



Certification Resources - 1.0

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Court Interpreter Certification

SECTION I

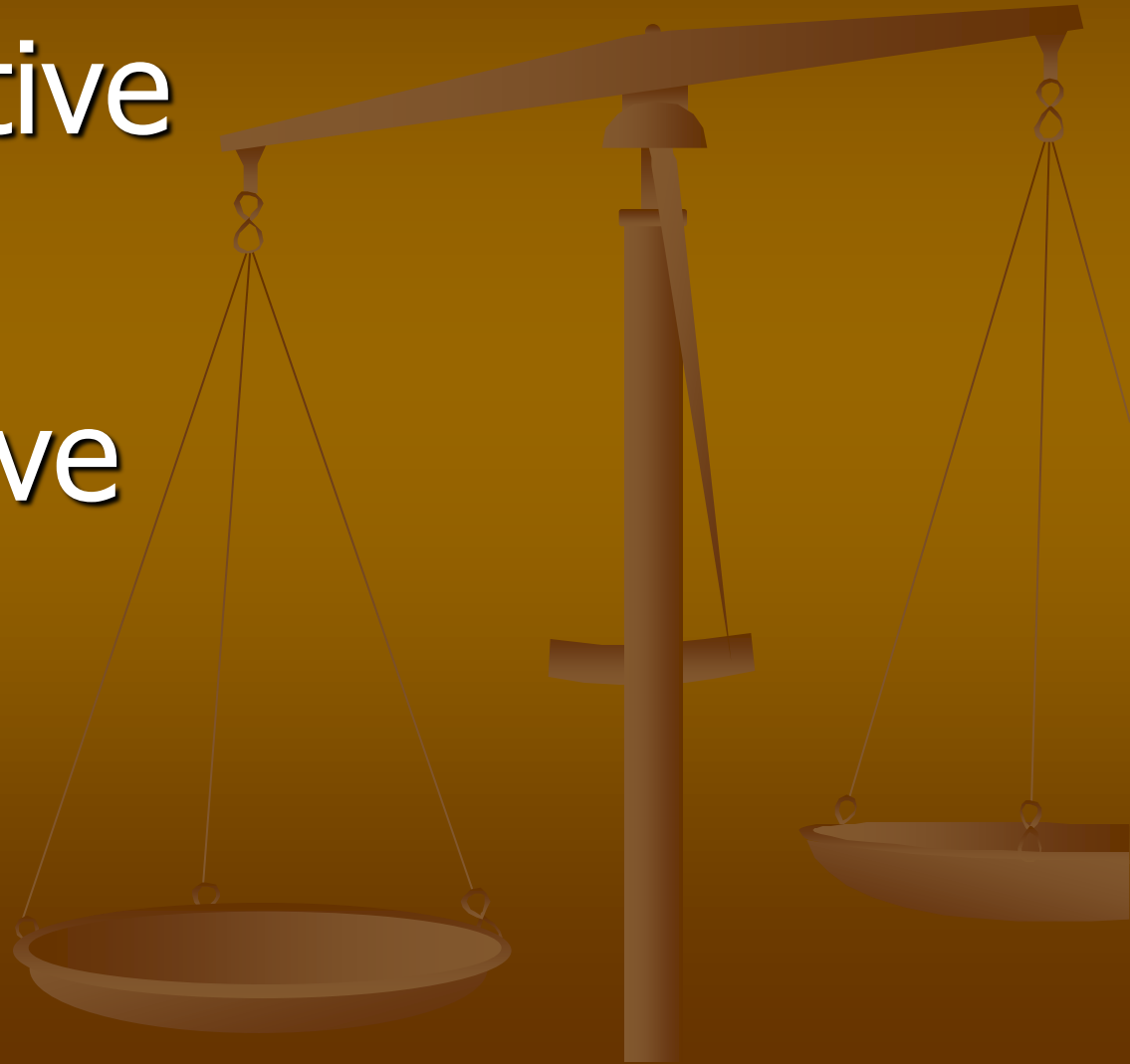
New Mexico Justice System Overview

Three Branches of Government

- Legislative

- Executive

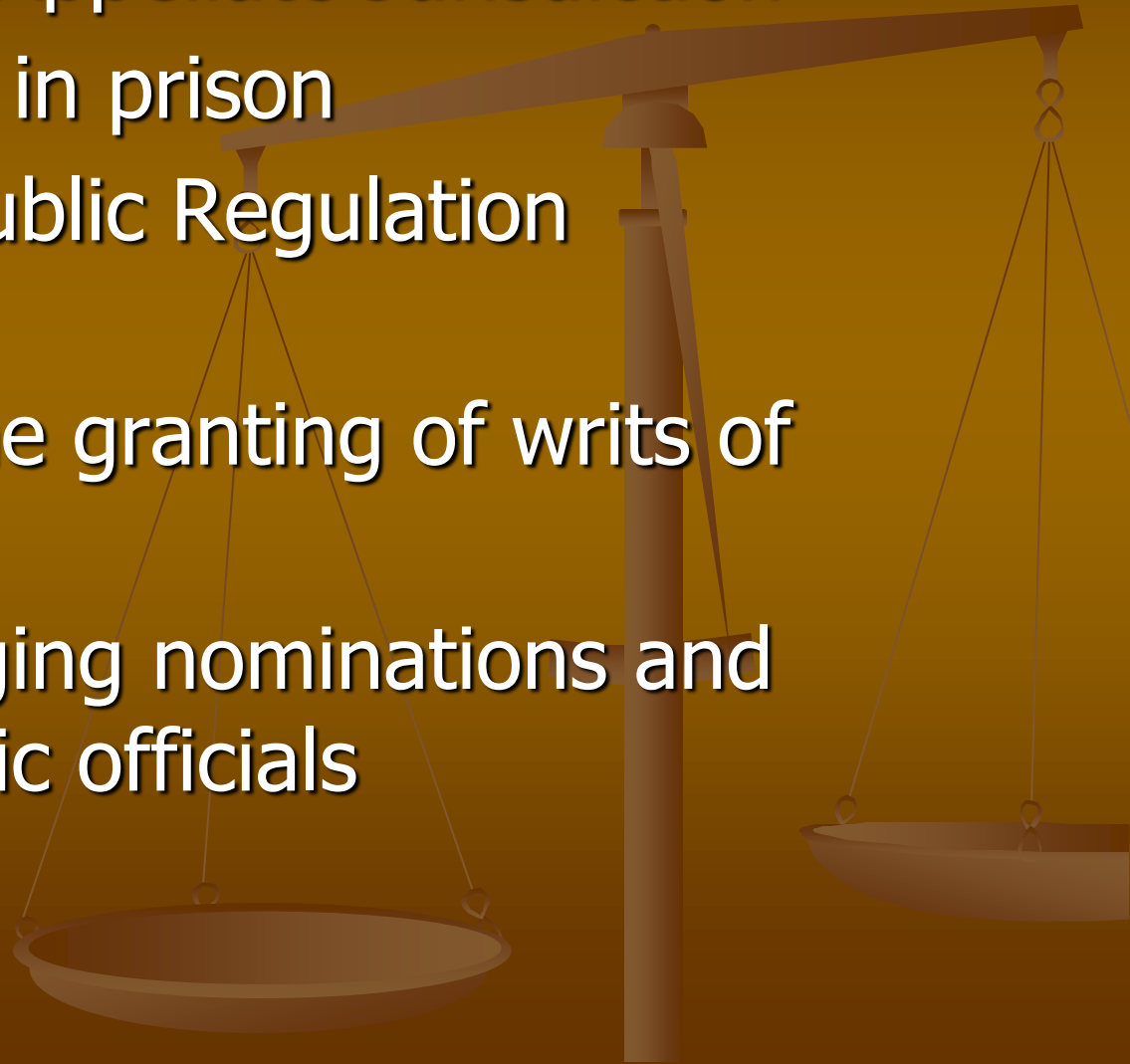
- Judicial



New Mexico Supreme Court

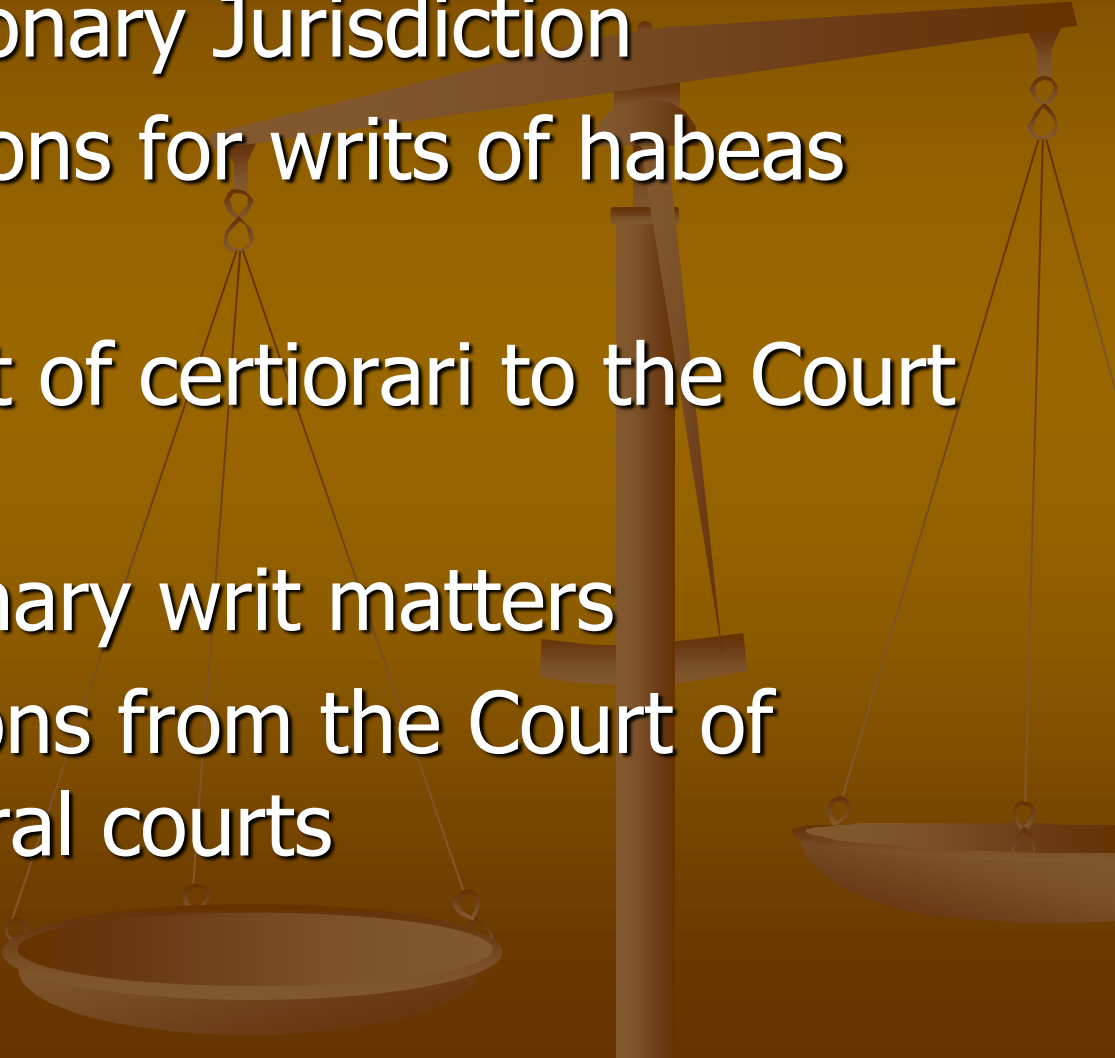
Mandatory Appellate Jurisdiction

- Sentence of life in prison
- Appeals from Public Regulation Commission
- Appeals from the granting of writs of habeas corpus
- Actions challenging nominations and removal of public officials



New Mexico Supreme Court

Discretionary Jurisdiction

- Denials of Petitions for writs of habeas corpus
 - Petitions for writ of certiorari to the Court of Appeals
 - Other extraordinary writ matters
 - Certified questions from the Court of Appeals or federal courts
- 



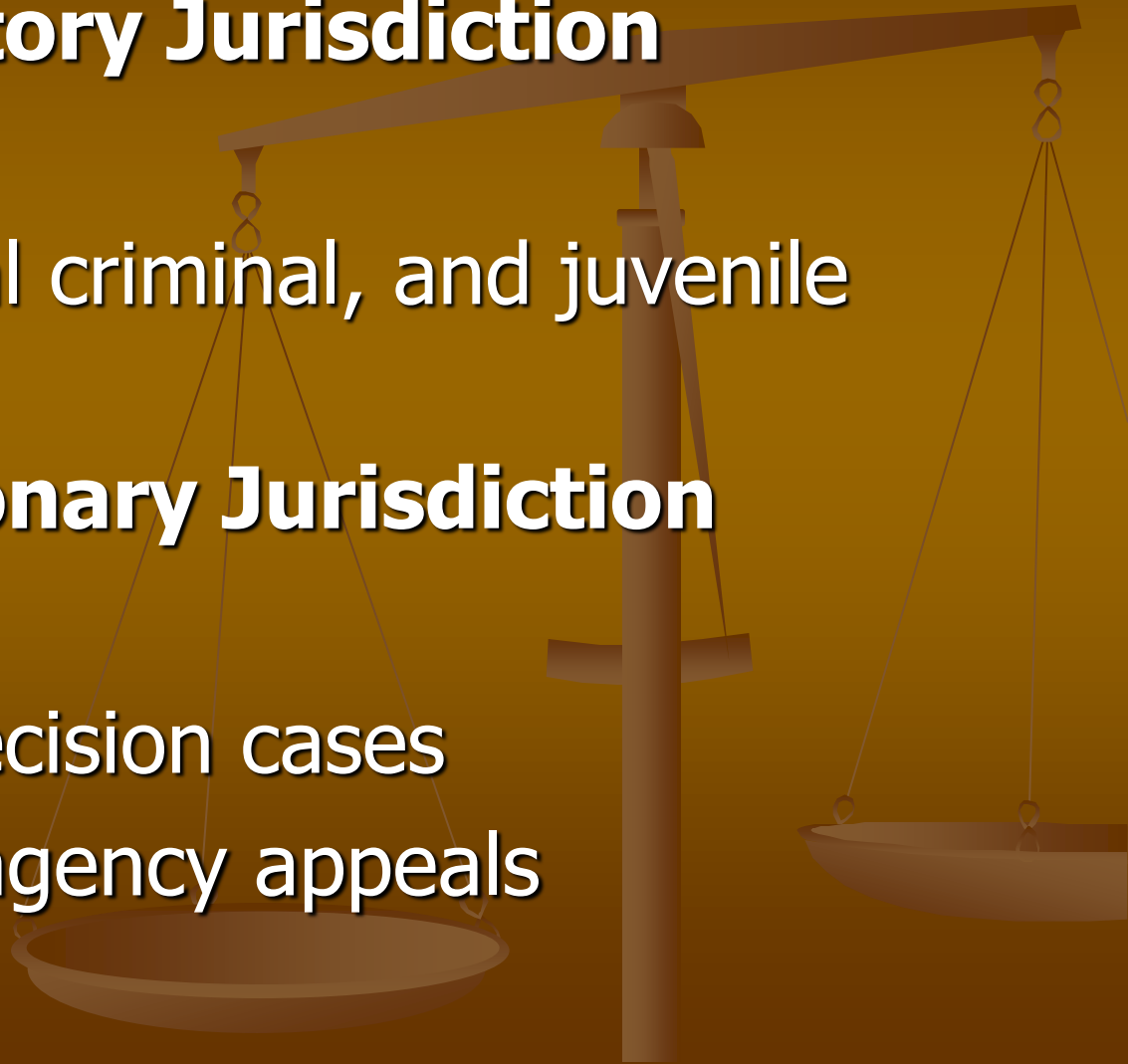
Court of Appeals

Mandatory Jurisdiction

- Civil, non-capital criminal, and juvenile cases

Discretionary Jurisdiction

- Interlocutory decision cases
- Administrative agency appeals





Roosevelt County Court House



Curry County Court House

District Courts

Courts of general jurisdiction which hold jury trials

- Tort and Contract
- Real property rights
- Estate
- Domestic relations and mental health
- Appeals for administrative agencies & lower courts
- Miscellaneous civil and misdemeanor



District Courts

Exclusive Jurisdiction

- Criminal appeals
- Juvenile jurisdiction



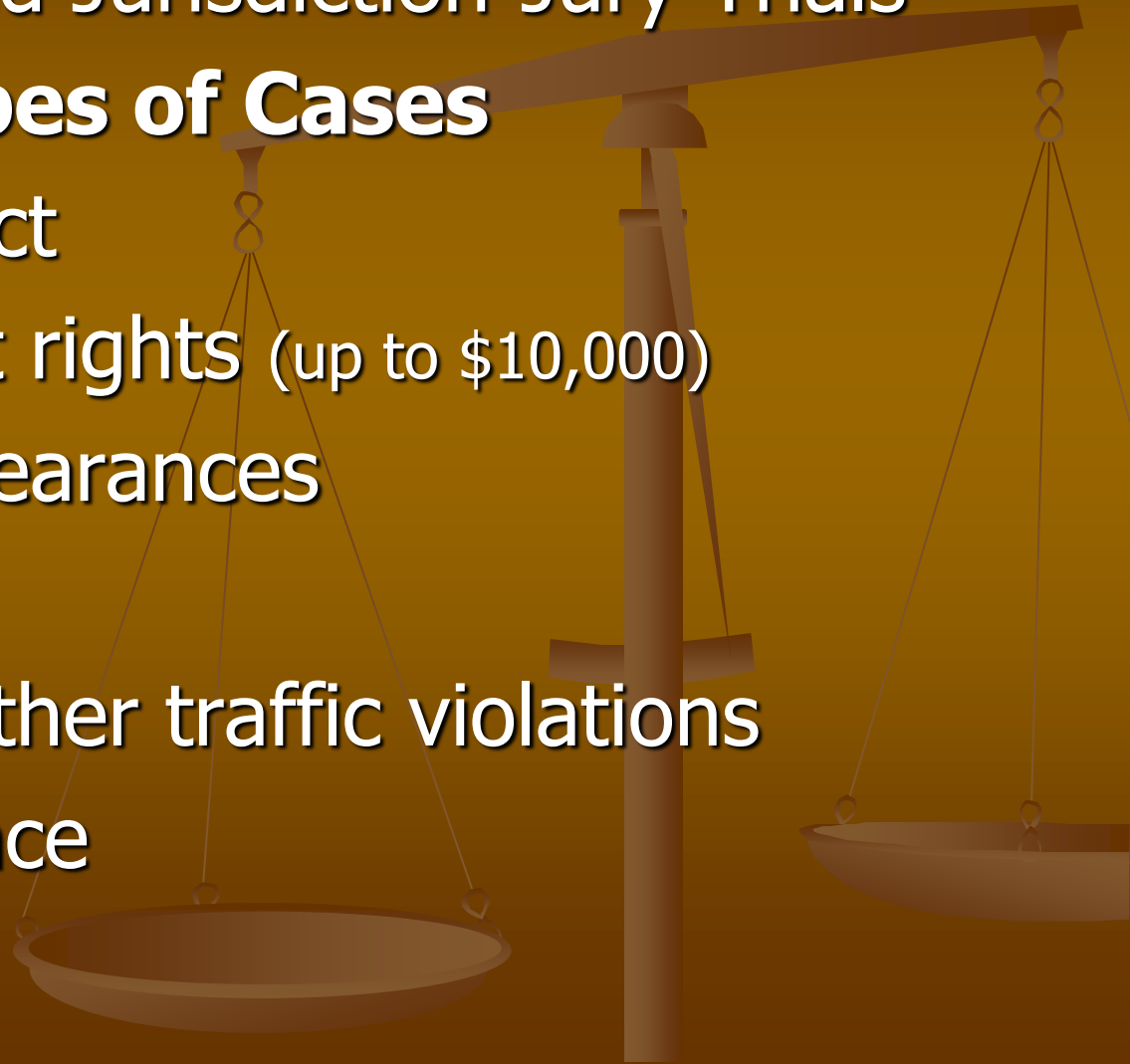


Bernalillo Metropolitan Court

Court of Limited Jurisdiction-Jury Trials

Types of Cases

- Tort and contract
- Landlord/tenant rights (up to \$10,000)
- Felony first appearances
- Misdemeanors
- DWI/DUI and other traffic violations
- Domestic Violence





Magistrate Courts

Court of Limited Jurisdiction-Jury Trials

Types of Cases

- Tort and contract
- Landlord/tenant rights (up to \$10,000)
- Felony preliminary appearances
- Misdemeanors
- DWI/DUI and other traffic violations
- Domestic Violence



Municipal Courts

- Limited jurisdiction
- No jury trials
- Petty misdemeanors
- DWI/DUI
- Traffic violations
- Other municipal ordinance violations



Probate Courts

- Courts of Limited Jurisdiction
- No jury trials
- Informal probate
- Estate (uncontested cases)



New Mexico AOC

- Resources
- Technology
- Human Resources
- Court Processes
- Data Management
- Financial Management
- Administrative Support to Magistrate Courts
- Legislative and Executive Branch Liaison



Supreme Court

Court of Appeals

District Courts

Magistrate and Metropolitan Courts



Judicial Education Center is a resource on court policies and procedures, legal terminology, case procedures. Visit:

<http://jec.unm.edu/manuals-resources>

for access to the following Manuals & Resources

Title

[Glossary of Legal Terms](#)

[Manuals](#)

[Case Flow Charts](#)

[Advisory Opinions](#)

[Court Brochures](#)

[Faculty Resources](#)

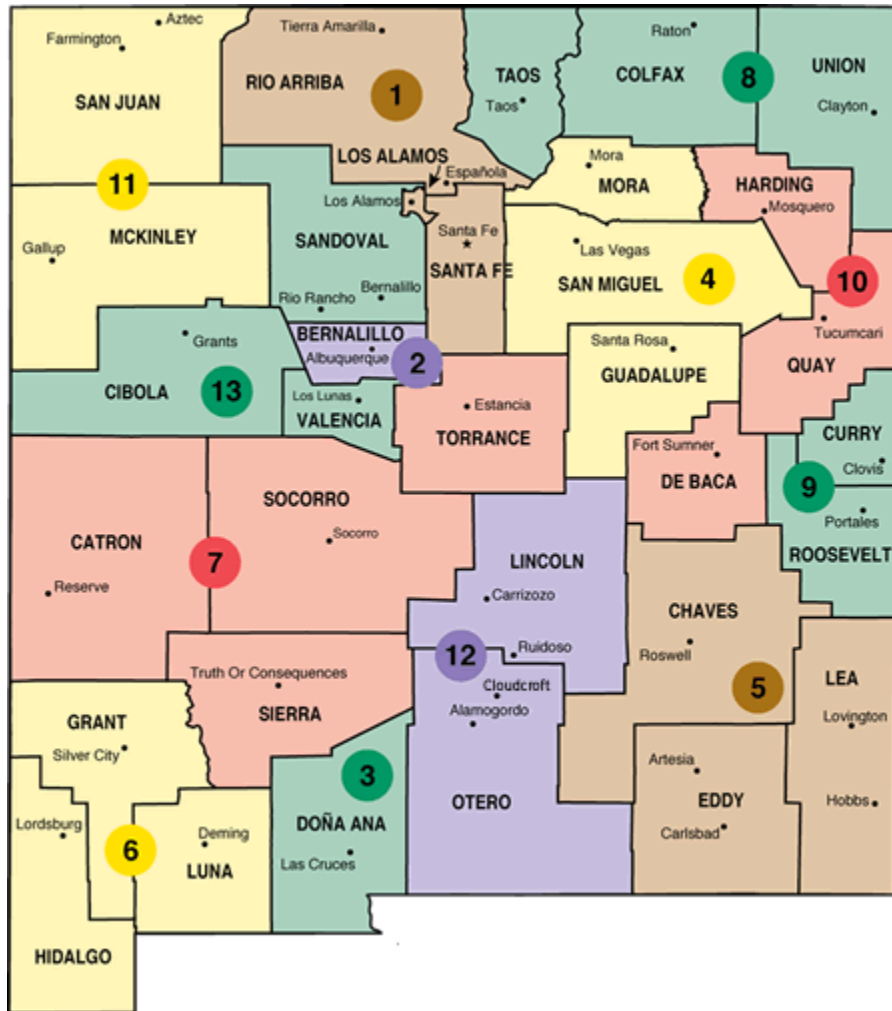
[New Mexico Court System](#)

[Recently Updated Manuals & Advisory Opinions](#)

[Code of Judicial Conduct](#)

New Mexico's Judicial Districts

New Mexico's 33 counties are divided into 13 judicial districts.

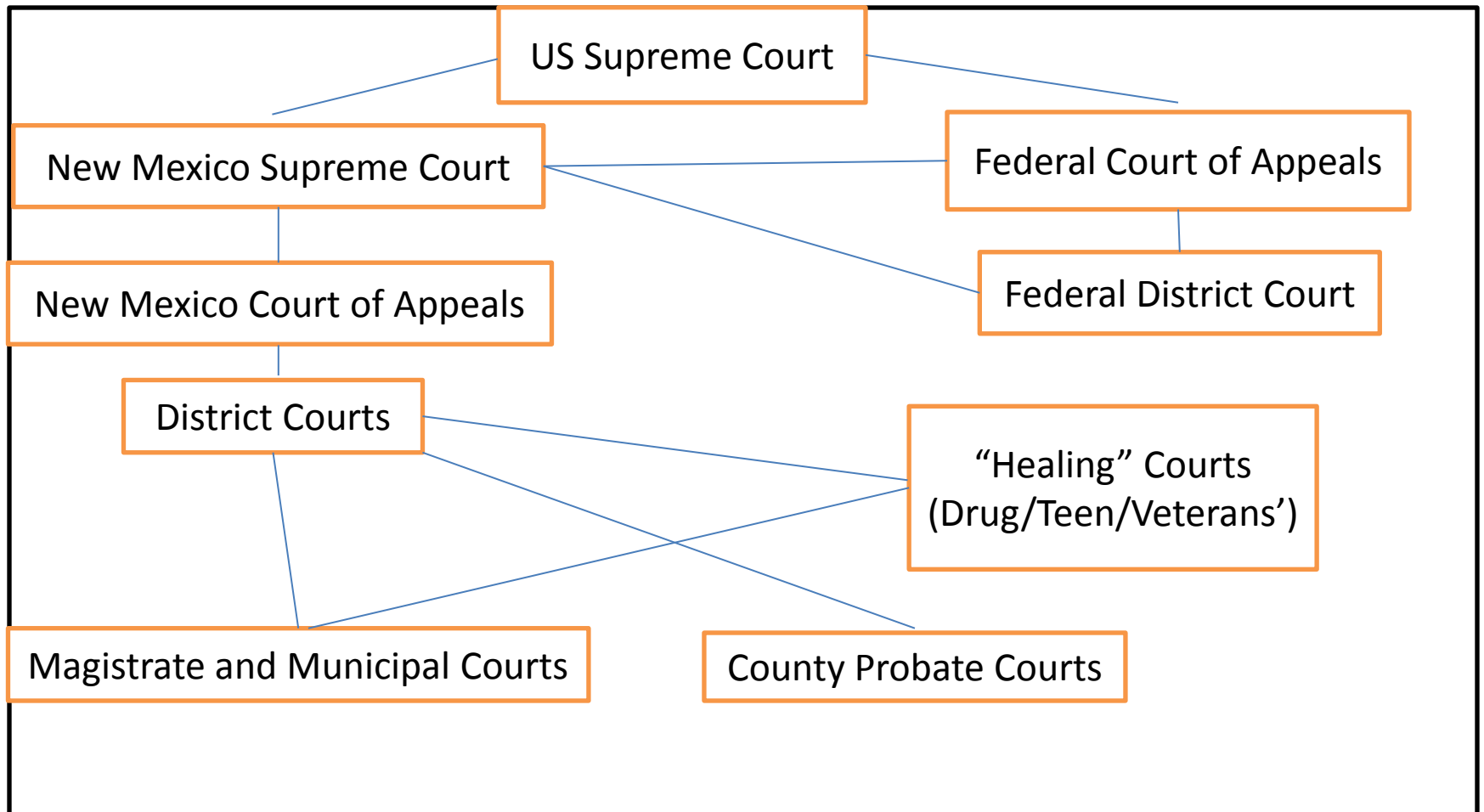


1. [Los Alamos, Rio Arriba, Santa Fe](#)
2. [Bernalillo](#)
3. [Doña Ana](#)
4. [Guadalupe, Mora, San Miguel](#)
5. [Chaves, Eddy, Lea](#)
6. [Grant, Hidalgo, Luna](#)
7. [Catron, Sierra, Socorro, Torrance](#)
8. [Colfax, Taos, Union](#)
9. [Curry, Roosevelt](#)
10. [De Baca, Harding, Quay](#)
11. [McKinley, San Juan](#)
12. [Lincoln, Otero](#)
13. [Cibola, Sandoval, Valencia](#)

Civil Law in New Mexico

The Life of a Lawsuit

Court Org Chart



NECESSITIES FOR A LAWSUIT

A JUST CAUSE

THE TRUTH

A LAWYER

\$107.00

Types of Claims

- Contract
- Tort
- Family Law
- Government (statutory)

COMMENCEMENT OF A SUIT

- Complaint
 - Form
 - Content
- Summons
- Service
 - Personal
 - Mail
 - Substituted

Discovery

- Parties may obtain discovery of any information, not privileged, which is relevant to the subject matter involved in the pending action. The information sought need not be admissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.
- Documents
- Interrogatories, Admissions
- Depositions
- Physical or Mental Examination

MOTIONS PRACTICE

- Discovery
- Parties
- Contents of Claim
- Dispositive Motions
 - Motion to Dismiss
 - Motion for Summary Judgment
- Trial Motions

TRIAL

- Jury
- Preliminaries and Opening Statement
- Presentation of Evidence
- Closing
- Jury Instructions
- Verdict and Judgment

JUDGMENT AND POST-JUDGMENT

- Money
- Family Law
- Other Remedies
- Post-Judgment Activities – Family Law
- Appeals

Misdemeanor Flow Chart

Flow chart for Misdemeanor Cases in New Mexico's Magistrate Court



Felony Flow Chart

Flow chart for Felony Cases in New Mexico's Magistrate Court





Court Interpreter Certification

SECTION 2

The Ethics of Court Interpreting

Ethical Standards and Professional Responsibility



For New Mexico
Court Interpreters



Interpreting as a profession

- Certified court interpreters are highly skilled professionals who fulfill an essential role in the administration of justice and in the protection of the 4th and 6th Amendment rights for non-English speaking persons.
- In their capacity as officers of the court, court interpreters are bound to a professional code of ethics to ensure due process of law.



Professional Responsibility Canons

■ Canon 1

- Official court interpreters act strictly in the interests of the court they serve

■ Canon 2

- Official court interpreters reflect proper court decorum and act with dignity and respect to the officials and staff of the court.



Professional Responsibility Canons

■ Canon 3

- Official court interpreters avoid professional or personal conduct which would discredit the court

■ Canon 4

- Official court interpreters, except upon court order, shall not disclose any information of a confidential nature about court cases obtained while performing interpreting duties.



Professional Responsibility Canons

■ Canon 5

- Official court interpreters respect the restraints imposed by the need for confidentiality and secrecy as protected under applicable federal and state law. Interpreters shall disclose to the court, and to the parties in a case, any prior involvement with that case, or private involvement with the parties or others significantly involved in the case



Professional Responsibility Canons

■ Canon 6

- Official court interpreters undertake to inform the court of any impediment in the observance of this Code or of any effort by another to cause the Code to be violated.

■ Canon 7

- Official court interpreters work unobtrusively with full awareness of the nature of the proceedings.



Professional Responsibility Canons

■ Canon 8

- Official court interpreters fulfill a special duty to interpret accurately and faithfully without indicating any personal bias, avoiding even the appearance of partiality.



Professional Responsibility Canons

■ Canon 9

- Official court interpreters maintain impartiality by avoiding undue contact with witnesses, attorneys, litigants and their families, and any unauthorized contact with jurors. This should not limit, however, those appropriate contacts necessary to prepare adequately for their assignment.



Professional Responsibility Canons

■ Canon 10

- Official court interpreters refrain from giving advice of any kind to any party or individual and from expressing personal opinion in a matter before the court.



Professional Responsibility Canons

■ Canon 11

- Official court interpreters perform to the best of their ability to assure due process for the parties, accurately state their professional qualifications, and refuse any assignment for which they are not qualified or under conditions which substantially impair their effectiveness.



Professional Responsibility Canons

- They preserve the level of language used, and the ambiguities and nuances of the speaker, without any editing. Implicit in the knowledge of their limitations is the duty to correct any error of interpretation, and demonstrate their professionalism by requesting clarification of ambiguous statements or unfamiliar vocabulary and to analyze objectively any challenge to their performance. Interpreters have the duty to call to the attention of the court any factors or conditions which adversely affect their ability to perform adequately.



Professional Responsibility Canons

■ Canon 12

- Official court interpreters accept no remuneration, gifts, gratuities, or valuable consideration in excess of their authorized compensation in the performance of their official interpreting duties. Additionally, they avoid conflict of interest or even the appearance thereof.



Professional Responsibility Canons

■ Canon 13

- Official court interpreters support other official interpreters by sharing knowledge and expertise with them to the extent practicable in the interests of the court, and by never taking advantage of knowledge obtained in the performance of official duties, or by their access to court records, facilities, or privileges, for their own or another's personal gain.



Professional Responsibility Canons

■ Canon 14

- Official court interpreters of the New Mexico state courts willingly accept and agree to this code, and understand that appropriate sanctions may be imposed by the court for willful violations.



Ethical Standards and Responsibilities

1. The interpreter shall render a complete and accurate interpretation.
2. The interpreter shall remain impartial.
3. The interpreter shall maintain confidentiality.
4. The interpreter shall confine himself or herself to the role of interpreting.
5. The interpreter shall be prepared for any type of proceeding or case.



Ethical Standards and Responsibilities (cont.)

6. The interpreter shall ensure that the duties of his or her office are carried out under working conditions that are in the best interest of the court.
7. The interpreter shall be familiar with and adhere to all of these ethical standards, and shall maintain high standards of personal and professional conduct to promote public confidence in the administration of justice.



Reference

- NMSA 23-111 paragraph C., pursuant to a court order dated 12/12/03, this rule was effective 2/16/04.

Code of Professional Responsibility New Mexico Court Interpreters

Certified court interpreters are highly skilled professionals who fulfill an essential role in the administration of justice and in the protection of the 4th and 6th Amendment rights for non-English speaking persons. In their capacity of officers of the court, court interpreters are bound to a professional code of ethics to ensure due process of law.

- Canon 1 Official court interpreters act strictly in the interests of the court they serve.
- Canon 2 Official court interpreters reflect proper court decorum and act with dignity and respect to the officials and staff of the court.
- Canon 3 Official court interpreters avoid professional or personal conduct which would discredit the court.
- Canon 4 Official court interpreters, except upon court order, shall not disclose any information of a confidential nature about court cases obtained while performing interpreting duties.
- Canon 5 Official court interpreters respect the restraints imposed by the need for confidentiality and secrecy as protected under applicable federal and state law. Interpreters shall disclose to the court, and to the parties in a case, any prior involvement with that case, or private involvement with the parties or others significantly involved in the case.
- Canon 6 Official court interpreters undertake to inform the court of any impediment in the observance of this Code or of any effort by another to cause the Code to be violated.
- Canon 7 Official court interpreters work unobtrusively with full awareness of the nature of the proceedings.
- Canon 8 Official court interpreters fulfill a special duty to interpret accurately and faithfully without indicating any personal bias, avoiding even the appearance of partiality.
- Canon 9 Official court interpreters maintain impartiality by avoiding undue contact with witnesses, attorneys, litigants, and their families, and any unauthorized contact with jurors. This should not limit, however, those appropriate contacts necessary to prepare adequately for their assignment.
- Canon 10 Official court interpreters refrain from giving advice of any kind to any party or individual and from expressing personal opinion in a matter before the court.

Canon 11 Official court interpreters perform to the best of their ability to assure due process for the parties, accurately state their professional qualifications, and refuse any assignment for which they are not qualified or under conditions which substantially impair their effectiveness.

They preserve the level of language used, and the ambiguities and nuances of the speaker, without any editing. Implicit in the knowledge of their limitations is the duty to correct any error of interpretation, and demonstrate their professionalism by requesting clarification of ambiguous statements or unfamiliar vocabulary and to analyze objectively any challenge to their performance. Interpreters have the duty to call to the attention of the court any factors or conditions which adversely affect their ability to perform adequately.

Canon 12 Official court interpreters accept no remuneration, gifts, gratuities, or valuable consideration in excess of their authorized compensation in the performance of their official interpreting duties. Additionally, they avoid conflict of interest or even the appearance thereof.

Canon 13 Official court interpreters support other official interpreters by sharing knowledge and expertise with them to the extent practicable in the interests of the court, and by never taking advantage of knowledge obtained in the performance of official duties, or by their access to court records, facilities, or privileges, for their own or another's personal gain.

Canon 14 Official court interpreters of the New Mexico state courts willingly accept and agree to this code, and understand that appropriate sanctions may be imposed by the court for willful violations.

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7. The interpreter shall be familiar with and adhere to all of these ethical standards, and shall maintain high standards of personal and professional conduct to promote public confidence in the administration of justice.

Interpreter's Signature

Interpreter's Name

Date

Address

PROFESSIONAL ETHICS AND THE ROLE OF THE COURT INTERPRETER

The following is a discussion of court interpreter ethics and responsibilities in the New Mexico Courts. The guidelines provided here are intended to help court interpreters deal 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 or her courtroom, and ultimately the court interpreter must defer to the judge. There are also many unwritten rules in every courtroom, and you as an interpreter have a duty to learn and obey them as well.

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 "well and truly interpret" that proceeding, or words to that effect. The court interpreter actually has a twofold duty: 1) to ensure that the official record of the proceedings in English reflects precisely what was stated by a non-English-speaking witness or defendant in another language, 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 the non-English speaking party and non-English speaking 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, non-English-speaking witness should hear precisely the question that was asked, without simplification, clarification, or omission.

Register: 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 don't 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.

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 question was 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 and 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 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.

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 has mental problems 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 (juries) 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 don’t 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 automation. Thus, when an aggressive attorney is bearing down on a witness to try to intimidate him or her, you should be equally forceful. And when the witness answers

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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's behavior and draw their own conclusions from that fact; 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: Point 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 a 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 location of the accident or the part of the witness's 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 questions; if there is no objection, go ahead and interpret the question.

Procedure for repetitions, clarifications, 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 our 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. attorney interviews), the interpreter can simply pause and change his tone of voice slightly, then speak in the first person: "I would like to ask Mrs. Smith a clarifying question..."

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 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 for '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 is 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 or event may 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 not use a foreign language word or phrase on the record, you should jot it down to provide for the court reporters 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 as 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.” Don’t 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 seems 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.

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; don't 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 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.

A court interpreter should never misrepresent his or her qualifications, education, or certifications.

In New Mexico, the statute calls for the court to appoint an interpreter certified pursuant to the Court Interpreters Act to interpret or to translate the proceedings and to interpret or translate his/her testimony. The definition of certification in the NM courts is that attendance of a two-day orientation workshop and the passing of an oral proficiency test administered through the Office of the State Court Administrator. The NM courts will also accept a federal court interpreting certification.

People may use the word "certification" in a number of ways that do not mean an interpreter is certified as is intended in the statute. Be very careful if you state that you are certified, that you have passed the oral proficiency test designed by the State Court Administrator's Office,

or the equivalent test in the federal courts. Obtaining a “certificate” at the end of a college course or a workshop is not the same as being certified. Falsely representing your credentials is detrimental to the profession as a whole.

Conflicts of Interest

A court interpreter should disclose to the judge and to all parties any actual or perceived conflict of interest. Any condition that interferes or could interfere 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. An interpreter 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 partially, 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: to enable the defendant to understand the proceedings, and to enable the court to understand all non-English speakers who address the court. Therefore, your “clients” are all of 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 an advocate for the defense if you are interpreting for the defendant or interpreting for the appointed attorney in conferences, nor are you an ad hoc prosecutor 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 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, particularly if you are appointed by the court to interpret the out of court attorney-client conferences. 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 everyday, 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.

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.

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 and 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.

Giving Legal Advice

A court interpreter should not give legal advice to parties and witnesses, nor recommend specific attorneys or law firms.

The boundaries on 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.

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 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.

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 New Mexico State Bar's referral service for retaining an attorney in a civil or criminal matter. If the person wishes a court-appointed attorney for a criminal matter, you must refer the person to the court.

Professional Relationships

A court interpreter should maintain a professional relationship with 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 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 you are interpreting for, 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 that 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 the 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.

Continuing Education and Duty to the Profession

A court interpreter should, through continuing education, maintain and 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 possible 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 ballistics 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 unless you are interpreting for 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 the specialized glossaries that you need (the opening arguments in a trial tell you what subjects will come up, and thereafter you can bring to court the reference materials you need). 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 an 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.

Disqualifications: 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 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 also part of your duty to the profession. You should become acquainted with other court interpreters in your area and share information with them. This sharing of information can take place at two levels; within the professional association of interpreters, and 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 unprofessional and generally distracts from the image of the court interpreting profession.

The professional organization: A good forum of 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 clearing houses 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 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.

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 (waiver 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 interpreted proceedings; above all you need to become familiar with the English that is spoken in the courtroom.

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 hearing, 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 or her native language for granted). Current periodicals such as magazines and newspapers are the most reliable source 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 always 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 novels that contain a lot of dialogue; television soap operas (especially if you have access to channels via cable or satellite that have foreign language programming) are also valuable in this respect. In fact, there is no written material that cannot be of some use to you; it is a good idea to develop the habit of reading avidly during your spare time. In court, you may find that you have many idle moments between assignments, and you should always have something to read during these times.

ETHICS FOCUS GROUP

Discussion Topics

What would you do in the following situation?

1. An attorney asks you to explain the rights to her client while she is speaking with another client.
2. The defendant's attorney leaves and the defendant asks you what you think of his attorney.
3. The judge asks the defendant if he gives up his right to a trial and the defendant whispers to you in his language, "What should I say?"
4. During the course of a trial the defense attorney asks you how you think the trial is going.
5. The judge asks the defendant if she has had any drugs or alcohol in the last 24 hours. She says, "No." You almost faint from the alcohol stench.
6. You are interpreting at the witness stand and the witness uses a word you do not understand.
7. You are interpreting for the defendant at counsel table. You hear a colleague make a mistake while he is interpreting at the witness stand.
8. The judge asks you to go out into the hallway to speak with the defendant about his case.
9. During a trial you overhear some jurors discussing the case, a direct violation of the Court's admonition not to do so.
10. You realize that you made a mistake in interpretation after you leave the witness stand.
11. During the course of a trial the attorney asks you if you think his client is guilty.
12. The judge is speaking to a defendant. The judge's language is so sophisticated that you are sure that the defendant wouldn't understand a word if you interpreted it on the same level.
13. After the judge sentences a defendant to a rather stiff fine, you hear the defendant say under his breath, "You bastard!"



Court Interpreter Certification

SECTION 3

The Role of the Interpreter in the Legal System

ARTICLE 9

Interpreters for Deaf

Section

38-9-1	Short title.
38-9-2	Definitions.
38-9-3	Interpreter required.
38-9-4	Interpreter waiver.
38-9-5	Interpreter; services.
38-9-6	Notice; proof of disability.
38-9-7	Coordination of interpreter requests.
38-9-8	Interpreter permitted.
38-9-9	Oath of interpreter.
38-9-10	Privileged communication.

38-9-1. Short title.

Chapter 38, Article 9 NMSA 1978 may be cited as the "Deaf Interpreter Act".

History: Laws 1979, ch. 263, § 1; 2007, ch. 23, § 1.

The 2007 amendment, effective June 15, 2007, changed "This act" to "Chapter 38, Article 9 NMSA 1978".

Am. Jur. 2d, A.L.R. and C.J.S. references. — Deaf-mute as witness, 50 A.L.R.4th 1188.

38-9-2. Definitions.

As used in the Deaf Interpreter Act:

A. "appointing authority" means the presiding judge or magistrate of any court and the hearing officer or other person authorized to administer oaths in any administrative proceeding before a board, commission, agency, institution, department or licensing authority of the state or any of its political subdivisions wherein an interpreter is required pursuant to the provisions of the Deaf Interpreter Act;

B. "deaf person" means any person whose hearing is totally impaired or whose hearing is so seriously impaired as to prohibit him from understanding voice communications;

C. "principal party in interest" means a person in any judicial or administrative proceeding in which he is a named party or who will or may be bound by the decision or action or foreclosed from pursuing his rights by the decision or action which may be taken in the proceeding; and

D. "interpreter" means a person who may through sign language, manual spelling or orally, through lip reading, as required, translate and communicate between a principal party in interest and other parties.

History: Laws 1979, ch. 263, § 2.

38-9-3. Interpreter required.

If a deaf person who is a principal party in interest has provided notice and proof of disability, if required, pursuant to Section 38-9-6 NMSA 1978, the appointing authority shall appoint an interpreter, after consultation with the deaf person, to interpret or to translate the proceedings to the person and to interpret or translate the person's testimony. Interpreters may be selected from current lists of interpreters provided by the commission for deaf and hard-of-hearing persons for:

- A. interpreters certified by the national registry of interpreters for the deaf; or
- B. other interpreters qualified through action of the commission for deaf and hard-of-hearing persons.

History: Laws 1979, ch. 263, § 3; 2007, ch. 23, § 2.

The 2007 amendment, effective June 15, 2007, changed Section "6 of the Deaf Interpreter Act" to Section "38-9-6 NMSA 1978"; changed "vocational rehabilitation division" to "commission for deaf and hard-of-hearing persons"; and in Subsection B, changed the former requirement that interpreters qualify through joint action and agreement of the vocational rehabilitation division, the New Mexico registry of interpreters for the deaf, incorporated, and the New Mexico association of the deaf or by nomination by a deaf person or appoint authority to the requirement that interpreters qualify through action of the commission for deaf and hard-of-hearing persons.

38-9-4. Interpreter waiver.

A deaf person who is a principal party in interest may at any point in any proceeding waive the right to the services of an interpreter.

History: Laws 1979, ch. 263, § 4.

38-9-5. Interpreter; services.

Whenever any deaf person is requesting or receiving services from any health, welfare or educational agency under the authority of the state or any political subdivision of the state or municipality, an interpreter may be appointed to interpret or translate the actions of any personnel providing the services and to assist the deaf person in communicating with the personnel.

History: Laws 1979, ch. 263, § 5.

38-9-6. Notice; proof of disability.

Every deaf person whose appearance at a proceeding entitles the person to an interpreter shall notify the appointing authority of the person's disability at least two weeks prior to any

appearance and shall request the services of an interpreter. An appointing authority may require a person requesting the appointment of an interpreter to furnish reasonable proof of the person's disability when the appointing authority has reason to believe that the person is not so disabled. Reasonable proof shall include but not be limited to a statement from a doctor, an audiologist, the vocational rehabilitation division of the public education department, the commission for deaf and hard-of-hearing persons or a school nurse that identifies the person as deaf or as having hearing so seriously impaired as to prohibit the person from understanding voice communications.

History: Laws 1979, ch. 263, § 6; 2007, ch. 23, § 3.

The 2007 amendment, effective June 15, 2007, changed "vocational rehabilitation division" to "vocational rehabilitation division of the public education department" and added the provision that reasonable proof may include a statement from the commission for deaf and hard-of-hearing persons.

38-9-7. Coordination of interpreter requests.

A. Whenever an appointing authority receives a valid request for the services of an interpreter, the appointing authority shall request the commission for deaf and hard-of-hearing persons to furnish a list of interpreters.

B. The New Mexico association of the deaf and the New Mexico registry of interpreters for the deaf are authorized to assist the commission to prepare and continually update a listing of available interpreters. When requested by an appointing authority to provide assistance in providing an interpreter, the commission shall supply a list of available interpreters.

C. An interpreter who has been appointed shall be reimbursed by the appointing authority at a fixed rate reflecting a current approved fee schedule as established by the commission and the administrative office of the courts. Nothing in this section shall be construed to prevent any state department, board, institution, commission, agency or licensing authority or any political subdivision of the state from employing an interpreter on a full-time basis or under contract at a mutually agreed upon compensation rate.

History: Laws 1979, ch. 263, § 7; 2007, ch. 23, § 4.

The 2007 amendment, effective June 15, 2007, in Subsection A, changed "vocational rehabilitation division" to "commission for deaf and hard-of-hearing persons"; in Subsection B, changed "division" to "commission"; and in Subsection C, changed "division" to "commission and the administrative office of the courts".

38-9-8. Interpreter permitted.

Whenever a deaf person is interested in any administrative or judicial proceeding in which an interpreter would be required for a principal party in interest, he shall be entitled to utilize an interpreter to translate the proceeding for him and to assist him in presenting his testimony or

comment.

History: Laws 1979, ch. 263, § 8.

38-9-9. Oath of interpreter.

Every interpreter appointed pursuant to the provisions of the Deaf Interpreter Act [38-9-1 NMSA 1978], before entering upon his duties, shall take an oath that he will make a true interpretation in an understandable manner to the deaf person for whom he is appointed.

History: Laws 1979, ch. 263, § 9.

38-9-10. Privileged communication.

Whenever a deaf person communicates through an interpreter to any person under such circumstances that the communication would be privileged, and the deaf person could not be compelled to testify as to the communications, the privilege shall apply to the interpreter as well.

History: Laws 1979, ch. 263, § 10.

ARTICLE 10

Court Interpreters

Section

38-10-1	Short title.
38-10-2	Definitions.
38-10-3	Certified interpreter required; compensation.
38-10-4	Court interpreters advisory committee created; duties.
38-10-5	Certification; administration.
38-10-6	Interpreter waiver.
38-10-7	Interpreter permitted.
38-10-8	Oath of interpreter.

38-10-1. Short title.

This act [38-10-1 to 38-10-8 NMSA 1978] may be cited as the "Court Interpreters Act".

History: Laws 1985, ch. 209, § 1.

ANNOTATION

Sharing or borrowing an interpreter does not constitute structural error and reversal is warranted only on a showing of prejudice. *State v. Nguyen*, 2008-NMCA-073, 144 N.M. 197, 185 P.3d

368, cert. denied, 2008-NMCERT-004.

Sharing of interpreters is a not a personal decision of the defendant. — The decision whether to use one interpreter to cover translations for the juror and for the defendant is not a personal right of the defendant, but falls within the realm of decisions by counsel that implicate constitutional rights, but that nevertheless can be waived by counsel, in the absence of any showing of prejudice. *State v. Nguyen*, 2008-NMCA-073, 144 N.M. 197, 185 P.3d 368, cert. denied, 2008-NMCERT-004.

Law reviews. — For article, "Attorney as interpreter: A return to babble," 20 N.M.L. Rev. 1 (1990).

Am. Jur. 2d, A.L.R. and C.J.S. references. — Ineffective assistance of counsel: use or nonuse of interpreter at prosecution of foreign language speaking defendant, 79 A.L.R.4th 1102.

38-10-2. Definitions.

As used in the Court Interpreters Act [38-10-1 to 38-10-8 NMSA 1978]:

A. "appointing authority" means the presiding judge of a court in which an interpreter is required pursuant to the provisions of the Court Interpreters Act;

B. "interpreter" means a person who has a sufficient range of formal and informal language skills in English and another language so that he is readily able to interpret, translate and communicate simultaneously and consecutively in either direction between a non-English speaking person and other parties;

C. "non-English speaking person" means a person who:

- (1) cannot speak or understand the English language;
- (2) speaks only or primarily a language other than the English language; or
- (3) has a dominant language other than English, which inhibits that person's comprehension of the proceedings or communication with counsel or the presiding judicial officer;

D. "principal party in interest" means a person in a judicial proceeding who is a named party or who will or may be bound by the decision or action or foreclosed from pursuing his rights by the decision or action which may be taken in the proceeding; and

E. "witness" means a witness in any judicial proceeding.

History: Laws 1985, ch. 209, § 2.

38-10-3. Certified interpreter required; compensation.

A. After July 1, 1986, if a non-English speaking person who is a principal party in interest or a witness has requested an interpreter, the appointing authority shall appoint, after consultation with the non-English speaking person or his attorney, an interpreter certified pursuant to the Court Interpreters Act [38-10-1 to 38-10-8 NMSA 1978] to interpret or to translate the proceedings to him and to interpret or translate his testimony. The appointing authority shall

select the interpreter from the current list of certified interpreters provided by the administrative office of the courts, except as provided in Subsection B of this section.

B. The appointing authority may appoint an interpreter pursuant to Subsection A of this section who is not certified but who is otherwise competent only when the appointing authority has made diligent efforts to obtain a certified interpreter and has found none to be reasonably available in the judicial district.

C. The appointing authority shall reimburse the interpreter at a fixed rate according to a current approved fee schedule established by the administrative office of the courts.

D. Nothing in this section shall be construed to prevent any court from employing a certified interpreter on a full-time basis or under contract at a mutually agreed upon compensation rate.

History: Laws 1985, ch. 209, § 3.

Cross references. — For the duties of the administrative office of courts, see 34-9-3 NMSA 1978.

38-10-4. Court interpreters advisory committee created; duties.

There is created the "court interpreters advisory committee" which consists of the director of the administrative office of the courts and four persons appointed by the chief justice of the New Mexico supreme court, who are a justice of the New Mexico supreme court, a district court judge, a district court clerk and a professional in foreign languages or linguistics. The court interpreters advisory committee shall provide advice and recommendations to the administrative office of the courts on the development of an interpreters training and certification program. The advisory committee shall meet initially no later than August 1, 1985, to organize and elect a chairman. Thereafter, the committee shall meet as necessary at the call of the chairman or the request of a majority of committee members. Advisory committee members shall be reimbursed as provided in the Per Diem and Mileage Act [10-8-1 NMSA 1978] and shall receive no other compensation, perquisite or allowance.

History: Laws 1985, ch. 209, § 4.

Cross references. — For the director of the administrative office of the courts, see 34-9-1 NMSA 1978.

38-10-5. Certification; administration.

The administrative office of the courts shall:

- A. develop and administer a certification program for interpreters;
- B. identify or provide for the development of and certify the examinations, courses and training required for certification of interpreters pursuant to the Court Interpreters Act [38-10-1 NMSA 1978];

- C. develop and maintain a current list of available certified interpreters and provide to each court a list of certified interpreters available within that judicial district;
- D. set such certification fees as may be necessary;
- E. adopt and disseminate to each court an approved fee schedule for certified interpreters; and
- F. adopt and promulgate rules and regulations necessary to carry out the provisions of the Court Interpreters Act.

History: Laws 1985, ch. 209, § 5.

38-10-6. Interpreter waiver.

A. A non-English speaking person who is a principal party in interest or a witness may at any point in any proceeding waive the right to the services of an interpreter, but only when such waiver is:

- (1) approved by the appointing authority after he has explained the nature and effect of the waiver to the non-English speaking person through an interpreter; and
- (2) made on the record after the non-English speaking person has consulted with his attorney.

B. At any point in any proceeding, a non-English speaking person may retract his waiver pursuant to Subsection A of this section and request an interpreter.

History: Laws 1985, ch. 209, § 6.

38-10-7. Interpreter permitted.

Whenever a non-English speaking person is interested in any judicial proceeding in which an interpreter would be required for a principal party in interest or a witness, he shall be entitled to utilize a certified interpreter to interpret the proceedings for him and to assist him in presenting his testimony or comment.

History: Laws 1985, ch. 209, § 7.

38-10-8. Oath of interpreter.

Every interpreter appointed pursuant to the provisions of the Court Interpreters Act [38-10-1 NMSA 1978], before entering upon his duties, shall take an oath that he will make a true and impartial interpretation or translation in an understandable manner using his best skills and judgment in accordance with the standards and ethics of the interpreter profession.

History: Laws 1985, ch. 209, § 8.

Administrative Office of the Courts

Supreme Court of New Mexico

Arthur W. Pepin, Director
Patrick Simpson, Deputy Director



237 Don Gaspar, Room 25
Santa Fe, NM 87501
(505) 827-4800
(505) 827-4824 (fax)
www.nmcourts.gov

New Mexico Court Interpreter Certification Testing Policies

(As approved by the Court Interpreter Advisory Committee 3/12/10 & 5/14/2010)

- Step 1:** Certification candidates must receive a passing score of 80% on the Consortium Written Exam prior to be invited to sit for the Oral Certification Examinations.
- Candidates must wait one year before retaking the written examination if they fail to pass with a score of 80% or better.
- Candidates who pass the Written Examination may move forward to the oral examinations at any time.
- Step 2:** Certification candidates must receive a passing score of 70% on the Simultaneous Examination prior to being invited to sit for the Consecutive and Sight Translation Examinations.
- Candidates who pass the Simultaneous Examination must sit for the Consecutive and Sight Translation Examinations within twelve months of having the Simultaneous Examination. If they fail to initiate Step 3 of the certification process within twelve months, they will be required to retake the Simultaneous Examination.
- Step 3:** Certification candidates must receive a passing score of 70% on the Consecutive Interpreting Examination and the Sight Translation Examination.
- Candidates who pass either Sight Translation or Consecutive Interpreting, but not both examinations, which are given together, must retake both Sight Translation and Consecutive.

Note:

- Candidates may take the oral examinations twice in a ten-month period, assuming they are taking a different version of the examination. Candidates who fail an examination for which there is no alternate version must wait a full twelve months prior to retaking the oral examination.
- If a candidate scores 65% or better, but fails to pass an oral examination, they may request re-rating of the examination at their expense. The request for re-rating must be made within 30 days of the candidate's receipt of their exam scores.



NEW MEXICO ADMINISTRATIVE OFFICE OF THE COURTS
Continuing Education Requirement
For Certified Court Interpreters and Justice System Interpreters

I. Purpose

Becoming and remaining a skilled interpreter in the courtroom is an ongoing process that is not completed with certification. Certified interpreters should always be working to improve their legal knowledge, their English language and grammar skills, and their language and grammar skills in their certified language.

In order to promote and enhance this continuing education process the New Mexico Supreme Court Interpreter Advisory Committee has adopted these continuing education rules that apply to all New Mexico interpreters, and all federally certified interpreters who seek reimbursement at the state certified or justice system interpreter rates.

II. Reporting Requirements

- A. This Continuing Education rule became effective January 1, 2009. The deadline for reporting completion of required continuing education will be December 31st each year.
- B. All certified and justice system interpreters must fulfill these continuing education requirements. If these requirements are not met, the interpreter will be reimbursed at the non-certified rate until these requirements are met.
- C. All newly certified interpreters shall have until December 31st of the year after certification to fulfill his or her initial continuing education requirement. After that initial education period, the newly certified interpreter will complete the continuing education each year by December 31st.
- D. The Administrative Office of the Courts will prepare and distribute standard reporting forms to use when reporting continuing education. All continuing education documentation shall be mailed or faxed to:
Administrative Office of the Courts
Interpreter Services Continuing Education
237 Don Gaspar, Room 25 Santa Fe, NM 87501
505 824-4824 (fax)

E. The certified interpreter shall provide adequate documentation of successful completion of the continuing education requirement. Documentation may include certificate of completion, transcript or grade report, or proof of membership and meeting attendance.

III. Annual Continuing Education Requirements

Membership in a Professional Interpreter Association

Each certified interpreter shall belong to at least one professional association related to interpreting. Qualified organizations include:

1. American Translators Association www.atanet.org
2. National Association of Judiciary Interpreters and Translators
www.najit.org or
3. New Mexico Translators and Interpreters Association
www.cybermesa.com/~nmtia
4. El Paso Interpreters and Translators Association
www.metroplexepita.org
5. The Registry of Interpreters for the Deaf (for signed language interpreters only) www.rid.org
6. Other organizations may be approved by the Interpreter Advisory Committee on a case-by-case basis.

Participation in Interpreter Relevant Education or Training

In addition to membership in a professional association, each person shall also complete twenty (20) hours of AOC-approved professional education, including at least two hours of ethics related training, every two years, effective January 1, 2011. There are several options available to meet this requirement including, but not limited to:

1. Attend and participate in the New Mexico Interpreters' Annual Conference, an AOC or New Mexico Center for Language Access professional development opportunity, or a nationally recognized interpreter related conference or
2. Successfully complete a relevant course at an accredited community or four year college. This must be a course for credit for at least 3 credit hours and is relevant to interpreting or legal issues or
3. Successfully complete a continuing legal education course approved by the New Mexico State Bar Association of at least three credit hours and relevant to interpreting or legal issues.

A provider of professional education may request pre-approval for New Mexico continuing education hours by providing the AOC with the following information for the course or training event:

1. Topic/s with Content Outline;

2. Trainer/s Resume;
3. Training Hours by Topic.

Relevant subject matter includes: professional issues, terminology, translation, legal issues, modes of interpreting, and cultural awareness. If a person or organization wishes to receive continuing education credit for courses outside these general areas, the request will be forwarded to the Court Interpreter Advisory Committee for approval.

Arthur W. Pepin, Director, Administrative Office of the Courts

Rev. 11/12/2010; Effective January 1, 2011

Administrative Office of the Courts

Supreme Court of New Mexico

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NEW MEXICO COURT INTERPRETER BACKGROUND CHECK POLICY AND FINGERPRINT CARD POLICY

Candidates for court interpreter certification who have passed the written and oral examinations required for certification as a New Mexico Court Interpreter and New Mexico Center for Language Access qualified Justice System Interpreters must submit an application and complete an NCIC (National Crime Information Center) background check (Triple III), and submit completed finger print card. Upon submission of an application, the AOC shall give the candidate fingerprint cards and a waiver form. It is the candidate's responsibility to go his/her local law enforcement agency or to the Department of Public Safety's office in Santa Fe, 4491 Cerillos Road, for fingerprinting. Costs for fingerprinting are the responsibility of the applicant. The fingerprint card and the waiver form must be returned to the AOC within two weeks of submission of the application.

Subsequently, every two years, the Administrative Office of the Courts will complete a name-only NCIC background check, not requiring fingerprints, for all interpreters who have successfully completed the NCIC (Triple III) background check and are included in the New Mexico Directory of Certified Court Interpreters and Justice System Interpreters.

1. Any candidate who refuses to comply with this Policy shall not be certified as a New Mexico court interpreter.
2. The Administrative Office of the Courts will accept NCIC (Triple III) background check results from other agencies when the background check has been completed within one year of its submission to the Administrative Office of the Courts in compliance with this Policy and provided that a full copy of the report is provided to the Administrative Office of the Courts by the agency initiating the background check.
3. Any information obtained shall be marked "CONFIDENTIAL" and shall not be used for any purpose other than the application for court interpreter certification or any process related to certification.
4. No information obtained from the background check shall be given to any person, firm, or corporation.

5. If information obtained does not indicate a need for further action, pending the results of the candidate's reference checks, we will notify the applicant of his/her certification, inclusion in the New Mexico Directory of Certified Court Interpreters, and time and place of swearing in.
6. If relevant adverse information, which is determined to directly impact the applicant's appropriateness for providing court interpreting, is confirmed, we will inform the applicant and allow forty-five (45) days from notification to clarify the findings.
7. The Administrative Office of the Courts is prohibited from sharing with the applicant any information obtained from the NCIC background check or finger print cards. The applicant may obtain a copy of these criminal history reports directly from the Department of Public Safety. The costs of obtaining a copy of these reports are the responsibility of the applicant.
8. The applicant's criminal history and his/her clarifying information will be reviewed by the Court Services Division Director. The Court Services Division Director in consultation with the Statewide Program Manager will consider the relevance of the criminal history to the profession of court interpreting, the period of time since the conviction date (s) and any evidence of rehabilitation submitted by the candidate.
9. Based upon its review, the Court Services Division Director will decide whether to grant or deny New Mexico Court Interpreter Certification. If the Court Services Division Director denies certification based on a candidate's criminal history, the candidate may appeal the Court Services Division Director's decision to the Director of the Administrative Office of the Courts by filing a written appeal with the Administrative Office of the Courts within thirty (30) calendar days of the date of the Court Services Division Director's decision.
10. The Director of the New Mexico Court Administrative Office of the Courts shall hear the appeal solely on the written information in the candidate's application file, including information submitted by the candidate, unless, in the Director's sole discretion, he permits the candidate to file additional written information. The Director of the Administrative Office of the Courts shall issue a written decision on the candidate's appeal within 45 days of submission of the appeal.
11. Each candidate will be required to sign the Waiver Authorization form.

Arthur W. Pepin, Director
New Mexico Administrative Office of the Courts

Effective: November 1, 2009
Revised: May 14, 2010

**NEW MEXICO COURT INTERPRETER
BACKGROUND CHECK WAIVER AUTHORIZATION**

Having passed the required written and oral examinations, having successfully completed the New Mexico Center for Language Access Justice System Interpreter Training, or having been qualified by the New Mexico Commission for the Deaf, I am applying for New Mexico Court Interpreter Certification and/or inclusion in the New Mexico Directory of Certified Court Interpreters and Justice System Interpreters.

This Waiver Authorization expressly authorizes the New Mexico Administrative Office of the Courts to conduct an NCIC background check and submit finger print cards to the Department of Public Safety and to conduct biennial NCIC name-only background checks. The release of the requested information is necessary for the purpose of working as a Certified Court Interpreter or being registered as a Justice System Interpreter by the New Mexico Administrative Office of the Court. The authorized information is not to be given to any other person, firm or corporation. The undersigned may withdraw this consent at any future time, in writing.

Print full name _____
First Middle Last

Maiden Name _____

Signature _____

Address _____
Street No. City State Zip Code

Date of Birth _____ Place of Birth _____

Social Security Number _____

Witness Signature _____

Date _____

New Mexico Court Interpreter Program

Procedures for Processing Complaints Regarding Interpreter Conduct & Performance

(Approved by the New Mexico Court Interpreter Advisory Committee, November 12, 2010)

Court interpreters must conduct themselves in a manner consistent with the Code of Professional Responsibility for New Mexico Court Interpreters, <http://www.nmcourts.gov/newface/court-interp/guidelinesandpolicies/codeofconduct.pdf> at all times and for Signed Language Interpreters, [NAD-RID Code of Professional Conduct](#). If you have questions regarding an ethical dilemma, please consult these two documents.

I. Before Filing a Complaint:

- Try approaching the interpreter and sharing your concerns. Often, this will resolve the situation.
- Consider talking with his or her supervisor or the court representative responsible for contracting or arranging the interpreter to express your concerns.
- If you have exhausted all avenues of conflict resolution, please consider the following as you frame your complaint.

