



**Orientation Manual  
For Aspiring Interpreters**

**United States District Court  
Southern District of California**

**March 2016**

## Table of Contents

<b>FOREWORD</b> .....	<b>3</b>
<b>INTRODUCTION</b> .....	<b>6</b>
COURT INTERPRETING IN THE SOUTHERN DISTRICT OF CALIFORNIA .....	6
OVERVIEW OF THE INTERPRETERS SECTION .....	8
<b>FEDERAL COURTS</b> .....	<b>11</b>
THE SOUTHERN DISTRICT OF CALIFORNIA .....	11
QUALIFICATION GUIDELINES FOR FEDERAL COURT INTERPRETERS .....	12
COURT INTERPRETER POSITION DESCRIPTION .....	13
FEDERAL COURT INTERPRETER CERTIFICATION EXAM (FCICE) .....	18
OTHER CERTIFICATION PROGRAMS .....	19
<b>CALIFORNIA COURTS</b> .....	<b>20</b>
<b>CODE OF ETHICS AND PROFESSIONAL RESPONSIBILITIES FOR COURT INTERPRETERS</b> .....	<b>21</b>
STANDARDS FOR PERFORMANCE AND PROFESSIONAL RESPONSIBILITY FOR CONTRACT INTERPRETERS IN THE FEDERAL COURTS .....	21
<b>CAREER INFORMATION</b> .....	<b>25</b>
FROM THE UNITED STATES OFFICE OF PERSONNEL MANAGEMENT .....	25
BUREAU OF LABOR STATISTICS .....	27
UNITED STATES DEPARTMENT OF STATE .....	35
THE UNITED NATIONS .....	35
OUTLOOK FOR THE EMPLOYMENT OF PROFESSIONAL INTERPRETERS AND TRANSLATORS .....	36
GOVERNMENT AGENCIES THAT USE INTERPRETERS .....	39
<b>EDUCATIONAL RESOURCES AND PROFESSIONAL DEVELOPMENT</b> .....	<b>40</b>
INTERPRETER TRAINING PROGRAMS IN CALIFORNIA .....	40
RESOURCES AND BIBLIOGRAPHY .....	43
<b>ARTICLES OF INTEREST</b> .....	<b>50</b>
STRAIGHT, NO CHASER .....	50
THE ADMINISTRATION OF JUSTICE IN A MULTILINGUAL SOCIETY .....	55
TYPES OF INTERPRETING .....	71
<b>CONCLUSION</b> .....	<b>76</b>
<b>GLOSSARY OF TERMS</b> .....	<b>77</b>

# FOREWORD

By Letty Lewis

It seems plausible to assume that interpreters (i.e., translators of the spoken word) have existed throughout much of human history, or at least since the time when speakers of different languages and cultures have found themselves in contact with one another. Some of history's famous interpreters are: Sacajawea (USA), a native American woman who, along with her French-Canadian husband Touissaint Charbonneau, joined the Lewis & Clark expedition; "La Malinche" (Mexico), a native Meso-American woman from the Gulf Coast region who played a pivotal role in the Spanish Conquest of Mexico as an interpreter, advisor and intermediary for Hernán Cortés; Saint Jerome, a medieval scholar behind the Latin translation of the Bible; Paul Mantoux, the interpreter for the Paris Peace Conference at the end of World War I, and Jean Herbert, the first Chief Interpreter of the United Nations.

The last 30 years have seen rapid growth in the interpretation and translation profession in California. Interpretation and translation are now recognized as very important and sophisticated fields of study in colleges and universities in the United States and throughout the world. Several factors determine both the current and future demand for interpreter services in San Diego: state and federal law; population growth, and of course, our close proximity to Mexico. We live in an age that is experiencing burgeoning activity in international business; politics; environmental awareness; immigration and bi-lateral relations with Mexico. Consequently, a great deal of business is conducted in English and Spanish on both sides of the border, perhaps nowhere more than here in San Diego, California.

The demand for qualified interpreters of a growing list of languages is increasing continually, and there are a number of career opportunities currently available for interpretation and translation students of all ages. Certified and otherwise-qualified interpreters offer their services in the state and federal courts. They also work outside the courts and provide their services in civil and criminal matters, in attorney-client interviews, and in Administrative Hearings for Workman's Compensation and Labor Relations cases, in Immigration Court and for the Social Security Administration. There is additionally a constant demand for interpreting

services for medical appointments at clinics and hospitals and also at banks, at government-sponsored and business conferences, and at schools. Thus, one can see that interpreters work in many contexts: legal, diplomatic, medical, community-relations, education, and business. In spite of these many different places and contexts in which interpreters work, they all share one common goal, i.e., the elimination of linguistic and cultural barriers through effective and accurate communication.

The increased cultural diversity that we see in our community and in our state and federal courts is a topic of great interest and importance to many judges and community leaders. This cultural diversity underscores the fact that America is indeed a melting pot of people, languages and cultures. One of the many qualities of a competent and knowledgeable interpreter is cultural understanding –the ability to overcome linguistic and cultural barriers that exist as a consequence of the multiplicity of languages spoken in our region.

One can appreciate the tremendous personal and professional responsibility an interpreter must assume. The work of an interpreter is very demanding and requires a great deal of discipline, commitment and hard work.

What is more, when the job of interpreting is performed well, it becomes an art that requires a high degree of knowledge, accuracy and stamina.

In addition to possessing superior language skills, an interpreter must have poise, confidence and self-control. An interpreter must be resourceful, analytical and intuitive; must have good interpersonal skills, and feel comfortable with public speaking. The aspiring interpreter must understand that becoming a certified or qualified interpreter is not something that can be achieved overnight, and that simply knowing two languages is not enough. It has been said that having two hands does not make one a piano virtuoso. By analogy, mere knowledge of two languages does not make one an interpreter. Nowadays, an interpreter must learn to be versatile and flexible; must have as much education and general knowledge as possible in order to be able to accurately interpret a broad range of subject matter, and oftentimes must even be willing to travel.

In light of the multiplicity of languages spoken in our region and the increasingly diverse linguistic needs of the population, one of the biggest challenges we face here in San Diego is securing interpreter services not only for some of our more commonly spoken languages, but also for some of the less frequently spoken languages, such as Arabic, Farsi, Korean, Laotian, Romanian, Russian, Somali and Tigrinya. At times, we also find ourselves busy trying to locate interpreters for indigenous languages such as Mixteco Alto and Bajo, Zapoteco, Nahuatl, Purepecha and Chinanteco de Usila.

We are pleased to provide you with this Orientation Manual for Aspiring Interpreters. In this guide, you will find facts and materials, frequently asked questions and articles of interest related to the fields of translation and interpreting (T&I). All of the materials in this manual have been carefully selected and updated to help you in your professional endeavors. While there is not a single roadmap that an aspiring interpreter can follow to become a certified or professionally-qualified court interpreter, it is our hope that the resources included in this guide can help you learn more about the very exciting and rewarding profession of court interpreting.

I would like to acknowledge and thank Rebeca Calderón, our Manager of Interpreter Services, for the guidance and support I have received from her in the process of preparing this manual. I would also like to acknowledge and thank my colleague and staff interpreter, Gloria Mayne, who has provided me with an abundance of professional and technical guidance and has spent countless hours helping me with the formatting of this project. I express my gratitude to Burnett Anderson, Document Control Clerk, for his time and contributions to this manual. Finally, I am deeply grateful to all my colleagues in our Southern District Office for their contributions to this manual and for giving me so much inspiration and insight.

Thank you for your interest in Court Interpreting. We wish you much success in all of your professional endeavors.

Letty Lewis  
Staff Interpreter, U.S. District Court for the Southern District of California

# INTRODUCTION

## Court Interpreting in the Southern District of California

Court interpreting is a multifaceted profession that brings together people from many walks of life and almost every culture on Earth. According to a recent study, more than 200 languages are spoken in California alone. Of the state's 36 million people, about 20 percent speak English less than "very well." That's almost seven million people in California who would need language services from an interpreter if they found themselves in court.

In California there are court interpreter certification examinations for 13 designated languages: Arabic, Eastern Armenian, Western Armenian, Cantonese, Japanese, Korean, Mandarin, Portuguese, Russian, Spanish, Tagalog, Vietnamese and American Sign Language. The Federal Court Interpreter Certification Exam was originally provided in three languages: Spanish, Haitian Creole and Navajo. Certified interpreters may choose to provide their services to both the U.S. District Courts and the California Courts, or they can provide their services to other government agencies or the private sector. In addition, many interpreters choose to concentrate on written translation work, while continuing to offer their interpreting services to the courts on a less frequent basis.

The milestone for court interpreting in the United States was the 1978 Court Interpreters Act which brought about considerable improvements within the field. This Act provided for interpretation services in all criminal and civil actions in the Federal District Courts to which the United States is a party, and required that the Director of the Administrative Office of the United States Courts initiate a program for the certification of federal court interpreters. Many professional interpreters working today can attest to this transformation.

As recently as the turn of the twenty-first century, training resources for court interpreters were still scarce. Currently, however, there are volumes of detailed and well organized information readily available through the Internet. Schools and universities throughout the country offer court interpreting training programs and classes. There are several professional court interpreter associations that offer workshops for test preparation

and continuing education. Moreover, a number of colleagues throughout the country teach courses in translation and interpretation, both at the undergraduate and graduate levels.

The U.S. District Courts are required to provide a certified or otherwise-qualified interpreter to any non-English speaking defendant charged with a criminal offense. In the Southern District of California, the Court Interpreters Section is in charge of hiring and contracting certified and otherwise-qualified interpreters of all languages. Interpreters provide services for all criminal proceedings in court as well as for federal probation interviews. They also do written translations of a variety of documents, including correspondence addressed to judges, legal documents and medical reports, to mention a few. Because the number of cases filed in the Southern District of California fluctuates, the Court Interpreters Section relies on contract interpreters of Spanish and Other-than-Spanish (OTS) languages in order to cover all in-court and out-of-court matters, as the need arises. Sometimes the Manager of Interpreter Services must seek telephonic interpreting assistance in order to adequately fill requests coming into the office for a specific language. Although most interpreter-related cases are in the Spanish language, statistics show a steady increase over the last decade in the demand for OTS language interpreters. This trend is likely to remain unchanged in the future.

When an interpreter is needed in federal court for languages other than Spanish, Haitian Creole or Navajo, the Manager of Interpreter Services of our District Court must screen the interpreter to determine his/her qualifications, give an orientation and provide relevant materials prior to including the interpreter in the court's local roster of qualified interpreters. Interpreter performance is periodically reviewed by the manager. A resumé, the interpreter's written oath and a signed contract of terms and conditions for interpreter services are kept on file. Interpreters of all languages are encouraged to contact the Court Interpreters Section in the Southern District of California to have their names listed on the roster of available interpreters. And finally, no matter how or where you acquaint yourself with the world of court interpreting, we wish you a most rewarding experience.

## Overview of the Interpreters Section

The right of non-English speaking defendants and certain other parties to a certified or otherwise qualified court interpreter (and the legal foundation for the existence of federally-certified court interpreters) were established by the **Court Interpreters Act (Title 28, United States Code, section 1827)**. Subsection d(1) of the Act states the following: “the presiding judicial officer, with the assistance of the Administrative Office of the United States Courts, shall utilize the services of the most available certified interpreter, or when no certified interpreter is reasonably available, as determined by the presiding judicial officer, the services of an otherwise qualified interpreter, in judicial proceedings instituted by the United States, if the presiding judicial officer determines on such officer’s own motion or on the motion of a party that such party (including a defendant in a criminal case,) or a witness who may present testimony in such judicial proceedings– (A) speaks only or primarily a language other than the English language; or (B) suffers from a hearing impairment (whether or not suffering also from a speech impairment) so as to inhibit such party’s comprehension of the proceedings or communication with counsel or the presiding judicial officer, or so as to inhibit such witness’ comprehension of questions and the presentation of such testimony.....”

**U.S. DISTRICT COURT  
CLERK'S OFFICE  
COURT INTERPRETERS  
SECTION**

The Interpreters Section in the Southern District of California exists and functions pursuant to the mandate of the Court Interpreters Act. The Interpreters Section operates in accordance with the rules and regulations of the Clerk’s Office as set forth in the Employee Manual of the United States District Court for the Southern District of California. The Interpreters Section currently serves 16 District Court Judges (four of which hold senior status) and 11 Magistrate Judges (including the Magistrate Judge in our satellite court in El Centro, California), the United States Probation Office and the public. At present, the Interpreters Section is staffed by ten full-time and four part-time Spanish interpreters, and ten certified Spanish contract interpreters. Our Spanish interpreters are natives of, or have acquired their Spanish-language skills, in five different Spanish-speaking countries, encompassing three main regional varieties of Spanish: South America, Mexico and the Caribbean.

In the year 2015 the volume of Spanish criminal cases in the Interpreters Section was 14,973. The cases range from brief continuances to jury trials lasting up to several weeks. During the same period of time there were 271 of Other-than-Spanish (OTS) interpreting events involving 24 languages. In addition, there were a total of 1,623 probation events for all requested languages.

In 2015, our office translated 302 pages of documents, ranging from complex legal documents issued by Mexican courts, to police investigations conducted in Mexico, as well as medical documents, academic records and educational certificates from Mexico, and correspondence addressed to our judges.

During this fiscal year of 2015 our District has been more involved in The Telephone Interpreting Program (TIP). Our call center takes requests from courts all over the country for interpreting services.

You can find more information about this program by visiting [United States Courts Telephone Interpreting Program](#).

The telephone interpreting program is very valuable because we are able to provide access to the federal courts in jurisdictions where interpreters of different languages are not available. It also allows us to have more interaction with the federal court system and understand how other courts function. In 2015 we have serviced 20 states from Alaska to South Dakota, in Spanish and other languages.

Our courtrooms are also equipped to be recipients of the services provided through the Telephone Interpreting Program. Last year we were recipients of TIP calls from other states within the Federal Judiciary for Amharic, Arabic, Eastern Armenian, Farsi, Japanese and Tagalog.

In addition to Spanish language interpreting services, the Interpreters Section is responsible for securing the services of Other-Than-Spanish (OTS) qualified interpreters of all other languages for Court Hearings and for Probation Office interviews. Other-Than-Spanish interpreter services include the languages of Chaldean, Farsi, Arabic, Korean, Eastern Arminian, Cantonese, Mandarin, Amharic, Japanese, Somali, Vietnamese Russian, Laotian, Tagalog, Sign language (American), Portuguese and

Sign Language (Mexican Real Time), as well as several native Latin American languages like Mixteco Bajo, Triqui, Zapoteco de San Jose, Tzotzil, Amuzgo, Zapoteco de San Vicente and Nahuatl.

Currently, the Interpreters Section is actively seeking qualified OTS Interpreters who are interested in providing their services to the courts. There continues to be a short supply of qualified interpreters in our district to fill the increasing demand for OTS interpreter services.

The interpreters section in the Southern District has regular in-house educational training sessions. In 2015 we had over 40 continuing education and training sessions as well as presentations from a variety of guest speakers. The presentations included cultural, legal, and linguistic topics of interest to court interpreters. These presentations are given by expert witnesses and other educators on language history and culture. Many of the presenters are staff interpreters from our own office. Staff interpreters are also offered training on the different computer applications and new technology used in our court and daily work.

In September 2015, ten staff interpreters from our Southern District Court of California attended a Federal Court Staff Interpreter Training Workshop in Phoenix, Arizona. Topics of interest included presentations on the new Criminal Justice System in Mexico, the Do's and Don'ts of Team Interpreting, and advanced workshops on Simultaneous, Consecutive Interpreting and Sight Translation.

# FEDERAL COURTS

## The Southern District of California

The Southern District includes San Diego and Imperial counties and borders Mexico. Both counties cover more than 8,500 square miles. The San Ysidro Port of Entry is the busiest land border crossing in the world. Fourteen million vehicles and forty million people cross through this port of entry into the U.S. legally every year. Due to its geographical proximity to Mexico, the Southern District sees a constant flow of cases related to illegal immigration, alien smuggling and drug trafficking, over and above other types of criminal matters. It is one of the busiest court districts in the United States. In 2013, immigration and drug offenses continued to dominate the criminal dockets of the District of Arizona (Eastern District) and the Southern District of California. Many were for illegal entry into the United States and for bringing in undocumented aliens.

