

## PROFESSIONAL ETHICS AND THE ROLE OF THE COURT INTERPRETER

The following discussion of court interpreter ethics and responsibilities is based on North Carolina's *Guidelines for the Use of Foreign Language Interpreting and Translating Services in the Court System*. The guidelines provided here are intended to assist you in dealing with difficulties that frequently arise in the courtroom. It is important to remember, however, that the judge is the final arbiter of what is appropriate in his/her courtroom and, ultimately, you must defer to the judge. There also may be unwritten rules in every courtroom, and you as an interpreter have a duty to learn and obey them as well.

### **1. ACCURATE INTERPRETATION - A court interpreter's best skills and judgment should be used to interpret accurately without embellishing, omitting or editing.**

At the beginning of any legal proceeding, the interpreter takes an oath swearing to "accurately, completely and impartially" interpret that proceeding, or words to that effect. The court interpreter actually has a two-fold duty: (1) to reflect precisely what was said by a non-English-speaking person, and (2) to place non-English-speaking participants in legal proceedings on an equal footing with those who understand English.

It is important to remember that the judge and/or jury will be relying entirely on the interpreted version of testimony to draw conclusions about the credibility of witnesses and the relative weight of testimony. Therefore, you must conserve every single element of information that was contained in the original message, in as close to a verbatim form as English style, syntax and grammar will allow. By the same token, the non-English-speaking witness should hear precisely the question that was asked, without simplification, clarification or omission.

**Register or Language Level:** You must never alter the register, or language level, of the source language message (the language from which you are interpreting) when rendering it into the target language (the language into which you are interpreting) for the purpose of enhancing understanding or avoiding offense. For instance, if the attorney asks, "What did you observe the subject to do subsequently?" you should not say in the target language, "What did you see him do next?" You should not try to bring the answer down to the witness' level, nor should you intervene and say you do not think the question is understandable to the witness. If the witness does not understand the question, he should say so; it is not the interpreter's job to speak up for him.

It is important to remember, when interpreting a witness' testimony before a jury, that the jury will draw certain conclusions regarding the witness' sophistication and intelligence, based on his or her word choice, style, tone, etc. It is your job to make sure the jurors have as much information in that regard as a native speaker of the target language would have in order to judge the witness' credibility. It is the interpreter's role

only to put the non-English speaker in exactly the same position ("in the same shoes" or "on equal footing") as an English speaker.

**Word choice:** Nuances of meaning are critical in courtroom testimony. One study found that subtle changes in word choice significantly altered witness's recollections of events. When a key word in the question is changed ("About how fast were the cars going when they hit/smashed/collided/bumped/contacted each other?"), subjects who were asked the question that contained the term "smashed" tended to increase their estimate of the speed, and recalled seeing broken glass when in fact there was none. Thus, you must be very careful in selecting target language terms to make sure that they accurately and precisely reflect the source language meaning.

**Idioms and metaphors:** Idioms are phrases that have a meaning which is not merely the sum of the words contained in them. Examples of English idioms are "you're welcome," "to run the gamut," and "so much the better." Metaphors are descriptive expressions that portray one situation in terms of another, such as "he tore his hair out trying to solve the problem," or "she was caught red-handed." You must always try to find an equivalent idiom or metaphor in the target language; do not translate them literally. Remember that the primary focus in interpreting is conveying meaning, not translating individual words.

**Obscenities:** If a witness uses foul language or says something that might be damaging to his or her case, you should not edit out the offending terms; interpret exactly what you hear, conserving the original meaning. Remember that the jurors will make judgments about the honesty and credibility of this witness on the basis of his or her manner of testifying. They should not be at a disadvantage because they do not know the target language. For cultural reasons, obscenities are particularly difficult to translate directly; a word-for-word translation may be meaningless in the target language. You should look for the closest equivalent in the target language, striving to elicit the same reaction from target language listeners as the original message would elicit from source language listeners.

**Repetition:** Repetition and redundancy are important factors in evaluating witness testimony. You should not add or subtract any words for the sake of clarity or expediency. Thus, if a witness says in the source language, "I, I, I didn't see it," you must say exactly in that in English, not simply, "I didn't see it." Redundancies should also be preserved in the target language version. For example, when an attorney says, "Did you watch and observe him at all times?" you should not omit the redundant verb in the target language version.

