

NATIONAL CLEARINGHOUSE OF REHABILITATION TRAINING MATERIALS, JULY 20, 2013.

SECRETS COURT INTERPRETERS SHOULD SHARE WITH DEAF LITIGANTS, JULY 20, 2013.

>> HELLO EVERYBODY.

MY NAME IS CARRIE WHITE, THE MARIE CENTER PROJECT COORDINATOR AND I WELCOME YOU TO OUR WEBINAR TODAY ENTITLED "SECRETS TO SHARE WITH DEAF PEOPLE ABOUT INTERPRETING IN COURT." PRESENTED BY CARLA MATHERS.

I HAVE SOME HOUSEKEEPING ITEMS I NEED TO GO OVER WITH YOU.

BEFORE WE GET STARTED AND AT THE END I WILL REPEAT SOME OF THE INFORMATION FOR THOSE WHO CAME IN LATE AND ALSO TO CLARIFY, IF YOU DIDN'T CATCH THE FIRST TIME.

CAPTIONING AND INTERPRETERS ARE PROVIDED.

THE STREAMING WINDOW OPENS AUTOMATICALLY.

THERE IS A TAB FOR THE AUDIO AND VISUAL ON THE FAR RIGHT.

CLICK ON THE BOTTOM CORNER AND THE MENU WILL DROP DOWN.

CLICK "DETACH PANEL," AND YOU CAN RESIZE THE VIDEO BOX.





AND AT THE END OF EACH TOPI

THE ONLY TIME THAT AN INTERPRETER ACTUALLY CANNOT BE FORCED OR SUBPOENAED TO SHARE INFORMATION ABOUT WHAT HAPPENED IN AN INTERPRETATIVE INTERACTION IS IF THE ASSIGNMENT IS PRIVILEGED AND IF THE DEAF PERSON DOES NOT WAIVE THAT PRIVILEGE. SO ANY TIME AN INTERPRETER IS WORKING IN AN NON-PRIVILEGED SETTING WHICH IS MOST OF THE TIME, UNLESS YOU ARE A MEDICAL INTERPRETER OR MENTAL HEALTH INTERPRETER, MOST OF THE TIME THE WORK THAT YOU DO IS NOT PRIVILEGED. SO ANY TIME WORKING IN A NON-PRIVILEGED SETTING THEY CAN BE FORCED TO DISCLOSE THAT INFORMATION; SO THAT IS THE KEY PRINCIPLE THAT NEEDS TO BE SHARED WITH THE DEAF COMMUNITY INSTEAD OF US TELLING THEM THAT WE'RE GOING TO KEEP ALL ASSIGNMENT-RELATED INFORMATION CONFIDENTIAL.

THERE ARE IMPORTANT ETHICAL -- EXCUSE ME, THERE ARE IMPORTANT EVIDENTIARY PURPOSES BEHIND WHY AN INTERPRETER NEEDS TO TESTIFY.

TO LAY THAT FOUNDATION FOR THE OFFICER THEN TO LATER COME IN AND TESTIFY. SO JUST BRIEFLY, BECAUSE NOW YOU KNOW THAT THIS RULE EXISTS, BUT IT'S ALSO IMPORTANT TO UNDERSTAND A LITTLE BIT BEHIND WHAT A "PRIVILEGED COMMUNICATION" IS AND WHEN IT APPLIES.

WE HAVE PRIVILEGES, BECAUSE A LAYPERSON IS GOING TO A PROFESSIONAL TO SEEK ADVICE AND WE NEED TO ENSURE THAT THE LAYPERSON THAT IF THEY REVEAL SOMETHING THAT IS EMBARRASSING OR ILLEGAL, FOR EXAMPLE, IF THEY ADMIT TO A CRIME, THAT THEY CAN FEEL CONFIDENT THAT THEIR COMMUNICATIONS WON'T BE REPEATED. SO IT ENCOURAGES TRUTHFUL AND FULLY FORTHCOMING DIALOGUE BETWEEN A PROFESSIONAL AND A LAYPERSON. SO PRIVILEGES ARE GOVERNED BY STATE LAW AND THERE ARE A FEW UNIVERSAL LIKE THE ATTORNEY-CLIENT PRIVILEGE, BUT THE REST OF THEM REALLY DEPEND ON YOUR STATE'S STATUTES AND MOSTLY WE HEARD ABOUT DOCTOR-PATIENT PRIVILEGES, PRIEST-PENITENT THEM

WAIVES IT. SO IF THOSE SET OF CIRCUMSTANCES DO NOT EXIST, THEN YOU ARE NOT INTERPRETING IN A PRIVILEGED SETTING AND YOU CAN BE SUBPOENAED TO TESTIFY AND BREACH COMMUNICATIONS. SO WHAT THAT MEANS IS A COUPLE OF THINGS.

ONE IS THAT EVERY SE

SO THE INTERPRETER REPEATS THAT CONFESSION TO THE OFFICER AND LATER, THE OFFICER GOES INTO COURT AND REPEA

IMPARTIALITY MEANS IS THERE ANY REASON THEY MIGHT SKEW THE INTERPRETATION IN FAVOR OF ONE SIDE OR THE OTHER? A GENERAL QUESTION AS TO THEIR QUALIFICATION AND THEIR CERTIFICATION.

WE THINK THAT AN INTERPRETATION IS MORE LIKELY TO BE ACCURATE IF THERE WAS SOMETHING IN THE SETTING, LIKE THE POLICE STATION, THAT IMPRESSED UPON THE INTERPRETER THE IMPORTANCE OF ACCURATELY INTERPRETING.

THAT COULD BE AN OATH OR WHAT WE CALL AN OATH SUBSTITUTE. SO NORMALLY THERE ISN'T AN ONLY IN THE POLICE STATION, BUT THERE MAY BE A DOCUMENT THAT THE INTERPRETER HAS TO SIGN THAT SAYS THEY INTERPRETED TO THE BEST OF THEIR ABILITY.

THAT WOULD MAKE IT MORE LIKELY THAT THE INTERPRETER WAS AN AGENT OF THE PARTIES AND THAT THE INTERPRETATION WAS AUTHENTIC.