The Southern District of California has two U.S. courthouses. The main courthouse is in San Diego and now has a beautiful newly constructed building adjacent to it. The new Federal Court annex building in San Diego has recently been named the James M. Carter and Judith N. Keep Courthouse. There is also a smaller satellite courthouse located in El Centro. There are a total of 28 courtrooms in the current San Diego U.S. Courthouse and the new Annex. The El Centro courthouse operates with one courtroom and one Magistrate Judge.

The office where the Interpreters Section is located is on the 11<sup>th</sup> floor of the new James M. Carter and Judith N. Keep U.S. District Courthouse in San Diego. It opened in November of 2012. The new courthouse building has 16 stories, housing six courtrooms, 12 chambers and other court-related offices. The new building is a reflection of the combination of urban design, sustainability and technology.

The U.S. Probation Office is also part of the Southern District of California. It is charged with investigating and supervising defendants who are placed on supervised release by the Courts. It employs more than 130 probation officers, most of them assigned to the San Diego office, and others assigned to one branch in Chula Vista. The majority of the presentence reports prepared by the U.S. Probation Office involves cases

related to immigration offenses, alien smuggling and drug trafficking. The U.S. Probation Office relies heavily on the Court Interpreters Section for interviews and investigations conducted in their office and also in the local detention centers on a daily basis.

There are other viable opportunities for work in the Southern District. The United States Attorney's Office and the Federal Defenders of San Diego Inc. also utilize the services of interpreters and both have offices in downtown San Diego.

## Qualification Guidelines for Federal Court Interpreters

The Administrative Office of the United States Courts (AO) determines the qualifications of persons who may serve as court interpreters. It has established three categories of interpreters:

### AO Certified interpreters

An interpreter who has successfully completed the Federal Court Interpreter examination for a language in which an examination is currently available.

### Professionally qualified interpreters

When a certified interpreter is not reasonably available, the court may use an "otherwise qualified interpreter" (28 U.S.C. §1827(b(2))). This category applies to all languages, except those for which the AO has certified interpreters. Credentials for professionally qualified interpreters require sufficient documentation and authentication, and must meet the criteria in one of the following:

- a) Passed the U.S. Department of State conference or seminar interpreter test in a language pair that includes English and the target language. The U.S. Department of State's escort interpreter test is not accepted as qualifying.
- (b) Passed the interpreter test of the United Nations in a language pair that includes English and the target language.
- (c) Is a current member in good standing of:

- (1) The Association Internationale des Interprètes de Conférence (AIIC); or
  - (2) The American Association of Language Specialists (TAALS). The language pair of the membership qualification must be English and the target language.
- (d) For sign language interpreters, someone who holds the Specialist Certificate: Legal (SC:L) of the Registry of Interpreters for the Deaf (RID).

### **Language Skilled/*Ad Hoc* interpreters**

An Interpreter who does not qualify as a professionally qualified interpreter, but who can demonstrate to the satisfaction of the court the ability to interpret court proceedings from English to a designated language and from that language into English, will be classified as a language skilled/*ad hoc* interpreter. Certified and professionally qualified interpreters are paid at a higher rate than language skilled/*ad hoc* interpreters.

## **Court Interpreter Position Description**

United States District Court, Southern District of California

### **Introduction**



This position is located in the Administration Section of the Clerk's Office, and reports to the Manager of Interpreter Services.

The incumbent provides interpreting and translation services for the courts when in contact with non-English speaking individuals and for Spanish-

speaking defendants, witnesses, sureties, and family members in all court proceedings, and during probation interviews for Spanish-speaking defendants and other Spanish-speaking parties.

The incumbent also provides interpreting services for the general public conducting business with the court or the Clerk's Office.

Services are provided in the Southern District of California's two federal courthouses: downtown San Diego and El Centro, California in Imperial County, and at the U.S. Probation Office and regional detention facilities.

### **Representative Duties**

- Provides simultaneous or consecutive interpreting services from English into Spanish, and vice versa, in all types of court proceedings, including, but not limited to, arraignments, bail reviews, dispositions, motion hearings, trials and sentencing hearings.
- Renders interpreting services from English into Spanish, and vice versa, in out-of-court events, including probation interviews and attorney-client conferences.
- Provides interpreting services to the general public conducting business with the court or the Clerk's office, over the phone and in person.
- Assists probation officers in telephonic communication with non-English-speaking family members, and with representatives of other relevant entities, in order to corroborate information gathered during the pre-sentence interview.
- Performs sight translation of handwritten and typewritten documents, in and out of courtroom.
- Translates all types of documents addressed to and issued by the court, including, but not limited to, waiver forms, standard and special conditions of supervised release, conditions of probation, correspondence between the court and defendants and/or family members, and correspondence addressed to the Probation Office. Also translates any and all documentary evidence in criminal cases as requested by the court, including the translation of legal, medical and technical documents.
- Assists fellow staff members with research, editing and proofreading tasks.
- Participates in the research, discussion, creation and maintenance of English-Spanish and Spanish-English glossaries, with terms and terminology encountered in the course of the interpreters' daily duties.
- Attends and participates in monthly continuing education sessions and staff meetings.
- Tests interpreter sound equipment prior to court proceedings to ensure adequate performance, and promptly alerts technical support staff of any equipment malfunction.

- Makes telephone connections and tests the P.A. system for the use of remote telephone interpretation.
- Documents the number of translated documents and interpreting events handled both in and out of court. Records all relevant data for monthly and quarterly service reports.
- Performs other tasks as assigned.

#### Job Requirements

- The incumbent must be certified by the Administrative Office of the U.S. Courts as a Federal Court Interpreter for the Spanish/English language combinations.
- Must be fully bilingual and bicultural in Spanish and English. The position requires knowledge of cultural differences in order to communicate effectively with people of diverse socio-economic and educational backgrounds, and be familiar with paralinguistic aspects that may affect the communication between members of two different cultures.
- The incumbent must combine superior knowledge of both working languages with mastery of interpreting techniques in order to deliver a consistently accurate performance.
- This position requires a high level of subject familiarity and linguistic sophistication in order to meet multiple job requirements.
- Incumbent must have the ability to comprehend a wide variety of linguistic concepts and meanings based on context, rather than on surface structure of utterances.
- Must possess a broad knowledge and understanding of legal concepts, court procedures and criminal proceedings.
- The incumbent must be skilled in projecting a clear and well-modulated voice when providing interpretation services in court.
- This position requires sufficient stamina for interpreting simultaneously in lengthy proceedings, which can be mentally challenging and demanding.
- Must perform interpreting services in a courtroom environment where professional decorum is required.

- Must be able to perform well in a team work environment and do the necessary terminological research, whether using primary and/or secondary sources, "language informants" or web-based research.
- Must be able to remain impartial at all times, and maintain objectivity in spite of potentially volatile adversarial proceedings.
- Must be able to keep her/his composure in spite of emotionally-charged testimony or allocution made by any party in a judicial or quasi-judicial proceeding.
- Must possess basic computer literacy and word- processing skills.

### Scope and Effect of Work

Interpreters facilitate the expedient disposition of criminal cases involving Spanish-speaking defendants. The accuracy, completeness and precision of their services are of critical importance to the court in order to comply with due process of law, avoid reversible error and ensure effective communication between Spanish and English speaking parties in all stages of criminal proceedings. The target-language rendition made by the staff interpreters is an essential element of the decision-making process of the fact finders in criminal proceedings, and may substantially affect the outcome of a case. The work of the staff interpreters directly affects the ability of the fact-finder, be it a judge or a jury, to decide cases with a full, complete and accurate understanding of the evidence submitted to them. The work of the staff interpreters eliminates the language barrier between the fact-finders and non-English speaking witnesses, thereby enabling proper understanding and evaluation of their testimony. During simultaneous interpretation for the defendant, the rendition of the interpreter affects the thought processes of a defendant, thereby affecting the defense of the individual. The staff interpreters' ability to provide precise and clear consecutive interpretation of testimony during criminal proceedings is also of extreme importance, since the English rendition given by the interpreter will constitute the official record of the proceedings as it relates to the testimony of non-English-speakers, and will affect any subsequent appeal of the case. To the extent the staff interpreters' work affects the decision-making process, the impact may extend far beyond the trial court level.

### Complexity

The work of a Federal Court Interpreter is complex; it involves meeting multiple requirements, which include a broad knowledge of cultural

differences, dialects, accents, idiomatic expressions, regionalisms as well as an extensive and esoteric vocabulary including, but not limited to, legal, medical, technical, military, automotive and nautical terms. Simultaneous interpretation has been described as one of the most difficult tasks for the human mind to perform, utilizing up to 22 cognitive steps, among them, analytical listening, decoding the message, storage, retrieval, transformation and transmittal of verbal information, monitoring the output for accuracy, while at the same time receiving the next cluster of information to be processed. All of this is done at speeds of more than 120 words per minute. Simultaneous interpretation requires an unusual level of concentration that soon causes mental exhaustion.

Staff interpreters use judgment to identify the nuances of words and their shades of meaning in order to accurately interpret any type of discourse, while always maintaining the equivalent subtle meaning and level of register in the target language being used by the speaker in the source language. Each speaker is unique, and the interpreter must be able to ascertain the words that the individual will understand based on the speaker's regional origin. This ability is essential as Spanish is the official language of 21 countries, and regional variations continually emerge that can change the entire meaning of the discourse. This type of work requires that the interpreter make a constant effort to keep abreast of the dynamics of both the Spanish and the English languages, and the development of subtle new meanings in both.

#### Work Parameters

The Manager of Interpreter Services is available for guidance and assistance, and directly supervises the work of staff and contract interpreters. Translation work is directly reviewed by the manager. The manager is available at all times for consultation. Scheduling is performed by the Manager of Interpreter Services, however, staff interpreters are expected to identify and report the need for additional coverage in courtrooms with extensive dockets, cases involving a large number of co-defendants or matters requiring special scheduling needs.

#### Personal Interactions

Staff interpreters have daily contact with court personnel, members of the Bar and the general public, in addition to direct interaction with judicial officers and court staff. They also have continuous interaction with

defendants and other participants during court proceedings, as well as with U.S. Attorneys, U.S. Probation Officers and U.S. Marshals.

#### Environmental Demands

The work is performed mainly at the Edward J. Schwartz Courthouse and in the Courthouse Annex in San Diego, or in the El Centro Courthouse. However, defendant interviews are conducted at the U.S. Probation Office, the U.S. Marshal's holding cell, U.S. Marshals Service Video Rooms, the Metropolitan Correctional Center, the Western Region Detention Facility (WRDF) in San Diego, and at the Corrections Corporation of America (CCA) detention facility located in Otay Mesa. Occasionally, interpreters are at risk due to exposure to highly contagious diseases, such as tuberculosis and the H1N1 virus.

## Federal Court Interpreter Certification Exam (FCICE)

The National Center for State Courts administers the two-phase examination to become a federally certified court interpreter. It tests language proficiency and interpretation performance. It consists of a Written Examination and an Oral Examination. The Written Exam is the prerequisite to take the oral portion of the exam. It consists of 200 multiple choice questions—100 in English and 100 in Spanish. Candidates are given 3 hours and 15 minutes to take the Written Exam.

The federal certification is required to work in Federal Courts in any US State. The exam has only an approximate 5% pass rate nationally –most people have to take it more than once to pass.

The National Center for State Courts is contractor to the Administrative Office of the United States Courts for the development and administration of the Spanish/English Federal Court Interpreter Certification Exam. It provides a wealth of information for becoming a federally certified court interpreter. For more information on interpreting for the federal courts, please visit the [Federal Court Interpreter Certification Exam website](#).

The FCICE Examinee Handbook is a valuable resource for Spanish-English Federal Court Interpreter Certification Examination candidates. The Handbook may be viewed online or ordered online or by mail. To order an examinee handbook by mail, send a written request, together with a certified check or money order (no cash or personal checks accepted) in the amount of 31.50, made payable to NCSC, to:

National Center for State Courts  
Attn: FCICE Program  
707 17<sup>th</sup> Street, Suite 2900  
Denver, CO 80202

## Other Certification Programs

For information about other certification programs, please visit:

[ATA Certification Program](#)

[National Association of Judiciary Interpreters and Translators](#)

# CALIFORNIA COURTS

The Judicial Council of California is the policymaking body of the California courts, the largest court system in the nation. It is responsible for ensuring the impartial and accessible administration of Justice. The Administrative Office of the Courts (AOC) is the staff agency of the Judicial Council responsible for implementing council policies and programs.

When no professionally qualified interpreter is reasonably available, the manager of the Interpreters Section for the U.S. Southern District of California refers to the list of Other than Spanish (OTS) Certified and Registered interpreters provided by the Judicial Council of California as a reliable source of qualified interpreters.

If you are interested in becoming a California Court Interpreter, you can request an information packet about the Court Interpreters Program (CIP) from the Judicial Council of California. To reach the Court Interpreters Program of the Judicial Council Please call 1-866 310-0689 (toll free), or visit the [Court Interpreters Program](#) website.

The Court Interpreters Program has developed testing programs and practices to enhance the quality of interpretation and increase the availability of certified and qualified interpreters in courts. This helps to ensure access to the courts for persons with limited English proficiency or those who are deaf or hard-of-hearing.

For the most current information about the California Court Interpreter Examination, please contact the [Court Interpreters Program](#). For information about future test dates, contact [Prometric](#), the agency contracted by the CIP to administer the exams.

# CODE OF ETHICS AND PROFESSIONAL RESPONSIBILITIES FOR COURT INTERPRETERS

Interpreters working for the Southern District of California must adhere to the Code of Ethics and Professional Responsibilities for Court Interpreters. Aspiring Interpreters are expected to become familiar with and comply with this code as well.

## Standards for Performance and Professional Responsibility for Contract Interpreters in the Federal Courts

### Preamble

Federally certified court interpreters are highly skilled professionals who bring to the judicial process specialized language skills, impartiality, and propriety in dealing with parties, counsel, the court, and the jury. All contract court interpreters, regardless of certification, are appointed to serve the court pursuant to 28 U.S.C. § 1827. When interpreters are sworn in they become officers of the court while in good standing, and have the specific duties and responsibilities of interpreting between English and the language specified. In their capacity as officers of the court, contract court interpreters are expected to follow the Standards for Performance and Professional Responsibility for Contract Court Interpreters in the Federal Courts.

### 1. Accuracy and Completeness

Interpreters shall render a complete and accurate interpretation or sight translation that preserves the level of the language used without altering, omitting, or adding anything to what is stated or written, and without explanation. The obligation to preserve accuracy includes the interpreter's duty to correct any error of interpretation discovered by the interpreter during the proceeding.

## 2. Representation of Qualifications

Interpreters shall accurately and completely represent their certifications, training, and pertinent experience.

## 3. Impartiality, Conflicts of Interest, and Remuneration and Gifts

*Impartiality.* Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. During the course of the proceedings, interpreters shall not converse with parties, witnesses, jurors, attorneys, or with friends or relatives of any party, except in the discharge of their official functions.

*Conflicts of Interest.* Interpreters shall disclose any real or perceived conflict of interest, including any prior involvement with the case, parties, witnesses or attorneys, and shall not serve in any matter in which they have a conflict of interest.

*Remuneration and Gifts.* Court interpreters shall accept remuneration for their service to the court only from the court. Court interpreters shall not accept any gifts, gratuities, or valuable consideration from any litigant, witness, or attorney in a case in which the interpreter is serving the court, provided, however, that when no other court interpreters are available, the court may authorize court interpreters working for the court to provide interpreting services to, and receive compensation for such services from, an attorney in the case.

## 4. Professional Demeanor

In the course of their service to the court, interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

## 5. Confidentiality

Interpreters shall protect the confidentiality of all privileged and other confidential information.

## 6. Restriction of Public Comment

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 required by law to be confidential.

## 7. Scope of Practice

Interpreters shall limit themselves to interpreting or translating, and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

#### 8. Assessing and Reporting Impediments to Performance

Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the appropriate judicial authority.

