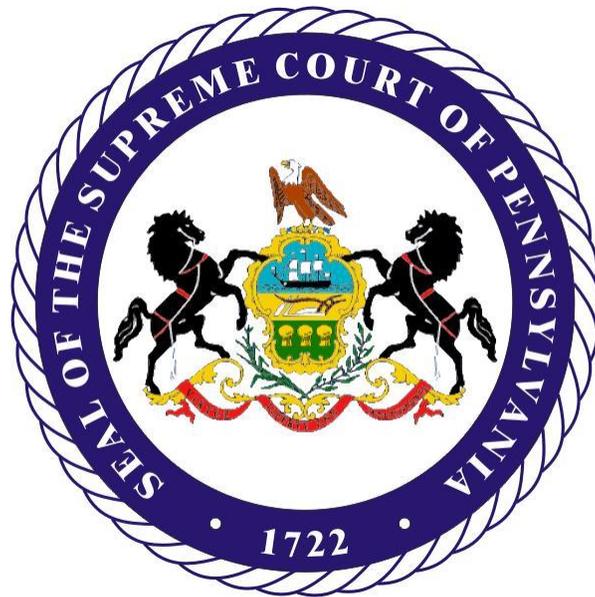


**Supreme Court of Pennsylvania**  
**Administrative Office of Pennsylvania Courts**  
**Interpreter Certification Program**



**COURT INTERPRETER MANUAL**

**June 15, 2015**

## **INTRODUCTION**

The court interpreter's role is to assist a person with limited English proficiency by facilitating communication, providing presence and allowing for full participation while interpreting accurately everything the defendant, judge, attorneys, and others say and hear as if no language barrier existed. The interpreter's role is a vital one and the nature and extent of its participation in a proceeding is subject to well-defined and understood standards and limitations. The information presented in this manual is intended as a set of guidelines governing the interpreter's function and conduct. These professional standards have been developed as part of the training of court interpreters.

## **I. ROLE OF THE COURT INTERPRETER**

### 1. Facilitate communication

The principal role of the interpreter is to serve as a conduit through which information may flow between parties that do not speak a common language. In this sense the interpreter becomes a facilitator through whom information is exchanged between the court and limited English proficient (LEP) individuals.

### 2. Provide presence for the limited English proficient person

The interpreter's second role is to provide "presence" in the courtroom for an LEP person allowing him/her to understand everything that is said just as the person would if they were a native English speaker. The LEP person should be able to react in real time to the events taking place in the courtroom.

### 3. Allow full participation

The third role of an interpreter's is to enable an LEP individual to fully participate in his own defense by consulting with his attorney, assisting in preparing for his defense, confronting and questioning witnesses, rebutting information and comments made during the proceeding and providing assistance and feedback in support of his own defense.

## **II. FUNCTIONS OF THE INTERPRETER**

The two most significant functions of the court interpreter occur in the courtroom where interpretation is provided for a limited English proficient (LEP) defendant at counsel table or a witness while testifying on the stand.

The primary need for an interpreter in the courtroom arises when an LEP defendant must be kept apprised of the nature of the proceedings and communicates with counsel. Consistent with prevailing constitutional rights, the interpreter appointed for an LEP defendant is required to faithfully interpret everything said in the courtroom to the defendant, including all testimony, conversations and communication between attorney and client without adding, changing, or deleting anything and without disrupting the court proceedings. Concurrent with these duties, the interpreter should assist in expediting court proceedings. As such, the court has a clear interest to see that the LEP defendant is provided with an interpreter at all stages of the proceedings, and further, that such interpreter discharges his professional responsibilities properly.

In the second instance, the court interpreter is sworn to interpret when a witness is unable to speak or understand the English language or is incapable of expressing himself in the English language so as to be understood directly

by counsel, court and jury. By the very nature of this role, the court interpreter is obligated to aid in discharging the affairs of the court in an unbiased and expeditious manner.

Interpreters may also be called to assist attorneys and other court personnel outside the courtroom. These instances must commonly involve client interviews, prepping of witnesses and other communications between attorneys and their clients. Interpreters may also be requested to help court personnel discharge their duties in relation to a client. For example, requests for information about court services, interviews by probation or parole officers, mental health evaluations, filling of applications or petitions and other court related functions.