II. Complaint Requirements:

A complaint:

- Must be based on the possible violation(s) of the official NAD-RID Code of Professional Conduct or the Code of Professional Responsibility for New Mexico Court Interpreters
- Must be filed due to an incident related to the provision of interpreting services
- Must describe an incident that occurred after the interpreter's services were contracted through a verbal or written agreement and may involve paid or volunteer interpreter service
- May be filed as a result of the contracted interpreter's conduct prior to, during, or after an interpreting assignment
- May be filed only by a person who has direct knowledge of or involvement in the interpreting situation in which the alleged violation occurred

III. Timeframe for Filing a Complaint:

- A complaint must be received within 90 days of the alleged violation. The 90-day filing limit applies to when the alleged violation(s) occurred, which is not necessarily the time of the actual interpreting.
- A complaint involving an interpreter should be submitted according to the structure below to the Statewide Program Manager, Language Access & Jury Services, NM Administrative Office of the Courts, aocpjs@nmcourts.gov

- In addition to considering all complaints according to this policy, AOC will also forward complaints involving a signed language interpreter to New Mexico Regulation and Licensing Department.
- A complainant may also submit a complaint involving a signed language interpreter to the national office of the Registry of Interpreters for the Deaf:
 - [Online](#) – Create an RID account or log-in to your existing account to file a complaint. You can submit a transcribed or videotaped narrative using the online system. If you are not sure about your complaint or have unanswered questions, [contact EPS staff](#) BEFORE filing online.
 - By mail or fax – [Print the Complaint Filing Form](#) and send materials to:
Ethical Practices System
RID National Office
333 Commerce Street, Alexandria, VA 22314
Fax: (703) 838-0454

IV. Structure of a Complaint:

A person filing an official ethics complaint must be sure that the complaint includes all of the necessary items, which includes:

- Who is the person filing the complaint (the complainant)?
- Who is the interpreter?
- When and where did it happen?
- What happened?
- A statement that describes how the alleged misconduct violated the NAD-RID Code of Professional Conduct or the Code of Professional Conduct for New Mexico Court Interpreters and how it negatively impacted the interpreting situation. Specific tenets should be cited. The statement must include the following applicable items:
 - A complete narrative of the alleged misconduct.
 - A description of how the interpreter's alleged misconduct adversely affected the situation or parties involved.
 - A list of and detailed description of intended sources of evidence (witness statements, documentation, affidavits, etc.) that can be used to support the allegations. The list (not the evidence itself) must be included with the initial complaint. The evidence may be submitted later in the process, if necessary.
 - A summary of other actions, if any, taken to resolve this matter prior to filing a complaint.
 - The status of legal action underway, at the time of filing, related to this matter.

V. Complaints Submitted to the AOC:

1. The AOC will conduct a review of the complaint with the Court and with the interpreter to determine if there has been a violation of the Code of Professional Responsibility. The AOC may consult with members of the Court Interpreter Advisory Committee, the Consortium for Language Access in the Courts, and the AOC General Counsel in making this determination. The AOC may assign an interpreter observer to observe the interpreter in court.

2. Based on this review, the AOC may request that the interpreter take certain remedial action, e.g. attendance at an ethics seminar, court observation, mentoring.
3. Depending on the nature of the violation, the AOC, at its discretion, may temporarily suspend the interpreter from working as such in the New Mexico state courts.
4. Based on this review and the interpreter's compliance with remedial action required, if it is determined that further disciplinary action is warranted, the interpreter and the court managers will be informed of such action and whether it affects the interpreter's status on the New Mexico Directory of Certified Court Interpreters.
5. The interpreter may choose to challenge the AOC's action in response to a complaint made against them. The interpreter and their representative, should they so choose, will then have the opportunity to meet with a Complaint Review Board. The Court of Appeals Mediator will be responsible for appointing the Review Board from among the members of the Court Interpreter Advisory Committee and other qualified parties.
6. The decision of the Review Board will be presented to the Court Interpreter Advisory Committee for review and comment prior to approval by the Committee for submission to the AOC Director. The decision of the Director is final.
7. The AOC will maintain complaint files for a period of five years. If an interpreter receives subsequent complaints, each complaint will be reviewed as specified above. If said review shows the same violations as the first, the interpreter will be subject to additional action and possible removal from the Directory of Certified Court Interpreters. If the review highlights different canon violations, the interpreter will be subject to additional action.

Section VI: Suspension from the NM Directory of Certified Court Interpreters

1. As part of remedial action or in the event an interpreter fails to comply with AOC or RID directives, he/she may be suspended for up to six months.
2. During the suspension period he/she will not be permitted to accept interpreting assignments from the New Mexico Judiciary.
3. An interpreter who is under suspension status and accepts an interpreting assignment WILL NOT BE PAID for said assignment.
4. When an interpreter is suspended from working in the courts, all interpreter coordinators and court managers will be notified and instructed that the interpreter is not available at this time. When this changes, these individuals will also be notified.

Arthur W. Pepin, Director, Administrative Office of the Courts

Effective: January 1, 2011

AOC COMPLAINT REVIEW FORM

Date and Place of Alleged Violation and Interpreter

Date and Time of Interview

Individual Interviewed/Interviewee's Position:

Interviewer: _____

Background (how is the interviewee relevant to the situation; what is/has been their relationship to the interpreter, etc.)

Observations Re Incident:

Observed Compliance with Professional Code of Responsibility (cont on next page):

CANON	In Compliance	Not in Compliance	Not Applicable
1. Acts strictly in the interest of the Court			
2. Proper court decorum and respect to official & officers of the Court			
3. Avoids professional or personal contact that would discredit the Court			
4. Maintains confidentiality			
5. Reports conflict of interest			
6. Informs Court of impediments to observing Code of Professional Responsibility			
7. Works unobtrusively			
8. Interprets accurately and with impartiality			
9. Avoids in appropriate contact with all case participants			
10. Refrains from giving advice and expressing personal opinions			
11. a. Accurately states qualifications			

11 b. Preserves level of language use and requests clarification as necessary			
12. Accepts nothing, expect AOC payment, for interpreting services			
13. a. Supports other interpreters			
13. b Does not use court contacts or information for personal gain			

Additional Comments:

Reviewed by:

Interviewee – Name & Signature

Date Signed

Interviewer

Date Signed

New Mexico Administrative Office of the Courts

Interpreter Observation

Name of Interpreter being observed _____

Date of Observation _____

Language Observed _____ Name of Judge _____

Court _____

Case Name _____ Case Number _____ Case Type _____

Name of Observing Interpreter _____

EVALUATION

Language proficiency

Was the interpreter easily understandable in both languages?

<i>Significant problems</i>	<i>Some problems, but overall did not appear to interfere significantly with communication</i>	<i>No problems noted</i>	<i>Not Observed</i>
1 2	3 4 5 6 7 8 9	10	N/A

Were there any problems with vocabulary, grammar, or rendering of idiomatic speech?

<i>Significant problems</i>	<i>Some problems, but overall did not appear to interfere significantly with communication</i>	<i>No problems noted</i>	<i>Not Observed</i>
1 2	3 4 5 6 7 8 9	10	N/A

Notes & Examples:

Interpreting skills

Was the appropriate mode of interpreting used?

<i>Significant problems</i>	<i>Some problems, but overall did not appear to interfere significantly with communication</i>	<i>No problems noted</i>	<i>Not Observed</i>
1 2	3 4 5 6 7 8 9	10	N/A

Could the interpreter keep up without omitting or summarizing what was said?

<i>Significant problems</i>	<i>Some problems, but overall did not appear to interfere significantly with communication</i>	<i>No problems noted</i>	<i>Not Observed</i>
1 2	3 4 5 6 7 8 9	10	N/A

Was the register of speech preserved?

<i>Significant problems</i>	<i>Some problems, but overall did not appear to interfere significantly with communication</i>	<i>No problems noted</i>	<i>Not Observed</i>
1 2	3 4 5 6 7 8 9	10	N/A

Were names and numbers accurately conserved?

<i>Significant problems</i>	<i>Some problems, but overall did not appear to interfere significantly with communication</i>	<i>No problems noted</i>	<i>Not Observed</i>
1 2	3 4 5 6 7 8 9	10	N/A

Notes & Examples:

Professional conduct

Were verbal exchanges between the interpreter and the party or witness restricted to interpretation?

Significant problems	Some problems, but overall did not appear to interfere significantly with communication								No problems noted	Not Observed
1	2	3	4	5	6	7	8	9	10	N/A

Did the interpreter refrain from giving advice?

Significant problems	Some problems, but overall did not appear to interfere significantly with communication								No problems noted	Not Observed
1	2	3	4	5	6	7	8	9	10	N/A

Did the interpreter refrain from adding or modifying anything that was said?

Significant problems	Some problems, but overall did not appear to interfere significantly with communication								No problems noted	Not Observed
1	2	3	4	5	6	7	8	9	10	N/A

Did the interpreter refer to herself or himself properly in the third person when addressing the court?

Significant problems	Some problems, but overall did not appear to interfere significantly with communication								No problems noted	Not Observed
1	2	3	4	5	6	7	8	9	10	N/A

Notes & Examples:

Demeanor and Rapport

Does the interpreter work well with other interpreters? Yes No Not Observed

Does the interpreter work well in a team interpreting environment? Yes No Not Observed

Does the interpreter communicate appropriately with court staff? Yes No Not Observed

Notes & Examples:

Overall evaluation

☐ Appears to be a skilled interpreter.

☐ Appears to be an adequate interpreter, but additional study and practice is indicated. Some caution should be exercised when assigning this interpreter.

☐ Problems appear to be severe. The Court Interpreter Program should further evaluate this interpreter's language knowledge and skills with structured testing.

Additional Observations

Interpreter's Comments

Date discussed with interpreter _____

Supervisor Recommendation - Follow-up: 6 months ☐ 12 months ☐ ASAP ☐

Signature of Interpreter (following discussion)

Date _____

Signature of Observing Interpreter

Date _____



National Association of Judiciary Interpreters & Translators

NAJIT POSITION PAPER DIRECT SPEECH IN LEGAL SETTINGS

The information provided in NAJIT position papers offers general guidance for court administrators, judiciary interpreters and those who rely on interpreting services in legal settings. This information does not include or replace local, state or federal court policies. For more information, please contact: National Association of Judiciary Interpreters & Translators, 206-267-2300, or visit the NAJIT website at www.najit.org.

■ Introduction

When the participants in the judicial process do not speak the same language, an interpreter is used to relay messages. Interpreters use industry standard techniques to maintain accuracy and impartiality and ensure clear communication. These interpretation techniques are especially important in legal settings. The purpose of this paper is to illustrate one such technique — the use of direct speech as opposed to indirect speech — and to explain why all interpreters and users of interpreter services should speak to each other directly, rather than in the third person.

■ What is indirect or third-person speech?

Some people believe that indirect speech, which is sometimes referred to as third-person speech, is the best way to communicate through an interpreter (e.g., *Ask him... She is saying...*); but, in fact, the opposite is true. The most effective way to work across language barriers is for all speakers to use direct speech. Even when the communication has to pass through an interpretation process, people should address each other directly.

Participants in the judicial process — attorneys, judges, courtroom personnel, witnesses — or inexperienced interpreters may resort to indirect speech occasionally, unwittingly or as a matter of habit. However, it is essential to be vigilant against this practice. To understand why, consider the differences between direct and indirect speech in the following examples:

• DIRECT SPEECH

Judge: “Could you state your full name?”

Interpreter (in foreign language): “Could you state your full name?”

Witness (in foreign language): “My name is John Doe.”

Interpreter: “My name is John Doe.”

• INDIRECT SPEECH (by interpreter)

Judge: “Could you state your full name?”

Interpreter (in foreign language): “He’s asking you to state your full name.”

Witness (in foreign language): “My name is John Doe.”

Interpreter: “His name is John Doe.”

The use of indirect speech in the example above is an instance of unwarranted interference by the interpreter. The interpreter could have simply relayed the message directly, as it was said, without making any independent contribution to the communication process. The behavior of an interpreter using indirect speech may be compared to that of a narrator who reports to the participants what the speaker has said. The message is restated from the interpreter’s narrative point of view (e.g., *He’s asking... His name is...*), but the speaker’s actual words are never rendered.

Notice how the use of indirect speech by other participants in an exchange can easily create communication problems:

• INDIRECT SPEECH (by judge)

Judge: “Ask him to state his true name.”

Interpreter (in foreign language): “Ask him to state his true name.”

Witness (in foreign language): “Who?”

Interpreter: “Who?”

Judge: “Doesn’t the interpreter know who I’m talking to?”

- **INDIRECT SPEECH** (by attorney)

Attorney: “Ask her if she went to Mrs. Smith’s house?”

Interpreter (in foreign language): “Did you go to Mrs. Smith’s house?”

Female Witness (in foreign language): “Yes.”

Interpreter: “Yes.”

Attorney: “Was she with anyone?”

Interpreter: “Would counsel clarify for the interpreter who she refers to?”

In the first example, the judge uses indirect speech. The interpreter restates the message exactly, as, in fact, interpreters are required to do. But communication quickly gets derailed. This can happen with the simplest of questions.

In the second example, it is the attorney who uses indirect speech. The interpreter is attempting to “clean up” the attorney’s indirect questions and make them direct. But the danger in doing so is that the attorney may continue asking questions in the third person. This will not only muddy the record, it may also lead to a situation where the interpreter does not know to whom the attorney is referring when third-person pronouns are used.

All of the examples above indicate that participants in interpreted-assisted exchanges should address each other directly, as though there were no interpreter present. The interpreter should assume the voice of the speaker for whom s/he is interpreting and, accordingly, use the same grammatical person as that speaker (i.e., the same pronouns and verbs).

- **Why is indirect speech unacceptable in legal settings?**

As the examples above have already suggested, indirect speech should never be used in legal settings when interpreters are involved, because it hinders both communication and the judicial process. The following specific problems can be identified:

MISCOMMUNICATION. The use of the third-person pronouns *he*, *she* and *they* in indirect speech is a common source of confusion. For instance, when the attorney uses indirect speech in the last example above, the interpreter has no way of knowing who *she* refers to: Is it the female witness or Mrs. Smith? In the worst-case scenario, misunderstanding can take place if the recipient of the message, that is, the interpreter, makes the wrong assumption. The consequences can be serious because the credibility of witnesses depends on the consistency and accuracy of the information they provide.

DELAYED COMMUNICATION. The confusion created by the use of third-person pronouns needlessly slows communication down, since the speakers will have to interrupt each other often to ask for clarification. Any type of exchange, from the relatively informal attorney/client meeting to the highly formal presentation of courtroom testimony, can fall victim.

ADVERSE EFFECT ON INTERACTION BETWEEN THE PARTIES. Indirect speech focuses too much on the interpreter and reinforces the parties’ natural tendency to talk to, make eye contact with and turn toward the interpreter, rather than to focus on each other while speaking. When communication is indirect, the parties may be more likely to seek clarification, make comments and solicit extra-linguistic information from the interpreter, none of which are part of a court interpreter’s role. If the interpreter is no longer a conduit, s/he is assuming or being allowed to occupy a position of considerable power, which undermines the relationships between the parties (e.g., the rapport between defense attorneys and their clients during out-of-court meetings or the adversarial relationship between prosecutors and defendants during cross-examination.)

INTERPRETATION NOT LEGALLY EQUIVALENT. Court interpreters are bound by a code of ethics to provide a complete and accurate interpretation, without altering, omitting, or adding anything to what was stated. Likewise, their duty is to preserve the speaker’s language level and discourse features, such as pauses, hedges, false starts and repetitions.¹ Once all these requirements are met, the message transmitted by the interpreter will have the same effect on the target-language audience as the original message had on the source-language audience.

The court interpreter’s strict conservation of the content, form, and style of a message is known as legal equivalence,² and it is ultimately grounded in the due process and the equal protection clauses of the United States Constitution. The role of the interpreter is to put non-English speakers on an equal footing with individuals who do speak English during their interactions with the judicial system. However, interpreting rendered through indirect speech cannot be legally equivalent for the following reasons:

The interpreter has to modify the speaker’s original words from a grammatical point of view, at the very least, to reflect the interpreter’s narrative point

of view: “I regret what I did” → “She regrets what she did.”

Messages lose their immediacy when transmitted through indirect speech. Some messages, particularly those involving emotive language, become less forceful: “I didn’t do it. I swear to God I didn’t. Please, believe me.” Now, compare this utterance with the following: “He says he didn’t do it. He swears to God he didn’t. Please, believe him.” In English, statements like *he/she says (that)...* can suggest a certain degree of speaker disbelief.

Direct speech readily allows the interpreter to put her/himself in the speaker’s frame of mind, which in turn facilitates the faithful transmission of the message. Indirect speech is one step removed and thus immediacy is lost, which may affect the interpreter’s memory of the original message.

POSSIBLE VIOLATIONS OF DUE PROCESS. Pursuant to the Federal Rules of Criminal Procedure and the Rules of Criminal Procedure for state and municipal courts, a guilty plea must be entered into knowingly and voluntarily. When a defendant enters a plea of guilty or no contest, s/he waives important rights:

In order for such waiver to be valid under the due process clause of the United States Constitution, it must be shown to have been an intentional relinquishment or abandonment of a known right or privilege. If a guilty plea is not knowingly, voluntarily, and intelligently made, it has been obtained in violation of due process and is therefore void.³

When an interpreter uses indirect speech (i.e., “He says he’s guilty, Your Honor.” Or, “Yes, she understand her rights.”) the record reflects the conclusion of the interpreter, not of the defendant. This key linguistic and legal distinction has led to the nullification of a number of guilty pleas.⁴

INTERFERENCE WITH PRESERVATION OF THE RECORD. The integrity of the record is of utmost importance, whether a proceeding be in-court (e.g., a trial) or out-of-court (e.g., a deposition). The ambiguity that arises from the use of third-person pronouns in indirect speech hinders the court reporter’s task of maintaining a clear record. Transcripts, particularly those that are prepared

from recordings after the fact, will be less intelligible. They are bound to contain statements such as, “INTERPRETER: He doesn’t understand.”

Furthermore, the legal equivalent provided by the interpreter **is** the record. If the interpreter fails to faithfully render the speaker’s message by using indirect speech, one cannot meaningfully speak of an accurate and complete record: There is no record of the speaker’s actual words and justice has not been served.

■ Recommendations

Canon 5 (Protocol and Demeanor) of NAJIT’s *Code of Ethics and Professional Responsibilities* explicitly bans interpreting in the third person, “...Court interpreters are to use the same grammatical person as the speaker...”⁵

NAJIT recommends that all indirect speech be excluded from interpreted-assisted exchanges in legal settings. The following guidelines are intended to help interpreters and the other participants in the judicial process comply with professional standards:

JUDGES

- Judges should not permit the use of indirect speech during interpreted-assisted proceedings. At every opportunity, judges should instruct the parties to speak directly to each other, instead of to the interpreter. The parties should never say to the interpreter, “Tell her (that)...” or “Is he asking me...?”
- Judges should support an interpreter’s request that all parties address each other directly.
- When a judge addresses a non-English speaking defendant or witness, it should always be done directly rather than speaking to the interpreter. Judges should not say to the interpreter, “What is his name?” or “How does she plead?”
- When the judge needs to address the interpreter, the record should be clear. For example, “Would the interpreter raise his voice?” If a judge says, “Would you raise your voice?” the interpreter is required to interpret exactly what was said; the witness will raise her/his voice, instead of the interpreter.

ATTORNEYS

- Attorneys should speak directly and maintain

eye contact with the non-English speaking client/defendant/witness, just as with someone who speaks English. Attorneys should not ask the interpreter, “Does he understand?” but ask the non-English speaker, “Do you understand?”

- If this is the first time the non-English speaker is communicating through an interpreter, attorneys are well advised to take a minute to explain how the process works (i.e., “talk to me and speak as though there were no interpreter present”), or allow the interpreter to instruct the speaker about the correct mode of address.
- If addressing the interpreter at any point, attorneys need to make it clear (e.g., “Does the interpreter know where that is?”). Even during an informal meeting, the interpreter should not have to decide whether a particular remark is an aside or not meant for the non-English speaker.

INTERPRETERS

- The interpreter should always use the same grammatical person as the speaker.
- If there is time in advance of the proceeding, the interpreter should instruct the parties to speak to each other directly. The interpreter may explain that direct speech avoids confusion and ensures that the parties will be fully understood by everyone, including the interpreter.
- If any of the participants (including the attorneys or the judge) addresses the interpreter instead of the speaker, or if the speaker addresses the interpreter instead of the other participants, the interpreter, referring to her/himself in the third person, should politely remind everyone to use direct speech. This *modus operandi* includes any requests for clarification. Some suggested ways of making this request are:

“Your Honor, to maintain the accuracy of the record, the interpreter requests that counsel be instructed to address the witness rather than the interpreter.”

“The interpreter requests that the deponent not address her, but rather that he respond directly to counsel so as to protect the integrity of the record.”

“Your Honor, so as not to confuse the record, the interpreter requests that you address the defendant directly.”

“Counsel, please speak directly to your client to avoid any misunderstandings.”

- In open court, if a judge addresses the interpreter instead of the witness or the defendant, it should be corrected immediately. It is not easy to point out to judges that they may have misspoken. However, it happens to everyone and judges generally appreciate the clarification. Some interpreters may prefer to address the issue at sidebar; others choose to do so in open court with a phrase similar to the ones that appear above. Most important is to be polite and to convey that the main concern is the accuracy of the interpreting process and/or the record.
- If a party continues to use indirect speech after several polite requests, then one technique to highlight the problem is simply to interpret the utterance exactly, “Ask him where he was living.” The witness is likely to respond, “Ask who?” This is an indirect way of getting the parties to rephrase the question using direct speech.
- Interpreters should resist the temptation to ignore the use of indirect speech by other parties so as not to be disruptive. Not only would the interpreter be failing to comply fully with the requirement of accuracy and completeness, s/he might also get into trouble down the line (as in the last example on page 1). It is best to address the problem as soon as it comes up.
- To ask for clarification or request that the court instruct the parties, interpreters should always use the third person. This practice is essential to identify the interpreter as the speaker. A comment from the interpreter should be clearly distinguishable from one coming from the witness. Compare: “The interpreter didn’t hear the question” to “I didn’t hear the question.”
- Occasionally, speakers will use the interpreter as a point of reference. For instance, a witness might say in the foreign language, “The man was as tall as you are.” If the interpreter becomes aware (either through linguistic information and/or body language) that the speaker is referring to

the interpreter, this fact should be placed on the record by saying, “The man was as tall as you are (indicating the interpreter).”

■ Conclusion

When words are especially important and clarity is sought, all parties need to be aware that the interpreter is not a narrator but a repeater. Clear communication is essential in legal settings where the rights of others and life itself are at stake. For the communication process to be effective and objective, the parties should at all times use direct speech.

Footnotes

1. National Center for State Courts. *Model Code of Professional Responsibility for Interpreters in the Judiciary*. See Canon 1 (www.ncsconline.org/wc/publications/Res_Ctlnte_ModelGuidePub.pdf).
2. González, D. G., Vásquez, V. F., & Mikkelsen, H. (1991). *Fundamentals of Court Interpretation: Theory, Policy and Practice* (p. 16). Durham, NC: Carolina Academic Press.
3. 26 Ohio Jurisprudence 3d section 1097 Pleas.
4. The Racial Fairness Project, Cleveland, OH (www.racialfairness.org/interpreters.htm) lists several cases under the heading *Speaking in the Third Person*. See also: U.S. v. Gregorio Camejo (333F3d. 669) appealed in 2003 before the U.S. Court of Appeals for the Sixth Circuit.
5. NAJIT Code of Ethics and Professional Responsibilities (www.najit.org/ethics.html).

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NAJIT POSITION PAPER

EQUAL ACCESS AS IT RELATES TO INTERPRETATION AND TRANSLATION SERVICES

The information provided in NAJIT position papers offers general guidance and practical suggestions regarding the provision of competent language assistance to persons with limited English proficiency. This information is intended to assist in developing and enhancing local rules, policies and procedures in a wide range of settings. It does not include or replace local, state or federal policies. For more information, please contact: National Association of Judiciary Interpreters & Translators, 206-267-2300, or visit the NAJIT website at www.najit.org.

■ Introduction

The National Association of Judiciary Interpreters and Translators, recognizing current trends in state and federal court systems throughout the United States, including government offices and national and local justice partners, wishes to take a position on the issue of equal access as it relates to interpretation and translation services. We hope that through this position paper we can address, assist with and clarify important issues related to language access for non-English-speaking parties.

■ Need for Professionalism

NAJIT applauds state and federal entities as well as officials on every level who are working hard at establishing guidelines and policies for competent language services to be provided for non-English speakers and limited-English proficient (LEP) persons. However, we continue to hear of incidents, to read articles and to receive complaints that reveal misunderstandings about qualifications for interpreters and translators and the role of the language provider. Some entities continue to labor under the misconception that self-professed interpreters, those who have a bilingual background, or any service provider contracted by a language agency can be deemed qualified as an interpreter or translator. Nothing could be further from the truth.

■ Errors and Lapses

Ever since NAJIT was founded in 1978, its mission has been to promote quality interpretation and translation services for the legal field. We advocate professional training and ethical discipline. The use of untrained and unqualified individuals sets a bad example and sends the wrong message to the public regarding the importance of equal access. Unfortunately, there are still significant numbers of cases being reversed, statements being suppressed, misdiagnosis by medical professionals, interpreters advocating for a defendant or witnesses, or interpreters unfamiliar with relevant terminology. Ethical lapses include interpreters putting their own spin on a message, omitting crucial information, or disclosing confidential and privileged information. We are aware of cases of interpreters charging additional money to non-English speakers or LEP persons while already being paid by a court or other entity.

■ A Shared Responsibility

Complaints about interpreters providing poor service, not being able to do the job properly or behaving unethically are generally due to the use of non-professional interpreters. These problems would be substantially minimized if aspiring interpreters, bilinguals and the entities who utilize language services take the time to learn about our field and its competency requirements, certification, training regimens, as well as the ethical responsibilities undertaken when providing interpretation and translation services. Each stakeholder or aspiring service provider must take responsibility to educate themselves in this area.

■ Individual Responsibility

We encourage aspiring interpreters to join professional associations and to learn about the field, including mentoring opportunities. We encourage organizations with an interest in the mission and goals of our profession to join

our organization and attend educational conferences. Where needed to interact with the public, fluent bilinguals can certainly be utilized for conducting routine business in a language other than English. We have no qualms about organizations that utilize language agencies in lieu of independent contractors. However, still too many are unaware of the interpreter's role, qualifications and professional responsibilities.

■ Organizational Responsibility

We strongly suggest that organizations in need of interpretation and translation services look at the competency criteria essential to perform the job in question. Entities who utilize interpretation and translation services need to make sure that candidates are tested, to understand the limitations of bilinguals, and to be aware of the various levels of bilingualism required for a particular task. It is important to understand the difference between being a bilingual (even a highly educated bilingual) and an interpreter or translator with professional qualifications and experience.

Organizations, government entities, and individuals, including the non-English or LEP person, would be better served if those in charge of interpreter services began to require all language providers— whether working as independent contractors or as subcontractors through a language agency— to demonstrate the necessary skill set and credentials. Organizations need to have in place some type of reliable and valid method of testing levels of bilingualism for their bilingual staff. Agencies who subcontract interpreters and translators should be required to demonstrate to the hiring entity that they have a valid and reliable method for proving the skill level of their subcontractors and that they provide basic training in ethics. Agencies should be required to provide to the hiring entity the qualifications, training, experience, criminal background check information and references for each interpreter or translator they subcontract.

■ Qualifications

As in any other field, qualifications are a necessary first hurdle. The nexus between an entity's ability to provide due process, equal access, equal protection, and to provide the non-English-speaking or LEP person true access to important services and programs is the interpreter. The use of an unqualified interpreter or translator will surely render every party or organization equally incompetent. The ability of an agency or entity to carry out its own mission goes hand in hand with the use of competent interpreter and/or translation services.

When organizations fail to request proper qualifications and out of ignorance or neglect use unqualified and untrained interpreters, the organization itself can be jeopardized. Untrained and unqualified language providers can have the effect of denying due process, equal protection, or equal access to an LEP individual. No matter how competent a judge or attorney may be, or how many interpreters are provided for a LEP individual, it will be of no value if the interpreters are untrained and unqualified.

The failure of incompetence lies not only with the unprepared person who, unfamiliar with the rigors of the field, agrees to provide language services, but also with the entities that set language policies or hire service providers without first consulting with experts in the field or understanding the profession's requirements.

■ Resources Available

Many entities are unfamiliar or unaware of the resources available through national interpreting and translating associations, other national organizations, or local organizations in their states. There is substantial information available through the websites of NAJIT, the American Translators Association (ATA), the Registry of Interpreters for the Deaf (RID), the National Council on Interpreting in Health Care (NCIHC), the Consortium for State Court Interpreter Certification (Consortium), and the Administrative Office of the U. S. Courts. These organizations have available names of contacts and additional resources to assist entities needing help with interpretation or translation services. These organizations can also assist by responding to questions and concerns that an organization or individual may have about qualification requirements and professional responsibilities in the various fields of interpretation and translation. Substantial literature and references are available on the Internet and at each organization's website to assist entities with guidance on policy issues.

■ Compensation Concerns

It is common to hear complaints that certified and qualified interpreters cost too much, that there is no money for interpreter services, or that there are not enough certified and/or qualified interpreters in certain geographic areas. The issue of compensation for interpretation and translation services should not be an insurmountable barrier to quality service. It is true that salaries for staff and hourly rates for independent contractors will vary depending on the region or jurisdiction within the state, and may also depend on the

cost of living in a particular area. However, in general, it is not true that hiring certified or qualified interpreters or translators will cost an organization more than hiring through a language agency or by hiring an uncertified interpreter.

Independent contractors with credentials, experience, and training can actually cost less or sometimes come at a cost comparable to hiring through an agency. Generally, agencies serve as a broker for language services and charge overhead, administrative or finder fees. We have no objection to this practice since there are benefits to an entity in working with language agencies. Some of those benefits are that it saves the entity time and footwork in searching for an interpreter or in locating interpreters in languages that are rarely encountered. On the other hand, sometimes a language agency may not offer competitive pricing or may not be able to provide the entity with interpreters and translators with the required certification or qualification to do the job right. Some agencies cannot retain credentialed interpreters because their compensation is too low. In some cases, agencies themselves are not aware of the need for qualifications and training, and they do not screen for language proficiency or provide ethical guidelines to their interpreters. The use of untrained and untested bilinguals can create misconceptions and cause a negative impact on the entities in need of interpretation and translation services. This is why it is important for all entities who utilize interpretation and translation services to make sure they specify the necessary criteria and inquire as to the methods each language agency uses to recruit and evaluate interpreters or translators and to meet the hiring entity's criteria.

■ Obtaining Compensation Information

The following website contain valuable information on compensation rates:

Bureau of Labor Statistics: Salary and hourly rates for interpretation and translation services in general at: <http://www.bls.gov/oco/ocos175.htm>

The National Center for State Courts Certification Consortium salaried interpreter compensation survey at: <http://www.ncsconline.org/D•Research/Res•Ctlnte•ConsortCertCompSurvey2006Salary.pdf>

The National Center for State Courts Certification Consortium contract interpreter compensation survey at:

<http://www.ncsconline.org/D•Research/Res•Ctlnte•ConsortCertCompSurvey2006Contract.pdf>

ATA's compensation survey can be ordered from ATA's headquarters at www.atanet.org for a modest fee.

A few additional points on compensation: some independent contractors charge by a half-day or full-day. Many who charge by the half-day or full-day generally go by the federal court rate. Interpreters in some states earn less than the fees set by the federal court; other states' court rates are near or comparable to the federal court rate. Either way, note that higher fees have nothing to do with competency. Competency should always be verified. See also "notes on cost" below.

■ Importance of Service Needed

In considering issues of compensation, it is important that any entity, be it a law firm, a court, a hospital, a doctors office, a law enforcement agency, an advocacy organization or language agency, take into account additional issues such as the importance of the services being provided to the non-English and limited English speaker. The more important the program or service, the greater the advisability of requiring certification.

Each program or entity must consider its needs, i.e. the frequency of contact with the LEP population and the languages most frequently encountered. Are occasional interpreter services needed or has the need become a daily occurrence? If the latter, it may be more cost efficient to hire full-time certified or qualified interpreters. If not, are there languages encountered less frequently? If so, what is fair compensation to recruit and retain a contract interpreter for future use? Find out about existing resources in each state. Inquire as to the fees for various independent contractors, make sure to understand the nature of their credentials, and create a list of credentialed interpreters. If an entity or organization prefers to contract out to a language agency, it should make sure the agency will follow the job qualifications and established criteria.

When recruiting and hiring language professionals, entities need to first consider the type of assignment. For example: is it an interpreting (oral) or translating (written) assignment? Some tips pertaining to each category follow.

■ Tips For Recruiting And Hiring Interpreters

Is the interpreting for medical appointments, surgery, or is it a workman's compensation case? Is the assignment

a deposition, an in-court proceeding, or an out-of-court proceeding such as a police interrogation, interview of a potential suspect or a witness? Is it for grand jury testimony or an attorney/client interview? Will any of the information obtained through an interpreter be used in a criminal or civil proceeding or at trial? Is the interpreting assignment related to providing general information at a community meeting or at a conference on employer safety rules? Once the particular type of assignment is identified, try to contract with an interpreter who is experienced and has credentials to interpret in that specific area, whether you hire the interpreter as an independent contractor or subcontract through a language agency. The qualifications to be reviewed are:

- Years of experience
- Field of expertise (subject familiarity) i.e.: medical, legal, administrative hearings, immigration, etc.
- Credentials such as federal certification, NAJIT certification, RID certification, Consortium for member state certification, or other state-administered testing
- Membership in professional associations
- Recommendations by other certified interpreters

In addition, references and a criminal background check should be requested. (If already performed by a state or federal entity, that information should be provided by the interpreter.)

Even when an interpreter's name is obtained through one of the organizations listed above, it is the responsibility of the contracting party to make sure that the interpreter possesses the skills, training and experience in the subject matter.

Professional interpreters can always provide their certification credentials, training and references. Using experts from the outset is the most cost-effective way to ensure due process, equal access and equal protection to all. Many public service agencies fail to choose an interpreter with care, thus unintentionally putting in jeopardy the fundamental rights afforded to all persons, the integrity of the justice system and of their own organization.

■ Tips for Recruiting and Hiring Translators¹

When recruiting professional translators, entities need to first consider the audience the translation is intended for. For example: is the translation for a public website,

is it going to a grand jury, will it be offered at trial as evidence, or is it an informational pamphlet for a general audience? Once the particular audience is identified, you should contract with a translator who is experienced in that specific area, whether you hire the translator as an independent contractor or subcontract through a language agency. The qualifications that should be reviewed are the following:

- Years of experience
- Field of expertise (subject familiarity)
- ATA certification (translation into English or into the foreign language)
- NAJIT certification in Spanish (interpreter examination includes a translation component)
- Court certification (certification is taken as de facto translation credential)
- Membership in professional associations, publications
- Recommendations by others

In addition, references and samples of translated materials (from English into the target language or the target language into English, as required) should be requested.

■ Translation Quality Control

As a general rule, professional translators will ask a second translator to review and edit their work before presenting the final product. This process ensures a more accurate translation and minimizes errors. If translations are outsourced or routed through language agencies, quality control should be built into the process, according to department standards. Language agencies generally have quality control mechanisms in place, but organizations should take care to specify their own requirements in any contract or RFP.

Other methods for quality control and review of translated materials would be to organize a focus group or quality control committee consisting of a cross-section of the exact population the translations are written for, in order to test the material before official publication. (This would only be done with translations of great importance to the community.) Other methods of review include spot-checking by experts, requiring the translations to be approved by a review board or reviser, or requesting that the embassy of that country or other stakeholders review the material for correct language and accuracy.

The best resource for obtaining professional translators

is through NAJIT and ATA, but even when working through professional associations, it is up to the contracting party to make sure the translator possesses the skills, training and experience in the subject matter as well as necessary credentialing. Professional translators can always provide samples of their work. Using experts from the outset is the most cost-effective way to get the job done correctly the first time. Many public service agencies fail to choose a translator with care, incurring double-costing later to correct errors.

■ Notes On Cost

When considering costs, keep in mind that professionals holding certification, qualification, and training credentials are skilled individuals in a variable market. Depending on the language combination, independent contractors may not work on a daily basis. They do not receive benefits and must bear overhead costs themselves. Professionals must comply with continuing education requirements and pay for training and certification renewal expenses, including the cost of purchasing computers, expensive dictionaries and other materials needed for a variety of assignments. They incur travel expenses, administrative expenses, and like everyone else, they pay taxes, contribute to social security, and so on. Cost of living varies from state to state and from jurisdiction to jurisdiction. These are all included in the fee and should be taken into account when deciding on a reasonable and fair fee for both the organization and the services provider in the particular area. Less expensive may not translate to competency and “cheap” or what appears to be good value may end up costing much more in the end.

A good example of this is a story that appeared in the *Press Telegram-Long Beach*, on March 25, 2006, “California Titled Ballot Won’t be Lost in Translation,” which can be viewed at <http://www.presstelegram.com/news/ci•3637258>. The title of a candidate for election was mistranslated, and this single error cost the state \$80,000 to fix.

Imagine the cost to cure mistakes when a qualified interpreter or translator is not secured, or the cost

to someone’s life if medical information is conveyed incorrectly, the impact on a victim if a case is appealed due to technicalities (denial of due process), or the cost of an individual’s liberty if a person is wrongfully accused due to the use of an untrained interpreter. The integrity of our system of justice and our government’s ability to protect the public, to provide access to all, is put in jeopardy. We often hear the phrase “something is better than nothing,” but a cavalier attitude about language may also lead authorities to a false sense of security. If an entity or program is aware of already established standards of the profession, statutes, rules, procedures, certification and qualification requirements but chooses not to adhere to them, it becomes the responsibility of the entity, and legal recourse may be chosen by the public or other stakeholder to remedy the situation.

■ Conclusion

As a professional association, NAJIT does not presume to set rules for a wide variety of organizations and possible scenarios. All we can do is to provide suggestions and guidance and make ourselves available to assist. Everyone has a responsibility and a stake in providing competent interpretation and translation services. NAJIT believes that working together we can improve language service across a broad spectrum and provide effective equal access for all.

■ Footnotes

1. Adopted from the Summit/Lorain LEP Model Policy for Law Enforcement

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National Association of Judiciary Interpreters & Translators

NAJIT POSITION PAPER

MODES OF INTERPRETING: SIMULTANEOUS, CONSECUTIVE, & SIGHT TRANSLATION

The information provided in NAJIT position papers offers general guidance and practical suggestions regarding the provision of competent language assistance to persons with limited English proficiency. This information is intended to assist in developing and enhancing local rules, policies and procedures in a wide range of settings. It does not include or replace local, state or federal policies. For more information, please contact: National Association of Judiciary Interpreters & Translators, 206-267-2300, or visit the NAJIT website at www.najit.org.

Introduction

The modes of interpreting have evolved through time. Three modes are now recognized by the interpreting profession and have been adopted in federal and state statutes and court rules: simultaneous interpreting, consecutive interpreting, and sight translation. Each mode fits particular needs and circumstances in the judicial process and in legal and quasi-legal settings. This paper explains the use of each mode of interpreting, gives reasons for the use of each one, and provides practical suggestions for effective use of interpreters when working with individuals with limited English proficiency (LEP).

What is simultaneous interpreting?

Simultaneous interpreting is the rendering of one spoken language into another when running renditions are needed at the same time as the English language communication. The interpreter speaks virtually at the same time as the LEP person. When done properly, it is a true and accurate interpretation of one language to another, done without omissions or embellishments¹, so that the parties can understand one another quickly.

When is simultaneous interpreting used?

The simultaneous mode is used whenever participants, most often defendants, are playing a passive role in court proceedings such as arraignments, hearings, or trials.

The LEP speaker needs to hear what is being said but is not required, at that particular stage of the proceedings, to speak herself. In order to preserve the defendant's due process rights², everything spoken in open court must be interpreted to her simultaneously³. This enables the defendant to be truly present and take an active part in her defense.

Keys for proper simultaneous interpreting

In the simultaneous interpreting mode, the interpreter must do several things at once:

- listen intently to whatever party is speaking
- accurately interpret from the source language to the target language
- be prepared to switch languages rapidly whenever the LEP party is directly engaged in the procedure and consecutive interpreting is required.

What is consecutive interpreting?

In consecutive interpreting, the interpreter waits until the speaker has finished before rendering speech into another language. Consecutive interpreting is a true and accurate interpretation of one language to another, spoken in brief sound bites successively, without omissions or embellishments, so that the parties can understand each other slowly and deliberately.

When is consecutive interpreting used?

The consecutive mode is used whenever LEP participants are playing an active role — when they must speak or respond — during examinations, cross-examinations, and other proceedings⁴. Consecutive interpreting is often used when parties are addressing a witness or defendant on the witness stand. In legal settings, such as attorney/client or prosecutor/witness/victim interviews, the consecutive mode is the preferred mode of interpreting, as it is in a question and answer session⁵. Consecutive interpreting should be used during police interviews of suspects and/or witnesses or victims, especially during recorded

interviews. The gaps in speech between the parties allow for a clear and accurate transcript to be prepared if necessary for further court proceedings.

Keys for proper consecutive interpreting

In the consecutive interpreting mode, the interpreter must:

- listen intently to whatever party is speaking
- be prepared to take notes to aid in recollection
- accurately interpret after the party has completed her statement.

What is sight translation?

Sight translation is the rendering of material written in one language into spoken speech in another language. It is a true and accurate verbal translation of written material into the spoken form so that the parties can understand what documents written in foreign languages say.

When is sight translation used?

Sight translation is often used when LEP defendants are given forms in court that are written in English, such as rights forms, plea forms, and probation orders. It is also used when foreign-language documents such as birth certificates, personal letters, and identity documents are presented in court.

Keys for proper sight translation

Recommended practice is to afford the interpreter sufficient time to review the document's contents before rendering it.

When performing sight translation, the interpreter must:

- possess a wide vocabulary and knowledge of the specific type of document presented
- have the ability to quickly scan and understand the main points of the document
- accurately interpret the document into its equivalent meaning in the target language.

Summary interpreting

Summary interpreting, in which an interpreter offers a shortened or condensed version of what has been said, is not appropriate in legal or quasi-legal settings. See NAJIT's position paper on summary interpreting for more information on this point.

Recommendations

In judicial, legal and quasi-legal settings, interpreters are obligated to interpret all communication made between

parties of different languages directly and accurately, without omissions or embellishments. All those involved, such as judges, defense attorneys, prosecutors, law enforcement, court staff, court support services, defendants, victims, and witnesses, can make best use of interpreting services by following these guidelines:

1. Talk *through* the interpreter, not to the interpreter. When using an interpreter to address a non-English speaker, speak directly to that person as if the interpreter weren't even there.
2. Use the first person when addressing the other party. Do not say, "Could you ask him if he is aware of the maximum penalty for this offense." Instead, turn directly to the party you are addressing and say, "Are you aware of the maximum penalty for this offense?" See NAJIT's position paper, "Direct Speech in Legal Settings," for more details on this point.
3. Do not ask the interpreter for his opinion or input.
4. Watch your speed. This goes both ways. When speaking extemporaneously, don't speak too fast, and don't speak too slowly. When reading something aloud (such as jury instructions, waiver of rights, or a specific evidence code section), keep your pace slower than normal.
5. Do not try to communicate with the interpreter or otherwise interrupt him while simultaneously interpreting. Simultaneous interpreting requires intense, high levels of concentration and accumulated skill in order to be performed properly. Distracting the interpreter during simultaneous interpreting can cause an immediate breakdown in communication for all parties.
6. Parties must refrain from talking at the same time in order for the interpreter to interpret court proceedings properly. Just as court reporters are duty-bound to stop parties from talking over one another during recorded proceedings, interpreters have an equal duty to do the same in order to protect the due process right of the defendant⁶.
7. Do not direct the interpreter to convey information to the LEP individual when you are not present.

Conclusion

Certified court interpreters are highly trained individuals who are, in many ways, the "invisible hand" of justice. They are expected to be nearly invisible in the courtroom yet must maintain acute mental presence at all times. They are expected to possess a vast legal vocabulary as well as instant, accurate recall. Often, they are whisked from courtroom to courtroom, simultaneously interpreting

for defendants at the arraignment stage at one moment, consecutively interpreting for witnesses or victims at a trial at another, and simultaneously interpreting for parents of juveniles at a hearing in yet another. On many occasions, the interpreter is handed a document and is asked to “read it to the defendant.” Frequently the interpreter walks into courtroom situations without knowing any of the background or context, adding another layer of difficulty to the interpreter’s tasks. Parties occasionally ask their interpreter to simply summarize what is being said, allowing her to pick and choose what part of the conversation is relevant to interpret, which is never allowable.

For parties needing to communicate from English into another language, having some background knowledge of the interpreter’s role in the legal field is fundamental for the administration of justice. Understanding the three modes of interpreting is an essential part of helping ensure equal access to justice to all parties — including members of linguistic minorities — who find themselves in any judicial setting, whether inside and outside of the courtroom.

■ Footnotes

1. NAJIT *Code of Ethics and Professional Responsibilities*, Canon 1 (www.najit.org/ethics.html). Also see *Professional Ethics and the Role of the Court Interpreter*, 3d Edition, 1999. Judicial Council of California, pp. 2-4 (<http://www.courtinfo.ca.gov/programs/courtinterpreters/documents/ethicsman.pdf>).
2. California Constitution. Article 1 § 14 (<http://www.leginfo.ca.gov/const.html>). Also see *People v. Aguilar* (1984) 35 Cal. 3d 785, 790.
3. U.S. Code, Title 28, § 1827(k).
4. Ibid.
5. González, D., Vásquez, V., & Mikkelsen, H. (1991). *Fundamentals of Court Interpretation* (p. 168). Durham, NC: Carolina Academic Press.
6. *Professional Ethics and the Role of the Court Interpreter*, 3d Edition, 1999. Judicial Council of California, p. 26 (<http://www.courtinfo.ca.gov/programs/courtinterpreters/documents/ethicsman.pdf>).

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National Association of Judiciary Interpreters & Translators

NAJIT POSITION PAPER

ONSITE SIMULTANEOUS INTERPRETATION OF A SOUND FILE IS NOT RECOMMENDED

The information provided in NAJIT position papers offers general guidance for court administrators, judiciary interpreters and those who rely on interpreting services in legal settings. This information does not include or replace local, state or federal court policies. For more information, please contact: National Association of Judiciary Interpreters & Translators, 206-267-2300, or visit the NAJIT website at www.najit.org.

■ Introduction

When participants in a judicial process face the examination of an evidentiary sound file in a language other than English, the court, in an effort to be expeditious and conserve resources, may order the court interpreters present in the court room to provide an on-the-spot simultaneous interpretation of the sound file in question. The quality of in-court interpretation of a sound file will almost always fall short of the evidentiary standards that must be met, due to the lack of time, technology, and resources required by the practitioner to perform the task correctly. This paper explains why simultaneous interpreting of a recording in the courtroom is usually an impossible task that should not be ordered by a court, nor attempted by an interpreter.

■ Why not interpret a sound file on the spot?

Transcription/translation (TT) is a highly specialized discipline within the broader range of language services for the judiciary. These critical factors come into play when converting information on a sound file from one language to another:

- Knowledge of the transcription/translation process
- Time
- Technology
- Research tools

Clearly some of these factors are lacking in the courtroom when the judge orders the immediate simultaneous interpretation of a sound file—even when the recording is of short duration, for example, a 911 call. The interpreter present may have knowledge of the TT process, but will lack the other tools listed above, needed to perform the task at hand successfully. It follows that simultaneous interpreting of a recording in the court room will yield at best mediocre results when the life and liberty of a defendant and the pursuit of justice are on the line. A forensic psychiatrist would be remiss, indeed disqualified, if he provided an expert opinion on a patient based upon seeing the patient for the first time in the court room. Along the same lines, forensic TT requires expertise, time, and technology to perform the work required to an adequate standard.

■ Why transcribe a sound file in a foreign language?

The rationale to transcribe a sound file in a language other than English follows on the heels of the rationale to transcribe sound files in English. Transcripts as an “Aid to Understanding” were first distributed by the prosecutor with permission from the Court in *People v. Feld*, in the 1953 decision of New York’s highest court. An alternate view of the transcript as an Aid to Understanding is the Transcript as Opinion Evidence. In either instance, a transcript is produced by the prosecution to aide in processing sound that may not be readily accessible to the unassisted ear of jurors, the parties, and the Court.¹

There may be rare instances where a tape is so perfectly clear that everyone can hear it, and it leaves no room for a challenge. However, this rarely happens, and a challenge often follows. When any portion of the sound file is challenged in the absence of a transcription/translation, the only source of reference is the official record, which will have to be read every time reference is

made to a specific portion of the recording. If someone challenges the use of a specific word, there is no transcription to reference for the word in question. Aside from a reading from the official record, the only other options are to rely on the memory of the interpreter, who may or may not be present in the courtroom during all proceedings, or to listen to the sound file each and every time a word or phrase is challenged. This method is not expeditious. For this reason, a transcription translation that stands up to scrutiny in the courtroom and meets legal evidentiary standards should always be used.

■ What qualifies an individual to perform transcription/translation?

A qualified TT practitioner will meet an extensive range of criteria, some of which are listed below; this list is not exhaustive. Fuller details on the necessary qualifications will be included in NAJIT's Transcription/Translation Guidelines, now under preparation.

- Acute hearing
- Native-quality knowledge of languages
- Understanding of cultural factors
- Expertise in recognition of language registers
- Formal higher education
- Analytical skills
- Attention to detail
- Knowledge of research methodology
- Ethical expertise
- Problem-solving skills
- Neutrality
- Awareness of forensic testimony requirements
- Ability to self-monitor and correct
- Openness to third-party review
- Knowledge of technical tools
- Openness to new technology and methods

■ The actual product of transcription/translation

1) **Investment of time.** In order to produce a transcribed and translated text, a substantial investment of time is required. Ordinarily, the standard unit of measure for TT is one hour of work per minute of sound. Some practitioners working with very clear audio and simple content can produce a good product at a faster rate, while practitioners working with unclear and distorted audio may take even longer.

2) **Transcribing poor-quality audio.** Initially, a recording may appear unintelligible or inaudible. Sometimes the voices in the recording overlap, or there

are multiple layers of noise mingled with the dialogue. The poorer the audio, the more technical enhancement is required. Listening over and over to the recording and, sometimes, enhancing the sound file takes time. It is through multiple hearings and the use of professional equipment that the discourse eventually emerges from the fog of noise and overlaps. When the audio quality is very poor, the transcriber/translator may also need to put the task aside and come back to it later — the fatigue factor is very prevalent in TT work. Only this extended process makes it possible to go beyond the noise, distortions, and overlaps, to obtain a good final transcription, the first stage of the process.

3) **Translating the transcribed audio.** The second stage is to prepare a translation into English of the transcribed audio recording. This phase often requires specialized library and internet research. Additionally, to ensure accuracy in the entire process, the practitioner must frequently consult with other members of the team possessing specialized knowledge in specific areas such as slang, regionalisms, or myriad technical issues.

4) **Form of final product.** The final product of this process is a two-column page placing both the foreign-language transcription and the English translation side by side, so that easy reference and checking for accuracy is possible. The conventions recommended to produce this product in the most usable format will be fully detailed in NAJIT's Transcription/Translation Guidelines, now under preparation.

■ Potential violation of interpreter's oath

Despite the considerations given above, an interpreter may be ordered to interpret a recording on the spot in the simultaneous or consecutive modes. The interpreter's oath mandates faithfulness and accuracy to the best of the interpreter's ability. The interpreter should make it clear to all parties that an immediate rendition of the material in question will likely fail to meet the high standards set forth by that oath.

■ Conclusion

Given all that is at stake in the courtroom, there is no room to cut corners in the forensic TT process. What may appear to be a savings in time and money may cost twice as much in the end, when the entire project must be redone. For this reason, it is to the benefit of all parties involved in the judicial process

to familiarize themselves with the fundamentals of transcription/translation and all that it entails. There are very substantial reasons why onsite simultaneous interpretation of a sound file is not recommended.

■ **Footnote:**

1. Clifford Fishman, "Recordings, Transcripts and Translations as Evidence." Draft distributed internally for publication review.

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National Association of Judiciary Interpreters & Translators

NAJIT POSITION PAPER

PREPARING INTERPRETERS IN RARE LANGUAGES

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■ Introduction

New immigration patterns in the United States are bringing individuals of diverse origins to various areas of the country, sometimes in unprecedented numbers. As a result, parties or witnesses who speak rare languages — languages not previously requested in a particular district — may be summoned to appear in state or federal court. In many cases, court administrators are finding it a challenge to locate the interpreters needed to provide these parties with the equal access to justice and due process that our judicial system guarantees. This position paper is intended for court administrators, newly hired schedulers, language coordinators, members of the legal profession and others whose job it is to find appropriate interpreters of rare or less frequently encountered languages and orient them quickly to judicial or quasi-judicial proceedings.

■ Responsibility for Assigning Interpreters

In most jurisdictions, state or federal law requires that the court provide a qualified interpreter to any party in a criminal case; some states extend the requirement to parties in a civil suit. Many courts in metropolitan areas have staff interpreter offices, designated by the clerk's office, to handle all interpreter requests. However, in courts with less frequent interpreter usage, personnel in the clerk's office or the judge's chambers may be asked to coordinate interpreter assignments. This job is often

more time-consuming than expected, and entails not only locating and contracting the interpreter but also preparing a new interpreter for the court environment.

■ Lead Time Required

Any communication challenge requires time, patience, persistence and individual attention to be resolved. The court's administrator or contact person will become the new interpreter's guide to the court system, its practices and idiosyncratic terminology. While written materials are certainly helpful, it is most effective to discuss important matters in person. The coordinator needs to get a sense of the interpreter's ability to absorb new material and respond to potential problems. Interpreter ethics and protocols will need careful review. It is best for the interpreter to be shown a videotape or to observe a live court proceeding before the actual assignment. A practice session at least once before the proceeding is also helpful.

■ Seven Steps from Administrative Groundwork to Conclusion of Proceedings

STEP ONE: WHAT LANGUAGE DO WE NEED?

Make an accurate determination of the language or dialect needed.

FIND OUT

- a) where the person was born
- b) what the official language of the country is
- c) whether the person was educated in the official language
- d) whether she speaks any other language(s).

The accuracy of the language request should be carefully examined. Who is the source of the information? Country of origin or most recent residence might not tell the whole story. A person's first language may be a minority language in that country; he may have grown

up somewhere else, or her education may have been entirely in another country. Many indigenous people from Mexico do not speak Spanish at all or do not speak it well, so that a Spanish interpreter would not be the correct choice for a speaker of an indigenous language even though he was born, raised and educated in a Spanish-speaking country. One might need to identify the state or even the village where the party needing the interpreter comes from.

This step is the most important and may require a lot of phone calls and cross-referencing. The person requiring the interpreter may need to be asked to identify the country and language from a card or list. (An example of such a list may be found at www.ocjs.ohio.gov/Publications/OCJS/)

Consult reference material to determine the appropriate language. To identify language, where it is spoken, the number of speakers and the degree of inter-intelligibility of dialects, see www.ethnologue.com.

In cases where a defendant or witness speaks several languages or dialects, it may be more effective to search for an interpreter of the dominant language rather than one of a harder-to-find dialect. This may occur with defendants from African or Asian countries. For example, a defendant may speak Fulani as a native dialect but have received schooling in French. It will probably be easier to find an experienced French interpreter than an experienced Fulani interpreter. The choice of language should be discussed with the defense attorney to see if French is an acceptable alternative.

The judge may need to hold a short hearing on language issues before ruling on the appropriate language, especially before a trial. (See Appendix for suggested voir dire questions to qualify the interpreter.)

STEP TWO: FOR WHAT TYPE OF PROCEEDING IS THE INTERPRETER NEEDED?

Verify the exact nature of the proceeding so that you know what the interpreter is needed for and the estimated duration (examples: a ten-minute phone call to a family member, a three-hour court hearing, an out-of-court meeting, witness testimony, attorney-client consultation, a two-week trial).

You can't find what you're looking for unless you know what is needed and how long it will last. The interpreter's

availability must match the court's needs. The longer or more complicated a proceeding, the more preparation a new interpreter will need.

For trials, hearings and proceedings lasting longer than an hour or two, the best practice is to have two interpreters rotating in 30-minute segments to ensure accuracy and prevent fatigue. (See article "New Study on Fatigue Confirms Need for Interpreting in Teams," www.najit.proteus/back_issues/vidal2.htm.)

At a minimum, the type of proceeding and the charges (if a criminal matter) are essential information.

STEP THREE: WHAT MODE OF INTERPRETING WILL BE REQUIRED?

FIND OUT

- a) simultaneous or consecutive interpreting?
- b) any need to translate documents on sight?

You will need to ask the interpreter if he or she has ever done this before. If sight translation will be needed, the interpreter of course must be literate and fluent in the language of the document.

Court proceedings are interpreted for a defendant or other parties simultaneously. In simultaneous interpreting, everything said in the courtroom is rendered into the foreign language at the same time as it is occurring, with voices overlapping. In consecutive interpreting, pauses are taken after each statement to leave time for the oral translation and the voices do not overlap.

In the less frequently used languages it may be difficult to find anyone with experience interpreting simultaneously in a courtroom or quasi-legal setting.

Foreign language testimony by a witness is generally interpreted consecutively; finding an interpreter to render witness testimony may be easier than finding an experienced simultaneous interpreter.

If the defendant speaks English but wants an interpreter to "stand by" in case of a communication problem, the judge or coordinator needs to know this. Generally, the judge will instruct the interpreter at the outset of the proceeding and indicate on the record that an interpreter is present, standing by to interpret only if the need arises.

STEP FOUR: FINDING A COMPETENT INTERPRETER

Competence is key, because an interpreter without the ability to follow court proceedings and interpret them accurately may hinder the process, convey faulty information or cause a miscarriage of justice. Competence includes familiarity with the court interpreter's role, code of ethics and protocol. If the interpreter is new, it is the duty of the court to inform the interpreter of the parameters of his job.

Note: Under no circumstances should an untrained employee of the court, a party in the action, or a bystander in the courtroom, such as an attorney, bailiff, co-defendant, or relative, be used as an interpreter, particularly in a criminal action or in civil cases involving children or domestic violence.

■ Separating the wheat from the chaff

Call other courts for recommendations, including offices of court administration. Some states (e.g. California) have online listings of interpreters in many languages. Find out if there is an **interpreters' association** in your area. Fortunately organizations such as NAJIT (National Association of Judiciary Interpreters and Translators), ATA (American Translators Association), and relevant local interpreter groups have registries available to the public. Look into these (www.najit.org, www.atanet.org) or local databases for possible contacts. **Embassies** may provide potential contacts in your area. List potential contacts, then **call each potential interpreter directly**.

When contacting a potential interpreter, review experience and credentials and describe the court's need. **Only speak directly to the interpreter.** Most jurisdictions have some sort of qualification or certification procedure for interpreters; however, not all languages are included in these testing programs. In the absence of demonstrable skills testing, it is difficult to determine if a person claiming to have interpreting ability actually has these skills. Experience is a good indicator, but some interpreters who claim experience have limited exposure to and knowledge of the legal system.

In the absence of test results, the best candidate will have **experience** interpreting in a variety of settings, a **strong foreign language background, good command of English**, demonstrate **quick and flexible thinking**, have some history of interpretation or translation **training**, and belong to **professional associations**.

In rare or less frequently encountered languages, it may be impossible to find someone with relevant interpreting experience, but the next most desirable person is one who is **educated in both languages and has worked in both languages for a significant time**. This person can then be groomed for the assignment or tried out by the court on an interim basis.

In small communities, a potential interpreter may know one or more of the parties and be **incapable of impartiality**. In this situation, it will be more cost-effective in the long run to hire an impartial interpreter from outside the jurisdiction. **Be sure to question appropriately.**

If it is impossible to locate a speaker of the needed language who also speaks fluent English, there is one more alternative. In such cases one may resort to "**relay interpreting**," a process whereby interpreters of different languages are used to communicate into English. For example, speakers of indigenous Mexican languages are more likely to speak Spanish as a second language than English. With relay, first an interpreter will interpret the witness' testimony from the indigenous language into Spanish, and then a certified or qualified Spanish interpreter will interpret from Spanish into English for the record. This two-step process is fraught with pitfalls and far from ideal, but it does provide a better solution than working directly into sadly inadequate English. It will be important to confirm both that the relay interpreter's Spanish is up to the task and that the skills of the Spanish interpreter are well above average.

On some occasions a **remote interpreter (provided via telephone)** may assist the court in establishing initial or basic communication. The federal courts have a telephonic interpreting program whereby an interpreter at a remote location can deliver simultaneous interpretation of court proceedings by means of a two-line telephone system. Some state courts also use telephonic interpretation (consecutive, not simultaneous) for short proceedings.

If subcontracting with a **language bureau or telephonic interpretation service**, inquire as to the agency's quality control procedures for the interpreters they provide and always request an interpreter with several years of experience in legal matters.

STEP FIVE: PREPARING INTERPRETERS FOR JUDICIAL OR QUASI-JUDICIAL SETTINGS

Each court uses its own routine forms; **providing the interpreter with a packet of sample documents** (of the type likely to be encountered) ahead of time will enable the interpreter to prepare in advance and ensure that critical vocabulary is familiar. This will help eliminate hesitation during the assignment.

Interpreters have differing levels of experience, education and familiarity with the U.S. legal system. Be sure to **inform the interpreter of your court protocol, terminology and short-hand ways of referring to common proceedings.**

Accurate interpreting requires **certain working conditions.** The parties need to be audible and the speed of speech must be manageable for the interpreter. If parties read from prepared text, the text should be provided to the interpreter.

■ Information to be reviewed with the interpreter:

- A. Case name, names of the parties in the case, docket number
- B. Charges in complaint or indictment, potential minimum and maximum penalties
- C. Purpose of the proceeding plus relevant vocabulary, including local acronyms or rules referred to by number
- D. Description of likely arguments, based on type of proceeding and what is known about the case
- E. Description of the courtroom, positions of the courtroom players, use of electronic equipment and what is expected of the interpreter
- F. Written description of the interpreter's ethical responsibilities, e.g. the relevant code of ethics, to be signed by the interpreter after reading
- G. The importance of observing court proceedings and understanding protocols before interpreting. Best practice is to offer the new interpreter an opportunity to shadow an experienced interpreter.
- H. If consecutive interpreting is required for the assignment and the interpreter has never been used in this function before, a role-play session can be held with consecutive questions and answers in English to test memory and reflex
- I. How to work with electronic equipment (if any will be needed) with an opportunity for a dry run

- J. What the interpreter should do if the parties are inaudible or speaking too fast: the interpreter needs to so indicate.
- K. Relevant court policies, administrative procedures, billing requirements, etc.

Access to any electronic case file is recommended so that the coordinator can understand the posture of the case and review relevant information with the interpreter prior to the assignment.

STEP SIX: REPORT TO THE JUDGE OR PRESIDING OFFICIAL

- A. After initial steps, estimate the lead time needed to locate interpreters (will vary by location and language resources) and inform the judge or presiding official.
- B. If you cannot obtain case information and reference documents from other sources, ask the judge to provide.
- C. If you need first to ascertain whether the interpreter and the party can communicate effectively, ask for parties to be brought in for this purpose.
- D. Ask the judge to confirm with the parties on the record that communication is occurring. Inform the judge that if necessary, the parties will have to slow down their normal rate of speech so that the interpreter can follow and interpret accurately. In some instances, the judge may need to take extra time and/or make special accommodations to ensure that the proceedings can be conveyed through the interpreter.
- E. If the case is proceeding to trial, allow and encourage a pretrial conference to resolve any outstanding language issues.
- F. Provide the judge with suggested *voir dire* regarding the use of an interpreter or other relevant resources.

STEP SEVEN: FOLLOW-UP

If possible, the interpreter coordinator should observe the first time a new interpreter is used, check with the parties regarding the quality of the communication, debrief the interpreter after the proceeding, provide feedback on interpreter performance, and discuss any information or material needed for future proceedings.

■ Conclusion

This paper provides an overview of the factors to be considered and a reference guide for those whose job it is to locate interpreters in languages not frequently encountered within their area. NAJIT's position is that given due process, equal protection and equal access considerations, time and care must be taken to find an appropriate interpreter in any legal or quasi-legal matter. The interpreter must be capable of conveying the communication accurately without bias, knowledge gaps or errors. This requirement places a serious responsibility on the shoulders of the administrative officials involved, one which this information can help to fulfill.

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APPENDICES

Preparing Interpreters in Rare Languages

A. Suggested voir dire to determine the need for an interpreter

IN GENERAL

Avoid any questions that can be answered with “yes – no” replies.

IDENTIFICATION QUESTIONS

1. Ms. _____, please tell the court your name and address.
2. Please also tell us your birthday, how old you are, and where you were born.

QUESTIONS USING ACTIVE VOCABULARY IN VERNACULAR ENGLISH

1. How did you come to court today?
2. What kind of work do you do?
3. What was the highest grade you completed in school?
4. Where did you go to school?
5. What have you eaten today?
6. Please describe for me some of the things (or people) you see in the courtroom.
7. Please tell me a little bit about how comfortable you feel speaking and understanding English.

B. Suggested voir dire to establish interpreter qualifications without prior screening

At minimum, court or counsel should ask the following questions of a proposed interpreter:

1. Do you have any training or credentials as an interpreter?
2. What is your native language?
3. How did you learn English?
4. How did you learn [the foreign language]?
5. What was the highest grade you completed in school?
6. Have you spent any time in the foreign country?
7. Did you formally study either language in school? Extent?
8. How many times have you interpreted in court?
9. Have you interpreted for this type of hearing or trial before? Extent?
10. Are you familiar with the code of professional responsibility for court interpreters? Please tell me some of the main points (e.g., interpret everything that is said).
11. Are you a potential witness in this case?
12. Do you know or work for any of the parties?
13. Do you have any other potential conflicts of interests?
14. Have you had an opportunity to speak with the non-English speaking person informally? Were there any particular communication problems?
15. Are you familiar with the dialectal or idiomatic peculiarities of the witnesses?

16. Are you able to interpret simultaneously without leaving out or changing anything that is said? (Have you ever done this before? In what kind of situation?)
17. Are you able to interpret consecutively? (Have you ever done this before?)

Source for A & B: National Center for State Courts, *Court Interpretation: Model Guides for Policy and Practice in the State Courts*, Chapter 6, Judges’ Guide to Standards for Interpreted Proceedings. Used with permission.

C. Suggested voir dire for defendant requesting a rare language

1. Please tell me where you were born (country and city or town).
2. What is the official language of the country where you were born?
3. Please describe your formal education. (Did you attend school? Where? For how long?)
4. What was the highest grade you completed in school?
5. What was the language of instruction in school?
6. Can you read and write your native language? Do you read and write English?
7. What language(s) do you speak at home? If you have children, what language do you speak to them in?
8. Do you read books regularly? In what languages do you read?
9. Do you regularly read any newspaper or magazines? Of what language(s)?
10. Do you watch television? In what language are the shows you watch?
11. Do you listen to the radio regularly? What language is the program in?
12. How have you communicated with your attorney in the pretrial phase of this case? Have you had any communication problems?
13. When you have appeared in court before in this case, has an interpreter been provided for you?
14. Have you requested before that an interpreter be provided for you? (If not, why not?)
15. Have you gone over and discussed the discovery material with your attorney? (If yes, in what language?)
16. How long have you lived in the U.S.?
17. Do you have a job? What language do you routinely speak for your work?
18. If you think you need an interpreter, do you understand that the role of an interpreter is not to “explain” the proceedings to you but only repeat what is said in the courtroom in another language?

