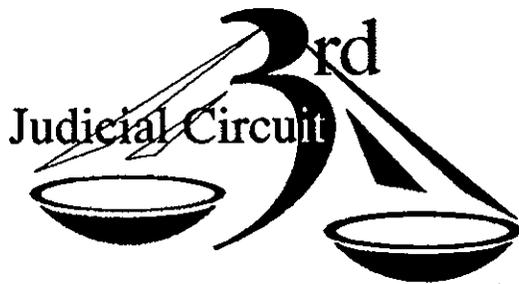


INTERPRETER INFORMATION

**Tony Benning
Circuit Court Administrator
Third Judicial Circuit**

POLICIES



Goals and Considerations relating to a Court Interpretation Protocol

While this guide does not provide exhaustive research results or definitive answers that will fit every fact pattern, the goal is that general guidance for the most common situations can be addressed.

1. The circuit (i.e., administrator) will screen “freelance” interpreters to determine qualifications. Once interpreters have been screened, their names can be placed on a resource list that will be available to each clerk’s office in the circuit. Being “qualified” and placed on the list does not obviate the need for the trial judge to determine on the record the need for the interpreter or the appropriateness of any given interpreter to work on any given case. All persons approved for the list will be required to subscribe to a code of ethics and to sign a written oath that can be filed with the clerk of court. (A written oath would eliminate need for individual oaths at every hearing.)
2. As a general policy, “qualified” or experienced, disinterested interpreters will be used rather than family members or friends. A contract with the Language Line makes these services reasonably available by telephone conference for short proceedings, such as pretrial hearings, initial appearances, arraignments, motion hearings, customer service in the clerk’s office, and probation services.
3. Mini-training sessions will be developed for judges and staff to raise awareness and practice skills used in working with interpreters. This will include use of Language Line, sign language, and spoken (non-English) languages, determining the need for an interpreter, and proper preservation of the record (e.g., oaths). Such sessions will also include payment of interpreter fees and ADA compliance.
4. Currently, there are no advance notice requirements of the need for an interpreter or other accommodation (such as hearing impaired). Signs are available for placement in the courthouse or at the clerk’s office encouraging requests prior to hearings, and a notice will be placed on the website. Future consideration may be given to requiring attorneys to file a written request (motion) for interpreter so the court has time to make appropriate arrangements, but that is not required at the time of this writing.

STATE OF SOUTH DAKOTA
THIRD JUDICIAL CIRCUIT COURT

314 Sixth Avenue, Brookings, South Dakota 57006

DAVID R. GIENAPP
Presiding Judge
(605) 688-5705

PATRICIA GARCIA DUGGAN
Administrator
(605) 688-4621
pat.duggan@ujs.state.sd.us

Counties
*Beadle, Brookings, Clark
Codington, Deuel, Grant
Hamlin, Hand, Jerauld
Kingsbury, Lake, Miner
Moody and Sanborn*

www.sdjudicial.com/thirdcircuit

THIRD CIRCUIT POLICY 07-02-P

Use of Interpreters in Court Proceedings

1. Pursuant to South Dakota law, the court has the authority and the obligation to appoint interpreters for court proceedings. Therefore, all court interpreter needs in criminal, including grand jury proceedings, shall be coordinated through the clerk of court or Circuit Court Administration office.
2. As the Unified Judicial System of South Dakota has no certification program in place, the Circuit Court Administrator will screen all applications of persons interested in interpreting for hearings in the 3rd Circuit. The Administrator will review the credentials of persons interested in having their name placed on a roster and being available to serve. Once an interpreter has been screened, the Administrator will make a recommendation to the Presiding Judge to have an interpreter's name placed on a resource list that will be available to each clerk's office in the circuit. Being screened and placed on the list will not obviate the trial judge's determination of the need for the interpreter or the appropriateness of any interpreter to work on any given case.
3. All persons approved for the list will be required to subscribe to a code of ethics approved in the 3rd Circuit (attached hereto), and to sign a written oath (attached hereto) that can be filed with the clerk of court. Anyone who has not filed a written oath with the clerk's office will need to take an oath in court for every proceeding.
4. As a general practice, whenever possible, "screened" or experienced, disinterested interpreters will be used rather than family members or friends, social workers, victim advocates, law enforcement officers, or others with apparent conflicts of interest. Judges may elect to use established interpreter services reasonably available by telephone conference (such as Language Line) for short proceedings, such as pretrial hearings, initial appearances, arraignments, or motion hearings. Circuit staff may use the same telephonic interpretation services for customer assistance or probation services.
5. Advance notice of the need for an interpreter or other accommodation (such as hearing impaired) is necessary to allow sufficient time for these services to be arranged. Signs in the courthouse at the clerk's office and on the circuit website will bring attention to this need. A

request for interpreter services will not eliminate the judge's right to determine if the need has been established and is legitimate.

a. In **criminal** matters, law enforcement should notify the State's Attorney when there is a perceived need or a clear request for an interpreter. The State's Attorney's office shall notify the clerk of court of the need. The clerk will arrange for an interpreter.

b. In **civil** matters, attorneys should notify the clerk of court's office in writing of the need for an interpreter, and the clerk will make the arrangements.

When notifying the clerk that an interpreter is needed, the attorney/party requesting shall inform the clerk of the specific language or dialect needed, and the dates and times needed. Three days' notice is desired so that the clerk has time to find an interpreter and that the interpreter may have an opportunity to review the case file and prepare for the hearing, but must be made at least no later than one day prior to a hearing, or the hearing may be delayed or rescheduled.

6. Payment of interpreter expenses will be handled as follows:

a. In **criminal** matters, the interpreter will submit an invoice or statement to the clerk's office. The judge must determine the cost as reasonable and just, and approve a voucher. The voucher will be submitted to the county auditor for payment. Telephonic interpretation services will be billed to the Circuit Administrator's office, and then costs will be billed back to the county responsible for payment.

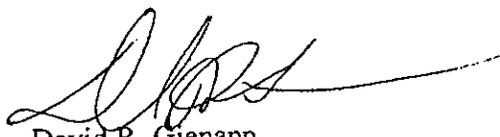
b. In **civil** matters, the cost is paid by the party requesting the interpreter, subject to taxation to the losing party.

c. In matters where the interpreter is needed for a **post-conviction** interview with **Court Services**, the UJS/3rd Circuit will be responsible for the payment.

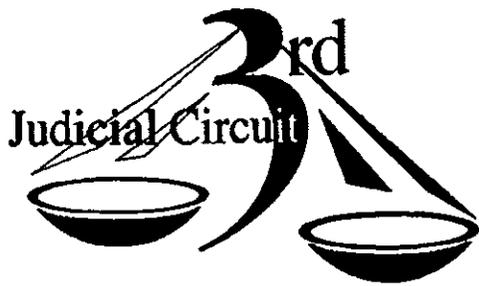
c. Interpreters will be required to submit a signed W-9 to the local county where services are rendered, or to the State of South Dakota if the UJS/3rd Circuit is paying the bill.

7. Transcripts. The only transcript of interpreted proceedings will be the official transcript prepared by a court reporter, in English, containing only English translations.

Dated this 1st day of June 2007.


David R. Gienapp
Presiding Judge
Third Judicial Circuit

Adopted 6/07



*The ABC's of Using Interpreters
in Court
For Judges and Court Staff*

- A Appointing authority
- B Before the hearing; who should do what?
- C Civil and criminal cases
- D Deaf or hearing impaired
- E Ethics for interpreters
- F Family and friends of non-English-speaking person
- G Grand juries, same deal?
- H Hard of Hearing but not deaf
- I Identification of language, dialects
- J Jurors and juries, what about them?
- K Kinds of interpreting: simultaneous, consecutive, and translation
- L Lists of available interpreters
- M Multiple interpreters needed?
- N Need for interpreter in the first place
- O Oaths
- P Payment of expenses
- Q Qualifying or screening interpreters to be on "the list"
- R Relay service
- S Statutes requiring appointment
- T Telephone interpreting
- U Using Court Interpreters
- V Voir dire of interpreter on the record
- W Witnesses, victims, others' rights
- X (E)xamples of problems
- Y Yearly reviews and assessment of needs
- Z Zero problems if you follow the plan!

A Appointing Authority. The court has the authority and obligation to “produce and appoint a disinterested interpreter or translator” for any witness who cannot communicate or understand the English language. SDCL 15-6-43(f), 19-3-7, 19-3-8, and 19, 19-3-8, and 19-14-4.

Although this practice has not been reduced to writing in the form of a policy, in practice this “procurement” has been delegated to the local state’s attorney in criminal matters. For civil matters, the attorney representing the party calling the witness generally makes the arrangements, but sometimes the clerk of court is asked to assist in finding an appropriate interpreter.

B Before the hearing; who should do what? The CLERK needs to find an interpreter, after having been notified of the need for one. The clerk should also check to see if there is an Oath on file, and notify the judge if the oath can be waived or has to be given in court. The JUDGE should review the script and checklist, particularly if this is a jury trial. The INTERPRETER, if possible, should review the court file prior to the proceedings so that they are familiar with the terminology that will be used. The interpreter should notify the clerk if there is a conflict of interest. They should also talk briefly with the person needing their services prior to the hearing starting to be sure that communication is established.

C Civil and criminal cases. The court must appoint an interpreter in both civil and criminal cases, regardless of who actually is responsible for arranging or paying for interpreter services.

D Deaf or hearing impaired. There are specific statutory provisions relating to interpreters for deaf and mute persons. The State of South Dakota certifies interpreters for the deaf. A current list is available on the state’s website. See SDCL 19-3-10. See also the included section on using TDD services for telephonic assistance.

Persons claiming to be hearing impaired probably will be “protected” under the Americans with Disabilities Act. Accordingly, services should be provided to them if their request for accommodation is determined to be reasonable. See “H” below.

E Ethics for interpreters. Interpreters who are certified or are members of a national interpreter and translator’s association or employed by interpreting services subscribe to their own code of ethics. South Dakota has no certification program for interpreters for non-English speaking or limited-English-proficient persons, and no formal code of ethics establishing what constitutes a “qualified” interpreter. All interpreters who appear in person at court proceedings shall sign or have on file with the clerk a statement agreeing to a 3rd Circuit-imposed code of ethics addresses accuracy and completeness, impartiality, demeanor, confidentiality, and limitations on acting as an advisor or advocate. A sample is attached hereto.

At a minimum, it would be reasonable to expect that even non-certified interpreters:

- should clarify statements, correct mistakes, and consult dictionaries if necessary
- will not explain court procedures or documents. They can read documents but cannot provide explanations or answer questions about them. They can only

interpret or translate what is said, and not embellish or otherwise attempt to assist the witness's understanding of the statements or documents.

- will not act as an advisor or advocate
- will not carry on a conversation with the witness
- will interpret without omissions or additions, conserving the meaning, tone, and style of the original statement, including dialect, slang, and specialized vocabulary

F Family and friends of non-English speaking persons. It's not a good idea to use family members or friends of a witness (or litigant) as the interpreter unless absolutely necessary, and then only in limited situations, considering the seriousness and stage of the proceeding. They will likely have a conflict of interest in the proceedings. They also may not be able to understand the limitations and ethical expectations of an interpreter, or to resist "helping" the witness (litigant). Their language skills may not be adequate for the terminology being used.

It's also not a good idea to use social workers, victim advocates, law enforcement officers, or others with apparent conflicts of interest. Use of nonprofessional interpreters such as these and family or friends should be limited to simple proceedings such as a continuation of a hearing, an emergency hearing when no other qualified interpreter is available, or when there is no one else who can communicate with the person needing services (such as no interpreters reasonably available who speak that language). If these situations arise, it is best to use a telephonic interpreter through the Language Line. They are available on demand.

G Grand juries. The same rules apply in grand jury proceedings as in court proceedings. Get a qualified interpreter when one is needed. The county will have to pay this expense, but the court does the appointment.

H Hard of hearing but not deaf. The 3rd Circuit has available portable Audex Assistive Listening Devices. They are primarily kept in the courthouses where a judge is chambered, but these can be transported anywhere in the circuit and set up in a courtroom as needed. The system consists of an FM transmitter, 4 microphones placed in the courtroom (judge's bench, counsel tables, and witness stand), and 4 necklace receivers with headphones. This aid helps people who are not deaf but need enhanced listening, and it meets ADA requirements.

Keep in mind that any request for an ADA accommodation must be made by the person needing the accommodation. It is incumbent upon the requester to state what kind of accommodation they prefer, and then the court is to determine if this request is reasonable or not. This can be done informally. If the request is unreasonable, the court can suggest an alternative, or ask the requester for alternative methods of meeting their needs. Costs are generally borne by the county, since these usually have to do with facility and access issues. Other requests, such as to have a document read because the person cannot see or read, would be accommodated by the court, at our expense. Contact the Circuit Administrator if you have a particular request.

The court should also consider that an accommodation may be made by offering a real-time transcript of the court proceedings. While the 3rd Circuit does not have a court reporter who

is certified in real time reporting, there are reporters available who are currently training and using their real time skills in live settings.

I Identification of language, dialects. Determining exactly which language a person is using or needs interpretation for can be complicated. An easy way to figure this out is to use the government's "I speak" cards. This is a type of flash-card that has 28 languages or dialects on it in the native language. The person can point to the one they know, and this identifies the language you will need an interpreter to use. Caveat: it only works if the person can read. This list is provided by the US Census, and a copy is included.

