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Supreme Court's Committee to Study the Use of Interpreters and Translators in the South Dakota Court System

2011 Report to the South Dakota Supreme Court

(DATE)

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South Dakota Supreme Court

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Supreme Court's Committee to Study the
Use of Interpreters and Translators in the
South Dakota Court System

(date)

The Honorable David E. Gilbertson
Chief Justice, South Dakota Supreme Court

The Honorable John K. Konenkamp
Justice, South Dakota Supreme Court

The Honorable Steven L. Zinter
Justice, South Dakota Supreme Court

The Honorable Glen A. Severson
Justice, South Dakota Supreme Court

The Honorable Lori S. Wilbur[———————]
Justice, South Dakota Supreme Court

Dear Chief Justice Gilbertson and Justices:

The members of the Committee to Study the Use of Interpreters and Translators in the South Dakota Court System wish to thank you for the privilege of participating on this Committee and studying this important issue. This Committee included representatives from the diverse groups who directly participate, or are impacted by, the operation of the judicial system and the provision of interpreter and translator services to those interacting with the judiciary.

For the last [eighteen months] we have studied, held public hearings and gathered information related to this issue. As a result of that work, we have analyzed, discussed and formulated recommendations to address this growing concern. In making these recommendations, we are cognizant of the financial constraints placed upon the judiciary in this current economic climate. Ultimately, however, we were guided by the understanding that for our judicial system to function faithfully we must provide meaningful access and participation for all.

The Committee hopes the information it has gathered and these recommendations and proposals assist the Supreme Court in addressing this issue. We would be pleased to meet with the Court and/or discuss any of the findings or recommendations of the Committee.

We also wish to thank you for the support this Committee received from UJS staff Gloria Guericke and Richard Lenius, who provided much appreciated administrative and technical assistance.

Respectfully submitted,

Bradley Zell, Circuit Judge
Committee Chair

Introduction:

Beginning in 2006, the Equal Justice Commission recommended that the Supreme Court explore comprehensive guidelines for the delivery of services to those in need of interpreters in the court system. The Equal Justice Commission also recommended that the UJS formulate policies and programs to orient and sensitize court personnel to this issue. In 2008, the UJS conducted a comprehensive survey of the UJS judges and staff as well as the South Dakota Bar Association concerning the state of the judiciary. The results of that survey indicated that the effective and meaningful provision of interpreter services for those interacting with the courts was one of the top five issues facing the UJS in the future. The UJS Planning and Administrative Advisory Council (PAAC) has likewise concluded that the lack of qualified interpreters and a clear system for addressing costs for interpreter services represented a barrier to access to justice in South Dakota. This Committee was appointed by the South Dakota Supreme Court in response to these concerns. As Chief Justice Gilbertson stated in the press release appointing this Committee, "we are a State which since its beginnings has been settled by immigrants. We have a history of welcoming those who come here and want them to become enthusiastic residents of South Dakota. A similar welcome is due to those who visit our state. Assisting them in contacts with our judicial system through access to a language they understand is crucial to our mission of equal justice for all."

The need to address this issue is based on the recognition that the State of South Dakota has become increasingly diverse. In the Sioux Falls community alone, there are 127 languages and dialects representing ninety-five countries and regions. The value of a qualified interpreter or translator is immeasurable to those that need such services and come into contact with the judicial system. Although perhaps not commonplace, the Committee received testimony that all too often not only does the limited English proficient (LEP) or hearing-impaired individual face challenges in our judicial system, but the value and role of interpreters or translators is not clearly understood by judges and court personnel.

The issue of interpreter and translator use is not only becoming increasingly prevalent, but is a multi-faceted issue that requires a uniform and statewide response. This Committee report and the recommendations that follow are intended to ensure that justice is fairly, efficiently and accurately dispensed by the South Dakota judicial system.

Committee Purpose:

The South Dakota Supreme Court appointed this Committee to investigate and study the delivery of interpreter and translator services to individuals coming into contact with the UJS. The Committee was also tasked with the responsibility of making recommendations in order to ensure the delivery of effective interpreter and translator services by the South Dakota judicial system.

Committee Process:

The Committee held [eight~~seven~~] public meetings and sought input, suggestions and recommendations from a broad range of individuals and groups with expertise in the area of providing interpreter and translator services to LEP or hearing-impaired individuals. The information received related to current court practices, legal requirements, interpreter standards, first-hand experiences, financial cost information, demographic and community information. The Committee also studied policies and procedures utilized by other court systems as well as model policies and procedures concerning interpreter use and qualification. The Committee's meetings were open to the public, publicized in advance through press-releases and were live-streamed over the internet. Those meetings were also archived and are available on the UJS webpage. As a result of that input and study, the Committee has formulated the following findings and recommendations.

Committee Findings:

1. South Dakota currently has no established basic qualifications for language interpreters in the court system and does not maintain a roster of qualified court interpreters.

2. There is currently no statewide coordination related to interpreters and the interpreter program in South Dakota is largely handled on an ad hoc basis. For instance, the Third Judicial Circuit has a formal interpreter policy, the Second Judicial Circuit has a "loose" policy, and the remaining circuits handle interpreters on an ad hoc basis.

3. South Dakota's current system has no formal mechanisms established to ensure the use of the most qualified interpreters when available or provide any incentives for qualified interpreters.

4. The current system has no mechanism for the independent assessment of interpreter qualifications.

5. South Dakota has no uniform ethical standards to guide interpreters in the performance of their duties.

6. There is no defined process for handling complaints related to an interpreter or providing oversight to ensure the accuracy and professionalism of interpreters in the South Dakota courts.

7. There are no uniform standards in South Dakota for interpreter pay or cancellation policies.

8. Financial impact related to the use of interpreters varies significantly from county to county.

9. There is currently no requirement for criminal background checks for interpreters or translators working for the judicial system.

10. The UJS does not publish instructions for its pro se forms or general publications in the most commonly found non-English languages on a statewide basis. One of the biggest challenges for LEP individuals is understanding our justice system, as it can be very different from that experienced in other countries or cultures.

11. UJS facilities do not have adequate signage notifying LEP individuals that interpreter services are available.

12. The current system does not consistently require those having first contact with a customer of the UJS, whether it be the clerk's office, law enforcement or attorneys to note any interpreter needs so arrangements can be made immediately for future proceedings.

