

GEORGIA COMMISSION ON INTERPRETERS

INSTRUCTIONS FOR USE OF NON-LICENSED INTERPRETERS

In *Ramos v. Terry*, 279 Ga. 889 (2005), the Georgia Supreme Court held it to be an abuse of discretion to appoint someone to serve as an interpreter who is neither certified nor registered as an interpreter without ensuring that the person appointed is qualified to serve as an interpreter, without apprising the appointee of the role s/he is to play, without verifying the appointee's understanding of the role, and without having the appointee agree in writing to comply with the interpreters' code of professional responsibility.

Therefore, after a diligent search for a certified and/or registered interpreter has been made but one is not available, the court or the court's designee should give the following instructions to interpreters in accordance with the Uniform Rule for Interpreter Programs, Appendix "A" I (F) of the Order of the Supreme Court of Georgia issued January 13, 2003. It is recommended that when a non-professional interpreter is used that the court personally verifies a basic understanding of the interpreter's role on the record.

- 1. Do not discuss the pending proceedings with a party or witness, outside of professional employment in the same case.
- 2. Do not disclose communications between counsel and client.
- 3. Do not give legal advice to a party or witness. Refer legal questions to the attorney or to the court.
- 4. Inform the court if you are unable to interpret a word, expression, special terminology, or dialect, or have doubts about your linguistic expertise or ability to perform adequately in a particular case.
- 5. Interpret all words, including slang, vulgarisms, and epithets, to convey the intended meaning.
- 6. Use the first person when interpreting statements made in the first person. (For example, a statement or question should not be introduced with the words, "He says . . .")
- 7. Direct all inquiries or problems to the court and not to the witness or counsel. If necessary you may request permission to approach the bench with counsel to discuss a problem.
- 8. Position yourself near the witness or party without blocking the view of the judge, jury, or counsel.
- 9. Inform the court if you become fatigued during the proceedings.

- 10. When interpreting for a party at counsel table, speak loudly enough to be heard by the party or counsel but not so loudly as to interfere with the proceedings.
- 11. Interpret everything including objections.
- 12. If the court finds good cause under section (E), hold a pre-appearance interview with the party or witness to become familiar with speech patterns and linguistic traits and to determine what technical or special terms may be used. Counsel may be present at the preappearance interview.
- 13. During the pre-appearance interview with a non-English speaking witness, give the witness the following instructions on the procedure to be followed when the witness is testifying:
 - (a) The witness must speak in a loud, clear voice so that the entire court and not just the interpreter can hear.
 - (b) The witness must direct all responses to the person asking the question, not to the interpreter.
 - (c) The witness must direct all questions to counsel or to the court and not to the interpreter. The witness may not seek advice from or engage in any discussion with the interpreter.
 - (d) During the pre-appearance interview with a non-English speaking party, give the following instructions on the procedure to be used when the non-English speaking party is not testifying: (i) The interpreter will interpret all statements made in open court. (ii) The party must direct any questions to counsel. The interpreter will interpret all questions to counsel and the responses. The party may not seek advice from or engage in discussion with the interpreter.

The Interpreter's Oath:

Do you solemnly swear or affirm that you will faithfully interpret from (state the language) into English and from English into (state the language) the proceedings before this court in an accurate manner to the best of your skill and knowledge?

By signing and dating this form, the undersigned indicates that (1) the non-professional interpreter has a basic understanding of the interpreter's role in court proceedings, (2) that the interpreter's oath was administered as required by the Georgia Commission on Interpreters, and (3) the interpreter agrees to comply with the Code of Professional Responsibility for Interpreters as found in Uniform Rule for Interpreter Programs, Appendix "C".

Court or Court's Designee Signature

Date

Court or Court's Designee Printed Name

Interpreter's Signature

Date

Interpreter's Printed Name