

TIPS FOR WORKING WITH INTERPRETERS

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 - SIMULTANEOUS INTERPRETATION
 - SIGHT TRANSLATION
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- ETHICS

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Certification: In 1989, Washington State passed a law providing for the Court Interpreter Certification program. Since 1990 under RCW 2.43, appointing authorities have been required to appoint certified interpreters for non-English speaking participants; for an even longer period of time, the same requirement has been in effect under RCW 2.42 for deaf and hard of hearing persons in legal proceedings.

Court Interpreter certification now exists in 7 spoken foreign languages in Washington State, besides national certification for Sign Language interpreters:

- * Cambodian
- * Cantonese
- * Korean
- * Lao
- * Russian
- * Spanish
- * Vietnamese

In accordance with the law, the Office of Interpreter Services will strive to provide only court certified interpreters in the languages listed above and carefully screened and qualified interpreters in all other languages.

Training: The staff provides orientation sessions for interpreters as well as training for those who use interpreters including judges, attorneys and those working in other court related programs.

Language Bank: This office has provided interpreters in 111 languages for criminal and civil proceedings at the three sites listed above.

Inquiries: The staff fields scores of inquiries daily from interpreters, Courts, government and private agencies and attorneys (locally and statewide), for interpretation services and referrals, translation referrals, advice regarding interpreter needs and issues, coordination of interpreter programs and interpreter education. Please feel free to call us at the numbers listed above.

HOW DO YOU DETERMINE WHO NEEDS AN INTERPRETER?

A person who is not fluent in English learns to linguistically survive in most circumstances. The person will often guess when answering questions because they do not want to appear dumb by admitting they don't understand or want to avoid causing a disruption in court.

What questions should you ask that would help determine someone's ability to speak English? What should you avoid?

DO...

Ask open-ended questions, which require complete or near complete sentences to be answered.

Ask opinion questions, or questions where the answer would be unique to the person answering. Ask questions with no "right" answer.

Examples:

What has your work experience been prior to coming to Washington?

What do you like or dislike about your present employment?

How did your mother celebrate her last birthday?

DON'T...

Ask questions with "yes" or "no" answers.

Ask questions that can be answered with one or two words, particularly based on only understanding one or two words in the questions. For example, "What is your name?" would lead someone to answer with his/her name even if the only word the person understood was "name."

Ask questions that someone would already be exposed to over and over again by virtue of being in this country (where do you work? what is your name? what is your address?). Exposure to the pattern of the words in the question may be what is prompting the "right" answer, not understanding the question itself.

QUESTIONS TO ASK/CONSIDER WHEN QUALIFYING AN INTERPRETER

RCW 2.43.030 (2) states that:

If good cause is found for using an interpreter who is not certified or if a qualified interpreter is appointed, the appointing authority shall make a preliminary determination, on the basis of testimony or stated needs of the non-English-speaking person, that the proposed interpreter is able to interpret accurately all communications to and from such person in that particular proceeding. The appointing authority shall satisfy itself on the record that the proposed interpreter:

- a. Is capable of communicating effectively with the court or agency and the person for whom the interpreter would interpret; and*
- b. Has read, understands, and will abide by the code of ethics for language interpreters established by court rules.*

The following is a list of questions recommended for judicial officers to use when qualifying a non-certified interpreter for a hearing:

1. Are you certified by the state of Washington as a court interpreter? Any other state? Any other credentials or certification?
2. What is your native language?
3. How did you learn English and the target language?
4. Can you read in both languages?
5. Did you formally study either language in school? What was your primary language in school? Where and how long did you attend school?
6. Have you had an opportunity to speak with the litigant(s)? Do you need a few minutes? Were there any particular communication problems?
7. Are you familiar with the dialectical or idiomatic peculiarities of the witness/parties?
8. Have you ever interpreted in court before? Where? How often? For what types of hearings or cases?
9. Have you received any special training in court proceedings?
10. Describe simultaneous interpreting and your experience with it.
11. Describe consecutive interpreting and your experience with it.