13. The judicial system does not currently take active steps to promote the professional development of interpreters.

14. The judicial system offers only very limited training to interpreters on how the court system works or what is expected of them in advance of appearing in court or working with court personnel. The courtroom setting is often intimidating and the lack of familiarity creates confusion for interpreters and the court.

15. The UJS does not provide training for judges and court staff related to interacting with LEP individuals, hearing-impaired and interpreters or translators. Specific training is not provided to court services officers who are required to monitor and interact with LEP or hearing-impaired clients in a supervisory capacity.

16. South Dakota statutes do not provide for qualified interpreters for all proceedings at no cost to parties or those whose presence is necessary or appropriate in a court proceeding.

17. Family members, friends and even minor children are sometimes used in the court system to provide interpretation services.

18. Similar issues have been addressed to a large extent by other states and South Dakota would be well-served by "borrowing" policies and procedures from other states and refining those policies and procedures to the extent necessary.

19. South Dakota is not a member of the Consortium for Language Access in the Courts. Membership in that organization would ensure access to tests to establish qualified interpreters and share interpreter related resources and interpreter databases with the forty other member states, including surrounding states such as Minnesota, Iowa, and Nebraska.

Committee Recommendations:

1. Take reasonable steps to provide timely, cost-effective and meaningful access for LEP individuals and those with hearing impairments to services the UJS provides.

   Implementation Priority: As soon as possible.

2. Anyone that requests an interpreter should be presumed to need an interpreter until the Court has an opportunity to address the individual. In many instances, a person may be fluent enough to grasp general concepts but may not understand legal concepts to a degree that would enable them to meaningfully participate in a judicial proceeding.

   Implementation Priority: As soon as possible.

3. Study and pursue legislative changes and court rules to establish statewide rules relating to the qualification, appointment and compensation of court interpreters.

   Implementation Priority: 12 months.

4. Ensure qualified interpreter services are provided when necessary to LEP or hearing-impaired individuals who are parties or witnesses in any type of court proceeding, those who have a direct and substantial interest in a proceeding (such as parents of minors involved in juvenile actions) or court customers seeking information.

   Implementation Priority: 18 months.

5. Develop and implement professional ethics and language proficiency qualification standards for interpreters and require interpreters to comply with these standards.

Implementation Priority: 18 months.

6. Implement and enforce quality control measures and oversight to ensure that interactions with LEP or hearing-impaired individuals are accurate and effective and also encourage feedback from LEP or hearing-impaired individuals, court personnel and others with information related to language services.

   Implementation Priority: 18 months.

7. Statewide oversight of the interpreter program would be desirable for consistency and cost-effectiveness rather than requiring each circuit to recruit, train and test interpreters.

   Implementation Priority: 12 months.

8. Provide interpreter services to those in need without charge to the extent feasible. ~~in order to avoid a surcharge on access to the courts~~.

   Implementation Priority: 18 months.

9. Work with state and local government and other interest groups to address funding issues associated with the provision of interpreter services and the cost of implementing these recommendations.

   Implementation Priority: 18 months.

10. Develop a statewide roster of qualified interpreters, establish their qualifications through testing standards and create preferential assignment of interpreters based on those qualifications. The creation of standards and preferences will lend itself toward the recruitment of more professional interpreters. It is recommended a tiered system be established with a preference toward the most qualified interpreters whenever reasonably available.

    Implementation Priority: 12 months.

11. Establish a defined complaint procedure within the UJS for any person wishing to file a complaint regarding language access.

    Implementation Priority: 3 months.

12. Establish a procedure for enforcing compliance with any policies adopted.

Implementation Priority: 12 months.

13. Create a mechanism to enable an unofficial audio/video recording of proceedings where an interpreter is used when the court determines it appropriate. This could be used to verify interpreter accuracy, provide interpreter oversight if questions as to accuracy are raised or as a training tool for State Court Administration.

    Implementation Priority: 12 months.

14. Provide initial and periodic training to court staff on the effective use of interpreters and translators and interacting with LEP and hearing-impaired individuals. This training should include identifying those in need of such services and should be provided to new employees as part of their orientation.

    Implementation Priority: 3 months and recurring.

15. The UJS should work with the State Bar to provide cultural competency training to attorneys as part of its continuing legal education process and this training should include the effective use of interpreters.

    Implementation Priority: 6 months.

16. Provide adequate training to judges, court staff and attorneys in order to identify and understand interpreter fatigue and the necessity for multiple interpreters.

    Implementation Priority: 3 months.

17. Establish guidelines for policies and best practices for the use of interpreters in the South Dakota Court System.

    Implementation Priority: 6 months.

18. Provide continuing education for court qualified interpreters.

    Implementation Priority: 18 months and recurring.

19. Encourage judicial staff, law enforcement and attorneys to note any interpreter needs for an individual in advance of any proceeding so interpreter services can be arranged. For example, in Minnesota law enforcement notes on a ticket if an individual will need interpreter services. Advance knowledge will help in providing adequate interpreter coverage.

Implementation Priority: 3 months.

20. South Dakota should recognize interpreter certifications from the federal government and other states to enlarge the available interpreter pool and promote the sharing of resources.

    Implementation Priority: 6 months.

21. Work collaboratively with community groups, teachers, professors, graduate and law students, attorneys and legal services to provide and encourage development of language services specific to the court system.

    Implementation Priority: 6 months and recurring.

22. Develop a glossary of common legal terms and their translations in commonly encountered languages.

    Implementation Priority: 9 months.

23. Translate instruction sheets for UJS pro se forms into Spanish and other languages as appropriate.

    Implementation Priority: 9 months.

24. Develop video and informative materials in the most common languages, including sign language, explaining the judicial process.

    Implementation Priority: 12 months.

25. Post signage in public areas and on the UJS website for the most frequently encountered languages indicating that interpreter assistance is available.

    Implementation Priority: 3 months.

26. Develop and distribute judicial bench books or bench cards to assist judges when presented with an LEP or hearing-impaired individual.

    Implementation Priority: 3 months.

27. Proceedings requiring interpreters should be grouped to make the most cost-effective use of an interpreter's time. This should be coordinated with other agencies that may require language services such as law enforcement or the Department of Social Services.

Implementation Priority: 3 months.

28. The use of videoconferencing technology and telephone interpreting should be encouraged for shorter and less complicated proceedings or last-minute needs whenever possible to provide services in the most timely and cost-effective manner.

    Implementation Priority: Immediate.

