Defense Attorney Checklist for Working with Court Interpreters

	What?	Why Important?
☐	Is the interpreter **certified or registered** by the AOC?	*Required by RCW 2.43.030. These are the most highly qualified interpreters in their language group, and are sworn to follow the GR 11 Code of Conduct. If the interpreter is not certified/registered, the judge must qualify him/her on the record, and administer an oath.*
☐	Have you informed your client that interpreters are required to maintain **confidentiality**?	*GR 11 requires interpreters to maintain confidentiality. Sometimes interpreters and clients live in the same community, so clients' awareness of the confidentiality rule can help ensure open communication.*
☐	Are you **adapting your language** to achieve more accurate interpretations?	*An interpreter can be more accurate if you take extra precautions in you communication choices – slow down, avoid slang and legalese, speak directly to your client and watch for their non-verbals, take pauses between ideas, and wait for others to finish before you begin.*
☐	Is the interpreter **prepared** - either **orally by you** or by **reviewing written documents**?	*Giving interpreters background information and context before a client meeting or court hearing will help them be accurate. For example, the interpreter can prepare for vocabulary challenges and prevent surprises.*
☐	Is the interpreter **refraining from side conversations** with the Defendant?	*While interpreted communications are confidential, one-on-one conversations aren't protected. If Defendants make incriminating statements in side conversations with interpreters, the interpreter may become a witness.*
☐	Watch for an interpreter **adding extra commentary or leaving things out**.	*GR 11 requires interpreters to be complete and accurate, and not summarize. While word-for-word interpretation isn't feasible due to language differences, the interpreter should interpret fully and completely from one language to another.*
☐	Does the interpreter **ask for repetition or clarification** when needed?	*This is a sign of a good interpreter committed to accuracy and completeness. GR 11 requires interpreters to seek such clarifications when they can't hear well or don't understand what is stated, even if it requires interrupting court proceedings.*
	At Trials, or Lengthy Hearings	
☐	Has the court hired **two interpreters** for **team interpreting**?	*Studies show that interpreter accuracy diminishes after 20-30 minutes of non-stop simultaneous interpreting. Team interpreters work collaboratively by taking turns and assisting each other with complex linguistic challenges. Team interpreting protects against errors and allows trials to flow at their natural pacing.*
☐	If exhibits include non-English documents, were they previously translated by **certified translators?**	*When non-English documents are entered as evidence, it is important to have them translated in advance by a certified translator. This process ensures better accuracy and reliability than on-the-spot written or oral translations in court.*
☐	Have non-English **audio recordings** (e.g. interviews, phone calls.) been previously **transcribed and translated**?	*Transcription/translation is a highly specialized skill, which requires multiple reviews based on audio quality, and research of terminology used. On-the-spot simultaneous interpreting in the courtroom will not provide the same degree of accuracy and reliability.*
☐	Has the interpreter received a copy of the **jury instructions** to review and prepare?	*Jury instructions are very challenging to interpret. They're long, and often read at a fast pace. The interpreting team will interpret more accurately if given a chance to review instructions in advance.*

For more information on interpreter rules and standards of practice, see Supreme Court General Rule 11, RCW Chapters 2.42 and 2.43, www.courts.wa.gov/interpreters, www.NAJIT.org, and www.NotisNet.org.