

Welcome to the District of Columbia Courts and thank you for your interest in working at the Courts as an interpreter.

In this presentation, we will discuss the code of ethics and rules of professional conduct that must be followed by interpreters when working at the DC Courts. This presentation has been put together by the Office of Court Interpreting Services (OCIS).

What is a Code of Ethics? A Code of Ethics is a written set of guidelines issued by an organization to its workers to help them conduct their actions in accordance with its primary values and ethical standards. It may outline the mission and values of the organization, how professionals are supposed to approach problems, the ethical principles based on the organization's core values, and the standards to which the professional is held. In this case, the Code of Ethics has been designed for court interpreters working at the DC Courts. It consists of 10 canons that must be adhered to by interpreters when working at the DC Courts.

Canon #1: Qualifications.

The first canon of the DC Courts' Interpreter Code of Ethics is regarding an interpreter's qualifications. It is essential that court interpreters accurately represent their certifications, training, education, and pertinent experience to the OCIS when seeking work at the District of Columbia Courts. All interpreters must send their proof of certification, qualifications and resumes to the OCIS prior to commencing work. This information will be used to assign the appropriate interpreter to the appropriate assignment.

Canon #2: Accuracy

The second canon of the DC Courts' Interpreter Code of Ethics is accuracy. Interpreters must faithfully and accurately interpret all statements and testimony presented to the court and in out-of-court judicially mandated events to the best of their ability. Target-language speech must conserve all the elements of the original message in the source-language, while conveying the meaning, style, tone, and syntax in the target language. Nothing must be omitted. Nothing must be added. Nothing must be embellished, explained, summarized or paraphrased. The register of the source-language must be maintained, including all dense legal vocabulary and terminology. All false starts and repetitions must be preserved in the rendition.

Interpreters should avoid conjecturing or guessing about what the speaker means to say. If an interpreter does not hear or understand what the speaker has said, the interpreter should request a repetition or request permission to seek clarification.

When interpreting, an interpreter may be tempted to summarize or omit if they are falling behind. They might want to simplify the language being used so that the individual using their services can more easily comprehend. The interpreter might want to omit false starts or clean up the testimony presented by a witness, so that the court or the attorneys can more readily understand. Interpreters must avoid all these pitfalls and render a faithful and accurate interpretation of what is being said at all times.

Canon #3: Conflict of interest and impartiality

The third canon of the DC Courts' Interpreter Code of Ethics is regarding conflict of interest and impartiality. Court interpreters must at all times avoid conflicts of interests and must remain neutral and

impartial in proceedings where they serve. Interpreters should not ever be alone with the parties. They must not have unnecessary contact with the parties. They must avoid even the appearance of impropriety.

Interpreters must disclose any real or potential conflict of interest to the Court, parties, and attorneys in both in-court and out-of-court matters. The interpreters must have no personal interest in the outcome of the case.

Sometimes, interpreters are left alone with the parties and the parties try to engage the interpreters in conversation. It is essential for interpreters to politely explain to the parties that they are not permitted to have private conversations with them and to step away. If an interpreter is seen conversing with one of the parties, it could appear to the other party or opposing counsel that the interpreter has a bias or personal preference, which could negatively affect the interpreter's appearance of impartiality and cast doubt on the interpreter's credibility.

Likewise, if an interpreter knows one of the parties in a case in which they are asked to interpret to such an extent that they believe it would affect their ability to be impartial, the interpreter must recuse him/herself and ask OCIS to assign another interpreter. If the interpreter knows a party but is still able to be neutral and impartial, the interpreter must disclose this to the Court, and also inform the Court that their knowledge of this individual does not affect the interpreter's ability to be fair and impartial.

Canon #4: Duty to report inaccuracies

Interpreters have the duty to correct any and all errors of interpretation made during the proceeding or interpreted event immediately or as soon as the error is identified. This duty to report inaccuracies is limited to errors in the interpretation. Interpreters must not speculate as to whether others participating in the proceeding have made mistakes or correct the errors committed by other parties or attorneys.

If it appears that a party, attorney, psychologist, interviewer or mediator has made a mistake, do not try to correct them.