29. As soon as budget constraints allow, South Dakota should consider joining the Consortium for Language Access in the Courts. Membership in that organization would ensure access to tests to establish qualified interpreters and share interpreter related resources and databases with the forty other member states. As of the date of this report, membership would cost $3,000 per year for five years and then $5,103 per year thereafter.

    Implementation Priority: As soon as practicable.

30. Review the implementation of these recommendations and monitor and address any concerns or issues on a recurring basis to assess additional needs and training.

    Implementation Priority: Recurring.

31. Engage in outreach efforts to identify and recruit potential interpreters.

    Implementation Priority: 3 months.

32. The UJS should track and collect data for LEP and hearing-impaired contacts to determine immediate and emerging language needs.

    Implementation Priority: 3 months.

General Observations:

In addressing an issue of this nature, making recommendations, identifying objectives and stating broad goals is only the beginning of remedying the problems. The most difficult part initially will be having these proposals adopted and resolving funding related issues. However, even after the adoption of any of these recommendations, the UJS would need to continually monitor and make improvements to the interpreter process.

In addition to training court staff on any new policies or laws adopted to ensure meaningful access, various community organizations that have contact with LEP individuals or the hearing-impaired should be made aware of these policies and protocols. The UJS does not face the issues raised by this report in a vacuum.

The Committee realizes this report is only a starting point, but an important one. This area will need to be revisited consistently, policies revised and those practical lessons learned addressed.

At the very least the Committee's recommendations are a springboard for an issue that needs to be debated, reviewed and addressed across the state.

APPENDIX

Members of the Committee

Hon. Bradley Zell	Chairman, Circuit Court Judge, Second Circuit
Kerry Cameron	Roberts County State's Attorney
Lisa Carlson	Court Reporter, Second Circuit
Hon. John Erickson	Circuit Court Judge, Third Circuit
Lisa Fowler	Sign Language Interpreter
Rosa Iverson	Spanish Language Interpreter
Hon. Marty Jackley	Attorney General
Aaron McGowan	Minnehaha County State's Attorney
Hon. Shawn Pahlke	Magistrate Judge, Seventh Judicial Circuit
Phil Peterson	Defense Attorney
Greg Sattizahn	Legal Counsel, Unified Judicial System
Karl Thoennes	Circuit Administrator, Second Circuit
Judd Thompson	Chief Court Services Officer, Seventh Circuit
Ken Tschetter	Defense Attorney
Bob Wilcox	Executive Director, Ass'n of County Commissioners

Current South Dakota Laws Concerning Court Interpreting

SDCL 15-6-43(f). Interpreters. The procedure for appointing interpreters shall be as provided in §§ 19-3-7, 19-3-8 and 19-14-4, and their compensation fixed, paid and collected as provided in § 19-3-7.

SDCL 19-3-7. Testimony - Interpreter for witness unable to communicate in English - Compensation. When a witness cannot communicate or understand the English language the court shall procure and appoint a disinterested interpreter or translator for him who shall be compensated for those services as the court shall certify to be reasonable and just, to be paid and collected as other costs.

SDCL 19-3-8. Testimony - Subpoena of interpreter - Disobedience as contempt. Any person may be subpoenaed by any court or judge to appear and act as interpreter in any hearing. The subpoena shall be served and returned in the same manner as a subpoena for a witness. Disobedience to such subpoena is contempt of the court.

SDCL 19-3-10. Testimony - Interpreters for deaf and mute persons - Proceedings for which required. A qualified interpreter shall be appointed in the following cases for persons who are deaf or mute or both:

(1) In any grand jury proceeding, when the witness is deaf or mute, or both;

(2) In any court proceeding involving a person who is deaf or mute, or both, and such proceeding may result in the confinement of such person or the imposition of a penal sanction against such person;

(3) In any proceeding before a board, commission, agency, or licensing authority of the state or any of its political subdivisions, when the principal party in interest is deaf or mute, or both;

(4) When a person who is deaf or mute, or both, is arrested for an alleged violation of a criminal law of the state or any city ordinance. Such appointment shall be made prior to any attempt to interrogate or take a statement from such persons.

SDCL 19-3-10.1. Testimony - Interpreter prohibited from divulging certain information. No sign language interpreter or relay service operator who has interpreted for or relayed information for a deaf, speech impaired or hearing impaired person may divulge to any other person any information or communication given to him in his capacity as such an interpreter or relay service operator. A violation of this section is a Class 2 misdemeanor.

SDCL 19-3-12. All interpreters appointed under the provisions of § 19-3-10 shall be appointed by the judge if the appearance is before any court or by the chairman or presiding or executive officer of any board, commission or agency by which the

proceeding involving such person is being conducted. The court or agency conducting such proceeding shall determine and fix a reasonable fee for the services of the interpreter and shall provide for the payment of such costs out of funds appropriated for the operation of such courts and agencies.

SDCL 19-3-14. Testimony - Inherent judicial power not limited.

Section 19-3-10 shall not be construed to limit the inherent power of a court to appoint an interpreter in other cases.

SDCL 19-14-4. (Rule 604) Interpreters.

An interpreter is subject to the provisions of chapter 19-15 relating to qualification as an expert and the administration of an oath or affirmation that he will make a true translation.

SDCL 19-14-4.1. Form for interpreter's oath.

The following oath may be used to satisfy the requirements of 19-14-4:

You do solemnly swear that you will justly, truly, and impartially interpret to _____ the oath about to be administered to him; and the questions which may be asked him and the answers that he shall give to such questions, relative to the cause now under consideration before this court (or officer), so help you God.

SDCL 19-14-4.2. Form for interpreter's affirmation.

The following affirmation may be used to satisfy the requirements of SDCL 19-14-4:

You do solemnly affirm that you will justly, truly, and impartially interpret to _____ the oath about to be administered to him; and the questions which may be asked him and the answers that he shall give to such questions, relative to the cause now under consideration before this court (or officer), under the pains and penalties of perjury.

SDCL 23A-22-11. Evidence - (Rule 28) Appointment and compensation of interpreter. A court may appoint an interpreter or translator of its own selection and may set reasonable compensation for him.

PROPOSED SUPREME COURT RULE RELATED TO COURT INTERPRETER QUALIFICATIONS AND PROCEDURES IN SOUTH DAKOTA STATE COURTS.

SECTION 1. POLICY.

It is the policy of the Unified Judicial System to ensure that court interpreter services are provided to those individuals that are unable to readily understand or communicate in the English language because of a disability or a non-English speaking background. This rule establishes court interpreter qualifications and general procedures to assist in ensuring the delivery of effective interpreter services where necessary.

