



**CODE OF PROFESSIONAL RESPONSIBILITY
FOR COURT INTERPRETERS OF THE STATE
OF CONNECTICUT JUDICIAL BRANCH**

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Court interpreters, staff and non staff members of the Judicial Branch, are appointed to serve the court. As officers of the court, court interpreters are bound to a professional code of ethics. The following is the Code of Professional Responsibility for Court Interpreters of the State of Connecticut Judicial Branch:

Canon 1: Court interpreters shall act strictly in the interests of the court they serve.

Canon 2: Court interpreters shall reflect proper court decorum and behave with dignity and respect toward court officers and personnel.

Commentary:

Interpreters should maintain high standards of conduct at all times to promote public confidence in the administration of justice. Interpreters should dress in a manner consistent with the dignity of court proceedings.

Canon 3: Court interpreters shall avoid professional or personal conduct which could discredit the court.

Commentary:

Interpreters are encouraged to avoid personal or professional conduct which could discredit the court. Interpreters should work without drawing undue or inappropriate attention to themselves. Interpreters should avoid obstructing the view of any individual involved in the proceedings.

Canon 4: Court interpreters shall not disclose any information of a confidential nature about court cases they obtain while performing interpreting duties.

Commentary:

Interpreters must also refrain from repeating or disclosing information they obtain in the course of their employment that may be relevant to the legal proceeding. Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or the law does not require that it be kept confidential.

Canon 5: Court interpreters shall respect the need for confidentiality and secrecy as protected under applicable state and federal law. Interpreters shall disclose to the court, and to the parties in a case,

any prior involvement with that case, or involvement with the parties or others significantly involved in the case.

Commentary:

The interpreter must protect and uphold the confidentiality of all privileged information he or she obtains during the course of her or his duties. It is especially important that the interpreter understand and uphold attorney-client privilege, which preserves the confidentiality of any communication between attorney and client. This rule also applies to other types of privileged communications. If an interpreter becomes aware of information that suggests someone is in imminent peril, or relates to the commission of a crime during the course of the proceedings, the interpreter should immediately disclose the information to an appropriate authority within the Judicial Branch who is not involved in the proceeding, and seek advice in regard to the potential conflict in professional responsibility.

Before providing services in a matter, court interpreters must disclose to all parties and presiding officials any prior involvement, whether personal or professional, that reasonably could be construed as a conflict of interest. This disclosure should not include privileged or confidential information.

Canon 6: Court interpreters shall work unobtrusively, with full awareness of the nature of the proceedings.

Commentary:

Interpreters should know and observe the established protocol, rules, and procedures for delivering interpreting services. When speaking in English, interpreters should speak at a rate and volume that enable them to be heard and understood throughout the courtroom, but otherwise they should make their presence as unobtrusive as possible.

Canon 7: Court interpreters shall interpret accurately and faithfully without indicating any personal bias, avoiding even the appearance of partiality.

Commentary:

The interpreter has a twofold duty: (1) to ensure that the proceedings in English reflect precisely what was said by a non-English-speaking person, and (2) to place the non-English-speaking person on an equal footing with those who understand English. This creates an obligation to conserve every element of information contained in a source language communication when it is rendered in the target language. Therefore,

interpreters are obligated to apply their best skills and judgment to preserve faithfully the meaning of what is said in court, including the style or register of speech. Verbatim, "word-for-word," or literal oral interpretations are not appropriate when they distort the meaning of the source language, but *every spoken statement, even if it appears nonresponsive, obscene, rambling, or incoherent should be interpreted*. This includes apparent misstatements. Interpreters should never interject their own words, phrases, or expressions. If the need arises to explain an interpreting problem (e.g., a term or phrase with no direct equivalent in the target language, or a misunderstanding that only the interpreter can clarify), the interpreter should ask the court's permission to provide an explanation. Interpreters should convey the emotional emphasis of the speaker without reenacting or mimicking the speaker's emotions, or dramatic gestures. The obligation to preserve accuracy includes the interpreter's duty to correct any error of interpretation discovered by the interpreter during the proceeding. Interpreters should demonstrate their professionalism by objectively analyzing any challenge to their performance.