Source: Interpreters Office, Southern District of New York. Used with permission.



National Association of Judiciary Interpreters & Translators

NAJIT POSITION PAPER

SUMMARY INTERPRETING IN LEGAL SETTINGS

The information provided in NAJIT position papers offers general guidance for court administrators, judiciary interpreters and those who rely on interpreting services in legal settings. This information does not include or replace local, state or federal court policies. For more information, please contact: National Association of Judiciary Interpreters & Translators, 206-267-2300, or visit the NAJIT website at www.najit.org.

■ Introduction

Approved modes of interpreting in judiciary settings¹ include consecutive interpreting and simultaneous interpreting as well as sight translation — verbally rendering in a target language the contents of a document written in a source language. Modern professional standards forbid summary interpreting in the courtroom and other legal settings in almost all instances. The purpose of this paper is to explain why all interpreters and users of interpreter services should refrain from using summary interpreting in legal settings.

■ What is summary interpreting?

When an interpreter summarizes, she renders what has been spoken aloud in a shorter and more condensed form, regardless of the actual words used by the speaker. The National Center for State Courts gives the following explanation in its publication *Court Interpretation: Model Guides for Policy and Practice in the State Courts*:

Interpretation means the unrehearsed transmitting of a *spoken* or signed message from one language to another. Interpretation is distinguished from “translation,” which relates to written language. Two modes of interpreting are used in court by qualified interpreters — “simultaneous” and “consecutive.” A third common mode is “summary” interpreting, which should not be used in court settings.²...

Summary interpreting is paraphrasing and condensing the speaker’s statement. Unlike simultaneous and consecutive interpreting, this method does not provide a precise rendering of everything that is said into the target language.³

■ Why is summary interpreting unacceptable in legal settings?

By its very definition, “summary” implies condensing and necessarily omitting some of what is said. The nature of summarizing goes against the grain of standard rules and canons of judiciary interpreting. The judiciary interpreter’s duty is to convey accurate and complete messages between or among parties. Summarizing, whether from spoken or written communication, requires an interpreter to participate in creating part of the message. With the very few exceptions noted below, summary interpreting does not enter into the acceptable practices of a professional judiciary interpreter. When an interpreter is allowed to summarize, she is being permitted to decide or evaluate what portion of testimony or statements given by the parties is relevant. An interpreter is not qualified to make such determinations. A defendant or litigant has the right to hear everything taking place. Finally, by using summary interpretation, an interpreter is no longer an impartial communicator but becomes a participant in the proceedings.

The landmark decision deeming summary interpreting inadequate to ensure due process arose from the case: *US ex rel. Negron v. New York*, 434 F.2d 386 (1970).⁴ During a murder case, the prosecution’s interpreter provided the Spanish-speaking defendant with summaries of witness testimony in sessions lasting from ten to twenty minutes. “However astute [the interpreter’s] summaries may have been, they could not do service as a means by which Negron could understand the precise nature of the testimony against him.”⁵

Interpreters working in legal settings run the risk of compromising their code of ethics and canons of professional conduct if they opt to summarize the message from one party to the other. An interpreter has no personal knowledge of the events leading up to a lawsuit or criminal case. Moreover, an interpreter does not have access to all documents or written information surrounding a case. If an interpreter evaluates the weight of any statements, he becomes a party to the case and assumes a role far beyond that of the professional interpreter. If this occurs, adherence to the tenets of neutrality and impartiality is compromised. The final opinion of the National Center's *Guide* is: "[Summary interpretation] is a mode of interpreting that should not be used in court settings."⁶

The standard reference work for judiciary interpreting, *Fundamentals of Court Interpretation*, makes only one reference to summary interpreting: "In the past, summary interpretation (informing the defendant of the gist of testimony or arguments at the trial) was occasionally provided when interpreters were untrained non-professionals who were unable to keep up with the rapid pace of courtroom discourse; and, therefore, this mode is not recommended for use during witness testimony into either language."⁷

■ Minor exceptions

There are a few situations in which summary interpreting may safely be employed as follows:

UNRELATED COURT ACTION

When courtroom personnel – judges, attorneys, clerks, probation officers or court officers (bailiffs) – discuss the details of a case not involving the defendant, summary interpreting can serve a limited purpose to inform a defendant that the current discussion does not involve her case.

OVERLAPPING CONVERSATIONS

Some attorneys, court personnel and judges have telegraphic, overlapping conversations. If an interpreter were to repeat the fragments such as: "I think I have; On what page; Let me look at; Where are those references," the rendition would be unnecessarily confusing. An acceptable rendition would be: "Looking for the correct page (reference, exhibit)." Any doubts are generally clarified immediately after by the parties.

SIGHT TRANSLATION IF REQUESTED

On the web site of the U.S. District Court for the

Southern District of New York, there is only one mention of summary interpreting in five pages of guidelines. In the section covering "Sight Translation of Documents" the author indicates, "You may give a summary [of the document's contents] only if the judge requests one."⁸

■ Technical note: Economizing is not summarizing

To some extent, condensing a statement or economizing words occurs occasionally when interpreters are working between source and target languages, as interpreter trainers readily point out, but this is different from summarizing. Interpreter trainers speak of "economizing" words from the source to the target language. For example, if there is a more concise means of transmitting the *same message* with all its subtleties from the source to the target language, then the shortest phrasing could be chosen by the interpreter.

Redundancy is frequent in legal language. Due to the blending of Norman and Anglo-Saxon terminology, many phrases employ one word from each source language to convey the same meaning. Sometimes there are three words used to convey the same meaning. In this case, the message does not suffer by using two adjectives with the same meaning instead of three, or indeed only one, while keeping in mind that "our goal is to make a full and faithful interpretation of courtroom speech."⁹

■ Modern practice has evolved

In the past anyone able to speak two languages (English and a foreign language) and willing to help out in court was considered to be an interpreter. No professional guidelines or rules were in place. Over the last 40 years, the role of an interpreter in court has received judicial and legislative attention. It is now recognized that an accurate, unbiased interpreter is necessary to protect the legal right of a non- or limited-English speaking defendant to participate fully in his or her own defense. And the services of an interpreter, logically, have been extended also to victims and witnesses.

In other words, the principal purpose of providing an interpreter in the courtroom is to put the defendant, litigant or witness on an equal footing with English speakers of a similar education and background. Starting from this concept, everything said in the courtroom that can be heard and understood by an English speaker must be interpreted for the non-English speaker. Conversely, anything said audibly by

non-English speakers must be interpreted to the court. This concept is the basis of the profession of judiciary interpreting as practiced today.

■ Recommendations

Canon 1 (Accuracy) of NAJIT's Code of Ethics and Professional Responsibilities explicitly bans omitting or paraphrasing speech that is to be interpreted:

Source-language speech should be faithfully rendered into the target language by conserving all the elements of the original message while accommodating the syntactic and semantic patterns of the target language. The rendition should sound natural in the target language, and there should be no distortion of the original message through addition or omission, explanation or paraphrasing

NAJIT recommends that summary interpreting be excluded from interpreter-assisted exchanges in legal settings. The following guidelines are intended to help interpreters and the other participants in the judicial process comply with professional standards:

JUDGES

- Judges should specifically prohibit summary interpreting during interpreter-assisted proceedings.
- If it seems necessary to direct that a summary sight translation of a document be provided, judges should take into account the difficulty of the task and the possibility that an important detail of the document may be omitted through inadvertence or time pressure.

ATTORNEYS

- Attorneys should not request that interpreters summarize speech during interpreted exchanges.
- Outside the courtroom, if an attorney believes that a summary of a document is sufficient, it is up to the attorney to provide such summary. The interpreter will interpret the attorney's summary, not create a summary.

INTERPRETERS

- When asked to summarize speech, the interpreter should cite the legal precedent *U.S. ex rel. Negron vs. New York* and the canon of ethics as the basis for declining.

- When asked to give a summary sight translation by a judge or an attorney, the interpreter should be particularly careful to remain accurate despite the time pressure of the situation.

■ Conclusion

Summary interpreting makes the interpreter a participant in the interpreted exchanges, runs the risk of compromising due process, and violates the canon of ethics and professional responsibilities. Summary interpreting has no formal place in the courtroom and does not belong in the professional judiciary interpreter's choice of modes for interpreting speech. Summary sight translation must be practiced with extreme care for accuracy.

Footnotes

- 1 Established by Federal Statute 28 USC section 1827.
- 2 National Center for State Courts, *Court Interpretation: Model Guides for Policy and Practice in the State Courts* (www.ncsconline.org/wc/publications/Res_Ctlnte_ModelGuideChapter2Pub.pdf), pp. 31-32 (*Model Guides*). Alicia Edwards in *The Practice of Court Interpreting* (Philadelphia, PA: John Benjamins Publishing, 1995) never mentions summary interpreting.
- 3 NCSC, *Model Guides*, p. 33.
- 4 *Federal Reporter*, second series, Volume 434 F.2d: Cases Argued and Determined in the United States Courts of Appeals, United States Court of Claims and United States Court of Customs and Patent Appeals (St. Paul, MN: West Publishing Co., 1971), pp. 386-391.
- 5 *Ibid.*, p. 389.
- 6 *Model Guide*, p. 32.
- 7 González, Roseann Dueñas, Victoria F. Vásquez and Holly Mikkelsen, *Fundamentals of Court Interpretation: Theory, Policy and Practice*, Durham, NC: Carolina Academic Press, 1991, p. 164.
- 8 Website <http://sdnyinterpreters.org/> for the United States District Court, Southern District of New York.
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“Interpreters as Officers of the Court: Scope and Limitations of Practice” This article provides additional background on summary interpreting with specific examples. www.najit.proteus/back_issues/officers.htm

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National Association of Judiciary Interpreters & Translators

NAJIT POSITION PAPER

TEAM INTERPRETING IN THE COURTROOM

The information provided in NAJIT position papers offers general guidance and practical suggestions regarding the provision of competent language assistance to persons with limited English proficiency. This information is intended to assist in developing and enhancing local rules, policies and procedures in a wide range of settings. It does not include or replace local, state or federal policies. For more information, please contact: National Association of Judiciary Interpreters & Translators, 206-267-2300, or visit the NAJIT website at www.najit.org

Introduction

In court settings, team interpreting refers to the practice of using two rotating interpreters to provide simultaneous or consecutive interpretation for one or more individuals with limited English proficiency. Team interpreting is recommended for all lengthy legal proceedings and is an effective tool in the administration of justice. With team interpreting, the non-English speaker or person of limited English proficiency hears the proceedings without interruption or diminution in the quality of interpretation.

How does team interpreting work?

Team interpreting is the industry standard in courtrooms, international conferences, negotiations and other venues where continuous interpreting is required for periods of over one hour. The typical team is comprised of two interpreters who work in tandem, providing relief every 30 minutes. The interpreter engaged in delivering the interpretation at any given moment is called the *active* interpreter. His job is to interpret the court proceedings truly and accurately. The other interpreter is called the *support* interpreter. His job is to (1) interpret any conversation between counsel and defendant while the proceedings are taking place; (2) assist the *active* interpreter by looking up vocabulary, or acting as a second ear to confirm quickly spoken

names, numbers or other references; (3) assist the *active* interpreter with any technical problems with electronic interpreting equipment, if in use; (4) be available in case the active interpreter has an emergency; and (5) serve as an impartial language expert in the case of any challenge to interpretation at the witness stand.¹ Team interpreting enables court sessions to proceed at the pace the judge requires without a need for extra breaks.

Why use team interpreting?

The advantages of team interpreting are many, and the reasons for it are compelling. Team interpreting is a quality control mechanism, implemented to preserve the accuracy of the interpretation process in any circumstances.

Every defendant (and in some states, the plaintiff) in the United States has the right to hear and understand the proceedings against him at every stage of the legal process. When matters of life and liberty are at stake, a trained and qualified interpreter is a vital link in the provision of due process. To do his job, a court interpreter, under oath to provide a true and accurate interpretation, must maintain an intense alertness to all courtroom speech, including questions, answers, legal arguments and colloquy. The subject matter of court hearings varies, but may include legal arguments in a motion to suppress evidence; cross-examination of experts; syntactically dense jury instructions; nervous witness testimony; or a complex or under-articulated recitation of facts. There is a limit to the focused concentration needed to comprehend complex language at high speed and render it accurately in another language. Inattention, distraction or mental exhaustion on the part of the interpreter can have adverse consequences for defendants, litigants, witnesses, victims, and the judicial process in general.

Interpreters in the courtroom can play a dual role, interpreting the actual proceedings and also interpreting

for attorney-client consultations when needed. Especially in multi-defendant cases, working in a team allows one interpreter to continue interpreting the proceedings while the second interpreter assists during any attorney-client discussions at defense table.²

The interpretation process

Interpreting is cognitively demanding and stressful, requiring many mental processes to occur simultaneously: the interpreter listens, analyzes, comprehends, and uses contextual clues to convert thought from one language to another in order to immediately render a reproduction in another language of each speaker's original utterances.³ In courtrooms with imperfect acoustics, cramped seating, security requirements, miscellaneous noise, mumbled diction, interruptions, the tension of litigation, and lawyers or clients who may need the interpreter at any moment for a private consultation, interpreters need to channel dozens of stimuli and effectively sort them in order to fulfill the task at hand. Even thirty to sixty minutes of continuous interpreting leads to significant processing fatigue. Thus, simultaneous interpretation can be seen as a "cognitive management problem." After a certain amount of time on task, an interpreter inevitably reaches a saturation point, at which time errors cannot be avoided because mental circuits get overloaded.⁴

Interpreter error and fatigue

Scientific studies have shown that mental fatigue sets in after approximately 30 minutes of sustained simultaneous interpretation, resulting in a marked loss in accuracy. This is so regardless of how experienced or talented the interpreter may be. A 1998 study conducted at the École de Traduction et d'Interprétation at the University of Geneva, demonstrated the effects of interpreting over increasing periods of time. The conclusion of the study was that an interpreter's own judgment of output quality becomes unreliable after increased time on task.⁵

Remarkably, these recent studies ratify the results obtained the very first time that simultaneous interpreting was attempted at an international conference, in 1928. The engineer's report stated: *"It was observed that an average of 30 minutes of consecutive work was the maximum time during which a satisfactory translation could be done; after this time, one runs the risk of deteriorating results, due to fatigue."*⁶

Empirical observations of interpreters at work in many

venues have borne out the need for a relay approach to simultaneous interpreting, for the protection of both the interpreter and the end user of interpreting services.

Minimizing possibility of interpreter error

Due process guarantees the right of a litigant to see and hear all evidence and witnesses. Case law holds that on the basis of the 4th, 6th, and 14th Amendments to the U.S. Constitution, a non-English speaking defendant has a right to be provided with a complete interpretation of the proceedings rather than a summary.⁷

It is unrealistic to expect interpreters to maintain high accuracy rates for hours, or days, at a time without relief. If interpreters work without relief in proceedings lasting more than 30-45 minutes, the ability to continue to provide a consistently accurate translation may be compromised. Further, since an interpreter is under oath to provide a fair, complete and impartial interpretation, due process rights are best protected by a team of interpreters for all lengthy proceedings.⁸

Like a marathon runner who must maintain liquid intake at regular intervals during the race and not wait until thirst sets in, an interpreter needs regular breaks to ward off processing fatigue, after which the mental faculties would be impaired. Team interpreting allows the active interpreter to remain mentally fresh, while the support interpreter takes on other functions that would lead the active interpreter to cognitive overload.

Planning and coordination are needed to ensure a high level of reliability in interpreter output. Court proceedings are sometimes unpredictable. What may begin as a brief matter always has the potential to get more involved as new matters come to the court's attention. When a hearing is extended unexpectedly, if possible, a relief interpreter should be provided to rotate into the assignment. Alternatively, periodic breaks should be taken to prevent mental exhaustion by the interpreter.

Judges and interpreter administration

Judges are uniquely situated to understand the importance of language skills in the courtroom, and different courts may view interpreter administration differently. However, it is universally recognized that the team approach is the best insurance policy against errors in the interpretation process. In some courts, team interpreting is established policy and automatically

coordinated by the interpreting department. In other courts, local rules state that judges “may appoint” multiple interpreters if the proceeding warrants it. Local guidelines and practices can establish team interpreting as a necessary technique of quality control in proceedings lasting more than a certain length of time. In general, it is recommended that simultaneous interpreters rotate every 30-45 minutes when conveying general court proceedings and every 45-60 minutes when interpreting for non-English-speaking witnesses.

The job of conveying meaning in two distinct languages at a moment’s notice is unlike that of anyone else in the courtroom. It is a demanding task, and the cost of errors is high. When judges work together with interpreter administrators to ensure adequate working conditions for court interpreters, everyone benefits. From a human resources perspective, teaming also promotes the long-term effectiveness of interpreter departments by encouraging cooperation, sharing responsibility and preventing burnout or attrition.

Conclusion

Due process rights are best preserved with faithful simultaneous interpretation of legal proceedings. Court interpreters work for the judiciary and their goal is accuracy and completeness, not a particular party’s agenda. In a controlled study, it was shown that interpreters’ work quality decreases after 30 minutes. In the challenging courtroom environment, team interpreting ensures that the comprehension effort required to provide accurate interpretation is not compromised. To deliver unassailably accurate language service, court interpreters work in teams.

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- 3 Moser-Mercer, B., Kunzli, B., and Korac, M. 1998. “Prolonged turns in interpreting: Effects on quality, physiological and psychological stress.” University of Geneva, École de Traduction et d’Interprétation. *Interpreting* Vol. 3 (1), p. 47-64. John Benjamins Publishing Co.
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National Association of Judiciary Interpreters & Translators

NAJIT POSITION PAPER

TELEPHONE INTERPRETING IN LEGAL SETTINGS

■ INTRODUCTION

Telephone interpreting refers to the practice of supplying or receiving language interpretation services over the telephone. Typically, the interpreter is in a remote location and the interpretation is provided via a teleconference call. Telephone interpreting should only be used when no certified, qualified or language skilled interpreter (particularly in less common languages) is available in person at the location where services are needed.¹

Telephone interpreting can be used with success in some legal settings, but interpreters and end-users alike should be trained in the appropriate way to utilize such services. Proper equipment is essential to ensure audibility and accuracy. In any legal or quasi-legal proceeding involving individuals with limited English proficiency (LEP), interpreted communication guarantees rights and equal access to justice. Thus, it is essential that interpretation provided over the telephone be of the same standard as “in-person” interpretation. Prior training and orientation for the interpreter are needed for high quality service to be effectively delivered over the telephone.

What role does telephone interpreting play in legal settings?

Telephone interpreting is one method of providing foreign language interpretation to linguistically diverse populations in rural locations. Telephone interpreting was first introduced as a fee-free service by the Australian government in the 1970s. In the 1980s, it became popular in the United States, especially in commercial venues. In the 1990s, the U.S. federal courts initiated a fee-free telephone interpreting program that allows certified Spanish or otherwise qualified interpreters (in less frequently encountered languages) to provide simultaneous and consecutive interpreting

to federal courts where “in-person” resources were not readily available. Over the past decade, fee-for-service commercial providers proliferated, and various state court judicial systems began to offer in-house telephone interpreting services to state and county courts.

Once telephone interpreting was implemented more widely, some concerns arose:

- **Specialization.** Interpreters accessed through commercial services were not necessarily specialists in legal interpreting. However, there were non-specialists providing services in person as well, due to a national shortage of certified or otherwise qualified interpreters in many locations.
- **Connection quality.** Poor quality connections led remote interpreters to make mistakes or request frequent repetitions, resulting in a cumbersome and inefficient process. However, telephone service enabled courts to meet demands where local resources were absent.
- **Costs.** When used for long periods, telephone interpreting was costly. The services were more cost-effective for sessions of short duration.²
- **Lack of visual cues.** Over the phone, there are no non-verbal cues; but some claimed the lack of distraction helped interpreters to focus more effectively on the spoken language.

Today, the use of telephone interpreting in legal settings has become common. In 2007, the federal courts’ telephone interpreting program was used by 48 district courts to provide services for more than 3,600 events in 38 languages.³ By the end of fiscal year 2008, the program had reportedly saved \$6.8 million in travel and contract costs.⁴ State and county courts continue to use in-house or commercial telephone interpreting services. Some private-sector providers have devised their own qualification procedures and quality assurance programs. It is important to note, however,

that evaluation by commercial entities is not equivalent to federal or state court certification. For example, some commercial entities test interpreters only for certain scenarios that are not representative of the full spectrum of situations that a court interpreter may encounter.

When should telephone interpreting be used?

Telephone interpreting is best suited to the following circumstances:

- **When no certified, qualified, or language-skilled interpreter is available in person.** One of the benefits of telephone interpreting is the ability to access a certified or qualified interpreter from any location in the United States, possibly on short notice: this is better than failing to provide interpreting services or receiving incompetent services. However, telephone interpreters must be specifically qualified to interpret in legal settings. To ensure that courts, legal professionals or other justice partners are being provided with interpreters who have appropriate certification, training and qualification, the entity requiring services should ask *voir dire* questions of the telephone interpreter just as they would for an in-person interpreter.⁵ Telephone interpreters are often used for less commonly requested languages, and during shifts when in-person interpreters may be less accessible.
- **When protecting the interpreter's anonymity is necessary.** Depending on the circumstances and the local resources available, it may be advisable to use a remote interpreter, especially if a local interpreter discloses a conflict of interest (e.g., an existing family, social or professional relationship with the LEP individual) that would compromise neutrality.
- **When the proceedings are of short duration.** Telephone interpreting is best suited to short proceedings, such as arraignments, initial hearings, and interviews for probation and pretrial services. In some areas, telephone interpreting is used for pretrial hearings. However, proceedings such as motion hearings may last for hours or several days. Ideally, telephone interpreting should not be used for lengthy hearings or trials, although occasionally, for trials involving less common languages, it is the only way an interpreter in a given language may be located. Given the length of trials and the fact that there are many individuals involved, a telephone interpreter may have difficulty following fast-paced proceedings, discerning which voice belongs to

which person, or concentrating for long periods without visual cues. Lengthy proceedings can lead to interpreter fatigue, jeopardizing the interpreter's oath of accuracy and undermining equal access and due process to a litigant with limited English proficiency. Some court systems avoid using telephone interpreting for evidentiary matters, and reserve it solely for routine matters where evidence is not presented.

Telephone interpreting services offered by private sector providers are delivered in consecutive mode, meaning that an interpreter must wait until a person finishes speaking before rendering the message in another language. Therefore, commercially provided services are not suited for legal proceedings requiring simultaneous, i.e., real time interpretation. The federal court program and some state court systems use technology designed specifically for the courts to provide both consecutive and simultaneous interpretation. With specialized equipment, a remote interpreter listens on one line while speaking into another line, and can switch between interpreting for the defendant or for the entire courtroom.

When should telephone interpreting be avoided?

Telephone interpreting can be problematic in some circumstances. If individuals are hard of hearing or elderly, or struggling with mental illness, telephone interpreting can be too confusing. Telephone interpreting may be inappropriate or even traumatic for individuals from some cultures. For example, some Cambodians have associated the unknown voice of a telephone interpreter with brainwashing sessions carried out by the Khmer Rouge.⁶ Telephone interpreting should be avoided at all costs under such circumstances. If no local interpreter is available and there is no other alternative but to use telephone interpreting, at the very least, extra time is needed to explain that the remote voice belongs to an impartial, unbiased interpreter who is listening and speaking via telephone to enable all parties to communicate.

What type of equipment is needed for telephone interpreting?

Interpreters must have a high-quality headset with a mute button, separate dual volume control (the ability to control independently the volume of the speakers' and the interpreter's voices), and ideally, an amplifier. Such headsets cannot generally be purchased at mass discount stores or electronic retailers, but are available through

specialty stores and online suppliers. Interpreters who use generic headsets from office supply stores or general retailers are often disappointed, as this equipment is not designed to provide the level of auditory fidelity necessary for high-quality telephone interpreting. The federal judiciary's telephone interpreting equipment allows the remote interpreter to switch between the two phone lines in the courtroom, depending on whether the communication is directed to the defendant or the courtroom.

The users of telephone interpreting services must also invest in high-quality equipment. It is usually preferable for each party to have a headset, handset, or microphone, depending on the type of service used. Some courts use speaker phones, but these can be problematic, degrading the sound quality on both ends. Speaker phones pick up all manner of background noises, causing interference. If a party steps away from the in-court microphone, an interpreter will have difficulty hearing. In addition, speaker phones often cut off one party when another makes noise, such as a cough, sneeze, or intake of breath.

What type of training is required for providers and end-users of telephone interpreting?

Providers require training specific to telephone interpreting. Interpreters need training not only in the proper use of equipment, but in techniques to control turn-taking and request repetitions or clarifications. An interpreter will need to practice using auditory cues instead of visual cues, and to focus more on these elements to ensure a high-quality interpretation. Interpreters also need to be well-versed in the ethical principles and standards of practice for telephone interpreting.⁷

End-users of telephone interpreting services must also be trained. Those who use these services must be mindful of auditory elements that may create confusion or problems for the remote interpreter. For example, a judge who has been trained to work with telephone interpreters is more likely to:

- Perform a “sound check” to make sure the interpreter can hear all parties properly before proceeding;
- Speak clearly and at a slower rate of speech;
- Remind others in the courtroom to be as quiet as possible;
- Direct individuals to leave the courtroom if they are interfering with the interpreter's ability to hear;
- Tell speakers to identify themselves each time they speak so that the interpreter can more easily discern the voices;

- Ask parties to speak into the microphone so that the interpreter can hear;
- Ask individuals to speak in brief segments for easier interpretation;
- Direct parties when to pause, so that the interpretation can be rendered.

Is it appropriate for courts to use telephone interpreting for any setting involving individuals with limited English proficiency (LEP)?

Courts and legal service providers would be ill-advised to rely exclusively on telephone interpreting for every LEP encounter, given the array of options at their disposal. While telephone interpreting may appear at first to be an easy and simple solution, the cost of a commercial service can be significant if used with great frequency. Where demand for interpreting in a given language is high, it is usually more cost-effective to contract with a local interpreter, since in-person interpretation offers other benefits as well.

For example, on-site interpreters become well-versed in the speech patterns, local accents and terminology preferences of the court staff, making them more efficient than a telephone interpreter who is new to the setting and may need to request more repetitions. Further, since commercial telephone interpreting services do not offer simultaneous interpretation, interviews or other events can take twice as long over the telephone.

For high-demand languages, such as Spanish in most parts of the United States, telephone interpreting is usually used in addition to local interpreters. Video interpreting, already common with sign language interpreting, is becoming more widely used for spoken languages as well. However, video interpreting, too, requires special training and equipment to ensure high-quality service.

In recent years, shortages of certified or otherwise qualified interpreters have been highlighted in the media. Incentives and recruitment campaigns, as well as retention policies, should be considered to increase pools of qualified interpreters. It is NAJIT's position that when a state has certified and qualified interpreters available, they should tap into existing resources to provide in-person interpreting services first. If an existing pool of professionals is not utilized, these individuals will naturally seek other employment or move to other states, thus creating a greater deficit of qualified interpreters when the need increases.

In summary, courts, legal service providers and other justice partners should not use telephone interpreting as their sole means of providing language access to LEP populations. Creating a comprehensive LEP plan entails more than arranging for a dial-up interpreter whenever services are needed. Preparing to communicate with linguistically diverse populations requires multiple methods of language service delivery.

Conclusion

Telephone interpreting is an important component of access plans for LEP individuals when local interpreting resources are unavailable. Especially in low-demand languages for which qualified in-person interpreters are not always readily available, telephone interpreting is an invaluable service. However, telephone interpreting is not optimal for many settings, and the telephone should never be the sole means by which language services are provided. Courts and providers of legal services may rely on telephone interpreting to meet some needs, but telephone interpreting alone cannot constitute a full-scale language access plan.

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PROFESSIONAL SIGN LANGUAGE INTERPRETING

The Registry of Interpreters for the Deaf, Inc., (RID) Standard Practice Paper (SPP) provides a framework of basic, respectable standards for RID members' professional work and conduct with consumers. This paper also provides specific information about the practice setting. This document is intended to raise awareness, educate, guide and encourage sound basic methods of professional practice. The SPP should be considered by members in arriving at an appropriate course of action with respect to their practice and professional conduct.

It is hoped that the standards will promote commitment to the pursuit of excellence in the practice of interpreting and be used for public distribution and advocacy.

About sign language interpreting

Sign language interpreting makes communication possible between people who are deaf or hard of hearing and people who can hear. Interpreting is a complex process that requires a high degree of linguistic, cognitive and technical skills in both English and American Sign Language (ASL). Sign language interpreting, like spoken language interpreting, involves more than simply replacing a word of spoken English with a signed representation of that English word. ASL has its own grammatical rules, sentence structure and cultural nuances. Interpreters must thoroughly understand the subject matter in which they work so that they are able to convert information from one language, known as the source language, into another, known as the target language. In addition, interpretations can incorporate cultural information associated with the languages used.

What a sign language interpreter does

Most sign language interpreters either interpret, which means working between English and ASL, or they transliterate, which is working between spoken English and a form of a signed language that uses a more English-based word order. Some interpreters specialize in oral interpreting for deaf or hard of hearing persons who lip-read instead of sign. Other specialties include tactile signing, which is interpreting for persons who are blind as well as deaf by conveying signs into a person's hands; cued speech; and signing exact English.

An interpreter's work begins before arriving at the job site. The interpreter must become familiar with the subject matter that the speakers will discuss; a task that may involve research on topic-related words and phrases that may be used from both languages. The interpreter usually travels to the location where his or her services are needed; physical presence is required except for video conferencing or video telephone interpretation. While interpreters may not completely specialize in a particular field or industry, many do focus on one area of expertise such as business, law, medicine or education.

There are two types of interpretation: simultaneous and consecutive. Simultaneous interpretation requires interpreters to listen and sign, or watch and speak, at the same time. The interpreter begins to convey a sentence in the target language while listening or watching the message being delivered in the source language. This type of interpreting happens most commonly in business meetings, college classes or conferences.

In contrast, consecutive interpretation begins only after the speaker has spoken or signed a sentence or paragraph. Interpreters may need to take notes to assist in the process of creating a coherent accurate translation. This form of interpretation is used most often for witness testimony in legal settings or in a one-on-one meeting such as with a doctor, social worker or counsellor. In both simulta-

neous and consecutive interpreting, the interpreter sits in proximity to the English speaker to allow the deaf person to see the interpreter as well as the facial and body expressions of the English speaker.

Because of the need for a high degree of concentration in both types of interpretation and because of the physical demands of the work, interpreters often work in pairs, with each interpreting 20-to 30-minute segments¹.

Where professional interpreters work

Interpreters work in a variety of settings and situations. Interpreters may work as employees of an interpreting agency or may be self-employed and as such are referred to as free-lance, independent contractors. Independent contractors may schedule their own assignments directly or receive assignments through interpreter service agencies. Some states have laws that specifically govern the relationship between agencies and interpreters.

Interpreters provide services wherever a deaf or hard of hearing person needs to communicate with people who can hear but cannot sign fluently for themselves; such as in educational, medical field, theatre and legal settings; for conferences and conventions; or at corporations and institutions. Interpreters may also work as video relay interpreters, where deaf or hard of hearing individuals use an interpreter to communicate with anyone in the world over the telephone by the use of a Web cam or video phone. Interpreters may specialize in one avenue or work in multiple settings. They must be versatile, flexible and skilled. Deaf individuals who are able to communicate in a form of signed language other than English or ASL can also become interpreters.²

When a deaf or hard of hearing individual expresses the need for a sign language interpreter, it is the responsibility of the entity providing services, employment or entertainment to accommodate that request. Quality of interpreting service is determined by all parties involved. Since the passage of the Americans with Disabilities Act in 1990, payment for interpreting services usually falls to the host business or organization rather than the deaf person.³

Professional conduct

It is the interpreter's sole responsibility to enable deaf or hard of hearing individuals the opportunity to communicate freely with hearing individuals. In order to do this, they must be given enough information about a particular assignment to allow them to determine if it is a situation where they can perform professionally. Content may be shared so the interpreter may determine if she or he has sufficient knowledge or skill to adequately convey the information in both languages. Also, names of participants are shared to ensure that the interpreter is able to work without bias or partiality toward any of the parties involved.

Interpreters strive to remain unbiased toward the content of their work and not alter or modify the meaning or tone of what is conveyed. Interpreters may request materials prior to certain assignments to assist in their preparation. Confidentiality is crucial, and an interpreter is expected to refrain from discussing or disclosing the content of a situation in which he or she interpreted. Aside from court-mandated testimony, an interpreter strictly maintains this confidentiality. RID and the National Association of the Deaf (NAD) have jointly developed the NAD-RID Code of Professional Conduct which may be seen in its entirety on the RID Web site.

Interpreting Credentials

In the field of interpreting, as in other professions, appropriate credentials are an important indicator of an interpreter's qualifications. RID awards certification to interpreters who successfully pass its national tests. The tests assess language, interpretation and communications skills as well as knowledge, judgment and decision-making skills on issues of ethics, culture and professionalism.

The RID Certification Council oversees the policies of certification and the training of individuals who rate the applicants.

Some currently offered common sign language interpreting certifications are:

- NIC – National Interpreter Certification: Certified, Advanced and Master levels
- CDI – Certified Deaf Interpreter
- CI – Certificate of Interpretation
- CT – Certificate of Transliteration
- OTC – Oral Transliteration Certificate
- SC: L – Specialist Certificate: Legal
- CLIP-R – Conditional Legal Interpreting Permit-Relay

Other certifications recognized by RID:

- MCSC – Master Comprehensive Skills Certificate
- CSC – Comprehensive Skills Certificate
- OIC – Oral Interpreting Certificate
- RSC – Reverse Skills Certificate
- NAD – National Association of the Deaf
 - Level III – Generalist
 - Level IV – Advanced
 - Level V – Master
- IC – Interpretation Certificate
- TC – Transliteration Certificate
- ACCI – American Consortium of Certified Interpreters
- SC: PA – Specialist Certificate: Performance Arts
- CLIP – Conditional Legal Interpreting Permit
- EIPA – Educational Interpreter Performance Assessment

As with any assessment tool, each of these certifications assesses for specific skill sets within the field of interpreting. An interpreter may hold one or more certifications and will be able to offer an explanation of his/her specific certifications. Information on certification is available from RID. To verify an individual interpreter's current certification status, ask for their RID membership card or perform a search on the RID Web site.

Life Long Learning

Interpreters need to stay current in the field and maintain their skill level. For this reason, RID requires certified members to earn a specific number of continuing education units (CEUs) every four years as part of the Certification Maintenance Program (CMP). The CEU is a nationally recognized unit of measurement for educational activities that meet established criteria for increasing knowledge and competency. Certification retention is dependent upon successful completion of earning the required CEUs. More information on this may be found at the RID Web site.

Registry of Interpreters for the Deaf (RID)

RID has played the leading role in establishing a national standard of quality for interpreters and is committed to continued professionalism in the practice of signed language interpretation. For more information about the profession, certification and interpreting throughout the United States, contact the RID national. Please visit RID's Web site at www.rid.org.

REFERENCES:

¹ RID Team Interpreting Standard Practice Paper
www.rid.org

² RID Use of a CDI Standard Practice Paper
www.rid.org

³ ADA link to NAD

MULTIPLE ROLES IN INTERPRETING

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About Multiple Roles in Interpreting

Interpreters work in a variety of settings and situations; some are employees of institutions, agencies and companies, and some are self-employed. Interpreters who are self-employed are less likely to encounter situations in which non-interpreting duties are expected of them. Interpreters who are employed full-time by businesses, school districts, universities, government agencies, hospitals or mental health-care providers, for example, might perform other duties when not interpreting. These types of jobs may be referred to as multiple role jobs.

Examples of multiple role positions include but are not limited to:

- Nurse/Interpreter
- K-12 Educational Interpreter/Track Coach
- Job Coach/Interpreter
- Certified Deaf Interpreter/Interpreter Trainer
- University Student Advisor/Interpreter
- Interpreter Supervisor/Interpreter
- Company Interpreter/Sales Representative

Different job models are used depending on which duties are primary and which duties are secondary. Clearly outlining an employee's job duties is significant in terms of resolving potential role conflicts. One approach is to determine a percentage for each portion of the job; for example, 70 percent interpreting and 30 percent coaching.

In multiple role positions, conflicts can arise between the interpreting role and other job requirements. In general, the NAD-RID Code of Professional Conduct (CPC) guides interpreters to avoid role conflicts, as exemplified by CPC tenet 3.3.: "Avoid performing dual or conflicting roles in multidisciplinary (e.g. educational or mental health teams) or other settings." The best time to deal with potential role conflicts is before they occur. When developing a job description for a multiple role position, consideration should be given to the interpreting responsibilities as well as any other employment requirements.

Developing multiple role positions

When developing and implementing a multiple role position with interpreting responsibilities, best practices include:

- requiring interpreter certification and appropriate education and training providing professional development opportunities
- developing a pay formula that considers the multiple roles and compensates the employee for having dual skills
- defining confidentiality boundaries for both the interpreting role and other required roles, in a variety of situations
- recognizing the interpreter's need to limit the number of hours spent physically interpreting, especially if the interpreter works alone
- specifying the amount of time expected for interpreting versus other job duties, noting whether interpreting is a primary or secondary duty
- determining a process to use when role conflicts do arise, so they can be resolved effectively
- considering hiring outside interpreters to cover sensitive meetings, such as, personnel reviews, reprimands or grievance procedures, that might be a conflict-of-interest for staff interpreters

When functioning in a multiple role job with interpreting named as the primary role, interpreters generally do not:

- reveal, report or use confidential information obtained while interpreting
- perform the interpreter role and another role simultaneously
- interpret beyond their competency level
- routinely perform tasks that might exacerbate physical problems sometimes associated with interpreting
- interpret for long periods of time without relief
- perform other duties when needed for interpreting

When interpreting is not named as a primary role, conflicts can still occur. To respect consumers' rights and confidentiality, great care must be taken to inform all parties:

- of the role in which the person is functioning
- of the possible future use of the information gained in that situation
- that there may be legal mandates that override the NAD-RID Code of Professional Conduct

Interpreter credentials

Employers of interpreters can verify interpreter competency. An appropriate indicator of an interpreter's level of competence is the interpreter's credentials. The most reliable credentials in the United States are those established by the National Association of the Deaf (NAD) and the Registry of Interpreters for the Deaf, Inc. (RID).

NAD-RID Code of Professional Conduct

The NAD-RID Code of Professional Conduct is the foundation of the interpreting profession. Every employer of interpreters should become familiar with this document as it will have significant influence in the development of multiple role positions.

RID believes that through multiple role positions, interpreters can be placed in many settings in which the hiring of a full-time interpreter would not otherwise be feasible or justifiable. By developing a multiple role position, the hiring entity benefits by having an employee with dual skills. RID believes that knowing the potential issues regarding multiple roles and having a plan in place to resolve conflicts is crucial to the success of such positions. Planning for possible challenges avoids compromising accessibility for all involved parties.

ADDITIONAL RESOURCES:

NAD-RID Code of Professional Conduct

www.rid.org

Explanation of NAD/RID Certification Credentials

www.rid.org

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About Team Interpreting

Team interpreting is the utilization of two or more interpreters who support each other to meet the needs of a particular communication situation. Depending on both the needs of the participants and agreement between the interpreters, responsibilities of the individual team members can be rotated and feedback may be exchanged.

The decision to use a team rather than an individual interpreter is based on a number of factors, including, but not limited to:

- length and/or complexity of the assignment,
- unique needs of the persons being served,
- physical and emotional dynamics of the setting,
- avoidance of repetitive stress injuries (RSIs) for interpreters.

An interpreter who is hearing may sometimes team with an interpreter who is deaf, called a certified deaf interpreter (CDI). (See CDI Standard Practice Paper for additional information.)

The Team Process

All team members are actively engaged in the process. They may be providing direct interpretation services, actively working between the two languages or functioning in a supporting role. This support is necessary to enhance the team's performance and assure accurate communication takes place and may include:

- monitoring the overall setting
- assuring appropriate and timely transitions
- supporting/cueing other team members as needed.

At times, more than one team of interpreters may be needed. Some factors determining the number of interpreters needed are:

- size of the audience
- setting
- communication preferences of presenter(s) and audience type and interactivity of presentation
- special communication needs of those in attendance (including, but not limited to, the need for tactile, oral or close visual range interpretation)
- dynamics of the scheduled events (concurrent sessions, off site tours, etc.)

When two or more interpreters are working together, the team will need a sufficient amount of time prior to the assignment to determine placement, roles and how to provide support to each other. Settings where teams work can include, but are not limited to, post-secondary education, ceremonies, lectures, workshops, staff meetings and employee orientations, adversarial hearings and performing arts.

RID believes that through teaming, all consumers can receive optimum communication because each team member can function at their best.

RESOURCE:

www.dlr-consulting.ca/team.htm

SELF-CARE FOR INTERPRETERS:

Prevention and Care of Repetitive Strain Injuries

The Registry of Interpreters for the Deaf, Inc., (RID) Standard Practice Paper (SPP) provides a framework of basic, respectable standards for RID members' professional work and conduct with consumers. This paper also provides specific information about the practice setting. This document is intended to raise awareness, educate, guide and encourage sound basic methods of professional practice. The SPP should be considered by members in arriving at an appropriate course of action with respect to their practice and professional conduct.

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Between 1990 and 2007, Repetitive Stress Injuries (RSIs) increased an unbelievable 80 percent. The New York Times called RSI "the epidemic of the 90s and beyond." More than 9.5 million U.S. workers were stricken with RSI in the last year alone including journalists, computer users, cashiers, surgeons, assembly line workers, meat processors and, of course, interpreters, to name a few. RSI is a real problem. Luckily, there are real answers.

RSI is one of the most misunderstood and underestimated injury today. The inherent nature of interpreting puts interpreters, young and old, at high risk for developing some type of RSI during their career. RSIs are preventable; however, if ignored, RSIs can develop into a permanent disability forcing talented professionals to retire prematurely due to the loss of required hand function.

Definition:

Repetitive Strain Injury (RSI) is a stress-related, cumulative type of injury resulting from constant repetitive movements. Tendons, ligaments and muscles are worn down over time doing repetitive tasks with insufficient rest periods. Awkward angles during movement, constant and continual vibrations, temperature extremes and dehydration are some of the other culprits that can contribute to the development of RSIs. This soft tissue injury includes more than twenty different kinds of injuries including carpal tunnel syndrome, tendonitis, thoracic outlet syndrome, etc. Repetitive strain injury is also known as cumulative trauma disorder, muscle-skeletal disorder, repetitive motion injuries, tennis elbow and mouse thumb.

Cause:

In a healthy body, your connective tissues (tendons, ligaments, muscles and nerve sheaths) are similar to ropes in a pulley system. These tissues have been pulling and pushing for years. They allow you to push, pull, reach, punch, swing, grasp and type. Lymph fluids and blood lubricate your ropes so they slide smoothly back and forth, making your movements effortless and controlled. They keep your system oiled but also wash away any unwanted waste. In short, when you move, there is a constant stretch and release happening.

Normally, when a muscle is worked as previously described, it produces a dozen or so inflammatory metabolites and neurotoxins. These are waste products that are flushed away by the lubricating fluids or blood in your system. Your connective tissues, the ropes in the pulley system, normally break down or tear when you move and then naturally scar and heal when you are at rest.

When you limber up before exercise, these scars are gently stretched and the neurotoxin backup is washed away; the muscle is strengthened. If you do not warm up, the scarring can shorten your tissues which result in stiff and tight muscles. If you rest and stretch your muscles regularly, the tendons and ligaments will function smoothly; muscles will be conditioned, strong and work properly for decades. If not, RSI and other soft tissue conditions will set in.

Oxygen also impacts the proper circulation and cleaning of the blood and fluids so crucial in this process. Muscles need proper oxygen circulation to contract and release. The process creates a natural biochemical product that provides energy and ease to our muscle movement. Interpreters are prone to shallow breathing thereby creating an oxygen debt environment and making us more vulnerable to RSIs.

When you overuse your connective tissues, giving them no time to rest and heal, they scar and shorten. Lactic acid builds up, irritating your tendons and ligaments and causes them to fray. If connective tissue frays, they tend to swell and become inflamed. When tendons, ligaments or sheaths around the nerves swell, there is less room for the nerve, and it is compressed or pinched. This, in turn, blocks the natural washing away of lactic acid fluids. The waste backup eventually breaks down chemically into a substance that causes the tendons, which normally move freely and easily, to fuse or glue together. The damaged tissues literally become glued together, sometimes limiting their movement by as much as 50 percent. It is common for more than one type of repetitive strain injury to develop at once simply because we are whole connected beings.

For interpreters, the problem often begins in the neck. We tend to hold our necks still (static motion) during work and continue to do so when we use any kind of computer or phone. This static motion, like active repetitive movements, can wear down the pads between our cervical vertebrae leading to compress nerves, pain, stiffness, numbness and burning sensations. This neck wear and tear can impact the nerve pathways to our arms and hands. Often an interpreter will feel the symptoms in their arms or hands before their neck. All these areas should be treated and protected. When our necks are tired, stiff and worn, our whole system is impacted.

Interpreters, like other professions, have been impacted by high-speed machines that have set the pace for work and leisure time. Interpreters no longer work an eight-hour day as global access has accelerated the need for interpreting to a constant 24/7 pace. In an effort to meet quotas, demonstrate constant availability or not miss the next opportunity, interpreters often push past physical limitations.

The result is an epidemic of RSIs. One out of every four interpreters experiences some type of RSI in the first two years of work. Prevention is the only cure for this pernicious kind of injury.

Diagnosis:

The idea of losing the use of one's hands is terrifying to the average individual. To an interpreter, our hands are our life's work. The common reactions of fear and denial often prevent us from recognizing and taking care of an RSI in our hands or arms. Educating yourself about RSIs is the first step to prevention. If any of the following symptoms appear, go to your doctor immediately.

Questions every interpreter should ask themselves:

- ♦ Do my arms feel heavy at any time during the day?
- ♦ Do I feel tingling, feel numb or pain in my neck, shoulder, arms or hands?
- ♦ Does my neck burn or feel stiff?
- ♦ Am I having trouble sleeping at night?
- ♦ Am I suddenly dropping or spilling things?
- ♦ Are packages and/or books suddenly feeling too heavy?
- ♦ Do I feel unusually clumsy or awkward?
- ♦ Is it suddenly difficult to hold a pen or pencil and write?
- ♦ Is it difficult for me to lift my arm or reach behind myself?
- ♦ Do I find myself holding my wrist or rubbing my arm, hand or neck?
- ♦ Do I feel shooting pain when I turn my head?
- ♦ Do I feel shooting pain when I move my hand or arm a particular way?
- ♦ Do I have pain in my jaw (not dental related)?
- ♦ Am I particularly and suddenly more sensitive to cold?
- ♦ Do I feel more tired than usual?
- ♦ Do I find cutting, chopping, and lifting more difficult than usual?

Prevention and/or Treatment:

RSIs are difficult to identify and diagnose because they may take months or years before the painful, numbing symptoms appear. And, because the symptoms are cumulative in nature, they often have a lengthy heal time.

An effective treatment plan is two-fold: a doctor who understands the dynamics of movement and can accurately diagnose the problem; and two, the active patient participation in analyzing behaviors that led to the injury. Together the patient and healthcare professionals can identify the problem areas, discover the best therapies, explore alternate muscle groups as support and execution and devise habit-breaking techniques so the body can rest and restore itself.

Therefore, the real key to prevention and recovery goes way beyond being diagnosed by a doctor and going through physical therapy. Prevention and recovery require a commitment to long-term changes in attitude and behavior. Most of all, it requires education, so we can understand what may hurt us, develop alternatives and continue to thrive in our profession.

Interpreters are athletes. We need to warm up; cool down; attend to symptoms when they first appear; follow an energy producing nutritional plan; recognize how posture, angles and temperature affect us; make sure we fully hydrate ourselves; exercise; and rest. It is important to quickly take care of any symptoms that occur. With RSIs, this is difficult because they are invisible. However, if you take care of yourself right away, you can prevent any permanent or serious injury.

Contributing factors of RSI

- ♦ Awkward and/or static postures
- ♦ Too much speed, force and/or duration of movement
- ♦ Inactivity (static movement) such as sitting, or holding one's head in one position for long periods of time (slows blood circulation and decreases efficiency of muscled)
- ♦ Driving or riding for long periods of time without a break
- ♦ Lack of frequent activity breaks
- ♦ High pressure, deadline environment
- ♦ Poor nutrition and or excessive weight
- ♦ Insufficient water intake
- ♦ Lack of regular exercise (not interpreting work)
- ♦ Double jointed-ness and/or cracking your knuckles
- ♦ Other serious medical conditions such as thyroid disease, arthritis, diabetes or osteoporosis can make you more vulnerable to RSIs

If you see many factors here that coincide with your routine, consider changing them so they do not occur as often. Consider alternating schedules, movements or positions before pain sets in. Habits can be the earliest indicators of RSI risk.

What can an interpreter do to prevent RSIs?

- ♦ Use chairs that suit your height and do not have arms rests.
- ♦ Bring and drink water all day.
- ♦ Take sufficient rest breaks.
- ♦ During your rest breaks, engage in gross movement stretches and exercises such as walking, simple yoga stretches, etc.
- ♦ If you drive to work or from job to job, try to arrive at assignments at least five minutes early to give yourself enough time to warm up and relax.
- ♦ Be sure and eat regularly and nutritiously.
- ♦ Find an outside exercise you enjoy and engage in exercise at least three times a week for an hour a day.
- ♦ Breathe deeply during pauses and in your rest periods to increase circulation and ensure a 'clean' system.
- ♦ Bring extra sweaters, scarves or whatever you need so your muscles stay warm and flexible during work.
- ♦ If you feel stressed and tired, develop various ways to relax and enjoy life.

What can an interpreter do to prevent RSIs? (continued)

- ♦ If an environment is unhealthy or puts you at higher risk for RSI, speak up and ask for help.
- ♦ Learn to say 'no' to assignments if you are sick or tired.
- ♦ Learn as much as you can about RSI and risk.
- ♦ Tell your trainers and workshop leaders you want to learn more about RSI prevention.

Remember that RSIs are preventable. They are difficult injuries from which to recover, but it is possible over time. Support your co-workers and promote self-care for the good of the profession and your daily life. It is strongly recommend that self-care techniques be integrated into every interpreter training curriculum in the country.

INTERPRETING IN LEGAL SETTINGS

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About Legal Interpreting

Legal interpreting encompasses a range of settings in which the deaf person interacts with various parts of the justice system. Legal interpreting naturally includes court interpreting; however, a legal interpreter's work is not restricted to the courtroom. Rather, legal interpreting occurs during attorney-client conferences, investigations by law enforcement, depositions, witness interviews, real estate settlements, court-ordered treatment and education programs and administrative or legislative hearings. Legal interpreting requires highly skilled and trained specialists because of the significant consequences to the people involved in the event of a failed communication. Deaf people have a legal right to a qualified interpreter, and in legal settings, a qualified legal interpreter will have a specific skill set to ensure that the deaf person's right to be present and participate is not compromised.

This standard practice paper discusses legal interpreting globally; however, within the broader spectrum of legal interpreting, practice may vary depending on the nature of the assignment. For example, when interpreting for the police, the interpreter is governed by a different set of legal rules than when interpreting privileged attorney-client conferences. At all times, however, the interpreter is governed by ethical standards established by RID which require accurate interpreting and maintenance of confidentiality, absent a court order, regardless of setting. The legal interpreter will explain to participants, prior to engaging in interpreting, the applicable guidelines for working with the interpreter in the specific setting.

Qualified Legal Interpreter

The Americans with Disabilities Act of 1990 (ADA) requires the use of "qualified interpreters." The implementing regulations define a qualified interpreter as one "who is able to interpret effectively, accurately and impartially both receptively and expressively, using any necessary specialized vocabulary." Additionally, legal interpreters are governed by the NAD-RID Code of Professional Conduct. The Code requires that interpreters "possess the professional skills and knowledge required for the specific interpreting situation." In the context of legal interpreting, "necessary specialized vocabulary" and "professional skills and knowledge" are obtained through specialized interpreter training.

As with other professions, the field of sign language interpretation has developed specific credentials that indicate minimum levels of competency to interpret in legal settings. RID awards the Specialist Certificate: Legal ("SC: L") to interpreters who meet specific criteria regarding prior certification, education and experience. While the number of interpreters holding the SC: L has increased, not enough interpreters hold this credential to fully satisfy the demand for legal interpreters. As a result, much legal interpreting is done by individuals certified as generalist practitioners to interpret in the language used by the deaf person and who also have successfully completed legal interpreter training in order to understand and use the necessary specialized vocabulary associated with legal settings.

Because qualified interpreters are in great demand, hiring parties are advised to start early to locate the appropriate complement of interpreters once the need is known. Many courts have a liaison for court interpreting who maintains a roster of trained interpreters. In addition, most cities have

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private practice interpreters who are listed by certification on RID's Web site. Additionally, the Web site lists businesses and organizations that provide interpreters and will have information on the quality, skills and availability of local interpreters.

Standard Practices – Generally Applicable

Upon accepting a legal assignment, the legal interpreter will conduct an analysis with respect to the communication needs that exist and make recommendations accordingly. These recommendations will focus on a number of factors that impact communication between deaf and non-deaf individuals. These factors may impact the number of interpreters required, positioning of the interpreters and turn-taking. Recommendations will be based upon principles developed by the profession, the courts, legislators, administrators and a rich body of case law regarding language interpreting in legal settings.

Staffing a Legal Matter

At a minimum, two interpreters are typically required for most legal assignments. Because legal assignments are generally more complex, interpreters often work in teams and relieve each other at predetermined periods. One interpreter actively interprets while the other interpreter watches to ensure accuracy of the interpretation. The process is alternated at appropriate intervals between the two interpreters.

The Deaf community is diverse, and different deaf people will have different communicative needs which dictate the credentials of the interpreter. Some deaf people have been deaf all their lives and use the natural language of deaf people referred to as American Sign Language (ASL). Other deaf people may have lost their ability to hear after acquiring spoken English and therefore use a system of sign that approximates English. Other deaf people may not have received a formal education and as a result, have only limited capacity in using sign. Long years of experience have demonstrated that native deaf users of ASL are more effective at communicating with this segment of the population than the general practitioner interpreter who can hear. RID awards a generalist certificate for deaf interpreters who have demonstrated proficiency in working with this population. For Certified Deaf Interpreters (CDI), a conditional permit to work in legal settings is also awarded by RID. As a part of the legal interpreter's practice, the interpreter will need time to make an accurate assessment of the communication needs. If specialized communication services are required, the interpreter will inform the hiring party and assist in locating the specialized services.

Potential Risks

Certain legal assignments, such as law enforcement interpreting, pose great risk for the interpreter who may be called as a witness later to defend their work in the interpreted assignment. As such, additional protections are typically instituted such as video taping the session, using consecutive interpreting principles and providing for the assistance of a credentialed deaf interpreter.

Preparation

The interpreter is ethically obligated to prepare for all assignments, particularly legal and court assignments. To that end, interpreters will contact counsel or the hiring party and request to review pertinent documents to prepare to interpret accurately. Because interpreters are necessary for communication, sharing preparatory materials with them does not breach the attorney-client privilege. Interpreters are governed by strict rules regarding confidentiality and will not reveal information learned on an assignment, absent a court order or other legal mandate.

Conflicts & Ethics

Based upon the preparation, the interpreter will analyze his or her compatibility with the assignment and determine the existence of any conflicts of interest. A variety of conflicts might prohibit the interpreter from accepting an assignment. The interpreter might have personal knowledge about the matter or the parties; may have previously interpreted in a phase of the case such as the interrogation, which would prohibit the interpreter from accepting the proceedings work; or because of the topic of the mat-

ter, the interpreter may be ethically inclined not to accept the work.

Ethically, interpreters are not permitted to take an active role in any assignment; however, prior to or after interpreting, legal interpreters may provide guidance and referrals on relevant issues. Interpreters do not add, omit, edit or participate in the substance of an interpreted conversation outside necessary communications to manage the interpreting process.

Standard Practices – Court Interpreting

In addition to many of the issues just discussed, court interpreters have additional constraints on their work. Characterized by on-the-record proceedings, court interpreting is a highly specialized subset of legal interpreting. As officers of the court, interpreters are experts who assist the court in defining its interpreting needs. Court interpreters have specific duties prior to interpreting the official proceedings. Court interpreters may participate in limited ways in a legal proceeding, for example to take the oath to interpret accurately, to present their qualifications for the record, to respond to a challenge to the accuracy of the interpretation, to inform the court of an error and to seek permission to ask the witness for repetition or clarification.

In a typical court setting, the bulk of the communication is handled by two sworn proceedings interpreters who work together. These interpreters interpret all of the proceedings including all witness testimony. If one of the parties is deaf, a third interpreter will sit at counsel table as a member of the litigation team, interpret privileged communications between counsel and client and monitor the two proceedings interpreters for accuracy. This monitoring function enables counsel to interpose objections to the interpretation immediately to preserve the right to appeal based on a faulty interpretation.

The roles of the interpreter at the table and the proceedings interpreters are not adversarial. The interpreter at the table is a member of the team and an agent of the attorney. The proceedings interpreters are officers of the court. Both sets of interpreters are governed by the NAD-RID Code of Professional Conduct. In addition, the interpreters interpreting the proceedings are generally governed by the court interpreter's code of conduct in the respective state.

This configuration is typical, though in certain cases more interpreters might be required. For example, both sides and even the court may decide to retain separate interpreters to prepare their deaf witnesses and to monitor the work of the proceedings interpreters. As mentioned, the parties might not be fluent in ASL or use a non-standard variety of sign language necessitating a specialist interpreting team of credentialed deaf interpreters. As a result, no one rule can be set forth regarding the number of interpreters required for a court assignment. The court interpreter will assess the particular assignment and provide advice and direction regarding the proper working conditions.

RESOURCES:

¹Many states have statutes defining legal interpreting and listing the settings which are considered legal assignments under the statute. Typically, those statutes will also list the qualifications required by the state to be qualified to work in those settings. The reader is referred to their specific state statutes and to a list compiled by the National Association of the Deaf and available at <http://www.nad.org/site/pp.asp?c=foINKQMBF&b=180366>.

²The interpreter in a law enforcement setting may be required to later testify about the interpreting assignment; whereas, the interpreter working in an attorney-client conference cannot, absent waiver of the privilege, be forced to testify about the interpreting assignment.

³Attorneys and courts have independent obligations to locate and pay for qualified interpreters under the ADA. For specific information on these obligations, the reader is referred to <http://www.nad.org/legalservices> and to <http://www.nad.org/government>.

⁴29 C.F.R. Part 25.104 (1992).

⁵The NAD-RID Code of Professional Conduct is available online at the RID Web site: www.rid.org.

⁶The RID Web site (www.rid.org) lists the variety of certifications available currently and historically. The site also explains the various combinations of credentials and experience that qualify an interpreter to sit for each examination.

⁷See "New Study on Fatigue Confirms Need for Interpreting in Teams," available at http://www.najit.proteus/back_issues/vidal2.htm.

⁸See National Center for State Courts, Code of Professional Responsibility for Interpreters in the Judiciary available online at www.ncsconline.org.

⁹Court interpreters are often referred to as proceedings interpreters.

¹⁰See National Center for State Courts, Code of Professional Responsibility for Interpreters in the Judiciary available online at www.ncsconline.org.

VIDEO REMOTE INTERPRETING

The Registry of Interpreters for the Deaf, Inc., (RID) Standard Practice Paper (SPP) provides a framework of basic, respectable standards for RID members' professional work and conduct with consumers. This paper also provides specific information about the practice setting. This document is intended to raise awareness, educate, guide and encourage sound basic methods of professional practice. The SPP should be considered by members in arriving at an appropriate course of action with respect to their practice and professional conduct.

It is hoped that the standards will promote commitment to the pursuit of excellence in the practice of interpreting and be used for public distribution and advocacy.

About Video Remote Interpreting

Video remote interpreting (VRI) is a fee-based interpreting service conveyed via videoconferencing where at least one person, typically the interpreter, is at a separate location. As a fee based service, VRI may be arranged through service contracts, rate plans based on per minute or per hour fees, or charges based on individual usage. VRI can be provided as an on-demand service and/or by appointment. Unlike video relay service (VRS), video remote interpreting is not regulated by the Federal Communications Commission (FCC) or other telecommunications legislation. Video remote interpreting is currently used in a variety of settings including but not limited to [medical](#), [educational](#), [legal](#) and [mental health](#). Each setting is discussed in depth through linked documents accessible electronically by clicking on settings above.

Successful VRI sessions use qualified sign language interpreters who have linguistic competence, are experienced in settings for which they will work, and adhere to professional interpreting standards. Additionally, successful VRI sessions have shared understanding of the benefits and limitations of VRI, common elements of established meeting preparation protocols, training regarding equipment and videoconferencing protocols, effective environmental controls, and compatibility of technical set-up and connectivity.

Benefits and Limitations

When used appropriately, VRI has several benefits such as "providing easier and faster access to communication, access to quality services, and effective use of fiscal resources."¹ VRI provides communication access for situations with an immediate need for interpreters; in addition, it meets interpreting demands when qualified onsite interpreters are not available, especially in rural areas where qualified interpreters are less accessible. VRI can reduce interpreting costs through fee structures and elimination of travel and mileage costs.

While providing a viable option for interpreting services, VRI is not a comprehensive replacement for onsite interpreting. In order to assure that equal access is achieved, the decision to utilize VRI should be made with input from all participants. VRI may not be appropriate for:

- Situations involving high interactivity, such as multiple participants with less structured turn-taking protocols;
- Situations with complex dialogic exchange, such as abstract philosophical interchange or dialogue with veiled intentions or multiple meanings;
- Situations involving communications of a sensitive nature;
- Situations involving individuals with a secondary disability (e.g. low vision) that impedes their ability to utilize the technology.

In addition, Deaf interpreters (see Teaming Section of this paper) are recommended for situations involving young children, foreign-born individuals, and those who have underdeveloped language or who use idiosyncratic language patterns.

¹ Lightfoot, 2006

Readiness Protocol

VRI sessions require explicit content, technical and environmental preparation by those involved. Interpreters and participants should be educated in VRI protocols and equipment. Videoconferencing protocol training is widely available and encouraged.² Additionally, those participating in VRI sessions should obtain as much training and education about their respective video and audio equipment as possible via onsite or remote instruction, or self-paced learning.

As with onsite interpreting, VRI interpreting requires preparation by the interpreter to maintain quality standards. Preparation is needed for both appointment-based and on-demand services. The amount and type of preparation is dependent on the nature of the assignment and the interpreter's pre-existing knowledge base. To prepare for a VRI session, meeting organizers and participants analyze for appropriateness of VRI, as well as environmental and technical preparations as discussed in sections below.

Content

VRI sessions are successful when participants and interpreters have a shared knowledge of session content. Familiarity with topic and content leads to effective communication. Prior to a VRI session, relevant personnel share content information with the interpreter(s) through teleconference sessions, e-mail correspondence, faxed information or other means. Interpreter access to VRI session topic and content is advantageous for both appointment-based and on-demand VRI services.

Technical

VRI uses videoconferencing equipment over high-speed broadband connections or ISDN lines carrying both video and audio messages. Equipment is paired with wired or wireless connections. VRI sessions can be conducted via Internet, Intranet or ISDN. As technology evolves, additional connection types may become available.

In terms of equipment, there are two kinds of VRI providers: those that recommend or endorse certain kinds of equipment that can be purchased and used by the receiving institutions and those that configure and sell a specific equipment package to be used by the receiving institution. Additional technical information is cited in the References Section of this paper.

Due to its videoconferencing nature, VRI sessions require technical familiarization by those involved. An extensive collaboration from the receiving institution's information technology department or videoconferencing department must be established and onsite technical support staff must be identified.

Sufficient lead-time is required to arrange the many technical aspects and logistics involved in VRI services. Equipment must be tested allowing ample time to ensure that the connection provides for clear reception at all sites. Prior to troubleshooting equipment, participants should understand equipment and connection type. Many entities using VRI have access to technical personnel for initial set-up and working sessions. Generally, technical support is available from the VRI provider and tends to be located off-site.

Prior to and during VRI sessions, an individual with a current knowledge of video and audio connections, IP settings, hardware arrangements and software configurations should be immediately available. Session testing provides quality assurance for bandwidth, video and audio clarity and maintenance of connection. Interpreters and participants may need to troubleshoot technical issues before and during an interpreted session.

Environmental Controls

Environments suitable for traditional onsite interpreting may not be appropriate for VRI. Effective management of environmental demands by all parties will help facilitate an acceptable provision of interpreting services. Environmental demands that may affect the VRI session include:

- lighting
- seating arrangements or sight lines to each video screen

² Video Development Initiative, 2005

Environmental Controls (con't)

- location of cameras
- location of consumers in relationship to each other and to each camera
- use of microphones
- background movements
- environmental noise
- clothing colors and patterns
- interpreter or participant idiosyncrasies

The Role of the Interpreter**QUALIFIED**

While adhering to the NAD-RID Code of Professional Conduct, interpreters working in VRI settings should also be qualified, having linguistic competence as well as a current understanding of the interpreting profession. High levels of skill, experience and professionalism are necessary for managing the varied content of VRI sessions. RID recommends that VRI providers develop hiring practices that ensure the highest quality interpreting services.

Standard practices of video remote interpreting sessions reflect traditional interpreting principles:

- Consistent use of qualified interpreters with appropriate skills and credentials for the setting;
- Appropriate length of time for interpreting segments in order to retain quality measurements;
- Use of interpreting protocols for team interpreting including use of Certified Deaf Interpreters (CDIs) when needed for effective communication.

TEAMING

Remote interpreting causes interpreter fatigue more rapidly than with traditional face-to-face interpreting.³ While this paper references remote spoken language interpreting, video interpreters should employ self-care techniques to guard against overuse injuries and burnout. Fatigue factors affect the quality of the interpretation, requiring shorter lengths of time interpreting prior to alternating interpreters. If an interpreter is working alone, it may be necessary to arrange frequent rest breaks. The RID Team Interpreting Standard Practice Paper cites rationale for team interpreting including factors such as length and/or complexity of the assignment, unique needs of the persons being served, and physical and emotional dynamics of the setting.

At times, there is a need for the addition of a Deaf interpreter. According to the RID Certified Deaf Interpreter Standard Practice Paper, Deaf interpreters are used for special communication challenges such as when idiosyncratic signs are used, when there is a deaf-blind consumer, or when the consumer has minimal or limited communication skills. See the RID Standard Practice Paper, Use of a Certified Deaf Interpreter, for additional information.