SECTION 2. COURT INTERPRETER QUALIFICATIONS.

In order to provide court interpreter services in a judicial proceeding a person must have one of the following qualifications:

A. If providing interpreter services for a person who has limited English proficiency, a passing grade on a written examination, which shall include an ethics component, complete an orientation program offered by the State Court Administrator's Office, and demonstrate, through oral examination, an understanding of basic legal terminology in both languages. If providing interpreter services for a person who is deaf or hearing impaired, certification and registration by the South Dakota Department of Human Services to the level set forth for criminal proceedings as provided in South Dakota Administrative Rule 46:31:06:02.

B. If providing interpreter services, certification by a recognized interpreter certification program in another jurisdiction and current presence on a statewide or federal roster of interpreters, if any, maintained by that jurisdiction.

An interpreter meeting these qualifications and other requirements of this Rule will be registered by the State Court Administrator's office as a qualified interpreter upon payment of any applicable registration fee.

SECTION 3. QUALIFICATIONS EXCEPTION.

If a court interpreter satisfying the requirements of Section 2 is not available, a court may obtain the service of any other interpreter whose actual qualifications have been determined by examination or other appropriate means. For purposes of this section "actual qualifications" means the ability to readily communicate with the non-English speaking, deaf or hearing-impaired person and transfer the

meaning of statements to the person requiring interpreter services and accurately repeat and interpret the statements of the non-English speaking, deaf or hearing-impaired person.

When extraordinary circumstances exist the court may waive one or more of the requirements of this Rule but the court must explain the reasons for the waiver on the record in the proceeding. Extraordinary circumstances exist when the court requires an interpreter of a language for which there is no interpreter that meets the requirements under the Rule reasonably available given the time constraints for conducting the hearing and the seriousness of the matter before the court.

SECTION 4. ADDITIONAL MINIMUM REQUIREMENTS.

All interpreters must be at least 19 years old and have a high school diploma or equivalent education, shall have read the Code of Conduct for Interpreters in the South Dakota Courts and verify in writing that he/she has read and agrees to abide by the Code of Conduct, and shall take an Interpreter Oath.

All sign language interpreters must be registered by the State of South Dakota and meet the requirements for interpreting in legal settings.

SECTION 5. GENERAL PROCEDURES- REQUIREMENTS.

A. Rebuttable Presumption. There is a rebuttable presumption that an interpreter must be appointed if an interpreter is requested or it is shown that the party is having difficulty communicating or understanding a proceeding.

B. Interpreter Oath. Before commencing duties, an interpreter shall take the oath or affirmation as set forth in SDCL 19-14-4.1 or 19-14-4.2.

C. Background Check. An interpreter shall be required to undergo a criminal background check. Past convictions or pending criminal charges may be the basis for the denial of registration or removal from the registry as an interpreter in the South Dakota courts.

D. Code of Ethics. An interpreter must verify that they have reviewed and will uphold the Code of Professional Conduct as set forth by these rules. Failure to abide by these ethical requirements may result in removal from the interpreter registry or use as an interpreter.

E. Conflicts of Interest- Bias. An interpreter shall disclose to the court any actual or perceived conflicts of interest that may impair the interpreter's ability to adequately interpret in any proceeding.

F. Objection to Interpreter. An objection regarding any circumstances that may render an interpreter unqualified to interpret in the proceeding must be made in a timely manner. The court shall consider the objection and make a ruling on the record.

G. Method of Interpretation. As the circumstances require, the court shall consult with the interpreter and parties concerning the method of interpretation to be used and to ensure that a complete and accurate interpretation of the testimony of a witness or party is obtained.

H. Telephone/Audiovisual Interpreting. Telephone or audiovisual interpreting should only be used for short matters and emergency matters where no on-site interpreter is reasonably available. The court should use interpreters as qualified by this rule to the extent possible to ensure the quality of the interpretation is not compromised.

I. Recording of Proceeding. The court, on its own motion or on the motion of a party, may order that the proceedings be recorded. If an interpretation error is believed to have occurred based on a review of the recording, a party may file a motion requesting that the court grant relief as it deems appropriate. Such recording may be used for oversight or training purposes by the State Court Administrator's Office.

J. Additional Interpreter. As circumstances require, the court should provide additional interpreters to ensure accuracy, afford relief and reduce interpreter fatigue. Additional interpreters may also be required to prevent a conflict of interest between the use of an interpreter by the court and the parties.

K. Removal of Interpreter. The court may remove an interpreter if the interpreter (1) is unable to adequately interpret the proceedings; (2) knowingly makes a false interpretation; (3) knowingly discloses confidential or privileged information obtained while serving as an interpreter; (4) knowingly fails to disclose a conflict of interest; (5) fails to appear as scheduled without good cause; (6) or as the court determines appropriate in the interest of justice. In the event of such removal the State Court Administrator's Office shall be notified and the interpreter may be removed from the roll of registered interpreters.

L. Reciprocal Discipline . An interpreter who has been barred or suspended from court interpreting in any other jurisdiction due to ethical violations or incompetence shall similarly be prohibited or suspended from court interpreting in South Dakota.

M. Interpreter Registry. The State Court Administrator shall publish and maintain a statewide registry of interpreters meeting the necessary qualifications of this Rule. The appointment and scheduling of a registered interpreter remains the obligation of the circuit courts.

N. Interpreter Preference. Whenever an interpreter is required to be appointed, the court is required to first attempt to appoint a registered interpreter who is listed on the statewide registry of interpreters maintained by the State Court Administrator's Office. Reasonable advance attempts should be made to secure the presence of a registered interpreter prior to the use of a non-registered interpreter. If a registered interpreter is not reasonably available, the court may appoint an interpreter who is otherwise competent to interpret in the courts pursuant to this Rule.

O. Interpreter Arrangements. All arrangements for interpreters shall be made by authorized court personnel. Hearings for parties who appear with their own interpreter may be continued pending the court's determination of language needs and the qualifications of the interpreter if a registered interpreter is not otherwise available. In criminal matters law enforcement, prosecutors and defense attorneys should notify the court of any perceived need for an interpreter. In civil matters the parties or attorneys should notify the court of the need for an interpreter.

P. Calendar Efficiency. The court should arrange and docket cases requiring interpreters for efficient case management. The court may appoint one or more interpreters to remain present during an entire court docket.