12. Do you ever summarize statements while interpreting? Do you understand the law requires you to interpret everything said by all parties?
13. Have you read the Code of Conduct for Court Interpreters? Describe briefly the topics covered (see GR 11.1).
14. Are you a potential witness in this case?
15. Do you now or have you ever met any of the parties/witnesses? In what circumstances?
16. Do you have any other potential conflicts of interest?
17. Have you ever worked for any of the parties/witnesses? In what capacity?
18. Do you believe you can communicate with the non-English-speaking person/party; i.e., have you talked with the person already or do you need a few minutes to talk now?
19. Can you readily communicate with the non-English-speaking person?

NUMBER OF INTERPRETERS NEEDED QUESTION & ANSWER

Question: How many same-language interpreters are needed for separate parties in the same hearing?

Answer: The court should afford each party a separate interpreter, if needed, to avoid a conflict of interest.

Question: What if a party and a witness need same-language interpreters in the same hearing?

Answer: The court should provide one interpreter for a party and a separate interpreter who can interpret for all witnesses (if a party's interpreter serves as an interpreter for a witness, the interpreter cannot assist in communications between the party and counsel).

Exception: When separate interpreters are not available, for example in rural communities, then the potential conflict should be disclosed and any waiver put on the record.

INTERPRETATION MODES: RULES AND TECHNIQUES

Overriding theme: The goal is to afford the non-English speaking or hearing-impaired party an opportunity to hear everything and to respond, just as an English speaking person. To achieve this goal, the interpreter must interpret every unit of meaning faithfully, reflecting the language register (level of language), errors, hesitations, etc., while at the same trying to be as unobtrusive as possible. There must be no paraphrasing or summarizing.

When there is a comment or a request to be made for or about the interpreter, the interpreter will refer to him/herself as "the Interpreter," never using the pronouns "I" or "you".

I. CONSECUTIVE INTERPRETATION

As the name indicates, the interpretation follows the statement. The interpreter first listens to the statement or question in one language, then interprets; the interpreter listens to the response and then interprets that.

This mode is used any time there is direct colloquy or dialogue with the non-English speaking person: e.g., court testimony, interview with attorneys, when the non-English speaking person is addressed directly. Using the simultaneous mode when speaking out loud at the same time the speaker is speaking out loud, results in great confusion.

It is important that the interpreter get into the habit of taking notes in order to avoid having to interrupt to ask for a repetition in case of a long statement. If pressed by the circumstances, the interpreter may ask the speaker to pause by using a hand signal.

The interpreter will use a loud and clear voice so that everybody in the courtroom can hear. At the witness stand, the interpreter will be careful not to obstruct anyone's view of the witness or any drawing that may appear on an easel.

The interpreter should emulate the inflections, modality and intonation of the witness, in order to convey the meaning and any emotional content of the statement. However, this does not extend to body language.

II. SIMULTANEOUS INTERPRETATION

As the name indicates, the interpretation occurs at the same time as the statement is being spoken. Or almost. In the simultaneous mode, the interpreter listens and speaks at the same time in a low whispered voice, with or without the use of a voice amplifier or assisted listening device. The device makes it

possible for the interpreter to speak in the lowest possible volume, while at the same time being properly heard, this avoiding interfering in any way with the proceeding. Since the interpreter must render units of meaning, it is necessary to first listen in order to hear enough words which will constitute a unit of meaning, and that is when the interpretation will start. Strict simultaneous interpretation is impossible. Different languages have different lag times, anywhere from 6-8 words to a whole sentence.