**Self-corrections:** Many speakers, attorneys and witnesses alike, make false-starts and then revise their statements. It is especially important in interpreted witness testimony that all such self-corrections be included in the target language version, so that the judge and jury can draw conclusions about how certain the witness is about his or her testimony, or

how precise he or she is in choosing his or her words. Never correct any errors made by a speaker, no matter how unintentional they may be.

**Third-person references:** It is common for people who use interpreters to preface their statements with phrases like "Tell him that . . ." and "Ask him if. . ." rather than addressing each other directly. If they do so, you must not edit out those phrases. If someone repeatedly makes third-person statements, ask the judge to instruct them on the proper procedure.

**Embellishments, clarifications, editing:** It is important never to add anything or elaborate on the message you are interpreting, not even for the sake of clarifying or smoothing over choppy delivery. The interpreter's function is not to make people sound more articulate or logical in the target language than they did in the source language. If a witness gives a response that is inappropriate to the courtroom setting, such as "uh-huh" instead of "yes," you should refrain from converting the answer to more appropriate language. Let the judge instruct such persons to answer correctly.

**Fragmentary statements:** Courtroom testimony does not always proceed logically, as if following a script. Witnesses often speak unclearly because they have told their stories many times before and assume that everyone knows what they are talking about (e.g. "I went to the ... you know ... and there was... it was there.") Such vague and ambiguous statements are difficult to translate to another language, because more information is needed to choose the proper pronouns, prepositions and verbs. Nevertheless, you must render as fragmentary a version as the original was, without inserting any additional information to clarify the statement.

**Nonsensical testimony:** It is particularly difficult to interpret the testimony of a person who is highly excited or mentally impaired and does not necessarily make sense. It is important for the interpreter to make every effort to state exactly what the witness said, no matter how illogical or irrelevant it may be. Sometimes this is very difficult because of ambiguities or incomplete phrases uttered by the witness; in such cases, you should inform the court that you need to clarify the witness' statement before proceeding to interpret it. But, under no circumstances, should you edit, omit or add to what the witness stated.

**Emotions:** Triers of fact need to have a clear understanding of the emotions such as anger, fear, shame or excitement that are expressed by witnesses. Humans convey their emotions not only in words, but also in facial expressions, posture, tone of voice and other manifestations. These non-linguistic means of expression are very closely tied to culture and language, so when people do not speak the same language, they may misunderstand the emotional content of a message. The court interpreter has an obligation to convey emotions in a way that seems natural in the target language, rather than merely repeating words like an automaton. Thus, when an aggressive attorney is bearing down on a witness to try to intimidate him or her, you should be equally forceful in your delivery. And, when the witness answers questions in a timid way, you should retain that timidity in every aspect of the target language rendition. However, you may have to convey the emotions

expressed by the witness in a slightly attenuated form. If you were to burst into tears or scream out loud exactly as the witness did, it would make a mockery of the judicial process. If a witness expresses emotions in such an overt way (and the manifestations of these emotions are the same in the source language and target language cultures) the judge and jury can observe the witness' behavior and draw their own conclusions from that, there is no need to mimic the witness.

**Interpreter's emotions:** It is imperative that you keep your own emotions in check; the only emotional reactions you should express are those of the witness you are interpreting for. This may be very difficult at times, such as when graphic photographs of crime scenes are shown to witnesses, when a witness unintentionally says something funny or when a witness is clearly lying. Nonetheless, you should strive at all times to reflect only the reactions of the parties you are interpreting for. The jury should be judging the credibility of the witness, not that of the interpreter.

**Hand gestures:** Pointing or gesturing is another important element of communication. If you try to reproduce a gesture that a witness makes, there is a danger that you might mischaracterize his or her testimony (pointing to a slightly different part of the body, for example, or making a gesture that has a different meaning in the target language culture). If a witness includes a gesture in his or her testimony; refrain from reproducing it; simply interpret the witness' words (e.g. "He hit me here."). The judge and jury can see the witness themselves, and it is up to the attorney to describe any physical movement made by the witness so that the transcript will accurately reflect it.