SETTINGS

Interpreting skill sets needed for VRI are setting dependent. See the [Medical](#), [Educational](#), [Legal](#) and [Mental Health](#) Sections of this VRI Standard Practice Paper for additional information. Interpreters should have the needed certifications, experience and skills needed for settings worked. They may need to have specialized skill sets and vocabulary to be qualified for specific settings.

STATUTES

Many states have licensing statutes that limit interpretation in the state to those who hold specific qualifications and/or who have registered with a state licensing entity. If an interpreter located in one state is providing remote interpreting services in another state, the interpreter may need to comply with the licensing or registration provisions of both states. If both the deaf party and the hearing party are

³ Moser-Mercer, 2003

STATUTES (con't)

located in separate states, then there is a chance the interpreter will need to adhere to the licensing statutes in multiple states. Some statutes have a waiver provision for short-term assignments (e.g., two weeks per year), and at least one state has a provision allowing remotely interpreted assignments to be interpreted by non-licensed individuals.⁴

Conclusion

It is important to understand the differences between video remote interpreting (VRI) and video relay service (VRS) interpreting as well as the boundaries of using each of these services. Although both services are provided remotely, their purpose, requirements and uses differ. (See the RID VRS Standard Practice Paper for additional information.)

Video remote interpreting is a viable form of interpreting with characteristics that are setting specific. The linked VRI setting discussions provide additional information for [medical](#), [educational](#), [legal](#) and [mental health](#) settings and give guidance when working in these settings.

VRI is not an absolute substitute for face-to-face interpreting. However, VRI can be used effectively by following guidelines set forth in this Standard Practice Paper, including the References Section, and by consulting with participants and other stakeholders. Working across cultures will improve services provided by interpreters in the VRS setting.

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⁴ Illinois Statutes Chapter 225 §443/25

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VIDEO REMOTE INTERPRETING

medical setting

About

The mandates of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (1990) require that all medical facilities ensure effective communication with deaf individuals.¹ Video remote interpreting (VRI) is a service that healthcare providers may utilize to respond to the communication needs of deaf consumers in medical settings. However, in many healthcare settings, VRI technology complicates the challenges of communication between deaf consumers and medical staff. This paper describes benefits and limitations, readiness protocols, technology and interpreter qualifications that need to be considered for the use of VRI in medical settings.

RID acknowledges that deaf consumers in medical settings include deaf medical professionals. This paper, however, will focus on deaf consumers of medical services and deaf family members of hearing consumers.

If at any time the deaf consumer determines that VRI does not provide effective communication, the consumer may choose to decline use of VRI in medical settings.²

Benefits and Limitations

Medical settings and providers vary greatly; this paper does not address all possible scenarios. The most common scenarios are addressed here.

In the emergency room, medical facilities frequently use VRI service until an onsite interpreter arrives. This allows the medical staff to respond expediently and obtain pertinent medical information in order to triage the patient's condition. Once the patient's condition has been assessed, basic facts of the situation can be reported to a local interpreter referral agency so that an appropriately matched onsite interpreter can be arranged as soon as possible, if indicated.

Whenever VRI service is used in non-emergency situations, it is crucial to obtain the consent and cooperation of all participants, especially the patient. When consent cannot be obtained, VRI is not appropriate and it is advisable to use an onsite medical interpreter. If at any time the deaf consumer is not comfortable with the physical set-up, the technology and/or the remote interpreter, it is the consumer's right to decline use of VRI in medical settings.

As with any medical situation, assessment of the individual's communication needs and the nature of the event will determine which service is optimal for effective communication. Medical situations that may not be conducive for VRI include:

- Some mental health settings (see the [Mental Health](#) Section for more information);
- Initial meetings with a specialist;
- Highly sensitive communications (e.g., diagnosis of a serious illness);
- Eye exams;
- Some occupational and physical therapy sessions;
- Patient transport.

An onsite interpreter may be preferable in these situations due to the communication and logistical complexities involved. A patient's stress level is often elevated during a medical visit; introducing a new technology may increase their discomfort.³

¹ Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

² National Association of the Deaf, Use of Video remote interpreting in the Medical Setting, 2008 Position Statement

³ National Association of the Deaf, Use of Video remote interpreting in the Medical Setting, 2008 Advocacy Statement

Sometimes, situations that might typically be conducive for VRI will not be appropriate due to the nature or condition of the patient. It may be inappropriate to use VRI when:

- The patient is a child;
- The patient has a cognitive limitation;
- The patient is heavily medicated or intoxicated;
- The patient is highly emotional or presents with violent tendencies;
- The patient has a secondary disability (e.g., low vision);
- The patient has an injury that impedes their ability to view the screen.

In these scenarios, a Certified Deaf Interpreter (CDI)⁴ is recommended and should be provided onsite to work collaboratively with either a remote or an onsite hearing interpreter. Certified Deaf Interpreters are also recommended for similar collaboration in situations involving foreign-born deaf people, individuals with underdeveloped language and those who use idiosyncratic language patterns.

If patient consent is obtained, VRI can be effective for:

- Routine physical exams;
- Some follow-up appointments;
- Doctor rounds;
- Admissions paperwork;
- Educational lecture format classes that require minimal demonstration (e.g., nutrition and smoking cessation classes).

In any of these instances, it is paramount that the illness or injury does not prevent patients from seeing VRI monitors and/or using their hands to communicate with remote interpreters.

Readiness Protocol

VRI providers strive to assign the best-matched qualified interpreters for specific assignments, including gender matching when appropriate (e.g., ob/gyn, urology). During on-demand emergency sessions, the remote interpreter or VRI provider will assess the communication needs of the situation and, if appropriate, may re-assign the session to an interpreter more suitable for the situation.

It is common practice for the remote interpreter to conduct pre-conference sessions with medical personnel and deaf consumers in order to obtain information relevant to the situation. These preliminary sessions promote effective communication as they allow the remote interpreter to gauge the consumer's language use, the positioning of equipment and the effectiveness of remote interpretation for the particular assignment. Depending on the nature of the medical situation and the consumer's language needs, the length of the pre-conference will vary.

If the remote interpreter determines that the situation is not appropriate for VRI, an onsite interpreter should be provided. If any of the participants believe that remote interpreting is not effective, then the parties need to arrange for an onsite interpreter. This could include providing an onsite Certified Deaf Interpreter (CDI) to work collaboratively with either a remote or an onsite hearing interpreter.

In response to staff turnover and rotating shifts, hospital personnel should be routinely trained in the use of VRI equipment and remote interpreting protocols. Training instruction includes:

- Location of equipment and access protocol;
- How to operate the equipment (e.g., powering on, connection to remote interpreter, disconnection procedures, troubleshooting technical problems including loss of connectivity, etc.);
- Limitations of the equipment and where it can be used within the medical facility;
- Guidance for working with a remote interpreter (e.g., awareness of additional lag time).

Such training is conducted periodically for medical staff and personnel and includes hands-on training and demonstration. Clear and concise operating instructions should be posted with the VRI equipment.

⁴ RID, Use of a Certified Deaf Interpreter Standard Practice Paper, 1997.

VRI sessions must comply with the Health Insurance Portability and Accountability Act (HIPAA) requirements to ensure a confidential environment that protects the privacy and dignity of the consumers.⁵ When VRI is used in common areas of the hospital, such as hallways or public areas, the VRI unit should be at the lowest possible volume that allows for clear understanding of the parties involved. The VRI monitor should not be visible to anyone not involved with the patient.

Because sign language interpretation relies on clear visual and auditory communication, any such barriers should be resolved before interpretation begins. Examples of potential visual and audio barriers include:

- Medical equipment
- High traffic areas
- Dark spaces
- Extraneous environmental noise

Due to the risk of equipment failure, an escalation plan should be posted with the VRI equipment. When medical personnel are not able to fix the failed equipment in a timely fashion, an onsite interpreter should be procured as soon as possible. Escalation plans include contact information for the:

- Onsite Information Technology (IT) Department;
- Materials Management Department;
- Video remote interpreting provider;
- Local interpreting agency that provides onsite interpreters.

The medical facility's Materials Management and IT Departments work together to ensure readiness of VRI equipment. Equipment is regularly tested and checked to confirm high-quality connectivity and clarity of video/audio transmission. It is recommended that medical facilities have a backup VRI unit in case of equipment failure of the primary unit(s).

Technology

Several of the readiness protocols described above apply to basic technical concerns. Wireless connections and positioning of equipment are addressed below.

Many medical environments use wireless connectivity in their network. Wireless connectivity for VRI has several limitations. The challenges of using wireless connections for VRI in medical settings include:

- "Dead zones" within the facility where reception is not accessible;
- Signal interference with other medical equipment (e.g., portable x-ray machine, EKG monitor, etc.);
- Lower bandwidth generally associated with wireless connections;
- Greater percentage of packet loss causing distorted and pixilated video output.

These factors affect the video stream and can negatively impact the communication.

A typical stand-alone VRI unit will not work in all medical settings. Patients will be in a variety of positions due to their injuries or illnesses. VRI units need to move in order to accommodate the patient's ability to see the VRI monitor and communicate with the remote interpreter. Portable VRI carts allow for a variety of placement options of the unit. VRI monitors on a flexible arm allow the patient to view the screen from a variety of positions.

Interpreter Qualifications

Similar to onsite medical interpreters, remote interpreters in medical settings possess the appropriate credentials and training to work in this setting.⁶

In addition, remote interpreters:

- Have thorough training on the use of VRI equipment;
- Troubleshoot technical issues in a timely manner;
- Are able to assess appropriateness for VRI and whether remote interpretation is a viable or effective service.

If at any time the deaf consumer determines that VRI does not provide effective communication, the consumer may choose to decline use of VRI in medical settings.⁷

⁵ Telemedicine Information Exchange, 2001, Law and Policies in Telemedicine, Privacy, HIPAA, Telemedicine and Telehealth, <http://telemed.org/legal/privacy>.

⁶ RID, Interpreting in Health Care Settings Standard Practice Paper, 2007.

⁷ National Association of the Deaf, Use of Video remote interpreting in the Medical Setting, 2008 Position Statement.

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VIDEO REMOTE INTERPRETING

educational setting

About

Video remote interpreting (VRI) can be an effective and appropriate way to deliver interpreting services in educational settings. Factors to consider before this technology is utilized include: student characteristics, content areas, readiness protocols, technology specifications, preparation and training.

Student Characteristics

Students receiving interpreting services through VRI need to be familiar with the specific role and responsibilities of the educational interpreter prior to initiating services through this media. For that reason, it is recommended that consumers in the K-12 environment be no younger than middle school age (6th grade and above).¹ Students at the postsecondary level can typically receive interpreting services through this venue with basic orientation to the technology; however, onsite interpreters are more effective when the classroom environment is highly interactive.

Content Areas

Careful consideration should be given to course content and teaching methods when opting to use VRI services. Issues impacting the auditory environment (e.g., poor acoustics) and the interpreter's ability to visually refer to content (e.g., not being able to see the blackboard) must be resolved. VRI is more appropriately used in lecture format classes. Curriculum with highly visual topics such as mathematics or courses involving extensive work on the board may exclude the interpreter from seeing the vital content, thereby impacting the accuracy of the interpretation. VRI is also less effective in classes taught using the Socratic Method, such as law, philosophy and medicine since the auditory environment can be difficult for the remote interpreter and result in limited access for the deaf consumer.

Readiness Protocol

When working with public schools and universities, firewall issues, security concerns and network traffic patterns must be addressed. Technical support personnel available to address these issues can vary at each institution. Staff from Information Technology (IT) and/or Instructional Support Departments should be included in the planning stages along with Disability Support Services (DSS) or Special Education personnel. Once it is established that the educational institution has the necessary resources to use VRI effectively, students and faculty who will use the service should be included in test calls and preliminary orientation meetings when possible. These meetings will provide consumers with general information on how the equipment works. It will also give faculty members guidance for best practice while this technology is being used. During this meeting, both students and faculty members will have an opportunity to ask questions and be provided the contact information for IT support services.

Technology

In educational settings, the type of equipment chosen can depend, to a large extent, on the need for portability. Laptops that are equipped with software and Web cams or desktop personal units which integrate the software and Web cam in one portable unit are both readily available. Either of these options can be moved to various locations at an institution. Laptops using outboard devices (Web cams and wireless microphones) should be configured with care. It is important that the total CPU load on a laptop configuration is adjusted to accommodate the CPU load the devices demand in order to ensure that video quality is not sacrificed.²

¹ Betts, J., McKay, J., Maruff, P., & Anderson, V. (n.d.). The development of sustained attention in children: the effect of age and task load. *Child Neuropsychology*, 12, 205-221.

² Polycom, Inc. (n.d.). Configuring Video and Audio Devices for Use with Polycom PVX. Retrieved from http://www.polycom.com/global/documents/support/user/products/video/select_audio_video_devices_for_pvx.pdf

Technology (con't)

VRI can also be used to accommodate students in distance learning classrooms. Classes taught using videoconferencing can be linked in a multipoint configuration. This allows the interpreter to receive the lecture from one location and simultaneously be seen at the deaf student's distance learning classroom location. In addition, VRI services can be used to allow deaf students to participate in traditional teleconferences when videoconferencing is not available.

Educational VRI services that rely on a wireless connection should only be used when the necessary bandwidth can be dedicated to the call. Insufficient bandwidth can cause packet loss resulting in poor video quality.³ With the advent of Internet2, many campuses and educational institutions will be able to provide exceptional levels of dedicated bandwidth for VRI in the classroom.⁴

Preparation and Training

Similar to onsite interpreters, it is essential that VRI interpreters in this setting prepare by familiarizing themselves with the content, context and participants. Whether VRI services are arranged in advance or on short notice, preliminary conferences between DSS and technical staff, instructors, interpreters and students are necessary. This allows for:

- Training in videoconferencing protocols that consider the interpreting process, in-class question repetition and communication delay;
- Training in the proper use of the equipment and application software, including how to place a call and make adjustments to the camera.

Students and professors must be comfortable with the arrangement and the use of the technology.

Interpreter Qualifications

In addition to licensing statutes required by individual states, interpreters in educational settings may need to satisfy requirements established by the relevant regulating body of state education systems.

³ http://pride.valdosta.edu/Whitepaper_Distance_Learning.pdf.

⁴ Greenberg, A. (2004). Super-Size Bandwidth and Two-Way Video in the Classroom: Internet2 and its impact on videoconferencing. http://www.ivci.com/pdf/video_conferencing_in_the_classroom.pdf.

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VIDEO REMOTE INTERPRETING

legal setting

About

While no standardized rules exist, certain protections are to be used for any remote legal interpreting assignment. As with any legal assignment, an individual analysis must be made of the demands of the case prior to recommending that it be undertaken on a remote basis. All parties consent in writing to using a video remote interpreting (VRI) service. As well, if it appears for any reason that the interpretation is not effective through a remote service, any party, including the interpreter, has the authority to suspend the matter and re-schedule it with an onsite interpreter. All VRI legal assignments, especially in law enforcement settings, should have the interpretation and the participants' original statements preserved through the use of visual and auditory recording mechanisms.

Benefits and Limitations

Since there is little guidance in the form of statute or regulation to define the parameters of video remote interpreting in legal settings, an analogy can be made to the treatment of videoconferencing use in federal criminal matters. In federal courts, the physical presence of the accused is required for certain matters, while in other matters videoconferencing can be used if the defendant waives the right to be present. While the analogy to the physical presence of an interpreter is not exact, an examination of Federal Rule of Criminal Procedure 43 is useful for determining when remote interpreting should be avoided.¹

Expanding this analogy, legal interpreting settings that require the presence of deaf participants and onsite interpreters include:

- Trials;
- Contested hearings (including domestic matters);
- Guilty pleas;²
- Mental commitment evaluations and/or proceedings;
- Polygraph examinations;
- Witness testimony;
- Depositions;
- Preliminary hearings;
- Evidentiary hearings;
- Ex parte domestic proceedings;
- Cases with multiple deaf participants;
- Cases with pro se deaf participants.

Certain other assignments are best suited for onsite interpreters. Matters involving deaf children, foreign-born deaf people or individuals who have underdeveloped language or who use idiosyncratic language patterns are generally not conducted through video remote interpreting.³ In these matters, a Certified Deaf Interpreter (CDI)⁴ is recommended and should be provided onsite.

Onsite interpreters are advisable for lengthy, complicated or critical matters such as settlement discussions, pre-trial or deposition preparation. In those proceedings in which a table interpreter is indicated for immediate communication access to counsel, onsite interpreters should be provided.

¹ Fed. R. Crim. Pro. 43(a)(1-3).

² *United States v. Melgoza*, 248 F.Supp.2d 691 (S.D.Ohio 2003).

³ RID, Interpreting in Legal Settings Standard Practice Paper, 2007.

⁴ RID, Use of a Certified Deaf Interpreter Standard Practice Paper, 1997.

Benefits and Limitations (con't)

Some law enforcement assignments may be done remotely. For example, standard booking or administrative processing incident to an arrest made with probable cause do not typically require much complicated communication. In these settings, remote interpreting may be more effective than using written communications for the majority of deaf people. However, in those law enforcement settings in which the Americans with Disabilities Act would suggest that an interpreter is a reasonable accommodation for effective communication, the interpreter should be provided in person.⁵ Additionally, due to the nature of many law enforcement assignments, the use of a CDI is advisable.⁶ When CDIs are used, the interpretation should not be done remotely because of the complicated nature of the work as stated above.

At the initial attorney-client conference, an onsite interpreter should be provided so that the attorney and the client can develop a rapport. Thereafter, some attorney-client interactions, such as discussion of scheduling matters, document review or preparation for a deposition, can be conducted with remote interpreting if all parties consent.

Other matters may be conducive to the use of video remote interpreting. Federal Rules permit video teleconferencing for initial court conferences,⁷ arraignments,⁸ status conferences, scheduling conferences, bond review hearings and other non-evidentiary hearings with the consent of the defendant. In these cases, the defendant is located off-site and participates through videoconferencing technology; the same underlying principles apply to video remote interpreting.

Staffing

Court cases are typically staffed by a team of onsite interpreters. The number and function of deaf participants in the case determines the number and positioning of interpreter teams. Onsite interpreter positions at any given moment will depend upon who is speaking, where the speaker is located, where the deaf participants are located, whether exhibits are being handled, the acoustics and the physical layout of the court room. Because of the need to change positions frequently, to accommodate multiple deaf participants and have complete visual and auditory access to the court and all of the participants, video remote interpreting is not recommended for most complicated or lengthy legal proceedings.

When considering the use of VRI in less complicated legal proceedings, several factors should be considered, including but not limited to:

- The number and roles of participants;
- The role and function of interpreters;
- The existence of visual and/or acoustic impediments;
- The need to interpret privileged communications;
- The physical placement of participants in the court room.⁹

During proceedings when deaf participants need immediate access to counsel, onsite table interpreters typically work outside of court in the hall, in a witness room or at the table. When the interpretation is handled remotely, this type of immediate privileged communication is far more difficult to arrange logistically. In the remote setting, there is typically one videophone that would have to be physically moved from setting to setting to handle these conversations. Likewise, protections must be put into place to ensure that the audio portion of the interpretation is not overheard by any of the other participants present. Due to the cumbersome logistics involved, remote interpreting should not be used when the proceedings are complex enough to require table interpreters.

⁵ Americans with Disabilities Act, 42 U.S.C. 12101, *et seq.*

⁶ RID, Use of a Certified Deaf Interpreter Standard Practice Paper, 1997.

⁷ Fed. R. Crim. Pro. 5(f).

⁸ Fed. R. Crim. Pro. 10(c).

⁹ Mathers, C. (2007). Sign language interpreters in court: Understanding best practices. pp. 73-178. Bloomington, IN: Authorhouse.

Interpreter Qualifications

The legal interpreter should hold the Registry of Interpreters for the Deaf Specialist Certificate: Legal (SC:L). In the absence of that credential, the interpreter should hold national certification in ASL interpreting and should have taken legal interpreter training. Deaf interpreters should have both generic interpreter training and legal interpreter training to be qualified to work in remote interpreting environments.

Preparation/Readiness Protocol

Interpreting teams for on-the-record proceedings and attorney-client conferences must preview pertinent documents from the case file as far in advance as possible. Documents can be sent by facsimile or by electronic mail to interpreting teams working in a remote setting. Prior to the assignment, the remote interpreters must be afforded the opportunity to interview each deaf participant and counsel.

The interpreters should supply the hiring party with a copy of their credentials by electronic mail or facsimile to be placed on the record. Prior to interpreting the proceeding, the interpreters should undergo voir dire, which means to be sworn to interpret accurately and to state credentials and absence of any improper relationship with the participants for the record. The oath should include the fact that the interpretation is being conducted remotely, and that the interpreters agree to stop the proceedings if the interpretation is compromised by the technology in any manner.

If any party believes that remote interpreting is not effective, then an onsite interpreter must be provided.

With regards to specific technical needs of interpreting an on-the-record proceeding remotely, the equipment must be able to switch between private and public settings in order for the attorney to use the remote interpreters for attorney-client conversations. During the proceeding, then, if the deaf person wants to confer with counsel, the proceedings must stop, and either the equipment must be moved to a private area for the privileged communication, or the attorney must have access to head phones in order to hear the interpreted rendition of the deaf client's privileged communication. Finally, the technology must allow for the interpreters to initiate bench conferences when issues affecting the interpretation need to be heard in private.

In sum, most legal assignments should be handled by onsite interpreting teams. In those limited instances in which the Federal Rule of Criminal Procedure would permit a defendant to attend a proceeding through videoconferencing technology, then an interpreter who is present through videoconferencing equipment may also be acceptable. All parties should be afforded the opportunities to accept or reject video remote interpreting; however, the duty lies within the court interpreter to assess the assignment and advise the participants regarding the effectiveness of the solution.

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VIDEO REMOTE INTERPRETING

mental health setting

About

Video remote interpreting (VRI) in mental healthcare environments requires thoughtful, collaborative deliberation. When mental health interpreters share the physical environment with patients and staff, they are better equipped to recognize and respond to the demands of the mental healthcare environment and convey the essential nuances of communication.¹ VRI technology could address the need for provision of interpreter services in areas where qualified mental health interpreters are not available; however, VRI should not be considered a substitute for onsite mental health interpreters.²

Readiness Protocol

It is critical to obtain the consent and cooperation of all participants, especially the patient, for the use of VRI technology.³ At a medical or mental healthcare entry point, determination of consent for initial use of VRI can be attempted by referencing an iconic representation of VRI equipment. The deaf individual may then indicate whether VRI is an acceptable option. Prior to the VRI session, the video interpreter and the mental healthcare professional should engage in a pre-session conversation to communicate therapeutic or situational goals and strategies for managing technical parameters and procedures. The video interpreter may offer their professional judgment on pertinent issues of language, culture and whether an onsite interpreter might be a more suitable option.⁴ If consent is obtained and the pre-session is complete, the video interpreter and patient establish rapport and assess communication compatibility.

When consent cannot be obtained, VRI is not appropriate and it is advisable to use an onsite mental health interpreter.⁵

When using VRI, protection of patient privacy should be a primary concern. Video equipment should be located in a quiet, private location. The video screen should be located behind and slightly to the side of the mental healthcare provider or staff to allow a direct sight line, thus supporting the development of provider-patient rapport. VRI sessions must comply with the Health Insurance Portability and Accountability Act (HIPAA) requirements in order to ensure an environment conducive to confidentiality and the protection of the privacy and dignity of the communication interaction.

Benefits and Limitations

Some mental healthcare situations are not appropriate for VRI. Individuals who are unable to differentiate reality from delusions cannot be expected to effectively communicate through an interpreter on a video screen. Consideration must be given as to whether the patient can tolerate the limitations of a designated signing space and maintain eye contact necessary for VRI sessions. VRI is not recommended for group settings in mental healthcare because audio and visual limitations do not allow the interpreter to adequately identify the group participants and convey subtle nuances of communication.

When an onsite interpreter is not available, VRI can be used effectively when all parties consent. Should a deaf person prefer not to use an onsite interpreter for one-on-one settings, including triage or intake interviews, discharge planning and meetings with counselors, VRI is appropriate once the technical and logistical criteria have been met.

¹ RID, Interpreting in Mental Health Settings Standard Practice Paper, 2007.

² National Association of the Deaf, Use of Video remote interpreting in the Medical Setting, 2008 Advocacy Statement

³ National Association of the Deaf, Use of Video remote interpreting in the Medical Setting, 2008 Position Statement

⁴ RID, Interpreting in Mental Health Settings Standard Practice Paper, 2007.

⁵ Telemedicine Information Exchange, 2001, Law and Policies in Telemedicine, Privacy, HIPAA, Telemedicine and Telehealth, <http://telemed.org/legal/privacy>

Interpreter Qualifications

Parallel to onsite interpreters, it is essential that remote interpreters demonstrate therapeutically aligned demeanor and possess a specialized skill-set for interpreting in mental healthcare settings. RID recommends that interpreters working in these settings hold current RID certification to assure a minimum level of interpreting competence and compliance with the NAD-RID Code of Professional Conduct.

Additional Resources

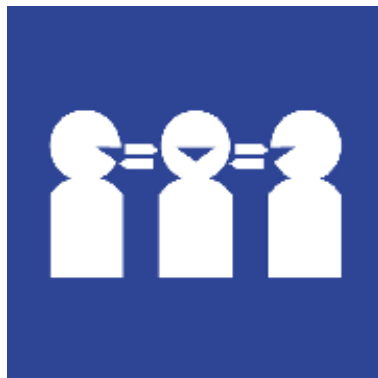
Telepsychiatry Via Videoconferencing Resource Document. (1998). Retrieved from http://archive.psych.org/edu/other_res/lib_archives/archives/199821.pdf



Court Interpreter Certification

SECTION 4

Modes of Interpreting



Modes of Interpreting

Presentation adapted from NAJIT Position Paper:

**Modes of Interpreting: Simultaneous,
Consecutive, & Sight Translation**

*Symbol used above is Australia's Department of Immigration and Citizenship National Interpreter Symbol



Three recognized modes

- Three modes recognized by interpreting profession and adopted in federal and state statutes and court rules:
 - Simultaneous interpreting
 - Consecutive interpreting
 - Sight translation
- Each mode fits particular needs and circumstances in the judicial process



Simultaneous Interpreting

- Rendering one spoken language into another at approximately the same time
- Interpreter speaks virtually at the same time as the LEP person
- Must be done without omissions or embellishments



Simultaneous Interpreting is used:

- When participants, most often defendants, are playing a passive role in court proceedings (ie. They need to listen but do not need to speak)
 - arraignments, hearings, trials



Simultaneous Interpreting is used:

- In order to preserve the defendant's due process rights (i.e. To ensure the defendant is truly *present* and able to take an active part in her defense)
 - everything spoken in open court must be interpreted to her simultaneously



Keys for proper simultaneous interpreting

- In the simultaneous interpreting mode, the interpreter must do several things at once:
 - listen intently
 - accurately render all speech from the source language to the target language
 - be prepared to switch languages and modes rapidly (i.e. when LEP party directly engages in the procedure)



Consecutive Interpreting

- Consecutively rendering “chunks” of speech from one language into another
- Spoken in brief, successive sound bites
- Must be done without omissions or embellishments
- Allows all parties to understand each other more slowly and deliberately (compared to simultaneous interpreting)



Consecutive Interpreting is used:

- When LEP participants play an active role — when they must speak or respond
 - i.e. during examinations, cross-examinations, and other proceedings
- When parties are addressing a witness or defendant on the witness stand



Consecutive Interpreting is used:

- In legal settings, such as attorney/client or prosecutor/witness/victim interviews
- During police interviews of suspects, witnesses and/or victims, especially during recorded interviews



Keys for proper consecutive interpreting

- Listen intently to whatever party is speaking
- Take notes to aid in recollection
- Develop short term memory skills to accurately interpret *after* the party has completed his/her statement



Sight Translation

- A hybrid of translation and interpreting
- Rendering documents written in one language into verbal communication in another language
- Must provide true and accurate verbal – without omissions or embellishments
- Allows parties to understand the meaning of documents written in foreign languages



Sight Translation is used:

- When LEP defendants are given forms in court that are written in English
 - rights forms, plea forms, probation orders
- When foreign-language documents such are presented in court
 - birth certificates, personal letters, identity documents



Keys for proper sight translation

- Take sufficient time to review the document's contents before rendering it
- The interpreter must:
 - possess a wide vocabulary and knowledge of the specific type of document presented
 - have the ability to quickly scan and understand the main points of the document
 - accurately interpret the document into its equivalent meaning in the target language



References

NAJIT POSITION PAPER

Modes of Interpreting: Simultaneous, Consecutive, & Sight Translation

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Footnotes from original paper

1. *NAJIT Code of Ethics and Professional Responsibilities*, Canon 1 (www.najit.org/ethics.html). Also see *Professional Ethics and the Role of the Court Interpreter*, 3d Edition, 1999. Judicial Council of California, pp. 2-4 (<http://www.courtinfo.ca.gov/programs/courtinterpreters/documents/ethicsman.pdf>).
2. California Constitution. Article 1 § 14 (<http://www.leginfo.ca.gov/const.html>). Also see *People v. Aguilar* (1984) 35 Cal. 3d 785, 790.
3. U.S. Code, Title 28, § 1827(k).
4. Ibid.
5. González, D., Vásquez, V., & Mikkelsen, H. (1991). *Fundamentals of Court Interpretation* (p. 168). Durham, NC: Carolina Academic Press.
6. *Professional Ethics and the Role of the Court Interpreter*, 3d Edition, 1999. Judicial Council of California, p. 26 (<http://www.courtinfo.ca.gov/programs/courtinterpreters/documents/ethicsman.pdf>).



Modes of Interpreting for Signed Language Interpreters

From: “Modes of Interpreting: Best Practice Protocols,” official publication of the National Consortium of Interpreter Education Center, 2009.

The Best Practices and Protocols

The *Best Practices* set forth in this document are critical in ensuring that professional interpreters specializing within court and legal proceedings perform their interpreting duties in the most effective, accurate and ethical manner.

Best Practice: A.1

The best practice for producing an effective interpretation in court and other legal settings is to achieve an accurate, meaningful, and effective interpretation that meets the cultural and linguistic needs of the deaf individual or party.

1.1 Due Process and Effective Interpretation

The U.S. Constitution guarantees individuals the right to due process and the right to meaningful participation in court and/or legal proceedings in which they are involved. Providing Limited English Proficient (LEP) and/or are deaf or hard-of-hearing individuals with legal interpreters who possess the knowledge, skills and ability to provide a meaningful and effective interpretation is essential to upholding these individual rights.

1.2 Achieving a Meaningful and Effective Interpretation

Court and legal settings constitute a “high risk” venue for deaf and hard of hearing individuals. Miscommunication can have devastating consequences for those who find themselves involved in legal matters. Russell notes, “There is widespread agreement among experts in the field of interpretation that the principle of accuracy of courtroom interpretation is extremely important to the integrity of the legal system and to ensuring non-English speakers have equitable access to justice” (p. 57). An interpretation is functional and effective when conveying meaning from one language into another in a manner that meets the communication needs of the deaf individual or party.

1.3 Producing an Accurate, Meaningful, and Effective Interpretation Requires Time

It is not uncommon for the general public to assume that interpreting between two languages occurs almost instantaneously. It may appear that while one speaks or signs an interpreter instantly and effectively formulates an accurate interpretation into the target language. In reality, interpreting between two languages is a highly

complex process requiring time, even from the most highly skilled, expert legal interpreters.

To achieve an accurate, meaningful, and effective interpretation, it is necessary for legal interpreters to put the fidelity of the interpretation above any pressure to produce a speedy, pseudo-efficient interpretation.

Best Practice A.2

When interpreting in court and legal settings, consecutive interpretation is the best practice for achieving an accurate, meaningful, and effective interpretation.

2.1 Evidence for the Increased Accuracy When Using Consecutive Interpretation Verses Simultaneous Interpretation

Spoken language interpreters have primarily interpreted consecutively, waiting for an utterance to come to a logical conclusion or stopping point before speaking the interpretation of that intact segment. They have done so for both pragmatic and technical reasons. Listening to a spoken interpretation at the same time a foreign speaker is speaking creates difficulty hearing the message, as well as monitoring the fidelity of the interpretation. Literature and research within the field of spoken language interpreting states that “consecutive interpreting is used whenever a high degree of accuracy is needed (Gonzalez, Vasquez and Mikkelsen, 1991, p. 379) Research from the field of sign language interpreter reinforces that “*consecutive interpretation allows for a greater degree of accuracy than simultaneous interpreting.*” (Russell, p. 2) In its position paper titled, *Modes of Interpretation: Simultaneous, Consecutive and Sight Translation*, NAJIT states, “*Consecutive interpreting is a true and accurate interpretation of one language to another...*” (www.najit.org)

American Sign Language (ASL) is a distinct and separate language from spoken English. It is a highly visual language with its own grammar, syntax and cultural complexities that affect the way the language is used among Deaf people for whom ASL is a native or near native language. Interpretation between two languages requires an interpreter who is bi-lingual and bi-cultural in ASL and English in order for the interpretation to be effective. Because ASL/English interpreters are working between two distinct languages, experience and research demonstrate that consecutive interpreting substantially increases the accuracy, meaning, and effectiveness of ASL/English interpretation.

Dr. Debra Russell conducted a research study comparing the differences in the effectiveness of sign language interpretation using simultaneous and consecutive

approaches. Russell found that when court interpreters used consecutive interpreting, a higher degree of interpreting accuracy was achieved (*Russell, 2002, p. 159*).

This study lends support to the experiences of highly qualified legal interpreters in the use of consecutive interpreting in court and legal proceedings to improve the accuracy and effectiveness of the interpretation (*Russell, p. 53*).

2.2 Consecutive Interpretation Essential during Expert Testimony, Direct and Cross Examination of Deaf Witnesses

In Russell's research (2002), evidence showed fewer error rates during expert witness testimony and in the direct and cross-examination of a deaf witness when compared to simultaneous interpreting. Russell notes that, *"While all aspects of a trial are important, the area of giving direct evidence and the subsequent cross-examination is critical"* (p., 160). Given that these discourse types play an evidentiary role in courtroom interactions and depositions, increasing accuracy and reducing errors in testimony is essential to the fidelity of the evidence and trial process (*Russell, p. 160*).

Although Russell's research study focused on courtroom interactions, it is recognized that depositions are legal proceedings that involve the taking of testimony under oath. Therefore, the same best practices of consecutive interpreting apply to depositions as they do to interpreting courtroom testimony.

2.3 Consecutive Interpretation Essential in Other Legal Settings

When interpreting in legal settings involving interactions other than taking a statement or testimony, the use of consecutive interpreting continues to be the most effective method for achieving a higher degree of accuracy when interpreting between two languages. These interactions may involve investigations, attorney-client interviews, interviews of witnesses, mediation, court ordered meetings, etc.

Best Practice A.3

When engaged in consecutive interpreting, note-taking is a best practice that significantly improves the interpreter's ability to recall details, organize ideas for deep processing and increase the accuracy, meaning, and effectiveness of an interpretation in court and legal settings.

3.1 Practice Shows Significant Benefits to Memory and Effective Interpreting When Note-taking During Consecutive Interpreting

Interpreting between two or more languages engages both short-term and long-term cognitive memory (Cokely, 1992). When interpreting consecutively, interpreters rely heavily on recalling details to ensure an accurate and effective interpretation. The high stakes nature of legal interpreting emphasizes the critical need for interpreters to take measures that will assist in the accurate recall of a message, particularly when interpreting witness testimony.

Both spoken language and sign language interpreting professions have identified significant benefits to the use of note-taking in consecutive interpreting. Note-taking is a skill that must be developed. According to Hanh (2006), note-taking helps improve the interpreter's concentration, relieves the pressure placed on an interpreter's working memory and helps to ensure that details are not lost in the interpretation (p. 13). This is critically important for consecutive interpretation within the court and legal proceedings where testimony becomes or has the potential to become evidence in a court case.

Best Practice A.4

Legal interpreters engage the use of simultaneous interpreting when it achieves accuracy, meaning, and effectiveness in the interpretation and meets the cultural and linguistic needs of the deaf party.

4.1 Evidence of the Limitation of Simultaneous Interpretation

Historically, simultaneous interpretation has become most prominent method of interpreting within the field of American Sign Language and English interpretation. This occurred, in part, because interpreting between a spoken language and a visual language does not create overlapping or competing sound between a message and the interpretation. Simultaneous interpretation has allowed for greater efficiency in the production of the interpretation because the interpreter is signing while listening to spoken English or listening to spoken English while producing the interpretation into ASL (Russell, p. 52).

While simultaneous interpretation is perhaps more efficient, it is not a guarantee of accuracy and effectiveness, particularly when interpreting between two languages such as ASL and English. In Russell's research, she indicates that interpreters were aware that simultaneous interpretation was less accurate, but that there often remained tremendous pressure on interpreters to "keep up with the volume" (p. 155). In particular, she found that there were increased errors during simultaneous interpretations of expert witness testimony, direct examination and cross examination. (p. 160)

Thus, it is critical for legal interpreters to always remain cognizant of the limitations of simultaneous interpretation. It is not uncommon for interpreters to experience mental interference while attempting to simultaneously process incoming and outgoing messages. This interference causes, not only increases the risk of errors in the interpretation, but also makes it increasingly more difficult for legal interpreters to catch interpreting errors as they occur.

4.2 Factors Affecting the Accuracy of Simultaneous Interpretation

There are situations in which simultaneous interpretation can be meaningful and effective, such as when interpreting for a deaf person fluent in the English language. Not all deaf people are fluent in American Sign Language (ASL). Some may be bilingual in both sign English and ASL. Others may only be fluent in sign English. When interpreting from spoken English to sign-based English, simultaneous interpreting can be both effective and efficient. It is important to keep in mind, however, that an efficient interpretation is not more important than an effective one, and the more dense or technical the material, the longer the interpretation process.

Whether or not simultaneous interpretation is effective can also be influenced by a number of other factors, such as the interpreter's familiarity with the subject matter, the predictability of communication, the amount of prior preparation, the speed at which the interpreter is expected to keep pace, mental and/or physical fatigue, the specific language needs of the deaf party, etc. (*Russell, pp. 154 – 168*). Thus, legal interpreters should evaluate all the interpreting-related demands of the situation to determine the most appropriate method of interpreting.

4.3 Cautions in the Use of Simultaneous Interpretation in Court

While simultaneous interpretation does have its application in court and other legal proceedings, and with particular deaf parties, legal interpreters must examine the assumption that it is the status quo approach. They must be able to assess the pragmatics of each situation, and determine whether or not the use of simultaneous interpretation meets the best practice of meaningful and effective interpretation.

Proceedings interpreters frequently use simultaneous interpretation while interpreting open court or legal proceedings in which the deaf party is "*playing a passive role in court*" (*NAJIT Position Paper: Modes of Interpretation: Simultaneous, Consecutive and Sight Translation, www.najit.org*). Given the research on simultaneous interpretation, it is important to consider that for a deaf person who is fluent in ASL, effectiveness of the interpretation might be compromised when interpreting simultaneously. This can adversely affect whether a deaf person has sufficient understanding of the proceedings to assist counsel in his or her defense.



Placement of sign language interpreters in court

FACT SHEET

In most courts today it is a familiar sight to see a spoken language interpreter standing or sitting next to a non-English speaker and quietly whispering all of the proceedings to the person and interpreting their responses into English. Less often, courts see deaf citizens who come to court to respond to charges or to present cases of their own. In those settings, a sign language interpreter functions much the same way as a spoken language interpreter in conveying the proceedings to the deaf person and the deaf person's comments and responses to the court. A major difference, however, is the unique placement of the sign language interpreter in court. This document will provide a brief overview of the proper placement for a sign language interpreter when there is a deaf participant in a proceeding.

It may seem obvious to say that sign language is a visual language; however, the visual nature of the language requires that the interpreter stand in front of and in the direct sightline of the deaf person. It is also helpful if the interpreter is located near the person who is speaking so the deaf person can glance back and forth from the speaker to the interpreter to get a flavor of the speaker's mood and manner of expression. When a deaf person is a party and located at counsel table, this requires that the interpreter stand in the center of the court room (the well) with his or her back to the court. In this way, the deaf party can see both the judge and the interpreter and will be better able to participate. At times, bailiffs and clerks may be hesitant to permit the interpreter to stand in the well. Once informed of the need to be in the deaf person's sightline, most bailiffs and clerks permit the interpreter to be properly placed. While the attorneys are speaking, the interpreter will remain in the center of the courtroom and indicate who is speaking visually. The interpreter does not have to move physically next to each speaker because given the close proximity in the well, it is relatively easy for the deaf person to glance at the speaker during natural pauses. This is preferable to having the interpreter in constant motion between speakers. On rare occasions, such as when demonstrative evidence is being used, there may be a need for the interpreter to move closer to the exhibit. For the most part, the centralized location represents a balance and is a standard practice in any group setting with which most deaf people are accustomed.

When the deaf person is on the witness stand, the interpreter will remain in the well facing the witness with his or her back to counsel. Court interpreters are careful to avoid blocking the jury's view of the witness. With some courtroom physical configurations, it is difficult to place the interpreter in a manner in which all counsel have a clear view to the jury. When this happens, it is preferable that the court instruct counsel to move to a location from which they can see the witness rather than moving the interpreter. Likewise, when the deaf participant is a juror, the interpreter will be in the well facing the deaf juror and not obstructing the jury's view of the witnesses. Because for complicated matters, interpreters generally work in teams, there will be two interpreters working together in these proceedings. When interpreting for a deaf witness, they will be standing side by side in the well. Because of the nature of witness interpreting, i.e., the interpreter's voice becomes the record, both interpreters need to be close enough to each other to make minor adjustments to the interpretation for accuracy unobtrusively. If the interpreters were located some distance apart this monitoring function would become distracting for the court and the participants. This same position is also effective when there are both deaf parties and a deaf witness as long as sightlines to the interpreters are unimpeded. When the only participant is a deaf party at the table, one interpreter will be in the well facing the deaf person and the other will typically be across from the interpreter, in their sightline, usually standing behind the deaf party in order to monitor the working interpreter for accuracy and to make minor adjustments visually through sign as necessary. In this instance, the visual adjustment through sign language is the least obtrusive method.

Finally, prior to the deaf person's matter being called, or if there is a deaf audience member only, such as a family member, the court interpreter will want to stand or sit in the aisle or just inside the well facing the audience member to interpret the proceedings for them. Sometimes bailiffs or courts mistake this communication for prohibited side conversations and instruct the interpreter to stop signing. It is important to recognize that the interpreter is not having a conversation with the deaf person. Rather the interpreter is providing a reasonable accommodation to an important public service that deaf people have come to expect as a result of federal legislation.

The following diagrams represent the most common physical configurations for sign language interpreters that you will encounter in your courts.

[insert diagrams]

Should you have more questions, further information is available from the NCIEC at www.nciec.org, under the Projects tab at the Legal Interpreting Work Group link.

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American Sign Language Interpreter Teams

FACT SHEET

While all language interpreting is mentally taxing, sign language interpreting adds a physical dimension due to its nature as a visual language. As a result, for many legal interpreting assignments, sign language interpreters work in pairs. The professional association for language interpreters, the National Association for Judiciary Interpreters and Translators defines team interpreting as “the practice of using two interpreters who rotate to provide simultaneous or consecutive interpretation for one or more [non-English speaking] individuals.” Team interpreters alternate interpreting duties to reduce mental and physical fatigue, reduce the potential for errors in the interpretation by monitoring and making adjustments as necessary to ensure accuracy, assist with note-taking and with monitoring the environmental logistics of the interpreted setting.

Research has confirmed the physical challenges that sign language interpreters face when they work alone for long periods of time. The professional association has long been concerned that the proper ergonomic conditions, including the use of two interpreters who alternate interpreting, be implemented for the physical health of sign language interpreters. According to the Registry of Interpreters for the Deaf (RID), all sign language interpreters are at risk of developing some kind of Repetitive Stress Injury (RSI) during their careers, and if ignored, RSI can develop into a permanent disability. RSI is defined as “a stress-related, cumulative type of injury resulting from constant repetitive movements. Tendons, ligaments and muscles are worn down over time doing repetitive tasks with insufficient rest periods. Awkward angles during movement, constant and continual vibrations, temperature extremes and dehydration are some of the other culprits that can contribute to the development of RISs. This soft tissue injury includes more than twenty different kinds of injuries including carpal tunnel syndrome, tendonitis, thoracic outlet syndrome, among others. RSI is also known as cumulative trauma disorder, muscle-skeletal disorder, repetitive motion injuries, tennis elbow and mouse thumb.” www.rid.org. There are many things interpreters can do to prevent RSI and key among those is to work in teams.

In addition to the physical aspects, interpreting is mentally taxing. Research has shown that there are 22 discrete cognitive activities taking place simultaneously when a spoken language interpreter is working (Vidal, 1997). It is likely that this number is greater for sign language interpreters who are working in an

additional visual dimension while interpreting. Scholarship from the field of interpreting suggests that mental fatigue sets in after approximately 30 minutes of sustained simultaneous interpretation, resulting in the marked loss of accuracy in the interpretation (Cokely, 1992; Moser-Mercer, et. al, 1998). When an interpreter is not actually interpreting but in the 'off' position, the interpreter is not actually off duty. Rather, the interpreter is actively monitoring the working interpreter's accuracy and making adjustments as indicated. At times, these adjustments need to be made immediately and you might see the team interpreter surreptitiously sign or speak to the working interpreter to adjust the interpretation. At other times, the team interpreter might make a written note and discuss the point with the interpreter at a break. Rarely, and typically during witness testimony by an individual who is deaf, the interpreters might seek permission to confer with each other to adjust the interpretation for accuracy. Since the interpreters are ethically obligated and sworn to interpret accurately, these communications should be welcomed. These modifications are not viewed as a sign of substandard interpreting skill; rather, they are properly viewed as a commitment to the fidelity of the interpretation.

Hence, team interpreting provides the court with an additional measure of security to ensure that the record is accurate and the non-English speaking parties are fully present and able to participate in the proceedings. Spoken language interpreter associations are in accord. According to the National Association of Judiciary Interpreters and Translators, "[t]eam interpreting is the quality control mechanism implemented to preserve the accuracy of the interpretation process in any circumstance." (www.najit.org). Should you have more questions regarding team interpreting, further information is available from the NCIEC at www.nciec.org, under the Projects tab at the Legal Interpreting Work Group link.

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Linguistic Considerations of Deaf Litigants¹

FACT SHEET

It may come as a surprise to learn that deaf people you encounter in court may struggle understanding the interpreted proceedings. This is true because many deaf people do not use or understand English well and may not have fully mastered sign language either. Courts naturally expect that any sign language interpreter can effectively mitigate the language issues presented by deaf Americans. While this may be true with other languages, deaf users of American Sign Language (ASL) present different linguistic challenges for the courts and for court interpreters. This paper is designed to help you understand the unique circumstances of deaf Americans and how the process of acquiring language as children affects their use of it as adults.

Language learning normally starts in early childhood. Assuming easy access to language, the process is typically well underway by the time the child enters school. For deaf children, however, access to language is anything but easy. The critical window for learning language is considered to be prior to age seven. It has been estimated that only ten percent of deaf children are born into families with parents who are also deaf and are able to engage the deaf child in the process of natural language development during this critical time. Studies show that parental communication skill is a significant predictor for positive language and academic development in deaf children. However, the majority of deaf children born in America are born to parents who can hear and who do not know sign language. Most of these parents have no prior experience in communicating or living with a deaf individual and therefore are ill-equipped to address the unique language and communication needs of a deaf child. As a result, the majority of deaf children are deprived of exposure and access to a language-rich family environment.

As well, it is common for it to take several months or years before a deaf child is diagnosed as having a hearing loss. This delay impacts the use of various alternatives—such as the use of sign language—to develop the language and communication skills of a deaf child. Further,

¹ Much of this fact sheet is adapted and derived from information contained in an amicus brief drafted by the same authors. The case was *Linton v. Texas*, No. 13-05-00668-CR (13th Dist. Corpus Christi) (Aug. 2006).

before parents can use sign language to communicate with their child, they first must learn the language themselves.

The result of these two factors—a lack of natural communication within their families and delays in finding alternative approaches to communication—is that deaf children commonly have tremendous language delays and enter the public school system significantly behind their non-deaf peers.

This delay in language is further complicated by the differing opinions of experts—such as physicians, pediatricians, audiologists, speech pathologists and teachers of deaf children—as to what is the most effective way to communicate with and educate a deaf child. Expert opinion includes perspectives that all deaf children should have their hearing amplified with hearing aids or implants, and/or all should be taught to speak and read lips, and/or all should be taught to use sign language, and/or any number of other combined approaches. In reality, determining the most appropriate approach for teaching language and communication skills to a deaf child depends on many factors—such as, the age at which the child loses his or her hearing, the amount of residual hearing the child may possess, the motivation of the family to learn and apply a systematic approach to communication with a deaf child (which might include learning sign language), and the ability and motivation of the deaf child. When these differing expert opinions are coupled with the sense of loss and devastation experienced by many parents upon learning that their child is not able to hear, the difficulty in raising a deaf child within a language-rich home and school environment is even further compounded.

Another factor that contributes significantly to language acquisition of deaf children is educational methodology. Education for the deaf confronts a central fact—it is the sense of sight instead of hearing which conveys language symbols to the person who cannot hear. For example, if the educational methodology involves the focus on teaching the child to learn to speak and read lips, the time required for such instruction can impact the time available to teach content knowledge in subject matter. So, instead of sitting in a language arts class, a child may have to divide time between the class and a session with a speech teacher who is teaching the child to say and understand a few words and sentences. Or, if the deaf child is placed into a mainstreamed public school classroom with an interpreter who is less than competent, he or she will continue to suffer from a lack of language-rich exposure, and subsequently academic performance will suffer. “Preliminary evidence indicates that interpreters have difficulty expressing the speaker’s register and indicating who is speaking. In a sample of approximately 1,300 interpreters who have been evaluated using the Educational Interpreter Performance Assessment, the ability to communicate prosodic aspects of the classroom discourse was difficult for all the interpreters but particularly those who were evaluated for interpreting in the elementary school setting.”² And, many teachers of the deaf

² B. Schick (2004). How Might Learning through an Educational Interpreter Influence Cognitive Development? In E. Winston (Ed), *Educational Interpreting: How It Can Succeed*. Washington, DC: Gallaudet Press. p. 77.

possess only limited competence in sign language and therefore, cannot provide meaningful language modeling to the deaf child.³

It is the combination of these factors, among others, over time that has such a devastating consequence on language acquisition in deaf children. A deaf child who has limited to no meaningful communication within his or her family, enters public school significantly delayed and without a foundation for handling the rigors of the educational system. If that child, once in the system, is confronted with educational professionals who are less than fluent in sign language, he or she grows into a deaf adult with significant language, knowledge and performance gaps.

These same factors impact the ability of deaf people to acquire literacy in English. Without a foundation in a natural language, the ability to acquire reading and writing skills is greatly impaired. The average reading level of deaf individuals is at the 4th-5th grade level. In short, the ability of deaf people to read and write English varies greatly and is impacted by a wide range of factors. So, when written communication is used with deaf and hard-of-hearing persons, it should be done cautiously. Generally, it should be for short and simple communication and should be assessed for its effectiveness. The use of real-time transcription will be a rarity, as most deaf people do not possess sufficient English competence to benefit from this technology as their primary source of information in a courtroom.

It is the systemic and accumulative effect of language and information deprivation that creates a unique set of challenges when determining the communication and interpreting needs of deaf individuals. These challenges are compounded further when a deaf individual is in a court setting and basic constitutional rights are at risk. In such instances, it is imperative that the court engage in an individualized inquiry to determine the constellation of factors that impact a particular deaf person in a particular matter. The court should actively inquire whether the deaf participant is able to understand the interpreter. The court should ask the deaf person open-ended questions designed to elicit a narrative response from the deaf person. The court should ask the deaf person to state back any instructions to ensure understanding. Finally, the court should undertake a detailed examination of the interpreter to ensure the interpreter understands the deaf person, and has a mechanism for bringing any obstacles to understanding to the court's attention.

Should you have more questions regarding communicating with deaf individuals, further information is available from the NCIEC at www.nciec.org, under the Projects tab at the Legal Interpreting Work Group link.

³ Coryell, J., and Holcomb, T. (1997). The Use of Sign Language and Sign Systems in Facilitating the Language Acquisition and Communication of Deaf Students. In *Language, Speech, and Hearing Services in Schools* Vol.28 384-394 October.

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Tips for Sign Language Interpreted Proceedings

FACT SHEET

It is fairly common for courts to encounter non-English speakers who need interpreters in their courts; yet it is less common for courts to encounter sign language interpreters for deaf participants. While there are many similarities between sign and spoken language interpreting, there are important differences when working with a visual language instead of an auditory language. When hearing cases involving contested matters, there are a number of things that the court can do to facilitate accurate communication. Although not an exhaustive list, the following represents a number of accommodations that have been proven effective in the past.

- Conduct a short *voir dire* regarding the court interpreter's expertise, training and certification, including questions about if the interpreter is familiar with any of the parties in the case;
- Swear the court interpreters, but not the interpreters at counsel table;
- Provide chairs for the court interpreters to be seated in the well and a small table or music stand for the interpreters to use in note-taking;
- If deaf witness testimony is expected, provide a microphone for the court interpreters to ensure their voices are heard comfortably;
- Provide water for the court interpreters;
- If the matter is contested; and there are multiple deaf parties at counsel table; provide a small screen or divider to be placed between counsel table to preclude visual access to privileged communications by either side.
- If the matter is high profile and there are deaf audience members, provide a screen or divider that can be placed behind each counsel table to preclude the audience from viewing privileged communications at the table;
- In addition to having table interpreters, a videotaped recording of deaf witness testimony to be used in the event an issue of the court interpreters' accuracy arises is helpful as long as the video captures the interpretation and the witness' testimony;
- When speaking to a deaf person, use the first person, such as, "when did you arrive" instead of "ask him when he arrived;"

- Speak clearly and slowly but speak full thought before pausing and allow the interpreter to finish interpreting before continuing;
- Do not expect the interpreter to explain forms or proceedings, and if a sight translation is necessary have counsel stay with the interpreter to answer any questions from the deaf person;
- Do not tell the interpreter to refrain from interpreting;
- Allow the interpreter to view the file prior to the proceeding and to identify all witnesses to check for conflicts;
- Require that the interpreter meet briefly with the deaf person to introduce themselves and explain their role;
- Require counsel to explain the nature of the proceedings to the interpreter including any specialized vocabulary that will arise;
- Allow the interpreter to view the physical evidence in a contested case prior to the proceeding because the sign choices will be determined by the visual nature of the evidence;
- Use interpreters who have been tested in ASL interpretation and who have been trained in legal interpreting.

Interpreted proceedings for deaf litigants do not present insurmountable problems, and with a few modifications as suggested above, the court can be assured that the proceedings will be conducted fairly, efficiently and effectively. Should you have more questions, further information is available from the NCIEC at www.nciec.org, at the Project tab, under the Legal Interpreting Work Group link.

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Working with Sign Language Interpreters in Court

FACT SHEET

Just like with spoken language interpreters, in most of your cases, there will be a single sign language interpreter because the nature of the case requires no more. However, certain types of cases require more than one sign language interpreter. The purpose of this paper is to assist you in understanding why more than one interpreter is used in certain cases and how to most effectively use their services.

Proceedings Interpreters and Party Interpreters

The court will normally hire two court interpreters – proceedings interpreters – to interpret all of the witness testimony and all of the proceedings in a contested case. These proceedings interpreters will be sworn to interpret accurately for the record and to ensure the participants are present. Proceedings interpreters will be placed in the well, facing counsel table for the bulk of the proceedings. Their positioning will be modified if a deaf person takes the stand to testify.

If the matter is contested, and if counsel does not sign, an additional sign language interpreter should be placed at counsel table between the attorney and the client to facilitate privileged communications. This party interpreter is not a court interpreter sworn to interpret the proceedings; rather, this interpreter assists counsel with the preparation and defense of the case. Most of the party interpreter's work is done behind the scenes, privately, with counsel and the deaf client to ensure they are able to effectively communicate with each other in developing case strategy, theory and design. During the proceedings, the party interpreter provides immediate access to counsel to assist in the presentation of the case by interpreting privileged communications. Additionally, the party interpreter watches the sworn court interpreters' interpretations. If errors are made, the interpreter at the table alerts counsel to the nature of the error in order for the attorney to be able to object to errors in the interpretation, thereby preserving the issue for appeal.

If there are deaf parties, and the case is contested, then each party can be expected to need an interpreter seated at the table to perform these functions. Hence, in contested civil or criminal matters with multiple deaf parties, often there will be four interpreters in the room.



While this scenario presents the normal interpreter configuration for a contested civil or criminal case, at times, there are other deaf participants which present unique circumstances for the court. Today, it is common to see deaf Americans serving on juries and when they do, two court interpreters are sworn to assist them by interpreting the proceedings and the jury's deliberations. These interpreters are impartial court officers who do not participate in nor influence the deliberations in any manner. When you have a deaf juror, it is helpful to instruct the interpreters and the jury regarding the interpreter's role in the proceedings and in deliberations. Likewise, at the conclusion of the deliberation, it is customary to poll the jury on whether or not the interpreters maintained their role as interpreters during the deliberation process. A sample instruction and polling question might look like the following:

Instruction to the Interpreter for a Deaf Juror¹

Mr. or Ms. _____, your function in the jury room is only to interpret. You are instructed not in any way to express any ideas that you may have, any opinions that you may have, or any observations that you may have. You are strictly to interpret. Do you understand that?

Post-deliberation Polling and Question

Could you tell me whether you took any part in the deliberations other than just to interpret to and from sign language? I now ask each juror individually whether the interpreters took part in any manner in the deliberations other than just to interpret to and from sign language. (poll jurors individually).

Deaf Audience Members

At times, there may be deaf individuals in the audience who are exercising their right to access to government and are simply observing proceedings that may or may not involve other deaf people. In those cases, the interpreter is considered a reasonable accommodation under Title II of the Americans with Disabilities Act. Normally the 'accommodation interpreter' will want to stand or sit along the wall with his or her back to the court and interpret the proceedings to the deaf audience members. At times,

¹ Adapted, in part, from *United States v. Dempsey*, 830 F.2d 1084, 1087-88 (10th Cir. 1987).

bailiffs or clerks might misunderstand the interpreter's signing as having improper conversations during court. It is helpful to remind the bailiff not to order the interpreter to stop signing and explain that the interpreter is simply making the court proceedings accessible to deaf members of the public.

Juvenile Matters

Finally, juvenile proceedings pose separate challenges for courts in staffing cases. Deaf youths often present unique linguistic patterns that necessitate a special type of interpreter, called a deaf interpreter, to work with the court interpreter to ensure the presence of the deaf youth. The term Deaf Interpreter is used to refer to an individual who is deaf and viewed as a specialist who possesses unique mastery of ASL and use of visual-gestural language features that enables her or him to be able to work effectively in settings where communication issues are complex and/or high risk. Most of the work of Deaf interpreters is done in collaboration with sign language interpreters who can hear and are engaged in assignments where a communication specialist is required to provide effective and accessible interpreting service. When a Deaf interpreter is needed, the court interpreters will work with you to ensure that placement and pacing is effective for communication purposes. You should anticipate that the court interpreters will want a few minutes with you and counsel to discuss logistical and procedural issues that arise when a matter is being interpreted by the deaf specialist and the court interpreter.

Also, many times the young person involved is not deaf but has parents who are and who are afforded a statutory right to be present and participate in the adjudication. In this case, the interpreters function as court interpreters and should be sworn and placed in the well even though the parents are often in the audience. This positioning preserves the role of the interpreter as the proceedings interpreter versus the personal interpreter of the parents. However, in order for the parents to be able to see the interpreters, identifying an appropriate and stationary location for the interpreters is important and can be determined by the court in cooperation with the parents.

More and more frequently, deaf individuals are involved in legal proceedings whether as parties, witnesses, jurors, interested persons or audience members. The interpretation configuration will be slightly different depending on the deaf person's role. The court interpreters are prepared to function as a resource for you to advise on the proper number, placement and functioning to ensure that the proceedings will be conducted fairly, efficiently and effectively. Should you have more questions, further information is available from the NCIEC at www.nciec.org, under the Projects tab at the Legal Interpreting Work Group link.

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Court Interpreter Certification

SECTION 5

Becoming Certified

Are you ready?



Interpreter Self-Assessment:
Only you can decide when
you're ready to test

Professional Preparedness

- According to NAJIT – the National Association of Judiciary Interpreters and Translators, interpreters must possess SEVEN characteristics to ensure success in the field. These include...

Native-like mastery of English and a second language

- On a scale from 1 to 10, with ten being native fluency, what is your depth of knowledge of the English language?
- On a scale from 1 to 10, with ten being native fluency, what is your depth of knowledge of your non-English language?

A wide general knowledge

- In what contexts do you typically use English?
- In what contexts do you typically use your non-English language?
 - Home, work, school, church, community, academic research

An extensive vocabulary

- Do you possess specialized vocabulary in both languages?
 - Drug terminology
 - Domestic violence
 - Crime-scene descriptions
 - Criminal slang
 - Guns and violence terminology

Mental and Verbal Agility

- Can you listen to and then repeat uttered expressions of up to 50 words?
- Can you listen to and repeat uttered expressions simultaneously, with up to a 10-second delay?
- Do you have the stamina to interpret every word spoken in a hearing that lasts up to two hours?

Ability to work with lawyers, court personnel, the public, etc.

- Are you comfortable working with people who adhere to strict codes of conduct, or do you prefer a laid-back working environment?
- Do you feel comfortable speaking before a large group of people?
- Do you know what protocol to follow when working in the courts and dealing with court personnel?

An understanding of court terms

- Do you know terminology to New Mexico Courts?
- Can you easily render that terminology into your non-English language?
- Are you comfortable with Latin terminology used in the courts (which is spoken but not interpreted)?

Some training and experience

- Have you attended a class, seminar or conference on the justice system and/or court interpreting?
- Have you observed interpreters in action in a New Mexico or other state court?
- Have you ever worked as a professional interpreter (in the courts or any other context)?

Next Steps

- Identify your strengths and weaknesses
- Develop a personal learning plan
 - Study materials
 - Self study
 - Mentored Learning Team
 - Observing in Court
 - Take the Practice Exam



Providing Trusted Leadership
and Proven Solutions to Courts

NCSC.ORG > EDUCATION & CAREERS > STATE INTERPRETER CERTIFICATION



SHARE

Consortium for Language Access in the Courts

Our mission

The Mission of the Consortium is to inspire and enable its members to promote equal access to justice in courts and tribunals by eliminating language barriers for persons with limited English proficiency.

Core Values

The Consortium dedicates itself to:

Fairness – By promoting and supporting programs to provide competent and effective interpreting and other language services for people with limited English proficiency involved in courts and tribunals.

Integrity – By exhibiting honesty, reliability, impartiality, and accountability in all its activities and promoting these qualities among its members and court-related language service providers.

Service – By providing high quality resources and technical assistance to members as they develop efficient and effective programs to ensure the competence of interpreters and other court-related language service providers.

Collaboration – By freely exchanging knowledge and resources with and among members and other organizations that employ, support, and/or educate interpreters and other court-related language service providers to strengthen professional standards and practices.

10 Key Components to a Successful Language Access Program in the Courts

FAQs

Official Agreements and Policy Documents

- Agreements
- Resolutions
- Mission and Objectives

Committee Information

- Annual Meeting Committee
- Executive Committee
- Professional Issues Committee
- Technical Committee

General Information

- List of Member States
- List of Written and Oral Examinations
- List of Certification Requirements
- Fees for Testing and Training
- Staff Support

So you want to be a court interpreter?

Professional court interpreters are individuals who possess an educated, native-like mastery of both English and a second language; display wide general knowledge, characteristic of what a minimum of two years of general education at a college or university would provide; and perform the three major types of court interpreting: sight translation, consecutive interpreting, and simultaneous interpreting.

Examination Overview Manuals

- Oral Exam
- Written Exam

Common Oral Interpreting Exam Performance Deficiencies

Self-Assessment Tools

- Qualifications
- Becoming an Arabic Court Interpreter, Revised

Study Guide References

- Study Guide
- Standard Reference Material

Practice Exam Kits

- All English
- Spanish
- Spanish Dictionary
- All English Dictionary

Glossaries & Dictionaries

- English Glossary
- Ilokano Glossary
- Mandarin Glossary
- Marshallese On-line Dictionary
- Spanish Glossary
- Essential Dictionaries
- Common Legal Terms You Should Know in Plain English and Vietnamese
- Other Resources

Colleges & Universities

Codes of Professional Responsibility

- Related Interpretation Web sites



Consortium for State Court Interpreter Certification

Frequently Asked Questions Research Services

1. What is the Consortium?

The Consortium is a multi-state partnership dedicated to developing court interpreter proficiency tests, making tests available to member states, and regulating the use of the tests. Consortium resources achieve economies of scale across jurisdictional and organizational boundaries.

The Consortium addresses resource shortages by defining and implementing standards for identifying proficient, qualified interpreters. Without those standards, state courts risk employing unqualified interpreters, leaving equal access to justice by linguistic minorities an unfulfilled obligation.

In 2002, the Consortium was named as a finalist in the prestigious Innovations in American Government awards program. That program is administered by the John F. Kennedy School of Government at Harvard University and is sponsored by the Ford Foundation.

At the end of 2007, there were 40 member states representing over two-thirds of the nation's non-English speaking population. You can see ["Which states belong to the Consortium"](#) now.

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2. When and how was the Consortium founded?

The Consortium was officially founded in July 1995 by Minnesota, New Jersey, Oregon, and Washington. This came about as a consequence of findings and professional relationships established during research conducted by the National Center for State Courts between 1992 and 1995 (See Hewitt, William E., *Court Interpretation: Model Guides for Policy and Practice in the State Courts*, Williamsburg, VA, National Center for State Courts, 1995. (This publication is available online. Go back to the Court Interpretation home page and click on National Center for State Courts' and Other Important Publications.)

The NCSC research showed that establishing an interstate authority with the capacity to coordinate test development efforts and investments on a national scale was both desirable and feasible. In 1994, judicial leaders in Minnesota and Oregon, who were committed to improving interpreter programs in their states, asked the National Center for State Courts for assistance in developing interpreter testing programs of equal quality and effectiveness to those then in existence in New Jersey and Washington (which were studied and documented in the *Model Guides* publication). Acting on that opportunity, staff of the NCSC invited representatives of those four states to work together with the NCSC to create a voluntary program in which member states could pool financial resources and professional expertise to eliminate duplication of expense and effort, and lower the cost of interpreter test development and administration for all of the member states. Thus, the Consortium was created to counter the high costs of test development and associated proprietary interests by providing a vehicle for exchange of expertise while safeguarding work products.

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3. What are the conditions of membership?

- Make a financial contribution
 - \$25,000 for most states
 - \$15,000 for states with fewer than 100,000 home speakers of languages other than English

- \$50,000 for states with more than 1 million home speakers of languages other than English
- After five years of membership, pay an annual assessment equal to 10% of the initial membership fee.
- Appoint an official representative of the state to participate in Consortium business.
- Agree to abide by test administration, rating and security standards.
- Participate in governance and program development activities.
- For a sample of the Consortium Agreement, click the “back” button and click on Official Agreements for Consortium Organization and Operation.

