



LANGUAGE ACCESS BENCH CARD



POLICY NOTE: The North Carolina Judicial Branch is committed to removing barriers that hinder equal access to justice by individuals with limited English proficiency (LEP). This bench card addresses the language access services provided by the N.C. Judicial Branch in accordance with the [Standards for Language Access Services in North Carolina state courts](#).

WHEN SHOULD THE COURT REQUIRE AN INTERPRETER?

The court should require a qualified interpreter for any court proceeding that involves a party in interest who speaks a language other than English as the primary language and has a limited ability to read, speak, or understand English.

WHO IS A PARTY IN INTEREST?

Parties in interest may be any of the following:

- A party
- A victim
- A witness
- The parent, legal guardian, or custodian of a minor party
- The legal guardian or custodian of an adult party

WHO PAYS FOR THE INTERPRETER?

The Judicial Branch provides interpreters at state expense in all civil and criminal court proceedings before a magistrate, clerk of superior court, district court judge, superior court judge, the Court of Appeals, or the Supreme Court of North Carolina.

The costs for interpreting services shall not be charged to the parties.

The Judicial Branch will provide an interpreter at state expense for child custody mediation, permanency mediation, and child planning conferences.

The Judicial Branch will not provide an interpreter at state expense for probation and parole functions, and for private mediations and arbitrations.

LANGUAGE ACCESS SERVICES PROVIDED BY THE NORTH CAROLINA ADMINISTRATIVE OFFICE OF THE COURTS OFFICE OF LANGUAGE ACCESS SERVICES (OLAS)

- In-person interpreting for court proceedings — Judicial Branch staff court interpreters in nine counties: Alamance, Buncombe, Chatham, Durham, Forsyth, Guilford, Mecklenburg, Orange, and Wake; and contract court interpreters
- Telephone interpreting service — use for brief routine matters in district court; use by magistrates and DAs; use in public access areas in clerks' and family court offices
- Translation of court forms and vital court documents
- Transcription-translation of audio / visual evidence for district attorneys and public defenders or assigned counsel (court interpreters are prohibited by their ethics from interpreting audio / visual recordings; upon request to OLAS, all audio / visual recordings must be transcribed and translated *prior to the court proceeding*)

1 EVALUATING THE NEED FOR A COURT INTERPRETER

To help determine whether to require a court interpreter, the court should ask open-ended questions that cannot be answered with a simple yes or no. For example:

- "Please tell me about your country of origin."
- "What kind of work do you do?"
- "What is the purpose of your court hearing today?"

2 ASSIGNMENT OF A COURT INTERPRETER

If the court determines that the party has limited English proficiency (LEP), the court should require a court interpreter. Any doubts should be resolved in favor of the LEP individual, and an interpreter should be required.

- The court should only allow a Judicial Branch authorized court interpreter to provide interpreting services in court
- The court should never allow family or friends to interpret in court
- Judicial officials or court personnel should not serve as interpreters

3 OBTAINING A COURT INTERPRETER

A [Request for Spoken Foreign Language Court Interpreter](#) should be submitted electronically to the local Language Access Coordinator (LAC) at least 10 business days prior to the scheduled proceeding, or as soon as the proceeding is placed on the court calendar, whichever occurs first.

Counsel is responsible for submitting the request form for their LEP clients or witnesses. Court personnel should assist self-represented litigants with submitting the request form.



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CLARIFYING THE INTERPRETER'S ROLE TO THE JURY*

This court seeks a fair trial for all regardless of the language they speak and regardless of how well they may or may not speak English. Bias against or for persons who have little or no proficiency in English is not allowed. Therefore, do not allow the fact that the party requires an interpreter to in any way influence you.

**There is no pattern jury instruction on this matter. This form is recommended for your consideration.*

CLARIFYING THE INTERPRETER'S ROLE TO THE WITNESS

I want you to understand the role of the interpreter. The interpreter is here only to interpret the proceedings. The interpreter will say only what is said in your language and will not add, omit, or summarize anything. The interpreter will say in English everything that you say in your language, so do not say anything you do not want everyone to hear. If you do not understand a question asked of you, request clarification from the person who asked it. Do not ask the interpreter.

