

COURT INTERPRETERS: PROVIDING ACCESS TO JUSTICE FOR NON- ENGLISH SPEAKERS



Learning Outcomes

- Importance of using Certified and Registered interpreters
- Interpreters' role and ethical obligations
- Legal requirements
- Where to find more information and resources

What qualities make
someone a good
interpreter?



Interpreting Is Easy, Right?

1. Simultaneous Interpreting
2. Consecutive Interpreting



Court Certified and Registered Interpreters



Certified

1. English Written Exam with Translation
2. Orientation
3. Oral Interpretation Exam
4. Criminal Background Check
5. Oath
6. Ongoing Training

Registered

1. English Written Exam
2. Orientation
3. Oral Language Exam
4. Criminal Background Check
5. Oath
6. Ongoing Training

We Currently Have Credentialed Court Interpreters In These Languages:

Certified

- Spanish
- Russian
- Vietnamese
- Korean
- Cantonese
- Laotian
- Khmer
- Mandarin

Registered

Amharic, Bosnian/
Croatian/Serbian, Bulgarian,
Romanian, Tagalog, Polish,
Czech, Dutch, Farsi, French,
German, Hebrew, Hindi,
Indonesian, Italian,
Japanese, Portuguese,
Punjabi, Samoan, Thai, and
Urdu

Ethical & Professional Standards of Court Interpreters



GR 11.2: CODE OF CONDUCT

6 General Canons:

- Professionalism
- Doctrine of Accuracy & Completeness
- Report impediments to performance
- Conflict of interest
- Confidentiality
- Unauthorized Practice of Law



GR 11.2: CODE OF CONDUCT

If you encounter a case of interpreter misconduct, please contact the AOC Court Interpreter Program.



What Interpreters Do

- Render all utterances accurately and completely
- Preserve and render content, tone, and level of speech
- Omit and add nothing
- Observe impartiality and confidentiality

Interpreters Are Not...

- Advocates
- Consultants on culture or customs
- Helpers with forms and instructions
- Translators

Interpreter or Translator?

- Interpreting = spoken word
- Translating = written documents
- Related, but different crafts
- Many interpreters translate, but many do not

Interpreter Standards

- Professional
- Unobtrusive
- Impartial
- Superior Linguistic Skills



Practical Tips

- Use direct speech
- Limit use of acronyms
- Actively monitor the pace of the speakers, allow for pauses in between speakers
- Invest in simultaneous interpreting equipment
- Hire teams for trials & long hearings

What's Required by Law, and Who Pays?



Sign Language

- ADA and WLAD apply because interpreter is needed for a disability.
- Always obtain and pay for an interpreter – parties, observers, court-mandated programs, etc.

Foreign Language – WA Requirements

- In all legal proceeding initiated by agencies of government, the cost shall be borne by the governmental body. RCW 2.43.040 (2)
- In all other proceedings, the cost of providing the interpreter shall be borne by the non-English speaking person unless such person is indigent. RCW 2.43.040(3)

Foreign Language: Federal Requirements

Title VI of the Civil Rights Act of 1964

No person shall “on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance.”

Foreign Language: Federal Requirements

Executive Order 13166 (Aug. 2000)

“Each Federal agency shall draft Title VI guidance specifically tailored to its recipients” of Federal funding.

U.S. Dept. of Justice LEP Guidance

- Requirement for language access extends to a recipient's entire program. Even if only one section receives the Federal assistance.
- Recipients are required to take **reasonable steps** to ensure **meaningful access** to their programs and activities by LEP persons. Four part balancing test:

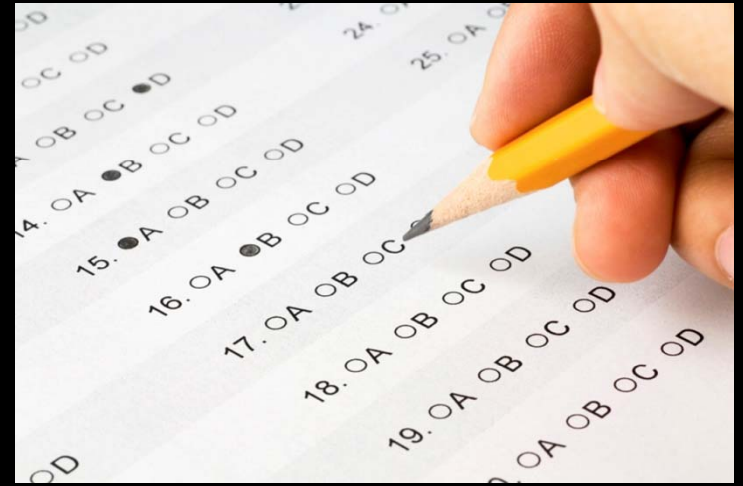
DOJ Four Part Balancing Test

1. **Number/proportion** of LEP persons likely to be encountered by the program;
2. **Frequency** with which LEP individuals come in contact with the program;
3. Nature and **importance** of the program; and
4. **Resources** available to the recipient and costs.

DOJ Requirements

What does this mean for
Washington courts?

How Would You Respond To These Real-Life Scenarios?



You require a Dinka interpreter for a plea hearing. Your staff hires someone through an agency, but he clearly has little experience in court.

What Would You Do?

An LEP defendant and the court interpreter are sitting next to each other in the courtroom, waiting for the case to be called. You see them engaging in a dialogue.

What would you avoid this?

A Korean speaking pro se litigant has a court hearing. Either before, or after the hearing, she must complete some court forms. The forms are in English.

What Would You Do?

A criminal trial is scheduled, and the defendant speaks a foreign language. The trial is expected to last at least two days.

How many interpreters do you request? In anticipation of the expenses, what steps do you take with the attorneys?

Where Can You Find Resources?

AOC Court Interpreter Program

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Interpreter Commission

Members

[Inside Courts](#)



Thank you
Final
Questions?