### **III. THE THREE MODES OF INTERPRETATION**

#### **SIMULTANEOUS INTERPRETATION**

In simultaneous interpretation, the interpreter translates oral statements concurrently while the speaker is speaking. The time lag between the utterance and the delivery may be several seconds or a few sentences long. Close proximity in time between statement and interpretation does not necessarily signify a "good" interpretation. In fact, the linguistic structure of some foreign languages may preclude such close proximity. This mode of interpretation may be used effectively in most court situations and is the recommended technique for interpretation at counsel table for the benefit of the defendant(s) alone.

Proficiency in the simultaneous technique depends on skill, training, mastery of languages, experience and temperament; it should be emphasized that it is not necessarily more "difficult" than the consecutive technique.

#### **CONSECUTIVE INTERPRETATION**

Consecutive interpretation means the oral translation of a statement after the speaker has finished speaking. The statement may vary in length from a short phrase to a complex statement lasting several minutes. In translating the statement, the interpreter relies on memory, written notes, or a combination of these. Notes may be taken in longhand, shorthand, speedwriting, or graphic symbols, either alone or in combination with each other.

In court interpreting, the consecutive method is most commonly at the witness stand or in situations where there is an exchange of questions and answers between the defendant and the court, or during consultations with counsel. In the majority of cases taking notes is required. The interpreter translates the questions and answers as accurately as possible in English or in the foreign language as soon as the statement is finished. When a question or answer goes beyond three or four sentences, it becomes necessary to rely on notes or

to interrupt the speaker in order to ensure accurate interpretation.

In the former case, the interpreter takes notes as the witness is testifying or as the question is being asked. The translation is then read aloud. In the latter case, some discreet signal must be given at various points to the speaker (e.g., a raised hand) to stop for translation. These interruptions should be timed in such a way as to avoid confusion and conceptual disruptions of the question or the testimony. If possible, the signals should be explained to the witness, court and counsel beforehand.

Consecutive interpretation using notes is usually considered to be the most demanding and creative form of interpreting and, ideally, should not be done without previous training and/or experience.

### **SIGHT TRANSLATION**

Sight translation is a hybrid type of interpreting/translating whereby the interpreter reads a document written in one language while orally translating it into another language. In this mode of interpretation a written text must be rendered orally without or short advance notice and on sight. Typical of the types of texts that require sight translation in court are police reports or the reports of other expert witnesses (e.g., physicians, psychologists, etc.), waiver forms or probation reports, formal documents such as birth certificates, wills, and contracts, and transcriptions of oral statements such as depositions. Just as in every other aspect of judicial interpreting, particular attention should be given to conserving the register of the source text. If the source text is a complex legal document from another country, the interpreter must ensure that the translated version reflects the intricate, erudite style of the original. If the document is a handwritten letter from a defendant with little education, the oral version must preserve the simple language and grammatical errors that may be contained in the original text.

In part the complexity of sight translation lies with the nature of written language, which usually is more densely packed with information than spoken language. In order to perform the task of sight translation proficiently, interpreters must be adept at grasping the meanings of written text, possess ample knowledge of the grammatical structure of language, understand the use of punctuation and sentence construction. Reading comprehension can be enhanced by the ability to read keenly and developing a habit of reading on a regular basis on a wide variety of topics.

## **IV. STANDARDS OF PROFESSIONAL RESPONSIBILITY**

### **ACCURACY AND COMPLETENESS**

The primary responsibility of a court interpreter is to render a complete and

accurate interpretation without altering, deleting or adding anything to what is stated or written, and without embellishment or explanation. Interpreters must translate with exactitude while accurately reflecting a speaker's nuances and level of formality. The court interpreter is required to interpret the original source material without editing, summarizing or omitting anything while conserving the language level, style, tone and intent of the speaker and to render a *legal equivalent* of the source message.

Legal equivalence is the distinguishing characteristic of court interpreting and sets it apart from all other branches of interpretation. The interpreter must render accurately both the form and content of the linguistic and paralinguistic elements of a discourse, including all the pauses, hedges, self-corrections, hesitations and emotions as conveyed through tone of voice, word choice, and intonation. They should convey the emotional emphasis of the speaker without reenacting or mimicking the speaker's emotions or dramatic gestures. Finally, interpreters should never interject their own words, phrases or expressions. This concept is called message conservation.

Thus the goal of a court interpreter is to enable judge and jury to react in the same manner to a limited English proficient defendant or witness as they do with one who speaks English.

The obligation to preserve accuracy includes the interpreter's duty to correct any error of interpretation discovered during the proceeding. Interpreters should immediately identify and correct any mistakes they become aware of as soon as possible and correct the record. Even if this means going back after a hearing is over.