#### 9. Duty to Report Ethical Violations

Interpreters shall report to the proper judicial authority any effort that may impede their compliance with any law, any provision of these Standards, or any other official policy governing court interpreting and legal translating.

### References

An interpreter should seek to elevate the standards of the profession through participation in workshops, professional meetings, interaction with colleagues, and reading current literature in the field. Below is a list of additional references to help all interpreters understand the importance of their role as a professional court interpreter.

California

Standards of Judicial  
Administration, Section 18.3,  
*Standards of Professional  
Conduct for Court Interpreters*  
(See California Rules of Court,  
Rule 985)

Judicial Council of California,  
Administrative Office of the  
Courts, Workshops For Court  
Interpreters (Training Manual),

*Professional Ethics and the Role  
of the Court Interpreter*

California Court Interpreters  
Association, *Code of Ethics*

Federal Courts

Code of Professional  
Responsibility of the Official  
Interpreters of the United States  
Courts

Massachusetts

Office of the Chief  
Administrative Justice,  
Massachusetts Trial Court, *Code  
Professional Conduct for Court  
Interpreters of the Trial Court*

New Jersey

Administrative Office of the  
Courts, Court Interpreting, Legal  
Translating and Bilingual  
Services Section, *Recommended  
Code of Professional  
Responsibility for Interpreters,  
Translators and Translators*

General

*Fundamentals of Court  
Interpretation*, Code of  
Professional Responsibility,  
Chapter 34, Ethical Principles  
and Standards, Roseann  
Gonzalez, Victoria Vasquez and  
Holly Mikkelson  
Carolina Academic Press, 1991.

You can obtain additional information about Ethics and Codes of conduct  
by visiting:

[NAJIT - Code of Ethics](#) or [ATA - Governance](#)

# CAREER INFORMATION

Our office in the Southern District of California does not have a high enough volume of Other than Spanish (OTS) interpreter cases to warrant staff positions in other languages. Therefore, we have included in this manual a wide range of information and materials on Career Opportunities as well as Educational and Professional Resources. We encourage all of you to read this valuable information to help you enhance your learning and understanding of the many career choices and possibilities available to you. We have provided some links where you can search for further information regarding career opportunities.

For more information, please visit: [USAJobs](#).

## From the United States Office of Personnel Management



United States Office of Personnel Management



The State Department normally has 50 or so linguists on its interpreting and translating staff, of whom 20 or so are primarily interpreters. The World Bank, International Monetary Fund, Organization of American States, INTELSAT, also hire a small number of interpreters on full-time basis in national and international agencies. Vacancies are few and far between, with many applicants applying for each opening.

The free-lance conference interpreting field in the United States is made up of experienced interpreters, who compete for the opportunity of interpreting at international conferences on scientific, economic, political, and other subjects. Except for the very few best known and most experienced interpreters, who are frequently multilingual rather than merely bilingual, free-lancing as a conference interpreter is, therefore, rather an uncertain occupation.

## TRANSLATING

### Qualifications Required for Translating

Translators of written documents are in greater demand than interpreters in both national and international agencies as well as in private industry. The United Nations has 250-300 translators; the State Department has about one-tenth that number; most international agencies and some United States agencies have smaller translating staffs.

Most translator positions require the ability to translate from several foreign languages into English, or to write (advertising copy; technical specifications; or diplomatic, informal, or scientific material, for example) in a foreign language at an educated native level. A broad background of education and experience is required to translate documents on many diverse subjects.

### Other Opportunities

There are also other vocational opportunities for students of languages (such as bilingual secretary or teaching) but the most widespread use of linguistic ability is to supplement other skills and knowledge. The United States Information Agency, for example, uses foreign-language announcers and script writers. Other agencies employ analysts in any scientific and technical fields who may be required to read a foreign language. In many fields of specialization the person who knows one or more foreign languages has a distinct advantage in competing for a job and in keeping up with what is going on in his or her professional field in other parts of the world. In the field of foreign affairs, the State Department is placing increased emphasis on the language knowledge of its Foreign Service Officers.

## Bureau of Labor Statistics



### Interpreters and Translators

#### Nature of the Work

*Interpreters and translators* facilitate the cross-cultural communication necessary in today's society by converting one language into another. However, these language specialists do more than simply translate words – they relay concepts and ideas between languages. They must thoroughly understand the subject matter in which they work in order to accurately convey information from one language into another. In addition, they must be sensitive to the cultures associated with their languages of expertise.

Although some people do both, interpreting and translation are different professions. Interpreters deal with spoken words, translators with written words. Each task requires a distinct set of skills and aptitudes, and most people are better suited for one or the other. While interpreters often interpret into and from both languages, translators generally translate only into their native language.

*Interpreters* convert one spoken language into another – or, in the case of sign-language interpreters, between spoken communication and sign language. Interpreting requires that one pay attention carefully, understand what is communicated in both languages, and express thoughts and ideas clearly. Strong research and analytical skills, mental dexterity, and an exceptional memory also are important.

There are two modes of interpreting: simultaneous, and consecutive. Simultaneous interpreting requires interpreters to listen and speak (or sign) at the same time someone is speaking or signing. Ideally, simultaneous interpreters should be so familiar with a subject that they are able to anticipate the end of the speaker's sentence. Because they

need a high degree of concentration, simultaneous interpreters work in pairs, with each interpreting for 20-minute to 30-minute periods. This type of interpreting is required at international conferences and is sometimes used in the courts.

In contrast to the immediacy of simultaneous interpreting, consecutive interpreting begins only after the speaker has verbalized a group of words or sentences. Consecutive interpreters often take notes while listening to the speakers, so they must develop some type of note-taking or shorthand system. This form of interpreting is used most often for person-to-person communication, during which the interpreter is positioned near both parties.

*Translators* convert written materials from one language into another. They must have excellent writing and analytical ability, and because the translations that they produce must be accurate, they also need good editing skills.

Translating involves more than replacing a word with its equivalent in another language; sentences and ideas must be manipulated to flow with the same coherence as those in the source document so that the translation reads as though it originated in the target language. Translators also must bear in mind any cultural references that may need to be explained to the intended audience, such as colloquialisms, slang, and other expressions that do not translate literally. Some subjects may be more difficult than others to translate because words or passages may have multiple meanings that make several translations possible. Not surprisingly, translated work often goes through multiple revisions before final text is submitted.

Nearly all translation work is done on a computer, and most assignments are received and submitted electronically. This enables translators to work from almost anywhere, and a large percentage of them work from home. The Internet provides advanced research capabilities and valuable language resources, such as specialized dictionaries and glossaries. In some cases, use of computer-assisted translation – including memory tools that provide comparisons of previous translations with current work – helps save time and reduce repetition.

The services of interpreters and translators are needed in a number of subject areas. While these workers may not completely specialize in a particular field or industry, many do focus on one area of expertise. Some of the most common areas are described below; however, interpreters and translators may work in a variety of other areas also, including business, education, social services, and entertainment.

*Judiciary interpreters and translators* facilitate communication for people with limited English proficiency who find it challenging to communicate in a legal setting. Legal translators must be thoroughly familiar with the language and functions of the U.S. judicial system, as well as other countries' legal systems. Court interpreters work in a variety of legal settings, such as attorney-client meetings, preliminary hearings, arraignments, depositions, and trials. Success as a court interpreter requires an understanding of both legal terminology and colloquial language. In addition to interpreting what is said, court interpreters also may be required to read written documents aloud in a language other than that in which they were written, a task known as sight translation.

*Medical interpreters and translators*, sometimes referred to as *healthcare interpreters and translators*, provide language services to healthcare patients with limited English proficiency. Medical interpreters help patients to communicate with doctors, nurses, and other medical staff. Translators working in this specialty primarily convert patient materials and informational brochures issued by hospitals and medical facilities into the desired language. Interpreters in this field need a strong grasp of medical and colloquial terminology in both languages, along with cultural sensitivity to help the patient receive the information.

*Sign-language interpreters* facilitate communication between people who are deaf or hard of hearing and people who can hear. Sign-language interpreters must be fluent in English and in American Sign Language (ASL), which combines signing, finger spelling, and specific body language. Most sign-language interpreters either interpret, aiding communication between English and ASL, or transliterate, facilitating communication between English and contact signing – a form of signing that uses a more English language-based word order. Some interpreters specialize in oral interpreting for people who are deaf or hard of hearing and lip-read instead of sign. Other specialties include tactile signing, which is interpreting for people who are blind as well as deaf by making

manual signs into their hands, using cued speech, and signing exact English.

*Conference interpreters* work at conferences that have non-English-speaking attendees. The work is often in the field of international business or diplomacy, although conference interpreters can interpret for any organization that works with speakers of foreign languages. Employers prefer high-level interpreters who have the ability to translate from at least two languages into one native language – for example, the ability to interpret from Spanish and French into English. For some positions, such as those with the United Nations, this qualification is mandatory.

*Guide or escort interpreters* accompany either U.S. visitors abroad or foreign visitors in the United States to ensure that they are able to communicate during their stay. These specialists interpret on a variety of subjects, both on an informal basis and on a professional level. Most of their interpreting is consecutive, and work is generally shared by two interpreters when the assignment requires more than an 8-hour day. Frequent travel, often for days or weeks at a time, is common, and it is an aspect of the job that some find particularly appealing.

*Literary translators* adapt written literature from one language into another. They may translate any number of documents, including journal articles, books, poetry, and short stories. Literary translation is related to creative writing; literary translators must create a new text in the target language that reproduces the content and style of the original. Whenever possible, literary translators work closely with authors to best capture their intended meanings and literary characteristics.

*Localization translators* completely adapt a product or service for use in a different language and culture. The goal of these specialists is to make it appear as though a product originated in the country where it will be sold and supported. At its earlier stages, this work dealt primarily with software localization, but the specialty has expanded to include the adaptation of Internet sites, marketing, publications, and products and services in manufacturing and other business sectors.

Work environment

Interpreters work in a wide variety of settings, such as schools, hospitals, courtrooms, and conference centers. Translators usually work alone, and they must frequently perform under pressure of deadlines and tight schedules. Technology allows translators to work from almost anywhere, and many choose to work from home.

Because many interpreters and translators freelance, their schedules often vary, with periods of limited work interspersed with periods requiring long, irregular hours. For those who freelance, a significant amount of time must be dedicated to looking for jobs. Interpreters who work over the telephone or through videoconferencing generally work in call centers in urban areas and keep to a standard 5-day, 40-hour workweek.



Interpreters and translators must have a thorough understanding of various languages.

#### Training, Other Qualifications, and Advancement

Interpreters and translators must be fluent in at least two languages. Their educational backgrounds may vary widely, but many need a bachelor's degree. Many also complete job-specific training programs.

#### Education and training

The educational backgrounds of interpreters and translators vary. Knowing at least two languages is essential. Although it is not necessary to have been raised bilingual to succeed, many interpreters and translators grew up speaking two languages.

In high school, students can prepare for these careers by taking a broad range of courses that include English writing and comprehension, foreign languages, and basic computer proficiency. Other helpful pursuits include spending time abroad, engaging in direct contact with foreign cultures, and reading extensively on a variety of subjects in English and at least one other language.

Beyond high school, there are many educational options. Although a bachelor's degree is often required for jobs, majoring in a language is not always necessary. An educational background in a particular field of study can provide a natural area of subject-matter expertise. However, specialized training in how to do the work is generally required. Formal programs in interpreting and translation are available at colleges nationwide and through non-university training programs, conferences, and courses. Many people who work as conference interpreters or in more technical areas – such as localization, engineering, or finance – have master's degrees, while those working in the community as court or medical interpreters or translators are more likely to complete job-specific training programs.

#### Other qualifications

Experience is an essential part of a successful career in either interpreting or translation. In fact, many agencies or companies use only the services of people who have worked in the field for 3 to 5 years or who have a degree in translation studies, or both.

A good way for translators to learn firsthand about the profession is to start out working in-house for a translation company; however, such jobs are not very numerous. People seeking to enter interpreter or translator jobs should begin by getting experience whatever way possible – even if it means doing informal or volunteer work.

Volunteer opportunities are available through community organizations, hospitals, and sporting events, such as marathons, that involve international competitors. The American Translators Association works with the Red Cross to provide volunteer interpreters in crisis situations. Any translation can be used as an example for potential clients, even translation done as practice.

Paid or unpaid internships and apprenticeships are other ways for interpreters and translators to get started. Escort interpreting may offer an opportunity for inexperienced candidates to work alongside a more seasoned interpreter. Interpreters might also find it easier to break into areas with particularly high demand for language services, such as court or medical interpreting.

Whatever path of entry they pursue, new interpreters and translators should establish mentoring relationships to build their skills, confidence, and professional network. Mentoring may be formal, such as through a professional association, or informal with a coworker or an acquaintance that has experience as an interpreter or translator. Both the American Translators Association and the Registry of Interpreters for the Deaf offer formal mentoring programs.

Translators working in localization need a solid grasp of the languages to be translated, a thorough understanding of technical concepts and vocabulary, and a high degree of knowledge about the intended target audience or users of the product. Because software often is involved, it is not uncommon for people who work in this area of translation to have a strong background in computer science or to have computer-related work experience.

Self-employed and freelance interpreters and translators need general business skills to successfully manage their finances and careers. They must set prices for their work, bill customers, keep financial records, and market their services to attract new business and build their client base.

#### Certification and advancement

There is currently no universal form of certification required of interpreters and translators in the United States. However there are a variety of different tests that workers can take to demonstrate proficiency, which may be helpful in gaining employment. For example, the American Translators Association provides certification in 24 language combinations involving English for its members.

Federal courts have certification for Spanish, Navajo, and Haitian Creole interpreters, and many State and municipal courts offer their own forms of certification. The National Association of Judiciary Interpreters and

Translators also offers certification for court interpreting. For additional and updated information, please contact:

[U.S. Bureau of Labor Statistics](#)

Office of Occupational Statistics and Employment Projections

PSB Suite 2135

2 Massachusetts Avenue

NE Washington, DC 20212-0001

Tel.: (202)-691-5700

You may also want to consult the following publication:

[Occupational Outlook Handbook](#)

## United States Department of State

The U.S. Department of State has a three-test series for prospective interpreters – one test in simple consecutive interpreting (for escort work), another in simultaneous interpreting (for court or seminar work), and a third in conference-level interpreting (for international conferences) – as well as a test for prospective translators. These tests are not considered a credential, but successful completion indicates that a person has a significant level of skill in the field. Additionally, the International Association of Conference Interpreters offers certification for conference interpreters

The National Association of the Deaf and the Registry of Interpreters for the Deaf (RID) jointly offer certification for general sign interpreters. In addition, the registry offers specialty tests in legal interpreting, speech reading, and deaf-to-deaf interpreting – which includes interpreting among deaf speakers with different native languages and from ASL to tactile signing.

Once interpreters and translators have gained sufficient experience, they may then move up to more difficult or prestigious assignments, may seek certification, may be given editorial responsibility, or may eventually manage or start a translation agency.

Many self-employed interpreters and translators start businesses by submitting resumes and samples to many different translation and interpreting agencies and then wait to be contacted when an agency matches their skills with a job. Work is often acquired by word of mouth or through referrals from existing clients.

## The United Nations

Languages and Related Work Positions in this occupation group are found in the following areas: translation, interpretation, editing, verbatim reporting, and proofreading in the six official languages which are: Arabic, Chinese, English, French, Russian and Spanish. The services of interpreters are needed in the meetings of all UN bodies. Proficient in at least three official languages, interpreters are put to the test every day as they

quickly and accurately convert statements from one language to another, often without the benefit of the written text. Translators are also required to be proficient in three languages and work on reports, resolutions and official communiqués in social, political, technical, financial and other fields. Teams of verbatim reporters prepare written records of meetings of the most important UN organs. Editors ensure the accuracy and conformity of documents and publications to UN style and form. Terminologists establish and ensure the application of UN terminological standards, while copy preparers and proofreaders are responsible for the typographic processing of United Nations documents and publications (including those produced by computer-assisted processes) and for their accuracy and compliance with UN publishing standards, spelling conventions, etc.

