



Tips for Sign Language Interpreted Proceedings

FACT SHEET

It is fairly common for courts to encounter non-English speakers who need interpreters in their courts; yet it is less common for courts to encounter sign language interpreters for deaf participants. While there are many similarities between sign and spoken language interpreting, there are important differences when working with a visual language instead of an auditory language. When hearing cases involving contested matters, there are a number of things that the court can do to facilitate accurate communication. Although not an exhaustive list, the following represents a number of accommodations that have been proven effective in the past.

- Conduct a short *voir dire* regarding the court interpreter's expertise, training and certification, including questions about if the interpreter is familiar with any of the parties in the case;
- Swear the court interpreters, but not the interpreters at counsel table;
- If deaf witness testimony is expected, provide a microphone for the court interpreters to ensure their voices are heard comfortably;
- If the matter is contested; and there are multiple deaf parties at counsel table; provide a small screen or divider to be placed between counsel table to preclude visual access to privileged communications by either side.
- If the matter is high profile and there are deaf audience members, provide a screen or divider that can be placed behind each counsel table to preclude the audience from viewing privileged communications at the table;
- In addition to having table interpreters, a videotaped recording of deaf witness testimony to be used in the event an issue of the court interpreters' accuracy arises is helpful as long as the video captures the interpretation and the witness' testimony;
- When speaking to a deaf person, use the first person, such as, "when did you arrive" instead of "ask him when he arrived;"
- Speak clearly and slowly but speak full thought before pausing and allow the interpreter to finish interpreting before continuing;
- Do not expect the interpreter to explain forms or proceedings, and if a sight translation is necessary have counsel stay with the interpreter to answer any questions from the deaf person;

- Do not tell the interpreter to refrain from interpreting, as this is a violation of ethical duty;
- Allow the interpreter to view the file prior to the proceeding and to identify all witnesses to check for conflicts;
- Require that the interpreter meet briefly with the deaf person to introduce themselves and explain their role and to ascertain if each can understand one another;
- Require counsel to explain the nature of the proceedings to the interpreter including any specialized vocabulary that will arise;
- Allow the interpreter to view the physical evidence in a contested case prior to the proceeding because the sign choices will be determined by the visual nature of the evidence;
- Use interpreters who have been tested in ASL interpretation and who have been trained in legal interpreting;
- Provide chairs for the court interpreters to be seated in the well and a small table or music stand for the interpreters to use in note-taking;
- Provide water for the court interpreters.

Interpreted proceedings for deaf litigants do not present insurmountable problems, and with a few modifications as suggested above, the court can be assured that the proceedings will be conducted fairly, efficiently and effectively. 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.