You are giving testimony to this court; therefore please speak directly to the attorney or to me (the court). Do not ask the interpreter for advice. Speak in a loud clear voice. If you do not understand the interpreter, please tell me. If you need the interpreter to repeat, please make your request to me, not to the interpreter. Please wait until the entire statement has been interpreted before you answer. Do you have any questions?

THE INTERPRETER'S OATH:** Do you solemnly swear or affirm that you will interpret accurately, completely, and impartially, using your best skill and judgment in accordance with the standards prescribed by law and the Code of Professional Responsibility for Court Interpreters, follow all official guidelines established by the North Carolina Administrative Office of the Courts for legal interpreting and translating, and discharge all of the solemn duties and obligations of legal interpretation and translation?

***There is no statutory or judicially approved oath. This form is recommended for your consideration.*

USE OF INTERPRETER OUTSIDE OF COURT PROCEEDING

Judicial Branch funds are provided for interpreting services for out-of-court communications on behalf of the district attorney, Guardian ad Litem Program, and, pursuant to a memorandum of understanding between the Judicial Branch and the Office of Indigent Defense Services (IDS), on behalf of public defenders, assigned counsel, and guardians ad litem representing indigent parties for IDS.

- Staff court interpreters are prohibited from providing services out of court.
- Authorized Spanish interpreters are listed on the [Registry of Spoken Foreign Language Court Interpreters](#).
- Authorized LOTS interpreters will be assigned upon the submission of a [Request for Spoken Foreign Language Court Interpreter](#) electronically.

Language access services required for all out-of-court communications involving private counsel, including all interviews, investigations, and other aspects of general case preparation, are outside the scope of services provided or funded by the Judicial Branch.

To ensure equal access to justice, private counsel are encouraged to privately retain the services of a Judicial Branch registered and qualified court interpreter by contacting directly a contract interpreter from the [Registry of Spoken Foreign Language Court Interpreters](#).

QUICK GUIDE

- Evaluate the need for an interpreter.
- Require an authorized court interpreter approved by OLAS.
- Allow the interpreter to meet with the LEP individual briefly prior to the proceeding to confirm the ability to communicate, and to view the court file prior to the proceeding to become familiar with case terminology, names, and dates.
- Allow the interpreter to review any documents that will need to be sight translated during the proceeding.
- Make sure that the interpreter is located in a position that allows the interpreter to see and hear everything that happens in the courtroom.
- Administer the interpreter's oath.
- Have the interpreter state his / her name and qualifications on the record.
- Explain the role of the interpreter to the parties, witnesses, and the jury on the record.
- Advise witnesses to speak clearly and at a moderate pace.
- Emphasize that the record produced by the court reporter or court recorder is the official record of the proceeding.
- Provide breaks every 30 minutes for the interpreter or require a team of two interpreters for proceedings expected to last longer than two hours.
- Observe the interpreter's conduct, communication, and interaction with participants; if problems arise, use a sidebar conference with attorneys and the interpreter or a recess to address and correct the problems.
- Keep in mind that the interpreter may be needed in other courtrooms.



FREQUENTLY ASKED QUESTIONS: INTERPRETER NEEDED AND USED INDICATORS

When do I use the interpreter language needed indicator?

If an interpreter will be needed for any court proceedings for any limited-English proficient individual, select the appropriate language from the interpreter needed section.

For example, if the state's witness to a criminal case speaks Korean, indicate that a Korean interpreter will be needed by selecting Korean from the languages available under the interpreter language needed section.

When do I use the interpreter used indicator?

If an interpreter was used at any point during a court proceeding for any limited-English proficient individual, select Yes / Y from the interpreter used section.

For example, if a magistrate used the telephone interpreting service to conduct an initial appearance, the magistrate would indicate that an interpreter was used during that proceeding. But, if a clerk used the telephone interpreting service to answer a general question about a court date, the clerk would not indicate that an interpreter was used because it was not during a court proceeding.

What is a court proceeding?