#### Language Examinations

Examinations are held to establish a roster of qualified candidates from which to fill language positions. The frequency of the examinations varies according to the needs of the Organization. Candidates for translator positions are required to translate from at least two of the six official languages (Arabic, Chinese, English, French, Russian and Spanish). Candidates for interpreter positions are required to interpret simultaneously into one of the six official languages and must have full auditory comprehension of at least two other official languages. Additional information on language examinations can be accessed at their [Careers website](#).

## Outlook for the employment of professional interpreters and translators

According to the Bureau of Labor Statistics, employment of interpreters and translators is expected to grow 42 percent by 2020, much faster than the average for all occupations. There were about 58,400 interpreters and translators in 2010. However, the actual number is probably significantly higher because many work in the occupation only sporadically. Employment growth reflects an increasingly diverse U.S. population, which is expected to require more interpreters and translators.

Demand will likely remain strong for translators of frequently translated languages, such as French, German, Italian, Portuguese and Spanish. Demand also should be strong for translators of Arabic and other Middle Eastern languages and for the principal East Asian languages: Chinese, Japanese and Korean.

Demand for American Sign Language interpreters is expected to grow rapidly, driven by the increasing use of video relay services, which allow people to conduct online video calls and use a sign language interpreter. In addition, growing international trade and broadening global ties should require more interpreters and translators. The need to interpret and translate languages in the military should also result in more jobs. Computers have made the work of translators and localization specialists easier. However, these jobs cannot be entirely automated. Computers cannot yet produce work comparable to the work that human translators do.

Interpreters and translators are employed in a variety of industries, reflecting the diversity of employment options in the field. About 28 percent work in public and private educational institutions, such as schools, colleges and universities. About 13 percent work in healthcare and social assistance, many of them in hospitals. Another 9 percent work in other areas of government, such as Federal, State and local courts. Other employers of interpreters and translators include interpreting and translation agencies, publishing companies, and telephone and airline companies, among others.

About 26 percent of interpreters and translators are self-employed. Many freelancers only work part time; they rely on other sources of income to supplement earnings from interpreting or translation.

As mentioned previously, job opportunities should be best for those who have professional certification. In addition, urban areas, especially in Washington, DC, New York and Los Angeles, should continue to provide the largest numbers of employment opportunities, especially for interpreters.

Job prospects for interpreters and translators also vary by specialty and language. For example, work opportunities for interpreters and translators of the Spanish language are likely to be better because of

expected increases in the population of Hispanics in the United States. In particular, job opportunities should be plentiful for interpreters and translators who specialize in healthcare and law, because of the critical need for all parties to fully understand that information.

In addition, there should be many job opportunities for specialists in localization, driven by the globalization of business and the expansion of the Internet.

Interpreters for the deaf will continue to have favorable employment prospects because there is a shortage of people with the needed skill levels.

Conference interpreters and literary translators will likely face competition because of the small number of job opportunities in these specialties.

Sources of additional information

Organizations dedicated to these professions can provide valuable advice and guidance to people interested in learning more about interpreting and translation. The language services division of local hospitals or courthouses also may have information about available opportunities.

For general career information, contact:

**American Translators Association**

[atanet.org](http://atanet.org)

**National Association of Judiciary Interpreters and Translators (NAJIT)**

[najit.org](http://najit.org)

**National Council on Interpreting in Health Care**

[ncihc.org](http://ncihc.org)

Registry of Interpreters for the Deaf

Tel.: (703)-838-0030

[rid.org](http://rid.org)

Globalization and Localization Association (GALA)

[gala-global.org](http://gala-global.org)

## Government Agencies that Use Interpreters

Department of State

[Office of Language Services](#)

Department of Justice

[Executive Office for Immigration Review](#)

Department of Education

Federal Courts

State Courts

Federal Administrative Agencies

State Administrative Agencies

# EDUCATIONAL RESOURCES AND PROFESSIONAL DEVELOPMENT

## Interpreter Training Programs in California

The following is a list of colleges and universities that offer court interpreter training programs. This is not a complete list. You are encouraged to call your local colleges and inquire if they offer court interpreter training programs. This list is provided for reference only. The need for high-quality training and education for interpreters has become much more apparent in the last ten years. There are many more educational opportunities for aspiring interpreters today than ever before. Future interpreters should consider the many excellent training programs that are now available to them.

### California State Universities and Extension Programs

#### [UCLA Extension](#)

10995 Le Conte Avenue

Los Angeles, CA 90024

Tel.: (310) 825-9971

Spanish/English, Mandarin/English

Legal Interpretation and Translation Certificate Programs

These are one-year programs.

#### [UC Riverside Extension](#)

1200 University Ave.

Riverside, CA 92507-4596

Tel.: (951) 827-4105

Spanish/English Interpretation and Translation Certificate Program

This is a one-year program.

#### [UC San Diego Extension](#)

9500 Gilman Drive, 0170-A

La Jolla, CA 92093-0170

Tel.: (858) 534-3400

Spanish/English Professional Certificate in Translation and Interpretation

This is a one to two-year program year Program.

[California State University, Fresno](#)

Division of Continuing and Global Education

Certificate Programs

[Cal State University Fullerton](#)

University Extended Education

Professional Development

Certificate Programs

General: 657-278-2011

[California State University, Los Angeles](#)

College of Professional and Global Education

California State University San Diego

[Open University Certificate in Translation & Interpreting](#)

San Francisco State University

[Spanish/English Interpretation \(Legal/Court\) Academic Credit Certificate](#)

1600 Holloway Avenue

San Francisco, CA 94132

Tel: (415) 338-1111

Community Colleges/ Spanish and Sign Language

American River College

[Deaf Culture and ASL Studies](#)

4700 College Oak Drive

Sacramento, CA 95841

Tel.: (916) 484-8011

El Camino College

[Sign Language Interpreter Training](#)

16007 Crenshaw Blvd.  
Torrance, CA 90506  
Tel: (310) 532-3670 or 866-352-2646

Palomar Community College  
[AA Degree in American Sign Language Interpretation](#)  
1140 West Mission Rd  
San Marcos, CA, 92069  
Tel.: (760) 744-1150

San Diego Mesa College  
[Interpreter Training Program - ASL](#)  
7250 Mesa College Drive  
San Diego, CA 92111

[Southwestern College](#)  
Business Division  
900 Otay Lakes Road  
Chula Vista, CA 91945  
Tel.: (619) 482-6461  
Visit their website for their most current Academic Programs.

### **Private Universities and Schools**

Middlebury Institute of International Studies at Monterey  
[Graduate School of Translation and Interpretation](#)  
Non-Degree Programs  
460 Pierce Street  
Monterey, CA 93940  
Tel. and FAX: (831) 647-4100

Southern California School of Interpretation  
[Southern School of Interpretation](#)  
10012 Norwalk Blvd., Suite 120  
Santa Fe Springs, CA 90670  
Tel.: (562) 906-9787, FAX (562) 906-9780  
Email: SCSINTER@ix.netcom.com

[College of the Sequoias](#)

915 S. Mooney Blvd.

Visalia, CA 93277

Tel.: (559) 730-3700

Spanish Interpreter Certificate Program prepares students for the oral portion of the state exam.

Mt. San Antonio College

[A.A. degree & Certificate Program in ASL-English Interpretation](#)

Walnut, CA 91789

Tel.: (909) 594-5611

[Northridge Institute of Interpretation](#)

Spanish/English Court Interpreter certificate program.

This is an 18 month program. Home Study course is also available.

**Out-of-State Programs**

University of Arizona

Federal Court Interpreter Certification Program

[National Center for Interpretation](#)

National Center for Interpretation

POBox210432

Tucson, AZ 85721

Tel.: (520) 621-3615

[ncitrp@email.arizona.edu](mailto:ncitrp@email.arizona.edu)

New Mexico Center for Language Access in the Courts

[Court Interpreter Certification](#)

Tel: (505) 827-4822

237 Don Gaspar, Room 25

Santa Fe, New Mexico 87501

Resources and Bibliography

Educational Resources

[ACEBO](#)

P.O. Box 710113  
San Diego, CA 92171  
Tel.: (858) 737-9710

[Alicia Ernard Productions](#)

28134 Ashbrook Lane  
Valencia, CA 91354  
Tel.: (661) 644-5565

[The National Court Reporters Association](#)

8224 Old Courthouse Road  
Vienna, VA 22182  
Tel.: (800) 272-6272

Books

- Asitz, Carlos A. *Language Barriers in the Criminal Justice System*. Washington, D.C.: U.S. Department of Justice, National Institute of Justice.
- Benavides, Ronald Gabriel, and Luis Cuevas. *Critical Terms in Criminal Proceedings in Spanish and English*. State Bar of Wisconsin CLE Books.
- Berk-Seligson, Susan. *The Bilingual Courtroom: Court Interpreters in the Judicial Process* (With a New Chapter). University of Chicago Press, 2002. Available at U.S. Courts Library, San Diego, KF8725 .B47 2002 STACKS

Collin, Joan, and Ruth Morris. *Interpreters and the Legal Process*. Available from the publisher [Waterside Press](#).

Conley, John M., and William M. O'Barr. *Rules Versus Relationships: The Ethnography of Legal Discourse*. University of Chicago Press.

- De Jongh, E. M. *An Introduction to Court Interpreting: Theory and Practice*. Lanham, MD 20706: University Press of America.
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- De Jongh, E. M. *From the Classroom to the Courthouse – A Guide to Interpreting in the U.S. Justice System*. John Benjamins Publishin Co. Paperback available from Amazon.com.

- Dueñas González, Roseann, Victoria F. Vasquez, and Holly Mikkelson. *Fundamentals of Court Interpretation: Theory, Policy, and Practice*. 2<sup>nd</sup> ed. Carolina Academic Press.
- Edwards, Alicia Betsy. *The Practice of Court Interpreting*. John Benjamins Publishing Company.  
Available at the U.S. Courts Library, San Diego, KF8725 .E39 1995 STACKS
- Judicial Council of California. *Professional Ethics and the Role of the Court Interpreter*. Administrative Office of the Courts.  
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The above list is by no means a comprehensive list of the resources available to interpreters. Many excellent monolingual, bilingual and specialized dictionaries are available for the aspiring interpreter. For additional information on Resources and Dictionaries please call or visit:

U.S. District Court  
 Interpreters Section  
 333 West Broadway Suite 1120 11<sup>th</sup> Floor  
 San Diego, CA 92101  
 Tel: (619) 557-5172

## **PROFESSIONAL INTERPRETER ASSOCIATIONS**

American Translators Association (ATA)

[atanet.org](http://atanet.org)

California Court Interpreters Association (CCIA)

[ccia.org](http://ccia.org)

National Association of Judiciary Interpreters & Translators (NAJIT)

[najit.org](http://najit.org)

Association of Translators and Interpreters in the San Diego Area  
(ATISDA)

[atisda.org](http://atisda.org)

Northern California Translators Association (NCTA)

[ncta.org](http://ncta.org)

Southern California Translators Association (SCATIA)

[scatia.org](http://scatia.org)

Interpreters Guild of America (IGA)

[interpretersguild.org](http://interpretersguild.org)

Registry of Interpreters for the Deaf (RID)

[rid.org](http://rid.org)

European Forum of Sign Language Interpreters (EFSLI)

[efsli.org](http://efsli.org)

World Association of Sign Language Interpreters (WASLI)

[wasli.org](http://wasli.org)

International Association of Conference Interpreters (AIIC)

[aiic.net](http://aiic.net)

# ARTICLES OF INTEREST

The following Articles of Interest in this section have been reproduced with permission by the authors with the copyright noted (if applicable). These articles are included for your interest in order to help you learn more about the fascinating world of the interpreter- how interpreters communicate, and the knowledge, skills, and responsibilities that they must have in order to do their job to the best of their ability.

## Straight, No Chaser

by Daniel Novoa, Staff Interpreter, U.S. District Court, San Diego

One perfect afternoon in early spring a long lost childhood friend and I sat down for lunch around a generously stocked table casting our thoughts back to a time when epic adventures and childhood mischief were our stock and trade. Once this reverie ebbed a bit, the conversation veered toward the present time. "You haven't changed much" I said, being somewhat creative with the truth, "but your face got redder." "It's genetic" he answered, "it turns out I come from a long line of Vikings." This of course explained some of my earliest Kindergarten memories of him as well as his success as an importer of fine Scandinavian spirits. On the subject of my employment as an interpreter for the Federal District Court, he showed genuine admiration and confessed to be at a loss as to how an interpreter, or anyone else for that matter, managed to listen and talk at the same time. This frequently asked question among the uninitiated is one that in the past I've answered, perhaps a bit conceitedly, comparing it to the act of threading beads into a string while free falling, or like putting a jigsaw puzzle together when the pieces have been tossed up in the air and before they hit the ground. This time however I wanted my friend to have an unfiltered view of the court interpreter's experience.

At first I didn't know where to begin. Routines tend to obviate the need to keep track of every single detail, of every single moment that constitutes a work day. So I opted to recreate for both our benefit, a typical day, if there is such a thing, in the life of an interpreter.

The Federal Interpreter's office is located on the 11th floor of the new Federal Courthouse in downtown San Diego. It's a large space filled with natural light bending at different angles according to the seasons. All the aesthetic virtues of this office however, pale in comparison to the motley cast of characters that inhabit it. Ranging in age from those who can still remember a time when Pat Boon was hip, passing through a post Vogue

Madonna all the way to those who can mouth a 50 Cent rap song, this group of people cover, geographically speaking, at least two continents and some would say that some neighboring solar systems as well. In other words, I told my friend, it's a privilege to be part of such a crew.

This hypothetical work day, I said, starts with a brief but efficient update of everyone's latest impressions about anything and everything language related, which may include news from around the world, personal projects, books, movies, etc.

Following this, I do a quick check of my emails to see if any awards have been inadvertently given to me, have a last look at the assignment list making sure no changes have been made from the last time I saw it, make the appropriate adjustments when needed, and I'm off to court!

Let us suppose, I continued, that on this day I've been assigned to cover the calendar of one of the seventeen courtrooms that as of today constitute the Southern District of California. I purposely avoided distinguishing between District vs. Magistrate Court for I remembered that my friend's patience was as limited as his ability to stay married. "What is a court calendar exactly?" this great-great-great grandson of Vikings asked. "It's like the menu of a restaurant that offers no desserts which is all anybody wants" I said in response, and he seemed to understand this explanation perfectly.

Next on the agenda, I continued, is providing interpreter services for a probation interview. I could tell by his twitching brow that he had no idea of what I was talking about, so I expanded by telling him that probation officers had to interview defendants who have either plead guilty or have been found guilty in order to prepare a pre-sentence report for the judge who would ultimately sentence these individuals. These interviews can be heart wrenching, I told him, it's hard to imagine the misery and utter sordidness experienced by some of these folks since a very early age. Poverty, addiction, violence and/or neglect populate their lives from the moment they are born. My friend grew silent at this, which made me believe that he was feeling sorry for these people whose luck had taken such a downward turn.

The work itself, I went on, is like rejoining a never ending circular conversation about which only the name of the characters change.

After all this back and forth, he asked what I found was the most challenging thing about my job.

I paused to consider this deeply and answered in the most honest way I knew how saying: lending my voice to transmit the unfiltered life experiences of others, translate without changing, diminishing nor augmenting their most intimate thoughts at one of the most challenging moments in their lives, serve as the conduit for this substance, letting it pass through me without judgment is no easy task. One learns (or pretends) not to get emotionally involved in what is being experienced, it's a defense mechanism, a self-preservation reflex, but in the end I find it impossible not to be affected.

He took another sip. Ultimately, I said, I owe a great deal to my colleagues whose understanding, patience and support help sustain my mental and emotional health for they know firsthand exactly what I go through. The afternoon receded into the night. We visited other places in our personal histories. I felt very thankful for that moment and for the knowledge that come Monday, I would be at it again.

Daniel Novoa is a staff interpreter in the U.S. District Court in San Diego. He is a free-lance writer and actor involved in theater and performing arts. He lives in Carlsbad, California with his wife Melba and his two children.

This article first appeared in the June 2012 issue of the Court Connection, a monthly publication from the Clerk's Office of the Southern District of California in San Diego. Reprinted with permission of the author. This article is included for your interest in order to help you learn more about the fascinating world of the court interpreter.