AND FINALLY, PROBABLY MOST IMPORTANTLY, THE INTERPRETER HAS TO BE SUBJECT TO CROSS-EXAMINATION. SO THAT ONE SIDE OR THE OTHER CAN TEST THEIR REASONS OR THEIR MOTIVATION TO SKEW OR THEIR RELATIONSHIPS OR THEIR SKILLS.

THEY HAVE TO BE SUBJECT TO CROSS-EXAMINATION. SO WHILE WE OFTEN THINK I'M GETTING SUBPOENAED, THEY WANT ME TO TELL THEM ABOUT THE FOUNDATION, THEY ARE NOT REALLY ASKING ABOUT WHAT DID THE DEAF PERSON SAY?

THEY ARE REALLY ASKING ABOUT WHO ARE YOU? AND WHAT QUALIFIE



IF NOTHING APPEARS TO SHOW THAT THEIR RESPECTIVE RELATIONS TO THE INTERPRETER DIFFER, THEY MAY BE SAID TO CONSTITUTE HIM AS JOINT AGENT. SO IF NOTHING APPEARS TO SHOW THEIR RELATIONS TO THE INTERPRETER DIFFERS, WHAT THAT MEANS WE HAVE TO KNOW WHAT THEIR RELATIONSHIP WITH THE INTERPRETER IS. SO THEY AREN'T GOING TO TESTIFY TO THAT.

WE CALL THE INTERPRETERS TO THE STAND.

WE ASK THEM HOW THEY ARRIVED AT THE CASE? NOT DID THEY DRIVE OR HITCHHIKE, BUT WHO RETAINED THEM? AND WHETHER OR NOT THEY KNOW THE PARTIES? SO WE CAN SEE THAT NOTHING APPEARS TO SHOW THEIR RESPECTIVE RELATIONS TO THE INTERPRETER DIFFER. SO THE POINT: WHEN WE TELL DEAF PEOPLE THAT ALL ASSIGNMENT-RELATED INFORMATION WILL BE CONFIDENTIAL. IT'S JUST NOT TRUE AND WE SHOULD BE YELLING AND SCREAMING THE OPPOSITE AND WE SHOULD SAY IF WE KNOW WE'RE IN A NON-PRIVILEGED SETTING, DON'T TELL ME ANYTHING THAT YOU DON'T WANT REPEATED BECAUSE I COULD BE SUBPOENAED TO TESTIFY. SO I'M GOING TO MOVE ON TO COURT INTERPRETER ROLES AFTER I TAKE A MOMENT AND LOOK TO SEE WHETHER OR NOT YOU HAVE ANY QUESTIONS.

WE HAVE A QUESTION FROM AN ATTORNEY, CONGRATULATIONS CATHERINE AND SAYS YOU SAID THAT THE DEAF CLIENT WOULD HAVE TO WAIVE IT.

CAN YOU ADDRESS SITUATIONS IN WHICH PRIVILEGE CAN BE INADVERTENTLY WAIVED SUCH AS SOMEONE IN A HALLWAY HAPPENS TO OVERHEAR A CONVERSATION?

RIGHT.

THERE ARE LOTS OF WAYS TO INADVERTENTLY WAIVE PRIVILEGE.

IF THE THIRD PERSON IS PRESENT, SUCH AS IN THAT HALLWAY AND THEY OVERHEAR THE CONVERSATION, AND THAT CAN BREACH PRIVILEGE.

IN MY EXPERIENCE, I HAVE SEEN SOMETIMES EXPERT WITNESSES WILL BREACH PRIVILEGE, NOT REALIZING OR TRYING TO SHARE INFORMATION WITHOUT LETTING THE ATTORNEY KNOW.

I HAVE SEEN THAT HAPPEN.

EVEN --

HOW DO YOU EXPLAIN THAT IN COURT? THAT YOU PREVIOUSLY WORKED WITH THE DEAF PERSON IN OTHER ENVIRONMENTS?

RIGHT.

ONE OF THE THINGS THAT I TELL JUDGES WHEN I DO JUDGE TRAINING IS EXACTLY THAT, THE DEAF COMMUNITY IS VERY SMALL.

WE'RE NOT LIKE SPANISH INTERPRETER, YOU CAN ACTUALLY EXPECT THAT INTERPRETERS WILL HAVE PRIOR CONTACTS, WHETHER PROFESSIONAL, MEANING YOU INTERPRETED FOR SOMEONE OR PERSONAL, MEANING THAT YOU KNOW THEM.

THAT THEY SHOULD EXPECT THAT THEIR SIGN LANGUAGE INTERPRETERS WILL HAVE PRIOR CONTACT AND THEY WILL VOIR DIRE THEM.

IN THE EVENT THAT THEY DON'T, IT'S SIMPLE TO MAKE A DISCLOSURE BY SAYING AFTER THEY GIVE YOU THE OATH AND SAY MY NAME IS CARLA MATHERS AND FOR THE RECORD, I HAVE A PRIOR PROFESSIONAL CONTACT WITH THE DEFENDANT IN THIS MATTER.

THAT I DO NOT BELIEVE WILL AFFECT MY ABILITY TO INTERPRET MUTUALLY AND IMPARTIALLY IN THIS MATTER AND THEN LET THE JUDGE DECIDE WHAT TO DO, BUT YOU HAVE MADE YOUR RECORD.

WHICH IS YOU GOT IT DOWN IN THIS TRANSCRIPT THAT YOU HAVE MADE THIS DISCLOSURE.

AND THERE ARE CERTAIN KINDS OF CONFLICTS THAT OBVIOUSLY IF YOU KNOW THE DEAF PERSON SO WELL, THAT YOU DON'T TAKE THOSE JOBS.

BUT FOR THE MOST PART WE'RE DEFINITELY GOING TO KNOW THE PEOPLE THAT WE WORK WITH AND WE HAVE AN OBLIGATION TO DISCLOSE THAT.

JANET, IF THE QUESTION OF THE DEAF PERSON IN A POLICE STATION IS VIDEO RECORDED, DOES THAT PRECLUDE THE INTERPRETER FROM TESTIFYING? NO; BECAUSE THE VIDEO RECORDING DOESN'T ANSWER THE QUESTIONS ON THE SCREEN.

