

## **COURT INTERPRETERS**

Court interpreters play an integral part in providing access to justice to everyone, regardless of the language they speak. To ensure that individuals receive a fair opportunity to explain their case and participate in court, the Minnesota Supreme Court created the Court Interpreter Training and Certification Program, the Code of Professional Responsibility for Interpreters, and rules that explain the role of interpreters in court. This information, in addition to a roster of interpreters who are available to work in Minnesota courtrooms, is available on the Minnesota Judicial Branch webpage. <http://www.mncourts.gov/?page=304>

For more information, you may also contact:

Minnesota Court Interpreter Program  
105 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155  
(651) 297-5300

## **BECOMING A COURT INTERPRETER IN MINNESOTA**

According to the Minnesota Supreme Court rules on interpreting, individuals who wish to interpret in the state court system and be included on the Statewide Roster of Interpreters must first complete the following:

1. *Pass the ethics test based on the Code of Professional Responsibility for Interpreters in the state court system.* This is a written test made up of 25 multiple-choice questions in English. The test measures candidates' knowledge of (1) general English language vocabulary; (2) court-related terms and knowledge; and (3) understanding of the Code of Professional Responsibility for Court Interpreters.
2. *After passing the ethics test, attend the required orientation program.*
3. *Demonstrate language proficiency in English and the language(s) for which he or she will interpret.* This can be demonstrated through educational experience and/or language testing.
4. *File an affidavit with the State Court Administrator's Office that explains that he or she agrees to be bound by the Code of Professional Responsibility.*

## **BECOMING A “CERTIFIED” COURT INTERPRETER**

Experienced court interpreters who decide to make a career out of interpreting may take a legal interpreting proficiency exam for certification. **Minnesota courts are required to appoint only certified court interpreters whenever they are available.** The proficiency exam evaluates the interpreter's simultaneous, consecutive, and sight interpretation skills in English and in another language. The exam is available in: Spanish, Hmong, Somali, Arabic, Mandarin, Cantonese, Haitian Creole, Laotian, Korean, Russian, Vietnamese, French, and Portuguese.

In addition to completing all requirements for inclusion on the Statewide Roster, interpreters who wish to become certified must prove to the State Court Administrator that they are at least 18-years-old, have good character and fitness as evidenced by a background check, and have passing scores on a legal interpreting proficiency exam administered or approved by the State Court Administrator's Office.

The legal interpreting proficiency exam for certification consists of:

1. A simultaneous exam on an audiotape or compact disc, which contains a recording of passage that is based on an attorney's opening or closing statement in court. The passage is about 900 words in length and is recorded at a speed of about 120 words per minute.
2. A sight translation exam during which an interpreter must read an English document aloud while being recorded. An interpreter must also read a non-English document aloud while being recorded. The documents are about 225 words long. Interpreters are allowed six minutes to complete this portion of the exam.
3. A consecutive exam, during which the interpreter will interpret English language questions into the non-English language and vice versa.

There are currently certified court interpreters in the following foreign languages: **Spanish, Hmong, Russian, Vietnamese, Mandarin, French and Laotian**. All **sign language** interpreters on the roster hold a certification.

## **CODE OF PROFESSIONAL RESPONSIBILITY FOR INTERPRETERS**

### **APPLICABILITY**

This code shall guide and be binding upon all persons, agencies and organizations who administer, supervise, use or deliver interpreting services within the Minnesota state court system.

### **CANON 1: ACCURACY AND COMPLETENESS**

Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to the meaning of what is stated or written, and without explanation.

### **CANON 2: REPRESENTATION OF QUALIFICATIONS**

Interpreters shall accurately and completely represent their certifications, training, and pertinent experience.

### **CANON 3: IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST**

Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.

**CANON 4: PROFESSIONAL DEMEANOR**

Interpreters shall conduct themselves in a manner consistent with the dignity of the court.

**CANON 5: CONFIDENTIALITY**

Interpreters shall protect the confidentiality of all privileged and other confidential information.

**CANON 6: RESTRICTION OF PUBLIC COMMENT**

Interpreters shall not publicly discuss, report or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential, except to facilitate training and education.

**CANON 7: SCOPE OF PRACTICE**

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

**CANON 8: ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE**

Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the appropriate judicial authority.

**CANON 9: DUTY TO REPORT ETHICAL VIOLATIONS**

Interpreters shall report to the proper judicial authority any effort to impede their compliance with any law, any provision of this code, or any other official policy governing court interpreting and translating.

**CANON 10: PROFESSIONAL DEVELOPMENT**

Interpreters shall continually strive to improve their skills and knowledge and advance the profession through activities such as professional training and education, and interaction with colleagues, and specialists in related fields.

