

# WHAT TO EXPECT AND NOT TO EXPECT FROM COURT INTERPRETERS

<b>EXPECT</b> THE INTERPRETER TO ...	<b>DON'T EXPECT</b> THE INTERPRETER TO ...
1. <b>SPEAK</b> all the time, enabling the defendant to hear all that an English-speaking defendant hears, even conversation that doesn't have to do with the case.	<b>STEP</b> out of the interpreter's role to explain, help the defendant, or adapt the level of language to suit the perceived or known educational background of the defendant.
2. <b>BE</b> the ear and mouth of defendant, a vehicle of communication. Nothing more, nothing less.	<b>GIVE</b> advice or take the role of paralegal or attorney (i.e. the interpreter should "read" but not "explain" a form) . ,
3. <b>KEEP</b> confidentiality and never reveal what transpired in a privileged conversation.	<b>BE</b> part of the "defense team" or the "prosecution team". Even if working for defense attorneys or law enforcement, the interpreter must maintain impartiality.
4. <b>INTERPRET</b> form and content verbatim, all linguistic or paralinguistic elements of communication: pauses, hedges, self-corrections.	<b>SUMMARIZE</b> or sanitize speech. Unlike what is customary in other interpretation settings, such as in international conferences, in court,' interpreters must not cover for speakers' flaws or word choices.
5. <b>HAVE</b> basic understanding of the American legal system and how it differs from others,	<b>KNOW</b> specifics of the penal code or idiosyncratic uses of terms such as acronyms like CRC, CYA, CTS, PCDDP.
6. <b>INTERPRET</b> legal terms and concepts correctly even if there is no equivalent in the target language. For example, for the two-syllable English term "parole", the Spanish interpreter uses the eleven-syllable phrase "libertad condicional vigilada".	<b>INTERPRET</b> word for word. Concept for concept is a closer description of the mental process of interpretation. Some concepts expressed in one word in the original require several words in the target language. These mental gymnastics are performed also while following the speech simultaneously.
7. <b>FOLLOW</b> the train of thought of the speaker precisely and accurately, trying to anticipate what the next segment of speech will be.	<b>MAKE</b> assumptions about what the speaker intended to say but didn't say or make sense out of something nonsensical.
8. <b>INTERPRET</b> simultaneously for the defendant at the defense table and for formal or informal conferences.	<b>INTERPRET</b> simultaneously at the witness stand. Consecutive interpretation is necessary to allow the judge and jury the opportunity to see the witness' demeanor.
9. <b>SPEAK</b> very fast, usually lagging behind the speaker by one unit of thought in simultaneous interpretation. For this mode, the interpreter doesn't have time to consult a dictionary.	<b>INTERPRET</b> as fast as a speaker can read. Pre-memorized speeches of judges or attorneys delivered at reading speed or jury instructions read into the record and loaded with legal concepts can "lose" the interpreter.
10. <b>SIGHT TRANSLATE</b> a short written document. It is always preferable to have a long or complex document translated in written form, rather than pressure the interpreter to translate on the spot.	<b>SIGHT TRANSLATE</b> technical or unclear documents. It may not be possible to translate accurately without access to dictionaries or other references texts that took a long time or high expertise to prepare.
11. <b>BE</b> fatigued after long stretches of interpretation. The mind wanders, concentration is more difficult, and sleepiness sets in. Research shows that after 30 minutes on task, even excellent interpreters significantly decline in output quality.	<b>ATTEST</b> to accuracy of the record at the end of the day or after hours of simultaneous or consecutive interpreting without frequent breaks. Interpretation quality and record accuracy can be protected by using interpreter pairs working as a team in long evidentiary proceedings.
12. <b>CORRECT</b> the record after making a mistake as soon as it is noticed.	<b>SACRIFICE</b> accuracy for speed. The interpreter has the ethical responsibility to notify the speaker if there is a need to slow down.

