

Text in shaded boxes are sample scripts for reading into the record.

Court Checklist

- Provide the interpreter with case information beforehand, or allow him/her to review the case file.
- Allow the interpreter to speak briefly with the LEP person beforehand to identify the speaker's dialect and that they can communicate.
- Establish interpreter qualifications, determine whether any conflicts exist, check the interpreter ID, and administer the interpreter oath.
- Explain interpreter's role to the parties and others as needed.
- Make sure everyone speaks slowly and clearly with pauses.
- Advise participants to raise their hand if they do not understand or disagree with the interpretation.
- Monitor the interpreter's performance and correct problems and any disputes regarding accuracy and ethical issues.
- Give the interpreter breaks at least every 30 minutes.
- Team interpreting is required to maintain accuracy in any proceedings expected to last more than 2 hours.
- Allow Interpreters to determine the frequency and timing of switching while in teams.
- Inform the LAC or DCA if an issue(s) has negatively impacted a case.

OATH TO SWEAR IN AN INTERPRETER

Do you solemnly swear or affirm that you will make an accurate, complete and impartial interpretation from the English language into the [target language], and vice-versa, of all communication during this proceeding using your best skill, judgment and ability and that you will abide by the Rules of Professional Conduct for Judiciary Interpreters, and so you do swear or affirm?
204 Pa. Code ch. 221 § 106.

WHO PAYS FOR THE INTERPRETER?

In judicial proceedings, the court pays for an interpreter for: all parties, victims, and witnesses; the parent, guardian, or anyone *in loco parentis* to a minor; and the parent, guardian, or anyone *in loco parentis* to an incapacitated party, victim, or witness.

The court must provide and pay for an interpreter for all deaf individuals requesting one.

Space Reserved for District-Specific Information

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ADMINISTRATIVE OFFICE
of PENNSYLVANIA COURTS

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AN INTERPRETER SHOULD BE APPOINTED

- When a self-represented litigant, attorney, witness, deaf or hard of hearing person **requests** an interpreter; or
- When the court or participants have difficulty speaking to or understanding each other, **even when an interpreter is not requested.**

Voir Dire to Determine Limited Ability to Speak or Understand English

- Please tell me how comfortable you are speaking English.
- Please tell us about an important, memorable moment in your life.
- What is your favorite pastime or recreational activity?
- Please describe the kind of work that you do.
- Please tell me about your favorite movie or TV show.

HOW TO QUALIFY AN INTERPRETER

- Certified interpreters
 - Qualifications can be verified through their listing on the Interpreter Roster and their corresponding ID card.
 - Full voir dire is not required.
- Non-certified interpreters (qualified, conditional, registered and non-rostered)
 - Must be voir dired on the record to ensure qualifications.
- **All Telephonic interpreters must be qualified through voir dire.**

Voir Dire to Establish Interpreter Qualifications

- Are you a certified interpreter listed on the interpreter roster? Do you have a certification program ID card? (If yes, no need to continue voir dire)
- What credentials do you have to serve as a court interpreter?
- Do you have formal training in interpreting? If yes, when and by whom?
- Have you worked in a legal proceeding before? If yes, please describe it.
- Do you know the vocabulary needed to interpret in this type of case?
- How did you learn both English and [the foreign language]?
- Are you aware of any conflicts of interest you may have with this case?
- Are you familiar with the code of professional conduct for interpreters? Tell me some of its main points.
- Have you spoken with the LEP person, and were there any communication problems?

Judicial Bench Card for Working with Interpreters: Quick Reference Guide

The Unified Judicial System of Pennsylvania | Language Access Program

WHO IS ENTITLED TO AN INTERPRETER?

Any principal party in interest, witness, victim, parent or person in *loco parentis*, in any criminal or civil proceeding is entitled to an interpreter. Persons with limited English proficiency (LEP) and those who are deaf or hard of hearing face special challenges when using the judicial system and court interpreters fulfill a fundamental role in providing access to justice and guaranteeing due process rights. An interpreter may also be appointed “for an immediate family member of a principal party in interest.” 42 Pa.C.S. § 4412(a)-(d).

An interpreter shall be appointed by request or “sua sponte, if the presiding judicial officer determines that a principal party in interest or witness has a limited ability to speak or understand English.” 42 Pa. Cons. Stat. Ann. § 4412 (a)

Judges shall presume a need for an interpreter when a self-represented litigant, an attorney, a witness, a deaf or hard of hearing person requests one, or when the court or any participants have difficulty speaking or understanding each other.

HOW DO I GET AN INTERPRETER?

Contact your [Language Access Coordinator \(LAC\)](#), [District Court Administrator \(DCA\)](#) or go to the [Interpreter Certification Program Roster](#) page. Always submit an appropriately completed [Interpreter Request Form](#) to the LAC.

