

## WHAT COURT INTERPRETERS WOULD TELL YOU IF THEY WERE HERE

*[Taken from Court Interpreting, Legal Translating and Bilingual Services Section, New Jersey Administrative Office of the Courts, September 6, 1988 (revised October 25, 1988; November 18, 1988; February 9, 1989).]*

1. Take some time to become familiar with my profession. I'd like very much for you to understand the professional services I am responsible for rendering. When you do that, you will be more likely to respect and treat me as a professional. You will be less likely to view me as a glorified clerk or someone of dubious professional (certainly not equal to court reporters!) standing. It may be a helpful guide if you would treat me the way you tend to treat your reporter or any officer of the court

Once you understand my job better, here are some things you will no longer do. Please understand that this isn't just me talking. The following examples represent the best thinking of judges, lawyers, and court administrators – as well as professional interpreters, of course – who have pondered the role of the interpreter in great depth. These examples are based on the Code of Professional Responsibility I'm expected to follow.

- A. Don't ask me to explain or restate what you or anyone else says. I can only put into another language exactly what a person has said.
- B. Don't allow attorneys appearing before you to ask me to explain or restate what someone says. When I decline to perform this task for them, please support me and do not expect me to violate the Code.
- C. Don't ask me to take the persons) for whom I'm interpreting to an office, counter, etc.
- D. Don't let two or more people talk at the same time. There's no way I can interpret everything that's being said!
- E. Don't ask me not to interpret something. I'm professionally and ethically bound to interpret everything that's said.
- F. Don't forbid me to interpret simultaneously during a proceeding because it interferes with your concentration or otherwise bothers you. There are many situations in which I'm professionally, ethically, and legally bound to interpret in the simultaneous mode. If my whispered simultaneous interpreting gets too loud, respectfully ask if I can speak more quietly. I'll do my very best to be as unobtrusive as possible.
- G. When an attorney or someone else alleges that I have made an error in interpretation, don't automatically assume that I have made one. Remember that the attorney is in an adversary relationship and I am not. I do make mistakes sometimes and I will be the first person to admit a mistake when I recognize one. But ask me if I agree with an attorney's allegation before concluding that I have actually made a mistake. As a neutral party and a linguist, I should have more credibility before the court than virtually any attorney on such matters.
- H. Don't talk to me when you are really talking to a witness, defendant or someone else. If you say, "Ask him if..." or "Tell him that..." remember that I am required to say

exactly that in the interpretation or to remind you to talk directly to the person you are addressing. If I do the former, the person with whom you are attempting to communicate will often be confused. If I do the latter, you may get upset.

2. Avoid rapid-fire delivery of what to you is very routine material and help attorneys avoid excessively fast speech. Understand that when we are interpreting into other languages, it is often the case that it will take more words for me to convey a message accurately and completely. Be patient and understanding if I have to keep reminding you or others to slow down so I can do my job, too.
3. I need breaks every bit as much as your reporters do, maybe even more. I am often the only person in the courtroom who is taking all of the time. While everyone else is only having to understand what is being said, I have to both understand it and put it into another language. This is intensely demanding work.

Furthermore, if the proceeding I am interpreting is a proceeding which involves simultaneous interpreting for more than an hour, two interpreters should be assigned to the case. We should be able to switch off every 30 minutes or so.

4. Please make efficient use of my services. I have other commitments to attend to when I finish interpreting for the case before you for which you have summoned me. Take my case as quickly as possible in order to prevent incurring the extra costs of having me wait and inconveniencing the other courts or court support services that may be waiting for my services.
5. Understand the human limits of my job. My main interest here is that you comprehend the fact that no person knows all of the words in any one language, much less all of the words of all the dialects of that language – and, much, much less, all of the words of all the dialects of two languages (not to mention the professional and legal jargon for which there is often no equivalent at all in other languages)! Sometimes I need to obtain clarification. It is unethical for me to make up an interpretation or guess at an interpretation of something I do not understand. Instead of viewing such a request as casting doubt upon my professional credentials, consider viewing it in terms of my commitment to accuracy.
6. Many of my colleagues are not very well qualified and want very much to improve their interpreting skills. They need support for attending courses and professional seminars. Please do everything you can to enable on-the-job training, so do not hesitate to take them – and me, sometimes – under your wing when there is something we need to learn.
7. Before you expect me to start interpreting for a given matter, give me the opportunity to find out what the nature of the proceeding is, who is involved, etc. Furthermore, let me speak to the linguistic minority person briefly to size up the person's communicative style and needs so I can make whatever adjustments may be necessary and appropriate to improve communication – or perhaps even discover that I might not be able to communicate sufficiently with the individual! Like any other professional, the better prepared I am, the better job I'll be able to do and the smoother the whole proceeding will flow.

