



# USING LANGUAGES IN LEGAL INTERPRETING

**EDITOR'S NOTE:** In this issue of *The Language Educator*, we continue our series of articles focusing on different career opportunities available to language professionals and exploring how students might prepare for these jobs. Here we look at different careers in the legal field.

BY PATTI KONING

Legal interpreting is one of the fastest growing fields for foreign language specialists. In fact, the profession is having a tough time keeping up with the demand for certified legal interpreters and translators, due to the increase in the number of individuals with limited English language skills in the United States, along with law enforcement efforts against undocumented foreign nationals.

Federal and state guidelines mandate that legal interpreters be provided for any speaker with limited English skills in a courtroom proceeding, court-ordered mediation, or other court-ordered programs such as diversion and anger management classes. This includes defendants, plaintiffs, witnesses, and parents of minors appearing in court. The cost of not doing so can be high for everyone involved. Miscommunications can have devastating consequences and many court cases have been overturned and appealed on language issues.

Annual salaries can go up to over \$60,000 for state-employed interpreters in Colorado, Connecticut, Massachusetts, New Jersey, and New York, according to a 2007 survey by the National Center for State Courts (NCSC). Entry-level incomes are typically around \$40,000 with a low of \$26,000 in Arkansas and a high of \$50,000 in Massachusetts.

Demand for less common languages in this field is on the rise. While interpreters in less common languages typically earn more per hour, the work tends to be sporadic. Salaries and work conditions vary greatly between states and court systems and most interpreters work as freelancers.

Many practicing legal interpreters find the field to be extremely rewarding, with the opportunity not only to practice language skills daily but also to serve the cause of justice. Isabel Framer, the former chair of the National Association of Judiciary Interpreters and Translators (NAJIT), says she has always been fascinated by the legal field and loves working with the public.

"This job gives me the opportunity to see all sides of a courtroom proceeding. A legal interpreter is a neutral party, but you are still providing a tremendous service to the community and to the court," she explains. "It's also a lot of fun. There is always something new—you are dealing with different people and issues constantly. It really keeps you on your toes."

That neutrality can pose a challenge for people new to the field. "If you interpret, that is the only role you can play. You aren't a social worker, friend, advocate, or advisor and that distance is something that has to be learned," explains Lois Feuerle, a NAJIT director. "Many people come with the impulse to help others, but that help must be limited to the purpose you've been engaged for. An interpreter's job is to put the client in a position they would be in if they were a native English speaker."

Legal interpreters work in a number of settings that extend well beyond trial proceedings in a courtroom. For a non-English speaking defendant, an interpreter is present for all attorney/client communication. Prosecutors use interpreters to interview witnesses and victims. Law enforcement agencies often use interpreters for questioning and investigations.

"The range of people you might be interpreting for is unlimited," says Wanda Romberger, manager of court interpreting services for NCSC. "It could be a judge or expert witness, or someone with little education who uses a lot of slang. Legal interpreters need to constantly increase their vocabulary on the high and low end of the register. So, to love this field, you need to love language. Interpreters are the people you see in the doctor's waiting room reading a magazine with a bilingual dictionary."

Curtis Draves, who has worked for the California court system for three years as a Spanish interpreter and serves on the board of directors of the California Federation of Interpreters (CFI), says "This

is not an easy job. It takes dedication and hard work, but it is immensely rewarding. What I do is good for society. I'm ensuring that people get equal protection under the law."

To Feuerle, who is a practicing German translator and interpreter, one of the biggest challenges—and greatest delights—of the profession is that language is not a finite set of words. "Continuing education is essential, but that does not necessarily mean sitting in a classroom," she says. "Watching a telenovela or reading the back of the cereal box can be homework. Keeping current and understanding localisms can make a huge difference in your professional abilities."

Translation is another key area of the legal field. A legal translator prepares written translations of documents related to court cases such as forensic reports, medical evaluations, extradition documents, contracts, and any other relevant documents. Translators also work on transcriptions of audio or video recordings.

