

Checklist to Review with Interpreters

Competency Issues

What kind of interpretation have they done before? Are they certified? What is language most comfortable in? How did they learn source and target language? Are there Dialect and accent issues? Can the interpreter translate documents that may be needed? Are there any issues of cultural/sociopolitical importance that would make the client suspicious of interpreter? Does gender matter? Ask client for feedback.

Depending on how much experience with legal interpreting, explain role and expectations as conduit, clarifier, and cultural broker. Do not assume that interpreters – even those professionally hired know all aspects of interpretation for law office practice.

Consider having interpreter sign an agreement that articulates roles and responsibilities especially if ad hoc interpreter

Role As conduit

Interpret in first person. “I was called a witch” vs. “She says she was called a witch.”

- Promotes a conversation between client and lawyer
- Client does not experience being objectified (remember that clients often understand some or almost all of what is being said in English)
- “I” is the accurate restatement of what client said rather than rephrasing
- Gives clients and lawyers practice for depositions and trials where “I” must be used.

Interpret everything exactly as it is said. Under no circumstances should interpreter summarize what either person has said. Interpreter should never change the question or the response in any way. If the interpreter knows the answer to the question, h/she should not answer it for the client. Interpret the question and then the response. Interpret word for word as much as possible to ensure with accurate meaning.

Interrupt if lawyer or client speak too long before you can interpret. Encourage interpreter to ask for breaks when concentration wanes.

Repeat mistakes. If one of the speakers makes a mistake, the interpreter should make the same mistake in the interpretation. If one of the speakers says a bad word or makes a grammar error, the interpreter must repeat that same word or the grammar error in their interpretation. Interpreters should not try to improve

upon any of the statements that are being interpreted. For example, do not make statements that change the politeness of the answers.

Important to get the same interpretation in the office that you will get in court or deposition

Legal terms and procedures - meet ahead of time and put client session in context. Explain terms and help interpreter thank ahead of time about how s/he will explain the terms to a client.

Role as Clarifier

Encourage interpreter to clarify or ask questions if s/he is unable to interpret because either lawyer's or client's words or meaning cannot be translated; explain that you know that

Concepts do not translate, dialect differences or other differences make client's vocabulary difficult to interpret, and lawyer's words are sometimes unknown

Interpret client's questions rather than answering them. When client asks a question of the interpreter, it should be translated or when the interpreter asks a question of lawyer - it should be interpreted. The lawyer may want to know that this clarifying is going on because you want to avoid needing this level of help at trial. Decide how much of this simultaneous explanation you want in the interview - e.g. the lawyer may want notice of clarifying for deposition prep but not for first interview.

Role of Cultural Broker

Explain client's culture. If the lawyer is doing something offensive or something that will be misinterpreted, the interpreter should be encouraged to tell the lawyer.

Provide Context. Sometimes the interpreter can explain culture that helps the lawyer understand the client's explanation. While ultimately the client may have to tell these facts, it may help initially when an interpreter tells lawyer about aspects of client's culture that may be influencing the interview. Like all other "side bar" conversations this one should be interpreted.

Confidentiality and Privacy

Review the rules of maintaining confidences and secrets that a lawyer and those who work with the lawyer owe to clients. Be very concrete about what level of privacy is required and alert the interpreter to make sure that phone calls are made from confidential space.

Time commitment

Check availability. Plan for future meetings and phone conversations.

Developed by Sue Bryant, CUNY School of Law, drawing from materials created by Carol Suzuki, Jerome N. Frank Legal Services Organization, The Yale Law School and the Legal Language Access Project, Oakland California.

See, McCaffrey, Angela, *Don't get lost in translation: Teaching Law Students To Work With Language Interpreters*, 6 Clin.L.Rev.347 (2000)