WHAT SHOULD I DO IF...?

Court interpreters are often faced with difficult situations. Below is a list of common questions asked by court interpreters to help you resolve some difficult issues.

1. **If the defendant is asked to spell his name and he spells it wrong, what should I do?**
   Spell it exactly the way the witness spelled it. It is not your function to correct his spelling. If he is completely unable to give a spelling, the court may ask you how the name is spelled. Sometimes people can write their names but cannot say the letter out loud. You might suggest that the witness be given a piece of paper to write on, or you may write the name yourself and ask him if it is correct, provided that you have obtained the court's permission first.

2. **What if the witness makes a slip of the tongue and says something he clearly doesn't mean, like "I was born in 1853"instead of "1953"?**
   Interpret exactly what the witness said. It is up to the attorney to clarify misstatements or to ask follow-up questions if something does not make sense.

3. **What if the witness keeps saying, "tell him that..." instead of addressing the attorney directly?**
   Interpret exactly what the witness says. Witnesses and attorneys who are not used to working with interpreters may forget that they are supposed to address each other directly. If this becomes a problem, you may ask the judge to instruct them on the proper procedure.

4. **What do I do if a witness goes on and on and does not give me a chance to interpret?**
   First of all, you should develop your memory capacity to such an extent that you are able to retain and to interpret two or three sentences of normal testimony. In most cases, the attorney will not allow a witness to go into a long narrative, anyway. In the pre-testimony interview with the witness, you should instruct the witness to pause periodically for you to interpret if she needs to give a long answer. If the witness fails to do so, or if you have not had an opportunity to talk to her ahead of time, ask the judge to instruct the witness accordingly. If the witness continues to ignore such instructions, simply interrupt her when you need to, making sure that you wait until she has completed a thought so that she does not forget what she was saying. If a witness speaks in fragments or hedges a lot ("I, uh, was going uh, you know, uh, well I mean, it was sort of, uh...") you will have to interrupt her more often than if she gives a clear, coherent answer.

5. **What if a witness uses a hand gesture as part of his answer? For example, a man said, ''Well, I was kind of, you know..." and then he made a motion with his hand which is usually associated with drinking alcohol or being drunk.**
   Simply interpret his words. If a witness does not complete his thought verbally, it is up to the attorney to ask a follow-up question to clarify what he means. If the gesture is not one that is meaningful to English speakers, the attorney should ask the witness what it means. Do riot volunteer to explain cultural matters on your own.

6. **What if I do not understand the attorney's question?**
   Ask for a clarification. You cannot interpret something you do not understand. Do not hesitate to ask for clarifications or repetitions, but remember to address the judge directly (e.g., "Your Honor, could counsel please explain what she means by 'hot sheet'?").

7. **What if the defendant keeps talking to me while I am trying to interpret the proceedings for him?**
   Inform the court of the problem and ask that the defendant be instructed not to address the interpreter. If he needs to consult with his attorney, he should tell the attorney, through you, and the attorney will ask for a recess for that purpose.

8. **What if someone says, "Don't translate this," and then proceeds to tell a joke or discuss something they do not want the defendant to understand?**
   Tell them it is against your professional ethics to omit anything that is said in the defendant's presence, and if they wish to discuss something without his knowledge they should do so outside the courtroom. Users of interpreting services may be unaware of the ethical standards that court interpreters are bound to follow, and it may be necessary to show them the North Carolina Code *of Ethical Conduct for Court Interpreters* if an issue like this arises.

9. **During the arraignment process, a defendant approaches me and says, "What should I do? Should I plead guilty?" (Sometimes they even say it when I am interpreting for them before the judge.) How should I handle this situation?**
   If the defendant asks questions while you are interpreting on the record, simply interpret the question and let the judge answer it. If he/she asks you outside the courtroom or during a break in the proceedings, tell him/her that you are an interpreter, not a lawyer, and you are prohibited from giving legal advice.

10. **During an attorney-client interview, the attorney told the client how to testify ("when I ask you what you were wearing, say you had a black jacket on"). What should I do in situations such as this that are unethical?**
    If an attorney is clearly doing something that violates the Bar Association's Canons of Ethics, you should ask to speak to the judge in chambers and inform him/her of the incident.

11. **What if I know a witness is lying because I have interpreted for him on a prior occasion?**
    Your duty is to interpret exactly what the witness says, ignoring your personal feelings or beliefs. Your opinion of the witness' credibility is irrelevant. Any prior knowledge you have about a person or a case should be kept confidential. If you feel this may be a problem for you, you should not accept the interpreting assignment.

12. **What if I know information the attorney is seeking, and the witness does not know it? For example, the attorney wants to know the exact address of a business in town, and I happen to know it. Should I volunteer the information?**
Never volunteer information on your own accord. The attorney wants to know what the witness knows, not what the interpreter knows.

13. **Sometimes I am interpreting for the defendant while another interpreter is up on the witness stand. I sometime hear/see mistakes made by other interpreters. How should I handle this situation?**
If the error is trivial, such as a grammatical mistake, do not do anything. If it is an error of substance, something that alters the meaning of the witness' testimony, wait until the next break and inform the interpreter of the error. The interpreter should correct the record as soon as the court resumes. If the interpreter disagrees with you or refuses to correct the record, ask the judge to discuss the matter in chambers.