therefore, the interpreter must remain in the court until that case is called and/or the appropriate person excuses (releases) him/her. There may also be another unforeseen matter that requires interpreting services. Depending on the payment arrangements, there is usually a minimum fee paid whether the services are rendered or not. It is important for the court to document that the interpreter did arrive as requested. If appropriate, the interpreter may request if the particular case can be called first (or as soon as it is convenient for the court). When the case is called, the judge will determine if the interpreter's services will be needed. At that time the interpreter may ask to be excused. At the end of the assignment, the interpreter should request that the appropriate staff sign the invoice.

Section 5 Ethical Challenges in the Profession

There are two main types of challenges an interpreter encounters: The first type has to do with difficult or complex terminology, idioms, inaudible or very rapid speech and other language-related difficulties.

The second challenge is a more difficult one as ethical dilemmas are not always black and white and the answers cannot be found in a dictionary. Many times court staff, attorneys, and LEP speaking parties - who may not be familiar with the proper role of the interpreter - ask interpreters to perform tasks that are outside their professional role. Therefore, it is imperative that court interpreters have complete knowledge and comprehension of each of the Canons in the Code of Conduct for Court Interpreters. Since the interpreter is usually interpreting for a defendant, witness or victim, it is perceived erroneously, that the interpreter is working for the non-English speaking person. However, the court interpreter is an officer of the court working for the judge. Keeping this in mind may be helpful in clarifying how to handle certain situations.

This section provides ethically challenging scenarios, all taken from real-life situations, with brief analysis and possible solutions. Some of the following examples could appropriately be resolved in other ways, particularly if the facts were modified even slightly. Keep in mind that each situation will be different. There is a fine line regarding ethical dilemmas; if in doubt it is best to err on the side of caution.

Scenario #1: An interpreter has interpreted for a police interrogation, which was not tape recorded. The suspect is later charged with a crime, and the matter goes to trial. The prosecutor subpoenas the interpreter, requesting that he/she testify about statements made by the suspect during the interrogation.

Analysis: The process of interpretation requires fast cognitive processing of information, relying on short-term memory. While there may be exceptions, interpreters are typically unable to remember the specific nuances of matters for which they interpret. Even if details are retained, the Code of Conduct prohibits interpreters from publicly discussing or reporting on matters for which they have served as interpreters, and certainly should not serve as witnesses testifying to the content of the interpretation.

However, in situations such as confessions which may constitute strong evidence in proving a defendant's guilt, it is appropriate for the parties to call the interpreter of the interrogation as a witness, for purposes of putting his/her credentials in the record. If a defendant confesses in an interpreted interrogation, it is extremely relevant whether or not the interpreter was experienced and credentialed.

Recommended Course of Action: Interpreters should never ignore a subpoena. They should contact the attorney and ask what specifically they will be questioned about in court. If the attorney wants the interpreter to testify about the contents of the interrogation, the interpreter should explain the conflict he/she has with the Interpreter Code of Conduct. If the interpreter is still required to testify, he/she should bring extra copies of the Code to court.

When asked about the contents of the interrogation the interpreter should state "I'm not sure that my Code of Conduct permits me to answer this question." This allows the judge to make a judgment call. Interpreters should follow the directions of the judge.

Scenario #2: An interpreter is called to interpret in court for a litigant who has no attorney and is representing himself. Before the proceeding begins, the interpreter introduces him/herself to the litigant, identifying him/herself as the interpreter. The litigant then proceeds to ask the interpreter questions requiring legal information, such as what to expect in the courtroom, how to behave in front of the judge, etc.

Analysis: While the temptation may be great to provide people with additional information and assistance, interpreters play the specific role of interpreting for the court. Interpreters are strictly forbidden from providing legal advice, and sometimes providing legal information can lead to many problems: conversations between the interpreter and litigant may give the appearance of bias; discussions about "legal information" inevitably lead to questions for "legal advice." Court personnel and judicial officers are responsible for providing legal information about court proceedings, not interpreters;

Recommended Course of Action: If a non-English speaker asks an interpreter for information about the court, legal process etc., the interpreter should reply with "I'm sorry, I'm not able to answer that question, but if we can find someone who can answer it, I will be happy to interpret for you."

Scenario #3: An interpreter is interpreting consecutively for a witness at a jury trial. While testifying the witness becomes enraged – he shouts, makes strong hand gestures to emphasize his points, uses profanity towards the attorney, and speaks in long utterances.

