

GETTING IT RIGHT BY DOING IT RIGHT: Mile Markers Along the Road Across the Linguistic Divide¹

- ☞ Share financial and planning resources with other organizations serving the same general population to keep cost down and avoid unnecessary costs and effort. Having three groups independently develop language assistance plans does not make the product three times better, but makes it more likely that you will, collectively, get it wrong.
- ☞ Become familiar with and take advantage of all the resources and technical assistance (often free) available through or provided by professional associations of interpreters and translators.²
- ☞ To ensure consistency in approach and implementation, develop a uniform working manual on interpreting and translating services for use throughout your agency or by all related agencies serving a common geographic area. Before final adoption, consider soliciting the comments and suggestions of professional interpreter organizations (e.g., National Association of Judiciary Interpreters and Translators, American Translators Association, National Council on Health Care Interpreting, etc.), and local and national representatives of language minority advocacy groups.
- ☞ Develop and implement a training program for staff on language services (with particular focus on ensuring competent interpreting and translating), ethics, certification standards, protocol and legal issues. After the development of a language assistance plan, a trained, knowledgeable staff is the next critical step towards effective, cost-effective language assistance.
- ☞ Become familiar with applicable statutes and policies of the major interpreter organizations on canon of ethics, professional responsibility, certification/testing standards, professional requirements, and procedures governing the use of interpreters. Consider incorporating these standards and policies as the foundation for your own internal language assistance plan.
- ☞ Often the language you need is not the language you know or for which you have certified interpreters. Identify the uncommon languages you are likely to encounter. Develop, with the assistance of groups such as NAJIT, SSTI (NAJIT's interpreter certification arm), the NSCS State Court Certification Consortium, and others, possible alternatives to formal certification programs to ensure interpreter competence.
- ☞ In all settings that implicate legal rights (e.g., investigative interviews, trials, administrative hearings, etc.) or involve confidential medical or personal information, contract interpreters of all languages should undergo criminal background checks.
- ☞ To ensure quality, generate and continually revise a list of the names and addresses of frequently used language agencies and certified or qualified contract interpreters and translators for a master list to make available to all agency components. For many languages and locations, an initial listing can be developed based on information available from NAJIT, ATA, local state and federal courts, NCSC State Court Certification Consortium States and other professional interpreting and translating organizations.
- ☞ Learn the characteristics of a quality language agency. They

¹ Handout based on information provided by Isabel Framer at the July 2003 meeting of the Federal Interagency LEP Working Group, Washington, D.C. Ms. Framer, a court-certified English/Spanish interpreter based in Ohio, is a nationally-known trainer and consultant to law enforcement offices, court systems, legal practitioners, and court interpreters on interpreter ethics, certification, and competency standards. She can be reached at isainterp@aol.com.

² See attached table.

- provide interpreter references and records of credentials to the client at all times;
- abide by the profession's standards, training and skills requirements;
- follow established law and/or standard procedures applicable to the particular client requesting interpreter and translating services.
- apply the same quality assurance requirements to both independent subcontractors and agency staff interpreters.
- Hiring independent contract interpreters and translators is often less expensive than hiring interpreters and translators through language agencies.

☞ Some language agencies do not qualify interpreters, and no such agencies certify interpreters. You may want to inquire as to the methods that an agency uses to screen candidates for language proficiency and/or if they provide training for court interpretation.

☞ Knowing the difference can often make the difference.

- Translation is the replacement of a written text from one language into an equivalent written text in another language.
- Interpretation is the oral translation of a language into another language.
- Both require different skills, training and knowledge.
- Learn how to identify the different modes of professional interpretation so you will know what to ask for and can assess what you are getting.
 - Simultaneous Interpretation-used during all court proceedings where the non-English speaking person is listening or for any non-English speaking party when the judge is speaking directly to that person without interruptions (e.g., trial, jury instructions, the judge is speaking to an officer of the court or any other person other than the defendant or witness, lengthy advisement of rights, and judges remarks to a defendant at sentencing.)
 - Consecutive Interpretation-used when a non-English speaking person is giving testimony or when the judge or officer of the court is communicating directly and is expecting responses. The consecutive mode is the mode used in settings outside of the court i.e. Interviews, probation, medical. interrogation, attorney/client etc.
 - Sight Translation-the oral translation of a written document into the target language. The interpreter must be given a few minutes to review the document before translating.

☞ Friends don't let friends interpret. Friends and family members should not be used to provide interpretation, specifically in a legal or quasi-legal setting. Friends and family members are not neutral parties, lack the requisite skill and training, and might have an interest in the outcome of the case adverse to that of the non-English speaker.

☞ Being bilingual is not sufficient for being a court interpreter or in other settings where what the non-English speaker says is critical. Court interpreting is a highly skilled profession that requires training, education, experience and knowledge of legal terminology in both languages and additional interpreting skills, note taking skills and good short-term memory.

☞ Identify the areas or types of interactions with non-English speakers where the need for accuracy demands competent interpretation. Develop solutions for ensuring language proficiency through testing for bilingual staff or through other methods.

☞ IF ALL ELSE FAILS, ASK YOURSELF, IF THIS WERE AN ENGLISH SPEAKER HOW WOULD I PROCEED IN THIS SITUATION? THE ANSWER YOU COME UP WITH SHOULD BE THE SAME ANSWER WHEN DEALING WITH A NON-ENGLISH OR LEP PERSON. JUST BECAUSE AN INTERPRETER IS PRESENT IS NO REASON TO DEVIATE FROM ANY STANDARD PROCEDURES ALREADY ESTABLISHED BY LAW OR BY THE PARTICULAR ORGANIZATION.

