



# **SECRETS COURT INTERPRETERS SHOULD SHARE WITH DEAF LITIGANTS**

**A MARIE Center presentation**

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# LEGAL V COMMUNITY INTERPRETING: DIFFERENCES

- Evidentiary doctrines and confidentiality
- Legal interpreter roles
- Ethics and protocol
- Modes of interpreting
- Preparation topics
- Working with CDIs

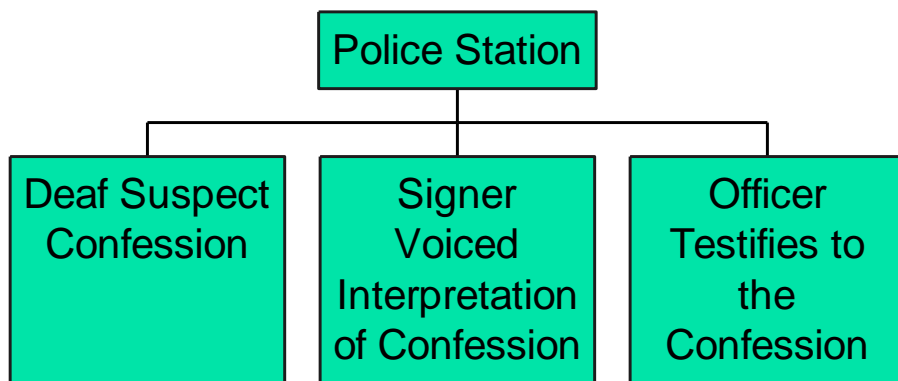


# CONFIDENTIALITY AND PRIVILEGED COMMUNICATIONS

- Confidential
- Communications
- By client to an attorney
- For the purpose of legal representation
  - Protected
  - Unless waived



# EXTRA-JUDICIAL INTERPRETED STATEMENTS



# AUTHENTICATION

## Nazemian Factors – Skills & Bias

- Who is the interpreter?
- Who retained?
- Impartial?
- Qualified?
- Oath or substitute?
- Cross-examination.



# COURT INTERPRETER ROLES

- Proceedings interpreter
  - Officer of the court/duty of loyalty
  - Sworn to accuracy
  - Interprets all proceedings and witnesses
- Court Code of Professional Conduct
  - Conflicts defined
  - Voir dire
  - Protocol for interruptions
  - Prohibition against advising



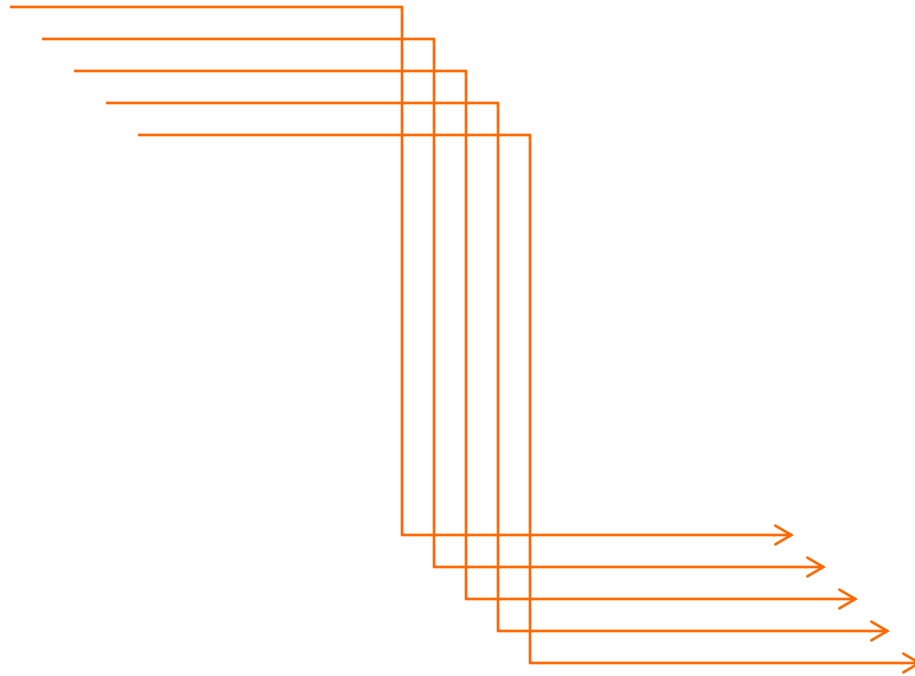
# IMPARTIALITY

- Appearance conflicts
- Interpreter interaction & Deaf cultural norms
- Disclosure conflicts and RID Confidentiality
- Un-interpreted information



# LEGAL ADVICE

- Deaf culture sharing information rules
- Prohibition of giving legal advice





# COUNSEL TABLE INTERPRETER

- Privileged communications
- Monitor function
- Contemporaneous objection rule
- Litigation team member
- Qualifications and voir dire



# MODES OF INTERPRETING

- Sight translation
  - Forms
- Consecutive interpreting
  - Note-taking
- Simultaneous interpreting
  - Settings
- Summary interpreting
  - Settings



# WORKING WITH CDIs

- What it means
- What it does not mean
- When indicated
- When standard



# SECRETS TO SHARE

- Court is different
- RID Confidentiality
- No private negotiations
- Different clarifications
- Un-interpreted information
- Disclosures
- No legal advice/offer to interpret
- No Sim-Com
- Benefits of a table interpreter
- Consecutive interpreting & cuing system
- Summary interpreting uses
- Benefits of a CDI



# FINAL QUESTIONS & NEXT STEPS

- Next webinar: July 29, 2013. 6 – 7:30 EST
- Topic: Interpreting in Family Law Settings
  
- **Change in series date:**
  - **Final session on depositions is not Sept 7.**
  - **Will be September 21, 2013 at 1:30 pm EST**
  
- Archived sessions: <http://www.unco.edu/marie/>
  - Left column navigation to Webinars
- CEUs – Carolyn White at [carolyn.white@unco.edu](mailto:carolyn.white@unco.edu)

Thank you and good day.

