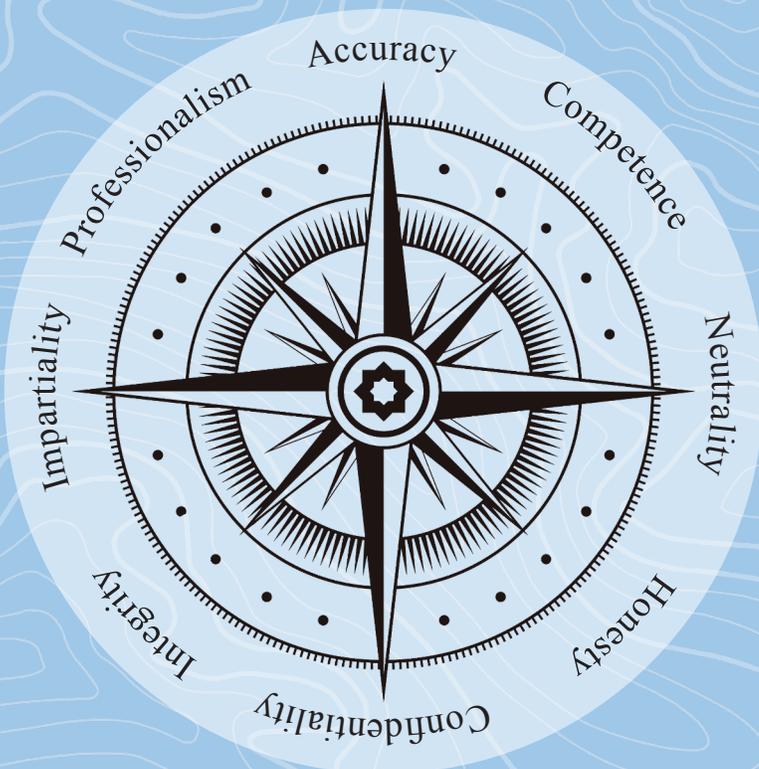




WASHINGTON
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Standards of Practice and Ethics for Washington State Judiciary Interpreters



Standards of Practice and Ethics for Washington State Judiciary Interpreters



ADMINISTRATIVE OFFICE OF THE COURTS
COURT INTERPRETER PROGRAM

Washington State
Administrative Office of the Courts
Court Interpreters Program
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Olympia, WA 98504

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About This Manual

This manual is a practical guide to assist interpreters in fulfilling their professional and ethical responsibilities. It also serves as a valuable resource for judges, attorneys, schedulers, court personnel, and anyone else who works with interpreters or wishes to study the field.

The inspiration for this manual came from the [Professional Standards and Ethics for California Court Interpreters](#). It is based on [Washington State Supreme Court General Rule \(GR\) 11.2 Code of Professional Responsibility for Judiciary Interpreters](#) and was funded by Seattle Municipal Court and the Washington State Administrative Office of the Courts, Interpreter Program.

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Accuracy

Interpreters must reproduce in the target language the closest natural equivalent of the source language message without altering it by means of addition, omission, or explanation.

—Washington State Court General Rule GR 11.2(f)(1)

Interpreters are obligated to conserve every element of information contained in the source and target languages.² In doing so, they fulfill a twofold duty:

1. To ensure that legal proceedings reflect in English precisely what is said or signed by the limited English proficient (LEP) individual.
2. To place LEP individuals on an equal linguistic footing with those who are fully proficient in English.

Interpreters for legal proceedings must first take an oath swearing to interpret accurately to the best of their skill and judgment. Credentialed (registered and certified) interpreters sign a permanent oath which is kept on file at the Administrative Office of the Courts (AOC). Non-credentialed interpreters must be duly sworn in at the start of every proceeding. (See [Bench Cards for Spoken and Sign Language Interpreters](#).)

The judge and jury rely entirely on the interpreted version of testimony to draw conclusions about the credibility of witnesses and the weight of testimony, as will attorneys in deciding how to proceed with their case. Therefore, interpreters must retain every element of information contained in the original message, in as close to a verbatim form as English style, syntax, and grammar will allow.

Similarly, LEP witnesses should hear precisely the questions that are asked, without simplification, clarification, or omission. Remember that LEP individuals rely on an accurate and complete interpretation of the proceedings in order to effectively assist their attorney in their own defense.

Interpreters have the sworn duty to interpret everything stated by all speakers, without adding, omitting, or explaining.

² Source language: The language **from** which the message is interpreted.

Target language: The language **into** which the message is interpreted.

Additions

Do not add anything to or elaborate on the message you are interpreting, even for the sake of smoothing over a choppy delivery by the speaker. It is not your function as interpreter to make any party sound more articulate, polite, or logical in the target language than they did in the source language. Exercise great caution in choosing appropriate terms and delivery, conserving the speaker's style as closely as possible:

- Refrain from adding polite expressions.
 - When the LEP individual replies simply "No," do not render it as "No, Your Honor."
 - When the statement was merely "Tell the jury," do not render it as "Can you please tell the jury?"
 - If a speaker responds with "Uh-huh," simply repeat it, rather than converting the answer to "Yes."
- Be on guard not to add filler words, such as "well," "okay," or "so" at the beginning of a witness's response if they were not contained in the original answer.
- Do not add qualifying phrases such as "I think," "probably," etc., if the source language message did not include them.
- If the response to the question "How many people were there?" is "Five," do not render that as "There were five of us."
- At times, interpreters feel inclined to add information to what was in the source language utterance. However, the information conveyed by the interpreter in the target language should accurately reflect *only* that information which was contained in the source language utterance. For example, you may know from earlier testimony that an event occurred in the morning, so when the witness answers the question, "When did the police arrive?" with "At seven," you must refrain from adding any clarifiers, such as, "At seven a.m."

It is also inappropriate for interpreters to provide two possible renditions of a word used by a witness. For instance, if a witness uses a single word meaning eyeglasses, do not render it as "eyeglasses or spectacles." Providing multiple renditions may imply that the witness had hesitated between the two different terms when in fact a single response was stated confidently.

When single words have more than one meaning in the context in question, request clarification: "May the interpreter clarify a word?" (See *Accuracy, Ambiguities*.) In some languages, for example, a single word could mean either foot or leg. When clarifying, however, make sure you do not

inadvertently take on the role of language or cultural expert. There is no need to provide additional explanation of the specific linguistic characteristics of the language.

Interpreters should not attempt to provide conversions of units of measurement or currency from one system to another. For instance, if the witness uses the metric system to describe height, weight, or distance, the interpreter should simply repeat the number in English, retaining the unit of measurement used by the witness. Retaining the unit of measurement or currency used by the witness preserves the witness's exact testimony for the record.

Omissions

Interpreters are not editors. They do not have the discretion to decide which portions of the source message will and will not be rendered into the target language.

Word Repetition

Word repetitions convey important information and reflect a person's speech patterns. You should not omit any words for the sake of clarity or expediency. Thus, if a witness says in the source language, "I, I, I didn't see it," you must convey that hesitation in English by including the repetitions to the best of your ability, rather than simply saying, "I didn't see it." An exception to this practice is in the case of persons who have a stutter. In that case, the interpreter should not imitate the stutter, trusting that the condition will be obvious to others.

Keep in mind that some languages use repetition as the main way of expressing emphasis or continuous action, as in, "she was talking and talking." In such instances, it is acceptable and may be more idiomatically correct to convey the meaning using a corresponding linguistic device of the target language, such as, "she kept on talking." Rendering the source language repetition into the target language in this manner does not constitute a change of meaning or an omission.

Redundancies

Redundancies are frequently intentional. For example, when an attorney says, "Did you watch and observe him at all times?" you should not omit the seemingly redundant verb. This is particularly so in the legal context, where such near-synonyms carry different shades of meaning or for legal reasons may have to be used in combination. You may not be able to account for every synonym used if sufficient distinct equivalents do not exist in your target language. Do, however, resist the inclination to leave out words for the sake of expediency.

False Starts and Self-Corrections

People often make false starts and correct themselves when speaking and then revise their statements. It is important to interpret these false starts as they provide information about the person's speech patterns and degree of certainty.

- Preserve all false starts and self-corrections when rendering into the target language.
- Do not correct errors made by a speaker, no matter how unintentional they may be, nor how concerned you may be that the mistake might appear to be your own and reflect on your ability to interpret.
- Correct your own false starts or misspoken words with the preface "interpreter correction," so the record reflects that the corrections are yours, not the speaker's.

Filler Words

People often use filler words to gain time to formulate what they want to say or to fill a silence. For example, they might say "now" or "so" at the beginning of a question and "well," "to be honest," "quite frankly" in their response. Interpreters have the obligation to render into the target language all the filler words used by the speaker; it is particularly important to do so when interpreting witness testimony. Remember that this will help the jury to evaluate the credibility of the witness.

Fragmentary Statements

People do not always speak logically, as if following a script. This could be due to educational limitations, because they have told their stories so many times before that they assume everyone knows what they are talking about, or because the subject matter is so upsetting that they cope by speaking about it only obliquely. For example, a witness may say "I went to the . . . you know . . . and there was . . . it was there." Such vague and ambiguous statements are difficult to interpret into another language because more information is needed to choose the pronouns, prepositions, and verbs that go with what is left unstated. Nevertheless, you must do your utmost to render a version as fragmentary as the original, without inserting any additional information on your own to clarify the statement.

Summarization

The interpreter's role is to interpret everything that is spoken, not to assume the responsibility of deciding what information deserves to be conveyed.

Example: A lengthy document needs to be sight-translated for the defendant. The attorney is in a rush and asks you to just

review it and give the defendant a summary, so the case can be called soon. You must decline by stating, for example, "The interpreter is prohibited from summarizing, but will interpret your summary of the document."

Even when you feel pressured, you should stand by your ethical obligations and decline to summarize.

Remember: If you are summarizing, you are not interpreting.

Protocol

Third-Person References

When speaking through an interpreter, it is common for people to preface their statements with phrases like "Tell him that . . ." and "Ask her if . . ." rather than addressing each other directly. If they do so, you must not edit out those phrases. If someone repeatedly makes third-person statements, it is generally appropriate to instruct the speakers to address each other directly. For example, "The interpreter respectfully requests that the parties speak directly to one another."

Identification of Interpreter Statements

When you make a statement on your own behalf, it is important to make it clear that you are no longer interpreting. In this instance, the proper protocol is to refer to yourself in the third person.

During courtroom proceedings, although it may seem more natural to address questions or comments directly to counsel, the proper protocol is to address the judge. This will insulate you from the adversarial nature of the judicial process. For instance, "Your Honor, the interpreter respectfully requests that counsel speak more slowly."

Questions from a Witness

Frequently, a witness who does not understand an interpreted question will address a question to the interpreter to clarify the matter, for example:

Attorney: Now, were you there on that date?

Interpreter (in non-English language): Now, were you there on that date?

Witness (in non-English language): Does he mean, was I at home?

Interpreter (in English): Does he mean, was I at home?

Do not take it upon yourself to answer the witness's question on your own; simply interpret their question into English exactly as it was asked.

Duty to the Witness

When interpreting for a witness, switch to simultaneous mode to interpret all objections and other statements made during the proceeding. Keep in mind that the interpreter's presence is not only to benefit the attorneys, the court, or the jury, but also to place non-English-speaking witnesses on the same footing as English speakers.

However, there may be times when the court instructs you not to interpret something to the witness or not to interpret the witness's answer because an objection to the question was raised and sustained. Comply with the court's orders.

Interpreting Recordings

Recordings pose particular challenges for any listener—but especially for interpreters—due to common impediments such as poor sound quality, overlapping speech, background noise, speed and intermixed languages. For this reason, interpreting extemporaneously on the record should not be attempted, regardless of an interpreter's level of experience. Rather, proper transcripts and corresponding written translations should be prepared in advance.

If a judge orders you to interpret a recording, you should comply but state on the record that you cannot guarantee the accuracy of the interpretation.

Example: "Your Honor, pursuant to GR 11.2, the interpreter cannot guarantee the accuracy of the interpretation of this recording."

Signing Declarations

When asked to sign a declaration or statement:

- Read the entire statement before signing. Do not feel compelled or pressured to sign anything before reading it carefully.
- Edit the printed statement, if necessary, to correctly reflect what you can honestly attest to.

For example, an attorney reviews a document with the defendant. You interpret everything the attorney says. Then you are asked to sign a declaration stating that you have interpreted *the entire document* to the defendant. You did not; rather, you interpreted the attorney's explanation of the document. Your declaration should accurately reflect what you actually did. (See following sample declarations.)

I am a Washington State Court Certified Interpreter Washington State Court Registered Interpreter or I have been found otherwise qualified by the court to interpret in the Mandarin language, ~~which the defendant understands~~, and I have interpreted attorney's explanation of defendant's statement on plea of guilty
(Identify document(s) being translated)

for the defendant from English into that language.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: 1 June 2021

Signature
Interpreter
My name
Type or Print Name

I am a ^{registered} Washington State court ~~certified~~ interpreter or have been found otherwise qualified by the court to interpret in the Farsi language and I am fluent in that language, ~~which the defendant understands~~. I have interpreted this entire document for the defendant from English into Farsi. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 25th day of May, 2021.

Signature
INTERPRETER
Print Name: My name

The above declarations are examples of those used in some courts and contain problematic wording for interpreters. Unless you did sight translate the whole document, it is appropriate and necessary for you to cross out the relevant section and handwrite in "as explained by the attorney," "as summarized by the attorney" or something to that effect.

If any interpreter declaration includes verbiage about the LEP individual's understanding of the document through your interpretation or of the language used to interpret, you should cross such statements out as well. It is not the interpreter's role to attest to any party's linguistic abilities or state of mind. Interpreters may attest only to what they are qualified to do and what they did.

Style and Register

When rendering the source language message into the target language, do not alter the register³ to make the message easier to understand or more socially acceptable. For instance, if the attorney asks, "What did you observe the subject do subsequently?" you should not say in the target language, "What did you see him do next?" if more formal synonyms exist. Avoid any inclination to simplify the question in an effort to make it easier for the witness to understand. If the witness does not understand the question, it is their own or the attorney's responsibility to remedy the situation. It is not the interpreter's role to evaluate, give an opinion on, or attempt to cater to the LEP witness's ability to understand.

Remember that the jury will draw certain conclusions about the witness's intelligence, propriety and level of education based on word choice, style, and tone, among other things. It is your job to faithfully convey the speaker's register so jurors get the same impression they would if the witness were testifying in English.

Obscene, Profane or Vulgar Language

If a witness uses foul language, do not edit out the offending terms. No matter how unpleasant or embarrassing, interpret what you hear, finding the best equivalent in the target language with the same degree of offensiveness. This is especially crucial during witness testimony, as jurors will make judgments about the witness based on their manner of testifying. Jurors should hear exactly what was stated and the manner in which it was stated.

Obscenities are particularly difficult to interpret verbatim; a word-for-word interpretation may be meaningless or laughable in the target language. Instead, use the closest dynamic equivalent; that is, the target language term or expression most likely to be used in the same way and to elicit the same reaction by listeners.

³ Register: The level of formality of speech

Nonsensical Speech

It is important for the interpreter to make every effort to state exactly what the speaker said, no matter how illogical, irrelevant, ambiguous, or rambling it may be. Sometimes, however, this is simply not linguistically possible without context. In such cases, it may be prudent to switch to simultaneous mode in order to fully capture the speech pattern and word choices. If you do, quickly state, "Interpreter needs to switch to simultaneous mode to maintain accuracy." Under no circumstances, however, should you materially edit, omit, or add to what the speaker said. It is not appropriate to make the speaker sound more logical or coherent than they are. (See Appendix 3 - Language Disorders and Speech Patterns.)

Nonresponsive Answers

Interpreters must render nonresponsive answers as accurately as any other response. It is up to the relevant parties to clarify or make objections. If an attorney asks the witness what time they left the house, and the answer is "I had to go to work," simply render the answer given. It is up to the attorney to demand a responsive answer.

Double Negatives

A question containing a double negative can elicit an ambiguous answer. For example, the question "Isn't it true that you didn't know Mr....?" answered with a simple "No," may mean "No, it is not true" or "No, I didn't know Mr...." It is not your responsibility to announce that the question will elicit an ambiguous response or to clarify the answer by adding any element not contained in the original reply. You must interpret the question accurately and interpret the reply as simply and briefly as it was given.

Some double negatives cancel each other out and can be rendered as if there were no negative at all. A prime example can be found in jury instructions. The phrase "it is not uncommon for two people witnessing the same event..." would be acceptable if rendered affirmatively as "it is common for two people..." Extreme caution is recommended in making these changes, which should be limited only to situations in which the target language does not have an equivalent linguistic structure.

Word Choice

Correct word choice is critical, especially in testimony. One study⁴ found that witnesses' recollections of how fast cars were going depended on the verbs used (e.g., "smashed," "bumped," or "contacted") to describe an accident. Witnesses who were asked to estimate the speed of the cars when they "smashed" into one another tended to give a higher speed and recalled seeing broken glass when in fact there was none. Be very careful in selecting target language terms that accurately and precisely reflect the source language meaning.

Impediments to Accuracy

Unfamiliar Words

Do not guess the meaning of unfamiliar words. Rather, consult your dictionary, first stating, "Your Honor, the interpreter needs to consult the dictionary." Do not feel rushed to choose the first equivalent you see in the dictionary—take the time you need to find the best option. By consulting your reference materials, you demonstrate professionalism. The parties should be all the more confident in you because of your commitment to accuracy.

If you were unable to find an appropriate option in the dictionary, inquire of the party who used the unfamiliar word, prefacing with, "Your Honor, the interpreter needs to clarify a word used by the speaker."

When team interpreting, you may also consult with your colleague, prefacing with, "Your Honor, the interpreter needs to confer with her colleague."

Culturally Specific Terms

Judicial concepts, kinship terms, names of foods, and forms of address are examples of culturally specific terms. They pose a problem for the interpreter when it is difficult to find words in the target language to convey their meaning.

If no direct equivalent of a given phrase is readily available in the target language, you may leave it in the source language, spelling it for the record. If there is any confusion, indicate to the judge that the witness has used a term or phrase that does not have a direct equivalent. Certain articles of clothing, such as head coverings, may have a special word

⁴ Loftus, E. F., & Palmer, J. C. (1974). Reconstruction of automobile destruction: An example of the interaction between language and memory. *Journal of Verbal Learning & Verbal Behavior*, 13(5), 585–589. [https://doi.org/10.1016/S0022-5371\(74\)80011-3](https://doi.org/10.1016/S0022-5371(74)80011-3)

that is laden with cultural and religious significance, and cannot simply be rendered as “a scarf.” Do not attempt an approximate translation or volunteer further explanation. The attorney can elicit additional information from the witness with follow-up questions if warranted. In any case, it is not the interpreter’s role to provide explanations.

Request for Repetition

The requirement to interpret everything said places a great demand on the interpreter. If you did not understand something stated, or you have forgotten part of it, do not guess at what might have been said, bluff your way through, gloss over problem terms, or omit unclear portions of a message. Instead, request a repetition.

When asked to repeat a statement, there is a tendency for people to explain rather than simply repeat what they said the first time. One way to preempt this is to be explicit. “Your honor, the interpreter needs to request a repetition of what was just said.” The instruction to the LEP individual would be, for example, “Sir, please repeat *exactly* what you just said. Do not *explain* anything.”

Sometimes only one word is not clear and having the entire phrase restated would be unnecessary. In this case, simply say, for example, “Your Honor, the interpreter needs clarification: was the last part of counsel’s question ‘did’ or ‘did *not*’ go to the store?”

Ambiguities

The meaning of many words depends on the context. Sometimes interpreters cannot determine the best interpretation of a word because they do not have enough contextual information.

For example, the English word “nurse” is gender-neutral, but to interpret it into Russian, you must know the gender (medical sister or medical brother). The interpreter would need to clarify with the speaker whether it is a male or female nurse before properly rendering the word. Another example is the English word “sibling,” which can refer to a brother or a sister, and has no equivalent in many other languages

The title of the Spanish language film *El secreto de sus ojos* highlights another common ambiguity: “*sus ojos*” may mean your, his, her, or their eyes. The director of this film intended the ambiguity, but as the title was translated into various languages, a pronoun had to be chosen. (The translators into English chose “their.”) In court, the interpreter must clarify any such linguistic ambiguities before interpreting and be prepared to ask for more information when needed.

In cases where the phrase cannot be rendered without resolving the ambiguity, ask for clarification. Keep your request short, and avoid becoming an expert witness by offering a lengthy explanation about the

two languages, stating simply: "The interpreter needs to ask a clarifying question."

Some ambiguities may be intentional, and you should strive to retain them if the target language allows. For example, it may be possible to interpret the question "Where did the car hit you?" without clarifying whether the questioner is referring to the location of the accident or the part of the witness's body. Similarly, an attorney might ask a deliberately ambiguous question such as "Did you have anything to drink in the car?" It could be referring to alcoholic beverages specifically or beverages in general, or the question could be understood as "Did you drink anything in the car?" or "Was there anything to drink in the car?" If the problem causes a linguistic roadblock, you should inform the speaker: "The interpreter needs to clarify the question."

It is not the interpreter's job to correct an attorney's questions. If a question is vague or ambiguous, it is up to opposing counsel to object. If there is no objection, interpret the question as indicated above.

Words with Multiple Meanings

The meaning of words depends on the context in which they are used. In a will, for example, "issue" refers to the children of the person making the will, while in reference to a magazine, it means a particular edition.

The meaning of any given word might depend on the specific region where the language is spoken. Someone from the U.S. who says, "I put it in my boot," clearly means they put an object inside their footwear. But a witness from Britain could mean either that they put it inside their footwear or into the trunk of their car.

If there is any doubt in your mind as to which of several meanings is intended, ask for clarification. Do not guess.

Idiomatic Expressions

An idiom (also called an idiomatic expression) is a word or phrase that has a figurative meaning conventionally understood by native speakers. This meaning is different from the literal meaning of the idiom's individual elements. In other words, idioms mean more than what the mere words say.

Common English idioms include "under the gun," "spill the beans," and "kick the bucket." Strive to render them using an equivalent idiomatic expression in the target language whenever possible. If you cannot, simply render the meaning of the idiom. If you are not certain of the meaning of an idiom, ask for clarification. Do not guess.

Example 1: The speaker uses an idiomatic expression that you are familiar with, but do not have a readily available equivalent

in the target language. In this case, render the meaning of the idiomatic expression.

Example 2: The speaker uses an idiomatic expression that you are not familiar with. Do not guess. Request clarification: "The interpreter is not familiar with an expression used and needs clarification."

If you are working in a team, you have the option of conferring with your colleague by stating, "The interpreter needs to confer with his colleague." The two of you may be able to come up with an appropriate equivalent.

When the LEP Individual Intermixes Languages

It is not the interpreter's role to interpret English to English. Limited English Proficient persons in the U.S. often have some knowledge of English and will insert English words or phrases in their speech. There is a significant difference between the use of specific English words that may have no equivalent in the source language or are simply more familiar to people living in the U.S., and entire phrases spoken in English.

- If it is a single word or word combination ("highway," "DUI," "ticket") within a sentence, keep the English word used in your rendition.

Я пошла в магазин купить cereal. (I went to the store to buy cereal.)

- If the LEP witness switches to English and states an entire phrase in English, it is not your job to repeat it. It is the responsibility of the parties listening to ask the LEP person to repeat what was said if they did not understand or request that the LEP person restate it in the source language so the interpreter can interpret it into English.

Question: Where were you?

Interpreter: ¿Dónde estaba usted?

Answer: Fui al mercado a comprar tortillas.

Interpreter: I went to the store to buy tortillas.

Question: What happened there?

Interpreter: ¿Qué pasó allí?

Answer: I was ticket.

Interpreter: [silence]

Do not repeat what was stated in English, either with or without grammatical corrections. If parties look at you expectantly or ask you to interpret, you may state, "Interpreter note: the last statement was in English." If anyone tries to insist that you repeat what was stated in

English, you may politely state that it is not appropriate for the interpreter to repeat statements made in English.

- When a phrase contains a mixture of languages, the interpreter may state, for example, "Interpreter note: the last statement was a mixture of languages." It is the responsibility of the parties listening to ask the LEP person to request that the LEP person restate it in the source language so the interpreter can interpret it into English.

LEP Individual's Command of the Language

Sometimes the interpreter becomes aware that the LEP individual may not have a full command of the language requested. There are various reasons why this may be the case, such as when an LEP person from a Spanish-speaking country is a native speaker of an indigenous language.

- If an attorney is present, let them know. This will give the attorney an opportunity to confirm the client's language preferences. "The interpreter is having difficulty communicating with your client in Spanish. You may wish to inquire if Spanish is your client's first (or preferred) language?"
- If no attorney is present and you are experiencing an impediment to communication, then indicate it on the record. "The interpreter is having difficulty communicating in Spanish. Would Your Honor like to inquire if Spanish is the defendant's first language?" (See Honesty and Integrity, Correctly Stating the Language on the Record.)

Nonverbal Communication

Rendering Emotions

People convey emotions such as anger, fear, shame, and excitement not only in words, but also in facial expression, posture, tone of voice, and other means. These nonlinguistic means of expression are closely tied to culture and language. When people do not speak the same language, they may misunderstand the emotions conveyed. Interpreters should strive to preserve this element of emotion through subtle voice modulation.

For example, when a cross-examining attorney bears down on a witness, your tone should convey that forcefulness, and when a witness answers questions in a timid way, your tone should convey timidity.

Interpreters should refrain, however, from any kind of dramatics; they are not actors and should not become the center of attention. This does not mean speaking without emotional affect or voice modulation, unless that is an accurate reflection of the speaker's tone. The key is moderation. This is particularly important when a speaker becomes very

emotional, lashing out or bursting into tears. In such cases, let the emotion come through, without going overboard. Do not mimic the speaker, especially since you can inadvertently increase the effect of their emotion by doing so.

Gestures Made by Speakers

People may use gestures to convey what they mean, or simply gesticulate out of habit. It is not the interpreter's role to reproduce nonverbal communication. Communication must be verbal in order to be recorded. Do not mimic any gestures or attempt to replace them with target-culture equivalents. Simply interpret what was said.

If the witness states, "He hit me here," pointing to the place on her body where she was struck, the interpreter should render, "He hit me here," without pointing. Everyone can see for themselves where the witness pointed. It is up to the attorney—not the interpreter—to describe any physical movement made by the witness so that the transcript will accurately reflect it (for example, by saying, "Let the record reflect that the witness has pointed to her right shoulder.").

This protocol also pertains to gestures, such as giving someone "the finger," rubbing thumb and fingers together to indicate "money" or showing the "peace" sign. Do not verbally fill in the blank or mimic the gesture. Certain gestures may be enigmatic to all but you, and it can be very tempting to explain their meaning. Don't do it. It is the attorney's job to capture that unspoken comment by asking, for instance, "What did you mean when you just flicked your finger on your neck just now?" If the attorney does not notice the gesture or chooses to ignore it, the interpreter should not interject or act as an expert witness. Do not assume the responsibility of reporting what may have gone unnoticed, had no interpreter been present.

Dealing with Errors

Errors by Speakers

People sometimes misspeak, especially when stating names or dates. Do not correct an erroneous name or date in your interpretation or bring the error to the speaker's attention. Your duty is to render the name or date exactly as stated.

Your Own Errors

Sometimes you realize after the fact that you have made a substantive error in interpretation. A **substantive** or material error is one that may impact the outcome of a proceeding. You should correct that error as soon as you become aware of it.

For example, it becomes evident through subsequent testimony that a word with several possible meanings was misinterpreted. State at the first opportunity, "Your Honor, based on subsequent testimony, the interpreter has realized that the word 'clock' in the witness's earlier response should have been interpreted as 'watch.'"

