



Get Me An Interpreter, Now!

What Court Administration Staff Need To Know About Court Interpreters

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This reference guide has been created to give all court staff information on the rules, statutes, policies and suggested practices regarding court interpreters. Some of the suggested practices may not fit for your individual district court, so when in doubt please check with your Court Administrator.

1. **Determining whether an interpreter is needed**

You may learn that a person needs an interpreter by (but not limited to) the following:

- The litigant/witness/participant has difficulty communicating
- The litigant/witness/participant and/or attorney requests an interpreter
- A representative from an outside agency has notified the court of the need for an interpreter (e.g. probation, public defender, social worker, prosecutor, etc.)
- The Judge has the ultimate discretion to determine whether a person's English skills are strong enough to merit NOT hiring an interpreter.
- In some counties a signed waiver may be put in the record for litigants who refuse interpreting services.

2. **When does a person have the right to a court-appointed interpreter?**

- Litigants: The court must appoint and pay for a qualified interpreter for all litigants in a court proceeding. If a litigant requests a foreign language interpreter or a sign language interpreter, a qualified interpreter must be provided by the court. This includes all criminal, civil, family, juvenile, and probate proceedings.
- Witnesses: The court must appoint and pay for a qualified interpreter for all witnesses for their testimony in court proceedings. If a litigant requests a foreign language interpreter or a sign language interpreter, a qualified interpreter must be provided by the court. This includes all criminal, civil, family, juvenile, and probate proceedings.
- Participants: Under Rule 8, the court is required to appoint and pay for a qualified foreign language or sign language interpreter for all participants including defendants, witnesses (only while they are testifying), juveniles, parents/legal custodians of juveniles, etc.
- Court Observers: The Court is not required to appoint a foreign language interpreter for an observer of court proceedings. However, if the court observer is deaf or hard-of-hearing, under the Americans with Disabilities Act (ADA), the court is required to provide the individual with a qualified sign language interpreter or other assistance as requested.
- Jurors: Minnesota courts do not have to provide a foreign language interpreter for jurors but it must provide a qualified sign language interpreter for deaf jurors under ADA.

3. **The Statewide Roster**

Pursuant to Rule 8, the State Court Administrator shall publish and maintain a statewide roster of interpreters, which shall include:

- Certified Court Interpreters;
- Non-certified Court Interpreters; and
- Non-certified Sign Language Court Interpreters

The roster can be found by accessing the interpreter search at the following web site:
<http://courtnet/interpreters/>

Inclusion on the Statewide Roster only indicates that an individual has met the minimum requirements. It does not guarantee competency or proficiency in the specialized skills of court interpreting.

Certification: Only the certification process pursuant to Supreme Court Rules on Certification of Court Interpreters, including court interpreter proficiency exams, provides assurance of competency. Qualifications required for certification can be found at the above website. Currently Minnesota has court certified interpreters in the following languages:

- Hmong;
- Mandarin;
- Russian;
- Sign language;
- Spanish; and
- Vietnamese.

4. **Appointment of Interpreters**

Whenever an interpreter is required to be appointed by the court, the court shall appoint only a **certified** court interpreter who is listed on the statewide **roster** of interpreters. If the court has made diligent efforts to obtain a certified court interpreter and found **none** to be **available**, the court shall appoint a **non-certified** court interpreter who is otherwise competent and listed on the statewide **roster**.

As a **last resort**, if no interpreters on the roster are available, or if you need an interpreter for a language that isn't included on the roster, you may use an interpreter who is not on the roster. Also, make sure to follow the steps below in #12.

5. **How to Locate Interpreters**

Contract interpreters may be obtained individually as freelancers, or through interpreter agencies.

- **Freelance Interpreters:** The contact information for all interpreters on the Roster is located on CourtNet (see the top of this page). You may contact interpreters directly to schedule them for hearings.
- **Interpreter Agencies:** You may want to consider obtaining interpreters through agencies instead of contacting them directly. Agencies *may* be able to offer additional benefits such as interviewing and training interpreters.

If you rely on interpreter agencies, be sure to actively monitor the qualifications of the interpreters they send. The court is responsible for compliance with Rule 8 of

the General Rules of Practice, and for assuring that certified interpreters are used whenever available. When agencies send interpreters who are not certified and/or are not on the roster, it is ultimately the courts who are responsible for using unqualified interpreters.

When making arrangements with interpreters, consider sending the interpreter a standardized form which indicates details such as the time & location of the assignment, the agreed-upon payment rate, etc. Some counties have found this approach to be helpful for avoiding misunderstandings.

Questions to ask agencies: When deciding whether to obtain interpreters through an interpreter agency, consider asking the following questions to get a better feel for the quality of services the agency will deliver:

- How do you recruit your interpreters?
- Which court-certified interpreters do you work with?
- What is your training process for interpreters? Do you provide any legal-specific training?