AND THE QUESTIONS ON THE SCREEN ARE THE REASON WHY YOU ARE BEING CALLED TO TESTIFY.

THE VIDEO IS MOST HELPFUL FOR THE EXPERT WITNESS WHO IS GOING TO REVIEW THE INTERPRETER'S BEHAVIOR, AND THE INTERPRETATION, AND TO GIVE AN UPON ON THAT AT A MOTION TO SUPPRESS.

GREAT.

OKAY.

GOOD QUESTIONS. SO BRIEFLY ONTO THE ROLE DIFFERENCES.

MOST OFTEN WHEN WE ARE HIRED TO WORK IN COURT, WE TAKE THE ROLE OF WHAT WE CALL "A PROCEEDINGS INTERPRETER." THAT INTERPRETER IS ALIGNED WITH THE COURT, AND IS CALLED AN OFFICER OF THE COURT.

THE DUTY OF LOYALTY THAT THAT INTERPRETER HAS IS TO PROTECT THE INTEGRITY OF THE INTERPRETED PROCEEDINGS.

THEY TAKE AN OATH TO ACCURATELY INTERPRET AND THEY INTE

AND INTERPRETING SERVICES AND YOU WANT THE SAME INTERPRETER AT A COLLEGE CLASS THROUGHOUT THE SEMESTER AND IN COURT THERE ARE TIMES WHEN THE RULES OF EVIDENCE OR THE RULES OF PROCEDURE REQUIRE A DIFFERENT INTERPRETER; FROM THE PERSON WHO DID THE LAW ENFORCEMENT TO THEN DO THE PROCEEDINGS. SO THIS EXPECTATION OF CONTINUITY THAT

THE OTHER IS THE PROTOCOL FOR INTERRUPTIONS. SO THAT IS WHEN INTERPRETERS ARE ACTIVELY INVOLVED IN THE PROCEEDINGS, BECAUSE THEY INTERRUPT THE COURT TO GET PERMISSION TO TALK DIRECTLY TO THE DEAF CONSUMER.

WHEN WE'RE OUTSIDE OF COURT, WE DON'T ASK ANYBODY'S PERMISSION TO TALK DIRECTLY TO THE DEAF PERSON.

WE JUST DO IT OR USE OUR FACIAL EXPRESSIONS TO GO "WHAT," AND WE GET A REPETITION. SO IN COURT, ALL OF THIS NEGOTIATION IS PROHIBITED.

AND WE NEED TO BE REALLY TRANSPARENT.

WE NEED TO TELL DEAF PEOPLE THAT.

AND DEMONSTRATE, AND SHOW THEM WHAT IT LOOKS LIKE.

YOU RAISE YOUR HAND AND YOU ASK FOR PERMISSION TO ASK THE DEAF PERSON TO REPEAT A SIGN OR SPELL A NAME SIGN AND FINALLY ANOTHER HUGE DIFFERENCE AND I THINK RUNS COUNTER TO THE EXPECTATION OF THE INTERPRETER AS A MEMBER OF THIS COMMUNITY IS THAT WE ARE NOT PERMITTED TO SHARE WHAT WE KNOW.

WE ARE GOING TO TALK ABOUT THIS MORE, BECAUSE IT'S DISCONCERTING ON A NUMBER OF LEVELS.

HOW MUCH INTERPRETERS REALLY FEEL THE NEED TO SHARE WITH A THEY KNOW ABOUT THE LEGAL SETTING WITH THE DEAF PEOPLE? AND THERE ARE STRICT PROHIBITIONS AGAINST DOING THAT IN THE COURT INTERPRETER CODE OF CONDUCT. SO I WANT TO DRILL-DOWN A LITTLE BIT INTO SOME OF THESE DIFFERENCES.

THERE IS A PERCEPTION DIFFERENCE AND WE CALL IT "APPEARANCE CONFLICTS," AND HOW WE ARE PERCEIVED IN WHAT WE DO.

I THINK OUTSIDE OF COURT, INTERPRETERS ARE OFTEN APPEAR OR PERCEIVED TO BE ALIGNED WITH THE DEAF PARTY.

THAT WE ARE THERE FOR THE DEAF PARTY.

WHETHER THAT IS ACCURATE OR NOT, THAT IS THE PERCEPTION OUT THERE.

SOME PEOPLE MAY EVEN FUNCTION UNDER THE PHILOSOPHY THAT PART OF THEIR DUTY IS TO ASSIST IN BALANCING OR EQUALIZING THESE INHERENT POWER IMBALANCES THAT THE DEAF COMMUNITY HAS FACED AS A RESULT OF BEING A MINORITY LANGUAGE AND CULTURE IN THE UNITED STATES AND THAT MAY BE THE INTERPRETER'S PHILOSOPHY AND THAT MAY BEAR OUT IN THE PERCEPTION OF HOW THE CONDUCT -- OF HOW THEY CONDUCT THEMSELVES. SO WE DON'T GREET DEAF PEOPLE IN THE TRADITIONAL MANNER THAT WE WOULD OUTSIDE OF COURT, BECAUSE THAT IS AN APPEARANCE CONFLICT.

WE DON'T WALK UP AND HUG THEM.

IT MAKES IT LOOK LIKE WE'RE ON THEIR SIDE AND WE HAVE AN UNDUE AFFILIATION FOR THEM.

WE ALSO DON'T GREET EACH OTHER IN THE TRADITIONAL MANNER THAT WE DO IN THE COMMUNITY.

WE DON'T HAVE THESE SIDE CONVERSATIONS WITH DEAF CONSUMERS WHEN WE ARE INTERPRETING.

AND WE DON'T HANG OUT WITH DEAF CONSUMERS BEFORE OR AFTER AN ASSIGNMENT, EXCEPT IN THE OFFICIAL DISCHARGE OF OUR DUTIES. SO THIS MAKES US, I THINK, PERCEIVED BY THE DEAF COMMUNITY TO BE MORE OUTSIDE AND LESS SUPPORTIVE AND LESS PART OF THE COMMUNITY THAN A COMMUNITY INTERPRETER WOULD.