Errors by Colleagues

If you hear your interpreter colleague make a *substantive* error, such as omitting or changing a significant part of the witness's testimony, first wait to see if the interpreter or an attorney questions it. If not, it is crucial that you remedy the error without delay to avoid the compounding effect of accumulated errors. Do this as tactfully and unobtrusively as possible.

Example: The active interpreter is at the witness stand while you, as support interpreter, are at defense table. The witness gives a lengthy response with many details. You believe that the active interpreter has confused or omitted a *substantive* detail in their rendition. Give your colleague a moment to correct their error before interjecting.

If they do not, raise your hand to get the court's attention and state, for example, "Your Honor, the interpreter needs to confer with her colleague." Do not announce that you believe there was an error. You and your partner can then confer privately, which can lead to these potential outcomes:

- You both agree that there was an error. Return to your seat; your colleague will make the appropriate correction on the record.
- You both agree that there was *not* an error. Return to your seat; no further action is required.
- On rare occasions, you cannot agree, *and* the matter is truly substantive, warranting a sidebar to discuss it. In this case, it would be proper for the active interpreter to address the judge and make the request.

Remember: Corrections are made to ensure that *substantive* errors are avoided and the record accurately reflects what was said.

Determining how and when to correct colleagues' errors requires great tact and professionalism. Corrections should be made as promptly and unobtrusively as reasonable. The goal should never be to show off, demonstrate your superior knowledge or skills, or make your colleague look bad.

Challenges to Interpretation

Sometimes the interpreter is not the only person in the room who knows both the source language and the target language. Challenges may come from attorneys who have some knowledge of the other language and believe the interpreter has made an error. Or, for example, attorneys who have prepared their witness and expect a certain answer may challenge the interpretation because the witness gives a different answer.

If you are challenged, respond in a polite and professional manner; do not regard it as a personal affront:

- If you disagree with the correction, simply state, "The interpreter stands by his original rendition." You may explain your reasoning, if necessary, but do not be defensive.
- If you agree with the correction, simply state, "The interpreter stands corrected," and provide the corrected version.

Challenges during legal proceedings are normal and should not derail or demoralize you. At the same time, if you do feel flustered or thrown off, it is appropriate to ask for a break or switch with your partner.

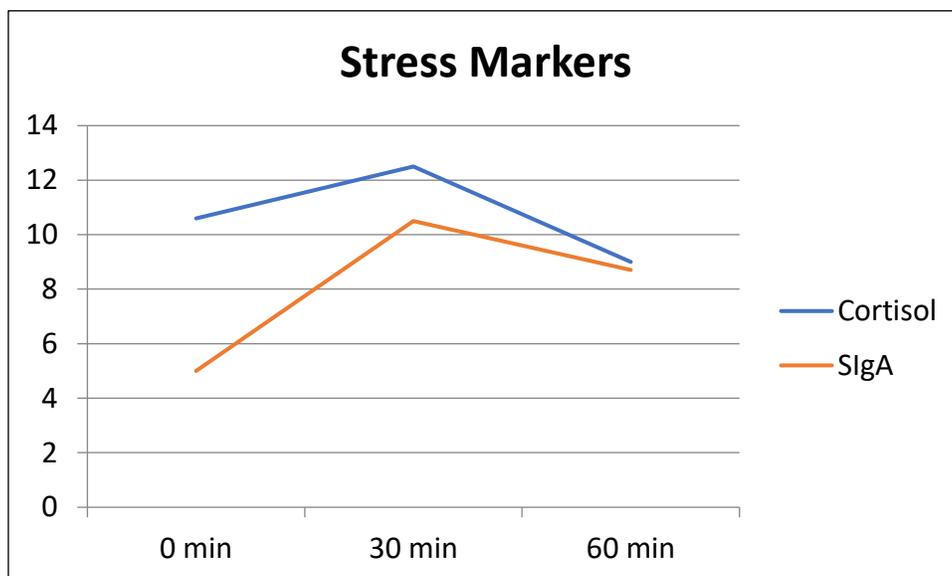
Team Interpreting

Interpreting is hard! Interpreters do not simply utter words. They must comprehend complete thoughts and ideas, correctly restructure sentences, identify ambiguities, decipher speech patterns, take notes, preserve register, block out background noise, and much more. Interpreters must be familiar with legal terminology, street jargon, idioms, and metaphors and be able to retrieve that information from the brain archives almost instantaneously. Interpreters use up to twenty-two discrete cognitive skills while doing their job. It is unrealistic to suggest that all of this can be accomplished without mental fatigue setting in after a very short time.

Cognitively demanding tasks that require sustained attention, such as interpreting, induce stress. Some of the physiological signs of stress are increased heart rate and blood pressure, especially systolic blood pressure, as well as high base rates of the stress hormone cortisol. By identifying these factors in interpreters, studies have concluded that simultaneous interpreting is particularly stressful. Interpreter performance can be affected by stressors such as speed of delivery, poor audio, length of turns, and distracting working conditions.

Research carried out by Barbara Moser-Mercer in 1998⁵ established that interpreter fatigue—both physical and mental—results from the high degree of concentration an interpreter must employ to hear, analyze, and understand ideas in one language and then render those same ideas coherently into another. The study measured cortisol and secretory immunoglobulin A levels, well-known stress markers, during simultaneous interpretation.

	0 min	30 min	60 min
Cortisol	10.6	12.5	9.0
SIgA	5.0	10.5	8.7

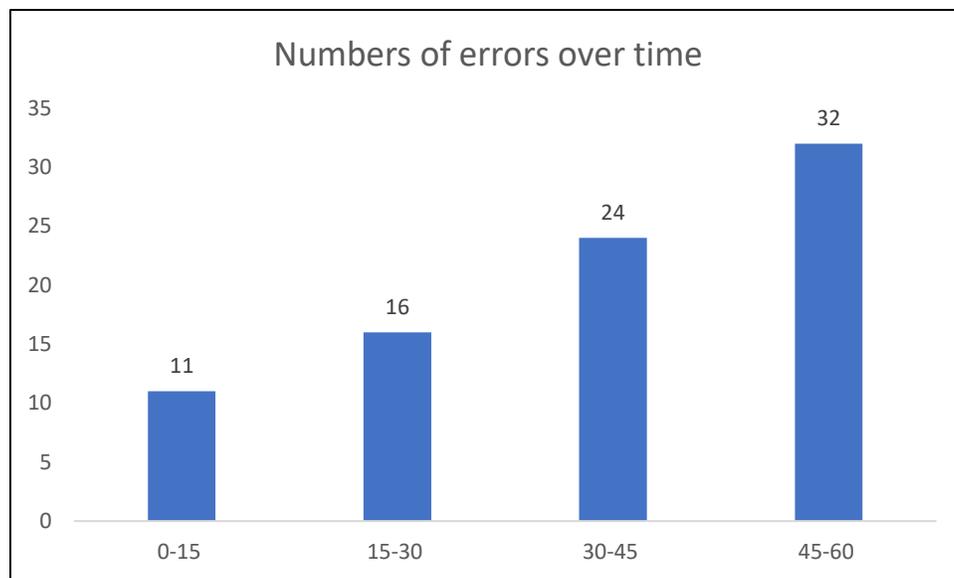


These markers show significantly increased stress levels after thirty minutes, followed by a drop, indicative of **burnout**—a combination of physical fatigue, emotional exhaustion and cognitive weariness. The fact that at the sixty-minute mark the interpreter’s stress level has actually *decreased* demonstrates disengagement. This is an unconscious defense mechanism against stress, during which audio processing skills diminish while output continues, and the quality of the message is compromised.

⁵ Moser-Mercer, B. Künzli, A., & Korac, M. (1998). Prolonged turns in interpreting: Effects on quality, physiological and psychological stress (Pilot study). *Interpreting*, 3(1), 47-64. <https://doi.org/10.1075/intp.3.1.03mos>

The study also measured errors in meaning committed by experienced conference interpreters and found that errors began to occur well before the interpreter became aware of them. As you can see in the table below, the error rate increases over time.

Time elapsed (minutes)	0-15	15-30	30-45	45-60
Numbers of errors	11	16	24	32



Another study by Tommola and Hyönä in 1990⁶ measured pupil dilation during listening, shadowing, and simultaneous interpreting. Simultaneous interpreting was associated with the highest pupil dilation levels, indicative of increased cognitive processing in the brain.

The International Association of Conference Interpreters (AIIC) carried out a Workload Study⁷ to investigate interpreter stress. The study compared on-the-job stress levels experienced by four types of professionals:

- Interpreters

⁶ Tommola, J., & Hyönä, J. (1990). *Mental load in listening, speech shadowing and simultaneous interpreting: A pupillometric study*.

⁷ Mackintosh, J. (2003). The AIIC workload study. *International Journal of Interpretation and Translation*, 1(2), 189-214. <https://doi.org/10.1075/forum.1.2.09mac>

- Senior Israeli army officers
- High-tech workers
- Teachers

The study found that the stress levels among *interpreters* registered the highest.

These high levels of stress can lead to burnout—the final stage in a progression of unsuccessful attempts to cope with work-related stress.

Due to the unique demands of the interpreting profession, burnout can literally happen within 30 minutes, as follows:

Stage 1: Stress buildup

Stage 2: Physical fatigue, emotional exhaustion, and anxiety

Stage 3: Defensive coping leading to withdrawal and detachment

Once burnout sets in, the interpreter’s brain is so overloaded that it disengages from the job and accuracy plummets.

In 2020, Washington State formally recognized the need for team interpreting in the judiciary by adopting [General Rule 11.4](#).

“To provide for accurate and complete interpreting, a team of two (2) interpreters must be appointed when it is anticipated that an assignment will require more than one (1) hour of simultaneous interpreting or two (2) hours of consecutive interpreting.” See GR 11.4(b)(1).

History of Simultaneous and Team Interpreting

Simultaneous interpreting got its start during the Nuremberg Trials⁸ at the end of World War II. Judges from Great Britain, France, the Soviet Union, and the United States presided over the hearings of Nazi war criminals.

The International Military Tribunal was charged with holding “fair and expeditious trials.” This required interpretation of the proceedings into the languages understood by the defendants and judges—English, Russian, French, and German.

Until then, consecutive interpreting had been the standard mode of interpreting. However, due to the sheer scope of the trials, coupled with the need for relay interpreting, using only consecutive mode would have

⁸ For more detailed information see: Gaiba, F. (1998). *The origins of simultaneous interpretation: The Nuremberg trial*. Ottawa, Ontario: University of Ottawa Press.

been untenable. Thus, in order to expedite the proceedings, a new mode of interpreting—**simultaneous**—was born.

Leon Dostert, a French-born American scholar and army officer, worked with IBM to develop high-quality microphones and headsets needed to deliver clear interpretation in simultaneous mode. Dostert served as Chief Interpreter and led three teams of interpreters, who rotated throughout the day in order to provide continuous and accurate interpretation, allowing for uninterrupted proceedings. Thus, team interpreting emerged as the means to provide sustained, accurate simultaneous interpretation.

Team interpreting is generally required for:

- Trials
- Lengthy testimony
- Depositions, arbitrations, and mediations
- Lengthy motion hearings
- Conferences
- Classes
- Investigative interviews
- Administrative hearings

Mechanics of Team Interpreting

In team interpreting, two interpreters work together. They take turns serving as active and support interpreter, alternating at regular, predetermined intervals. Since research has shown a decline in accuracy after fifteen minutes, this is the recommended interval. While the active interpreter is interpreting, the support interpreter sits nearby, assisting with difficult vocabulary, writing down names and numbers that might be hard to catch, and seamlessly taking over should an immediate need arise.

Logistics and Etiquette

Meet your teammate and discuss logistics before the interpreting begins.

- a. Sort out seating arrangements.
- b. Position yourselves so that you can easily hand off equipment, if necessary, and provide written assistance to one another.
- c. Discuss how you can best assist each other.
- d. Plan how to share notes, generally by setting a notepad between the two of you to jot down numbers, dates, addresses, proper names, etc.

- e. Agree on a default time for switching. Fifteen-minute turns are standard and go a long way toward preventing fatigue. However, some teams may agree to start switching every 10 minutes due to intensity, speed and subject difficulty.
- f. For switching, use a signal or jot down the time—any system works as long as you have agreed to it.
- g. Agree on how to hand off the equipment. Most interpreters prefer to have the active interpreter hand over the mic, rather than having the equipment snatched away while they are in mid-sentence.

Fifteen-minute turns usually work well. As support interpreter:

- a. You are still part of the team and supporting your teammate even though you are not actively interpreting.
- b. Be prepared to switch from support to active role at any time, as your teammate may need to hand off the mic before their turn ends.
- c. Look up difficult terms and jot them down for your partner.
- d. Do not whisper or touch your teammate unless you have explicitly agreed to this. It can be very distracting.
- e. You should not be reading the newspaper, doing unrelated work or disappearing.
- f. You may step out briefly, if necessary, but it is polite to let your partner know by jotting down “restroom,” “back in 5,” or something to that effect.
- g. Serve as a check interpreter during interpreted witness testimony by supporting the active interpreter and notifying them of any substantive mistake they may have made. The active interpreter should take action accordingly, either by correcting the mistake on the record or standing by their rendition. (See Errors by Colleagues.)
- h. Keep track of the time to let your teammate know when it is time to switch.
- i. Wait for the active interpreter to hand you the mic.

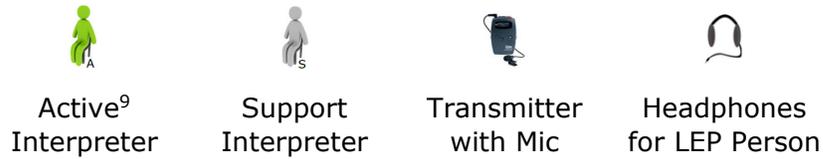
As active interpreter:

- a. Don’t hog the mic—respect the agreed upon intervals, even when you feel that you’re “on a roll.”
- b. Hand off the mic immediately if you are struggling or having a lapse. Do not wait for your turn to end.

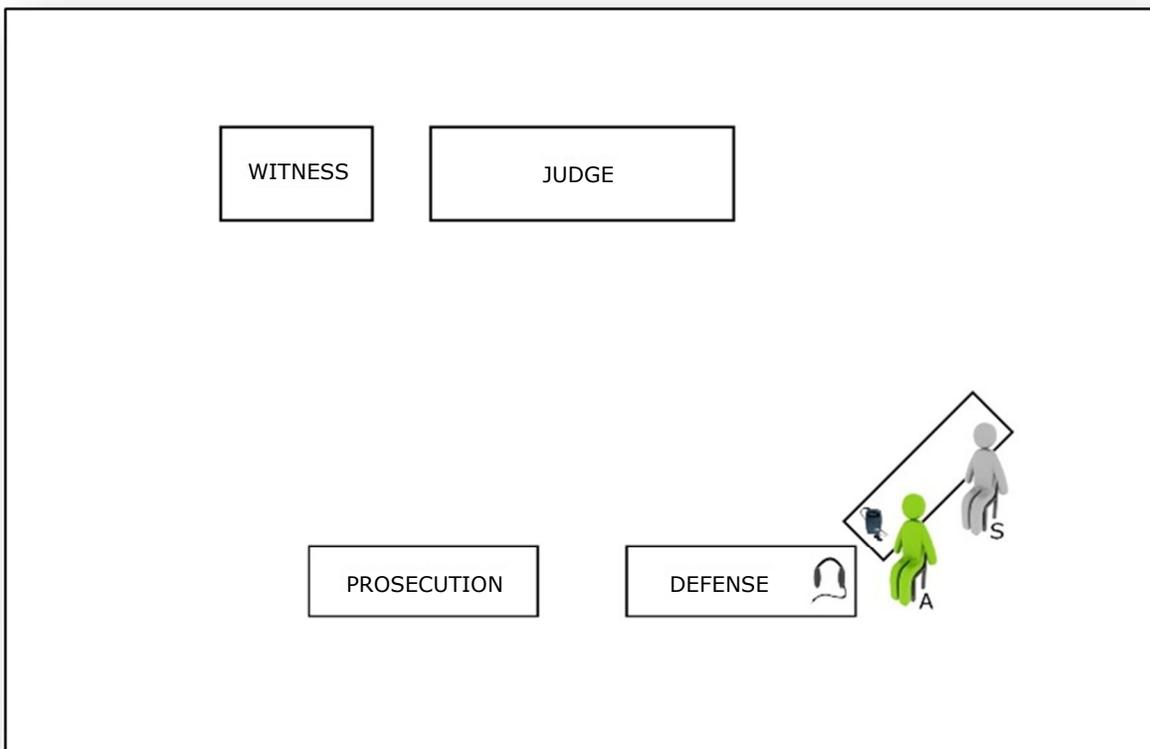
- C. Work to overcome self-consciousness. Sometimes an interpreter may feel self-conscious by having their partner seated close by, hearing their rendition. Know that your partner is there to support, not judge you. You will learn from each other.

How Many Interpreters Does It Take?

The following figures are used to illustrate how interpreters work as a team in several common scenarios.



One LEP Defendant

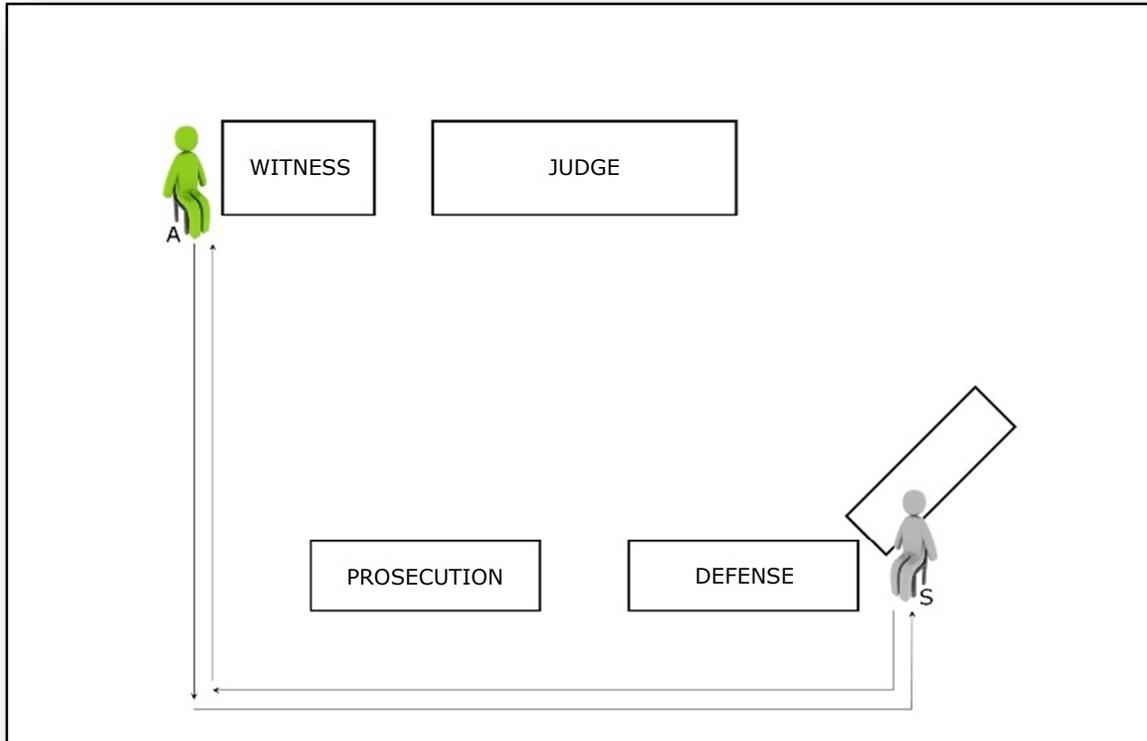


Interpreters work as a team, providing *simultaneous* interpreting, switching at predetermined intervals (~15 mins).

Interpreters may be sitting together at defense table or a separate table. The active interpreter may need to stand up and move to see and hear speakers more clearly.

⁹ Seated person image: iStock/[imegastocker](#)

One LEP Defendant + LEP Witness(es) in the Same Language



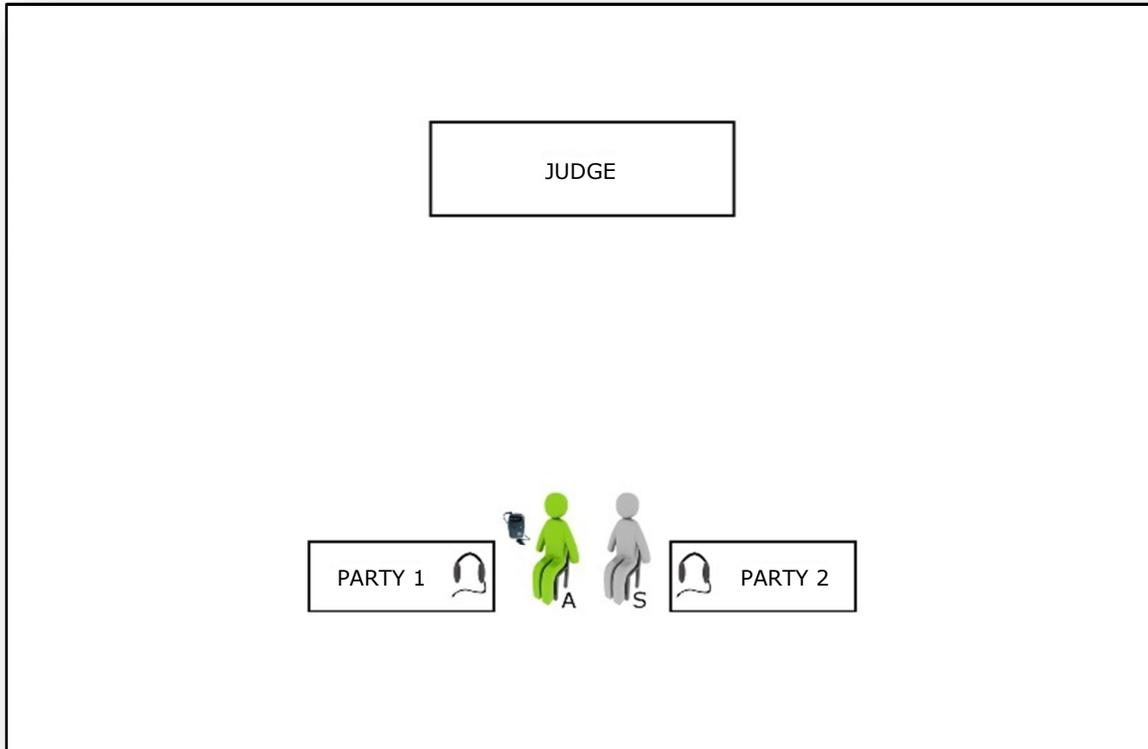
Interpreters work as a team. The active interpreter interprets Q & A in *consecutive* mode loudly enough for both defendant and witness to hear. The support interpreter is available for attorney-client communication at defense table.

The active and support interpreters switch off seamlessly at predetermined intervals (~ 30 mins) without interrupting proceedings.

If attorneys break into objections and arguments, the two interpreters switch to interpreting quietly in *simultaneous* mode, one for the witness, the other for the defendant.

When LEP witnesses testify, they should speak loudly enough to be heard by the defendant.

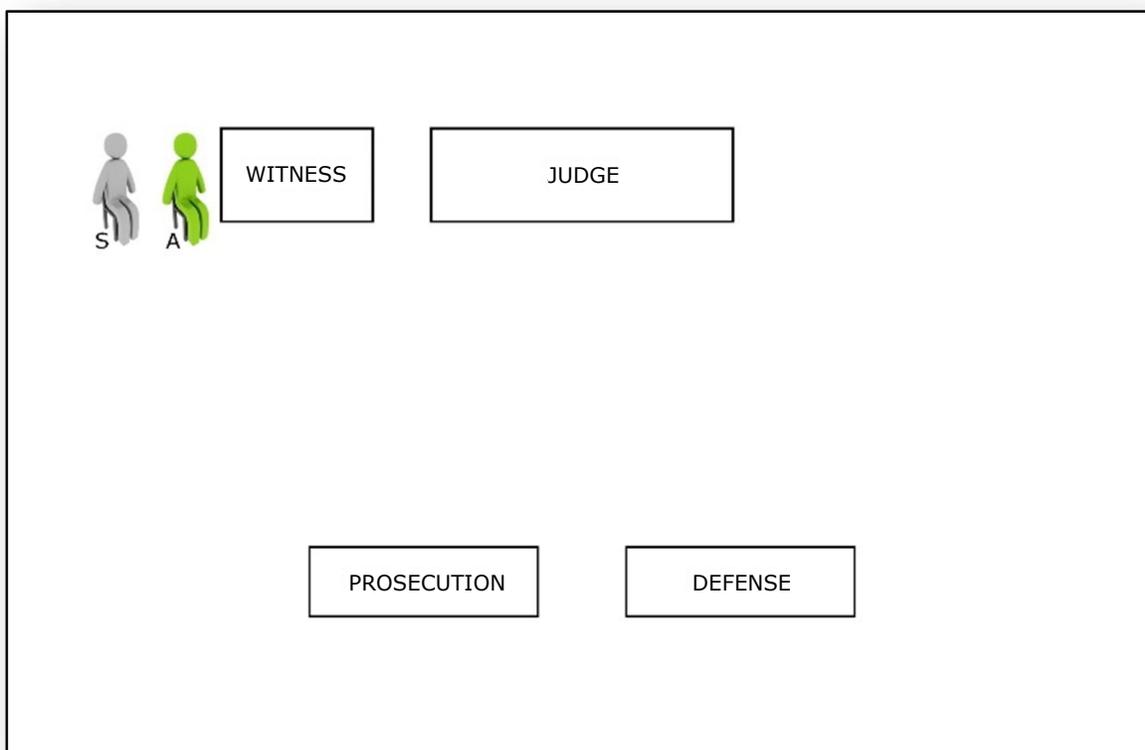
Two LEP Parties in the Same Language



Interpreters work as a team, using equipment to provide *simultaneous* interpreting to both LEP parties, who thereby hear the same rendition. Interpreters switch at predetermined intervals (~15 mins).

When one of the parties speaks, one interpreter at a time interprets in *consecutive* mode without equipment, speaking loudly enough for both LEP parties to hear the same rendition.

LEP Witness(es)



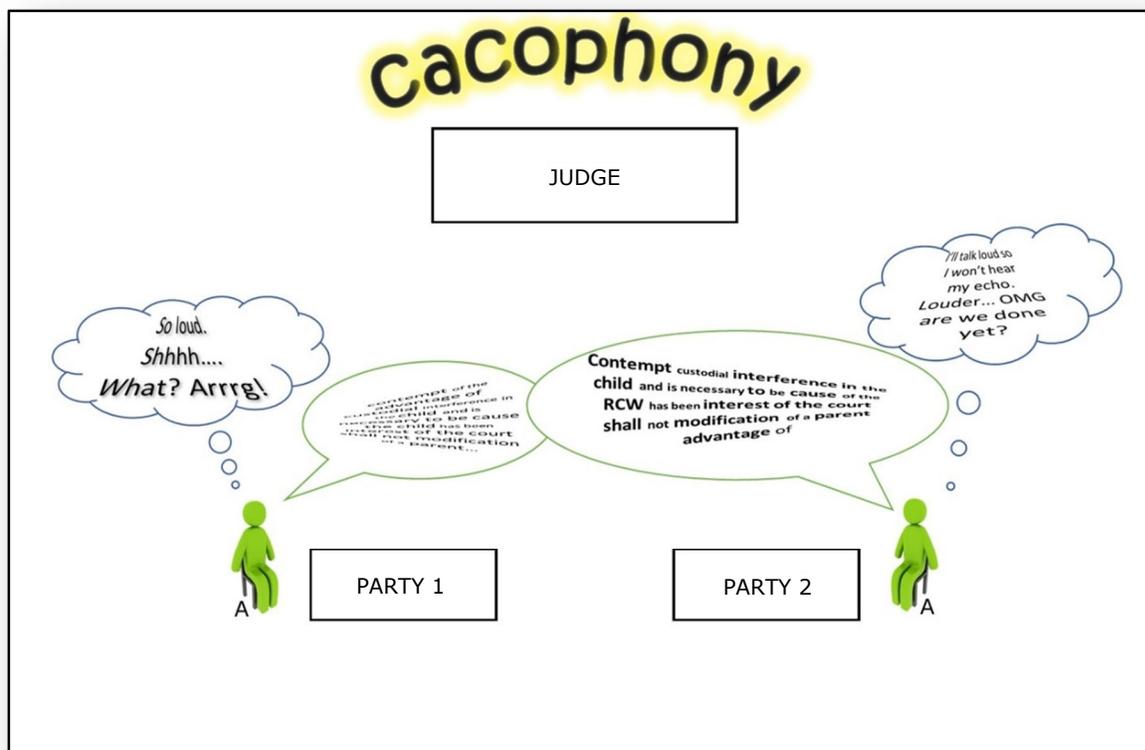
When witness testimony exceeds two hours, a team of two interpreters is required. [GR 11.4 \(b\)\(1\)](#).