6. When to Appoint Two Interpreters

- **Interpreter Fatigue:** Team Interpreting is an industry standard required in federal courts, the State Department, the United Nations, and many states that have court interpreting programs. Team interpreting is used for proceedings longer than **two hours** to ensure accurate interpretation and reduce fatigue. Court interpretation requires a high degree of concentration and studies show that after 30 minutes of interpreting errors steadily rise. A team of two well-trained and experienced court interpreters can complete a trial much more quickly, efficiently, and more accurately than one over-worked interpreter.

- **Sensitive Matters:** In cases involving sensitive matters between two adversarial parties, it is often advisable to use a separate interpreter for each party, some examples are:

- -Order for Protection/Harassment hearings
- -Contested custody hearings
- -CHIPS hearings

At such hearings, sometimes one party is in possession of information it wishes to conceal from the other party (E.g. location of children under protective court orders; location of shelter where abuse victim is staying). Although interpreters are officers of the court and bound by confidentiality, a party may not appreciate this and feel more comfortable with their own interpreter.

7. Electronic Equipment

All districts have been provided multiple sets of in-court electronic interpreting equipment. This equipment can be used for any type of hearing, and is particularly beneficial because (1) the interpreter can interpret quietly and cause less disturbance and (2) the interpreter can be positioned anywhere in the courtroom.

The interpreting equipment has been found to be especially useful in the following situations:

- Hearings/trials involving multiple defendants/parties. This allows one interpreter to interpret for several people at once.
- Family hearings such as; CHIPS, Harassment, Domestic Abuse, Child Support, and Custody hearings. These hearings are typically crowded, the headsets allow one interpreter to interpret for more than one person, and avoids the need for extra interpreters in an already crowded courtroom. It also ensures that the parties are hearing the same interpretation (from the same interpreter) instead of two separate renditions.

If you're not familiar with this equipment, check with your court administrator or interpreter scheduler to find out about their procedures for using the interpreting equipment. If you need extra instructions on how to use this equipment, contact the Court Interpreter Program at CIP@courts.state.mn.us

8. **Non-Courtroom Events, Who Pays for the Interpreter?**

The following provides some guidance to who is responsible for interpreter costs, but this is not an exhaustive list. Contact your local court administrator for any situation not described below:

- Unless a judge has specifically ordered otherwise, the courts are not responsible for hiring interpreters for outside agencies such as prosecutors, public defenders, etc. This is true even if the interpreter will help with preparing for courtroom events.
- Even when a person has been ordered by the court to participate in some activity that will require interpretation (PSI's, juvenile psych evals, Rule 25s, domestic abuse evaluations, etc.), it is not the responsibility of the court to obtain or pay for the interpreters.
- When a court visitor is appointed to serve a petition upon and interview a respondent who is deaf, the court should provide a sign language interpreter as an ADA accommodation and that expense should be paid from the budget from which other ADA accommodations are paid.

9. **Monitoring Interpreters**

- It is recommended that your district court develop a system for interpreters to sign in upon arrival, and sign out upon completion of the assignment. When interpreters arrive you'll be able to direct them to the appropriate location, and having them check in before leaving assures that they leave only once the assignment is complete. Also, having their times recorded will help later when you have to verify the times on their invoices.
- The SCAO has printed up interpreter badges that you should already have. (If you need more, contact cip@courts.state.mn.us.) These badges should be given to interpreters only for the time they are in court, and they shouldn't take them home with them. It's recommended that they get the badge when they first check in, and return it upon checking out.
- While interpreters are required to follow many rules, you can easily identify certain forms of interpreter misconduct. For example, (1) interpreters must interpret everything that is being said in court, and (2) interpreters should not hold outside conversations with the person(s) they're interpreting for. To see the full Code of Professional Responsibility that all court interpreters must follow, go to <http://courtnet/interpreters/> and click on "Reference Library."

- If there are any concerns about whether an interpreter has violated any rules of ethics, please let your concerns be known. Contact either the interpreter scheduler, the court administrator, or the Court Interpreter Program Coordinator at 651-215-0046.

10. Paying Interpreters

All interpreters, agencies and district courts are bound by the Payment Policy (Policy 18). Only in extreme situations should we ever pay anything beyond the set amounts. For many market reasons, it is important that all district courts follow this uniform payment policy. In a nutshell, the payment policy is as follows:

Foreign Language Interpreters:

\$50/hr	Court Certified Interpreters
\$30-\$40/hr	Non-certified spoken language
\$25/hr	Anyone not on the roster

Sign Language Interpreters:

\$70/hr	Court Certified Interpreters
\$55/hr	Sign language interpreters on the roster

- There is a **2-hour minimum payment**, regardless of how short the assignment is. Beyond that, they are paid based on 15 minute increments.
- When interpreters travel **35 miles or more one-way**, they are paid at the same hourly rate as listed above. There is no 2-hour minimum for travel time.
- The courts **do not reimburse for mileage or parking**.
- **All persons scheduling hearings must be familiar with the cancellation policy.** When interpreters are scheduled for hearings lasting **one day or less**, you must cancel at least **24-hours** in advance (business days). If 24-hours notice is not given to the interpreter, the courts must **pay for two hours**. When interpreters are scheduled for **hearings lasting more than one day**, you must cancel at least **48-hours** in advance (business days). If 48-hours notice is not given to the interpreter, the courts must **pay for two days**.
- In some cases the court may have to pay for interpreter **lodging and meals**. The Court Administrator must give pre-approval before these expenses can be reimbursed.
- To see a full copy of the payment policy (Policy 18), go to <http://courtnet/interpreters/> and click on "Reference Library."