A court proceeding is any hearing, trial, or other appearance before any North Carolina court in an action, appeal, or other proceeding, including any matter conducted by a judicial official.

Who is a party in interest?

A party in interest is a party to a case; a victim; a witness; the parent, legal guardian, or custodian of a minor party, or the legal guardian or custodian of an adult party.

Who is a judicial official?

A judicial official is a clerk, judge, magistrate, or justice of the General Court of Justice.

How do I use the indicators?

The interpreter language needed and interpreter used indicators should be used for managing cases that need or use an interpreter, and should not be used solely for scheduling interpreters. Judicial officials, attorneys, and court personnel always should check the case file to determine who needs the interpreter and if an interpreter actually will be needed for the proceeding.

For example, the victim in a criminal case who needed an interpreter during a trial may not be present during the defendant's subsequent probation violation hearing, so the court would not schedule an interpreter for the subsequent proceeding. Courts should use interpreter resources efficiently by sharing





interpreters between criminal and civil courtroom calendars, scheduling an interpreter only for the time the interpreter is needed and not requesting interpreters “just in case,” as their services are often needed in another courtroom or county.

May I change the indicators?

No. Once the case has been indicated as interpreter needed or interpreter used, do not change the indicators *unless it was entered into the system incorrectly*.

For example, if a law enforcement officer incorrectly indicates in eCITATION that a Spanish interpreter is needed, but the court determines that the defendant speaks Portuguese, not Spanish, the language needed indicator may be changed to Portuguese.

If there are multiple LEP parties in interest to a case, for whom do I indicate that an interpreter is needed / was used?

Because our current technology only allows for indicators at the case level (not by each event or party), indicate that an interpreter is needed based on the first request or indication that you received that an interpreter will be needed for the court proceeding for any party in interest. Indicate that an interpreter was used at the first court proceeding in which an interpreter was used for any party in interest.

Who should set the interpreter indicators?

Any person with update capability to the data systems that currently have the interpreter indicators (eCITATION, NCAWARE, ACIS, CCIS-CC, CCIS-DA, VCAP, J Wise) should set the interpreter language needed indicator at the time of the first request or indication received that an interpreter will be needed for the court proceeding for any party in interest.

Any person with update capability to the data systems that currently have the interpreter indicators (eCITATION, NCAWARE, ACIS, CCIS-CC, CCIS-DA, VCAP, J Wise) should set the interpreter used indicator at the first court proceeding in which an interpreter was used for any party in interest.

Do the indicators also apply to services for the deaf and hard of hearing?

Yes. If interpreting services will be needed for someone who is deaf or hard of hearing, indicate that by selecting American Sign Language (ASE) or by selecting Other and indicate the language accommodation that will be needed. If interpreting services or accommodations were provided to someone who is deaf or hard of hearing during a court proceeding, indicate that an interpreter was used.





GUIDE TO INTERPRETER LANGUAGE NEEDED AND INTERPRETER USED INDICATORS

This document is designed to assist with the use of the interpreter language needed and interpreter used indicators in the following systems: eCITATION, NCAWARE, ACIS, CCIS-CC, CCIS-DA, VCAP, and J Wise. These indicators should be used to indicate spoken foreign language interpreting services and sign language interpreting services for the deaf and hard of hearing. The interpreter language needed and interpreter used indicators should be used for managing cases that need or use an interpreter, and should not be used solely for scheduling interpreters.

Use of Interpreter Indicators

If a case is coded as interpreter language needed, an interpreter should not automatically be scheduled for every setting of that case. Judicial officials, attorneys, and court personnel always should check the case file to determine who needs the interpreter and if an interpreter actually will be needed for the proceeding. For example, the victim in a criminal case who needed an interpreter during a trial may not be present during the defendant's subsequent probation violation hearing, so the court would not schedule an interpreter for the subsequent proceeding. Courts should use interpreter resources efficiently by sharing interpreters between criminal and civil courtroom calendars, scheduling an interpreter only for the time the interpreter is needed and not requesting interpreters "just in case," as their services are often needed in another courtroom or county.

What is a court proceeding?