This mode is used any time the speaker is not addressing a statement at the non-English speaking person, i.e., during most court procedures. It is also employed during testimony. During testimony (interpreted in the consecutive mode), when there is an objection, the interpreter will switch instantly to the simultaneous mode, and continue in that mode until the judge has ruled on the objection. At that moment, the consecutive mode will be resumed. If the witness has started giving an answer before or after the objection is voiced, the interpreter will interpret that partial or complete answer since the English speaking witness' answer would have been heard.

III. SIGHT TRANSLATION

This is a hybrid mode rendering the meaning from a written document into oral language. Common documents that need to be sight translated are all types of court forms (plea forms, date settings, different types of orders, etc.) as well as letters and certificates of all sorts in both languages, to name a few.

Everything that appears in the document must be sight translated: dates, numbers, seals, signatures, all writing and indications. The interpreter will indicate where the seals, or any writing which is of the main body of the document, are located on the page (e.g., "Upper right hand corner"; or "In the left margin, vertically"; or "Superimposed on the body of the document, there is a seal which says...". Also indicate if it is only partly legible, or if it is illegible, etc.

The interpreter will speak in a loud and clear voice and will use a smooth and homogenous rhythm to allow a ready understanding of his/her rendition.

IMPORTANT TIPS TO REMEMBER

1. **DO** understand that the interpreter is neutral
 2. **DO** make sure that you and the non-English speaker wait for full interpretation and understanding.
 3. **DO** avoid double negatives. They result in ambiguity, even in English.
 4. **DO** strive to keep all speakers' voice levels up and to minimize other noise around you.
 5. **DO** speak slower when reading from documents or instructions.
 6. **DO** be aware of cultural differences.
 7. **DO** conduct the entire conversation in 1st and 2nd person as if there were no interpreter present.
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1. **DO NOT** interrupt the interpreter. Accuracy is compromised.
 2. **DO NOT** use long and involved questions.
 3. **DO NOT** permit any uninterrupted conversation to occur at all.
 4. **DO NOT** use "machine gun" style in questioning.
 5. **DO NOT** allow summarizing or paraphrasing by the interpreter.
 6. **DO NOT** allow more than one party to speak at any given time.
 7. **DO NOT** ask the interpreter's opinion about the non-English speaker unless it is to check the client's comprehension.
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IN THE INTERVIEW...

1. Sit facing the non-English speaking client just as you would if there were no interpreter. The interpreter should be seated next to the client facing you. If you are using a sign language interpreter, this interpreter should be seated next to you facing the client.
2. Explain your function and the interpreter's function to the client. This includes the **confidentiality** of the conversation.
3. **The interpreter should not explain anything; only interpret.**
4. Explain how the treatment process works. Don't assume anything by our standards and norms.
5. Be aware of cultural differences and **level of education** of the client.
6. Keep eye contact with the client even during the interpretation.
7. Do not use the 3rd person (he/she) when referring to the client to whom you are speaking.
8. Keep questions uncomplicated.
9. Check periodically to be sure that the client is understanding.
10. Furnish the interpreter with all the pertinent information or materials concerning the process.
11. **Be patient!** Allow extra time if you are working with an interpreter.

INTERPRETER FATIGUE

This paper is a discussion of interpreter fatigue and its impact on the court record and on protecting the rights of linguistic minorities. (*New Study on Fatigue Confirms Need for Team Interpreting*, Mirta Vidal, February 1999.)

The demands placed on a legal interpreter are linguistically extraordinary. Nancy Festinger, the Chief Interpreter for the United States District Court, Southern District of New York (Manhattan), eloquently describes the interpreter's role as follows:

"... we perform mental gymnastics, jumping from an attorney's constitutional argument in a motion to suppress, to a drug addict's slurred explanation, to a witness's deliberately elusive answer, to the socio-psychological jargon of a probation report, to the small print of a statute, to a judge's syntactically convoluted charge to the jury—often, all in the space of a few hours. We repeat patent nonsense, veiled (or not-so-veiled) bullying, impassioned pleas, righteous indignation, stern admonishments, nit-picking questions, ironic remarks, barbed answers, tearful confessions, and through it all we must pay unflagging attention, betray no sign of annoyance or incredulity, all the while maintaining composure, impartiality and linguistic fidelity."