11. Filling Out Forms

- If a person requests help filling out a form due to a disability (deaf person who can't read, blind person, etc.), the court is required under the Americans with Disabilities Act and the Minnesota Human Rights Act to help in filling out the forms.
- Your Court Administrator and judges should determine the standard to apply in your district court when a person requests help filling out a form because he/she does not read/write in English.

12. What to do When Using an Inexperienced Interpreter.

While interpreters in common languages such as Spanish, Hmong, and Somali typically have experience working in the courts, interpreters of other languages frequently do not. There are extra steps that should be taken when hiring an inexperienced interpreter.

When scheduling: Make sure the interpreter knows

- The courthouse location,
- The courtroom location,
- Where to park,
- What time to arrive, and
- Where to check in upon arrival.

Also, to help prepare the interpreter and make his/her interpretation more effective in the courtroom, see #15 below re: providing the interpreter information from the case file.

Advise the Judge and Judge's Clerk:

- That the interpreter is inexperienced,
- That it is recommended that the judge inquire on the record into the interpreter's professional experience, and
- That it is recommended that the judge instruct the parties and attorneys to speak at a slower rate so that the interpreter can keep up.

13. Preparing the Courtroom

- Check the bench to be sure the judge has available the Interpreter's Voir Dire (sample can be found on Courtnet/Interpreter Home Page/Reference Library/Resources/Sample Voir Dire).
- If your courtroom is equipped with simultaneous translation equipment (transmitters and a receiver) check the equipment for working batteries, and set out for the interpreter and the party requesting interpretation. If your county does not have this equipment, it may be available for checkout through your district office.
- Check to see that counsel tables have a sufficient number of chairs to accommodate party requesting interpretation, attorneys, and interpreter(s) and that microphones are on and situated correctly. If allowed, have fresh water and cups available on the counsel tables.
- Make sure that the interpreter has sufficient table space for a dictionary, note taking, etc.
- If there will be a sign language interpreter, the interpreter will want to stand facing the deaf person(s).
- Ensure that the interpreter's oath is available to the clerk, or the judge, or whoever administers the courtroom oaths in your county. For jury trials, interpreter JIGs should also be made available (Crim JIG 2.05 or Civ JIG 10.15).
- See #15 below for information to provide the interpreter.

14. Special Interpreter Considerations for Deaf Persons

Because people who are deaf are entitled to full participation in the courts, and their participation is protected by the Americans with Disabilities Act and the Minnesota Human Rights Act, deaf people are entitled to court-appointed and court-paid

interpreters in more situations than are foreign-language speaking people. For example:

- **Jury Service.** Deaf people are not denied participation from jury service because of their deafness. When a deaf person is called for jury service, the court is responsible for hiring a team of two interpreters.
- **Courtroom Observers.** The courts must provide sign language interpreters to deaf persons who wish to observe courtroom proceedings. These observers do **not** have to be parties, witnesses, participants or relatives. When a deaf person notifies the court that he/she will be observing a courtroom proceeding, the court is responsible for hiring and paying for an ASL interpreter (or team of interpreters, depending on the duration of the event – see #6 above).
- **Filling Out Forms.** If a person requests help filling out a form due to a disability (deaf person who can't read, blind person, etc.), the court is required to help in filling out the forms.
- **Figuring Out What Works.** If you're not sure what accommodation a person needs due to his/her disability, ask that person. They'll likely be able to tell you exactly what they need to be able to participate in courthouse events.
- **Documentation.** When making efforts to accommodate a person with a disability, be sure to document the steps you have taken to make the accommodation.
- While accommodation requests may be made in advance or may be made at the last minute, make your best efforts with the time that is available to you.

15. Practical Tips

Scheduling

- Consider using a standardized interpreter request form for court staff when making interpreter requests. All interpreter requests should be submitted in writing.
- Consider using your Outlook Calendar as a way to coordinate interpreter scheduling. This way everyone can see when interpreters have been scheduled to appear in court.

Provide Documents to Interpreter About the Case

- To help prepare interpreters for proceedings, provide them case-specific documentation (ticket, complaint, delinquency petition, OFP petition and affidavit, warrants, probation violation, etc.), the name of the person for whom the interpreter will be interpreting and that person's relationship to the case (defendant, parent, petitioner etc.), the number of people for whom interpretation will be provided in the given proceeding, courtroom location, attorneys' names.

For trials, provide the interpreter the following documents if available:

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| ▪ The name of the other interpreter | ▪ Additional police reports |
| ▪ The Complaint | ▪ Transcripts |
| ▪ Witness lists | ▪ Lab reports |
| ▪ Exhibit lists | ▪ Expert witness information |
| ▪ Affidavits | ▪ Jury Pool list |
| ▪ Stipulations and motions | ▪ All jury instructions |

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