Q. Contact Information. An interpreter registered pursuant to this Rule shall provide contact information for scheduling purposes and shall notify the State Court Administrator's Office of any changes to contact information.

R. Inapplicability. Members of the public are frequently accompanied to court by family members or friends who offer support. This support, while welcomed by the court system, does not substitute for an official interpreter.

SECTION 6. COST OF INTERPRETER SERVICES.

A. Hourly Rates. Interpreters shall be paid a reasonable hourly rate based upon their education, experience and qualifications. Determination of the hourly rate for an interpreter's service must take into account whether an interpreter is registered pursuant to this rule. The full hourly rate will be paid once a proceeding commences until the interpreter is dismissed by the court, including wait time. An interpreter is entitled to a one-hour minimum for any proceeding.

B. Cancellation. If a court interpreter agrees to provide services and the interpreter's services are cancelled at least 24 hours prior to the time the court interpreter is scheduled to begin providing services, the court interpreter shall not receive payment. If notice of cancellation is provided less than 24 hours prior to the time the court interpreter is scheduled to begin providing services, the court interpreter shall receive the full hourly rate for two hours or for the contracted time, whichever is less.

If interpreter costs are incurred for cancellation as the result of one or more parties failing to appear for a scheduled proceeding, or not providing advance notice that the proceeding is no longer necessary and/or an interpreter is no longer needed, then the costs incurred for the interpreter service may be divided amongst the parties as determined by the court.

If an interpreter must cancel an assignment they should give as much notice as possible and will not be entitled to compensation. If an interpreter is found to be unreliable his or her future services may be curtailed or terminated and they may be removed from the roll of registered interpreters.

C. Volunteers. Volunteer interpreters may also be used that otherwise meet the requirements stated in these Rules. Preference shall not be given a volunteer solely on the basis of cost.

D. Travel Reimbursement. Travel will be paid at the rate of $1.00 per mile for both the use of a personal vehicle and for the interpreter's time on necessary travel.

E. Variances. In exceptional cases the court may authorize a variance from these fee schedules when determined appropriate and necessary.

F. Claims for Interpreter Services. A court interpreter shall submit a claim for payment to the circuit administrator within 30~~45~~ days after completing the agreed upon services. Failure to comply with this requirement may result in the reduced or non-payment of claims for interpreter services.

SECTION 7. REGISTRATION FEES.

A. Application Fee. The application fee for registration as a court interpreter shall be $100.00. The fee shall be paid to the State Court Administrator's Office at the time that application is registered in that office. This registration fee shall be waived for an interpreter certified by a recognized interpreter certification program in another jurisdiction and presence on a statewide or federal roster of interpreters, if any, maintained by that jurisdiction.

B. Examination Fee. The fee to register for the written examination is $75.00.

C. Renewal Fee. Interpreter registration renewal fee in the amount of $75.00 every three years after first registration.

D. Background Check. Applicants must provide required information necessary to conduct a criminal record check and must pay any associated fees as required by the State Court Administrator's Office.

E. Waiver. Any fees provided for in this section may be waived by the State Court Administrator's Office.

SECTION 8. EXAMINATIONS.

A. Requirement. The State Court Administrator's Office shall offer examinations under this Rule that test the interpreter's knowledge, skill, and efficiency in interpreting in the courts.

B. Frequency. Examinations shall be offered in the state at least twice a year at times and places designated by the State Court Administrator.

SECTION 9. EFFECTIVE DATE.

This Rule takes effect on July 1, 2012. All persons to whom this Rule is applicable on that date, and all persons to whom this Rule applies thereafter, shall immediately comply with all provisions of this Rule.

SOUTH DAKOTA COURT INTERPRETER'S HANDBOOK

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A. Introduction.

This handbook serves as a directory and guide for implementing the Supreme Court Rule related to court interpreter qualifications and procedures in South Dakota state courts. It is intended to be used when the court, attorneys or others are made aware of the need for interpreter services for limited-English proficient (LEP) or hearing-impaired individuals. The underlying premise of this handbook is that fundamental fairness and due process requires that every participant be afforded the opportunity to understand and meaningfully participate in a court proceeding as necessary. Skilled interpretation enables the court and parties to accurately gather facts and make an informed decision.

B. What is the Role of a Court Interpreter?

To provide unbiased translation of testimony, documents, instructions, rulings of the court, and arguments of counsel by a qualified and unbiased interpreter.

C. When Should an Interpreter be Appointed?

1. An interpreter should be appointed when a party or person whose presence is necessary or appropriate in a court proceeding:

(a) Is unable to accurately describe persons, places and events related to the proceeding because of a non-English speaking background or hearing-impairment;
(b) Is unable to tell the court "what happened" over a period of time;
(c) Is unable to request clarification when statements are vague or misleading, to defend or advocate a position, or otherwise meaningfully participate in a proceeding;

(d) Is not on equal footing with an English speaking person with an equivalent education or background;
(e) Is unable to speak or understand English and translation is necessary to allow for effective participation in a proceeding.

2. In the event a non-English speaking or hearing-impaired party appears without counsel or expresses an intent to be self-represented in a criminal proceeding it is highly recommended that the court appoint counsel, even if on a standby basis, to ensure interpreter issues are adequately addressed.

D. Who Qualifies for an Interpreter?

An individual who cannot speak English, or cannot otherwise understand a communication in English, qualifies for appointment of an interpreter if:

a. The individual is a party to a proceeding;
b. The individual's presence is necessary or desirable in a proceeding (*i.e.* the parent of a juvenile involved in a proceeding);
c. The individual is a person that would be directly affected by any action or decision in the proceeding;
d. The individual is a witness in a proceeding.

E. Judge and Interpreter Checklists.

1. Judge's Checklist: To assist judges in managing interpreter services please consider the following:

a. Identify the need and appoint a qualified interpreter as early as possible in the process.
b. As soon as practicable inquire into the interpreter's training, credentials, skills and experience. Repeat the process if new or additional interpreters become necessary.
c. Conduct a prepatory meeting with the interpreter and counsel to clarify interpretive ground rules or conditions when necessary.
d. Advise the parties that the court may, on its own motion or the motion of a party, order that the proceeding and the interpretation be recorded. Emphasize that the record produced by the court reporter is however the official record of the proceeding.
e. If telephonic or interactive audio visual interpretation is being used, ensure that microphones and sound systems are functioning properly and that everyone can be heard clearly. It may also be necessary to inquire whether any relevant exhibits have been transmitted in advance, if possible, to the interpreter.

f. Do not refer to the person receiving interpretive services in the third person.
g. There should be no separate communications between the interpreter and the recipient of interpretive services.
h. Advise that the Judge is responsible for responding to requests for repetition and/or rephrasing and will instruct participants accordingly.
i. Caution participants about speed and clarity of speech.
j. Arrange sight lines and sound systems in the courtroom to facilitate interpretation.
k. Administer the oath to the interpreter at the beginning of any hearing.
l. Observe the interpreter's practice and correct any deviations from proper standards of conduct.
m. Provide rest breaks for the interpreter or appoint multiple interpreters for lengthy proceedings.
n. Advise the jury and every witness of the role of the interpreter in the proceeding.

