ROLE OF THE INTERPRETER

The judge should advise all parties of the role of the interpreter. Suggested language is below.

Instructions for the LEP Party/Witness

I will explain the role of the court interpreter. The court interpreter is a neutral party who is here only to interpret the proceedings and facilitate communication. The interpreter will interpret everything said in English into your language and will also interpret everything you say into English. You are here to listen and/or give testimony to this court. When speaking please speak directly to the attorney or to me. Do not ask the interpreter for advice. If you do not understand the interpreter, please let me know. If you need a question repeated, please tell me. Wait until the entire question or statement has been interpreted before you answer. Do you have any questions?

Instructions for the Jury

Languages other than English may be used during this trial. Although, some of you may understand the non-English language being spoken, it is important for all jurors to consider the same evidence. Therefore, you are to base all deliberations and decisions on the evidence presented in English through the official court interpreter. You must not rely in any way on your own interpretation of the testimony.

NOTICE TO PARTIES

- Court interpreters always refer to themselves as "the interpreter" when addressing the court to avoid confusion on the record.
- Court interpreters can only interpret for one person at a time.
- Court interpreters may not act as advocates or advisers and may not explain or clarify what a party or witness has said.

TIPS FOR COUNSEL

- When examining a non-English speaking witness, direct all questions to the witness and not the interpreter. (For example, do not say to the interpreter, "Ask him if he understands....")
- Speak at a slower but steady pace and occasionally make eye contact with the interpreter to gauge whether your pace is appropriate.
- Use simple legal language and avoid using compound questions.
- Never ask the interpreter to "explain the proceeding" to the LEP party.
- Never ask the interpreter to participate in any activity other than as an interpreter for the LEP individual.
- When possible allow the interpreter to review case file information in advance.

Supreme Court Commission on Interpreters
Administrative Office of the Courts
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Working With Foreign Language Interpreters in the Courtroom

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40
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ADMINISTRATIVE OFFICE OF THE COURTS

Working with Foreign Language Interpreters in the Courtroom

Court interpreters serve a fundamental role in providing equal access to justice and meaningful participation in all court proceedings for limited English proficient (LEP) or non-English speaking persons.

DO YOU NEED A COURT INTERPRETER?

Pursuant to Appendix A of the Georgia Supreme Court Rule for Interpreters, an interpreter shall be appointed when the decision maker, which would include the judge, magistrate, special master, commissioner, hearing officer, arbitrator, neutral, or mediator, determines, after an examination of the party or witness, that: (1) the party cannot understand and speak English well enough to participate fully in the proceedings and to assist counsel; or (2) the witness cannot speak English so as to be understood directly by counsel, the decision maker, and/or the jury; or (3) the party or witness requests an interpreter.

To determine if an interpreter is necessary, the decision maker should ask the LEP individual a few questions. In general, avoid questions easily answered with yes or no replies.

SAMPLE QUESTIONS TO ASSESS THE ENGLISH PROFICIENCY OF A PARTY OR WITNESS:

- Please state your name.
- How did you learn English?
- Please tell me about your native country.
- Describe some of the things you see in this courtroom.

A non-English speaking person may waive the right to the use of an interpreter. This waiver should be in writing and approved by the decision maker.

LOCATING AN INTERPRETER

The Commission on Interpreters (Commission) maintains an online registry of state-licensed interpreters at www.georgiacourts.gov/coi.

If there is not an interpreter on the registry for the language you need, contact the Commission at 404.463.6478 or coi@gaaoc.us.

INTERPRETER QUALIFICATIONS

Interpreters licensed through the Commission have fully satisfied rigorous examinations, training, court observation, and a background check.

Courts should make a diligent effort to appoint a certified interpreter. If a certified interpreter is unavailable, a conditionally approved or registered interpreter should be given preference. If the court is unsure of an interpreter's qualifications, the court should assess the interpreter's credentials by asking a few questions.

SAMPLE VOIR DIRE TO ASSESS AN INTERPRETER'S QUALIFICATIONS:

- What training or credentials do you have as an interpreter?
- What is your native language?
- State some canons from the Code of Professional Responsibility for Interpreters.
- How many times have you interpreted in court?
- What types of cases have you interpreted?

Being bilingual does not qualify a person to interpret. Children should never be used to interpret. It is also not appropriate for relatives or friends of the LEP party, judges, attorneys, or bilingual staff to interpret in court proceedings.

In Ramos v. Terry, 279 Ga. 889 (2005), the Georgia Supreme Court held it to be an abuse of discretion to appoint someone to serve as an interpreter, without ensuring that the person appointed is qualified to serve as an interpreter, without apprising the appointee of the role s/he is to play, without verifying the appointee's understanding of the role, and without having the appointee agree in writing to comply with the interpreters' code of professional responsibility.

INTERPRETER'S OATH

The oath may be given once the judge is satisfied with the interpreter's qualifications.

Do you solemnly swear or affirm that you will faithfully interpret from (state the language) into English and from English into (state the language) the proceedings before this court in an accurate manner to the best of your skill and knowledge?