Other states have also compiled lists of "comparable" languages, so that if someone reports that X language is needed, it may be the same as Y. For example, if someone says they needs "Bosnian," you would seek a Serbo-Croatian interpreter, or if someone needs Persian, you would seek a Farsi interpreter. A list prepared for this purpose is included.

J Jurors and juries. As for JURORS, one must read and speak the English language to be qualified to serve on a petit or grand jury in South Dakota. (www.sdjurors.com). It would be up to the judge to determine if a prospective juror is qualified to serve.

When using an interpreter in a JURY TRIAL for a witness or litigant, it is important to explain to the jury the role of an interpreter. The checklist and script included may be useful to the judge. The judge needs to ensure there is no undue detriment or negative connotation attached to the one using interpreter services. See also the attachment on clarifying the role of the interpreter to jurors in the Model Guide.

K Kinds of interpreting. There are two kinds of interpreting: spoken and written. Spoken interpretation is done either in a simultaneous mode or a consecutive mode. Simultaneous means that the interpreter speaks at the same time as the non-English speaking person, usually with a very slight delay (maybe a second or two). This method speeds up the dialogue but can be fatiguing for the interpreter, and it can be confusing if the interpreter is not fluent and needs time to think of the appropriate word. It also requires cooperation on the part of the court and the attorneys to not interrupt or speak too quickly for either the litigant/witness or the interpreter to keep up.

Consecutive interpretation happens when one person stops talking and then the other person starts. This slows down the process, but can be more accurate, depending on the qualifications of the interpreter. It also requires cooperation of the court and the attorneys, in that they must learn to speak in sentences, or partial sentences, rather than paragraphs, so that the interpreter can get the full message conveyed.

Written interpretation is called translation. This usually refers to documents that are written in one language and need to be reduced to writing in the second language, or made available in English. This is usually done in advance of (not during) a court proceeding.

See also the View from the Bench and User's Guide attachments for practical tips on using an interpreter.

L Lists of available interpreters. A list of people who are willing and available to do interpreting in the 3rd Circuit is available from the Administrator and our website. These interpreters have been screened by the Circuit Administrator, but no other level of qualification is determined by the Administrator. The federal courts do require certification, and for convenience, a list of these people is available from the Administrator upon request. While the state of South Dakota does not require certification of interpreters, except for deaf persons, it is okay to use a certified person if one can be arranged. Persons interested in being added to the list should contact the Administrator's office for an application form.

The **Language Line** service is available by contractual agreement. Language Line should be used when hearings are short or when there is last-minute notice that an interpreter is needed, with the court considering the seriousness and type of hearing when making the decision about use of the or rescheduling for a live interpreter. The rate varies from \$2.65 to \$3.00/minute, so this service is only feasible if (1) the hearing will be 15 minutes or less (except if you have multiple defendants being arraigned, for example); (2) you need an interpreter right now and one isn't available; and (3) you need a language for which no local interpreter is proficient.

M Multiple interpreters needed. There may be times when more than one interpreter is needed. If that happens, the court should appoint multiple interpreters. Generally, the first interpreter is the interpreter for the court and is viewed as the court's expert witness. Multiple interpreters are most often needed when either (a) the proceeding is lengthy and/or complex, maybe with a specialized terminology, and the interpreter gets fatigued, or (b) both a defendant and another participant need interpretation services. Occasionally, a litigant may ask for his/her own interpreter so that they can assist in the presentation of their case and communicate with their counsel. It is important for the court to recognize that if multiple interpreters are appointed, there may be conflicting interpretations of a word or phrase. The judge will have to determine how best to resolve any conflict.

N Need for interpreter. How the court finds out an interpreter is needed at all is often by happenstance. Court staff and judges need to be aware that many people who need an interpreter may not request one because they do not know one is (or will be made) available to them, or maybe they don't fully understand the high level of comprehension and communication that will be needed in a court hearing.

Someone who has no English or limited English proficiency will need interpreting services. They have to be able to adequately hear, understand, and communicate effectively in English in court to preserve their rights. Just because someone may be able to speak at a basic level at work or in the community does not mean they can participate in a sophisticated court environment. To participate effectively in court, a person will need to be able to describe persons, events, and conversations, request clarification, understand the implications of their testimony, and understand the judgment and conditions imposed.

In a criminal case, usually the law enforcement officers will notify the State's Attorney that an interpreter is needed, and the State's Attorney then notifies the Clerk of Court to make the

arrangements. In a civil matter, the court might not find out until the party appears for the hearing and makes a request. In either event, an interpreter should be appointed as soon as possible. For post-conviction matters, the Court Services officer may make arrangements directly with the interpreter. For weddings, the parties should be told to bring their own interpreter and will be responsible for any payment of an interpreter for that ceremony. We will not screen or approve any person interpreting for a wedding, unless there is a concern of the bride or groom, or upon the officiant's belief, that the interpreter is inappropriate.

For all court hearings, it is a good idea for the court to formally establish that an interpreter is needed. It's not uncommon for an individual to try and hide behind an apparent language barrier, but the best advice is to err on the side of appointing an interpreter rather than depriving people of their rights and their opportunity to have their day in court. If the court decides to voir dire the individual requesting an interpreter, avoid the question, "Do you speak English?" The person needing assistance should be asked questions that require more than a *yes* or *no* answer, such as *where do you live, where did you go to school, how much education have you had, what kind of work do you do*. The kinds of responses given should provide enough clues to decide the level of communication skills and comprehension.

Courts need to recognize also that interpreting services may be needed in the clerk's office or when meeting with court services officers. In these instances, Language Line may be used (for very short matters lasting less than 10 minutes), or it may be adequate to use local community resources such as social service agencies, cultural centers, college language departments, hospital or school resources, or family and friends. These people may not necessarily be prepared to do "court work" or have a full legal vocabulary. Their qualifications should also be assessed.

O Oaths. Interpreters are expert witnesses, and as such, need to take an oath. This can be done one of two ways. First, an interpreter who works for the court on a regular basis, or at least who has a working relationship with the court, may sign an oath that is kept on file in the Clerk's office. This oath would state they will interpret ... "in any case" they are appointed to. If this method is used, the court should still ask for the record whether the interpreter has filed such an oath with the Clerk. A sample is included.

The second way is have the interpreter take an oath each time, in every case. The same oath can be used whether the person is non-English speaking, limited-proficient in English, or deaf or mute. This is what should be administered when Language Line services are used. A sample of this oath is attached hereto. (See SDCL 19-14-4.1 and -4.2)

P Payment of expenses. In civil matters (including weddings), the costs of an interpreter are paid by the party requesting the interpreter subject to taxation to losing party.

For **child support hearings before a referee**, if the person is deaf, the county must pay; if the person is non-English speaking, it can be assessed to that person as court costs.

In a **criminal** matter, the county pays the costs for the interpreter or Language Line service **PRE-CONVICTION**. This cost is not dependent on a defendant's indigent status, and is

not recoverable by the county as a cost. When an interpreter is used by a Court Services Officer post-conviction, the UJS will pay that cost. The interpreter should submit a statement or invoice to the clerk, who will have the judge approve the costs as reasonable and just, and then submit to the county auditor when the county makes payment, or to the Administrator's office when the UJS makes payment. The interpreter will have to provide a W-9 taxpayer identification form with the county and/or the UJS.

The UJS has not set any standard rates for interpreters, as these are paid by counties. Generally, fees are billed either at the end of a case or monthly. It is not uncommon to have an interpreter charge \$20-50/hour. See the list attached for usual rates in our circuit. Some interpreters will charge minimum increments regardless of how long the hearing lasted.

Q Qualifying or screening of interpreters on the list. An interpreter needs to readily communicate with the person needing assistance. This means they will have to be able to transfer the words and meanings of statements between languages, without additions or omissions.

While the State of South Dakota has no certification program for interpreters (other than through the Registry for the Deaf), all potential interpreters should be screened by the Circuit Administrator, or the court if the use of the interpreter is last-minute. Those screened by the Administrator and who meet minimum standards can be recommended to the Presiding Judge to have their names put on a list of "approved" interpreters circulated to the courts in the 3rd Circuit for future use in court proceedings. The screening covers communication needs, language skills and fluency, interpretation skills, needs of the individual/witness/participant, conflicts of interest, and ethics. A sample questionnaire for determining initial qualifications is attached hereto.

Under no circumstances should the judge or one of the attorneys attempt to act as the interpreter, even if they are knowledgeable about the non-English language being used.

R Relay service. Occasionally, the court may be requested to conduct a hearing telephonically using the state's Relay Service, also called TDD (Telecommunications Devices for the Deaf). In summary, an independent operator working for the Relay Service types messages to the person needing the service. The speaking person (e.g., the judge or attorney) asks questions or makes statements to the operator at the Relay. The operator sends the message. When the person responds, they type back to the Relay Service. The operator reads the response. It is a slow process but is adequate for short hearings. It is possible to use bilingual operators in some languages, and also to have sign-language assistance.

To arrange this service, see the included instruction sheet.

There is a charge for this service and is paid as for other interpreter services.

S Statutes requiring appointment. Per Judith Roberts on July 6, 2007:

19-3-8. 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 19-3-7 provides the rule of law where the witness is unable to communicate in English:

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.

Under the plain language of this statute, costs for interpreters retained where the witness is unable to communicate in the English language are paid pursuant to SDCL 15-6-54(d) in a civil action and SDCL 23A-27-26 in a criminal proceeding. This rule applies regardless of the defendant's ability to pay. *See also* SDCL 15-6-43(f) which provides, "[t]he 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." Under SDCL 23A-27-26, the judgment for costs is enforceable as a civil judgment.

SDCL 23A-27-27 provides that witness fees are included in the judgment for costs against a defendant under SDCL 23A-27-26:

The statutory fees of the sheriff incurred in connection with the prosecution and witnesses' fees and mileage paid or ordered paid by the county including fees of witnesses, cost of transcripts, court appointed counsel fees, filing fees, breathalyzer test fees, blood test fees, and other chemical test fees may be included in the judgment for costs.

Presumably, this would also include interpreter costs incurred for a witness for the defendant.

All interpreters for deaf and mute persons 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.

Under a plain reading of this statute, these interpreter costs are paid from the courts' or agencies' operating funds, regardless of the person's ability to pay. This would be the **funds from the county appropriations** in my opinion.

SDCL 19-3-10 provides the rule of law where the person is deaf or mute and requires interpreters to be appointed in the following cases:

- 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 state a statement from such persons.

Note that this statute applies to witnesses, principal parties, and criminal defendants in the above-enumerated circumstances. Interpreters appointed under this statute are paid by the court pursuant to SDCL 19-3-12:

T Telephone interpreting. For short hearings and instances where there is last-minute notice, the Language Line is available to provide interpreters via telephone conference calls. The 3rd Circuit has an arrangement to use the 2nd Circuit's contract with them. A Quick Reference Guide is included. Language Line has available at least 15 languages in which they certify their own interpreters, but more than 150 languages are available. Five of these are Native American languages: Cherokee, Dakota (also known as Sioux, and one used in South Dakota frequently), Lakota (also Sioux, and also used in South Dakota), Mixteco, and Navajo. Spanish is the most common languages and is one of the certified languages. The others that have court proficiency are: Arabic, Cantonese, French, Haitian Creole, H'mong, Japanese, Khmer, Korean, Mandarin, Polish, Portuguese, Russian, Tagalog, and Vietnamese.

For more information about using the Language Line, contact the Administrator.

U Using an Interpreter. As a general rule, the most important thing to remember when using an interpreter is to have everyone speak clearly, at a moderate pace, with only one person speaking at a time (unless using an interpreter qualified in simultaneous interpretation). More breaks, more often, may be needed when using an interpreter, since interpreter accuracy may suffer during extended periods of continuous interpretation.

Three resources addressing practical tips for court proceedings involving court interpreters are attached. They are: "View From the Bench" by Charles Grabau, "User's Guide and Checklist" by Lynn Davis, printed in the Utah Bar Journal, and "Judges' Guide to Standards for Interpreted Proceedings" which is from a model guide for policy and practice. All three are attached for easy reference.

V Voir Dire of interpreter on the record. See the information above on qualifying or screening an interpreter. It is recommended that judges not only make a statement of the interpreter's qualifications on the record, but that they clarify the interpreter's role to parties, attorneys, witnesses, and especially to jurors.

W Witnesses, victims, and others. If the person needing interpreting services is a witness, victim, or spectator, the court must still provide an interpreter. The rules and guidance are more strict if the need falls under an ADA request (establishing that spectators are "participants" or "recipients" of public services), but all the same, one should be provided. See the paragraph on Statutes.

X eXamples of problems. (I'm trying to use up all the letters of the alphabet!) There are two general kinds of problems that arise in using an interpreter. The first is that the interpreter is not qualified and unable to accurately relay what is being said. While the court cannot function as the interpreter, if it becomes clear that an interpreter is not up to the job, the proceedings should be stopped until a more qualified interpreter can be available. The second common problem is reversible error. This occurs when a request for an interpreter is seen to be frivolous, or denied without cause, or when errors are not corrected during the testimony.

Probability for both of these can be reduced by precautions taken prior to trial (screening of interpreters for credentials and conflicts of interest) and attentiveness during proceedings to such things as body language or facial expressions indicating confusion or contradiction.