HOW DO I DETERMINE IF AN INTERPRETER IS NEEDED?

Ask open-ended questions to ascertain if the person has a limited ability to speak or understand English. Avoid questions easily answered with yes or no replies.

Even when a person can answer simple questions, an interpreter should be appointed since legal proceedings use terminology that is often unfamiliar to people with limited ability to speak or understand English. Do not assume a level of English proficiency based on the person’s length of residence.

Individuals who are limited English proficient (LEP), deaf, or hard of hearing should never be expected to use informal interpreters, such as family members, opposing parties, or their counsel, nor should the court allow them to be used.

Please refer to “Voir Dire to Determine Limited Ability to Speak or Understand English” for sample questions.

WHAT KIND OF INTERPRETER SHOULD I APPOINT?

Always use certified or otherwise qualified interpreters from the roster either in-person or remotely. Never allow family, friends, or others with a potential stake in the outcome to interpret in court. See Table A of the [Interpreter Guidelines](#) for specific instances of which interpreters should be appointed for which types of cases.

1. In-Person Interpretation

In-person certified interpreters must be given preference. A qualified, conditional, or registered interpreter can be appointed only when a certified interpreter is not available. Interpreters on the [roster](#) have been issued ID cards by the Interpreter Certification Program.

2. Remote Interpretation

Use remote audiovisual technology when you:

- Cannot find a certified or qualified in-person interpreter AND the proceeding is
 - ◆ No more than 30 minutes;
 - ◆ Non-evidentiary; and
 - ◆ Does not involve more than one interpreter

Use telephonic interpreters when:

- The above statements are true; and
- Remote AV interpretation is unavailable
- **Telephonic interpreters are not certified and must be qualified through a voir dire.**

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The Unified Judicial System of Pennsylvania | Language Access Program

HOW SHOULD I INSTRUCT AN INTERPRETER?

- You must interpret everything that is said.
- Use the first (“I”) person to interpret.
- Use the third person (“the interpreter”) when referring to yourself.
- Use the same language level and grammatical construction as the speaker.
- Do not omit, edit, change, or polish what was said.
- Interpret the meaning as accurately as possible.
- Do not have any side conversations with the speaker.
- Never answer on the speaker’s behalf.
- You may ask the speaker to pause, repeat what was said, or slow down.
- You may ask me for clarifications or breaks.

HOW DO I EXPLAIN THE ROLE OF THE INTERPRETER?

The judge should explain the role of the interpreter to the parties and the jury before the start of any proceeding.

1. To All Parties, Witnesses, and Others:

“The interpreter is a neutral party who is here only to interpret the proceedings and enable communication. The interpreter will interpret everything that is said. Speak slowly and allow the interpreter to finish before continuing. Wait until the entire statement has been interpreted before you answer. Do not ask the interpreter questions. If you have a question, ask me or your attorney. Do not engage in conversations with the interpreter. The interpreter is not allowed to give legal advice. When speaking, speak directly to your attorney or to me. If you do not understand the interpreter tell me. If you disagree with the interpretation, raise your hand. Do you have any questions? Do you understand my instructions?”

If a deaf person is involved add “Please be aware that nodding by the deaf person usually means that they are understanding the interpreter, not that they agree with what is being said.”

2. To the Jury:

“An interpreter for a language other than English will be used during this proceeding. Although some of you may understand the foreign language used, it is important for all jurors to consider the same evidence. Therefore, you may only consider the testimony presented by the official interpreter[s]. You must not rely on your own interpretation of the witness’ or other parties’ words. The evidence you are to consider is only that provided through the official court interpreter.”

WHO CAN I CONTACT IF THERE ARE PROBLEMS?

- ⇒ Concerns or questions about the interpreter’s performance: Interpreter Certification Program, 215-560-6300 or InterpreterProgram@pacourts.us.
- ⇒ Concerns or questions about appointment, scheduling, or payment: Judicial District [Language Access Coordinator \(LAC\)](#)

RESOURCES

- [PA Interpreter Act](#): 42 Pa.C.S. § 4401, et seq.
- [Regulations](#): 204 Pa. Code ch. 221 §101, et seq. (2010).
- [Interpreter Compensation Schedule](#): 204 Pa. Code ch. 221 Schedule E.
- [The Unified Judicial System of Pennsylvania Language Access Plan](#)
- [County Language Access Coordinator List](#)
- [Interpreter Roster](#)
- [Interpreter Rules of Professional Conduct](#)
- [Interpreter Guidelines](#)
- <http://www.pacourts.us/judicial-administration/court-programs/interpreter-program>