

ENGAGING COURT INTERPRETERS: An Attorney Reference Card



Instructions, Reference Materials, and Resources

Louisiana Code Articles on Interpreters

Louisiana Code of Evidence Article 604:

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

Louisiana Code of Criminal Procedure Article 25.1:

A. If a non-English-speaking person who is a principal party in interest or a witness in a proceeding before the court has requested an interpreter, a judge shall appoint, after consultation with the non-English speaking person or his attorney, a competent interpreter to interpret or to translate the proceedings to him and to interpret or translate his testimony.

B. The court shall order reimbursement to the interpreter for his services at a fixed reasonable amount.

Louisiana Code of Civil Procedure Article 192.2:

A. If a non-English-speaking person who is a principal party in interest or a witness in a proceeding before the court has requested an interpreter, a judge shall appoint, after consultation with the non-English-speaking person or his attorney, a competent interpreter to interpret or translate the proceedings to him and to interpret or translate his testimony.

B. The court shall order payment to the interpreter for his services at a fixed reasonable amount, and that amount shall be paid out of the appropriate court fund, except as provided in Paragraph C. The amount paid out of the fund may be taxed by the court as costs of court to be reimbursed to the fund.

C. In a proceeding alleging abuse under R.S. 46:2134 et seq., an interpreter if necessary shall be appointed prior to a rule to show cause hearing.

Interpreters are prohibited from giving legal advice and should not ever be left alone with a client or party to explain or clarify legal documents.

PRACTICAL TIPS

When working with an interpreter

- Be aware of idioms, slang, and legal jargon as such can be very difficult to interpret.
- Speak clearly, at a reasonable pace, one at a time and loudly enough for the interpreter to hear.
- Plan on proceedings involving interpreters taking additional time.
- Understand the role of the interpreter. The court interpreter is a neutral party who is here only to interpret the proceedings and facilitate communication. The interpreter will interpret only what is said without adding, omitting or summarizing anything.
- Speak to the party or witness in the 1st person and ask the questions directly to the party or witness and not the interpreter. Similarly, the interpreter will interpret in the 1st person as if the party is speaking directly to the court or attorney.
- Allow the interpreter to view court files prior to the proceedings to become familiar with names, parties and technical vocabulary. (See Interpreters Code of Professional Responsibility, Canon 5, regarding interpreter confidentiality ethical requirements.)
- Allow the interpreter to access dictionaries/translation software as needed (via hard copy text, iPad, or other electronic device).

Types of Interpretation:

1. **Simultaneous Interpretation** - Rendering interpretation continuously at the same time someone is speaking; used when the limited English proficient (LEP) person is not part of the conversation (e.g., opening statements, jury instructions)
2. **Consecutive Interpretation** - Rendering statements from source language into target language after a pause between each completed statement; used when the LEP person is part of the conversation (e.g., witness testimony, plea colloquy)
3. **Sight Translation** - Reading a document written in one language while translating it orally into the target language (e.g., pleadings, Boykin forms)

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When engaging interpreters in your practice

If the LEP party does not request an interpreter, assess whether an interpreter should be engaged. Request one if the LEP party:

- Speaks English as a second language and is in a stressful, complex or unfamiliar situation
- Is difficult to understand
- Responds only in a limited way when asked open-ended questions
- Relies on family or friends to interpret
- Wishes to communicate in their own preferred language.

Circumstances which can affect a party's ability to communicate effectively in English:

- Stress
- Unfamiliarity with the situation or uncertainty about what is expected
- An imbalance in power/knowledge between the parties
- People speaking too quickly
- The use of technical terms, figurative language, abstract nouns, complicated sentences and slang

Notify the court's designated person to provide an interpreter for a scheduled court hearing.

Notify the party they will not be charged with the cost of the interpreter.

Before scheduling a session with an interpreter:

- Confirm the interpreter will be provided free of charge to the party
- Confirm the interpreter does not have a conflict of interest and is not related to anyone involved in the matter
- Confirm with interpreter that only questions asked will be interpreted, without added comments
- Explain any new or technical words or concepts to the interpreter before the session begins
- Show the interpreter any pictures, documents or objects that will be showed or used during the session
- Agree on how the interpreter will interrupt during the session to ask for clarification or repetition from the attorney or party
- Instruct the party to speak directly to the attorney or judge, not to the interpreter

During a session:

- Introduce the interpreter to the client and allow the interpreter to explain their role
- Pause regularly to allow for the interpretation
- Speak directly to the party, not the interpreter
- Ask the party to speak directly to the attorney, not the interpreter
- Avoid more than one person speaking at once
- Speak in plain English, using clear, short sentences
- Be aware that the interpretation in the target language may be longer than the English question or statement.

List of Court Interpreters

Title VI of the Civil Rights Act of 1964 requires courts to take reasonable steps to provide meaningful access to LEP parties, thus qualified interpreters are required in court proceeding that includes a LEP party of interest. The Louisiana Judiciary is committed to providing meaningful access required by Title VI.

The two levels of qualified court interpreters in Louisiana are "Certified" and "Registered" Interpreters.

For a list of Certified and Registered, court interpreters, Go to <http://www.lasc.org> and select the link entitled Court Interpreters. This page includes: Louisiana Supreme Court interpreter policies, upcoming orientations, testing dates, training classes, requirements to become "Registered" and "Certified" and program applications

The Interpreter's Oath can be found at: www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1C.pdf

For questions on the Court Interpreter Program, contact:
Office of Language Access, Louisiana Supreme Court
(504) 556-9804 or ola@lasc.org

Remote Interpreting

The same basic procedures and processes apply whether the interpreter is live in court or is appearing remotely via audio or video. A list of Louisiana Certified and Registered interpreters is available at <http://www.lasc.org>, many of whom are available to interpret remotely.

District Court Rules

Rule 5.1 Accessibility to Judicial Proceedings has three appendices, providing as follows:

Appendix 5.1A is a form that may be used to request reasonable accommodations extended under the ADA.
Appendix 5.1B is a form that may be used to request an interpreter.

Appendix 5.1C is a form that may be used as an interpreter's oath.



Be aware [Code of Professional Conduct Rule 1.4](#) mandates attorney to inform/consult with client; a limited-English speaking client, without an interpreter/ translator, may not be able to participate intelligently in case decision making.