

## Contract Court Interpreters in The Federal Court: Guidance on Standards of Practice and Courtroom Protocol

### Court Interpreters' Role in Ensuring Access to Justice

Court interpreters in the federal courts serve a critical role in providing access to justice to parties of limited English proficiency (LEP). To accomplish this, they must have superior linguistic proficiency, mastery of the modes of interpretation, and impartiality and propriety in dealing with all parties. All contract court interpreters, certified or otherwise qualified, are appointed to serve pursuant to the Court Interpreters Act, 28 U.S.C. § 1827.

When interpreters are sworn-in, they commit to the specific duty and responsibility of interpreting between English and the language specified.

Contract court interpreters are bound by the Standards for Performance and Professional Responsibility for contract Court Interpreters in the Federal Courts.

### Standards for Performance and Professional Responsibility for Federal Court Interpreters

1. Accuracy and Completeness
2. Representation of Qualifications
3. Impartiality, Conflicts of Interest, and Remuneration and Gifts
4. Professional Demeanor
5. Confidentiality
6. Restriction of Public Comment
7. Scope of Practice
8. Assessing and Reporting Impediments to Performance
9. Duty to Report Ethical Violations

[http://www.uscourts.gov/sites/default/files/standards\\_for\\_performance.pdf](http://www.uscourts.gov/sites/default/files/standards_for_performance.pdf)

Watch the video:

*Taking the Interpreter's Oath to Heart:*  
[https://youtu.be/ii8\\_7Q2AYD8](https://youtu.be/ii8_7Q2AYD8)

### MODES OF INTERPRETATION & WHEN TO USE THEM

**Simultaneous** – In this mode the interpreter whispers continuously a full and accurate interpretation of speech from one language into another while the speaker or signer is still talking. The LEP party should hear everything an English-speaker would hear during proceedings.

**Consecutive** – In this mode the interpreter interprets question & answer scenarios. The interpreter verbally conveys the translation of the original message into the target language after the speaker has paused, retaining as closely as possible as it was said, without improving or omitting. The interpreter does not say “He says that...” but instead repeats what was said in the same person as it was said. It is required for witness stand testimony, interviews and discussion. The court interpreter's rendition during court hearings is the record of the court.

**Sight Translation** -In this mode the interpreter conveys orally in one language the meaning of a written text written in another language. It is a hybrid of translation and interpretation that requires the interpreter to first review the original written text, then render it orally into the other language.

## INTERPRETER COURTROOM PROTOCOL

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- Interpret everything said as accurately as possible for the benefit of the LEP party and the judicial staff. Do not make a random decision to omit something said to add your own message, or to change the style, tone or intention of the speaker.
  - Preserve the voice of the speaker. Do not say “she says that” but directly state what the person says, as it comes out of her/his voice. If you need to address the Court (judge), use the third person to refer to yourself: “Your Honor, the interpreter requests...”.
  - Do not interpret word-for-word, in a verbatim manner, when by doing so the interpreted rendition will sound unnatural in the other language, unless you need to preserve the speaker’s own unnatural speech. Your goal is to preserve the meaning, intention, tone and form of the original message to the best of your ability.
  - When interpreting idiomatic expressions, culturally-specific concepts, or any other utterances that do not lend themselves to easy equivalence, approximate the intended original meaning.
  - Inform all parties, on the record, of any possible conflict of interest, real or perceived, so that the judge can determine how to proceed.
  - Remain neutral and impartial and limit yourself to interpreting. Do not give legal or personal advice, nor express personal opinions or value judgements to any party in the case. Be assertive about explaining this mandate to any person who asks for your opinion, including attorneys, court staff, the person you are interpreting for, his/her family, etc.
  - Avoid even the appearance of lack of impartiality or of personalized interventions. Avoid unnecessary conversations with all parties involved.
  - Ask permission from the judge to request clarification, to ask the parties to repeat something, to speak louder or to speak slower if you need it in order to preserve your accuracy. Always start by raising your hand and saying: “Your Honor, the interpreter requests...” or “the interpreter needs...”
  - To preserve transparency while interpreting during an interview, let the English-speaking parties know if you will request clarification from the LEP party; then repeat back in English what the LEP party said.
  - Correct the record if you realize you have made a critical mistake, or if someone points it out to you and you confirm it’s an error. Start your correction by raising your hand as soon as possible and saying: “Your Honor, the interpreter needs to correct the record.” Once the judge gives you permission, go ahead and make the necessary correction.
  - Protect the confidentiality of all privileged and other confidential information by refraining from commenting or giving your opinion on the matters you interpreted for, before, during and after the interpreted event.
  - Represent your credentials and qualifications accurately. Review the federal court interpreter internet page <http://www.uscourts.gov/services-forms/federal-court-interpreters> to familiarize yourself with the three official interpreter categories and their specific requirements: certified, professionally-qualified, language skilled. For example, having a higher academic degree does not grant you the “professionally qualified” category at the federal level.
  - Keep accurate records of your assignments; carefully review the contract and abide by the stipulated contractual obligations. To avoid misunderstandings, make sure you clarify any issues related to travel arrangements, availability and cancellations prior to the assignment.
  - Dress professionally; be punctual; familiarize yourself with the courtroom’s interpreting equipment, carry a notepad to take notes that will assist your memory during interpretation. Whenever possible ask permission to review case documents for your preparation.
  - Study federal terminology and legal concepts. Review materials in [uscourts.gov](http://www.uscourts.gov) and the Federal Judiciary YouTube Channel. Try to observe proceedings in federal court before your first assignment.
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