Canon 8: Court interpreters shall maintain impartiality by avoiding undue contact with witnesses, attorneys, defendants and their families, and any contact with jurors. This should not limit, however, those appropriate contacts necessary to prepare adequately for their assignment.

Commentary:

The interpreter serves as an officer of the court. The interpreter's duty in a court proceeding is to serve the court, and the public to which the court is a servant. This is true whether the interpreter is retained publicly at state expense or retained privately at the expense of one of the parties. The interpreter should avoid any conduct or behavior that presents the appearance of favoritism toward any of the parties. Interpreters should maintain professional relationships with their clients, and should not take an active part in any of the proceedings. The interpreter should discourage a non-English-speaking party's personal dependence. During the course of the proceedings, interpreters should not converse with parties, witnesses, jurors, attorneys, or friends or relatives of any party, except in the discharge of their official duties. It is especially important that interpreters, who are often familiar with attorneys or other persons who commonly work in courtroom environments, including law-enforcement officers, refrain from casual and personal conversations with anyone in court that may convey the appearance of a special relationship with, or partiality toward, any of the court participants. The interpreter should strive for professional detachment. Verbal and nonverbal displays of personal attitudes, prejudices, emotions, or opinions should be avoided at all times.

Should an interpreter become aware that a participant in a proceeding views the interpreter as having a bias or being biased, the interpreter should disclose that knowledge to the appropriate judicial authority and counsel. Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest.

Canon 9: Court interpreters shall refrain from giving advice of any kind to any party or individual concerning court procedures and legal matters, and shall not express personal opinions concerning any matter before the court.

Commentary:

Since interpreters are responsible only for enabling others to communicate, they should limit themselves to the activity of interpreting or translating only. Interpreters should refrain from initiating communications while interpreting unless it is necessary to do so in order to assure an accurate and faithful interpretation. Interpreters may be required to initiate communications during a proceeding when they find it necessary to seek assistance in performing their duties. Examples of such circumstances include seeking direction when unable to understand or express a word or thought, requesting speakers to moderate their rate of communication or repeat or rephrase something, correcting their own interpreting errors, or notifying the court of reservations about their ability to satisfy an assignment competently. In such instances they should make it clear that they are speaking for themselves. An interpreter may convey legal advice from an attorney to a person only while that attorney is giving it. An interpreter should not explain the purpose of forms, services, or otherwise act as counselors or advisors unless they are interpreting for someone who is acting in that official capacity. The interpreter may translate language on a form for a person who is filling out the form, but may not explain the form or its purpose for such a person. The interpreter should not personally serve to perform official acts that are the official responsibility of other court officials, including, but not limited to, court clerks, pretrial investigators or interviewers, or probation counselors.

Canon 10: Court interpreters shall perform to the best of their ability to assure due process for the parties, shall accurately state their professional qualifications, and shall refuse any assignment for which they are not qualified or which is given to them under conditions which substantially impair their effectiveness.

They shall preserve the level of language used, and the ambiguities and nuances of the speaker, without any editing. Implicit in the

knowledge of their limitations is the duty to correct any error of interpretation by requesting clarification of ambiguous statements or unfamiliar vocabulary, and the duty to analyze objectively any challenge to their performance. Interpreters have the duty to call to the attention of the court any factors or conditions which adversely affect their ability to perform adequately.

Commentary:

Acceptance of a case by an interpreter implies linguistic competency in legal settings. Withdrawing, or being asked to withdraw from a case after it begins, causes a disruption of court proceedings and is wasteful of scarce public resources. Therefore, it is essential that interpreters present a complete and truthful account of their training, certification, and experience prior to appointment so the officers of the court can fairly evaluate their qualifications for delivering interpreting services.

Interpreters must continually strive to increase their knowledge of the languages in which they work, including past and current trends in technical, vernacular, and regional terminology, as well as their application within court proceedings. Interpreters should keep informed of all statutes, rules of courts, and policies of the judiciary that relate to the performance of their professional duties. An interpreter should seek to elevate the standards of the profession through participation in workshops and professional meetings, interaction with colleagues, and the reading of current literature in the field.