The interpreter's role is an exacting role, both physically and mentally, and therefore requires an awareness of the proper working environment. It is imperative that an interpreter be able to be mentally alert at all times. Studies have presented unassailable evidence that a simultaneous interpreter's performance deteriorates markedly after a surprisingly short time. Frequently, judges will interrupt proceedings to give the court reporter a break, because they know that having an accurate record depends on having an alert reporter. They sometimes forget, however, that another important way to protect the record is to make sure that the interpreter is well rested and alert.

The court has an obligation to provide an interpreter a break whenever the interpreter feels that fatigue is beginning to interfere with the accuracy of the interpretation. This is to protect the record, and to protect the rights of the non-English-speaking person in the court.

PROPER ROLE of a COURT INTERPRETER

The Proper Role of a Court Interpreter Should Be:

- A conduit/facilitator of communications.
- To interpret accurately all communications to and from English and the target language.
- To interpret thoroughly and precisely, adding or omitting nothing, giving consideration to grammar, syntax, and level of language.

Ethical Considerations:

- Should be considered an officer of the court.
- Abide by a code of professionalism expected of any court officer to promote confidence and impartially in the judicial process.
- The interpreter shall avoid any conflict of interest, financial or otherwise.
 - Shall not render services if a potential witness, associate, friend or relative of a party.
 - Shall not render services if he/she has a stake in the outcome.
 - Shall not render services where he/she has served as an investigator in a preparation of litigation.
- Shall not disclose any communication that is otherwise privileged without consent or court order.
- Shall not comment on a matter where he/she has served as an interpreter.
- Report any effort by another to solicit, entice, or induce the interpreter to violate any law or canon of conduct for interpreter.
- Shall not give legal advice and shall refrain from the unauthorized practice of law.

What You Should Expect From an Interpreter:

- He/she will request clarification if a phrase or word is not understood
- He/she will interpret in the first person and should address the court in the third person, in order to keep a clear record.
- He/she will have paper and pencils available at all times and may have a dictionary or other reference material with him/her.
- He/she will be as unobtrusive and professional as possible.
- He/she will not converse with the defendant or party except to interpret everything that is said in the courtroom.

Red Flags to Watch For:

- Beware of the interpreter who does not carry a Washington State interpreter badge.
- Be clear to identify the interpreter's level of certification (Washington State, Federal, other state).
- Beware if the interpreter is not interpreting everything that is being said in the courtroom. Summary and paraphrase interpreting have no place in the courtroom, under any circumstances.
 - By observation, you can determine if the interpreter is simultaneously interpreting the testimony, both questions and answers of witnesses, the closing arguments of counsel, etc. The party is entitled to hear everything that is happening, as it is happening.
- Beware if you observe the interpreter engaging in conversation with the non-English speaking party or witness.
- Beware if the interpreter is coaching or encouraging a party to answer in a certain way (such as nodding or using facial expressions). The interpreter should simply interpret everything that is being said in the courtroom, with no personal input whatsoever.
- Beware if the interpreter draws undue attention to himself/herself. A trained interpreter will be as unobtrusive as possible and professional in manner.