**Conservation or clarification of ambiguities:** Anyone who has studied language knows that words change meaning as their context changes. Sometimes the meaning of a word is ambiguous because the listener does not have enough contextual information. The English pronoun "you," for example, can be either singular or plural, and the speaker may not clearly indicate which meaning he or she has in mind. Moreover, some terms may require more information to be translated from English into another language. For example, the word "cousin" could refer to either a male or a female; in many languages, that kinship term is gender-specific rather than generic. As an interpreter, you must clarify any ambiguities before interpreting a message. Be alert to ambiguities that commonly occur in English, and be prepared to ask for more information when you need it.

Ambiguities may be intentional, however, and you should strive to retain them if the target language allows. It may be possible, for example, to interpret the question "Where did the car hit you?" into the target language without clarifying whether the questioner is referring to the physical location of the accident or the part of the witness' body. On the other hand, attorneys will often ask this deliberately ambiguous question: "Did you have anything to drink in the car?" But the target language may require that the interpreter say either "Did you drink anything in the car?" or "Was there anything to drink in the car?".

If you cannot retain the ambiguity in the target language but the context makes it clear which meaning is intended, you should clarify it in your rendition. But if you are not certain of the meaning or are aware that the ambiguity is deliberate, you must inform the court that you cannot render the target language version without first clearing up the doubt. It is not the interpreter's job, however, to correct the attorneys' questions. If a question is vague or compound, the witness' answer will be ambiguous, but the problem is the same whether the language is English or any other. Since the problem is not language-related, therefore, you should not interfere. It is the duty of opposing counsel to object to the question; if there is no objection, go ahead and interpret the question.

**Procedure for Repetitions, Clarifications and Corrections:** In your capacity as court interpreter, you may be the only bilingual person in the courtroom. This means that you bear a very important responsibility, as other people are depending on you to understand what is being said. Therefore, there is a relationship of trust that must be preserved at all costs. Whenever you need to address someone in a language other than English, it is important that you inform the court of what you are about to do, so that there will be no doubt or suspicions as you engage in a conversation that others cannot understand. Whenever any problem arises as you are interpreting, the proper protocol is to address the judge, explain the problem and obtain permission to resolve it (e.g., "Your Honor, the interpreter is unable to hear the witness. Will the court please instruct the witness to speak up?").

The requirement to interpret everything that is said in the courtroom places a great demand on the interpreter. Sometimes you may not know a term that is used, or you may not hear what someone has said. It is very important that you not guess at what might have been meant, bluff your way through, gloss over problem terms or omit unclear portions of a message. Always inform the judge of the situation and request permission to resolve it.

**Repetition:** If you are unsure of what a witness has said, either because you did not hear or because you have forgotten, do not guess at it or just leave out that part. You have an obligation to interpret everything the witness has said, so if you are in any doubt, you must ask the court's permission to have the witness repeat his or her answer: "Your Honor, the interpreter would like to request that the witness be instructed to repeat her answer."

**Identification of interpreter statements:** When you make a statement on the record in your capacity as interpreter, it is important to pause when switching roles to make it clear that you are now speaking as the interpreter and are no longer rendering the witness' testimony. In formal courtroom proceedings, it is common practice for the interpreter to refer to himself in the third person so that it is clear in the written record that he is speaking in his own capacity and not translating the words of the witness. In less formal settings outside the courtroom (e.g, depositions), the interpreter can simply pause and change his tone of voice slightly, then speak in the first person: "I believe the witness was referring to . . .

**Correction of own errors:** If at any point you realize that you have previously made an error in interpretation, you should correct the record as soon as the error becomes apparent to you. Thus, if subsequent testimony indicates that a word with several possible meanings was misinterpreted the first time it came up, state at the first opportunity: "Your Honor, the interpreter would like to note for the record that the term 'thunder' in the witness' earlier testimony should actually have been interpreted as 'gunshot.'"

**Clarifications:** It is important to remember that the interpreter should never engage in any independent conversation with a witness on the stand, as that would arouse the suspicions of those present who do not understand the language in question. Therefore, if you need a clarification, always inform the court and obtain the judge's permission to clarify something with the witness: "Your Honor, the witness has made an ambiguous statement and the interpreter needs to clarify it before he can proceed." Similarly, you should not address the attorney directly about a problem with the question; always communicate through the judge.