Y Yearly reviews and assessment of needs. Judges and staff need to be aware of changes in the community and in routine court proceedings that indicate changes in procedure are needed. Interpreters should be solicited when needed, and screened before their names are made available to staff and/or attorneys for use in the court. Yearly reviews will also reveal if expenditures are increasing, identify training needs, and possibly point out other resources available to the court. It is recommended that the court keep a summary record of all cases where interpreters are used for statistical and other review by the Circuit Administrator.

Z Zero problems if you follow the plan. Probably not gonna happen that there are NO problems, but we can hope!! And if not, then we all get the opportunity to learn something new and keep others from making the same mistakes. Please share your experiences with the Circuit Administrator.

NOTES:

Note: These ABC's were compiled from tips in the personal experience of the Circuit Administrator having worked in other jurisdictions that certified interpreters, as well as from resources such as the National Center for State Courts, and particularly, the interpreter programs in use in the courts in Wisconsin and Minnesota.

"Boxed" items are points for specific recommendation to the judges.

CLERK/CSO PROCEDURE

Procedure for Using Interpreters for Court Services-Related Appointments

1. The circuit (i.e., administrator) will screen interpreters to pre-determine qualifications. Once interpreters have been screened, their names can be placed on a resource list that will be available to each clerk's and Court Services office in the circuit. Being "qualified" and placed on the list does not obviate the need for the trial judge to determine on the record the need for the interpreter or the appropriateness of any given interpreter to work on any given case. All persons approved for the list will be required to subscribe to a code of ethics. Further, all interpreters who are used for court proceedings need to sign a written oath that can be filed with the clerk of court, or to give a verbal oath on the record at every hearing.

2. As a general policy, "qualified" or experienced, disinterested interpreters will be used rather than family members or friends. A contract with the Language Line makes these services reasonably available by telephone conference for short proceedings, such as pretrial hearings, initial appearances, arraignments, motion hearings, customer service in the clerk's office, and probation services.

3. If an interpreter is required but has not had sufficient time to be screened by the administrator, the interpreter will have to submit a resume for us to keep on hand; if not before the meeting, as soon as he can get one to us. This resume should indicate any formal language and/or interpreter education and work experience doing interpreting or translating.

4. The first time an interpreter is used, an IRS form W-9 is to be completed and signed, and returned to the administrator. Without the W-9, the interpreter cannot be paid. The form is available to be printed from this link.

<http://www.irs.gov/pub/irs-pdf/fw9.pdf?portlet=3>

5. All interpreters will be required to review the Interpreter Code of Ethics (attached) and to sign it. Each paragraph should be initialed. If a person refused to subscribe to this Code of Ethics, they should not be allowed to interpret for us.



INTERPRETER
CODE OF ETHICS.doc

6. The interpreter will need to submit a bill on a monthly basis, or at the completion of a meeting if they are not expected to be needed again during the month. The interpreter should be given the Direct Voucher form to fill out, making sure the following are included: date(s) and locations of service, time spent per meeting, the CSO's name, the client's name and case number if possible, and total amount due. It needs to be signed by the interpreter. The CSO should approve it (initial it is fine), and add the case number if the interpreter hasn't done so. CSOs send to Perry for approval, and he can send it to the administrator for processing.

7. When an interpreter is needed for 10 minutes or less, Language Line services can be used. An instruction sheet is attached, as is a listing of account numbers to be entered.

ROSTER & LANGUAGES

3rd Circuit interpreters who have been screened (As of October 27, 2008)

Brookings, Flandreau areas: (Spanish only)

Carmen Bremmon, Estelline: home 873-2232; cell 690-2414

Martha Aragon, Volga & Hawley, Minnesota: cell 690-6045 when she's in town

Stacy Hamilton, Brookings: home 693-4334; cell 690-577 (on hold – new job - till she calls us 1/30/08)

Miquel Fernandez-Garrido: home 696-0181

Luz Selene Hernandez: cell 864-8536

Watertown, Milbank, Clear Lake areas: (Spanish)

Sandra Fonder, Milbank: 432-5199

Karen Gross, Watertown: 886-8776

Watertown area: (Hungarian, Romanian)

Denes Barabas: home 882-8961, work 882-2052

Huron area: (Spanish only)

Janette (pronounced Janet) Spinsby: 352-9594 (preferred)

Edgar Ayoroa: home 353-0922, work 353-9436 (has only interpreted in court once)

Lindsey Passmore: home 352-9022, cell 354-5845 (only summer availability at this time)

Chaipao Daniel Yang: home 350-2346, work 554-0413

Adalberto Rodriguez: home 354-2311, work 353-9766

Martha M. Diaz Medina: home 787-597-9312, work 605-461-9364

Services that might be able to provide interpreters:

Lutheran Social Services, 732-2010 (not sure where from; Tony uses them)

A to Z Language Interpreters: Sioux Falls 275-6565

3rd Circuit Interpreters who have been screened
(As of January/2008)

Brucela Barantes

Brookings, Flandreau areas: (Spanish only)

Carmen Bremmon, Estelline: home 873-2232; cell 690-2414

Stacy Hamilton, Brookings: home 693-4334; cell 690-5779

Martha Aragon, Volga & Hawley, MN: cell 690-6045 when she is in town

Watertown, Milbank, Clear Lake areas: (Spanish only)

Sandra Fonder, Milbank: 432-5199

Karen Gross, Watertown: 886-8776

Watertown area: (Hungarian, Romanian)

Denes Barabas: home 882-8961; work 882-2052

Maria Maturney

Huron area: (Spanish only)

Janette (pronounced Janet) Spinsby: cell 461-9511 (preferred)

Edgar Ayoroa: home 353-0922; work 353-9436 (has only interpreted in court once)

Lindsey Passmore: home 352-9022; cell 354-5845 (only summer availability at this time)

Services that might be able to provide interpreters:

Lutheran Social Services: 732-2010 (not sure where from; Tony uses them)

A to Z Language Interpreters: Sioux Falls 275-6565

2nd Circuit | Forms & Local Rules | Minnehaha County | Lincoln County
Local FAQs | Calendars | Probation | Links | SD Jurors | Service Providers

2nd Circuit Roster of Frequently-Used Interpreters & Agencies

Interpreter Roster

Approved Mediators

Language Information

Updated: July 6, 2006

Note: This is not an exclusive list of all the interpreters used in the 2nd Judicial Circuit. If any qualified interpreter would like to be added to this list, or if anyone has any concerns or questions about court interpretation in 2nd Circuit courts, please call Karl Thoennes, Circuit Administrator, at 605-367-5920, or write uj2nd.web@uj.s.sd.us.

A to Z World Languages
Language Interpreters
(605) 275-6565

Various
Languages

Community Interpreter
Services
(605) 731-2010

Various
Languages

Communication Services for
the Deaf ASL/Sign Language
(605)362-3507

Sandra Guzman
(605) 521-9647

Spanish

Ghirmay Solomon
(605) 338-9150

Amharic/Tigrinya

Deya Thorin
(605) 940-2974

Spanish

Zolia Talavera
(605)332-7360

Spanish

Metro Interpreter Services
Contact: Patrick Rugamba
218 W. 13th Street
Sioux Falls, SD 57104

Various
Languages

Cu
Op
- 1'

SN
CL
- 1'

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& h
Ra
- 1'

200
Inf
Co
Co
- 1'

Co
Drc
- 1'

Ne
Juc
- 1'

605-271-1999, FAX 605-
271-2029

(To be added to this roster, please call)

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4th Circuit	Counties	Probation	Calendars	Service Providers
Procedures	Local Forms & Policies	FAQ	Links	SD Jurors

4th Circuit Menu

Welcome to the Fourth Circuit

Court Interpreters

Court Mediators

Child Custody Evaluators

Fourth Circuit Interpreters

South Dakota does not have a formal interpreter certification program; however, we are committed to providing the best possible interpretation in all of our courtrooms. Our Court has contracted with Language Line Court Interpretation Service to provide the highest quality service of its kind, which is available 24 hours a day, seven days a week from English into more than 140 languages. In addition, the following is a list of interpreters and interpreter agencies who have agreed to provide services to the courts in the Fourth Circuit.

INTERPRETERS

COMMUNICATION SERVICES FOR THE DEAF

To arrange call Jennifer Taylor – 394-2544

SPANISH INTERPRETERS

- Peggy Kuhl – Teacher Lead/Deadwood High School

SUMMERTIME ONLY
 616 Houston, Lead, SD 57754
 584-3596

- Maria King

1001 Stanley St., Belle Fourche, SD 57717
 723-6282

- Marcie Pratt or Eric Baxter

Black Hills State University
 1200 University Ave., Spearfish, SD 57783
 642-6420 (Arts & Sciences)

- marciepratt@BHSC.edu
- ericbaxter@BHSC.edu

- Daniel R. Gardiner

1480 Edinborough Drive, Rapid City, SD 57702

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605-415-5434

POLISH INTERPRETERS

➤ Marysia McDowell

1145 Main St., Spearfish, SD 57783
642-2500 - **ONLY EMERGENCY SITUATIONS**

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5th Circuit Menu

Welcome to the 5th Circuit

CASA

Child Support Referees

Court Interpreters

Court Mediators

Fifth Circuit Interpreters

South Dakota does not have a formal interpreter certification program; however, we are committed to providing the best possible interpretation in all of our courtrooms. Our Court has contracted with Language Line Court Interpretation Service to provide the highest quality service of its kind, which is available 24 hours a day, seven days a week from English into more than 140 languages. In addition, the following is a list of interpreters and interpreter agencies who have agreed to provide services to the courts in the Fifth Circuit.

INTERPRETERS

COMMUNICATION SERVICES FOR THE DEAF (CSD) Interpreting Services

To arrange call Nancy Schlichenmeyer— 1-888-540-6543 (toll free)

SPANISH INTERPRETERS

***Dr. John Morrow**
605-626-3352
john.morrow@northern.edu

***Dr. Wally Hastings**
605-626-3352
hastingw@northern.edu

Virginia Elkhader
vlarelk@yahoo.com

ARABIC INTERPRETERS

***Dr. John Morrow**
605-626-3352
john.morrow@northern.edu

CZECH INTERPRETERS

***Dr. Marcela Faflak**
605-626-7755
faflakm@northern.edu

***Dr. Richard Faflak**
605-626-3437
faflakr@northern.edu

Caroline Faflak, daughter to Drs. Richard & Marcela Contact information: please contact either parent

DANISH INTERPRETERS

***Dr. Casey B. Black**

Co
Pr

605-626-7697
blackc@northern.edu

FRENCH INTERPRETERS

***Dr. John Morrow**
605-626-3352
john.morrow@northern.edu

***Dr. Casey B. Black**
605-626-7697
blackc@northern.edu

GERMAN INTERPRETERS

***Ginny Lewis**
605-626-7696
virginia.lewis@northern.edu

IRANIAN INTERPRETERS

Hassan Pirooz
1539 S. Lloyd St
Aberdeen, SD 57401
605-626-7797 (w) or 605-229-2871 (h)
mhpirooz@yahoo.com

RUSSIAN INTERPRETERS

***Margarita Aroutiunian**
605-626-3224 or (Cell) 605-248-8615

*Professors at Northern State College. Work address is NSU, 1200 S. Jay Street, Aberdeen, SD 57401

TOP

LANGUAGE IDENTIFICATION FLASHCARD

املا هذا المربع اذا كنت تقرا أو تتحدث العربية.

Arabic

Խոսողու՞մ ե՞մք նշու՞մ կատարե՞ք այս քանակու՞տում,
եթե խոսու՞մ կա՞մ կարողու՞մ ե՞ք հայերեն:

Armenian

যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।

Bengali

សូមញាតក្នុងប្រអប់នេះ ចំអ្នកនានា ឬនិយាយភាសា ខ្មែរ ។

Cambodian

Matka i kahhon komu un taitai pat un sang i Chamorro.

Chamorro

如果您具有中文閱讀和會話能力，請在本空格內標上X記號。

Chinese

Make kazyè sa a si ou li oswa ou pale kreyòl ayisyen.

Creole

Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.

Croatian (Serbo-Croatian)

Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.

Czech

Kruis dit vakje aan als u Nederlands kunt lezen of spreken.

Dutch

Mark this box if you read or speak English.

English

اگر خواندن و نوشتن فارسی بدرهستین، این مربع را علامت بگذارید.