## **CONFLICT OF INTEREST**

Court interpreters shall not engage in nor shall they have any interest, direct or indirect, in any business or transaction, nor incur any obligation which is in substantial conflict with the proper discharge of their official duties in the court or which impairs their independence of judgment in the discharge of such duties.

In all instances, the interpreter should disclose to all parties concerned, and in court interpreting to the trial judge, any actual or perceived conflict of interest or the appearance of any conflict of interest. Any condition which impinges on the objectivity of the interpreter or affects his/her professional independence constitutes a conflict of interest.

A conflict may exist whenever any of the following occur:

1. The interpreter is acquainted with any party to the action.
2. The interpreter has, in any way, an interest in the outcome of the case.

3. The interpreter is perceived as not being independent of the adversary parties (or related agencies in criminal cases).

In addition, the court should be informed whenever the interpreter and/or any witnesses have previously worked together.

### **IMPARTIALITY AND CONDUCT**

Court interpreters shall not only be impartial and devoted to the best interest of the court, but shall so act and conduct themselves, both inside and outside the court, as not to give occasion for distrust of their impartiality or of their dedication to the court's best interest. They must observe established protocol, rules and procedures for delivering interpreter services. Interpreters should not draw undue or inappropriate attention to themselves and should dress in a manner consistent with the dignity of the proceeding and the court.

### **CONFIDENTIALITY**

Court interpreters shall not disclose confidential information acquired by or available to them in the course of their duties in the court; nor shall court interpreters disclose privileged communication between attorney and client.

1. Interpreters must protect and uphold the confidentiality of all privileged information obtained during the discharge of their duties.
2. The interpreter should keep confidential all matters interpreted and all conversation overheard between counsel and client.
3. The interpreter should not discuss a case pending before the court.
4. Interpreters must refrain from repeating or disclosing information obtained in the course of their employment that may be relevant to any present or future legal proceeding.

### **COMPENSATION**

Court interpreters shall not accept money or other considerations or favors from anyone other than the court, for the performance of an act that they would be required or expected to perform in the regular course of assigned duties. Nor shall court interpreters accept any gifts, gratuities or favors of any kind that may be reasonably interpreted as an attempt to influence their actions with respect to the court.

### **USE OF COURT TIME FOR PRIVATE GAIN**

Court interpreters shall not use for private gain or advantage their court time or the court's facilities, equipment or supplies, nor shall they use or attempt to use their position to secure unwarranted privileges or exemptions for themselves or others.

## **GIVING LEGAL ADVICE**

The interpreter should never give legal advice of any kind to the LEP person or to any other person, whether solicited or not. In all instances, the LEP person should be referred to counsel. The interpreter may give general information to an LEP person regarding the time, place and nature of court proceedings. However, in matters requiring legal judgment, the individual should always be referred to an attorney.

The interpreter should never function as an individual referral service for any attorney. This kind of activity has the appearance of impropriety and is forbidden by both the interpreter's Code of Conduct and Professional Responsibility and the attorney's Canons of Ethics. When asked to refer an LEP person to an attorney, the interpreter should refer such individual to the local county or city Attorney Referral Service in civil matters, or to the Public Defender's Office in criminal matters.

## **PROFESSIONAL RELATIONSHIP WITH INDIVIDUALS NEEDING INTERPRETATION**

The interpreter should maintain a professional relationship with all LEP persons needing his/her services. While rapport built on compassion and understanding should be established, every effort should be made to discourage personal dependency on the interpreter.

The interpreter should strive for a professionally detached relationship. Displays of emotion by the interpreter should always be avoided.

The interpreter and LEP person should refrain from addressing one another on a first name basis. Familiar forms such as the "tu" form in Spanish should be avoided.

## **SPEAKING TO THE MEDIA**

Interpreters should not publicly discuss, report or offer opinions concerning a matter in which they are currently or have been previously engaged; even when that information is not privileged or required by law to be kept confidential.

A court interpreter should not render opinions or make subjective statements of any kind through a newspaper, radio or other public medium regarding any legal matter in which the interpreter has interpreted or served as a translator of written material of a legal nature. Nor should they allow themselves to be interviewed or write for any media about cases in which they have served.

## **CONTINUING EDUCATION AND DUTY TO THE PROFESSION**

The interpreter should be responsible for engaging in continuing education to keep informed of matters and professional developments which can help them

improve their performance and qualifications through participation in workshops, professional meetings, interaction with colleagues and reading current literature in the field.