**Explanations** As a general rule, the interpreter should remain unobtrusive in courtroom proceedings. Sometimes, however, it becomes necessary to intervene in the proceedings in order to ensure that communication is taking place and that the record of testimony is accurate. As a general rule, stepping out of the role of interpreter and taking on the role of expert should be regarded as a measure of last resort, to be undertaken with great caution. Under no circumstances should you act as an expert on matters outside of the realm of interpreting; like any professional, you should excuse yourself from commenting or interfering in matters that are not within your area of expertise. There are times, though, when because of your linguistic knowledge, you are the only one who knows something is amiss. For example, if the witness uses the Spanish term "pie" (foot) to mean the entire leg, as is common among rural Latin Americans, you may step out of your role and say: "Your Honor, the interpreter would like to clarify that it is common in some segments of the Spanish-speaking population to use the word 'foot' to designate the entire leg."

If communication is breaking down and you can easily resolve the issue, and if the term in question is an essential part of an answer that others could not possibly understand without an explanation, then intervention is warranted. But if it is apparent that the attorney is able to clarify the situation through follow-up questions, you should not take any action.

**Culturally-bound terms:** Certain "culturally-bound" terms, that is, terms whose meaning are highly dependent on the culture associated with the language, pose a particularly difficult dilemma for the interpreter because it is hard to find words in the target language to convey the meaning. The same object may even have different connotations in different cultures. Names of meals, kinship terms, units of measurement and forms of address are examples of this phenomenon. If no direct equivalent of a given phrase is readily available in the target language, it is usually better to leave it in the source language without translating it or volunteering an explanation. The attorney can elicit an explanation from the witness by means of a follow-up question if it is important that

everyone understand the term. In many cases, the meaning of the term may not be relevant enough to warrant an explanation. (If you do use a foreign language word or phrase on the record, you should jot it down to provide for the court reporter afterwards, since the court reporter is not likely to know how it is spelled. This also applies to non-English names.)

**Caution:** It is important to emphasize that it is the attorney's function to clear up misunderstandings with follow-up questions, and the interpreter should not usurp that role. The only situation in which you the interpreter should take it upon yourself to break in and provide an explanation is when communication breaks down and it is apparent from the questions and answers that false assumptions are being made due to cultural misunderstandings. In such cases, you are the only one who has the specialized knowledge and training to realize that a misunderstanding is taking place. In short, be very cautious about intervening in the process.

**Unfamiliar terms:** Never guess about an unfamiliar term. You should always carry a dictionary with you, and if the word or phrase you do not know is a standard term, you may ask the court's permission to look it up. The standard protocol for doing so is to state, "Your Honor, the witness has used a term that the interpreter is not familiar with, and he requests permission to consult his dictionary." Do not simply grab the first equivalent you see in the dictionary, however. Dictionaries are handy reference tools but should not be relied on exclusively. If none of the terms listed in the dictionary seem appropriate, ask the court's permission to inquire of the witness or whoever used the problem term. As long as you conduct yourself in a calm and professional manner, you will retain your credibility and the confidence of the parties who are using your services.

**Conservation of English:** Bear in mind that you are interpreting testimony for the written record, and the court reporter is listening only to you, not to the witness. Therefore, if the witness gives an answer in English, or if he or she states a name that everyone can understand without needing any interpretation, you must still repeat it for the record.

**Questions from witness:** Frequently a witness who does not understand the interpreted question will address a question to the interpreter to clarify the matter. For example:

Attorney: Now, were you there on that date?

Witness: Does he mean, was I at home?

Do not take it upon yourself to answer the witness' question on your own; simply interpret the question into English. Let the judge or attorney answer the question.

**Response to challenges:** Perhaps one of the greatest ordeals an interpreter must face is challenges from bilingual parties who disagree with the interpretation. It is important to remember that interpreting is an exacting profession and cannot be error-free. Frequently the interpreter is not the only person in the room who knows both the source language and the

target language, and it is easy for people who are not under the severe pressure of interpreting to pick out mistakes. Sometimes a challenge comes from an attorney who has prepared the witness and knows what the testimony ought to be. Or it may come from someone who hears a familiar word and thinks he or she understood the answer better than the interpreter.

If you are challenged, respond to it in a professional manner; do not regard it as a personal affront. If you agree with the correction because you were indeed wrong, then you should correct the record. If the proposed correction is unacceptable to you, you should stand by your original version. You may explain your reasoning if necessary, but you should not be on the defensive. In the end, the judge has the final word and you must abide by it. If you are calm but assertive when you are in the right, and if you obligingly correct errors when you are wrong, you will retain the confidence of those who are using your services, and will be subject to fewer challenges in the future. But, because language is so subtle and subjective, there are no black-and-white answers, and challenges will remain a fact of life for court interpreters. Indeed, it is part of the attorney's function to object to testimony (or the interpretation thereof) that does not favor the party he or she represents, and challenges of the interpretation are part of the normal course of events in the courtroom.