Farsi

<input type="checkbox"/> Cocher ici si vous lisez ou parlez le français.	French
<input type="checkbox"/> Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	German
<input type="checkbox"/> Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	Greek
<input type="checkbox"/> अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस गोले पर चिह्न लगाएँ।	Hindi
<input type="checkbox"/> Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	Hmong
<input type="checkbox"/> Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet.	Hungarian
<input type="checkbox"/> Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	Ilocano
<input type="checkbox"/> Marchi questa casella se legge o parla italiano.	Italian
<input type="checkbox"/> 日本語を讀んだり、話せる場合はここに印を付けてください。	Japanese
<input type="checkbox"/> 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	Korean
<input type="checkbox"/> ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກົດພາສາລາວ.	Laotian
<input type="checkbox"/> Zaznacz tę kratkę jeżeli czyta Pan/Pani lub mówi po polsku.	Polish
<input type="checkbox"/> Assinale este quadrado se voce lê ou fala Português.	Portuguese

<input type="checkbox"/> Însemnați această căsuță dacă citiți sau vorbiți Românește.	Romanian
<input type="checkbox"/> Пометьте этот квадратик, если вы читаете или говорите по-русски.	Russian
<input type="checkbox"/> Maka pe fa'aloga le pusa lea pe afai e te faitau pe tusitusi i le gagana Samoa.	Samoan
<input type="checkbox"/> Обележите овај квадратик уколико читате или говорите српски језик.	Serbian (Serbo-Croatian)
<input type="checkbox"/> Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	Slovak
<input type="checkbox"/> Marque esta casilla si lee o habla español.	Spanish
<input type="checkbox"/> Markahan ang kahon na ito kung ikaw ay nagsasalita o nagbabasa ng Tagalog.	Tagalog
<input type="checkbox"/> โปรดทำเครื่องหมายลงในช่องสำหรับท่านที่พูดภาษาไทย.	Thai
<input type="checkbox"/> Faka'ilonga'i 'ae puha ko'eni kapau 'oku te lau pe lea 'ae lea fakatonga.	Tongan
<input type="checkbox"/> Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	Ukrainian
<input type="checkbox"/> اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانہ میں نشان لگائیے.	Urdu
<input type="checkbox"/> Xin đánh dấu vào ô này nếu quý biết đọc và nói được Việt Ngữ.	Vietnamese
<input type="checkbox"/> צייכנט דעם קעסטל אויב איר שרייבט אדער ליינט אידיש.	Yiddish

Language “substitutions”

If a person indicates a need for this language:

this language can be used:

Bosnian	Croatian or Serbo-Croatian
Cantonese	Chinese, Yue
Ethiopian	Amharic
Finnish	Dutch
Fuchienese	Chinese, Min Nan
Mandarin	Chinese, Mandarin
Persian	Farsi, Eastern
Tai Shan	Shan

DEAF DHS/CSD

DHS info on interpreters for deaf: contact them to arrange

Interpreter Certification

Effective July 1, 2006, the Department of Human Services will be implementing new interpreter certification policies and procedures. During the 2006 legislative session new interpreter certification laws (HB1248) were adopted changing South Dakota certification. Along with South Dakota Certification level III, IV, and V, South Dakota now recognizes national certification (RID & NAD), EIPA (Educational Interpreter Proficiency Assessment) certification with a score of 3.5 or higher, and will be issuing provisional certification for graduates of an accredited IT (Interpreter Training) Program. All certifications will require initial and annual registration. South Dakota will no longer be offering interpreter certification testing. All future interpreter certification testing must be taken through the national organization (RID) or through EIPA.

HB 1248- An Act to provide for the regulation of persons interpreting for the deaf and hard of hearing.

Interpreter registration notice.

Interpreter FAQ's - A list of frequently asked questions

Provisional Certification Form

Initial Registration Form

For further information contact: Janet Ball at 605-773-4547 or contact at janet.ball@state.sd.us
Department of Human Services
Division of Rehabilitation
Hillsview Plaza, E. Hwy 34
c/o 500 East Capitol
Pierre, SD 57501-5070
Phone: 605-773-5991
1-800-265-9684
Fax: 605-773-5483

**RELAY CALL OR CALL FOR HEARING IMPAIRED
TDD (Telecommunications Devices for the Deaf)**

First you need to get the name and number of the person whom is in need of this service.

Find out when the hearing is and make arrangements with the Judge.

It would take place as a telephone conference call. Everything that is said in the courtroom is relayed through an operator, who types what is said, and it appears in written form on the petitioner's phone device. They then type back or speak back their response and the operator relays that back to our end. There is no charge for this service.

1-800-877-1113 (South Dakota Relay Operator)

1-800-676-3777 (Customer Service) Attn: Sherry

All you have to do is call in and give the relay operator the parties name and number that you want to communicate with. They will connect you and type in the conversation. Make sure and call ahead to schedule this transaction.

If they want an interpreter for the hearing instead of the typing, the interpreter would be Nancy Schlichenmayer at the Communication Service for the Deaf office out of Aberdeen. Her telephone number is 605-626-2668 and her cell number is 605-380-1974. In this case, the petitioner would go to Nancy's office and then the hearing would take place as if by conference call rather than using the TDD system. The interpreter would sign the hearing to the petitioner in this case. There is a charge for this service, so if it is a civil case, you need to let the other party know that they will be billed for this service.

LANGUAGE LINE



When you need language assistance for XXXX County matters:

1. Dial **1-800-874-9426**
2. Enter billing information when prompted
 - Client ID Number **538012**
 - Organization Name **Circuit Court**
 - Personal Code
See Card for your code number
3. Provide language needed
 - 1** for Spanish
 - 2** for all other languages

Say language needed at prompt (use card if needed)
Confirm
4. Wait for the Answer Point to conference the Interpreter. Billing starts when Interpreter is on the line.
5. You are now "on the record" if this is a court proceeding. Brief the Interpreter on the type of proceeding (or reason for call if not a court hearing) and provide any special instructions. *Administer oath to interpreter if this is court hearing* (see reverse for oath).
6. Proceed in usual manner. (Or add the non-English speaker to the line via the speakerphone or conference system if not appearing in person.)
7. Dismiss the Interpreter when the proceeding is finished, or proceed with next case for which interpreter is needed. When interpreter is no longer needed, tell the Interpreter you are done. Interpreter will confirm the "call is ended."

The Court's billing information is important. You must provide the six-digit Client ID Number, County Code, and Department Code to be connected to an Interpreter. The Answer Point representative will assist with language identification if necessary. There is also a languages card you can use as a resource to have the non-English speaking persons identify the language they speak if you do not know.

Working with an Interpreter. Brief the Interpreter on the nature of the proceeding (i.e. arraignment, traffic violation, client in office, etc.). Explain to the Interpreter that you are using a speakerphone in a court setting (or your office), and ask the interpreter to make you aware of any audio problems. Provide any other instructions that will allow the Interpreter to help you process the hearing or meeting more efficiently.

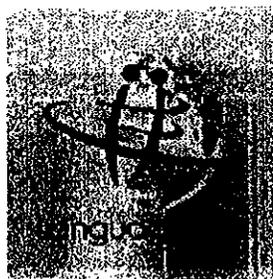
Interpreter identification. For reasons of confidentiality, Interpreters identify themselves by first name and Interpreter ID number only.

Length of call and rates. Expect interpreted comments to run a bit longer than English phrases. Interpreters convey meaning-for-meaning, not word-for-word. Prepare for your call; don't just "wing it." Rates vary between \$2.65 and \$3.00 per minute, depending on which qualifications of the interpreter has. Don't rush, but do be mindful that a 10 minute call can run between \$26.50 and \$30. A 30-minute call will cost \$79.50-\$90.00. It may be more cost effective to use a local, live interpreter in some instances.

Line quality problems. If you experience problems with the sound quality and Answer Point is still on the line, the Answer Point will re-dial the Interpreter for you upon your request. If the Answer Point has left the line, call them back, explain the problem, and ask Answer Point to stay on the line to check for sound quality.

Demonstration Line. To hear a recorded demonstration of over-the-phone interpretation, call our demonstration line at 1-800-821-0301 or visit our website at www.language.com.

Oath for Interpreter if using for a court proceeding: "Do you solemnly swear or affirm that you will justly, truly, and impartially interpret the oath or affirmation about to be administered in this matter [in these matters]; and the questions which may be asked and the answers that shall be given to such questions, relative to the cause now under consideration before this court? This you do under the pains and penalties of perjury."



LANGUAGE LIST

Acholi	French	Kurmanji	Russian
Afrikaans	French Canadian	Lakota	Samoan
Akan	Fukienese	Laotian	Sango
Albanian	Fula	Latvian	Serbian
Amharic	Fuzhou	Lingala	Shanghai
Arabic	Ga	Lithuanian	Sicilian
Armenian	Gaddang	Luganda	Sinhalese
Assyrian	Gaelic	Luxembourgeois	Sindhi
Azerbaijani	Georgian	Macedonian	Slovak
Bahnar	German	Malay	Slovenian
Bambara	Greek	Malagasy	Somali
Basque	Gujarati	Malayalam	Sorani
Belorussian	Haitian Creole	Maltese	Spanish
Bengali	Hakka	Mandarin	Swahili
Berber	Hausa	Mandinka	Swedish
Bosnian	Hebrew	Mankon	Szechuan
Bulgarian	Hindi	Marathi	Tagalog
Burmese	Hmong	Mien	Taiwanese
Cakchiquel	Hubei	Mixteco	Tamil
Cantonese	Hungarian	Mongolian	Telugu
Catalan	Hunanese	Navajo	Thai
Chaldean	Ibanag	Neapolitan	Tibetan
Chao-Chow	Ibo	Nepali	Tigre
Chavacano	Icelandic	Nigerian Pidgin English	Tigrinya
Cherokee	Igbo	Norwegian	Toishanese
Croatian	Ilocano	Nuer	Tongan
Czech	Indonesian	Oromo	Toucouleur
Dakota	Italian	Pampangan	Tshiluba
Danish	Jakartanese	Pangasinan	Turkish
Dari	Japanese	Papiamento	Ukrainian
Dinka	Jarai	Pashto	Urdu
Dutch	Javanese	Pidgin English	Vietnamese
Estonian	Kanjobal	Polish	Visayan
Ewe	Kashmiri	Portuguese	Welsh
Farsi	Khmer (Cambodian)	Portuguese Creole	Wolof
Fijian	Korean	Punjabi	Yiddish
Finnish	Krio	Rhade	Yoruba
Flemish	Kurdish	Romanian	Yupik

These 150 languages represent 98% of all customer requests from the 6,809 languages spoken in the world today. We monitor our language requests continuously, adding or deleting languages based upon customer needs.

12 Tips On Working Effectively With An Interpreter



Language Line Services hires the very best interpreters available.

And then we test, train and monitor them for the highest level of accuracy and professionalism.

With that said, though, language interpretation is a three-way conversation between yourself, your client and the interpreter.

You and your colleagues can **make every interpreter call a more effective and pleasant one** for you and your client just by learning these few simple tips:

1. **Brief the interpreter** - Identify the name of your organization to the interpreter, provide specific instructions of what needs to be done or obtained, and whether you need help with placing a call. The interpreter can assist you in getting the call off to a good start by introducing you and your facility, and then relaying your initial question.
2. **Speak directly to the client** - You and the client can communicate directly with each other as if the interpreter were not there. The interpreter will relay the information and then communicate the client's response directly back to you. Also, speak naturally (not louder) and at your normal pace (not slower).
3. **Segments** - Speak in one sentence or two short ones at a time. Try to avoid breaking up a thought. Your interpreter is trying to understand the meaning of what you're saying, so express the whole thought if possible. Interpreters will ask you to slow down or repeat if necessary. You should pause to make sure you give the interpreter time to deliver your message.
4. **Clarifications** - If something is unclear, or if the interpreter is given a long statement, the interpreter may ask you for a complete or partial repetition of what was said, or clarify what the statement meant.
5. **Ask if the limited English proficient (LEP) person understands** - Please don't automatically assume that the LEP client understands you. In some cultures a person may say "yes" as you explain something, but it doesn't necessarily mean they understand. It may just mean they want you to keep talking because they are trying to follow the conversation. Also, keep in mind that a lack of English does not necessarily equate to a lack of education.
6. **Do not ask for the interpreter's opinion** - Avoid asking the interpreter for opinions or comments. The interpreter's job is to convey the meaning of the source language and not allow personal opinion to tinge the interpretation (see the Language Line Services "Code of Ethics").
7. **Everything you say will be interpreted** - Try to avoid private conversations with your colleagues. Whatever the interpreter hears will be interpreted.
8. **Avoid jargon or technical terms** - To help your client and interpreter better understand you, don't use industry jargon, slang, idioms, acronyms, or technical terms. Clarify vocabulary that is unique to the situation, and provide examples if needed to explain a term.
9. **Length of interpretation session** - Many concepts you express may have no equivalent in other languages. The interpreter may have to describe or paraphrase the terms you use. As a result, an interpretation might take twice as long as a conversation carried on in English only. Please avoid interrupting the interpreter while he or she is interpreting.
10. **Reading scripts** - Though we may not notice it, we often talk more quickly when reading a script. When reading a script, prepared text, or a disclosure, please slow down to give the interpreter a chance to keep up with your pace.
11. **Culture** - Professional interpreters are familiar with the culture, and customs of the limited English proficient speaker. During the interpretation session, the interpreter might identify and point out a cultural issue of which you may not be aware. Also, if the interpreter feels that a particular question is culturally inappropriate, he or she may ask you to rephrase it.
12. **Closing of the call** - The interpreter will wait for you to initiate the closing of the call. When appropriate, the interpreter will offer further assistance and will be the last to disconnect from the

call.

You may share "12 Tips On Working Effectively With An Interpreter" with your colleagues in your own newsletter, and on your Intranet or Internet web site, as long as you include the following copyright information.