The active and support interpreters are positioned at the witness stand, assisting one another with terminology and rotating at predetermined intervals (~30 mins). They work in *consecutive* mode, therefore no equipment is used. Interpreters switch into *whispered simultaneous* mode, however, in the event of an objection or argument.

Practices to Avoid

Duplicative Simultaneous Interpreting

When two interpreters provide separate renditions of the same source message, they are *not working as a team*.

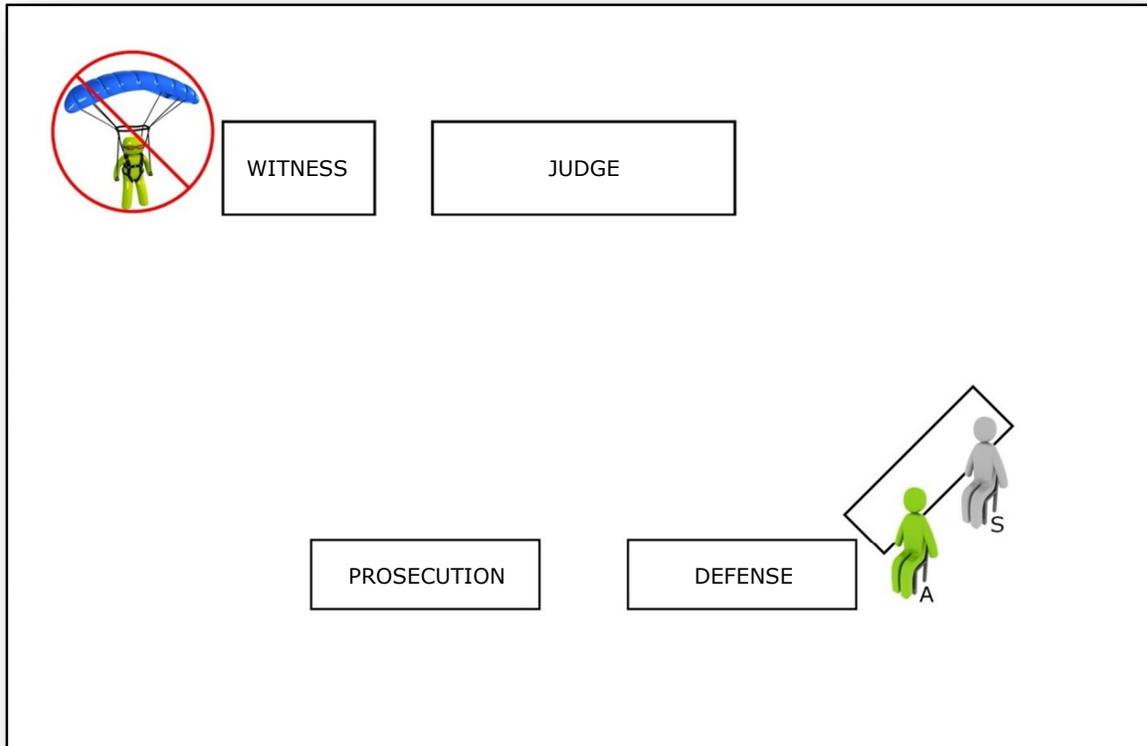


Duplicative interpreting causes many problems:

- Interference - multiple audio sources create extra background noise that interferes with the interpreter's ability to hear the speaker clearly.
- An echo effect - interpreters endure the exasperating experience of hearing slightly different renditions coming from their colleague.
- Interpreter fatigue - the two interpreters duplicate each other's efforts rather than rotating and supporting one another. Both will quickly become exhausted.
- Confusion - the LEP parties hear different versions of the same message. Whenever there is one source message, *the target rendition should be the same for all recipients*.

“Parachute” Interpreting

When both defendant and witness(es) require interpreters in the same language and a team is already present for the defendant, there is *no* need to bring in an additional interpreter for the witness.



Bypassing the team of interpreters by bringing in a separate interpreter for a witness is problematic in that it directly impacts accuracy and the perception of impartiality. This “parachuted” interpreter¹⁰ is:

- At a disadvantage by being dropped in, completely unfamiliar with the case.
- Often expected to work solo, while the other two interpreters sit idly by, rather than rotating with the interpreter at the witness stand.
- Under the additional stress of being scrutinized rather than supported by their interpreter colleagues as part of the team.

Additionally, this arrangement can create the impression of interpreter allegiance to a party rather than to the court.

¹⁰ Paratrooper image: Shutterstock/One02

Parachute interpreting is counter to the values of accuracy and impartiality and should be discouraged. Nonetheless, there may be times when you find yourself dropped into the middle of a proceeding when a team is already present. Don't despair:

- Ask the requester to make arrangements for you to meet with the prosecutor and the witness prior to testimony (even if it's just ten minutes).
- If testimony is protracted (over thirty minutes without an end in sight), you should request that the court have one of your colleagues rotate with you in order to preserve accuracy.

Once the rotation of interpreters at the witness stand has begun, both interpreters should stay near the witness stand (think ahead—ask for chairs). As always, the support interpreter will assist the active interpreter and be ready to rotate after some predetermined time.

The best practice is to avoid parachute interpreting altogether. The same interpreters who have been present throughout the trial should be assigned to interpret for all LEP witnesses in their language. If an additional interpreter *is* brought in, the team already present can remedy the situation by notifying the court that they are available to rotate with their colleague on the witness stand. Sample statements:

- "Your Honor, as officers of the court, these interpreters are happy to team up and rotate with our colleague on the stand."
- "Your Honor, in this situation, the best practice is for the interpreters already present to rotate with their colleague at the stand."

At this point, one of the team members can position themselves at the witness stand to support the interpreter who was brought in for the witness.

Working Solo When There Should Be a Team

Interpreters who claim they can work solo for extended periods of time may be doing so out of inexperience, ignorance, vanity, or fear of losing assignments. However, agreeing to poor working conditions that have been proven to cause inaccuracies is an ethical and professional breach. The more interpreters collectively and consistently adhere to best practices, the more likely they are to become universally adopted.

Team interpreting is a great opportunity to demonstrate our neutrality, collegiality, and professionalism.

Remember: As an interpreter, you are not aligned with any party. Once you have fully internalized this concept, it is more likely that others in court will respect you as a neutral officer of the court and agree to implement the best practices of judiciary interpreters.

Honesty and Integrity

Interpreters have an inviolable duty to provide honest services in which their behavior upholds the values outlined in this code. They must accurately represent their credentials, training, and relevant experience. Interpreters must not engage in conduct that impedes their compliance with this code or allow another to induce or encourage them to violate the law or this code.

—Washington State Court General Rule GR 11.2(4)

Interpreters demonstrate honesty and integrity when they are truthful and their behavior is in accordance with their professional values.

Representation of Credentials

At the start of any legal proceeding, identify yourself for the record, correctly stating your qualifications and whether you are permanently sworn. For example:

- “For the record: Jacob Gon, interpreter in Dinka. The interpreter needs to be qualified and sworn by the court.”
- “For the record: Steven Ivanyuk, AOC Court Registered interpreter in Ukrainian. Permanently sworn.”
- “For the record: Cicely Nguyen, AOC Court Certified interpreter in Vietnamese. Permanently sworn.”

It is essential that interpreters present a complete and truthful account of their credentials, training, and relevant experience prior to accepting an assignment, so that their ability to satisfy it competently can be fairly evaluated.

Correctly Stating the Language on the Record

If you are interpreting in a language other than the language noted on the docket, make that fact known to all parties. Make sure that the record accurately reflects the language being used, as it may differ from the language that was originally noted. There are a number of reasons why this may be the case. For example, the LEP person may be fluent in more than one language.

- If an attorney is present, let them know what language you are using. This will give the attorney an opportunity to confirm the client’s language preference.

- If no attorney is present, after introducing yourself on the record, make sure to add the language you are using: "...interpreting in Tigrinya (not Amharic), Russian (not Ukrainian), Cantonese (not Mandarin)."

It is then the responsibility of the court to verify that the LEP person is comfortable proceeding in that language and establish their preferred language going forward.

Similarly, if you discover that the LEP person does not have adequate command of the language you were assigned to interpret, and you have confirmed this, it is your duty to notify the attorney: "Counsel, the defendant has indicated that Spanish is not her preferred language."

If no attorney is present, notify the court. If the judge does not address the issue, and you are experiencing difficulties communicating with the LEP person, state the nature of the difficulties on the record. For example, "Your Honor, the interpreter is having difficulty communicating with the defendant." (See [LEP Individual's Command of the Language](#).)

Honestly Representing Your Skill Level

If you are not comfortable interpreting simultaneously, upon introducing yourself for the record, let the court know that you will be interpreting *consecutively*. If you are not court certified, your simultaneous interpretation skills have never been tested, so hesitation is warranted. Clearly stating your skill level is not a sign of inadequacy, but rather a demonstration of your integrity as a professional interpreter.

Time Constraints

If something comes up which prevents you from arriving promptly to an assignment, let the requester know right away.

Make any expected time constraints known to the requester when scheduling. This includes back-to-back assignments, needing to arrive later than requested, or needing to leave early. Courts *may* have the flexibility to accommodate your time constraints if they know about them ahead of time.

Attempts to Induce You to Violate the Code

Having integrity goes beyond simply telling the truth. It means adhering to a set of ethical principles, even when inconvenient or awkward. Occasionally you may be asked or even directed to do something that violates your Code

of Professional Responsibility. In order to act appropriately in such instances:

- Familiarize yourself with GR 11.2 and carry a copy with you. Knowing the Code will enable you to follow it and justify your actions if questioned.
- Be polite but firm, and cite GR 11.2 when directed to act against this court rule.
- If a judge orders you to do something that is not in accordance with GR 11.2, comply, but first state your objection on the record and cite the pertinent section of the court rule.
- Familiarize yourself with other relevant court rules, such as [GR 11.4 Team Interpretation](#), as well as the [Bench Card](#) and the [WA Court Interpreter Disciplinary Process](#).

Example 1: You are asked to interpret for a lengthy assignment, such as a trial, motion hearing, arbitration, mediation, administrative hearing, or class, and it is not made clear that you will have a partner pursuant to GR 11.4.

At the time of the request, find out how long the assignment is expected to last. If it's over the recommended time limit (see GR 11.4), ask who your partner will be.

If the requester expects you to interpret alone, cite GR 11.4 and be prepared to quote the relevant section.

Some out-of-court requesters may still refuse to provide you with a partner. Consider carefully whether to accept such assignments. If you decide to go ahead, you should inform the requester that in order to provide accurate interpretation, you require a ten-minute break after every twenty minutes, as indicated in GR 11.4. Be sure to clarify that this is not *your personal* preference or request—it is a court rule and the *industry standard*.¹¹ You are expected to comply with this standard in discharging your duties. While these conversations can be difficult, especially for new interpreters, they should become standard practice for all judiciary interpreters and serve as an opportunity to demonstrate your professional integrity.

¹¹ ASTM International. (2015). F2089-15 Standard practice for language interpreting. West Conshohocken, PA: American Society for Testing and Materials. <http://www.astm.org/cgi-bin/resolver.cgi?F2089>

Sample responses:

- “I am prepared to accept this assignment, as long as I have a teammate.”
- “I need to let you know that if I am working solo, pursuant to GR 11.4, I will need a ten-minute break after every twenty minutes.”

Example 2: You are interpreting at the witness stand and handed a document, such as a hand-written letter, contract, or text message which you are asked to sight translate on the record.

Sample response:

- “Your Honor, the interpreter needs to advise the court that sight translation on the record goes against the Code of Professional Responsibility.”

If the court orders you to sight translate the document anyway, GR 11.2 (f)(1)[6] directs you to comply, but first state on the record, “The interpreter cannot guarantee the accuracy of the sight translation,” and then proceed to the best of your ability.

Remember: If you sight translate a document into the record, you are creating new evidence.

It is the responsibility of the party wishing to introduce a document into evidence to have that document properly translated into English in advance by a competent translator with the requisite time and tools. By stating that you cannot guarantee the accuracy of this evidence, you are protecting yourself.

Integrity and Contradiction

Swearing to honesty and integrity is simple in theory, but how do interpreters best comply with their duty to uphold these core values in practice? When a person holds contradictory beliefs, ideas or values, or participates in an action that goes against these, the person experiences psychological stress. This is called cognitive dissonance. To reduce that stress, the person feels compelled to justify their behavior by engaging in cognitive dissonance reduction.

Example: You are casually chatting with the defendant. You feel slightly uncomfortable because you know this is something you are not supposed to do (guilty: I am breaking the rules). To

alleviate your internal discomfort, you might come up with a number of justifications to yourself, such as wanting to be polite or respectful, feeling that you know best without being too much of a stickler, and the Code is really just a guideline anyway:

- I don't want to appear rude by ignoring the person I'm about to interpret for.
- Those rules are not written by people who work in the trenches; I have enough experience to know what to do.

Instead of justifying the unjustifiable, you can relieve your internal discomfort by discontinuing the behavior that is causing it.

- "I'm sorry, but the rules for interpreters are very strict—I'm not allowed to chat with you. I will interpret for you when your case is called."
- Hold up your hand to stop: "When your attorney arrives, I will be there to interpret for you..." and move out of range.

Rules are most effective when people understand and adopt them as their own on internal moral grounds. That is why you should study the Code and fully understand why each canon is important. If you find any section of the Code too difficult for you to adhere to because it clashes with your personal or cultural values, please do further research so you can truly understand and adopt the professional rules as your own. Court interpreting is not for everyone. Be honest with yourself—if you truly cannot follow the Code, honesty and integrity require that you seek a different profession.

Impartiality and Neutrality

Interpreters must faithfully render the source message without allowing their own views to interfere. They must refrain from conduct that may give an appearance of bias and must disclose any real or potential conflict of interest to all parties and the court, if applicable, as soon as they become aware of it.

—Washington State Court General Rule GR 11.2 (f)(4)

Interpreters must strive to keep their interpretation neutral. Interpreter partiality—both conscious and unconscious biases—may compromise the neutrality and thereby the accuracy of their interpretation. Though often used interchangeably, impartiality and neutrality are not strictly synonymous.

To be partial is to act on the basis of a particular like or dislike for something, a strongly-held opinion or a preconceived notion. In contrast, to be **impartial** is to act on the basis of facts and to exhibit objectivity, irrespective of our personal preferences and beliefs.

Partiality can lead us to want to support one side in a conflict, dispute or disagreement, thus compromising our neutrality. **Neutrality** is defined as the lack of allegiance to *any* side.

When we are aware of the attitudes and beliefs we hold about a person or group, this is **conscious** or **explicit bias**. When we expect a group or person to have certain qualities and behaviors without having real information about them, this is called **stereotyping**. And when we evaluate another person based on that person's race, sex, religion, social class, age, sexual orientation, disability, ethnicity, language, nationality, politics, occupation, education, values, or other characteristics, this is called **prejudice**. When aware of such biases, we can work to consciously put them aside while we are interpreting in order to maintain neutrality and preserve accuracy.

The best way to preserve your neutrality and impartiality is to be self-aware. Interpreters must limit their practice to those areas where they can maintain their professional detachment. This is much better than deciding mid-trial whether to stand up and state that you cannot go on. In a jury trial, even stating that you are too upset to continue may be considered as commenting on the case or influencing the jury. If you feel overwhelmed, you can ask for a break or switch with your teammate without stating any reason. Better

yet, avoid getting into these situations by planning ahead and being clear with yourself about your own limitations.

The conscious biases indicated above are merely the tip of the iceberg. The greater problem lies in the myriad of **unconscious** or **implicit biases**—learned stereotypes that are unintentional, deeply ingrained, and ubiquitous. They exist underneath our conscious awareness and have the potential to influence interpretation.

Example: You may hear a gender-neutral word in the source language, such as “nurse,” and have only a gendered equivalent in the target language. While you are consciously aware that nurses can be either male or female, you may automatically select the feminine word or pronoun in your rendering if you grew up with a stereotype of nurses as female. In this case, your interpretation is not neutral and may even be inaccurate. (See Ambiguities.)

Interpreters, LEP individuals, attorneys, prosecutors, court staff, jurors, etc.—we are all susceptible to conscious and unconscious biases. Bias is natural; what is important is that interpreters minimize its influence on their professional performance by becoming self-aware and mindful.

Conflict of Interest

Accurate interpretation is a key component of a universally fair judicial process. The existence of a conflict of interest on the part of the interpreter may bring into question the interpreter’s neutrality, and thereby the accuracy of the interpretation.

An *actual* conflict of interest exists when the interpreter has a stake in the outcome, be that financial or otherwise. A *potential* conflict of interest exists where it is foreseeable that a conflict may arise in the future.

Examples of conflicts of interest:

- The interpreter is a friend, associate, or relative of a party, witness, victim, or counsel.
- The interpreter or the interpreter’s friend, associate, or relative has a financial interest in the case at issue, a shared financial interest with a party to the proceeding, or any other interest that might be affected by the outcome of the case.

- The interpreter has served in an investigative capacity for any party involved in the case.¹²
- The interpreter has previously been retained by a law enforcement agency to assist in the preparation of the criminal case at issue.
- The interpreter is an attorney in the case at issue.
- The interpreter has previously been retained for employment by one of the parties.

You must disclose any conflict of interest as soon as you become aware of it.

- a. If you are aware of it at the time of the request, you must disclose it to the requester.
- b. If you become aware of it after the assignment has begun, you must disclose it to the parties and, if this is a courtroom proceeding, to the court. Your duty to disclose arises as soon as you become aware of the conflict.

The presence of a conflict of interest will not automatically disqualify you from interpreting in a given case. The court and/or the parties will evaluate the totality of the circumstances and decide whether it is appropriate for you to provide services.

Example: The requester did not provide you with the LEP person's name, or that name is a very common one and you didn't realize at the time of the request that this could be somebody you know. Only when the LEP person entered the courtroom did you recognize them.

- If there is a defense attorney, you should notify them immediately and let them address the court to resolve the situation.
- If the LEP defendant is *pro se*, and therefore there is no attorney to notify, you need to address this with the court immediately after you introduce yourself on the record, adding: "Your Honor, the interpreter needs to advise the court of a potential conflict of interest." At this point, the judge will determine how to inquire further and may

¹² If the interpreter has provided services during the prosecution's interviews of witnesses, it does not preclude them from interpreting for in-court proceedings. However, it must be disclosed. (See Confidentiality, [Rendering Services for Different Parties.](#))

dismiss you from the case, or rule that you should indeed interpret, possibly for the immediate hearing only.

Prior contact with the LEP individual in your capacity as an interpreter does *not* generally constitute a conflict of interest.

Example: You interpret for the LEP defendant at an arraignment hearing in the morning. That afternoon, you interpret for the same LEP defendant at a review hearing in a different court. This situation does *not* constitute a conflict of interest, because the contact occurred while you were serving in your professional capacity. In fact, you must not mention this prior interpreted encounter, as doing so may make you a witness and affect the defendant's case.

Disclosure of Relationship with Parties

Be forthcoming about any relationships you have with any of the parties. Parties have the right to know when an interpreter has an outside relationship and therefore a potential conflict of interest.

Perceived Conflict of Interest (Appearance of Bias)

A **perceived** conflict of interest is the appearance to an outsider that the interpreter has a stake in the outcome, when in fact that is not the case. While you may know that you have no stake in the outcome, if other people *perceive* that you are biased or partial, the neutrality of your interpretation may be doubted and your role as interpreter may be compromised. In your capacity as a court interpreter, you may be the only bilingual person in the courtroom. You bear an important responsibility, as other people are depending on you to understand what is being said, and the official record will reflect your interpretation of what was stated in the non-English language. This is a relationship of trust—in you and in the judicial system itself—that must be preserved at all costs. For this reason, it is imperative that you refrain from any behavior that might lead others to think you have affinity toward anyone involved in the case or favor one outcome over another.

Examples of behaviors that may create a perception of bias:

- Engaging in conversation with the LEP individual, no matter how benign the subject matter. You may be talking about the weather, but you are speaking in a language that others do not understand, leaving them to speculate as to the nature of that conversation.

- Engaging in small talk with other parties, such as court staff or counsel. The LEP person may see this and perceive that you have a bias against them, or that you do not take the matter seriously, if you are laughing and chatting during breaks.

Tips:

- Remove yourself from the courtroom during breaks, or, at a minimum, move your chair away from the LEP individual.
 - Busy yourself with a book, your phone, or this manual.
 - Do not engage in any small talk with the defendant.
 - Maintain a professional relationship with all court officers, staff, parties, and witnesses.
 - Keep a professional, formal, and neutral demeanor at all times in the courthouse—you are being observed by court staff, crime victims, defendants, and others.
- Being helpful. The urge to help is natural, and no matter how counterintuitive, you must refrain from gestures that could be construed as any kind of care-taking, familiarity, or partiality. Do not hand a tissue to the witness, offer to pour water, help find a page of an exhibit, walk a document up to the clerk, adjust the microphone for the witness, etc. Every time you step out of your role as interpreter, you inevitably appear biased. These tasks are the responsibility of court staff, counsel, or the LEP individuals themselves.
 - Referrals. The LEP defendant may seek advice about hiring an attorney or obtaining other services. Do not provide any advice or referrals. Instead, offer to interpret their questions to court staff.
 - Close physical proximity. It is often perceived as affinity, so strive to maintain reasonable physical distance from the LEP person. This is easier to accomplish if one is using interpreting equipment.

Tips:

- Make sure you have your own chair—it is the court’s responsibility to provide you with one.
- Sit (or stand if everyone else is) at a reasonable distance.
- Do not lean into the LEP individual.
- Do not hover over the LEP individual—remember that you have your own chair!

- Use interpreting equipment whenever practical. Invest in your own—you'll be glad you did.
- Displaying your emotions through facial expression or body language.

Tips:

- Avoid making extended eye contact with any person.
- Keep yourself busy by taking notes or doodling.¹³

Some court practices can set the stage for perceived conflict of interest. For example, when courts assign specific interpreters to one side or the other in protection order or family law matters, it actually *creates* an appearance of bias by promoting the idea that each party has their own interpreter. Interpreters are not attorneys—they do not represent the interests of any party.

If you find yourself in such a situation, introduce yourself to the LEP person choosing words that accurately reflect the nature of the relationship. Word choice matters.

Example: "Hello, I will be interpreting at your hearing today." Avoid referring to yourself as "*your* interpreter," as if you belong to the LEP party, since it can create the false expectation that you are aligned with the LEP party or assigned to the case and all subsequent hearings. You are not the LEP individual's interpreter. You are the court interpreter.

When two interpreters are assigned to opposing parties during the same hearing, only *one* interpreter at a time should be interpreting simultaneously for all LEP individuals, so that the LEP parties are hearing the exact same rendition. When more than one interpreter is speaking at the same time, it creates the impression that the interpretation is tailored to each LEP person. (See Rendering Services for Different Parties, Perceived Conflict of Interest (Appearance of Bias) and Accuracy, How Many Interpreters Does It Take?

Tips:

- Confer with your colleague "across the aisle" and let the court know that you and your colleague have agreed to team interpret in open court. This goes far to dispel any mistaken ideas that you are each on

¹³ Doodling has been shown to help the brain remain focused, relieve stress and even aid in memory. For more information, see: Pillay, S. (2016, December 15). *The "thinking" benefits of doodling*. Harvard Health Blog. <https://www.health.harvard.edu/blog/the-thinking-benefits-of-doodling-2016121510844>

a side, furthers collegiality, and bolsters the appearance of impartiality.

- During the hearing, position yourselves in such a way that you can take turns interpreting, just as you would in a trial. This way both parties hear the interpretation and are receiving one and the same rendition. Do not hesitate to request equipment from the court or use your own.

Remember: You are the professional interpreter. Know the protocol and strive to abide by it in your practice.

Similarly, the fact that some courts assign separate interpreters in the same language to interpret for a prosecutor's witness during a trial, rather than utilizing the team of interpreters already present in court, creates the impression that the interpreters are biased and thus cannot faithfully render the testimony of the witness. This undermines our position as neutral officers of the court and fosters the false idea that interpreters "belong" to one side. (See *Rendering Services for Different Parties and "Parachute" Interpreting.*)

Tips:

- While one of the two interpreters assigned to the trial remains at defense table to interpret between the defendant and defense counsel as needed, the other one should be prepared to team up with any interpreter the court or the prosecution may bring in to interpret for the witness on the stand. In this way, there would be an interpreter team at the witness stand.
- If the witness speaks the same language as the defendant, that witness should speak loudly enough for the defendant to hear their testimony. Similarly, the interpreter at the witness stand should interpret the questions loudly enough so that both the witness and the defendant can hear the same rendition. The interpreter seated at defense table should *not* provide a separate rendition of the questions to the defendant.
- Having appropriate voice amplification for both the witness and interpreters will facilitate this and prevent voice strain.

Interpreters should avoid *creating* the appearance of bias by their own actions.

Example: You are without equipment and have to position yourself closely enough to the LEP person to speak quietly and

directly into their ear. After a short time, you detect an unpleasant odor. Now you have put yourself in a bind. You can carry on while the smell becomes increasingly distracting and annoying. Conversely, if you suddenly move away from the LEP person mid-hearing, it may create the appearance of bias from the perspective of the LEP individual and other observers.

Tips:

- Strive for professional detachment and physical distance consistently.
- Use equipment to position yourself at a reasonable distance from the LEP person.
- If the attorney and defendant need to confer, you can move closer, while still positioning yourself so that you do not have to lean into the defendant.
- Avoid making extended eye contact with any party. This will help you to maintain a neutral expression that does not reveal your emotions.

Adhere consistently to the established protocols and regularly use the set phrases described in this section until they become ingrained habits. This will allow you to maintain a neutral demeanor and avoid actions driven by unconscious biases.

Gifts and Gratuities

Do not accept gratuities or gifts of any kind from anyone for whom you have interpreted, whether in criminal or civil court matters. If such a gift is offered, explain politely that you are paid by the court or whatever entity hired you and are not allowed to accept any gifts. If they insist, you might briefly mention that working as an interpreter is very important to you and that you could lose your job by violating the rules. You may repeat that you are *not* allowed to accept any gifts. By the same token, you are not to give gifts to any party.

Remember: Today's gift is tomorrow's obligation.