If the communication mode or language of the non- English-speaking person cannot be readily interpreted, the interpreter should notify the appropriate judicial authority. Interpreters should notify the appropriate judicial authority of any environmental or physical limitation that impedes or hinders their ability to deliver interpreting services adequately (e.g., the court room is not quiet enough for the interpreter to hear or be heard by the non-English speaker, more than one person at a time is speaking, or principals or witnesses of the court are speaking at a rate of speed that is too rapid for the interpreter to interpret adequately). Interpreters should notify the presiding officer of the need to take periodic breaks to maintain mental and physical alertness and prevent interpreter fatigue. Interpreters should recommend and encourage the use of team interpreting whenever necessary. Interpreters are encouraged to make inquiries as to the nature of a case whenever possible before accepting an assignment. This enables interpreters to match their professional qualifications, skills, and experience more closely to potential assignments and more accurately assess their ability to satisfy those assignments competently. Even competent and experienced interpreters may encounter cases where routine proceedings suddenly involve technical or specialized terminology

unfamiliar to them (e.g., the unscheduled testimony of an expert witness). When such instances occur, interpreters should request a brief recess to familiarize themselves with the subject matter. If familiarity with the terminology requires extensive time or more intensive research, interpreters should inform the presiding officer. Interpreters should refrain from accepting a case if they feel the language and subject matter of that case is likely to exceed their skills or capacities. Interpreters should feel no compunction about notifying the presiding officer if they feel unable to perform competently, due to lack of familiarity with terminology, lack of preparation, or difficulty in understanding a witness or defendant. Interpreters should notify the presiding officer of any personal bias they may have involving any aspect of the proceedings. For example, an interpreter who has been the victim of a sexual assault may wish to be excused from interpreting in cases involving similar offenses.

Canon 11: Court interpreters shall accept no remuneration, gifts, gratuities, or valuable consideration in excess of their authorized compensation in the performance of their official interpreting duties. Additionally, they shall avoid any conflict of interest or even the appearance thereof.

Commentary:

The following are circumstances that are presumed to create actual or apparent conflicts of interest for interpreters in which interpreters should not serve:

1. The interpreter is a friend, associate, or relative of a party or counsel for a party involved in the proceedings.
2. The interpreter has served in an investigative capacity for any party involved in the case.
3. The interpreter has previously been retained by a law-enforcement agency to assist in the preparation of the criminal case at issue.
4. The interpreter or the interpreter's spouse or child has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that would be affected by the outcome of the case.
5. The interpreter has been involved in the choice of counsel or law firm for that case.

Interpreters should disclose to the court and other parties if they have previously-worked privately for one of the parties in the case. Interpreters should not serve in any matter in which payment for their services is contingent upon the outcome of the case. An interpreter who is also an attorney should not serve in both capacities in the same matter.

Canon 12: Court interpreters shall maintain accurate and detailed time records of services they render.

Canon 13: Court interpreters shall support other court interpreters by sharing knowledge and expertise with them to the extent practicable in the interest of the court and by never taking advantage of knowledge obtained in the performance of official duties, or by their access to court records, facilities, or privileges, for their own or another's personal gain.

Commentary:

Interpreters shall continually improve their skills and knowledge, and shall advance the profession through activities such as professional training, education, and interaction with colleagues and specialists in related fields.

Canon 14: Court interpreters shall inform the court of any impediment to adherence to this code, or of any effort by another to cause this code to be violated.

Commentary:

Because users of interpreting services frequently misunderstand the proper role of the interpreter, they may ask or expect the interpreter to perform duties or engage in activities that run counter to the provisions of this code or other laws, regulations, or policies governing court interpreters. It is incumbent upon the interpreter to inform such persons of his or her professional obligations. If, having been apprised of these obligations, the person persists in demanding that the interpreter violate them, the interpreter should turn to a supervisory interpreter, a judge, or another official with jurisdiction over interpreter matters to resolve the situation.