AND BECAUSE THERE ARE IMPORTANT REASONS FOR MAINTAINING IMPARTIALITY IT'S IMPORTANT TO TALK THROUGH THESE WITH THE DEAF PERSON AND DEAF COMMUNITY. SO INTERPRETER INTERACTION WE'RE IN COURT TO OBTAIN REPETITIONS AND CLARIFICATIONS AND ASSERT OTHER NEEDS IS DIFFERENT.

WE'RE TAKING AN ACTIVE ROLE IN THE INTERACTION, WHEN WE ARE ASSERTED DEAF CONSCIOUSNESS. 46.3 530.71 TEF 01 0 0 1 7

THIS IS NOT INTERPRETED AND IT IS INTENDED TO BE PRIVATE.

IF THERE IS A TABLE INTERPRETER THERE, THAT INTERPRETER MIGHT BE ABLE TO CATCH THE DEAF PERSON UP, IF THE ATTORNEY GIVES PERMISSION.

BUT THE DEAF PERSON MAY BE THE WITNESS AND THE SIDE BAR MAY BE ABOUT THEIR TESTIMONY, IN WHICH CASE IT'S INTENDED TO BE PRIVATE FROM THE DEAF PERSON, BECAUSE THEY ARE A WITNESS. SO THE INTERPRETER WOULD NEVER GO TO A BENCH CONFERENCE AND THEN BACK TO THE WITNESS, THE DEAF WITNESS AND SAY OH, HERE IS WHAT WE JUST TALKED ABOUT.

THAT WOULD BE BAD.

AT THE SAME TIME, THIS IS QUITE AT ODDS WITH THE RID CODE.

WE'RE TO INTERPRET EVERYTHING; RIGHT? AND THAT IS WHAT WE TELL DEAF PEOPLE, WE'LL INTERPRET EVERYTHING.

WHEN, IN FACT, WE'RE NOT GOING TO INTERPRET THINGS LIKE BENCH CONFERENCES.

WE'RE NOT GOING TO INTERPRET WHEN WE TAKE THE OATH.

WE'RE NOT GOING TO INTERPRET WHEN WE'RE AN ACTIVE PARTICIPANT. SO WHY DON'T WE JUST SIM-COM? BECAUSE WE DON'T USE THAT TECHNIQUE IN COURT.

WE KNOW THAT THE RESEARCH THAT WE HAVE, WE KNOW THAT SIGNING AND TALKING AT THE SAME TIME IS INEFFECTIVE IN ONE LANGUAGE OR THE OTHER, AND USUALLY IT'S THE SIGN LANGUAGE THAT SUFFERS, ALTHOUGH I HAVE HEARD PEOPLE SPEAK WHEN THEY ARE SIGNING AND THE ENGLISH SUFFERS.

THE POINT IS THAT YOU CAN'T USE TWO LANGUAGES AT SAME TIME AND WHEN YOU SIGN AND TALK, YOUR SIM-COM IS NECESSARILY FOLLOWING ENGLISH. SO THE DEAF PERSON USING ASL WILL NOT BE IN THE SAME POSITION AS THE PERSON WHO IS LISTENING TO THE ENGLISH.

AND IF THE PURPOSE OF SIGNING AND TALKING AT THE SAME TIME IS TO PUT EVERYONE IN THE SAME POSITION, IT FAILS BY DEFINITION.

ADDITIONALLY, LEGAL INTERPRETERS HAVE GONE TO?

SOME EFFORT TO EXPLAIN THE DIFFERENCE BETWEEN AMERICAN SIGN LANGUAGE AND ENGLISH.

AND WHEN THE COURT SEES SOMEONE SIGNING AND TALKING AT THE SAME TIME, IT GIVES THIS IMPRESSION THAT ASL AND ENGLISH ARE THE SAME THING. SO IT SETS BAD PRECEDENT, TOO, FOR THE INTERPRETERS WHO UNDERSTAND THIS IS NOT AN EFFECTIVE TECHNIQUE AND DON'T USE IT WHILE INTERACTING. SO PROACTIVELY WE LET THE DEAF PERSON KNOW WE'RE NOT ALLOWED TO SIGN AND SPEAK AT THE SAME TIME AND THERE WILL BE INSTANCES WHERE IT DOESN'T GET INTERPRETED AND GIVE EXAMPLES. SOMETIMES, THE DEAF PERSON WILL ACTUALLY KNOW BEFORE THE UN-INTERPRETED INFORMATION HAPPENS.

YOU SAY TO THEM IN PREPARATION, WHEN I RAISE MY HAND, I AM PROMISING TO INTERPRET ACCURATELY AND THEY KNOW BEFORE YOU TAKE THE OATH, AS SOON AS THEY SEE YOUR HAND GO UP WHAT YOU ARE DOING.

RIGHT. SO LEGAL ADVICE IS KNOWLEDGE.

IT IS SHARING WHAT YOU KNOW AND WHAT YOU PREDICT MAY HAPPEN BASED UPON LEGAL TRAINING, AND EXPERTISE. SO INTERPRETERS WHO WORK IN COURT A LOT, OFTEN GAIN KNOWLEDGE OF THE SYSTEM, BUT THE KNOWLEDGE IS IMPERFECT AND EVEN WHEN IT'S PERFECT, IT IS UNETHICAL TO SHARE IT AND IN MANY PLACE IT'S CRIMINAL TO SHARE IT.

IT IS A CRIME TO GIVE LEGAL ADVICE WITHOUT HAVING A LICENSE AND IT'S NOT BECAUSE OF THE ATTORNEY MONOPOLY.

IT'S BECAUSE YOU REALLY DON'T KNOW WHAT YOU DON'T KNOW. SO THAT RUNS COUNTER TO



>> THE VERY LAST THING YOU WANT TO HAVE THE BASIS OF AN APPEAL BE IS "THAT IS WHAT THE INTERPRETER TOLD ME TO DO." WE DON'T WANT THE PERSON TO GO UP ON APPEAL AND SAY OH, I DID THAT BECAUSE THAT IS WHAT THE INTERPRETER TOLD ME TO DO. SO I THINK IT'S COMPLETELY APPROPRIATE TO -- IF THE DEAF PERSON ASKS YOU WHAT SHOULD I DO, TO OFFER TO FIND SOMEBODY TO ANSWER THAT QUESTION AND OFFER TO INTERPRETER THAT INTERACTION.

