

# Bench Card – Hearings with Sign Language Interpreters

## Quick Overview:

**Right to an Interpreter:** Federal and state laws require courts to provide sign language interpreters to people who are Deaf, Deafblind, and hard of hearing (DHH) in a broad array of situations – parties, witnesses, courtroom observers, and jurors, among others. [Click here for more](#)

**Finding Interpreters:** In collaboration with the AOC, the DSHS Office of the Deaf and Hard of Hearing (ODHH) maintains a list of American Sign Language (ASL) and Certified Deaf Interpreters (CDIs) who are trained and tested for court proceedings. [Click here for more](#)

**Individual Language Needs:** Not all people who are DHH communicate in ASL. The court may need to take additional steps to provide the right communication match. [Click here for more](#)

## Team Interpreting

A team of two interpreters is required for trials, proceedings lasting more than one hour, and challenging linguistic situations. A team of intermediary interpreters may also be required. A single interpreter may work alone only when good cause has been established and the interpreter is given a ten-minute break after twenty minutes of interpretation. [GR 11.4](#).

## Certified Deaf Interpreters (CDI's)

An *intermediary interpreter* or Certified Deaf Interpreter (CDI) may be needed in addition to an ASL interpreter. A CDI is a professional interpreter who is Deaf, an expert in ASL linguistics, and a native user of ASL. These skills uniquely qualify them to meet the linguistic and cultural needs of a Deaf person. A CDI may be necessary if the Deaf participant is Deafblind, foreign born, has mental or cognitive difficulties, or communicates in a non-standardized sign language.

**Remote Interpreting** may be provided in limited circumstances. [GR 11.3](#).

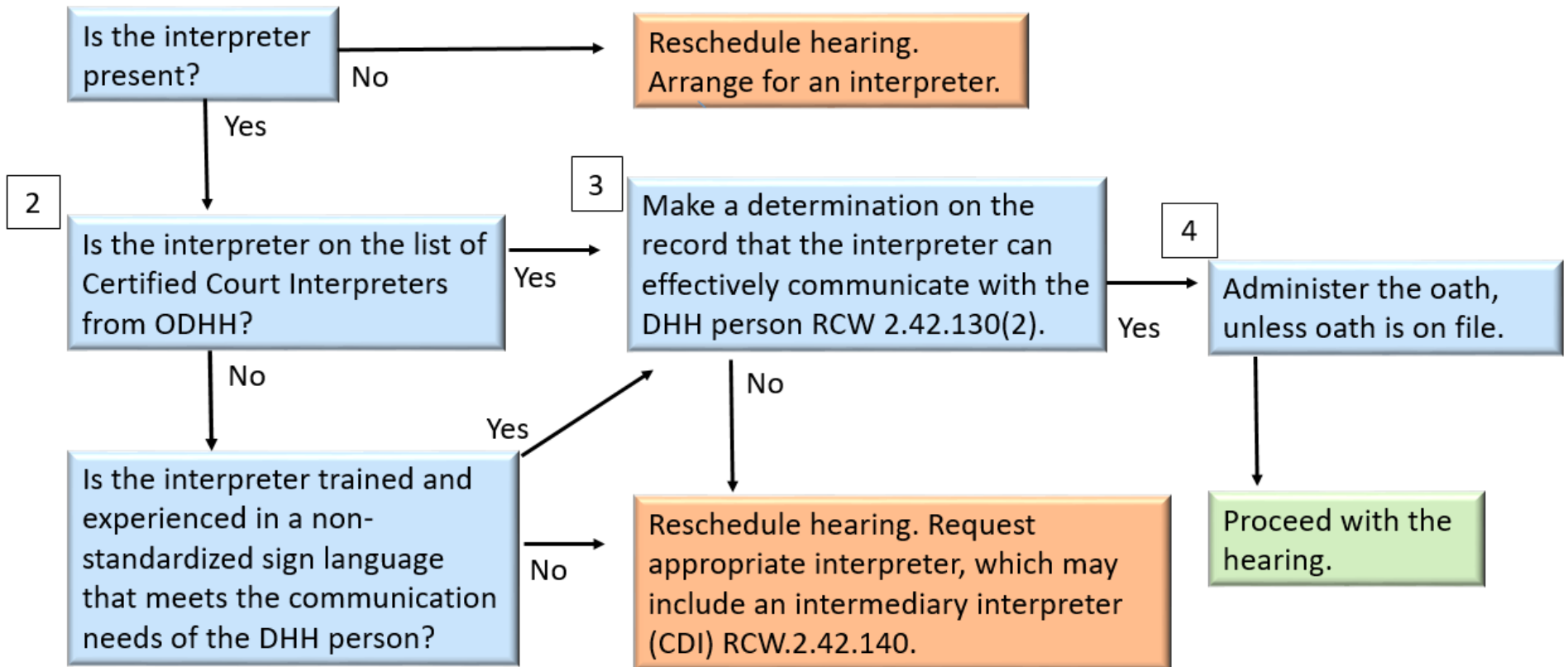
## Jury Members who are Deaf or Hard of Hearing

People who are DHH have an equal right and civic duty to serve on juries. A team of court interpreters must be sworn-in to interpret the proceedings and deliberations. These interpreters are impartial court officers who do not participate in nor influence the deliberations. The court should instruct the interpreters and the jury regarding the interpreter's role.