2. Interpreter's Checklist. Just as interpreter's expect an understanding of their role in the proceedings, the court expects interpreter's to follow certain practices as well:

a. Arrive at the designated location early and check-in with the appropriate person (clerk of court, circuit administrator).
b. Dress appropriately for court.
c. Orient yourself to the nature of the case by reviewing any necessary information beforehand.
d. Request to review all documents and exhibits that will be referenced during the hearing when practicable.
e. Meet with attorneys and their clients. Explain to the attorneys your role and communicate with the client to confirm the ability to understand each other and explain the neutral role of an interpreter.
f. Be prepared to interrupt a proceeding if necessary to ask for permission from the judge to have questions repeated, use a dictionary or other aid.
g. Be familiar with the Code of Conduct for an interpreter.
h. Do not make referrals for attorneys, bondsmen *etc.*
i. Do not give legal advice, answer questions about a case or "help" in any other way except to facilitate communication.
j. An interpreter should not perform acts that are the responsibility of other court personnel.
k. No court interpreter shall comment or render an opinion on the propriety of any verdict or decision in any matter in which he or she has served.

l. If possible, inexperienced interpreters should observe more experienced interpreters before beginning a case for which the interpreter is appointed.
m. Never accept~~except~~ gratuities or gifts of any kind from anyone for whom you have interpreted.

3. Attorney's Checklist. Just as important to having qualified and well-trained interpreters in the court system is the attorney's ability to understand the interpreter's role and how to work with interpreters. To assist attorneys working with interpreters please consider the following:

   a. Interpreters are meant to create an even playing field for LEP individuals or the hearing-impaired. Interpreters are not advocates for a party.
   b. Speak directly to a party or witness and in the first person. The interpreter will repeat what you have said. Indirect speech creates confusion. For example, "Will you please state your name for the record.~~?~~" should be used just as you normally would instead of "Please ask him to state his name for the record.~~?~~"
   c. If there is a difficulty in communication between your client and the interpreter let the court know immediately.
   d. Check to make sure that all speech, by all parties, is being interpreted.
   e. Speak clearly at a moderate speed and in a volume to be clearly heard.
   f. Understand that the interpreter's only task is to interpret. Your client or witnesses should be aware of this as well. They cannot provide legal or personal advice and parties or witnesses should not have private conversations with the interpreter.
   g. The more information an interpreter has about a case in advance the better they can do their job. When possible, allow an interpreter to review exhibits or documents prior to a proceeding.
   h. Interpreters are instructed to interpret without providing additions or omissions. If your witness swears, yells, or has contradictions in their testimony that is what will be interpreted and conveyed in court.
   i. Know and understand the interpreter's code of ethics.

4. Qualifying a Court Interpreter. The following questions may be used to voir dire a potential interpreter as to their qualifications.

   a. What is your native language? How did you learn English/ the other language or sign language? How long have you been speaking the language or signing?
   b. Please describe your formal schooling?
   c. Do you have any formal training in interpreting? In legal or court interpreting?

d. Please describe your experiences as an interpreter. Have you ever interpreted in court before? What kind of proceeding?
e. Have you ever been convicted, or are you currently charged in any court, of a felony or crime involving dishonesty, fraud, deceit or misrepresentation?
f. Are you certified or registered as a court interpreter in any state or federal court? Do you have any other accreditation for interpretation or translation?
g. Have you communicated with the person who needs interpreting services? Are you familiar with the dialect he/she speaks? Do you need any more time to speak with the person? Are you able to understand him/her and communicate with him/her?
h. Do you know any of the parties, witnesses or attorneys? Are you aware of any conflict of interest you may have in this case?
i. Do you understand that you must interpret everything said on the record?
j. Do you need time to review any documents in this case?
k. Have you reviewed the Code of Conduct for Interpreters in the Judiciary? Do you understand and agree to abide by it?

F. Interpreter Priority. Judges, attorneys and court personnel should use registered court interpreters as their first choice for legal work when available as specified by Supreme Court Rule.

G. Paying Court Interpreters. **Fiscal concerns are secondary to fundamental fairness when determining how and when to appoint an interpreter.**

H. Suggestions for Cases Involving Hearing-Impaired Individuals.

Speak Directly and Naturally to the Deaf or Hearing-Impaired Person

It is important that the court and lawyers talk directly to the deaf or hearing-impaired person. The deaf or hearing-impaired person can quickly sense your indifference or your discomfort if you face only the interpreter and talk only to the interpreter. Speak naturally, without shouting or distorting your normal mouth movements.

Be Flexible- No Language Can Accommodate a Literal Word-For-Word English Translation

A deaf or hearing-impaired person may become confused by a word-for-word translation. There are both American Sign Language (ASL) and signed English commonly in use and both of these languages differ from spoken English. The interpreter should inform the deaf or hearing-impaired person's lawyer of the language and mode used by the client so that the lawyer can inform the court of any problem and the possible need to explain in more detail.

Confusion can also result when a deaf or hearing-impaired person nods "yes" to an interpreter's question but still has a quizzical look. "Yes" may not be the answer to the question, but only an indication that the person understands the question. A deaf or hearing-impaired person may even nod "yes" without completely understanding. Repeating part of a question is often the deaf or hearing-impaired person's attempt to clarify it and this does not necessarily mean confirmation or agreement. With the judge's approval there may be an occasional need to ask leading questions.

Speak As You Normally Would

Speak naturally, but not too fast. Remember that names and some other words must be finger-spelled, and this takes more time than signing. Although these proceedings may take longer they are otherwise identical to other court proceedings; speak at a normal rate.

