

For Attorneys: Effective Use of Court Interpreters

Language diversity in this country, particularly in our metropolitan area, makes it very likely that sooner or later you will have a limited English proficient (LEP) client who may be able to communicate simple ideas in English, or a client who does not speak English at all. In either case, you will have to use an interpreter. The following tips will help you in mastering the art of working with an interpreter.

- 1. Make sure that the required interpreter will be available.** To make sure that there will be an interpreter present, inform the courtroom deputy that one will be needed. For a Spanish interpreter, you should notify the courtroom deputy at least 2-3 days in advance. For any other language, including the signed languages, you should notify the courtroom deputy at least 1-2 weeks in advance.
- 2. Allow enough time with the interpreter to be ready to proceed.** If you are going to review or complete documents, or simply explain to your client the nature of the court proceeding that is going to take place, advise the courtroom deputy to request that the interpreter arrive half an hour or an hour before the scheduled appearance so that you and your client will have enough time to prepare and so that the court proceeding will not be delayed.
- 3. Provide the interpreter with the tools needed for a professional job.** Whenever possible, provide the interpreter with publically available documents, such as charging documents, motion papers, and reports of investigations, or any other information that will assist the interpreter in understanding the issue at hand. Remember that interpreters convey concepts; they do not simply translate words.
- 4. Clarify abbreviations and legal jargon.** Courtroom discourse is peppered with legal jargon and abbreviations (PTS, PRB, PSR to name only a few). While interpreters are usually familiar with them, they will probably have to be spelled out for your client, and, whenever possible, you should say the entire phrase.
- 5. Lengthy proceedings.** If a court proceeding is expected to last more than two hours, usually two interpreters will be assigned to it, and there will be a need for them to take turns. Interpreters will use the sound equipment and will be located in a position where they can see and hear well. The interpreter who is not actively interpreting will be available to assist at counsel table when needed.
- 6. Modes of interpretation.** In court proceedings, interpreters generally use the simultaneous mode of interpretation, that is, they will interpret virtually at the same time as the speaker, but with some lag time. For the testimony of witnesses in question and answer form, the consecutive mode is preferred, i.e., the interpretation will take place once the speaker has completed an idea and makes a pause.

7. **Prepare your witnesses who will testify through an interpreter.** It is important to familiarize witnesses with the rhythm of questions and answers through an interpreter. To do so, instruct witnesses to wait for the question to be interpreted fully before they answer, and to answer in their native language. It is also helpful to advise witnesses to pause regularly so that the interpreter can render their testimony into English. When witnesses do not pause, it becomes very difficult for interpreters to retain all of the details of a long narrative.

8. **Speak clearly and be mindful of how you ask questions.** All the participants should speak slowly and clearly so that they will be properly understood. If the interpreter does not hear, he or she may have to ask for a repetition, or request clarification when the meaning is not immediately grasped. As a general rule, questions should be as straightforward as possible. Lengthy questions and double negatives may be confusing to the witness.

9. **Don't ask interpreters *not* to interpret something.** Interpreters are bound by their Code of Responsibilities to interpret everything. It is important that you and your client understand this and, if you do not want something interpreted, do not say it. This is one of the reasons, among many others, why preparation before the actual court proceeding is so important.

10. **Be aware of the interpreter's role.** Interpreters are assigned to a court proceeding so that defendants and witnesses can communicate with the judge and the attorneys. They are not a party in the proceeding, and they do take an oath to conduct themselves according to the judicial code of conduct and their code of professional responsibilities. Court interpreters assigned to a case will be available in the courtroom and also before and after the proceeding to assist you in the environs of the courthouse. If you need assistance for out-of-court interviews, the Interpreters' Unit will be able to give you references. Contact the Unit at 973-645-4621 if you have questions or need any help.

11. **Documents and audio recordings in foreign languages should be translated or transcribed/translated well before they are to be introduced into evidence.** The tasks of translation and transcription/translation are complex. A rushed or hurried job may not produce reliable results.

Recommended readings: *The Art of Working with Interpreters* by Holly Mikkelson at <http://www.acebo.com/papers/pmenu.htm>. Additional recommended readings can be found in the Acebo webpage. See also **10 Tips for working with court interpreters** by Carmel A. Capati, Wisconsin Court Interpreter Program Manager at <http://www.Wibar.org>.