

GUIDELINES FOR PREPARING A SELF-REPRESENTED LITIGANT For Appearing through an Interpreter

The following guidelines are intended for interpreters to help Self-Represented Litigants go through a court appearance or interview smoothly without compromising their ethical requirements of neutrality remaining in their professional role. It is understood that there is seldom enough time to go thorough this entire list. However, by becoming familiar with the guidelines, an interpreter can become more aware of the issues that can arise in an SRL's mind and select those areas that can be covered under the circumstances.

INTRODUCTION	
Interpreter Name	My name is _____
Interpreter Qualifications and Role	I am a _____(<i>your language</i>) interpreter. Even though I am here at the request of _____ (<i>judge or other party assigning interpreter to case</i>), I have a duty to perform my work impartially, not for any one side. My job here today is to be faithfully communicate what you say here and what the parties say to you.
General Introduction	I would like to go over some information regarding working with an interpreter. You don't have to be concerned about remembering everything I say. This is just to make you familiar with the process.
SRL's Name	What is your name? How do you like to be addressed?
SRL's Language	Can I ask what is your country of origin? What is the language you are most comfortable communicating in?
SRL's Comprehension	Can you understand me well thus far in _____ ? How much, if any, English do you understand? Do you have any hearing problems?
SRL's Court Experience	Have you ever testified in court or in any hearings where you have been a sworn witness in the past?
SET-UP	

Proceeding Description	This is a _____. If you have any questions about what that means, or what you have been called her for, don't hesitate to ask the (<i>judge/person in charge of the case</i>).
Pre-Appearance Meeting with Others	The (<i>person in charge of the case</i>) may want to speak with you for a few minutes before we go into the courtroom. If so, I will interpret. <i>If you are aware that a third party will be there you can add that general information</i>).
Addressing Concerns	If you have any special needs, if there is anything that causes you any concern or fear, or if you have questions regarding confidentiality of what you may say here, please do not hesitate to ask the (<i>judge/person in charge of the case</i>).
Pre-Appearance Restrictions	Because my role is strictly defined, I cannot give you any legal advice.
Pre-Appearance Restrictions	Being here must not be easy for you and you no doubt have had some difficult experiences, but it is important that you not talk directly to me about the facts of the case. If you talk to me here, you may forget to mention something when you are asked later because you already spoke of it. Except for interpreting for you, I am not allowed to speak for you in court.
COURTROOM PROCESS	
Pre-Entry	You will be asked to wait outside the courtroom until the (<i>judge/person in charge of the case</i>) is ready to call on you.
Pre-Entry	If you are around certain other persons involved in this case, you may be advised that you are not to discuss anything about it with them.
Pre-Entry	(<i>If using wireless or other equipment</i>) To make sure that I can interpret everything for you without interfering with court staff, I will be using this transmitter and you will have this receiver and headset. Let's test it.
Pre-Entry	It may take a while before your case is called; I may not be in

	the courtroom throughout that time, but I will be here for you when it is necessary.
Pre-Entry	The (<i>judge/person in charge of the case</i>) may first explain what this process is to everyone in the audience. I will interpret that entirely for you. That may not be the time for you to ask questions, but the (<i>judge/person in charge of the case</i>) will let you know when you can.
Pre-Entry	When your case is called, you will be guided to the place where the (<i>judge/person in charge of the case</i>) will want you to be. I will stand/sit next to you.
If SRL will be witness	If you are giving testimony, you will be guided to the witness stand. I will stand/sit next to you.
Getting Started (if SRL is witness)	The judge's clerk, sitting next to the judge, will ask you to raise your hand and you will be sworn to tell the truth.
Getting Started (if SRL is witness)	You will then be asked to state your name. The clerk may ask you to spell part or all of your name. I usually take notes while I interpret, and I may write the letters of your name as you spell. We will then sit down.
Position of Parties (if SRL is witness)	From where you'll be sitting at the witness bench, the judge will be next to you in the center, the judge's clerk will be next to him/her, and (<i>if applicable</i>) court reporter will write down the proceedings. Other persons involved in the case will be seated at tables across from the judge. There is always a bailiff in the courtroom. If you fear any harm from someone in the court, you can tell him/her; I will interpret for you.
Position of Interpreter (if SRL is witness, and generally)	I will sit next to you, just a little behind your ear. You will be able to hear me interpret but this will help you remember to answer the person asking you the question, and not me.
INTERROGATION	
Questioning Process	The (<i>judge/person in charge of the case</i>) will begin by asking you questions. The judge may also take turns asking other parties questions. Please do not interrupt when they are being addressed or when they are answering.
Questioning Process - Repetitiveness	The (<i>judge/person in charge of the case</i>) may seem to repeat the same questions many times. This is one way they gradually get information. It could also be that they simply forgot, or are