A court proceeding is any hearing, trial, or other appearance before any North Carolina state court in an action, appeal, or other proceeding, including any matter conducted by a judicial official.

Who is a judicial official?

A judicial official is a clerk, judge, magistrate, or justice of the General Court of Justice.

Interpreter Language Needed Data

- Interpreter language needed indicates that an interpreter is needed for a limited English proficient (LEP) individual in a case. Once it is turned on, it should never be turned off unless it was entered in the system incorrectly.
- Once the language is selected for the case, it should never be changed unless it was set incorrectly
- Use the [I Speak](#) cards to assist you in identifying the language needed
- Indicate the language needed and corresponding 3-digit code (see pg. 2) in the system
- The language information will appear on calendars generated from the automated systems
- If you are not able to update the interpreter language needed indicator, or if the system is down, please use the [Interpreter Indicator Request Form](#) to request that the clerk update the interpreter information in the appropriate system



- **Note to DA:** please use the [Interpreter Indicator Request Form](#) to request that the clerk update the interpreter information in ACIS / CCIS-CC or JWisE
- **Note to CaseWise users:** please use the [Interpreter Indicator Request Form](#) to request that the clerk update the interpreter information in VCAP
- This information may be used to identify the need for an interpreter at any point during the life of the case

Interpreter Used Data

- Interpreter used indicates that an interpreter was used in any court proceeding for an LEP individual in a case at some time. Once it is turned on, it should never be turned off unless it was entered in the system incorrectly.
- Indicate that an interpreter was used in the case by selecting Yes / Y
- A blank field or No / N indicates that an interpreter was never used in the case
- This applies to live, distance and telephone interpreting
- If you are not able to update the interpreter used indicator, or if the system is down, please use the [Interpreter Indicator Request Form](#) to request that the clerk update the interpreter information in the appropriate system
 - **Note to DA:** please use the [Interpreter Indicator Request Form](#) to request that the clerk update the interpreter information in ACIS / CCIS-CC or JWisE
 - **Note to CaseWise users:** please use the [Interpreter Indicator Request Form](#) to request that the clerk update the interpreter information in VCAP

Language Access Codes

Spanish	spa	Farsi (Persian)	pes	Mnong (Montagnard)	mng
Vietnamese	vie	Gujarati	guj	Nepali	nep
Russian	rus	Haitian Creole	hat	Pashto (Pushto)	pbt
French	fra	Hakka (Chinese)	hak	Polish	pol
Mandarin (Chinese)	cmn	Hausa	hau	Punjabi (Panjabi, Punjabi)	pan
Arabic	arb	Hindi	hin	Rhade (Montagnard)	rad
Portuguese	por	Hindko	hnd	Serbian	srp
Korean	kor	Igbo (Ibo)	ibo	Swahili	swh
Hmong	hnj	Indonesian	ind	Tagalog	tgl
Burmese	mya	Japanese	jpn	Thai	tha
Amharic	amh	Jarai (Montagnard)	jra	Tigrinya	tir
Bosnian	bos	Karen (Karen Languages)	kar	Urdu	urd
Bu Nong (Montagnard)	cmo	Khmer (Cambodian)	khm	American Sign Language	ase
Cantonese (Chinese)	yue	Krahn	kqo	Undetermined	und
Chatino	cly	Kru (Kru Languages)	klu	Other	999
Chuukese	chk	Lao	lao		
Czech	ces	Marshallese	mah		





Reference Charts

The following charts are intended to assist with determining when use the indicators.

Event	Indicator	May I change the indicator after the initial entry?
An interpreter will be needed for a limited English proficient (LEP) individual in a case	YES – Indicate the language needed	NO – unless it was entered in the system incorrectly
An interpreter was used in any court proceeding for an LEP individual in a case at some time	YES – Interpreter used	NO – unless it was entered in the system incorrectly