## EDUCATION AND CERTIFICATION

Becoming a legal interpreter is not an easy path and the certification tests are considered quite challenging. "Being bilingual is not enough," says Frammer. "You need native-like fluency in both languages, knowledge of legal terminology, and the cognitive skills and ability to transfer words from one language to another."

The certification process, which varies from state to state, generally consists of a written test on basic legal terminology and ethics, and an oral exam that tests an interpreter's ability in the three modes of interpretation: simultaneous, consecutive, and sight translation. NAJIT offers its own certification (NAJITCE), which is accepted by 11 states: Colorado, Connecticut, Delaware, Hawaii, Iowa, Massachusetts, New York, Pennsylvania, Rhode Island, Texas, and Wisconsin.

NCSC serves as staff to the Consortium for Language Access in the Courts (formerly the Consortium for State Court Interpreter Certification), a multi-state partnership dedicated to developing court interpreter proficiency tests, making tests available to member states, and regulating the use of the tests. Forty states now belong to the consortium and full certification tests are available in 16 languages, including Cantonese, Korean, Mandarin, Russian, Somali, and Vietnamese.

The Administrative Office of the U.S. Courts provides the federal court interpreter examination in Spanish. For all other languages, interpreters are designated as either professionally qualified or language skilled based on professional experience and qualifications.

Certification tests are notoriously difficult to pass, in part because training in legal interpreting is not widely available. "The biggest disadvantage of this field is that certification came first and the education piece is really only coming into play now," says Wanda Romberger, manager of court interpreting services for NCSC. "The state courts had a critical need for interpreters so the Consortium's tests were implemented without an educational requirement. In the last five to 10 years, we have begun to see more dedicated courses and programs in legal interpreting."



*Legal interpreter Curtis Draves (center) with a public defender and parole officer in the courtroom.*

## A WEEK IN THE LIFE OF A LEGAL INTERPRETER

Curtis Draves works in the San Francisco Bay Area as a Spanish interpreter for the California state court system. Typically, his work falls into two general categories: high volume day-to-day business—quick hearings in which defendants are arraigned, attorneys confer with their clients, and plea bargains are discussed; and long cause hearings, which is anything that involves testimony or arguments, such as trials and motions. Because California only mandates court interpreters for criminal cases, he works on very few civil cases. Typical cases can include DUIs, petty theft, molestation, drugs, domestic violence, even murder. He also works at parental rights and juvenile hearings.

Draves works in Alameda County, which covers about 800 miles east of San Francisco and includes the cities of Berkeley and Oakland. He typically works in a different court each day of the week and occasionally two courts in one day.

"For state-employed interpreters in California, I'm in the middle in terms of the amount I travel," he says. "An interpreter in a dense urban setting such as Los Angeles might be assigned to a single courthouse, while an interpreter in the less-populated Central Valley would be traveling a lot more."

He likes to prepare for his interpreting assignments, but often there is little time. If he is interpreting on the witness stand, he will insist on a provisional interview with the witness. "You need to assess the speech pattern of the person you'll be interpreting and instruct them on how to work with an interpreter," he explains.

Draves uses a laptop loaded with glossaries and reference documents as a reference tool. In fact, he gave a talk at the last NAJIT conference titled *Your Laptop is Your New Best Friend: Digital Terminology Research*.

"Not all interpreters have embraced technology in the courtroom, but it can be a huge help with unusual or tricky words," he says. "There are even colloquial expressions in your native language that sometimes you have to think twice about what they mean."



An interpreting class at the College of Charleston. Soundproof booths can be seen in the background.

## A LEGAL RIGHT

The right to an interpreter is not explicitly stated in the U.S. Constitution, but according to NAJIT, “the individual rights and liberties afforded to all individuals under the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments are meaningless for non- or limited-English speakers unless they are provided with complete, competent, and accurate interpreting services.”