	preoccupied with the next question and did not pay close attention. It does not necessarily mean they doubt your answer. I will interpret every question even if it's been asked before.
Questioning Process - Comprehension	Some questions may be confusing. It is important to let the (<i>judge/person in charge of the case</i>) know if you do not clearly understand a question. The question can be repeated or phrased in a different way.
Questioning Process - Use of "Does"	In some cases some parties are not referred to by their real names, to preserve their confidentiality. In English instead of by their names, they are referred to instead by "Jane/John Doe". It is considered a common name like ____ or _____. Please try to remember that the name "Jane/John Doe" refers to ____ and use that name, not the person's real name, when talking about her/him as well.
Questioning Process - Exhibits	The (<i>judge/person in charge of the case or other party</i>) may show you exhibits such as photos or documents that they will want you to look at or read. If they are documents in English, I may be asked to translate them for you if they are not complex or long. Just follow the (<i>judge/person in charge of the case</i>) instructions regarding exhibits.
Questioning Process - Demonstrations	Although it is best to describe what you mean with words, you may be asked to demonstrate something you have referred to by using your hands or referring to your body. If you gesture without giving a description in words, the (<i>judge/person in charge of the case</i>) will himself describe what you have indicated on the record. I will translate any such comments that are made.
Questioning Process - Large Exhibits	You may be asked to approach larger exhibits such as diagrams or maps and either point things out or mark on them. I will stand near you, but in a way that does not obstruct the view. Instead of interpreting consecutively, I may interpret simultaneously. That means my voice will overlap yours a little so that I can keep up with what you are demonstrating. It will help me if you speak a little slowly and pause as you speak so that my description is given at the same time that you are pointing.
RESPONSES	
Verbal Responses Desired	Since everything you say is being written down by a court reporter, it is important that you answer with words, not only sounds or gestures. I can't fill in words when none are spoken.

Non-verbal Responses	If you answer "Mmmhmm" or "Nnnhnnng," I cannot change that to "yes" or "no". I can only repeat the sound you make, which will probably remind you to answer "yes" or "no". If not, the judge or the attorney will ask you to answer with words.
Responses by means of Gestures	Similarly, if you answer non-verbally, by nodding or gestures without using words as well, I cannot imitate any of your gestures or comment on what your movements may have meant. The <i>(judge/person in charge of the case)</i> will ask you to say what you mean in words, or he may describe your gesture so that it can be included in the record. If the gesture could not be seen by the parties in the case, you may be asked to repeat it so that they can.
Responding in English	You may understand enough English so that you will tend to start answering some questions in English instead of in _____. You will be reminded to answer all the questions in the language you best understand. If that happens very frequently, you may be asked whether you would rather not have an interpreter and the judge will determine whether that is best.
Responding before Interpretation is Completed	You may understand enough English so that you will be inclined to answer some questions too soon. Please wait until I have completely interpreted each question from English into _____, before answering. If you forget, you will be reminded.
Additional Instructions	<p>The <i>(judge/person in charge of the case)</i> may give you more instructions about responding that don't specifically have to do with my role. I will interpret them for you.</p> <p><i>For interpreters' information, standard instructions <u>given by attorneys</u> include:</i></p> <p><i>(1) If you do not know the answer to a question, say that you don't know. If you don't remember, say you don't remember.</i></p> <p><i>(2) If you can answer a question "yes" or "no", do so. The questioning attorney will they ask more questions to get additional details.</i></p> <p><i>(3) You are not to speculate or guess, but if don't know the exact answer and you can give an approximation, say so.</i></p> <p><i>(4) If you answer something that was not asked you, you will be asked to stop. If you answer with more detail than was asked of you, that part can be stricken from the record.</i></p>