It must be realized that a deaf or hearing-impaired person can concentrate on only one person at a time. It is just as impossible for an interpreter to interpret for two people simultaneously as it would be for a court reporter to accurately take that testimony.

Make Sure the Deaf or Hearing-Impaired Person "Sees" The Communication

All deaf or hearing-impaired persons rely on sight information. To be effective, communication must be visible. The court should make every attempt to facilitate a good visual contact between the deaf or hearing-impaired person, the interpreter, and other participants. The court must make sure the deaf or hearing-impaired person can watch the interpreter and then look at any visual evidence.

Be Aware Of Environmental Factors

Be aware of environmental factors that may interfere with communication. While a deaf person may or may not be affected by background noises, a great deal of background movement or changes in lighting will be distracting. A hearing-impaired person who uses a hearing aid or who has residual hearing might be seriously distracted by background noises. Minimize machinery noises or other conversations.

Match the Skills of the Interpreter with the Needs of the Deaf or Hearing-Impaired Person

A qualified sign language interpreter is necessary to achieve full and effective communication with a deaf or hearing-impaired person in many situations. American Sign Language (ASL) is a visible language linguistically independent from English. Many deaf people use sign language rather than English as their primary mode of communication.

There are many variations and combinations of sign language. Even professional interpreters cannot achieve effective communication all the time for all deaf or hearing-impaired persons who sign. Typically, deaf individuals with native use of ASL are more successful in communicating with persons who are highly visually oriented. Judges should consider the use of a deaf interpreter in combination with a hearing relay interpreter who is proficient in ASL. The

use of a deaf interpreter may provide the greatest opportunity for the deaf client to have accurate linguistic and cultural access to the judicial system.

Avoid using family members or friends of deaf or hearing-impaired people as interpreters. The interpreter should be a neutral professional who facilitates communication between the deaf or hearing-impaired person and other participants in the proceedings. Professional certified interpreters follow a code of ethics requiring confidentiality and accuracy.

The interpreter should be present until excused by the court.

Provide Rest Periods for Interpreters

Like court reporters, interpreters must hear everything said and must concentrate fully in order to do their job accurately. As a result, interpreters require rest periods for best performance. When two professional interpreters are present, usually one is actively interpreting while the other is monitoring the "on duty" interpreter. This helps to reduce fatigue and enhance accuracy.

Avoid Reliance upon Written Notes as the Means of Communication Unless Requested

At times a deaf or hearing-impaired person will use written notes to communicate or to supplement other modes of communication. Writing is not, however, always effective or appropriate. Technology is affecting this area as machine readable assistance is becoming available. Real-time court reporting may be beneficial and a number of court reporters are becoming certified in this area.

Lip-Reading

Lip-reading often supplements other modes of communication but is seldom sufficient to assure effective communication in a courtroom. Furthermore, lip-reading ability may decrease dramatically in stressful situations, like those encountered in the court environment. Persons with cochlear implants may prefer lip-reading. Some deaf people may require the use of an oral interpreter or real-time captioning. An oral interpreter faces the deaf person and silently mouths the spoken communication along with the speaker.

Deaf Speech

Early deafness interferes with English language and speech acquisition. Nevertheless, some deaf or hearing-impaired people have normal, intelligible speech. Others, however, do not speak at all or speak with unusual voice quality, inflections or modulations.

If you have difficulty understanding a deaf or hearing-impaired person who wishes to speak, listen without interruption until you become accustomed to the voice patterns and rhythm.

Real Time Reporting or Real Time Captioning

Real Time Captioning (RTC) is an emerging accommodation choice that is provided by real time certified Court Reporters. It involves the use of individual(s) trained in real time reporting, steno-machine, real time software and laptop computer as well as materials on a situational basis (i.e., projector). A trained captioner or reporter uses a steno machine that sends steno-entries to real-time software that translates steno-entries into English text on the laptop computer instantaneously at a near verbatim rate.

Do Not Ignore the Needs of Those Individuals Who Are Hearing-Impaired but Who Are Not Deaf

One in a hundred Americans are completely deaf but one in sixteen has a significant hearing loss. Environmental noise can interfere with the performance of hearing aids. There are devices available that can reduce levels of environmental noise. The court should direct participants to speak louder. The court should consider having the deaf or hearing-impaired person repeat the question asked before answering. It may be appropriate to rearrange the courtroom to facilitate communication for all participants.

I. Suggestions for Cases Involving Persons who Speak a Foreign Language

Interpreters for foreign languages should expect to be qualified as experts. Prior to any scheduled hearing attorneys should contact the court when they represent a client who speaks a foreign language. In cases when a rare, hard to accommodate language skill is required, additional advance notice can expedite the process of locating and making arrangements for a qualified interpreter to be present.

The court should work in conjunction with court administration to maintain a comprehensive list of qualified foreign language interpreters in their administrative unit. Once alerted to the possible need for an interpreter, do not simply rely on an attorney's representation regarding whether or not an interpreter is needed.

Voir dire the defendant/witness - do not ask if the person speaks English. Do not ask leading questions or questions that call for yes/no answers.

Consider the following questions. Explain that you are asking these questions to evaluate the need for an interpreter.

- Please state your name and address.
- Please tell us your birthday, your age, and how many children are in your family.
- Please tell us whether you are employed, and if you are employed, describe the kind of work that you do.
- Describe your education. What language do you read and write?
- Describe the courtroom.
- Describe with whom and how frequently you speak English.
- Tell me a little about how comfortable you feel speaking English.

Evaluate the Need for an Interpreter In Light Of the Proceeding

It is entirely appropriate to evaluate the need for an interpreter, and the language skills of the interpreter, in light of the complexity of the proceedings. Rudimentary language skills may suffice when simply scheduling a hearing, while the most sophisticated skills are required for persons interpreting live testimony.

Remember, In Order For Non-English Speaking Defendants To Testify In Their Own Defense They Must Be Able To:

- accurately and completely describe persons, places, situations, events;
- tell "what happened" over time;
- request clarifications when questions are vague or misleading.

The judge and attorneys should speak directly to the person (not to the interpreter). Interpretation should be literal; or as close to verbatim as makes sense (i.e. slang or idioms).

Interpretation Should Be In the First Person

The judge should stop third person renditions and instruct the participants to use first person renditions.

J. Oath for Interpreters

The following oath should be used to satisfy the requirements of SDCL 19-14-4:

You do solemnly swear that you will justly, truly, and impartially interpret to _____ the oath about to be administered to him; and the questions which may be asked him and the answers that he shall give to such questions, relative to the cause now under consideration before this court (or officer), so help you God.

