

Douglas County District Court

Interpreter Guidelines

Thank you for your interest in providing interpreting services for the Douglas County District Court. The following information is adapted from the **Interpreter Handbook Ethics & Procedures**, a publication of the Kansas Advisory Committee on Hispanic Affairs. Please read the material and ask the Court Administrator any questions you may have.

Introduction

Many interpreters in the Douglas County District Court have received specialized training in court interpreting. Others have not. This guide is intended to help develop mutual understanding on the part of the courts and interpreters. If you have questions, please ask. A clear understanding will benefit interpreters, the Courts, and the defendants and witnesses who appear in Court.

Legal Criteria for Interpreters

Following is the text of Kansas Statutes Annotated 75-4353, which lists the required qualifications for Kansas court interpreters:

75-4353

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES **Article 43.--PUBLIC OFFICERS AND EMPLOYEES**

75-4353. Same; qualifications of interpreter; determination; persons disqualified. (a) No one shall be appointed to serve as an interpreter for a person pursuant to the provisions of K.S.A. 75-4351, and amendments thereto, if such interpreter is married to that person, related to that person within the first or second degrees of consanguinity, living with that person or is otherwise interested in the outcome of the proceeding, unless the appointing authority determines that no other qualified interpreter is available to serve.

(b) No person shall be appointed as an interpreter pursuant to the provisions of K.S.A. 75-4351, and amendments thereto, unless the appointing authority makes a preliminary determination that the interpreter is able to readily communicate with the person whose primary language is one other than English and is able to accurately repeat and translate the statement of such person.

(c) In appointing a qualified interpreter for a person whose primary language is other than English pursuant to the provisions of K.S.A. 75-4351 et seq., and amendments thereto, the appointing authority shall appoint: (A) A qualified interpreter who meets the following criteria; or (B) a qualified interpreter who is employed by a technology-based, telecommunications interpretation service available on a twenty-four hour basis who meets the following criteria:

- (1) A general understanding of cultural concepts, usage and expressions of the foreign language being interpreted, including the foreign language's varieties, dialects and accents;
- (2) the ability to interpret and translate in a manner which reflects the educational level and understanding of the person whose primary language is other than English;
- (3) basic knowledge of legal rights of persons involved in law enforcement investigations, administrative matters and court proceedings and procedures, as the case may be; and
- (4) sound skills in written and oral communication between English and the foreign language being translated, including the qualified interpreter's ability to translate complex questions, answers and concepts in a timely, coherent and accurate manner.

History: L. 1972, ch. 341, § 3; L. 1973, ch. 364, § 3; L. 1993, ch. 223, § 6; July 1.

Interpreters Qualifications

So as to assure the best interpreting possible, the Court may ask you questions beyond those qualifications named in the Kansas Statute governing interpreters. (See previous section.) Following are the kinds of questions that you may be asked.

1. Do you have any particular training or credentials as an interpreter?
2. What is your native language?
3. How did you learn English?
4. How did you learn the foreign language?
5. What was the highest grade you completed in school?
6. Have you spent any time in the foreign country?
7. Did you formally study either language in school? To what extent?
8. How many times have you interpreted in court?
9. Have you interpreted for this type of hearing or trial before?
10. Are you familiar with the code of professional responsibility for court interpreters? What are some of the main points?
11. Are you a potential witness in this case?
12. Do you know or work for any of the parties?
13. Do you have any other potential conflicts of interest?
14. Have you had an opportunity to speak with the non-English person?
16. Are you able to interpret simultaneously without leaving out or changing anything that is said?
17. Are you able to interpret consecutively?

Interpreter Ethics

Interpreters are skilled professionals who play an essential role in protecting the rights of non-English speaking people. Like all professionals, interpreters have ethical

responsibilities. All interpreters should adhere to the following guidelines regardless of what situation they encounter.

1. Court interpreters shall act strictly in the interest of the court.
2. Interpreters shall reflect proper decorum and act with dignity and respect.
3. Interpreters shall avoid professional or personal conduct that could discredit themselves or the court.
4. Interpreters shall not disclose any information obtained from interpreting duties.
5. Interpreters shall disclose any prior involvement with that case, or private involvement with the parties or others significantly involved in the case.
6. Interpreters shall inform the parties of any difficulty in the observance of their ethical responsibilities or any effort by another to violate their ethical responsibilities.
7. Interpreters shall work unobtrusively with full awareness of the nature of the proceedings.
8. Interpreters shall interpret everything said, accurately and faithfully without personal bias and avoid even the appearance of partiality.
9. Interpreters shall avoid unnecessary contact with parties, witnesses, attorneys, defendants, jurors, and their families. This should not limit appropriate contact necessary to prepare adequately for their assignments.
10. Interpreters shall not give advice of any kind to any party and shall not express their personal opinions.
11. Interpreters shall refuse any assignment for which they are not qualified.
12. Interpreters shall accurately state their professional qualifications.
13. Interpreters shall refuse gifts or consideration in excess of their authorized compensation.
14. Interpreters shall not edit any portion of the language of the speaker.
15. Interpreters shall advise the parties of any errors of interpretation.
16. Interpreters shall support other interpreters by sharing their knowledge.

