

deference to authority. Instead, after conveying important information, ask the client to repeat in his or her own words what you have said. Then you will know what the client has actually understood.

DO NOT LEAVE THE CLIENT ALONE WITH THE INTERPRETER

Clients often feel an affinity with the interpreter, which can interfere with the attorney-client relationship, jeopardize attorney-client privilege, or lead to the interpreter's unauthorized practice of law. Attorneys should always be present to prevent any problems.

DO NOT ALLOW SIDE CONVERSATIONS

A common mistake occurs when interpreters start talking with the client "on the side." Do not allow it. Attorneys occasionally make side comments to interpreters, forgetting the role of the interpreter. Remember, an interpreter is required to interpret *everything* that is said.



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DO NOT ASK INTERPRETERS TO ACT AS LEGAL ASSISTANTS

Interpreters cannot independently explain forms, procedures, legal concepts, or fill out forms for clients. Attorneys must do these things, with the interpreter focusing on providing an accurate interpretation only.

MISUNDERSTANDINGS

Perhaps a legal term has caused confusion or there is a cultural barrier. It may be important for the interpreter to step in as *the interpreter* to point out the confusion so that you and the client can resolve it. It is up to the attorney to provide the solution to the problem once it is identified by the interpreter. Do not forget that cultural issues or the client's experiences may be causing confusion; explore all possibilities.

DEBRIEF THE INTERPRETER AFTER THE SESSION

Examine how the session could have been improved. Give the interpreter the opportunity to explain any issues that may have come up in the session.

C O M M U N I T Y

LEGAL INTERPRETER BANK



**Working with Interpreters
Outside of the Courtroom:
A Guide for Attorneys**

Language barriers can be overcome with the assistance of a trained interpreter. A few simple strategies and tips can simplify the process, improve accuracy, and ensure compliance with the attorney's ethical duties. The Community Legal Interpreter Bank is also training legal interpreters to follow these guidelines.

PLANNING AHEAD

UNDERSTAND YOUR ETHICAL DUTIES

The attorney is responsible for adequately training and supervising all non-legal assistants used in the course of representation, including interpreters. The attorney is also responsible for ensuring that the interpreter is qualified and will comply with ethical duties including confidentiality. A signed confidentiality agreement can assist in meeting these obligations.

SCHEDULE A PRE-SESSION WITH THE INTERPRETER

A pre-session (or pre-conference) is a meeting for the interpreter and attorney to review ground rules, position chairs, review relevant terms or documents, review the interpreter's qualifications, sign a confidentiality agreement, and discuss any cultural issues. Interpreters are not cultural experts,

Working with Interpreters Outside of the Courtroom: A Guide for Attorneys

but may be able to provide general information about cultural norms or differences in the legal system. The attorney should be sure to talk to the client directly to determine if these norms or issues are relevant to the client before relying on them.

ALLOW EXTRA TIME

Interpreters will perform consecutive interpreting during a private appointment (simultaneous interpretation is appropriate with large or mixed language groups), waiting until each speaker has finished before interpreting. This means that even basic communication will take twice as long as it would in English alone. In addition, the personal and legal circumstances of immigrants often require additional time to explain.

PROVIDE DOCUMENTS TO INTERPRETERS AHEAD OF TIME

If you plan to ask the interpreter to sight translate any documents during the session, or have any documents that summarize the issue that will be discussed during the session, provide them to the interpreter in advance so that s/he can review the document and research any unfamiliar terms before the session. Do not expect interpreters to sight translate long or highly technical documents; rather, plan to summarize them orally for the client and have the interpreter interpret your summary.

DURING THE SESSION

POSITION THE INTERPRETER AND CLIENT APPROPRIATELY

You should face the client. The interpreter should be to one side of the client, potentially a little behind (for spoken language interpreters only; ASL or Deaf interpreters will need to be able to clearly see all parties). This positioning emphasizes the key relationship: lawyer-client. It puts the interpreter in the background.

HAVE THE INTERPRETER WAIT IN YOUR OFFICE UNTIL THE CLIENT ARRIVES

Meet with the interpreter in your office, then together you can greet the client. This ensures that the interpreter is not left alone with the client.

TAKE TIME FOR INTRODUCTIONS

Professional interpreters generally have a standard introduction they use to: ensure everyone knows who they are and why they are there, determine that they can understand the client (and the client can understand them), and adjust to the register of the client and attorney.

DISCUSS CONFIDENTIALITY

In many countries, confidentiality is not the norm. Some clients will not speak freely unless you reassure them warmly about confidentiality. Showing them the confidentiality agreement signed by the interpreter may help.

SPEAK DIRECTLY TO THE CLIENT USING FIRST PERSON

Do not address the interpreter. Instead of saying, "Ask him when he arrived in the US," look at the client directly and ask: "When did you arrive in the US?" Using first person is faster, more direct and easier to interpret.

MAKE SURE THAT EVERYTHING IS INTERPRETED

The interpreter should *interpret everything that is said, omitting or adding nothing*. The interpreter will find the language with the equivalent meaning, but will not add her own opinions or observations nor omit offensive or nonresponsive comments.

SPEAK SLOWLY IN SHORT, SIMPLE SENTENCES

Encourage the interpreter to interrupt if one party speaks too long, to encourage accuracy. Avoid jargon and slang where possible. Keep everything clear and to the point. Explain legal terms in simple language. Ask one question at a time; if two questions are asked the first is often ignored.

CHECK FOR UNDERSTANDING

The attorney is always responsible for making sure that the client understands the information and questions. Do not ask the interpreter if the client understands, ask the client. If you ask a client, "Did you understand?" never assume that a nod or a smile (or even saying "yes") means that they understood. It may indicate respect or