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4. What are the advantages of Consortium membership?

Testing—the objective determination of an individual’s interpreting skills—is the foundation for programs to improve interpreting services. The core concept behind the Consortium is to: *“establish court interpretation test development and administration standards, and provide testing materials, in order that individual states and jurisdictions may have the necessary tools and guidance to implement certification programs.”* Equally important as the test development cost savings, however, are the benefits that go with belonging to a standardized national testing program.

• ***Published test documentation enhances the credibility and legitimacy of the testing program***

The Consortium has prepared and maintains standardized manuals for test construction, test administration (including a candidate information booklet), and test rater training. This documentation is housed at the National Center for State Courts office, and serves as the foundation for meeting the *Standards for Educational and Psychological Testing* (Washington, DC: American Educational Research Association, American Psychological Association, and National Council on Measurement in Education, 1985). Standard 5 relates to the publication of technical and users manuals.

• ***Maintenance and publication of test validity and reliability statistics***

Standards 1 and 2 of the *Standards for Educational and Psychological Testing* relate to validity and reliability. Item-level data are maintained for tests to analyze and report validity and reliability statistics, when appropriate, for each test form. This analysis protects the courts from legal challenges and helps identify weak test items so they may be replaced in subsequent tests.

• ***Participation in a standardized testing program permits interstate reciprocity***

The use of standardized testing instruments, administration and test rating procedures makes it possible for Consortium members to establish certification reciprocity. This means that in many cases, interpreters tested in other member states need not be retested in the home member state. The National Center for State Courts maintains a central database of all interpreters who have been tested using Consortium tests. Members of the Consortium are entitled to obtain the master list of interpreters who have been tested in other states.

• ***Test administration innovations***

Consortium member states have used the National Center for State Courts as their test administration contractor during their initial round of testing. With repeated experience, the Center was able to make specific recommendations to refine the testing procedures and implement several modifications of conventional testing that save money and time. The Consortium also saves money by coordinating states’ testing for languages other than Spanish, where low numbers of test takers tend to increase per test cost.

• ***Training***

Consortium members have established a standard core curriculum and training materials for basic orientation workshops for all interpreters employed in the courts, regardless of language. Most member states offers these workshops, and the reviews from workshops have been overwhelmingly positive.

• ***Comprehensive networking resource***

Members of the Consortium maintain communication, share problems and solutions and stand together as a body capable of influencing policy and practice for improving the quality of interpreter services nationwide. Information exchange among the members results in shared policy documents, court rules, forms and statistics.

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5. What tests are available to members?

Language	Version	Comments
Arabic, Modern Standard	1	Sight and Simultaneous only
Arabic, Egyptian Colloquial	1	Consecutive only
Arabic, Levantine Colloquial	1	Consecutive only
Cantonese	1	Full examination
Bosnian/Croatian/Serbian	1	Abbreviated examination (Donated by NJ; conformed to Consortium specifications)
French	1	Full examination (Donated by NJ; conformed to Consortium specifications; FL donated funds for rater training)
Haitian Creole	1	Full examination
Haitian Creole	2	Full examination
Hmong	1	Full examination
Ilocano	1	Full examination
Korean	1	Full examination (Will undergo revision in 2008)
Laotian	1	Full examination
Mandarin	1	Full examination
Portuguese	1	Full examination (Donated by NJ; conformed to Consortium specifications; FL donated funds for rater training)
Russian	1	Full examination
Russian	2	Full examination
Somali	1	Full examination
Spanish	2.2	Full examination
Spanish	4.2	Full examination
Spanish	5	Full examination
Turkish	1	Abbreviated examination (Donated by NJ)
Vietnamese	1	Full examination
Vietnamese	2	Full examination

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6. Who are the current and potential beneficiaries of the Consortium?

Current direct beneficiaries of the Consortium include forty state court systems and their linguistic minority populations. Minnesota, New Jersey, Oregon, and Washington initially founded the Consortium, with the help of the NCSC, as a way to provide for and regulate exchange of existing court interpreter proficiency test instruments and to develop new tests.

Potential beneficiaries therefore include all state courts or other court organizations—and the linguistic minority populations they serve.

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7. What problem(s) does the Consortium program address?

The Consortium for State Court Interpreter Certification addresses the shortage of qualified interpreters in the state courts by helping those courts test and identify qualified individuals. Without those quality standards, equal access to justice by linguistic minorities remains an unfulfilled obligation of the American system of justice.

Millions of non-English-speaking American citizens and residents are being denied equal access to justice because they are unable to comprehend and fully participate in state court proceedings. Numerous state commissions, research studies and media investigations have concluded that the plight of non-English speakers in the state courts is compelling and requires immediate attention. "Improve interpreter services" has been a central recurring theme in published studies of commissions and task forces across the country charged with evaluating the extent of racial and ethnic bias in our courts. Many factors contribute to the miscarriages of justice that are likely to occur when linguistic minorities appear in court as litigants or witnesses. The most fundamental factor is the absence of professional competence standards for court interpreters. Few states have comprehensive, statewide mechanisms for ensuring that interpreters possess the appropriate minimum skills required for interpreting in a legal setting.

Demographic trends as of the last census (2000) suggest that the American judicial system faces mounting difficulties in meeting the challenge of ethnic and linguistic diversity. Recent census figures indicate that about 10 percent of people living in the United States are foreign born. Eighteen percent – almost 45 million people – report that they speak a language other than English at home and almost 5 percent "do not speak English well," or "do not speak English at all." These trends undoubtedly will continue well into the 21st Century. (<http://factfinder.census.gov>)

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Inquiries regarding **Court Interpreting** or of any of these resources
may be directed to the Research Division Office
research@ncsc.dni.us
1-800-616-6109

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Administrative Office of the Courts

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New Mexico Court Interpreter Certification Testing Policies

(As approved by the Court Interpreter Advisory Committee 3/12/10 & 5/14/2010)

- Step 1:** Certification candidates must receive a passing score of 80% on the Consortium Written Exam prior to be invited to sit for the Oral Certification Examinations.
- Candidates must wait one year before retaking the written examination if they fail to pass with a score of 80% or better.
- Candidates who pass the Written Examination may move forward to the oral examinations at any time.
- Step 2:** Certification candidates must receive a passing score of 70% on the Simultaneous Examination prior to being invited to sit for the Consecutive and Sight Translation Examinations.
- Candidates who pass the Simultaneous Examination must sit for the Consecutive and Sight Translation Examinations within twelve months of having the Simultaneous Examination. If they fail to initiate Step 3 of the certification process within twelve months, they will be required to retake the Simultaneous Examination.
- Step 3:** Certification candidates must receive a passing score of 70% on the Consecutive Interpreting Examination and the Sight Translation Examination.
- Candidates who pass either Sight Translation or Consecutive Interpreting, but not both examinations, which are given together, must retake both Sight Translation and Consecutive.

Note:

- Candidates may take the oral examinations twice in a ten-month period, assuming they are taking a different version of the examination. Candidates who fail an examination for which there is no alternate version must wait a full twelve months prior to retaking the oral examination.
- If a candidate scores 65% or better, but fails to pass an oral examination, they may request re-rating of the examination at their expense. The request for re-rating must be made within 30 days of the candidate's receipt of their exam scores.

OVERVIEW OF THE WRITTEN EXAMINATION FOR CANDIDATES

Consortium for State Court Interpreter Certification

January 2005

Introduction

This document has been prepared to help persons aspiring to become certified court interpreters understand what the written test measures, how it is administered, and how to prepare for taking the exam. Each examinee should study this overview thoroughly in order to be more fully prepared for the written exam.

The written examination is only one part of the process for becoming a certified or approved court interpreter. Passing this test does not mean a person has become a “certified court interpreter;” rather, it means the examinee has met one of several requirements for certification.

The written test measures candidates’ knowledge of three areas central to the work of a court interpreter at the level of a minimally qualified court interpreter:

1. English Language. To function as a professional court interpreter, one indispensable component is a high degree of proficiency in the English language. Accordingly, the written examination assumes a high degree of literacy in the English language and familiarity with a range of language constructions. It tests comprehension of written English vocabulary and idioms.

2. Court-Related Terms and Usage. A second area of knowledge essential to successful professional performance is familiarity with the terminology and procedures of the court system. Accordingly, the written examination also measures recognition of common court-related situations and vocabulary, *especially in the area of criminal courts.*

3. Ethics and Professional Conduct. The third area of knowledge required of professional court interpreters encompassed in the written test is general knowledge of standards guiding the performance of duties. Accordingly, the written exam includes questions aimed at measuring candidates’ knowledge of ethical behavior and professional conduct.

What does the test look like?

The examination contains 135 multiple-choice questions. Each question has four choices, labeled A, B, C, and D. The candidate is instructed to select the **best** choice and mark that choice on the answer sheet (the specific form of the answer sheet will vary by state).

The test has two parts:

Part I: General Language Proficiency, and

Part II: Court-Related Terms & Usage, and Ethics & Professional Conduct.

Within each part there are several sections, each of which contains a particular category of questions. There are specific instructions for how to proceed at the beginning of each section. A complete list of the sections, including one or more sample questions for each, is provided in Appendix A.

How will the test be scheduled and what do I need to know about the test in advance?

An official of the state where you are taking the exam will notify you in writing by mail or e-mail a minimum of two weeks before the test date. The notice will advise you when and where to report for the test and may include directions to the test site.

Arrive early. No one will be admitted late. There are no exceptions and no one arriving late for any reason will be able to take the test at that test session.

Only small purses or wallets are allowed in the testing room. Leave everything else at home or in your car. Do not try to bring briefcases, palm pilots, dictionaries, gym bags, cell phones, calculators, paper, pens, pencils, or any other similar items into the test room as you will not be admitted to the test room with them. Pencils will be provided in the test room.

There may be a registration area where you will report and sign in. In the testing room, there will be a test administration supervisor, and there may be another test proctor present to assist.

Use the restroom prior to entering the testing room. If you ask to leave the testing room after the test has begun, you will be instructed to leave all of your test materials with the test administration supervisor prior to leaving the room. You may be escorted to the restroom to ensure that you do not use a telephone or converse with other individuals while you are outside of the testing room. No more than one candidate will be allowed to leave the testing room at the same time. No adjustments to the time allotted for completion of the exam will be made for any time you are outside of the testing room.

What if I need special accommodation due to a disability?

If you have a disability recognized by the Americans with Disabilities Act (ADA), you must request special accommodation *in advance*. In order to do that, you should complete the attached Request for Special Accommodation and submit it to the director of the court interpreting program in your state as far ahead of the test date as possible. You must describe your disability and describe the type or kind of accommodation you are requesting. In addition, you must submit a statement from an appropriate professional documenting the diagnosis or evaluation of your disability.

How will the test be administered?

The administration protocol, described below, is recommended practice. It is specifically noted here that from state to state, there may be some deviation from the exact recommendation. However the protocol described will, in large part, reflect administration practices.

In most states, the test will be given in classroom style to a number of candidates at the same time in the same room. A test administration supervisor, who is responsible for oversight of the entire test administration process, will decide what staff members are present to assist with proctoring the examination.

Seating will be assigned. Depending upon the seating arrangements, some candidates may be asked to move from one seat and occupy another. If this happens, it is for test security measures and the candidates should not be troubled or concerned.

Security of the test materials is obviously essential. Examinees may not take notes or copy any portion of the exam.

Proctors will monitor candidates throughout the examination to prevent cheating and, if cheating occurs, detect and deal with it. They may circulate throughout the room, but they will not disturb the examinees. If a proctor suspects that an examinee is cheating in any way, including giving or receiving assistance during the examination, communicating with others, retaining or copying examination questions, or using prohibited aids, the proctor will follow specific protocol for addressing the situation.

If an examinee is disruptive, engages in clear or flagrant cheating, or attempts to copy questions or retain or record test materials, the examinee may be expelled from the testing room and advised that his or her examination will not be scored. Documentation of the expulsion and the reasons for it will be maintained by the state.

Once all examinees are seated for the exam, the test administrator will hand out materials packets and two pencils to each person. He or she will read instructions scripted to the examinees in order to ensure that all candidates receive the same instructions each time the examination is given. Then the examinees will be directed to read and execute an Agreement and Oath Form. Next, examinees will prepare their answer sheets by entering their name and social security number, the test date, and the test site. Examinees must listen to the instructions carefully and must not begin the examination until the test administration supervisor says, "You may begin."

Candidates are allowed two hours and fifteen minutes to complete the examination. A clock will be provided in each testing room to assist candidates who do not bring their own timepiece. Fifteen minutes before the end of the test, the test administrator will make the following announcement out loud: "You have fifteen minutes remaining."

At the beginning of each section there are instructions on how to answer the questions in that section. As examinees work their way through the test, they should carefully read the instructions for each section to be sure they understand how to answer that section's questions. The types of instructions you will find will be to select the answer that:

- Is closest in meaning;
- Most appropriately completes a sentence;
- Best answers a question or provides the best solution to a situation;
- Has the correct sequence of events; or
- Is opposite in meaning.

See Appendix A for sample questions from the various sections of the exam.

What is the score required for passing and how will I be notified about the results?

In order to pass the test, 80 percent of the items must be answered correctly. That means the examinee must answer at least 108 of the 135 items correctly in order to pass. The state's test administration supervisor will ordinarily advise the examinee of the results of his or her test by mail or e-mail. Reminder: Passing this test does not mean you are now a "certified" or "approved" court interpreter.

What can I do to prepare for the test?

A list of possible activities and resources has been compiled to help you identify actions you can take to help prepare for the exam. Some of the resources may help you decide whether you are ready to participate in a test of this nature. The list is attached and marked as Appendix B.

What if I do not pass the examination?

This written examination is constructed to measure entry-level knowledge of

- English general vocabulary
- common words and phrases likely to be heard in court
- the typical progression of cases through the court system, and
- provisions of a code of professional responsibility

that a minimally competent person entering the court interpreting field would need.

If you do not pass the exam, it is suggested that you resist the temptation to simply register to retake the exam. Experience shows that retaking an examination of this kind within a short time period will not substantially change the results. Instead, you are encouraged to review the section of this Overview entitled “What can I do to prepare for the test?” and Appendix B, and engage in some reading and preparatory study before retaking the examination.

The time frame within which you can register to retake the written examination varies from state to state. Check with your state’s interpreting program manager, administrator, or coordinator to find out details. It is recommended to every state that no candidate should take the same test more than once in a calendar year and in no event, more than twice.

CONSORTIUM FOR STATE COURT INTERPRETER CERTIFICATION

REQUEST FOR ADA ACCOMMODATION

Complete this form only if you are requesting individual testing arrangements because you have a disability recognized by the Americans with Disabilities Act (ADA).

APPLICANT NAME:

Have you been diagnosed with a disability that is recognized by the ADA: Yes___ No___

Describe the type of disability:

I request an accommodation, which is described on the *Documentation of Accommodation*, attached hereto.

Signature

Date

Attach the Documentation of Accommodation form and submit to:

DOCUMENTATION OF ACCOMMODATION

This section must be completed by an appropriate professional (doctor, psychologist, psychiatrist, or education professional) to certify that your disabling condition requires the requested exam accommodation.

If you have existing documentation of having the same or similar accommodation provided to you in another test situation, you may submit such documentation instead of having this portion of the form completed.

I HAVE KNOWN _____ SINCE _____
(APPLICANT NAME) (DATE)

AS A _____. I HAVE DIAGNOSED OR EVALUATED
(PATIENT, OR OTHER PROFESSIONAL RELATIONSHIP)

THE APPLICANT MYSELF AND I AM NOT RELYING UPON FACTS RELATED TO ME

BY THE APPLICANT. MY DIAGNOSIS IS _____

(DESCRIBE THE MEDICAL OR OTHER CONDITION)

THE APPLICANT HAS DISCUSSED WITH ME THE NATURE OF THE TEST TO BE ADMINISTERED. IT IS MY PROFESSIONAL OPINION THAT BECAUSE OF THIS APPLICANT'S DISABILITY, HE/SHE SHOULD BE ACCOMMODATED BY PROVIDING THE FOLLOWING: (CHECK ONLY THOSE THAT APPLY)

<input type="checkbox"/>	Large print type	<input type="checkbox"/>	Extra time (how much?)
<input type="checkbox"/>	Separate testing area	<input type="checkbox"/>	An examination reader
<input type="checkbox"/>	Other oral administration (describe)	<input type="checkbox"/>	Other accommodation (describe)

Signature and title of professional _____

Printed name and title _____

Date _____ Telephone Number _____

APPENDIX A

SAMPLE QUESTIONS

Sections in Part I, General Language Proficiency

Sentence Completion. Items 1 through 9 consist of unfinished sentences. The candidate is instructed to select from a list of four words or phrases the one that best completes the sentence.

Example: A person who feels persecuted in his/her home country may apply for political

- A. appellation
- B. appraisal
- C. asylum
- D. ascendance

(C is the best answer)

Synonyms in Context. Items 10 through 17 consist of sentences that contain an underlined word or phrase. The candidate is instructed to choose from a list of four words or phrases the one that is closest in meaning to the underlined word or phrase.

Example: It was done pursuant to the proceedings of the court.

- A. in accordance with
- B. in addition to
- C. in conjunction with
- D. in spite of

(A is the answer that is closest in meaning)

Synonyms. Items 18 through 38 consist of words or phrases. The candidate is instructed to select from a list of four words or phrases the one that has the same meaning or closest to the same meaning as the word or phrase provided.

Example 1: Scaffold

- A. platform
- B. table
- C. prop
- D. curtain

(A is the answer that is closest in meaning)

Example 2: Hubris

- A. exaggerated pride
- B. steadfast loyalty
- C. extreme shyness
- D. committed fidelity

(A is the answer that is closest in meaning)

Antonyms. Items 39 through 50 consist of words or phrases. The candidate is instructed to select from a list of four words or phrases the one that is opposite in meaning to the word or phrase provided.

Example: Excessive

- A. stingy
- B. large
- C. robust
- D. restricted

(D is the correct answer, opposite in meaning)

Idioms. Items 51 through 75 consist of sentences that contain an underlined idiomatic expression. The candidate is instructed to select from the list of four words or phrases the one that is closest in meaning to the underlined idiom.

Example 1: Do you need to make a pit stop before we get there?

- A. get some money
- B. go to the bathroom
- C. empty the trash
- D. make a phone call

(B is the answer that is closest in meaning)

Example 2: His career as an attorney is all washed up.

- A. off to a late start
- B. off to a good start
- C. completely over
- D. very profitable

(C is the answer that is closest in meaning)

Sections in Part II, Court-Related Terms & Usage, and
Ethics & Professional Conduct

(*The legal terms found in items 76 through 125
are taken largely from criminal court case types.)

Sentence Completion. Items 76-111 consist of unfinished sentences that are likely to be heard in the court environment. The candidate is instructed to select from a list of four words or phrases the one that most appropriately completes the sentence.

Example 1: A case decided without prejudice means that

- A. there is no right to a new trial
- B. there is an automatic appeal of the case
- C. there is a right to a new trial
- D. there are no racial overtones in the case

(C is the answer that most appropriately completes the sentence)

Example 2: A defendant is required to give up certain constitutional rights

- A. after being found guilty at trial
- B. before entering a plea of guilty
- C. only if represented by a public defender
- D. only after probation is granted

(B is the answer that most appropriately completes the sentence)

Court-Related Questions. Items 112 through 121 consist of questions on court-related topics. The candidate is instructed to select from a list of four choices the one that is the best answer.

Example: Which of the following would be a concurrent sentence?

- A. two years for burglary, two years for robbery: two years in jail
- B. two years for theft, two years for assault: four years in jail
- C. four years for rape, three years for a second rape: seven years in jail
- D. four years for rape, two years for assault: two years in jail

(A is the best answer)

Sequence. Items 122 through 125 consist of questions about the proper sequence of events in court-related situations. The candidate is instructed to select from a list of four choices the one that correctly describes the order in which the events should occur.

Example: Which of the following is a correct sequence of event?

- A. Jury Charge, Jury Deliberation, Jury Instructions, Jury Verdict
 - B. Jury Sworn, Jury Verdict, Jury Charge, Jury Deliberation
 - C. Jury Deliberation, Jury Sworn, Jury Instructions, Jury Verdict
 - D. Jury Sworn, Jury Charge, Jury Deliberation, Jury Verdict
- (D is the correct sequence of events)

Professional Conduct Questions. Items 126 and 127 consist of questions about the appropriate course of professional conduct an interpreter should take. The candidate is instructed to select from a list of four choices the one that is the best answer.

Example: Which of the following is most important for you to do when you are interpreting at the witness stand?

- A. keep your eyes on the jury
 - B. keep your dictionary and note pad at hand
 - C. keep eye contact with the witness at all times
 - D. keep the judge informed of contradictory testimony
- (B is the best answer)

Scenarios. Items 128 through 135 consist of brief scenarios describing situations an interpreter might encounter while interpreting in the courts that would pose ethical or professional problems. The candidate is instructed to select from a list of four alternatives the best solution or course of action.

Example: An expert witness is giving testimony regarding blood alcohol content while you are interpreting for the defendant. The testimony is very complex, and even though you can interpret it at the same level, you sense that the defendant does not understand such technical language. What is the best thing for you to do in this situation?

- A. advise the judge that the defendant does not understand
- B. interpret at the same level as the witness
- C. ask the judge for permission to explain for the witness
- D. summarize the testimony for the defendant in language he can understand

(B is the best solution)

Appendix B

PREPARING FOR THE TEST

If you are not familiar with taking written, multiple-choice tests, you may find it beneficial to:

1. Review instructions and suggestions on taking multiple-choice tests such as:
 - a. "Information about the Written Examination," Federal Court Interpreter Certification Examination (http://www.ncsconline.org/d_research/Consort-interp/fcice_exam/FCICE-ExamineeHandbookOnline.pdf) on page 12.
2. Study preparation material developed for similar exams, or even take the exams
 - a. TOEFL: TOEFL Sample Test, 6th Edition (www.ets.org/toefl.html). There are many other publications available as well.

With respect to Part I, General Language Proficiency, one needs to have a very broad command of the English language. That is not something that is quickly or easily acquired. However, some of the following activities might be helpful in expanding one's knowledge of the English language and preparing for the test:

1. Take upper-level English courses at a college or university.
2. Read widely such items as books and professional journals in many fields, American literature, and editorials and articles in major newspapers.
3. Brush up on English vocabulary and lexical concepts (go back to the basics and review antonyms, synonyms, and idioms).
4. Review sample tests from other interpreter certification programs:
 - a. California: Request a "practice written examination." See <http://www.prometric.com/California/CACourtInt.htm>
 - b. Administrative Office of the United States Courts: For a description of the written portion of the Federal Court Interpreter Certification Examination (FCICE), go to (http://www.ncsconline.org/d_research/Consort-interp/fcice_exam/FCICE-ExamineeHandbookOnline.pdf). A sample test can be found in the Examinee Handbook.
5. Consult other resources, such as:
 - a. The Idiom Connection, available online at: www.geocities.com/Athens/Aegean/6720.
 - b. The ESL Idiom Page, (Dennis Oliver), available online at: www.eslcafe.com/idioms.
 - c. The Synonyms Page, available online at: www.manatee.k12.fl.us/sites/elementary/palmasola/synonyms.htm.
 - d. SAT and GRE workbooks.
 - e. Vocabulary-building books found in the reference section of libraries and bookstores.

With respect to Part II, Court-Related Terms & Usage, and Ethics & Professional Conduct, the following activities would be helpful in expanding or acquiring the substantive knowledge pertinent to these fields:

Court-Related Terms & Usage

1. Read news items related to legal matters, law enforcement, and the courts in major newspapers, consulting a dictionary to look up unfamiliar words.
2. Visit courthouses and observe court proceedings in civil, criminal, and family matters.
3. Take college/university courses in criminal justice and court administration.
4. Read any standard introductory textbook on the criminal justice system.
5. Read publications about the administration of justice such as the following documents issued by the American Bar Association (www.abanet.org/abastore), which are available for \$2.50 each:
 - a. Law & the Courts, Volume I, *The Role of the Courts*, 2000.
 - b. Law & the Courts, Volume II, *Court Procedures*, 1998.
 - c. Law & the Courts, Volume III, *Juries*, 2001.
6. Study legal terms from the following sources:
 - a. Black's Law Dictionary
 - b. Glossary of Commonly Used Court & Justice System Terminology (a publication of the Consortium that is available at http://www.ncsconline.org/wc/publications/Res_CtInte_EnglishLegalGlossaryPub.pdf).

Ethics & Professional Conduct

1. Become familiar your state's Code of Professional Responsibility [or Conduct] for Court Interpreters and its Rules of Court pertaining to court interpreting, if any.
2. Study the model code of professional responsibility, which is available at http://www.ncsconline.org/wc/publications/Res_CtInte_ModelGuideChapter9Pub.pdf.
3. Join and participate actively in a professional association such as the National Association of Judicial Interpreters and Translators (www.najit.org) or the American Translators Association (www.atanet.org), studying their respective codes of ethics.
4. Read at least one of the classic texts in the field:
 - a. Berk-Seligson, Susan (1990). *The Bilingual Courtroom: Court Interpreters in the Judicial Process*. Chicago: University of Chicago Press.
 - b. De Jongh, E.M. (1992). *An Introduction to Court Interpreting: Theory and Practice*. Lanham, MD: University Press of America.
 - c. Edwards, Alicia B. (1995). *The Practice of Court Interpreting*. Amsterdam/Philadelphia: John Benjamins.

- d. Gonzalez, R.D., Vasquez, V.F., and Mikkelson, H. (1991). *Fundamentals of Court Interpretation: Theory, Policy and Practice*. Durham, NC: Carolina Academic Press.
- e. Hewitt, William E. (1995). *Court Interpretation: Model Guides for Policy and Practice in the State Courts*. Williamsburg, VA: National Center for State Courts (available online [see #2 above for web address]).
- f. Mikkelson, H. (2000). *Introduction to Court Interpreting*. Manchester, UK: St. Jerome Publishing.

OVERVIEW OF THE ORAL PERFORMANCE EXAMINATION FOR PROSPECTIVE COURT INTERPRETERS

Consortium for State Court Interpreter Certification

Revised August 2000

Revised July 2005

This contents of this manual are intended to be adapted by state personnel to reflect the state's specific policies and procedures concerning state court interpreter certification oral examinations.

The contents of this manual are intended to be adapted by state personnel to reflect the state's policies and procedures concerning state court interpreter certification examinations.

1. Introduction

This document has been prepared to help persons aspiring to become approved court interpreters understand what the oral examination measures, how it is administered and scored, and how to prepare for taking the examination. Each examinee should study this overview thoroughly in order to be more fully prepared for the oral performance examination.

The oral examination is only one part of the process for becoming an approved or certified court interpreter. There may be other requirements you will need to fulfill before your state considers you eligible to participate in this examination. Passing this test will demonstrate that you are considered minimally competent to interpret in your state's court system. Passing scores on this examination may or may not be recognized by other states' court systems.

2. Background

Court interpreting is a sophisticated and demanding profession that requires much more than being bilingual. One must possess high levels of knowledge and fluency in English and the non-English language, a level generally equivalent to that of an educated native speaker of the language. Court interpreters must also possess specialized cognitive and motor skills, have a firm understanding of court procedure and basic justice system concepts and terminology, and be thoroughly familiar with requirements of the Code of Professional Responsibility for Interpreters in the Judiciary. Court interpreters play a vital role in court proceedings that involve non-English speaking individuals as litigants or witnesses. The Code of Professional Conduct for Court Interpreters in your state describes the expectations of the judiciary with respect to what court interpreters must know and be able to do during interpreted proceedings.

It is important that judges have timely access to *appropriately qualified* interpreters to assist them in conducting court proceedings involving individuals who do not speak English, or who have a limited ability to speak English. The objectives of the Court Interpreter Testing and Certification Program, therefore, are:

- to identify individuals who possess the required knowledge and skills; and,
- to expand the pool of qualified interpreters available to assist the court in the conduct of interpreted proceedings.

The contents of this manual are intended to be adapted by state personnel to reflect the state's policies and procedures concerning state court interpreter certification examinations.

3. Exam objectives, design, and structure

Oral performance examinations are tests designed to determine whether candidates possess the minimum levels of language knowledge and interpreting skills required to perform competently during court proceedings. The tests are substantially similar in structure and content to tests that have been developed by the federal courts. The tests are designed and developed by consultants who have extensive knowledge of courts and court proceedings, the job requirements for court interpreters, and/or advanced training or high levels of fluency in English and the non-English language. These experts may include federally certified court interpreters, judges and lawyers, scholars, and/or legal professionals.

4. What does the exam measure?

The test measures language knowledge and fluency in both languages and the ability to successfully render meaning from target to source language in each of the three *modes* of interpreting that are required of court interpreters. The three modes of interpreting include:

- simultaneous interpreting;
- consecutive interpreting;
- sight translation of documents.

In short, the test measures what a court interpreter should and must be able to do to meet minimum professional requirements.¹ In all three modes of interpreting the interpreter must demonstrate the following abilities:

- Ability to speak the non-English language and English fluently and without hesitation;
- Ability to transfer all meaning faithfully from the source language to the target language while interpreting in both the consecutive and simultaneous modes, and while sight translating documents (sometimes called sight interpreting);
- Ability to pronounce the non-English language and English in a way that does not systematically interfere with meaning and understanding.

5. What is the structure of the exam

The entire exam consists of four parts. All four parts are based on actual transcripts or other court documents and simulate in many respects, actual court interpreting. The four parts of the exam are:

¹See for example, William E. Hewitt, Court Interpretation: Model Guidelines for Policy and Practice in the State Courts (National Center For State Courts, 1995), Chapter 3, "Job Analysis and Position Descriptions for Professional Court Interpreters." Available online: http://www.ncsconline.org/wc/publications/res_CtInte_Pub.pdf

The contents of this manual are intended to be adapted by state personnel to reflect the state's policies and procedures concerning state court interpreter certification examinations.

- ❑ Sight translation of a document written in English interpreted orally into the non-English language
- ❑ Sight translation of a document written in the non-English language interpreted into oral English
- ❑ Consecutive interpreting from English into the non-English language and from the non-English language into English
- ❑ Simultaneous interpreting from English into the non-English language

5.1 Sight translation: English to non-English language

This part of the test simulates an interpreter reading an English document aloud to a non-English-speaking person. The document is about 225 words in length. After instructions are given, the examinee is allowed six minutes to complete this portion of the exam.

5.2 Sight translation: non-English language to English

This part of the test simulates an interpreter reading a non-English language document aloud to an English speaking person. This document is also about 225 words in length. After instructions are given, the examinee is allowed six minutes to complete this portion of the exam.

5.3 Consecutive interpreting

This is the appropriate form of interpreting for non-English speaking witnesses, and other question and answer situations involving non-English speaking persons. During this portion of the test, the interpreter interprets English language questions (segments) into the foreign language and foreign language answers (segments) into English. Although the consecutive portion of the examination usually follows the format of "question – answer – question – answer," there may be times when the cadence changes.

The examinee may ask to have two of the test segments repeated. The consecutive portion is administered by having a test proctor play the recorded courtroom simulation on a CD player.

5.4 Simultaneous interpreting

Simultaneous interpreting is the appropriate mode of interpreting for many situations interpreters encounter in the courtroom, for example, interpreting for defendants during procedural hearings and trials. This part of the exam consists of a CD recording of a simulated attorney's opening or closing statement to a judge or jury. It is approximately 800 to 850 words in length, is recorded at an approximate speed of 120 words per minute, and is about seven minutes long. One hundred and twenty words per minute is *much slower* than most ordinary courtroom speech. Most of the passage is monologue speech by one voice, representing an attorney. A brief section of colloquy by voices representing the judge, other attorneys, or a witness may be included in addition to the monologue.

The contents of this manual are intended to be adapted by state personnel to reflect the state's policies and procedures concerning state court interpreter certification examinations.

During this portion of the exam, the examinee listens to the prerecorded English passage through earphones and, while listening, interprets aloud into the non-English language. The candidate's interpretation is recorded on a tape recorder for later review and scoring by the test examiners. This part of the examination takes approximately ten minutes, including instructions and preparation.

6. Test rating and scoring

Each exam will be assessed in two ways: 1) by the number of *scoring units* interpreted correctly and 2) by an overall non scoring-unit evaluation.

6.1 Scoring units

Scoring units are particular words and phrases that are selected to represent various features of language that interpreters encounter in their work, and that they must render accurately and completely, without altering the meaning or style of speech. The examiners determine whether those scoring units are interpreted correctly or incorrectly. When interpreting into the non-English language, the examiners will consider correct any rendering that would be acceptable in *any appropriate spoken variety of the non-English language*.

It is important for examinees to understand that when the test is prepared, test reviewers try to make sure that the test does not include words or phrases that are used in a way that is peculiar to a particular country or region.

The types of scoring units that are scattered throughout the test include the following:

- Grammar--words or phrases that might be interpreted incorrectly due to an inadequate command of grammar
- False cognates—words that sound or look alike in both languages, but that have different meanings
- General vocabulary—a range of nouns, verbs, adjectives, etc.
- Technical vocabulary—special terminology frequently encountered in court contexts, such as common legal terms
- Idioms and expressions—words or phrases in the source language which will usually result in lost meaning or nonsense if they are interpreted word-for-word into the target language
- Numbers, names, dates—these must be accurately preserved during the interpretation
- Modifiers, emphasis—adjective, adverbs, exclamations, etc. in the source language that must be accurately preserved in the target language
- Register/style—words or phrases characteristic of a style of speech (formal, casual, informal) that must be preserved in the interpretation, for example, “yeah” and “yes” mean the same, but make a different impression on the listener
- Position and special function—words or phrases that might be overlooked or left out because of their position in the sentence, such as embedded phrases or tag-ons, or because they are “fillers,” such as false starts, stalls, etc., and

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- Slang/Colloquialisms—words or phrases that are slang or colloquial language.

6.1.1 How many scoring units must a candidate get right to pass the exam?

Each portion of the exam has a fixed number of scoring units. There are 75 scoring units in the simultaneous, 75 or 90 units in the consecutive (depending upon what version of a test is used), and 25 units in each of the sights, for a total of 50 units that are used to calculate the score for the sight translation portion of the exam. The candidate must score at least a 70% on each of the three scorable parts of the test in order to pass.

6.1.2 How do the test raters (examiners) determine if a scoring unit is rated "correct" or "incorrect?"

Each candidate's test is reviewed by two raters. The raters independently score each scoring unit, and then compare their scores. When a scoring unit is omitted or rendered incorrectly, the raters will place an "X" over that scoring unit (for example, if the scoring unit is June 16, 2004 and the examinee said June 15, 2004, that scoring unit will be marked as "incorrect"). When there is disagreement between the raters about the interpretation of a scoring unit, the raters consult a *scoring dictionary*. The *scoring dictionary* includes a compilation of interpretations for that scoring unit that have been deemed "acceptable" or "unacceptable" by other teams of raters in the past. If the *scoring dictionary* does not adequately address the disagreement, the raters will turn to reputable bilingual dictionaries and other resources to see if the interpretation would be acceptable in any country where the language is spoken. When there is disagreement that cannot be resolved through discussion or by consulting the *scoring dictionary* or published resources, a third opinion may be sought. The benefit of any doubt always goes to the candidate. In other words, if after discussion and research, just one rater believes a scoring unit is interpreted correctly, the unit is marked as "correct".

Once the raters have rated and discussed an examination, they count the number of incorrect scoring units and subtract that sum from the total number of scoring units in that section of the test. The result is the total number of correct scoring units. The total number of correct scoring units and that number, expressed as a percentage, is reported to the examinee. For example, if a candidate had 15 scoring units out of a possible of 75 marked as "incorrect," that number would be subtracted from the total number of scoring units, leaving 60 scoring units as "correct." The report to the examinee would illustrate 60 correct scoring units, and the percentage score (in this example, 60 divided by 75, or 80%).

6.2 Nonscoring unit evaluation

In addition to the evaluation of a candidate's scoring unit assessment, each section of the exam is further evaluated in a general way by the test raters for consistency in interpreting and language skills. This is a structured assessment of interpreting and language skills that may not be captured within the framework of the

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scoring unit assessment. It will be used to evaluate any consistently repeated mistakes, difficulty understanding a candidate due to speech habits or accent, and significant changes in meaning in non-scoring unit phrases of the exam. For example, on rare occasions, an examinee may “hit” the correct interpretation of scoring units enough times to achieve the minimum acceptable score in an exam section (70% or better), while routinely misinterpreting the entire unit of meaning within which the scoring unit has occurred. Examinees may also manage to correctly interpret many keywords, but frequently embellish the text or “make-up” words. These are serious breaches of professional conduct and may result in an unacceptable rating on that dimension of the evaluation. The nonkeyword (non-scoring unit) evaluation functions as a corrective measure of the quantitative performance criteria associated with the point score earned through interpretation of the scoring units.

Using this evaluation, the test raters will assign one of three values to the candidate's performance on each of three dimensions—English Language Skills, Foreign Language Skills and Interpreting Skills. The values are *Acceptable*, *Borderline*, and *Unacceptable*.

Assignment of an *Acceptable* score occurs when the raters believe that the examinee's overall performance is competent or better. In such circumstances the scoring unit scoring will determine whether the examinee achieves the “pass” or “does not pass” status on the exam.

A *Borderline* classification is an indication to the examinee that his/her performance on the exam demonstrated weaknesses that concerned the raters. This rating does not influence the objective (scoring unit) score, so a candidate will not fail if a *borderline* rating is received and the candidate passes on the point score.

Examiners will assign an *Unacceptable* rating to performances that clearly do not meet minimum standards for court interpreting. Usually, *Unacceptable* ratings are matched by scoring unit scores that do not meet the minimum standards for passing the test. However, if an *Unacceptable* rating is given on a dimension of the nonkeyword scoring system, it forces the assignment of a “fail” status, even if the point score is in the passing range. The procedure followed in such cases is that if both raters agree on an *Unacceptable* rating for any of the three categories, and the candidate's overall scoring unit score would otherwise entitle the candidate to pass the test, then the candidate's examination will automatically be referred to a second rating team. If the second rating team agrees with the *Unacceptable* rating, then the candidate will not qualify for a “pass” status on the exam, regardless of the score on the scoring unit assessment, and the results report will be returned with a “does not pass” classification.

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7. Procedural and mechanical aspects of the exam

(NOTE: EACH STATE SHOULD ENSURE THAT THIS SECTION CONFORMS TO THE PRACTICE IN THAT STATE)

7.1 Application

Candidates who have complied with all the state requirements can apply to take the test and pay any required registration fee (or comply with any other state requirements). This is done well in advance of the test day. If you have already applied to take the test and paid the fee (if applicable), you should have received notice with this booklet telling you of the testing location, test date, and specific time of your appointment. To take the test, you must show up on time and be prepared to confirm your registration information and your identity with photo identification that matches your registration form. *If you do not have a photo identification, you should make advance arrangements with the test coordinator from whom you received your registration form to agree on some other form of acceptable positive identification.*

7.2 Exam Day

As noted above, you must appear on time at the test site with your identification and test registration confirmation forms. In most cases, there will be a registration clerk or test proctor waiting to confirm your identity and your appointment. Please report to the clerk or proctor as soon as you arrive. After confirming your registration and completing the paperwork required to process your exam, you will be asked to take a seat in a waiting area until a test administrator calls your name. Examinees will be taken to the test room in the order they arrive. Appointments are generally made on a staggered schedule to limit the total sign in, waiting, and test time to no more than one hour. Generally, you can expect to complete the entire process in 60 minutes or less.

When your name is called you will be escorted to the test room by a proctor. *You will not be allowed to bring any purses, handbags, or other similar personal belongings that have not been opened and examined into the test room. Tape recorders or any other mechanical devices will not be allowed inside the test room.* After you are seated, the proctor will give you further detailed instructions before the exam begins. You should behave as you would if you were working in court.

8. What will the examination room look like?

The exam is normally given in a room such as a courtroom, a jury room, or a conference room. Only you and the test administrator(s) or proctor(s) will be present in the room during the exam. Your consent is required for observers to be present.

The administrator/proctor will have a list of individuals to be tested that day and a "script" that he or she will follow to read the instructions. All examinees are given exactly the same instructions. At your seat, there will be a water pitcher, paper cups, a

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cup of water poured for you, a note pad, and pencils and pens for you to take notes if you wish. On the table, there will be one Compact Disk player and an audio cassette tape recorder. The tape recorder will record your test and will be turned on as soon as you enter the room. The CD player will be used to play the pre-recorded simultaneous and consecutive portions of the test.

9. What happens once I'm in the examination room?

The following descriptions apply to the specific parts of the exam.

9.1 Sight:

First, the test administrator will hand you a document, written in English, which you must interpret into the foreign language. After that exercise is completed, the test administrator will hand you a second document, written in the foreign language, which you will interpret into English. You will be given six minutes to read and interpret each document. The administrator will inform you that you have two minutes to read the document to yourself to gain a perspective of the contents and the overall meaning. Although you can begin your interpretation at any time, you are encouraged to use that time to familiarize yourself with the document and take notes if it will help you in your delivery. If you haven't begun to interpret the contents after two minutes, the test administrator will tell you that "you should begin." At that point, you have four minutes remaining to orally translate the document. This procedure is identical for both documents. The goal is to render an accurate rendition of the document in a fluid, smooth manner, avoiding hesitations, false starts, and constant repeats of passages that detract from the listener's ability to comprehend the message.

9.2 Consecutive:

The consecutive portion of the exam will be played on a Compact Disk player. The test administrator will play a segment of the test and then pause the machine. At the pause, you will interpret what was said into the other language. For example if the segment represents an attorney asking a question in English, at the pause, you will interpret that question into the foreign language. The administrator will then play the next segment and pause. Again, you will interpret what was said into the other language. For example, if the segment is the witness answering in the foreign language, at the pause, you will interpret that answer into English.

You will be allowed to ask for two repetitions during the consecutive portion of the exam. The segments will vary in length from one word to over forty words. You may not ask for a *part* of a segment to be repeated or for a segment to be split into two separate utterances. If you ask for a repetition, the whole segment will be repeated for you (this can only occur twice during this portion of the exam). You may not ask for clarification of any particular word or phrase.

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You are encouraged to take notes to assist your memory. It is in your best interest to keep up with the pace of the segments since you will be allowed 22 minutes to complete this portion of the exam. If you take long, detailed notes, try to write everything that was said before you begin your interpretation, or if you deliver more than one rendition of your interpretation of utterances, you are likely to run out of time. If you run out of time, all of the scoring units from the point where you ran out of time to the end of the consecutive portion will be counted as incorrect.

9.3 Simultaneous:

The simultaneous passage has been pre-recorded on a CD. After a brief introduction by the test proctor, you will put on a set of earphones. You will hear a brief introductory message on the CD before the simultaneous portion begins. As you listen to the introduction, you will have the chance to make sure the earphones fit comfortably and to adjust the volume. Then, when the test begins you will interpret out loud and simultaneously everything that is said into the non-English language. You may sit or stand during the test. However, if you choose to stand, you should speak loudly and clearly so that your interpretation is recorded adequately, and bear in mind that your movement will be restricted by the length of the earphone wires. Once the simultaneous portion of the exam begins, you are not permitted to stop the exam. If you stop during the simultaneous portion, that will terminate the exam. At that point, all scoring units that follow will be counted as wrong. Once the simultaneous portion of the test is over, you will be permitted to take off the earphones.

10. After the exam

After the exam you will be asked to leave the testing area without returning to the waiting area. You are not allowed to discuss the exam with any other candidates. One of the sign-in requirements is that you sign an oath, promising not to divulge any information about specific language or test items to any other person after you complete the examination.

11. Notification of exam results

You will be notified by mail of your exam results. The exam administrator or proctor will give you an idea of how much time will expire between the time you take the test and the time you will receive the results. Your test tapes, test scores, and test-rating sheet will be confidential. Only the test administrators, test raters, and staff at the National Center for State Courts will have access to these materials. The summary results – whether you pass or do not pass the test – are matters of public record and may be reported in response to any inquiry. The details about your scores may be provided to an official representative of another Consortium member state upon request, and may be provided to others if you submit a written request for that information to be released.

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12. Who scores the exam?

In most states, the exam is scored by teams of two interpreters who have themselves taken and passed a similar certification test, or, in the case of newly developed examinations, are academic experts who have participated in the development of a test and who have been trained in the theory and practice of scoring Consortium examinations. Raters receive specific training and usually have experience in test administration and test scoring. All members of the teams are evaluated carefully to assure that they follow the testing standards established for the examination process.

13. Suggested "do's and don'ts" during the examination

There are several tips that will be helpful to you if you keep them in mind while you are taking the examination. Please study the following suggestions carefully.

13.1 DO

- Perform throughout all parts of the oral exam as though you were interpreting in a courtroom. The only times you should go out of this role is between exam sections.
- Concentrate on the source language and your rendition as you go through the various parts of the test.
- Try to interpret any words or phrases that may be unfamiliar to you, as long as you can make an educated guess about the meaning from the context given to you in the passage.
- *Stick with it* in the simultaneous. If you find yourself getting frustrated, or feeling that you are unable to keep up, pause for a second or two to regain your composure and then keep trying! (Remember that you cannot ask the proctor to stop the exam and then start over.)
- During the consecutive portion, use the same grammar "person" that is employed by a speaker. For example, if the witness says in the foreign language the equivalent of "My name is Teresita Salazar," the proper interpretation into English would be, "My name is Teresita Salazar," NOT, "She says her name is Teresita Salazar."
- Conserve the intent, tone, and language level of the source messages you interpret. *If you encounter any impolite words or phrases, slang, or obscene language, interpret them as closely as possible into the target language just as they sound in the source language.* Do not attempt to clean up or change the language of any speaker.

13.2 DON'T

- Guess wildly the meaning of a word or phrase that you don't know.
- Allow yourself to get frustrated when you don't know how to interpret a word or phrase. Skip it and keep going.

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- Give a string of synonyms for a given word or several interpretations for a particular phrase. If you do this, only the last synonym or phrase you render will be graded, even if you said it correctly on the first try.

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Appendix 1

SUGGESTIONS FOR PREPARING FOR THE TEST²

Sight Translations:

Take any written materials (for example, newspaper and magazine articles, letters, books, birth certificates, etc.) and, speaking into a tape recorder, perform sight translations. Evaluate your rendition against the source material. Practice on a variety of subjects and vary the type of material that you use. Continue practicing until you are able to comfortably translate at least 225 words accurately within a six-minute time frame.

Consecutive Interpretation:

Practice your ability to repeat sentences and paragraphs of varying lengths, from one to fifty words. You are likely to find a number of sources for practice materials. For example, your local court reporter's office may be willing to let you have draft copies of actual transcripts, or you may find practice materials on the World Wide Web. If necessary, you can ask friends and family members to create samples of "question and answer" formatted transcripts. Say a segment aloud in the source language (or have a friend or family member read the segment out loud for you), then interpret that segment into the target language. Be sure to vary the lengths of the utterances and practice until you are able, with the use of notes if you are trained in notetaking skills, to interpret long passages.

For many interpreters, note taking is extremely beneficial in all modes of interpretation, but especially in the consecutive mode. If you find that you benefit from note taking, develop an efficient note taking system in order to remember relevant names, dates, places, and figures. It is often essential to develop this skill under the direction of an experienced interpreter or teacher. However, the skill you develop will be your own personal method of note taking. Notes might be recorded in the form of simple outlines, charges, diagrams, or graphs. Listing information in the form of a diagram might be helpful while interpreting at a trial during which a particular scenario is repeatedly mentioned. An effective note taking system allows you to concentrate on the ideas and concepts contained in the message, not on taking the notes. It is important to adopt a strategy or strategies that work best for you. Attend as many different kinds of court proceedings as possible. As you listen, practice taking notes

² Most of the information in this section is adapted from FUNDAMENTALS OF COURT INTERPRETATION: THEORY, POLICY, AND PRACTICE by Roseann Duenas Gonzalez, Victoria Vasquez, and Holly Mikkelsen. It is available from Carolina Academic Press, 700 Kent Street, Durham, NC 27701; 919-489-7486, Fax 919-493-5668.

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that highlight actions, specific information (dates, names, etc.) and legal concepts. Develop your own symbols for the court, the district attorney, the public defender, etc.

Practice consecutive interpretation until you are able to accurately interpret oral passages that are 850 to 900 words in length, with segments of varying lengths, within a 20- to 22-minute time frame.

Simultaneous

Before the exam, practice your ability to listen through earphones and interpret out loud as you listen. Practicing silently is not as effective as practicing *out loud*. Being very comfortable with earphones and listening to a reader while interpreting out loud is important.

You should practice in front of other people so that you become comfortable with someone else being in the room, listening to your interpretation. It doesn't matter if the other person is bilingual or not. The goal is to become accustomed to having someone else listening.

Attend as many different kinds of court proceedings as possible. While you listen, render them silently to yourself simultaneously with the speaker. When you run into a word or phrase that you cannot interpret, make a note of it. When you return home, look up those words and phrases to determine their meaning and the appropriate interpretation of them.

Use television and radio broadcasts as interpreting materials. Interpret them aloud while you are driving or performing another activity simultaneously.

Practice will help you avoid being startled or "paralyzed" by what you don't know or a word you cannot remember. If you become "paralyzed" during the simultaneous portion of the exam, you will miss much of the incoming message.

Shadowing

Shadowing is a basic exercise that will help you strengthen your simultaneous skills. It familiarizes the interpreter with performing two tasks simultaneously.

To practice:

- Have someone record varied paragraph-length passages in English and in the non-English language into a tape recorder.
- Listen to a passage. Then play it again and repeat everything you hear in the same language, staying as close to the speaker as possible.
- Listen to the passage again, repeating it in the source language.

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When you reach a point where this exercise is somewhat “easy” for you, increase your capacity by repeating the exercise and writing the numbers 1 through 100 at the same time.

When that becomes “easy” for you, repeat the exercises and simultaneously write the numbers 100 to 1 backwards. With progress, complete the following exercises:

- Repeat the exercise and simultaneously write 1-100 by 5's.
- Repeat the exercise and simultaneously write 1-100 by 3's.
- Repeat the exercise and simultaneously write out a poem you know from memory.
- Repeat the exercise and simultaneously write anything committed to memory such as the Pledge of Allegiance or the Preamble to the Constitution, or the names and telephone numbers of your family and friends.

These techniques are excellent for stretching your ability to *multi-task*. Multi-tasking is an essential part of interpreting. Repeating these exercises will essentially provide your brain with a “workout.”

Other exercises:

Since effective court interpreting requires accuracy and speed, it is essential that you enhance your listening and concentration capabilities.

Listening: Practice your ability to listen through earphones and other mechanical devices.

Listening: Listen carefully to the meaning and concept of the communication rather than the separate words. You can practice critical listening anywhere at anytime.

Concentration: Learn to concentrate on what the person for whom you are interpreting is communicating. Concentrate only on the actual communication without being distracted by external factors such as physical appearance, gestures, etc. Accurate interpretation relies on how well the interpreter understands a message.

Understanding a message requires *intellectual listening*, that is, *listening for ideas*. An interpreter must listen to a message and simultaneously classify the information in the message into a *hierarchy*. An interpreter makes instantaneous decisions about which ideas are central and which are supporting or minor. The following is an exercise that may help build this skill:

- Have someone record several passages of approximately 15 words in English.
- Choose texts representing a variety of areas (a newspaper report about a local crime, a scientific report of the results of research, a passage from a book, etc.).
- Listen to each passage without taking notes. Turn off the recorder. Write down the main idea of the passage. (For example: “Language interpreting

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performance tests are oral tests designed to determine whether candidates possess the minimum levels of language knowledge and interpreting skills required to perform competently during court proceedings.” Main idea of the passage: oral interpreting tests determine if one has the minimal level of skill required to interpret in the courts.)

- Continue this procedure with all the passages.
- Then listen to each passage again, confirming that the main idea you recorded was, indeed, the main idea of the passage.
- Listen to the passage again.
- Turn off the recorder.
- Note additional specific information that supports the main idea you had originally taken down. (For example: performance exams are oral tests that determine if one has the language knowledge and interpreting skills required to interpret in the courts.)
- Continue the procedure, taking notes and adding to the information until you have written a complete summary for each passage.

You should practice these exercises with another person or a small group of people in order to receive immediate and constant feedback. Practicing with others is a great way to increase your vocabulary and to be aware when more than one interpretation is accurate and acceptable. All of the exercises mentioned in this section and those that are suggested to you at training sessions are more beneficial when performed interactively.

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Appendix 2

Lists of resources available to help you increase your interpreting skills

A heartfelt "thank you" to Holly Mikkelson, who so kindly shared her comprehensive and valuable lists of resources for Spanish interpreters, including:

Recommended References for Spanish Interpreters

Regional Spanish Websites

Recommended References on Regional and Colloquial Spanish

English Slang References

and to the State of New Jersey, a founding member of the Consortium for State Court Interpreter Certification, our appreciation and admiration for the collection of resources found at its Web site, many of which are included in this document.

Examinees, please note: Many of the institutions listed below offer "academic certificates," which are different from state or federal interpreter certifications. If you receive academic certificates, and are not state or federally certified, you should clearly identify the certificate in your resumes or biographies and not claim state or federal interpreter certification. To do so would be unethical.

COLLEGES AND UNIVERSITIES

BINGHAMTON UNIVERSITY

Translation Research & Instruction Program

Library Tower 1302

P.O. Box 6000

Binghamton, NY 13902

(607) 777-6726

<http://www.binghamton.edu/trip>

trip@binghamton.edu

The Translation Research and Instruction Program is the pedagogical division of the Center for Research in Translation (CRIT). It administers the interdisciplinary curriculum and examination that lead to translator certification. Although most students in the program are matriculated in one of the University degree programs, the translation study courses may be taken as a separate track.

BOSTON UNIVERSITY

Interpreter Certificate Program (Portuguese)

Center for Professional Education

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940 Commonwealth Avenue West
Boston, MA 02215
(617) 353-4497
<http://www.butrain.com/cpe/legalcert.asp>
CPE@BU.EDU

BROOKDALE COMMUNITY COLLEGE

Community Interpreting in Spanish Certificate Program
Business and Community Development
765 Newman Springs Road
Lincoln, NJ 07738-1543
(732) 224-2315
www.brookdalecc.edu

The community need for interpreting Spanish to English is critical. The ability to overcome language barriers is essential in a variety of instances that include medical emergencies as well as legal and social situations. This program is designated to train entry-level interpreters for service and employment opportunities. The instructors—all specialists in their respective fields of interpreting—will incorporate “real life” samples of materials and examples of situations that will be encountered in the field. Consecutive interpreting used in medical, legal, and social service situations, as well as simultaneous and sight translation will be covered. Advanced training for the state exam for Court Interpreters will be offered.

COLLEGE OF CHARLESTON

Dr. Virginia Benmaman, Director
MA Program in Bilingual Legal Interpreting
University of Charleston
Charleston, SC 29424-0001
(843) 953-4947
<http://www.cofc.edu/~legalint>

Masters Degree Program Description The Masters of Arts in Bilingual Legal Interpreting for English-Spanish is the only graduate program in the United States which offers the opportunity to receive the education and training required and expected of a professional degree-holding legal interpreter. The program is a comprehensive, sequenced, and integrated series of courses designed to provide the student with the theoretical foundation, performance competencies, and research skills required of a graduate entering this growing profession. The curriculum consists of 14 courses (42 credits) which can be completed over a two-year period. Eight of the ten courses must be completed at the University of Charleston during two full summers. The teaching faculty who are invited to teach during the summer sessions are among the most qualified professors of interpreting and professional interpreters in North America. The remaining two core courses, a practicum in legal settings and an

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internship as an apprentice interpreter, may be completed in a court jurisdiction of the student's choice. Four remaining courses may be taken at another university, subject to approval by the program director, and applied to the program as transfer credit.

Certificate Program Description This certificate program, comprised of existing courses within the present master's program, will provide the means by which students enrolled in other language oriented graduate programs, as well as other interpreting and translating professionals, can attain the foundational skills in legal interpreting in an abbreviated time frame, generally in one full summer. Students in the program will take four of the courses regularly offered during the summer session.

KEAN UNIVERSITY

Department of Foreign Languages, Literatures, and Cultures
Hutchinson Hall, J-309
Union, New Jersey 07083-0411
<http://www.kean.edu/>

MARYMOUNT MANHATTAN COLLEGE

221 East 71st Street
New York, NY 10021
(212) 774-0780
<http://marymount.mmm.edu/>

MONTCLAIR STATE UNIVERSITY

Certificate Program in Translation and Interpretation in Spanish
María José Vizcaíno, Director
Spanish/Italian Department
Montclair State University
Upper Montclair, NJ 07043
(973) 655-4285
<http://chss2.montclair.edu/spanish-italian/stranslation.htm>

Montclair State University's Certificate Program in Translation and Interpretation in Spanish provides basic preparation for entry-level translating and interpreting positions in government, telecommunications, the judiciary, the helping professions, business and the arts. Designed for students who have good speaking and writing skills in both English and Spanish, the four-course sequence focuses on the specific skills of translation and interpretation.

MONTCLAIR STATE UNIVERSITY

Department of French, German, and Russian
Montclair State University
Upper Montclair, NJ 07043
(973) 655-7422

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<http://chss2.montclair.edu/french>

This department offers a Translation Concentration for French Majors.

NEW YORK UNIVERSITY

SCHOOL OF CONTINUING AND PROFESSIONAL STUDIES

Center for Foreign Languages and Translation

NYU School of Continuing and Professional Studies

10 Astor Place, Suite 505

New York, NY 10003

(212) 998-7030

<http://www.scps.nyu.edu>

scps.foreignlanguages@nyu.edu

- *Certificate in Court Interpreting*

Spanish/English

<http://www.scps.nyu.edu/departments/certificate.jsp?cerld'155>

This program is designed for individuals with a mastery of both languages. As a prerequisite to entering the program, all prospective students must pass an oral proficiency test both in Spanish and English to determine their linguistic competence and general cultural preparation.

- *Certificate in Translation*

English to Spanish or Spanish to English

<http://scps.nyu.edu/departments/certificate.jsp?cerld'157>

This program is intended for linguistically skilled individuals of diverse professional and educational backgrounds who seek to develop abilities in the field of translation.

- *Certificate in Translation*

French to English, German to English, English to Portuguese, General Translation

http://www.scps.nyu.edu/dyncon/acfl/cert_tran.html

This program is intended for linguistically skilled individuals of diverse professional and educational backgrounds who seek to develop abilities in the field of translation.

- *Online Certificate Programs*

<http://scps.nyu.edu/departments/certificate.jsp?cerld'157>

This program is available to distance learning students.

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RIDER UNIVERSITY

Department of Foreign Languages and Literatures
Rider University
2083 Lawrenceville Road
Lawrenceville, NJ 08648
609-896-5146
Forlang@Rider.edu
<http://www.rider.edu/>

RUTGERS UNIVERSITY

Department of Spanish & Portuguese
Faculty of Arts & Sciences
Rutgers, The State University
P.O. Box 270
New Brunswick, NJ 08903-0270
(732) 932-9412 x. 25
<http://span-port.Rutgers.edu/> or <http://french.rutgers.edu>
span-port@rci.rutgers.edu

Certificate of Proficiency in Spanish-English and English-Spanish Translation

OBJECTIVE: To provide students with the opportunity to gain competence in Spanish-English and English-Spanish translation. The program will train students in a skill which can be applied to future employment in connection with such major fields as Banking, Business, Journalism, Legal Translation and Social Services.

TEMPLE UNIVERSITY

Department of Spanish and Portuguese
Anderson Hall, Room 450
Philadelphia, PA 19122
(215) 204-1706
<http://www.temple.edu/spanpor>
haldaron@unix.temple.edu

UNION COUNTY COLLEGE

Interpreting Spoken Language Certificate Program
Elizabeth Campus E-500
12 West Jersey Street
Elizabeth, NJ 07201
(908) 965-2345
<http://faculty.ucc.edu/fineart-difiore>

The Interpreting Spoken Language Program trains bilingual individuals in the basic skills needed for professional work in interpreting and translating. Union County College offers three courses as part of a certificate program. Students from all language backgrounds may study in the program.

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LANGUAGE REQUIREMENTS: A high level of proficiency in English and at least one other language is required for entrance into these courses. The College provides a placement test in English. Those wishing to study in this course must finish all developmental English and ESL requirements before registering for interpreting courses. Evaluation in one's other language is done by the student her/himself or in consultation with the coordinator of the program. It is recommended that the student have some college education in that language and be fluent both in speaking and writing.

UNIVERSITY OF ARIZONA THE NATIONAL CENTER FOR INTERPRETATION

University of Arizona
Modern Languages Bldg., Room 445
Tucson, AZ 95721
(520) 621-3615
<http://nci.arizona.edu/>
ncitrp@u.arizona.edu

Summer Institute:

This is an intensive three-week course offered every summer to help beginning and intermediate court interpreters develop their interpretation abilities and to help advanced or working interpreters hone their skills. Advanced, intensive program alternatives are available for experienced federal and state certified interpreters.

Special Weekend Seminars (Friday-Sunday)

These will be held at least four times throughout the year in Tucson to assist candidates in preparing for the federal written and oral, as well as state, exams. In addition, traveling seminars are available to groups of 15 or more elsewhere.

UNIVERSITY OF MASSACHUSETTS-BOSTON

Division of Corporate, Continuing and Distance Education
University of Massachusetts, Boston
100 Morrissey Boulevard
Boston, MA 02125-3393
<http://www.conted.umb.edu>

Department of Hispanic Studies (617) 287-7550

This intensive six-credit undergraduate certificate program has been specially designed to provide qualified applicants with a comprehensive introduction to professional court interpretation. The program teaches the fundamentals of theory and practice through classroom discussion and activities, as well as through laboratory exercises designed to develop interpreting proficiency. Novice and experienced interpreters will benefit equally from extensive practice. Students will devote additional time out of class to

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court visits and to fulfill oral and written assignments. Not offered as an online course as of 2006.

WILLIAM PATTERSON UNIVERSITY

Center for Continuing Education and Distance Learning
P.O. Box 913
Wayne, NJ 07474-0913
(973) 720-2491
<http://www.wpunj.edu/ce>

ENGLISH SLANG AND IDIOMS REFERENCES

Cassidy, F. and Hall, J. (eds.) **DICTIONARY OF REGIONAL AMERICAN ENGLISH VOLS. I-IV**. Harvard University Press

Chapman, Robert L. **DICTIONARY OF AMERICAN SLANG**. Harper Resource, 1998. ISBN 006270107X

Green, Jonathan. **THE BIG BOOK OF FILTH: 6500 SEX SLANG WORDS AND PHRASES**. Sterling Publishing, 2000. ISBN 0304353507

Johnson, Sterling. **ENGLISH AS A SECOND F*CKING LANGUAGE**. ESFL University Press, 1995. ISBN 0-9644545-0-5

Novobatzky, Peter and Shea, Ammon. **DEPRAVED AND INSULTING ENGLISH**. Harvest Books, 2002. ISBN 0156011492

Philbin, Tom. **COP SPEAK: THE LINGO OF LAW ENFORCEMENT AND CRIME**. John Wiley & Sons, 1996. ISBN 0-471-04304-4

Spears, Richard A. **NTC'S AMERICAN IDIOMS DICTIONARY**. National Textbook Co., 1988. Library of Congress Number: 86-63996

Spears, Richard A. **SLANG AND EUPHEMISM: A DICTIONARY OF OATHS, CURSES, INSULTS, SEXUAL SLANG AND METAPHOR, RACIAL SLURS, DRUG TALK, HOMOSEXUAL LINGO, AND RELATED MATTERS**. Jonathan David, 1981. ASIN 0824602595

Spears, Richard A. **FORBIDDEN AMERICAN ENGLISH**. McGraw-Hill/Contemporary Books, 1990. ISBN 0844251496

Online Slang Dictionaries

The contents of this manual are intended to be adapted by state personnel to reflect the state's policies and procedures concerning state court interpreter certification examinations.

The Alternative English Dictionary

<http://www.notam02.no/~hcholm/altlang/ht/English.html>

Commonly-Used American Slang

<http://www.manythings.org/slang/>

Cool Western Slang

http://www.bibble.org/western_slang.html

Gay Slang Dictionary

<http://www.hurricane.net/~wizard/19a.html>

Online Dictionary of Street Drug Slang

<http://www.drugs.indiana.edu/slang/home.html>

Recent Slang

<http://www.slangsite.com/>

Slang Dictionary

<http://members.tripod.com/~jaguarpage/slang.htm>

Tru Dat

http://members.tripod.com/~mara_juarez/slang.htm

Vox Dictionary of Contemporary Slang

<http://www.lexscripta.com/desktop/dictionaries/slang.html>

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SOME ESSENTIAL DICTIONARIES AND OTHER REFERENCE MATERIALS FOR COURT INTERPRETERS

English monolingual dictionaries

American Heritage Dictionary of the English Language, 4th Edition

Format: Hardcover, 4th ed., 2116pp.

ISBN: 035825172

Publisher: Houghton Mifflin Company

Pub. Date: September 2000

Edition Desc: 4th

Random House Webster's Unabridged Dictionary

Format: Hardcover, 3rd ed., 2256pp.

ISBN: 0375425667

Publisher: Random House Information Group

Pub. Date: September 2001

Edition Desc: 2nd

Black's Law Dictionary (American and English Jurisprudence)

Format: Textbook Hardcover, 7th ed., 1776pp.

ISBN: 0314228640

Publisher: West Group

Pub. Date: August 1999

Dictionaries for languages other than English

ARABIC

Al Mawrid (English-Arabic/Arabic-English dictionary)

Format: Hardcover, 3rd ed., 2376pp.

ASIN: 1894412974

Publisher: Dar El Ilm Lilmalayin

Pub. Date: March 1998

Al Mawrid 2002: A Modern English-Arabic Dictionary

Format: Hardcover

ISBN: 9953900426

Publisher: Librarie Du Moyen-Orient

Pub. Date: 2001

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Arabic-English Faruqi's Law Dictionary

Format: Hardcover, 3rd ed., 380pp.

ISBN: 0884310728

Publisher: I B D Ltd

Pub. Date: December 1986

(This dictionary is also available in English-Arabic)

CHINESE

Chinese-English Dictionary

Format: Hardcover, 1401pp.

ISBN: 962-04-0398-3

Pub. Date: 1991

English-Chinese Dictionary

Format: Hardcover, 1769pp.

ISBN: 962-04-0201-4

Pub. Date: 1991

Chinese-English New Practical Dictionary

Format: Paperback, 1418pp.

ISBN: 0-88431-193-7

Pub. Date: 1987

Chinese-English (Mandarin) Dictionary

Format: Hardcover, 660pp.

ISBN: 0-88431-261-5

Pub. Date: 1967

English-Chinese Glossary of American Criminal Law

Format: Paperback, 246pp.

