

TIPS for LEGAL PROVIDERS on USING an INTERPRETER

The following tips are offered with the goal of assisting you in answering some typical questions people have about using interpreters.

CAN ANYONE WHO IS BILINGUAL INTERPRET WELL?

Legal interpreting is a highly skilled activity that differs greatly from the informal kinds of interpreting which often occurs in conversations between two people that do not speak the same language.

Informal interpreting often includes summaries, additions/deletions of information, and advocacy by the interpreter on behalf of one of the parties.

By contrast, *formal* legal interpreting usually consists of an exact and complete translation of all communication between two or more parties by a trained interpreter who acts purely as a conduit of information. In court settings, the interpreter may need to interpret *simultaneously*, which requires excellent memory and extremely high-level language skills. Therefore, competent interpreting requires more than simply bilingual language ability.

Because most interviews for legal assistance require exact and careful communication, it is recommended that you avoid the use of family members and friends in your work with clients.

HOW DO I KNOW WHETHER A PARTICULAR INTERPRETER IS QUALIFIED?

There are two things you can do to assess an interpreter's qualifications and skill:

- (1) *Ask about experience and education.* In general it is a good idea to ask the interpreter for his/her qualifications before the interview begins. Questions might include the following: years of experience with both English and the foreign language, years of formal training (in both languages), country and level of education (particularly for written translation skills), number of years and kind of interpreting experience (ask about the frequency and whether oral or written translation).
- (2) *Listen to the interpreter during the interview.* Even if you do not speak the client's language, by paying careful attention to the interpreter and the client you can pick up some important clues about the quality of the interpretation.

Signs of a trained interpreter:

- The interpreter speaks in the first person when interpreting the client's conversation ("I don't remember when I filed the papers."), rather than the second person. ("He doesn't remember when he filed the papers.")
- The interpreter takes notes during the conversation to ensure accuracy.
- The interpreter asks you or the client to pause when the sentence is at risk of becoming too long to interpret.
- The interpreter interprets responses from the client precisely even when the responses are incoherent or indicate stammering or nonsense. (This is especially important when you are trying to ascertain disability or competency of the client.)

Signs of lack of training:

- The interpreter appears to be summarizing information or giving a much shorter version of what the client is saying.
- The interpreter has "side bar" conversations with the client without explaining to you what these conversations are about.
- The interpreter's facial expressions or body language convey a lack of respect for the client.
- The interpreter repeats lengthy, detailed information without taking any notes to ensure accuracy.

If you do not believe the interpreter is qualified, or if your client seems uncomfortable with the interpreter, it is essential to try and find out what the problem is and correct it or locate another interpreter for a future interview.

B. HOW DO I USE THE INTERPRETER DURING THE INTERVIEW?

1. Explain the role of the interpreter.

Start off the interview by telling the client that the interpreter is present to interpret the client's conversation exactly and completely to ensure that you clearly understand each other. Remind the client to tell you if there is anything that he/she does not understand. Explain that all of the conversation is confidential. Ask the client and interpreter if they know one another. Ask whether there is any reason

which would make neutrality or confidentiality difficult. Finally, ask the interpreter to interpret everything that is said, exactly and completely, and to raise a hand to request a pause if either party is going on too long to make accurate and complete interpreting possible.

2. Structure the interview to facilitate communication.

- a. ***Find out how much English the client understands and can speak.*** (This does not mean giving the impression that you want the client to do his/her best to speak in English. If the client speaks some English, compliment him/her but explain that the interpreter is present to ensure that complicated language and communication can be fully understood.) Asking simple question such as “do you speak English” gives you an opportunity to speak directly to the client, which may help create trust at the outset of the interview.
- b. ***Talk directly to the client.*** Seat the client and the interpreter so that the client can look directly at you. The interpreter should be seated next to the client--and if possible, a little bit behind him/her--in order to encourage good eye contact between you and the client.
- c. ***Speak slowly and clearly, and pause after each sentence.*** Remember to allocate extra time since most interpreted interviews will take longer.
- d. ***Be aware of the possibility for misunderstandings arising from cultural and linguistic differences.*** One way to ask about this is to ask the interpreter either before or after the interview if there are any special cultural issues that might be barriers to communication. Be alert to cultural views about things like age, gender, authority and disagreement that could impede open communication.
- e. ***Before you conclude the interview make sure to discuss how you plan to communicate in the future.*** You might want to schedule another appointment. You also might want to have the interpreter give a written translation of any instructions to the client. Discuss both how the client can contact you and you can contact the client. Where possible, it is best to use the same interpreter for future communication. Discuss whether any other family members speak English so as to determine whether an interpreter is needed even for very simple tasks such as setting the next appointments.
- f. ***Ask the client if he/she has any questions.*** This is a good opportunity to make sure the client has understood your advice and questions. It is often helpful to restate the important parts of your advice in simple terms. Be sure

to look at the client and evaluate by his/her demeanor (sad, anxious, relieved, confused, etc.) whether you still need to clarify any information.

- g. ***Don't forget to ask whether the client wants all copies of your correspondence translated.*** As general rule most client communication should be translated. When deciding whether or not to translate communications with another party, take into account the client's wishes, the importance of the communication, whether the client will understand the translated version (because of legal terminology etc.) and whether or not you have summarized the communication to the client already. Written translations can be expensive, so practice being clear and concise!

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