

WORKING WITH SIGN LANGUAGE INTERPRETERS IN TRAVIS COUNTY COURTS

A BENCH CARD FOR TRAVIS COUNTY JUDGES

Travis County Services for the Deaf and Hard of Hearing (TCSDDH), Interpreter Services
854-9221, 854-9289 fax, or interpretercoordinator@co.travis.tx.us

Interpreted proceedings often take longer.	Coordinate with TCSDDH as early as possible to assure interpreters are scheduled for expected length of the trial/hearing. Add extra time to accommodate the interpreting process.
Swear in interpreters.	Sample Oath: "Do you solemnly swear or affirm that you will make a true interpretation to the deaf person of all the case proceedings in a language that the deaf person understands and make a true interpretation of the deaf person's answers in English using your best skill and judgment (so help you God)?" (Sec 38.31(e) of the Texas Code of Criminal Procedure)
Qualify interpreters.	Required Certification: Texas court interpreter certificate or national legal certificate. (Section 57.001 of Texas Government Code)
How to help facilitate communication during the proceeding.	<ul style="list-style-type: none"> • Have a pre-meeting with interpreters to discuss the mechanics of court interpreting and to identify and address any issues. • Allow the interpreter to view court files prior to the proceedings to become familiar with names, locations and technical vocabulary. • Make sure sight lines are good for interpreters and deaf parties to see each other. • Make sure only one person is speaking or signing at a time. Instruct all participants to wait for the interpreter to finish before asking or answering the next question. • Allow the interpreter to view exhibits, photos or other visual records prior to their introduction into evidence. • Ask the party or witness, not the interpreter, to restate or explain anything the party or witness has said.
Why there are multiple interpreters.	<p>There are 2 distinct and separate interpreter functions at trial.</p> <p>1. Proceedings (Court) Interpreters:</p> <ul style="list-style-type: none"> • Interpret all proceedings and witness testimony. • Do not edit or participate in interpreted conversations. • Interpret in the first person (for accurate record of who is speaking). • Work in teams for hearings/trials. Interpreters rotate every 20-30 minutes. This mitigates effects of exhaustion, protects accuracy of the record and integrity of the proceedings. <p>2. Counsel Table Interpreters:</p> <ul style="list-style-type: none"> • Work with defense, prosecution and civil attorneys. • Interpret private conversations between attorney and deaf client. • Interpret for attorney to develop case and prepare witnesses.

<p>Certified <u>Deaf</u> Interpreter (CDI)</p>	<ul style="list-style-type: none"> • Assist the attorney with linguistic, interpretation, and deaf cultural issues which affect their case. • During hearings/trials, sit at counsel table and monitor the proceedings interpreters for accuracy, which allows for contemporaneous objections and correction of the record. • Do not interpret for the proceedings. • Inform proceedings interpreters of unique, idiosyncratic, or unexpected language which could affect accuracy of the record. <p>A CDI (deaf, native ASL user) is often used for consumers who, for example: use foreign sign language, are deaf-blind, or have other specialized linguistic and cultural needs. TCSDHH schedules a deaf/ hearing interpreter team, when needed, to ensure the deaf consumer's full access to the proceedings.</p>
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Interpreters for a Deaf Juror

<p>Explain interpreters' role and function to the jury panel.</p>	<p><u>Role of Interpreters for Deaf Juror:</u></p> <ul style="list-style-type: none"> • Interpret for deaf juror during proceedings and deliberations. • Do not participate in any way with deliberations except to interpret for the jurors. • Do not engage in personal conversation with jurors. <p>(Section 21.005 of the Texas Civil Practice and Remedies Code)</p>
<p>Swear in interpreters for the deaf juror.</p>	<p><u>Use the Oath on other side, plus this addendum:</u></p> <p>"Do you also swear (or affirm) to not participate in any manner in the deliberations of the jury; to not communicate with any member of the jury regarding the deliberation of the jury except a translation of a jurors' remarks made during the deliberations; and to not disclose any of the deliberations with any person following a verdict."</p> <p>(Section 21.005 of the Texas Civil Practice and Remedies Code)</p>

For Support: TRAVIS COUNTY SERVICES FOR THE DEAF AND HARD OF HEARING (TCSDHH)
854-9221, 854-9289 fax, or interpretercoordinator@co.travis.tx.us

TCSDHH is a county department that provides accommodations for deaf and hard of hearing people in Travis County venues. Certified sign language interpreters provide interpretation for all phases of the Travis County civil and criminal justice system from magistration to trial, and for probation, treatment and other court ordered services.

Resources:

- **US Dept of Justice/Americans with Disabilities Act:**
<http://www.ada.gov/>
- **Texas Code of Ethics and Professional Responsibility of Certified Court Interpreters:**
<http://www.dars.state.tx.us/dhhs/dhhsforms.shtml> (form DARS3901-2)
- **Registry of Interpreters for the Deaf Standard Practice Paper on Legal Interpreting:**
[http://www.rid.org/UserFiles/File/pdfs/Standard Practice Papers/Drafts June 2006/Legal Interpreting SPP.pdf](http://www.rid.org/UserFiles/File/pdfs/Standard%20Practice%20Papers/Drafts%20June%202006/Legal%20Interpreting%20SPP.pdf)
- **Supreme Court of Ohio Interpreter Services (Working with Interpreters for Deaf and Hard of Hearing Persons in the Courtroom)**
<http://www.supremecourt.ohio.gov/JCS/interpreterSvcs/default.asp>