If an interpreter is needed / was used:	Do I set the indicator?	Is the cost of the interpreter currently covered at state expense?*
First appearances	Yes	Yes
All criminal / traffic proceedings	Yes	Yes
Criminal non-Support / show cause proceedings	Yes	Yes
Juvenile delinquency proceedings	Yes	Yes
Abuse / neglect / dependency proceedings (includes child planning conferences)	Yes	Yes
Chapter 50B proceedings	Yes	Yes
Chapter 50C proceedings	Yes	Yes
Child Custody proceedings	Yes	Yes
Civil commitment proceedings before a judicial official	Yes	Yes
Incompetency proceedings	Yes	Yes
Estate / adoption hearing before the clerk	Yes	Yes
Initial appearance before a magistrate	Yes	Yes
Any district or superior court pretrial hearing / conference presided over by a judicial official	Yes	Yes
VWLA conversation with victim outside of court proceeding	No	Yes
GAL home visit	No	Yes
Clerk answers a question about a court date outside of court proceeding	No	Yes
Probation home / office visit	No	No

**This column applies only to spoken foreign language court interpreters and not to services for the deaf and hard of hearing.*





FAQ

For additional information, please see [Frequently Asked Questions: Interpreter Needed and Interpreter Used Indicators](#).

Contact

For procedural questions on the use of the interpreter indicators, please contact the Office of Language Access Services at 919 890-1407 or OLAS@nccourts.org.





Office of Language Access Services (OLAS)

Spoken Foreign Language Court Interpreters

Service Offerings

The North Carolina Administrative Office of the Courts (NCAOC) Office of Language Access Services (OLAS) serves the North Carolina State Court System by helping to facilitate equal access to justice for limited-English proficient (LEP) individuals in our court system by:

- Developing [standards](#) for the provision and efficient use of language access services
- Providing daily support and guidance for questions, concerns, and issues involving interpreting and translating services
- Ensuring that proficient and ethical foreign language court interpreters are provided to the courts
- Administering court interpreter training and certification testing for court interpreters provided by the National Center for State Courts

NCAOC offers a number of language access services to meet the needs of LEP individuals including certified staff court interpreters in 9 counties (Alamance, Buncombe, Chatham, Durham, Forsyth, Guilford, Mecklenburg, Orange, and Wake), contract court interpreters, telephone interpreting, remote interpreting, translation, and transcription - translation services. Learn more at <http://www.NCcourts.gov>.

Terms

- LOTS – Language(s) other than Spanish
- Limited English Proficient (LEP) individual – a person who speaks a language other than English as his or her primary language and has a limited ability to read, speak, write, or understand English
- Interpretation – the accurate and complete unrehearsed transmission of an oral message from one language to an oral message in another language
- Translation – the accurate and complete transmission of written text from one language into written text in another language

Proper Role of Court Interpreter

- The interpreter's job is to render everything said in court from the source language into the target language
 - Accurately without any distortion of meaning
 - Without omissions and additions
 - Without changes to style or register
 - With as little delay or interference as possible





- The interpreter’s job is NOT
 - To explain anything to anybody
 - To fill out forms
 - To serve as a “go between”
- Interpreters have an ethical obligation to ask for repetition if speech is unclear
- In order to conserve impartiality and confidentiality, the interpreter should not be asked to be alone with any of the parties
- Interpreters may sight translate a form for an LEP individual, but may not advise the individual on how to complete the form or answer the individual’s questions.

Do not use untrained bilingual individuals to interpret during court proceedings

- Using an untrained bilingual speaker to interpret during court proceedings creates potential conflicts of interest and may have a negative impact on the case
- Bilingual speakers who are not trained court interpreters are not aware of the role, the demand, the modes of interpreting, the ethics or rules of professionalism required of the court interpreter and therefore cannot interpret accurately and completely, which can significantly impact equal access to justice for the LEP individual

Tips for working with court interpreters

- Speak to the LEP individual directly just as you would an English speaker – e.g., “What time did you call the police?”
- Use plain English, avoid jargon, and do not use acronyms
- Speak slowly and clearly with regular pauses between complete thoughts
- Ask one question at a time
- Do not ask interpreter to explain or summarize what is said
- Provide the interpreter with information about the case; the more information an interpreter has about a case, the better he or she can prepare and perform
- Do not ask the interpreter if the LEP individual understands what you are saying; the interpreter’s role is to serve as a language conduit, not to assess understanding
- In order to ensure the accuracy of the interpreting services provided throughout the proceeding, provide a team of two interpreters for any proceeding lasting two hours or more
- Interpreters must be given a break every 20 – 30 minutes to maintain accuracy