Professional appearance

For court business, “proper decorum” includes being well groomed by American standards and professionally attired. This means interpreters need to be neat and clean of hair, body and clothing, and they need to use deodorant. Recommended clothing for men is dress shirt, tie, pants and dress shoes, and a suit or sport coat is even better. Recommended clothing for women is a simple dress, or a plain shirt or blouse with dress slacks or skirt, and women are advised to avoid short skirts and plunging necklines.

Interpreting Guidelines

Interpreters should follow some basic rules, listed below.

ALWAYS:

- ❖ Speak in loud and clear voice using simple and concise terms.
- ❖ Speak in the **first** person. If the non-English speaker says “I ran away,” then the interpreter should say, “**I** ran away,” and not “**He said** he ran away.”

- ❖ Repeat the answer in English, even if the witness answers in English. The interpreter should relay this procedure to the parties in case they are not familiar with the use of an interpreter.
- ❖ Display confidence. Occasionally, someone in the court may speak the witness's language and may disagree with the interpretation. However, the interpreter is there as the expert and will usually have the complete support of the court. If the interpreter realizes that he/she made an error, the interpreter should make this fact known as soon as possible.
- ❖ Remain as unobtrusive as possible and remain calm at all times.
- ❖ Interpret every question. Occasionally, a non-English speaking person knows a little English but not enough to understand all of the proceedings. This situation creates problems if the non-English speaker answers questions without waiting for the interpretation. The interpreter or the court should instruct the person to wait until each question is interpreted and then answer in his native tongue. This will ensure that the non-English speaker fully understands the question and will avoid any misunderstandings.
- ❖ Ask the speaker to speak more loudly or slowly if the interpreter is unable to comprehend or hear what is said.

NEVER:

- ❖ Add or subtract anything from a question or an answer. If a question is lengthy, the interpreter should ask the speaker to repeat the question.
- ❖ Hold any type of conversation with the non-English speaking person at any time before, during, or after the proceedings. Often the non-English speaker wants to converse with the interpreter and explain the situation because he or she feels closer to someone who speaks their language.
- ❖ Try to influence or give advice to the non-English speaker. Also, the interpreter should never try to act as an attorney or offer advice to an attorney about how to question a witness.

In addition, you may be required to read a document to the non-English speaker. If at all possible, the interpreter should obtain the documents. If a word is used that the interpreter has never heard and whose meaning she does not know, she should tell the judge and ask permission to question the witness about the word's meaning.

This is no reflection upon the interpreter's ability, since he/she cannot possibly know all the words in even one language. The interpreter should not take it upon himself/herself to question the witness directly about it without having asked permission to do so. When a witness answers, "I do not understand" or "I do not know what you mean," those words are exactly what the interpreter must interpret. An interpreter **never** holds a conversation with a witness on his/her own nor should he/she try to explain the question to the witness. It is not up to the interpreter to get a correct answer from the witness, but rather to interpret exactly what the witness said.

Courtroom Procedures

If you are unfamiliar with courtroom procedures, you may think that everything happens too fast. The reason for this is that many judges and attorneys are familiar with courtroom procedures. Consequently, they speak fast and not always in a distinct and audible manner.

Therefore, it is advisable for novice interpreters to sit in on similar proceedings prior to acting as an interpreter. You should direct your attention to every word that is said. It may be necessary to sit as close to the front of the courtroom as possible. When an interpreter is called into court, an attorney may try to advise the interpreter of the basic facts of the case just before the case is called. It might be helpful to find out what type of proceeding it is and become familiar with what the attorneys will expound on.

When the case is called, the judge should determine that the interpreter is qualified. When speaking to the judge in the courtroom, the interpreter must stand and address the judge as Your Honor.

In a court setting, the judge should use a text similar to the one below to appoint an interpreter:

“The court is persuaded that Mr./Ms. _____ is a qualified interpreter and is appointed as the interpreter in these proceedings. The court finds that Mr./Ms. _____ has the necessary experience, training, and abilities to interpret these proceedings. Please raise your right hand and I will administer the oath of the interpreter to you:

“Do you swear or affirm that you will faithfully interpret all matters in these proceedings from English into (other language) and from (other language) into English to the best of your ability?”