HOW TO USE INTERPRETERS PROPERLY IN THE COURTROOM

1. The interpreter must be able to hear and be heard. Allow the interpreter to sit wherever hearing is best facilitated, generally beside the witness or party unless the interpreter is using sound equipment.
2. Speak in phrases, with long pauses when needed for consecutive interpretation. Instruct and remind counsel to speak in phrases with long pauses. Do not be impatient. Few judges, parties, or witnesses are use to communicating through interpreters. If you coach those who are not familiar with the process, the proceeding will be smoother and less intimidating for all participants.
3. To prevent undue fatigue, keep the pace of the speech within the particular interpreter's ability.
4. Do not let two or more people talk at the same time.
5. Give the interpreter periodic recesses:
 - a. Generally, the interpreter cannot work efficiently for more than 30 minutes at a time. Often, the interpreter is the only one in the courtroom talking all of the time. Courts should provide periodic recesses.
 - b. In lieu of frequent recesses (proceedings that are likely to go longer than two hours), courts should provide two interpreters to relieve one another every half-hour.
6. Advise counsel to avoid false starts, questions within questions, and parenthetical statements
7. Speak directly to the party or witness, not to the interpreter, and advise counsel to do likewise. For example, do not say to the interpreter to "ask him where he was..." rather say, "where were you..." to the party.
8. Provide the interpreter in advance all relevant documents to enable him/her to prepare for expected interpretation and unique terminology such as medical terms.

9. Before trial, allow the interpreter to spend a few minutes conversing with the person who needs the interpreter. This enables the interpreter to determine the person's geographic origin, level of vocabulary, etc.
10. If available, provide accurately translated common legal forms.
11. Some legal concepts do not exist in some languages or cultures, including such fundamental concepts in the American legal system as the right to a jury trial. If an interpreter advises the court of this problem, the court should instruct the attorney or witness to rephrase the term in a less culturally bound way.

Code of Ethics

What is a code of ethics? A code of ethics prescribes ways in which people should act. A professional code of ethics sets out the standards of right and wrong that determine how a profession conducts itself. Most professions have established codes covering ethical conduct. Adherence to such codes protects clients, assures guidelines are being followed, and establishes protection for the professional. Such codes also assist members in not crossing over the boundaries during stressful associations.

Even though interpreting as a profession is still in its infancy, virtually all interpreting associations have developed codes of ethics. (Samples of codes of ethics from various organizations are included in Appendix B at the end of this guide.) The precise wording of each association's code may vary, but each code will include the following principles, or, as they are called, tenets:

Confidentiality

An interpreter must keep confidential everything that relates to the interpreting assignment, unless there is a legal¹ or professional² mandate to report. Secrecy is not the issue in retaining information confidential. The information is not yours. The communication you interpret belongs to the principals involved: lawyer and client, doctor and patient, teacher and parent. If these individuals shared a common language, the interpreter would not have been present at all. That is the way you, as interpreter, must behave: as if you had not been present. Should someone overhear you discussing an assignment, even though it was in open court or not specifically classified as confidential, they may come to the conclusion that you normally discuss all your assignments. Thus they may well lose trust in you as an interpreter.

Impartiality

By maintaining impartiality or neutrality, an interpreter assures fairness to all parties in an interpreting assignment. It means that the interpreter does not show favoritism or bias toward any person, nor makes any judgment on the proceedings. Impartiality may not be easy to maintain in some cases. As human beings, interpreters cannot help but react to what they see or hear. They may feel empathy or disgust for a certain individual. They may have an interest in the outcome of the case. However, interpreters should maintain a professional distance from

They're very understanding and they respect you if you take yourself off a case, because you admit that...you're not able to do a good job...and the key words are 'do a good job.' If you can't do a good job, take yourself off the case.

Shannon Guilbride

1. In certain cases, professionals are legally required to report instances of, for example, child abuse.
2. In extenuating circumstances where the safety of the patient is concerned, the health care interpreter may have the professional obligation to share information with the appropriate health care professionals.

the interpreted proceedings and the principals involved. If they find that their religious and political beliefs or their personal feelings interfere with their ability to give an impartial interpretation, they should ask to be excused from the interpreting assignment.

Interpreters should also make known any possible conflict of interest, such as being acquainted with the principals in the case or having a vested interest in the outcome. It is important not only to be impartial, but also to be seen to be impartial.