The interpreter should be responsible for elevating the standards of performance of the profession and should seek to maintain a professional relationship with all court officers, attorneys and all other legal personnel.

They should also keep abreast of all statutes, rules of court, and policies of the judiciary that relate to the performance of their professional duties.

## **V. GENERAL BEST PRACTICE STANDARDS**

In order to promote trust and confidence in their professional qualifications and skills, all interpreters should be aware of, and observe the following best practice standards. In general interpreters should:

1. Appear on time and report immediately upon arrival to the court clerk or other designated official. If delayed or unable to keep an appointment, interpreters should contact the appropriate court officer and advise them of the situation.
2. Always dress appropriately for court and be well groomed. In order to be treated as a professional, one must dress the part.
3. Provide his/her true and correct name to the court and the language to be interpreted when asked. When working for an agency, the agency's name should also be provided.
4. Make sure they are sworn in for the record and affirm the prescribed oath.
5. Not leave the courtroom until the proceedings are officially terminated or he/she is officially excused.
6. Develop a compendium of standard terms and phrases for handling interpretation of common and often repeated portions of proceedings such as the administering of rights, oath, *voir dire* and standard judicial admonishments.
7. Ask to review any relevant documents or evidence which will be used or introduced in order to become familiar with the relevant facts of the case and any technical vocabulary before the hearing starts. If necessary consult a glossary or dictionary to become familiar with new terminology.
8. Inform the court when the quality of his/her interpretation is faltering owing to fatigue and request a brief break.

9. Not emulate the gestures made by a defendant or witness. Physical gestures express different meanings in each language. One obvious exception to this rule is sign language interpreters who must make signs and gestures in order to properly communicate with deaf and hard of hearing clients.
10. Not interpret proper names but instead leave them in their original language
11. Spell the defendant's and witness' names exactly as stated by the defendant or witness for the benefit of those in attendance, particularly the court reporter.
12. Provide an accurate interpretation of all statements without embellishment, omissions or editing (i.e., epithets and curses should be interpreted as well). LEP witnesses should be informed before the proceedings that their testimony will be interpreted in its totality. An interpreter should never hesitate to provide the most accurate form of a word in spite of a possible vulgar meaning.
13. Render as close and accurate an interpretation as possible. When idioms or other terms are used that are not co-definitional and the speaker's meaning is clear to the interpreter, the closest appropriate term or phrase should be substituted. If a term or phrase can reasonably take on more than one meaning, or if the interpreter is unfamiliar with a term or phrase, the interpreter may inquire further of the speaker to determine an exact meaning after informing the court of the problem and requesting permission. Bear in mind that lengthy conversations with a defendant or witness can lead to suspicion and distrust of the interpreter and should be avoided. When appropriate, an explanation should be stated for the record of any prolonged communication with a defendant or witness.
14. Avoid the appearance of partiality or prejudice. The interpreter should avoid unnecessary discussions with counsel, the parties to the action, criminal defendants, witnesses, other interested parties and court staff inside or outside of the courtroom.
15. Never correct erroneous facts posed in questions to LEP witnesses. Conversely, the interpreter must never correct the testimony of LEP witnesses even if the errors are obvious. The interpreter must never infer the response of the LEP witness. For example, if the witness is asked to clarify his prior answer regarding direction or place, the interpreter should pose the question as asked and not volunteer to restate the answer of what the interpreter thought the witness meant.
16. If counsel or the court utilize a term or phrase which the interpreter believes may confuse the LEP person, the interpreter should so inform

the court. These instances may arise when a particular concept is unknown in the witness' native culture or when certain English terms are ambiguous in translation (i.e. "you" can be either a singular or plural reference in Spanish).

17. Conduct all interpretation in the first person. That is, to the request, "State your name", the correct response by the interpreter is "My name is John Doe", not "He says his name is John Doe." When addressing the court interpreters must always refer to themselves in the third person or identify themselves as the speaker in order to differentiate their own statements from those of the person for whom they are interpreting in order to keep the record clear.
18. Always have a bilingual dictionary, glossaries and other reference material with them for quick consultation when necessary.

### **PRE-APPEARANCE WITNESS INTERVIEW**

Whenever possible, the appointed court interpreter should interview the LEP person prior to the initial court appearance. Approval of counsel should be obtained by the interpreter before attempting contact with a defendant or any witness. Counsel should also be advised of the nature and content of the conversation.

