

Breaking Down Barriers: Communicating with  
Clients Who Are LEP or Deaf/HOH



## WORKING WITH COURT INTERPRETERS

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Sponsored by:

Access Coalition & AmeriCorps Massachusetts Legal  
Assistance for Self-Sufficiency Program

## Presenter



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## AGENDA

- Role and ethical standards of court interpreters
- Interpreting modes
- Challenges commonly faced by court interpreters.
- How to work with interpreters effectively
- Overview of the Office of Court Interpreter Services (OCIS): What types of cases we assign interpreters for.
- How do courts request spoken and sign language interpreters?
- OCIS On-Line list; phone interpretation;
- Handling concerns about OCIS interpreters



## Food for Thought

- CAN ANY BILINGUAL PERSON ACT AS AN INTERPRETER FOR COURT MATTERS?
- WHAT ARE SOME OF THE SKILLS YOU WOULD ASSOCIATE WITH PROFESSIONAL COURT INTERPRETERS?
- ARE THERE RISKS IN USING UNTRAINED, UNQUALIFIED INTERPRETERS FOR LEGAL/COURT MATTERS?

## More Food for Thought:

**Is the Court Interpreter's role to make sure that LEP parties understand their court or legal process?**

A court interpreter is the **communication facilitator** for the parties involved in a proceeding and, as such, plays a vital role in the protection of the rights of LEP and DHH individuals engaged as parties or witnesses in legal proceedings in the Trial Court.

This role requires an understanding by the court interpreter of the complexities of the tasks to be performed. In these tasks, court interpreters should be guided by the ethical principles and standards promulgated pursuant to G.L. c.221C and c.221, section 92A.

## Massachusetts General Laws, Chapter 221C

### Court Interpreters for the Trial Court

1.02 All citizens (*persons*) of the commonwealth, regardless of their literacy or proficiency in the English language, have the right to equal access to the courts and to justice, and have the right to access all of the services and programs provided in court facilities.



## Standards and Procedures of the Office of Court Interpreter Services

To access them on-line go to:

[www.mass.gov/courts/admin/planning/interpreters.html](http://www.mass.gov/courts/admin/planning/interpreters.html)

## Code of Professional Conduct for Court Interpreters of the Trial Court

### Section 4.00 Standards & Procedures

#### "Code of Conduct"

## Code of Professional Conduct for Court Interpreters

- |  |                     |
|--|---------------------|
| • Accuracy                             | Oath                |
| • Confidentiality                      | Modes of Court      |
| • Impartiality                         | interpreting        |
| • Proficiency                          | Modes of Address    |
| • Avoidance of Conflict<br>of Interest | Language/or Hearing |
| • Demeanor                             | Difficulties        |
| • Case Preparation                     | Errors              |
| • Difficulties While<br>Interpreting   | Fatigue Factor      |

### Main Points

- **Accuracy** (Content and form of message)
- **Impartiality** (Complete neutrality; court interpreter ≠ advocate)
- **Confidentiality** (Shouldn't disclose or discuss anything said during the encounter.)
- **Avoidance of Conflict of Interest** (Real or Perceived)
- **Proficiency** ( Legal, specialized, general knowledge and language skills; analytical skills, simultaneous and consecutive interpreting skills; sight translation skills, )

### COMMON CHALLENGES FOR INTERPRETERS

- Unfamiliarity with terms, context; no room for prior preparation.
- No word-for-word correspondence between languages.
- Inappropriate requests from LEP parties, attorneys, and court personnel due to lack of understanding of their role.

### Accuracy

Interpreters are trained to apply their best skills and ability to conserve linguistic and non-linguistic elements from the speaker's message:

- without omitting
- without improving
- without adding
- without cleaning
- without simplifying

### Accuracy:

"If I were to ask you who was your treating physician in the intervening period prior to your second accident, what would your response be?"

"Who was your doctor before your second accident?"

*[Not Accurate!]*

### CHALLENGE:

No equivalence in legal terms

Ex: English>Hmong

#### Arraignment

Thawj zaug tsev hais plaub  
teem caij rau tus neeg  
txhaum plaub mus ntsib  
xam uas nus yuav txais  
daim ntawv foob, lwm  
yam lus, thiab xam yuav  
qhia nus txoj cai rau nus

### COMMON CHALLENGES IN ACHIEVING ACCURACY ELEMENTS THAT DON'T TRANSLATE DIRECTLY BETWEEN LANGUAGES

- IDIOMATIC EXPRESSIONS
- JOKES
- PROVERBS
- CULTURALLY-SPECIFIC TERMS OR EXPRESSIONS
- REGIONAL USES
- SLANG
- AMBIGUOUS TERMS OR WORDS
- OTHER? \_\_\_\_\_

### CHALLENGE: LEGALESE

"Your Honor, Ms. Chan was violated on March 23d. After a hearing, the conditions of her probation were reassessed."