# DO'S AND DON'TS FOR WORKING WITH COURT INTERPRETERS

	<b>DO ...</b>	<b>DON'T ...</b>
1.	<b>ENSURE</b> that the interpreter hears everything said in the courtroom. Allow the interpreter to move to different positions for better audibility.	<b>SPEAK</b> too softly, too fast or with your back to the interpreter. Microphones help, but because of poor courtroom acoustics, sometimes it is essential for the interpreter to see the mouth of the speaker.
2.	<b>SPEAK</b> at a reasonable speed. Speaking too slowly or in incomplete thoughts actually hinders the interpreter's job.	<b>READ</b> fast or render a previously memorized speech at a fast rate. Court reporters can keep up with faster speeds than interpreters.
3.	<b>GIVE</b> the interpreter sufficient breaks to help protect the accuracy of interpretation.	<b>USE</b> the interpreter during court breaks for other assignments. The interpreter also needs a break.
4.	<b>PROVIDE</b> the interpreter with a copy of materials that will be read into the record (i.e. jury instructions).	<b>EXPECT</b> the interpreter to know all legal jargon or specialized vocabulary without consulting references.
5.	<b>ALLOW</b> interpreters to perform the functions directly relating to interpreting. Interpreters asked to perform other functions appear to have authority or training they don't have.	<b>USE</b> court interpreters for clerical work in or outside the courtroom.' This holds interpreters accountable for work they are not qualified for and is not within their function.
6.	<b>CONSIDER</b> an interpreter to be a language specialist, not an anthropologist, psychologist or linguist.	<b>CALL</b> the court interpreter to the stand to testify about cultural practices referred to in the testimony.
7.	<b>PHRASE</b> your questions clearly to avoid confusion while questioning non-English speaking witnesses. Be sensitive to cultural differences (i.e. Is it culturally acceptable to point with a finger?)	<b>EXPECT</b> all terms and concepts to have an equivalent in both languages. If there is difficulty expressing an idea, the interpreter should inform the judge, and the judge may ask the attorney to rephrase the question:
8.	<b>TAKE</b> responsibility for clearing up misunderstandings during cross-examination, if you are asking the questions. <b>ADDRESS</b> the non-English speaker directly as if the interpreter were not present. Establish eye contact and speak directly to the person you are addressing.	<b>EXPECT</b> the interpreter to clear up misunderstandings. The interpreter is not trained to identify the legal implications created by misunderstandings. <b>ADDRESS</b> your questions to the interpreter. Don't say to the interpreter, "Tell him", "Ask him", "Find out if he", "Explain to him":
10.	<b>ALLOW</b> the interpreter and the non-English speaker to get used to each other's speech. Ask a witness a few questions through the interpreter a few minutes before the proceeding.	<b>EXPECT</b> the interpreter to perform without preparation in all situations. Background information is crucial to the performance of the interpreter.
11.	<b>TAKE</b> responsibility for locating an interpreter with enough time for your non-English speaking witness,	<b>EXPECT</b> to find a qualified interpreter at the last minute for your witnesses or your client.
12.	<b>CONSULT</b> the Judicial Council list of certified and registered interpreters to find or verify the qualifications of an interpreter,	<b>RELY</b> on non-certified interpreters. This could jeopardize the outcome of your case.
13.	<b>USE</b> professional interpreters for office and jail interviews, to interview witnesses, and to prepare them for testifying.	<b>BE</b> surprised if a witness' testimony is different at trial when you have relied on ad hoc interpreters during investigation and case preparation.
14.	<b>VERIFY</b> the certification of the interpreter in court. The outcome of your case could depend on the proper screening of the interpreter. Non-certified interpreters have not passed the screening designed to protect the due process of the law.	<b>TAKE</b> for granted that all interpreters you see regularly in court are certified. Many court administrations lack the adequate organization to guarantee the exclusive use of certified interpreters or qualified interpreters in the case of non-certifiable languages.