**2. CONFLICTS OF INTEREST - A court interpreter should disclose conflicts of interest to the judge. Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest. A conflict may exist if the interpreter is acquainted with or related to any witness or party to the action, or if the interpreter has an interest in the outcome of the case. In addition, interpreters should not engage in conduct creating the appearance of bias, prejudice or partiality.**

This statement is self-explanatory, but it is worth emphasizing the term "appearance" here. Even though you may not feel that you have any bias or partiality, if other people perceive that you are biased or partial, your role as interpreter is compromised. Therefore, you must strive to avoid any situation in which it might appear that you favored one side or the other in a case.

**Interpreter as officer of the court:** There are two basic reasons for having an interpreter present in a court case: (1) to enable the defendant to understand the proceedings; and (2) to enable the court to understand all non-English speakers who address the court. Therefore, your clients are all of the protagonists in the court proceeding: the defendant and defense counsel, the prosecution, the judge, the clerk and other court personnel and all witnesses who testify. No matter whom you are interpreting for at a given moment, you are an officer of the court, a neutral participant in the process. You are not part of the defense "team" if you are interpreting for the defendant, or part of the Defense Attorney's "team" if you are interpreting for prosecution witnesses.

**Neutrality:** As an interpreter, you are not an advocate for non-English speakers, nor is it your role to teach them how to behave. Furthermore, you must not make value judgments about the language or demeanor of the parties you interpret for. If the witness



uses incorrect grammar or vulgar speech, or if he wears inappropriate dress, you should interpret his or her testimony just as faithfully as you would that of any other witness. You should not, for example, roll your eyes or use a sarcastic tone to convey to others that you consider the testimony improper or untruthful.

**Conversations with parties in the case:** When you are interpreting for the defendant, you may be sitting next to him or her for days or even weeks at a time, and there will inevitably be an appearance of a bond between you. Similarly, you may be interpreting a given witness' testimony for a long time. Even though you feel no affinity whatsoever with the defendant or witness, that person's testimony, as interpreted by you, may have less credibility with jurors or other parties if they feel that you might be coloring the testimony or interpreting it in a biased way. That is why it is so important for you to refrain from having any independent conversations with the witness on the stand or with the defendant before and after court sessions and during breaks.

Sometimes a juror may approach you and ask about your work as an interpreter, or a witness may wish to compliment you on a job well done. Or, you may become acquainted with court and law enforcement professionals with whom you work every day, and it will be tempting to chat with them during breaks. Any one of these seemingly innocent conversations can lead to a perception of bias. The way to solve this problem is to politely inform them that you are not allowed to have conversations with anyone while a case is pending. After the trial is over, or outside the courthouse, you are free to establish whatever kind of relationship you like with them.

**Prior services:** If you have performed services for one party in a case, you should not subsequently perform services for another party. It is unacceptable for the same person to interpret for both the defense and prosecution. Doing so would seriously undermine the relationship of trust that must exist between interpreter and client (imagine an interpreter performing services for both the defendant and the victim in a rape case, for example).

**Gratuities:** Never accept gratuities or gifts of any kind from anyone for whom you have interpreted. If such a gift is offered, explain politely that you are paid by the court for your services and are not allowed to accept gifts or honoraria.

**3. CONFIDENTIALITY - A court interpreter should not disclose privileged communications between counsel and client. A court interpreter should not make statements about the merits of the case during the proceeding.**

Once again, this statement is self-explanatory, but it bears additional discussion. It is a long-accepted principle of our legal system that anything said between a client and his or her attorney is to be kept confidential. If you interpret an attorney-client conversation you are bound by the same confidentiality rule. The only circumstances under which you may reveal the contents of such communication is if unethical practices are going on. Then, you should inform the court of the problem.

In addition, if you participate in the preparation of a case by the defense or the prosecution (interviews with witnesses, etc.), you must not reveal to anyone the nature of the communications you interpreted. You may not be used as a witness against the defendant if you interpreted attorney-client conferences.