BUT YOU HAVE TO BE VERY, VERY CAREFUL ABOUT SHARING THE KNOWLEDGE IN A LEGAL SETTING.

I SEE A LOT OF QUESTIONS, BUT WE'RE GOING TO GET THROUGH THE NEXT SLIDE AND THEN I WILL BE HAPPY TO GO BACK AND TAKE A LOOK AT THEM.

BECAUSE THE NEXT SLIDE IS REALLY QUICK.

DEAF PEOPLE DON'T KNOW MUCH ABOUT THIS ROLE AND IT WOULD BEHOOVE US TO EXPLAIN IT TO THEM, SO THEY CAN EXPLAIN IT TO THEIR ATTORNEYS AND ADVOCATE FOR THEMSELVES BECAUSE HAVING A TABLE INTERPRETER PRESENT IN A CONTESTED CASE IS A VERY VALUABLE AND IMPORTANT ROLE FOR LITIGATION COUNSEL.

AND IT COMES BEST WHEN THAT EXPLANATION IS COMING FROM THEIR DEAF CLIENT, SO IT DOESN'T LOOK LIKE THE INTERPRETER IS TRYING TO JUST GET MORE JOBS FOR MORE INTERPRETERS. SO VERY QUICKLY, COUNSEL TABLE INTERPRETING IS A ROLE THAT IS ONE TYPE OF LEGAL INTERPRETING.

THAT INTERPRETERS INTERPRETS ALL THE PRIVILEGED COMMUNICATIONS.

IT'S A VERY DIFFERENT ROLE THAN THE PROCEEDINGS INTERPRETERS, BUT IT'S NOT AN ADVERSARIAL ROLE IN THE PROCEEDINGS INTERPRETER.

THIS PERSON IS HIRED BY COUNSEL AND INTERPRET ALL THE INFORMATION UP TO, AND DURING THE CASE AND INTERPRET ANY DEAF WITNESSES OR PARTIES.

DURING THE TRIAL, THE INTERPRETER SITS AT THE TABLE WITH THE COUNSEL, NOT ONLY TO INTERPRET, BUT TO WATCH THE PROCEEDINGS INTERPRETS TO MAKE SURE IT THEY ARE ACCURATELY INTERPRETING.

WHEN THERE IS AN SUBSTANTIVE ERROR, THEY INFORM COUNSEL AT THE TABLE.

IF COUNSEL DOESN'T MAKE AN IMMEDIATE OBJECTION, THEY WAIVE THAT RIGHT FOREVER.

THEY WAIVE THAT RIGHT FOREVER. SO IF THERE IS NO TABLE INTERPRETER THERE, THEY HAVE WAIVED ALL OF THEIR RIGHTS TO OBJECT TO ANY OF THE INTERPRETATION.

AND THAT IS HUGE.

THAT IS ONE OF THE KEY FACTORS THAT ANYBODY EXPLAINING THE NEED FOR TABLE INTERPRETER CAN USE TO CONVINCEN AN ATTORNEY TO HIRE ONE, BECAUSE ATTORNEYS ARE NATURALLY PARANOID ABOUT WAIVING RIGHTS. SO IF YOU TELL THEM, YOU ARE WAIVING YOUR RIGHT TO OBJECT TO THE ERRORS THAT WILL OCCUR, IT'S VERY LIKELY.

PARTICULARLY IF THAT IS COMING FROM THE CLIENT, THAT THE ATTORNEY WILL BE MORE ENTHUSED ABOUT HIRING A TABLE INTERPRETER.

AND THE INTERPRETERS ARE PART OF THEIR TEAM, WHO CAN ASSIST THEM IN A VARIETY OF WAYS WITH THEIR KNOWLEDGE AND SKILL.

AT THE SAME TIME, THIS PERSON SHOULD BE HIGHLY QUALIFIED AND BE PREPARED TO BE VOIR DIRE IN CASE THEY DO LET THE ATTORNEY KNOW OF A SUBSTANTIVE ERROR AND IN CASE THEY DO HAVE TO EXPLAIN TO THE COURT ON THE RECORD THE NATURE OF THAT ERROR.

THE COURT IS GOING TO WANT TO KNOW NATURALLY, WHO ARE YOU? AND WHO ARE YOU AND VIS-A-VIS, WHO ARE MY COURT INTERPRETERS? SO YOU HAVE TO BE QUALIFIED TO TAKE THIS ROLE.

BEFORE WE GO ON, I WILL TAKE A LOOK AT THE QUESTIONS AND IF PEOPLE HAVE OTHER QUESTIONS, FEEL FREE TO TYPE THEM NOW.

SARAH PATTERSON ASKED A QUESTION ABOUT UN-INTERPRETED INFORMATION AND WHETHER OR NOT THE REASON THAT INFORMATION IS UN-INTERPRETED AND THE INTERPRETER DOESN'T INTERPRET THAT IS THAT BECAUSE IT'S SCARCE RESOURCES OF INTERPRETERS?

NO, AND ACTUALLY, I DON'T HA



SIGHT TRANSLATION WORKS BOTH WAYS.

YOU MAY READ A DOMESTIC VIOLENCE PROTECTIVE ORDER AND SIGN IT TO THE DEAF PERSON.

THE PERSON MAY SIGN THEIR RESPONSES AND YOU WOULD FILL OUT THE FORM.

MY CAT IS COMING TO JOIN US, AGAIN.

CONSECUTIVE INTERPRETING AND NOTE -TAKING.

CONSECUTIVE INTERPRETING IS A TECHNIQUE WHERE THE INTERPRETER WAITS FOR THE SPEAKER TO FINISH, A SOURCE LANGUAGE MESSAGE BEFORE RENDERING IT IN THE TARGET LANGUAGE.

IN CONSECUTIVE INTERPRETING, INTERPRETERS USE NOTE-TAKING AS AN AID TO MEMORY.

