

**Invitation to Comment**

Title	<i>Interpreter’s Duties—Civil Trials (For Noncertified and Nonregistered Interpreters</i> (new Administrative Office of the Courts form)
Summary	A new form, <i>Interpreter’s Duties—Civil Trials (for Noncertified and Nonregistered Interpreters)</i> , would be made available by the Administrative Office of the Courts for discretionary use by courts and judges to assist noncertified and nonregistered interpreters to understand their duties in providing translations in civil proceedings.
Source	Civil and Small Claims Advisory Committee Hon. Lee Smalley Edmon, Chair
Staff	Patrick O'Donnell, Committee Counsel, 415-865-7665, Patrick.o'donnell@jud.ca.gov
Discussion	<p>With relative frequency throughout the state, civil litigants who are not proficient in English and who are unable to hire certified or registered interpreters to assist them bring friends or family members to court to act as their interpreters. These unofficial interpreters may not have any training or experience in court procedures or interpreting in a legal context. Since civil litigants who are not proficient in English sometimes must rely on unofficial interpreters, the courts need to provide these interpreters with basic information about their special duties in the courtroom.</p> <p>The Civil and Small Claims Advisory Committee has developed an informational form for this purpose entitled <i>Interpreter’s Duties—Civil Trials (For Noncertified and Nonregistered Interpreters)</i>. The committee sent a draft of this form to the Court Interpreter Advisory Panel (CIAP). CIAP reviewed the form, proposed some modifications to the form, and supports its use for noncertified and nonregistered interpreters. The Civil and Small Claims Advisory Committee has reviewed CIAP’s suggestions and made further revisions to the form, incorporating CIAP’s suggestions as well as additional suggestions from committee members.</p> <p>The Judicial Council has previously adopted several forms relating to the appointment of noncertified interpreters. (See <i>Procedures and Guidelines to Appoint a Noncertified Interpreter in Criminal and Juvenile Dependency Proceedings</i> (form INT-100); <i>Qualifications of a Noncertified Interpreter</i> (form INT-110); and <i>Certification of Unavailability of Certified Interpreter</i> (form INT-120). These forms</p>

provide procedures, guidelines, and questions for the courts to use in appointing noncertified interpreters and certifying the unavailability of certified interpreters.

Unlike those previously adopted forms that concern the formal appointment of noncertified interpreters, the proposed new form would not be an official Judicial Council form; rather this form would be an Administrative Office of the Courts' form available to the courts for their discretionary use.

The new form would provide a set of basic instructions that courts and judges could give to noncertified interpreters in civil cases before they start to interpret testimony. The form is intended to assist these interpreters, including unofficial interpreters assisting litigants in small claims cases, so that they will better understand their responsibilities in providing interpretations. Hence, *Interpreter's Duties* should help to further the judicial branch goals of access and fairness and of ensuring the quality of justice to the public. Comments are invited on ways to make the form clearer and more effective.

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Attachment

## **INTERPRETER'S DUTIES—CIVIL TRIALS (FOR NONCERTIFIED AND NONREGISTERED INTERPRETERS)**

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Our court thanks you for agreeing to help us by serving as an interpreter of a foreign language in this case. The responsibilities you have undertaken as an interpreter in this trial are very important. The instructions below will help you fulfill your legal duties as an interpreter. Please read them carefully.

### **Fluency**

You must be able to understand, speak, and read both the language you are interpreting and the English language.

### **Interpreter's Oath or Affirmation**

You will be given an oath, swearing to interpret as completely and accurately as possible everything that is being said to the best of your ability. A willful violation of your oath or affirmation may subject you to criminal punishment.

### **Your Relationship to the Parties or Witnesses**

You must tell the judge of any relationship you have to any party or witness involved in the case.

### **Interpret Exactly, Request Clarification Promptly**

Do not summarize or try to explain what you believe a speaker is trying to say. Interpret only the exact words spoken by the speaker. If you are unsure of what was said by any person, stop interpreting and inform the judge that you need clarification before continuing.

When you speak to the court about an interpretation issue that must be brought to the judge's attention, please preface your statements with: "Your Honor, the interpreter [e.g., requests that the witness repeat herself . . .]."

Do not attempt to polish or improve the level of language used by the witness. Instead, simply repeat in English exactly what the witness says, even if the language includes slang or curse words.

### **Confidentiality**

The conversation between a party and his or her lawyer must remain confidential at all times.

### **Speak in the First Person**

When interpreting, speak as if you are the person speaking. For example, if the witness states: "I already paid that bill," you should interpret: "I already paid that bill." Your duty is simply to repeat everything that is said.

### **Remain Neutral**

You must not take sides or try to help one of the parties to win their case. Your role is solely to interpret everything that is being said as completely and accurately as possible. Do not discuss the proceedings with any party or witness until the matter has been concluded.

### **Ask the Person to Speak Slowly**

Ask the witness to speak slowly and pause after each sentence in order to allow you to interpret fully and accurately.

### **Interpret All Open Court Statements**

Interpret all statements made in open court, including objections. However, interpret discussions between the person you are interpreting for and his or her attorney in a low voice, so that others at the counsel table or courtroom will not be able to hear it.

### **Do Not Give Advice or Opinions**

Do not give advice or your opinion to anyone, including the person for whom you are interpreting.

**INTERPRETER'S DUTIES—CIVIL TRIALS  
(FOR NONCERTIFIED AND NONREGISTERED INTERPRETERS) (continued)**

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**Position Yourself Appropriately and Speak at an Appropriate Volume**

Position yourself near the person for whom you are interpreting but try not to block anyone's view of the judge, the jury, or the lawyers. When interpreting for a party at the counsel table, speak loudly enough for the party to hear you clearly but not at a volume that will interfere with the proceedings.

**If There Is a Problem, Tell the Judge Immediately**

Please advise the judge immediately if any of these situations occur:

- a. You believe you have made a mistake;
- b. You do not understand, or you forgot, any part of what is being said;
- c. The person for whom you are interpreting does not understand you;
- d. You do not know how to say something in English or in the language you're interpreting;
- e. The speaker is talking too fast or not pausing between sentences;
- f. You become tired and need a break; or
- g. You are having difficulty of any kind.

Again, thank you for your participation in helping the court provide non-English-speaking persons access to our justice system. If you are interested in becoming a certified court interpreter or a registered interpreter, please go to Web site [www.courtinfo.ca.gov/programs/courtinterpreters](http://www.courtinfo.ca.gov/programs/courtinterpreters) for information and an application.

Sincerely,

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Judge  
Superior Court of California, County of

## Item SPR07-14 Response Form

**Title:** *Interpreter's Duties—Civil Trials (For Noncertified and Nonregistered Interpreters (new Administrative Office of the Courts form)*

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Organization: \_\_\_\_\_

- Commenting on behalf of an organization**

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Please **write** or **fax** or **respond using the Internet** to:

**Address:** Ms. Camilla Kieliger,  
Judicial Council, 455 Golden Gate Avenue,  
San Francisco, CA 94102  
**Fax:** (415) 865-7664      **Attention:** Camilla Kieliger  
**Internet:** [www.courtinfo.ca.gov/invitationstocomment](http://www.courtinfo.ca.gov/invitationstocomment)

**DEADLINE FOR COMMENT:** 5:00 p.m., Wednesday, June 20, 2007

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council, the Rules and Projects Committee, or the Policy Coordination and Liaison Committee. All comments will become part of the public record of the council's action.*