## **WORKING WITH INTERPRETERS**

### **Prior to the Hearing**

1. Let the interpreter speak with the witness before trial. A witness from the Bronx in New York City speaks differently than a witness from southern Alabama. The same is true with speakers of foreign languages. Give the interpreter an opportunity to familiarize themselves with the witness's regional dialect, unique vocabulary, and any differences in pronunciation. This is also a good time to discuss any limitations in education or language.
2. Make sure the interpreter has no conflict of interest. Don't allow an interpreter with potential conflict.
3. Give the interpreter some context. What is the case about? Who are the parties? When did it happen? It's easier for the interpreter to properly translate if they have a little background information.
4. Create a vocabulary list. Will your witness be mentioning nicknames, street slang, repeating numbers (amounts of money, account numbers, phone numbers), or referring to unusual terms? Let the interpreter know in advance to minimize any risk of confusion.
5. Craft your questions with extra care. Eliminate double negatives, complicated terms, or other legal terms that are more likely to be misunderstood. Avoid slang.

### **What to Do While in the Hearing**

1. Speak directly to the witness, not to the interpreter. If you say, "Ask him who else was at the meeting," the interpreter won't translate, "Who else was at the meeting?" The interpreter will translate the equivalent of, "Ask him who else was at the meeting." The interpreter's role is to translate everything you say. Just pretend like the witness speaks English and speak directly to them.
2. Make sure the interpreter gets frequent breaks. It's not easy to listen intently, speak non-stop, and keep your brain performing at an optimum level for extended periods of time.
3. Speak loudly and clearly. Interpreters can't translate what they can't hear. Speaking with clarity is always important, but especially so when working with an interpreter. To ensure the interpreters hear everything that is said, position them where they can see and hear both you the speaker
4. Don't let two or three people talk at the same time. It's difficult enough to perform real-time translation for one person. Trying to translate what two or three people are saying at the same time is almost impossible. To avoid the problem, don't interrupt the witness, compete with the opposing lawyer, or talk while the judge is talking.

5. Watch your pacing. You can expect that the interpreter will be efficient at around 150-200 words per minute. At rates faster than that, the interpreter may not be able to keep up, and will interrupt the flow of your presentation. Speak at an even pace.
6. Be patient. Understand that the interpreter is translating thoughts and ideas, not just converting individual words from one language to another. Sometimes it takes longer to say something in another language than it does in English. Be patient, and give the interpreter a chance to translate.
7. Pause. Both you and your witnesses should pause to provide the interpreter an opportunity to catch up. However, make sure that you speak in logical, meaningful phrases. Unless you pause intelligently, it won't help. Don't pause every 10-15 words – pause at the end of a logical thought.
8. Let the interpreter signal to you when you need to pause. Tell the interpreter to raise their hands if they need you to pause, or use a “slow down” motion if you're speaking too fast.
9. Ask shorter questions and get shorter answers. The longer the witness's responses, the greater the chances that some of the details will be lost in the translation. It's obviously more difficult to remember a response that fills two pages of courtroom transcript than a reply that fills a single paragraph. Shorter questions will lead to shorter answers, allowing the interpreter to fully translate everything that is said without risk of omission or error. Give the interpreter permission to tell you or your witness to pause when your questions or answers grow too cumbersome for translation. Ask one question at a time.
10. The interpreter won't repeat or clarify non-verbal responses. If your witness says, “It was about this big” and holds his hands 6” apart, you need to describe for the record what the witness indicated. Some non-verbal actions have culture-specific meaning. If necessary, you should ask the witness what the non-verbal response means.
11. What to do about mistakes. Using an interpreter increases the risks of misunderstanding and miscommunication. If you think the witness has answered incorrectly, or that the witness didn't understand the interpreter, your best solution is to immediately follow up by rephrasing the question.
12. Allow the interpreter to take notes and use a dictionary during the hearing. Note any concerns regarding the quality of interpreting for the record. Don't simply address outside proceeding. Chances for appeal will be reduced.

## **STATUTES ABOUT THE USE OF INTERPRETERS**

### **CHAPTER 546 – CIVIL MATTERS**

546.42 Persons disabled in communication; interpreters.

546.43 Proceedings where interpreter appointed.

546.44 Qualified interpreter.

### **CHAPTER 611 – CRIMINAL MATTERS**

611.31 Disabled person.

611.32 Proceedings where interpreter appointed.

611.33 Qualified interpreter.

## **MINNESOTA RULES OF PRACTICE FOR THE DISTRICT COURTS**

### **RULE 8. INTERPRETERS**

Rule 8.01 Statewide Roster

Rule 8.02 Appointment

Rule 8.03 Disqualification from Proceeding

Rule 8.04 General Requirement for Court Interpretation Certification

Rule 8.05 Examination of Legal Interpreting Competency

Rule 8.06 Application for Certification

Rule 8.07 Appeal of Denial of Certification

Rule 8.08 Complaints and Investigation

Rule 8.09 Expenses and Fees

Rule 8.10 Continuing Education Requirements

Rule 8.11 Confidentiality of Records

Rule 8.12 Interpreters to Assist Jurors

## **RULES OF FAMILY COURT PROCEDURE**

### **RULE 358. COURT INTERPRETERS**

Rule 358.01 Appointment Mandatory

Rule 358.02 “Person Handicapped in Communication” Defined

## **RULES OF CIVIL PROCEDURE**

Rule 43.07 Interpreters

## **RULES OF CRIMINAL PROCEDURE**

Rule 26.03 Procedures During Trial