AND THAT IT'S A CONCEPT THAT IS BECOMING MORE POPULAR IN THE LEGAL INTERPRETING FIELD, BUT HAS YET TO TAKE OFF, I THINK, AND GENERALLY ACCEPTED BY MANY LEGAL INTERPRETERS.

PEOPLE NEED A LOT MORE EXPERIENCE AND TRAINING ON HOW TO DO IT BEFORE THEY FEEL COMFORTABLE.

THE GOOD THING IS THAT IT'S EASY TO GET THAT EXPERIENCE AND TRAINING, SO PEOPLE CAN TAKE ADVANTAGE OF NOTE-TAKING TECHNIQUES WHILE THEY ARE DOING CONSECUTIVE INTERPRETING, WHICH IS USUALLY USED IN NON-ENGLISH-SPEAKING TESTIMONY, CONSECUTIVE INTERPRETING.

IT'S CRITICAL TO EXPLAIN AHEAD OF TIME TO THE DEAF PERSON, BECAUSE FOLKS AREN'T USED TO IT.

THIS FIELD FOR SOME REASON HAS ALWAYS STARTED WITH SIMULTANEOUS INTERPRETING AND NOT REALLY GOT BACK TO ACCEPTING THAT CONSECUTIVE INTERPRETING

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YOU NEED TO TALK TO YOUR TEAM ABOUT HOW YOU ARE GOING TO BE USING THEM, WHETHER YOU ARE BOTH GOING TO USE THEM.

WHEN YOU ARE INTERPRETING FROM ENGLISH, MAYBE YOUR TEAM IS THE ONE TAKING NOTES.

TALK TO YOUR TEAM ABOUT WHAT YOU NEED NOTES TAKEN ON, WHETHER IT'S WORDS OR NUMBERS.

YOU HAVE TO HAVE A SYSTEM IN PLACE.

AND ALSO, YOU WANT TO REASSURE THE DEAF PERSON THAT YOU WILL DESTROY THE NOTES. SO THAT YOU WILL DESTROY THE NOTES AND NOT KEEP THEM.

AND YOU MAY WANT TO TAKE A MOMENT DURING PREPARATION TO DEMONSTRATE THAT.

SIMULTANEOUS INTERPRETING IS A TECHNIQUE IS USED IN MANY LEGAL SETTINGS AND PRETTY MUCH THE DEAF PERSON ISN'T A DIRECT PARTICIPANT IN THE INTERACTION. SO INITIAL APPEARANCES.

JURY SELECTION.

OPENING STATEMENTS.

MOTIONS, OBJECTIONS, THAT KIND OF THING.

I THINK DEAF PEOPLE ARE PRETTY MUCH -- THERE IS NOT A LOT YOU NEED TO EXPLAIN TO THEM ABOUT SIMULTANEOUS INTERPRETATION EXCEPT TO USE IT AS A COMPARISON TO CONSECUTIVE.

SUMMARY INTERPRETING IS AN INCOMPLETE RENDITION OF THE MAIN IDEAS OR ACTION. IT'S NOT A MODE THAT IS USED AFTER THE CASE IS CALLED IN COURT.

IT HAS A VERY IMPORTANT ROLE TO BE USED PRIOR TO A PROCEEDING, WHILE YOU ARE WAITING FOR THE CASE AND GOING THROUGH THE DOCKET AND WAITING FOR YOUR CASE TO BE CALLED.

I SAY IT'S CRITICAL, BECAUSE RECENTLY I HAVE SPOKEN TO PEOPLE AT THE RID WHO RECEIVED GRIEVANCES THAT INTERPRETERS AREN'T ACCURATELY AND COMPLETELY INTERPRETING EVERYTHING BECAUSE THEY REFUSED TO INTERPRET THE PROCEEDINGS UP UNTIL THE DEAF PERSON'S CASE IS CALLED.

AND YOU KNOW, THERE IS TRUTH IN THE FACT IT MAY BE A COUPLE OF HOURS BEFORE THE DEAF PERSON'S CASE IS CALLED AND IF THERE IS ONLY ONE INTERPRETER THERE, WHICH IS REASONABLE, FOR A FIVE-MINUTE TRAFFIC CASE, THE COURT IS NOT GOING TO AND SHOULD NOT BE REQUIRED TO HIRE TWO INTERPRETERS. SO YOU HAVE ONE INTERPRETER AND IF THEY ARE INTERPRETING EVERYTHING UP UNTIL THE TIME THE CASE IS CALLED, THEN THE ACCURACY MAY SUFFER FOR THE ACTUAL CASE.

AT SAME TIME, THE DEAF PERSON AND THE COURT -- WELL, START WITH THE DEAF PERSON.

THE DEAF PERSON THINKS IT'S COMPLETELY UNFAIR AND FEEL LEFT OUT.

PEOPLE WHO USE SPOKEN LANGUAGE INTERPRETERS OFTEN ARE BILINGUAL AND HAVE SOME KIND OF UNDERSTANDING OF WHAT IS GOING ON PRIOR TO THE CASE.

THAT MAY NOT BE THE CASE WITH DEAF PEOPLE. SO THE COURTS, THE COURTS HAVE AN OBLIGATION TO PROVIDE A REASONABLE ACCOMMODATION.

IF THEY ARE PROVIDING A SIGN LANGUAGE INTERPRETER AND IF THE INTERPRETER REFUSES TO INTERPRET AT ALL FOR THAT ANYTHING UP UNTIL THE CASE IS CALLED, THEN THE COURT HAS EXPOSURE TO LIABILITY EVEN THOUGH THEY DID WHAT THEY ARE SUPPOSED TO DO, BY PROVIDING AN INTERPRET.

THE EXPOSURE TO LIABILITY CAME FROM THE DECISION THAT THE INTERPRETER MADE NOT TO INTERPRET UP TO THE TIME THAT THE PERSON'S CASE IS CALLED. SO ALL I CAN SAY ABO

>> TWO DIFFERENT THINGS, THE DEPOSITION INTERPRETER, THE INTERPRETING THE QUESTIONS AND ANSWERS, SO THE DEPOSITION INTERPRETER IS A PROCEEDINGS INTERPRETER AND THAT PERSON CAN BE A TABLE INTERPRETER, BUT CANNOT GO BACK TO INTERPRETING THE PROCEEDINGS.