ISBN: 0-88727-111-1

Pub. Date: 1989

English-Cantonese Glossary

Format: Looseleaf

ISBN: N/A

Publisher: ACEBO

Pub. Date: N/A

Glossary of Selected Legal Terms English-Cantonese

Office of the Administrator of the Courts, State of Washington

The contents of this manual are intended to be adapted by state personnel to reflect the state's policies and procedures concerning state court interpreter certification examinations.

Distributed by ACEBO, P.O. Box 7485, CA 93962

FRENCH

Dictionnaire Encyclopedique, 2 vols

Format: Hardcover, 2124 pp.

ISBN: 2-03-301806-1

Pub. Date: 1994

Le Nouveau Petit Robert: Dictionnaire De La Langue Francaise

Format: Hardcover

ISBN: 2850368261

Publisher: Le Robert

Pub. Date: 2002

Harper Collins Robert French Unabridged Dictionary

Format: Hardcover, 6th ed., 2142 pp.

ISBN: 0060084502

Publisher: Harper Resource

Pub. Date: 2002

English-French Lexicon of Legal Terms

ISBN: 928712313-6

GREEK

Greek-English Dictionary, 2 vols

Format: Hardcover, 1318 pp.

ISBN: 0-88431-922-9

Pub. Date: 1961

English-Greek Dictionary

Format: Hardcover, 1102 pp.

ISBN: 0-88431-125-2

Pub. Date: 1961

HAITIAN CREOLE

Haitian Creole-English-French Dictionary

Deslan Rincher & Associates

22-11 Church Ave

Brooklyn, NY 11226

The contents of this manual are intended to be adapted by state personnel to reflect the state's policies and procedures concerning state court interpreter certification examinations.

(718) 693-0461

Haitian Creole-English-French Dictionary

1981, Bloomington Indiana-Creole Institute
Haitiana Publications
170-08 Hillside Ave.
Jamaica, NY 11432
(718) 523-0135

Haitian Creole-English Dictionary

Targetej, Dunwoody Press
ISBN 0-93174575-6

ITALIAN

Italian Encyclopedia Universal Dictionary

Format: Hardcover, 1860 pp.
ISBN: 88-7166-174-5

Italian-English English-Italian Dictionary (Sansoni)

ISBN: 88-3831437-3

English-Italian Law Dictionary

ISBN: 88-1400316-5
Pub. Date: 1994

Italian-English Law Dictionary

ISBN: 88-1405001-5
Pub. Date: 1996

KOREAN

Korean-English Dictionary

Format: Flex, 2182 pp.
ISBN: 89-387-04020-5
Publisher: Minjungseorim
Pub. Date: 1994

English-Korean Dictionary

Format: Flex; 2687 pp.
ISBN: 89-387-0401-7
Publisher: Minjung
Pub. Date: 1994

The contents of this manual are intended to be adapted by state personnel to reflect the state's policies and procedures concerning state court interpreter certification examinations.

English-Korean Glossary

Format: Looseleaf

ISBN: N/A

Publisher: ACEBO

Pub. Date: N/A

POLISH

The Great Polish/English Dictionary (2 Volume set)

Format: Hardcover; 1728 pp.

ISBN: 83-214-0956-3

Pub. Date: 1992

The Great English/Polish Dictionary

Format: Hardcover; 1404 pp.

ISBN: 83-214-0955-5

Pub. Date: 1992

Polish/English Dictionary of Legal Terms

ISBN: H3-04-01897-7

English/Polish Dictionary of Legal and Economic Terms

Format: Hardcover; 724 pp.

ISBN: 83-214-0533-9

Pub. Date: 1991

Kodeks Karny – Postepowania Karnego

ISBN: 83-85330-30-5

Kodeks Cywilny – Kodeks Postepowania Cywilnego

ISBN: 83-9004443-3-1

PORTUGUESE

Portuguese Dictionary-Novo

ISBN: 85-209-0411-4

Pequeno Dicionário Enciclopédico Koogan Larousse

Editoria Larousse do Brasil, Rio de Janeiro

Imported Books. P.O. Box 4414, Dallas Texas

(214) 941-6497

The contents of this manual are intended to be adapted by state personnel to reflect the state's policies and procedures concerning state court interpreter certification examinations.

Dictionary Portuguese-English (2 volumes)

Format: Hardcover; 1328 pp.

ISBN: 85-06-01598-7

English-Portuguese Dictionary

Format: Hardcover; 1151 pp.

ISBN: 85-06-01599-5

Dicionário Jurídico, 3rd edition

Maria Chaves de Mello. Rio de Janeiro: Barrister's Editors, 1987

Noronha's Legal Dictionary

Durval de Noronha Goyos, Jr.

Sao Paulo: Editora Observador Legal, 1993

RUSSIAN

Russian Encyclopedic Dictionary

Format: Hardcover; 1632 pp.

ISBN: 5-85270-001-0

English-Russian Dictionary 2 Volumes

Format: Hardcover; 2108 pp.

ISBN: 0-88431-168-6

Pub. Date: 1988

Russian-English Translator's Dictionary

Format: Hardcover; 735 pp.

ISBN: 0-471-93316-3

Pub. Date: 1991

Russian-English Legal Dictionary

ISBN: 5-88746-004-0

English-Russian Dictionary of American Criminal Law

ISBN: 0-313-30455-6

Available from Greenwood Publishing Group

P.O. Box 5007, Westport, CT 06881-5007

SPANISH

Diccionario de la Lengua Española

ISBN: 84-239-4399-2

The contents of this manual are intended to be adapted by state personnel to reflect the state's policies and procedures concerning state court interpreter certification examinations.

Diccionario de Uso del Español (2 volumes)

ISBN: 84-249-1344-2

Larousse Gran Diccionario

Español-Ingles/Ingles-Español

ISBN: 970-607-023-0

Simon and Schuster International Dictionary

English-Spanish/Spanish-English

ISBN: 0-671-21507-8 plain edition

ISBN: 0-671-21267-2 thumb-indexed

Unabridged Spanish Dictionary

Harper Collins

Diccionario Jurídico Español-Inglés

Guillermo Cabanellas de las Cuevas and Eleanor C. Hoague.

Editorial Heliasta, 1998

Diccionario De Términos Jurídicos Inglés-Español, Spanish-English

Format: Hardcover; 688 pp.

ISBN: 84-344-0506-7

Pub. Date: 1995

Bilingual Dictionary of Criminal Justice Terms (English-Spanish)

ISBN: 0-87526-379-8

The Interpreter's Companion, 4th Edition

ACEBO, P.O. Box 7485, Spreckels, CA 93962

(Contains six separate Spanish-English, English-Spanish glossaries: Legal Terms, Traffic and Automotive Terms, Drug Terms, Weapons Terms, Medical Terms, and Slang Terms)

VIETNAMESE

Vietnamese-English/English-Vietnamese Dictionary

Format: Hardcover; 826 pp.

ISBN: 0-88431-113-9

Pub. Date: 1992

English-Vietnamese Glossary

Format: Looseleaf

The contents of this manual are intended to be adapted by state personnel to reflect the state's policies and procedures concerning state court interpreter certification examinations.

ISBN: N/A
Publisher: ACEBO
Pub. Date: N/A

BOOK DISTRIBUTORS

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Kinderhook, NY 12106
(800) 343-3531

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Cambridge, MA 02138
(617) 547-8855

United Nations Bookstore
G.A. 32 New York, NY 10017
(212) 963-7680

French, German, Italian, Portuguese and Spanish

Europa Books
Evanston, IL 60201
(708) 886-6262

Spanish books

Ediciones Universal
P.O. Box 450353
Miami, FL 33245-0353
(305) 642-3234

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OTHER RESOURCES

American Translators Association (ATA)

225 Reinekers Lane, Suite 590

Alexandria, VA 22314

(703) 683-6100

ata@atanet.org

<http://www.atanet.org/>

A national not-for-profit association established in 1959, ATA has over 6,500 members throughout the US and abroad. Among its professional activities, it holds an annual conference every fall, publishes a monthly magazine, The ATA Chronicle, and offers accreditation in several language pairs.

The American Association of Language Specialists (TAALS)

<http://www.taals.net/>

Berlitz

Interpreter Training and Quality Assurance

Bowne Global Solutions

1730 Rhode Island Ave NW, Suite 308

Washington, DC 20036

800-423-6756 x. 180

dawn.birnie@bowneglobal.net

www.bowneglobal.com

A variety of seminars are offered for interpreters of all languages, both on site and via distance learning.

Distance Opportunities for Interpreter Training (DO IT) Center

1059 Alton Way, Box 7

Denver, CO 80230

<http://au.frcc.cccoes.edu/~doit/>

The DO IT Center has traditionally offered the following courses:

Diagnostic Assessment and Skills Training Series

This is a yearlong series comprised of three courses. Self-instructional packets will lead students through structured skill development activities targeting individual needs.

WebCT will serve as the online classroom for discussion and collaborations during the completion of self-instructional materials.

Prior Learning Assessment

This 15-week online course introduces you to the process of creating a professional portfolio and provides you with the opportunity to systematically collect materials that effectively demonstrate the knowledge and skills you have developed.

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Interpreting in the American Legal System

This online course is comprised of four courses distributed over four semesters. A one-week onsite supervised practicum in Denver, CO is associated with the final course.

*You must meet your state's requirements to interpret in legal settings to apply for these courses.

National Association of Judiciary Interpreters and Translators (NAJIT)

603 Stewart St., Suite 610
Seattle, Washington 98101
Tel: 206-267-2300
headquarters@najit.org
<http://www.najit.org/>

New York University School of Continuing and Professional Studies

The American Language Institute
NYU School of Continuing and Professional Studies
48 Cooper Square, Room 200
New York, NY 10003
(212) 998-7200
scpsinfo@nyu.edu
<http://www.scps.nyu.edu/ali>

Northwest Translators and Interpreters Society (NOTIS)

P.O. Box 25301
Seattle, WA 98165-2201 USA
(206) 382-5642
info@notisnet.org
<http://www.notisnet.org>

Registry of Interpreters for the Deaf (RID)

333 Commerce Street
Alexandria, VA 22314
(703) 838-0030 V
(703) 838-0459 TTY
<http://www.rid.org/>

The Registry of Interpreters for the Deaf, Inc., is a national membership organization of professionals who provide sign language interpreting/transliterating services for Deaf and Hard of Hearing persons.

Rutgers, Faculty of Arts and Sciences Continuing Education (FASCE)

FASCE Corporate Program, Tillett 107

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Rutgers, The State University of New Jersey
53 Avenue E
Piscataway, NJ 08854-8040
(732) 932-5937

<http://fasce.rutgers.edu/eslce.htm>

FASCE offers courses in accent improvement for persons who have a strong command and fluency in English, but who wish to increase their intelligibility in English. Courses are scheduled BY ARRANGEMENT and registrations are accepted at any time.

American English Accent Improvement, FAS-470

American English Accent Improvement Tutorial, FAS-471

American English Accent Improvement Tutorial, FAS-472

FASCE offers other courses for professional development in spoken English as a second language:

Speaking English Professionally

Vocabulary and Grammar for Effective Speech

Presentation Skills for Nonnative Speakers of English

Speech and Accent Assessment

The Translators and Interpreters Guild (TTIG)

<http://www.ttig.org/>

Washington State Court Interpreters and Translators Society (WITS)

<http://www.witsnet.org/>

Society of Medical Interpreters (SOMI)

<http://www.sominet.org/>

Northern California Translators Association (NCTA)

<http://www.ncta.org/>

California Court Interpreters Association (CCIA)

<http://www.ccia.org/>

Southern California Area Translators and Interpreters Association (SCATIA)

<http://www.scatia.org/>

Colorado Translators Association (CTA)

<http://www.cta-web.org/>

New Mexico Translators and Interpreters Association (NMTIA)

<http://internet.cybermesa.com/~nmtia/>

Austin Area Translators and Interpreters Association (AATIA)

The contents of this manual are intended to be adapted by state personnel to reflect the state's policies and procedures concerning state court interpreter certification examinations.

<http://www.aatia.org/>

El Paso Interpreters and Translators Association (EPITA)

1003 Alethea Pl.

EL Paso, TX 79902,

email: grdelgado@aol.com

Houston Interpreters and Translators Association (HITA)

P.O. Box 61285

Houston, TX, 77208-1285

(713) 935-2123

Indiana Supreme Court Commission on Race and Gender Fairness Sub-Committee on Language and Cultural Issues:

A Judge's Reference Guide to Language Interpretation in Indiana Courts

<http://www.in.gov/judiciary/fairness/pubs/interp-benchbook.pdf>

Metroplex Interpreters and Translators Association (MITA)

<http://www.dfw-mita.com/>

Upper Midwest Translators and Interpreters Association (UMTIA)

Minnesota Translation Laboratory

218 Nolte Center

315 Pillsbury Drive SE

Minneapolis, MN 55455, (612) 625-3096

email: Laurence.h.bogoslaw-1@tc.umn.edu

Nebraska Association of Translators and Interpreters (NATI)

<http://www.natihq.org/>

Saint Louis Translators and Interpreters Network (SLTIN)

P.O. Box 3722

Ballwin, MO 63022-3722

(314) 394-5334

Chicago Area Translators and Interpreters Association (CHICATA)

<http://www.chicata.org/>

Michigan Translators/Interpreters Network (MiTiN)

<http://www.mitinweb.org/>

Northeast Ohio Translators Association (NOTA)

<http://www.ohiotranslators.org/>

The contents of this manual are intended to be adapted by state personnel to reflect the state's policies and procedures concerning state court interpreter certification examinations.

The Kentucky Translators and Interpreters Association (KTIA)

P.O. Box 7468

Louisville, KY 40257-0468, (502) 548-3988

email: vapues@insightbb.com

Tennessee Association of Professional Interpreters and Translators (TAPIT)

<http://www.tapit.org/>

Carolina Association of Translators and Interpreters (CATI)

<http://www.catiweb.org/>

Atlanta Association of Interpreters and Translators (AAIT)

<http://www.aait.org/>

Florida Chapter of the American Translators Association (FLATA)

<http://www.atafl.org/>

Delaware Valley Translators Association (DVTA)

<http://www.dvta.org/>

Massachusetts Medical Interpreters Association (MMIA)

<http://diversityrx.org/HTML/MOASSA.htm>

New England Translators Association (NETA)

<http://www.netaweb.org/>

New York Circle of Translators (NYCT)

<http://www.nyctranslators.org/>

RECOMMENDED REFERENCES FOR SPANISH INTERPRETERS

Spanish-English Dictionaries

Oxford Spanish-English Dictionary

Harper-Collins Spanish-English Dictionary

American Heritage Larousse Spanish-English Dictionary

Simon & Schuster's International Dictionary

Larousse Spanish-English Dictionary

General Language References

Diccionario de ideas afines, by Fernando Corripio, pub. Editorial Herder

The contents of this manual are intended to be adapted by state personnel to reflect the state's policies and procedures concerning state court interpreter certification examinations.

Diccionario de dudas y dificultades de la lengua española, by Manuel Seco, pub. Espasa Calpe

Diccionario de uso del español, by María Moliner, pub. Editorial Gredos

Using Spanish Synonyms, by R.E. Bachelor, pub. Cambridge University Press

Diccionario razonado de sinónimos y contrarios, by José M. Zainquí, pub. Editorial de Vecchi

NTC Dictionary of Spanish False Cognates, pub. National Textbook Company

Legal Dictionaries

Butterworth's English-Spanish Dictionary, by Cabanellas & Hoague, pub. Butterworth

West's Spanish-English/English-Spanish Law Dictionary, by Solis & Gasteazoro, pub. West

Diccionario de derecho, by Pina y Pina Vara, pub. Porrúa

Bilingual Dictionary of Criminal Justice Terms, by Benmaman, Connolly & Loos, pub. Gould

Diccionario de términos jurídicos, by Hughes and Alcaraz Varó, pub. Ariel

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FAX (518) 758-6702
www.intransbooks.com
lankhof@intransbooks.com

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625 E. 70th Ave., #5
Denver, CO 80229
(303) 289-1761

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Delegación Cuauhtémoc
06020, México, D.F.
Tels. 702-45-74 y 702-49-34
Fax 702-65-29 y 702-45-74 ext. 140
porrua.com.mx

The contents of this manual are intended to be adapted by state personnel to reflect the state's policies and procedures concerning state court interpreter certification examinations.

RECOMMENDED REFERENCES ON REGIONAL AND COLLOQUIAL SPANISH

Regional Spanish

Argentina

- Academia Argentina de Letras. *Diccionario del habla de los argentinos*. Espasa, 2003. ISBN 950-852-152-X
- Dis, Emilio. *Código Lunfardo*. Editorial Caburé, 1975.
- Escobar, Raúl Tomás. *Diccionario del hampa y del delito: lunfardo latinoamericano, drogadicción, "punk", insurrección, mitología, voces vulgares y populares*. Editorial Universidad, 1986.
- Feldman Rosa, Jorge O. *New Dictionary of Dirty Words/Nuevo diccionario de malas palabras*. Info, 1996. ISBN 987-95820-0-4
- Gobello, José. *Nuevo diccionario lunfardo*. Ediciones Corregidor, 1994. ISBN 950-05-0565-8

Chile

- Subercaseaux, Miguel. *Diccionario de chilenismos*. Editorial Juvenil, 1986.

Costa Rica

- Pacheco, Miguel Q. *Nuevo diccionario de costarrriqueñismos*. Publisher unknown. ISBN 9977660557

Cuba

- Sánchez-Boudy, José. *Diccionario de Cubanismos más usuales (Como habla el cubano)*. Ediciones Universal, 1978. ISBN 0-89729-199-9

El Salvador

- Geoffroy Rivas, Pedro. *El español que hablamos en El Salvador*. Ministerio de Educación, Dirección de Publicaciones, San Salvador, El Salvador, 1982.

Latin America

- Lipski, John M. *Latin American Spanish*. Longman, 1994. ISBN 0-58208-760-0

Mexico

- Cabrera, Luis. *Diccionario de Aztequismos*. Editorial Oasis, 1975.
- Galvan, Roberto A. and Teschner, Richard V. *El diccionario del español chicano*. National Textbook Company, 1985. ISBN 0-8325-9634-5
- Gómez de Silva, Guido. *Diccionario Breve de Mexicanismos*. Academia Mexicana, Fondo de Cultura Económica, 2001. ISBN 968-16-6408-6
- Hamel, Bernard H. *Hamel's Bilingual Dictionary of Mexican Spanish*. Bilingual Book Press, 1994. ISBN 1-886835-01-4

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Diccionarios de variantes del español

<http://www3.unileon.es/dp/dfh/jmr/dicci/007.htm>

Dialectología española

<http://www.tulane.edu/~spanling/Dial/DialEsp.html>

Ecuador

<http://www.lenguaje.com/>

El Salvador

<http://www.jergasdehablahispana.org/salvador.htm>

Mexico

<http://www.academia.org.mx/dbm/DICAZ/a.htm>

<http://mexico.udg.mx/arte/folclore/picardia/>

Puerto Rico

<http://www.geocities.com/SouthBeach/Castle/1496/dicc.html>

República Dominicana

<http://usuarios.lycos.es/jallite/toolbar.htm>

Venezuela

<http://www.lenguaje.com/>

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www.courtTV.com

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8224 Old Courthouse Road
Vienna, VA 22182-3808
800-272-6272
<http://www.ncraonline.org>

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Administrative Office of the Courts

Supreme Court of New Mexico

Arthur W. Pepin, Director
Patrick Simpson, Deputy Director



237 Don Gaspar, Room 25
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March 4, 2009

To: Interested Parties
From: Pam Sánchez, Statewide Program Manager, Court Interpreter & Jury Services
Re: Registered Status For Interpreters of Languages With No Consortium Oral Examination

Changes approved by the New Mexico Court Interpreter Advisory Committee last fall included "language rich" approach to recruiting, training, and supporting court interpreter certification candidates. Accordingly, we have an increasing number of potential interpreters in languages other than Spanish, including individuals who interpret in languages other than those for which the Consortium has oral examinations.

At its meeting on March 13, 2009, the Court Interpreter Advisory Committee approved the creation of a registered court interpreter classification for interpreters in languages for which there is no Consortium oral examination. To become registered a candidate must meet the following requirements:

- Must Attend Orientation (same for all certification candidates)
- Must attend Skills-Building Workshop (at this time optional for others)
- Must pass written consortium exam at 80% (same for all certification candidates)
- Must pass both the Oral Proficiency Interview Computer-Adapted (OPIc) in English and the Oral Proficiency Interview telephonic (OPI) in language other than English for which the Consortium has no oral examination at the Superior Level
- Must complete all the remaining steps that are expected of a Certified Interpreter, i.e. application and background check, post-certification class on courtroom protocol and ethics, swearing in and oath, ID badge, continuing education requirements.

Related materials are attached. If you have any questions, please contact Pam Sánchez, aocpjs@nmcourts.gov.

Speaking Proficiency Assessments

Language Testing International (LTI) offers a variety of speaking assessments - both direct and semi-direct tests of speaking proficiency. The ACTFL Oral Proficiency Interview (OPI) and Advanced Level Check (AL Check-Speaking) are live, telephonic interviews with ACTFL Certified Oral Proficiency Testers. The new OPIC is a semi-direct speaking test taken by computer or telephone that simulates an ACTFL OPI. All oral proficiency assessments are conducted and/or rated by ACTFL Certified Oral Proficiency Testers and Raters according to the *ACTFL Proficiency Guidelines for Speaking (Revised 1999)*.

The ACTFL Oral Proficiency Interview "OPI"

General Description

The ACTFL Oral Proficiency Interview, or OPI, as it is often called, is a standardized procedure for the global assessment of functional speaking ability. The interview is interactive and continuously adapts to the experiences, interests and linguistic competence of the candidate. Through a series of personalized questions, a sample of speech is elicited and rated according to the proficiency levels described in the *ACTFL Proficiency Guidelines – Speaking (Revised 1999)*.

The OPI assesses language proficiency in terms of the speaker's ability to use the language effectively and appropriately in real-life situations. It is not concerned with, nor does it address, when, where, why, or the way in which a speaker has acquired his/her language. The OPI is not an achievement test assessing a speaker's acquisition of specific aspects of a language and/or vocabulary. The OPI does not compare one individual's performance to others, but each individual's performance to the assessment criteria in the *ACTFL Proficiency Guidelines – Speaking (Revised 1999)*.

In contrast to many other language tests, the validity and rating reliability of ACTFL assessments are supported through in-house and independent, published research projects.

Test Length 20-30 minutes.

Test Format A live telephonic interview between an ACTFL Certified Tester and a candidate, which is digitally recorded by the LTI IVR system. It resembles a conversation between two people but, in fact, follows a strict, standardized structure and elicitation protocol.

Test Content Content is adapted to the candidate's professional and academic experiences, as well as any special skills or interests (following guidelines set forth by the EEOC and Title VII of the Civil Rights Act). The OPI also includes a role-play. Content areas and/or role-play may be customized by the client.

Rating A criterion referenced assessment. The ACTFL Certified Tester compares the speech produced by the candidate in the interview to the rating criteria as described in the *ACTFL Proficiency Guidelines – Speaking (Revised 1999)*; one of ten possible ratings is assigned.

Languages Proficiency assessments are offered in the following 50+ languages* by telephone: Albanian, Amharic, Arabic, Armenian, Bengali, Bulgarian, Cantonese, Cebuano, Chavacano, Croatian, Czech, Dari, Dutch, Egyptian, English, Filipino, French, German, Modern Greek, Haitian Creole, Hebrew, Hiligaynon, Hindi, Hmong, Indonesian, Italian, Japanese, Javanese, Khmer, Korean, Lao, Malay, Mandarin, Mong, Norwegian, Pashto, Persian Farsi, Polish, Portuguese, Punjabi, Romanian, Russian, Samoan, Serbian, Slovak, Somali, Spanish, Swahili, Swedish, Tausug, Thai, Turkish, Urdu, Vietnamese, Visayan and Wu.

* Testing in regional dialects of Arabic is also available.

The ACTFL Oral Proficiency Interview – Computer Adapted ACTFL OPic®

General Description

The ACTFL OPic® is an internationally used, semi-direct test of spoken proficiency designed to elicit a sample of speech via recorded, computer-adapted voice prompts. Corporations with a need for proficiency evaluations that can be delivered immediately, on-demand, will be able to administer an ACTFL Oral Proficiency Interview-like test without the presence of a live tester to conduct the interview.

Completed tests are digitally saved and rated by ACTFL Certified OPic Raters. The *ACTFL Proficiency Guidelines – Speaking (Revised 1999)* are the basis for assigning a rating. Research conducted demonstrates that ratings assigned to OPic samples generally correlate to ratings assigned to direct assessments of speaking proficiency derived through ACTFL Oral Proficiency Interviews (OPI).

The OPic is intended for all adult audiences. This test is appropriate for a variety of purposes: employment selection, placement into training programs, demonstration of an individual's linguistic progress, and evidence of training effectiveness.

Test Length Approximately 30 minutes.

Test Format Digitally recorded prompts are delivered through computer via the internet, or telephonically using VOIP technology.

By computer: Test is delivered via the internet and taken on computer with a microphone headset. A test candidate moves through the test by “clicking” on navigation icons found on the computer screen. Spoken responses are digitally recorded. At the end of the test, the candidate's responses are uploaded to the internet for instantaneous delivery to LTI.

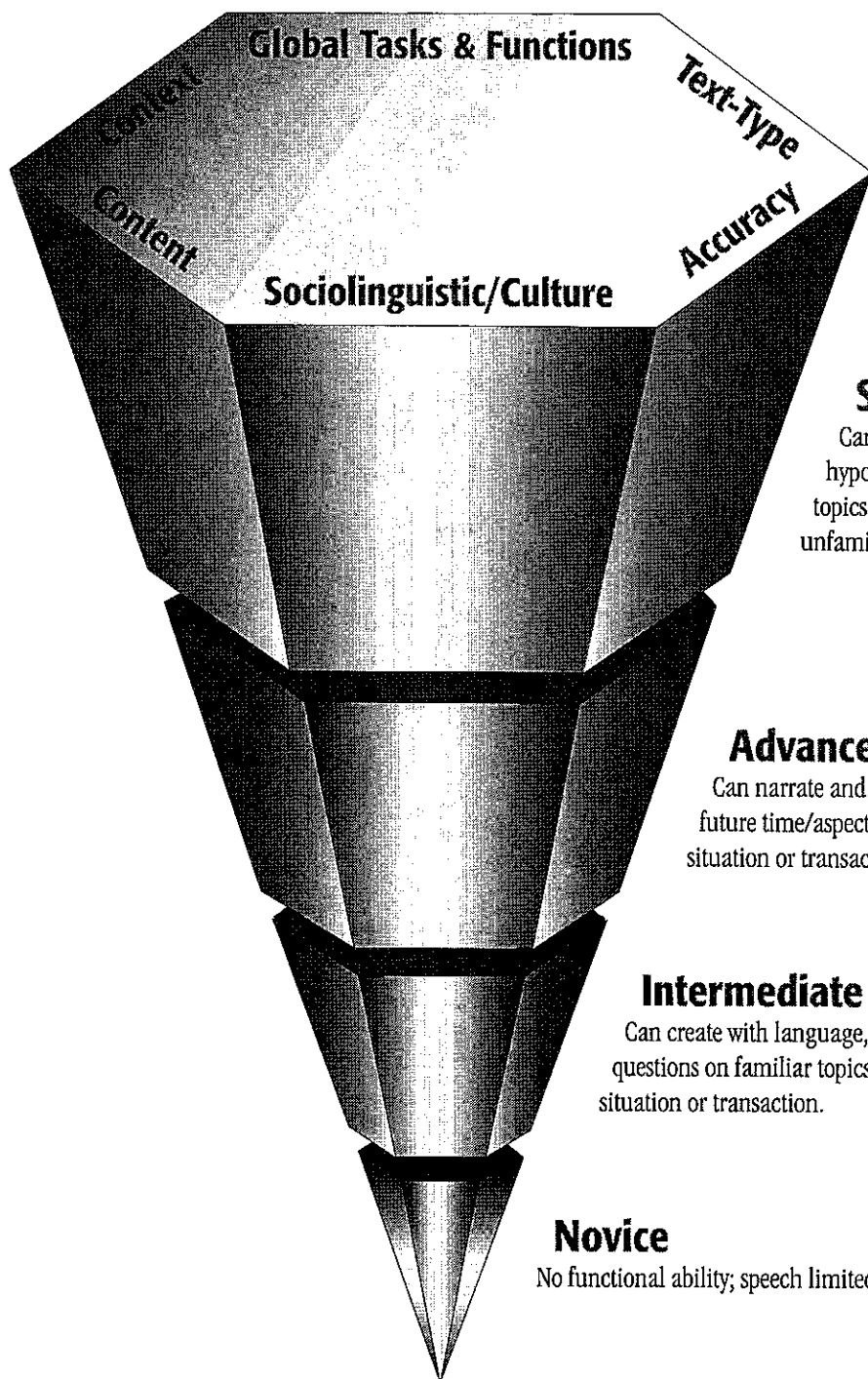
By telephone: Test is delivered by telephone. A test candidate navigates through the test with the aid of verbal instructions and the phone key pad. The candidate's spoken responses are digitally recorded by LTI.

Test Content Each test is individualized through the selection of tasks within topic areas tailored to the test taker's linguistic ability, work experiences, academic background and interests.

Rating The OPic is a criterion-referenced assessment. The ACTFL Certified Rater compares the candidate's digitally recorded responses to rating criteria as described in the *ACTFL Proficiency Guidelines – Speaking (Revised 1999)*.

Languages Internet delivered versions of the OPic are available in English and Spanish. Telephone delivered versions in these languages will be introduced shortly. Other languages will be launched in the fourth quarter of 2007.

ACTFL Proficiency Rating Scale & Guidelines



Superior

Can support opinions, hypothesize, discuss abstract topics, and handle a linguistically unfamiliar situation.

Advanced

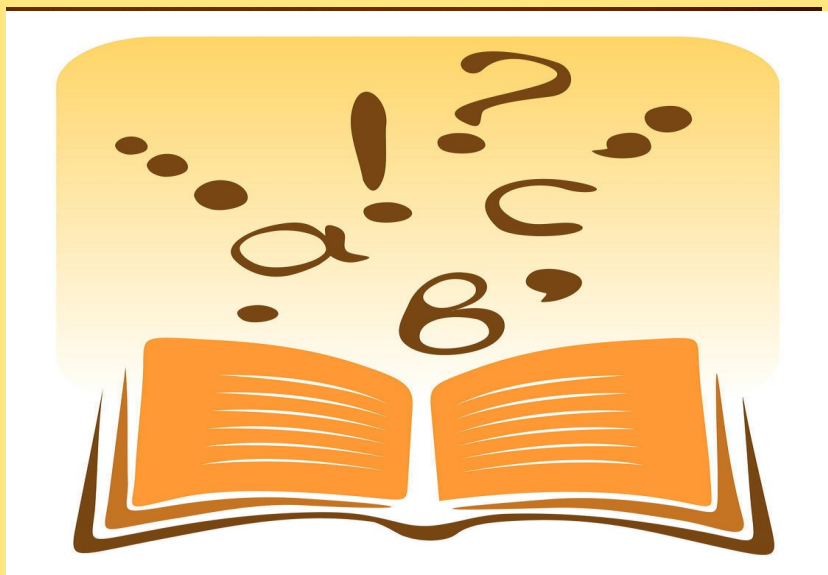
Can narrate and describe in past, present, and future time/aspect, and handle a complicated situation or transaction.

Intermediate

Can create with language, ask and answer simple questions on familiar topics, and handle a simple situation or transaction.

Novice

No functional ability; speech limited to memorized material.



Court Interpreter Certification

SECTION 7

**Developing Your Personal
Glossary**

ENGLISH LEGAL GLOSSARY

ABANDONMENT - A parent's or custodian's act of leaving a child without adequate care, supervision, support, or parental contact for an excessive period of time. Also, the desertion of one spouse by the other with the intent to terminate the marriage relationship.

ABATEMENT OF ACTION - A suit which has been quashed and ended.

ABSTRACT - A summary of a larger work, wherein the principal ideas of the larger work are contained.

ABSTRACT OF RECORD - A short, abbreviated form of the case as found in the record.

ABSTRACT OF TITLE - A chronological summary of all official records and recorded documents affecting the title to a parcel of real property.

ACCESSORY - A person who aids or contributes in the commission of a crime.

ACCOMPLICE - One who knowingly, voluntarily, and intentionally unites with the principal offender in the commission of a crime. A partner in a crime.

ACCORD - A satisfaction agreed upon between the parties in a lawsuit which bars subsequent actions on the claim.

ACCORD AND SATISFACTION - A method of discharging a claim upon agreement by the parties to give and accept something in settlement of the claim.

ACCUSATION - A formal charge against a person, to the effect that he has engaged in a punishable offense.

ACCUSED - The generic name for the defendant in a criminal case.

ACKNOWLEDGMENT - 1. A statement of acceptance of responsibility. 2. The short declaration at the end of a legal paper showing that the paper was duly executed and acknowledged.

ACQUIT - To legally certify the innocence of one charged with a crime. To set free, release or discharge from an obligation, burden or accusation. To find a defendant not guilty in a criminal trial.

ACQUITTAL - In criminal law, a finding of not guilty. In contract law, a release, absolution, or discharge from an obligation, liability, or engagement.

ACTION - Case, cause, suit, or controversy disputed or contested before a court of justice.

ADJUDICATE - To determine finally.

ADJUDICATION - Giving or pronouncing a judgment or decree. Also the judgment given.

ADMINISTRATOR - 1. One who administers the estate of a person who dies without a will. 2. A court official.

ADMISSIBLE - Pertinent and proper to be considered in reaching a decision.

ADMISSIBLE EVIDENCE - Evidence that can be legally and properly introduced in a civil or criminal trial.

ADMISSION - Voluntary acknowledgment of the existence of certain facts relevant to the adversary's case.

ADMONISH - To advise or caution. For example the Court may caution or admonish counsel for wrong practices.

ENGLISH LEGAL GLOSSARY

ADOPTION - To take into one's family the child of another and give him or her the rights, privileges, and duties of a child and heir.

ADVERSARY SYSTEM - The trial method used in the U.S. and some other countries. This system is based on the belief that truth can best be determined by giving opposing parties full opportunity to present and establish their evidence, and to test by cross-examination the evidence presented by their adversaries. All this is done under the established rules of procedure before an impartial judge and/or jury.

AFFIANT - A person who makes and signs an affidavit.

AFFIDAVIT - A written statement of facts confirmed by the oath of the party making it, before a notary or officer having authority to administer oaths. For example, in criminal cases, affidavits are often used by police officers seeking to convince courts to grant a warrant to make an arrest or a search. In civil cases, affidavits of witnesses are often used to support motions for summary judgment.

AFFIRMATIVE DEFENSE - Without denying the charge, the defendant raises circumstances such as insanity, self-defense, or entrapment to avoid civil or criminal responsibility.

AFFIRMED - In the practice of appellate courts, the word means that the decision of the trial court is correct.

AGENT - One who has authority to act for another.

AGGRAVATED ASSAULT - An attempt to cause serious bodily injury to another or purposely, knowingly or recklessly causing such injury, or an attempt to cause or purposely or knowingly cause bodily injury to another with a deadly weapon.

AGGRAVATED BATTERY - The unlawful use of force against another with unusual or serious consequences such as the use of a dangerous weapon.

AGGRAVATING FACTORS - Any factors associated with the commission of a crime which increase the seriousness of the offense or add to its injurious consequences.

AGREED STATEMENT OF FACTS - A statement of all important facts, which all the parties agree is true and correct, which is submitted to a court for ruling.

AGREEMENT - A mutual understanding and intention between two or more parties. The writing or instrument which is evidence of an agreement. (Although often used as synonymous with contract, agreement is a broader term.)

AID AND ABET - Help, assist, or facilitate the commission of a crime.

ALFORD PLEA - A special type of guilty plea by which a defendant does not admit guilt but concedes that the State has sufficient evidence to convict; normally made to avoid the threat of greater punishment. Source: Black's Law Dictionary (1996); *North Carolina v. Alford*, 400 U.S. 25 (1970).

ALIBI - A defense claim that the accused was somewhere else at the time a crime was committed.

ALIMONY - A court-ordered allowance that one spouse pays the other spouse for maintenance and support while they are either separated, pending suit for divorce, or after they are divorced.

ALLEGATION - The assertion of a party to an action, setting out what he expects to prove.

ENGLISH LEGAL GLOSSARY

ALLEGE - To state, recite, assert, claim, maintain, charge or set forth. To make an allegation.

ALLEGED - Asserted to be true as depicted or a person who is accused but has not yet been tried in court.

ALLOCUTION - A defendant's statement in mitigation of punishment.

ALTERNATIVE DISPUTE RESOLUTION (ADR) - Settling a dispute without a full, formal trial. Methods include *mediation, conciliation, arbitration, and settlement*, among others.

AMEND - To change, correct, revise, improve, modify, or alter.

AMENDMENT - The correction of an error admitted in any process.

ANNOTATION - A case summary or commentary on the law cases, statutes, and rules illustrating its interpretation.

ANNUAL REVIEW - Yearly judicial review, usually in juvenile dependency cases, to determine whether the child requires continued court supervision or placement.

ANSWER - The defendant's response to the plaintiff's allegations as stated in a complaint. An item-by-item, paragraph-by-paragraph response to points made in a complaint; part of the pleadings.

APPEAL - A request made after a trial, asking another court (usually the court of appeals) to decide whether the trial was conducted properly. To make such a request is "to appeal" or "to take an appeal."

APPEARANCE - A coming into court as party or interested person or as a lawyer on behalf of party or interested person.

APPELLANT - The party appealing a final decision or judgment.

APPELLATE COURT - A court having jurisdiction to hear appeals and review a trial court's procedure.

APPELLATE JURISDICTION - The appellate court has the right to review and revise the lower court decision.

APPELLEE - The party against whom an appeal is taken. Sometimes called a *respondent*.

ARBITRATION - The referral of a dispute to an impartial third person chosen by the parties to the dispute who agree in advance to abide by the arbitrator's award issued after a hearing at which both parties have an opportunity to be heard.

ARGUMENT - Remarks addressed by attorney to judge or jury on the merits of case or on points of law.

ARRAIGN - The procedure where the accused is brought before the court to hear the criminal charge(s) against him or her and to enter a plea of either guilty, not guilty or no contest.

ARRAIGNMENT - A proceeding in which the accused is brought before the court to plead to the criminal charge in the indictment or information. The charge is read to him or her and he or she is asked to plead guilty or not guilty or, where permitted, *nolo contendere* (no contest). Another term for *preliminary hearing*.

ARREST - To deprive a person of his liberty by legal authority.

ARREST OF JUDGMENT - Postponing the effect of a judgment already entered, ordinarily because of an error apparent on the record .

ENGLISH LEGAL GLOSSARY

ARSON - The malicious burning of someone else's or one's own dwelling or of anyone's commercial or industrial property.

ASSAULT - Any willful attempt or threat to inflict injury upon the person of another, when coupled with the present ability to do so, and any intentional display of force such as would give victim reason to fear or expect immediate bodily harm.

ASSAULT WITH A DEADLY WEAPON - An aggravated unlawful assault in which there is threat to do bodily harm without justification or excuse by use of any instrument calculated to do serious bodily harm or cause death.

ASSAULT, AGGRAVATED - An assault committed with the intention of committing some additional crime.

ASSIGNEE - The person to whom property rights or power are transferred by another, a grantee.

ASSUMPTION OF RISK - In tort law, a defense to a personal injury suit. The essence of an affirmative defense is that the plaintiff assumed the known risk of whatever dangerous condition caused the injury.

AT ISSUE - The time in a lawsuit when the complaining party has stated his or her claim and the other side has responded with a denial and the matter is ready to be tried.

ATTACHMENT - Taking a person's property to satisfy a court-ordered debt.

ATTEMPT - An endeavor or effort to do an act or accomplish a crime, carries beyond preparation, but lacking execution.

ATTEST - To bear witness to, to affirm to be true or genuine, to certify.

ATTORNEY - Attorney at law, lawyer, counselor at law.

ATTORNEY OF RECORD - The lawyer who represents a client and is entitled to receive all formal documents from the court or from other parties. Also known as counsel of record.

ATTORNEY-AT-LAW - An advocate, counsel, or official agent employed in preparing, managing, and trying cases in the courts.

ATTORNEY-IN-FACT - A private person (who is not necessarily a lawyer) authorized by another to act in his or her place, either for some particular purpose, as to do a specific act, or for the transaction of business in general, not of legal character. This authority is conferred by an instrument in writing, called a letter of attorney, or more commonly, a power of attorney.

AUTHENTICATE - To give authority or legal authenticity to a statute, record, or other written instrument.

AUTO TAMPERING - The manipulation of an automobile and its parts for a specific purpose.

BAIL - Money or other security (such as a bail bond) provided to the court to temporarily allow a person's release from jail and assure his or her appearance in court. *Bail* and *Bond* are often used interchangeably.

BAIL BOND - An obligation signed by the accused to secure his or her presence at the trial. This obligation means that the accused may lose money by not properly appearing for the trial. Often referred to simply as *bond*.

BAIL BONDSMAN - A person who is the liable party in paying the bond for the defendant's release from jail.

ENGLISH LEGAL GLOSSARY

BAIL FORFEITURE - Bail that is kept by the court as a result of not following a court order.

BAIL REVIEW - A hearing established to re-evaluate the bail amount that was originally set for the accused.

BAILIFF - A court officer who has charge of a court session in the matter of keeping order and has custody of the jury.

BANKRUPT - The state or condition of a person who is unable to pay his or her debts as they are or become due.

BANKRUPTCY - Refers to statutes and judicial proceedings involving persons or businesses that cannot pay their debts and seek the assistance of the court in getting a fresh start. Under the protection of the bankruptcy court, debtors may be released from or “discharged” from their debts, perhaps by paying a portion of each debt. Bankruptcy judges preside over these proceedings. The person with the debts is called the debtor and the people or companies to whom the debtor owes money to are called creditors.

BAR - 1. Historically, the partition separating the general public from the space occupied by the judges, lawyers, and other participants in a trial. 2. More commonly, the term means the whole body of lawyers.

BAR EXAMINATION - A state examination taken by prospective lawyers in order to be admitted and licensed to practice law.

BATTERED CHILD SYNDROME (B.C.S.) - Physical condition of a child indicating that external or internal injuries result from acts committed by a parent or custodian.

BATTERY - An offensive touching or use of force on a person without the person's consent.

BATTERY, SPOUSAL - An offensive touching or use of force on one's spouse without the spouse's consent. See **BATTERY**.

BENCH - The seat occupied by judges in courts.

BENCH CONFERENCE - A meeting either on or off the record at the judge's bench between the judge, counsel, and sometimes the defendant, out of the hearing of the jury.

BENCH TRIAL - Trial without a jury in which a judge decides the facts.

BENCH WARRANT - An order issued by a judge for the arrest of a person.

BENEFICIARY - Someone named to receive property or benefits in a will. In a trust, a person who is to receive benefits from the trust.

BEQUEATH - To give a gift to someone through a will.

BEQUESTS - Gifts made in a will.

BEST EVIDENCE - Primary evidence; the best evidence available. Evidence short of this is “secondary.” That is, an original letter is “best evidence,” and a photocopy is “secondary evidence.”

BEYOND A REASONABLE DOUBT - The standard in a criminal case requiring that the jury be satisfied to a moral certainty that every element of a crime has been proven by the prosecution. This standard of proof does not require that the state establish absolute certainty by eliminating all doubt, but it does require that the evidence be so conclusive that all reasonable doubts are removed from the mind of the ordinary person.

ENGLISH LEGAL GLOSSARY

BIAS - Inclination, bent, a pre-conceived opinion or a predisposition to decide a cause or an issue a certain way.

BIFURCATE - To try issues separately, such as guilt and criminal responsibility in a criminal proceeding or liability and damages in a civil action.

BILL OF PARTICULARS - A statement of the details of the charge made against the defendant.

BIND OVER - To hold a person for trial on bond (bail) or in jail. If the judicial official conducting a hearing finds probable cause to believe the accused committed a crime, the official will bind over the accused, normally by setting bail for the accused's appearance at trial.

BODY ATTACHMENT - A written order issued by a court directing a sheriff or peace officer to take custody of and bring before the court: 1) A witness who fails to comply with a subpoena, 2) a party who fails to comply with a court order in a civil action, or 3) a material witness in a criminal case.

BOND - A certificate or evidence of a debt. Often used interchangeably with *bail*.

BOOKING - The process of photographing, fingerprinting, and recording identifying data of a suspect. This process follows the arrest.

BOOKING NUMBER - The number assigned to the criminal record that corresponds to the person's arrest.

BOOKMAKING - The act of collecting the bets of others or making odds on future gambling events.

BRANDISHING A WEAPON - The act of showing a weapon to another person, typically the police or the victim.

BREACH - The breaking or violating of a law, right, obligation, or duty either by doing an act or failing to do an act.

BREAKING AND ENTERING - Breaking and entering a dwelling of another in nighttime with intent to commit a felony therein.

BREATHALYZER TEST - Test to determine content of alcohol in one arrested for operating a motor vehicle while under the influence of liquor by analyzing a breath sample.

BRIBE - A gift, not necessarily of monetary value, given to influence the conduct of the receiver.

BRIEF - A written statement prepared by the counsel arguing a case in court. It contains a summary of the facts of a case, the pertinent laws, and an argument of how the law applies to the facts supporting counsel's position.

BURDEN OF PROOF - The obligation of a party to establish by evidence a requisite degree of belief concerning a fact in the mind of the trier of fact or the court.

BURGLARY - The act of entering or remaining illegally in a movable or immovable structure, vehicle or dwelling with intent to commit a felony.

CALENDAR - List of cases scheduled for hearing in court.

CALLING THE DOCKET - The public calling of the docket or list of causes at commencement of term of court, for setting a time for trial or entering orders.

CAPITAL CASE - A criminal case in which the allowable punishment includes death.

ENGLISH LEGAL GLOSSARY

CAPITAL CRIME - A crime punishable by death.

CAPITAL PUNISHMENT - Punishment by death for capital crimes. *Death penalty* .

CAPTION - The heading on a legal document listing the parties, the court, the case number, and related information.

CASE - A general term for an action, cause, suit, or controversy brought before the court for resolution.

CASE LAW - Law established by previous decisions of appellate courts, particularly the Supreme Court.

CASE NUMBER - See **DOCKET NUMBER**.

CAUSATION - The act which produces an effect.

CAUSE - A lawsuit, litigation, or action. Any question, civil or criminal, litigated or contested before a court of justice.

CAUSE OF ACTION - The facts that give rise to a lawsuit or a legal claim.

CEASE AND DESIST ORDER - An order of an administrative agency or court prohibiting a person or business from continuing a particular course of conduct.

CERTIFICATION - 1. Written attestation. 2. Authorized declaration verifying that an instrument is a true and correct copy of the original.

CERTIFIED - Attested as being true or an exact reproduction.

CHAIN OF CUSTODY - An accounting for the whereabouts of the tangible evidence from the moment it is received in custody until it is offered in evidence in court.

CHALLENGE - An objection, such as when an attorney objects at a hearing to the seating of a particular person on a civil or criminal jury.

CHALLENGE FOR CAUSE - Objection to the seating of a particular juror for a stated reason (usually bias or prejudice for or against one of the parties in the lawsuit). The judge has the discretion to deny the challenge. This differs from peremptory challenge.

CHALLENGE TO THE ARRAY - Questioning the qualifications of an entire jury panel, usually on the ground of partiality or some fault in the process of summoning the panel.

CHAMBERS - A judge's private office. A hearing in chambers takes place in the judge's office outside of the presence of the jury and the public.

CHANGE OF VENUE - Moving a lawsuit or criminal trial to another place for trial.

CHARACTER EVIDENCE - The testimony of witnesses who know the general character and reputation of a person in the community in which he or she lives. It may be considered by the jury in a dual respect: 1) as substantive evidence upon the theory that a person of good character and reputation is less likely to commit a crime than one who does not have a good character and reputation, and 2) as corroborative evidence in support of a witness's testimony as bearing upon credibility.

ENGLISH LEGAL GLOSSARY

CHARGE - A formal allegation, as a preliminary step in prosecution, that a person has committed a specific offense, which is recorded in a complaint, information or indictment. To charge; To accuse. See INSTRUCTIONS.

CHARGE TO THE JURY - The judge's instructions to the jury concerning the law that applies to the facts of the case on trial.

CHARGING DOCUMENT - A written accusation alleging a defendant has committed an offense. Includes a citation, an indictment, information, and statement of charges.

CHIEF JUDGE - Presiding or Administrative Judge in a court.

CHILD ABUSE - Any form of cruelty to a child's physical, moral, or mental well-being.

CHILD MOLESTATION - Any form of indecent or sexual activity on, involving, or surrounding a child under the state's designated age.

CHILD SUPPORT - The legal obligation of parents to contribute to the economic maintenance, including education, of their children. Money paid by one parent to another toward the expenses of the children of the marriage.

CIRCUMSTANTIAL EVIDENCE - All evidence except eyewitness testimony. One example is physical evidence, such as fingerprints, from which an inference can be drawn.

CITATION - A reference to a source of legal authority. A direction to appear in court, as when a defendant is cited into court, rather than arrested.

CIVIL ACTION - Noncriminal case in which one private individual or business sues another to protect, enforce, or redress private or civil rights.

CIVIL CASE - A lawsuit brought to enforce, redress, or protect private rights or to gain payment for a wrong done to a person or party by another person or party. In general, all types of actions other than criminal proceedings.

CIVIL PROCEDURE - The rules and process by which a civil case is tried and appealed, including the preparations for trial, the rules of evidence and trial conduct, and the procedure for pursuing appeals.

CLAIM - The assertion of a right to money or property.

CLASS ACTION - A lawsuit brought by one or more persons on behalf of a larger group.

CLEAR AND CONVINCING EVIDENCE - Standard of proof commonly used in civil lawsuits and in regulatory agency cases. It governs the amount of proof that must be offered in order for the plaintiff to win the case.

CLEMENCY OR EXECUTIVE CLEMENCY - Act of grace or mercy by the president or governor to ease the consequences of a criminal act, accusation, or conviction. It may take the form of *commutation* or *pardon*.

CLERK - Officer of the court who files pleadings, motions, judgments, etc., issues process, and keeps records of court proceedings.

CLOSING ARGUMENT - The closing statement, by counsel, to the trier of facts after all parties have concluded their presentation of evidence.

CODE - A collection, compendium, or revision of laws, rules, and regulations enacted by legislative authority.

ENGLISH LEGAL GLOSSARY

CODE OF CRIMINAL PROCEDURE - Body of federal or state law dealing with procedural aspects of trial for criminal cases.

CODE OF FEDERAL REGULATIONS - The CFR is the annual listing of executive agency regulations published in the daily Federal Register, and the regulations issued previously which are still in effect. The CFR contains regulatory laws governing practice and procedure before federal administrative agencies.

CODE OF PROFESSIONAL RESPONSIBILITY - The rules of conduct that govern the legal profession. The Code contains general ethical guidelines and specific rules written by the American Bar Association.

CODICIL (kod'i-sil) - An amendment to a will.

COLLATERAL - 1. Property that is pledged as security against a debt. 2. A person belonging to the same ancestral stock (a relation), but not in a direct line of descent.

COLLATERAL ATTACK - An attack on a judgment other than a direct appeal to a higher court.

COMMISSIONER - A person who directs a commission; a member of a commission. The officer in charge of a department or bureau of a public service.

COMMIT - 1. To execute, perpetrate, or carry out an act. To commit a crime. 2. To send a person to prison, asylum, or reformatory by a court order.

COMMITMENT - 1. The action of sending a person to a penal or mental institution. 2. The order directing an officer to take a person to a penal or mental institution.

COMMITMENT ORDER - A court order directing that an individual be kept in custody, usually in a penal or mental facility.

COMMON LAW - The legal system that originated in England and is now in use in the United States. It is based on judicial decisions rather than legislative action.

COMMUNITY PROPERTY - Property owned in common by husband and wife each having an undivided one-half interest by reason of their marital status. For example, the earnings of one spouse during the marriage do not belong solely to that spouse; the earnings are community property.

COMMUTATION - The reduction of a sentence, such as from death to life imprisonment.

COMPARATIVE NEGLIGENCE - A legal doctrine by which acts of the opposing parties are compared to determine the liability of each party to the other, making each liable only for his or her percentage of fault. See also **CONTRIBUTORY NEGLIGENCE**.

COMPETENCY - Mental capacity of a person, especially with regard to his or her ability to stand trial and to assist counsel in his or her defense.

COMPLAINANT - The party who complains or sues; one who applies to the court for legal redress. Also called the *plaintiff*.

COMPLAINT - The legal document that usually begins a civil lawsuit. It states the facts and identifies the action the court is asked to take. 2. Formal written charge that a person has committed a criminal offense.

COMPLY - To act in accordance with, to accept, to obey.

ENGLISH LEGAL GLOSSARY

COMPOSITE DRAWING - A picture of an alleged criminal created by a professional police artist using verbal descriptions given by the victim or a witness.

CONCILIATION - A form of alternative dispute resolution in which the parties bring their dispute to a neutral third party, who helps lower tensions, improve communications, and explore possible solutions. Conciliation is similar to mediation, but it may be less formal.

CONCURRENT JURISDICTION - The jurisdiction of two or more courts, each authorized to deal with the same subject matter.

CONCURRENT SENTENCES - Sentences for more than one crime that are to be served at the same time, rather than one after the other. See also **CUMULATIVE SENTENCES**.

CONDEMNATION - The legal process by which the government takes private land for public use, paying the owners a fair price. See **EMINENT DOMAIN**.

CONDITIONAL RELEASE - A release from custody which imposes regulations on the activities and associations of the defendant. If a defendant fails to meet the conditions, the release is revoked.

CONFESSION - Voluntary statement made by one who is a defendant in a criminal trial, which, if true, discloses his or her guilt.

CONFISCATE - To seize or take private property for public use (the police confiscated the weapon).

CONFLICT OF INTEREST - 1. A real or seeming incompatibility between one's private interests and one's public or fiduciary duties. 2. A real or seeming incompatibility between the interests of two of a lawyer's clients, such that the lawyer is disqualified from representing both clients if the dual representation adversely affects either client or if the clients do not consent.

CONSECUTIVE SENTENCES - Successive sentences, one beginning at the expiration of another, imposed against a person convicted of two or more violations.

CONSERVATORSHIP - Legal right given to a person to manage the property and financial affairs of a person deemed incapable of doing that for himself or herself. (Conservators have somewhat less responsibility than guardians. See also *guardianship*.)

CONSIDERATION - The cause, price, or impelling influence which induces a party to enter into a contract.

CONSPIRACY - An agreement by two or more persons to commit an unlawful act; in criminal law, conspiracy is a separate offense from the crime that is the object of the conspiracy.

CONSTITUTIONAL RIGHT - A right guaranteed by the U. S. Constitution, interpreted by the federal courts; also, a right guaranteed by some other constitution (such as a state constitution).

CONTEMPT OF COURT - The finding of the court that an act was committed with the intent of embarrassing the court, disobeying its lawful orders, or obstructing the administration of justice in some way.

CONTINUANCE - The adjournment or postponement of a session, hearing, trial, or other proceeding until a future date.

CONTRACT - A legally enforceable agreement between two or more competent parties made either orally or in writing.

ENGLISH LEGAL GLOSSARY

CONTRIBUTORY NEGLIGENCE - A legal doctrine that says if the plaintiff in a civil action for negligence also was negligent, he or she cannot recover damages from the defendant for the defendant's negligence. Most jurisdictions have abandoned the doctrine of contributory negligence in favor of *comparative negligence*.

CONTROLLED SUBSTANCE - Any of the drugs whose production and use are regulated by law, including narcotics, stimulants, and hallucinogens.

CONVICT - 1. A person who has been found guilty of a crime and is serving a sentence for that crime; a prison inmate. 2. To find a person guilty of an offense by either a trial or a plea of guilty.

CONVICTION - A determination of guilt which is the result of a trial or entry of a plea of guilty or *nol contendere* (no contest), regardless of whether adjudication of guilt or imposition of sentence was suspended, deferred, or withheld.

CORONER - Public official charged with duty to make inquiry into the causes and circumstances of any death which occurs through violence or suddenly, with marks of suspicion.

CORROBORATE - To support with evidence or authority; make more certain.

CORROBORATING EVIDENCE - Supplementary evidence that tends to strengthen or confirm the initial evidence.

CORROBORATION - Confirmation or support of a witness' statement or other fact.

COSTS - An allowance for expenses in prosecuting or defending a suit. Ordinarily this does not include attorney fees.

COUNSEL - A legal representative, attorney, lawyer.

COUNSEL TABLE - The physical location where the defense and prosecuting parties are seated throughout the duration of the trial.

COUNT - Each of the allegations of an offense listed in a charging document.

COUNTERCLAIM - A claim presented by a defendant in a civil lawsuit against the plaintiff. In essence, a counter lawsuit within a lawsuit.

COUNTERFEIT - To forge, to copy or imitate, without authority or right, and with the purpose to deceive or defraud, by passing off the copy as genuine.

COUNTY JAIL - A building or structure used to house alleged criminals and/or convicted criminals of local area crimes.

COURT - 1. A unit of the judiciary authorized to decide disputed matters of fact, cases or controversies. 2. Figuratively, the judge or judicial officer. Judges sometimes use "court" to refer to themselves in the third person, as in "the court has read the briefs."

COURT ADMINISTRATOR - An elected constitutional officer serving as an arm of the court with respect to all court filings and related proceedings.

CLERK OF COURT - An individual appointed by the court to oversee administrative matters.

COURT APPOINTED COUNSEL - A defense attorney designated by the court to represent a defendant who does not have the funds to retain an attorney.

ENGLISH LEGAL GLOSSARY

COURT COSTS - The expenses of prosecuting or defending a lawsuit, other than the attorneys' fees. An amount of money may be awarded to the successful party (and may be recoverable from the losing party) as reimbursement for court costs.

COURT OF RECORD - A court in which the proceedings are recorded, transcribed, and maintained as permanent records.

COURT ORDER - A written direction or command delivered by a court or judge.

COURT REPORTER - A person who makes a word-for-word record of what is said in court and produces a transcript of the proceedings upon request.

COURT, APPEALS - In some states, the highest appellate court, where it is the Court's discretion whether to hear the case on appeal.

COURTS, JUVENILE and DEPENDENCY - Courts having jurisdiction over cases involving children under 18. Cases involve delinquent, dependent, and neglected children.

COURT, NIGHT - A specialized court that deals with cases during the late evening and early morning hours.

COURT, TRAFFIC - A specialized court that hears crimes dealing with traffic offenses.

COURTROOM - The section of a courthouse in which the judge presides over the proceedings.

CREDIBILITY - The quality in a witness which makes his or her testimony believable.

CRIME - 1. An act of omission or commission in violation of law which carries criminal consequences. 2. Criminal activity in general relating to a specific time or place.

CRIMINAL - 1. One who has been convicted of a criminal offense. 2. That which is connected with the law of crimes; That which has the character of a crime (criminal justice; criminal intent).

CRIMINAL CASE - A case brought by the government against a person accused of committing a crime.

CRIMINAL INSANITY - Lack of mental capacity to do or abstain from doing a particular act; inability to distinguish right from wrong. State of mind rendering a defendant incapable of distinguishing between right and wrong, such that he or she cannot be held accountable for a crime.

CRIMINAL RECORD - 1. Arrest record. A written account listing all the instances in which a person has been arrested. 2. A form completed by a police officer when a person is arrested.

CRIMINAL SUMMONS - An order commanding an accused to appear in court.

CROSS-CLAIM - A claim by codefendant or co-plaintiffs against each other and not against persons on the opposite side of the lawsuit.

CROSS-EXAMINATION - The questioning of a witness produced by the other side.

CUMULATIVE SENTENCES - Sentences for two or more crimes to run consecutively, rather than concurrently.

ENGLISH LEGAL GLOSSARY

CUSTODY - 1. The care and control of a thing or person for inspection, preservation, or security. 2. The care, control, and maintenance of a child awarded by a court to one of the parents in a divorce or separation proceeding. 3. The detention of a person by virtue of lawful process or authority.

DAMAGES - Money awarded by a court to a person injured by the unlawful act or negligence of another person.

DEATH PENALTY - State-imposed death as punishment for a serious crime. *Capital punishment*.

DEATH ROW - The area of a state or federal prison where criminals who are sentenced to death are confined until their sentence is commuted or carried out.

DECISION - The judgment reached or given by a court of law.

DECLARATORY JUDGMENT - A judgment of the court that explains what the existing law is or expresses the opinion of the court without the need for enforcement.

DECREE - An order of the court. A final decree is one that fully and finally disposes of the litigation. An *interlocutory* decree is a preliminary order that often disposes of only part of a lawsuit.

DEFAMATION - That which tends to injure a person's reputation. *Libel* is published defamation, whereas *slander* is spoken.

DEFAULT - A failure to respond to a lawsuit within the specified time.

DEFAULT-JUDGMENT - A judgment entered against a party who fails to appear in court, respond to the charges, or does not comply with an order, especially an order to provide or permit discovery.

DEFENDANT - 1. In a criminal case, the person accused of the crime. 2. In a civil case, the person being sued.

DEFENSE - 1. Defendant's statement of a reason why the plaintiff or prosecutor has no valid case against defendant, especially a defendant's answer, denial, or plea. 2. Defendant's method and strategy in opposing the plaintiff or the prosecution. 3. One or more defendants in a trial.

DEFENSE ATTORNEY - An attorney who represents a person accused of committing a crime.

DELIBERATE - 1. To discuss, ponder or reflect upon before reaching a decision. A judge will usually deliberate before announcing a judgment. 2. Intentional, characterized by consideration and awareness.

DELIBERATION - The jury's decision-making process after hearing the evidence and closing arguments and being given the court's instructions.

DELINQUENCY, JUVENILE - Antisocial behavior by a minor; especially behavior that would be criminally punishable if the actor were an adult, but instead is usually punished by special laws pertaining only to minors.

DEMURRER - A motion to dismiss a civil case because of the legal insufficiency of a complaint.

DEPENDENT CHILD - A child who is homeless or without proper care through no fault of the parent, guardian, or custodian.

ENGLISH LEGAL GLOSSARY

DEPORTATION - The act of removing a person to another country. Order issued by an immigration judge, expelling an alien from the United States. A deportation has certain consequences regarding the number of years within which a deportee may not legally immigrate. There are also criminal consequences for reentry within a prescribed time period.

DEPOSITION - A pretrial discovery device by which one party questions the other party or a witness for the other party. It usually takes place in the office of one of the lawyers, in the presence of a court reporter, who transcribes what is said. Questions are asked and answered orally as if in court, with opportunity given to the adversary to cross-examine. Occasionally, the questions are submitted in writing and answered orally.

DEPRIVATION OF CUSTODY - The court transfer of legal custody of a person from parents or legal guardian to another person, agency, or institution. It may be temporary or permanent.

ASSISTANT STATE'S ATTORNEY - An assistant lawyer to the state's attorney.

STATE'S ATTORNEY - A lawyer elected to represent the state in criminal cases in his or her respective judicial circuit. See **PROSECUTOR**.

DESCENT AND DISTRIBUTION STATUTES - State laws that provide for the distribution of estate property of a person who dies without a will. Same as *intestacy laws*.

DETENTION - The act or fact of holding a person in custody; confinement or compulsory delay.

DETENTION HEARING - In juvenile court, a judicial hearing, usually held after the filing of a petition, to determine interim custody of a minor pending a judgment.

DIRECT EVIDENCE - Proof of facts by witnesses who saw acts done or heard words spoken.

DIRECT EXAMINATION - The first questioning of witnesses by the party on whose behalf they are called.

DIRECTED VERDICT - Now called Judgment as a Matter of Law. An instruction by the judge to the jury to return a specific verdict.

DISBARMENT - Form of discipline of a lawyer resulting in the loss (often permanently) of that lawyer's right to practice law. It differs from censure (an official reprimand or condemnation) and from suspension (a temporary loss of the right to practice law).

DISCLAIM - To refuse a gift made in a will.

DISCOVERY - The procedure by which one or both parties disclose evidence which will be used at trial. The specific tools of discovery include depositions, interrogatories and motions for the production of documents.

DISMISS - To terminate legal action involving outstanding charges against a defendant in a criminal case.

DISMISSAL WITH PREJUDICE - The dismissal of a case, by which the same cause of action cannot be brought against the defendant again at a later date.

DISMISSAL WITHOUT PREJUDICE - The dismissal of a case without preventing the plaintiff from bringing the same cause of action against the defendant in the future.

DISORDERLY CONDUCT - Any behavior, contrary to law, which disturbs the public peace or decorum, scandalizes the community, or shocks the public sense of morality.

ENGLISH LEGAL GLOSSARY

DISPOSITION - A final settlement or determination. The court decision terminating proceedings in a case before judgment is reached, or the final judgment.

DISSENT - To disagree. An appellate court opinion setting forth the minority view and outlining the disagreement of one or more judges with the decision of the majority.

DISSOLUTION - The act of bringing to an end; termination. The dissolution of a marriage or other relationship.

DISTRICT ATTORNEY - A lawyer appointed or elected to represent the state in criminal cases in his or her respective judicial districts. See **PROSECUTOR**.

DISTURBING THE PEACE - Conduct which tends to annoy all citizens, including unnecessary and distracting noisemaking.

DIVERSION - 1. The process of removing some minor criminal traffic, or juvenile cases from the full judicial process, on the condition that the accused undergo some sort of rehabilitation or make restitution for damages. 2. Unauthorized use of funds.

DIVORCE - Legal dissolution of a marriage by a court. Also termed *dissolution* of marriage.

DOCKET - A list of cases to be heard by a court, or a log containing brief entries of court proceedings.

DOCKET NUMBER - The designation assigned to each case filed in a particular court. Also called a *case number*.

DOMESTIC VIOLENCE - An assault committed by one member of a household against another.

DOMICILE - The place where a person has his or her permanent legal home. A person may have several residences, but only one domicile.

DOUBLE JEOPARDY - The constitutional prohibition under the Fifth Amendment against a person being put on trial more than once for the same offense.

DRIVING UNDER THE INFLUENCE - The unlawful operation of a motor vehicle while under the influence of drugs or alcohol.

DRUNK DRIVING - The operation of a vehicle in an impaired state after consuming alcohol that when tested is above the state's legal alcohol limit.

DUE PROCESS OF LAW - The right of all persons to receive the guarantees and safeguards of the law and the judicial process. It includes such constitutional requirements as adequate notice, assistance of counsel, the right to remain silent, the right to a speedy and public trial, the right to an impartial jury, and the right to confront and secure witnesses.

ELEMENTS OF A CRIME - Specific factors that define a crime which the prosecution must prove beyond a reasonable doubt in order to obtain a conviction. **The elements that must be proven are 1) that a crime has actually occurred, 2) the accused intended the crime to happen, and 3) a timely relationship between the first two factors sufficient to support causation.**

EMBEZZLE - To willfully take or convert to one's own use, another's money or property, which the wrongdoer initially acquired lawfully, because of some office, employment, or some position of trust.

EMINENT DOMAIN - The power of the government to take private property for public use through *condemnation*.

