



**U.S. District Court for the District of Rhode Island  
Office of Interpreter Services  
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**I. USE OF COURT INTERPRETERS IN RHODE ISLAND FEDERAL COURT**

**A. General Guidelines**, taken from *Getting Started as a Federal Judge: An Administrative Guide to Assist New Judges During Their First Year on the Bench*, 1997 ed.:

“The Court Interpreters Act requires the presiding judge in a criminal case or in a civil case instituted by the government to use the services of a court interpreter when a party or witness speaks only or primarily a language other than English, or suffers from a hearing impairment. *See* 28 U.S.C. §§ 1827-1828. The statute provides that a judge must use the services of a “certified interpreter” who has been certified by the Administrative Office as qualified in a certain language. If a certified interpreter is not reasonably available, a judge may select an “otherwise qualified” interpreter using guidelines issued by the Administrative Office.

For all other types of proceedings, the parties must provide their own interpreting services.

At this time, interpreters have been certified in Spanish, Navajo, and Haitian Creole, and approximately 92% of interpreting needs are for the Spanish language.”

**B. Local policies regarding interpreter services in USDC for Rhode Island**

The U.S. District Court in Rhode Island has an Office of Interpreter Services with a staff interpreter position shared by two Spanish language court interpreters certified by the Administrative Office of the U.S. Courts. These interpreters cover as many interpreting events as possible, and are responsible for contracting with free lance interpreters for other languages and for any additional interpreting needs in Spanish. They maintain an up-to-date list of interpreters in the Rhode Island and Massachusetts area, which is made available to attorneys.

**In-court proceedings** – When a defendant in a criminal case needs an interpreter, it is the **responsibility of the Clerk’s Office** to contact the Office of Interpreter Services to secure the services of an interpreter at an in-court proceeding. However, **defense attorneys are responsible** for contacting the Office of Interpreter Services if an interpreter is needed for any of their **witnesses** or if the **defendant will testify through an interpreter**.

### **Out-of-court proceedings –**

- Attorney-client conferences* are covered by:
- the staff interpreter or other interpreter hired by the court, if they occur in the courthouse, before, during or after an in-court proceeding,
  - the staff interpreter, if available, or by a free lance interpreter paid under the Criminal Justice Act, when the attorney is court-appointed, if the conference occurs where the defendant is incarcerated,
  - free lance interpreters, when the attorney is retained

*Probation office visits, pretrial, and pre-sentence interviews* are covered by the staff interpreter or by a free lance interpreter hired by the U.S. Probation Office.

To obtain the names and telephone numbers of interpreters in the RI, Mass, CT area, you may contact our office at the numbers listed at the top of this document. If you are court-appointed to represent a defendant in a criminal case before our court, you may call those same numbers when you need the services of the staff interpreters.

### **C. Payment of interpreter services**

**In-court work:** Interpreters used in proceedings instituted by the U.S. are paid directly by the Court from funds allotted to the judiciary.

**Out-of-court work:** In criminal cases with court-appointed attorneys, interpreters used in attorney-client interviews are paid under the Criminal Justice Act.

## **II. RIGHT TO AN INTERPRETER IN A CRIMINAL PROSECUTION: THE CONCEPT OF “LINGUISTIC PRESENCE”**

- For a defendant to be assured his due process rights, all the information regarding his case should be available to him in a language he understands. In the case of some defendants, this is not possible without an interpreter. This issue has been perceived by some courts as an issue of “linguistic presence,” because “without an interpreter, many limited- or non-English-speaking persons are not legally present in the courtroom.” (González, Vásquez, Mikkelson, *Fundamentals of Court Interpretation*, Durham: Carolina Academic Press, 1991, p. 49)

The Court Interpreters Act of 1978, amended 1988, 28 U.S.C. §1827-1828, provides for the use of certified interpreters in judicial proceedings instituted by the United States.

## **III. THE WORK OF A COURT INTERPRETER**

“A court interpreter is a ‘language mediator’ or ‘language conduit’ whose presence and participation allow an individual who does not speak or understand English to meaningfully participate in the judicial proceeding. An interpreter conveys the meaning of a word or a group of words from a source language (e.g., Spanish) into the target language (e.g. English). ‘The proper role of the interpreter is to place the non-English-speaker, as closely as is linguistically possible, in the same situation as the English speaker in a legal setting.’ .... Therefore, an interpreter is not allowed to improve, edit, omit, add meaning or context to the word or words spoken. Colloquial expressions, obscene or crude language, slang, and cultured or scholarly language have to be conveyed in accordance with the usage of the speaker. Grabau, Charles M.

and Llewellyn Joseph Gibbons, *New England Law Review*, Winter 1996. (Footnotes omitted.)