# Lost In Translation How Does Interpretation Work at the United Nations?

By Christopher Beam

Posted Thursday, September 24, 2009, at 2:07 PM ET



Libyan leader Muammar Qaddafi delivered a rambling address to the United Nations in New York City on Wednesday morning, calling Barack Obama "our son" and railing against the U.N. Security Council. He spoke not in Arabic, Libya's

# Slate

official language, but a local Libyan dialect. Does the United Nations have an interpreter for every dialect in the world?

No. Speakers at the United Nations are supposed to deliver their speeches in one of the organization's six official languages: English, French, Spanish, Russian, Arabic, and Chinese. U.N. interpreters then translate the lecture into the other five languages. If the speaker doesn't use an official language – either as a political statement or because he doesn't know one – the speaker has to bring along his own interpreter. That interpreter then translates into one of the official languages – usually English or French – and the other interpreters translate from that interpretation. (Qaddafi brought his own interpreter.) Alternatively, the speaker can provide a written translation of his speech in one of the official languages, as long as he doesn't deviate from the text in his remarks.

The United Nations uses simultaneous interpretation, which means translating on the fly without breaks (as opposed to consecutive interpretation, in which the speaker and translator alternate). At any given moment, the U.N. Interpretation Service has a dozen interpreters working six booths – one for every official language. The pair of interpreters in the English booth translates into English, the French booth translates into French, and so on. Attendees can then listen to the interpretations on headphones, clicking across channels for different languages. The job is exhausting, so interpreters will usually switch off every 20 minutes or so.

They can also take breaks when the speech is in their language, since no translation is necessary.

U.N. interpreters don't need to know every official language. Rather, the U.N. hires interpreters who can translate into their native language from at least two other languages. A Russian interpreter, for example, might also know English and French. But he might not know Chinese. In that case, if the speaker is Chinese, the interpreters will use what's called a "relay system." The interpreters in the Chinese booth will translate the original speech into English or French, and the rest of the interpreters will translate that version into their own languages. Under the relay system, the final interpretation is thus translated twice from the original speech. This method does lead to inaccuracies, which is why someone must review the interpretations afterward and correct them for the official record. It's also why the United Nations allows only one intermediary language in the relay system – anymore and there's too much room for error.

The United Nations hires about 120 interpreters – not to be confused with translators, who translate text – who are considered the best in their profession. No education is required, but roughly 70 percent of the members of the American Translators Association have college degrees. Interpreters slot the languages they know into three categories: A, B, and C. Your so-called "A language" is your native language, which you speak perfectly. A "B language" is one that you've mastered – from living in the native country, say – but which you can't speak with total fluency. A "C language" is one you merely know well, perhaps from studying or travel. Interpreters can translate into and from all of their languages with varying levels of proficiency. But the United Nations will hire interpreters only to translate into their A language, and then only at the highest level.

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# The Administration of Justice in a Multilingual Society

By Steven M. Kahaner

The proper use of interpreters can help protect the rights of persons with limited English proficiency and facilitate the

**The Court:** *You got anybody here that understands English better than you?*

**Unknown Person:** *I do, sir.*

**The Court:** *Well, why don't you just come up here. Are you charged with something too or are you his friend?*

**Unknown Person:** *(Inaudible.)*

**The Court:** *Well, you can come on up here. Sounds to me like he better enter a 'not guilty' plea, seeing as he can go to jail big time.*

**Unknown Person:** *He said he's guilty.<sup>1</sup>*

The number of persons in the United States over the age of five who speak English less than very well soared from 14 million in 1990<sup>2</sup> to 24.5 million in 2007<sup>3</sup>, a whopping 175 percent increase. Although Spanish is the non-English language spoken most frequently at home, there are more than 300 single languages or "language families" used in the United States.<sup>4</sup> These statistics point to an ever-increasing challenge confronting state and federal courts charged with providing access to justice for all – including individuals whose primary language is not English and who have a limited ability to read, speak, write, or understand English (often referred to as "limited English proficient" or "LEP" individuals). In the

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<sup>1</sup>Ohio v. Fonseca, 124 Ohio App. 3d 231, 705 N.E. 2d 1278 (Ohio Ct. App. 1997).

<sup>2</sup><http://www2.census.gov/prod2/decennial/documents/1990/CPH-L-133.pdf>.

<sup>3</sup>[http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-US&-geo\\_id=01000ds\\_name=ACS\\_2007\\_1YR\\_G00\\_&-\\_lang=en&-\\_caller=geoselect&-format=](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-US&-geo_id=01000ds_name=ACS_2007_1YR_G00_&-_lang=en&-_caller=geoselect&-format=)

<sup>4</sup> <http://www.nvtc.gov/lotw/months/november/USlanguages.html>

federal courts alone, interpreted events (defined as one interpreter, one case number, one date) have been increasing steadily over the past decade, from approximately 100,000 in 1996, to 232,457 in 113 different languages in the 12 months ending September 30, 2007.

Given that language and cultural barriers may prevent criminal defendants from effectively participating in their trials, result in misinterpretation of witness statements made to triers of fact during court proceedings, deter minority litigants from the civil justice system as a forum for redress of grievances, and exclude large sectors of the population from jury pools,<sup>5</sup> the lack of sufficient numbers of qualified interpreters in the courtroom poses a significant threat to the fair, impartial, and efficient administration of justice.<sup>6</sup> Identifying, training and supervising reliable interpreters in a wide variety of languages also presents a significant management issue for the courts.

The proper use of interpreters can help protect the rights of LEP parties and facilitate the fair and efficient administration of justice. Only through competent interpretation can an LEP party understand the statements of the judge, opposing counsel, and the party's own counsel, as well as the testimony of witnesses, and assist in his or her own defense. Interpretation also enables judges, juries, and counsel to understand the testimony of defendants, witnesses, and other parties. Furthermore, interpreters make it possible for the court reporter to produce an accurate English-language record of court proceedings.

### **Right to an interpreter**

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<sup>5</sup>See V. Jaksic, *Future Jurors May Need Interpreters: As Diversity Grows, Courts Weigh A Complex Option*, National Law Journal, Aug. 6, 2007, at 1 (discussing growing pressure on courts to provide interpreters for LEP jurors).

<sup>6</sup>See generally M. Jullian, *Courts Need More Interpreters; Immigrant Cases Spike U.S. Demand*, USA Today, Nov. 19, 2008, at 3A; P. Aronson, *Subject to Interpretation: Many State Courts Face A Shortage of Interpreters*, National Law Journal, March 22, 2004, at 1.

The right to an interpreter, although not specifically guaranteed under the U.S. Constitution, has been established through case law interpreting the Sixth Amendment right of a defendant to confront adverse witnesses and participate in his own defense,<sup>7</sup> including the right to effective assistance of counsel, as well as through the fundamental fairness required by the Fifth Amendment's due process clause, as applied to the states through the Fourteenth Amendment. Certain state constitutions (e.g., California and New Mexico) also recognize the right to an interpreter for LEP defendants in criminal cases, and state courts have recognized a variety of federal constitutional sources of the right to an interpreter.

The Court Interpreters Act, 28 U.S.C.A. §1827 (1978), requires federal courts to appoint an interpreter in criminal and civil actions commenced by the federal government in U.S. district courts, and applies to both pretrial and grand jury proceedings. Other mandates for interpreters are included in Justice Department regulations implementing Title VI of the Civil Rights Act of 1964, as well as Executive Order 13166 (ordering all federal departments and agencies to develop policy guidelines to improve access by LEP persons to federally funded services).

**Model voir dire for determining the need for an interpreter**

**In general:** Avoid any questions that can be answered with "yes - no" replies.

**Identification questions:**

"Ms. \_\_\_, please tell the court your name and address."

"Please also tell us your birthday, how old you are, and where you were born."

**Questions using active vocabulary in vernacular English:**

"How did you come to court today?"

"What kind of work do you do?"

"What was the highest grade you completed in school?"

"Where did you go to school?"

"What have you eaten today?"

"Please describe for me some of the things (or people) you see in the courtroom."

"Please tell me a little bit about how comfortable you feel speaking and understanding English."

**Source: National Center for State Courts, *Court***

***Interpretation: Model Guides for Policy and Practice in the State Courts.***

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<sup>7</sup>See, e.g., *Negron v. New York*, 434 F.2d 386, 388 (2d Cir. 1970).

In addition, a number of states have enacted statutes and rules mandating the appointment of court interpreters in criminal cases, in juvenile proceedings, and in certain civil cases (especially in family-related proceedings after a protective order is sought or granted, and in cases involving child abuse, neglect, or termination of parental rights, as well as in mental commitment and guardianship proceedings). In most civil cases, however, the courts normally have discretion to determine whether the expense of the court interpreter should be paid by the state, or assessed to one party or among the parties.

Despite the various constitutional and statutory protections providing for the appointment of interpreters, many states still have no coherent system for providing interpreter services or ensuring the competence of interpreters. Anecdotal reports, newspaper articles, and even court sponsored studies indicate that due process and fundamental fairness considerations are being given short shrift in the treatment of LEP participants in the courts.

For example, LEP persons often have no means to communicate with court clerks, staff, or judicial officers; judges often lack the training necessary to distinguish between litigants who understand rudimentary English and those who are truly proficient in the language; court interpreters are permitted to interpret without any demonstrated competency, and some courts routinely allow untrained,

**Suggested text for judge's statement in court to clarify the role of the interpreter**

We are going to have an interpreter assist us through these proceedings, and you should know what [she] can do and what [she] cannot do. Basically, the interpreter is here only to help us communicate during the proceedings. [She] is not a party in this case, has no interest in this case, and will be completely neutral. Accordingly, [she] is not working for either party. The interpreter's sole responsibility is to enable us to communicate with each other.

The interpreter is not an attorney and is prohibited from giving legal advice. [She] is also not a social worker. [Her] only job is to interpret, so please do not ask the interpreter for legal advice or any other advice or assistance.

Does anyone have any questions about the role or responsibilities of the interpreter?

If any of you do not understand the interpreter, please let me know. Is anyone having difficulty understanding the interpreter at this time?

**Source: National Center for State Courts, *Court Interpretation: Model Guides for Policy and Practice in the State Courts.* in the State Courts.**

non-professionals, including relatives and friends, to act as interpreters;<sup>8</sup> courts are allowing cases involving LEP parties, including criminal defendants, to proceed without qualified interpreters or, in some cases, any interpreters at all; and some states have no system for training judges, court officials, or attorneys in issues related to utilization of interpreters. The lack of available qualified interpreters often causes substantial delay and disruption in court proceedings, and has led in some cases to reversals at the appellate level.<sup>9</sup>

In one of the most oft-cited examples, *Negron v. New York*, 434 F.2d 386 (2d Cir. 1970), the court reversed a murder conviction where the defendant had been denied an interpreter. The court emphasized that the stakes were even greater than the defendant's Sixth Amendment right to confront witnesses against him: "Considerations of fairness, the integrity of the fact-finding process, and the potency of our adversary system of justice forbid that the state should prosecute a defendant who is [in effect] not present at his own trial."<sup>10</sup> As the court noted in *United States v. Carrion*, 488 F.2d 12 (1st Cir. 1973), in criminal cases, "[t]he right to an interpreter rests most fundamentally . . . on the notion that no defendant should face the Kafkaesque spectre of an incomprehensible ritual which may terminate in punishment."

Trial courts enjoy broad discretion in the appointment and qualification of interpreters. Appeals based on interpretation problems are difficult, largely because there is rarely a record of the foreign language communications to compare to the official English language record of

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<sup>8</sup> In one Oregon case, a judge presiding over a spousal abuse case apparently directed the abused wife to interpret for her accused husband. See L. Taylor, *Rights to Accurate Legal Translations Evolving; Attorneys, Some Judges Say Poor Interpretations Botch Convictions*, Lexington Herald-Leader, April 22, 2002, at A1; see also Aronson, *supra* n. 6 (discussing use of a drug defendant to interpret for other defendants, as well as use of people ranging from "Spanish-speaking pastors to the local high school Spanish teacher to the owner of the local Mexican restaurant" as court interpreters; noting that dual role of defense attorney who is also forced to serve as interpreter for his client may violate Code of Professional Responsibility); L. Feldman, *Society Increasingly Multilingual; LA Courtrooms: Judge, Jury – and Interpreter*, Los Angeles Times, May 5, 1985, at 1 (discussing court's reliance on "actresses, interior decorators, chemists, law students and housewives" as interpreters).

<sup>9</sup> See, e.g., V. Benmaman, *Interpreter Issues on Appeal*, IX PROTEUS (Fall 2000); L. Davis, M. McKell, J. Oldroyd, B. Steed, *The Changing Face of Justice: A Survey of Recent Cases Involving Courtroom Interpretation*, 7 HARV. LATINO L. REV. 1 (2004).

<sup>10</sup> See Aronson, *supra* n. 6.

court proceedings. Nevertheless, trial courts have been reversed in cases where they appointed interpreters who did not speak the defendant's language<sup>11</sup> or who were unqualified or unable or unwilling to fully and properly interpret testimony,<sup>12</sup> as well as in cases where delays in the appointment of interpreters violated defendants' speedy trial or other rights.<sup>13</sup> Moreover, interpretation problems are not confined to the courtroom. Injustice may result from inadequate interpretation at other stages of the process.<sup>14</sup>

At least some of these issues are being addressed as states move to modernize and improve interpreting standards in the courts. A majority of states are now members of the Consortium for State Court Interpreter Certification (discussed below), which develops court interpreter

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<sup>11</sup>See, e.g., Aronson, *supra* n. 6 (discussing, *inter alia*, 2003 reversal of conviction of child sexual assault, where Colorado appellate court found that not only did court-appointed Farsi-speaking Iranian interpreter speak language different from that of defendant, a Dari-speaking native of Afghanistan, but also that it appeared that interpreter himself had difficulty understanding English).

<sup>12</sup>See, e.g., *Perez-Lastor v. INS*, 208 F.3d 773 (9th Cir. 2000) (reversing and remanding denial of asylum claim, based on lack of due process due to inadequate interpretation of deportation hearing proceedings; referring to interpreter's "lessthan- fluent command of the English language, and consequent lack of precision throughout the hearing"); Aronson, *supra* n. 6 (discussing, *inter alia*, Kentucky appellate court's 2001 reversal of first-degree murder conviction of Honduran-born immigrant, where inexperienced interpreters had used wrong Spanish words, used words that are not in Spanish vocabulary, mangled meaning of entire sentences, and completely failed to interpret long passages of testimony); see also *United States v. Makham*, 2005 WL 3533263 (D. Or. 2005) (overturning jury verdict in drug-related trial, based in large part on pervasive problems with interpretation during trial, where Thai defendant's "limited ability to speak English, her difficulty in understanding English, and her illiteracy in both the English and Thai languages, all of which exacerbated the court's, counsel's, and the jury's difficulty in comprehending defendant's testimony," and where interpreter interrupted defendant's testimony to "inform the court that defendant's testimony and answers to questioning, spoken in Thai, were confusing").

<sup>13</sup>See, e.g., E. Londono, *Md. Judge Dismisses Sex- Abuse Charges; Clerk Is Unable To Find Suitable Translator In Time*, *Washington Post*, July 22, 2007, at C5 (reporting on dismissal of criminal prosecution for sexual abuse of seven-year-old girl, where judge ruled that defendant's right to speedy trial had been violated as a result of court's protracted nationwide efforts to locate an interpreter in defendant's language – Vai, a tribal language spoken only in West Africa, primarily Liberia and Sierra Leone); Aronson, *supra* n. 6 (documenting 2003 case of Spanish-speaking defendant who sat in jail in upstate New York for more than three months "unable either to talk meaningfully to his attorney or understand the vehicular homicide charge against him"; noting that "[i]n worst-case scenarios, hearings, pleas and trials can be delayed, sometimes for months, as lawyers and courts wait for qualified interpreters, leaving defendants to languish in jail").