Upholding Neutrality

While certain situations can move interpreters to experience overwhelming feelings such as pity or anger, you must set your personal feelings aside in order to remain in your neutral role while interpreting. Interpreters are not advocates for non-English speakers or anyone else. Furthermore, you must not make value judgments about the language or demeanor of the parties

for whom you interpret. If the witness uses incorrect grammar, vulgar speech or even appears to be lying, interpret the testimony just as faithfully as you would that of any other witness, without conveying by your tone or expression any personal opinion you may have. If a witness or defendant dresses or behaves in a manner that you consider inappropriate, leave it to their attorney to remedy that if they choose, rather than taking it upon yourself. It is beyond the scope of interpreter practices to offer our opinions through our words, facial expressions, body language, etc. Be circumspect at all times.

To reinforce the neutrality of interpreters, trial judges explain to all parties and potential jurors that the interpreters are nonpartisan and should not be considered part of either the defense or the prosecution, no matter who they interpret for during the case. The presence of two or more interpreters using interpreting equipment at a trial is a particularly effective way of reinforcing the neutral role of interpreters. Whatever each particular court does may be beyond your control, but your professionalism and demeanor will still serve to convey this crucial aspect of your work and remind observers that you are impartial, neutral, and trustworthy.

Advocacy and Cultural Brokering

Interpreters, by virtue of their knowledge and expertise, are in the unique position of understanding both languages and many aspects of the cultures involved. It may therefore be natural for them to want to step in and offer assistance. In order to maintain neutrality, however, professional interpreters need to strictly refrain from any appearance of advocacy.

Advocacy occurs when an interpreter:

- Has an opinion of what should happen.
- Doesn't have the authority to make it happen.
- Tries to convince someone to make it happen.

Common reasons why interpreters may feel the need to advocate for the LEP individual:

- Messiah complex - "I'm the only one who sees the problem and knows how to fix it."
- Paternalism - "This vulnerable LEP person needs my protection."
- Righteous indignation - "This situation is unfair, and I must right this wrong."

- Implicit bias - “This LEP person is too ignorant to grasp these concepts without my help.”

Regardless of the reason or underlying motivation, advocacy directly conflicts with your role as a neutral officer of the court. If you find yourself compelled to advocate, consider a different line of work, such as social worker, patient navigator, attorney, or victim advocate, where your bilingual skills would be greatly appreciated.

Remember: Interpreters are neither cultural brokers nor advocates for LEP persons. Advocacy is the enemy of neutrality.

Likewise, cultural brokering is outside the role of the interpreter.

The concept of cultural brokering is an ancient one that can be traced to the earliest recorded encounters between cultures. The term **cultural broker** was coined by anthropologists who observed that certain bilingual individuals acted as intermediaries, negotiators, and brokers between colonial governments and the societies they ruled. Both anthropologists and colonizers would use “friendly bilingual natives” to pursue their own agendas.

A cultural broker is an intermediary who *advocates* on behalf of another individual or group. Professional interpreters are not and cannot be cultural brokers. (See Confidentiality, To Serve as a Witness.) In fact, the oldest known written code of ethics for court interpreters specifically prohibits advocacy and imposes hefty punishments for interpreters caught advocating. (See Appendix 7 - Ordinance of 1548 (Translation).)

Confidentiality

Interpreters must not divulge privileged or other confidential information obtained in their professional capacity. They must refrain from making any public statement on matters in which they serve.

—Washington State Court General Rule GR 11.2(f)(5)

The relationship between the interpreter and the judiciary is one of trust, which must be preserved at all costs. For this reason, it is imperative that any information gained by interpreters during the course of their interpreting duties remain strictly confidential.

Interpreters are routinely privy to communications that, while not necessarily privileged by law, are conveyed in confidence. In order to preserve the integrity of the judicial process, interpreters have an ongoing duty to refrain from disclosing information obtained while serving in their professional capacity. (See [Appendix 1 - GR 11.2 Code of Professional Responsibility for Judiciary Interpreters](#), specifically (f)(5)[2].)

Attorney-Client Privilege

Privileged communications take place within the context of a relationship protected by law, such as that between:

- Attorney and client
- Doctor and patient
- Spouses
- Clergy and penitent

(See [RCW 5.60.060](#))

Remember: All privileged communications are confidential, but not all confidential communications are privileged.

The law protects privileged communications from disclosure. When an interpreter is present to facilitate privileged communication, the interpreter is included under the privilege and cannot be compelled to disclose information related to these communications. The privileged nature of communication between attorney and client is a cornerstone of the U.S. legal system.

Because the attorney-client privilege often balances competing interests, it defies a rigid definition. However, one oft-cited characterization was set forth in *United States v. United Shoe Machinery Corp.*, 89 F. Supp. 357 (D. Mass. 1950). The court articulated five requirements for the existence of attorney-client privilege:

1. The person asserting the privilege must be a client, or must have sought to become a client at the time of disclosure.
2. The person connected to the communication must be acting as a lawyer.
3. The communication must be between the lawyer and the client exclusively—no non-clients may be included in the communication.
4. The communication must have occurred for the purpose of securing a legal opinion, legal services, or assistance in some legal proceeding, and not for the purpose of committing a crime.
5. The privilege may be claimed or waived by the client only (usually, as stated above, through counsel).¹⁴

Why are attorney-client communications privileged? Because knowing that these conversations will not be disclosed to anyone else encourages the client to make full and frank disclosures to their attorney, who is then able to provide candid advice and effective representation.

The client is the owner of the privilege. When the client chooses to include a third party (such as a relative, friend or social worker) the seal of privilege is broken. Interpreters, however, are an exception—their presence does not break the seal of privilege. Why? Because interpreters are essential to communication between the attorney and the LEP client and are therefore included in the privilege. (See [RCW 2.42.160 Privileged Communication.](#)) This is a unique position of public trust that we must not take lightly!

The following examples help illustrate the distinction between confidential and privileged communications.

Example 1: The LEP defendant brings a relative to an interpreted encounter with an attorney. The attorney warns the client that if the relative is present during the interview,

¹⁴ The Free Dictionary. (n.d.). Attorney-client privilege. In *Legal-Dictionary.TheFreeDictionary.com*. Retrieved June 12, 2021, from <https://legal-dictionary.thefreedictionary.com/Attorney-Client+Privilege>

communication between the attorney and client will no longer be privileged and the relative could even be called as a witness to testify about what was discussed.

- Scenario A: The LEP defendant asks the relative to wait outside, while the attorney, interpreter, and LEP defendant remain in the room.
 - Is this communication privileged? **Yes.**
 - Must the interpreter keep this communication confidential? **Yes.**
- Scenario B: The LEP defendant insists that the relative remain.
 - Is this communication privileged? **No.**
 - Must the interpreter keep this communication confidential? **Yes.**

Example 2: The prosecuting attorney is interviewing an LEP witness with the assistance of an interpreter.

- Is this communication privileged? **No**, because the LEP witness is not a client of the prosecuting attorney.
- Must the interpreter keep this communication confidential? **Yes.**

Example 3: The psychiatrist is conducting a forensic evaluation of an LEP defendant with the assistance of an interpreter.

- Is this communication privileged? **No**, because the LEP defendant is not the psychiatrist's patient.
- Must the interpreter keep this communication confidential? **Yes.**

Example 4: The interpreter is interpreting at the witness stand during a hearing closed to the public.

- Is this communication privileged? **No.**
- Must the interpreter keep this communication confidential? **Yes.**

Example 5: The interpreter is interpreting at the witness stand during a hearing open to the public.

- Is this communication privileged? **No.**
- Is this communication confidential? **No**, it is public record.

- May the interpreter comment on or give an opinion about what the witness said? **No**, because this would compromise the interpreter’s neutrality and potentially make them a witness.

Example 6: In the course of a court proceeding, the attorney and LEP client need to confer briefly at defense table.

- Is this communication privileged? **Yes.**
- Is this communication confidential? **Yes.**
- Must the interpreter keep this communication confidential? **Yes.**

Confidentiality and privilege are vitally important concepts. Interpreters must fully understand how these concepts intersect in different situations in order to correctly evaluate the propriety of interpreting for multiple LEP individuals involved in the same court proceeding—a subject that is still widely misunderstood. The following discussion serves to further clarify these concepts.

Rendering Services for Different Parties

In-court Proceedings

The same interpreter may interpret:

- In simultaneous mode for *all* LEP individuals requiring that language.
- In consecutive mode for *any* LEP witness requiring that language, *no matter who calls the witness.*

Here is why:

1. Court proceedings are *not* privileged communications; and
2. Interpreters are neutral officers of the court, under oath to abide by their Code.

Therefore, regardless of which entity has secured the interpreter—court or prosecutor’s office—any court-appointed interpreter may and should team up with any other interpreter for simultaneous interpretation. Similarly, interpreters may and should team up and rotate at the witness stand during lengthy LEP witness testimony. Further considerations regarding team interpreting may be found in Impartiality and Neutrality, Perceived Conflict of Interest (Appearance of Bias) and Accuracy, [How Many Interpreters Does It Take?](#)

Exception: In proceedings involving multiple LEP parties, such as codefendants, with separate privilege and separate counsel, each of the parties should be assigned an interpreter to facilitate attorney-client privileged communications. That interpreter should not “cross the aisle” to interpret during the privileged communications of any other attorney-client pair, unless the parties have explicitly agreed. However, those interpreters *should* team up to provide simultaneous interpretation of the proceedings.

Remember that an interpreter participating in a privileged attorney-client communication is in a unique position of trust. The client’s complete confidence in the integrity of the privilege is paramount. If the client becomes concerned that the interpreter is “going back and forth” between different channels of privileged information, it could inhibit their willingness to fully disclose vital information to their attorney, thus hampering the attorney’s ability to adequately represent their client.

To reiterate, in *all* cases, interpreters in the same language should work as a team and rotate to provide all of the simultaneous interpretation of court proceedings, regardless of which party they are assigned to. Only one interpreter in any given language should be providing simultaneous interpretation at any given time.

Out-of-court Encounters

The same principles that apply to in-court proceedings apply to out-of-court encounters: interpreters are neutral officers of the court and sworn to maintain confidentiality. That said, once you have interpreted *privileged* communications between attorney and client, carefully consider the propriety of interpreting for out-of-court encounters related to the same case. You may do so as long as that party’s defense attorney is present.

When an interpreter has interpreted attorney-client privileged communications, may that same interpreter then interpret:

- During a defense interview of a witness for the defense?
 - **Yes**, because the defense attorney is present.
- During a defense interview of a witness for the prosecution?
 - **Yes**, because the defense attorney is present.
- During a prosecution interview of a witness for the defense?
 - **Yes**, as long as the defense attorney is present.
- During a prosecution interview of a witness for the prosecution?

- **No**, because the defense attorney is not present.

Whenever you are called upon to interpret for a defendant and you have rendered services in the prosecution's investigation of the case, you must disclose this fact. (See Impartiality and Neutrality, Conflict of Interest, Fundamentals of Ethics for Interpreters, and Appendix 1 - GR 11.2 Code of Professional Responsibility for Judiciary Interpreters_(f)(4)[3](iii)).

Family Law and Other Civil Cases

The interpreter's role and duties are the same in both criminal and civil cases. However, family law and dependency cases deserve special mention, as they tend to be emotionally charged and typically involve multiple LEP parties who may be appearing *pro se*. Some cases involving the same parties go on for years and involve a wide variety of professionals, including advocates, facilitators, educators, parenting evaluators, and forensic psychologists. The majority of these communications are not privileged. (See [RCW 5.60.060](#) for exceptions.) In fact, oftentimes they are not even confidential, as these professionals provide reports for the court record. Nevertheless, interpreters are bound by their Code to maintain confidentiality.

Although the parties to a family law or dependency case may be hostile and/or fearful of one another, **during in-court proceedings, the same interpreter:**

- May interpret in consecutive mode any statements made by any LEP individual requiring that language.
- Should interpret in simultaneous mode for all LEP individuals requiring that language.

There is no justification for having multiple interpreters simultaneously interpreting the same language at the same time in open court. (See Impartiality & Neutrality, Perceived Conflict of Interest (Appearance of Bias), and Accuracy, (Practices to Avoid)).

Evidentiary Materials

Sometimes, interpreters have had the opportunity to review evidentiary materials before they are presented in open court and admitted into evidence for the jury's consideration. These materials may include written documents, images, and recordings. You must not comment on the content of these materials to anyone. Doing so could jeopardize the due process or privacy rights of the parties or affect the outcome of the case. You could even create the risk of a mistrial.

Testifying in Court

On rare occasions, interpreters may be contacted by an attorney about possibly testifying. The reason interpreters are asked to testify is most likely either:

- To **lay a preliminary foundation** so that witnesses to the interpreted conversation may testify about it;¹⁵ or
- To **serve as a witness** to what transpired at an interpreted encounter.

If you are contacted to testify, you may want to notify that specific court's interpreter scheduler about the situation. Regardless, the appropriate steps you take will depend on the purpose of the testimony sought. You may contact the attorney who issued the subpoena to find out the purpose and politely remind them of your Code of Professional Responsibility as it pertains to interpreter confidentiality. Pointing this out in advance may prompt the attorney to withdraw the request to testify.

To Lay a Preliminary Foundation

Attorneys may be required to call interpreters to testify in order to lay a foundation for or authenticate the interpretation of a conversation, so that other witnesses may testify about it. If you are called for this reason:

1. Consider providing the requester with a statement to the effect that you did indeed render interpreter services on the day and time and for the matter in question and that you were qualified to do so. You may also attach supporting records such as a calendar entry, confirmation of services, invoice form, as well as your credentials and your résumé. Ask whether the information you have provided is sufficient and therefore your testimony in court may be waived.
2. If the requester still wants you to appear in court, it would be prudent to confirm that it is solely for the purposes stated above—to lay a foundation for the testimony of other witnesses—and that

¹⁵ Mathers, C. M. (2000). To testify or not to testify: That is the question. *Views: A Monthly Publication of the Registry of Interpreters for the Deaf*, 17(9), 1, 6-7. <https://pieinc-wi.com/content/uploads/2019/07/Prereading-Mathers.pdf>

Mathers, C.M. (2004). *Responding to subpoenas*. Retrieved June 12, 2021, from <http://intrpr.info/library/mathers-responding-to-subpeonas.pdf>

your testimony will be limited to this information. At this point, you may receive a subpoena and you will be required to appear in court.

3. Appear in court professionally dressed and well prepared. Bring hard copies of the Code of Professional Responsibility and RCW 2.42.160 for your own reference in addition to any documents listed in the subpoena.

In your capacity as a professional interpreter, you may attest to:

- Your skills, education, training, and qualifications.
- The date, time, and place of the interpreted encounter.
- The languages used.
- The fact that you interpreted accurately to the best of your ability and in accordance with the Code of Professional Responsibility.

Testify to issues only within the established scope. Do not volunteer any additional information.

Remember: You are not a witness to the interpreted encounter and are prohibited from disclosing any communication you were privy to in your professional capacity, as well as from commenting on any matter, including what the parties did or did not understand.

This situation could become a slippery slope. Most likely the questioning will be limited to the stated purpose of laying a foundation. Be prepared, however, for a question outside that narrow scope if the judge allows it. Be assertive, but polite, referencing your Code and RCW 2.42.160, both of which protect you from testifying about the *content* of any interpreted communication.

Suggested response to questions outside the scope such as, "Did the defendant understand?"

"As a court interpreter I am required to adhere to GR 11.2. I am concerned that answering that question would be a violation of my professional and ethical duties under that rule." (See also Impartiality and Neutrality, Advocacy and Cultural Brokering.)

To Serve as a Witness

If you are being called to testify as a witness of what transpired during the interpreted encounter, seek legal advice if the requester is not dissuaded and proceeds to subpoena you. By law, a subpoena requires you to appear in court and testify. If you testify about anything you learned while interpreting or offer any opinion, you risk damaging your

reputation and even jeopardizing your ability to continue working as a court interpreter.

Serving as an Expert Witness for Other Linguistic Services

In the course of your professional interpreting work, you may be asked to provide related linguistic services, such as translation or transcription. You may subsequently be called to provide expert witness testimony about your work product. This is expert witness testimony for which you are hired and paid. (For more information on expert witness testimony, see [Competence, Transcriptions](#).)

Remember: You may not serve as an interpreter in a case for which you are also an expert witness. (See [Appendix 1 - GR 11.2 Code of Professional Responsibility for Judiciary Interpreters\(f\)\(4\)\[3\]\(i\)](#).)

Conferring with Colleagues

It is customary and appropriate to ask colleagues for advice. When doing so, exclude identifying information and make sure that those persons understand that maintaining confidentiality is expected of them as well.

Mandatory Reporting

While members of some professions are mandated by law to report known and suspected cases of child or vulnerable adult abuse, in Washington State, interpreters are *not* included in the list of mandatory reporters. (See [RCW 26.44.030](#) and [RCW 74.34.020](#).)

News Media and the Public

Interpreters may be assigned to high-profile cases that attract a great deal of media attention because of the nature of the case or the personalities involved. The media, in their efforts to get information not otherwise available, may try to interview the interpreter. You must not agree to an interview or make any comment to the media about a case.

In response to any query, a simple “No comment,” will do. Even if a reporter simply asks you about interpreting techniques, refer them to a colleague not involved in the case rather than offering your own comments.

In addition to preserving the integrity of the case and protecting all parties, refraining from commenting will spare you from getting embroiled in any

controversy. Even innocent comments can be taken out of context and distorted in the media, jeopardizing your professional reputation and ability to remain in the interpreting profession.

Court proceedings are usually open to the public. Friends and relatives of the parties may approach you to inquire about the case. Let them know you are not allowed to discuss the case, and refer them to the attorney handling the case or to court staff. Courteously but firmly avoid engaging in any discussion of the case.

Competence

Interpreters must not knowingly accept any assignment beyond their skill level. If at any point, before or during an assignment, they have reservations about their ability to satisfy an assignment competently, they must immediately disclose this to all parties and, if applicable, to the court.

In their professional capacity, interpreters must not give legal or other advice or engage in any activity that may be construed as a service other than interpreting or translating.

—Washington Court Rules, General Rule 11.2(2)

In order to fully appreciate what competence means for interpreters, it is essential to understand the broad scope of requirements, prerequisites, and classifications that pertain to interpreters.

National Classification of Interpreters

The North American Industry Classification System ([NAICS](#)) classifies Translation and Interpretation Services (54193) under Sector 54—Professional, Scientific, and Technical Services.

Professional services are occupations in the tertiary sector of the economy (service industry), requiring special training in the arts or sciences. Some professional services require professional licenses, such as those issued to interpreters by the Administrative Office of the Courts (AOC).

Professionals perform work which:

- Is predominantly intellectual in character.
- Requires consistent exercise of discretion and judgment.
- Requires advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction.
- Uses the advanced knowledge to analyze, interpret, or make deductions from varying facts or circumstances.

The advanced knowledge required from professionals *cannot* be attained at the high school level.

Professionals provide an important service to society and:

- Can gain rights and access to do things that the average person cannot.
- Can potentially have great negative impact on society.
- Experience a higher level of regulation of their work.
- Earn higher salaries.
- Have higher social status and power.

Several language service industry surveys indicate that the majority of interpreters in the U.S. are highly educated professionals.¹⁶ About 75% of interpreters work as independent contractors, and most supplement their income by providing translation services and/or teaching.¹⁷

Prerequisites

Interpreting is a complex, demanding task that requires much more than an excellent command of languages. A native or near-native level of proficiency in both working languages—English and another language—is a prerequisite, but not sufficient in and of itself to provide quality interpreting.

Pursuant to the federal [Interagency Language Roundtable \(ILR\)](#),¹⁸ an individual's interpretation performance level depends on the following:

- Command of two working languages
- Ability to choose an appropriate expression
- Familiarity with the cultural context of both languages
- Knowledge of terminology in specialized fields
- Observance of protocols applicable to different settings
- Mastery of interpreting modes applicable to these settings

¹⁶ Tomasi, S. (2019). Compensation of court interpreters in the state of New York: A report supporting the reclassification and reallocation of the court interpreter job title. <https://najit.org/wp-content/uploads/2020/02/Compensation-of-Court-Interpreters-in-the-State-of-New-York.pdf>

¹⁷ Pielmeier, H., & O'Mara, P. (2020). *The state of the linguist supply chain: Translators and interpreters in 2020*. CSA Research. <https://insights.csa-research.com/reportaction/305013106/Toc>

¹⁸ Interagency Language Roundtable. (n.d.). <http://www.govtilr.org/Skills/interpretationSLDsapproved.htm>

The ILR has established that it is at Professional Performance Level 3, as described below, that the necessary skills align to enable accurate interpretation. Interpreters at this level are normally able to:

- Interpret consistently in the mode (simultaneous, consecutive, and sight) required by the setting.
- Provide renditions of informal as well as some colloquial and formal speech with adequate accuracy.
- Meet unpredictable complications successfully.
- Convey many nuances, cultural allusions, and idioms, though expression may not always reflect target language conventions.
- Deliver the interpretation with appropriate voice modulation where hesitations, repetitions, or corrections may be noticeable but do not hinder successful communication of the message.
- Handle specialized subject matter with requisite preparation.
- Uphold high standards of professional conduct and ethics.

Knowledge, Skills and Abilities

In order to become a judiciary interpreter, one must have a native or near-native level of fluency in two working languages. Research in the field of second-language acquisition has demonstrated that near-native fluency in a second language requires, on average, between seven and ten years of immersion in that language.¹⁹

In addition to near-native fluency in two working languages and a broad general education, interpreters must have Knowledge, Skills and Abilities (KSAs) specific to interpreting in all three modes: consecutive, simultaneous and sight translation. These KSAs are acquired through formal training and experience in the professional arena and documented through testing, degrees, certifications, and professional credentials. The [American Society for Testing and Materials \(ASTM\)](#)²⁰ identifies the following KSAs for interpreters:

- Concentration: Ability to remain focused for extended periods of time

¹⁹ <https://najit.org/wp-content/uploads/2020/02/Compensation-of-Court-Interpreters-in-the-State-of-New-York.pdf> See footnote 14 for full citation.

²⁰ <https://www.astm.org/Standards/F2089.htm> See footnote 9 for full citation.

- Subject matter expertise: Knowledge of the topic and relevant terminology
- Research skills: Ability to find and assimilate information on a broad range of topics in preparation for interpreting assignments
- Comprehension: Ability to fully grasp meaning, subject matter, pragmatic intent, and cultural subtext of the source message
- Analytical skills: Ability to construe the meaning of the source language message completely and accurately and find target language equivalencies while under severe time constraints
- Short-term memory: Ability to retain the source message and reproduce it accurately in the target language
- Note-taking skills: Ability to jot down key concepts that will aid in the reconstruction of the source message
- Cultural awareness: Knowledge of culture-specific references and concepts that allow interpreters to render the message faithfully
- Clear delivery skills: Good enunciation and voice projection
- Interpersonal skills: Courteous and professional attitude toward peers and others
- Flexibility: Ability to adjust to unexpected events and rapidly changing circumstances

Credentials

[RCW 2.43.030](#) requires the appointment of AOC-credentialed interpreters in legal proceedings. The AOC offers two types of credentials: Certification in [languages for which an interpreting performance exam is available](#) and Registration in [languages for which an interpreting performance exam is not available](#), so a language fluency interview is conducted instead.

The steps to becoming an AOC-credentialed court interpreter:

- Pass the written exam with a score of at least 80%.
- Attend an orientation.
- Pass an oral exam
 - To become certified, the interpreter must demonstrate the ability to accurately render meaning from target to source language by passing an exam in each of the three modes of interpreting—simultaneous, consecutive, and sight translation.

- To become registered, the interpreter must demonstrate fluency in English and the other language by passing an Oral Proficiency Interview.
- Attend full-day class on courtroom protocol and ethics.
- Undergo a fingerprint background check.
- Execute an oath stating that the interpreter will uphold the Code of Professional Responsibility for Judiciary Interpreters (GR 11.2).²¹
- Receive an interpreter ID badge.

To maintain the AOC credential,²² every two years interpreters must:

- Acquire sixteen continuing education credits (general, performance, and ethics).
- Complete twenty hours of courtroom interpreting.
- Sign a declaration of personal conduct.

Interpreters whose AOC credential has lapsed must disclose that fact to any party requesting their services. The judge must provisionally qualify them at every court appearance until their credential is re-established. (See [Bench Card](#).)

Interpreter as Officer of the Court

The two reasons interpreter services are provided in legal proceedings are:

1. To enable LEP individuals to understand the proceedings.
2. To enable the court to understand LEP individuals when they address the court.

Interpreters are officers of the court. The term **officer of the court** is applied to any person who, in their professional capacity, has an obligation to promote justice and effective operation of the judicial system, such as judges, attorneys, clerks, bailiffs, and interpreters.²³

²¹ The oath is permanent as long as the interpreter remains in compliance with all the requirements.

²² Washington State Administrative Office of the Courts. (2020). *Washington state court interpreter program*. Washington Courts. https://www.courts.wa.gov/programs/orgs/pos_interpret/

²³ Interpreters have been deemed Officers of the Court as far back as 1548, and practiced in the captaincy of Nootka, which includes the territory of current-day Washington and Oregon. (See the Appendix [7 - Ordinance](#) of 1548 (Translation).)

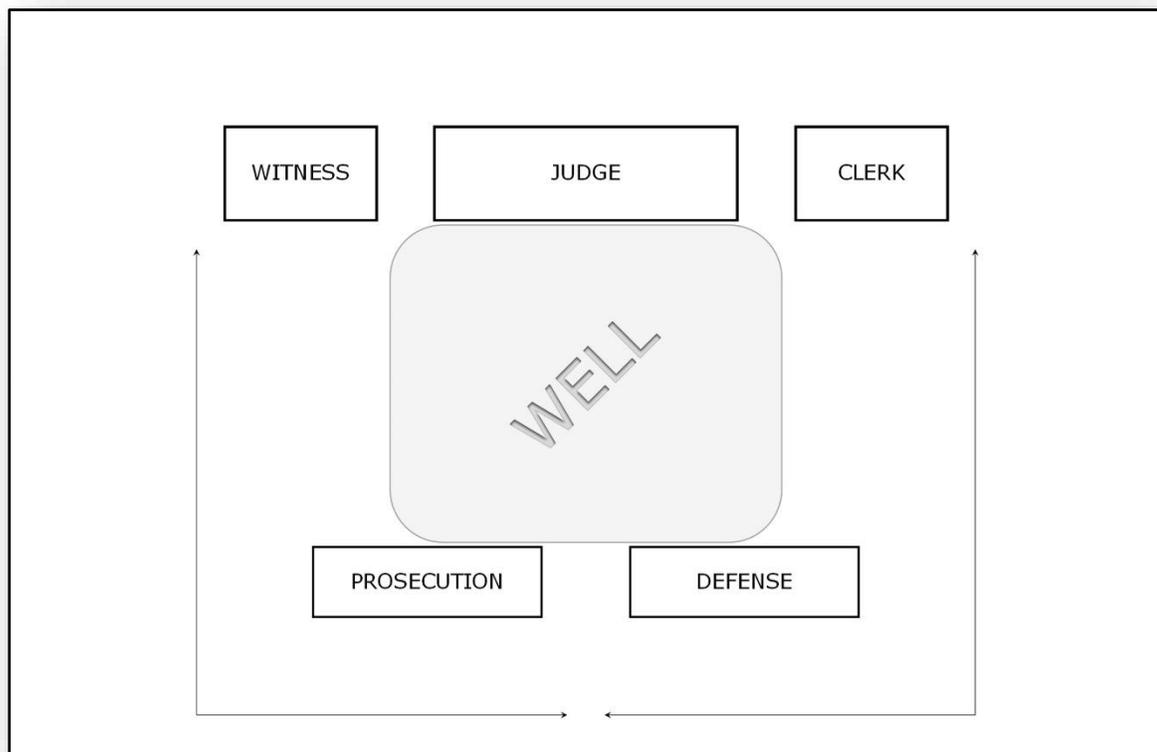
As officers of the court, interpreters must maintain high standards of professional conduct that promote public trust and confidence in the administration of justice. Interpreters provide services to all participants in a court case, including: defendant, counsel, prosecutor, judge, jurors, witnesses, probation officers, and court personnel.