Nationally, the Court Interpreters Act was enacted in 1978. Title 28 USC §1827 is the federal law that establishes appointment and qualification procedures for interpreters in judicial proceedings instituted by the United States. The landmark case in judiciary interpretation is *United States ex rel Negrón v. New York* (1970). In *Negrón*, a Spanish-speaking defendant’s New York state murder conviction was overturned on constitutional grounds. *Negrón* had been provided only periodic summaries during breaks, rather than a complete, ongoing interpretation of his trial proceedings. His limited comprehension of the proceedings was found to be a violation of his due process rights.

It took Draves three tries to pass the California certification test, after having lived in Spanish-speaking countries and completing a Spanish/English interpretation certification program through San Francisco State University’s College of Extended Learning.

“People outside the field—and this includes attorneys—do not realize that interpreting is a set of skills that need to be learned beyond fluency in two languages,” he says. “You really need to go to school to learn to interpret.”

Currently, a handful of universities offer programs specific to legal interpretation (see the NAJIT and NCSC websites on p. 36 for a full list). Programs offered by Boston University’s Professional Education and San Francisco State University’s College of Extended Learning are typical certificate programs including a bilingual prerequisite, one to two years of coursework, and an internship. In many programs, faculty members are practicing state-certified court interpreters.

The College of Charleston in Charleston, South Carolina, offers the only master’s degree in bilingual legal interpreting. The program was founded in 1999 as a summer intensive for working professionals. Several students had attended courses in their hometown universities for two summer sessions and spent two summer sessions in Charleston. After observing that most students were in their early 20s and pre-career, the College of Charleston changed it to a year-long program with an internship requirement in which students spend 300 hours shadowing professional interpreters. Practicing interpreters have recently expressed interest in the original format of the master’s and the college may add it to its course offerings in the near future.

“The internship piece is really essential. It allows students to gain exposure to the daily activity of a courtroom, observing different types of cases, proceedings, and interactions with judges, attorneys, bailiffs, and other officers of the court,” says Gladys Matthews, the program director.

The Charleston program goes into more depth than typical certification programs, with courses on the U.S. legal system, court processes and procedures in both criminal and civil law, legal language, and translation. Graduates often go on to become educators in the field.

## ORGANIZATIONAL SUPPORT

NAJIT is the oldest and largest worldwide organization devoted to judiciary interpretation with approximately 1,300 members, most of whom are practicing judiciary interpreters and translators. The membership also includes attorneys, judges, PhD linguists, educators, researchers, students, administrators, and managers of non-profit community language bureaus and for-profit language agencies.

“Being a member of a national association is very important. Training events are comprised of numerous top expert trainers and speakers,” says Framer. “In addition, courts that require continuing education units for certification renewal will often automatically approve training events through a national association.”

NAJIT developed a code of ethics and standards by which its members are bound. “Our primary mission is to promote recognition of the profession and safeguard the interests of the profession,” says Feuerle. “A great deal of trust is placed in court interpreters—they have a tremendous responsibility. The code of ethics and standards guide and protect court interpreters in the course of their duties as well as protecting litigants, witnesses and the integrity of the entire legal process.”

NAJIT is very active in advocacy, such as support of S.702, the State Court Interpreters Grant Act, that would provide states with the funding to develop, implement, and expand state court interpreter programs. The organization's advocacy efforts also extend beyond U.S. courts. Last November, NAJIT went on the record opposing Secretary of Defense Robert Gates's ruling to bar Iraqi interpreters working for the U.S. government in Iraq from wearing masks to protect their identities from terrorists, a decision that was later rescinded.

NAJIT also provides a framework for mutual assistance and interchange, as reflected on the organization's active listserv. Discussions often cover terminology, unusual or challenging situations, and job notices for unusual languages. NAJIT publishes a quarterly newsletter, *Proteus*; Cybernews, automatic e-mail updates on training opportunities, meetings, and other matters of professional interest; and position papers on topics of critical interest to the profession such as telephone interpreting and team interpreting. Members can also take advantage of discounted disability and liability insurance, which many courts require of contractors.

## OTHER PROFESSIONAL GROUPS

Many legal interpreters belong to broader professional associations for interpreters and translators, such as the American Translators Association (ATA). Regional organizations are also an excellent resource for legal interpreters.

