



National Consortium of Interpreter Education Centers

## FACT SHEET

### Quick Tips for Accommodating Sign Language Interpreters in the Courtroom

Courts frequently encounter non-English speakers who need interpreters in court. Less frequently, courts encounter deaf individuals who need sign language interpreters. There are important differences between visual sign language and auditory spoken language interpreting. When working with sign language interpreters in the courtroom, there are a number of things the court can do to facilitate accurate communication. Although not an exhaustive list, the following represents a number of accommodations that have proven effective.

- Conduct a short *voir dire* regarding the court interpreter's expertise, training and certification, and the interpreter's familiarity with any of the parties.
- Swear the court interpreters, but not the interpreters at counsel table. (See Fact Sheet, Working with Sign Language Interpreters in Contested Matters).
- 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.
- If deaf witness testimony is expected, provide a microphone for the court interpreters to ensure their voices are heard comfortably.
- Provide water for the court interpreters.
- 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 tables 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. Complete a full thought, but pause in between to allow the interpreter to finish interpreting before continuing.

- Do not expect the interpreter to explain forms or proceedings. If an interpreter is needed to translate a document, often referred to as sight translation, have counsel stay with the interpreter to answer any questions from the deaf person.
- Do not tell the interpreter to refrain from interpreting.
- Allow the interpreter to view the file prior to the proceeding and to identify all witnesses to check for conflicts.
- Require the interpreter to meet briefly with the deaf person to introduce themselves and explain their role.
- 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 American Sign Language interpretation and who have been trained in legal interpreting.

Issues that arise during interpreted proceedings for deaf litigants are not insurmountable. With the modifications 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](http://www.nciec.org), on the Consortium's Work on Legal Interpreting subpage under the Legal Specialization link.

*The contents of this Fact Sheet were developed under grant funds from the Department of Education. However, those contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal Government.*

*The National Consortium of Interpreter Education Centers is funded from 2010 – 2015 by the U.S. Department of Education, Rehabilitation Services CFDA #84.160A and B, Training of Interpreters for Individuals Who Are Deaf and Individuals Who Are Deaf- Blind. Permission is granted to copy the materials enclosed herein, provided that National Consortium of Interpreter Education Centers is credited as the source and referenced appropriately on any such copies.*