1. The defendant or witness should be advised of the procedure to be used and familiarized with the interpreter's technique before taking the stand.
2. The interpreter should briefly familiarize himself/herself with the speech patterns and any other linguistic nuances of the defendant or witness.
3. The interpreter should determine whether any technical vocabulary will be used during the testimony and if necessary, request time to research any terms with which they are not familiar before the start of the hearing.
4. The defendant or witness should be admonished not to initiate any independent dialogue with the interpreter, but rather to direct all statements to the court or to counsel.
5. The interpreter may wish to establish a method by which he/she can unobtrusively interrupt lengthy testimony if necessary, for example, by the use of hand gestures. Such action might be taken where the interpreter wishes to have the testimony segmented to avoid confusion.
6. The defendant or witness should be instructed to maintain eye contact with the Judge or with counsel not with the interpreter. An obvious

exception arises in the case of sign language interpreters and their consumers who need to have eye contact with each other in order to communicate effectively.

### **INTERPRETATION OF SPECIAL TERMINOLOGY**

In all instances where knowledge of special terminology is needed for a particular case, or the interpreter is required to comprehend dialectical forms or regionalisms, the interpreter should critically assess his ability to perform and should disqualify himself/herself when not fully capable of providing a high quality, professional interpretation.

Even when an interpreter accepts an assignment where specialized vocabulary in a particular field is required because they are competent in that field, they still should make sure they have access to a dictionary or glossary in that field to consult if an unfamiliar word or term arises.

### **INTERPRETING FOR DEFENDANTS AT COUNSEL TABLE**

Interpreting at counsel table is probably the most common of all interpreting scenarios. In general:

1. While interpreting at counsel table, the interpreter should speak only loud enough to be heard by the defendant and counsel.
2. The interpreter should utilize the simultaneous method of interpretation at counsel table whenever a witness is testifying in a language other than that of the defendant.
3. If the defendant begins a conversation with the interpreter in reaction to witness testimony or to something stated during the course of the hearing, the interpreter should immediately request a pause and inform the court of the situation so that the appropriate person can inquire of the defendant and resolve the matter.
4. If a serious communication problem arises between the interpreter and the defendant, the interpreter should bring such matter to the immediate attention of defense counsel who then may request that the court allow time to resolve such problem.
5. The interpreter should inform counsel immediately if the defendant asks for clarification or states that he/she does not understand what is happening in the courtroom. It is always up to counsel or the court to explain any procedure or terminology that is not understood or causes confusion to the defendant.
6. When counsel wishes to consult with the defendant, a pause should be requested so that defendant does not miss any relevant information that

may transpire while consulting with counsel.

7. If the interpreter realizes that the vocabulary level being used by an expert witness is not being understood by the defendant, counsel should be informed so measures can be taken for the defendant to understand the testimony.

## **PHYSICAL LIMITATIONS**

Court interpreting, as distinct from conference or medical interpreting, is severely conditioned by the formal and intimate environment of the courtroom and the adversarial nature of the proceedings. Working in the midst of an indeterminate number of listeners of varying backgrounds, interests, education and familiarity with the case, the court interpreter sometimes must work for indefinite periods of time, often alone and without supervision or the assistance electronic aids, while having to cope with the complexities of a stylized jargon and sets of specific, though unknown, facts, names and actions. Consequently, the interpreter's ability to adjust to this difficult and limited setting plays just as important a role in the provision of services as his/her technical and linguistic proficiency. In short, interpreters must function as their own sound engineer, directing and altering their voice level and physical location in relation to all speakers and listeners in the room. They must always be in a location where they can clearly hear the speaker while still being able to be heard by the person requiring their services. While interpreting simultaneously at counsel table, the interpreter's voice must be kept lower than the speaker's voice, whereas at the witness stand it must be at least as loud as that of the witness and counsel. In general, the voice should always be directed towards the listener(s). Since interpretation at the witness stand is recorded verbatim by the court reporter, a lucid, audible and precise delivery is essential.

Other obstacles to performance which may require an adjustment by the interpreter are rooms with bad acoustics, extremely intimate settings where privacy is minimal or the lack of electronic aids like microphones or headsets. Interpreters should be flexible in adapting to particular situations and must sometimes perform their work with certain limitations. However, whenever an interpreter believes that the quality of their interpretation will be significantly impacted by the physical or environmental conditions in which they are being asked to discharge their duties, they should immediately inform the appropriate official and request that the necessary measures be taken to correct the problem.