	<i>(5) You are only asked to state what you honestly know or remember.</i>
INTERPRETER'S ROLE	
Extraneous Dialogue	I have to interpret everything that is said during the case exactly as it is said, and I am not allowed to engage in any private dialogue with you unless the <i>(judge/person in charge of the case)</i> permits it to help me in my interpretation work. In that case I will ask him permission to clarify before I address you.
Extraneous Dialogue	It is understandable that you may want to say something to me that is not a direct answer to a question that was asked of you. Persons who have attorneys have the right to keep their comments to their attorney confidential. However, if you say something to me once the case is called, I will most likely have to translate it out loud for the court so that it does not appear that either of us is acting inappropriately.
Complete Interpretation	I must interpret everything that you say exactly as you say it, including, for instance, any hesitations or repetitions that you may make. Please understand that it is in no way meant to make fun of you; people express themselves in many ways and it is important that every element of your response be communicated.
Lengthy Answers	Since I want to be sure to accurately translate what you say, it would help for you to pause between phrases if you are giving a long answer. If you forget, I will help you by using this gesture [] to pause, and this gesture [] to continue.
Repetition of Answers	Because of stress, noises, or distractions in the courtroom, sometimes attorneys do not hear or pay attention to something that I interpreted. If that happens, either you can answer again, or <i>(if there is a court reporter)</i> your answer can be read back from the record, or I may be asked to repeat my interpretation of your testimony rather than having you to repeat your answer.
Acronyms and abbreviations	Parties in court often use names, abbreviations and acronyms, which I may have to keep in the original English. If you do not understand any such terms, do not hesitate to ask for clarification.
Interpreter Note-taking	From time to time you may see me write some things in my notebook. Be assured that these notes are only to help me keep

	track of things as I interpret and not for any other purpose that you would have to be concerned with.
Objections	<i>(For formal testimony when one side is represented by counsel:)</i> Sometimes the attorney for the other side will object to a question or to an answer. That is a signal for testimony to stop. The judge will decide if the objection is granted or denied. Since my work is to interpret everything that is on the record, if there is an objection, I will interpret that to you as well, but in a quiet voice.
Objections - legal terminology	The arguments during objections are often full of legal terminology that needs not concern you except that you are not to answer the question until the judge rules. Pause and wait for a cue from the judge, the attorney, or me before resuming.
Objections - if granted	If the objection is granted, you are not to answer that question any further. You will be instructed.
Objections - if overruled	If the objection is denied, you can go ahead and answer. You will be instructed.
Court Instruction on SRL's Answers	The court may instruct you regarding the way in which you are answering. For instance, the judge may tell you to answer a question directly instead of giving extra information, or to answer the attorney if you are turning to me to answer. Listen carefully to his/her comments and do as he/she directs.
Clarification	Sometimes I will have to clarify or correct something that has been interpreted. In that case you will hear me address the <i>(judge/person in charge of the case)</i> so that we can determine the best way to resolve the issue. I may ask you to repeat, clarify, or explain something you said. <i>(If the proceeding is being reported, add "and then I will explain that process so that it can be taken down by the court reporter.")</i>
Team Interpreting	I will be team interpreting with my co-worker, _____. We try to switch places discretely approximately every thirty minutes so that we are always at our most accurate when interpreting for you. The instructions I am giving you apply to my co-worker as well.
CLOSING	
Extended proceedings	The judge usually takes a break every 2 or 3 hours. However, if you need a break for any reason before then - if you are feeling physically uncomfortable or must compose yourself

	emotionally, it is perfectly appropriate to ask for one. I too, may ask for a break if I find it necessary to keep my concentration sharp.
Needs of SRLs.	If you need anything while in court, ask the (<i>judge/person in charge of the case</i>). You can be provided water, tissues, or a break and so forth. I will interpret for you.
Questions in absence of attorney	Remember that I said at the beginning that I cannot give you legal advice, nor can I do anything that might appear to be giving you legal advice. Since you are not represented by an attorney today, to be sure that everything is clear before you leave here today, it is very important that you communicate <u>any</u> questions that you have to the (<i>judge/person in charge of the case</i>). I will be sure to interpret them for you.
Closing	As you can see, each party in the process has his or her own role with the goal of providing as fair an outcome as possible.