Early identification of cases in which an interpreter is needed

- Early identification of the need for interpreting services in an individual case allows for efficient assignment, reduces the number of continuances for lack of an interpreter, and maximizes the possibility that litigants will understand what to do next in their case





- Use interpreter resources efficiently – share interpreters between criminal and civil courtroom calendars and schedule an interpreter only for the time the interpreter is needed; do not request interpreters “just in case” because their services are often needed in another county
- Failure to provide sufficient time to secure a qualified interpreter may result in a delay or postponement of the court proceeding if a qualified interpreter is not available

How to Request a Court Interpreter

The request process for both Spanish and LOTS interpreters is consistent statewide. A **Request for Spoken Foreign Language Court Interpreter** must be submitted to the Language Access Coordinator (LAC) for the county where the case is set to be heard at least 10 days in advance of the court appearance to ensure adequate coverage. More advance notice may be required for LOTS interpreters who are located out of state. The request form can be accessed at <https://www.nccourts.gov/request-for-spoken-foreign-language-court-interpreter>.

Failure to cancel scheduled services with notice of more than 24 hours will result in cancellation fees. Alert the interpreter and LAC immediately if it is determined services will not be needed.

Contact

OLAS Main: 919-890-1407
OLAS Email: OLAS@nccourts.org
Website: www.NCcourts.gov



DIAL: 844-340-2763

Provide the Required Language and Your Access Code

Acholi
Afrikaans
Akan
Albanian
American Sign Language
Amharic
Arabic
Armenian
Ashanti
Assyrian
Azerbaijani
Bambara
Basque
Bassa
Behdink
Belarusian
Bengali
Bosnian
Bulgarian
Burmese
Cantonese
Cape Verde
Catalan
Cebuano
Chaldean
Cham
Chamorro
Chau-jo
Cherokee
Chinese
Chouja
Chaukese
Creole
Croatian
Czech
Danish
Dari (Persian)
Dimli
Dinka
Duala
Dutch
Edo
Efik
Estonian
Ethiopian
Ewe
Farsi (Persian)

Fijian
Filipino
Finnish
Flemish
French
French Canadian
French Creole
Frisian (West)
Fujianese
Fukinese
Fula
Fulani
Fuzhou
Ga
Gaelic
Ganda
Garre
Georgian
German
Gilaki
Grebo
Greek
Greenlandic
Gujarati
Haitian Creole
Haka Burmese
Hakka
Harari
Hausa
Hebrew
Hindi
Hmong
Ho
Hunanese
Hungarian
Iban
Ibang
Icelandic
Lgbo
Ilocano
Indonesian
Jaaxanke
Jakartanese
Japanese
Javanese
Kakwa
Kanjobal

Kankanay
Kannada
Karen
Kashmir
Kayah
Kazakh
Khmer (Cambodian)
Kikamba
Kikuyu
Kinyarwanda
Kirghiz
Kirundi
Korean
Kosrae
Kpelle
Krahn
Kurdish
Lakota
Laotian
Latin
Latvian
Lebanese
Liberian
Lingala
Lithuanian
Luganda
Luo (Dhuluo)
Maay
Macedonian
Malagasy
Malay
Malayalam
Malaysian
Maltese
Mam
Mandarin
Mandingo
Mandinko
Mankon
Marathi
Marshallese
Maylay
Meru
Mien
Mina
Mixteco
Mixteco Alto

Mixteco Bajo
Moldovan
Mongolian
Moroccan Arabic
Myanmar
Nahuati
Navajo
Nepali
Newari
Nigerian
Norwegian
Nuer
Ojibay
Oromifa
Oromo
Pahari
Palauan
Pampangan
Papiamento
Pashto
Polish
Ponapean
Portuguese
Portuguese Brazilian
Portuguese Creole
Potwari
Pilaar
Punjabi
Quechua
Quiche Rhade
Romanian
Rundi
Russian
Samoan
Sara
Serbian
Serbo Croatian
Shanghalinese
Shona
Sichuan
Sicilian Sindhi
Sinhala
Sinhalese
Slovak
Slovenian
Somali Soninke
Sotho