<sup>14</sup>See, e.g., Aronson, *supra* n. 6 (noting that police "often . . . use Spanish-speaking officers to interpret during an interrogation – a conflict of interest that can lead to tainted confessions"); Taylor, *supra* n. 8 (discussing *Ohio v. Ramirez*, where appellate court reversed defendant's murder conviction, based on police interpreter's botched interpretation of Miranda warnings, where "You have the right to the advice of an attorney" was interpreted as "You have a righthand turn to give a visa to a lawyer"); *Ohio v. Rarmirez* 135 Ohio App. 3d 89, 732 N.E.2d 1065 (Ohio Ct. App. 1999).

proficiency tests and provides technical assistance to members. At the federal level, the State Court Interpreter Grant Program Act,<sup>15</sup> which would provide funding for the improvement of state court interpreters programs, has been introduced in the Senate on several occasions, and was reported favorably by the Senate Judiciary Committee in 2008, but has never come up for vote.

### **Court interpreting basics**

A court interpreter is an intermediary or conduit whose participation allows an LEP person to participate meaningfully in a judicial proceeding. The interpreter conveys the meaning of a word or group of words from a source language (SL) into a target language (TL). The goal of the interpreter is to produce a "legal equivalent" of spoken communications, which has been described as a "linguistically true and legally appropriate interpretation of statements spoken or read in court, from the second language into English or vice versa."<sup>16</sup> The interpreter is required to render the form and content of the discourse in a verbatim manner, and cannot edit, summarize, delete, or add to the original SL statements. Thus,

obscene language, slang, and colloquial expressions must all be conveyed, conserving the language level, style, tone, and intent of the speaker.

Although the "verbatim" standard is required at least in part because the interpreter's version of the spoken discourse becomes the official record of the proceeding, a truly verbatim interpretation is often impossible because many terms and phrases in the SL may have no exact equivalent, or may even be nonsensical, in the TL. The interpreter must therefore mediate between the verbatim

**Interpreter's oath**

Do you solemnly swear or affirm that you will interpret accurately, completely and impartially, using your best skill and judgment in accordance with the standards prescribed by law and [the code of ethics for legal interpreters]; follow all official guidelines established by this court for legal interpreting or translating, and discharge all of the solemn duties and obligations of legal interpretation and translation?

**Source: National Center for State Courts, *Court Interpretation: Model Guides for Policy and Practice in the State Courts.***

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<sup>15</sup>S. 207 (110th Cong.) (2008).

<sup>16</sup>R. González, V. Vásquez, H. Mikkelsen, *FUNDAMENTALS OF COURT INTERPRETATION: THEORY, POLICY AND PRACTICE* 16 (North Carolina: Carolina Academic Press, 1991).

requirement of the legal record and the need to convey a meaningful message in the TL. The dichotomy is resolved by focusing on conceptual units that must be conserved on a concept-by-concept, as opposed to a word-by-word, basis. Thus, as the Supreme Court of Minnesota observed in *Minnesota v. Mitjans*, 408 N.W. 2d 824, 832 (Minn. 1987), interpretation "is an art more than a science, and there is no such thing as a perfect translation of . . . testimony."

There are two principal modes of oral interpretation used in court interpreting: *consecutive* and *simultaneous*. In *consecutive interpretation*, the interpreter listens and speaks in a sequential manner after the speaker has completed a thought. This form of interpreting is used principally for witness testimony, and allows the jury to pay full attention to the defendant's tone of voice, demeanor, and body language. (Even if the jury is unable to speak the defendant's language, it may still draw inferences regarding these non-verbal elements.) *Simultaneous interpretation* is performed contemporaneously with courtroom discourse. The interpreter may be seated behind and whisper into the ear of the LEP speaker, or may use electronic equipment, with headphones, through which the LEP speaker hears the interpretation. A third form of interpretation, called *summary interpretation*, is a method of paraphrasing or summarizing the words of a speaker, and is not appropriate in a courtroom or during counsel's meeting with a client.

Interpretation should be distinguished from *translation*. Translation refers to the process of converting written text from one language into written text in another language. Interpretation and translation involve very different skills, which means that an excellent interpreter may not serve well as a translator, and vice versa. However, *sight translation*, a hybrid task by which an interpreter reads a document written in one language while rendering it orally into another language, is often performed by court interpreters.

### **Interpreter qualification**

Court interpretation is a highly specialized, and particularly demanding, form of interpreting. Court proceedings not only involve interactions at a significantly higher level of difficulty than conversational language, but also require a familiarity with legal terminology and procedures and with the cultural context impacting the parties in the court proceedings. The court interpreter's successful performance is dependent on his or her ability to convey the speaker's words and presentation style in the courtroom setting, without changing colloquial expressions or tone.

To be fully competent in all situations, an interpreter should possess at least the following attributes: (1) strong language skills in both English and the foreign language, including a knowledge of legal terminology and idiomatic expressions and slang in both the source and target languages, as well as an understanding of geographic differences in meaning and dialect; (2) skills in the three basic modes of interpreting (consecutive and simultaneous interpretation and sight translation), including highly developed short-term memory skills that allow the interpreter to listen, understand, memorize, interpret, and speak at the same time, as well as experience in determining the appropriate mode to use in particular courtroom situations; and (3) an understanding of ethical and professional standards and how to

**Suggested text for clarifying the interpreter's role to the witness**

I want you to understand the role of the interpreter. The interpreter is here only to interpret the questions that you are asked and to interpret your answers. The interpreter will say only what we or you say and will not add, omit, or summarize anything.

The interpreter will say in English everything you say in your language, so do not say anything you do not want everyone to hear.

If you do not understand a question that was asked, request clarification from the person who asked it. Do not ask the interpreter.

Remember that you are giving testimony to this court, not to the interpreter. Therefore, please speak directly to the attorney or me, not to the interpreter. Do not ask the interpreter for advice.

Please speak in a loud, clear voice so that everyone and not just the interpreter can hear. If you do not understand the interpreter, please tell me. If you need the interpreter to repeat something you missed, you may do so, but please make your request to the person speaking, not to the interpreter.

Finally, please wait until the entire question has been interpreted in your language before you answer.

Do you have any questions about the role of the interpreter? Do you understand the interpreter?\*

\*Note that the interpreter is simultaneously interpreting this advisement while the judge is speaking, and therefore the witness has an opportunity to recognize any problems with communication.

**Source: National Center for State Courts, *Court Interpretation: Model Guides for Policy and Practice in the State Courts.***

apply those standards in a courtroom setting.

The Court Interpreters Act of 1978 and subsequent 1988 amendments mandated a national exam for certifying interpreters qualified to interpret in federal courts. The Administrative Office of the U.S. Courts has developed such an exam for Spanish, Navajo, and Haitian- Creole, although only the Spanish exam is currently administered. Interpreters who pass this exam and meet the other qualifications of the Administrative Office are referred to as *certified* interpreters. The Administrative Office's Federal Court Interpreter Certification Examination is administered in two phases and includes written and oral tests that, among other things, measure a candidate's ability to accurately perform simultaneous as well as consecutive interpretation and sight translations as encountered in the federal courts.

Apart from certified interpreters, the Administrative Office classifies two additional categories of interpreters: *professionally qualified* interpreters and *language skilled* interpreters. Individuals may be deemed professionally qualified if (1) they have previously been employed as conference or seminar interpreters with any United States agency or with the United Nations or a similar entity if the condition for employment includes successfully passing an interpreter examination, or (2) they are members in good standing of a professional interpreter association that requires a minimum of 50 hours of conference interpreting and the sponsorship of three active members of the same association. Interpreters who are not certified or considered professionally qualified can be classified as language skilled interpreters if they can demonstrate to the satisfaction of the court their ability to effectively interpret from the foreign language into English and vice versa in court proceedings.

At the state level, the National Center for State Courts has established the Consortium for State Court Interpreter Certification to develop court interpreter proficiency tests for use by member states. Forty states were members of the Consortium as of the end of 2007. The Consortium has constructed a variety of testing instruments in some 17 languages, and has also supported the development of a written examination focusing on vocabulary, legal terminology, court procedure, and professional ethics. In addition, some states have developed their own testing programs; and one professional organization, the National Association of

Judiciary Interpreters and Translators (NAJIT), has developed an oral performance examination for its members (for Spanish interpreters only).

### **Utilization of interpreters**

In 1995, the National Center for State Courts published Model Guides on court interpretation for policy and practice in the state courts<sup>17</sup> which recommended standards governing the use of interpreters in trial courts. The "Judge's Guide to Standards for Interpreted Proceedings," contained in Chapter 6, sets forth a number of recommendations on the use of interpreters in the courtroom, which are summarized here along with other tips for the proper and efficient use of interpreters.

- All interpreters appointed by the court should be as highly qualified as possible. Trial judges should urge that a coordinator of interpreter services be designated whose responsibilities include meaningful screening and assessment of interpreters' skills before placing their names on a roster of court interpreters who may be called to interpret on a regular basis in the court.
- Judges should presume a bona fide need for an interpreter when a representation is made by an attorney or by a pro se litigant that a party or witness has limited proficiency in English and requests an interpreter. When two or more defendants who need an interpreter speak the same language, interpreting equipment should be used to provide simultaneous interpretation of the proceedings.
- Every interpreter used in the court should be required to swear an oath to interpret accurately, completely, and impartially.
- The judge should always remind the interpreter and court participants that the interpreter, when addressing the court on her or his own initiative, should speak in the third person and identify her or himself as "the interpreter" or "this interpreter."

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<sup>17</sup>W. Hewitt, COURT INTERPRETATION: MODEL GUIDES FOR POLICY AND PRACTICE IN THE STATE COURTS (Williamsburg, VA: National Center for State Courts, 1995).

- Before proceedings begin, the judge should explain the role and responsibilities of interpreters to all the courtroom participants in any court proceeding.
- The judge should advise every witness of the role of the interpreter immediately after the witness is sworn and before questioning begins. As the judge gives the advisement, the interpreter should simultaneously interpret it for the witness.
- Any time an interpreter is required for a jury trial, the judge should advise the jurors of the role and responsibilities of interpreters, and the nature of evidence taken through an interpreter.
- When a case involves an LEP party, the judge should instruct the panel of jurors before voir dire begins that an interpreter is sitting at counsel table to enable the party to understand the proceedings. It is also important to determine whether prospective jurors are affected by the presence of an interpreter due to, among other things, prejudice against LEP persons, and whether prospective jurors speak the foreign language that will be used during the proceeding and may not be able to pay attention only to the interpretation.
- After a jury is impaneled and before a trial begins, the judge should instruct jurors as part of the pre-trial instructions that they may not give any weight to the fact that a principal party in interest has limited or no proficiency in English and is receiving the assistance of an interpreter.

**Suggested text for clarifying the interpreter's role to the jury**

**Proceedings interpreting**

This court seeks a fair trial for all regardless of the language they speak and regardless of how well they may or may not speak English. Bias against or for persons who have little or no proficiency in English because they do not speak English is not allowed. Therefore, do not allow the fact that the party requires an interpreter to influence you in any way.

**Witness interpreting**

Treat the interpretation of the witness's testimony as if the witness had spoken English and no interpreter were present. Do not allow the fact that testimony is given in a language other than English to affect your view of [her] credibility.

If any of you understand the language of the witness, disregard completely what the witness says in [her] language. Consider as evidence only what is provided by the interpreter in English. Even if you think an interpreter has made a mistake, you must ignore it completely and make your deliberations on the basis of the official interpretation.

**Source: National Center for State Courts, *Court Interpretation: Model Guides for Policy and Practice in the State Courts*.**

- When the trial involves witness interpreting, the judge should give instructions to jurors before the witness interpreting begins that include the following points:
  - Jurors must treat the interpretation of a witness's testimony as if the witness had spoken English and no interpreter were present;
  - Jurors must not evaluate a witness's credibility positively or negatively due to the fact that his or her testimony is being given through an interpreter;
  - Jurors who speak a witness's language must ignore what is said in that language and treat as evidence only what the interpreter renders in English. Such jurors must ignore all interpreting errors they think an interpreter may have made.<sup>18</sup>

Other practical procedures a judge can observe to ensure the most effective use of interpreters during proceedings include: 1) keeping the courtroom as quiet as possible and allowing only one person to speak at a time, 2) speaking and assuring that others speak at a volume and rate that can be accommodated by the interpreter, 3) permitting witness interpreters to use appropriate signals to regulate speakers when the length of an utterance approaches the outer limit of the interpreters' capacity for recall, 4) making certain that the interpreter can easily hear and see the proceedings, and 5) ensuring that the interpreter has conversed briefly with the LEP person to be certain that the interpreter and the party or witness are able to communicate adequately.

Finally, the record of the case made by a court reporter in interpreted proceedings consists only of the English language spoken in court. However, errors on the part of the interpreter alter the evidence presented to the judge and jury. If the accuracy of the interpretation is challenged, the objection cannot be evaluated after the fact by the trial judge, or later on appeal, unless an audio or audio/video recording of the source language testimony exists to supplement the court reporter's transcript of the proceedings in English. Judges who regularly hear

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<sup>18</sup>There are at least two reasons for this last instruction. First, the record of the proceedings is only in English, and it is the recorded testimony that constitutes evidence in the case. Second, jurors may mishear what is said; the interpreter (like the court reporter) is a trained listener.

interpreted matters should thus explore the feasibility of making tape recordings of all witness interpreting and, as a second priority, of all proceedings interpreting.

### **Interpreter fatigue**

Courts should be aware of and make provisions for dealing with interpreter fatigue. Although court interpreting may seem effortless to others, it is highly demanding and mentally taxing, and mental fatigue sets in after approximately 30 minutes of sustained simultaneous interpretation, resulting in a marked loss in accuracy, no matter how experienced or talented the interpreter may be. If interpreters work without relief in proceedings lasting more than 30-45 minutes, the accuracy of interpretation may be compromised.

If a proceedings interpreter believes that the quality of interpretation is about to be jeopardized due to fatigue, the interpreter should inform the court, and a recess should be taken or a replacement obtained. For any proceeding lasting longer than 30 minutes of continuous simultaneous interpretation, two interpreters should be assigned so they can relieve each other at periodic intervals. A similar standard should be observed for continuous witness interpreting.

### **Errors**

Interpreting is an extraordinarily demanding activity, and cannot be error-free even with sufficient rest intervals. Appreciation of this reality should be extended to the interpreter during any allegations of inaccurate interpretation. When a witness interpreter discovers his or her own error, the interpreter should correct the error at once. If the interpreter becomes aware of an error after the testimony has been completed, he or she should request a bench or side bar conference with the court and the lawyers to explain the problem. The court can then decide whether a correction on the record is required.

When an error is suspected by the judge, an attorney, or another officer of the court, the problem should be raised at the earliest convenient opportunity, and in any event before the witness is released. In the case of a jury trial, the issue should be handled at a side bar conference. The following steps are recommended:

- The judge should determine first whether the issue surrounding the allegedly inaccurate interpretation is substantial or potentially prejudicial and requires determination.
- If the judge agrees that the error is substantial or could be prejudicial, then the judge should refer the matter first to the interpreter for reconsideration. If this does not resolve the problem, evidence from other expert interpreters or any other linguistic expert the judge may select should be sought. In extreme circumstances it may be appropriate to permit attorneys from both sides to submit an expert.
- The judge should make a final determination as to the correct interpretation. If the determination is different from the original interpretation, then the court should amend the record accordingly and advise the jury.

Parties objecting to the court's decision between the competing versions should be given the opportunity to make clear their exception on the record.

### **Resources and technology**

There are a variety of sources to obtain court interpreter resources, including full-time staff court interpreters, freelance contract interpreters, and private agencies. There are also substantial resources available on the internet, through state or federal court interpreter offices. Another initiative to strengthen state courts' ability to access qualified court interpreters is the establishment of regional pools of interpreters, particularly for less frequently-used languages, that participating states will support through shared resources and coordinated testing and administration.

Yet another option employed by some states is the use of telephonic interpreter services for non-evidentiary proceedings when a court interpreter is unavailable. Telephonic interpreting has been used by courts for many years and enables court systems to access competent interpreters in a variety of languages, regardless of their location. Many states contract with private companies to obtain interpreter services for short non-evidentiary proceedings, and some state courts have even developed in-house telephone interpreting programs using their staff attorneys and/or their roster of qualified interpreters. However, telephonic interpreting programs have limitations due at least in part to the fact that the lack of visual cues diminishes the capacity of the

interpreter to understand the context of the spoken words in the proceeding.

