



Working with Your Interpreter

Information for Deaf & Limited-English Litigants

(English/ Inglés/ Anglais)

In order to comply with the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et. seq., the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3789d(c), and 28 C.F.R. Part 42, Subparts C and D, recipients of federal funds must provide meaningful access to limited English proficient (LEP) individuals. *Lau v. Nichols*, 414 U.S. 563 (1974). The U.S. Department of Justice advises that practices, such as charging for interpretation and translation services or seeking recoupment for those costs, significantly impair, restrict, or preclude the participation of LEP individuals in the judicial system and are inconsistent with recipients' Title VI obligations. For more information, please refer to *Guidance from the U.S. Department of Justice to state court justices and administrators. Letter from Assistant Attorney of the Civil Rights Division to Chief Justices and State Court Administrators* (Aug. 16, 2010); *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 67 Fed. Reg. 41455 (June 18, 2002).



The Role of the Court Interpreter

The role of the court interpreter is to help you if you do not speak English or have limited-English ability to communicate with people in court.

The interpreter does this by being the voice of the speaker. In other words, the job of the interpreter is to say what the judge, the prosecutor, your attorney, or anyone else in the courtroom says out loud during your case, but to say it in your language. The interpreter will also say what you say in your language, but will say it in English so that people in the court can understand what you said.

The role of the interpreter is to have you hear the information in the same way that English speakers hear it when they are in court. If the speaker used technical words, the interpreter will use technical words, but in your language. If the speaker uses simple words, the interpreter will use simple words. If there is something you do not understand, it is up to you to ask for clarification.

By law, the interpreter must interpret everything that is stated or written, without editing, summarizing, or changing the meaning of the original message. The interpreter is not there to give opinions, advice, or help you decide your case. Please know that the court interpreter is:

- **Not** a social worker
- **Not** an attorney
- **Not** a counselor
- **Not** an advisor
- **Not** an expert in law
- **Not** an advocate

The interpreter is trained only to interpret and may have certification only in legal interpretation. If an interpreter gives you advice or gives you his or her opinion about the case, please report this to the judge or make a complaint with the Supreme Court of Ohio. There is information on the back panel of this brochure about how you can make a complaint.

Tips for Using an Interpreter

Using a court interpreter can be awkward because you have to go through another person to get information or talk to the judge. Follow these tips when using an interpreter in a courtroom:

- Listen carefully to the interpreter.
- Wait for the interpreter to finish talking before you answer.
- Speak naturally and loudly so that the interpreter can hear everything you say.
- If you have any questions, do not ask your interpreter. Instead, ask your attorney or the judge directly.
- Do not interrupt, even if someone in court says something negative about you. You will get an opportunity to speak.



Ethical and Professional Responsibilities of the Interpreter

When interpreters are hired by the court, they play a neutral role. Their job is to help communicate accurately. Court interpreters are also limited by a code of ethics that limits what they can do. An interpreter can only interpret the communication presented. It is up to you and your attorney to make decisions about your case. Here is what court interpreters should do:

- Interpret everything that is said in the courtroom by all parties.
- Provide a complete and accurate meaning of the speaker's words.
- Avoid choosing sides or being influenced by one side or another.
- Represent their credentials accurately and completely.
- Not give legal advice or personal opinions to those for whom they are interpreting.
- Avoid personal discussions, especially about your case.
- Be discreet and professional.

An interpreter should not carry on independent conversations with you, a party, or witness for whom he or she is interpreting. The only time an interpreter can have a conversation with you or a party is when the court gives permission to make sure you and the interpreter can understand each other and speak the same language.

Finally, the interpreter must guard your information. An interpreter is prevented from talking about your case, especially about any conversations between you and your attorney. Your interpreter cannot speak to the public, the media, or anyone in your community about your case.



Appointment of an Interpreter

According to the law in the State of Ohio, it is the court's responsibility to appoint an interpreter in a legal proceeding, as outlined in Ohio Revised Code 2311.14. There also is a court rule, which can be found in the Rule 88 of the Rules of Superintendence for the Courts of Ohio that requires the court to appoint a certified interpreter if one is available. Rule 88 also requires courts to avoid appointing friends, family members or people who may testify for you or against you and others who may have a bias or conflict of interest.

Although, there is not certification in all languages, there are certified interpreters in American Sign Language, Arabic, French, Russian and Spanish.

If you do not get an interpreter, you may file a complaint with the Supreme Court of Ohio. Please see the section on the back panel of this brochure on how to file a complaint.

If You Do Not Want an Interpreter

Parties may waive any right they have to an interpreter. If you choose not to use an interpreter, your waiver should be explained to you in your primary language (this may require the use of an interpreter) and the court will provide you with the opportunity to talk with your attorney before waiving your right to an interpreter. The court

will make sure that you understand English well enough to continue without an interpreter. Your waiver to an interpreter should be done knowingly, intelligently and voluntarily.

The court does not have to accept your waiver if it determines an interpreter is needed for the protection of your rights and the integrity of the proceedings.



Do you have a Complaint?

The Supreme Court of Ohio created a complaint process to ensure that Limited-English litigants can gain access to the courts. Below are the details of the steps a person may take to report the failure of a local court to appoint an interpreter in cases and court functions when one is required to be appointed under Rule of Superintendence 88.

Sending a Complaint

You, your attorney, or your advocate may submit a complaint in English or your primary language through the following methods:

- Call 1.888.317.3177, toll-free. Interpreters will be available to assist with communication.
- Send a letter to the Language Services Program, 65 South Front Street, Columbus, Ohio 43215-3431.
- E-mail the complaint to the Language Services Program at lsp.resolution@sc.ohio.gov.
- Complete a complaint form available at www.sc.ohio.gov/JCS/interpreterSvc.

For more information about the complaint process, visit www.supremecourt.ohio.gov.



THE SUPREME COURT *of* OHIO

OFFICE OF COURT SERVICES
Language Services
65 South Front Street, 6th Floor
Columbus, Ohio 43215-3431