Spanish (European)
Spanish (Latin America)
Spanish (Mexican)
Sudanese
Swahili
Swedish
Syrian
Tagalog
Tahitian
Taiwanese
Tajiki
Tamal
Tamang
Tamil
Tarasco
Tatar
Telugu
Teochew
Thai
Thai Dam
Tibetan
Tigrigna
Tigrinya
Toishanese
Tokelau
Tongan
Trukese (Chuukese)
Tshiluba
Tsonga
Tswana
Turkish
Turkmen
Twi
Ukranian
Urdu
Uzbek
Vangali
Vietnamese
Visayan (Cebuano)
Welsh
Wolof
Wu
Yi
Yiddish
Yoruba
Zapoteco
Zulu

Guide to Using the Telephone Interpreting Service

- Dial **844-340-2763**
- Your call will be answered by a Call Center Agent
- Provide the **language** required, and the **six digit access code** assigned to your office
- You will then be joined by the requested language interpreter

IMPORTANT NOTE: To the extent possible, preschedule telephonic appointments. Call the above number to preschedule. Unforeseen nationwide surges may create longer queue times than desired.

TIPS FOR WORKING WITH TELEPHONE INTERPRETERS

1. Brief interpreter prior to conversation
2. The interpreter is there to only interpret what is being said
3. Ask interpreter not to change or alter any part of the conversation
4. Speak clearly and in a normal tone
5. Allow more time for interpreted communication
6. Be aware of cultural factors
7. Refrain from using metaphors, acronyms, slang, or idioms
8. Remember to pause between sentences
9. Speak directly to the non-English speaker, not the interpreter
10. Permit only one person to speak at a time
11. Treat interpreter as a professional

For **sight translation:** Please send the source document to Services@telelanguage.com. The Telelanguage interpreter managers will forward the file to the assigned interpreter. Pre-scheduling the needed languages and providing required documents will accelerate the process. Please provide any special instructions to the Call Center Agent when requesting or pre-scheduling the required language.

NEED SUPPORT?

Tim Bernal
Project Manager
Toll-Free 888.983.5352 | Direct: 503.535.2178
E-mail: tbernal@telelanguage.com

LANGUAGE AND LITIGATION

What judges and attorneys need to know about interpreters in the legal process

Judith Kenigson Kristy

1. **Use credentialed, preferably certified, court interpreters for in-court and out-of-court events. Verify the interpreter’s credentials. If it is an in-court proceeding, make sure the interpreter is sworn in before the proceeding begins.**
 - Verify credentials by consulting your state or federal court roster, or by calling your local court (clerk’s office or interpreter’s office). Judges should conduct a *voir dire* of the interpreter and ask for credentials to be stated on the record.
 - Do not use untrained bilinguals. It is inappropriate to use family members, children, foreign language students or teachers, court staff, or law enforcement officers as interpreters.
 - Don’t allow defendants to bring their own interpreters — not only does this practice create potential conflicts of interest, but the ad hoc person acting as “interpreter” may not be trained or competent.
 - Don’t ask for a translator when you need an interpreter — they are not interchangeable. Translators work with written communication. Interpreters work with oral communication.

2. **Be aware that an interpreter creates an even playing field for limited-English speakers; an interpreter provides no advantage or disadvantage.**
 - Interpreters should never interject their own knowledge, comments, or opinions into the interpretation. Interpreters are prohibited from advocating for any party.
 - Don’t ask interpreters what they think a defendant or witness might or might not have understood; it is not their area of expertise.

3. **Use the interpreter to facilitate direct communication with limited-English proficient parties, not as a “go-between.”**
 - Address the client directly in English, as if he understood everything you are saying. The interpreter will then repeat what you have said in the required language. This avoids the use of indirect speech (e.g., “Ask him if...” or “He says that...”), which can create confusion and a flawed record.