The following affirmation may be used to satisfy the requirements of SDCL 19-14-4:

You do solemnly affirm that you will justly, truly, and impartially interpret to _____ the oath about to be administered to him; and the questions which may be asked him and the answers that he shall give to such questions, relative to the cause now under consideration before this court (or officer), under the pains and penalties of perjury.[1]

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[1] The current oath and affirmation contained in South Dakota law are more aptly suited to an interpretation related to a single witness. The Committee suggests a change to the oath and affirmation as follows:

I, _____, do solemnly swear or affirm that I will justly, truly, and impartially interpret, to the best of my skill and judgment, and make a true interpretation to any party or witness , the oath or affirmation administered in all matters; the questions which may be asked and the answers that shall be given to such questions and all statements relative to any [court proceedings, probation activities, or any other proceeding] under consideration in which I am employed to interpret, so help me god.

I, _____, do solemnly swear or affirm that I will justly, truly, and impartially interpret, to the best of my skill and judgment, and make a true interpretation to any party or witness , the oath or affirmation administered in all matters; the questions which may be asked and the answers that shall be given to such questions and all statements relative to any [court proceedings, probation activities, or any other proceeding] under consideration in which I am employed to interpret under the pains and penalties of perjury.

CODE OF CONDUCT FOR INTERPRETERS IN THE SOUTH DAKOTA JUDICIARY

Preamble.

Many persons who come before the courts are partially or completely excluded from full participation in the proceedings due to limited English proficiency or a speech or hearing impairment. It is essential that the resulting communication barrier be removed, as far as possible, so that these persons are placed in the same position as similarly situated persons for whom there is no such barrier. Interpreters help ensure that such persons may enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively. Interpreters are highly skilled professionals who fulfill an essential role in the administration of justice.

Applicability.

This Code shall guide and be binding upon all persons, agencies, and organizations who administer, supervise use of, or deliver interpreting services to the judiciary.

Canon 1. Accuracy and completeness.

Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.

Canon 2. Representation of qualifications.

Interpreters shall accurately and completely represent what their training and pertinent experience is and any certification they may have.

Canon 3. Impartiality and avoidance of conflict of interest.

Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.

Canon 4. Professional demeanor.

Interpreters shall conduct themselves in a manner consistent with the formality and civility of the court and shall draw as little attention to themselves as possible.

Canon 5. Confidentiality.

Interpreters shall keep confidential all privileged and other confidential information.

Canon 6. Restriction of public comment.

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

Canon 7. Scope of practice.

Interpreters shall limit themselves to interpreting or translating, and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which

may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

Canon 8. Assessing and reporting inabilities to perform.

Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment completely, they shall immediately convey that reservation to the appropriate judicial authority.

Canon 9. Duty to report ethical violations.

Interpreters shall report to the proper judicial authority any effort to encourage a lack of compliance with any law, any provision to this Code, or any other official policy governing court interpreting and legal translating.

Canon 10. Professional development.

Interpreters shall strive to continually improve their skills and knowledge and advance the profession through activities such as professional training and education, and interactions with colleagues and specialists in related fields.

Proposed Legislative/Court Rule Changes to Existing Law[2]

~~**SDCL 15-6-43(f). Interpreters.** The procedure for appointing interpreters shall be as provided in §§ 19-3-7, 19-3-8 and 19-14-4, and their compensation fixed, paid and collected as provided in § 19-3-7.~~

SDCL 19-3-7. Testimony - Interpreter for witness unable to communicate in English - Compensation. When a witness cannot communicate or understand the English language the court shall procure and appoint a disinterested and qualified interpreter or translator for him who shall be compensated for those services as the court shall certify to be reasonable and just in accordance with rules as adopted by the Supreme Court.., ~~to be paid and collected as other costs.~~

~~**SDCL 19-3-8. Testimony - Subpoena of interpreter - Disobedience as contempt.** Any person may be subpoenaed by any court or judge to appear and act as interpreter in any hearing. The subpoena shall be served and returned in the same manner as a subpoena for a witness. Disobedience to such subpoena is contempt of the court.~~

SDCL 19-14-4. (Rule 604) Interpreters.

~~An interpreter is subject to the provisions of chapter 19-15 relating to qualification as an expert and the administration of an oath or affirmation that he will make a true translation.~~

SDCL 19-14-4.1. Form for interpreter's oath.

I, _____, do solemnly swear or affirm that I will justly, truly, and impartially interpret, to the best of my skill and judgment, and make a true interpretation to any party or witness , the oath or affirmation administered in all matters; the questions which may be asked and the answers that shall be given to such questions and all statements relative to any [court proceedings, probation activities, or any other proceeding] under consideration in which I am employed to interpret, so help me god.

~~The following oath may be used to satisfy the requirements of 19-14-4:~~
~~You do solemnly swear that you will justly, truly, and impartially interpret to the oath about to be administered to him; and the questions which may be asked him and the answers that he shall give to such questions, relative to the cause now under consideration before this court (or officer), so help you God.~~

SDCL 19-14-4.2. Form for interpreter's affirmation.

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[2] Insertions into current law are indicated by underscores; deletions are indicated by ~~overstrikes~~.

The following affirmation may be used to satisfy the requirements of SDCL 19-14-4:

I, _____, do solemnly swear or affirm that I will justly, truly, and impartially interpret, to the best of my skill and judgment, and make a true interpretation to any party or witness , the oath or affirmation administered in all matters; the questions which may be asked and the answers that shall be given to such questions and all statements relative to any [court proceedings, probation activities, or any other proceeding] under consideration in which I am employed to interpret under the pains and penalties of perjury.

~~You do solemnly affirm that you will justly, truly, and impartially interpret to _____ the oath about to be administered to him; and the questions which may be asked him and the answers that he shall give to such questions, relative to the cause now under consideration before this court (or officer), under the pains and penalties of perjury.~~

SDCL 23A-22-11. Evidence - (Rule 28) Appointment and compensation of interpreter. A court may appoint an interpreter or translator of its own selection and may set reasonable compensation for the interpreter ~~him~~ in accordance with rules as adopted by the Supreme Court.

Meeting Minutes

April 23, 2010 (attached).
July 23, 2010 (attached).
November 12, 2010 (attached).
April 8, 2011 (attached.
May 6, 2011 (attached).
June 10, 2011 (attached).
July 22, 2011 (attached).