

GUIDELINES FOR LAWYERS ON WORKING WITH INTERPRETERS IN COURT

Professor Sandra Hale,
Professor of Interpreting & Translation, UNSW

- If you have a say in the selection process, always give preference to the best qualified interpreters (preferably those with NAATI professional accreditation and formal interpreting qualifications, such as a Degree or TAFE diploma in Interpreting)
- Ask interpreters in advance if they have worked in court before. If not, explain their role: "To interpret everything faithfully and impartially in the first/second grammatical person"
- Brief the interpreter before the case and provide them with as much information as possible so they can adequately prepare
- Remember that interpreting faithfully does not mean interpreting 'literally' – word-for-word translations normally produce nonsensical renditions
- Do not object to interpreters' requests for repetition or clarification. It is a sign of a good interpreter to take such actions when needed, to ensure accuracy of interpretation
- Be aware of the interpreter's need for breaks at least every 45 minutes and other adequate working conditions, such as a chair and drinking water. (Interpreting requires a very high cognitive load and is mentally very taxing)
- Ensure that you and your witnesses speak clearly and at a reasonable pace. Pause after each complete concept to allow the interpreter to interpret
- If there is anything to be read out, provide the interpreter with a copy of it so s/he can follow. If it is a difficult text, give him or her time to read through it first
- Avoid any overlapping speech and do not interrupt the interpreter while s/he is interpreting
- Do not assume that the witness will understand legal jargon when interpreted into their language. Interpreters must interpret accurately, and cannot simplify the text or explain legal concepts. If there are no direct equivalents, the interpreter may ask for an explanation which can then be interpreted
- Interpreters are required to interpret vulgar language, including expletives
- Interpreters are required to interpret everything for the defendant or accused, to make them linguistically present. This includes the questions and answers during evidence, any objections, legal arguments and other witness testimonies. The consecutive mode will be used when interpreting questions and answers. The whispering simultaneous mode (AKA *chuchotage*) will be used for all other instances if the interpreter is trained in this mode.
- If anyone questions the interpreter's rendition, do not take their criticism at face value. Bilinguals who are not trained interpreters often overestimate their competence. If the interpreter's competence is seriously challenged, you may want to hire the services of an expert to check such allegations.