



## WHO IS ENTITLED TO AN INTERPRETER IN A MINNESOTA COURTROOM?

The courts are required to provide interpreters for:

- Spoken language: Defendants/parties and testifying witnesses. Minn. Stat. § 611.32, subd. 1, and applicable Minn. R. Crim. P.; Minn. Stat. § 546.43, subd. 1. and Minn. R. Civ. P. 43.07. Also extends to non-party participants who have the right to be heard under statute or rule; e.g., Minn. Stat. § 611A.03, subd. 1(2); Minn. R. Juv. Del. P. 15.04, subd. 1.
- Deaf persons: Interpreters/accommodations must be provided for deaf persons in their full utilization of the courts (parties, witnesses, observers, jurors, etc.) Minn. Stat. § 363A.12, subd. 1; and the ADA.

The court has discretion to appoint an interpreter for non-parties. *Important:* Before appointing an interpreter, contact court administration to verify that another agency is not responsible for providing/paying for one.

## WHAT ABOUT JURY TRIALS, COURT TRIALS, AND OTHER LONG PROCEEDINGS?

- Jury trials: Use the interpreter jury instructions which clarify the role of an interpreter: **CRIMJIG 2.05, CIVJIG 10.15.**
- Trials and long proceedings expected to last two hours or more: The regional interpreter scheduling specialist will hire a team of two interpreters who will alternate interpreting about every twenty minutes.

## WHAT ARE SOME CONSIDERATIONS WHEN AN INTERPRETER IS IN THE COURTROOM?

- On multiple-case calendars, consider giving priority to cases that have been assigned or need an interpreter. Most likely, the interpreter has another assignment to get to.
- Recognize that court proceedings can be confusing and intimidating for non-English speakers, since other countries' legal systems and concepts may vary from ours.

- Allow the interpreter to review the [Language Access Information Card](#) with the non-English speaker to ensure they can work effectively with and understand accents, dialect, or pronunciation differences before the proceeding.
- Speak directly to the person needing an interpreter.
- Don't ask the interpreter to explain independently or restate anything said by the person with limited English proficiency.
- The interpreter is constantly working. Let them know to notify the court when they need a break.
- At no time should it appear that the interpreter is engaged in a private conversation with nor giving legal advice to the person needing an interpreter.

## WHAT CAN THE COURT DO IF UNSURE SOMEONE UNDERSTANDS DUE TO A LANGUAGE BARRIER OR BECAUSE THEY MAY BE DEAF OR HARD OF HEARING?

If they can't answer questions like these, they may not be able to communicate well in high-stress matters involving legal terminology. Ask these questions like these on the record.

- How did you get to court today?
- What is the purpose of your court hearing today?
- How did you learn English? What is most difficult about communicating in English?
- Tell me about your country.
- Describe what you see in this courtroom.
- You have the right to a court-appointed interpreter. Please tell the court the best way to let you know what is being said.

Also consider:

- How well you can understand the person and if the party or witness has difficulty answering questions
  - How complex the proceeding is
  - What you're learning from the person's pronunciation, pauses, facial expressions, & gestures
  - How well the person is comprehending the proceedings and communications with counsel
- State v. Cham, 680 N.W.2d 121 (Minn. Ct. App., 2004)



## Court Interpreting - Working with Interpreters in the Courtroom

### WHAT MIGHT THE COURT ASK TO ENSURE THE INTERPRETER AND THE NON-ENGLISH SPEAKER ARE A GOOD FIT?

Consider asking the interpreter:

- Is your dialect compatible with [*non-English speaking person*]'s?
- Are there any cultural or community concerns between you and [*name of person needing interpreter*] that the court should be aware of?
- Is there any reason you may not be able to remain fair and impartial today?
- Are you able to provide simultaneous interpretation if we enable that feature in Zoom, or would you prefer to provide consecutive interpretation?

Consider asking the person requiring an interpreter:

- Do you have any difficulty understanding the interpreter?
- Is your dialect compatible with the interpreter's?
- Do you have any cultural or community concerns about this person interpreting for you today?

### HOW DOES THE COURT START A HEARING WITH INTERPRETATION?

Ask the interpreter to state their name for the record

Please state your name for the record (interpreter states name). Please interpret these instructions before we begin.

Give instructions for using simultaneous interpretation in Zoom for a remote hearing

Everyone except the interpreter and the person requiring interpretation, please hover your mouse over the bar at the bottom of your screen, and click on the interpretation icon. It looks like a globe. Then, select "English." The interpreter and those who need interpretation, please select the target language, or Spanish if that language is not listed. The language you select will be the one you hear during the hearing. Now, everyone in the hearing please click "Interpretation" again, then select "Mute Original Audio."

Make these comments at the start of all hearings

Before we begin, I would like to explain the interpreter's role in today's court proceeding.

The interpreter can interpret only spoken testimony and for one person at a time. Please say your responses. Speak at a slow and steady pace into your microphone. A slow pace is especially important when stating dates, numbers, figures, or technical terms. Do not speak or interrupt while someone else is speaking. Allow a small pause after someone else has spoken to allow the interpreter time to interpret.

Add this for Remote Hearings Held in Zoom

If the attorney and the limited-English speaking party request a private conversation, the attorney will notify me, the Judge. If I grant the request, the host will place the attorney, their client, and the interpreter into a breakout room for a designated amount of time. No audio from the breakout room is recorded.

Administer the interpreter oaths. Under Minn. R. Evid. 604, an interpreter should be qualified as an expert and administered an oath.

*Interpreters for Defendants/Parties:*

Do you swear (affirm) that you will accurately interpret to the [defendant/party] in understandable language all that is said during this proceeding and that you will repeat in English to the court all statements made by the [defendant/party], so help you God (not used in affirmation)?

*Interpreters for Witnesses:*

Do you swear (affirm) that you will truthfully and impartially interpret to this witness the oath about to be administered, the testimony the witness shall give relative to the cause now under consideration and all other statements made while the witness is giving testimony, so help you God (not used in affirmation)?

*Communication Access Real Time Translation (CART) providers :*

Do you swear (affirm) to accurately translate all spoken English into written text to the best of your ability, so help you God (not used in affirmation)?

Call your regional interpreter scheduling specialist with scheduling questions. For interpreter resources, questions or concerns contact the Minnesota Court Interpreter Program at 651-215-9468, [MNCourtInterpreterProgram@courts.state.mn.us](mailto:MNCourtInterpreterProgram@courts.state.mn.us), or [www.mncourts.gov/interpreters](http://www.mncourts.gov/interpreters).