



THE INSIDE SCOOP: INTERPRETERS OFFER TIPS ON HOW BEST TO UTILIZE THEIR SERVICES IN THE COURTS

Individuals with limited English proficiency require interpreters to access justice in the courts. In 2008, at least 30% of Sakhi for South Asian Women’s new requests for assistance came from individuals who preferred to speak a language other than English. As part of our work to enable access to justice for survivors of violence, Sakhi has worked to enhance the courts in New York State and nationwide. As part of our advocacy campaign, Sakhi conducted focus groups with court interpreters where interpreters shared advice on how attorneys and judges should engage with court interpreters and clients who are limited English proficient.

Following are key comments culled from the feedback:

ROLE OF INTERPRETERS:	The interpreter is NOT there to explain legal issues but to interpret.
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INTERPRETER ADVICE ON WHAT NOT TO DO:
Do not use friends, family, and especially children to act as interpreters.
Do not ask interpreters for legal opinion(s) or if client is faking a disability. <i>One interpreter shared an experience when an attorney asked, “Do you think he is getting this? Do you think he is faking this?”</i>
Do not solicit feedback from interpreters on what they think about the case or client.
Do not say anything to your client that you don’t want interpreted: it is the interpreter’s job to interpret all the information and the whole conversation to the client.

INTERPRETER ADVICE ON WHAT TO DO:
GENERAL:
Realize verbatim translation is not always possible between languages because some words do not exist in certain languages or several words exist for appropriate translations (i.e. you can have multiple translations for one English sentence). Languages also differ grammatically (i.e. sentence structure) so the time needed for communication may not always match exactly.
Be culturally sensitive and aware – realize some clients may have trouble expressing certain phrases due to cultural differences or norms. It is important, however, for attorneys to ensure the context is communicated as well as the accurate and full information. An attorney’s role is to gather all necessary information.
Ask the client to repeat back what was said to ensure the client understands the conversation. The attorney is responsible for ensuring the client understands the full conversation. As preparation, the attorney can enable a language assessment of the client with the interpreter and agree upon a system for checking-in to ensure effective communication and client understanding. Attorneys can take a time out with interpreters to troubleshoot any communication difficulties; these interactions should also be explained to the client.
Realize there could be more than one barrier when talking to a client (i.e. language, hard-of-hearing, developmental disabilities).
Know there are differences in needs and challenges dependent upon whether the client needs a foreign-language interpreter or a sign-language interpreter.
Realize the interpreter is part of the court system and should be treated with respect.
CASE PREPARATION:
Speak to the interpreter before the case to build familiarity and ensure fluency in legal or specialized terms.
Prepare client with court interpreter so the client gets used to the process.
Be sensitive and educate yourself on how to handle clients with disabilities.
IN THE COURTROOM:
Realize placement of a court interpreter is crucial in enabling the interpreter to properly do the job. <i>Interpreters stated their ideal placement is in front of the client when they are interpreting so the client can see the interpreter, the judge, and the parties involved.</i>
In addition, for situations including domestic violence, attorneys should be cognizant of attempting to ensure that a survivor of violence is not placed close to an abusive partner in order to share an interpreter. In such cases, equipment can be utilized to maintain safety and as non-intimidating an environment as possible.
Engage in eye contact with your client and not the interpreter: speak directly to the client – the interpreter is a conduit. Speak slowly and clearly.
Realize similar to court reporters, court interpreters get tired after long active sessions and need breaks.
Allow interpreters the ability to use equipment to hear in a courtroom, if necessary.
Assign more than one interpreter for long cases so that interpreters are more effective.

INTERPRETER ADVICE ON SIGN LANGUAGE ISSUES:

Find a quiet place with little to no distractions. Good lighting is important when interpreters and hard-of-hearing individuals communicate since sign language is a visual language.

Handcuffs for hard-of-hearing and sign-language interpreters can pose an issue. How are the hard-of-hearing supposed to communicate if hands are restrained?

Dangling handcuffs (i.e. only one hand of the client is cuffed) can be distracting when sign-language interpreters are translating.

An interpreter discussed a time where a deaf litigant had come out before the bench handcuffed and the court officer refused to remove the handcuff. The interpreter stated her frustration saying, "That is just like putting tape on someone's mouth. I can't do my job if he is handcuffed. I have to continue interpreting and the deaf person does not get an opportunity to talk to the judge."

The ideal situation for effective interpretation is to have an interpreter in person. However, in situations where remote interpretation is needed, video is better than telephonic. In such a situation, though, issues of confidentiality must be managed proactively.

How does an attorney discuss sensitive issues with client and maintain attorney-client privilege in the courtroom if client is hard-of-hearing and needs a sign-language interpreter? Interpreters discussed situations where the deaf litigant wants to discuss something with the attorney. Do you empty out the courtroom? What if the attorney wants to lean over to the client and ask a simple question? The interpreters agreed that while it is possible with a live interpreter that is not the case with video conference or video relay since there is no privacy.

Allow assistive-listening devices for hard-of-hearing clients to be able to communicate if sign language interpretation is not enough.

One interpreter argued, "There are times that it is not sign language that my consumers need. Sometimes they need an assistive-listening device which amplifies the sounds in the courtroom and it helps some who are hearing-impaired."

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