**4. GIVING LEGAL ADVICE - A court interpreter must not give legal advice to parties and witnesses, nor recommend specific attorneys or law firms.**

The boundaries of the interpreter's role preclude the dispensing of legal advice or providing legal representation. These functions fall within the purview of the attorney, a paralegal, and perhaps the judge, but never the interpreter, whose sole responsibility is to serve as a medium of communication or language conduit.

Questions by defendants: It is clear, then, that the court interpreter should refrain from usurping the role of the attorney. Nonetheless, the situation is not always clear cut; defendants often ask interpreters questions about the proceedings during breaks, or even in open court. If the defendant is speaking on the record, of course, you must simply interpret the question into English. But questions asked off the record pose a subtler dilemma. Sometimes there is a fine line between practicing law and defining words in linguistic terms, or simply giving information that any layperson might dispense. For instance, if a defendant wants to know what the charge of burglary means, the definition of such a complex legal concept is beyond the expertise of an interpreter and should be left to an attorney. On the other hand, if a non-English speaker asks you where the probation department is, you can answer that question (assuming you know the answer). Thus, if you feel confident that you can correctly answer a defendant's question without dispensing legal advice, you may do so; but if you have any doubts at all, you should advise the defendant to ask his or her attorney or the judge. As a general rule, however, it is best to refrain from answering questions.

Referrals: If the defendant is not represented by counsel, you should not express any opinions about whether he or she should get an attorney or who would be a good one. You should never function as an individual referral service for any attorney or attorneys. If this issue arises, you should refer the individual to the local attorney referral service in civil matters, or to the Public Defender's Office (where available) in criminal matters.

**5. PROFESSIONAL RELATIONSHIPS - A court interpreter should maintain a professional relationship with all court officers, parties, witnesses and attorneys. A court interpreter should strive for professional detachment.**

Unobtrusiveness: As an interpreter, you must be mindful at all times that communication is the primary objective of the interpretation process. You are not there to show off your knowledge or to impress people with your abilities. You should not engage

in theatrics, drawing more attention to yourself than to the witness by exaggerating the emotions expressed by the witness. As stated previously, you should avoid personal displays of emotion, subjective involvement or social conversation. While it is important for you to establish a rapport with the people for whom you are interpreting, you should not become too involved with them.

One way to convey this professional detachment is to call people by their surnames (Mr. Jones, Ms. Smith). If there is a formal form of address in the target language (e.g. "usted" in Spanish), you should use it at all times, regardless of the age or status of the witness or defendant. It is important to note that the interpreter should observe the cultural norms of the target language in maintaining this formal behavior. For example, it would be appropriate to address a child witness with the informal pronoun in Spanish, as the formal one is rarely used with children. However, if an attorney addresses a witness by his or her first name, or treats the witness informally in some other way while questioning him, you should not change the interpretation of the question to make it more formal or polite.

**Cultural expertise:** One of the hallmarks of a professional is that he or she recognizes when a given question lies beyond his or her expertise. As a court interpreter, you are a language specialist, not an anthropologist, a linguist or a psychologist, and therefore you should not be considered an expert on the culture or language of the non-English-speaking defendant or witness. Accordingly, you should not volunteer information or be called to the witness stand to testify about cultural practices referred to in testimony, for example, or about whether a Spanish speaker is likely to have understood a police officer's questions in broken Spanish. Authorities in the related fields of knowledge should be consulted in such matters.

**Interpreter fatigue:** Another characteristic that distinguishes a professional is the recognition of physical limitations and an awareness of the proper working environment. A true professional will never work under conditions that preclude optimum performance. Because interpreting is such a demanding task, it is imperative that you remain mentally alert at all times. Frequently judges will interrupt proceedings to give the court reporter a break, because they know having an accurate record depends on having an alert reporter. They sometimes forget, however, that another important way to protect the record is to make sure that the interpreter is well-rested and alert. You as an interpreter have an obligation to ask for a break whenever you feel that fatigue is beginning to interfere with your performance.

**Audibility:** Part of proper working conditions for the court interpreter is the ability to hear everything in the courtroom. If someone is speaking too fast to follow or too softly to hear, or if there is some interference such as a loud noise outside the courtroom, you should inform the court. If an attorney is addressing the jury and has his or her back to you, for example, you should call the court's attention to the problem.

