



National Consortium of Interpreter Education Centers

FACT SHEET

Working with Sign Language Interpreters When there are Deaf Jurors or Deaf Audience Members

There are occasions when a sign language interpreter will be needed even though there are no deaf parties in the case. One example is when deaf Americans serve on juries. In this situation, two court interpreters should be sworn in to assist the deaf juror by interpreting the proceedings and the jury's deliberations. These interpreters are impartial court officers who do not participate in nor influence the deliberations in any manner. When there is a deaf juror, the court should instruct the interpreters and the jury regarding the interpreter's role in the proceedings and in deliberations. Likewise, at the conclusion of the deliberation, it is customary for the court to poll the jury on whether the interpreters maintained their role during the deliberation process. A sample instruction and polling question might look like the following:

Instruction to the Interpreter for a Deaf Juror¹

Mr. or Ms. _____, your function in the jury room is only to interpret. You are instructed not in any way to express any ideas that you may have, any opinions that you may have, or any observations that you may have. You are strictly to interpret. Do you understand that?

Post-deliberation Polling and Question

Could you tell me whether you took any part in the deliberations other than just to interpret to and from sign language? I now ask each juror individually whether the interpreters took part in any manner in the deliberations other than just to interpret to and from sign language. (poll jurors individually).

There also may be occasions when deaf individuals exercise their right to access by simply observing proceedings that may or may not involve other deaf people. In those cases, the provision of an interpreter is considered a reasonable accommodation under Title II of the Americans with Disabilities Act. Normally the "accommodation interpreter" will want to stand

¹ Adapted, in part, from *United States v. Dempsey*, 830 F.2d 1084, 1087-88 (10th Cir. 1987).

or sit along the wall with her back to the court and interpret the proceedings to the deaf audience members. At times, bailiffs or clerks might misunderstand the interpreter's signing as improper conversations during court. It is helpful to remind the bailiff not to order the interpreter to stop signing and explain that the interpreter is simply making the court proceedings accessible to deaf members of the public.

More and more frequently, deaf individuals are involved in legal proceedings whether as parties, witnesses, jurors, interested persons or audience members. Should you have more questions, further information is available from the NCIEC at www.nciec.org, on the Consortium's Work on Legal Interpreting subpage under the Legal Specialization link.

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