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Home	Products & Solutions	Customer Service	Our Company
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Home > How It Works

NEXT ST

Three Ways You Can Use Language Line® Over-the-Phone Interpretation Service With Limited English Speakers (LES)

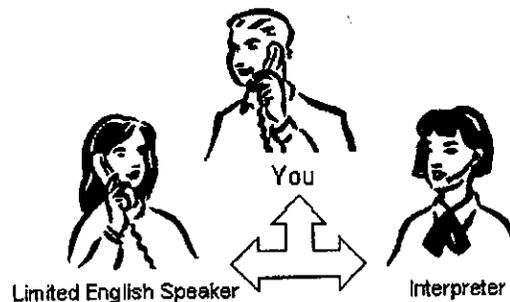
Open An Ac
Onl
1-8
Emi

Note: Depending on your organization's requirements, the following process may be somewhat different. If you have any questions please contact your account manager or Customer Service at 1-800-752-6096.

Ask A Quest
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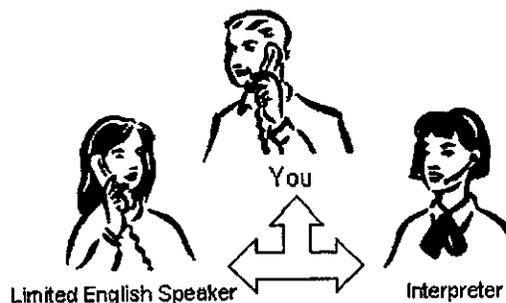
You Receive a Call

- Place the **Limited English Speaker (LES)** on conference hold.
- Dial the Language Line Services designated toll-free number you have been provided at sign-up.
- Request the language your caller speaks through our easy-to-use interactive voice response (IVR) system.
- When the interpreter is connected, explain the situation.
- Conference In your limited English-speaking caller.



You Need to Make a Call

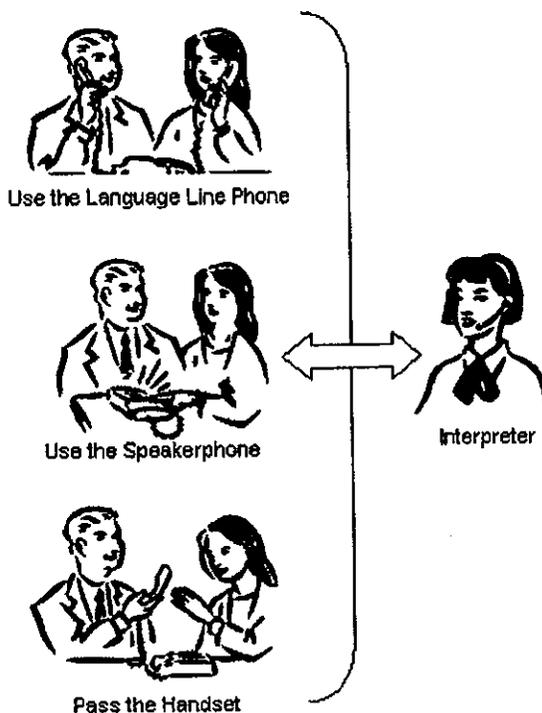
- Dial the Language Line Services designated toll-free number.
- Request the language your client speaks through our easy-to-use interactive voice response (IVR) system.
- When the interpreter is connected...
- Call your limited English-speaking client...
- Or the interpreter can place the call for you within the U.S. or Canada.



You Are Face-to-Face

- Dial the Language Line Services designated toll-free number.
- Request the language your client speaks through our easy-to-use interactive voice response (IVR) system.
- When the interpreter is connected, use the Language Line® Phone, or your speakerphone, or pass your handset back and forth.

If you have any questions please contact your account manager or Customer Service at



[Home](#) / [Products & Solutions](#) / [Customer Service](#) / [Our Company](#) / [Site Map](#)
[Contact Us](#) / [Careers](#) / [News Room](#)

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Language LineSM Court Interpretation Service OVERVIEW

Across the nation, Language Line Court Interpretation Service is used in:

- U.S. District Courts
- Circuit/Trial Courts
- Municipal/District Courts
- Magistrate Courts
- Parole/Probation
- Family Law Centers
- Pre-Trial Services
- Office of the District Attorney
- EOIR master calendar hearings

The most common applications for over-the-phone interpretation are:

- ✓ Arraignments
- ✓ Preliminary Hearings
- ✓ Bail/Bond Review
- ✓ Sentencing
- ✓ Public Information Areas
- ✓ Clerk of the Court Offices

Language Line Services assists courts nationwide by providing over-the-phone interpretation services for activities including arraignments, bail/bond reviews, preliminary hearings, traffic offenses, hunting/fishing violations, domestic violence proceedings, referral services to court-related programs, self-help desks, and public information counters.

Background on Court Certification

Language Line Services participated in a 1996 study, "Court Telephone Interpreting Service Pilot Program" (a joint project of the State Justice Institute and the National Center for State Courts) to design a model that would deliver court certified interpreters to the courts using telecommunications technology.

Based on the success of the 1996 project, Language Line Services deployed the court model and launched Language Line Court Interpretation Service. Language Line Services has stratified its interpreter workforce according to the type of court certification held and has integrated this stratification into its automated platform.

When a court contacts Language Line Services and requests an interpreter, the automated system searches for the first available court certified interpreter. If a certified interpreter is not available, the system will default to the pool of other qualified interpreters.

The pool of certified interpreters consists of interpreters who have been certified by the United States Administrative Office of the Courts, the Consortium for State Court Certification, the California Judicial Council, interpreters who have been certified for California Administrative Hearings, and Language Line Services Court Certified interpreters who have been trained and tested by Language Line Services.

Court Interpreter Qualifications

Interpreter qualifications and standards are critical when servicing the demanding and varied judicial applications. To ensure that Language Line Services interpreters are prepared to handle the court's unique language interpretation demands, recruiters with extensive interpretation experience screen all potential interpreter resumes for interpretation training and/or experience, general education and related work experience.



Language Line
services

Language Line Court Interpretation Service in the following languages:

- Spanish
- Arabic
- Cantonese
- French
- Haitian Creole
- Hmong
- Japanese
- Khmer
- Korean
- Mandarin
- Polish
- Portuguese
- Russian
- Tagalog
- Vietnamese

Service Availability

Language Line Court Interpretation Service is available during court business hours, Monday-Friday, 5:30 A.M. to 5:00 P.M. PST, for requests for certified interpreters and administrative hearing certified interpreters of Spanish.

Language Line Court Interpretation Service cannot guarantee the availability of certified interpreters because they may be engaged in other court assignments. In those instances, Language Line Court Interpretation Service will provide professional, otherwise qualified interpreters. At all other times, and for all other languages, a professional, otherwise-qualified interpreter will be provided to the courts.

Many Language Line Services interpreters are certified to interpret in court proceedings and have passed rigorous interpreting examinations. These consist of a written examination and an oral examination testing an interpreter's simultaneous, consecutive and sight translation skills.

There are over 6,000 languages in the world. Of those, there are only 15 languages for which court certification examinations currently exist. The number of languages used in the state court system greatly outnumbers the amount of language examinations available. (California estimates that approximately 244 languages are used in its state courts.)

Consequently, Language Line Services developed an internal certification program that is a hallmark in the industry because of its unique multi-faceted nature, incorporating performance evaluation tools with formal assessment and training components. Holly Mikkelson, Professor of Interpretation and Translation at the Monterey Institute of International Studies, formed part of the Court Certification Test Design Team that designed the Court Certification Test. The test has been externally validated by a psychometrician from the University of Maryland and has been recognized by more than one state as a valid certification testing instrument in lieu of a state court certification test.

The multi-faceted nature of the LLS Certification Program means that it consists of more than just the oral interpreting assessment. As one of the other 6 required components, all interpreters must complete a 16-hour court training program, which includes:

- An overview of the U.S. judicial system
- Commonly used legal terms
- Review and analysis of the Code of Professional Responsibility for Court Interpreters (based on the "Model Code of Professional Responsibility for Interpreters in the Judiciary" developed by the National Center for State Courts)
- Professional Ethics and the Role of the Court Interpreter
- Procedures and processes in courts of lower jurisdiction
- Criminal law motions
- Glossary of legal terms
- Consecutive note-taking skills.

For more information, contact:

Language Line Services
Phone: (800) 752-0093
Email: info@languageline.com

INTERPRETER SCREENING

Application to Provide Interpreting Services
 Unified Judicial System of South Dakota
 3rd Judicial Circuit Court

Date: _____

I. CONTACT INFORMATION

Name: _____

Address: _____

Day time phone number: _____ Evening phone: _____

Fax number: _____ Cell phone: _____

Email address: _____

II. CERTIFICATIONS

		When?	By Whom?
1. Are you certified by <i>any</i> Court Interpreter Program?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
2. Are you certified by any other body, group, or organization?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
3. Have you ever completed an interpreter Orientation program sponsored by any state or federal court?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
4. Have you even taken a written ethics examination administered by any state or federal court?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
5. FOR SIGN LANGUAGE ONLY. Do you possess a			
a. Certificate of Transliteration (CT)	Yes No		
b. Certificate of Interpretation (CI)	Yes No		
c. Comprehensive Skills Cert (CSC)	Yes No		
d. Cert Deaf Interpreter (CDI)	Yes No		
e. Cert Deaf Interp Prov (CDI-P)	Yes No		

V: WORK HISTORY

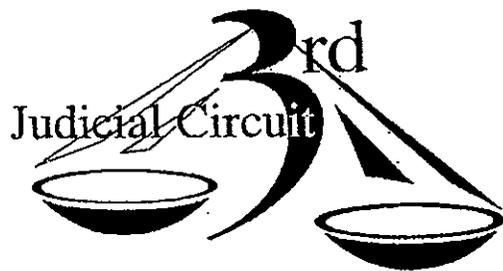
1. Are you currently employed? If so, where, and how long have you been there?
2. What is your job title?
3. If you are employed, is your employer willing to accommodate the need for you to appear as an interpreter for court proceedings?
4. What is your availability for interpreting, and how much notice do you require?

VI. PERSONAL INFORMATION

1. What country did you grow up in? How many years did you live there?
2. If you were not born in the US, how long have you lived here?
3. Have you done any extensive travel to countries where the languages you interpret are spoken? Where? When?
4. For what kinds of specialized settings have you had occasion to use your interpreter skills? Check all that apply.
 - Business/employment
 - Medical care
 - Travel and accommodations
 - Educational
 - Leisure/recreation (reading, eating out, shopping, etc.)
 - Legal or court or jail/law enforcement-related
 - Other: _____

VII. SERVICES AND FEES

1. What is your rate for interpreting services, mileage, etc. _____
2. How far are you willing to travel to interpret? _____
3. Do you have a minimum fee or time block which must be met? _____



Interpreter Guide

What do court interpreters do?

Interpretation is necessary during court proceedings when there are parties who primarily or only speak a language other than English. The purpose of interpreting for defendants who do not speak English is to allow them to understand everything that is being said and to participate effectively in their defense. When witnesses primarily or only speak a language other than English, an interpreter is required so that the person's testimony can be understood and become evidence in the case. If interpretation is inaccurate, defendants may misunderstand what is taking place, or the evidence heard by judge and jury may be distorted, if not significantly changed. What the interpreter says in English following a witness' testimony in another language is what is heard by the judge and jury as evidence, and it is what is recorded in the record of the proceedings. Interpreters who work in court, therefore, have the weighty responsibility of interpreting everything that is said, without adding, deleting, altering or summarizing the content. Court interpreters also must preserve the nuances and level of formality (or informality) of the speech. Even insulting or embarrassing language, including profanity, must be accurately interpreted. In addition to rendering spoken English into the foreign language and vice versa, court interpreters are sometimes required to perform sight translation, which is reading documents and interpreting them from English into the foreign language or the foreign language into English.

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 (as someone with at least 2 years of college-level education); an extensive vocabulary ranging from formal

- You may also prefer to review any particular court documents (such as a Complaint or Information) that relate to the hearing about to take place, so that you can acquaint yourself with the names or legal terms that will be used.
- Dress.
 - You should dress appropriately for the courtroom. This is generally the clothing you would wear at any business. A suit is not required, but jeans and tee-shirts are not allowed either.
- What and How to Interpret.
 - You work for the Court. You must interpret everything that is said in the courtroom, including vulgarities or threats. This includes every spoken statement, even if it appears non-responsive, obscene, rambling or doesn't make sense.
 - You must give a complete and accurate interpretation without changing, leaving out, or adding anything to the meaning of what is said and without explanation. You should interpret everything said, even objections made by the attorneys.
 - You are not allowed to engage in any conversation with the parties, witnesses, jurors, attorneys, or with friends or relatives of any party, except in the discharge of your official duties.
 - You should not answer questions for the non-English speaking person. If he or she has a question, translate the question for the judge or lawyer and they will respond to the question.

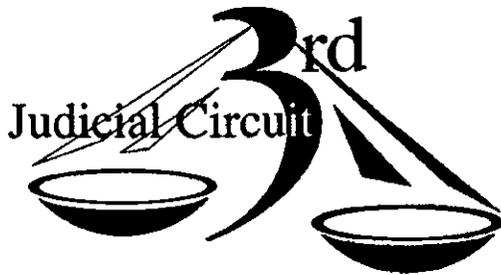
Clarifications.

- If for some reason you need to pause during the proceedings, please raise your hand and speak up.
- If something is unclear, or if you are given a long statement, ask the judge if you need a complete or partial repetition of what was said, or clarify what the statement meant.
- If particular vocabulary is unfamiliar to you, let the judge know you do not understand the word. They may be able to give you examples to explain a term. If there is no equivalent term in the non-English language, let the judge know that and ask permission to paraphrase the intent or meaning.

