

Best Practices for Spoken Language Interpreting in Texas Courts

I. Introduction: Best Practices for Spoken Language Interpreting in Texas Courts

Best Practices for Spoken Language Interpreting complement the Code of Ethics, as well as laws regulating licensed court interpreters in the State of Texas. They act as guideposts by setting forth clear parameters for the delivery of quality interpretation services and by encouraging the highest standards of professional practice for interpreters in Texas Courts.

II. Applicability

Licensed court interpreters are specialized professionals who support the judicial process by providing language and communication services. All court interpreters, when sworn in and for the duration of the assignment, become officers of the court with the specific duty and responsibility of interpreting between English and other languages. As officers of the court, licensed court interpreters are expected to follow the Code of Ethics for Licensed Court Interpreters as well as the laws that regulate the practice of spoken language interpreting. Court interpreters impartially serve the interest of all participants in a legal proceeding requiring language mediation. In such proceedings, which may occur in courtrooms and outside of them, full communication is not possible without the court interpreter.

III. Best Practices for Spoken Language Interpreting in Texas Courts

The Best Practices for Spoken Language Interpreting provides guidance to court interpreters to provide quality interpretation service and reinforces compliance with complementary legal requirements in Texas Courts. The Best Practices for Spoken Language Interpreting specify the protocols that lead to the most accurate renditions for spoken language interpreters and are as follows:

1. ACCURACY AND COMPLETENESS

Court Interpreters must accurately and completely interpret the statement or response of the speaker even if the statements appear to be misstated, redundant, unresponsive, irrelevant, rude or profane.

Similarly, all interpretations must reflect the speaker's register, style, and tone without imitating the speaker nor adding gestures.

Court interpreters are to use the same grammatical person as the speaker. A court interpreter always communicates in the third person when referring to himself or herself.

The court interpreter uses the formal address as properly used in the foreign language.

The court interpreter, when necessary, will ask the court's permission to ask for clarification of a term or expression unknown to the interpreter.

If the non-English language speaker is interrupted by a party to the proceedings before the interpreter is able to start interpreting, the interpreter should continue rendering everything that was said for the benefit of the record in the interest of completeness.

2. REPRESENTATION OF QUALIFICATIONS

Interpreters should state their name and license number when taking their oath and be prepared to show their credentials, if requested. A court interpreter understands the differences between different types of credentials and does not perpetuate misunderstandings about said credentials.

3. IMPARTIALITY AND AVOIDANCE OF CONFLICTS OF INTEREST

Court interpreters must refrain from any conduct that may give an appearance of bias. Interpreters must immediately disclose to the Court and all parties any real, potential, or perceived conflicts of interest. Some examples may include friendships, prior associations, or prior services provided to any of the parties.

4. PROFESSIONAL DEMEANOR

A court interpreter must prepare thoroughly for all assignments. Preparations may include the review of case material such as the charges, police or other reports, criminal complaints or indictments, transcripts of interviews, motions, or any other documentation to be used in the case.

5. CONFIDENTIALITY

The court interpreter does not disclose privileged or confidential material or information acquired during an assignment or its preparation unless required to do so by law.

6. SCOPE OF PRACTICE

The court interpreter provides interpreting for all parties involved in a proceeding. As a best practice, the court interpreter refrains from exercising any other role or rendering any other service.

7. ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE

A court interpreter should be conscious of his or her level of fatigue, ability to concentrate, and mental and physical condition during legal proceedings. To avoid court interpreter fatigue and promote an accurate and complete court interpretation, the appointment of a team of at least two (2) interpreters is beneficial for legal proceedings which will require interpretation services for a period lasting longer than two (2) hours. A team working in tandem may alternate interpreting in 30-minute intervals and provide other assistance and support for each other. In the absence of a team, a court interpreter must be mindful of his or her physical and mental condition and must inform the court if, due to fatigue or other conditions, the court interpreter may not be able to provide accurate and complete interpretation.

The court interpreter should familiarize himself or herself with the speech pattern, cultural background, and/or native language proficiency of the individual as necessary.

The court interpreter must inform the court if he or she does not understand a statement to be interpreted. If there is a critical word, phrase, or concept which the court interpreter does not understand, the court interpreter must inform the court, at the appropriate time, so that the court may request an explanation, rephrasing, or repetition of the statement. The court interpreter may request time to research any unfamiliar word or concept.

The court interpreter must inform the court if it is impossible to interpret a word, phrase, or concept. If, during the taking of testimony, a speaker uses a word, phrase, or concept for which the court interpreter finds no appropriate linguistic or cultural equivalent in the target language, or if the court interpreter believes a word, phrase, or concept could be potentially ambiguous in translation, he or she must inform the court accordingly.

8. DUTY TO REPORT ETHICAL VIOLATIONS

The court interpreter should report any attempts to engage him or her in conduct that would be a violation of the code of ethics. Moreover, court interpreters who witness an ethical violation committed by another interpreter should report behavior or actions which compromise the integrity of the proceeding.

Ethical violations should be reported to the presiding judicial authority and to the Judicial Branch Certification Commission (JBCC) as soon as possible after the occurrence in question.

9. PROFESSIONAL DEVELOPMENT

In keeping with the JBCC continuing education requirements, the interpreter should seek meaningful continuing education opportunities to deepen his or her knowledge of the linguistic, ethical, and procedural domains needed to interpret effectively.

The court interpreter is a member of a profession that continues to evolve and the interpreter should be informed of those developments by maintaining membership in appropriate professional associations.