5. Numbers that may come up: addresses, amount of drugs or money, telephone numbers that will repeatedly be referred to, account numbers, etc.;
6. Any physical evidence that will be referred to or shown to the witness;
7. Any emotional factors that may affect the witness's concentration or delivery: mental problems, fear, jumpiness, etc.;
8. Any key words (descriptions, disputed dialog, slang, code words, etc.) that may be elicited in the testimony.



### What to Tell Witnesses Who Will Testify Through an Interpreter

- Prepare the witness ahead of time, preferably with the same interpreter who will accompany the witness to the stand so that the witness's speech patterns will be familiar to the interpreter and vice versa. Just as a New Yorker might have to concentrate more when listening to an Alabama accent, a Spaniard may have to concentrate more when listening to a Caribbean accent. Accent variation and idiosyncratic speech abound. While interpreters, who are educated speakers, use standardized Spanish, Russian, French, etc., defendants or witnesses may hail from anywhere, and an uneducated speaker will be harder to follow than someone who expresses himself cogently. Interpreters have to "tune in" many different accents or speaking styles, and any lead-time is helpful to the ear.
- Instruct witnesses not to direct any comments or questions to the interpreter during the testimony, but to act as though the interpreter were not there. Courtroom testimony is formal and stylized, and it is improper for the interpreter and witness to have any private conversation. If the witness has spoken with the interpreter before in informal settings, he may think there is nothing wrong with engaging the interpreter in conversation while on the stand: he should be told not to fraternize with the interpreter.
- Advise witnesses not to volunteer information but to limit themselves to answering the question, and to direct their answers to the examiner, not to the interpreter.
- Instruct the witness to look either at the attorney or at the jury, and explain that testimony is judged not only by words, but also by manner of testifying and body language. (Bare in mind that body language varies from culture to culture. In some cultures it is considered polite to answer questions with the eyes downcast, so a witness may have to be coached beforehand, to look up when answering the questions.)
- Instruct witnesses to wait for the question to be translated before they answer, and to answer in their native tongue.
- Advise witnesses to listen to the translation of the question even if they think they understand the English. Tell them to answer briefly, directly and to pause regularly so that the interpreter may render the testimony into English.

#### **WARNING:**

*Many witnesses forget to pause, and often interpreters cannot retain all the detail of long narratives. It is a good idea to practice the rhythm of Q and A with the interpreter and the witness ahead of time so everyone can get accustomed to the procedure of waiting for the translation.*

## ***IMPORTANT TIPS TO REMEMBER***

1. **DO** understand that the interpreter is neutral
  2. **DO** make sure that you and the non-English speaker wait for full interpretation and understanding.
  3. **DO** avoid double negatives. They result in ambiguity, even in English.
  4. **DO** strive to keep all speakers' voice levels up and to minimize other noise around you.
  5. **DO** speak slower when reading from documents or instructions.
  6. **DO** be aware of cultural differences.
  7. **DO** conduct the entire conversation in 1<sup>st</sup> and 2<sup>nd</sup> person as if there were no interpreter present.
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1. **DO NOT** interrupt the interpreter. Accuracy is compromised.
2. **DO NOT** use long and involved questions.
3. **DO NOT** permit any uninterrupted conversation to occur at all.
4. **DO NOT** use "machine gun" style in questioning.
5. **DO NOT** allow summarizing or paraphrasing by the interpreter.
6. **DO NOT** allow more than one party to speak at any given time.
7. **DO NOT** ask the interpreter's opinion about the non-English speaker unless it is to check the client's comprehension.