6. **CONTINUING EDUCATION AND DUTY TO THE PROFESSION** - A court interpreter should, through continuing education, strive to improve his or her interpreting skills and knowledge of procedures used by the courts. A court interpreter should seek to elevate the standards of performance of the interpreting profession.

It is impossible to predict what subject matters will come up during the course of a trial or other legal proceeding. In a single case there may be expert witnesses testifying about ballistic tests, autopsies and blood types, while key witnesses from a variety of countries testify in street slang, and attorneys quote Shakespeare in their oral arguments. Therefore, it is imperative that you have a solid grounding in every aspect of your working languages and that you give top priority to constantly upgrading your skills.

**Familiarization with the case:** For complete accuracy, it is helpful for you to familiarize yourself with the facts involved in the case. You may do this by perusing documents such as police reports and transcripts of preliminary hearings. The realities of day-to-day courtroom activity (overcrowded dockets, unpredictable dispositions, etc.) may make this difficult, but you should stress to court personnel how important it is for you to prepare so that you can perform your duties adequately. You should ask permission to review documents such as reports and case files before the trial begins (in the case of a major trial, several days in advance so that you can obtain the appropriate technical references) in order to prepare for technical terminology and clarify ambiguous terms that are used.

**Pre-testimony interview:** In the interest of ensuring complete accuracy, it is very helpful for you to have an opportunity to talk with the client before the proceeding begins. In this way, you can become accustomed to the witness' speech mannerisms and determine whether any unusual dialect, regionalisms or technical terms will come up during testimony. You should not, however, discuss the pending proceedings outside the presence of the individual's counsel. This is also an opportunity for you to explain to the witness how the interpreting process works and establish a few ground rules (e.g., to listen only to the interpreted question, not the English, and to pause frequently during long answers to give you a chance to interpret). In addition, you should remind the witness that you will interpret everything he or she says, without editing or "cleaning up" the language. The witness should be instructed to address the attorney asking the questions, not the interpreter.

**Technical terminology:** It is very difficult to retain highly technical terms that are rarely used, so you should carry with you any specialized glossaries you need (the opening arguments in a trial tell you what subjects will come up, and thereafter you can bring to court the proper reference materials). You should spend your spare time (during breaks in the proceedings, for example) reviewing these materials to make sure you know the terms that might be used.

**Jury instructions:** Jury instructions contain a great deal of frozen language, archaic usage and terms of art, and present highly technical and complex legal issues. All of these

factors combine to make the reading of jury instructions the most difficult type of court proceeding to interpret. Moreover, it is always more difficult to interpret someone who is reading from a prepared text rather than speaking extemporaneously, because the pace is faster, there are fewer pauses, and the intonation is not always natural. Therefore, it is advisable to prepare ahead of time. Shortly before the end of a trial, the attorneys and judge will have agreed upon the jury instructions that will be read. At that point, you should ask for a list of the instructions so that you can read them and research any terms you do not know. The jury instructions are available in all courthouse law libraries.

**Disqualification:** There are times when very technical terminology or obscure slang is used in a case. For example, you may be asked to interpret in a case in which nautical terminology and maritime jargon will frequently come up in the testimony. If you feel you cannot do a good job without taking extra time to prepare or to do research, you should request the time and resources you need. Similarly, if you discover that the witness for whom you have been called in to interpret speaks a dialect you are not fluent in, you should inform the court. Disqualifying yourself is not something to be taken lightly; you should consider doing so only when you doubt that you have the linguistic expertise to perform adequately. Before offering your services as a court interpreter, you must be sure that you have a solid grasp of all aspects of your working languages so that you will not encounter difficulties very often.

**Relations with colleagues:** Maintaining good relations with your colleagues is part of your duty to the profession. You should become acquainted with other court interpreters and regularly share information with them. This sharing can take place at two levels: (1) within the professional association of interpreters; and (2) in the day-to-day activities of interpreters who work in the same court. It is important for you to regard fellow interpreters as colleagues, not rivals. You should refrain from maligning them even if you do not approve of their conduct or work, as this merely makes you look unprofessional and generally detracts from the image of the court interpreting profession.