CONFIDENTIALITY

You must agree to keep everything you observe and hear and interpret in the courtroom or meeting confidential, even if you think it is public information.

OATH & ETHICS



INTERPRETER CODE OF ETHICS

I _____ agree to be bound by the following Code of Ethics as an interpreter for the 3rd Judicial Circuit Court of South Dakota's Unified Judicial System.

_____ **SERVICES.** I agree that while I am performing the professional duties of an interpreter, I will not give advice, express personal opinions, advocate for anyone involved in the proceedings or any issue presented, or engage in any other activity that may be construed as a service other than interpreting.

_____ **CONFIDENTIALITY.** I shall respect all confidences received in the course of interpretation. All information gained by me in the course of my professional duties shall remain strictly confidential. This information shall not be communicated, published or in any way divulged to any organization or person, other than the organization or person engaging my services as an interpreter.

_____ **ACCURACY & COMPLETENESS.** I will render, to the best of my ability, a complete and accurate interpretation without altering or omitting anything that is stated. I will not add to what is said nor provide unsolicited explanation. I will strive to convey meaning-for-meaning and will seek clarification from the court if I am in doubt at any time during the proceedings.

_____ **IMPARTIALITY.** I will be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. I will not allow personal opinions to interfere with my duties nor add unsolicited comments or make recommendations except to assist communication.

_____ **CONFLICT OF INTEREST.** I will disclose any real or perceived conflict of interest. I will not take personal advantage, financial or otherwise, of information obtained in the course of my work.

_____ **DISQUALIFICATIONS & IMPEDIMENTS.** I will, at all times, assess my ability to maintain highest standards for professional interpretation. I will immediately convey any reservations about my ability to successfully complete assignment from the 3rd Circuit. I will decline any assignment I believe to be beyond my technical knowledge or linguistic ability.

_____ **PROFESSIONAL COURTESY.** I will shall maintain a professional demeanor, be courteous and use the tone of voice appropriate to the situation. I will defer to all instructions from the court.

Interpreter

Date

Witness:

Name

Date

State of South Dakota)
) SS.
County of _____)

THIRD JUDICIAL CIRCUIT COURT
OATH OF INTERPRETER

I, _____, do solemnly swear or affirm that I will justly, truly, and impartially interpret to any party or witness who does not speak English, the oath or affirmation administered in all matters; and the questions which may be asked and the answers that shall be given to such questions, relative to any cause under consideration in which I am employed to appear in _____ County, in circuit or magistrate court, under pains and penalties of perjury.

Name

SUBSCRIBED AND SWORN to before me on the _____ day of _____, 20____.

(Seal)

Clerk of Court/Deputy Clerk of Court

JUDGES

BENCHBOOK

Guidelines are taken from the "Judge's Guide to Standards for Interpreted Proceedings" found at Chapter 6 of Court Interpretation: Model Guides for Policy and Practice in the State Courts.

An Interpreter Should Be Appointed When:

- 1 It is recommended that judges presume a bona fide need for an interpreter when a representation is made by an attorney or by a pro se litigant that a party or witness has limited proficiency in English and requests an interpreter.
- 2 When any doubt exists about the ability of persons to comprehend proceedings fully or adequately express themselves in English, interpreters should be appointed.

Waiver of an Interpreter

- 1 Great caution should be exercised before permitting waiver of a right to an interpreter. The judge should allow a person who has limited proficiency in English to waive the use of an interpreter unless the person requests a waiver in writing and in the person's native language.
 - A. At any stage of the case or proceeding a person who has waived an interpreter should be allowed to retract a waiver and receive the services of a proceedings interpreter for the remainder of the case or proceeding.
 - B. Deliberations made on matters of waiver or retracting of waiver should be on the record.
- * * **CAUTION:** Acquiring interpreters through private interpreter agencies should not be relied on by court management personnel as presumptive evidence of an interpreter's qualifications for court interpreting.

USE OF QUALIFIED INTERPRETERS

- 1 When the court is obliged to use an interpreter whose skills are untested, it is recommended that the judge establish on the record that the proposed interpreter:
 - A Communicates effectively with the officers of the court and person(s) who receive(s) the interpreting services;
 - B Knows and understands the Code of Professional Responsibility for Interpreters;
 - C Will comply with the Code of Professional Responsibility, noting on the record any of its provisions that cannot be honored; and
 - D Takes the same oath that all interpreters must take in a court proceeding.

General Clarification of Interpreter's Role

- 1 The judge should explain the role and responsibilities of interpreters to all the courtroom participants in any court proceeding.
- 2 The explanation should be given before the proceedings begin.
- 3 The clarification should include the following points:
 - A The interpreter's only function is to help the court, the principal parties in interest, and attorneys communicate effectively with one another.
 - B The interpreter may not give legal advice, answer questions about the case, or help anyone in any other way except to facilitate communication.
 - C If a person who is using the services of an interpreter has questions, those questions should be directed to the court or an attorney through the interpreter; the interpreter is not permitted to answer questions, only to interpret them.
 - D If someone cannot communicate effectively with or understand the interpreter, that person should tell the court or presiding officer.

Special Clarification of Interpreter's Role to Sworn Witnesses

- 1 The judge should advise every witness of the role of the interpreter immediately after the witness is sworn and
- 2 The clarification should cover the following points:
 - A Everything the witness says will be interpreted faithfully.
 - B The witness must speak to the person who asks the question, not to the interpreter. If the witness needs a question to be clarified, the witness must ask for clarification from the person who asked the question.
 - C The witness should respond only after having heard the entire question interpreted into his or her own language.
 - D The witness should speak clearly and loudly so everyone in the court can hear; and
 - E If the witness cannot communicate effectively with the interpreter, she or he should tell the court or presiding officer.

Clarification of the Role of the Interpreter to Jurors

- 1 Any time an interpreter is required for a jury trial, the judge should advise the jurors of (1) the role and responsibilities of interpreters and (2) the nature of evidence taken through an interpreter.
- 2 When a case involves a non-English speaking party, the judge should instruct the panel of jurors before voir dire begins that an interpreter is sitting at counsel table to

enable the party to understand the proceedings.

- 3 It is also important to determine whether prospective jurors are affected by the presence of an interpreter.
- 4 After a jury is impaneled and before a trial begins, the judge should instruct jurors as part of the pre-trial instructions that they may not give any weight to the fact that a principal party in interest has limited or no proficiency in English and is receiving the assistance of an interpreter
- 5 When the trial involves witness interpreting, the judge should give instructions to jurors before the witness interpreting begins that include the following points:
 - A Jurors must treat the interpretation of a witness's testimony as if the witness had spoken English and no interpreter were present.
 - B Jurors must not evaluate a witness's credibility positively or negatively due to the fact that his or her testimony is being given through an interpreter;
 - C Jurors who speak a witness's language must ignore what is said in that language in that language and treat as evidence only what the interpreter renders in English. Such jurors must ignore all interpreting errors they think an interpreter may have made.

Maximizing Communication During Interpreted Proceedings

- 1 Keep the courtroom quiet and let only one person speak at a time.
 - 2 Remind the interpreter and court participants that the interpreter, when addressing the court on her or his own initiative, should always speak in the third person and identify her or himself as "the interpreter" or "this interpreter".
 - 3 Speak and assure that others speak at a volume and rate that can be accommodated by the interpreter.
 - 4 Permit witness interpreters to use appropriate signals to regulate speakers when the length of an utterance approaches the outer limit of the interpreters' capacity for recall.
 - 5 Make certain that the interpreter can easily hear and see the proceedings.
 - 6 The judge should ensure that the interpreter has conversed briefly with the non-English speaking person to be certain that interpreter and the party or witness are able to communicate adequately.
- * * CAUTION: When setting the pace of speech during interpreted proceedings, do not assume that the interpreter can work at the same speed as the court reporter. The court reporter works in shorthand and does not need to transfer

meaning from one language to another.

Interpreter's Responsibility

- 1 With the knowledge and consent of the attorneys, the interpreter should briefly interview the non-English speaking person before the proceeding to become familiar with speech patterns and linguistic traits.
- 2 Interpreters should advise the court or presiding officer any time during a proceeding or case when they believe that:
 - A They may be in violation of the Code of Professional Responsibility;
 - B They cannot communicate effectively with the non-English speaking person.

Attorney's Responsibility

- 1 The attorneys should advise the interpreter as far in advance as possible of any special concerns they may have related to the particulars of the case or any peculiar linguistic characteristics or other traits their non-English speaking client may present.
- 2 Attorneys should give interpreters access to documents or other information pertaining to the case.

Record of Interpreted Testimony

Audiotaping of interpreted testimony is recommended but not always feasible.

- 1 In the alternative, however, it is strongly recommended that an audio or audio/video record be made in the following circumstances:
 - A In all capital cases, regardless of the qualifications of the interpreters, a record should be made of all sworn witness testimony and its interpretation;
 - B In proceedings involving interpretation by an unqualified interpreter, especially those in which the non-English speaking person is at risk of incarceration, a record should be made of all sworn witness testimony and interpretation;
 - C In felony proceedings involving entry of a guilty plea that are interpreted by an unqualified interpreter, a permanent record should be made of the proceedings interpretation and statements made to the court by the non-English speaking person.
 - D When testimony is verbal, the record may be made with audio recording only; when the testimony is conveyed in a sign language, the testimony and the interpretation of questions posed to the witness require videotape.

Errors During Witness Interpreting

- 1 When a witness interpreter discovers his or her own error, the interpreter should correct the error once.
- 2 If the interpreter becomes aware of an error after the testimony has been completed, he or she should request a bench or side bar conference with the court and the lawyers to explain the problem. The court can then decide whether a correction on the record is required.
- 3 When an error is suspected by the judge, an attorney, or another officer of the court besides the interpreter, that person should bring the matter to the attention of the judge at the earliest convenient opportunity. If testimony is still being taken, the problem should be raised before the witness is released. In the case of a jury trial, the problem and its resolution should be handled at a side bar conference. The following steps are recommended for the trial judge.
 - A The judge should determine first whether the issue surrounding the allegedly in accurate interpretation is substantial or potentially prejudicial and requires determination.
 - B If the judge agrees that the error is substantial or could be prejudicial, then the judge should refer the matter first to the interpreter for reconsideration. If this does not resolve the problem, evidence from other expert interpreters or any other linguistic expert the judge may select should be sought. In extreme circumstances it may be appropriate to permit attorneys from both sides to submit an expert.
 - C The judge should make a final determination as to the correct interpretation. If the determination is different from the original interpretation, then the court should amend the record accordingly and advise the jury.

<p>Modes of Interpreting</p> <p><u>SIMULTANEOUS MODE</u></p>
--

- 1 The simultaneous mode of interpreting should be used for a person who is listening only. This is the normal mode for proceedings interpreting. Accordingly, an interpreter should interpret in the simultaneous mode in situations such as the following:
 - A For a defendant when testimony is being given by another witness,
 - B For a defendant or witness when the judge is in dialogue with an officer of the court or any person other than the defendant or witness,
 - C For a defendant when the court is addressing the jury or gallery or any other persons present in the courtroom, or

- D For any non-English speaking party when the judge is speaking directly to the person without interruption or regular call for responses (e.g., lengthy advisement of rights; judge's remarks to a defendant at sentencing).

CONSECUTIVE MODE

- 1 The consecutive mode of interpreting should be used when a non-English speaking person is giving testimony or when the judge or an officer of the court is communicating directly with such a person and is expecting responses (e.g., taking a plea). This should be the normal mode for witness interpreting.

SUMMARY MODE

- 1 The summary mode of interpretation should not be used. It is most often resorted to only by unqualified interpreters who are unable to keep up in the consecutive or simultaneous mode.
- * - EXCEPTION: Qualified interpreters may report the need to use summary interpreting if they are called upon to interpret highly technical testimony of expert witnesses which they do not understand or have the vocabulary to interpret. The judge should specifically instruct all interpreters to report if it is necessary to resort to summary interpreting. In circumstances when the problem does not involve unusual and highly technical language, the preferred course of action is to dismiss and replace the interpreter if there are other interpreters available who do not need to use the summary mode. Any time the judge determines that the proceedings must continue even if summary interpreting is being used, the judge's consent should be part of the record of the proceedings.
 - * - CAUTION: Summary interpreting should never be permitted during witness interpreting, regardless of the immediate lack of availability of a replacement interpreter.

Use of Languages Other Than English by Judges, Attorneys or Other Participants

- 1 Judges should not function as interpreters during proceedings.
- 2 Judges and other court participants should speak in English at all times during proceedings.
- 3 Attorneys should use English during all proceedings at all times, except in confidential communications with a client.
- 4 Attorneys should not be permitted to function as interpreters for parties they represent.
- 5 If, contrary to these recommended standards, attorneys or any other courtroom

participants are permitted to function as interpreters, they should be appointed subject to the same standards related to qualifications for interpreting that are applied to professional interpreters.

Use of Multiple Interpreters

There are three basic functions an interpreter serves during court proceedings. In some circumstances, it is physically impossible for one interpreter to fulfill more than one of the functions at the same time.

