

# JURY TRIALS WITH INTERPRETERS

## BEFORE THE TRIAL

- Are there any doubts as to who is responsible for the interpreter costs?
- Has court administration hired a team of two interpreters for the anticipated duration of the trial?
- Do their qualifications meet the requirements of Rule 8 of the General Rules of District Courts? (If Spanish, Russian, Sign Lang., Vietnamese, Hmong, Mandarin and/or French: Are the interpreters certified? If other languages, are the interpreters on the Court Interpreter Roster?)
- Have the attorneys provided information to the interpreters to familiarize them with the relevant technical vocabulary? (Complaint, police reports, expert witness reports, etc.)
- Is the interpreting equipment available for the trial days? (*Each district owns multiple sets of interpreting equipment which makes trials flow smoother.*)
- Should a tape recording be made of the trial, to better preserve interpreter issues for appeal?

## AT THE START OF THE TRIAL

- Check the seating arrangement, test equipment, and assure that the interpreters have water.
- Before the jury arrives do the following on the record,
  1. Voir dire the interpreters so that a record is made of their qualifications;
  2. Administer the interpreters' oath;
  3. Read the statement on the back of this sheet;
  4. Verify that the interpreters and the litigant/defendant/witness can communicate effectively with one another.
  5. Confirm with interpreters their availability. (*If interpreters were hired for a one-day assignment, don't presume that they'll be available for an extra day if the trial runs over.*)
- When giving preliminary instructions to the jury, read the civil or criminal JIGS regarding the use of interpreters at trial. (Crim JIG 2.05 and Civ JIG 10.15)

## DURING THE TRIAL

- Monitor the pace of the speakers, and assure that only one person is speaking at a time.
- During breaks, check in with the interpreters to see if they have any concerns. Make accommodations for those concerns (seating, equipment, frequency of breaks, rate of speech, etc.).
- If there is a debate as to the accuracy of an interpretation, discuss in a brief sidebar conference. If the situation requires more discussion, recess and remove the jury. Typically resolution can be reached. If not, a hearing should be conducted to hear the opinion of the second court interpreter, who in this case acts as an expert witness.

## **Hearings with Interpreters**

*Before we proceed any further, I would like to make a few comments regarding the interpreter's role in today's proceedings.*

*The interpreter can only interpret for one person at a time. Therefore, please do not speak or interrupt while someone else is testifying or speaking. The interpreter can only interpret testimony that is spoken. All responses given here must be verbal. You are reminded to speak at a slower but steady pace, and make eye contact occasionally with the interpreter to gauge whether your pace is appropriate. A slower pace is especially important when stating dates, numbers, figures, or highly technical vocabulary.*

*As for the interpreter(s), you are bound by the Code of Professional Responsibility for Interpreters in the Minnesota State Court System, and you are expected to follow its canons. You must interpret everything that is said in this courtroom, including this information. You are not allowed to engage in any conversation with the litigant/defendant/witness. You are not allowed to give any legal advice, or express personal opinions about this matter to the litigant/defendant/witness. You are expected to maintain confidentiality and not publicly discuss this case. If for some reason you need to pause the proceedings so that you can refer to a dictionary, please raise your hand and speak up.*

*Are there any questions or concerns?*