Analysis: Interpreters are sworn to provide complete and accurate interpretations, ensuring that their renditions reflect precisely what was stated in the source language. Interpreters shall not omit, edit or embellish what was originally stated. If witnesses use foul language, no matter how offensive, the interpreter is expected to convey that same in the target language. While there may not be a direct equivalent between the two languages, the interpreter should use foul language with the same meaning. Even if it is offensive to others in the room, the interpreter shall not, under any circumstance, edit what was stated.

When a witness is speaking with great emotional expression, those non-verbal cues are part of the message being communicated. However, interpreters should be careful of the degree that they include such non-verbal elements in their rendition. The interpreter's rendition should include these non-verbal elements *only* to the degree that is necessary for the message to be accurately conveyed, and to the degree that it is necessary for others to understand. If, for example, a witness shouts a full utterance, others already hear that tone of voice. The interpreter may speak in a louder voice, but need not shout at the same volume level. Alternatively, if the witness shouts a specific word to emphasize it, the interpreter too should emphasize that word by using the appropriate voice inflection.

As a general rule, interpreters should not repeat the witness' hand gestures or facial expressions in their renditions. During consecutive interpreting, interpreters are typically positioned to the side or slightly behind the speaker, and do not have a clear view of all non-verbal communications.

Accurate consecutive interpretation depends heavily on the memory skills of the interpreter, and the longer the utterances, the more difficult it is to interpret the meaning with complete accuracy. When a speaker in the source language makes utterances that are too long for the interpreter to retain, the interpreter must ask the court for a repetition, and/or request the court to instruct the speaker to pause more frequently.

Recommended Course of Action: The interpreter should always provide a complete and accurate interpretation. He/she should include the same equivalent foul language in the target language, use voice inflection to indicate which words were shouted by the defendant. When the witness pauses, the interpreter should begin interpreting and continue interpreting the previous utterance up to the pause. If the previous utterance was so long that the interpreter needs to request a repetition, the interpreter should address the judge in the following manner: "Your Honor, for the record, the interpreter was unable to retain the last part of the witness' testimony. Interpreter requests that it be repeated." The judge will then instruct the witness, in English, to repeat the statement. The interpreter will interpret the judge's instructions. During testimony, it is appropriate for the interpreter to use a hand signal indicating that the witness should pause.

Scenario #4:. Young and attractive female Defendant is charged with a minor driving offense. The evidence against her is strong. She speaks no English, and is from the country of ABC. Interpreter Z has been hired to interpret.

Prosecutor makes a standard offer in exchange for a guilty plea. Defense Attorney explains this "deal" to Defendant, and she refuses it without explanation. Before the hearing, Defendant briefly leaves the courtroom. Defense Attorney shakes her head in frustration. Interpreter Z leans over and states: "You know, I've lived in country ABC. Their legal system is extremely corrupt. Typically, if a *deal* is offered to someone who looks like her, there's an expectation of sexual favors. That might be the cause for her hesitation."

Defense Attorney explains this to Prosecutor. When Female Defendant returns, Prosecutor clarifies aloud that this is the same offer that's made to all defendants with similar charges, there are no other expectations, and that Prosecutor is bound to follow a code of ethics. Female Defendant pleads guilty pursuant to the plea agreement.

Analysis: The role of the court interpreter is to provide complete and accurate interpretation, and to eliminate the language barrier faced by limited English proficient court customers. While some interpreters may have backgrounds and experiences that give them insight into different cultures, traditions and legal systems, as interpreters, they are not to play the role of cultural experts. Interpreters are tested and trained on their interpreting abilities, and not their knowledge of the countries and customs of the groups of people who speak the language. Interpreters are not verifiable experts on these topics. And while some interpreters may have

great insight and experience, their offering of such information creates a standard and expectation that all interpreters also play the role of "culture broker."

Recommended Course of Action: In this case, Interpreter Z is overstepping his/her bounds by intervening in the matter and offering a personal opinion. The interpreter has no personal knowledge as to the reason for the defendant's hesitation and is making assumptions. It is the attorney's responsibility to speak her client about the deal, and understand the source of the hesitation. And even if the attorney fails to do, that attorney's failure doesn't give the interpreter authorization to overstep his/her boundaries. Interpreter Z should keep these thoughts to him/herself.