Framer says that financial considerations permitting, interpreters should try to belong to both a national and local association. "Regional associations provide a forum for interpreters living in the same state to network with one another and to keep up-to-date on local court rules and other issues associated with the profession. Training events can be less expensive since generally you do not have to travel too far," she explains.

The California Federation of Interpreters (CFI) is both a labor union for California state employees and a professional association for court interpreters. CFI provides its members with seminars and an annual conference, for which they earn continuing education credits. According to Draves, the biggest benefit for the freelance members is the referral directory.

While not a professional association, NCSC is also a tremendous resource for legal interpreters and translators. NCSC was founded in 1971 at the urging of Chief Justice of the Supreme Court Warren E. Burger. He envisioned NCSC as a clearinghouse for research and comparative data to support improvement in state court judicial administration. Today NCSC describes itself as a think tank, center for education, and a voice for state courts.

One of NCSC's biggest contributions to the profession was its involvement in the creation of the Consortium for Language Access in the Courts, a multi-state partnership dedicated to developing

## INTERPRETERS FOR THE DEAF

Many of the same policies and mandates that apply to language interpreters also apply to interpreters for the deaf and hard of hearing. The federal Americans with Disabilities Act requires state and local governments (including court systems and the police) to provide qualified interpreters. The codes of conduct and professional responsibilities of both types of interpreters are essentially the same: to remove the language barrier and enable equal access to the legal system. As with spoken language interpreting, the need for American Sign Language (ASL) interpreters far exceeds supply.

ASL interpreters typically work in pairs for most legal assignments. One actively interprets while the other interpreter watches to ensure accuracy of the interpretation. The process is alternated at appropriate intervals between the two interpreters.

If one of the parties to a court case is deaf, a third interpreter will sit at the counsel table as a member of the litigation team, interpreting privileged communications between attorney and client and monitoring the two proceedings interpreters for accuracy. This monitoring function enables counsel to interpose objections to the interpretation immediately to preserve the right to appeal based on a faulty interpretation.

To become an ASL interpreter, one must first become fluent. Many universities and community colleges offer programs in ASL and interpreter training. See the Discover Interpreting website, [www.discoverinterpreting.com](http://www.discoverinterpreting.com), for a list of programs and for more information on careers in interpreting for the deaf and hearing-impaired.

Candidates fluent in ASL must still learn the skills of interpreting and gain certification. The Registry of Interpreters for the Deaf (RID) offers specialist certification for legal interpreters. RID is a national membership organization representing the professionals who facilitate communication between people who are deaf or hard of hearing and people who can hear.

court interpreter proficiency tests, making tests available to member states, and regulating the use of the tests.

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## LEARN MORE ONLINE

American Translators Association  
[www.atanet.org](http://www.atanet.org)

Boston University Professional Education Certificate in  
Community, Legal, and Medical Interpreting  
[professional.bu.edu/cpe/interpreter-translator-overview.asp](http://professional.bu.edu/cpe/interpreter-translator-overview.asp)

California Federation of Interpreters  
[www.calinterpreters.org](http://www.calinterpreters.org)

College of Charleston Graduate Programs in  
Bilingual Interpreting  
[lcwa.cofc.edu/interpreting/](http://lcwa.cofc.edu/interpreting/)

Discover Interpreting  
[www.discoverinterpreting.com](http://www.discoverinterpreting.com)

Federal Court Interpreter Program  
[www.uscourts.gov/interpretprog/interp\\_prog.html](http://www.uscourts.gov/interpretprog/interp_prog.html)

National Association of Judiciary Interpreters  
and Translators  
[www.najit.org](http://www.najit.org)

National Center for State Courts, Court Interpretation  
[www.ncsconline.org/D\\_Research/CourtInterp.html](http://www.ncsconline.org/D_Research/CourtInterp.html)

Registry of Interpreters for the Deaf  
[www.rid.org](http://www.rid.org)

San Francisco State University, Spanish/English  
Interpretation  
[www.cel.sfsu.edu/interpretation](http://www.cel.sfsu.edu/interpretation)

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