- 1 **Proceedings interpreting:** The most frequently encountered function an interpreter performs is to enable a non-English speaking person who is the subject of litigation understand the proceedings and communicate with the court when necessary. In short, "proceedings interpreting" makes the defendant or other litigant effectively present during the proceedings. It is conducted in the simultaneous mode.
- 2 **Witness interpreting:** This function of the interpreter is to secure evidence from non-English speaking witnesses that is preserved for the record. It is sometimes called "record" interpreting, and it is conducted in the consecutive mode.
- 3 **Interview interpreting:** This function of the interpreter is to facilitate communication between a non-English speaking person and her or his attorney to ensure the effective assistance of counsel, or to perform similar duties in any other interview setting associated with a court proceeding. (When an interpreter is used to assist in attorney-client consultations, the term "defense" interpreting is sometimes used.) Interviews may use both simultaneous and consecutive interpreting, depending on the circumstances.

ATTACHMENTS

- 1 WHAT COURT INTERPRETERS WOULD TELL JUDGES IF THEY COULD SPEAK FROM THEIR HEARTS.
- 2 FIGURES 6.1 - 6.6 [6.3 needs to be the S.D.C.L. statutory oath, not the model]
- 3 SAMPLES OF ADVISEMENT OF RIGHTS & NOTICES.

JUDGES' CHECKLIST FOR JURY TRIALS WITH INTERPRETERS

BEFORE THE TRIAL

- Are there any doubts as to who is responsible for the interpreter costs?
- Has the clerk hired a team of two interpreters for the anticipated duration of the trial?
- Has the interpreter(s) been screened by the Court Administrator?
- Have the attorneys or the clerk provided information to the interpreters to familiarize them with relevant technical vocabulary? (Complaint, police reports, expert witness reports, etc.)
- Will the interpreter be using special equipment for the trial days? (Provided by interpreter.)
- 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 instructions regarding the use of interpreters at trial.

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 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.

TIPS FOR JUDGES AND ATTORNEYS WHEN WORKING WITH INTERPRETERS IN THE COURTROOM

DO

- Do** speak in the 1st person.
- Do** try to simplify legal language.
- Do** slow down your rate of speaking.
- Do** your best to assure only one person speaks at a time.
- Do** take breaks every 30 minutes.
- Do** allow interpreter to take notes and use a dictionary during a hearing.
- Do** assure that the interpreter can effectively communicate with the client. Assure that the dialects are similar or compatible.
- Do** provide interpreters with copies of pleadings and/or documents to view ahead of time.
- Do** note any concerns about the quality of interpreting on the record.
- Do** assure that the interpreter has no conflicts of interest.
- Do** contact the court interpreter scheduler or the Court Interpreter Program about any interpreter concerns.
- Do** check into the qualifications of the interpreter.

DON'T

- Don't** say, "Ask the witness if..."
- Don't** use complicated terms.
- Don't** speak at your normal rate (especially for dates and numbers).
- Don't** speak when others are speaking.
- Don't** make the interpreter exhausted.
- Don't** presume an interpreter is unqualified because he/she does so.
- Don't** assume that everyone who speaks the same language can understand each other well.
- Don't** assume that unprepared sight translation is as easy as it looks!
And Don't presume that the interpreter will be prepared for case-specific technical vocabulary.
- Don't** simply address these concerns outside of the proceeding. Chances for appeal will disappear.
- Don't** allow an interpreter to continue if potential conflicts of interest exist.
- Don't** fail to disclose information about interpreter misconduct.
- Don't** assume that the interpreter is court-certified.

WHAT COURT INTERPRETERS WOULD TELL JUDGES IF THEY COULD SPEAK FROM THEIR HEARTS

The following document has been made available to the court community and the NCSC by the Court Interpreting, Legal Translating and Bilingual Services Section of the Administrative Office of the New Jersey Courts in September 1988. It has undergone several revisions since that time. The most recent revisions were contributed by Margot Revera, Court Interpreter, Union County, New Jersey (Feb. 1993) and by staff of the National Center for State Courts, for use in this publication.

1. Please take some time to become familiar with my profession. I'd like very much for you to understand the professional services I am responsible for rendering. When you do that, you will be more likely to respect and treat me as a professional. It may be a helpful guide if you would treat me the way you tend to treat your reporter.

Once you understand my job better, here are some things you will no longer do. Please understand that this isn't just me talking. The following examples represent the best thinking of judges, lawyers and court administrators who have pondered the role of the interpreter in great depth. These examples are based on the Code of Professional Responsibility I'm expected to follow.

- A. Please don't ask me to explain or restate what you say. I can only put in another language exactly what you say.
- B. Please don't allow attorneys appearing before you to ask me to explain or restate what they or you say. When I decline to perform this task for them, please support me and do not expect me to undermine the Code.
- C. Please don't let two or more people talk at the same time. There's no way I can interpret everything that's being said!
- D. Please don't ask me not to interpret something. I'm professionally and ethically bound to interpret everything that's said.
- E. Please understand that there are many situations in which I'm professionally and ethically bound to interpret in the simultaneous mode. If this bothers you, please let me know in advance so I can make arrangements to be as unobtrusive as possible. Sometimes I can use equipment that will not interfere at all with the proceedings.
- F. When an attorney or someone else alleges that I have made an error in interpretation, please don't automatically assume that I have made one. Remember that the attorney is in an adversary relationship and I am not. I occasionally do make mistakes and as a professional interpreter, I will be the first person to admit a mistake. But please ask me if I agree with an attorney's allegation before concluding that I have actually made a mistake. As a neutral party and a linguist, I should have more credibility before the court than others in matters of language.

G. Please don't talk to me when you are really talking to a witness or someone else. If you say, "Ask him if..." or "Tell him that....," remember that I am required to say exactly that in the interpretation or to remind you to talk directly to the person. If I do the former, the person with whom you are attempting to communicate will almost certainly be confused. If I do the latter, you may get upset.

2. It takes more words to say in Spanish what you're saying in English, and other languages have their own unique features. Please be sensitive to that by avoiding rapid-fire delivery of what to you is very routine stuff and helping attorneys avoid excessively fast speech. Be patient and understanding if I have to keep reminding you or others to slow down.
3. I need breaks every bit as much as your reporters do, maybe even more. I am often the only person in the courtroom who is talking *all* of the time. While everyone else is only having to understand what is being said, I have to be both understanding it and putting it into another language. This is very demanding work.

Furthermore, if the proceeding I am interpreting involves simultaneous interpreting for more than an hour, two interpreters should be assigned to the case. We should be able to switch off every thirty minutes or so.

4. Understand the human limits of my job. My main interest here is that you comprehend the fact that no person knows all of the words in any one language, much less all of the words of all the dialects of that language or all of the words of any two languages. Sometimes I need to obtain clarification. It is unethical for me to make up an interpretation or guess at an interpretation of something I do not understand. Instead of viewing such a request as casting doubt upon my professional credentials, consider viewing it in terms of my commitment to accuracy.
5. Many of my colleagues are not professional interpreters and want very much to improve their interpreting skills. They need support for attending courses and professional seminars. Please do everything you can to enable them to attend educational events. You may even be a good source for on-the-job training, so do not hesitate to take them under your wing from time to time.
6. Please make efficient use of my services. I have other commitments to attend to when I finish interpreting for the case before you for which you have summoned me. If you take my case as quickly as possible you will prevent incurring the extra costs of having me wait and inconveniencing the other courts that may be waiting for my services.

Instruction No. _____

Languages other than English may be used during this trial.

The evidence you are to consider is only that provided through the official court interpreters. Although some of you may know the non-English language used, it is important that all jurors consider the same evidence.

Therefore, you must base your decision on the evidence presented in the English interpretation. You must disregard any different meaning of the non-English words.

SCRIPT — INITIAL APPEARANCE — A
(For Felonies and Out of Jurisdiction Misdemeanors)

GOOD MORNING!

I AM JUDGE _____.

IS YOUR CORRECT NAME _____? (Is it spelled correctly?)

WHAT IS YOUR CORRECT ADDRESS? ** (Residence and Mailing Address)

WHAT IS YOUR PHONE NUMBER?

WHAT IS YOUR DATE OF BIRTH?

WHAT IS YOUR SOCIAL SECURITY NUMBER?

WHERE IS YOUR PLACE OF EMPLOYMENT?

YOU ARE CHARGED WITH _____, a
misdemeanor/a felony, in violation of ^{SocL}Section _____ ~~MCA~~

(Note whether an attorney is present.)

YOU HAVE THE RIGHT TO HAVE AN ATTORNEY REPRESENT YOU. IF YOU CANNOT AFFORD YOUR OWN ATTORNEY, ONE ^{SocL} MAY BE APPOINTED TO REPRESENT YOU IN ACCORDANCE WITH ~~SECTION 46-8-101 MCA~~ ** (If a MISDEMEANOR for another county; advise the Defendant that the right to a court appointed attorney must be exercised in the court of jurisdiction; set bail, etc. If bail is posted, set a time certain for the Defendant to appear in the court of jurisdiction.)

YOU HAVE THE RIGHT TO REMAIN SILENT THROUGHOUT THIS OR ANY JUDICIAL PROCEEDING, UNTIL THIS CASE IS DISPOSED OF.

IF YOU DECIDE TO SPEAK, ANYTHING YOU SAY CAN BE HELD AGAINST YOU AS EVIDENCE IN A TRIAL.

YOU HAVE THE RIGHT TO HAVE A HEARING ON PROBABLE CAUSE ON ANY FELONY CHARGE. THIS MATTER MUST BE FINALLY DISPOSED OF IN DISTRICT COURT OR THE CITY OR COUNTY COURT OF JURISDICTION. **(If a FELONY for the District Court in your county; complete the court appointed attorney form (If necessary); set bail, etc.)

YOU HAVE THE RIGHT TO HAVE BAIL SET PENDING THE FINAL OUTCOME OF THE CASE. ** (Make a bail determination or set bail as designated on the warrant.

SCRIPT — INITIAL APPEARANCE AND ARRAIGNMENT — B
(For Misdemeanors the Court has Jurisdiction over)

GOOD MORNING!

I AM JUDGE _____.

IS YOUR CORRECT NAME _____? (Is it spelled correctly?)
WHAT IS YOUR CORRECT ADDRESS? (Residence & mailing address preferred)
YOUR PHONE NUMBER IS _____? YOUR DATE OF BIRTH IS _____?
YOUR SOCIAL SECURITY NUMBER IS _____?
YOUR PLACE OF EMPLOYMENT IS _____?

YOU ARE CHARGED WITH _____, a Misdemeanor/a felony, in violation of
Section _____ MCA.

(If charged with a misdemeanor tell the defendant that this is the time for an arraignment. If charged with a felony, tell the defendant this is the time for an initial appearance.)

*** Note whether an attorney is present. Verify if the defendant has a copy of the complaint or ticket. READ the complaint to the defendant. Note (on the daily appearance or court minutes) who filed the charge; county/city attorney or officer. ***

YOU HAVE THE RIGHT TO HAVE AN ATTORNEY REPRESENT YOU. IF YOU CANNOT AFFORD AN ATTORNEY, ONE MAY BE APPOINTED TO ASSIST YOU AT EVERY STEP OF THIS CASE PURSUANT TO 46-8-101, MCA.

YOU HAVE THE RIGHT TO REMAIN SILENT DURING THIS OR ANY JUDICIAL PROCEEDING. IF YOU SPEAK, ANYTHING YOU SAY CAN BE HELD AGAINST YOU AS EVIDENCE AT A TRIAL.

YOU HAVE THE RIGHT TO HAVE BAIL SET AND BE RELEASED FROM JAIL PENDING A FINAL DECISION ON THIS CASE. THERE MAY BE CONDITIONS OF RELEASE IMPOSED.

YOU HAVE THE RIGHT TO TAKE ADDITIONAL TIME BEFORE ENTERING A PLEA AFTER THE READING OF THE RIGHTS.

YOU HAVE THE RIGHT TO EXPECT THAT THE STATE/CITY MUST PROVE THE CHARGE AGAINST YOU BEYOND A REASONABLE DOUBT. THE BURDEN NEVER SHIFTS TO YOU.

YOU HAVE THE RIGHT TO A TRIAL BY JURY (OR BY A JUDGE).

IF THIS CASE GOES TO TRIAL, YOU HAVE THE RIGHT TO CONFRONT, CROSS EXAMINE, OR QUESTION ANY WITNESSES THE STATE/CITY MAY BRING AGAINST YOU.

YOU HAVE THE RIGHT TO CALL WITNESSES TO TESTIFY IN YOUR BEHALF AND YOU HAVE THE RIGHT TO NOT BE COMPELLED TO OFFER EVIDENCE THAT MAY INCRIMINATE YOU.

IF YOU ARE NOT A UNITED STATES CITIZEN, YOU COULD BE DEPORTED ON CONVICTION.

YOU MAY BE REQUIRED TO PAY RESTITUTION, COURT COSTS OR ASSESSMENTS IF YOU ARE CONVICTED. THE COURT RETAINS JURISDICTION UNTIL RESTITUTION IS PAID IN FULL.

IF YOU ENTER A PLEA OF GUILTY, YOU ARE WAIVING YOUR RIGHT TO A TRIAL. IF YOU PLEAD GUILTY AS PART OF A PLEA BARGAIN, YOU MAY NOT BE ABLE TO WITHDRAW THE GUILTY PLEA, AS THE COURT IS NOT BOUND TO ACCEPT THE AGREEMENT.

