

What do court interpreters do?

In English-speaking countries, they interpret for people who come before the courts who cannot communicate effectively in English. These include defendants and witnesses in criminal courts as well as litigants and witnesses in family and civil courts. Interpreters also work in out-of-court settings such as attorney-client meetings, depositions, witness preparation sessions, and interviews with court support personnel (e.g., probation). The interpreter's job is to interpret (translate orally) from one language to another everything that is said, preserving the tone and level of the original language, adding and deleting nothing. Interpretation is usually in one of two modes, depending on the circumstances: simultaneous or consecutive. Trained interpreters use the same grammatical person as the speaker for whom they are interpreting.

What does it take to become a competent court interpreter?

Native-like mastery of both the language of the court and a second language; a wide general knowledge (characteristic of a person with at least two years of college-level education); an extensive vocabulary ranging from formal legal language to colloquialisms and slang; mental and verbal agility; the ability to deal with lawyers, court personnel, the public, etc.; an understanding of the terminology and procedures used in court; and at least some training and experience. Court interpreters often sight-translate legal documents like plea agreements. When you listen to a tape recorded conversation in one language, write down what you hear, then translate it, you are transcribing and translating (known in the trade as "doing tapes"). Taping conversations is a frequently used investigative technique. U.S. law enforcement agencies and prosecuting authorities often call on translators to transcribe and translate those conversations

when they are in a language other than English.

What languages are most frequently used?

By far the most often used language in the U.S. is Spanish, but the courts require dozens of other languages as well. Frequency of use of a given language in a given area naturally varies in proportion to the population that speaks that language. In population centers like New York City, interpreters of perhaps a dozen different languages are needed daily. In the federal court in Manhattan, where this writer works, Spanish accounts for about 70% of our case load. The remaining 30% is dominated by Asian languages, particularly Cantonese, Mandarin, and Fuzhou. In total we use interpreters of about fifteen to twenty different languages per month. The collection and reporting of reliable statistics regarding interpreter usage is essential to the management of court interpreting services.

Unfortunately, it is also a huge problem, because methods of defining and counting interpreter cases vary from court to court, and in some instances the record-keeping is sloppy or nonexistent.

Is there such thing as certification for court interpreters?

That depends on where you are. The purpose of certification exams is to test practical interpreting ability to determine whether it meets a certain minimum standard. In the U.S. District Courts, for example, there is what is known as federal certification pursuant to Title 28 USC (1827, the Court Interpreters Act of 1978). So far there are federal certification programs for Spanish, Haitian Creole and Navajo. In the states the situation varies widely. Some states (e.g., Washington, California, New Jersey) test interpreters of several languages. Many states have no certification at

all. Some are trying. The National Center for State Courts has organized a consortium of states that is sharing resources for establishing standards and testing. The value of interpreter certification, moreover, depends on the validity of the testing methodology and other certification requirements. Some states use court interpreter examinations that are of dubious validity. Also, some translation and interpreting agencies advertise that the interpreters they subcontract are “certified,” simply because the agency says so. If you are hiring a translator or interpreter who claims to be certified, ask her/him “certified as what and by whom?” Federal certification is usually a good indicator of competence. State certification may or may not be a reliable indicator, depending on the state in question. It is a good sign if a translator you are considering is accredited by the American Translators Association (<http://www.atanet.org>) in the appropriate language combination. Reliable certification is one of the most important issues of the day.

What if an interpreter doesn't know how to translate a word or phrase?

This is a question of ethics and technique. If an interpreter is interpreting for a witness and that witness says something that the interpreter does not understand, the interpreter is obligated to seek clarification, after asking the judge's permission. If the interpreter is simultaneously interpreting the proceedings, the answer depends on whether the importance of the thing said seems sufficient to outweigh the intrusiveness of interrupting the proceedings to request a repetition or clarification, and that determination depends on the interpreter's judgement. Theoretically the interpreter should always interrupt in such situations, but many often do not. In proceedings longer than about half an hour, it is necessary for interpreters to work in teams of two, not only

to relieve one another periodically so as to avoid fatigue, but also to provide mutual assistance with these sorts of problems. In a perfect world, interpreters are fully trained and prepared for the material they interpret, the acoustics are ideal, and the speakers are considerate.

Is there a statutory or constitutional right to an interpreter?

Although the United States Constitution does not explicitly provide for the right to an interpreter, the individual rights and liberties afforded to all individuals under the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments are meaningless for non- or limited-English speakers unless they are provided with adequate interpreting services. *United States ex rel Negrón* (1970) is among the most important cases that stand for that proposition. In *Negrón*, a Spanish-speaking defendant's murder conviction was overturned on constitutional grounds. Negrón was provided only periodic summaries during breaks, rather than an ongoing interpretation of the proceedings. His comprehension during the proceedings was therefore essentially nil, in violation of his due process rights. A few states have statutes that provide for the right to an interpreter; at the federal level there is the Court Interpreters Act of 1978.

Does court interpreting pay well?

That depends on which court, and on your perspective. In some parts of the United States the pay is dismal; in others it is more reasonable. The federal courts currently pay \$250 per day to per diem interpreters (and have been since the rate was last adjusted in 1991). When interpreters are hired by private parties, the rate of remuneration is negotiable. Most court interpreters are free-lance (self-employed). Where the volume of work is greatest, the courts tend to have full-time

staff positions, almost all of them for Spanish-English. Annual salaries range from around \$25,000 up to around \$70,000. A few court interpreters make in excess of \$100,000 per year, but not without working very long hours and/or subcontracting many assignments and/or gouging their clients.

State court interpreters cover matters ranging from personal injury cases to small claims to landlord/tenant disputes to domestic violence to child support to sexual assault to drug offenses to arson to illegal gambling, to name a few. Drug cases form a large part of the state interpreter case load; in the federal courts drug cases are the rule.

What kind of cases do court interpreters typically do?

Interpreters cover virtually every kind of case in the municipal, state and federal courts.