**Further reading and additional sources of information**

M. Carter-Balske, L. Kay, L. Friedman Ramirez, *Use of Foreign Language Interpreters*, in CULTURAL ISSUES IN CRIMINAL DEFENSE (2nd ed.) (L. Friedman Ramirez, ed.) (Juris Publishing, Inc., 2007).

R. González, V. Vásquez, H. Mikkelson, FUNDAMENTALS OF COURT INTERPRETATION: THEORY, POLICY AND PRACTICE (North Carolina: Carolina Academic Press, 1991).

National Association of Judiciary Interpreters and Translators:  
[www.najit.org](http://www.najit.org)

Southern District of New York Interpreters Office:  
<http://www.sdnvinterpreters.org/> American Translators

A newer technology to advance language interpretation services is remote video interpreting services. Remote video interpreting offers a combination of video and audio connections, allowing the interpreter to gather more of the visual cues lacking with telephonic interpreting. There are now a variety of remote video interpreting services available that can provide on-demand access to interpreters so long as the parties have access to a high-speed broadband connection and videoconferencing equipment and related software.

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Given the large number of people in the U.S. with limited English proficiency, foreign language interpreters are essential to assuring full access by all to the justice system. Court interpreters must be properly qualified and utilized, and it is up to the judge to ensure that the role of the interpreter is clearly understood by all courtroom participants.

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## Types of Interpreting

By Holly Mikkelson

Interpreting itself can be described in simple terms: "(T)he interpreter has first to listen to the speaker, understand and analyze what is being said, and then resynthesize the speech in the appropriate form in a different language ..." (Jones, 1996: 6). The following list, though not definitive, contains the subcategories most frequently encountered in the literature about interpreting. In every one of these subcategories, interpreters perform the (seemingly) simple task described above. The first three focus on the mode of delivery, and the remaining categories emphasize the setting or the subject matter of the interpreted event. The types of interpreting are listed in order of the unofficial hierarchy that prevails among interpreters, the informal but very real differentiation that places some interpreters at the pinnacle and others at the "bottom of the heap."

*Simultaneous interpreting:* As the name suggests, providing the target-language message at roughly the same time as the source-language message is being produced. According to Seleskovitch (1978a),

In simultaneous interpretation the interpreter is isolated in a booth. He speaks at the same time as the speaker and therefore has no need to memorize or jot down what is said. Moreover, the processes of analysis-comprehension and of reconstruction-expression are telescoped. The interpreter works on the message bit by bit, giving the portion he has understood while analyzing and assimilating the next idea. (125)

*Consecutive interpreting:* In this case, the interpreter waits until the speaker has finished before beginning the interpretation. Again quoting Seleskovitch (1978a),

In consecutive interpretation the interpreter does not start speaking until the original speaker has stopped. He therefore has time to analyze the message as a whole, which makes it easier for him to understand its meaning. The fact that he is there in the room, and that the speaker has stopped talking before he begins, means that he speaks to his listeners face to face and he actually becomes the speaker. (123)

*Whispered interpreting:* Also known as *chuchotage*. When equipment for simultaneous interpretation is not available, "one participant speaks and simultaneously an interpreter whispers into the ear of the one or maximum two people who require interpreting services" (Jones, 1998: 6).

*Conference interpreting:* "Enables participants in a multinational meeting to communicate with each other in a seamless fashion, making the language barrier almost imperceptible" (GSTI, 1998a: 6). Some writers equate conference interpreting with simultaneous interpreting. According to Jones (1998), most conferences are conducted with simultaneous interpreting these days, though interpreters must be prepared to perform in the consecutive mode as well.

*Seminar interpreting:* A term used by the U.S. Department of State to designate the interpreting that takes place in meetings and small conferences. Gonzalez, et al (1991: 28) assert that "the basic difference between conference interpreting and seminar interpreting is the size of the meeting."

*Escort interpreting:* Refers to the interpreting services provided for government officials, business executives, investors, observers, and the like, who are conducting on-site visits.

"Escort interpretation is marked by the spontaneity and the broad spectrum of situations interpreters may find themselves in, from formal meetings to tours of factories to cocktail parties. The mode most often used in this type of interpretation is consecutive, and is usually limited to a few sentences at a time" (Gonzalez, et al, 1991: 28).

*Media interpreting:* A catch-all term encompassing the interpreting performed at press conferences, publicity appearances, and interviews, as well as films, videos, videoconferences, and television and radio programs (GSTI, 1998b).

*Court interpreting:* Also known as legal, judiciary, or forensic interpreting, refers to interpreting services provided in courts of law and in legal cases of any sort. According to Gonzalez et al (1991),

**Legal interpretation** refers to interpretation that takes place in a legal setting such as a courtroom or an attorney's office, wherein some proceeding or activity related to law is conducted. Legal interpretation is subdivided according to the legal setting into (1) quasi-judicial and (2) judicial interpreting or what is normally referred to as **court interpreting**. (25, emphasis in original)

In some jurisdictions, such as the State of California, a further distinction is made between *court interpreters*, who work in criminal and civil proceedings in courts of law, and *administrative hearing interpreters*, who provide services in hearings conducted by administrative law judges under the auspices of state government agencies. In the United States, most interpreting in legal settings is done in the simultaneous mode, although consecutive is the mode of choice for witness testimony (Gonzalez et al, 1991); but in other countries, interpreted court proceedings are most likely to use the consecutive mode (Driesen, 1989; Tsuda, 1995).

*Business interpreting:* Sometimes known as commercial or trade interpreting. Gentile et al (1996) define the term broadly:

In the narrowest sense, the term denotes two or more business people discussing business matters through an interpreter. ... However, we take interpreting in business settings in its broadest possible sense, to include all [liaison] interpreting situations which are outside the welfare/medical/legal rubric. We do not include relationships characterized by a marked differential in power or status within a given society. Examples of these interpreting settings range from arts, sport, tourism and recreation to patent negotiations or government-to-government meetings and delegations. (116)

Another setting where interpreting takes place with increasing frequency is the workplace, where the employer or supervisor speaks the official language of the country and employees speak a minority language; this could also be considered business interpreting, and it does involve a differential in power. Frishberg (1986) reports that sign-language interpreters are called upon to interpret with increasing frequency in commercial settings, whether for employers and employees or for interlocutors who are on a more equal footing. Business interpreting may entail either consecutive or simultaneous interpreting.

*Medical interpreting:* Alternative terms are *health care interpreting* and *hospital interpreting*. According to Frishberg (1986: 115), "Interpreting in medical settings encompasses a variety of situations, from routine consultation with a physician to emergency procedures, from prepared childbirth classes to support for complex laboratory testing." Many experts include *mental health interpreting* as a subcategory of medical interpreting. The State of California has designed another subcategory, *medical-legal interpreting*, to refer to services provided for physicians conducting medical exams for purposes of evidence-gathering in legal

cases such as industrial injury claims and personal injury lawsuits. Significantly, the certification exam for medical-legal interpreters includes a test of simultaneous interpretation skills (CPS, 1998), although consecutive interpreting is considered the norm in the medical setting. The Standards of Practice developed by the Massachusetts Medical Interpreters Association (MMIA) (1995: 14) state, "If the interpreter is competent in the simultaneous mode, [he/she] uses it when it is important that the speaker not be interrupted (e.g., psychiatric interview, periods of high emotion)."

*Educational interpreting:* Often included under community interpreting, this is a rapidly growing field of specialization, especially among sign-language interpreters (Frishberg, 1986; Aguirre et al, 1997). It involves interpreting in the classroom for students who cannot understand the language of instruction, as well as interpreting between teachers and parents and at school board meetings and disciplinary hearings. Either consecutive or simultaneous interpreting may be required, depending on the circumstances.

*Over-the-Phone Interpreting (OPI):* Also known as *remote interpreting*, this term refers to interpreting services provided via telephonic links (occasionally with video links as well), in which neither the interpreter nor the parties are in the same physical location. (Heh and Qian, 1997). OPI interpreters tend to work in medical, social service, business, and legal cases. At present, most OPI interpreting is done consecutively, but as telecommunications technology develops further, simultaneous interpreting will become more prevalent (Mintz, 1998).

*Community interpreting:* Perhaps the most controversial of the terms used to differentiate between types of interpreting (see Mikkelsen, 1996a & b; Roberts, 1994), it refers to interpreting that "enables people who are not fluent speakers of the official language(s) of the country to communicate with the providers of public services so as to facilitate full and equal access to legal, health, education, government, and social services" (Carr et al, 1997). This type of interpreting is also known as *liaison, ad hoc, three-cornered, dialogue, contact, public service, and cultural interpreting*; there is very little consensus about the definitions of these terms and whether or not they are synonymous (Gentile et al, 1996; Carr et al, 1997).

Community interpreters were once considered amateurs and well-meaning but misguided "do-gooders" (Gonzalez et al, 1991: 29), but nowadays they are increasingly recognized as specialists in their own

right. Some writers consider community interpreting an umbrella term that includes court and medical interpreting (Mikkelson, 1996b), while others (mainly court interpreters) regard it as a separate category. Some sources contend that community interpreting is by definition performed in the consecutive mode (Gentile, 1997), but in fact simultaneous interpreting is often used when the interpreter is capable of it and the situation is conducive to it (Gentile et al, 1996). Gentile (1997) has expressed frustration at the imprecision of the term "community interpreting" and expresses a preference for "liaison interpreting" because it better describes the process. He goes on to say that the continued use of the label "community interpreting" will have an adverse effect on the profession, perpetuating the "cinderella image" that attaches to it. It will continue to be regarded as a second rate form of interpreting which is not worthy of specific attention in terms of status, training, remuneration and research. ...This is basically because it does not describe an environment which is easily recognizable as an area of interpreting nor does it use terms which are devoid of ambiguity; the term community can be applied to a community attending a conference, a community living in one area, a community of people interested in a single issue, or a community of speakers of a certain language.

Nevertheless, "community interpreting" appears to be pushing aside the other terms in worldwide usage.

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Professor Mikkelson is a state and federally certified court interpreter, and is accredited by the American Translators Association. She has been a consultant to court interpreter regulatory and training entities and has published extensively on court and community interpreting. She has spoken at conferences and presented workshops throughout the country and all over the world.

*Reprinted with permission of the author. This article is included for your interest in order to help you learn more about the fascinating world of the interpreter - how interpreters communicate, and the knowledge, skills and responsibilities they must have in order to do their job to the best of their ability.*

# CONCLUSION

It is our sincere hope that the materials we have included for you in this Orientation Manual will not only be beneficial to you in your professional endeavors, but will serve as an inspiration and a beginning to a very interesting and enlightening career. Once you start learning to become an interpreter, you can never stop. This quest for “becoming” a good interpreter has been one of the most important and passionate experiences of my life. I love this profession more and more each day. The adventure you are about to begin is a true and endless journey of love, hard work, discipline, and education that will continue for the rest of your life.

If you are a student or an aspiring interpreter, or if you are simply interested in learning more about this fascinating profession, and would like additional information, please contact Rebeca Calderón, Manager of Interpreter Services, at [Rebeca\\_calderon@casd.uscourts.gov](mailto:Rebeca_calderon@casd.uscourts.gov).

Thank you for your interest in court interpreting.

My best wishes to you for your health, happiness and success.

Letty Lewis  
Staff interpreter  
U.S. District Court, San Diego, CA

# GLOSSARY OF TERMS

## A

### **Acquittal**

A jury verdict that a criminal defendant is not guilty, or the finding of a judge that the evidence is insufficient to support a conviction.

### **Active judge**

A judge in the full-time service of the court. Compare to senior judge.

### **Administrative Office of the United States Courts (AO)**

The federal agency responsible for collecting court statistics, administering the federal courts' budget, and performing many other administrative and programmatic functions, under the direction and supervision of the Judicial Conference of the United States.

### **Admissible**

A term used to describe evidence that may be considered by a jury or judge in civil and criminal cases.

### **Adversary proceeding**

A lawsuit arising in or related to a bankruptcy case that begins by filing a complaint with the court, that is, a "trial" that takes place within the context of a bankruptcy case.

### **Affidavit**

A written or printed statement made under oath.

### **Affirmed**

In the practice of the court of appeals, it means that the court of appeals has concluded that the lower court decision is correct and will stand as rendered by the lower court.

### **Alternate juror**

A juror selected in the same manner as a regular juror who hears all the evidence but does not help decide the case unless called on to replace a regular juror.

### **Alternative dispute resolution (ADR)**

A procedure for settling a dispute outside the courtroom. Most forms of ADR are not binding, and involve referral of the case to a neutral party such as an arbitrator or mediator.

### **Amicus curiae**

Latin for "friend of the court." It is advice formally offered to the court in a brief filed by an entity interested in, but not a party to, the case.

### **Answer**

The formal written statement by a defendant in a civil case that responds to a complaint, articulating the grounds for defense.

### **Appeal**

A request made after a trial by a party that has lost on one or more issues that a higher court review the decision to determine if it was correct. To make such a request is "to appeal" or "to take an appeal." One who appeals is called the "appellant;" the other party is the "appellee."

### **Appellant**

The party who appeals a district court's decision, usually seeking reversal of that decision.

### **Appellate**

About appeals; an appellate court has the power to review the judgment of a lower court (trial court) or tribunal. For example, the U.S. circuit courts of appeals review the decisions of the U.S. district courts.

### **Appellee**

The party who opposes an appellant's appeal, and who seeks to persuade the appeals court to affirm the district court's decision.

### **Arraignment**

A proceeding in which a criminal defendant is brought into court, told of the charges in an indictment or information, and asked to plead guilty or not guilty.

### **Article III judge**

A federal judge who is appointed for life, during "good behavior," under Article III of the Constitution. Article III judges are nominated by the President and confirmed by the Senate.

### **Assets**

Property of all kinds, including real and personal, tangible and intangible.

### **Assume**

An agreement to continue performing duties under a contract or lease.

### **Automatic stay**

An injunction that automatically stops lawsuits, foreclosures, garnishments, and most collection activities against the debtor the moment a bankruptcy petition is filed.

## **B**

### **Bail**

The release, prior to trial, of a person accused of a crime, under specified conditions designed to assure that person's appearance in court when required. Also can refer to the amount of bond money posted as a financial condition of pretrial release.

### **Bankruptcy**

A legal procedure for dealing with debt problems of individuals and businesses; specifically, a case filed under one of the chapters of title 11 of the United States Code (the Bankruptcy Code).

### **Bankruptcy code**

The informal name for title 11 of the United States Code (11 U.S.C. §§ 101-1330), the federal bankruptcy law.

### **Bankruptcy court**

The bankruptcy judges in regular active service in each district; a unit of the district court.

### **Bankruptcy estate**

All interests of the debtor in property at the time of the bankruptcy filing. The estate technically becomes the temporary legal owner of all of the debtor's property.

### **Bankruptcy judge**

A judicial officer of the United States district court who is the court official with decision-making power over federal bankruptcy cases.

### **Bankruptcy petition**

A formal request for the protection of the federal bankruptcy laws. (There is an official form for bankruptcy petitions.)

**Bankruptcy trustee**

A private individual or corporation appointed in all Chapter 7 and Chapter 13 cases to represent the interests of the bankruptcy estate and the debtor's creditors.

**Bench trial**

A trial without a jury, in which the judge serves as the fact-finder.

**Brief**

A written statement submitted in a trial or appellate proceeding that explains one side's legal and factual arguments.

**Burden of proof**

The duty to prove disputed facts. In civil cases, a plaintiff generally has the burden of proving his or her case. In criminal cases, the government has the burden of proving the defendant's guilt. (See standard of proof.)

**Business bankruptcy**

A bankruptcy case in which the debtor is a business or an individual involved in business and the debts are for business purposes.

## C

**Capital offense**

A crime punishable by death.

**Case file**

A complete collection of every document filed in court in a case.

**Case law**

The law as established in previous court decisions. A synonym for legal precedent. Akin to common law, which springs from tradition and judicial decisions.