Interpreter Standards and Resources--Links

Organization/Resource	Link	Comments/Notes
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ORGANIZATION	The National Association of Judiciary Interpreters and Translators (NAJIT)	http://www.najit.org	Click on Proteus to view articles of interest
	Tennessee Association of Professional Interpreters and Translators (TAPIT)	Marvy Bacigalupo at: langservicesmhb@mindspring.com or Judith Kenigson- Kristy at judith@kristycomm.com	
	NATI: Nebraska Association for Translators & Interpreters	http://www.natihq.org/	
	Arizona Court Interpreters Association	http://www.aciaonline.org	
	Bay Area Court Interpreters (BACI), California	http://baci.org/	
	California Court Interpreters Association (CCIA)	http://www.ccia.org/	
	AIIC - International Association of Conference Interpreters (AIIC)	http://www.aiic.net/	
	American Translators Association	http://www.atanet.org/bin/view.pl/13653.html	
	Community and Court Interpreters of the Ohio Valley (CCIO)	http://www.ccio.org/	Click on resources to view canon of ethics. Click on newsletter to view articles of interest
	California Healthcare Interpreters Association	http://www.chia.ws/standards/draft_home.htm	
American Society for Testing and Materials	See www.astm.org or email service@astm.org or fax inquiry to 610-832-9555	The ASTM has published an industry standard for the interpretation field. Request <i>F2089-01 Standard Guide for Language Interpretation Services</i> .	
COURT	Ohio Supreme Court Racial Fairness Project	http://racialfairness.org/find_out_more.htm	Scroll down to interpreter services to view articles and case law on interpreters
	State Court Interpreter Programs	http://www.ncsc.dni.us/RESEARCH/INTERP/index.html	Scroll down to *Links to related pages* you will find a list of each individual NCSC Member State court interpreter program
	State Court Rules for Language Interpreters	http://www.ncsc.dni.us/is/MEMOS/S99-1242.htm	
	Federal District Court/S.D.N.Y. Interpreter Program	http://nysd.uscourts.gov/interp.htm	

	Rules Governing Licensed Court Interpreters	http://www.license.state.tx.us/COURT/RULES/Courtruleseffective-101801.htm	
	State of Missouri Administrative Rules	http://www.sos.state.mo.us/adrules/csr/current/4csr/4c232-3.pdf	
RESOURCES	Registry of Interpreters for the Deaf	http://www.rid.org/	
	What is Court Interpreting?	http://www.aiic.net/ViewPage.cfm/page239.htm	
	A Bibliography on Court & Legal Interpreting	http://www.aiic.net/ViewPage.cfm/article146.htm	
	Working With Interpreters	http://www.yillc.com/de/interp.htm	
	An Interpreter Checklist	http://www.nacdl.org/CHAMPION/ARTICLES/98jun03.htm	
	National Council on Health Care Interpreting	http://www.ncihc.org/Draft Code Ethics.pdf	

WHAT'S AVAILABLE FROM THE ELECTRONIC GRAPEVINE

A growing number of internet sites provide information and data that can assist program managers in assessing LEP populations, identifying possible language assistance providers, and developing reasonable need-based language assistance policies and procedures. Because of the dynamic nature of web-based information, no printed listing can be either exhaustive or completely current. Nonetheless, the following sites are a sample of some of the portals through which helpful LEP information, resources, and data can be obtained without cost.

U.S. Government Web Sites

General information on the federal LEP initiative, applicable civil rights laws and regulations, guidance documents, assessment tools, and similar documents is available at <http://www.lep.gov> and <http://www.usdoj.gov/crt/cor/13166.htm>. Both these sites are maintained by the Civil Rights Division of the U.S. Department of Justice.

To help associate numbers with places, tables and maps based on Census 2000 data (and other data sources) can be viewed, created, manipulated, and downloaded from the Census 2000 Mapping page at <http://factfinder.census.gov/servlet/BasicFactsServlet>, the Gateway to Census 2000 page at <http://www.census.gov/main/www/cen2000.html>, and the Census 2000 SF3 Report page (containing data on English language ability, ancestry, foreign-born populations, new immigrant populations, and other direct or indirect predictors of potential interactions with LEP populations) at <http://www.census.gov/Press-Release/www/2002/sumfile3.html>.

Non-Federal Web Sites

While the Department of Justice does not necessarily endorse and cannot verify their content, a growing number of web sites focus on the provision of language services or offer information which might be of interest to persons responsible for developing language assistance programs. For example, data that specifically focuses on immigration trends (including language ability) is available at <http://www.gcir.org/about/immigration/usmap.htm>. Several sites maintained by universities and national associations provide general background information about language policies, trends, techniques, resource providers, and suggested model policies and procedures. For a sample of the type of information available from these sources, see the Arizona State University site at <http://www.asu.edu/educ/epsil/lpru.htm>; the University of Southern California site at <http://www-rcf.usc.edu/~cmmr/Policy.html>; the American Translators Association site at <http://www.atanet.org/>; and the National Association of Judicial Interpreters and Translators site at <http://www.najit.org/>.

**For More Information/Documents On Title VI And Other Civil
Rights Provision Affecting Federal Financial Assistance**

Contact:

Merrily Friedlander, Chief
Coordination and Review Section
Civil Right Division
950 Pennsylvania Avenue, NW-NYA
Washington, D.C. 20530
(202) 307-2222

Or Visit COR's Website At:

<http://www.usdoj.gov/crt/cor>