



BENCH CARD FOR NEVADA JUDICIARY

Administrative Office of the Courts
Credentialed Court Interpreters Program

A GUIDE FOR JUDGES
AND COURT STAFF

The Role of the Court Interpreter

The individual who needs an interpreter must understand the limited role of the interpreter. Here are some basic points that may help ensure this understanding. You may instruct the individual, through the interpreter, as follows:

- An interpreter's role is to listen to what is said in the courtroom in English and to interpret it accurately and completely into the target language, and vice versa.
- The interpreter cannot give advice, make suggestions, or engage in private conversation with the person needing the interpreter.
- The witness/defendant should raise a hand if he/she has a question or does not understand something during the proceeding.
- The interpreter can only interpret for one person at a time; please do not speak or interrupt while someone is testifying or speaking.
- The interpreter can only interpret testimony that is spoken, so all responses **must be verbal**.

Judges are reminded to speak at a slow but steady pace, and to make eye contact occasionally with the interpreter to gauge whether your pace is appropriate. A slower pace is especially important when stating dates, numbers, figures, or highly technical vocabulary.

Interpreters should have breaks every 30 minutes.

INTRODUCTION

Title VI of the 1964 Civil Rights Act mandate interpreter services for Limited English Proficient (LEP) speakers to protect their due process rights and provide meaningful access to justice.

This bench card does not constitute legal advice and information contained herein should not be relied upon as providing any specific authority, requirement, or authorization. A wide variety of resources authored by the National Center for State Courts, National Association of Judiciary Interpreters and Translators, and the Council of Language Access Coordinators and its member states and judicial branches have been consulted and used in the creation of this document.

The Nevada Supreme Court and its officers, employees, or agents shall not be liable for any damages whatsoever arising from or due to the use, misuse, interpretation, application or reliance upon this publication.

NEVADA CREDENTIALLED INTERPRETER ROSTER

Judges and court staff may locate the regularly updated list of all Nevada credentialed court interpreters on the Supreme Court's web page at -

<http://bit.ly/interpRoster> .

DETERMINATION OF THE LANGUAGE SPOKEN

A court official should presume a need for an interpreter when an attorney or litigant indicates that a party or a witness requests one. If a request is not made for an interpreter, but it appears that a party or witness has limited English proficiency, a judge may ask questions of the individual on the record to assess the need for an interpreter.

Sample Questions:

- Please tell the court your name.
- How did you get to court today?
- What is your address?
- What kind of work do you do?
- What is the highest grade you completed in school?
- How comfortable are you understanding and speaking English?

MODES OF INTERPRETATION

Simultaneous: Rendering interpretation continuously at the same time someone is speaking (e.g., advisement).

Consecutive: Rendering statements from the source language into the target language after a pause between each statement (e.g., witness testimony).

Sight Translation: Reading a document written in one language while translating it orally into the target language (e.g., pleadings).

CLARIFYING THE INTERPRETER'S ROLE TO THE JURY

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 is not allowed. Therefore, do not allow the fact that the party requires an interpreter to influence you in any way.

NEVADA CODE OF PROFESSIONAL RESPONSIBILITY FOR COURT INTERPRETERS

- Accuracy and Completeness
- Representation of Qualifications
- Impartiality and Avoidance of Conflict of Interest
- Professional Demeanor
- Confidentiality
- Restriction of Public Comment
- Scope of Practice
- Assessing and Reporting Impediments to Performance
- Duty to Report Ethical Violations
- Professional Development

INTERPRETER'S OATH

Credentialed Interpreter— Interpreters have been sworn in before a Judge or Chief Judge. **They need to state their Supreme Court credential number on the record.** They do not need to be sworn in before each case.

Non-Credentialed Interpreter—"Do you solemnly swear or affirm that you will interpret accurately and completely from English to _____ and _____ to English to the best of your ability for all matters requiring your services before this court today?"

All Interpreters: Witness Testimony—Do you solemnly swear or affirm that you will well and truly interpret to the witness the questions asked him/her and that you will well and truly interpret to the Court the answers given by the witness to the respective questions, to the best of your ability?"

VOIR DIRE FOR NON-CREDENTIALLED INTERPRETERS

Ethical Considerations:

- Are you a potential witness in this case?
- Do you know or work for any of the attorneys, parties or witnesses in this case?
- Have you read and do you understand the Code of Professional Responsibility (Code)?
- Have you ever been disciplined for conduct that violates the Code in another state or by any professional association?
- Have you ever been convicted of a felony/gross misdemeanor/crime against a child / sex offense?

Communicative Compatibility:

- Have you had an opportunity to speak with the person for whom you will be interpreting?
- Did you have any difficulty understanding everything that the person said?
- Do you speak the same language?
- Does that person have any dialectal or idiomatic issues that you do not understand or which you cannot interpret into English?

Knowledge of the Languages and General Education:

- How did you learn English?
- Have you formally studied English in school or college?
- How did you learn (the other language)?
- What is the highest grade or degree you completed?

Interpreting and Translating Skills

(A negative response is not automatic ground for disqualification)

- Have you passed any accreditation or certification exams for interpreter or translation? If yes, describe.
- Are you a member in good standing of any professional associations of interpreters or translators? If yes, describe.
- Do you attend meetings/conferences/other gatherings of professional interpreters? If yes, describe.
- Have you ever interpreted in Nevada or any other state? If yes, describe.