

Louisiana Supreme Court Interpreter Training and Certification Program:

Attorneys Can Access List of Certified
and/or Registered Interpreters Online

By J. Richard Williams



Does your practice involve clients, parties, witnesses or others who have a limited English proficiency? Do you need to utilize the services of a qualified court interpreter? The Louisiana Supreme Court provides and maintains a list of qualified court interpreters for use by courts, attorneys and other legal professionals. This regularly updated interpreter list is a result of the Supreme Court's interpreter training and certification program and can be found under the "Court Interpreters" link on the Louisiana Supreme Court's website: www.lasc.org/court_interpreters/court_interpreters.asp.

Currently, Louisiana has approximately 127 "Certified" and/or "Registered" court interpreters in the languages of Amharic, Arabic, French, German, Haitian Creole, Italian, Laotian, Mandarin, Polish, Portuguese, Spanish, Thai, Vietnamese and American Sign. While recognized as Certified or Registered by the Supreme Court, these interpreters are not court employees.

Program Creation

The Louisiana Supreme Court interpreter training and certification program was created in 2012 and was funded in part by a grant from the State Justice Institute. This grant provided for the creation of training material, judicial education for judges and court administrators, and the development and implementation of a series of court interpreter training courses and testing around the state. The program has developed to include resources such as a bench card for judges regarding court interpreters, the adoption of an interpreter code of ethics, and advanced skills classes for court interpreters. Louisiana Supreme Court staff participates in the National Center for State Courts' Council for Language Access Coordinators (CLAC), a group of language access coordinators from various state supreme courts. This group shares ideas and resources, including

lists of qualified interpreters, particularly in rare languages.

Historically, in 1813, Louisiana Gov. William C.C. Claiborne approved an act passed by the Louisiana Legislature "to organize the supreme court of the state of Louisiana, and to establish courts of inferior jurisdiction." This act included Section 24, a provision regarding court interpreters:

And be it further enacted, that the district judges may, when they shall deem it necessary, appoint in each parish within their jurisdiction an interpreter of the English and French languages, who shall take the oath required by law, and be entitled to the emoluments allowed by law for similar services.

Two hundred years later, in accordance with Supreme Court policy adopted in 2013, Louisiana court interpreters maintain one of two levels of qualifications, either the base level of Registered or the advanced level of Certified. An interpreter is added to the Louisiana Supreme Court's list of Registered court interpreters (in the language tested) after completing a two-day training class, passing a standard written English examination, passing a written translation examination, agreeing to be bound by Part G, Section 14 of the General Administrative Rules for all Louisiana Courts (the Code of Professional Responsibility for Language Interpreters) and passing a criminal background check.

Certification is the highest-level court interpreter in the Louisiana judicial system. To become a Certified court interpreter in Louisiana, a candidate must already be a Registered court interpreter and additionally must pass the National Center for State Courts (NCSC) oral certification exam as administered by the Louisiana Supreme Court in accordance with NCSC testing protocols. A court interpreter who has passed the certification exam in another state may apply to the Louisiana Supreme Court for

reciprocity. While registration indicates a basic level of language proficiency, certification as a court interpreter indicates a high skill level and that the interpreter has successfully passed tests in sight translation, consecutive interpreting and simultaneous interpreting. Certification is a generally recognized standard in most state court systems.

American Sign Language interpreters are not required to take a written translation exam but instead must provide proof of a valid Specialist Certificate Legal (SC:L) or a national generalist certificate from the Registry of Interpreters for the Deaf (RID).

Modes of Court Interpreting

Qualified spoken-language interpreters are able to work in the three primary modes of court interpreting — simultaneous interpretation, consecutive interpretation and sight translation.

Simultaneous interpretation is the rendering of interpretation continuously at the same time someone is speaking and is used when the Limited English Proficient (LEP) person is not part of the conversation (*e.g.*, opening statements, jury instructions).

Consecutive interpretation is the rendering of statements from the source language into the target language after a pause between each completed statement and is used when the LEP person is part of the conversation (*e.g.*, witness testimony, plea colloquy).

Sight translation involves reading a document written in one language while translating it orally into the other, or target, language (*e.g.*, pleadings, forms and written statements).

For rare languages, or languages for which there is not a qualified interpreter on the Supreme Court's interpreter list, Louisiana Supreme Court staff can contact members of CLAC to find a qualified interpreter in the rare language. Often these rare-language interpreters are available to render their services remotely via video or audio. The use of audio and video remote interpreting is

continually expanding and is being utilized by a number of courts across the country for certain types of proceedings. The Louisiana Supreme Court received additional grant funds to study the use of audio and video remote interpreting and to explore such use in Louisiana courts.

Laws and Court Rules Regarding Court Interpreters

Several provisions from Louisiana law and court rules discuss court interpreters.

Louisiana Code of Evidence Article 604 states, “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.”

To establish the interpreter’s qualifications for the court’s record, the judge may voir dire the interpreter by asking questions about training, qualification, and proficiency in both languages.

In **Louisiana District Court Rules: Chapter 5, Courtroom Use, Accessibility, and Security**, Rule 5.1, Accessibility to Judicial Proceedings, it states:

(a) The facilities, services, and programs of the court shall be readily accessible to persons with disabilities. Attached as Appendix 5.1A is a form that may be used to request reasonable accommodations extended under the ADA. Attached as Appendix 5.1B is a form that may be used to request an interpreter. Attached as Appendix 5.1C is a form that may be used as an interpreter’s oath.

(b) In addition to the above requirements, courts having fifty or more employees shall develop, promulgate, and maintain a problem-resolution process and designate a responsible court officer or employee to coordinate access

to court programs and services by persons with disabilities and to resolve complaints regarding lack of access for such persons.

After being qualified, and before rendering interpretation services, an interpreter should be sworn in by the Court in accordance with the **Interpreter’s Oath** found in District Court Rule 5.1, Appendix 5.1C:

Do you solemnly swear or affirm that you will accurately, completely and impartially make a true interpretation to the person needing interpretation services of all the proceedings of this case in the language understood by said person, and that you will repeat, in as literal and exact manner as possible, said person’s answers and statements to the court, counsel or jury, to the best of your skill and judgment?

In **Louisiana Code of Criminal Procedure Article 25.1**, it states:

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.

In **Louisiana Code of Civil Procedure Article 192.2**, it states:

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.

Conclusion

As language needs in the Louisiana legal and judicial system evolve and the corresponding need for court interpreters is assessed, the Louisiana Supreme Court will continue to respond to these needs by regularly offering orientation classes, advanced skills classes and testing in an effort to continually update the roster of qualified court interpreters.

For a list of upcoming classes, registration and other forms, the list of Registered and Certified court interpreters by language, and additional information, see the “Court Interpreters” link on the Louisiana Supreme Court website at: www.lasc.org.

For more information on the court interpreter program, contact Deputy Judicial Administrator J. Richard Williams at (225)382-3182 or email rwilliams@lasc.org.

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Code of Professional Responsibility for Language Interpreters

Court interpreter ethics and protocol are addressed in the interpreter code of ethics, known as the “Code of Professional Responsibility for Language Interpreters.” The provisions of the 10 canons in this ethics code are taught to the court interpreters in the initial orientation class and court interpreters must sign a statement that

they agree to be bound by this code in order to reach the status of Registered court interpreter. Attorneys, judges and others who utilize court interpreters should be familiar with this code of ethics and should be aware of what the court interpreter may, and may not, do in the role.

Supreme Court Rules, 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.