THE SECOND PART OF YOUR QUESTION IS INTERPRETERS USED DURING AN ATTORNEY CONSULTATION, WHICH I ASSUME WOULD TAKE PLACE AT A LAW OFFICE AND THAT INTERPRETER IS, IN FACT, THE TABLE INTERPRET? YES, THAT PERSON DEFINITELY CAN AND SHOULD BE THE TABLE INTERPRETER DURING THE PROCEEDING.

THAT PREFERENCE FOR CONTINUITY THAT WE SEE OUTSIDE OF COURT, THAT GETS SOMETIMES MESSED UP DURING COURT, HERE IS A PLACE IT'S REALLY CONTINUITY AND CONSISTENCY IN INTERPRETING IS REALLY IMPORTANT.

THE INTERPRETER IS DOING ALL THE BACKGROUND CONSULTATION SHOULD BE THE PERSON SITTING IN COURTROOM MONITORING BECAUSE THAT INTERPRET HAS THE MOST INFORMATION ABOUT THE CASE AND CAN ACTUALLY TELL WHEN AN ERROR IS BEING MADE AND IF THAT ERROR IS IMPORTANT ENOUGH TO TAKE ANY KIND OF STEPS. SO GOOD QUESTION.

PERCY, SIGHT TRANSLATION.

PERCY SAYS IN REGARDS TO SIGHT TRANSLATION, WHAT TO DO WHEN A DEAF PERSON IS FLUENT, BUT WOULD NEED CLARIFY CASE OF SOME PHRASES IN LEGALESE? AND THEN I KNOW THERE WAS A SECOND PART TO THIS QUESTION.

MAYBE FLUENT IS THE WRONG WAY TO EXPLAIN IT, BUT SOMETIMES THE DEAF PERSON WOULD LIKE TO READ THE DOCUMENT FIRST AND THEN REQUEST INTERPRETATION OF CERTAIN BLURBS IN THE DOCUMENT. WHAT WOULD AN INTERPRETER DO IN THIS SITUATION? IT'S A GOOD QUESTION, PERCY.

AND AGAIN, THERE IS A FINE LINE BETWEEN GIVING LEGAL ADVICE AND DOING AN INTERPRETATION.

AND IF I LOOKED AT THE DOCUMENT AND THE PERSON SAYS I DON'T UNDERSTAND THE PHRASE "EQUITABLE ESTOPPEL." IF I KNEW HOW TO INTERPRET THAT, I WOULD OKAY, BUT IF I DIDN'T KNOW HOW TO INTERPRET THAT THEN I WOULD HAVE TO SUGGEST THAT WE ASK THE ATTORNEY. SO AS LONG AS IT DOESN'T CROSS LINE INTO GIVING LEGAL ADVICE, I THINK IT'S OKAY.

IT'S ALMOST LIKE AT TIMES A CDI MIGHT BE THERE TO CLARIFY AND AS-NEEDED OR AD HOC BASIS. SO I THINK THAT WOULD FALL UNDER THE SAME KIND OF CIRCUMSTANCES.

BRENDA ASKS DO NOTES AND CONSECUTIVE INTERPRETING BECOME THE COURT'S PROPERTY? IS IT SHARED WITH ATTORNEYS? THERE IS NO AUTOMATIC NOTES BECOME THE COURT'S PROPERTY.

CERTAINLY IF THE COURT ASKS FOR IT, IT SHOULD BE GIVE TO THEM.

THE NOTES ARE USED FOR CONSECUTIVE INTERPRETING, WHICH MEANS THAT THEY ARE USED TO HELP YOU RENDER AN INTERPRETATION.

IF YOU ARE USING SYMBOLS, IF YOU ARE USING YOUR OWN SYSTEM OF NOTE -TAKING, THE NOTES MAY NOT MAKE SENSE TO THEM.

AS A COURT INTERPRETER, I WOULD OFFER TO USE THEM OR LEAVE THEM WITH DEFENSE COUNSEL OR PLAINTIFF'S COUNSEL.

SUZANNE INTERPRETER DURING POLICE QUESTIONS, JUDGE, PROSECUTOR AND DEFENSE ATTORNEY ARE ALL OKAY WITH USING THIS INTERPRETER DURING TRIAL, IS THIS ACCEPTABLE -- THIS IS NOT AN ACCEPTABLE -- IF YOU ARE AN ETHICAL INTERPRETER, DOES IT REALLY MATTER THAT EVERYONE ELSE THINKS IT'S OKAY? BECAUSE EVERYONE ELSE IS NOT LIABLE FOR YOUR INTERPRETATION.

IF YOU TAKE A LOOK AT THE CODE OF CONDUCT FOR YOUR COURT, IT IS USUALLY IN THE CANNON OF CONFLICTS OF INTEREST AND THERE IS USUALLY A LISTING OF CERTAIN CIRCUMSTANCES BY WHICH IF YOU ARE INTERPRET, YOU CANNOT INTERPRET IN THE COURT PROCEEDINGS AND LAWSUIT IS ALMOST ALWAYS ONE OF THEM IN ALMOST EVERY CODE OF ETHICS



AND JUST LET THEM KNOW THAT I WAS HIRED AS AN AMERICANS WITH DISABILITIES ACT REASONABLE ACCOMMODATION AND DEAF PERSON HAS AN INTEREST IN WORDS USING ACCESS IN JUSTICE, BECAUSE MOST OF THEIR COMMITTEES DEAL ON ACCESS TO JUSTICE.

IF I DIDN'T WANT TO DEAL WITH IT RIGHT THEN AND THERE, IF THERE WAS A COURT ADMINISTRATOR, I WOULD GO TO THE COURT ADMINISTRATOR, AND EXPLAIN THAT THEY MAY BE FACING SOME RISK OF EXPOSURE TO LIABILITY, BECAUSE THE COURT WASN'T LETTING -- OR BECAUSE THE COURT DIRECTED THE INTERPRETER NOT TO INTERPRET AND AGAIN, USING THEIR LANGUAGE BEING ACCESS TO JUSTICE, LANGUAGE ACCESS AND THOSE TYPES OF THINGS.

