



# Foundations of Court Interpreting Using a Sign Language Interpreter

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# Code of Professional Conduct

Registry of Interpreters for the Deaf (RID), along with the National Association of the Deaf (NAD), co-authored the ethical code of conduct for interpreters. Both organizations uphold high standards of professionalism and ethical conduct for interpreters. At the core of this code of conduct are the seven tenets, which are followed by guiding principles and illustrations.

The tenets are to be viewed holistically and as a guide to complete professional behavior. When in doubt, one should refer to the explicit language of the tenet.

## TENETS

- Interpreters adhere to standards of confidential communication.
- Interpreters possess the professional skills and knowledge required for the specific interpreting situation.
- Interpreters conduct themselves in a manner appropriate to the specific interpreting situation.
- Interpreters demonstrate respect for consumers.
- Interpreters demonstrate respect for colleagues, interns, and students of the profession.
- Interpreters maintain ethical business practices.
- Interpreters engage in professional development.

# South Dakota Administrative Rules

## ARTICLE 46:31 INTERPRETERS FOR THE DEAF

**46:31:06:01. Certification level required for medical, educational, or legal settings. Any individual registered and certified in South Dakota and holding a level III South Dakota certificate, level III NAD certificate, RID certificate, NIC, or a South Dakota provisional certificate, may interpret in all settings except for criminal proceedings or serious medical procedures as defined in § 46:31:06:02.**

**46:31:06:02. Certification level required for criminal proceedings or serious medical procedures. Any individual registered and certified in South Dakota and holding a level IV or V South Dakota certificate, level IV or V NAD certificate, NIC advanced or master level, RID certificate of interpretation or certificate of transliteration, RID combined certificate of interpretation and transliteration, or RID special certificate - legal, may provide interpreting services in the following areas:**

- (1) Any criminal proceeding, any interrogation by law enforcement which could result in a criminal charge, any arrest or booking at a police station, any meeting with a probation or parole officer, any meeting with an attorney relating to a potential criminal charge or proceeding, any deposition relating to a potential criminal charge or proceeding, and any grand jury proceeding; or
- (2) Any serious medical procedure which includes treatment of any health condition that may be life threatening or potentially life threatening, any surgical procedure, any medical examination other than routine, alcohol and drug, psychological, and psychiatric evaluation or treatment.



# Interpreters

## Proceedings Interpreter

- Officer/Agent of the Court
- Experts to the judge
- Interprets all proceedings
- All witness testimony
- For the Court's benefit

## Counsel table Interpreter

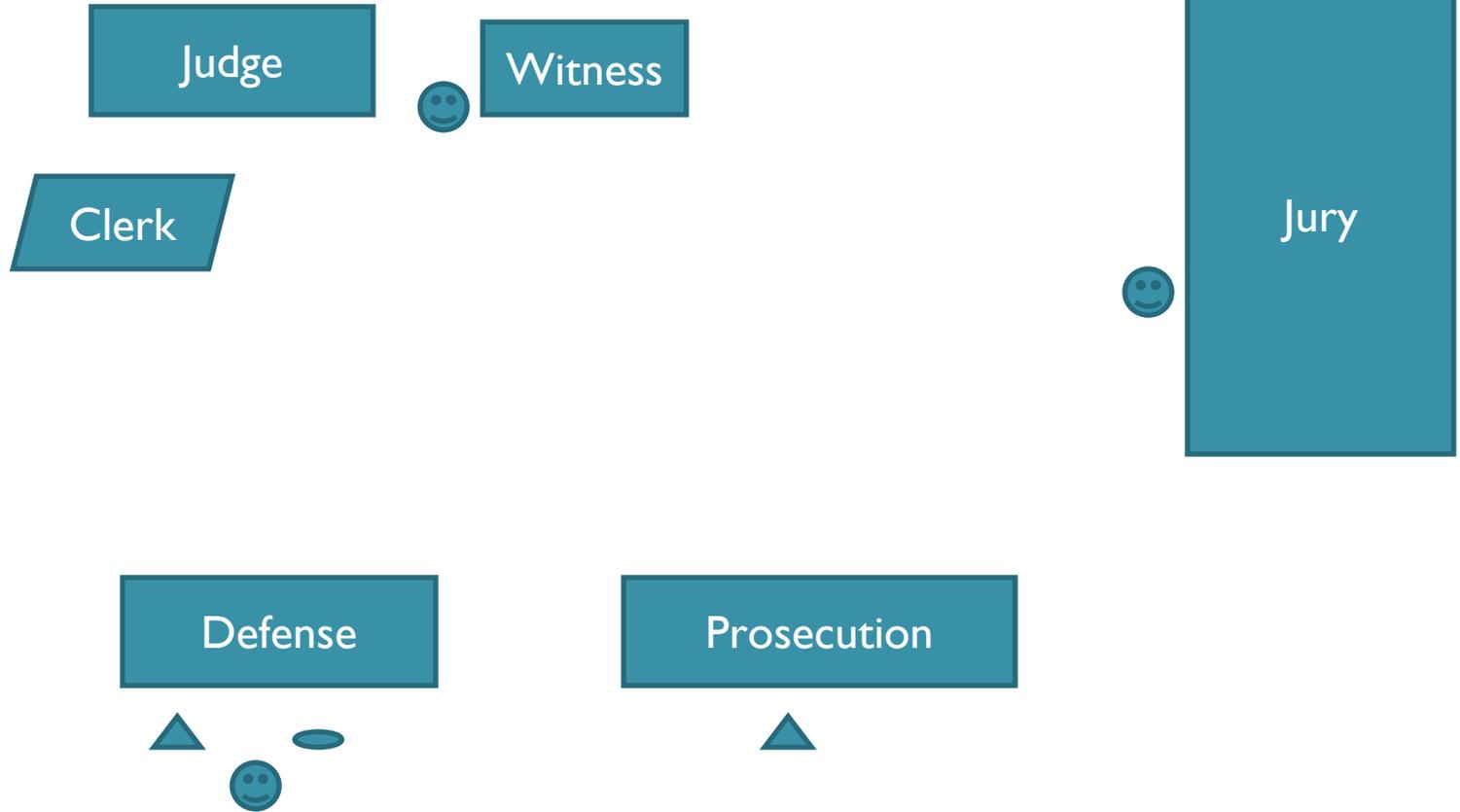
- Available for private conversations
- Monitors the Proceedings Interpreter
- Counsel team member—their expert

