

Courtroom Interpreting

Determine the need for an interpreter

Someone who is unable to answer these questions is unlikely to be able to communicate well in high-stress matters involving legal terminology and needs an interpreter. Contact your regional interpreter scheduling specialist if an interpreter is needed.

Sample assessment questions to ask 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 these factors:

- Request is made by an attorney, litigant, or witness.
- If the court cannot understand the person's English or the party/witness has difficulty answering questions.
- The complexity of the proceeding.
- The person's pronunciation, pauses, facial expressions, and gestures.
- Comprehension of proceedings and communications with counsel. *State v. Cham, 680 N.W.2d 121 (Minn. Ct. App., 2004)*

Interpreter qualification questions:

- Are you a certified court interpreter? If not, are you on the Court Interpreter Roster?
- Is your dialect compatible with Mr./Ms. _____?
- Are there any cultural or community concerns between you and [name of the person needing the interpreter] that the court should be aware of?
- Is there any reason you may not be able to remain fair and impartial today?

To the person needing the 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?

Interpreter oaths

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

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).*

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).*

Suggested Comments at the Start of a Hearing

Before we proceed, I would like to make a few comments regarding the interpreter's role in today's court proceeding.

The interpreter can interpret only spoken testimony and interpret for one person at a time. Please verbalize responses and do not speak or interrupt while someone else is speaking. That said, you are reminded to speak at a slower but steady pace, and occasionally make eye contact 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 private conversation during court, give legal advice, or express personal opinions 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, please raise your hand and speak up.

Courtroom Interpreting FAQs

What are the most valuable tips to consider when working with an interpreter in the courtroom?

- It is important on multiple-case calendars to consider giving priority to cases that have been assigned or need an interpreter. Most likely, the interpreter has been assigned to multiple cases, and possibly multiple courthouses that day.
- Instruct participants to speak loudly, clearly, and one at a time.
- Allow the interpreter to review the interpreter information card with the person using the interpreter to ensure they can effectively communicate and understand accents, dialect or pronunciation differences prior to the proceeding.
- Speak directly to the person needing an interpreter.
- Don't ask the interpreter to independently explain/restate anything said by the person needing an interpreter.
- The interpreter is constantly working. Advise the interpreter to notify the court when breaks are needed.
- At no time should it appear that the interpreter is engaged in a private conversation or giving legal advice to the person needing an interpreter.
- Recognize that court proceedings can be confusing and intimidating for non-English speakers since other countries' legal systems and concepts often vary from those in the United States.

When is the court required to provide an interpreter(s)?

The courts are required to provide interpreters for:

Foreign 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.

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

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 2 hours or more: The regional interpreter scheduling specialist will hire a team of two interpreters who will alternate interpreting approximately every twenty minutes.

Who do I contact to schedule an Interpreter or ask any interpreter-related questions?

Contact your regional scheduling specialist for all scheduling questions.

For interpreter resources, questions or concerns:

Minnesota Court Interpreter Program at 651-215-9468 MNCourtInterpreterProgram@courts.state.mn.us or www.mncourts.gov/interpreters