When working in a team interpreting situation, if the passive interpreter realizes that the active interpreter may have made a mistake, the interpreters must request permission of the court and briefly consult one another to determine what the correct interpretation should be. The interpreter who made the mistake should correct the record.

Canon #5: No advocacy or legal advice

Interpreters must not advocate or provide legal advice to the parties. Interpreters must limit their participation in those matters in which they serve to simultaneous and consecutive interpreting, and sight translation. It is important that interpreters not give advice to the parties or advocate on behalf of the parties, or engage in any activity that could be perceived as the practice of law.

Many times, parties who receive interpretation services might feel comfortable directing questions or concerns to an interpreter, because they speak the same language. It is important to refrain from providing any advice whatsoever to the party or advocate on behalf of the party, even if you feel like you want to help them as much as you can, and even if you believe you know how to improve their situation. It is critical to remain in the role of the interpreter, whose job is to aid in communication and

overcome linguistic barriers, so that limited English proficient and deaf or hard-of-hearing courts users are placed in the same position as similarly situated persons for whom there is no such barrier. Nothing more, nothing less.

A situation may also arise where a mediator, attorney or psychologist may inquire of the interpreter as to their opinion of the limited English proficient or deaf or hard-of-hearing court user. The interpreter must politely decline to comment and remain in the role of a neutral and impartial interpreter at all times.

Canon #6: Confidentiality

Interpreters must not disclose privileged or confidential information acquired both in and out-of-court in the course of interpreting without authorization.

It may be tempting to discuss what you have learned in an attorney-client interview, private mediation session or other closed-door interpreted event or hearing with friends, family or co-workers. Sometimes, the information interpreters learn is fascinating. However, it is essential to maintain confidentiality at all times and not disclose any private information without authorization. This promotes trust between interpreters and the Court, parties, attorneys and court staff.

Canon # 7: Restriction on Public Comment

Interpreters must not publicly discuss, report or offer an opinion concerning a matter in which they are or have been engaged. No activities or comments related to court matters may be shared, discussed, posted or otherwise provided through or on any social media.

When interpreting in a particularly interesting court event, an interpreter may want to discuss his or her professional experience in a public forum. This could be through social media, such as Facebook, Instagram or Twitter. The interpreter may want to share their experience on a particularly challenging case or express their opinion on those who participated in the hearing. However, this could have unforeseen or unintended consequences, as it is unknown who might be able to see these comments. Many of the cases for which interpreters are hired are of a highly sensitive nature. Therefore, interpreters must refrain from public comment at all times.

Canon #8: Dignity of the Court

Interpreters must conduct themselves in a manner consistent with the standards and protocol of the court and must perform their duties as unobtrusively as possible.

When interpreting, the interpreter must use the same grammatical person as the speaker. When it becomes necessary to assume a primary role in the communication, the interpreter must make it clear that he or she is speaking for him or herself.

Interpreters must also abide by strict rules of professional conduct that we will discuss later on in this presentation.

Canon #9: No remuneration

Interpreters must not accept remuneration for their service to the court from anyone but the court. Interpreters will not accept any real or perceived gifts, gratuities or valuable consideration from any litigant, witness, party or attorney in a case where the interpreter is serving.

Sometimes, parties or attorneys may feel very grateful to the interpreter for his or her services and may offer to pay the interpreter or ask how much their interpretation services cost. An attorney may attempt to fraternize with the interpreter and offer to take him or her out to lunch for having done such a wonderful job. The interpreter must politely decline any offer of payment of any kind from everyone but the court.

Canon #10: Impediments to Compliance with Code of Ethics

Interpreters must bring to the attention of the appropriate judicial authority any circumstance that prevents full compliance with any canon of this code, including their ability to interpret an assignment competently.

If an interpreter is assigned to a lengthy hearing and no relief interpreter is available, the interpreter must request a break from the Court. If an interpreter is unable to hear, the interpreter must request that the judges, parties and attorneys speak louder and more clearly. If a judge, party or attorney is speaking too quickly, the interpreter must request that he or she slow down. If the interpreter does not have adequate knowledge of specialized terminology being used in an assignment, the interpreter must decline the assignment.