Lodging Complaints

When you observe violations of court rules pertaining to interpreters, you are encouraged to file a written complaint. Include as much detail as possible and submit the complaint to the Issues Committee of the Washington State Supreme [Court Interpreter Commission](#).

Professional Demeanor and Protocol

- Dress appropriately for a professional setting.
- Inside the courtroom, do not cross the well (the space between the judge's bench and the parties' tables). Walk along the perimeter when you are needed at the clerk's bench or the witness stand.



- Do not position yourself between the attorney and their client.

- While waiting for your case to be called, find a seat well away from the LEP individual, such as in the area where attorneys wait or in the jury box.
- Use your phone, laptop, or other device judiciously when in a professional setting.
- Address people by their last name (Mr. Jones, Ms. Smith).
- Address judges as “Your Honor,” attorneys as “Counsel,” bailiffs as “Madam or Mister Bailiff,” law enforcement agents as “Officer,” etc.
- Use the formal form of address in the target language (for example, “usted” in Spanish for “you”). However, the informal form of “you” would be correct when:
 - Addressing young children, for whom the formal address would be odd and unnatural.
 - An attorney addresses their client or a witness by their first name and treats them in a familiar way.

As an interpreter, you must be mindful that communication is the primary objective of the interpretation process. You should not draw attention to yourself by mimicking, exaggerating, or changing the emotions expressed by others. Be careful as well to avoid displays of your own emotions or reactions.

Preparation for an Assignment

It is important to familiarize yourself with a case before proceedings begin. You may do this by asking the appropriate party for copies of relevant documents such as police reports, charging documents, or briefs. If no documents are provided, ask for basic information about the case. For a trial or motion hearing, it is important to get this information in advance so that you can obtain the appropriate reference materials to familiarize yourself with the circumstances of the case and the names of the parties and witnesses. In some courts, you can obtain information directly from the court’s website by entering the case number.

While it is important to obtain information about a case in advance, you should not solicit it from the defendant, witnesses, or their friends and family members. It is, however, common and appropriate for interpreter colleagues to pass on information they have gained while working during a trial. Colleagues who have been working on the case can provide a wealth of background information to get you up to speed.

Jury Instructions

Jury instructions convey highly technical and complex legal concepts, often in archaic or obscure wording. Moreover, since jury instructions are read from prepared text, the pace is faster, there are fewer pauses, and intonation is less natural than in normal speech. These factors make interpreting jury instructions extremely challenging. It is therefore imperative for each interpreter to have their own copy of the jury instructions. The court may allow interpreters to sight translate the jury instructions off the record at a normal speed in advance of the court's reading, for example, during a break. The judge can then state on the record to the jury that the instructions have already been interpreted to the defendant. You may suggest this as an option to the court ahead of time.

The [Bench Card](#) provides guidance to judges on this matter.

Modes of Interpreting

Professional interpreters use different modes of interpreting, depending on the type of proceeding and their skill level.

Definition of Interpreting Modes per [ASTM F2089 – 15 Standard Practice for Language Interpreting](#):²⁴

Simultaneous Interpreting—the rendering of a speaker's or signer's message into another language while the speaker or signer continues to speak or sign.

Consecutive Interpreting—the rendering of a speaker's or signer's message into another language when the speaker or signer pauses to allow interpreting.

Sight Translation—the rendering of a written document directly into a spoken or signed language, not for purposes of producing a written document.

Consecutive mode is used when the LEP person is an active participant in the communication, such as during witness testimony and depositions, in order to preserve a clean record. During interviews, even when no record is being created, it is also the best practice to use consecutive mode in order for the LEP person to hear the original fully, followed by the interpretation.

Sometimes interpreters may have to switch from consecutive to simultaneous when testimony becomes rambling or incoherent. Additionally,

²⁴ <https://www.astm.org/Standards/F2089.htm> See footnote 9 for full citation.

interpreters switch to simultaneous mode to interpret objections so that the witness can follow along with the objection.

Consecutive mode may also be used in any situation where the interpreter does not have the necessary skills to use simultaneous mode (non-certified interpreters, for example).

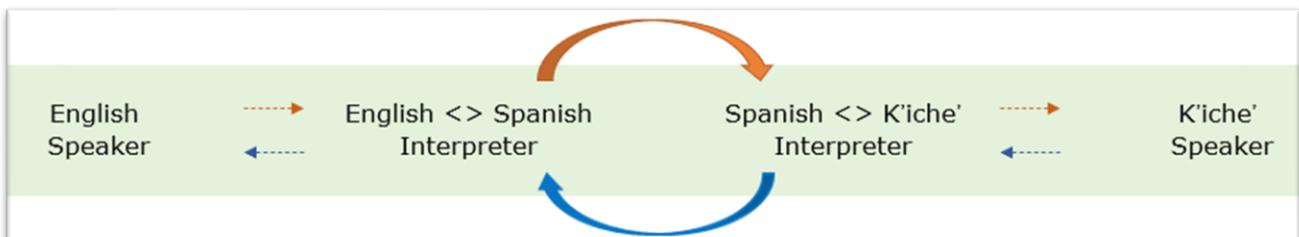
Simultaneous mode is used to allow LEP individuals to follow in their own language everything that is stated in English, such as during the majority of courtroom proceedings, court-mandated classes, etc. Interpreting equipment is strongly recommended for this mode of interpretation, and professional interpreters should have their own. However, for short simultaneous interpretation, interpreters may whisper directly into the ear of the LEP person without using equipment. This is known as *chuchotage* (French for “whispering”).

Sight translation is used to verbally render written documents. Interpreters are frequently called upon to sight translate forms such as guilty plea, waiver or advisement of rights. If documents are being reviewed or discussed during remote interpretation, it is essential for the interpreter to receive a copy of such documents.

Remember: Sight translation on the record is strongly discouraged.

Relay Interpreting

Relay interpreting is used to interpret from one language to another through a third language, such as from English into K’iche’ via Spanish: English<>Spanish<>K’iche’. It is necessary when no interpreter commands the required language pair directly, such as English<>K’iche’.



Standby

When an LEP individual has a marginal need for interpretation, the court may appoint a standby interpreter, who is available to step in as needed.

You may not find out until just before the encounter that the LEP person needs standby interpreting only. If you are informed off the record by the LEP person or their attorney, make sure to put on the record that you have been requested to serve in standby mode. For example, “Your Honor, the interpreter has been advised that the LEP party requires standby interpreting only.” This clarifies why you are not actively interpreting.

Declining an Assignment

Just as you should decline an assignment when you believe that your personal biases may impact your impartiality (see Impartiality and Neutrality, Upholding Neutrality), you should also do so when you anticipate that the assignment is beyond your abilities. Sometimes, however, you only learn of the hurdles in the midst of the assignment. This can be due to a variety of factors, such as the particular vocabulary being used or the speaking patterns (see Appendix 3 - Language Disorders and Speech Patterns) of the person for whom you are interpreting. While you have a responsibility to adequately prepare for your assignments, it is not reasonable to expect to have full command of all possible regional dialects and areas of terminology. When you find yourself in over your head, it is your professional obligation to inform the parties and offer to withdraw.

Professional Development

Expand your knowledge and improve your skills through steady practice, professional training, ongoing education, terminology research, and regular interaction with colleagues. Stay abreast of new technologies, current issues, and policies that affect your profession. Continually immerse yourself in your working languages by reviewing written, audio, and visual media. It is impossible to predict what will come up during legal proceedings. It could be unusual slang and dialects, complex forensic evidence, religious references, etc. Expanding your vocabulary and improving your diction, memory retention, concentration, and delivery will make you a better interpreter.

Collegiality

The interpreting profession is best served when its practitioners maintain high standards of professional conduct and show due respect for one another. How you comport yourself reflects upon the image of the interpreter profession as a whole. Exercise due decorum in the court by exhibiting formal demeanor even when you know your colleagues well.

Similarly, refrain from maligning your colleagues, whether in or out of court. When you need to address serious concerns regarding the behavior of

interpreter colleagues, utilize the proper channels²⁵ and be mindful of your motivations and manner. There is much to be gained from fostering a spirit of goodwill with your fellow interpreters.

Colleagues are a unique resource for support, recommendations, vocabulary, and professional development. Many seasoned interpreters mentor and offer support to beginners, and we can all learn from each other.

Engage in social media authentically with transparent, honest, and respectful communication. Exercise sound, professional judgment when using social media and check privacy settings on all social media accounts. Be aware that interactions on social media often differ substantially from those which occur in person. Be especially careful to elevate our profession and support our colleagues on social media.

Refrain from posting complaints, criticism, statements, photographs, video, or audio that can be viewed as malicious, obscene, threatening, or intimidating. Disparaging comments can even be viewed as harassment or bullying. Avoid connecting with court personnel, schedulers, and attorneys via social media.

Check Interpreter

A check interpreter may be called in to monitor the interpretation of their colleague. This can be awkward, regardless of which role you are playing. However, this also presents an opportunity to leave your ego at the door and view it from the positive perspective of having another interpreter present to protect the record. If you are the check interpreter, do your best to assist as you would if you were partnering with them in a team interpreting situation, rather than critiquing their interpretation. Remember, you are neutral and impartial regardless of who hired you, and it is not your role to promote the agenda of any party. Your loyalty is to accuracy. If a correction needs to take place, do it in a way that does not undermine the other interpreter's confidence. At the same time, do not feel obligated to make unnecessary corrections simply to justify your presence. (See Accuracy, [Errors by Colleagues.](#))

²⁵Washington State Administrative Office of the Courts. (2020). *Interpreter commission*. Washington Courts.

https://www.courts.wa.gov/programs_orgs/pos_interpret/index.cfm?fa=pos_interpret.display&fileName=interpreterCommission

Professional Associations

Professional associations have much to offer, such as:

- Educational workshops and programs
- Newsletters, magazines and position papers
- A platform for interpreters to share their experience and knowledge and seek advice
- Up-to-date information in the field
- Career information and employment opportunities
- Access to products, suppliers, and services such as errors and omissions (E&O) insurance and collection services
- A directory of members and practitioners
- Member discounts and group purchasing activities
- Representation of the profession to public and governmental entities

It behooves professional interpreters to belong to translator and interpreter (T&I) professional associations. Two prominent T&I associations in the U.S. are the National Association of Judiciary Interpreters and Translators (NAJIT) and the American Translators Association (ATA), which has a dedicated division for interpreters. There are also local associations, such as Northwest Translators and Interpreters Society (NOTIS), a chapter of ATA.

Interpreter Fatigue

An interpreter's role is both physically and mentally demanding and requires an awareness of the proper working environment. It is your obligation to ensure that working conditions provide for optimum performance and accuracy. You should establish the ground rules for regular breaks *before* an assignment begins. It is far easier to do this in advance than attempting to interrupt or wait for a natural pause. Do not wait until you feel fatigued, as extensive research has shown that your accuracy will start to decline well before you perceive the fatigue setting in. For example, prior to a consecutive interpretation assignment (depositions, interviews), you can let the parties know that you will require a break every hour.

Pre-Session

It is good practice to have a brief pre-session with the LEP party for whom you will be interpreting. This pre-session could consist of the following:

1. Identify the LEP party in the courtroom by calling their name.

2. Introduce yourself with, for example, “My name is X and I will be interpreting for you today.” (Keep it short and avoid referring to yourself as “your interpreter.”)
3. Ask the LEP party if they are represented by an attorney and if that attorney is present.
4. Let the LEP party know that you will be waiting “over there” until you are needed. This could be the other side of the courtroom, the jury box, or anywhere away from the LEP party, so as not to invite any conversation.
5. If the attorney is present, introduce yourself.
6. If you have to leave to interpret in another courtroom, let the bailiff, clerk, LEP party, or counsel know that you are stepping out and will return.

The attorney will often speak with their client prior to the hearing. This is a good time to remind the attorney and their client that, as a court interpreter, you are bound to the same rules of confidentiality as the attorney. Inform the LEP person that you are duty-bound to interpret everything that is said. This will discourage them from speaking directly to you.

If during an attorney-client pre-hearing meeting the attorney steps away—no matter how briefly they allege they will be gone—excuse yourself and leave at the same time as the attorney. Do not remain alone with the LEP person. You can say to the LEP person simply, “I will return shortly.” Stay out of the room until the attorney returns.

Written Translations

As a court interpreter, you may occasionally be asked to provide a written translation. As the interpreter of record, you are under no obligation to undertake this task if you do not feel competent to do so.

Written translation and oral interpretation are not interchangeable fields—they require very different skill sets. While interpreters work in both directions, translators most often work in only one direction, translating into their dominant language. In fact, many interpreters do not work as translators, and most translators do not work as interpreters. In the language services industry, interpreting and translating are considered two distinct professions.

The court interpreter exam does not test written translation skills. Therefore, unless you hold a specific translation credential, you should be very cautious about agreeing to provide written translations. Before you agree, take a

moment to evaluate the nature of the document, its intended purpose, the stakes at hand, and your competence to translate, *especially* into your non-dominant language. A minor error may make the document incorrect or downright laughable.

If you are asked to translate a written document and have doubts about your competence to provide a translation that will stand up to scrutiny, let the requester know that you are not certified to translate into language X and cannot guarantee its accuracy. Written translations may be contracted out to someone with the appropriate expertise. The National Center for State Courts has developed a [Guide to Translation of Legal Materials](#).

Transcriptions

Interpreters may be asked to provide transcription-translations of audio files. This is a specialized project that requires careful handling, knowledge, skills, and tools. Prepare yourself accordingly before taking on such an assignment. The transcript will very likely be used as evidence and you may be called as an expert witness. For more information, see [Guidelines and Requirements for Transcription-Translation](#).

Cultural or Linguistic Expertise

In your capacity as a court interpreter, you may at times be asked to provide your expert opinion on matters outside the scope of interpreting. Laypersons, non-professional interpreters, court staff, attorneys, and judges may assume the interpreter has expertise in non-interpreting related fields, and hope to rely on your knowledge on a myriad of subjects, from culture to credibility. People tend to overlook the fact that we are not allowed to give our opinions in our capacity as interpreter, no matter what individual expertise and education we may have.

A court interpreter may not simultaneously serve as an anthropologist, linguist, or psychologist, and should not be considered an expert on the culture, language proficiency, or cognitive abilities of an LEP individual. An interpreter who has the relevant additional credentials, experience, and training may render services as an expert witness but is then precluded from interpreting in the same case. In other words, interpreters might wear many hats, but only one at a time. (See [Impartiality and Neutrality](#).)

Remote Interpreting

Historically, remote interpreting (RI) was viewed as a back-up plan, to be used only when an on-site interpreter was not available. Necessity being the mother of invention, the COVID-19 pandemic sparked technological advances leading to increased RI usage in courts around the country. The technology rapidly improved, and users became adept at using the required equipment. As a result, RI has gained widespread acceptance as a trusted language-access solution throughout the U.S. for certain types of legal proceedings.

Courts have moved from occasionally using telephonic interpretation to implementing a wide variety of technology-mediated communication modalities. This invites us to take a closer look at the quickly changing area of remote interpreting.

Remote interpreting modalities:

- **Audio-only interpreting (telephonic)** uses a single audio-channel that restricts interpreting to consecutive mode.
- **Video Remote Interpreting (VRI)** uses a single audio-visual channel that restricts interpreting to consecutive and sight translation modes for spoken languages. For sign languages, VRI does allow for simultaneous interpreting.
- **Remote Simultaneous Interpreting (RSI)** uses audio-visual platforms with two or more channels and is specifically designed for simultaneous interpreting in spoken languages.
- **Hybrid RSI** solutions, such as a separate phone line in addition to the VRI platform, are used when the audio-visual platform does not offer a separate channel for simultaneous interpreting.

Technology does not change your duties as interpreters. Whether working on site or remotely, it is imperative for interpreters to call attention to any hindrances to accuracy, such as poor audio quality, background noise, overlapping voices, failure to pause for the interpreter, etc. For example, "Your Honor, the interpreter is hearing a lot of background noise and could not clearly hear the witness's response."

Remember to mute your microphone any time you are not actively interpreting. Be mindful of when your camera is turned on. You may be working from home, but remember that you are "in the courtroom." Dress accordingly and arrange for an appropriate background.

Remote communications are completely dependent on technology, so interpreters must have adequate equipment and use a stable Internet connection with speed sufficient for optimal platform performance. Invest in high-quality noise-cancelling headphones that provide protection from acoustic shock by limiting volume to 85 decibels.

Interpreters may need to remind speakers how important it is to have quality audio in order to ensure accurate interpretation. It is not acceptable to “try your best” with inadequate equipment and turn to guesswork to fill in the gaps, any more than you would when working on site. The equipment necessary to ensure accuracy is readily available. It is your obligation to obtain it, learn to use it, and upgrade it regularly.

RSI presents additional challenges, especially for team interpreting. If you will be working in a team, find out in advance who your teammate is and coordinate with them, especially if you will be in separate locations. Log in to the communication platform well in advance of the start time to test equipment and iron out any technology glitches.

Special Considerations for Interpreting with Deaf, Deaf-Blind, and Hard of Hearing Individuals

The Revised Code of Washington (RCW) [2.42](#) ensures the constitutional rights of deaf,²⁶ deaf-blind, and hard of hearing individuals (D/DB/HH) who are unable to readily understand or communicate in spoken English, when involved in legal proceedings. It mandates the appointment and payment of qualified interpreters to assist individuals in these settings. This chapter is designed to help interpreters and legal professionals understand how RCW 2.42 supports equitable language access for D/DB/HH individuals in Washington state's judicial system.

Qualifications of Sign Language Interpreters

RCW 2.42 directs courts to appoint qualified interpreters for D/DB/HH individuals and to secure such services from a list of interpreters maintained by the Office of the Deaf and Hard of Hearing (ODHH) under the Department of Social and Health Services. The statutory language in RCW 2.42 for appointing a qualified interpreter was left undefined and subsequently caused concerns about the lack of clarification. Washington's Court Interpreter Program does not administer an exam to certify sign language court interpreters, therefore, AOC partnered with ODHH to develop a set of criteria to determine qualifications for American Sign Language (ASL) court interpreters using national certification standards developed by the Registry of Interpreters for the Deaf (RID).

[Washington Administrative Code \(WAC\) 388-818-500](#) was updated to clarify which ASL-English interpreters qualify to work in court settings, and it provides guidance to courts on how to better serve D/DB/HH individuals. There are two categories of court interpreters for sign language interpretation that are most qualified to work in Washington Courts with hearing-impaired individuals (See [WAC 388-818-520](#)):

²⁶ Throughout this chapter, the term deaf (rather the deaf/Deaf) is used to encompass the range of lived identities for individuals who identify as either deaf (an audiological condition of not being able to hear) or Deaf (deaf people who share a common language (ASL), culture, values, and beliefs).

See Woodward, J., & Horejes, T. P., (2016). deaf/Deaf: Origins and usage. In G. Gertz, & P. Boudreault (Eds.), *The SAGE Deaf Studies Encyclopedia*. Thousand Oaks, CA: Sage.

- Certified court sign language interpreters
- Certified court intermediary interpreters

A **certified court sign language interpreter** is presumed to be the most qualified to interpret in court hearings. (See [WAC 388-818-530](#).) To qualify as a certified court sign language interpreter, the interpreter must possess one of the following:

- Specialist Certificate: Legal (SC:L) from the RID
- Generalist certification from the RID with a passing score on the SC:L written test

Certified court intermediary interpreters are also presumed to be the most qualified to interpret in court hearings because of their training, skills, and experience. (See [WAC 388-818-540](#).) To qualify, an interpreter must hold a current certified deaf interpreter (CDI) certification from the RID.

[WAC 388-818-600](#) encourages courts to make every effort to hire certified court sign language interpreters and determine whether an intermediary interpreter is necessary.²⁷

Court personnel should verify an interpreter's credentials. The ODHH has a list of qualified and registered ASL-English court interpreters on its website.²⁸ As long as interpreters remain in good standing, they are considered permanently sworn.

Code of Professional Responsibility

As officers of the court, ASL-English court interpreters must maintain high standards of professional conduct that promote public trust and confidence in the judicial system. All court interpreters in Washington state are bound by the canons in the Washington State Courts General Rule (GR) [Appendix 1 - GR 11.2 Code of Professional Responsibility for Judiciary Interpreters](#). While nationally certified ASL-English interpreters recognize a Code of Professional Conduct developed by the RID, GR 11.2 supersedes it. Both codes require adherence to the principles of accuracy, confidentiality, neutrality, competence, and professionalism, but it is important that ASL-English court interpreters study and follow GR 11.2.

²⁷ Washington Courts Administrative Office of the Courts, (2017). *Deskbook on Language Access in Washington Courts*.

http://www.courts.wa.gov/programs_orgs/pos_interpret/content/pdf/StateLAP.pdf

²⁸ <https://fortress.wa.gov/dshs/odhhapps/Interpreters/CourtInterpreter.aspx>

Interpreting in the Courtroom

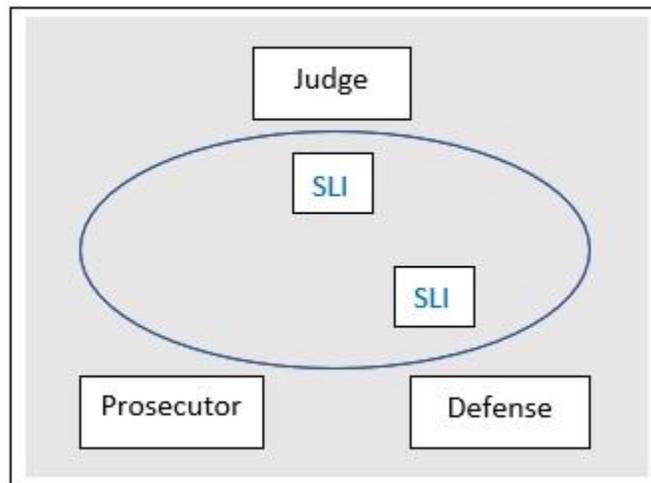
Preparation for Trial Interpretation

Preparation mitigates barriers to an accurate and meaningful interpretation and ensures a more efficient proceeding. The court should provide access to any case file information critical for interpreter preparation. (See Competence, Preparation for an Assignment.) This may include pleadings, witness lists, police reports, jury instructions, and other information.

Positioning in the Courtroom

ASL-English interpreters must have clear sight lines with the D/DB/HH individual. This may mean positioning yourself within the well of the courtroom (the empty space between the judge's bench and the parties' tables). The interpreter should ask permission of the court to enter the well.

Legend:	
SLI	Sign Language Interpreter
HI who	Hearing Interpreter (an interpreter hears)
CDI	Certified Deaf Interpreter
DL	Deaf Litigant



1: Interpreter Positioning Options in the Well

Specialist Interpreters

There is a wide range of communication diversity among D/DB/HH court attendees. While RCW 2.42 refers to qualified interpreters and intermediary interpreters, this section outlines the unique communication needs of D/DB/HH individuals and offers accommodation options to meet their needs. Washington courts may serve deaf people who use atypical forms of sign language, have secondary disabilities (e.g., deaf and blind), use sign language and speech-read Spanish, or do not know any sign language and speech-read English. In each of these situations, the traditional accommodation of providing the services of an ASL interpreter alone is insufficient for ensuring equitable access to court services, and a specialist interpreter is needed.

Types of Specialist Interpreters

Specialist interpreters hold a generalist interpreting credential and have received additional specialized training and additional credentialing as appropriate and available to verify their specialization. The following five interpreting specialties are defined below with expanded guidelines on the use of deaf interpreters working with non-deaf interpreters.

- **Certified Deaf Interpreters (CDIs)** are the most commonly deployed specialists in legal proceedings and related services. CDIs are native or near-native deaf signers who work in tandem with non-deaf certified interpreters (an interpreter who can hear) to meet a deaf individual's unique linguistic needs.
- **Deaf-Blind Interpreters** provide interpretation for those who are unable to hear a spoken language and cannot readily see ASL. Accommodations may include tactile interpreting, Pro-Tactile interpreting, or close vision interpreting.
- **Trilingual Interpreters** provide interpretation between spoken English, spoken Spanish, and ASL.
- **Oral Transliterators (OIC)** provide communication access to individuals who do not use sign language and rely on speechreading.
- **Cued Language Transliterators (CLT)** convert one language from the spoken mode of communication to a visual "cued mode making all phonemes of that language uniquely visible on the hands and mouth."²⁹ CLTs are nationally credentialed by the Testing, Evaluation,

²⁹ National Cued Speech Association <https://cuedspeech.org>

and Certification Unit (TECUnit), an independent assessment organization.

Certified Deaf Interpreters (CDIs)

According to [RCW 2.42.140](#), “if the communication mode or language of the hearing-impaired person is not readily interpretable, the interpreter or hearing-impaired person shall notify the appointing authority who shall appoint and pay an intermediary interpreter to assist the qualified interpreter.”

Some D/DB/HH individuals’ life experiences preclude them from developing typical language or adequate knowledge of the US judicial system, making access to due process inadequate. For this underserved portion of the general deaf population to meaningfully participate in the judicial process, they require a CDI.

Deaf interpreters have rich communication methods that are generally unavailable even to the most skilled interpreter who can hear. The deaf court interpreter’s value lies in providing an interpretation that conveys information that conforms to the experiential and linguistic framework of the deaf litigant.³⁰

A deaf interpreter is proficient in recognizing specific and effective ASL constructs because they share the same experience of being oriented to the world visually, rather than auditorily. CDIs have specialized training and expertise in utilizing gestures, drawings, props, and other communication strategies to enhance comprehension. Thus, the deaf individual using this specialized interpreting service receives the same content as the other parties.

Deaf individuals who benefit from CDI services include, but are not limited to, those who:

- Use atypical signed communication.
- Experience a bilingual home/school environment where languages other than English and ASL are used.
- Possess secondary factors that influence their use of ASL such as vision loss, intellectual or developmental disabilities, physical

³⁰ Mathers, C. (2009). *Deaf Interpreters in Court: An Accommodation That is More Than Reasonable*. National Consortium of Interpreter Education Centers (NCIEC).
<http://www.diinstitute.org/wp-content/uploads/2012/06/Deaf-Interpreter-in-Court.pdf>

disabilities that obscure sign production, mental illness, or issues related to substance abuse.

- Experience the absence of natural language development during the critical language acquisition ages of zero to five years old. Typically, deaf children under the age of sixteen will need to have access to a deaf interpreter.
- Have limited or no formal education.
- Have not socialized with other deaf community members.
- Are immigrants, migrants, or refugees and may be fluent in other signed languages but are not currently fluent in ASL. In some other state jurisdictions, employing CDIs is considered the best practice accommodation for ASL users, including those who communicate in standard ASL. Therefore, in addition to the situations listed above, CDIs may be utilized to ensure communication effectiveness in significant cases. The hearing ASL-English interpreter may be the first to identify a need for CDI services and must make this need known to the court through the court administrator, the interpreting services coordinator, or the individual's attorney. ASL interpreters should be able to clearly articulate the need for such services.

Once a CDI has been requested, all subsequent events must have a CDI provided unless the CDI has been excused according to and consistent with [RCW 2.42.150](#).

