

USE OF 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 reimbursement to the interpreter for his services at a fixed reasonable amount, and that amount shall be taxed by the court as costs of court.

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 there 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 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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Supreme Court Rules of Court – Part G, Section 14. Code of Professional Responsibility for Language Interpreters:

Canon 1: Accuracy and Completeness - Interpreters shall render a complete and accurate interpretation, translation, or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.

Canon 2: Representation of Qualifications - Interpreters shall accurately and completely represent their certifications, training, and pertinent experience.

Canon 3: Impartiality and Avoidance of Conflict of Interest - Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias or impropriety. Interpreters shall disclose to the presiding judge any real, perceived or potential conflict of interest.

Canon 4: Professional Demeanor - Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

Canon 5: Confidentiality - Interpreters shall protect the confidentiality of all privileged and other confidential information.

Canon 6: Restriction on Public Comment - Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential, except upon court approval.

Canon 7: Scope of Practice - Interpreters shall limit themselves to interpreting or translating and shall not give legal advice, express personal opinions to the court, counsel, or individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

Canon 8: Assessing the Reporting Impediments to Performance - Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the presiding judge.

Canon 9: Duty to Report Ethical Violations - Interpreters shall report to the presiding or administrative judge any effort to influence or impede the performance of their duty or their compliance with any legal requirement, provision of this code, or other official policy governing court interpreting and legal translating.

Canon 10: Professional Development - Interpreters shall continually improve their skill and knowledge and advance the profession through activities such as professional training and education, and interaction with colleagues and specialists in related fields.

List of Court Interpreters

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 the link entitled **Court Interpreters**

This link also includes:

Louisiana Supreme Court interpreter policies, upcoming orientations, testing dates, training classes, requirements to become “Registered” and “Certified” and program applications

*For questions on the Court Interpreter Program, contact:
Richard Williams, Deputy Judicial Administrator, Louisiana
Supreme Court (225) 382-3182 or rwilliams@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.