THE MINIMUM PENALTY FOR THIS OFFENSE (If any) IS: _____
THE MAXIMUM PENALTY FOR THIS OFFENSE IS: _____ (Necessary for
misdemeanor charge only, advise of possible enhancements, i.e., loss of D/L, counseling, ACT classes)

YOU MAY ENTER A PLEA OF GUILTY OR NOT GUILTY AT THIS TIME.

SAMPLE VOIR DIRE
For judge to use in Establishing Interpreter's Qualifications

A. Communication Needs

1. Have you had the opportunity to speak with the person in need of your services in this matter?
2. What kind of language skills does this person have?
3. Based upon the conversation, do you feel that you can communicate clearly with one another?
4. How could you determine that you understood each other?
5. Are you familiar with any dialect or idiomatic peculiarities of the language used by the person in this case?
6. Are you able to communicate despite these idiosyncrasies?
7. Are you able to interpret simultaneously without leaving out or changing anything that is said?
8. Are you able to interpret consecutively?
9. Are you able to do sight interpretation of documents?
10. **For Sign Language Interpreters Only**
 - a. What communication mode does this person prefer? (American Sign Language, Signed English, Pidgin Sign)
 - b. Does this person require the court to provide any special equipment to aid in the understanding of this proceeding? (Amplification, Real Time Captioning)

B. Conflicts of Interest

1. What do you know about this case?
2. Have you ever interpreted for any of the parties or witnesses in this case?
3. Have you interpreted in any incident related to this case?
4. Do you anticipate being called as a witness?
5. Are you aware of any potential conflict of interest in this case?
6. Do you feel that you could remain fair and impartial in relationship to the parties and witnesses in this case?
7. Can you remain objective based upon the subject matter of this case?

C. Ethics

1. Have you read and signed the 3rd Circuit's Code of Ethics for Interpreters?
 - a. If yes, go to next question.
 - b. If no, provide a copy of Code of Ethics and ask them read and sign it.
2. Do you understand your duties with respect to the Code of Ethics?
3. Do you promise to adhere to the Code of Ethics during these proceedings?

D. Mastery of Languages

1. Are you a Certified Court Interpreter?
 - a. If yes, by whom? When? (Skip to E below).
 - b. If no, have your credentials been screened by the Circuit Administrator?
 - i. If yes, you can proceed to establish qualifications on the record.
 - ii. If no, recommend make an appointment with Administrator.
2. What languages do you interpret?
3. What language do you consider your first or strongest language?
4. How long have you been communicating in these languages?
5. What formal language training have you received?
6. Have you taken any formal interpreter training?
 - a. When did you take the training?
 - b. How long did the training last?
 - c. What did the training entail?
7. Do you possess interpreter certification from any group or organization? Who? When?
8. In what settings have you interpreted?
 - a. What form of interpretation did you use in these settings?
 - i. Simultaneous
 - ii. Consecutive
 - iii. Sight interpretation of documents
 - b. How many times have you interpreted in these settings?

E. Other

1. Have you ever been disqualified from interpreting in any court or administrative proceeding? Why?
2. **Judge to parties:**
Does either party have any questions for the interpreter?
3. **Judge to client/witness/defendant:**
Do you understand the interpreter who has been assigned to you?

Figure 6.2
Information that Should be Secured to Establish the Qualifications of Interpreters When No Court Testing or Other Prior Screening Standards Exist

At minimum, court or counsel should ask the following questions of a proposed interpreter:

1. Do you have any particular training or credentials as an interpreter?
2. What is your native language?
3. How did you learn English?
4. How did you learn [the foreign language]?
5. What was the highest grade you completed in school?
6. Have you spent any time in the foreign country?
7. Did you formally study either language in school? Extent?
8. How many times have you interpreted in court?
9. Have you interpreted for this type of hearing or trial before? Extent?
10. Are you familiar with the code of professional responsibility for court interpreters?
Please tell me some of the main points (e.g., interpret everything that is said).
11. Are you a potential witness in this case?
12. Do you know or work for any of the parties?
13. Do you have any other potential conflicts of interests?
14. Have you had an opportunity to speak with the non-English speaking person informally? Were there any particular communication problems?
15. Are you familiar with the dialectal or idiomatic peculiarities of the witnesses?
16. Are you able to interpret simultaneously without leaving out or changing anything that is said?
17. Are you able to interpret consecutively?

Figure 6.4
Suggested Text for Judge's Statement in
Court to Clarify the Role of the Interpreter

We are going to have an interpreter assist us through these proceedings, and you should know what [she] can do and what [she] cannot do. Basically, the interpreter is here only to help us communicate during the proceedings. [She] is not a party in this case, has no interest in this case, and will be completely neutral. Accordingly, [she] is not working for either party. The interpreter's sole responsibility is to enable us to communicate with each other.

The interpreter is not an attorney and is prohibited from giving legal advice. [She] is also not a social worker. [Her] only job is to interpret, so please do not ask the interpreter for legal advice or any other advice or assistance.

Does anyone have any questions about the role or responsibilities of the interpreter?

If any of you do not understand the interpreter, please let me know. Is anyone having difficulty understanding the interpreter at this time?

Figure 6.5
Suggested Text for Clarifying the Interpreter's Role to the Witness

I want you to understand the role of the interpreter. The interpreter is here only to interpret the questions that you are asked and to interpret your answers. The interpreter will say only what we or you say and will not add, omit, or summarize anything.

The interpreter will say in English everything you say in your language, so do not say anything you do not want everyone to hear.

If you do not understand a question that was asked, request clarification from the person who asked it. Do not ask the interpreter.

Remember that you are giving testimony to this court, not to the interpreter. Therefore, please speak directly to the attorney or me, not to the interpreter. Do not ask the interpreter for advice.

Please speak in a loud, clear voice so that everyone and not just the interpreter can hear.

If you do not understand the interpreter, please tell me. If you need the interpreter to repeat something you missed, you may do so, but please make your request to the person speaking, not to the interpreter.

Finally, please wait until the entire question has been interpreted in your language before you answer.

Do you have any questions about the role of the interpreter? Do you understand the interpreter?*

*Note that the interpreter is simultaneously interpreting this advisement while the judge is speaking, and therefore the witness has an opportunity to recognize any problems with communication.

Figure 6.6
Suggested Text for Clarifying the Interpreter's Role to the Jury

6.6A Proceedings interpreting

This court seeks a fair trial for all regardless of the language they speak and regardless of how well they may or may not speak English. Bias against or for persons who have little or no proficiency in English because they do not speak English is not allowed. Therefore, do not allow the fact that the party requires an interpreter to influence you in any way.

6.6B Witness interpreting

Treat the interpretation of the witness's testimony as if the witness had spoken English and no interpreter were present. Do not allow the fact that testimony is given in a language other than English to affect your view of [her] credibility.

If any of you understand the language of the witness, disregard completely what the witness says in [her] language. Consider as evidence only what is provided by the interpreter in English. Even if you think an interpreter has made a mistake, you must ignore it completely and make your deliberations on the basis of the official interpretation.

SPANISH

USTED TIENE LOS SIGUIENTES DERECHOS CONSTITUCIONALES

1. You have the right to be represented by a lawyer.
1s. **Usted tiene el derecho de ser representado por un licenciado.**

2. If you do not have money to pay for the services of a lawyer, the court will appoint one. It does not mean that it is entirely free. If you are found guilty, the judge can order that you pay for the services provided.
2s. **Si usted no tiene dinero para pagar por los servicios de un licenciado, la corte le va a asignar uno. No quiere decir que el licenciado es completamente gratis. Si lo encuentran culpable, el juez puede ordenar que pague por los servicios proporcionados.**

3. You have the right to a speedy public jury trial with an impartial jury; which will be composed of 12 persons chosen at random and together they must unanimously agree upon a verdict.
3s. **Usted tiene el derecho a un juicio público rápido con un jurado imparcial; el cuál estará compuesto de 12 personas elegidas al azar y todas ellas tienen que estar de acuerdo en el veredicto.**

4. You are presumed innocent until the State proves you guilty beyond a reasonable doubt.
4s. **Se presume que usted es inocente hasta que el Estado pruebe que usted es culpable más allá de una duda razonable.**

5. You have the right to confront and cross examine witnesses that come to testify against you and you can call witnesses for you.
5s. **Usted tiene el derecho a confrontar e interrogar a los testigos que vengan a atestiguar en su contra y usted puede llamar a testigos a su favor.**

6. You have the right to remain silent, but if you decide to speak, everything you say can and will be used against you.
6s. **Usted tiene el derecho a permanecer callado, pero si decide hablar, todo lo que diga puede y será utilizado en contra de usted.**

7. You have the right to a preliminary hearing. The State must show that there is probable cause to believe or support your arrest and if there is sufficient evidence to hold you further in custody. If there is not sufficient reason for your arrest, the judge can dismiss the case.
7s. **Usted tiene el derecho a una audiencia preliminar. El Estado debe mostrar que hay causa probable para creer o soportar su arresto y si hay suficiente evidencia para mantenerlo bajo custodia. Si no hay suficientes razones para su arresto, el juez puede dar por terminado el caso.**

MUY IMPORTANTE:

You must understand that if you plead guilty today, you will give up all those rights previously explained to you.

Usted debe entender que si hoy se declara culpable, usted va a renunciar a todos los derechos que se le explicaron previamente.

If you are not sure or do not understand this or the charges against you, please ask the judge and he or she will explain them in more detail.

Si usted no está seguro o no entiende esto o los cargos en contra de usted, por favor pregúntele al juez y él o ella se los va a explicar más detalladamente.

Before you plead guilty, you have the right to know what the maximum penalty is that the judge may impose upon you.

Antes de declararse culpable, usted tiene el derecho a saber cuál es la pena máxima que el juez le pueda imponer.

If you are pleading not guilty, please do not speak about the incident, and remember that everything you say can and will be used against you.

Si usted se va a declarar inocente, por favor no hable acerca del incidente, y recuerde que todo lo que diga puede y será utilizado en contra de usted.

When you hear your name, at that time please stand and then the charges against you will be read and at that moment, you must plead guilty or not guilty.

Cuando usted oiga su nombre, en ese momento, por favor póngase de pie y luego le van a leer los cargos en contra de usted, y en ese momento, usted debe declararse culpable o declararse inocente.

Por no tener un intérprete presente en este momento, usted debe comparecer de nuevo en la sala número: 1, 2, 3, 4, etc.

En la fecha siguiente:

Hora: _____ a.m./p.m.

Día	De	De

IMPORTANTE: Si usted no se presenta en la fecha indicada, el tribunal puede mandar una orden de arresto.

YO HE LEIDO MIS DERECHOS ANTEDICHOS Y ENTIENDO LO QUE LEI.

***Si entendió, firme y feche al pie de la forma.**

FECHA

NOMBRE

ESTADO DE SOUTH DAKOTA

EN CORTO CIRCUITO

CONDADO DE BEADLE

SS

CIRCUITO JUDICIAL TERCERO

ESTADO DE SOUTH DAKOTA,
Demandador,

vs

CASO# _____

DECLARACION PRELIMINAR
DE DERECHOS

Demandado.

CARGO _____

PCN# _____

LEER PARA DECIR AL DEMANDADO:

Este es el procedimiento de ejecución en la Demanda. En esta audiencia estoy actuando como un encomendador del magistrado. Esta es la audiencia o proceso, la cual, requiere que la corte le informe de sus derechos y pedirle que renuncie a sus derechos o que aproveche la oportunidad a ellos. Si usted renuncia a todos estos derechos, entonces usted puede tener un juicio en una fecha más adelante en frente de un Juez de Circuito o un Magistrado.

DERECHOS:

1. Usted tiene el derecho a un licenciado. Si usted quiere, la Corte le va a dar tiempo de contratar a un licenciado. Si usted está muy pobre para contratar a un licenciado y la Corte considera que usted es "pobre", la Corte le va a nombrar a un licenciado para que lo represente. Sin embargo, esto no significa que es gratis. Va a haber un derecho de retención presentado en contra suya, y el condado lo va a buscar, en una fecha más adelante, para el pago en estos costos.

2. Usted tiene el derecho a un juicio ante un Juez o Magistrado.

3. Se presume que usted es inocente hasta que lo prueben culpable más allá de una duda razonable.

4. Usted tiene el derecho a un "proceso obligatorio" de la Corte. Esto significa, que usted tiene el derecho a los poderes de citación de la Corte. Si usted desea que un testigo comparezca, la Corte va a dar citación al testigo y requerir que esta persona aparezca y testifique.

5. Usted tiene el derecho de confrontar e interrogar al testigo en contra suya.

6. Usted tiene el derecho contra propia-incriminación. Esto significa que usted puede permanecer callado, usted no tiene que contestar las preguntas que se le están haciendo y usted no tiene que testificar en contra suya.

SI NO

Usted entiende los derechos mencionados?

En particular, usted entiende su derecho a un licenciado (derecho #1 de arriba)?

Usted renuncia a su derecho a un licenciado?

CONTINUAR _____, EN _____, POR _____
FIANZA FIJADA A _____

Yo entiendo que la materia se va a continuar en la fecha indicada arriba y que yo debo estar presente para los procesos adicionales.

Demandado

Dirección Calle

Ciudad

Estado

Código Postal

Edad

Fecha de Nacimiento

Forense de la Corte/Magistrado
(SELLAR)

Número de Teléfono