Accuracy

The interpreter's role is to faithfully transfer a message from one language to another. This must be done without any alteration, embellishment, omission, or explanation. While this may seem self-evident, many factors may interfere with the interpreter's ability to produce an equivalent message in the other language. To do so means the interpreter must remain true to the level of language of the original message—not lowering it to the level of the listener, nor filtering inappropriate language, nor altering the message for whatever reason. By remaining impartial and not becoming involved in the case, the interpreter will ensure that the interpreted message is a faithful reflection of the original message.

What we have to do is... remember at all times that all we are is a language bridge. We really have no place in the court except for the fact that we narrow that gap and we make communications possible.

Yolanda Hobrough

Limits of Expertise & Self-Evaluation

The first part of this tenet refers to each interpreter's recognition of one's own limits—linguistic, cultural, emotional, physical. This self-awareness is only possible through self-evaluation. In each interpreting assignment, an interpreter must evaluate his or her capabilities and responsibilities in various areas such as the parameters of the role of the interpreter, linguistic and cultural competence, personal capabilities, and suitability for a specific assignment. If found wanting in any aspect, the interpreter should decline the assignment. Only then is the interpreter acting in an ethical and professional manner.

Adherence to a code of ethics assists the Interpreter to act in a professional manner and serves to create confidence in the Interpreter's trustworthiness among the persons who must rely on the Interpreter to speak for them.

Yolanda Hobrough

GR 11.1

CODE OF CONDUCT FOR COURT INTERPRETERS

PREAMBLE. All language interpreters serving in a legal proceeding, whether certified or uncertified, shall abide by the following Code of Conduct:

A language interpreter who violates any of the provisions of this code is subject to a citation for contempt, disciplinary action or any other sanction that may be imposed by law. The purpose of this Code of Conduct is to establish and maintain high standards of conduct to preserve the integrity and independence of the adjudicative system.

- (a) A language interpreter, like an officer of the court, shall maintain high standards of personal and professional conduct that promote public confidence in the administration of justice.

Comment – Court Interpreter Task Force (1986)

The Code of Judicial Conduct (CJC) Canons 1 and 3(B) (2) require high standards of conduct by judges and their staff and court officials. As officers of the court, such standards apply to interpreters as well. Interpreters are the vital link in communication between litigants and the court. Conflicts of interest may consciously or subconsciously affect the quality or substance of an interpretation or translation. The need for unquestioned integrity among interpreters is obvious. These Canons apply to interpreters and translators for both the hearing-impaired and for individuals who speak a language other than English.

CJC 3(B) (2) requires court personnel and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge.

- (b) A language interpreter shall interpret or translate the material thoroughly and precisely, adding or omitting nothing, and stating as nearly as possible what has been stated in the language of the speaker, giving consideration to variations in grammar and syntax for both languages involved. A language interpreter shall use the level of communication that best conveys the meaning of the source, and shall not interject the interpreter's personal moods or attitudes.

Comment – Court Interpreter Task Force (1986)

The interpreter should utilize the same level of language used by the speaker. This means that the interpreter will interpret colloquial, slang, obscene or crude language as well as sophisticated and erudite language, in accordance with the exact usage of the speaker. It is not the interpreter's task to tone down, improve or edit phrases.

Unless the interpreter is faithful to this concept of accurate interpretation, he or she may act as a filter or buffer in the communication process. This could damage the integrity of the trial process, which is based on an adversarial system with vigorous examination and cross-examination. Consequently, the substance of questions posed and answers given during the testimony should not be altered more than absolutely necessary to assure comprehension.

The interpreter should not assume that it is his or her duty to simplify statements for a witness or defendant whom the interpreter believes cannot understand the speaker's statements. Like witnesses who do not use an interpreter, interpreted witnesses can and should request counsel or the court to explain or simplify matters if necessary.

An interpreter should never characterize or give a gratuitous explanation of testimony. The court or attorneys will request clarification from the speaker if necessary. The court and counsel should be sensitive to possible confusion by the witness. During testimony, the interpreter may volunteer to the court his or her belief that the witness does not understand a particular question or comment.