Interpreters must be forthcoming about their ability to comply with every canon in this code of ethics and make every effort to always be in compliance.

Professional Conduct

The final topic we will discuss today is rules of professional conduct and courtroom protocol.

Punctuality

First and foremost, interpreters must be punctual. When assigned a case, the interpreter should make every effort to arrive 15 minutes before their assigned time to check-in with OCIS staff, be ready to receive their first case, prepare the equipment or complete any necessary logistics before heading to the courtroom or interpreted event. Punctuality is key. Many courtrooms have lengthy calendars. A 10, 15 or 20 minute delay in starting court or the hearing due to the tardy arrival of the interpreter can have a cascading effect on the court's ability to get through the calendar.

Dress Code

Interpreters are also required to don professional attire. All freelance interpreters are expected to maintain a professional image at all times while performing official duties at the court or in the community. It is, therefore, necessary for each interpreter to be well-groomed and appropriately dressed so as to engender the respect of co-workers and the public for that interpreter and for the District of Columbia Courts.

For men, this is a business suit, or dress slacks and sport jacket, with a dress shirt and necktie or dress slacks with a sweater or dress shirt. A tie is considered appropriate and necessary. A man's attire also

includes socks and dress footwear. Cloth top or athletic shoes, slippers and sandals are not appropriate in the work place.

For women, a business suit, pants suit, dress or a skirt/slack ensemble with blouse or sweater top is considered proper attire. Sundresses and open-back, off-shoulder, transparent or single-shoulder clothing styles are not regarded as appropriate attire. Athletic shoes or slippers are not appropriate in the work place.

The only exception is in the case of athletic shoes. You may be permitted to wear athletic shoes in the workplace if you have a medical condition that requires you to do so.

Prompt fulfillment of assignments

Interpreters must also work efficiently. Upon being informed by OCIS staff that a courtroom or court event is ready to proceed, the interpreter must promptly depart the Interpreter's Office and proceed directly to the place where their interpretation services are needed. Interpreters are expected to cover assignments as soon as practicable after being dispatched from the Interpreter's Office. Upon receiving an assignment, interpreters may not delay or attend to personal business without previously notifying and receiving consent from OCIS.

Courtroom protocol

It is important that interpreters respect courtroom protocol and maintain decorum at all times. Interpreters will only enter the well of the courtroom when their case is called. Interpreters will not fraternize with any of the parties. Interpreters will maintain a clear record by always using the third person while referring to themselves and will speak in the same grammatical person as the speaker when interpreting.

Oath

Prior to interpreting, the Court or courtroom clerk will place the interpreters under oath to faithfully and accurately interpret all statements and testimony before the court to the best of their ability.

Interpreters must make every effort to abide by their oath at all times.

Team Interpreting

Depending on the length and complexity of the matter, every attempt will be made to assign two interpreters to proceedings that last more than one hour. In team interpreting, an active interpreter is that person who is actually providing interpreting services. The passive interpreter remains in the courtroom, sits or stands near the active interpreter and monitors and assists the active interpreter in whatever manner necessary. This includes setting up equipment, looking up vocabulary words and writing down or whispering words to the active interpreter when necessary while being as unobtrusive as possible. The active and passive interpreters will alternate on an as needed basis, mutually agreeable to both interpreters, usually every 30 minutes, while avoiding disrupting court proceedings. When the testimony is tense or challenging, interpreters can agree to alternate every 15-20 minutes, to reduce fatigue and increase accuracy.

Conclusion of the Assignment

Once dismissed by the Court after a hearing, the interpreter should promptly report back to the OCIS to await further instruction. It is possible that another assignment is ready for an interpreter in your language. Sometimes, an interpreter may have been hired for one specific case, but it is possible that an unscheduled matter or a limited English proficient or deaf or hard-of-hearing court user walked in to the courthouse and now needs interpretation services. It is important to check back with OCIS staff to see if you are needed for another case. OCIS staff may ask that you remain in the courthouse on stand-by until the end of your shift, for any unscheduled cases.

Thank you for watching. This concludes the presentation. Now that you have finished watching the presentation, please take the interpreter quiz located on the dccourts.gov website under Office of Court Interpreting Services section. There, you will also find a transcript of this presentation.