

Complaint and Disciplinary Procedures – Case Studies

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Please read the following scenarios and discuss with your table how your state might address the issue. You can assume that all interpreters mentioned have met the requirements to be listed on your state's registry or roster of interpreters. Please state whether your state is unified or non-unified, and if applicable, whether your protocol would differ for staff or freelance interpreters.

There are no "correct" answers. The main objective of this exercise is to learn about other states' policies and procedures and get exposure to alternative approaches.

- 1) An ex-husband in a child custody case files a complaint with your office alleging that the Spanish interpreter for his ex-wife did not interpret accurately and was inappropriately giving legal advice. There is no digital recording of the hearing, but there is a court transcript available. The interpreter denies all allegations and displays an understanding of the proper role of an interpreter. A review of the court transcript shows language that appears to be summary interpreting, and the court reporter noted several times that the interpreter had a private conversation with the ex-wife without asking the court's permission. Other present parties include the judge, the clerk, the Guardian Ad Litem, and the ex-husband's attorney.

Would your office investigate further, and how? What sanctions, if any, would your office impose on the interpreter?

- 2) An attorney for an LEP domestic violence victim files a complaint with your office alleging that her client told her that the interpreter knew her alleged abuser. The LEP person speaks Hmong and the interpreter is one of two Hmong interpreters listed on your state's interpreter registry. The other Hmong interpreter was contacted by the court but was not available. The complaint alleged that the interpreter did not interpret everything that the alleged abuser said, and the interpreter approached the stand without permission and frightened the victim. A digital recording of the case is available. The court was unaware of any potential conflict of interest.

How would your office address this complaint?

- 3) The Clerk's office contacts you and informs you that they hired an interpreter for a DUI hearing, and the interpreter contacted them afterwards and said he hopes the case is dismissed. The interpreter told them that the only interested party is the arresting officer, and that the arresting officer will pursue his point regardless of the cost to the state and to the defendants' lives. The interpreter stated that the defendants were drunk, but they were not hurting anyone; that they just want to live in peace and raise their three children. He closed by saying that if he has to be in court with this case he will do a professional job interpreting, but he will be biased towards the family.

How should this situation be handled?

- 4) The judge is notified that an interpreter in his county is taking down the names of every defendant, the charges, the bond amount, then proceeding to call the families to advise them to follow her to a bondsman. He knows this because the families that call him regarding bonds tell him that the lady from court called them. The judge complains to your office and says that this interpreter should not be able to interpret in bond courts, and says further that she is practically running a bond business monopoly since she's the first person who talks to the defendants and their families. His complaint is that licensed bondsmen cannot compete in this environment, and that if she wants to be a bondsman, she should get licensed. He can provide witnesses if necessary.

Is this a violation of the court interpreter rules? How would you handle this situation?