### AMBIGUITY DUE TO LACK OF CONTEXT

"Avoid boring people."

"Was there a rat in the house?"

*Sample of Ambiguity:*  
 “Me dijo que estaba ahí”.

- He/She told me that he was there.
- He/She told me that it was there.
- He/She told me that she was there.
- He/She told me that you were there.
- You (Formal= “Usted”) told me that he was there.
- You told me that it was there.
- You told me that she was there.
- You told me that you were there.
- You told me that I was there.

**SCENARIO:** Would a court interpreter achieve accuracy if s/he provides a literal (“word for word”) interpretation of the following sentences?

- Was the location next to the Green Monster?
  - Now, who is wagging the dog, Mrs. Pinto?
- Did he look upset to you?  
 Where you cwofd/cwaf'd on the West Roxbury matter?  
 Did he hide the gun in the lazy Susan?

Questions?



**Scenarios: IMPARTIALITY**

The interpreter you are now working with— who was in court that morning-- hears the LEP party say something to you that contradicts what he had said in court earlier that morning.

**Q:**  
 Should the interpreter say something about it to you? Why or why not?

**Scenarios: CONFIDENTIALITY**

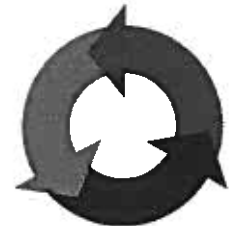
After assisting you and your LEP client, the interpreter is approached by a relative of the client outside of the court. She asks what was discussed inside because she can help him follow the court's orders, your advice, etc.

**Q:**  
 Should the interpreter tell her?

**SKILLS:**

Modes of Interpretation

- Simultaneous\*
- Consecutive\*
- Sight Translation



(Team Interpreting)

**CONSECUTIVE: 2-WAY  
INTERPRETING AT A MEETING**



**AT THE WITNESS STAND FOR THE  
RECORD:**



**Team Interpreting (ASL)**



**Simultaneous: One-Way Interpretation at  
the Defense Attorney's Table**



**Simultaneous at a Hearing:**



**SIGHT TRANSLATION**

The interpreter scans through a written document  
and orally translates it into or from English.



Questions?



Recap!

**IS ANY  
BILINGUAL  
PERSON  
QUALIFIED TO  
ACT AS AN  
INTERPRETER  
IN COURT?**



A:

**NOT REALLY!**

**COURT INTERPRETERS NEED  
SPECIALIZED TRAINING IN LEGAL  
TERMINOLOGY, INTERPRETING  
SKILLS AND ETHICAL STANDARDS  
OF PRACTICE.**

Screened and Certified Interpreters

**Requirements for Screened  
Interpreters**

- BA or equivalent
- Interview
- Written and oral tests
- Introductory Training
- Observations
- Mentoring
- Compliance with ethical standards

**Requirements for Certified  
Interpreters**

- Screening process completed
- 1 year minimum of professional experience
- Written Test
- Oral Test
- Compliance with ethical standards

**Challenges in working with untrained  
and/or *ad hoc* interpreters:**

- They may not preserve the same level of accuracy.
- They may intervene and add their own opinions, or engage in private conversations with the LEP party.
- They may talk about the case with other people.
- They may not be familiar with modes of interpreting.
- They may not be familiar with court terms or the legal process.

And so...

**Is the court interpreter's role to  
make sure that LEP parties  
understand their court or legal  
process?**

### A.

The **Court Interpreter's role** is to ensure equal linguistic access for LEP parties in court, in order to make them linguistically present throughout their legal process. However, it is **not** their role to ensure LEP parties' understanding of the process.

Their role is to enable LEP parties:

- to hear everything said regarding their legal process;
- to **communicate** with English-speaking parties effectively and transparently.

### Court Interpreter's Default Role: Conduit

They do their best to place Limited English-speaking parties at the same level/footing as the English-speaking parties during their court/legal matter.

### Troubleshooting:

How to make the best of the situation when you are working with interpreters?

### WORKING WITH INTERPRETERS IN COURT OR IN YOUR OFFICE



#### DO!

1. EXPLAIN TO THE NON ENGLISH-SPEAKER THAT THE INTERPRETER IS AN **IMPARTIAL PARTY** WHO IS THERE TO INTERPRET EXACTLY WHAT YOU SAY AND WHAT HE/SHE SAYS.