Deaf-Hearing Interpreter Teams

CDIs work in partnership with ASL interpreters who can hear and are subject to the same codes of professional conduct, procedural rules, and oaths as all court interpreters. The ASL interpreter renders spoken English into sign language for the CDI. The CDI linguistically and culturally interprets the ASL message in a manner most readily understood by the deaf individual. In turn, the deaf individual communicates information to the CDI, who then interprets the information to the ASL interpreter, who renders the message into spoken English. (See Competence, [Relay Interpreting](#).) Deaf-hearing interpreter teams typically work in consecutive mode, meaning one person speaks at a time. Simultaneous interpretation is not a viable option in this context.

Each situation involving a CDI is unique. Complex linguistic, experiential, and cultural considerations may provide practical challenges for the interpreting team. The value of having a CDI lies in delivering an interpretation readily understood by the deaf individual. It would not be unusual to see the deaf-hearing team consult with one another to ensure

the accuracy of a rendered interpretation. Court participants may experience an uncomfortable wait while the communication process is completed. At times, the CDI may request permission to clarify testimony from a deaf witness. CDIs may need to use props, calendars, and drawing materials to best express concepts, which might require additional physical space. In addition, the interpreting team may request clarification from counsel to better replicate a visual depiction of a setting, person, or object.

Here are some suggestions to facilitate the interpreting process:

- Increase the amount of time scheduled for each interaction the deaf individual has with the court system.
- Prioritize the necessity to use the *same* interpreting team throughout the case.

CDI interpreter-mediated events will take longer than court personnel are accustomed to, as stated above. Additionally, to further facilitate successful communication:

- Keep questions as specific and straightforward as possible.
- Avoid vague or abstract questions.
- Avoid double negatives.
- Present questions in sequential time order of the actual series of events.
- If the deaf individual is unable to answer a question presented in a specific form, the court may consider the allowance of leading questions by the direct examiner.

ASL is a visual-spatial language, and one noticeable characteristic of signed communication is nodding. This action denotes the communication has been received, but it does not necessarily express an affirmative response. The court may instruct jurors as follows:

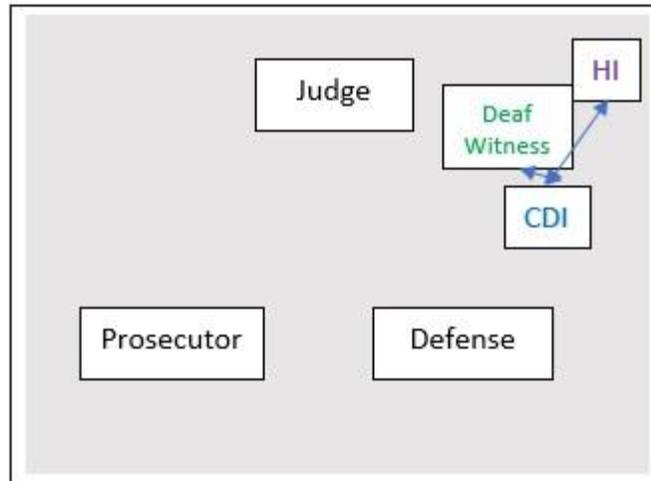
When a deaf witness nods, it is not a definitive indication of comprehension of what is being communicated, but it may merely indicate a willingness to continue.

Similarly, nodding is not an indication that the deaf individual answers "Yes" or "No."

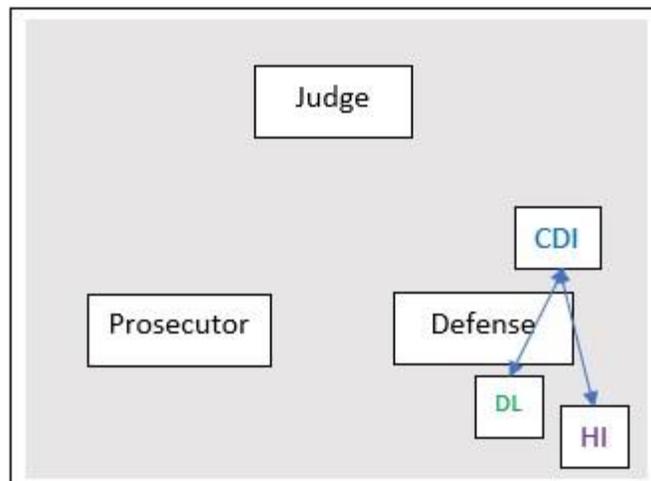
It is best to wait for the interpreters to produce the full interpretation rendition before drawing any inferences.

Clear sight lines are critical for effective communication. The following diagrams illustrate how the deaf-hearing interpreting team positions

themselves in a courtroom, both when the deaf individual testifies as a witness and when they sit at the defense table with an attorney. Please note that depending on the length of the hearing, two deaf-hearing interpreter teams may be needed to ensure an effective interpretation.



2: Deaf-Hearing Interpreting Team for Deaf Witness



3: Deaf-Hearing Interpreting Team for Deaf Litigant (DL)

Waiver of Right to an Interpreter

Pursuant to [RCW 2.42.150](#), a qualified interpreter may be waived if all of the following happen:

- The deaf individual requests a waiver through the use of a qualified interpreter.
- The counsel, if any, consents.

- The appointing authority determines that the waiver has been made knowingly, voluntarily, and intelligently.

Such a waiver does not preclude the deaf individual from claiming his or her right to a qualified interpreter at a later time during the proceeding, program, or activity.

Visual Recording of Testimony

At the request of any party to the proceeding, the appointing authority *may* order the testimony of the deaf individual and the interpretation to be visually recorded as verification of the official transcript of the proceeding. However, in situations involving a capital offense, the appointing authority *shall* order that the testimony involving a deaf litigant be visually recorded for use in verification of the official transcript of the proceeding. (See [RCW 2.42.180](#).)

While some courtrooms may have built-in video systems, they are often voice activated and may not capture the signed communication. Additional video equipment may need to be brought in to focus on the interpretation.

Accommodations for Deaf Individuals Serving as Jurors

Jurors are an essential part of the justice system. In 1979, John G. O'Brien of Bellevue, Washington, was the first deaf individual who, with the assistance of a sign language interpreter, served as a juror in a criminal trial.³¹ O'Brien's accomplishment was met with praise by most and criticism by others, who did not believe a deaf person was capable of serving. Slowly, across the country, other deaf people began to fulfill their civic responsibility and report to jury service with the provision of court-financed interpreters. The passage of the Americans with Disabilities Act (ADA) of 1990³² ensured that deaf individuals received accommodations (i.e., auxiliary aids or interpreting services) to facilitate participation in all aspects of the legal system including jury service.

Under Title II of the ADA, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or denied the

³¹ Gannon, J. R., (1981). *Deaf heritage: A Narrative History of Deaf America*. National Association for the Deaf.

³² Americans With Disabilities Act of 1990, 42 U.S.C. § 12132 (1990).

benefits of services, programs, or activities of a public entity, including state and local governmental agencies.³³

The fact that a juror is deaf and requires an ASL-English interpreter to readily understand the proceedings and communicate with the court is not grounds to disqualify the potential juror.

Empaneling a Deaf Juror

The appointing authority (judge) is responsible for determining at *voir dire* if a juror is qualified to serve on a particular trial, including whether the juror meets statutory qualifications for jury service. The ADA prohibits direct questioning related to the D/DB/HH person's disability. Rather, questioning should focus on the skills necessary to adequately execute the duties of a juror, such as:

- The capacity to attend for extended periods of time
- The ability to weigh the evidence
- The ability to deliberate

Once the presiding judge determines that the prospective deaf juror has satisfied the required qualifications to serve as a juror, the deaf juror can still, like any other juror, be eliminated by successful challenge whether for cause or by means of a peremptory challenge.

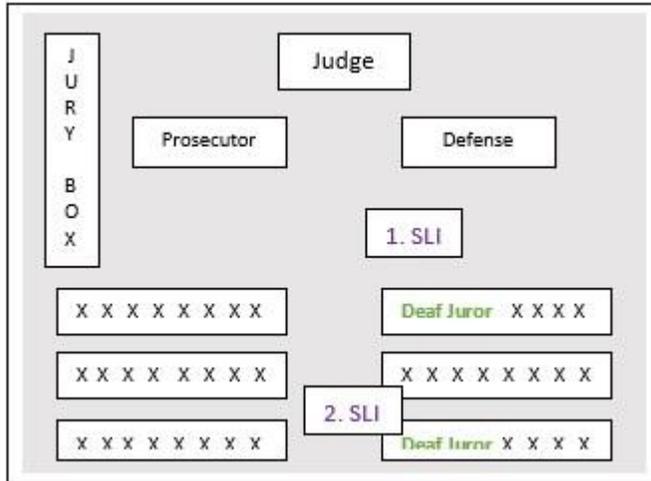
Interpreting Considerations

The court will secure a team of two ASL-English interpreters to accompany the prospective juror throughout their jury service, including any *voir dire*, and if empaneled, throughout the trial and deliberations.

Interpretation during *voir dire* will most likely be conducted in simultaneous mode when the parties to the case are addressing and questioning all the prospective jurors. However, when the D/DB/HH prospective juror is being directly questioned, interpretation will most likely be rendered in the consecutive mode.

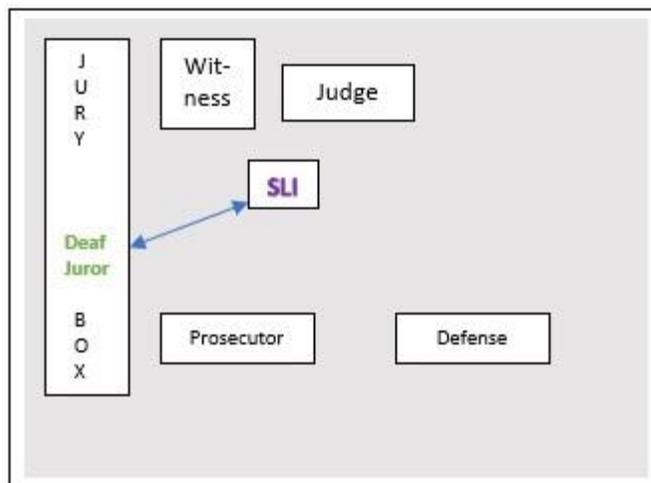
During *voir dire*, the interpreter will sit or stand where the prospective deaf juror can easily view them. The interpreter team will evaluate the configuration of the courtroom to determine appropriate locations during the *voir dire* process. This may involve consulting with courtroom officials. The following diagram illustrates two possible seating scenarios, dependent on the seating location of the prospective deaf juror.

³³ 28, 1 C.F.R. §35.



4: Two Positioning Options during Voir Dire

If the deaf juror is empaneled, the interpreters will adapt their positioning to facilitate the deaf juror's clear viewing of testimony and evidence. For example, during videotaped testimony or introduction of exhibits, the interpreters will position themselves to a place where the deaf juror can see the evidence, the speakers, and the interpreters as diagramed below. It is important for the interpreters to remain agile and anticipate scenarios to keep the sight lines clear.



5: Positioning for an Empaneled Deaf Juror

Role of the Interpreter in Jury Deliberation

Interpreters will accompany the deaf juror into the deliberation room in order to continue to provide communication access among jurors.

Interpreters for a juror during deliberation are in a unique position of being the only non-jury person to witness this process. Best practices would have a jury instruction that includes information on how communication is best conducted to allow everyone to participate equally, such as:

- The interpreters are present to facilitate communication and are not part of the deliberations. Speak directly to the juror as if the interpreter were not present.
- Interpreters will interpret everything including side comments and casual conversations.
- During discussion, it is important that people speak one at a time and preferably identify themselves before speaking. The foreperson may be enlisted to monitor this process.

As a reminder, ASL-English interpreters are not “on the jury,” but simply interpreting. It is important that interpreters maintain strict boundaries and do not speak directly to anyone on the jury. Any side conversation with jurors, even the simplest comment or greeting, can create the perception of undue influence in the decision-making process.

Fundamentals of Ethics for Interpreters

Ethics is a branch of philosophy called moral philosophy, which lays out a set of principles concerning the distinction between right and wrong behavior. The word ethics derives from the Greek word *ethikos* (ἠθικός), meaning morality, or showing moral character. Ethics systematizes, guides and defends intentional human actions. Human actions are what we *do*, including speaking and writing, not what we *think*.

This manual aspires to guide interpreters in making sound decisions when facing ethical problems. The fundamental questions of interpreters' professional lives are questions of value. What is truly worth striving for when rendering interpreting services?

Knowing Your Ethical Values

Ethical values guide us in determining which intentions, decisions and actions are right or wrong.

Ethical values influence our decision-making process by:

- Framing a problem and the way we view that problem.
- Providing options for solving a problem.
- Directing our reasoning and judgment in resolving a problem by reminding us what we must uphold or promote.

Ethical values are further divided into three types:

1. **Personal:** Individual reflections of our own needs, desires, and things we consider right and wrong. They develop from our circumstances, which can change over time. Our family, nation, generation, and historical environment help determine our personal values.
2. **Cultural:** Values shared by members of a culture. We are all members of a culture, with subcultures that have expected and sometimes enforced values telling us what is right and wrong.
3. **Professional:** Values shared by members of a profession, dictating what is good or desirable. These values are standards for behavior that provide a framework for evaluating practitioners' actions in the light of what is right and wrong within the profession.

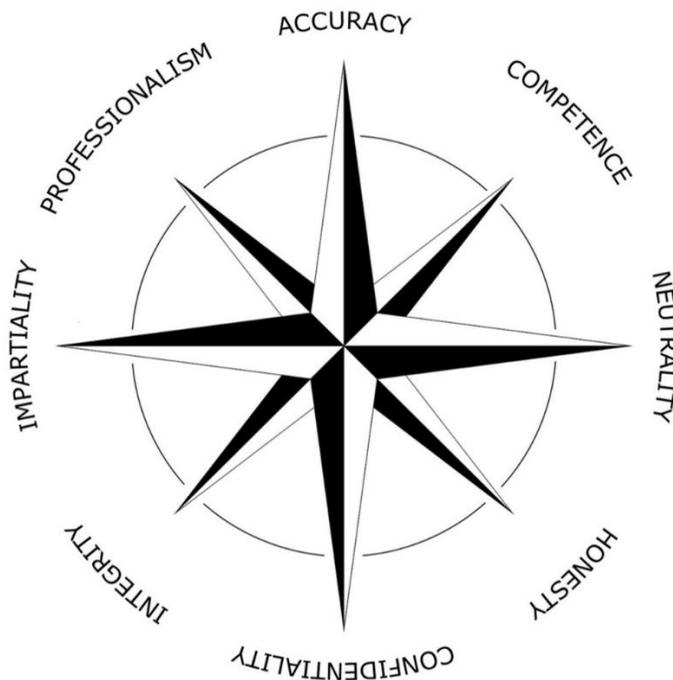
This manual focuses on the core professional values of interpreters, who must recognize situations when their professional values may conflict with personal or cultural values.

All professions share the following core values:

- Integrity
- Honesty
- Competence
- Professionalism

Interpreters share these additional values:

- Confidentiality—with doctors and attorneys
- Impartiality—with judges
- Accuracy—with accountants
- Neutrality—with mediators



Professional values provide practitioners with a moral compass to orient them toward what they must uphold to remain ethical in all their professional dealings. For interpreters, accuracy is the paramount professional value – True North³⁴.

³⁴ Compass wind rose image: iStock/[MaksimYremenko](#)

Codifying Expected Behavior

The Code of Professional Responsibility for Judiciary Interpreters is set up to guide interpreters in maintaining high standards of professional behavior. This is part of the recognized need to promote public trust and confidence in the administration of justice. (See Appendix 1 - GR 11.2 Code of Professional Responsibility for Judiciary Interpreters.)

GR 11.2 sets forth the professional rules that all interpreters must follow in judicial settings, under penalty of losing the privilege to practice their profession. Interpreters who violate the provisions of GR 11.2 are subject to disciplinary action and other sanctions imposed by law as set forth in the [WA Court Interpreter Disciplinary Process](#).

Making Ethical Decisions

When resolving an ethical problem, a tried-and-true formula is to first determine three things. What is ethically:

- **Required** (positive duty—what you *must* do)
- **Prohibited** (negative duty—what you *must not* do)
- **Permissible** (alternative solution—what you *may* do)

Refer back to the Code of Professional Responsibility for Judiciary Interpreters. What is required, what is prohibited, and what is allowed? Consult with trusted colleagues. Consider: *What would this situation look like if everyone involved spoke English and no interpreter were needed?*

The circumstances of our encounters are inherently unpredictable and have infinite iterations. This manual is not intended to be a cookbook with exact recipes to follow in all situations. Rather, it serves as a guide for interpreters to make ethical decisions that uphold their professional values. By doing so, interpreters help to preserve the integrity and independence of the judicial system.

Appendix 1 - GR 11.2 Code of Professional Responsibility for Judiciary Interpreters

(a) Preamble. As officers of the court, interpreters must maintain high standards of professional conduct that promote public trust and confidence in the administration of justice. The purpose of this code is to establish standards of conduct that interpreters must abide by in order to preserve the integrity and independence of the judicial system. It establishes core ethical principles of interpreter conduct in all aspects of their profession.

(b) Scope. The text of each rule is authoritative, while the comments provide important guidance in understanding the rules.

(c) Applicability. All interpreters serving in the judicial system must abide by this Code of Professional Responsibility.

(d) Compliance. Interpreters who violate the provisions of this code are subject to disciplinary action and/or any other sanction that may be imposed by law.

(e) Definitions.

(1) Source language – the original language of the writer or speaker.

(2) Target language – the language of the receiving reader or listener.

(3) Register – the degree of formality of language.

(4) Sight translation – the rendering of a written document directly into a spoken or signed language, not for purposes of producing a written document.

(f) Canons.

(1) ACCURACY. Interpreters must reproduce in the target language the closest natural equivalent of the source language message without altering it by means of addition, omission, or explanation.

Comment

(1)[1] Interpreters are obligated to conserve every element of information contained in the source and target languages. In doing so, they fulfill a twofold duty: (1) to ensure that legal proceedings reflect in English precisely what is said or signed by limited English proficient individuals and (2) to place limited English proficient individuals on an equal linguistic footing with those who are fully proficient in English.

(1)[2] Interpreters are required to apply their best skills and judgment to render, as faithfully as reasonably possible, the meaning of what is said or signed, preserving the style and register of speech, and the ambiguities and nuances of the source statement.

Everything must be interpreted, even if it appears nonresponsive, obscene, rambling, or incoherent. This includes false starts and apparent misstatements. However, verbatim, "word for word," or literal interpretation is inappropriate if it distorts the meaning of what is said or signed.

Spoken language interpreters should convey the speaker's tone without reenacting or mimicking the speaker's emotions or dramatic gestures. Sign language interpreters, on the other hand, should employ visual cues, including facial expressions, body language, and hand gestures, which are structural elements of sign languages.

(1)[3] Interpreters have the duty to immediately address any situation or condition that impedes their ability to accurately interpret. Examples include, but are not limited to, linguistic ambiguities, unfamiliar terms, inaudible speech, inability to see a speaker, background noise or distraction, and pace of speech.

(1)[4] The obligation to preserve accuracy includes the interpreter's duty to correct any substantive errors of interpretation as soon as possible. Interpreters should be prepared to accept feedback, including challenges to their interpretation, in a professional and impersonal manner.

(1)[5] Due to the difficulty of extemporaneously interpreting recordings (such as 911 calls), the practice of doing so in court should be discouraged at all times. Rather, proper transcripts and corresponding written translations should be prepared in advance. If ordered by the presiding officer to interpret a recording in court, interpreters should comply but state, on the record, that they cannot guarantee the accuracy of the interpretation.

(1)[6] Interpreters should refrain from sight translating documents for the record. Rather, written translations of documents offered in an evidentiary hearing should be prepared in advance. If ordered by the presiding officer to sight translate such documents, interpreters should comply but state, on the record, that they cannot guarantee the accuracy of the sight translation.

(1)[7] The ethical responsibility to interpret accurately includes being prepared for assignments. Interpreters are encouraged to obtain documents and other information necessary to familiarize themselves with the nature and purpose of an assignment. Prior preparation is described below; it is especially important when testimony or documents include highly specialized terminology and subject matter.

Preparation may include but is not limited to:

- (i) reviewing relevant documents, such as criminal complaints, police reports, briefs, witness lists, jury instructions, prior depositions, etc.;
- (ii) asking interpreters previously involved in the case for information on language use or style; or
- (iii) asking attorneys involved in the case for additional relevant information.

(2) **COMPETENCE.** Interpreters must not knowingly accept any assignment beyond their skill level. If at any point, before or during an assignment, they have reservations about their ability to satisfy an assignment competently, they must immediately disclose this to all parties and, if applicable, to the court.

In their professional capacity, interpreters must not give legal or other advice or engage in any activity that may be construed as a service other than interpreting or translating.

Comment

(2)[1] Interpreters are duty-bound to inquire about the assignment in advance and assess their competence to render services.

(2)[2] Interpreters are not qualified to give written or oral counsel about a legal matter that could affect the rights and responsibilities of the person receiving the advice. GR 24 sets forth what constitutes the practice of law.

(2)[3] Interpreters should maintain and expand competence in their field through professional development. Professional development includes steady practice, professional training, ongoing education, terminology research, regular and frequent interaction with colleagues and specialists in related fields, and staying abreast of new technologies, current issues, laws, policies, rules, and regulations that affect their profession.

(2)[4] Interpreters should know and follow established protocols for delivering interpreting services. When speaking in English, interpreters should speak at a volume that enables them to be heard throughout the courtroom. They should interpret in the first person and refer to themselves in the third person.

(3) **HONESTY AND INTEGRITY.** Interpreters have an inviolable duty to provide honest services in which their behavior upholds the values outlined in this code. They must accurately represent their credentials, training, and relevant experience. Interpreters must not engage in conduct that impedes their compliance with this code or allow another to induce or encourage them to violate the law or this code.

Comment

(3)[1] It is essential that interpreters present a complete and truthful account of their credentials, training, and relevant experience prior to an assignment so that their ability to satisfy it competently can be fairly evaluated.

(4) IMPARTIALITY AND NEUTRALITY. Interpreters must faithfully render the source message without allowing their own views to interfere. They must refrain from conduct that may give an appearance of bias and must disclose any real or potential conflict of interest to all parties and the court, if applicable, as soon as they become aware of it.

Comment

(4)[1] Interpreters should strive for professional detachment. They should uphold impartiality by avoiding verbal and nonverbal displays of personal attitudes, prejudices, emotions, or opinions. Interpreters must faithfully render all statements, even those they find personally objectionable, without allowing their own views or opinions to interfere.

(4)[2] As officers of the court, interpreters serve the court and the public, regardless of whether publicly or privately retained. Interpreters must uphold neutrality by avoiding any behavior that creates the appearance of favoritism toward anyone. Interpreters should maintain professional relationships with persons using their services, discourage personal dependence on the interpreter, and avoid participation in the proceedings in any capacity other than providing interpreter services. During the course of the proceedings, interpreters should not converse with parties, witnesses, jurors, attorneys, or friends or relatives of any party, except in the discharge of their official functions.

(4)[3] Interpreters must not serve in any matter in which they have an interest, financial or otherwise, in the outcome, unless a specific exception is allowed by the judicial officer for good cause and noted on the record. Interpreters must not solicit or accept gifts or gratuities from any of the parties, even as a social courtesy, in order to maintain the appearance of neutrality. Interpreters must disclose to the parties and/or the court any circumstance that creates a potential conflict of interest, including but not limited to the following:

(i) the interpreter is a friend, associate, or relative of a party, witness, victim, or counsel;

(ii) the interpreter or the interpreter's friend, associate, or relative has a financial interest in the case at issue, a shared financial interest with a party

to the proceeding, or any other interest that might be affected by the outcome of the case;

(iii) the interpreter has served in an investigative capacity for any party involved in the case;

(iv) the interpreter has previously been retained by a law enforcement agency to assist in the preparation of the criminal case at issue;

(v) the interpreter is an attorney in the case at issue; or

(vi) the interpreter has previously been retained for employment by one of the parties.

The existence of any one of the abovementioned circumstances should be evaluated by the parties and the court but should not automatically disqualify an interpreter from providing services. If an actual or perceived conflict of interest exists, the appropriate authorities should determine whether it is appropriate for the interpreter to withdraw based on the totality of the circumstances.

(5) CONFIDENTIALITY. Interpreters must not divulge privileged or other confidential information obtained in their professional capacity. They must refrain from making any public statement on matters in which they serve.

Comment

(5)[1] Privileged communications take place within the context of a protected relationship, such as that between an attorney and client, a husband and wife, a priest and penitent, and a doctor and patient. The law often protects against forced disclosure of such conversations. Interpreters are bound to maintain the confidentiality of all privileged communications.

(5)[2] Interpreters are also routinely privy to communications that, while not necessarily privileged by law, are conveyed in confidence. In order to preserve the integrity of the judicial process, interpreters have an ongoing duty to refrain from disclosing information obtained in their professional capacity. This duty is consistent with CJC 2.10.

[Adopted effective November 17, 1989. Original Rule 11.1 was renumbered as Rule 11.2 effective September 1, 2005; Amended effective April 26, 2016; December 18, 2018; March 12, 2019.]

Appendix 2 - Oath of Interpreter

OATH OF INTERPRETER

State of Washington, County of _____

I, _____ do solemnly declare:

- I. I will abide by the Code of Conduct for court interpreters adopted by the Supreme Court of the state of Washington while maintaining high standards of conduct to preserve the integrity and independence of the adjudicative system. I will protect privileged communications, refrain from the unauthorized practice of law, and reveal to the court any conflict of interest.
- II. I will make a true interpretation of all the proceedings in a language which the limited English proficient person understands, and will repeat the statements of the limited English proficient person to the court or agency conducting the proceedings in the English language, to the best of my skill and judgment.
- III. I will maintain the respect due to the courts of justice and judicial officers, and to all parties involved in legal proceedings.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Date: _____ Place: _____

Signature: _____

Appendix 3 - Language Disorders and Speech Patterns

Language Disorder	Description
Clanging	<p>Association of words based upon sound rather than concepts. The words involved often have a rhyming, near-rhyming, or punning (choosing words based on double meanings) quality to them.</p> <p style="text-align: center;">That boat hope floats. The train brain rained on me.</p>
Coprolalia	<p>Involuntary swearing or the involuntary utterance of obscene words or socially inappropriate and derogatory remarks.</p>
Derailment	<p>A sequence of unrelated or only remotely related ideas. The frame of reference often changes from one sentence to the next.</p> <p style="text-align: center;">The next day when I'd be going out you know, I took control, like uh, I put bleach on my hair in California.</p>
Echolalia	<p>The unsolicited repetition of vocalizations made by another person.</p>
Palilalia	<p>The involuntary repetition of syllables, words, or phrases.</p>
Pressured speech	<p>A tendency to speak rapidly and frenziedly. Pressured speech is motivated by an urgency that may not be apparent to the listener. The speech produced is difficult to interrupt. It can be unrelenting, loud, and without pauses.</p>
Tangential responses	<p>Derailment when answering questions. Off-the-point, oblique, or irrelevant answers given to questions.</p>

Thought blocking	Sudden silences that may last from a few seconds to a minute or longer. When the person begins speaking again after the block, they will often speak about a subject unrelated to what was being discussed when blocking occurred.
Word salad or schizophasia	<p>A confused or unintelligible mixture of seemingly random words and phrases. The words may or may not be grammatically correct, but they are semantically confused to the point that the listener cannot extract any meaning from them.</p> <p style="text-align: center;"><i>May as well go there and trade in some pop caps and tires, and tractors to car garages, so they can pull cars away from wrecks, is what I believed in.</i></p>
Neologism	New words are created that have no meaning except to the speaker.
Perseveration of topic	An excessive focus on a particular topic regardless of what is asked.
Poverty of thought	Little spontaneous speech. Complete voluntary absence of speech is termed mutism.

