



Placement of Sign Language Interpreters in Court

FACT SHEET

In most courts today it is a familiar sight to see a spoken language interpreter standing or sitting next to a non-English speaker and quietly whispering all of the proceedings to the person and interpreting their responses into English. Less often, courts see deaf citizens who come to court to respond to charges or to present cases of their own. In those settings, a sign language interpreter functions much the same way as a spoken language interpreter in conveying the proceedings to the deaf person and the deaf person's comments and responses to the court. A major difference, however, is the unique placement of the sign language interpreter in court. This document will provide a brief overview of the proper placement for a sign language interpreter when there is a deaf participant in a proceeding.

It may seem obvious to say that sign language is a visual language; however, the visual nature of the language requires that the interpreter stand in front of and in the direct sightline of the deaf person. It is also helpful if the interpreter is located near the person who is speaking so the deaf person can glance back and forth from the speaker to the interpreter to get a flavor of the speaker's mood and manner of expression. When a deaf person is a party and located at counsel table, this requires that the interpreter stand in the center of the court room (the well) with his or her back to the court. In this way, the deaf party can see both the judge and the interpreter and will be better able to participate. At times, bailiffs and clerks may be hesitant to permit the interpreter to stand in the well. Once informed of the need to be in the deaf person's sightline, most bailiffs and clerks permit the interpreter to be properly placed. While the attorneys are speaking, the interpreter will remain in the center of the courtroom and indicate who is speaking visually. The interpreter does not have to move physically next to each speaker because given the close proximity in the well it is relatively easy for the deaf person to glance at the speaker during natural pauses. This is preferable to having the interpreter in constant motion between speakers. On rare occasions, such as when demonstrative evidence is being used, there may be a need for the interpreter to move closer to the exhibit. For the most part, the centralized location represents a balance and is a standard practice in any group setting with which most deaf people are accustomed.

When the deaf person is on the witness stand, the interpreter will remain in the well facing the witness with his or her back to counsel. Court interpreters are careful to avoid blocking the jury's view of the witness. With some courtroom physical configurations, it is difficult to place the interpreter in a manner in which all counsel have a clear view to the jury. When this happens, it is preferable that the court instruct counsel to move to a location from which they can see the witness rather than moving the interpreter. Likewise, when the deaf participant is a juror, the interpreter will be in the well facing the deaf juror and not obstructing the jury's view of the witnesses. Because for complicated matters, interpreters generally work in teams, there will be two interpreters working together in these proceedings. When interpreting for a deaf witness, they will be standing side by side in the well.

Because of the nature of witness interpreting, i.e., the interpreter's voice becomes the record, both interpreters need to be close enough to each other to make minor adjustments to the interpretation for accuracy unobtrusively. If the interpreters were located some distance apart this monitoring function would become distracting for the court and the participants. This same position is also effective when there are both deaf parties and a deaf witness as long as sightlines to the interpreters are unimpeded. When the only participant is a deaf party at the table, one interpreter will be in the well facing the deaf person and the other will typically be across from the interpreter, in their sightline, usually standing behind the deaf party in order to monitor the working interpreter for accuracy and to make minor adjustments visually through sign as necessary. In this instance, the visual adjustment through sign language is the least obtrusive method.

Finally, prior to the deaf person's matter being called, or if there is a deaf audience member only, such as a family member, the court interpreter will want to stand or sit in the aisle or just inside the well facing the audience member to interpret the proceedings for them. Sometimes bailiffs or courts mistake this communication for prohibited side conversations and instruct the interpreter to stop signing. It is important to recognize that the interpreter is not having a conversation with the deaf person. Rather the interpreter is providing a reasonable accommodation to an important public service that deaf people have come to expect as a result of federal legislation.

Should you have more questions, further information is available from the NCIEC at www.nciec.org, under the Projects tab at the Legal Interpreting Work Group link.