Idioms, proverbs and sayings rarely can be interpreted literally. The interpreter should seek an equivalent idiom or relate the meaning of the original idiom or saying.

While interpreting a non-English spoken language, the interpreter should not offer an explanation or repeat a witness' gesture or grimace which has been seen by the trier of fact.

Interpreters for the deaf or hearing-impaired should use the method of interpreting most readily understood by the deaf or hearing-impaired witness. For example, the witness may be more articulate in American Sign Language than in Manually Coded English or finger-spelling.

- (c) When a language interpreter has any reservation about ability to satisfy an assignment competently, the interpreter shall immediately convey that reservation to the parties and to the court. If the communication mode or language of the non-English speaking person cannot be readily interpreted, the interpreter shall notify the appointing authority or the court.

Comment – Court Interpreter Task Force (1986)

A court interpreter or legal translator is often faced with new technical terms, slang, regional language differences, and other problems posing difficulty in accurate interpretations or translations. The interpreter must take time, and be given appropriate time by the court, to determine an appropriate and accurate interpretation or translation of the material. If unable to interpret or translate the material, the parties and the court must be advised so the court can take appropriate action. When necessary, another, better qualified interpreter should be substituted. Before such substitution, the court may determine whether another linguistic approach can be used for the same result in communication. For example, a different choice of words to be interpreted may solve the problem.

- (d) No language interpreter shall render services in any matter in which the interpreter is a potential witness, associate friend, or relative of a contending party, unless a specific exception is allowed by the appointing authority for good cause noted on the record. Neither shall the interpreter serve in any matter in which the interpreter has an interest, financial or otherwise, in the outcome. Nor shall any language interpreter serve in a matter where the interpreter has participated in the choice of counsel.

Comment – Court Interpreter Task Force (1986)

The purpose of this canon is to avoid any actual or potential conflict of interest. CJC Canon 3(C) requires similar disqualification of a judge because of a conflict of interest. Interpreters should maintain an impartial attitude with defendants, witnesses, attorneys and families. They should neither conceive of themselves nor permit themselves to be used as an investigator for any party to a case. They should clearly indicate their role as interpreters if they are asked by either party to participate in interviews of prospective witnesses outside of the court. Interpreters should not "take sides" or consider themselves aligned with the prosecution or the defense.

See comment to Canon 6 which discusses the use of interpreters in client and witness interviews. Care must be taken to avoid exposing an interpreter unnecessarily to the conflict of becoming a potential witness on the merits.

Both court interpreters and jurors should be apprised of the identity of each during voir dire to help determine whether any juror knows the interpreter.

The fees and remuneration of a court interpreter or legal translator shall never be contingent upon the success or failure of the cause in which she or he has been engaged.

Interpreters and translators shall not interpret in any matter in which his or her employer has an interest as an advocate, litigant otherwise.

Interpreters shall be limited to the role of communication facilitators.

No interpreter who has served as an investigator assisting in preparation for litigation shall serve as a court interpreter in that cause.

- (e) Except in the interpreter's official capacity, no language interpreter shall discuss, report, or comment upon a matter in which the person serves as interpreter. Interpreters shall not disclose any communication that is privileged by law without the written consent of the parties to the communication. Or pursuant to court order.

Comment – Court Interpreter Task Force (1986)

To promote the trust and integrity of the judicial system, it is important that court officials, including interpreters and translators, refrain from commenting publicly regarding an action. Interpreters and translators shall not offer an opinion to anyone regarding the credibility of witnesses, the prospective outcome of a case, the propriety of a verdict, the conduct of a case, or any other matter not already available by public record.

- (f) A language interpreter shall report immediately to the appointing authority in the proceeding any solicitation or effort by another to induce or encourage the interpreter to violate any law, any provision of the rules which may be approved by the courts for the practice of language interpreting, or any provisions of this Code of Conduct.