**(A) GOAL OF COURT INTERPRETING: TO PROVIDE A “LEGAL EQUIVALENT”**

“The goal of court interpreting is to produce a legal equivalent ..., a linguistically true and legally appropriate interpretation of statements spoken or read in court, from the second language into English or vice versa. ... Instead of a summary, then, the court interpreter is required to interpret the original source material without editing, summarizing, deleting, or adding while conserving the language level, style, tone, and intent of the speaker or to render what may be termed the legal equivalence of the source message...” González, Vásquez, Mikkelson, *Fundamentals of Court Interpretation*, p. 16.

**(B) DEFINITIONS OF THE WORK PERFORMED BY A COURT INTERPRETER:**

**1. INTERPRETATION** – oral rendering from  $L_1$ , the source language, to  $L_2$ , the target language; difference between U.N. or conference interpreting and court interpreting

**a. Consecutive interpretation** – used during Q & A segments (e.g. direct and cross-examinations of witnesses, attorney-client conferences, interviews with probation officers, and plea hearings)

**b. Simultaneous interpretation** – what a defendant relies on at trials, suppression hearings, and bail hearings, among others, to be linguistically present and to have a meaningful participation at a court proceeding. Among the many types of discourse simultaneously interpreted for the defendant’s benefit are the following: the testimony of English-speaking witnesses, the voir dire of jurors, legal arguments by counsel, bench decisions rendered by the court, opening statements and closing arguments, jury instructions, jury questions during deliberations.

**2. SIGHT-TRANSLATION** -- oral rendition in the target language –  $L_2$  – of a document written in the source language –  $L_1$ .

**Note on summary interpretation:**

Summary interpretation is not looked well upon in the judicial setting because, as its name suggests, only the gist of the message is interpreted, and it is left up to the interpreter to decide what to include and what to leave out.

**Difference between interpretation and translation:**

Translation, which is the written rendering of a text from  $L_1$  to  $L_2$ , is not the same as interpreting. Although there are similarities, some skills are specific to each area of specialty. For instance, a translator must possess good writing and editing skills. Thus, translators and interpreters are not interchangeable, and while a few people can do both jobs well, not all interpreters are translators, or vice versa.

**IV . BASIC RULES OF THUMB FOR ATTORNEYS OR OTHERS, WHEN COMMUNICATING THROUGH AN INTERPRETER**

(A) Speak to the client, not to the interpreter. Instead of saying “Tell him that the judge will ask him ...”, phrase your comments as if the person understood you in English.

(B) Likewise, in direct or cross-examination of a witness, ask the questions directly of the witness, not of the interpreter.

(C) Be mindful of the educational level AND THE CULTURAL BACKGROUND of a client or a witness, when choosing the words you will use, as the interpreter is not allowed to change the register or level of language of the speaker.

(D) Do not ask the interpreter to meet with your client without you, for instance, to explain a plea offer. The interpreter can sight translate the plea agreement or interpret your explanation of it, but is not allowed to “explain” it or answer the questions that the defendant may have.

(E) If the interpreter asks you to slow down, because you are speaking too fast, what she or he is asking you to do is to make longer pauses between sentences, not to drag out every word.

(F) Refrain from asking for a word-for-word interpretation. Words are not the units (or “chunks”) of meaning interpreters work with. Sometimes the unit of meaning is indeed a word, but very often it is a whole phrase or part of a word. (This is easier to illustrate with idiomatic expressions: he was caught red-handed; he robs Peter to pay Paul; she gave him a piece of her mind; that kid is all thumbs.)

## **V. DUTIES AND ETHICAL RULES OF COURT INTERPRETERS**

1. To render a complete and accurate interpretation – verbatim, unedited, respectful of the record.
2. To remain impartial – appearance of neutrality, protocol.
3. To maintain confidentiality.
4. To limit himself or herself to the role of interpreting – refrain from offering advice or giving opinions.
5. To be prepared for a case, and to inform the parties if she is unable to perform as expected.
6. To maintain high standards of professional conduct.