I HAD BAILIFFS TELL ME I COULDN'T STAND IN THE COURTROOM, AND YOU JUST NEED TO BE NICE AND POLITE AND RESPECT THEIR CULTURE AND THE NEXT TIME I WENT DOWN TO THE SAME COURTROOM, HE LET ME MOVE A LITTLE FURTHER INTO THE WELL IN THE COURTROOM.

THERE ARE TIMES THAT YOU ARE ALLOWED TO BE IN FRONT OF DEAF PERSON AND IT'S NOT A PROBLEM.

PART OF IT IS EDUCATING AND THEY DON'T UNDERSTAND THAT WE ARE NOT TALKING DURING COURT. SO I THINK IT'S AN EDUCATION ISSUE

TUWANDA SAYS THE INTERPRETER CAN DECIDE NOT TO INTERPRETER ANYTHING UNTIL THE CASE IS CALLED.

NOW WITHOUT JEOPARDIZING THE COURT'S LIABILITY IN THE INTERPRETERS BEING OBLIGED ABOUT THE CODE OF ETHICS, PROVIDING THAT A SUMMARY SHOULD SUFFICE -- NOT ENTIRELY SURE I UNDERSTAND THAT QUESTION, BUT I THINK I DO.

I DON'T THINK IT'S PROPER FOR AN INTERPRETER TO DECIDE NOT TO INTERPRET ANYTHING UP UNTIL THE TIME IS CALLED, BUT I DON'T THINK THAT IS WHAT YOU ARE ASKING ME.

I THINK IF YOU EXPLAIN IT TO THE DEAF PERSON AHEAD OF TIME, WHY YOU ARE PROVIDING A SUMMARY AS OPPOSED TO AN EXACT INTERPRETATION.

I WORK IN VIRGINIA COURTS OF INTERPRET AND THEY DO NOT PUT THE DEAF PERSON UP FRONT AND THEY GO EXACTLY BY THE OFFICER AND IF I'M WITH THE OFFICER WHO IS ON THE LEFT OF THAT DOCKET FOR THE DAY IT COULD BE THE AFTERNOON AND I EXPLAIN IT TO THE DEAF PERSON AND THEY GET IT.

THEY DON'T WANT YOU BEING SO EXHAUSTED BY THE TIME THEIR CASE IS COMING AROUND THAT I CAN'T GUARANTY ACCURACY.

ANOTHER THING I DO, IF IT'S A CASE THAT IS EXACTLY LIKE THEIRS, I WILL INTERPRET IT MORE ACCURATELY, SO THAT THEY CAN SEE WHAT DEFENDANTS ARE DOING IN CASES THAT ARE EXACTLY LIKE THEIRS.

AND ALSO, 99% OF THE DEFENDANTS THAT I WORK WITH IN VIRGINIA COURTS ARE PRO SE, MEANING THAT THEY DON'T HAVE AN ATTORNEY AND THIS CONVERSATION IS MEANING THERE IS NO ATTORNEY PRESENT, MOST OF THE TIME IN TRAFFIC COURT AND THINGS LIKE THAT.

OKAY.

I THINK BECAUSE IT'S 2:19 AND I KNOW THAT CARRIE HAS SOME CLOSING STATEMENTS THAT SHE NEEDS TO TALK TO YOU ABOUT.

I WANT TO GET THROUGH IN PARTICULAR THE WORKING WITH CDI SLIDES BECAUSE YOU CAN ACCESS THESE IN THE ARCHIVES.

THE SLIDE AFTER THAT IS SIMPLY A SUMMARY OF THE THINGS THAT WE WANT TO TALK TO DEAF PEOPLE ABOUT, YOU WILL HAVE ACCESS TO THAT AND THERE IS A SLIDE ABOUT NEXT STEPS AND A CHANGE IN DATE FOR THE NEXT SEMINAR. SO IF THERE IS TIME AFTER THAT, I WILL TAKE THE REST OF THE QUESTIONS. SO WORKING WITH CDIS. WHAT IT MEANS? WHAT IT DOESN'T MEAN? WHEN IT'S INDICATED AND WHEN IT SHOULD BE STANDARD?

CDIS ARE TRAINED AND THEY ARE COMPETENT TO PROVIDE NATIVE INTERPRETATION THAT IS MORE APPROPRIATE IN CERTAIN SETTINGS WITH CERTAIN CONSUMERS AND WITH CERTAIN INTERPRETERS OR CHARACTERISTICS OF CERTAIN INTERPRETERS.

THAT IS WHAT IT MEANS.

IT'S A PERSON WHO HAS A SPECIALIZED SKILL, WHO BRINGS SOMETHING DIFFERENT TO THE TEAM THAN WHAT THE HEARING INTERPRETER HAS.

LOTS OF PEOPLE SAY THAT COMPRISES OF CON



WE PRESENT THE WORK OF THE CDI AS AN IMPORTANT FACTOR AND WE NEED TO SHARE IT WITH THE CONSUMERS THAT WE WORK WITH.

WE HAVE FIVE MINUTES LEFT.

I JUST WANT TO SHOW YOU THIS SLIDE.

IT'S THE SUMMARY OF THE THINGS THAT WE HAVE TALKED ABOUT TODAY.

THE COURT IS DIFFERENT AND YOU REALLY WANT TO TALK ABOUT RID

RID CEUS CAN BE REQUESTED BY COMPLETING THE REQUEST FORM THAT WILL APPEAR AFTER THE SATISFACTION SURVEY IS COMPLETED.

THE SURVEY WILL OPEN ONCE YOU CLOSE OUT OF THE WEBINAR SOFTWARE.

SUBMIT THE SURVEY AND YOU WILL SEE A SCREEN WHERE YOU CAN CLICK ON THE FORM TO REQUEST CEUS.

THIS FORM MUST BE FILLED OUT TO RECEIVE RID CEUS.

IF THE SURVEY DOESN'T AUTOMATICALLY OPEN FOR YOU ONCE