- (g) Language interpreters shall not give legal advice and shall refrain from the unauthorized practice of law.

Comment – Court Interpreter task Force (1986)

The interpreter shall never give legal advice of any kind to the non-English speaking person or to any other person, whether solicited or not. In all instances, the non-English speaking person should be referred to counsel. The interpreter may give general information to a non-English speaking person regarding the time, place and nature of court proceedings. However, in matters requiring legal judgment, the individual should be referred to an attorney.

The interpreter should never function as an individual referral service for any particular attorney or attorneys. This kind of activity has the appearance of impropriety. When asked to refer a non-English speaking person to a particular attorney, the interpreter should refer such individual to the local bar association or to the Office of the Public Defender.

RULE 11.2

TELEPHONIC INTERPRETATION

- (a) Interpreters may be appointed to serve by telephone for brief, nonevidentiary proceedings, including initial appearances and arraignments, when interpreters are not readily available to the court. Telephone interpretation is not authorized for evidentiary hearings.
- (b) RCW 2.43 and GR 11.1 must be followed regarding the interpreter's qualifications and other matters.
- (c) Electronic equipment used during the hearing must ensure that the non-English speaking party hears all statements made by the participants. If electronic equipment is not available for simultaneous interpreting, the hearing shall be conducted to allow consecutive interpretation of each sentence.
- (d) Attorney-client consultations must be interpreted confidentially.
- (e) Written documents which would normally be orally translated by the interpreter must be read aloud to allow full oral translation of the material by the interpreter.
- (f) An audio recording shall be made of all statements made on the record during their interpretation, and the same shall be preserved.

[Adopted effective September 1, 1994.]

RID Code of Ethics



In an effort to protect and guide interpreters, transliterators, and consumers, RID members established principles of ethical behavior. The organization enforces this Code of Ethics through its national Ethical Practices System. Underlying these principles is the desire to ensure for all the right to communicate.

This Code of Ethics applies to all members of the Registry of Interpreters for the Deaf, Inc. and to all certified non-members.

1. Interpreters/transliterators shall keep all assignment-related information strictly confidential.
2. Interpreters/transliterators shall render the message faithfully, always conveying the content and spirit of the speaker using language most readily understood by the person(s) whom they serve.
3. Interpreters/transliterators shall not counsel, advise or interject personal opinions.
4. Interpreters/transliterators shall accept assignments using discretion with regard to skill, setting, and the consumers involved.
5. Interpreters/transliterators shall request compensation for services in a professional and judicious manner.
6. Interpreters/transliterators shall function in a manner appropriate to the situation.
7. Interpreters/transliterators shall strive to further knowledge and skills through participation in workshops, professional meetings, interaction with professional colleagues, and reading of current literature in the field.
8. Interpreters/transliterators, by virtue of membership in or certification by RID, Inc., shall strive to maintain high professional standards in compliance with the Code of Ethics.

About RID



The Registry of Interpreters for the Deaf, Inc. (RID) is the only national association dedicated to the professional development of interpreters and transliterators. Founded in 1964, RID has played a leading role in establishing a national standard of quality for interpreters and transliterators. The association encourages the growth of the profession, educates the public about the vital role of interpreters and transliterators, and works to ensure equal opportunity and access for all individuals.

RID's Mission

It is the mission of the Registry of Interpreters for the Deaf, Inc. to provide, international, national, regional, state and local forums and an organizational structure for the continued growth and development of the profession of interpretation and transliteration of American Sign Language and English.

Programs and Services

RID fulfills its mission through many Programs and Services, including:

- National Certification Program
- Biennial Convention
- Affiliate Chapter Network
- Public Information and Outreach
- Membership Directory
- RID Publications
- Career Information
- Scholarships and Awards
- Professional Development Program

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USE OF A CERTIFIED
DEAF INTERPRETER