4. **Check to make sure that all speech, by all parties, is being interpreted.**
 - If someone is speaking and the interpreter’s mouth is not moving, there is a problem. If someone makes a lengthy statement and the interpretation is a few words, or vice versa, there is a problem. The interpreter’s job is to interpret *everything* that is



- being said— no omissions, modifications, or additions.
 - In court, an interpreter should be interpreting simultaneously for a defendant. If a non-English speaking witness testifies, an interpreter should interpret the questions and answers consecutively so that a clear record may be made.
5. **To be understood, speak clearly at a moderate speed and an audible volume.**
 - Unclear speech cannot be accurately interpreted. Avoid interruptions and overlapping voices. Avoid long, convoluted questions. Unfamiliar jargon or acronyms may cause a problem for the interpreter.
 - Although reluctant to interrupt the give-and-take of courtroom exchanges, interpreters have an ethical obligation to ask for a repetition if speech is too low, too fast, too lengthy or incomprehensible (due to the use of unknown references, heavy accent, jargon, abbreviations, or acronyms).
Very long or complex questions and answers can result in interruptions or incomplete rendering by the interpreter, causing confusion.

 6. **The interpreter’s only task is to interpret. In order to conserve impartiality and confidentiality, the interpreter should not be asked to be alone with a defendant. Whenever possible, the interpreter will exit the room when the attorney exits the room.**
 - Interpreters may not reveal information they have interpreted, but no privilege protects them if communication occurs when the attorney is not present. Any explanations that need to be made should be made by the attorney and then interpreted. The interpreter may, however, note and report to the attorney any confusion due to culture or vocabulary, and make an appropriate request for clarification.

 7. **Provide interpreters with the information and support needed to get the job done.**
 - The more information an interpreter has about a case, the better he or she can interpret. Arrange for interpreters to receive or have access to documents related to the assignment: complaints and indictments with supporting documents, investigative reports, motions and responses, witness and exhibit lists, bank and telephone records, PSRs, etc. Whenever possible, try to use the same interpreter for both in-court and out-of-court events in a given case.

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- Whenever possible, inform defendants, court participants, and jurors about the interpreter's role.
8. **In order to ensure an accurate record, provide a team of two interpreters for any lengthy or complex proceeding.**
- Studies have shown that interpreters, no matter how experienced or competent, suffer mental fatigue after about 30 minutes of continuous interpreting. The use of a team prevents interpreter fatigue and ensures accuracy. Teams act as a safety net, so that any errors may be corrected and terminology queries answered. When a large number of defendants will be present at a proceeding, it may be necessary to hire more interpreters to facilitate attorney-client consultations.
9. **A conflict of interest is not the same for an interpreter as for an attorney. An interpreter can work for either side or both sides of a case. The only prohibition is that an interpreter cannot be a witness in the same case in which he is acting as a proceedings interpreter.**
- Interpreters cannot be advocates or take sides. They are neutral officers of the court and thus may work for either side, or both sides, of a dispute. A proceedings interpreter should reveal to the judge and parties any prior contacts with the case. However, a conflict does arise if an interpreter may be called by one of the parties as a witness. An interpreter cannot testify as an expert witness and also work as a proceedings interpreter in the same case.
10. **Foreign-language evidence should be handled appropriately. The party offering the evidence should obtain prior transcription and translation of any tape recordings. Foreign-language documents introduced into evidence should be accompanied by a translation. (The translation may be stipulated, or authenticated through testimony.) A sound file or tape recording should never be translated "on the spot" in court.**
- Just as there are experts in fingerprint identification, there are experts in transcribing and translating recorded material for evidentiary purposes. Find and use an expert for this kind of work. Never ask an interpreter to render a simultaneous interpretation of recorded material in court — at best, the results will be approximate and guesswork, not evidence.

Interpreters are support staff for your court: please help promote an atmosphere of consideration, respect, and cooperation among those who work with them. When interpreters work in the judicial system, they need a table in the courtroom for notebooks or laptops, a cup of water, a place to store their belongings, and a place to rest when off duty. Your kindness is much appreciated.

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