

Working with Court Interpreters

Adapted from *Bench Orientation: Working with Interpreters*,
developed by the Superior Court of California, County of Contra Costa, 2004

PLEASE DO:

- Ensure that the interpreter can hear everything said in the courtroom. Allow the interpreter to move to different positions for better audibility.
- Provide the interpreter with a copy of materials that will be read into the record (*i.e.*, jury instructions).
- Speak at a reasonable speed—speaking too slowly or in incomplete thoughts will actually hinder interpretation.
- Actively monitor and manage the noise level in the courtroom.
- Allow the interpreter to review the court file prior to the hearing to become familiar with names, dates, and any technical vocabulary.
- Encourage attorneys to confer with the interpreter well prior to calling a witness to alert the interpreter to communication issues or the use of any special terminology.
- Monitor the interpreter’s interactions with the non-English speaking party. There should be no or few side conversations.
- Encourage counsel to avoid the use of double negatives or questions starting with “Isn’t it true that...” or “Did you not...”
- Take into account the fatigue factor. Allow for breaks or alternate interpreters. Research shows that after 30 minutes, the accuracy of even the best interpreters will decline—usually before the interpreter realizes it.
- Handle challenges to interpretation at a sidebar. Certified interpreters are the language specialists in the courtroom; they may request time to check a reference, confer with a colleague, or request permission to clarify meaning with the non-English speaker.

PLEASE DON’T:

- Ask an interpreter to sight translate a complex document on the spot; pressuring an interpreter to do so may jeopardize the accuracy of the record.
- Ask the interpreter to translate simultaneously at the witness stand. Consecutive interpretation is necessary to allow the judge and the jury to see the witness’s verbal and nonverbal behaviors, which is essential in the evaluation of credibility.
- Assume that the accuracy of interpretation is the same for all languages. The degree of symmetry between English and the second language has an effect on the

preservation of the original message and rendering of a precise, legally equivalent interpretation.

- Ask the interpreter to give advice or take on the role of providing legal information. (The interpreter can be asked to “read” a form, but not to explain it or help the party to complete it.)
- Expect that the interpreter will know all of the legal jargon or terminology used in court, and some concepts may not have an exact equivalent in the other language. Interpreters may need to consult references or inform the judge that there is difficulty expressing an idea, and ask for it to be rephrased.