Proceeding and Counsel Table Interpreters should be colleagues to help ensure flow of information is accurate.

Certified Deaf Interpreters (CDI) are appropriate to use in cases when language is minimal or non-existent. They are able to provide a cultural interpretation and be an integral part of the interpreting process.

# Courtroom Set up

Triangle = Attorney, ☺ = Interpreter; Oval = Deaf





# Expectations Clear

- It is imperative that expectations of the interpreter from the Court and vice versa are articulated before the proceedings begin (IE: not interpret for gallery, how to ask for clarification, clear understanding of role of the interpreter, etc)
- Voir Dire for Interpreters to ensure no conflicts that might result in mis-trial or to share any disclosures



# Interpreter Preparation for the Courtroom

Preparing for a legal matter should be treated equally to how a Judge or Attorney prepare for their clients.

- Seeing evidence before hand to ensure accurate interpretation. ASL is very visual therefore how it is signed could mean the difference in a guilty vs. not guilty verdict (IE: dismemberment of body)
- Spelling of all names and locations that will be used will aid in accuracy
- Language of Jury Instructions reviewed ahead of time
  - Signed the whole case but didn't know true meaning until defined in jury instructions at the very end.

# ASL Visual Language

- Concepts in ASL take time to interpret
  - Caution taken not to “lead” the Deaf person
    - Weapon---no sign for that one word so we must fingerspell or sign gun, knife, etc
    - Guilty vs Not guilty (feeling vs. admission)
  - Interpreting the rights---need to be slow enough for people to understand
  - 1<sup>st</sup> person vs. 3<sup>rd</sup> person (tell him, ask him)

# Training in South Dakota

- Legal educators and Interpreters have come to South Dakota to provide training
  - Sue Washington-FRCC
  - Lynda Remmel--FRCC
  - Mock trial w/ Judge Reipel
  - Carla Mathers training in Minnesota
- On-going training and education in state (CEU's)
  - Need for training with attorneys, public defenders, judges, etc.
  - Potential to go to USD School of Law regarding mock trials (Interpreters learn and people graduating will learn too)—starting in October
  - 9:30 and 1:30 open court---observing
- Have tapes, books, etc but nothing is better than the real thing.
- 1995 CSUN provided intensive 3 month summer training—GRANTS available to do here in SD? (Judges, attorneys, etc) (limited to 8 Deaf, 8 hearing to provide exposure and practice)

# Handouts available

- Code of Professional Responsibility for Interpreters in the Minnesota State Court System
- Voir Dire For Interpreters
- Sign Language Communicator vs. Sign Language Interpreter
- Being Ignored Can be Bliss—How to Use A Sign Language Interpreter