

Judicial Officers: Authority and Responsibility

Interpreter Bench Card

Contact: Phyllisia Gant; email: phyllisia.gant@courts.in.gov

Introduction

The State of Indiana provides court services to a wide range of people, including those who speak limited or no English and those who are deaf or hard-of-hearing. Limited English Proficiency (LEP) means the inability to adequately understand or communicate effectively in English because of where a person was born or because of a disability. These LEP individuals may request a court interpreter in their native language to provide interpreting services during court proceedings.

The decision to appoint an interpreter is an important task for judicial officers. There is a need for a higher degree of coordination and uniformity regarding interpretation in courtrooms. This guide provides judicial officers with helpful information and a concise step-by-step guide to reference when appointing court interpreters.

This bench card provides information about evaluating the need for a court interpreter, describes the Language Line service, and outlines the criteria for qualifying an interpreter if a certified interpreter is not available. Finally, this bench card provides the oath that all judicial officers must administer on the record to the interpreter.

To request copies of the bench card, please contact Manpreet Kaur at Manpreet.Kaur@courts.in.gov



TIPS FOR WORKING WITH INTERPRETERS

Indiana Supreme Court

An interpreter should be appointed

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

Inform the speaker you are asking the questions below to see if an interpreter is needed.

Sample voir dire that will demonstrate if a speaker has limited ability to speak English and will need the court to appoint an interpreter.

- 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?

Use the [I-Speak Guide](#) to identify language.

How to establish interpreter qualification

- Court certified or qualified interpreters should be used for all phases of a criminal proceeding.
- In other proceedings, certified or qualified interpreters should be used, unless all reasonable options for employing a certified or qualified interpreter have been exhausted.
- Verify certification status through the Indiana [Supreme Court's Registry](#).
- Full *voir dire* is not required for court certified interpreters; state **on the record** that he/she is court certified.
- Interpreters who are not court certified:

- Must be *voir dire* **on the record** to establish qualifications. Sample *voir dire* below.
- Should only be used when certified interpreters are unavailable.
- Telephonic interpreters (e.g., **Language Line** 866-874-3972, code 521161) are **not** certified. They **must be qualified** on the record, and should **only** be used for non-evidentiary, routine hearings under 30 minutes.
- **Never** use informal interpreters such as family, friends, opposing parties, or their counsel.
- **Do** use team interpreting for complex or long hearings to avoid interpreter fatigue which compromises accuracy.

Sample *voir dire* to qualify an interpreter

- Do you have any training or credentials as an interpreter?
- What is your native language?
- How did you learn English?
- How did you learn [the foreign language]?
- How many times have you interpreted in court?
- Have you interpreted for this type of hearing or trial before? If so, to what extent?
- Are you familiar with the legal or scientific terms typically used in this type of hearing or trial?
- Are you a potential witness in this case?
- Do you know or work for any of the parties?
- Do you have any other potential conflicts of interest?
- Have you spoken with the speaker informally? Are there any communication problems?
- Are you familiar with the dialect or idiomatic peculiarities of the speakers?

Interpreter Oath – Ind. Code 34-45-1-5

Do you solemnly swear (or affirm) that you will justly, truly, and impartially interpret to _____ the oath about to be administered to him (her) and the questions which may be asked him (her), and the answers that he (she) shall give to such questions, relative to the cause now under consideration before this court so help you God (or under the pains and penalties of perjury)?

Instruct the interpreter

- You must interpret everything that is said.
- Use the first person ("I") to interpret.
- Use the third person ("the interpreter") when referring to yourself.
- Use the same language level and grammatical construction as the speaker.
- Do no omit, edit, change, polish, or summarize what was said.
- Interpret the meaning as accurately as possible.
- Use the consecutive mode when the speaker is giving testimony, or when the judge or counsel is in direct dialogue with the speaker.
- Use the simultaneous mode when the speaker is in the third person position about the proceedings; e.g., at counsel table.
- 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 slowdown.
- You may ask me for clarifications or breaks.

Explain the role of the interpreter at the start of the proceeding

1. To all parties, witnesses, and others:

"The interpreter is a neutral party who is here only to interpret the proceedings and enable communications. The interpreter will interpret everything that is said. Speak slowly and allow the interpreter to finish before continuing. 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 or 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 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."

Online Resources

- Certified Interpreter Registry Search | courtapps.in.gov/interpreters
- Interpreter Code of Conduct & Procedures | in.gov/courts/rules/interpreter/index.html
- "I Speak" Language Identification Guide | in.gov/courts/admin/files/intrprt-i-speak-guide.pdf
- Multilingual Signage Poster (Letter Size) | in.gov/courts/admin/files/intrprt-poster-letter.pdf
- Multilingual Signage Poster (Ledger Size) | in.gov/courts/admin/files/intrprt-poster-ledger.pdf
- Court Interpreter Grant | in.gov/courts/admin/language-access/interpreter-grants/

Contact

Manpreet Kaur
Language Access Program Manager
Indiana Office of Judicial Administration
(317) 233-3362
Manpreet.Kaur@courts.in.gov