



Working with Court Interpreters 101

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Working with Court Interpreters 101 offers general guidance and practical suggestions to attorneys, court personnel, and judges, for effective use of court interpreters when working with individuals with limited English proficiency/ sensory impaired (LEP/SI).

I. Interpreter Role and definitions

Interpreters and translators convert language from one language into another language. Interpreters work in spoken or sign language; translators work in written language.

Source language: A source language is the language from which the information or communication originates that needs to be rendered in the target language.

Target language: The target language is the language in which the information will be rendered.

Modes of Interpreting: 1) Simultaneous and 2) Consecutive. The National Association of Judiciary Interpreters and Translators defines simultaneous interpretation and consecutive interpretation as the following:

Simultaneous interpretation: Simultaneous interpreting is the rendering of one spoken language into another when renditions are needed at the same time as the English language. The interpreter speaks at the same time as the limited English proficient witness.

Consecutive interpretation: In consecutive interpreting, the interpreter waits until the speaker has finished before rendering speech into another language.

Sight translation: Sight translation is when the interpreter reads a document in the source language and speaks the translation out loud. These translations are done with little to no notice. The translator has no time to become familiar with the document. Translation work is complex and requires research. Sight translation is not a substitute to be used on legal documents.

Sight translation may be used for short texts and sms messages. However, if the interpreter is not familiar with the commonly used shorthand in text messaging, you are risking the conveyance of inaccurate information.

Here are some of the common Spanish sms messaging shorthand that I have come across in my practice:

A10 – adiós – goodbye	pf – por favor - please
A2 – adiós – goodbye	pls – por favor - please
Aki – aquí - here	plís – por favor - please
Bn – bien – well, good	pq – porque, porqué - because, why
BB – bebé – baby	q – que- that, what
D – de – from, of	qand – cuando - when
Dim – dime – tell me	xfa – por favor - please
HI – hasta luego – see you later	xo – pero - but
K – que, qué – that, what	xq – porque, porqué – because, why (same as pq)

II. Communicating Through an Interpreter

The following are tips for working with interpreters in the Courtroom

- **Verify** that the interpreter does not have conflict of interest.
- **Encourage an interpreter pre-session.** Take a few minutes and have the interpreter speak to the client/witness. This short session provides the interpreter time to assess whether regional vernacular will be an issue. The interpreter can assess whether there will be highly technical language that will be used and whether the content will be highly emotional or intense.
- **Establish** the court interpreter's qualification on the record.
- **Swear-in the interpreter.** Take a copy of the interpreter's oath with you.
- **Speak slowly**, clearly, and project your voice.
- **Speak in segments.** Pause at the end of a thought or sentence.
- **Use simple language.** Avoid legalese and legal jargon.
- **Be patient with interpreters.** Regardless of experience level, interpreters may need to request that words or phrases be repeated.
- **Use different words or phrases** if an interpreter asks for repetition because he or she does not understand a word or phrase.
- **Do not hold the interpreter responsible for what the witness says or does not say.** The interpreter is the medium, not the source, of the message. If you feel you are not getting the type of response you were expecting, rephrase your question or consult with the interpreter to better understand if there is a cultural barrier that is interfering with communication.
- **Be aware that many concepts you express have no linguistic or conceptual equivalent in other languages.** The interpreter may have to paint word pictures of terms you use. This may take longer than your original speech.
- **Give the interpreter time to restructure information in his/her mind and appropriately render it in the target language.** Speaking English does not mean thinking in English.
- **Encourage the interpreter to ask questions** and alert you about potential cultural misunderstandings that may come up.

The following are tips for working with interpreters BEFORE you get to the Courtroom

- **Preserve confidentiality.** Use a licensed interpreter when interviewing and meeting with your client. Georgia interpreters abide by the Code of Professional Responsibility for Interpreters. Standard X of the ethics rules lays out confidentiality of all privileged and confidential information. The commentary under Standard X(D) is clear that the presence of an interpreter shall not affect the privileged nature of any discussion. Explain to the client that the interpreter will interpret everything that he or she says. Any questions for the attorney should be asked outside the presence of everyone, with the exception of the interpreter.

It is a best practice point to use a licensed interpreter in mediation, guardian *ad litem* interviews, therapeutic sessions, depositions, family violence ex-parte proceeding, etc.

- **Prepare your client on how to use a court interpreter.** Allow the interpreter time to speak to the client to see if they understand each other. Do not assume that the interpreter is familiar with the slang, or vernacular that your client plans to use.

Instruct the client to wait for the interpreter to finish talking before his answer.

Instruct your client to speak slowly and concisely so that the interpreter can hear everything that is said.

Instruct the client not to engage in private conversation with the interpreter.

Instruct the client not to speak in English, even if the client has a limited command of the English language. This only creates confusion for the judge.

- **Request your court interpreter in advance.** Request your court interpreter as soon as you know that you represent a LEP/SI client. Some counties have user friendly online interpreter reservation. Other counties require a phone call in advance. If you are new to a county, call the judge's clerk and/or the court administration office for direction on how to request an interpreter. If you can't connect with the judge's clerk and/or the court's administration, a better practice point is to file a motion requesting an interpreter for the LEP/SI client. A sample motion is included with this material.
- **Interpreter Fatigue.** If you have a proceeding that will take more than two hours, it is better practice to have more than one interpreter. It is tiring to interpret for long periods of time. If a court interpreter believes that he or she is not able to provide accurate interpretations because of fatigue, it is the obligation of the interpreter to inform the court. A short recess is usually in order to allow the interpreter to rest. Some jurisdictions provide for teams of two court interpreters when the proceeding is more than two hours. Two court interpreters can relieve each other at periodic intervals and prevent fatigue and delays.

Document translation for the client. Translation of legal documents and attorney correspondence directed to your client should be done in a timely matter so that the client understands what is going on with his or her case. If you do not know a court interpreter who accepts translation assignments, check the list of interpreters on the COI website, w2.georgiacourts.org/coi/files/certified. All translations should be accompanied by an original certificate of translation detailing the translator's credentials.