#### DO!

2. ADDRESS THE LEP PERSON DIRECTLY, NOT THE INTERPRETER. IN OTHER WORDS, DO NOT TELL THE INTERPRETER: "ASK HIM OR HER IF..." OR "TELL HIM/HER THAT..."
3. SPEAK AND ASSURE THAT OTHERS SPEAK AT A **VOLUME AND RATE** THAT CAN BE ACCOMMODATED BY THE INTERPRETER.
4. MAKE CERTAIN THAT THE INTERPRETER CAN HEAR AND THAT ONLY ONE PERSON SPEAKS AT A TIME.

#### DO!

5. HELP THE INTERPRETER **CLARIFY ANY DOUBT** THAT COULD HINDER HIS/HER ACCURATE RENDITION OF WHAT WAS SAID.
6. ASK QUESTIONS OR SAY THINGS IN **SIMPLE, STRAIGHTFORWARD SENTENCES. AVOID JOKES, AND IDIOMS AND USE ACRONYMS ONLY IF CLEARLY UNDERSTOOD BY ALL.**
7. **CLARIFY OR DEFINE YOURSELF** ANY TERM OF ART AS REQUESTED BY THE LEP PARTY.
8. UNDERSTAND THAT THE INTERPRETER HAS TO CONVEY THE **SPEAKER'S OWN STYLE, TONE AND REGISTER** (LEVEL OF SPEECH).

**DO!**

- 13. FEEL FREE TO INQUIRE ABOUT THE INTERPRETER'S PROFESSIONAL QUALIFICATION AND TO MONITOR THE INTERPRETER'S COMPLIANCE WITH HIS/HER CODE OF PROFESSIONAL CONDUCT.
- 14. ALLOW INTERPRETERS TO DO THEIR JOB EVEN IF YOU SPEAK THE NON ENGLISH-SPEAKER'S LANGUAGE. INTERPRETERS ARE TRAINED AND THEY ALSO KNOW THEY MUST REMAIN IMPARTIAL AND NOT TAKE SIDES.
- 15. MAKE GOOD USE OF THE INTERPRETER'S TIME. HE/SHE MAY HAVE OTHER ASSIGNMENTS TO COVER.

**DO!**

- 9. AVOID "RAPID-FIRE" DELIVERY OF WHAT TO YOU IS VERY ROUTINE INFORMATION.
- 10. UNDERSTAND THAT IT COULD TAKE MORE TIME TO SAY IN SOME LANGUAGES WHAT YOU ARE SAYING IN ENGLISH.
- 11. MAKE SURE THAT THE INTERPRETER CAN HEAR ALL SPEAKERS. INTERPRETERS CANNOT INTERPRET WHAT THEY CAN'T HEAR.
- 12. BE PATIENT IF THE INTERPRETER ASKS FOR CLARIFICATION OR REMINDS PARTIES TO SLOW DOWN.

**Do Not!**



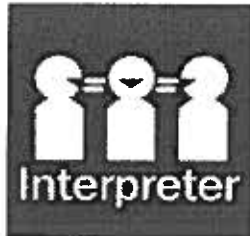
- ASK AN INTERPRETER TO NOT INTERPRET SOMETHING.
  - ASK THE INTERPRETER TO ASSIST A NON-ENGLISH SPEAKER IN FILLING OUT FORMS OTHER THAN ORALLY TRANSLATING ENTRIES.
- ASK AN INTERPRETER TO COMMENT ON THE CASE, THE NON-ENGLISH SPEAKER, ETC. HE/SHE IS BOUND TO OBSERVE NEUTRALITY AND IMPARTIALITY AT ALL TIMES.

**DO NOT!**

- ASSUME THAT THE INTERPRETER CAN FIND AN EQUIVALENT FOR EVERY LEGAL TERM IN HIS/HER TARGET LANGUAGE. YOU MAY HAVE TO EXPLAIN IT SO THE INTERPRETER INTERPRETS YOUR EXPLANATION.
- EXPECT INTERPRETERS TO NOT MAKE MISTAKES EVER. INTERPRETING IS AN EXTREMELY DIFFICULT TASK, AND ERRORS ARE EXPECTED. PROFESSIONAL INTERPRETERS ARE TRAINED TO CORRECT MISTAKES WHEN THEY BECOME AWARE OF THEM.

**FINALLY...**

Do not hesitate to call OCIS with any inquiry, concern or comment on our interpreter services!