**The professional organization:** A good forum for such sharing and learning is the professional association, an essential part of any profession. Joining and participating actively in an association of one's colleagues is a key element of professional conduct. Professional organizations can provide the following benefits:

1. Mutual support and solidarity - interpreters can meet with each other and commiserate about their problems, provide emotional support and take action to solve problems. The code of ethics drawn up by the association can provide orientation for interpreters who must decide how to handle difficult situations.
2. Community education - the organization as a whole can provide the most appropriate setting for teaching the users of interpreting services about the profession, informing them what interpreters can and cannot do. Many issues that the interpreter cannot effectively address individually in court, such as

cultural misunderstandings, establishing what the proper functions of the interpreter are, and ensuring adequate working conditions for the interpreter, can be dealt with by the professional association in workshops or seminars for the legal community. A delegation from the local chapter may approach the court administration to request facilities that might help interpreters do a better job in court, such as a better sound system or a break room.

3. Dissemination of information - the newsletter or journal of the professional association can keep interpreters abreast of the latest developments in the field, including legislation that affects the profession, dictionaries and other publications that become available, research, and dates of certification exams. It may also serve as a forum for discussing ethical issues and airing grievances, or it may publish terminology glossaries.
4. Job exchange - meetings of the local chapter can be informal clearinghouses for jobs at which free-lance interpreters trade assignments which they may be unable to accommodate in their schedules. Regular attendance at these meetings provides novice interpreters with an opportunity to meet more experienced colleagues and to demonstrate an interest in self-improvement. If the more active interpreters are impressed with the new interpreter's sincerity and dedication, they may begin, where appropriate, turning over excess assignments to him or her.
5. Continuing education - on a local, state and national level, the interpreter's association is the best forum for the continuing education of its members. At annual conferences, special seminars, or regular meetings of the local chapter, guest speakers who are experts in their fields can help the interpreters improve their knowledge or skills in a wide variety of areas. Local chapter meetings can focus on terminology, exchanges of dictionaries and glossaries, and planning educational excursions.

**Continuing education:** Because human language is dynamic and ever-changing, it is extremely important for court interpreters to keep up with the latest changes in usage, both by the public at large and by the specialized groups for whom they interpret (the legal community, court personnel, immigrant communities, gangs, etc.). Moreover, interpreting skills themselves require constant honing. For this reason, continuing education is a vital part of the interpreter's professional activities.

Aside from formal classroom education, field trips provide first-hand knowledge of many of the subjects that court interpreters must deal with. These excursions may be arranged by groups, such as the local chapter of the interpreters association, or individually. For example, many police forces offer ride-along programs, in which citizens may accompany police officers on routine patrols to find out how they perform their daily duties. In addition, if you are a novice interpreter, it is very important to go to court as often as possible in order to familiarize yourself with the language and procedures of the

court. While there, you should obtain copies of the documents used in the courtroom (samples of court forms, for instance) which you will be expected to sight translate when you are serving as an interpreter. Almost all court proceedings are public, so it is not difficult to observe the courts in action. It is not necessary to observe only interpreting proceedings; above all you need to become familiar with the English that is spoken in the courtroom and with the protocol that is observed.

You also need to become familiar with the working environment of the non-English-speakers for whom you will be interpreting. Testimony about the occupational setting comes up routinely in almost any type of legal proceeding, and it is difficult to interpret such testimony if you are unfamiliar with the occupation in question. For this reason, it is very helpful to see the job site in person. Although some employers are reluctant to allow public access to the workplace, others are very concerned about public relations and are happy to arrange tours. They may be particularly cooperative if they have many employees who do not speak English and it is explained to them that legal proceedings which affect their business (labor relations hearings, unemployment appeals hearings, etc.) will be conducted more efficiently and accurately if the interpreters are familiar with the job setting. If it is impossible to arrange a tour, the local chapter of the interpreters association may invite an official from one of these companies to speak to the interpreters and explain some of the technical terminology and procedures.

Another way for interpreters to learn new concepts and terminology and to stay abreast of new developments is to read as much and as widely as possible in all their working languages (an interpreter should never take his/her native language for granted). Current periodicals such as magazines and newspapers are the most reliable sources of actual language usage, as they are updated constantly. Look for articles about crimes, the court system or law enforcement, although reading about any subject matter is useful (you never know what an attorney will say during arguments, so you must be prepared for anything and everything). Another good source of current language usage is novels that contain dialogue; television soap operas are also valuable in this respect. In fact, there are no written materials that cannot be of some use to you; it is a good idea to develop the habit of reading avidly. In court, you may find that you have idle moments between assignments, and you should always have something to read.