Appendix 4 - The Five Stages of Second Language Acquisition

Chart taken from a study by Stephen Krashen and Tracy Terrell in 1983.³⁵

Stage	Characteristics	Time Frame
Advanced Fluency	<ul style="list-style-type: none"> • near-native level of speech 	5–7 years
Intermediate Fluency	<ul style="list-style-type: none"> • excellent comprehension • makes few grammatical errors 	3–5 years
Speech Emergence	<ul style="list-style-type: none"> • good comprehension • can produce simple sentences • makes grammar & pronunciation errors • frequently misunderstands jokes 	1–3 years
Early Production	<ul style="list-style-type: none"> • limited comprehension • produces one- or two-word responses • uses key words & familiar phrases • uses present-tense verbs 	6 months – 1 year
Preproduction	<ul style="list-style-type: none"> • minimal comprehension • does not verbalize • nods “yes” & “no” • draws and points 	0–6 months

³⁵ Krashen, S. D., & Terrell, T. D. (1983). *The natural approach: Language acquisition in the classroom*. CA: The Alemany Press.

Appendix 5 - A Bit of History

The interpreting profession has been around for a very long time—as long as people have had the need to communicate across linguistic barriers, for reasons noble to nefarious. It is little wonder, therefore, that we find mention of interpreters in historical records dating back for millennia. What is surprising to discover, however, is the extent to which interpreters were regulated by specific rules of behavior and performance. Thirteenth-century laws in Spain detail the duties of the *alfaques*—the interpreters of that era—while an ordinance published in New Spain in 1548 establishes the first known comprehensive code of professional responsibility for court interpreters. The requirements and ethical duties of court interpreters today remain essentially unchanged, nearly six hundred years later. This is a testament to the enduring nature of the fundamental tenets of court interpreting, which serve as the scaffolding upon which this manual is built. [Appendix 7](#) - Ordinance of 1548 (Translation) contains the full text of that 1548 ordinance, written in Spanish and printed in Gothic script, transliterated into readable 16th century Spanish, then faithfully translated into English. Anyone intimately familiar with court interpreting will find it quaint, yet strikingly familiar. A facsimile of the original ordinance is found in [Appendix 6](#) - Ordinance of 1548 (Facsimile).

The Nutca Territory

A papal bull issued in 1493 by Pope Alexander VI—later clarified by the Treaty of Tordesillas—granted all lands to the west and south of the Azores Islands to the Catholic Monarchs Ferdinand and Isabella of Castile. In the eyes of the Europeans, Spain became the nominal sovereign of the Pacific Northwest, first known as the Nutca (Nootka) Territory—a political subdivision of the Viceroyalty of New Spain. In 1794, a royal decree created the Captaincy of the Pacific Northwest Territories that included the provinces of El Oregón or Orejón (Oregon), Quadra (Washington State) and Nutca (British Columbia). By that time, the Spanish Crown had long been in the business of regulating interpreters.

Interpreters as Agents of the Spanish Crown

Interpreting was a daily occurrence and the need for interpretation services is referenced throughout antiquity. How did one become an interpreter? In some cases, children were enrolled in language schools based on their intelligence or aptitude for languages. Otherwise, the choice of the

interpreting profession was generally happenstance, falling on people such as:

- Children raised in a bilingual home
- Shipwrecked sailors and passengers stranded in a land with a different language
- Prisoners of war, slaves, and former slaves

While the general public frequently calls interpreters “translators,” these are two distinct professions requiring different skills. The word translator comes from the Latin past participle *translatus* meaning “carried over” and applies to the transfer of a message written in one language into another written language.

The word interpreter comes from the Latin preposition *inter* (between or among) and *pret* (root of the word price). Interpreters functioned as lead negotiators in commercial transactions and as diplomats. They enjoyed protected status, which is why instances of their mistreatment are documented in historical records.

The Hebrew language makes a distinction between מתרגם (*metargem*)—referring to a translator of written texts—and מתורגמן (*meturgeman*) referring to a translator of spoken conversations. In Arabic, the word ترجمان (*tarjumān*) became *dragoman* in Turkish and *trujamán* in Spanish. Both words, *trujamán* and *intérprete*, coexisted in the Spanish language until the 17th century. A very special kind of *trujamán* were the *alfaques*.

An *alfaques* (from Arabic الفكك *al fakkak*, *faqeq* or *fakkek* literally the jaw, from which comes the verb to unfasten, loosen, or unchain) was an agent of the Spanish crown in charge of negotiating the release of Christian captives held in Muslim lands, frequently through payment of a ransom. These special *trujamanes*, fluent in Arabic and Castilian Spanish, were either Jews, Muslims living in Christian lands, or Christians who had converted to Islam.

King Alfonso X of Castile (aka Alfonso the Wise) introduced the first vernacular law code in Spain, called the *Siete Partidas*. This seven-part code³⁶ was written between 1256 and 1265 by a commission of the principal Castilian jurists of the day, under the personal direction of Alfonso X. Title 30

³⁶ Scott, S. (2001). *Las Siete Partidas, Volume 2: Medieval Government: The World of Kings and Warriors (Partida II)* (R. Burns, Ed.). University of Pennsylvania Press.

of the Second Partida regulates the appointment and conduct of the *alfaques*.

As agents of the crown, *alfaques* carried the sovereign’s banner when traveling. They were selected from among families of good repute by a panel of twelve “good men” appointed by the crown, its representatives, or the council from the locality they resided in, and they enjoyed both high status and special protections. *Alfaques* received compensation directly from either the king or the council of the locality that had appointed them, and they bore a fiduciary duty over ransom funds. Pursuant to Law 1, there were six important qualifications to becoming an *alfaques*:

1. They must be faithful [to the message]
2. They must lack greed
3. They must be fluent in a second language
4. They must not be disliked
5. They must be diligent
6. They must have something of their own (i.e. financial security)

Excerpt from Las Siete Partidas, Partida Segunda:

Título XXX	Title 30
Que fabla de los alfaques.	Concerning the <i>alfaques</i> .
De los que cativan et de las cosas dellos fablamos complidamente en las leyes del título ante deste:	We dutifully addressed captives and their affairs in the laws of the previous title.
et agora queremos decir en este de los alfaques que son trujamanes et fieles para pleytearlos et sacarlos de cativo:	And now, in this one about the <i>alfaques</i> , we want to say that they are interpreters and good at negotiating and releasing people from captivity.
et mostraremos qué quier decir alfaques:	And we will show what the word <i>alfaques</i> means.
et qué cosas debe haber en sí aquel que escogen para este oficio:	And what qualities they must possess to be chosen for this duty.

et cómo debe ser escogido et fecho, et qui lo puede facer:	And how they must be chosen and appointed, and who can do it.
et qué cosas deben guardar et facer los alfaqueques:	And what things <i>alfaqueques</i> must protect and do.
et qué galardón deben haber quando bien ficieren su oficio:	And what reward they must receive when they perform their duty well.
et qué pena quando andudiesen mal en él.	And what penalties when they do it wrong.
LEY I	LAW 1
Qué quiere decir alfaqueques, et qué cosas deben haber en sí.	Meaning of the word <i>alfaqueques</i> and what qualities they should possess.
Alfaqueques tanto quiere decir en arábigo como homes de buena verdat que son puestos para sacar los cativos; et estos segunt los antiguos mostraron deben haver en sí seis cosas;	<i>Alfaqueques</i> means, in Arabic as well, men of good standing appointed to ransom back captives, and these, as the ancients explained, must possess six qualities:
La primera que sean verdaderos onde llevan el nombre;	First, they must be faithful [to the message] within their official capacity;
La segunda sin codicia;	Second, they must be without greed;
La tercera que sean sabidores también del lenguaje daquela tierra á que van, como del de la suya;	Third, they must be as knowledgeable of the language of the land to which they go as of their own [language];
La quarta que no sean malquisitos;	Fourth, they must not be disliked;
La quinta que sean esforzados;	Fifth, they must be diligent;
La sexta que hayan algo de suyo.	Sixth, they must have something of their own.

Once appointed, an *alfaqueque* had to swear an oath to be honest in all matters relating to the captives, promoting their interests, and protecting them from harm. They had to uphold impartiality by swearing to keep their personal preferences from interfering with the faithful execution of their duties. Penalties, up to and including death, for failing to properly execute their duties were commensurate with the damages and suffering caused by their misconduct.

In truth, *alfaqueques* were bilingual negotiators in the Reconquista,³⁷ not interpreters. However, their code of professional responsibility has several underlying ethical values found in current interpreter codes: honesty, accuracy, integrity, competence, and impartiality. The structure of Title 30 has many elements found in well-drafted codes of professional responsibility: a preamble summarizing the topics to be addressed, canons with underlying ethical values to uphold and accompanying commentary, applicability, and compliance.

Interpreters in the Americas

Interpreters were instrumental in the Spanish conquest of the Americas. Several ordinances³⁸ published throughout the XVI century mandated explorers to bring interpreters with them to lands of potential conquest in order to gain knowledge about the peoples inhabiting them. While the first interpreters in the Americas were captured Amerindians and shipwrecked Spaniards, by 1548 interpreters were listed as officers of the court with their own school³⁹ and a code of professional responsibility. Within half a century, interpreters went from *ad hoc* bilinguals to full-fledged professionals. Here is their remarkable journey.

³⁷ The Spanish Reconquista was a period in the history of the Iberian Peninsula that lasted more than 700 years, during which the Christian kingdoms reconquered the lands taken by the Moors.

³⁸ Ordinance 14, Law 9, "...the discoverers shall bring interpreters and shall inform themselves as stated in this law."

Lyman, T. S. (1980). Spanish laws concerning discoveries, pacifications, and settlements among the Indians: With an introduction and the first English translation of the New ordinances of Philip II, July 1573, and of Book IV of the Recopilación de leyes de los reinos de las Indias, relating to these subjects. Salt Lake City, UT: American West Center, University of Utah.

³⁹ In 1545, the Franciscan lawyer Juan de Herrera founded the first school for Amerindian interpreters housed in the monastery of Maní in Yucatan. Notable alumni of this school are Gaspar Antonio Xiu, known as "the great Nahuatlato," who was fluent in four languages, and the brothers Pablo and Pedro Pech, who wrote the history of their people.

In 1492, when Christopher Columbus set sail to discover a new passage to India,⁴⁰ he brought with him two professional interpreters fluent in Arabic, Hebrew, Chaldean, and other languages spoken along the Silk Road.⁴¹ Much to their dismay, when the ships arrived in the Bahamas, the Spaniards were reduced to communicating with the Amerindians through hand signs and gestures. On October 12, 1492, Columbus wrote in his journal:

<p>Yo vide algunos que tenían señales de feridas en sus cuerpos y les hize señas qué era aquello, y ellos me amostraron cómo allí venían gente de otras yslas que estaban açerca y los querían tomar y se defendían. Y yo creyí e creo que aquí vienen de tierra firme a tomarlos por captivos. Ellos deven ser buenos servidores y de buen ingenio, que veo que muy presto dizen todo lo que les dezía. Y creo que ligeramente se harían cristianos, que me pareció que ninguna secta tenían. Yo, plaziendo a Nuestro Señor, levaré de aquí al tiempo de mi partida seys a Vuestras Altezas para que deprendan hablar.</p>	<p>I saw that many [Indians] had scars on their bodies, and when I communicated through signs to find out what this was about, they indicated that people from other nearby islands came to try to capture them and they defended themselves. I believed and believe that people from the mainland come here to take them as captives. They ought to make good and smart servants, for they immediately repeat whatever we say to them. I think they can quickly be made Christians, for they seem to have no religion. If it pleases Our Lord, when I depart from here I will take six of them to Your Highnesses so that they may learn to speak [the Spanish language].⁴²</p>
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In March 1493, Columbus arrived in Spain with a total of ten Amerindians. Of them, only one, a young man from San Salvador Island, actually became an interpreter. He was baptized with the name of Diego Columbus and formally adopted by Columbus. Later that same year, Diego Columbus returned to the Caribbean as Columbus' interpreter during the exploration of Puerto Rico, Cuba, and Jamaica. He traveled to Spain a second time and

⁴⁰ The Silk Road closed to Christian traders after the fall of Constantinople to the Ottoman Empire in 1543. To reach the Far East, traders began considering sailing west across the Atlantic, which would be faster than sailing around the African continent.

⁴¹ Villalba Fernandez, M. (2019). *La figura del intérprete en el descubrimiento de América*. Madrid, Spain: Universidad Pontificia Comillas.

⁴² Fuson, R. H. (Ed.). (1992). *The log of Christopher Columbus*. Tab Books, International Marine Publishing. ISBN 0-87742-316-4.

eventually settled in Santo Domingo, currently the Dominican Republic. Diego Columbus is last mentioned in the Spanish records in 1514 and is presumed to have not survived the small pox epidemic of 1519.⁴³

In February 1519, when conquistador Hernan Cortés first landed on the Yucatán Peninsula, he found his first interpreter in Father Jerónimo de Aguilar.⁴⁴ After surviving a shipwreck in 1511, the priest had been captured by the Mayas and taken to the Yucatán Peninsula, where he learned Maya Chontal. In March 1519, Cortés defeated the Mayas of Tabasco, who gifted him food, gold, and twenty enslaved women. Among them was an Aztec woman of noble birth who had been sold into slavery by her own people to the Maya at about age ten.

Baptized by the Spaniards and given the Christian name Marina, she interpreted from Nahuatl, the language spoken by the Aztecs, into Maya Chontal⁴⁵ for Father Aguilar, who relay-interpreted into Spanish. The Spaniards called her Doña Marina, the natives called her Malintzine (Lady Marina), and she is known today as La Malinche. She quickly learned Spanish, and she became Cortés's primary interpreter, mistress, and cultural broker, as well as the mother of his first son, Martín.

Her interpreting was not always impartial or neutral. For example, after talking to the wife of one of the lords of Cholula, Malinche informed Cortés of a plan to murder the Spaniards in their sleep. On October 18, 1519, Cortés ordered a pre-emptive strike known in history as the Cholula Massacre, garishly depicted in the Lienzo de Tlaxcala. Malinche figures prominently in this and other codices, always assisting the Spaniards. Tales of the massacre nudged other cities in the Aztec Empire to find ways to placate Cortés. On November 8, 1519, Cortés entered Tenochtitlan where he met Moctezuma, the Aztec Emperor. Malinche interpreted between them and was an active participant in Moctezuma's demise. Malinche's partiality gave rise to the pejorative term "malinchism," used to describe those who feel a deference to foreign cultures over their own.

She gave birth to Cortés's first son, Martín. In 1522, Cortés's wife arrived from Cuba and, soon after, Malinche was ordered to marry one of Cortés' allies. Though Cortés granted her lands as a dowry, he sent their son Martín

⁴³ La figura del intérprete en el descubrimiento de América. See footnote 29.

⁴⁴ Varela, C. (2014). Las conquistas Hispanas del siglo XVI: La función de los intérpretes, lenguas y guías. *Cuadernos de la Escuela Diplomática* 50, 15-33.

⁴⁵ The Mayan language family consists of thirty languages within the following branches: Huastecan, Yucatecan, Ch'olan-Tzeltalan, Q'anjobalan, Mamean and K'iche'an.

away to foster with one of his cousins. Having lost her son and no longer interpreting, Malinche languished in her estates in Orizaba and died in 1531.

In addition to military conquest, there was another no less compelling reason for the Spanish crown to have interpreters—the conversion of souls to the Catholic faith. The Catholic Spaniards needed to understand the peoples of the newly conquered lands to effectively convert them to Catholicism, in order to compete with the Protestant Reformation. Once converted, these new Christians enjoyed all the protections of the crown, including seeking remedy in a court of law.

Court Interpreters in New Spain

In 1528, in order to counterbalance Cortés' power in the Viceroyalty of New Spain,⁴⁶ Charles V created a high court (*audiencia*) and appointed a rival of Cortés as its president.

The first interpreters for the High Court were Amerindians;⁴⁷ Spanish conquistadors married to Amerindian women;⁴⁸ Spanish conquistadors who had arrived to Mexico at a young age;⁴⁹ the offspring of Spanish conquistadors and Amerindian women, called *mestizos*,⁵⁰ or their grandchildren and great-grandchildren;⁵¹ and *creoles*—the American-born offspring of Spanish-born parents.⁵² Interpreters in this court frequently summarized instead of interpreting. There are also descriptions of interpreters sight translating Spanish texts into Amerindian languages or pictographic codices into Spanish.

Some of these first interpreters served in the many lawsuits in which Cortés was involved. In one of these lawsuits, interpreter Antonio Velázquez is accused of receiving chickens, corn, eggs, fish, and clothing. Pedro García del Pilar was accused by a priest of numerous lies, extortion, and abusing

⁴⁶ The territory of New Spain included most of present-day United States, Mexico, and Central America. Its capital was Mexico City, originally known as Tenochtitlán, which was the center of the Aztec empire.

⁴⁷ Hernando de Tapia, Juan Juárez, and Pablo Pérez

⁴⁸ Juan Pérez de Arteaga, Antonio Ortiz, Juan Freyle, Juan Grande, and Álvaro de León

⁴⁹ Antonio Velázquez, Tomás de Rijoies, Álvaro de Zamora, and Juan Gallego

⁵⁰ Pedro López de Barahona, Alonso Solís de Aguirre, Francisco Granado, and Juan de León

⁵¹ Juan de Leiva and Bernardino de Leiva

⁵² Francisco de Osorio Ribadeo, Juan Méndez de Sotomayor, and Juan de Riberol

Amerindians and eventually landed in jail for stealing gold.⁵³ Other early interpreters for the high court—Antonio Ortiz, Tomás de Rijoles, and Hernando de Tapia—were prosecuted by Tello de Sandoval (1543-1547) for misconduct while rendering services. The misconduct of these early interpreters would eventually lead to the creation of the first law pertaining to court interpreters in New Spain:

<p>El Emperador Don Carlos y la Reyna Gobernadora [Juana La Loca] en Toledo à 24 de agosto de 1529.</p>	<p>The Emperor Sir Charles and the Governing Queen [Joanna The Mad] in Toledo on August 24, 1529.</p>
<p>Mandamos que ningún Intérprete, ó Lengua de los que andan por la Provincias, Ciudades y Pueblos de los Indios á negocios ó diligencias, que les ordenen los Gobernadores y Justicias, ó de su propia autoridad, pueda pedir, ni recibir ni pida, ni reciba de los Indios para sí, ni las Justicias, ni otras personas, joyas, ropas, mantenimientos, ni otras ningunas cosas; pena de que el que lo contrario hiciere pierda sus bienes para nuestra Cámara y Fisco, y sea desterrado de la tierra...</p>	<p>We order that no interpreter doing business in the provinces, cities, and Indian villages—having been so ordered by Governors and Justices, or doing so on their own—may either ask of or receive from Indians, either for themselves or on behalf of the Justices or anyone else: jewels, clothing, maintenance, or anything else; under penalty of forfeiture of their property to our court and tax authorities and banishment from the land...</p>

By 1529, and similar to current practices, court interpreters were freelancers sometimes paid by the government and sometimes in business for themselves with their own clientele.

On July 12, 1530, the presiding and hearing judges of the High Court of New Spain were ordered to procure, as they saw fit, a team of two interpreters or two separate interpreters for each interpreted event.⁵⁴ These interpreters

53 Alonso, I., Baigorri, J., & Payás, G. (2008). Nahuatlato y familias de intérpretes en el México colonial. *Revista de la Historia de la Traducción*, 2.

54 Capítulo de la instrucción que se dio al presidente y oidores de la Audiencia de la Nueva España en 12 de julio de 1530 que manda provean lo que más convenga cerca de concurrir dos intérpretes juntos o cada uno por sí a la interpretación.

Cunill, C. (2018). Un mosaico de lenguas: Los intérpretes de la audiencia de México en el siglo XVI. *Historia mexicana*, 68(1). <https://doi.org/10.24201/hm.v68i1.3637>

could have been working in different language directions—one interpreting from Spanish into Nahuatl and the other from Nahuatl into Spanish—or taking turns interpreting to stave off fatigue.

On April 20, 1533, the Empress Isabella of Portugal sent a letter asking the High Court in Mexico to submit a report to the Council of the Indies about the salary of Nahuatl interpreters.⁵⁵

In response to some concerns over the accuracy of the interpretation, the practice of allowing a party to bring a check interpreter was introduced in 1537.

<p>El Emperador Don Carlos y la Emperatriz Gobernadora [Isabel de Portugal] en Valladolid á 12 de Septiembre de 1537.</p>	<p>The Emperor Sir Charles and the Governing Empress [Isabella of Portugal] in Valladolid on September 12, 1537.</p>
<p>Somos informados que los Intérpretes y Naguatlatos, que tienen las Audiencias, y otros Jueces, y Justicias de las Ciudades y Villas de nuestras Indias al tiempo que los Indios los llevan para otorgar escrituras, ó para decir sus dichos, ó hacer otras autos judiciales y extrajudiciales, y tomarles confesiones, dicen algunas cosas, que no dixeron los Indios, ó las dicen y declaran de otra forma, con que muchos han perdido su justicia, y recibido grava daño: Mandamos que quando algunos de los Presidentes y Oidores de nuestras Audiencias, ú otro cualquier Juez enviare á llamar á Indo, ó Indios, que no sepan la lengua Castellana, para les preguntar alguna cosa, ó para otro cualquier efecto, ó viniendo ellos de</p>	<p>We have been informed that the interpreters and Nahuatl interpreters that High Courts and other judges and justices in the cities and villages of our Indies have, when Indians bring them [the interpreters] to offer written documents, testify, or do some other judicial or extra-judicial proceeding and take down their confessions, they [the interpreters] say some things that were not said by the Indians or they say and declare them in another manner, resulting in many [Indians] not being granted justice and being gravely harmed: We order that when some Presiding and Hearing Judges of our High Courts, or any other judge, summons an Indian or Indians not fluent in Spanish, to question them or for any other</p>

⁵⁵ Capítulo de carta que la Serenísima Emperatriz escribió a la Audiencia de México en 20 de abril de 1533 que manda enviare relación al Consejo de Indias del salario de los naguatatos. See footnote 36 for full citation.

<p>su voluntad á pedir, ó seguir su justicia, les dexen y consientan, que traygan consigo un Christiano amigo suyo, que esté presente, para que vea si lo que ellos dicen á lo que se les pregunta y pide, es lo mismo que declaran los Naguatlatos, é Interpretes, porque de esta forma se pueda mejor saber la verdad de todo, y los Indios estén sin duda de que los Intérpretes no dexaron de declarar lo que ellos dixeron, y se excusen otros muchos inconvenientes, que se podrían recrecer.</p>	<p>purpose, or when they appear of their own volition to seek or obtain justice, they [the judges] should allow and consent for them to bring a Christian friend to be present to see whether what they [the Indians] say when questioned and asked is the same as what the Nahuatl interpreters and interpreters state, because in this manner the truth of it all may be ascertained, and the Indians will not doubt that the interpreters did not omit to state what they said, and to avoid many other potential problems that could escalate.</p>
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Conquered peoples were considered vassals of the Spanish monarch and as such, the fate of the Amerindians appears to have been a constant concern for Charles V. In response to complaints and calls for reform from individuals such as friar Bartolomé de Las Casas, the emperor issued the New Laws of the Indies for the Good Treatment and Preservation of the Amerindians (Nuevas Leyes) published in 1544. These laws were intended to prevent the exploitation and mistreatment of the indigenous peoples of the Americas. The ordinance relating to court interpreters is a product of this regal concern.

Ordinance of 1548

Antonio de Mendoza y Pacheco was the first Viceroy of New Spain (1535-1550), with jurisdiction over North and Central America and was headquartered in Mexico City. Many of his policies endured throughout the entire colonial period. He introduced the first printing press to the Americas in 1539. The printing press belonged to the Seville-based printer Juan (Jacob) Cromberger and was operated by the Italian printer Juan Pablos (Giovanni Paoli from Brescia).⁵⁶ Years later, when Juan Pablos opened his own printing house, the first publication under his seal was the *Ordinances and Compilation of Laws* by Viceroy Antonio de Mendoza, published in 1548.

⁵⁶ Guerrero Nolasco, E. (2012). *La imprenta de Juan Pablos en la Nueva España*. Universidad Nacional Autónoma de México.

This publication includes general court rules, as well as court rules for the officers of the Royal High Court of New Spain. Among the officers of the court worthy of a court rule specifying their duties and expected behavior, we find scribes (court reporters), law clerks, attorneys, prosecutors, fiscals (attorneys general for fiscal matters), filing clerks, doormen, cashiers, bailiffs, jailers, and interpreters. This ordinance is the oldest known written code of ethics for court interpreters.

The viceroy ordered the appointment of a number of interpreters to the Royal High Court of New Spain, located in Mexico City, and set forth their salary. Following a pre-established rotation, interpreters were to show up in court every morning at 9 a.m. These interpreters had to be duly sworn to perform their task “well and faithfully,” expressing the matter before them “clearly and frankly,” “without omitting or adding anything..., without being partial toward any of the parties, and without favoring anyone.” Interpreters found in violation of the ordinance faced hefty fines and the revocation of their credentials. Interpreters could not accept gifts or ask for compensation beyond what the court was paying them. They were not allowed to advocate on behalf of the Amerindians. To avoid conflicts of interest, interpreters could not hold private meetings with Amerindians to discuss court-related matters, but rather, “without giving them audience,” had to bring them to be heard in court. (Find the entire translated code here: [Appendix 7 - Ordinance of 1548 \(Translation\)](#))

In 1563, Philip II incorporated several sections of the 1548 Ordinance originally intended only for interpreters of the Royal High Court in New Spain into the laws applicable to *all* the Indies. A notable addition to the robust corpus of laws regulating interpreters came in 1630 when Philip IV introduced the requirement that interpreters pass examinations and be approved by vote of the “entire town hall or community of Indians.”