ENGLISH LEGAL GLOSSARY

EN BANC - All the judges of a court sitting together. Appellate courts can consist of a dozen or more judges, but often they hear cases in panels of three judges. If a case is heard or reheard by the full court, it is heard en banc.

ENHANCE - To make greater in value, to increase.

ENJOINING - An order by the court telling a person to stop performing a specific act.

ENTER A GUILTY PLEA - The formal statement before the court that the accused admits committing the criminal act.

ENTRAPMENT - A defense to criminal charges alleging that agents of the government induced a person to commit a crime he or she otherwise would not have committed.

EQUAL PROTECTION - The guarantee in the Fourteenth Amendment to the U.S. Constitution that all persons be treated equally by the law.

EQUITABLE ACTION - An action which may be brought for the purpose of restraining the threatened infliction of wrongs or injuries, and the prevention of threatened illegal action.

EQUITY - Generally, justice or fairness. Historically, equity refers to a separate body of law developed in England in reaction to the inability of the common-law courts, in their strict adherence to rigid writs and forms of action, to consider or provide a remedy for every injury. The king therefore established the court of chancery to do justice between parties in cases where the common law would give inadequate redress. The principle of this system of law is that equity will find a way to achieve a lawful result when legal procedure is inadequate. Equity and law courts are now merged in most jurisdictions.

ESCHEAT (ES-CHET) - The process by which a deceased person's property goes to the state if no heir can be found.

ESCROW - Money or a written instrument such as a deed that, by agreement between two parties, is held by a neutral third party (held in escrow) until all conditions of the agreement are met.

ESTATE - An estate consists of personal property (car, household items, and other tangible items), real property, and intangible property, such as stock certificates and bank accounts, owned in the individual name of a person at the time of the person's death. It does not include life insurance proceeds (unless the estate was made the beneficiary) or other assets that pass outside the estate (like joint tenancy assets).

ESTATE TAX - Generally, a tax on the privilege of transferring property to others after a person's death. In addition to federal estate taxes, many states have their own estate taxes.

ESTOPPEL - A person's own act, or acceptance of facts, which preclude his or her later making claims to the contrary.

EVICTION - Recovery of land or rental property from another by legal process.

EVIDENCE - Information presented in testimony or in documents that is used to persuade the fact finder (judge or jury) to decide the case for one side or the other.

EVIDENCE, CIRCUMSTANTIAL - Inferences drawn from proven facts.

ENGLISH LEGAL GLOSSARY

EVIDENCE, DIRECT - Evidence in form of witness testimony, who actually saw, heard, or touched the subject of question.

EVIDENCE, EVANESCENT - Evidence which can disappear relatively quickly, such as the amount of alcohol in a person's blood.

EXAMINATION, DIRECT - The first examination of a witness by the counsel who called the witness to testify.

EXAMINATION, RECROSS - A second examination of a witness by the opposing counsel after the second examination (or redirect examination) by the counsel who called the witness to testify is completed.

EXAMINATION, REDIRECT - A second examination of a witness by the counsel who called the witness to testify. This examination is usually focused on certain matters that were discussed by the opposing counsel's examination.

EXCEPTIONS - Declarations by either side in a civil or criminal case reserving the right to appeal a judge's ruling upon a motion. Also, in regulatory cases, objections by either side to points made by the other side or to rulings by the agency or one of its hearing officers.

EXCLUSION OF WITNESSES - An order of the court requiring all witnesses to remain outside the courtroom until each is called to testify, except the plaintiff or defendant. The witnesses are ordered not to discuss their testimony with each other and may be held in contempt if they violate the order.

EXCLUSIONARY RULE - The rule preventing illegally obtained evidence to be used in any trial.

EXCLUSIVE JURISDICTION - The matter can only be filed in one court.

EXCULPATORY EVIDENCE - Evidence which tends to indicate that a defendant did not commit the alleged crime.

EXECUTE - To complete the legal requirements (such as signing before witnesses) that make a will valid. Also, to execute a judgment or decree means to put the final judgment of the court into effect.

EXECUTOR - A personal representative, named in a will, who administers an estate.

EXHIBIT - A document or other item introduced as evidence during a trial or hearing.

EXHIBIT, PEOPLE'S - Exhibit and/or evidence that is offered by the prosecution.

EXONERATE - Removal of a charge, responsibility or duty.

EXPERT TESTIMONY - Testimony given in relation to some scientific, technical, or professional matter by experts, i.e., person qualified to speak authoritatively by reason of their special training, skill, or familiarity with the subject.

EXPUNGEMENT - Official and formal erasure of a record or partial contents of a record.

EXTENUATING CIRCUMSTANCES - Circumstances which render a crime less aggravated, heinous, or reprehensible than it would otherwise be.

EXTORTION - The act of obtaining the property of another person through wrongful use of actual or threatened force, violence, or fear.

ENGLISH LEGAL GLOSSARY

EXTRADITION - The process by which one state or country surrenders to another state, a person accused or convicted of a crime in the other state.

EXTRAORDINARY WRIT - A writ, often issued by an appellate court, making available remedies not regularly within the powers of lower courts. They include writs of habeas corpus, mandamus, prohibition and quo warranto.

EYE WITNESS - One who saw the act, fact, or transaction to which he or she testifies.

FAILURE TO APPEAR - The act of not appearing in court after being presented with a subpoena or summons.

FAILURE TO COMPLY - The act of not following an order that is directed by the court.

FAIR HEARING - A hearing in which certain rights are respected such as the right to present evidence, to cross examine and to have findings supported by evidence.

FALSE ARREST - Any unlawful physical restraint of another's personal liberty, whether or not carried out by a peace officer.

FALSE IMPRISONMENT - The unlawful restraint by one person of another person's physical liberty.

FALSE PRETENSES - Representation of some fact or circumstance which is not true and is calculated to mislead, whereby a person obtains another's money or goods.

FAMILY ALLOWANCE - A small amount of money set aside from the estate of the deceased. Its purpose is to provide for the surviving family members during the administration of the estate.

FELONY - A crime of a more serious nature than a misdemeanor, usually punishable by imprisonment in a penitentiary for more than a year and/or substantial fines.

FELONY MURDER - A murder committed during the commission of a felony such as robbery, burglary, or kidnapping.

FIDELITY BOND - See SURETY BOND.

FIDUCIARY - A person having a legal relationship of trust and confidence to another and having a duty to act primarily for the others benefit, e.g., a guardian, trustee, or executor.

FIELD SOBRIETY TEST - A method of determining whether a person is intoxicated using a motor skills test which is administered by testing the driver's speaking ability and/or physical coordination.

FIFTH AMENDMENT - Among other rights, the Fifth Amendment to the U.S. Constitution guarantees that a person cannot be compelled to present self-incriminating testimony in a criminal proceeding.

FILE - To place a paper in the official custody of the clerk of court to enter into the files or records of a case.

FIND GUILTY - For the judge or jury to determine and declare the guilt of the defendant.

FINDING - Formal conclusion by a judge or jury on issues of fact.

FINE - To sentence a person convicted of an offense to pay a penalty in money.

ENGLISH LEGAL GLOSSARY

FINGERPRINT - The distinctive pattern of lines on human fingertips that are used as a method of identification in criminal cases.

FIREARM - A weapon which acts by force of gunpowder, such as a rifle, shotgun or revolver.

FIRST APPEARANCE - The initial appearance of an arrested person before a judge to determine whether there is probable cause for his or her arrest. Generally the person comes before a judge within hours of the arrest, and are informed of the charges against him or her and of his or her rights to a preliminary hearing, to counsel, and to bail. No plea is asked for at this state. Also called *initial appearance*.

FORCIBLE ENTRY AND DETAINER - Ordinarily refers to a summary proceeding for restoring possession of land to one who has been wrongfully deprived of possession.

FORECLOSURE - Procedure by which mortgaged property is sold on default of the mortgagor in satisfaction of mortgage debt.

FORFEIT - To lose, or lose the right to.

FORFEITURE - The loss of money or property resulting from failure to meet a legal obligation or from the illegal nature or use of the money or property.

FORGERY - The act of claiming one's own writing to be that of another.

FOSTER CARE - A program of parental care for children who do not have an in-home parental relationship with either biological or adoptive parents.

FOUNDATION - In a trial, a foundation must be laid to establish the basis for the admissibility of certain types of evidence. For example, an expert witnesses's qualifications must be shown before expert testimony will be admissible.

FOURTH AMENDMENT - Among other matters, the 14th Amendment to the U.S. Constitution prohibits states from depriving any person of life, liberty, or property without adequate *due process*.

FRAUD - Intentional, unlawful deception to deprive another person of property or to injure that person in some other way.

GAMBLING - The act of staking money, or other thing of value, on an uncertain event or outcome.

GARNISH - To withhold a debtor's money, and turn it over to another in order to pay a debt. Typically, the one withholding the money is the debtor's employer.

GARNISHMENT - A legal proceeding in which a debtor's money, in the possession of another (the garnishee), is applied to the debts of the debtor, such as when an employer garnishes a debtor's wages.

GENERAL ASSIGNMENT - The voluntary transfer, by a debtor, of all property to a trustee for the benefit of all of his or her creditors.

GENERAL JURISDICTION - Refers to courts that have no limit on the types of criminal and civil cases they may hear.

GLUE SNIFFING - The act of inhaling glue in order "to get high".

ENGLISH LEGAL GLOSSARY

GOOD CAUSE - Substantial reason, one that affords a legal excuse.

GOOD FAITH - An honest belief, the absence of malice, and the absence of design to defraud.

GOOD TIME - A reduction in sentenced time in prison as a reward for good behavior. It usually is one-third to one-half off the maximum sentence.

GRAND JURY - Jury of inquiry. The jury which determines which charges, if any, are to be brought against a defendant.

GRAND THEFT - Taking and carrying away the personal property of another person of a value in excess of an amount set by law with the intent to deprive the owner or possessor of it permanently.

GRANTOR OR SETTLOR - The person who sets up a trust.

GROUND - A foundation or basis; points relied on.

GUARDIAN - A person appointed by will or by law to assume responsibility for incompetent adults or minor children. If a parent dies, this will usually be the other parent. If both die, it probably will be a close relative.

GUARDIANSHIP - Legal right given to a person to be responsible for the food, housing, health care, and other necessities of a person deemed incapable of providing these necessities for himself or herself, usually an incompetent adult or minor child.

GUILTY - Responsible for a delinquency, crime, or other offense; not innocent.

HANDCUFFS - Chains or shackles for the hands to secure prisoners.

HARASSMENT - Words, gestures, and actions which tend to annoy, alarm, and verbally abuse another person.

HARMLESS ERROR - An error committed during a trial that was corrected or was not serious enough to affect the outcome of a trial and therefore was not sufficiently harmful (prejudicial) to be reversed on appeal.

HEARING - A proceeding similar to a trial, without a jury, and usually of shorter duration.

HEARING, CONTESTED - A hearing held for the purpose of deciding issues or fact of law that both parties are disputing.

HEARING, PRELIMINARY - The hearing given to person accused of crime, by a magistrate or judge, to determine whether there is enough evidence to warrant the confinement and holding to bail the person accused.

HEARSAY - Statements by a witness who did not see or hear the incident in question but heard about it from someone else. Hearsay is usually not admissible as evidence in court.

HIT AND RUN - Crime in which the driver of a vehicle leaves the scene of an accident without identifying himself or herself.

HOLDING CELL - A temporary location that is meant to secure the accused while waiting for trial to begin or continue.

HOLOGRAPHIC WILL - A will entirely written, dated, and signed by the testator in his/her own handwriting.

ENGLISH LEGAL GLOSSARY

HOME MONITORING - An alternative to incarceration where an individual is confined to his or her home and monitored electronically.

HOMICIDE - The unlawful killing of one human being by another.

HOSPITAL WARRANT - A warrant that a court issues under Health-General Article Section 12-120 after a probable cause determination that the named defendant has violated a conditional release under Title 12 of the Health-General Article.

HOSTILE WITNESS - A witness whose testimony is not favorable to the party who calls him or her as a witness. A hostile witness may be asked leading questions and may be cross-examined by the party who calls him or her to the stand.

HUNG JURY - A jury whose members cannot agree upon a verdict.

HYPOTHETICAL QUESTION - An imaginary situation, incorporating facts previously admitted into evidence, upon which an expert witness is permitted to give an opinion as to a condition resulting from the situation.

ILLEGAL - Against, or not authorized by law; unlawful.

IMMUNITY - Grant by the court which assures someone will not face prosecution in return for providing evidence in a criminal proceeding.

IMPANEL - To seat a jury. When voir dire is finished and both sides have exercised their challenges, the jury is impaneled. The jurors are sworn in and the trial is ready to proceed.

IMPEACHMENT OF WITNESS - To call into question the truthfulness of a witness.

IMPLIED CONTRACT - A contract in which the promise made by the obligor is not expressed, but inferred by one's conduct or implied in law.

INADMISSIBLE - That which, under the rules of evidence, cannot be admitted as evidence in a trial or hearing.

INCAPACITY - The lack of power or the legal ability to act.

INCARCERATE - To confine in jail.

INCEST - Sexual intercourse between persons so closely related that marriage between them would be unlawful.

INCOMPETENCY - Lack of capacity to understand the nature and object of the proceedings, to consult with counsel, and to assist in preparing a defense.

INCRIMINATE - To make it appear that one is guilty of a crime.

INDECENT EXPOSURE - Exposure to sight of the private parts of the body in a lewd or indecent manner in a public place.

INDEMNIFY - The term pertains to liability for loss shifted from one person held legally responsible to another.

INDEPENDENT EXECUTOR - A special kind of executor, permitted by the laws of certain states, who performs the duties of an executor without intervention by the court.

ENGLISH LEGAL GLOSSARY

INDETERMINATE SENTENCE - A sentence of imprisonment to a specified minimum and maximum period of time, specifically authorized by statute, subject to termination by a parole board or other authorized agency after the prisoner has served the minimum term.

INDICTMENT - A formal written accusation, issued by a grand jury, charging a party with a crime.

INDIGENT - Needy and poor. A defendant who can demonstrate his or her indigence to the court may be assigned a court-appointed attorney at public expense.

INFORMANT - An undisclosed person who confidentially discloses material information of a crime to the police, which is usually done in exchange for a reward or special treatment.

INFORMATION - A formal written document filed by the prosecutor detailing the criminal charges against the defendant. An alternative to an indictment, it serves to bring a defendant to trial.

INFRACTION - A violation of law, not punishable by imprisonment. Minor traffic offenses are generally considered infractions.

INHERITANCE TAX - A state tax on property that an heir or beneficiary under a will receives from a deceased person's estate. The heir or beneficiary pays this tax.

INITIAL APPEARANCE - In criminal law, the hearing at which a judge determines whether there is sufficient evidence against a person charged with a crime to hold him or her for trial. The Constitution bans secret accusations, so initial appearances are public unless the defendant asks otherwise; the accused must be present, though he or she usually does not offer evidence. Also called *first appearance*.

INJUNCTION - Writ or order by a court prohibiting a specific action from being carried out by a person or group.

INMATE - A person confined to a prison, penitentiary, or jail.

INNOCENT UNTIL PROVEN GUILTY - A belief in the American legal system which states that all people accused of a criminal act are considered not to have committed the crime until the evidence leaves no doubt in the mind of the court or the jury that the accused did or did not commit the crime.

INSANITY PLEA - A claim by a defendant that he or she lacks the soundness of mind required by law to accept responsibility for a criminal act.

INSTRUCTIONS - Judge's explanation to the jury before it begins deliberations of the questions it must answer and the applicable law governing the case. Also called *charge*.

INTANGIBLE ASSETS - Nonphysical items such as stock certificates, bonds, bank accounts, and pension benefits that have value and must be taken into account in estate planning.

INTENT - The purpose to use a particular means to bring about a certain result.

INTERLOCUTORY - Provisional; not final. An interlocutory order or an interlocutory appeal concerns only a part of the issues raised in a lawsuit. Compare to *decree*.

INTERROGATORIES - Written questions asked by one party in a lawsuit for which the opposing party must provide written answers.

ENGLISH LEGAL GLOSSARY

INTERVENTION - An action by which a third person who may be affected by a lawsuit is permitted to become a party to the suit. Differs from the process of becoming an *amicus curiae*.

INTESTACY LAWS - See DESCENT AND DISTRIBUTION STATUTES.

INTESTATE - Dying without a will.

INTESTATE SUCCESSION - The process by which the property of a person who has died without a will passes on to others according to the state's descent and distribution statutes. If someone dies without a will, and the court uses the state's interstate succession laws, an heir who receives some of the deceased's property is an intestate heir.

INVESTIGATION - A legal inquiry to discover and collect facts concerning a certain matter.

IRRELEVANT - Evidence not sufficiently related to the matter in issue.

IRREVOCABLE TRUST - A trust that, once set up, the grantor may not revoke.

ISSUE - 1) The disputed point in a disagreement between parties in a lawsuit. 2) To send out officially, as in to issue an order.

JAIL - A place of confinement that is more than a police station and less than a prison. It is usually used to hold persons convicted of misdemeanors or persons awaiting trial.

JEOPARDY - The peril in which an accused is placed when he is properly charged with a crime before a court. Jeopardy normally attaches when the petit jury is impaneled. After such time, the accused may not be released and tried at a later date for the same offense. Subject to exception. See DOUBLE JEOPARDY.

JOIN - To unite, to combine, to enter into an alliance.

JOINT AND SEVERAL LIABILITY - A legal doctrine that makes each of the parties who are responsible for an injury liable for all the damages awarded in a lawsuit if the other parties responsible cannot pay.

JOINT TENANCY - A form of legal co-ownership of property (also known as *survivorship*). At the death of one co-owner, the surviving co-owner becomes sole owner of the property. Tenancy by the entirety is a special form of joint tenancy between a husband and wife.

JOINT VENTURE - An association of persons jointly undertaking some commercial enterprise. Unlike a partnership, a joint venture does not entail a continuing relationship among the parties.

JOYRIDING - The illegal taking of an automobile without intent to deprive the owner permanently of the vehicle, often involving reckless driving.

JUDGE - An elected or appointed public official with authority to hear and decide cases in a court of law.

JUDGMENT - The final decision of the court, resolving the dispute; an opinion; an award of damages.

JUDICIAL NOTICE - A court's recognition of the truth of basic facts without formal evidence.

JUDICIAL REVIEW - The authority of a court to review the official actions of other branches of government. Also, the authority to declare unconstitutional the actions of other branches.

ENGLISH LEGAL GLOSSARY

JURISDICTION - 1. The legal authority of a court to hear and decide a case. 2. The geographic area over which the court has authority to decide cases.

JURISPRUDENCE - The study of law and the structure of the legal system.

JUROR - Member of the jury.

JUROR, ALTERNATE - Additional juror impaneled in case of sickness or disability of another juror.

JURY - A body of persons temporarily selected from the citizens of a particular district sworn to listen to the evidence in a trial and declare a verdict on matters of fact.

JURY BOX - The specific place in the courtroom where the jury sits during the trial.

JURY COMMISSIONER - The court officer responsible for choosing the panel of persons to serve as potential jurors for a particular court term.

JURY FOREMAN - The juror who chairs the jury during deliberations and speaks for the jury in court when announcing the verdict.

JURY TRIAL - Trial in which a jury decides issues of fact as opposed to trial only before a judge.

JURY, HUNG - A jury which is unable to agree on a verdict after a suitable period of deliberation.

JUSTICIABLE - Issues and claims capable of being properly examined in court.

JUVENILE - A young person who has not yet attained the age at which he or she should be treated as an adult for purposes of criminal law and other legal matters.

DETENTION FACILITY - The facility where juvenile offenders are held in custody.

JUVENILE WAIVER - A procedure by which a charge(s) against a minor is transferred from a juvenile to circuit court.

KIDNAPPING - The taking or detaining of a person against his or her will and without lawful authority.

KNOWINGLY - With knowledge, willfully or intentionally with respect to a material element of an offense.

LARCENY - Stealing or theft.

LAW - The combination of those rules and principles of conduct promulgated by legislative authority, derived from court decisions, and established by local custom.

LAW CLERKS - Persons trained in the law who assist judges in researching legal opinions.

LAWSUIT - An action between two or more persons in the courts of law, not a criminal matter.

LAY PERSON - One not trained in law.

LEADING QUESTION - One which implicitly instructs the witness how to answer or which suggests to the witness the answer desired.

ENGLISH LEGAL GLOSSARY

LEASE - A contract by which owner of property grants to another the right to possess, use, and enjoy it for a specified period of time in exchange for payment of an agreed price (rent).

LEGAL AID - Professional legal services available usually to persons or organizations unable to afford legal representation.

LENIENCY - Recommendation for a sentence less than the maximum allowed.

LESSER INCLUDED OFFENSE - A crime composed of some, but not all, of the elements of a greater crime; commission of the greater crime automatically includes commission of the lesser included offense.

LETTERS OF ADMINISTRATION - Legal document issued by a court that shows an administrator's legal right to take control of assets in the deceased person's name.

LETTERS TESTAMENTARY - Legal document issued by a court that shows an executor's legal right to take control of assets in the deceased person's name.

LEVY - A seizure; the obtaining of money by legal process through seizure and sale of property.

LEWD CONDUCT - Behavior that is obscene, lustful, indecent, vulgar.

LIABILITY - Legal debts and obligations.

LIABLE - Legally responsible.

LIBEL - Published words or pictures that falsely and maliciously harm the reputation of a person. See **DEFAMATION**.

LIE DETECTOR - A machine which records by a needle on a graph varying emotional disturbances when answering questions truly or falsely, as indicated by fluctuations in blood pressure, respiration, or perspiration.

LIEN - A legal claim against another person's property as security for a debt. A lien does not convey ownership of the property, but gives the lien holder a right to have his or her debt satisfied out of the proceeds of the property if the debt is not otherwise paid.

LIFE IMPRISONMENT - A type of sentence where the convicted criminal is ordered to spend the rest of his or her life in prison.

LIMITED JURISDICTION - Refers to courts that are limited in the types of criminal and civil cases they may hear. For example, traffic violations generally are heard by limited jurisdiction courts.

LINEUP - A police identification procedure by which the suspect to a crime is exhibited, along with others, before the victim or witness to determine if the victim or witness can identify the suspect as the person who committed the crime.

LITIGANT - A party to a lawsuit. Litigation refers to a case, controversy, or lawsuit.

LITIGATION - A lawsuit.

LIVING TRUST - A trust set up and in effect during the lifetime of the grantor. Also called *inter vivos trust*.

LOITERING - To stand idly around, particularly in a public place.

ENGLISH LEGAL GLOSSARY

LYNCHING - Putting a person to death, usually by hanging, without legal authority.

MAGISTRATE - Judicial officer having strictly limited jurisdiction exercising some of the functions of a judge.

MALFEASANCE - Evil doing, ill conduct; the commission of some act which is positively prohibited by law.

MALICE - Ill will, hatred, or hostility by one person toward another which may prompt the intentional doing of a wrongful act without legal justification or excuse.

MALICIOUS MISCHIEF - Willful destruction of property, from actual ill will or resentment toward its owner or possessor.

MALICIOUS PROSECUTION - An action instituted with intention of injuring the defendant and without probable cause, and which terminates in favor of the person prosecuted.

MALPRACTICE - Violation of a professional duty to act with reasonable care and in good faith without fraud or collusion. This term is usually applied to such conduct by doctors, lawyers, or accountants.

MANDATE - A judicial command or order proceeding from a court or judicial officer, directing the proper officer to enforce a judgment, sentence, or decree.

MANSLAUGHTER, INVOLUNTARY - Unlawful killing of another, without malice, when the death is caused by some other unlawful act not usually expected to result in great bodily harm.

MANSLAUGHTER, VOLUNTARY - Unlawful killing of another, without malice, when the act is committed with a sudden extreme emotional impulse.

MATERIAL EVIDENCE - That quality of evidence which tends to influence the trier of fact because of its logical connection with the issue.

MATERIAL WITNESS - In criminal trial, a witness whose testimony is crucial to either the defense or prosecution.

MAYHEM - A malicious injury which disables or disfigures another.

MEDIATION - A form of *alternative dispute resolution* in which the parties bring their dispute to a neutral third party, who helps them agree on a settlement.

MEMORIALIZED - Having addressed any matter in writing.

MENTAL HEALTH - The wellness of a person's state of mind.

MERITS - Strict legal rights of the parties; a decision "on the merits" is one that reaches the right(s) of a party, as distinguished from disposition of a case on a ground not reaching the right(s) raised in an action; for example, entry of *nolle prosequi* before a criminal trial begins is a disposition other than on the merits, allowing trial on those charges at a later time without double jeopardy attaching; similarly, dismissal of a civil action on a preliminary motion raising a technicality, such as improper service of process, does not result in *res judicata* of an issue.

MIRANDA RIGHTS - Requirement that police tell a suspect in their custody of his or her constitutional rights before they question him or her: specifically, the right to remain silent; that any statement made may be used against him or her; the right to an attorney; and if the person cannot afford an attorney, one will be appointed if he or she desires.

MIRANDA WARNING - See MIRANDA RIGHTS.

ENGLISH LEGAL GLOSSARY

MISDEMEANOR - A lesser offense than a felony and generally punishable by fine or limited jail time, but not in a penitentiary.

MISTRIAL - An invalid trial caused by some legal error. When a judge declares a mistrial, the trial must start again from the beginning, including the selection of a new jury.

MITIGATING CIRCUMSTANCES - Those which do not constitute a justification or excuse for an offense but which may be considered as reasons for reducing the degree of blame.

MITIGATING FACTORS - Facts that do not constitute a justification or excuse for an offense but which may be considered as reasons for reducing the degree of blame.

MODIFICATION - A change, alteration, or amendment which introduces new elements into the details, or cancels some of them, but leaves the general purpose and effect of the subject-matter intact.

MOOT - A moot case or a moot point is one not subject to a judicial determination because it involves an abstract question or a pretended controversy that has not yet actually arisen or has already passed. Mootness usually refers to a court's refusal to consider a case because the issue involved has been resolved prior to the court's decision, leaving nothing that would be affected by the court's decision.

MORAL TURPITUDE - Immorality. An element of crimes inherently bad, as opposed to crimes bad merely because they are forbidden by statute.

MOTION - Oral or written request made by a party to an action before, during, or after a trial asking the judge to issue a ruling or order in that party's favor.

MOTION DENIED - Ruling or order issued by the judge denying the party's request.

MOTION GRANTED - Ruling or order issued by the judge granting the party's request.

MUGSHOT - Pictures taken after a suspect is taken into custody (booked), usually used as an official photograph by police officers.

MULTIPLICITY OF ACTIONS - Numerous and unnecessary attempts to litigate the same issue.

MURDER - The unlawful killing of a human being with deliberate intent to kill.

NEGLIGENCE - Failure to exercise the degree of care that a reasonable person would use under the same circumstances.

NEXT FRIEND - One acting without formal appointment as guardian for the benefit of an infant, a person of unsound mind not judicially declared incompetent, or other person under some disability.

NO BILL - This phrase, endorsed by a grand jury on the written indictment submitted to it for its approval, means that the evidence was found insufficient to indict.

NO-CONTEST CLAUSE - Language in a will that provides that a person who makes a legal challenge to the will's validity will be disinherited.

NO-FAULT PROCEEDINGS - A civil case in which parties may resolve their dispute without a formal finding of error or fault.

ENGLISH LEGAL GLOSSARY

NOMINAL PARTY - One who is joined as a party or defendant merely because the technical rules of pleading require his presence in the record.

NON-CAPITAL CASE - A criminal case in which the allowable penalty does not include death.

NOT GUILTY - The form of verdict in criminal cases where the jury acquits the defendant, finds him or her not guilty.

NOT GUILTY BY REASON OF INSANITY - The jury or the judge must determine that the defendant, because of mental disease or defect, could not form the intent required to commit the offense.

NOTICE - Formal notification to the party that has been sued in a civil case of the fact that the lawsuit has been filed. Also, any form of notification of a legal proceeding.

NOTICE TO PRODUCE - In practice, a notice in writing requiring the opposite party to produce a certain described paper or document at the trial, or in the course of pre-trial discovery.

NULL AND VOID - Having no force, legal power to bind, or validity.

NUNCUPATIVE WILL - An oral (unwritten) will.

OATH - Written or oral pledge by a witness to speak the truth.

OBJECT - To protest to the court against an act or omission by the opposing party.

OBJECTION - A protest to the court against an act or omission by the opposing party.

OBJECTION OVERRULED - A ruling by the court against the party making the objection.

OBJECTION SUSTAINED - A ruling by the court in favor of the party making the objection.

OF COUNSEL - A phrase commonly applied to counsel employed to assist in the preparation or management of the case, or its presentation on appeal, but who is not the principal attorney for the party.

OFFENDER - One who commits a crime, such as a felony, misdemeanor, or other punishable unlawful act.

OFFENSE - A crime, such as a felony, misdemeanor, or other punishable unlawful act.

OFFER OF PROOF - Presentation of evidence to the court (out of the hearing of the jury) for the court's decision of whether the evidence is admissible.

ON A PERSON'S OWN RECOGNIZANCE - Release of a person from custody without the payment of any *bail* or posting of *bond*, upon the promise to return to court.

OPENING ARGUMENT - The initial statement made by attorneys for each side, outlining the facts each intends to establish during the trial.

OPENING STATEMENT - See **OPENING ARGUMENT**.

ENGLISH LEGAL GLOSSARY

OPINION - A judge's written explanation of a decision of the court or of a majority of judges. A dissenting opinion disagrees with the majority opinion because of the reasoning and/or the principles of law on which the decision is based. A concurring opinion agrees with the decision of the court but offers further comment. A *per curiam opinion* is an unsigned opinion "of the court."

OPINION EVIDENCE - Witnesses are normally required to confine their testimony to statements of fact and are not allowed to give their opinions in court. However, if a witness is qualified as an expert in a particular field, he or she may be allowed to state an opinion as an expert based on certain facts.

ORAL ARGUMENT - An opportunity for lawyers to summarize their position before the court and also to answer the judges' questions.

ORDER TO SHOW CAUSE - Court order requiring to appear and show cause why the court should not take a particular course of action. If the party fails to appear or to give sufficient reasons why the court should take no action, the court will take the action. In criminal cases, the defendant must show why probation should not be revoked.

ORDER, COURT - A written or verbal command from a court directing or forbidding an action.

ORDINANCE - An act of legislation of a local governing body such as a city, town or county.

ORIGINAL JURISDICTION - The court in which a matter must first be filed.

OVERRULE - A judge's decision not to allow an objection. A decision by a higher court finding that a lower court decision was wrong.

OVERRULED - See **OVERRULE**.

OVERT ACT - An open act showing the intent to commit a crime.

PANDERING - Pimping. Arranging for acts of prostitution.

PARALEGAL - A person with legal skills, but who is not an attorney, and who works under the supervision of a lawyer or who is otherwise authorized by law to use those legal skills.

PARDON - A form of executive *clemency* preventing criminal prosecution or removing or extinguishing a criminal conviction.

PAROLE - Supervised release of a prisoner before the expiration of his or her sentence.

PAROLE EVIDENCE - Oral or verbal evidence rather than written. The Parole Evidence Rule limits the admissibility of parole evidence which would directly contradict the clear meaning of terms of a written contract.

PARTY - A person, business, or government agency actively involved in the prosecution or defense of a legal proceeding.

PATENT - A government grant giving an inventor the exclusive right to make or sell his or her invention for a term of years.

PATERNITY - Fatherhood.

PENALTY - Punishment, civil or criminal, generally referring to payment of money.

ENGLISH LEGAL GLOSSARY

PENDING - Begun, but not yet completed. Thus, an action is pending from its inception until the rendition of its final judgment.

PENITENTIARY - A prison or place of confinement where convicted felons are sent to serve out the term of their sentence.

PEOPLE (PROSECUTION) - The state, as in the People of the State of Florida.

PEREMPTORY CHALLENGE - The right to challenge a juror without assigning a reason for the challenge.

PERJURY - A false statement given while under oath or in a sworn affidavit.

PERMANENT INJUNCTION - A court order requiring that some action be taken, or that some party refrain from taking action. It differs from forms of temporary relief, such as a *temporary restraining order* or *preliminary injunction*.

PERMANENT RESIDENT - One who lives in a location for a period of time and denotes it as their official address or residence.

PERSON IN NEED OF SUPERVISION - Juvenile found to have committed a status offense rather than a crime that would provide a basis for a finding of delinquency. Typical status offenses are habitual truancy, violating a curfew, or running away from home. These are not crimes, but they might be enough to place a child under supervision. In different states, status offenders might be called children in need of supervision or minors in need of supervision. See **STATUS OFFENDERS**.

PERSONAL PROPERTY - Tangible physical property (such as cars, clothing, furniture, and jewelry) and intangible personal property. This does not include real property such as land or rights in land.

PERSONAL RECOGNIZANCE - Pre-trial release based on the person's own promise that he or she will show up for trial (no bond required). Also referred to as *release on own recognizance* or ROR. See **ON A PERSON'S OWN RECOGNIZANCE**.

PERSONAL REPRESENTATIVE - The person who administers an estate. If named in a will, that person's title is an *executor*. If there is no valid will, that person's title is an *administrator*.

PETIT JURY - The ordinary jury of twelve (or fewer) persons for the trial of a civil or criminal case. So called to distinguish it from the grand jury.

PETITION - A formal, written application to the court requesting judicial action on some matter.

PETITIONER - The person filing an action in a court of original jurisdiction. Also, the person who appeals the judgment of a lower court. The opposing party is called the *respondent*.

PETTY OFFENSE - A misdemeanor or minor offense or comparatively insignificant criminal act.

PETTY THEFT - The act of taking and carrying away the personal property of another of a value less than \$300 with the intent to deprive the owner or possessor of it permanently.

PIMP - To obtain customers for a whore or prostitute. One who obtains customers for a whore or prostitute.

PLAINTIFF - A person who initiates a lawsuit against another. Also called the *complainant*.

ENGLISH LEGAL GLOSSARY

PLEA - In a criminal proceeding, it is the defendant's declaration in open court that he or she is guilty or not guilty. The defendant's answer to the charges made in the indictment or information.

PLEA BARGAIN - The process whereby the accused and the prosecutor in a criminal case work out a mutually satisfactory disposition of the case subject to court approval. Usually involves the defendant's pleading guilty to a lesser offense or to only one.

PLEADINGS - The written statements of fact and law filed by the parties to a lawsuit.

POLLING THE JURY - The act, after a jury verdict has been announced, of asking jurors individually whether they agree with the verdict.

POLYGRAPH - Lie detector test and the apparatus for conducting the test.

POSSESSION OF DRUGS - The presence of drugs on the accused for recreational use or for the purpose to sell.

POST CONVICTION RELIEF PROCEEDING- A procedure by which a convicted defendant challenges the conviction and/or sentence on the basis of some alleged violation or error.

POSTPONEMENT - To put off or delay a court hearing.

POUR-OVER WILL - A will that leaves some or all estate assets to a trust established before the will-maker's death.

POWER OF ATTORNEY - Formal authorization of a person to act in the interest of another person.

PRECEDENT -A previously decided case that guides the decision of future cases.

PRE-INJUNCTION - Court order requiring action or forbidding action until a decision can be made whether to issue a permanent injunction. It differs from a *temporary restraining order*.

PREJUDICE - A forejudgment, bias, a preconceived opinion.

PREJUDICIAL ERROR - Synonymous with *reversible error* ; an error which warrants the appellate court in reversing the judgment before it.

PREJUDICIAL EVIDENCE - Evidence which might unfairly sway the judge or jury to one side or the other.

PRELIMINARY EXAMINATION - The hearing available to a person charged with a felony to determine if there is enough evidence (probable cause) to hold him for trial.

PRELIMINARY HEARING - Another term for *arraignment*.

PRELIMINARY INJUNCTION - In civil cases when it is necessary to preserve the status quo prior to trial, the court may issue a preliminary injunction or temporary restraining order ordering a party to carry out a specified activity.

PREMEDITATION -The planning of a crime preceding the commission of the act, rather than committing the crime on the spur of the moment.

PREPONDERANCE OF THE EVIDENCE - Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it.

ENGLISH LEGAL GLOSSARY

PRE-SENTENCE REPORT - A report to the sentencing judge containing background information about the crime and the defendant to assist the judge in making his or her sentencing decision.

PRESENTMENT - Declaration or document issued by a grand jury that either makes a neutral report or notes misdeeds by officials charged with specified public duties. It ordinarily does not include a formal charge of crime. A presentment differs from an *indictment*.

PRESUMPTION - An inference of the truth or falsity of a proposition or fact, that stands until rebutted by evidence to the contrary.

PRESUMPTION OF INNOCENCE - A hallowed principle of criminal law that a person is innocent of a crime until proven guilty. The government has the burden of proving every element of a crime beyond a reasonable doubt and the defendant has no burden to prove his innocence.

PRESUMPTION OF LAW - a rule of law that courts and judges shall draw a particular inference from a particular fact, or from particular evidence.

PRETERMITTED CHILD - A child born or adopted after a will is executed, who is not provided for in the will.

PRETERMITTED SPOUSE - A husband or wife of a deceased spouse married after a will is executed who is not provided for in the will.

PRE-TRIAL CONFERENCE - A meeting between the judge and the lawyers involved in a lawsuit to narrow the issues in the suit, agree on what will be presented at the trial, and make a final effort to settle the case without a trial.

PRIORS - A slang term meaning previous conviction(s) of the accused.

PRISON - A federal or state public building or other place for the confinement of persons. It is used as either a punishment imposed by the law or otherwise in the course of the administration of justice. Also known as penitentiary, penal institution, adult correctional institution, or jail.

PRIVILEGE - A legal right, exemption or immunity granted to a person, company or class, that is beyond the common advantages of other citizens.

PRIVILEGED COMMUNICATIONS - Confidential communications to certain persons that are protected by law against any disclosure, including forced disclosure in legal proceedings. Communications between lawyer and client, physician and patient, psychotherapist and patient, priest, minister, or rabbi and penitent are typically privileged.

PRIVITY - Mutual or successive relationships to the same right of property, or the same interest of one person with another which represents the same legal right.

PROBABLE CAUSE - A reasonable belief that a crime has or is being committed; the basis for all lawful searches, seizures, and arrests.

PROBATE - The court-supervised process by which a will is determined to be the will-maker's final statement regarding how the will-maker wants his or her property distributed. It also confirms the appointment of the personal representative of the estate. Probate also means the process by which assets are gathered; applied to pay debts, taxes, and expenses of administration; and distributed to those designated as beneficiaries in the will.

PROBATE COURT - The court with authority to supervise estate administration.

PROBATE ESTATE - Estate property that may be disposed of by a will.

ENGLISH LEGAL GLOSSARY

PROBATION - A sentence imposed for the commission of a crime whereby a convicted criminal offender is released into the community, usually under conditions and under the supervision of a probation officer, instead of incarceration. A violation of probation can lead to its revocation and to imprisonment.

PROBATION BEFORE JUDGMENT (PBJ) - Placing a convicted defendant on conditional probation, the successful completion of which will prevent entry of the underlying judgment of conviction. More commonly referred to in Florida as **DEFERRED ADJUDICATION** or **DEFERRED JUDGMENT**.

PROBATION DEPARTMENT - The department that oversees the actions of probationers as well as the location of where probation officers work.

PROBATION OFFICER - One who supervises a person placed on probation and is required to report the progress and to surrender the probationer if they violate the terms and conditions of the probation.

PROCEDURAL LAW - The method, established normally by rules to be followed in a case; the formal steps in a judicial proceeding.

PROFFER - An offer of proof as to what the evidence would be if a witness were called to testify or answer a question.

PROOF - Any fact or evidence that leads to a judgment of the court.

PROSECUTING ATTORNEY - See **PROSECUTOR** and **DISTRICT ATTORNEY**.

PROSECUTION - A proceeding instituted and carried on in order to determine the guilt or innocence of the accused.

PROSECUTOR - A trial lawyer representing the government in a criminal case and the interests of the state in civil matters. In criminal cases, the prosecutor has the responsibility of deciding who and when to prosecute.

PROSTITUTION - The performance or agreement to perform a sexual act for hire.

PROTECTIVE ORDER - A court order to protect a person from further harassment, service of process, or discovery.

PROXIMATE CAUSE - The act that caused an event to occur. A person generally is liable only if an injury was proximately caused by his or her action or by his or her failure to act when he or she had a duty to act.

PUBLIC DEFENDER - An attorney appointed by a court or employed by a government agency whose work consists primarily of defending people who are unable to hire a lawyer due to economic reasons.

PUNITIVE DAMAGES - Money awarded to an injured person, over and above the measurable value of the injury, in order to punish the person who hurt him.

PURGE - To clean or clear, such as eliminating inactive records from court files; with respect to civil contempt, to cure the noncompliance that caused the contempt finding.

QUASH - To overthrow, to vacate, to annul or make void.

QUASI JUDICIAL - Authority or discretion vested in an officer whose acts partake of a judicial character.

RAP SHEET - A listing of all the criminal convictions against an individual.

RAPE - Unlawful intercourse with an individual without their consent.

ENGLISH LEGAL GLOSSARY

RAPE, STATUTORY - See **STATUTORY RAPE**.

RATIFICATION - The confirmation or adoption of a previous act done either by the party himself or by another.

REAL EVIDENCE - Evidence given to explain, repel, counteract, or disprove facts given in evidence by the adverse party.

REAL PROPERTY - Land, buildings, and other improvements affixed to the land.

REASONABLE DOUBT, BEYOND A - The degree of certainty required for a juror to legally find a criminal defendant guilty. An accused person is entitled to acquittal if, in the minds of the jury, his or her guilt has not been proved beyond a "reasonable doubt"; that state of mind of jurors in which they cannot say they feel a persisting conviction as to the truth of the charge.

REASONABLE PERSON - A phrase used to denote a hypothetical person who exercises qualities of attention, knowledge, intelligence, and judgment that society requires of its members for the protection of his or her own interest and the interests of others. Thus, the test of negligence is based on either a failure to do something that a reasonable person, guided by considerations that ordinarily regulate conduct, would do, or on the doing of something that a reasonable and prudent (wise) person would not do.

REBUTTAL - Evidence given to explain, counteract, or disprove facts given by the opposing counsel.

RECALL - Cancellation by a court of a warrant before its execution by the arrest of a defendant; also, a process by which a retired judge may be asked to sit on a particular case.

RECIDIVISM - The continued, habitual, or compulsive commission of law violations after first having been convicted of prior offenses.

RECKLESS DRIVING - Operation of a motor vehicle that shows a reckless disregard of possible consequences and indifference of other's rights.

RECOGNIZANCE - The practice which enables an accused awaiting trial to be released without posting any security other than a promise to appear before the court at the proper time. Failure to appear in court at the proper time is a separate crime.

RECORD - All the documents and evidence plus transcripts of oral proceedings in a case.

RECUSE - The process by which a judge is disqualified from hearing a case, on his or her own motion or upon the objection of either party.

RE-DIRECT EXAMINATION - Opportunity to present rebuttal evidence after one's evidence has been subjected to cross-examination.

REDRESS - To set right; to remedy; to compensate; to remove the causes of a grievance.

REFEREE - A person to whom the court refers a pending case to take testimony, hear the parties, and report to the court. A referee is an officer with judicial powers who serves as an arm of the court.

REGULATION - A rule or order prescribed for management or government.

REHEARING - Another hearing of a civil or criminal case by the same court in which the case was originally heard.

ENGLISH LEGAL GLOSSARY

REJOINDER - Opportunity for the side that opened the case to offer limited response to evidence presented during the *rebuttal* by the opposing side.

RELEVANT - Evidence that helps to prove a point or issue in a case.

RELINQUISHMENT - A forsaking, abandoning, renouncing, or giving over a right.

REMAND - The act of sending a case back to the trial court and ordering the trial court to conduct limited new hearings or an entirely new trial.

REMEDY - The means by which a right is enforced or the violation of a right is prevented, redressed or compensated.

REMITTITUR - The reduction by a judge of the damages awarded by a jury.

REMOVAL - The transfer of a state case to federal court for trial; in civil cases, because the parties are from different states; in criminal and some civil cases, because there is a significant possibility that there could not be a fair trial in state court.

REPLEVIN - An action for the recovery of a possession that has been wrongfully taken.

REPLY - The response by a party to charges raised in a pleading by the other party.

REPORT - An official or formal statement of facts or proceedings.

RESPONDENT - The party who makes an answer to a bill or other proceedings in equity; also refers to the party against whom an appeal is brought. Sometimes called an *appellee*.

REST - A party is said to *rest* or *rest* its case when it has presented all the evidence it intends to offer.

RESTITUTION - Act of giving the equivalent for any loss, damage or injury.

RESTRAINING ORDER - A court order forbidding the defendant from doing any action or threatened action until a hearing on the application can be conducted.

RETAINER - Act of the client in employing the attorney or counsel. Also denotes the fee the client pays when he or she retains the attorney to act for him or her.

RETURN - A report to a judge by police on the implementation of an arrest or search warrant. Also, a report to a judge in reply to a subpoena, civil or criminal.

REVERSE - An action of a higher court in setting aside or revoking a lower court decision.

REVERSIBLE ERROR - A procedural error during a trial or hearing sufficiently harmful to justify reversing the judgment of a lower court. See **PREJUDICIAL ERROR**.

REVOCABLE TRUST - A trust that the grantor may change or revoke.

REVOKE - To annul or make void by recalling or taking back.

RIGHTS, CONSTITUTIONAL - The rights of a person guaranteed by the state or federal constitutions.

ENGLISH LEGAL GLOSSARY

ROBBERY - The act of taking money, personal property, or any other article of value that is in the possession of another done by means of force or fear.

RULE - An established standard, guide, or regulation.

RULE OF COURT - An order made by a court having competent jurisdiction. Rules of court are either general or special; the former are the regulations by which the practice of the court is governed, the latter are special orders made in particular cases.

RULES OF EVIDENCE - Standards governing whether evidence in a civil or criminal case is admissible.

SANCTION - A punitive act designed to secure enforcement by imposing a penalty for its violation. For example, a sanction may be imposed for failure to comply with discovery orders.

SEALING - The closure of court records to inspection, except to the parties.

SEARCH AND SEIZURE - A practice whereby a person or place is searched and evidence useful in the investigation and prosecution of a crime is seized or taken. The search is conducted after an order is issued by a judge.

SEARCH WARRANT - An order issued by a judge or magistrate commanding a sheriff, constable, or other officer to search a specified location.

SECURED DEBT - In bankruptcy proceedings, a debt is secured if the debtor gave the creditor a right to repossess the property or goods used as collateral.

SELF-DEFENSE - Claim that an act otherwise criminal was legally justifiable because it was necessary to protect a person or property from the threat or action of another.

SELF-INCRIMINATION - Acts or declarations by which one implicates oneself in a crime.

SELF-PROVING WILL - A will whose validity does not have to be testified to in court by the witnesses to it, because the witnesses executed an *affidavit* reflecting proper execution of the will prior to the maker's death.

SENTENCE - The judgment formally pronounced by the court or judge upon the defendant after his or her conviction by imposing a punishment to be inflicted either in the form of a fine, incarceration or probation.

SENTENCE REPORT - A document containing background material on a convicted person. It is prepared to guide the judge in the imposition of a sentence. Sometimes called a *pre-sentence report*.

SENTENCE, CONCURRENT - Two or more sentences of jail time to be served simultaneously.

SENTENCE, CONSECUTIVE - Two or more sentences of jail time to be served in sequence.

SENTENCE, SUSPENDED - A sentence postponed in which the defendant is not required to serve time unless he or she commits another crime or violates a court-imposed condition.

SENTENCING - The postconviction stage in which the defendant is brought before the court for imposition of sentence.

SEPARATE MAINTENANCE - Allowance ordered to be paid by one spouse to the other for support while the spouses are living apart but not divorced.

ENGLISH LEGAL GLOSSARY

SEPARATION - An arrangement whereby a husband and wife live apart from each other while remaining married either by mutual consent or by a judicial order.

SEQUESTRATION OF WITNESSES - Keeping all witnesses (except plaintiff and defendant) out of the courtroom except for their time on the stand, and cautioning them not to discuss their testimony with other witnesses. Also called separation of witnesses. This prevents a witness from being influenced by the testimony of a prior witness.

SERVE A SENTENCE - The act of spending an allotted amount of time in a designated location such as a prison as punishment for the crime committed.

SERVICE - The delivery of a legal document, such as a complaint, summons, or subpoena, notifying a person of a lawsuit or other legal action taken against him or her. Service, which constitutes formal legal notice, must be made by an officially authorized person in accordance with the formal requirements of the applicable laws.

SERVICE OF PROCESS - Notifying a person that he or she has been named as a party to a lawsuit or has been accused of some offense. Process consists of a summons, citation or warrant, to which a copy of the complaint is attached.

SETTLEMENT - An agreement between parties that dictates what is being received from one party to the other.

SETTLOR - The person who sets up a trust. Also called the *grantor*.

SEXUAL MOLESTATION - Illegal sex acts performed against a minor by a parent, guardian, relative or acquaintance.

SHERIFF - Elected officer of a county whose job is to conserve peace within his or her territorial jurisdiction as well as aid in the criminal and civil court processes.

SHOPLIFTING - The willful taking and concealing of merchandise from a store or business establishment with the intention of using the goods for one's personal use without paying the purchase price.

SHOW CAUSE - An order requiring a person to appear in court and present reasons why a certain order, judgment, or decree should not be issued.

SIDEBAR - A conference between the judge and lawyers, usually in the courtroom, out of earshot of the jury and spectators.

SLANDER - False and defamatory spoken words tending to harm another's reputation, community standing, office, trade, business, or means of livelihood. See **DEFAMATION**.

SMALL CLAIMS COURT - A county court that handles civil claims for amounts less than \$5,00. People often represent themselves rather than hire an attorney.

SODOMY - Oral or anal copulation between humans, or between humans or animals.

SOVEREIGN IMMUNITY - The doctrine that the government, state or federal, is immune to lawsuit unless it gives its consent.

SPECIFIC PERFORMANCE - A remedy requiring a person who has breached a contract to perform specifically what he or she has agreed to do. Specific performance is ordered when damages would be inadequate compensation.

SPEEDY TRIAL - The right of an accused to a speedy trial as guaranteed by the 6th Amendment of the United States Constitution.

ENGLISH LEGAL GLOSSARY

SPENDTHRIFT TRUST - A trust set up for the benefit of someone who the grantor believes would be incapable of managing his or her own financial affairs.

STANDARD OF PROOF - There are essentially three standards of proof applicable in most court proceedings. In criminal cases, the offense must be proven *beyond a reasonable doubt*, the highest standard. In civil cases and neglect and dependency proceedings, the lowest standard applies by a mere *preponderance of the evidence*, (more likely than not). In some civil cases, and in juvenile proceedings such as a permanent termination of parental rights, an intermediate standard applies, proof by *clear and convincing evidence*.

STANDING - The legal right to bring a lawsuit. Only a person with something at stake has standing to bring a lawsuit.

STATEMENT, CLOSING - The final statements by the attorneys to the jury or court summarizing the evidence that they have established and the evidence that the other side has failed to establish. Also known as *closing argument*.

STATEMENT, OPENING - Outline or summary of the nature of the case and of the anticipated proof presented by the attorney to the jury before any evidence is submitted. Also known as *opening argument*.

STATUS OFFENDERS - Youths charged with the status of being beyond the control of their legal guardian or are habitually disobedient, truant from school, or have committed other acts that would not be a crime if committed by an adult. They are not delinquents (in that they have not committed a crime), but are rather persons in need of supervision, minors in need of supervision, or children in need of supervision, depending on the state in which they live. Status offenders are placed under the supervision of the juvenile court. See **PERSON IN NEED OF SUPERVISION**.

STATUTE - A formal, written statement by legislature declaring, commanding, or prohibiting something.

STATUTE OF LIMITATIONS - The time within a plaintiff must begin a lawsuit (in civil cases) or a prosecutor must bring charges (in criminal cases). There are different statutes of limitations at both the federal and state levels for different kinds of lawsuits or crimes.

STATUTORY CONSTRUCTION - Process by which a court seeks to interpret the meaning and scope of legislation.

STATUTORY LAW - Law enacted by the legislative branch of government, as distinguished from *case law* or *common law*.

STATUTORY RAPE - Unlawful sexual intercourse with a person under the age of 18, regardless of whether they consent to the act.

STAY - The act of stopping a judicial proceeding by order of the court.

STIPULATE - An agreement by attorneys on both sides of a civil or criminal case about some aspect of the case; e.g., to extend the time to answer, to adjourn the trial date, or to admit certain facts at the trial.

STRICT LIABILITY - A concept applied by courts in product liability cases in which a seller is liable for any and all defective or hazardous products which unduly threaten a consumer's personal safety.

ENGLISH LEGAL GLOSSARY

STRIKE - To remove (as a prospective juror or expunge (from the record). Also an organized work stoppage by a group of workers for the purpose of securing from employer just wages and benefits.

SUBMIT - To yield to the will of another.

SUBPOENA - An order of the court which requires a person to be present at a certain time and place to give testimony upon a certain matter. Failure to appear may be punishable as a contempt of court.

SUBPOENA DUCES TECUM - A court order requiring persons to appear and with them specific documents, records, or other things as specified.

SUBSTANTIVE LAW - The law dealing with rights, duties, and liabilities, as contrasted with *procedural law*, which governs the technical aspects of enforcing civil or criminal laws.

SUE - To commence legal proceedings for recovery of a right.

SUIT - Any proceeding by one person or persons against another in a court of law.

SUMMARY JUDGMENT - A decision made on the basis of statements and evidence presented for the record without a trial. It is used when there is no dispute as to the facts of the case, and one party is entitled to judgment as a matter of law.

SUMMONS - A notice to a defendant that he or she has been sued or charged with a crime and is required to appear in court. A jury *summons* requires the person receiving it to report for possible jury duty.

SUPPORT TRUST - A trust that instructs the trustee to spend only as much income and principal (the assets held in the trust) as needed for the beneficiary's support.

SUPPRESS - To forbid the use of evidence at a trial because it is improper or was improperly obtained. See also **EXCLUSIONARY RULE**.

SUPPRESSION HEARING - A hearing on a criminal defendant's motion to prohibit the prosecutor's use of evidence alleged to have been obtained in violation of the defendant's rights. This hearing is held outside of the presence of the jury, either prior to or at trial. The judge must rule as a matter of law on the motion.

SURETY BOND - A bond purchased at the expense of the estate to insure the executor's proper performance. Often called a *fidelity bond*.

SURVIVORSHIP - The right of a person surviving the death of a co-owner to take sole ownership of property in which he or she previously held a joint interest. Another name for joint tenancy.

SUSTAIN - To maintain, to affirm, to approve.

SWEAR - To put to oath and declare as truth.

TANGIBLE - Capable of being perceived, especially by the sense of touch.

TANGIBLE PERSONAL PROPERTY MEMORANDUM (TPPM) - A legal document referred to in a will and used to guide the distribution of tangible personal property.

TEMPORARY RELIEF - Any form of action by a court granting one of the parties an order to protect its interest pending further action by the court.

ENGLISH LEGAL GLOSSARY

TEMPORARY RESTRAINING ORDER - A judge's order forbidding certain actions until a full hearing can be held. Usually of short duration. Often referred to as a *TRO*.

TENANCY - An interest in realty which passes to the tenant.

TESTAMENT - A will disposing of personal property. See **WILL**.

TESTAMENTARY CAPACITY - The legal ability to make a will.

TESTAMENTARY TRUST - A trust set up by a will.

TESTATE - One who has died leaving a will or one who has made a will.

TESTATOR - Male person who makes a will (female: *testatrix*).

TESTATRIX - Female person who makes a will (male: *testator*).

TESTIFY - To make a declaration under oath in a judicial inquiry for the purpose of establishing or proving some fact.

TESTIMONY - The evidence given by a witness under oath. It does not include evidence from documents and other physical evidence.

THEFT - The act of stealing or the taking of property without the owner's consent.

THIRD-PARTY A person, business, or government agency not actively involved in a legal proceeding, agreement, or transaction.

THIRD-PARTY CLAIM - An action by the defendant that brings a third party into a lawsuit.

TIME SERVED - A sentence given by the court to a convicted criminal equal to the amount of time that the criminal was incarcerated during the trial.

TITLE - Legal ownership of property, usually real property or automobiles.

TORT - A civil injury or wrong committed on the person or property of another. A tort is an infringement on the rights of an individual, but not founded on a contract. The most common tort action is a suit for damages sustained in an automobile accident. See **EX DELICTO**.

TRANSCRIPT -A written, word-for-word record of what was said, either in a proceeding such as a trial or during some other conversation, as in a transcript of a hearing or oral deposition.

TRANSITORY - Actions are "transitory" when they might have taken place anywhere, and are "local" when they could occur only in some particular place.

TRESPASSING - Unlawful interference with one's person, property and rights.

TRIAL - A judicial examination and determination of issues between parties before a court that has jurisdiction.

TRIAL COURT - See **TRIAL, COURT (BENCH)**.

TRIAL, COURT (BENCH) - A trial where the jury is waived and the case is seen before the judge alone.

ENGLISH LEGAL GLOSSARY

TRIAL, SPEEDY - The Sixth Amendment of the Constitution guarantees the accused to an immediate trial in accordance with prevailing rules, regulations and proceedings of law.

TRIER OF FACT - Term includes the jury or the judge in a jury-waived trial, who have the obligation to make finding of fact rather than rulings of law.

TRO - See **TEMPORARY RESTRAINING ORDER**.

TRUE BILL - The endorsement made by a grand jury on a bill of indictment when it finds sufficient evidence for trial on the charge alleged.

TRUE TEST COPY - A copy of a court document given under the clerk's seal, but not certified.

TRUST - A legal device used to manage real or personal property, established by one person (the *grantor* or *settlor*) for the benefit of another (the *beneficiary*). A third person (the *trustee*) or the grantor manages the trust.

TRUST AGREEMENT OR DECLARATION - The legal document that sets up a living trust. Testamentary trusts are set up in a will.

TRUSTEE - The person or institution that manages the property put in trust.

TURNCOAT WITNESS - A witness whose testimony was expected to be favorable, but who later becomes an adverse witness. See **HOSTILE WITNESS**

UNCONSCIONABILITY - An absence of meaningful choice on the part of one of the parties to a contract, and contract terms which are unreasonably favorable to the other party.

UNCONSTITUTIONAL - That which is contrary to or in conflict with the federal or state constitutions.

UNDERCOVER - A person participating in a secret investigation in order to acquire information about the crime without the other party realizing their identity.

UNDUE INFLUENCE - Whatever destroys free will and causes a person to do something he would not do if left to himself.

UNEMPLOYMENT - State or condition of not being employed.

UNILATERAL - One-sided, ex parte, or having a relation to only one of two or more persons or things.

UNJUST ENRICHMENT, DOCTRINE OF - The principle that one person should not be permitted to unjustly enrich himself at the expense of another, but should be required to make restitution for the property or benefit received.

UNLAWFUL DETAINER - The unjustifiable act of retaining possession without right; e.g. a tenant whose lease has expired.

UNSECURED - In bankruptcy proceedings, for the purposes of filing a claim, a claim is unsecured if there is no collateral, or to the extent the value of collateral is less than the amount of the debt.

USURY - Charging a higher interest rate or higher fees than the law allows.

VACATE - To render an act void; to set aside.

ENGLISH LEGAL GLOSSARY

VAGRANCY - The state or manner of living by wandering from place to place without a home, job, or means of support.

VANDALISM - Willful or malicious acts that are intended to damage or destroy public or private property.

VENUE - The proper geographical area (county, city, or district) in which a court with jurisdiction over the subject matter may hear a case.

VERDICT - The opinion of a jury, or a judge where there is no jury, on the factual issues of a case.

VICTIM - A person who is the object of a crime or civil wrongdoing.

VICTIM IMPACT STATEMENT - A statement during sentencing which informs the sentencer of the impact of the crime on the victim or the victim's family.

VIOLATION - The act of breaking, infringing, or transgressing the law.

VISITATION - The right given to a non-custodial parent to see his or her child at court appointed times.

WAIVE (RIGHTS) - A knowing and knowledgeable act to abandon, renounce or surrender a person's rights.

WAIVER OF IMMUNITY - A means authorized by statute by which a witness, before testifying or producing evidence, may relinquish the right to refuse to testify against himself or herself, thereby making it possible for his or her testimony to be used against him or her in future proceedings.

WAIVER OF RIGHTS - See **WAIVE (RIGHTS)**.

WARRANT - Most commonly, a court order authorizing law enforcement officers to make an arrest or conduct a search. An affidavit seeking a warrant must establish probable cause by detailing the facts upon which the request is based.

WARRANT OF ARREST - See **WARRANT, ARREST**.

WARRANT, ARREST - An order of a court directing the sheriff or other officer to seize a particular person to answer a complaint or otherwise appear before the court.

WARRANT, SEARCH - A written order directing a law-enforcement officer to conduct a search of a specified place and to seize any evidence directly related to the criminal offense.

WEAPON - An instrument used or designed to be used to threaten, injure or kill someone.

WEAPON, CONCEALED - A weapon that is carried by a person, but that is not visible by ordinary observation.

WEAPON, DEADLY - A weapon, device, instrument, material or substance, whether animate or inanimate, which if used as it is used or intended to be used is known to be capable of producing death or serious bodily injury.

WEIGHT OF THE EVIDENCE - The persuasiveness of certain evidence when compared with other evidence that is presented.

WILL - A legal declaration that disposes of a person's property when that person dies. See **TESTAMENT**.

WILLFUL - A "willful" act is one done intentionally, as distinguished from an act done carelessly or inadvertently.

ENGLISH LEGAL GLOSSARY

WITH PREJUDICE - Applied to orders of judgment dismissing a case, meaning that the plaintiff is forever barred from bringing a lawsuit on the same claim or cause.

WITHOUT PREJUDICE - A claim or cause dismissed without prejudice may be the subject of a new lawsuit.

WITNESS - 1. One who testifies to what they have seen, heard or otherwise observed. 2. (v) To subscribe one's name to a document for the purpose of authenticity.

WITNESS STAND - The space in the courtroom occupied by a witness while testifying.

WITNESS, DEFENSE - A non-hostile witness that is called by the defense counsel to assist in proving the defense's case.

WITNESS, EXPERT - A witness who is qualified by knowledge, skill, experience, training or education to provide a scientific, technical or specialized opinion of the subject about which he or she is to testify. That knowledge must generally be such as is not normally possessed by the average person.

WITNESS, HOSTILE - A witness whose relationship to the opposing party is such that his or her testimony may be prejudiced against that party. A witness declared to be hostile may be asked leading questions and is subject to cross-examination by the party that called him or her.

WITNESS, MATERIAL - A witness who can give testimony relating to a particular matter that very few others, if any, can give.

WITNESS, PROSECUTION - The person whose complaint commences a criminal prosecution and whose testimony is mainly relied on to secure a conviction at the trial.

WORK FURLOUGH - See **WORK RELEASE**.

WORK RELEASE - A correctional program which allows inmates, primarily one's being readied for discharge, to leave the institution for the purpose of continuing regular employment during the daytime but reporting back on nights and weekends.

WRIT - A court's written order commanding the addressee to do or refrain from doing some specified act.

WRIT OF EXECUTION - A writ to put in force the judgment or decree of a court.

ZONING - The division of a city by legislative regulation into districts, and the design of regulations having to do with structural and architectural design and use of buildings.

LATIN TERMS

ACTION IN PERSONAM - An action against the person, founded on a personal liability. In contrast to action in rem, an action for the recovery of a specific object, usually an item of personal property such as an automobile.

ACTION IN REM - Proceeding "against the thing" as compared to personal actions (*in personam*). Usually a proceeding where property is involved.

AD LITEM - A Latin term meaning for the purposes of the lawsuit. For example, a *guardian ad litem* is a person appointed by the court to protect the interests of a minor or legally incompetent person in a lawsuit.

ENGLISH LEGAL GLOSSARY

ADDITUR - An increase by a judge in the amount of damages awarded by a jury.

AMICUS CURIAE (A-MI'KUS KU'RIE) - A friend of the court. One not a party to a case who volunteers to offer information on a point of law or some other aspect of the case to assist the court in deciding a matter before it.

CAVEAT - A warning; a note of caution.

CAVEAT EMPTOR - "Let the buyer beware." Encourages a purchaser to examine, judge, and test for himself.

CERTIORI - A means of getting an appellate court to review a lower court's decision. The loser of a case will often ask the appellate court to issue a writ of certiorari, which orders the lower court to convey the record of the case to the appellate court and to certify it as accurate and complete. If an appellate court grants a writ of certiorari, it agrees to take the appeal. This is often referred to as granting cert.

CORPUS DELECTI - Body of the crime. The objective proof that a crime has been committed. It sometimes refers to the body of the victim of a homicide or to the charred shell of a burned house, but the term has a broader meaning. For the state to introduce a confession or to convict the accused, it must prove a corpus delicti, that is, the occurrence of a specific injury or loss and a criminal act as the source of that particular injury or loss.

DE NOVO - A new. A *trial de novo* is a new trial of a case.

DUCES TECUM - Bring with [certain items such as documents or other records in response to a subpoena].
ET AL - And others.

ET SEQ - An abbreviation for et sequentes, or et sequentia, "and the following," ordinarily used in referring to a section of statutes.

EX CONTRACTU - Arising from a contract.

EX DELICTO - Arising from a wrong, breach of duty. See TORT.

EX PARTE - On behalf of only one party, without notice to any other party. For example, a request for a search warrant is an ex parte proceeding, since the person subject to the search is not notified of the proceeding and is not present at the hearing.

EX PARTE PROCEEDING - The legal procedure in which only one side is represented. It differs from *adversary system* or adversary proceeding.

EX POST FACTO - After the fact. The Constitution prohibits the enactment of ex post facto laws. These are laws that permit conviction and punishment for a lawful act performed before the law was changed and the act made illegal.

GUARDIAN AD LITEM - A person appointed by a court to look after the interests of an infant, child, or incompetent during court proceedings.

HABEAS CORPUS - A writ which commands that a party be brought before a court or judge and to protect him or her from unlawful imprisonment or custody.

HEARING DE NOVO - A full new hearing.

IN CAMERA - In chambers, or in private. A hearing in camera takes place in the judge's office outside of the presence of the jury and the public.

ENGLISH LEGAL GLOSSARY

IN FORMA PAUPERIS - "In the manner of a pauper." Permission given to a person to sue without payment of court fees on claim of indigence or poverty.

IN LOCO PARENTIS - "In the place of the parent," refers to actions of a custodian, guardian, or other person acting in the parent's place.

IN PROPIA PERSONA - In courts, it refers to persons who present his or her own case without lawyers. See PRO PER and PRO SE.

IN REM - A procedural term used to designate proceedings or actions instituted against the thing in contrast to actions instituted *in personam* or against the person.

INTER ALIA - Among other things.

INTER VIVOS GIFT - A gift made during the giver's life.

INTER VIVOS TRUST - Another name for a *living trust*.

LIMINE - A motion requesting that the court not allow certain evidence that might prejudice the jury.