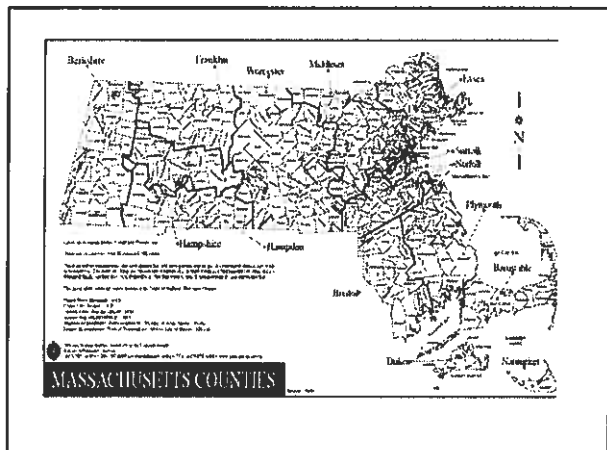
**OFFICE OF COURT INTERPRETER SERVICES**

2 CENTER PLAZA, 9TH FLOOR  
BOSTON, MA 02108  
Phone: 617-878-0343; 0269  
Fax: 617-367-9293

[www.mass.gov/courts/admin/planning/interpreters.html](http://www.mass.gov/courts/admin/planning/interpreters.html)







OCIS meets Chapter 221C's mandate by carefully **screening, training and supervising** the interpreters we assign throughout the MA Trial Court System.



OCIS interpreters must abide by our standards of practice in order to remain on our list, either as **"screened interpreters"** or as **"certified/qualified interpreters"**

### Interpreter Usage by Language

• Spanish	72.18%
• Portuguese	14.29%
• Vietnamese	2.47%
• Khmer	2.42%
• Cape Verdean	1.77%
• Haitian	1.37%
• Russian	1.22%
• ASL	0.71%
• Mandarin	0.55%
• Polish	0.45%

Figure 17 '04

### Recent New Languages in MA!

- Fuzhou (China)
- Malay (Malaysia)
- Tamil (India)
- Burmese (Burma)
- Nepali (Nepal)
- Karen (Burma)
- Hmong (So. China)
- Tagalog (Philippines)
- Fulani (Western Africa)
- Kpelle (Liberia)
- Igbo (Nigeria)
- Krahn (Liberia)
- Grebo (Liberia)

### Interpreter Resources

- 25 Staff Interpreters
- 17 Spanish
- 1 Khmer (Cambodian)
- 5 Portuguese
- 1 Vietnamese
- 1 Haitian-Creole

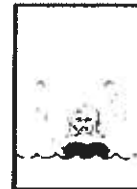


150+ Per Diem Interpreters  
40+ Different languages (Challenge!)

### Example of Recruitment Challenge!: Languages from Liberia

Over 33 different dialects along with English, the official language, are spoken in Liberia. They are Bandi, Bassa, Dan, Dewoin, English Gbii, Gbari-Twabo, Gio-Oubi, Gola, Grebo, Kisi, Kpelle, Krahn, Kru, Kuwaa, Liberian English, Lorma, Mankra, Mandingo, Mano, Many, Mende, Sapo, Tajuatohn and Vai.

Some dialects have different variations and are spoken quite differently in different regions. Grebo and Krahn are two. There are Barclayville Grebo, E Je Grebo, Fopo-Bua Grebo, Gboloo Grebo, Glebo Grebo, Globo Grebo, Jabo Grebo and Northeastern Grebo. The Krahn language is divided into Western Krahn and Eastern Krahn. Some dialects have more than one name. Lorma, is also known as Bouze, and is spoken in Lofa County in the Northwest Region of the country."



### Requesting Spoken Language Interpreters from OCIS

- **Through the Court Liaison**  
*(Usually at criminal Clerk's office)*
- **Through MassCourts**  
*(available now in District, Probate Court and Housing Courts; criminal matters.)*
- **Contacting interpreters from On-line OCIS list individually for interviews, translations, transcriptions, etc.**
- **Phone Interpretation**

### OCIS On-Line List

[www.mass.gov/courts/admin/planning/interpreters.html](http://www.mass.gov/courts/admin/planning/interpreters.html)

### Sign-Language Interpreters

- Get the court to submit the request to OCIS as soon as possible, either by fax or through MassCourts.
- OCIS gets requests directly from the courts and hands them over to the Massachusetts Commission on the Deaf and Hard of Hearing. They handle the request/assignment from then on.

### OCIS assigns (\$) interpreters for the following (Section 8.00 S&P):

- Court/Legal **criminal and civil** proceedings (in front of a judge; clerk magistrate)
- Court-Mandated Investigations/Interviews - C&Ps, CHINS, DELINQUENCIES
- Mental Health Commitment hearings- (at the court or at a Hospital)
- Court Clinics
- Grand Jury Proceedings

### OCIS assigns (\$) interpreters for the following, but assigns them a lower priority:

- Divorces
- Small Claims
- Malpractice
- Personal Injury
- Clerk Magistrate Hearings
- Civil Trials

### OCIS does not assign(\$) interpreters for the following:

- Attorney/Client Interviews
- District Attorney Victim/Witness Interviews
- Translations/Taped Transcriptions
- Taped Interviews for Grand Jury Presentation
- No development of evidence(see above)
- Probation Visits at Court (but interpreters assigned to court should help Probation when appropriate.)