## **VI. SECURITY FOR COURT INTERPRETERS**

The adversarial nature of criminal and civil procedures makes the courtroom a

place of conflict. The outcome of a case may trigger violent reactions from defendants and litigants, therefore, court interpreters need to be aware of how to respond to and report security risks.

The physical proximity to a defendant in court proceedings makes the interpreter an easy target for a threat or attack. It is important to take into consideration the time and distance factors. Essentially, the closer the interpreter is to the source of danger, the less time he/she has to react. The greater the time the interpreter has to respond and the farther he/she is from the threat, the greater the probability of surviving an attack. A way of keeping a physical distance from the defendant is by the use of headsets and other interpreting equipment. The interpretation is still clear and audible and there is no need for proximity.

It is important to “read ahead” and be ready for an act of aggression before it occurs in order to react faster and withdraw from a situation quickly. Body language can give indications of frustration and anger. By paying attention to verbal and non-verbal indicators the interpreter can be prepared to respond appropriately in a potentially dangerous situation. Court security officers are trained to devote their full attention to the safety of everyone in the courtroom and they will usually take action if an individual displays inappropriate behavior by removing them from the courtroom. Court interpreters should always cooperate with security personnel and follow their instructions.

The greatest threat to an interpreter will come from close-in physical attacks in the form of hand-to-hand combat, sometimes combined with the use of weapons such as knives or improvised edged weapons. Makeshift weapons fall into two categories: improvised weapons, which are weapons created from common objects, and weapons of opportunity, which are common objects used as weapons. Interpreters need to account for and secure ordinary objects that can be used as weapons of opportunity, such as pens, clipboards, etc...

A different type of threat for the interpreter and court personnel are infectious diseases. Some are transmitted through direct or indirect contact and some are airborne. Maintaining physical distance from defendants is not only a good physical security strategy, it is also good disease prevention. By disinfecting equipment after each use, like headsets used by defendants, and keeping a set for personal use, the interpreter minimizes the risk of contracting diseases.

Court interpreters should always follow the policies, procedures and instructions of security personnel. An informed interpreter that remains calm during an emergency situation becomes part of the solution, not part of the problem.

For more information on this subject consult *The Security for Court Interpreters Manual*, by Lorena P. Martin at the NCSC website: [www.ncsc.org/services-and-experts/areas-of-expertise/language-access.aspx](http://www.ncsc.org/services-and-experts/areas-of-expertise/language-access.aspx).

## **VII. SUMMARY**

Interpreting is a very demanding professional endeavor. Interpreters are in a unique position of trust and great responsibility. Their choice of words can change the outcome of a case and have significant consequences for the LEP person with whom they are working. Consequently, interpreters must be constantly aware of their professional obligations. Through the interpreter the court obtains and makes an evaluation of the facts in a case, and assesses the credibility of the defendant's and witness's testimony. Interpreters also make equal and fair dispensation of justice possible, help provide access to the court system for linguistic minorities and assist LEP individuals to exercise their rights.

The first obligation of the interpreter is to the court. When appointed to a case the interpreter becomes an officer of the court. Therefore, they should never engage in any conduct or behavior that jeopardizes this position of trust. By strictly observing the code of ethics and professional responsibility, they can discharge their obligations both to the court and the LEP individuals that require their services.

Interpreters should always keep in mind that:

1. The role of the interpreter is to produce a *legal equivalent* of the source language message into the target language without altering meaning or content while preserving all the linguistic elements and nuances of the original speaker.
2. The function of the interpreter is to serve as a facilitator through which information flows and facts can be checked or verified. They help provide *presence* and allow *full participation* for the limited English proficient person.
3. They provide access to court services and help guarantee the due process rights of LEP individuals in the justice system.
4. In order to perform their duties effectively, interpreters must master the three modes of interpretation: simultaneous, consecutive and sight translation.
5. Interpreters must know and abide by the Rules of Conduct and Professional Responsibility. They must perform their duties while constantly upholding all the principles contained in the rules.
6. They must follow the best practice standards of the profession and be committed to continually improving and staying abreast of linguistic and professional trends.
7. Interpreters should undergo proper training and have their skills and

credentials measured or evaluated through an established and recognized qualification process. This will not only validate and assign increased value to their professional skills but also will help promote confidence and trust among those seeking their services.