LIS PENDENS - A pending suit.

LOCUS DELICTI - The place of the offense.

MANDAMUS - A writ issued by a court ordering a public official to perform an act.

MENS REA - The "guilty mind" necessary to establish criminal responsibility.

MITTIMUS - The name of an order in writing, issuing from a court and directing the sheriff or other officer to convey a person to a prison, asylum, or reformatory, and directing the jailer or other appropriate official to receive and safely keep the person until his or her fate shall be determined by due course of law.

MOTION IN LIMINE - A written motion which is usually made before or after the beginning of a jury trial for a protective order against prejudicial questions and statements.

NE EXEAT - A writ which forbids the person to whom it is addressed to leave the country, the state, or the jurisdiction of the court.

NOLLE PROSEQUI - Decision by a prosecutor not to go forward with charging a crime. It translates, "I do not choose to prosecute." Also loosely called *nolle pros*.

NOLO CONTENDRE - A plea of no contest. In many jurisdictions, it is an expression that the matter will not be contested, but without an admission of guilt. In other jurisdictions, it is an admission of the charges and is equivalent to a guilty plea.

NON COMPOS MENTIS - Not of sound mind; insane.

NON EST (INVENTUS) - Translated: "not to be found"; a sheriff's return of process when service is not made because the person to be served was not found.

ENGLISH LEGAL GLOSSARY

NON OBSTANTE VERDICTO (N.O.V.) - Notwithstanding the verdict. A verdict entered by the judge contrary to a jury's verdict.

NUNC PRO TUNC - A legal phrase applied to acts which are allowed after the time when they should be done, with a retroactive effect.

PARENS PATRIAE The doctrine under which the court protects the interests of a juvenile.

PER CURIUM OPINION - An unsigned *opinion* of the court.

PRIMA FACIE CASE - A case that is sufficient and has the minimum amount of evidence necessary to allow it to continue in the judicial process.

PRO BONO PUBLICO - For the public good. Lawyers representing clients without a fee are said to be working *pro bono publico*.

PRO PER - One who represents oneself in a court proceeding without the assistance of a lawyer. Also known as *pro se*. See also IN PROPIA PERSONA.

PRO SE - A Latin term meaning "on one's own behalf"; in courts, it refers to persons who present their own cases without lawyers. See IN PROPIA PERSONA and PRO PER.

QUANTUM MERUIT - Expression means "as much as he deserves," and describes the extent of liability on a contract implied by law.

QUID PRO QUO - What for what; something for something; giving one valuable thing for another.

QUO WARRANTO - A writ issuable by the state, through which it demands an individual to show by what right he or she exercises an authority which can only be exercised through grant or franchise from the state or why he or she should not be removed from office.

RATIO DECIDENDI - The ground or reason of the decision in a case.

RES IPSA LOQUITUR - Literally, "a thing that speaks for itself." In tort law, the doctrine which holds a defendant guilty of negligence without an actual showing that he or she was negligent.

RES JUDICATA - A rule of civil law that once a matter has been litigated and final judgment has been rendered by the trial court, the matter cannot be relitigated by the parties in the same court, or any other trial court.

RESPONDEAT SUPERIOR - "Let the master answer." The doctrine which holds that employers are responsible for the acts and omissions of their employees and agents, when done within the scope of the employees' duties.

STARE DECISIS - The doctrine that courts will follow principles of law laid down in previous cases. Similar to *precedent*.

SUA SPONTE - A phrase which means on one's own behalf. Voluntary, without prompting or suggestion, frequently used to describe matters undertaken on the court's own motion.

SUB CURIA - Translated: "under the law"; the holding of a case by a court under consideration, sometimes to await the filing of a document, such as a presentence investigation report or memorandum of law, or to write an opinion.

ENGLISH LEGAL GLOSSARY

SUPERSEDEAS - A writ issued by an appellate court to preserve the status quo pending review of a judgment, or pending other exercise of its jurisdiction.

TRIAL DE NOVO - A new trial or retrial held in an appellate court in which the whole case is heard as if no trial had been heard in the lower court or administrative agency.

VENIRE - A writ summoning persons to court to act as jurors, Also refers to the people summoned for jury duty.

VOIR DIRE - "To speak the truth": the preliminary examination which the court and attorneys make of prospective jurors to determine their qualification and suitability to serve as jurors.

DESCRIPTIVE VOCABULARY FOR COURT INTERPRETERS: A TOOL

The next several pages are meant to be used as worksheets for you as you develop your own descriptive vocabulary in your target language.

Describing Actions

Describing Actions General

Source	Target	Source	Target
aim		hug	
babble		hunch	
belch		jog	
bend		jump	
bite		kick	
blink		kick open	
block		lean	
blow		limp	
bounce		linger	
burp		litter	
caress		loiter	
chew		lunge	
clamp		moan	
claw		motion	
cuddle		murmur	
devour		nap	
dive		nod	
drag		pinch	
drink		point	
drool		poke	
drop		press	
eat		pull	
elbow		punch	
faint		push	
fart		reach	
fidget		run	
finger		scramble	
flee		scratch	
flex		scream	
fling		scribble	
frown		sense	
gaze		shake	
glance		shout	
grab		shrug	
grimace		sip	
groan		sit up	
handle		skip	
hit		sleep	
hop		slip	

Describing Actions
General, cont.

Source	Target	Source	Target
slug		stutter	
smile		sway	
snatch		swing	
sneeze		taste	
snooze		throw	
snort		tickle	
sob		tighten	
sock		toss	
somersault		trot	
spit		touch	
spring		tremble	
squat		tug	
squeeze		twist	
squint		walk	
stab		whine	
stagger		whisper	
stare		wink	
stoop		yawn	
straddle		yell	
stretch			

Describing Actions Auto-related

Source	Target	Source	Target
accelerate		lock	
back into		lose control	
back up		make a u-turn	
break down		parallel park	
buckle up		overtake	
burn rubber		pick up speed	
careen		park	
change gears		plummet	
change lanes		pull over	
chase		race	
clock (speed)		rear-end	
collide		rev	
crash		roll up	
cruise		roll down	
cut off		screech	
decelerate		service	
dent		shimmy	
ding		sideswipe	
double park		skid	
drift		slide	
exit		slow down	
fishtail		take a joy ride	
give the right of way		slam on the brakes	
flip over		speed	
flip off		stop on a dime	
floor it		spin	
flag down		squeal	
go around the block		warm up the engine	
go for a spin		stall	
go in reverse		swerve	
hesitate		tailgate	
hotwire		total (a car)	
idle		turn a corner	
jack up		unlock	
jerk		veer	
joyride		weave	
jump start		zigzag	

Describing People

Describing People Body Types

Source	Target	Source	Target
able-bodied		muscular	
amputee		narrow hips	
athletic		obese	
average		one-armed	
beer belly		one-handed	
big boned		overweight	
bony		petite	
bowlegged		pigeon-toed	
brawny		plump	
broad shoulders		square shoulders	
buff		portly	
buxom		pot belly	
chubby		puny	
chunky		robust	
compact		roly poly	
crippled		rugged	
disabled		scrawny	
emaciated		shapely	
fat		short	
feminine		sickly	
firm		skinny	
flabby		slender	
flat chested		slim	
flat footed		small frame	
frail		spare tire	
heavy		squat	
hourglass		stacked	
hunchback		stocky	
hunk		stout	
knock-kneed		love handles	
lame		svelte	
lean		tall	
leggy		tight body	
long torso		trim	
masculine		voluptuous	
matronly		well build	
midget		wimpy	

Describing People Facial Features

Source	Target	Source	Target
nose		bushy	
aquiline		heavy	
button		joining	
flared		plucked	
flat		thick	
hooked		painted on	
bulbous		lashes	
narrow		curly	
nostril		long	
pudgy		short	
pug		straight	
roman		face	
runny		baby face	
turned-up		double chin	
eyes		dimples	
almond-shaped		chubby cheeks	
baggy		flat	
beady		freckled	
bloodshot		heartshaped	
bulging		high cheeks	
cross-eyed		laugh lines	
dark circles		long	
dilated		oval	
eye socket		forehead	
eyeball		prominent	
fish-eyed		protruding	
frog-eyed		round	
glassy		square	
lazy		weak chin	
one-eyed		mouth	
puffy		buck teeth	
slanted		chapped	
sunken		cleft palate	
watery		full lips	
wide-eyed		overbite	
wide set		ears/lobes	
eyebrows		attached	
arched		pointy	

Describing People Hair

Source	Target	Source	Target
natural		permed	
afro		pigtail	
bald		pompadour	
bangs		ponytail	
beard		processed	
thick beard		pubes	
beehive		ratted	
blond		ringlets	
bobbed		sandy	
body hair		shaggy	
braids		shoulder-length	
brunette		sideburns	
bun		straight	
cleanshaven		strawberry blond	
course		streaked	
cornrows		stubble	
cowlick		teased	
crew cut		thick	
curl		thin	
curly		tinted	
dreadlocks		toupee	
facial hair		unshaven	
five-o'clock shadow		receding hairline	
flip		wavy	
flowing		whiskers	
frizzy		widow's peak	
frosted		wig	
goatee		windblown	
greasy		mustache	
handlebar mustache		pageboy hairstyle	
kinky		part/parted	
lifeless		auburn	
lock		dirty blond	
matted		unwashed	

Describing People Skin

Source	Target	Source	Target
abrasion		leathery	
acne		liver spots	
age spots		lumpy	
albino		mole	
birthmark		oily	
bruise		olive skin	
bruised		pale	
black		peach fuzz	
blemish		peeling	
blister		perspiration	
blotch		pigmentation	
blush		pimple	
boil		pitted	
brown		pockmarked	
bumpy		pore	
burned		rash	
cellulite		reddish	
chapped		rosy	
course		rough	
complexion		ruddy	
crow's feet		sagging	
cut		sallow	
cyst		scaly	
damaged		scab	
dark		scar	
dehydrated		soft	
dry		stitches	
fair		stretchmarks	
flabby		sunburned	
flaking		suntanned	
flushed		swollen	
fold		tattoo	
freckled		wart	
goose bumps		varicose veins	
greasy		weathered	
hairless		welt	
jaundiced		wound	
laceration		wrinkled	

Describing People State of Mind

Source	Target	Source	Target
afraid		disturbed	
alarmed		ecstatic	
alert		embarrassed	
amazed		enamored	
angry		enraged	
anguished		excited	
animated		exhilarated	
annoyed		fainthearted	
anxious		fearful	
astonished		forlorn	
astounded		freaked out	
bewildered		frightened	
bitchy		frustrated	
blissful		glad	
blue		gloomy	
bold		grouchy	
bothered		grumpy	
bowled over		blown away	
cheerful		heroic	
composed		hopeful	
concerned		hopeless	
confident		horny	
confused		horrified	
content		hyper	
cool		impressed	
crabby		in awe	
cranky		in love	
daring		jolly	
dazed		jovial	
delighted		jubilant	
delirious		jumpy	
depressed		lethargic	
disappointed		lucky	
discontented		melancholic	
discouraged		mesmerized	
dismayed		moody	
disoriented		mopy	
distressed		morose	

Describing People
State of Mind, cont.

Source	Target	Source	Target
mortified		sad	
mournful		satisfied	
nostalgic		scared	
optimistic		speechless	
outraged		spellbound	
out of it		startled	
overjoyed		stressed out	
paralyzed		stubborn	
perplexed		stunned	
pessimistic		suspicious	
pissed off		taken aback	
pleased		tense	
preoccupied		terrified	
rejected		repulsed	
terror			
stricken			

Describing People Effects and Symptoms

Source	Target	Source	Target
anxiety		nausea	
apathy		numbness	
appetite		paranoia	
impaired balance		erratic behavior	
blackouts		weak pulse	
increased blood pressure		decreased blood pressure	
chills		dilated	
respiratory failure		rambling speech	
confusion		coma	
impaired coordination		facial flushing	
cravings		slow reflex	
dazed		restlessness	
deep sleep		seizures	
drowsiness		cold/clammy	
dry mouth		sleeplessness	
euphoria		cramps	
excitation		stroke	
bloodshot		sweating	
flashbacks		talkative	
hallucinations		tearing	
impaired hearing		elevated temperature	
increased heart rate		decreased heart rate	
hypertension		impairments	
insomnia		tremors	
itching and scratching		poor judgement	
memory loss		vomiting	
confusion		yawning	
mood swings		weight loss	
poor motor coordination		muscular rigidity	
muscle spasm		twitching	

Describing People Sex Terms

Source	Target	Source	Target
abstinence		lesbian	
adultery		lubricants	
anal sex		masochism	
anilingus		masturbation	
nocturnal emission		ménage a trios	
bestiality		menarche	
bisexual		menstruation	
blue balls		necrophilia	
buggery		areola	
castration		orgasm	
celibacy		pander	
circumcision		pederasty	
cut/uncut		pedophilia	
clitoris		penis	
coitus		petting	
condom		pimp	
cum		pornography	
taint		premature	
detumescence		priapism	
cunnilingus		prostitute	
ejaculation		pudendum	
erection		rape	
statutory rape		dildo	
exhibitionist		rubber	
fellatio		sadism	
fetish		scat	
foreplay		semen	
foreskin		sodomy	
French kiss		eunuch	
frigidity		swinging	
glory hole		syphilis	
hand job		taboo	
heterosexual		transvestite	
hickey		urophilia	
hymen		vagina	
homosexual		voyeur	
impotence		vulva	
incest		water sports	

Describing Places

Describing Places Buildings

Source	Target	Source	Target
airport		hotel	
apartment		hut	
art gallery		kennel	
bank		kiosk	
barn		lavatory	
bathhouse		lean-to	
boathouse		library	
bowling alley		railroad station	
bungalow		lighthouse	
cabin		loft	
capitol		mausoleum	
carport		mill	
castle		mobile home	
cathedral		motel	
chalet		nightclub	
chicken coop		office	
church		warehouse	
club house		planetarium	
college		post office	
condominium		restaurant	
concert hall		school	
cottage		shack	
country club		skating rink	
dance hall		skyscraper	
department store		exhibition hall	
dormitory		arena	
duplex		stable	
factory		storehouse	
field office		substation	
fort		supermarket	
buildings		tavern	
garage		tenement	
gas station		tent	
gatehouse		tool shed	
gazebo		terminal	
gymnasium		theater	
hangar		warehouse	

Describing Places Roads and Parking

Source	Target	Source	Target
asphalt		on/off ramp	
bicycle lane		underpass	
billboard		overpass	
parking stall		parking lane	
bump		carpool lane	
bus stop		debris	
call box		pavement	
parking meter		cement divider	
center island		dead-end street	
opposing traffic		pedestrian crossing	
dip		pothole	
ditch		pylon	
driveway		gutter	
fire hydrant		reflectors	
flares		road sign	
freeway		rush hour	
grating		shoulder	
gravel		sidewalk	
gridlock		slope	
railroad tracks		speed bumps	
handicap access		handicap parking	
highway		stop sign	
landscaping		storm drain	
oil slick		merge lane	
turning lane		traffic jam	
three-way signal		telephone pole	
broken line		solid line	
double yellow line		manhole covers	
litter		tire-spikes	
median		toll road	
mile markers		one way street	

Describing Things

Describing Things Appliances

Source	Target	Source	Target
air conditioner		record player	
alarm		rice cooker	
electric blanket		slow cooker	
blender		speakers	
broiler		steam iron	
can opener		stereo	
cassette player		amplifier	
central heating		stove	
chafing dish		food processor	
coffee grinder		tape player	
coffee maker		tape recorder	
CD player		tea kettle	
computer		television	
curling iron		timer	
dishwasher		toaster	
trash compactor		electric toothbrush	
equalizer		dryer	
electric fan		typewriter	
surge protector		humidifier	
food warmer		vaporizer	
foot massager		VCR	
freezer		DVR	
fridge		vibrator	
electric frying pan		pencil sharpener	
garage door opener		answering machine	
garbage disposal		pressure cooker	
electric griddle		razor	
electric heater		waffle iron	
vacuum cleaner		washing machine	
ice maker		water heater	
juicer		water purifier	
knife sharpener		bathroom scale	
meat grinder		mixer	
microwave			

Describing Things Clothing

Source	Target	Source	Target
anorak		crease	
apron		crotch	
appliqués		cuff	
baggy pants		dart	
bandanna		drawstring	
beads		fly	
belt loop		evening gown	
braid		fringe	
brim (hat)		grommet	
buckle		hat band	
button		hem	
buttonhole		hood	
bathrobe		inseam	
bell bottoms		interlining	
ball cap		label	
belt		lining	
bikini		neckline	
bikini briefs		falsies	
blazer		flared pants	
bloomers		g-string	
blouse		garters	
bodysuit		girdle	
bomber jacket		double-breasted	
bonnet		gloves	
bow tie		hairnet	
boxer shorts		half slip	
bra		halter top	
briefs		hankie	
caftan		hip huggers	
cape		collar	
Capri pants		hoop skirt	
chemise		jacket	
cocktail dress		jeans	
culottes		jock strap	
dickey		jumper	
clothing		leotard	
clip		miniskirt	

Describing Things
Clothing, cont.

Source	Target	Source	Target
maternity dress		single-breasted	
mink stole		ruffles	
mittens		safety pin	
muumuu		seam	
muffler		seat (pants)	
negligee		sequins	
nightgown		shirttail	
nightshirt		sleeve	
overalls		snap	
overcoat		stitching	
pajamas		strap	
panties		ski cap	
pantsuit		skirt	
panty girdle		slip	
pasties		smock	
pedal pushers		sports coat	
padded shoulders		strapless gown	
padding		straw hat	
pant leg		suit	
patch		sundress	
placket		suspenders	
pleat		sweat band	
pocket		sweatshirt	
petticoat		sweat pants	
pleated skirt		sweater	
pleated pants		t-shirt	
polo shirt		tank top	
poncho		terry wrap	
swimming trunks		three-piece suit	
raincoat		tie	
rugby shirt		tassel	
sarong		trim	
scarf		vent	
shawl		waistband	
shirt		zipper	
shorts		ribbing	

Describing Things Fabrics

Source	Target	Source	Target
batting		moleskin	
broadcloth		muslin	
brocade		nylon	
brushed denim		oxford cloth	
burlap		pelts	
calico		percale	
canvas		pile	
cashmere		polyester	
chamois		poplin	
cheesecloth		rayon	
chiffon		satin	
corduroy		seersucker	
cotton		sheer	
cotton blend		sheeting	
cowhide		silk	
crepe		suede	
denim		taffeta	
down		terry cloth	
duck		tulle	
fake fur		tweed	
felt		twill	
flannel		velour	
flax fleece		velvet	
fur		velveteen	
gabardine		vinyl	
gauze		web	
gingham		wool	
jute		linen	
lace		mesh	

Describing Things Jewelry and Accessories

Source	Target	Source	Target
costume		engagement	
jewelry		ring	
bangle		band	
beads		puzzle ring	
bracelet		wedding ring	
brooch		watches	
buckle		analog watch	
cameo		band	
charm		bezel	
choker		case	
anklet		crown	
cuff links		crystal	
karat		digital watch	
key ring		face	
link		fob	
link bracelet		hour hand	
locket		minute hand	
medallion		pocket watch	
necklace		quartz	
pendant		stem	
pin		second hand	
souvenir		gems	
stickpin		brass	
tie clasp		copper	
trinket		diamond	
chains		emerald	
box chain		gold	
braided chain		jade	
Figaro chain		mother-of-pearl	
rope chain		opal	
earrings		pearl	
back		cultured pearl	
clip		turquoise	
pierced ears		platinum	
post		ruby	
wire		sapphire	
rings		silver	
pinky ring		topaz	

Describing Things Footwear

Source	Target	Source	Target
shoes		cleats	
ballet shoes		corn pads	
beachcombers		crampon	
booties		eyelets	
boots		heel	
bowling shoes		insert	
clogs		insole	
cowboy boots		patent leather	
deck shoes		shank	
dress shoes		shin pads	
elevator shoes		shoehorn	
espadrilles		shoelaces	
fins		snow gaiters	
flats		sole	
flip flops		spikes	
galoshes		toenail polish	
high heels		tongue	
hiking shoes		uppers	
ice skates		hosiery	
leather casuals		anklets	
loafers		bobby socks	
moccasins		stockings	
orthopedic		fishnets	
oxfords		garters	
penny loafers		hose	
platform shoes		knee-highs	
pumps		leg warmers	
riding boots		nylons	
roller skates		pantyhose	
rubbers		socks	
running shoes		sweat socks	
sandals		tube socks	
skis			
slip-ons			
slipper			
tap shoes			
tennis shoes			
wedgies			
walking shoes			

Describing Things Land Vehicles

Source	Target	Source	Target
armored car		pick-up	
bicycle		race car	
bus		rig	
caterpillar		R.V.	
cement mixer		scooter	
convertible		sedan	
coupe		semi	
double decker bus/train		sidecar	
dump truck		skateboard	
dune buggy		sports car	
18 wheeler		station wagon	
flat bed		street sweeper	
4-wheel drive		streetcar	
garbage truck		subway	
hatchback		tandem	
jalopy		taxi	
jeep		tow truck	
limousine		tractor	
lowrider		trailer	
minibus		tram	
minivan		trolley	
monorail		van	
moped		van pool	
motorcycle		panel truck	
motorhome			

Describing Things Auto Parts

Source	Target	Source	Target
accelerator		bike rack	
airbag		map light	
axle		mud flaps	
side view mirror		odometer	
bench seats		parking lights	
body		pedal	
brake lights		pinstripes	
bumper		rearview mirror	
bumper sticker		seatbelt	
bucket seats		seatcovers	
car cover		gear shift	
center console		shock absorber	
clutch		shoulder belt	
dashboard		baby car seat	
dash cover		snow chains	
defroster		speedometer	
fender		spoilers	
floor mats		steering wheel	
glove box		sunroof	
grille		sunshade	
door handle		tinted windows	
hatchback		tire	
headlights		radial	
high beams		spare	
hood		whitewall	
hood ornament		trailer hitch	
horn		turn signal	
hubcap		vent	
ignition		visor	
jack		windshield	
window lever		wipers	
license plate		wing window	
louvers			
luggage rack			
ski rack			

Describing Things Drugs

Source	Target	Source	Target
addict		ingest	
amphetamine		inject	
baggie		joint	
barbiturate		kilogram	
bindle		LSD	
bottle cap		multi-colored	
bunk		balloons	
casual user		narc	
cocaine		narcotics	
cocaine base		narcotics deal	
codeine		needle	
coke spoon		net weight	
contact		opiate	
container		paraphernalia	
controlled substance		observation post	
zip-lock baggy		phencyclidine (PCP)	
crack		plunger	
designer drugs		possession for sale	
dime bag		raid	
roach		raid jacket	
diversion program		dipped cigarettes	
drop case		roach clip	
drop (v)		rock cocaine	
drug user		rock house	
drug sweep		rocks	
drug offender		sale in lieu of	
film canister		scale	
freebase		scale	
glass pipe		shoot up (v)	
gram		smack	
green leafy substance		smoking gesture	
gross weight		snort	
stash house		speedball	

Describing Things
Drugs, cont.

Source	Target	Source	Target
health and safety		hand-to-hand sale	
straight possession		straight shooter	
heroin		code	
high		syringe	
hit		tablet	
hype kit		tar heroin	
informant		white powder	
tin foil bindle		transaction	
undercover officer		tarlike/tarry substance	
cooker			

Describing Things Firearms

Source	Target	Source	Target
gun parts		yoke	
action		gun types	
barrel		air pistol	
bolt		assault rifle	
bore		automatic rifle	
breech		bb gun	
butt		blowgun	
caliber		double action	
chamber		handgun	
clip		hunting rifle	
cylinder		machine gun	
drum		over-under	
extractor		pellet gun	
firing pin		pistol	
frame		revolver	
front sight		rifle	
magazine		Saturday night special	
release button		sawed-off shotgun	
land and grooves		shotgun	
magazine		single action	
gauge		starter's pistol	
grip		submachine gun	
locks		zap gun	
hammer		zip gun	
heel		ammunition	
muzzle		base	
rear sight		blanks	
safety		bullet	
scope		cartridge	
silencer		case	
slide		crimp	
stock		jacket	
toe		pellets	
trigger		powder	
trigger guard			

Describing Things Firearms, cont.

Source	Target	Source	Target
lubrication		chamber a	
ring		round	
primer		aim	
round		cock	
shell		disassemble	
shot		load	
slug		misfire	
tracer bullet		pull the	
		trigger	
wad		reload	
		shoot	

Describing Things
The Environment – Flowers and Trees, cont.

Source	Target	Source	Target
oak		rubber	
olive		spruce	
palm		sycamore	
pine		teak	
poplar		walnut	
redwood		willow	
rosewood			

Describing Things

The Environment – Flowers and Trees

Source	Target	Source	Target
flowers		petunia	
African violet		philodendron	
amaryllis		phlox	
aster		poinsettia	
baby's breath		poppy	
bachelor's button		primrose	
begonia		rose	
bougainvillea		rosemary	
buttercup		snapdragon	
carnation		sunflower	
chrysanthemum		sweet pea	
daffodil		thyme	
dahlia		violet	
daisy		water lily	
dandelion		wisteria	
dogwood		trees	
Easter lily		almond	
forget-me-not		apple	
fuchsia		ash	
geranium		aspen	
gladioli		balsa	
goldenrod		banana	
heather		bay	
honeysuckle		beech	
hyacinth		birch	
hydrangea		cedar	
iris		cherry	
jasmine		chestnut	
lilac		cypress	
lily		elm	
lily of the valley		eucalyptus	
magnolia		fig	
marigold		fir	
morning glory		hickory	
narcissus		lemon	
orchid		magnolia	
pansy		mulberry	

Describing Things The Environment - Garden

Source	Target	Source	Target
barbecue		house plant	
bench		lattice	
birdbath		lawn mower	
bloom		lighting	
bud		path	
bush		patio	
chain-link		picket fence	
chaise lounge		picnic table	
chicken wire		planter	
climbing plant		rain gutter	
diving board		rake	
drainage		retaining wall	
driveway		sidewalk	
fencing		soil	
fern		spa	
flagstone		spade	
floodlights		spotlight	
flower bed		spigot	
flower box		sprinklers	
flower cart		stepping stone	
flower pot		sundial	
foliage		swimming pool	
gate		swing	
gazebo		terrace	
grass		trellis	
grading		vegetable garden	
grass		vine	
grading		walkway	
greenhouse		watering can	
hammock		wheelbarrow	
hanging basket			
hedge			
hose			

Describing Things Lighting and Illumination

Source	Target	Source	Target
beacon		intensity	
beam		lamp	
blackout		lampshade	
bonfire		lantern	
bright		lighthouse	
candlelight		lightening	
parking light		luminescence	
chandelier		moonlight	
daylight		natural light	
desk lamp		neon light	
diffused light		night light	
dim		oil lamp	
dimmer		opaque	
dome light		outlet	
swing-arm lamp		overhead light	
energy saver bulb		ceiling fan lamp	
firefly		penlight	
fixture		porch light	
flame		power cord	
flare		reflected light	
flashbulb		reflector	
flashing lights		refracted light	
flash light		sconce	
flicker		searchlight	
floodlights		skylight	
floor lamp		socket	
3-way bulb		spotlight	
glare		starlight	
gooseneck lamp		high intensity light	
guiding light		strobe light	
halogen		sunlamp	
headlight		sunlight	
heat lamp		electric light	
street light		switch	
highbeam		table lamp	

Describing Things
Lighting and Illumination, cont.

Source	Target	Source	Target
hurricane lamp		ultraviolet light	
incandescent lamp		fluorescent light	
infrared light		track lighting	
insect lamp		traffic light	
transparent		translucent	
twilight		warning light	
volt			

Describing Things Tools

Source	Target	Source	Target
anvil		mallet	
awl		master key	
ax		nightstick	
blackjack		pain roller	
blowtorch		pickax	
brass knuckles		universal chuck	
“c” clamp		plane	
center punch		pliers	
chisel		pocket knife	
clamp		putty knife	
club		razor	
crowbar		razor blade	
drill		sander	
air drill		saw	
electric drill		band saw	
hand drill		buck saw	
file		chainsaw	
flashlight		circular saw	
glass cutter		coping saw	
hammer		crosscut saw	
ball peen hammer		lumberman’s saw	
claw hammer		grooving saw	
tack hammer		hacksaw	
sledge hammer		flathead screwdriver	
rubber hammer		phillip’s screwdriver	
hanger		scythe	
hatchet		hand saw	
hoe		jigsaw	
ice axe		swing saw	
ice gripper		shovel	
jack		sickle	
jackhammer		sledgehammer	
jackknife		slim jim	
latch key		soldering iron	
machete		tire iron	

Describing Things
Tools, cont.

Source	Target	Source	Target
universal chuck		wire cutter	
vise		wrench	
allen wrench		box wrench	
combination wrench		double-ended wrench	
ratchet wrench		monkey wrench	
open-ended wrench		pipe wrench	
lug wrench		socket wrench	

Legal Terminology

Legal Terminology In the courtroom

Source	Target	Source	Target
appear		direct examination	
arraignment		exhibit	
bail		enhancement	
bailiff		evidence	
bar association		district attorney	
bench		eyewitness	
gavel		felony	
case		file (n)	
chambers		file (v)	
city attorney		fine	
commissioner		form	
file a complaint		body attachment	
continuance		guilty	
convict (n)		hearing	
convict (v)		information	
conviction		infraction	
counsel table		judge	
county blues		judge pro tem	
county jail		judge's robe	
court		jumpsuit	
court clerk		juror	
misdemeanor		alternate juror	
court reporter		jury	
courtroom		jury box	
crime		lock-up	
cross-examination		court interpreter	
custody		motion	
motion granted		motion denied	
defense		defendant	
defense attorney		municipal court	
defense witness		objection overruled	
deputy D.A.		oath	

Legal Terminology
In the courtroom, cont.

Source	Target	Source	Target
no contest		priors	
not guilty		probation	
objection sustained		preliminary hearing	
offense		prosecution	
O.R. (own recognizance)		priorable offense	
paralegal		sentence	
parole		prosecutor	
penalty		sentencing	
assessment		railing	
people		rap sheet	
enter a plea		report	
plea bargain		roll out	
plead		rights	
prosecution witness		public defender	
superior court		speedy trial	
state prison		waiver	
sidebar conference		arrest warrant	
subpoena		stipulate	
bench warrant		search warrant	
testify		well	
testimony		witness	
work furlough		witness stand	
trail		traffic court	

Legal Terminology
Jail / custody

Source	Target	Source	Target
bail		life sentence	
bail review		line up	
barbed wire		lock	
behind bars		lockdown	
booking		maximum security	
booking number		mess hall	
bullet		module	
cavity search		mug shot	
cell		penitentiary	
classification		lock-up (tank)	
concurrent sentence		pro per	
convict		remand	
cot		review board	
county lid		roll out	
death penalty		consecutive sentence	
death row		sallyport	
early kick-out		shackles	
escapee		shank	
jailhouse lawyer		solitary confinement	
good time, work time		straight jacket	
guard		straight time	
handcuffs		time served	
high security		trusty	
holding tank		warden	
informant		work camp	
inmate		work furlough	
jailer		wristband	
fish		keep away	
the joint		corrections officer	
juvenile hall			



Court Interpreter Certification

SECTION 8

The Business of Court Interpreting

The Business of Court Interpreting

Are you ready?

*Tools to help you start and
manage your small business*

Assessing Your Readiness

- Would people that know you say that you are well-suited to be self-employed?
- Are you willing to commit long hours to make your business work?
- Do you know what form of legal ownership is best for your business?
- Do you know your target market?

(from IRS, “Small Business Readiness Assessment Tool”)

Deciding What Kind of Business You Want To Be

- Self-Employed
- Sole Proprietorship
- Partnership
- LLC (limited liability corporation)
- Corporation

Taxpayer Identification Number Verification (TIN)**FOR AGENCY USE ONLY**

Business Unit Number: _____ Date: ____/____/____

Point of Contact (POC): _____

POC Initials: _____ POC Phone #: _____



Substitute W-9

New Mexico Department of Finance and Administration
Financial Control Division**DO NOT** send to IRS**PRINT OR TYPE***Complete instructions can be found on the reverse side of this form.***TAXPAYER IDENTIFICATION NUMBER (TIN) (Provide only ONE)**

Sole proprietorship provide FEIN if applicable

Federal Employer Identification Number (FEIN) _____

or

Social Security Number (SSN) _____

LEGAL NAME

(As registered with IRS or SSA) Sole Proprietorship enter your Last Name, First Name, Middle Initial.

TRADE NAME

If doing business as (D.B.A.) or business name of Sole Proprietorship

PRIMARY ADDRESS (Address where correspondence, payment(s), purchase order(s), or 1099(s) should be sent)

P.O. Box or Street Address _____

City, State, Zip _____

Primary & Remit

Additional

REMITTANCE ADDRESS (Where payment(s), if different from primary address, should be sent)

P.O. Box or Street Address _____

City, State, Zip _____ Additional

CHANGE OF ADDRESS (Enter new address here)

P.O. Box or Street Address _____

City, State, Zip _____

Change of Address applies to: _____ Remittance _____ Primary

CERTIFICATION

Under penalties of perjury, or city state:

I have provided my correct address. (Mark "X" on number and text.)

I am not subject to backup withholding as specified on the reverse side of this form.

Print Name _____ Title _____

Signature _____

Phone _____ Date: ____/____/____

DIRECT DEPOSIT (ACH)***OPTIONAL***

Bank Name: _____

Bank Address: _____

Branch Address: _____

Routing #: _____ Account #: _____

Checking Account (Provide copy of voided check, NOT DEPOSIT SLIP)_____
Other:**BUSINESS DESIGNATION**
(CHECK ONE)_____
Corporation (FEIN)

Or

Professional Corporation (FEIN)_____
Doctor/Medical Facility_____
Attorney/Legal Facility_____
Individual (SSN)_____
Sole Proprietorship (SSN/FEIN)_____
Partnership (FEIN)_____
General_____
Limited_____
Estate/Trust (FEIN/ SSN)_____
Organization Exempt from Tax (FEIN)*(Under section 501 (c)(3))*Are you engaged in the
business of providing
medical services?_____
Yes _____ No_____
Government Entity (FEIN) orGovernment Operated
Entity (FEIN)_____
LLC Trued As:_____
Corporation (FEIN)_____
Sole Proprietorship (SSN/FEIN)_____
Other: _____**FOR FCD USE ONLY****DATE RECEIVED:**

____/____/____

ENTERED BY:**DATE ENTERED:**

____/____/____

SHARE VENDOR #

Make Plans For....

Record keeping

- ✓ Hours worked & travel – mileage/time
- ✓ Gross Receipts Taxes
- ✓ Tracking invoices, payments, taxes owed
- ✓ Federal Estimated Taxes
- ✓ Contacts with Courts
- ✓ Professional development
- ✓ Other Costs of Doing Business

**ADMINISTRATIVE OFFICE OF THE COURTS
CERTIFICATION OF INTERPRETER SERVICES
- INVOICE -**

Date Interpreter Appeared _____

Payee/Interpreter's Name: _____

*Mileage: \$ _____

Payee/Interpreter's Complete Mailing Address /City/State/Zip Code _____

Travel Time: \$ _____

DFA Vendor No.: _____

Interpreter Cost: \$ _____

Court Name (*Please specify Metro/Magistrate/District Court) _____

Parking: \$ _____ (Attach original receipts)

City and County For Above Court _____

Per Diem: \$ _____

NM Gross Receipt Tax No. _____

Sub-Total: \$ _____
All of the above are subject to NM GRT

☐ Certified ☐ Non-Certified

Gross Receipts Tax: \$ _____

Language Assigned to Interpret: _____
(Attach copy of RID for Sign Language Interpreters)

Total Amount Due: \$ _____

Odometer Beginning _____ Odometer Ending _____ *Total Miles _____ () Atlas Miles () Actual Miles
(Round Trip)

Start Time (am & pm)	End Time (am & pm)	Total Time	Type of Proceeding or Case Number
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total Hours for the Day: _____			_____

I further certify that the information contained in this statement, including attachments, is true and correct under penalty of perjury.

Date _____

Interpreter's Signature
FOR COURT USE ONLY

I certify that the person named above attended court as an interpreter in the designated case(s). I have examined this claim and find it to be true, to the best of my knowledge under penalty of perjury.

Date _____

Judge's or Designee's Signature _____

Marketing

- ✓ How will you tell your story to the courts where you would like to work?
- ✓ How will you make and maintain relationships with those who schedule interpreters in these courts.
- ✓ Identify and follow-up on networking contacts with other interpreters, court staff, attorneys, others who may need interpreting in your community or nearby communities

Continued Professional Development

- ✓ Join a professional association
- ✓ Attend related meetings & trainings
- ✓ Develop on on-going learning plan
- ✓ When certified comply with New Mexico's Continuing Education Policy for Court Interpreters
- ✓ Ask for feedback from judges, attorneys, and court staff

Small Business Resources

1. Checklist for Starting a Small Business
(IRS website)
2. Small Business Assessment Tool
3. *“Starting Out: A Guide to Creating Your Own New Mexico Business”*
(NM Small Business Development Centers)
4. New Mexico Requirements
(Department of Taxation and Revenue website)
5. Your Public Library
6. Other Interpreters

Taking Care of Yourself

- ✓ Identify friends and family who can support you and your new venture
- ✓ Use all the resources available
- ✓ Pace yourself
- ✓ Set realistic goals and deadlines

The Business of Court Interpreting

New Mexico Administrative Office of the Courts
2012

It is important to remember that most Certified Court Interpreters in New Mexico work as freelance interpreters. That means they basically are one-person small businesses. As a business owner you will have lots of flexibility, but also lots of responsibility. You must keep track of revenue and expenses, secure tax identification numbers, file state and federal taxes, and so on.

The links below will help you decide if you are ready for the business-side of court interpreting. There is a link to a self-assessment tool and to the NM Small Business Development Center. Classes and consultants at the center can help you get started.

Resources for Starting a Small Business

Small Business Assessment Tool

http://web.sba.gov/sbtn/sbat/dsp_sbat.cfm?Tool=4

New Mexico Small Business Development Center

<http://www.nmsbdc.org/index.html>

New Mexico Business Resources

http://www.nmsbdc.org/nm_resources.html

"Starting Out: A Guide to Creating Your Own New Mexico Business"

<http://www.nmsbdc.org/BusinessStartingOutGuide.pdf>

New Mexico Taxation and Revenue Department:

Applying for a NM Tax Identification Number

Understanding Gross Receipts Tax

<http://www.tax.state.nm.us>

NM Administrative Office of the Courts

505-827-4822

aocpjs@nmcourts.gov

www.nmcourts.gov

Small Business and Self-Employed Tax Center - Your Small Business Advantage



Put Our Knowledge to Work for You

When you're running a business, you don't need to be a tax expert, too. But you do need some tax basics. IRS Small Business Advantage gives you the information you need to stay tax compliant so your business can thrive.

[Small Business Forms and Publications](#)

Download multiple small business and self-employed forms and publications.

[Employer ID Numbers \(EINs\)](#)

Find out more on EINs or apply for one online.

Note: There is a phishing email risk you need to be aware of. Refer to [Fraudulent email posing as the IRS Office of Professional Responsibility](#).

[Starting, Operating, or Closing a Business](#)

Important tax information related to the various stages of owning a business.

[Employment Taxes](#)

Federal income tax, Social Security and Medicare taxes, FUTA, self-employment tax and more.

[Independent Contractor \(Self-Employed\) or Employee?](#)

It is critical that you, the employer, correctly determine whether the individuals providing services are employees or independent contractors.

- [Affordable Care Act Tax Provisions](#)

Health coverage legislation enacted this year and future changes.

- [IRS Video Portal](#)

Video, webinars and audio presentations for small businesses, individuals & tax pros.

- [Small Business Events](#)

Workshops and webinars on a variety of topics for small businesses.

- [Online Tools & Educational Products](#)

Choose from a variety of products, including the Tax Calendar desktop tool, to help you learn about business taxes on your own time, and at your own pace.

- [Subscribe to e-News](#)

Free electronic mail service.

[A-Z Index for Business](#)

Find it Fast! Know what you're looking for and want to find it fast? Select business topics using our A-Z listing, or by business type such as sole proprietor, corporation, etc. We also provide links to major business subjects, such as Business Expenses, which provides a gateway

to all related information on that subject.

[Business-related News](#)

Keep abreast of the latest tax-related news that could affect your business.

[Business Tax Credits](#)

A list of forms for claiming business tax credits, and a complete explanation about when carryovers, credits and deductions cease.

[Filing and Payments](#)

The IRS is making it easier than ever for you to conduct business with us electronically.

[Filing Late and/or Paying Late](#)

Before you decide not to file your tax return on time or not pay all of your taxes when they are due, consider this.

[Información y Recursos para Pequeñas Empresas](#)

Información y recursos para dueños de pequeños negocios. Infórmese sobre sus obligaciones tributarias.

[Rate Our Products and this Web site](#)

Help us to help you! We want to know how our products fit your needs as a businessperson. In our efforts to make a better, more informative, and more "user friendly" product or Web site, we need your input.

[Self-Employed: Don't Forget to Deduct Health Insurance Costs this Year](#)

Under the Small Business Jobs Act of 2010, for 2010, you can reduce your net self-employment income by the amount of your self-employed health insurance deduction on Form 1040. See the Instructions for Schedule SE.

[Small Business Resources](#)

This section offers links to a broad range of resources across federal and state agencies.

[State Links](#)

A collection of links to State government Web sites with useful information for businesses.

[Struggling with Paying Your Taxes? Let IRS Help You Get a Fresh Start.](#)

Help from the IRS for individuals and small businesses struggling to meet their tax obligations. On February 24, 2011, the Internal Revenue Service Commissioner announced an initiative to help people get a fresh start with their tax liabilities. The initiative centers on changes to IRS collection practices that will lessen the negative impact on taxpayers.

[Virtual Small Business Tax Workshop](#)

This workshop helps business owners understand federal tax obligations.



Court Interpreter Certification

SECTION 9

Other Resources for Self Study

STANDARD REFERENCE MATERIALS

Berk-Seligson, Susan. THE BILINGUAL COURTROOM: COURT INTERPRETERS IN THE JUDICIAL PROCESS, (with a new chapter), 2002. University of Chicago Press, 1427 East 60th Street, Chicago, IL 60637. www.press.uchicago.edu

Colin, Joan and Ruth Morris. INTERPRETERS AND THE LEGAL PROCESS. Winchester: Waterside Press, 1996. Available from the publisher at www.watersidepress.co.uk

Crooker, Constance Emerson. THE ART OF LEGAL INTERPRETATION. Continuing Education Press, Portland State University, P.O. Box 1394, Portland, OR 97207-1394. www.cep.pdx.edu

de Jongh, Elena M. AN INTRODUCTION TO COURT INTERPRETING: THEORY & PRACTICE, 1992. University Press of America, Inc., 4720 Boston Way, Lanham, MD 20706. www.univpress.com

Edwards, Alicia Betsy. THE PRACTICE OF COURT INTERPRETING, 1995. John Benjamins North America, P.O. Box 27519, Philadelphia PA 19118. www.benjamins.com

Gonzalez, Roseann Duenas, Victoria E. Vasquez, and Holly Mikkelsen. FUNDAMENTALS OF COURT INTERPRETATION: THEORY, POLICY AND PRACTICE. Carolina Academic Press, 700 Kent Street, Durham, NC 27701. www.cap-press.com

Hewitt, William E. COURT INTERPRETATION; CHALLENGE FOR THE 1990s. Williamsburg, VA: National Center for State Courts, 1995. This book is out of print, but it can be downloaded from <http://www.ncsconline.org/wc/courttopics/pubs.asp?topic=CtInte>

Mikkelsen, Holly. INTRODUCTION TO COURT INTERPRETING. 2000. <http://www.intransbooks.com>

PROTEUS, THE NEWSLETTER OF THE NATIONAL ASSOCIATION OF JUDICIARY INTERPRETERS AND TRANSLATORS. <http://www.najit.org>

Salimbene, Franklin. COURT INTERPRETERS: STANDARDS OF PRACTICE AND STANDARDS FOR TRAINING. *Cornell Journal of Law and Public Policy*. 6 (3), Spring 1997, 645-672.



Court Interpreting

Study Guide References

Research Services

Court Interpretation

Some Study Guide References For People Who Are Interested In Court Interpreting

Applied Resources:

ACEBO materials: see www.acebo.com

Crooker, Constance Emerson, *The Art of Legal Interpretation: A Guide for Court Interpreters*, Portland State University, Continuing Education Press (Portland, OR: 1996)

De Jongh, Elena M., *An Introduction to Court Interpreting: Theory and Practice*, University Press of America (Lanham, MD: 1992)

Edwards, Alicia Betsy, *The Practice of Court Interpreting*, [Series: *Benjamin's Translation Library*], J. Benjamin's Publishing Company (Amsterdam, PA: 1995)

Hewitt, William E., *Court Interpretation: Model Guides for Policy and Practice in the State Courts*, National Center for State Courts (Williamsburg, VA: 1995)

- Chapter 2 "Interpreting Terminology"
- Chapter 3 "Job Analysis and Position Descriptions for Professional Court Interpreters" - A short but detailed description of qualifications, knowledge, skills, and abilities of professional interpreters
- Chapter 9 "Model Code of Professional Responsibility for Interpreters in the Judiciary"

Judicial Council of California, Administrative Office of the Courts, *Professional Ethics and the Role of the Court Interpreter*, 3rd Edition, www.courtinfo.ca.gov/programs/courtinterpreters/documents/ethicsma.pdf

More Theoretical Works:

Berk-Seligson, Susan, *The Bilingual Courtroom: Court Interpreters in the Judicial Process*, University of Chicago Press (Chicago, IL: 1990)

Gonzalez, Vasquez and Holly Mikkelsen, *Fundamentals of Court Interpretation*, Carolina Academic Press (Durham, NC: 1991)

Inquiries regarding **Court Interpreting** may be directed to the Research Division Office via email at research@ncsc.dni.us or by calling 1-800-616-6109.

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ESSENTIAL DICTIONARIES FOR COURT INTERPRETERS

DICTIONARIES FOR INTERPRETERS OF ALL LANGUAGES:

1. One of the following comprehensive English monolingual dictionaries:

American Heritage Dictionary of the English Language, 4th Edition

Format: Hardcover, 4th ed., 2116pp.

ISBN: 035825172

Publisher: Houghton Mifflin Company

Pub. Date: September 2000

Edition Desc: 4th

Random House Webster's Unabridged Dictionary

Format: Hardcover, 3rd ed., 2256pp.

ISBN: 0375425667

Publisher: Random House Information Group

Pub. Date: September 2001

Edition Desc: 2nd

2. *Black's Law Dictionary* (American and English Jurisprudence)

Format: Textbook Hardcover, 7th ed., 1776pp.

ISBN: 0314228640

Publisher: West Group

Pub. Date: August 1999

3. At least one each of the following kinds of dictionaries for each language in which an interpreter works:
 - a. A comprehensive monolingual dictionary in each of the other languages
 - b. A bilingual dictionary, English-Foreign Language and Foreign Language-English
 - c. A standard legal dictionary in each of the other languages
 - d. A bilingual English-Foreign Language, Foreign Language-English legal dictionary

SPECIFIC RECOMMENDATIONS FOR "ESSENTIAL" DICTIONARIES FOR LANGUAGES OTHER THAN ENGLISH:

ARABIC

A comprehensive monolingual dictionary

At least one comprehensive general bilingual dictionary:

Al Mawrid (English-Arabic/Arabic-English dictionary)

Format: Hardcover, 3rd ed., 2376pp.
ASIN: 1894412974
Publisher: Dar El Ilm Lilmalayin
Pub. Date: March 1998

Al Mawrid 2002: A Modern English-Arabic Dictionary

Format: Hardcover
ISBN: 9953900426
Publisher: Librarie Du Moyen-Orient
Pub. Date: 2001

A legal bilingual dictionary:

Arabic-English Faruqi's Law Dictionary

Format: Hardcover, 3rd ed., 380pp.
ISBN: 0884310728
Publisher: I B D Ltd
Pub. Date: December 1986
(This dictionary is also available in English-Arabic)

CHINESE

A comprehensive monolingual dictionary

At least one comprehensive general bilingual dictionary:

Chinese-English Dictionary

Format: Hardcover, 1401pp.
ISBN: 962-04-0398-3
Pub. Date: 1991

English-Chinese Dictionary

Format: Hardcover, 1769pp.
ISBN: 962-04-0201-4
Pub. Date: 1991

Chinese-English New Practical Dictionary

Format: Paperback, 1418pp.
ISBN: 0-88431-193-7
Pub. Date: 1987

Chinese-English (Mandarin) Dictionary

Format: Hardcover, 660pp.
ISBN: 0-88431-261-5
Pub. Date: 1967

A bilingual legal dictionary:

English-Chinese Glossary of American Criminal Law

Format: Paperback, 246pp.

ISBN: 0-88727-111-1

Pub. Date: 1989

English-Cantonese Glossary

Format: Looseleaf

ISBN: N/A

Publisher: ACEBO

Pub. Date: N/A

Glossary of Selected Legal Terms English-Cantonese

Office of the Administrator of the Courts, State of Washington

Distributed by ACEBO, P.O. Box 7485, CA 93962

FRENCH

A comprehensive monolingual dictionary:

Dictionnaire Encyclopedique, 2 vols

Format: Hardcover, 2124 pp.

ISBN: 2-03-301806-1

Pub. Date: 1994

Le Nouveau Petit Robert: Dictionnaire De La Langue Francaise

Format: Hardcover

ISBN: 2850368261

Publisher: Le Robert

Pub. Date: 2002

At least one comprehensive general bilingual dictionary:

Harper Collins Robert French Unabridged Dictionary

Format: Hardcover, 6th ed., 2142 pp.

ISBN: 0060084502

Publisher: Harper Resource

Pub. Date: 2002

A bilingual legal dictionary:

English-French Lexicon of Legal Terms

ISBN: 928712313-6

GREEK

A comprehensive monolingual dictionary

At least one comprehensive general bilingual dictionary:

Greek-English dictionary, 2 vols

Format: Hardcover, 1318 pp.

ISBN: 0-88431-922-9

Pub. Date: 1961

English-Greek Dictionary

Format: Hardcover, 1102 pp.

ISBN: 0-88431-125-2

Pub. Date: 1961

A legal bilingual dictionary

HAITIAN CREOLE

A comprehensive monolingual dictionary

At least one comprehensive general bilingual dictionary:

Haitian Creole-English-French Dictionary

Deslan Rincher & Associates

22-11 Church Ave

Brooklyn, NY 11226

(718) 693-0461

Haitian Creole-English-French Dictionary

1981, Bloomington Indiana-Creole Institute

Haitiana Publications

170-08 Hillside Ave.

Jamaica, NY 11432

(718) 523-0135

Haitian Creole-English Dictionary

Targetej, Dunwoody Press

ISBN 0-93174575-6

A legal bilingual dictionary

ITALIAN

A comprehensive monolingual dictionary:

Italian Encyclopedia Universal Dictionary

Format: Hardcover, 1860 pp.

ISBN: 88-7166-174-5

At least one comprehensive general bilingual dictionary:

Italian-English English-Italian Dictionary (Sansoni)

ISBN: 88-3831437-3

A legal bilingual dictionary:

English-Italian Law Dictionary

ISBN: 88-1400316-5

Pub. Date: 1994

Italian-English Law Dictionary

ISBN: 88-1405001-5

Pub. Date: 1996

KOREAN

A comprehensive monolingual dictionary

At least one comprehensive general bilingual dictionary:

Korean-English Dictionary

Format: Flex, 2182 pp.

ISBN: 89-387-04020-5

Publisher: Minjungseorim

Pub. Date: 1994

English-Korean Dictionary

Format: Flex; 2687 pp.

ISBN: 89-387-0401-7

Publisher: Minjung

Pub. Date: 1994

A legal bilingual dictionary:

English-Korean Glossary

Format: Looseleaf

ISBN: N/A

Publisher: ACEBO

Pub. Date: N/A

POLISH

A comprehensive monolingual dictionary

At least one comprehensive general bilingual dictionary:

The Great Polish/English Dictionary (2 Volume set)

Format: Hardcover; 1728 pp.

ISBN: 83-214-0956-3

Pub. Date: 1992

The Great English/Polish Dictionary

Format: Hardcover; 1404 pp.

ISBN: 83-214-0955-5

Pub. Date: 1992

A legal bilingual dictionary:

Polish/English Dictionary of Legal Terms

ISBN: H3-04-01897-7

Also recommended:

English/Polish Dictionary of Legal and Economic Terms

Format: Hardcover; 724 pp.

ISBN: 83-214-0533-9

Pub. Date: 1991

Polish monolingual texts:

Kodeks Karny – Postępowania Karnego

ISBN: 83-85330-30-5

(This book contains Polish Penal Code, Code of the Criminal Procedures and the Code of the Criminal Justice)

Kodeks Cywilny – Kodeks Postępowania Cywilnego

ISBN: 83-9004443-3-1

(This book contains Polish Civil Code, Code of Civil Procedures, Family and Surrogate Law)

PORTUGUESE

A comprehensive monolingual dictionary:

Portuguese Dictionary-Novo

ISBN: 85-209-0411-4

Pequeno Dicionário Enciclopédico Koogan Larousse
Editoria Larousse do Brasil, Rio de Janeiro
Imported Books. P.O. Box 4414 Dallas Texas
(214) 941-6497

At least one comprehensive general bilingual dictionary:

Dictionary Portuguese-English (2 volumes)
Format: Hardcover; 1328 pp.
ISBN: 85-06-01598-7

English-Portuguese Dictionary
Format: Hardcover; 1151 pp.
ISBN: 85-06-01599-5

A legal bilingual dictionary such as:

Dicionário Jurídico, 3rd edition
Maria Chaves de Mello. Rio de Janeiro: Barristers's Editors, 1987

Noronha's Legal Dictionary
Durval de Noronha Goyos, Jr.
Sao Paulo: Editora Observador Legal, 1993

RUSSIAN

A comprehensive monolingual dictionary:

Russian Encyclopedic Dictionary
Format: Hardcover; 1632 pp.
ISBN: 5-85270-001-0

At least one comprehensive general bilingual dictionary:

English-Russian Dictionary 2 Volumes
Format: Hardcover; 2108 pp.
ISBN: 0-88431-168-6
Pub. Date: 1988

Also recommended:

Russian-English Translator's Dictionary
Format: Hardcover; 735 pp.
ISBN: 0-471-93316-3
Pub. Date: 1991

A legal bilingual dictionary such as:

Russian-English Legal Dictionary

ISBN: 5-88746-004-0

English-Russian Dictionary of American Criminal Law

ISBN: 0-313-30455-6

Available from Greenwood Publishing Group
P.O. Box 5007, Westport, CT 06881-5007

SPANISH

A comprehensive monolingual dictionary:

Diccionario de la Lengua Española

ISBN: 84-239-4399-2

Diccionario de Uso del Español (2 volumes)

ISBN: 84-249-1344-2

At least one comprehensive general bilingual dictionary:

Larousse Gran Diccionario

Español-Ingles/Ingles-Español

ISBN: 970-607-023-0

Simon and Schuster International Dictionary

English-Spanish/Spanish-English

ISBN: 0-671-21507-8 plain edition

ISBN: 0-671-21267-2 thumb-indexed

Unabridged Spanish Dictionary

Harper Collins

A legal bilingual dictionary:

Diccionario Juridico Espanol-Ingles

Guillermo Cabanellas de las Cuevas and Eleanor C. Hoague.
Editorial Heliasta, 1998

Terminos Juridicos Ingles-Espanol Spanish-English

Format: Hardcover; 688 pp.

ISBN: 84-344-0506-7

Pub. Date: 1995

Bilingual Dictionary of Criminal Justice Terms (English-Spanish)

ISBN: 0-87526-379-8

Interpreter's Companion, 4th Edition

ACEBO, P.O. Box 7485, Spreckels, CA 93962

(Contains six separate Spanish-English, English-Spanish glossaries: Legal Terms, Traffic and Automotive Terms, Drug Terms, Weapons Terms, Medical Terms, and Slang Terms)

VIETNAMESE

A comprehensive monolingual dictionary

At least one comprehensive general bilingual dictionary:

Vietnamese-English/English-Vietnamese Dictionary

Format: Hardcover; 826 pp.

ISBN: 0-88431-113-9

Pub. Date: 1992

A legal bilingual dictionary:

English-Vietnamese Glossary

Format: Looseleaf

ISBN: N/A

Publisher: ACEBO

Pub. Date: N/A

BOOK DISTRIBUTERS

For all languages:

Imported Books

2025 West Clarendon

P.O. Box 4414

Dallas, TX 75208

(214) 941-6497

i.b.d., Ltd.

International Book Distributors

24 Hudson St

Kinderhook, NY 12106

(800) 343-3531

Schoenhof's Foreign Books
76A Mount Auburn Street
Cambridge, MA 02138
(617) 547-8855

United Nations Bookstore
G.A. 32 New York, NY 10017
(212) 963-7680

French, German, Italian, Portuguese and Spanish

Europa Books
Evanston, IL 60201
(708) 886-6262

Spanish books

Ediciones Universal
P.O. Box 450353
Miami, FL 33245-0353
(305) 642-3234

Key Websites

<http://www.ncsc.org/Education-and-Careers/State-Interpreter-Certification.aspx>

<http://www.nmcenterforlanguageaccess.org/>

Other Interpretation Websites

[ACEBO](#)

[American Translators Association](#)

[College of Charleston Graduate Program in Bi-Lingual Legal Interpreting](#)

[EULITA](#)

[National Association of Judiciary Interpreters and Translators \(NAJIT\)](#)

[Registry of Interpreters for the Deaf](#)

[National Consortium of Interpreter Education Center](#)

[Center for Legal American Sign Language Interpreters](#)

COLLEGES/UNIVERSITIES THAT OFFER COURSES

BINGHAMTON UNIVERSITY

Translation Research & Instruction Program

Dr. Marilyn Gaddis Rose, Director

Library Tower 1302

P.O. Box 6000

Binghamton, NY 13902

(607) 777-6726

<http://www.binghamton.edu/trip>

trip@binghamton.edu

The Translation Research and Instruction Program is the pedagogical division of the Center for Research in Translation (CRIT). It administers the interdisciplinary curriculum and examination that lead to translator certification. Although most students in the program are matriculated in one of the University degree programs, the translation study courses may be taken as a separate track.

BROOKDALE COMMUNITY COLLEGE

Community Interpreting in Spanish Certificate Program

Business and Community Development

765 Newman Springs Road

Lincoln, NJ 07738-1543

(732) 224-2315

www.brookdalecc.edu

The community need for interpreting Spanish to English is critical. The ability to overcome language barriers is essential in a variety of instances that include medical emergencies as well as legal and social situations. This program is designated to train entry-level interpreters for service and employment opportunities. The instructors—all specialists in their respective fields of interpreting—will incorporate “real life” samples of materials and examples of situations that will be encountered in the field. Consecutive interpreting used in medical, legal, and social service situations, as well as simultaneous and sight translation will be covered. Advanced training for the state exam for Court Interpreters will be offered.

KEAN STATE UNIVERSITY

Ms. Coty Blank

Department of Foreign Languages, Literatures, and Cultures

Hutchinson Hall, J-309

Union, New Jersey 07083-0411

<http://www.kean.edu/>

MARYMOUNT MANHATTAN COLLEGE

221 East 71st Street
New York, NY 10021
1-212-774-0780
<http://marymount.mmm.edu/>

MONTCLAIR STATE UNIVERSITY

Certificate Program in Translation and Interpretation in Spanish
María José Vizcaíno, Director
Spanish/Italian Department
Montclair State University
Upper Montclair, NJ 07043
(973) 655-4285
<http://chss2.montclair.edu/spanish-italian/stranslation.htm>

Montclair State University's *Certificate Program in Translation and Interpretation in Spanish* provides basic preparation for entry-level translating and interpreting positions in government, telecommunications, the judiciary, the helping professions, business and the arts. Designed for students who have good speaking and writing skills in both English and Spanish, the four-course sequence focuses on the specific skills of translation and interpretation.

MONTCLAIR STATE UNIVERSITY

Dr. Kathleen Loysen
Department of French, German, and Russian
Montclair State University
Upper Montclair, NJ 07043
(973) 655-7422
<http://chss2.montclair.edu/french>

This department offers a Translation Concentration for French Majors.

NEW YORK UNIVERSITY
SCHOOL OF CONTINUING AND PROFESSIONAL STUDIES
Guylaine Laperriere
Center for Foreign Languages and Translation
NYU School of Continuing and Professional Studies
10 Astor Place, Suite 505
New York, NY 10003
(212) 998-7030
<http://www.scps.nyu.edu>
scps.foreignlanguages@nyu.edu

- *Certificate in Court Interpreting*
Spanish/English

<http://www.scps.nyu.edu/departments/certificate.jsp?cerld'155>

This program is designed for individuals with a mastery of both languages. As a prerequisite to entering the program, all prospective students must pass an oral proficiency test both in Spanish and English to determine their linguistic competence and general cultural preparation.

- *Certificate in Translation*
English to Spanish or Spanish to English

<http://scps.nyu.edu/departments/certificate.jsp?cerld'157>

This program is intended for linguistically skilled individuals of diverse professional and educational backgrounds who seek to develop abilities in the field of translation.

- *Certificate in Translation*
French to English, German to English, English to Portuguese, General Translation

http://www.scps.nyu.edu/dyncon/acfl/cert_tran.html

This program is intended for linguistically skilled individuals of diverse professional and education backgrounds who seek to develop abilities in the field of translation.

- *Online Certificate Programs*

<http://scps.nyu.edu/departments/certificate.jsp?cerld'157>

This program is available to distance learning students.

RIDER UNIVERISTY
Dr. Margaret Schleissner, Chairperson
Department of Foreign Languages and Literatures
Rider University
2083 Lawrenceville Road
Lawrenceville, NJ 08648
609-896-5146
Forlang@Rider.edu
<http://www.rider.edu/>

RUTGERS UNIVERSITY

Dr. Phylis Zatline
Department of Spanish & Portuguese
Faculty of Arts & Sciences
Rutgers, The State University
P.O. Box 270
New Brunswick, NJ 08903-0270
(732) 932-9412 x. 25
<http://span-port.Rutgers.edu/> or <http://french.rutgers.edu>
span-port@rci.rutgers.edu

Certificate of Proficiency in Spanish-English and English-Spanish Translation

OBJECTIVE: To provide students the opportunity to gain competence in Spanish-English and English-Spanish translation. The program will train students in a skill which can be applied to future employment in connection with such major fields as Banking, Business, Journalism, Legal Translation and Social Services.

TEMPLE UNIVERSITY

Dr. Hiram Aldarondo
Department of Spanish and Portuguese
Anderson Hall, Room 450
Philadelphia, PA 19122
(215) 204-1706
<http://www.temple.edu/spanpor>
haldaron@unix.temple.edu

UNION COUNTY COLLEGE

Interpreting Spoken Language Certificate Program
Professor John DiFiore, Director
Elizabeth Campus E-500
12 West Jersey Street
Elizabeth, NJ 07201
(908) 965-2345
<http://faculty.ucc.edu/finart-difiore>
difiore@ucc.edu

The Interpreting Spoken Language Program trains bilingual individual in the basic skills needed for professional work in interpreting and translating. Union County College offers three courses as part of a certificate program. Students from all language backgrounds may study in the program.

LANGUAGE REQUIREMENTS A high level of proficiency in English and at least one other language is required for entrance into these courses. The College provides a placement test in English. Those wishing to study in this course must finish all developmental English and ESL requirements before registering for interpreting courses. Evaluation in one's other language is done by the student her/himself or in consultation with the coordinator of the program. It is recommended that the student have some college education in that language and be fluent both in speaking and writing.

**UNIVERSITY OF ARIZONA
THE NATIONAL CENTER FOR INTERPRETATION**

Dr. Roseann Dueñas Gonzáles, Director
University of Arizona
Modern Languages Bldg., Room 445
Tucson, AZ 95721
(520) 621-3615
<http://nci.arizona.edu/>
ncitrp@u.arizona.edu

Summer Institute:

This is an intensive three-week course offered every summer to help beginning and intermediate court interpreters develop their interpretation abilities and to help advanced or working interpreters hone their skills. Advanced, intensive program alternatives are available for experienced federal and state certified interpreters.

Special Weekend Seminars (Friday-Sunday)

These will be held at least four times throughout the year in Tucson to assist candidates in preparing for the federal written and oral, as well as state, exams. In addition, traveling seminars are available to groups of 15 or more elsewhere.

UNIVERSITY OF MASSACHUSETTS BOSTON

Kathy Fitzpatrick
Division of Corporate, Continuing and Distance Education
University of Massachusetts Boston
100 Morrissey Boulevard
Boston, MA 02125-3393
<http://www.conted.umb.edu>

This intensive six-credit undergraduate certificate program has been specially designed to provide qualified applicants with a comprehensive introduction to professional court interpretation. The program teaches the fundamentals of theory and practice through classroom discussion and activities, as well as through laboratory exercises designed to develop interpreting proficiency. Novice and experienced interpreters will benefit equally from extensive practice. Students will devote additional time out of class to court visits and to fulfill oral and written assignments.

UNIVERSITY OF CHARLESTON

Dr. Virginia Benmaman, Director
MA Program in Bilingual Legal Interpreting
University of Charleston
Charleston, SC 29424-0001
(843) 953-4947
<http://www.cofc.edu/~legalint>

Masters Degree Program Description The Masters of Arts in Bilingual Legal Interpreting for English-Spanish is the only graduate program in the United States which offers the opportunity to receive the education and training required and expected of a professional degree-holding legal interpreter. The program is a comprehensive, sequenced, and integrated series of courses designed to provide the student with the theoretical foundation, performance competencies, and research skills required of a graduate entering this growing profession. The curriculum consists of 14 courses (42 credits) which can be completed over a two-year period. Eight of the ten courses must be completed at the University of Charleston during two full summers. The teaching faculty who are invited to teach during the summer sessions are among the most qualified professors of interpreting and professional interpreters in North America. The remaining two core courses, a practicum in legal settings and an internship as an apprentice interpreter, may be completed in a court jurisdiction of the student's choice. Four remaining courses may be taken at another university, subject to approval by the program director, and applied to the program as transfer credit.

Certificate Program Description This certificate program, comprised of existing courses within the present master's program, will provide the means by which students enrolled in other language oriented graduate programs, as well as other interpreting and translating professionals, can attain the foundational skills in legal interpreting in an abbreviated time frame, generally in one full summer. Students in the program will take four of the courses regularly offered during the summer session.

BOSTON UNIVERSITY

Interpreter Certificate Program (Portuguese)
Center for Professional Education
940 Commonwealth Avenue West
Boston, MA 02215
(617) 353-4497
<http://www.butrain.com/cpe/legalcert.asp>
CPE@BU.EDU

WILLIAM PATTERSON UNIVERSITY

Iris Di Maio

Center for Continuing Education and Distance Learning

P.O. Box 913

Wayne, NJ 07474-0913

(973) 720-2491

<http://www.wpunj.edu/ce>