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Interpreters Play Starring Role in 'Eliminating Barriers to Justice'

"Justice is going to be best served when everyone understands it," said Jana J. Edmondson-Cooper, a bilingual lawyer and member of the Supreme Court Commission on Interpreters.

By Kathryn Tucker (/author/profile/Kathryn Tucker/) | November 15, 2017 | Originally published on Daily Report Online (/dailyreportonline)



Judge Dax Lopez, Jana J. Edmondson-Cooper and Talley Wells on a panel discussing comprehensive Georgia A2J policies update. (Photo: John Disney/ ALM)

Judges and lawyers discussed where interpreters are needed and how to put more of them into courtrooms—as well as to make sure they're qualified. Georgia Supreme Court Chief Justice P. Harris Hines and State Bar of Georgia President Buck Rogers opened the event and highlighted the key role the interpreter plays.

"Justice is going to be best served when everyone understands it," said Jana J. Edmondson-Cooper, a bilingual trial lawyer and member of the Supreme Court Commission on Interpreters who co-founded the annual conference, helped organize the event and spoke on two of the three panel discussions.

"One of the most important parts of my job is making sure people are treated fairly," Fulton County State Court Judge Susan Edlein said. "That includes making sure they understand." But, Edlein added, with so many people speaking so many languages,

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finding a qualified or certified interpreter can be difficult. Yet the stakes are high. Judgments have been overturned on appeal because interpreters were either not available or not accurate.

Edlein recalled a scenario where two native Korean speakers—witness and interpreter—were going on at length in a conversation no one else in the courtroom could understand.

Translation: "He said yes."

"No, he said more than that," the judge replied.

"He was using curse words," the interpreter answered.

"You have to use those words," Edlein said.

"I can't cuss in court," said the interpreter.

The judge's answer: "You're not cussing. He's cussing."

David Hoover, a federally certified interpreter with the U.S. District Court for the Northern District of Georgia, said the No. 1 way to tell if an interpreter is not getting it right is resorting to third person instead of first person. The interpreter should be speaking as if he or she is the witness or defendant. Perfection is almost impossible, so it's important for interpreters to speak up clearly and tell the court when they didn't understand something, he said.

Until recently, one of the challenges for lawyers working with non-English speaking clients or witnesses was that the rules for Georgia courts did not require judges to provide interpreters. The only rule applied addressed pretrial orders in civil cases. But it did not require that the court cover the cost. And it said if an interpreter is not available, the witness can be excluded.

"That's really bad," DeKalb County State Court Judge Dax Lopez. "That's not a good rule." Lopez changed the rule. It took two years and many rounds of changes from judges and Georgia Supreme Court justices—including additional comments this year when Gov. Nathan Deal added three more members to the high court.

The new rule does require courts to provide interpreters where needed. Lawyers who once reported that when they told judges they have to provide an interpreter, some said, "No. I don't," now have a tool. As Lopez put it, "Rule 7.3's got your back."

Lopez drew applause on that point, and also on the mention that the judge, who was born in Puerto Rico, holds some DUI courts entirely in Spanish.

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