**Sample Oath for Interpreting Jury Deliberations:** *Do you swear that you will not participate in the deliberations, you will keep all communications in the jury room confidential, and you will not speak directly to any juror or allow a juror to speak to you but will, instead, provide communication access with fellow jurors so that the deaf juror can faithfully discharge his or her duties as a juror?*

# Quick Guide for Hearings with Sign Language Interpreters

1 **Right to an Interpreter:** State and federal laws require courts to appointment sign language interpreters in a broad range of situations.



## 1 Right to an Interpreter

Deaf, Deafblind, and hard of hearing (DHH) individuals have the right to free interpreter services in many situations, including:

- as a party or witness in a criminal or civil proceeding – [RCW 2.42.120\(1\)](#)
- as a parent, guardian, or custodian of a juvenile – [RCW 2.42.120\(2\)](#)
- during communication with indigent defense counsel in case preparation - [RCW 2.42.120\(6\)](#)
- as a juror, observer, attorney - [ADA/WLAD](#)
- during interactions with programs outside of a legal proceeding, such as court-ordered programs, law enforcement interactions, and interactions at the jail - [ADA/WLAD](#)

## 2 Interpreter Qualifications

[RCW 2.42.130](#) requires courts to appoint sign language interpreters and intermediary<sup>1</sup> interpreters from a [list of court certified interpreters](#) maintained by the DSHS Office of the Deaf and Hard of Hearing (ODHH).

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<sup>1</sup>[RCW 2.42.110](#) refers to *intermediary interpreters*, who are commonly identified as Certified Deaf Interpreters (CDIs) or Deaf Interpreters (DIs). Intermediary interpreters are Deaf, experts in sign language linguistics and

Courts must also accommodate the linguistic needs of people who use non-standardized interpreting modes such as tactile ASL, cued speech, lip-reading translation, or signed exact English. Some may require accommodations such as real time transcription. [ADA/WLAD](#). The ODHH [Regional Service Centers](#) provide additional assistance in locating interpreters and answering questions about communications accommodations. For more details, see [Ensuring Equal Access for People with Disabilities](#).

## 3 Can the Interpreter Effectively Communicate?

[RCW 2.42.130\(2\)](#) requires an individualized inquiry that the DHH person is able to understand an interpreter. If an interpreter is unable to provide accurate, impartial, and effective communication, the court must appoint another qualified interpreter or an intermediary interpreter ([RCW 2.42.140](#)).

## 4 Swear In the Interpreter

*Do you swear (affirm) that you will make a true interpretation to the best of your skill and judgment?*

ASL, and provide a communication bridge when the DHH person is not fluent in ASL.

# Best Practices

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## Use Direct Speech

Direct speech helps ensure a clear record of who said what. If a Deaf, Deafblind or hard of hearing (DHH) participant states, "I saw my aunt," the interpreter will state "I saw my aunt," not, "He says he saw his aunt."

Referring to themselves, interpreters use the third person. For example, "The interpreter cannot hear counsel."

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## Speak Slow and Steady

Everyone should speak one at a time, deliberately and clearly. Judges can set the pace by doing so themselves and monitoring the speakers throughout the proceeding.

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## The Importance of Pauses

Interpreters need speakers to pause between questions and answers. Participants should wait for each question to be fully interpreted before starting their answers.

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## Interpreter Placement

Due to the visual nature of sign language, interpreters typically stand or sit near the person who is speaking, in front of and in direct sightline of the DHH participant. As a result the DHH person is able to see both the interpreter and the speaker.

Placement for CDI and tactile interpreters will vary.

Provide chairs for interpreters to sit, and a small table for notes and water.

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## Documents and Exhibits for Interpreters

In advance of the hearing, court personnel and attorneys should provide interpreters with relevant written materials such as complaints, affidavits of probable cause, written motions, etc. These help interpreters familiarize themselves with the factual and legal issues, specialized terminology, and names. In addition, all documents read aloud in court should be provided to interpreters in advance.

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## Special Considerations for Trials:

- If DHH witness testimony is expected, provide interpreters a **microphone**.
- **Videotape** DHH witness testimony to preserve the original statements.
- If there are opposing DHH parties or DHH audience members, provide a **screen or divider** to prohibit others from viewing privileged communications at counsel table.
- Carefully pause in between **jury instructions** until the interpreter finishes. Provide a copy to the interpreter in advance.

For additional information, please contact:

[AOC Court Interpreter Program](#)  
[interpreters@courts.wa.gov](mailto:interpreters@courts.wa.gov)