D. Felipe IV en San Lorenzo a 16 de octubre de 1630.	Sir Philip IV in San Lorenzo on October 16, 1630.
Que el nombramiento de los intérpretes se haga como se ordena, y no sean removidos sin causa y den residencia.	The appointment of interpreters shall be done as ordered and they shall not be removed [from office] without

	cause and shall be subject to trial of residence. ⁵⁷
<p>Nombran los gobernadores a sus criados por intérpretes de los indios, y de no entender la lengua resultan muchos inconvenientes: Teniendo consideración al remedio, y deseando que los intérpretes, demás de la inteligencia de la lengua, sean de gran confianza y satisfacción: Mandamos que los gobernadores, corregidores y alcaldes mayores de las ciudades no hagan los nombramientos de los intérpretes solos, sino que preceda examen, voto y aprobación de todo el cabildo o comunidad de los indios, y que el que una vez fuere nombrado no pueda ser removido sin causa, y que se les tome residencia cuando la hubieren de dar los demás oficiales de las ciudades y cabildos de ellas.</p>	<p>Governors appoint their servants as interpreters for the Indians and many problems arise because they do not understand the language: In consideration of the remedy and wishing that the interpreters, beyond knowledge of the language, should be of great trustworthiness and competence; we order that governors, representatives of the crown, and city mayors shall not appoint their own interpreters. Instead, [appointments] should be made after examination, vote, and approval of the entire city council or Indian community. And that once appointed, they shall not be removed from office without cause and they shall be subject to trial of residence at the same time as the other city officials and councilmembers.</p>

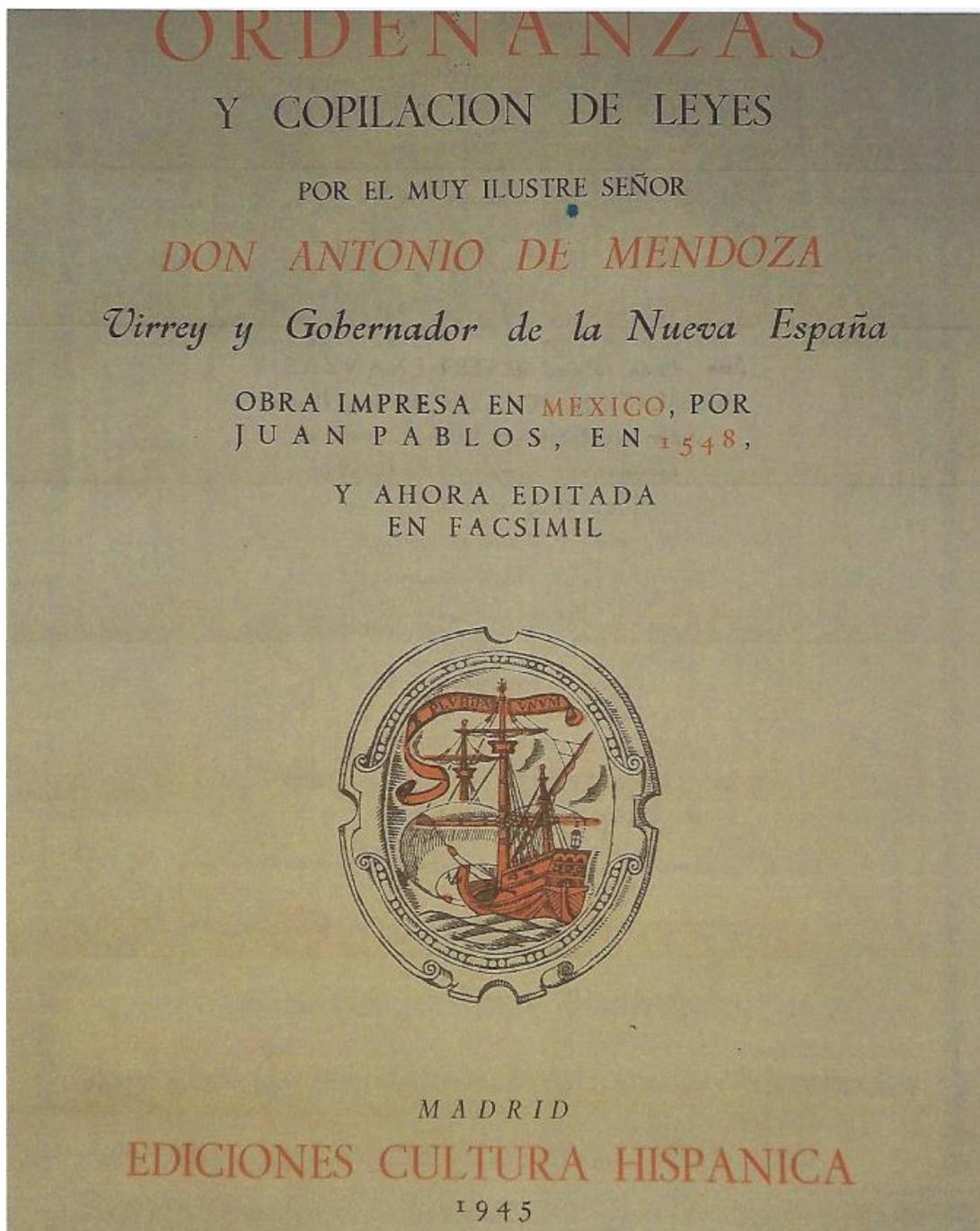
Proof of the Spanish Crown’s continued interest in regulating interpreters can be found in the *Compilation of the Laws of the Kingdoms of the Indies* published in 1680, where an entire chapter is dedicated to interpreters (Title 29 - About the Interpreters).

Although this code was published in the 16th century and contains language that is strange and possibly offensive to the modern ear, it is remarkable for its similarities and concern for all participants in legal proceedings. We find that it contains the same enduring ethical values and tenets found in the 21st century Washington State Code of Professional Responsibility. Under penalty

⁵⁷ *Juicio de residencia* (trial of residence) was a judicial process at the end of one’s term in office. It consisted of the following: at the termination of a public functionary’s term, his performance in office was subject to review, and those with grievances against him were entitled to a hearing. This was largely an automatic procedure and did not imply prior suspicion of misconduct.

of severe punishment and loss of licensure, interpreters were required to be accurate, competent, honest, impartial, and neutral and to refrain from advocacy. Half a millennium later, so much remains the same.

Appendix 6 - Ordinance of 1548 (Facsimile)





Yo el rey.



Yo Francisco de los Rios Secretario de sus
Sacras Cesareas Catolicas Magestades la hize
escreuir por su mandado.

Registrada.
Juan de Samano.

Do: Chanciller.
Juá gallo d andrada

Frater. S. eps
Dromé.

El Doctor
Beltran.

Epus
Linitateñ.
m ff

Tabla.

**Tabla de lo que se contiene en este libro
de ordenenças.**

Escrivanos:	fo. i.
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Carceleros:	fo. xlv.
Interpretes:	fo. lxx.
Ordenenças de las Resgudicías:	fo. xxxij.

Interpretes de la audiencia.

¶ Interpretes de la audiencia.

q̄ aya numero
ro de interpretes
e juré.



¶ **M**e aya numero d'interpretes y naguatatos desta audiencia. E que antes q̄ seá recibidos a vsar el oficio juré en forma deuida q̄ vsará sus oficios bié z fielmente: declarando z interpretando el negocio z pleyto que les fuere cometido: clara z abiertamente sin encubrir ni añadir cosa alguna. Vi ziendo simplemente el hecho del pleyto o negocio o testigo q̄ examinare: sin ser parcial a alguna de las partes: z sin fauorecer mas a vno que a otro. E que por ello no lleuarian interese alguno: mas d'ialario q̄ les fuere tassado z señalado: so pena d'piuros: z del dafio z interese d'las partes: z q̄ bolueran lo q̄ assilleuare con las setenas: y d'perdimiento de los oficios.

no recibã dadas
diuas.

¶ **Q**ue no recibã dadas ni promessas d'Españoles ni d'los indios: ni d' otras personas q̄ con ellos tuuiere o se espera q̄ ternan pleytos o negocios: en poca o en mucha cantidad: aũ que seã cosas de comer y beber: y aun q̄ sean ofrecidas z dadas y prometidas de su propia voluntad: sin que los dichos interpretes ni otros por ellos lo pidã: so pena que lo buelua con las setenas para nra camara: y q̄ esto se pueda puar cõtra ellos por la via d'proueua q̄ las leyes disponẽ contra los juezes y oficiales d'la audiencia.

no oyã en su
caja a los Indios.

¶ **Q**ue no oyã en sus casas ni fuera d'ellas a los indios q̄ vinierẽ a pleytos o negocios: sino q̄ luego sin oylos: los traigã ante Presidẽte z Sydores o qualquier dellos para que allí se vea y determine la causa conforme a justicia: so pena d' dos pesos para los estrados por la primera vez que lo contrario hizierẽ: y por la segunda: la pena doblada: aplicada segun dicho es. E por la tercera que demas de la dicha pena doblada: pierdan sus oficios.

no ordenẽ pe
ticiones.

¶ **Q**ue no ordenẽ peticiones a los indios: ni sean en

Interpretes de la audiencia. fo. xxxij

sus causas y negocios procuradores ni solicitadores: to la pena contenida en la ordenança antes desta: aplicada como en ella se contiene.

¶ Que assistan a los acuerdos y a las audiencias y visita de las carceles de indios. Y cada dia que no fuere feriado: al menos en las tardes vayan y assistan a casa del Presidente y Oidores. E para todo lo susodicho y qualquier cosa y parte dello tengan en esta cuydado de repartirse de manera que por causa de ellos o qualquier dellos no se deré de determinar las causas y negocios ni se dilaté: so pena de vn peso de oro para los pobres por cada vn dia que los dichos Interpretes faltare o qualquier dellos a qualquiera cosa de las sobredichas: de mas que pagaran el daño y interese y costas a la parte o partes que por esta causa estuieren detenidos.

q̄ esten a los acuerdos.

¶ Que no se ausente sin licencia del Presidente: so pena q̄ pierdan el salario del tiempo que estuieren ausentes: y de diez pesos para los estrados por cada vez que lo contrario hiziere.

q̄ no se ausen.

¶ Que quando fueren a negocios o pleytos fuera de esta ciudad: no lleuen de las partes: directen ni indirecte cosa alguna mas del salario que les fuere señalado: ni hagan conciertos ni contratos con los indios: ni compañías en manera alguna. So pena de boluer lo q̄ asilleuaren y contrataré con las setenas: y de privacion perpetua de sus officios:

no contrate con los indios.

¶ Que assista por su rueda y ordē a las almonedas de su Magestad: so pena de vn peso para los estrados por cada vez que faltare el interprete a quiē cabe de asistir a ellas como dichos es.

assistan por su orden.

¶ Que por cada vn dia q̄ qualquiera de los dichos interpretes saliere de esta ciudad por mandado de esta Real Audiencia lleue de salario para ayuda de costa vn peso

salario

Interpretes de la audiéncia.

de oro comun y no mas. Y q̄ no lleuē comida ni otra cosa alguna sin pagar lo d̄ ninguna d̄ las partes: directe ni indirecte: lo pena de pagar lo con las setenas para la camara como dicho es.

derechos por los testigos.

¶ Que d̄ cada testigo q̄ examinare en siendo el interrogatorio de doze p̄guntas arriba puedan llevar dos tomines: 7 siendo el interrogatorio de doze preguntas abaxo vn tomin y no mas: lo pena d̄ pagallo cō el quatro tanto para la camara. Pero si el interrogatorio fuere grande y la causa ardua: q̄ el Sydor o juez ante quiē se examinare le pueda tassar de mas d̄ los dichos derechos vna suma moderada: cōforme al trabajo 7 tiempo q̄ se ocuparē.

q̄ asista el y no en el oficio.

¶ Que vn interprete por su ordē resida cada dia de audiéncia en el oficio d̄l Secretario a las nueue horas de la mañana para tomar la memoria q̄ el Fiscal le diere para llamar los testigos q̄ conuiene examinar se para el derecho d̄l fisco: lo pena d̄ dos reales pa los pobres d̄ la carcel por cada vn dia q̄ faltare.

q̄ esto aqui no pueydo guar de las leyes y ordenaçães de los reyes.

¶ Que todos los oficiales aqui nombrados y d̄ su so declarados en lo q̄ aqui no estuviere declarado 7 proueydo: guardē las leyes 7 prematicas de estos reynos: 7 las otras ordenaçãs 7 prouisiones desta nueua España: como en ellas se contiene: 7 lo las penas en ellas contenidas.

A gloria y honrra de nue-

stro señor Jesu xpo aquí se acaban las Ordená-
ças y copilacion de leyes nueuaméte ordena-
das y copiladas por el muy Illustre señor
Dō Antonio D'Albédoca Alforey y So-
uernador desta nueua españa: y Presi-
dēte de la audiēcia Real q̄ en ella re-
siede: y por los Señores Sydo-
res: pala buena gouernaciō y
estilo d'los oficiales d'lla. y
fuerō por sumádo impref-
sas é la muy leal y grā ciu-
dad d' Mexico é casa
d' Juā pablor: aca-
barōse d' impmir
a. xxij. días d' el
mes d' mar-
ço d' M.
D. xlvij.
años.
✠✠✠
✠

Appendix 7 - Ordinance of 1548 (Translation)

The translation of the *Ordenanza* below is from photocopies of facsimile No. 548, printed in 1945 by *Ediciones Cultura Hispánica* and acquired by the Bodelian Library in 1968. The book of ordinances has all the trappings of early printed books: Gothic script, funky punctuation, and a gross abuse of abbreviations. The price of paper and ink, as well as labor-intensive printing costs, incentivized printers and their clients to cut as many corners as possible. The type characters had to be set on a composing stick, which needed to fit into a wooden tray called a galley. To produce a compact body of text, avoid uneven spaces between words, and make lines end evenly, typesetters used fat and skinny letters and punctuation marks such as the colon. If the words didn't quite fit into the line, a word was either shortened through abbreviations or the letters were printed closer together. To give you a taste:

Transcription from Gothic to Latin script:

E que por ello no lleuaran intereffe alguno: mas ꝛ ſalario q̄ les
fuere tafado ꝛ ſeñalado: ſo pena ꝛ p̄iuros: ꝛ del daño ꝛ intereffe ꝛ
las partes: ꝛ q̄ bolueran lo q̄ aſſi llevarē con las ſetenas: y ꝛ
perdimiēto de los oficios.

Modern Spanish spelling:

Y que por ello no llevarán interés alguno, más del salario que les
fuere tasado y señalado: so pena de perjuros y del daño e
interese de las partes y que volverán lo que así llevaren con las
setenas y de perdimiento de los oficios.

Here is our transcription to modern Spanish spelling (left column) and translation into English (right column).

Modern Spanish Script	English Translation
Con privilegio [de]	With [printing] privilege ⁵⁸ [of]

⁵⁸ Printing privilege was a precursor of modern copyright. Monarchs used to grant monopoly rights to a printer for a set number of years.

CAROLUS V IMPERATOR HISPANIERES	CHARLES V EMPEROR OF THE SPANIARDS ⁵⁹
Ordenanzas y compilación de leyes hechas por el muy ilustre señor Don Antonio de Mendoza, Virrey y Gobernador de esta Nueva España y Presidente de la Audiencia Real que en ella reside, y por los Señores Oidores de la dicha audiencia; para la buena gobernación y estilo de los oficiales de ella. Año de 1548.	Ordinances and Compilation of Laws promulgated by the very illustrious gentleman Sir Antonio de Mendoza, Viceroy and Governor of New Spain and President of the Royal High Court ⁶⁰ over which he presides, and by the Hearing Judges of said court; for the good governance and conduct of its officers. Year 1548.

[SEAL]	
Yo el rey.	I, the King.
CARLOS V EMPERADOR DE LOS ESPAÑOLES	CHARLES V EMPEROR OF THE SPANIARDS
Yo, Francisco de los Cobos, Secretario de sus Sacras Cesáreas Católicas Majestades, las hice escribir por su mandado.	I, Francisco de los Cobos, Secretary to their Sacred Catholic Caesarian Majesties, had them written by their order.
Registrada. Juan de Samano	Registered. Juan de Samano
Por Canciller. Juan Gallo de Andrada	By Chancellor. Juan Gallo de Andrada
Hermano G. episcopus Oxomensis (Obispo de Osma)	Brother G. Bishop of Osma
El doctor Beltrán	Attorney Beltrán

⁵⁹ Charles I, King of Spain, and Charles V, Holy Roman Emperor (one and the same individual)

⁶⁰ In the Americas, the *audiencias* were given a consultative and quasi-legislative role in the administration of the colonies and were ultimately overseen by the Council of the Indies.

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Intèrpretes de la audiencia	Interpreters for the high court
Que haya número de intérpretes y juren.	There shall be a number of sworn interpreters.
Que haya número de intérpretes y naguatatos de esta audiencia. Y que antes que sean recibidos a viar el oficio juren en forma debida que	This high court shall have a number of appointed interpreters and Nahuatl interpreters. And before being allowed to practice, they shall

⁶¹ Attorney General who corresponded directly with the crown, especially on fiscal matters.

⁶² General Rules of Court

<p>viarán sus oficios bien y fielmente; declarando e interpretando el negocio y pleito que les fuere cometido, clara y abiertamente sin encubrir ni añadir cosa alguna. Diciendo simplemente el hecho del pleito o negocio o testigo que examinare; sin ser parcial a alguna de las partes; y sin favorecer más a uno que a otro. Y que por ello no llevarán interés alguno, más del salario que les fuere tasado y señalado: so pena de perjuros y del daño e interese de las partes y que volverán lo que así llevaren con las setenas y de perdimiento de los oficios.</p>	<p>be duly sworn to render their services well and faithfully; making statements and interpreting business and lawsuits entrusted to them clearly and frankly, without omitting or adding anything. Simply stating the matter of the lawsuit or business or the witness [statements] under examination; without being partial toward any of the parties; and without favoring anyone. And in order to do so, they shall have no interest other than their scheduled salary as indicated; under penalty of perjury and being liable for any damages to the interested parties, and for any undue gain they shall pay restitution sevenfold to the parties and lose their office.</p>
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<p>No reciban dádivas.</p>	<p>They shall not accept gifts.</p>
<p>Que no reciba dádivas ni promesas de Españoles ni de los indios, ni de otras personas que con ellos tuvieren o se espere que tengan pleitos o negocios, en poca o en mucha cantidad aún que sean cosas de comer y beber y aún que sean ofrecidas o dadas y prometidas de su propia voluntad sin que los dichos intérpretes ni otros por ellos lo pidan, so pena que lo vuelvan con las septenas para nuestra cámara y que esto se pueda probar contra ellos por la vía de prueba que las leyes disponen contra los jueces y oficiales de la audiencia.</p>	<p>Interpreters shall not accept gifts or pledges, neither from Spaniards nor from Indians, nor from anyone else with whom they may have or expect to have lawsuits or business, regardless of the quantity, even when it is food or drink and even when offered or given and pledged voluntarily, without said interpreters or anyone else requesting them on their behalf; under penalty of paying restitution to our court, sevenfold their gain, as long as this can be proven against them with the same due process afforded to judges and officers of this court.</p>

No oigan en su casa a los indios.	They shall not give Indians audience in their homes.
Que no oigan en sus casas ni fuera de ella a los indios que vinieran a pleitos o negocios; sino que luego sin oírlos los traigan ante Presidente u Oidores o cualesquiera de ellos para que allí se vea y determine la causa conforme a la justicia so pena de dos pesos para los extraviados por la primera vez que lo contrario hicieren y por la segunda la pena doblada aplicada según dicho es. Y por la tercera que demás de la dicha pena doblada, [que] pierdan sus oficios.	Interpreters shall not give audience to Indians who come for lawsuits or business, inside or outside of their homes. Instead, later without giving them audience, interpreters shall bring them before either the Presiding or Hearing Judges or any of the others so that the case can be seen and the cause determined pursuant to the law; under penalty of a two-peso ⁶³ fine for first time offenders and twice that amount for second time offenders. Third time offenders will pay double the fine and lose their office.

No ordenen peticiones.	They shall not submit petitions.
Que no ordenen peticiones a los indios, ni sean en sus causas o negocios procuradores ni solicitadores, so la pena contenida en la ordenanza antes de esta, aplicada como en ella se contiene.	Interpreters shall not submit petitions on behalf of Indians in their legal cases or business dealings, neither as prosecutors nor solicitors, under penalty as indicated in the above ordinance sections, as applicable.

Que estén a los acuerdos.	They shall be present at settlements.
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⁶³ The word *peso* literally means "weight." Initially, the peso was produced in the Spanish colonies by cutting off a lump of silver of proper weight and fineness from the end of a silver bar, which was then flattened out and impressed by a hammer. This resulted in a crude, irregular coin called a cob in English, or a macuquina in Spanish. Appearing first in 1537, the silver peso (also called *peso fuerte*, *patacón*, *duro*, or piece of eight by the English) became a standard monetary unit for the entire American continent for three centuries.

<p>Que asistan a los acuerdos y a las audiencias y visitas de las cárceles de indios. Y cada día que no fuere feriado, a lo menos en las tardes vayan y asistan en casa del Presidente y Oidores. Y para todo lo susodicho y cualquier cosa y parte de ello tengan entre sí cuidado de ellos o cualquier de ellos no se dejen de determinar las causas y negocios ni se dilaten, so pena de un peso de oro para los pobres por cada día que los dichos intérpretes faltaren o cualquiera de ellos en cualquier cosa de las sobredichas; demás que pagaran el daño e intereses y costos a la parte o partes que por esta causa estuvieren detenidos.</p>	<p>They shall be present at settlements, hearings, and Indian jail visits. And every business day, at least in the afternoons, they shall go to the house of the Presiding and Hearing Judges. Regarding all the aforesaid and anything related thereto, they should take care that the rulings and business dealings not be delayed; under penalty of paying one gold peso⁶⁴ to the poor for each day that any of said interpreters fail to appear in any of the aforesaid matters. Furthermore, they shall pay damages, interest, and expenses to the party or parties delayed for this reason.</p>
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<p>Que no se ausenten.</p>	<p>They shall not fail to appear.</p>
<p>Que no se ausenten sin licencia del President so pena que pierdan el salario del tiempo que estuvieren ausentes y de diez pesos para los estrados por cada vez que los contrario hicieren.</p>	<p>They shall not fail to appear without leave from the Presiding Judge under penalty of losing their salary for the duration of their absence and of ten pesos payable to the bench for each time they fail to appear.</p>

<p>No contraten con los indios.</p>	<p>They shall not enter into contracts with Indians.</p>
<p>Que cuando fueren a negocios o pleitos fuera de esta ciudad, no lleven de las partes directa ni</p>	<p>When needing to leave this city for business or lawsuits, interpreters shall not take anything either</p>

⁶⁴ The *peso de oro* known as *Tepuzque* (the Aztec word for copper), was a gold disc stamped with its weight and fineness and sometimes with royal countermarks. Although not strictly coins, *Tepuzques* served as money and circulated as late as 1591.

<p>indirectamente cosa alguna más del salario que les fuere señalado; ni hagan conciertos ni contratos con los indios; ni compañías en manera alguna. So pena de volver lo que así llevaren y contrataren con las setenas, y de privación perpetua de sus oficios.</p>	<p>directly or indirectly from any of the parties other than their scheduled salary; neither enter into agreements or contracts with the Indians, nor form companies of any kind. Under penalty of having to pay restitution sevenfold what they took or contracted for and lifetime revocation of their office.</p>
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<p>Asistan por su orden.</p>	<p>They shall appear per their schedule.</p>
<p>Que asistan por su rueda y orden a las almonedas de su Majestad so pena de un peso para los estrados por cada vez que faltare el intérprete a quien cabe de asistir a ellas como dicho es.</p>	<p>They shall appear per their scheduled rotation at his Majesty's auctions of seized property, under penalty of one peso payable to the court for each time the assigned interpreter fails to appear as indicated above.</p>

<p>Salario.</p>	<p>Salary.</p>
<p>Que por cada día que cualquiera de los dichos intérpretes saliere de esta ciudad por mandado de esta Real audiencia lleve de salario para ayuda de costa un peso de oro común y no más. Y que no lleve comida ni otra cosa alguna a fin de pagar lo de ninguna de las partes, directa o indirectamente, so pena de pagarlo con las setenas para la cámara como dicho es.</p>	<p>For each day that any of said interpreters leaves this city by order of this Royal Court, they shall take with them salary to help defray the costs of no more than one common gold peso. And they shall take neither food nor any other thing to pay any party, either directly or indirectly, under penalty of paying restitution sevenfold to the court as stated above.</p>

<p>Derechos por los testigos.</p>	<p>Rights for [examination of] witnesses.</p>
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<p>Que de cada testigo que examinaren siendo el interrogatorio de doce preguntas arriba puedan llevar dos tomines. Y siendo el interrogatorio de doce preguntas abajo, un tomín y no más; so pena de pagarlo con el cuatrotanto para la cámara. Pero si el interrogatorio fuere grande y la causa ardua, que el Oidor o juez ante quien se examinare le pueda tasar demás de los dichos derechos una suma moderada; conforme al trabajo y tiempo que se ocupare.</p>	<p>For each witness under examination, interpreters can take two <i>tomin</i>⁶⁵ for an interrogation over twelve questions, and no more than one <i>tomín</i> for an interrogation under twelve questions; under penalty of paying restitution fourfold to the court. However, if the examination is long and the case arduous, the Hearing Judge or judge overseeing the examination can assess a moderate sum above the standard amount based on the duration of the work.</p>
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<p>Que asista el uno en el oficio.</p>	<p>There shall be one present at the office.</p>
<p>Que un intérprete por su orden resida cada día de audiencia en el oficio del Secretario a las nueve horas de la mañana para tomar la memoria que el Fiscal le diere para llamar los testigos que conviene examinarse para el derecho del fisco. So pena de dos reales para los pobres de la cárcel por cada un día que faltare.</p>	<p>Every day at nine in the morning, per the schedule, an interpreter of the high court shall be present at the Secretary's office to receive from the Fiscal the calendar of the witnesses to be examined by the Fiscal's office. A penalty of two <i>reales</i>⁶⁶ per day of absence shall be paid to the indigent prisoners.</p>

⁶⁵ A *tomín* (plural *tomin*) was a unit of weight and currency derived from the Arabic word *تُمْن* (*tumn*) meaning "one eighth."

⁶⁶ The *real* was a silver coin minted in half-, one-, two-, four- and eight-real denominations. After the discovery of silver in Central and South America, the eight-real coin (referred to since then as a dollar, a peso or "piece of eight") became an internationally recognized trade coin in Europe, Asia and North America.

<p>Que en lo aquí no proveído guarden las leyes y ordenanzas reales.</p>	<p>Laws and royal ordinances shall be followed even when not provided herein.</p>
<p>Que todos los oficiales aquí nombrados y de suso declarados en lo que aquí no estuviere declarado y proveido: guarden las leyes y premáticas de estos reinos: y las otras ordenanzas y provisiones de esta Nueva España como en ellas se contienen y so las penas en ellas contenidas.</p>	<p>All officers named herein and declared above, even when not stated and provided herein: they shall follow the laws and regulations of these kingdoms and the other ordinances and provisions of this New Spain as contained therein, under penalty contained in them.</p>

<p>A gloria y honra de nuestro señor Jesucristo. Aquí se acaban las Ordenanzas y compilación de leyes nuevamente ordenadas por el muy ilustre señor Don Antonio de Mendoza, Virrey y Gobernador de esta Nueva España y Presidente de la Audiencia Real que en ella reside, y por los señores Oidores; para la buena gobernación y estilo de los oficiales de ella. Y fueron por su mando impresas en la muy leal y gran ciudad de México en casa de Juan Pablos. Acabáronse de imprimir a los 22 días del mes de marzo del año 1548.</p>	<p>To the glory and honor of our Lord Jesus Christ. Here end the Ordinances and Compilation of Laws newly ordered by the most illustrious gentleman Sir Antonio de Mendoza, Viceroy and Governor of this New Spain and Presiding Judge of the Royal High Court over which he presides, and by the honorable Hearing Judges; for the good governance and conduct of its officers. And printed by their mandate in the most loyal and great city of Mexico in the printing house of Juan Pablos. Printing completed this 22nd day of March in the year 1548.</p>
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Translation by Milena Calderari-Waldron reviewed by Lorane West with the assistance of María Luisa Gracia Camón and Linda Noble.

Appendix 8 - Chapter 2.43 RCW Interpreters for Non-English-Speaking Persons

Sections

- 2.43.010** Legislative intent.
- 2.43.020** Definitions.
- 2.43.030** Appointment of interpreter.
- 2.43.040** Fees and expenses—Cost of providing interpreter—
Reimbursement.
- 2.43.050** Oath.
- 2.43.060** Waiver of right to interpreter.
- 2.43.070** Testing, certification of interpreters.
- 2.43.080** Code of ethics.
- 2.43.090** Language assistance plan—Required for each trial court—
Submission of plan to interpreter commission—Report.

Appendix 9 - Chapter 2.42 RCW Interpreters in Legal Proceedings

Sections

- 2.42.010** Legislative declaration—Intent.
- 2.42.050** Oath.
- 2.42.110** Definitions.
- 2.42.120** Appointment of interpreter—Responsibility for compensation—Reimbursement.
- 2.42.130** Source of interpreters, qualifications.
- 2.42.140** Intermediary interpreter, when.
- 2.42.150** Waiver of right to interpreter.
- 2.42.160** Privileged communication.
- 2.42.170** Fee.
- 2.42.180** Visual recording of testimony.