**Caseload**

The number of cases handled by a judge or a court.

**Cause of action**

A legal claim.

## **Chambers**

The offices of a judge and his or her staff.

## **Chapter 7**

The chapter of the Bankruptcy Code providing for "liquidation," that is, the sale of a debtor's nonexempt property and the distribution of the proceeds to creditors. In order to be eligible for Chapter 7, the debtor must satisfy a "means test." The court will evaluate the debtor's income and expenses to determine if the debtor may proceed under Chapter 7.

## **Chapter 7 trustee**

A person appointed in a Chapter 7 case to represent the interests of the bankruptcy estate and the creditors. The trustee's responsibilities include reviewing the debtor's petition and schedules, liquidating the property of the estate, and making distributions to creditors. The trustee may also bring actions against creditors or the debtor to recover property of the bankruptcy estate.

## **Chapter 9**

The chapter of the Bankruptcy Code providing for reorganization of municipalities (which includes cities and towns, as well as villages, counties, taxing districts, municipal utilities, and school districts).

## **Chapter 11**

A reorganization bankruptcy, usually involving a corporation or partnership. A Chapter 11 debtor usually proposes a plan of reorganization to keep its business alive and pay creditors over time. Individuals or people in business can also seek relief in Chapter 11.

## **Chapter 12**

The chapter of the Bankruptcy Code providing for adjustment of debts of a "family farmer" or "family fisherman," as the terms are defined in the Bankruptcy Code.

## **Chapter 13**

The chapter of the Bankruptcy Code providing for the adjustment of debts of an individual with regular income, often referred to as a "wage-earner" plan. Chapter 13 allows a debtor to keep property and use his or her disposable income to pay debts over time, usually three to five years.

## **Chapter 13 trustee**

A person appointed to administer a Chapter 13 case. A Chapter 13 trustee's responsibilities are similar to those of a Chapter 7 trustee; however, a Chapter 13 trustee has the additional responsibilities of overseeing the debtor's plan, receiving payments from debtors, and disbursing plan payments to creditors.

### **Chapter 15**

The chapter of the Bankruptcy Code dealing with cases of cross-border insolvency.

### **Chief judge**

The judge who has primary responsibility for the administration of a court; chief judges are determined by seniority.

### **Claim**

A creditor's assertion of a right to payment from a debtor or the debtor's property.

### **Class action**

A lawsuit in which one or more members of a large group, or class, of individuals or other entities sue on behalf of the entire class. The district court must find that the claims of the class members contain questions of law or fact in common before the lawsuit can proceed as a class action.

### **Clerk of court**

The court officer who oversees administrative functions, especially managing the flow of cases through the court. The clerk's office is often called a court's central nervous system.

### **Collateral**

Property that is promised as security for the satisfaction of a debt.

### **Common law**

The legal system that originated in England and is now in use in the United States, which relies on the articulation of legal principles in a historical succession of judicial decisions. Common law principles can be changed by legislation.

### **Community service**

A special condition the court imposes that requires an individual to work – without pay – for a civic or nonprofit organization.

### **Complaint**

A written statement that begins a civil lawsuit, in which the plaintiff details the claims against the defendant.

**Concurrent sentence**

Prison terms for two or more offenses to be served at the same time, rather than one after the other. Example: Two five-year sentences and one three-year sentence, if served concurrently, result in a maximum of five years behind bars.

**Confirmation**

Approval of a plan of reorganization by a bankruptcy judge.

**Consecutive sentence**

Prison terms for two or more offenses to be served one after the other. Example: Two five-year sentences and one three-year sentence, if served consecutively, result in a maximum of 13 years behind bars.

**Consumer bankruptcy**

A bankruptcy case filed to reduce or eliminate debts that are primarily consumer debts.

**Consumer debts**

Debts incurred for personal, as opposed to business, needs.

**Contingent claim**

A claim that may be owed by the debtor under certain circumstances, e.g., where the debtor is a cosigner on another person's loan and that person fails to pay.

**Contract**

An agreement between two or more people that creates an obligation to do or not to do a particular thing.

**Conviction**

A judgment of guilt against a criminal defendant.

**Counsel**

Legal advice; a term also used to refer to the lawyers in a case.

**Court**

Government entity authorized to resolve legal disputes. Judges sometimes use "court" to refer to themselves in the third person, as in "the court has read the briefs."

**Court reporter**

A person who makes a word-for-word record of what is said in court, generally by using a stenographic machine, shorthand or audio recording, and then produces a transcript of the proceedings upon request.

**Count**

An allegation in an indictment or information, charging a defendant with a crime. An indictment or information may contain allegations that the defendant committed more than one crime. Each allegation is referred to as a count.

**Creditor**

A person to whom or business to which the debtor owes money or that claims to be owed money by the debtor.

**Credit counseling**

Generally refers to two events in individual bankruptcy cases: (1) the "individual or group briefing" from a nonprofit budget and credit counseling agency that individual debtors must attend prior to filing under any chapter of the Bankruptcy Code; and (2) the "instructional course in personal financial management" in chapters 7 and 13 that an individual debtor must complete before a discharge is entered. There are exceptions to both requirements for certain categories of debtors, exigent circumstances, or if the U.S. trustee or bankruptcy administrator have determined that there are insufficient approved credit counseling agencies available to provide the necessary counseling.

**D****Damages**

Money that a defendant pays a plaintiff in a civil case if the plaintiff has won. Damages may be compensatory (for loss or injury) or punitive (to punish and deter future misconduct).

**Debtor**

A person who has filed a petition for relief under the Bankruptcy Code.

**Defendant**

An individual (or business) against whom a lawsuit is filed.

**Debtor's plan**

A debtor's detailed description of how the debtor proposes to pay creditors' claims over a fixed period of time.

**Declaratory judgment**

A judge's statement about someone's rights. For example, a plaintiff may seek a declaratory judgment that a particular statute, as written, violates some constitutional right.

**De facto**

Latin, meaning "in fact" or "actually." Something that exists in fact but not as a matter of law.

**Default judgment**

A judgment awarding a plaintiff the relief sought in the complaint because the defendant has failed to appear in court or otherwise respond to the complaint.

**Defendant**

In a civil case, the person or organization against whom the plaintiff brings suit; in a criminal case, the person accused of the crime.

**De jure**

Latin, meaning "in law." Something that exists by operation of law.

**De novo**

Latin, meaning "anew." A trial de novo is a completely new trial. Appellate review de novo implies no deference to the trial judge's ruling.

**Deposition**

An oral statement made before an officer authorized by law to administer oaths. Such statements are often taken to examine potential witnesses, to obtain discovery, or to be used later in trial. See discovery.

**Discharge**

A release of a debtor from personal liability for certain dischargeable debts. Notable exceptions to dischargeability are taxes and student loans. A discharge releases a debtor from personal liability for certain debts known as dischargeable debts and prevents the creditors owed those debts from taking any action against the debtor or the debtor's property to collect the debts. The discharge also prohibits creditors from

communicating with the debtor regarding the debt, including through telephone calls, letters, and personal contact.

**Dischargeable debt**

A debt for which the Bankruptcy Code allows the debtor's personal liability to be eliminated.

**Disclosure statement**

A written document prepared by the chapter 11 debtor or other plan proponent that is designed to provide "adequate information" to creditors to enable them to evaluate the chapter 11 plan of reorganization.

**Discovery**

Procedures used to obtain disclosure of evidence before trial.

**Dismissal with prejudice**

Court action that prevents an identical lawsuit from being filed later.

**Dismissal without prejudice**

Court action that allows the later filing.

**Disposable income**

Income not reasonably necessary for the maintenance or support of the debtor or dependents. If the debtor operates a business, disposable income is defined as those amounts over and above what is necessary for the payment of ordinary operating expenses.

**Docket**

A log containing the complete history of each case in the form of brief chronological entries summarizing the court proceedings.

**Due process**

In criminal law, the constitutional guarantee that a defendant will receive a fair and impartial trial. In civil law, the legal rights of someone who confronts an adverse action threatening liberty or property.

**E**

**En banc**

French, meaning "on the bench." All judges of an appellate court sitting together to hear a case, as opposed to the routine disposition by panels

of three judges. In the Ninth Circuit, an en banc panel consists of 11 randomly selected judges.

### **Equitable**

Pertaining to civil suits in "equity" rather than in "law." In English legal history, the courts of "law" could order the payment of damages and could afford no other remedy (see damages). A separate court of "equity" could order someone to do something or to cease to do something (e.g., injunction). In American jurisprudence, the federal courts have both legal and equitable power, but the distinction is still an important one. For example, a trial by jury is normally available in "law" cases but not in "equity" cases.

### **Equity**

The value of a debtor's interest in property that remains after liens and other creditors' interests are considered. (Example: If a house valued at \$60,000 is subject to a \$30,000 mortgage, there is \$30,000 of equity.)

### **Evidence**

Information presented in testimony or in documents that is used to persuade the fact finder (judge or jury) to decide the case in favor of one side or the other.

### **Exclusionary rule**

Doctrine that says evidence obtained in violation of a criminal defendant's constitutional or statutory rights is not admissible at trial.

### **Exculpatory evidence**

Evidence indicating that a defendant did not commit the crime.

### **Executory contracts**

Contracts or leases under which both parties to the agreement have duties remaining to be performed. If a contract or lease is executory, a debtor may assume it (keep the contract) or reject it (terminate the contract).

### **Exempt assets**

Property that a debtor is allowed to retain, free from the claims of creditors who do not have liens on the property.

### **Exemptions, exempt property**

Certain property owned by an individual debtor that the Bankruptcy Code or applicable state law permits the debtor to keep from unsecured creditors. For example, in some states the debtor may be able to exempt all or a portion of the equity in the debtor's primary residence (homestead exemption), or some or all "tools of the trade" used by the debtor to make a living (i.e., auto tools for an auto mechanic or dental tools for a dentist). The availability and amount of property the debtor may exempt depends on the state the debtor lives in.

### **Ex parte**

A proceeding brought before a court by one party only, without notice to or challenge by the other side.

## **F**

### **Face sheet filing**

A bankruptcy case filed either without schedules or with incomplete schedules listing few creditors and debts. (Face sheet filings are often made for the purpose of delaying an eviction or foreclosure.)

### **Family farmer**

An individual, individual and spouse, corporation, or partnership engaged in a farming operation that meets certain debt limits and other statutory criteria for filing a petition under Chapter 12.

### **Federal public defender**

An attorney employed by the federal courts on a full-time basis to provide legal defense to defendants who are unable to afford counsel. The judiciary administers the federal defender program pursuant to the Criminal Justice Act.

### **Federal public defender organization**

As provided for in the Criminal Justice Act, an organization established within a federal judicial circuit to represent criminal defendants who cannot afford an adequate defense. Each organization is supervised by a federal public defender appointed by the court of appeals for the circuit.

### **Federal question jurisdiction**

Jurisdiction given to federal courts in cases involving the interpretation and application of the U.S. Constitution, acts of Congress, and treaties.

### **Felony**

A serious crime, usually punishable by at least one year in prison.

### **File**

To place a paper in the official custody of the clerk of court to enter into the files or records of a case.

### **Fraudulent transfer**

A transfer of a debtor's property made with intent to defraud or for which the debtor receives less than the transferred property's value.

### **Fresh start**

The characterization of a debtor's status after bankruptcy, i.e., free of most debts. (Giving debtors a fresh start is one purpose of the Bankruptcy Code.)

## **G**

### **Grand jury**

A body of 16-23 citizens who listen to evidence of criminal allegations, which is presented by the prosecutors, and determine whether there is probable cause to believe an individual committed an offense. See also indictment and U.S. attorney.

## **H**

### **Habeas corpus**

Latin, meaning "you have the body." A writ of habeas corpus generally is a judicial order forcing law enforcement authorities to produce a prisoner they are holding, and to justify the prisoner's continued confinement. Federal judges receive petitions for a writ of habeas corpus from state prison inmates who say their state prosecutions violated federally protected rights in some way.

### **Hearsay**

Evidence presented by a witness who did not see or hear the incident in question but heard about it from someone else. With some exceptions, hearsay generally is not admissible as evidence at trial.

### **Home confinement**

A special condition the court imposes that requires an individual to remain at home except for certain approved activities such as work and

medical appointments. Home confinement may include the use of electronic monitoring equipment – a transmitter attached to the wrist or the ankle – to help ensure that the person stays at home as required.

## **I**

### **Impeachment**

1. The process of calling a witness's testimony into doubt. For example, if the attorney can show that the witness may have fabricated portions of his testimony, the witness is said to be "impeached;" 2. The constitutional process whereby the House of Representatives may "impeach" (accuse of misconduct) high officers of the federal government, who are then tried by the Senate.

### **In camera**

Latin, meaning in a judge's chambers. Often means outside the presence of a jury and the public. In private.

### **Inculpatory evidence**

Evidence indicating that a defendant did commit the crime.

### **Indictment**

The formal charge issued by a grand jury stating that there is enough evidence that the defendant committed the crime to justify having a trial; it is used primarily for felonies. See also information.

### **In forma pauperis**

"In the manner of a pauper." Permission given by the court to a person to file a case without payment of the required court fees because the person cannot pay them.

### **Information**

A formal accusation by a government attorney that the defendant committed a misdemeanor. See also indictment.

### **Injunction**

A court order preventing one or more named parties from taking some action. A preliminary injunction often is issued to allow fact-finding, so a judge can determine whether a permanent injunction is justified.

### **Insider (of corporate debtor)**

A director, officer, or person in control of the debtor; a partnership in which the debtor is a general partner; a general partner of the debtor; or a relative of a general partner, director, officer, or person in control of the debtor.

**Insider (of individual debtor)**

Any relative of the debtor or of a general partner of the debtor; partnership in which the debtor is a general partner; general partner of the debtor; or corporation of which the debtor is a director, officer, or person in control.

**Interrogatories**

A form of discovery consisting of written questions to be answered in writing and under oath.

**Issue**

1. The disputed point between parties in a lawsuit; 2. To send out officially, as in a court issuing an order.

**J**

**Joint administration**

A court-approved mechanism under which two or more cases can be administered together. (Assuming no conflicts of interest, these separate businesses or individuals can pool their resources, hire the same professionals, etc.)

**Joint petition**

One bankruptcy petition filed by a husband and wife together.

**Judge**

An official of the Judicial branch with authority to decide lawsuits brought before courts. Used generically, the term judge may also refer to all judicial officers, including Supreme Court justices.

**Judgeship**

The position of judge. By statute, Congress authorizes the number of judgeships for each district and appellate court.

**Judgment**

The official decision of a court finally resolving the dispute between the parties to the lawsuit.

## **Judicial Conference of the United States**

The policy-making entity for the federal court system. A 27-judge body whose presiding officer is the Chief Justice of the United States.

## **Jurisdiction**

The legal authority of a court to hear and decide a certain type of case. It also is used as a synonym for venue, meaning the geographic area over which the court has territorial jurisdiction to decide cases.

## **Jury**

The group of persons selected to hear the evidence in a trial and render a verdict on matters of fact. See also grand jury.

## **Jury instructions**

A judge's directions to the jury before it begins deliberations regarding the factual questions it must answer and the legal rules that it must apply.

# **K**

# **L**

## **Lawsuit**

A legal action started by a plaintiff against a defendant based on a complaint that the defendant failed to perform a legal duty which resulted in harm to the plaintiff.

## **Lien**

A charge on specific property that is designed to secure payment of a debt or performance of an obligation. A debtor may still be responsible for a lien after a discharge.

## **Litigation**

A case, controversy, or lawsuit. Participants (plaintiffs and defendants) in lawsuits are called litigants.

## **Liquidation**

The sale of a debtor's property with the proceeds to be used for the benefit of creditors.

## **Liquidated claim**

A creditor's claim for a fixed amount of money.

# M

## **Magistrate judge**

A judicial officer of a district court who conducts initial proceedings in criminal cases, decides criminal misdemeanor cases, conducts many pretrial civil and criminal matters on behalf of district judges, and decides civil cases with the consent of the parties.

## **Means test**

Section 707(b)(2) of the Bankruptcy Code applies a "means test" to determine whether an individual debtor's chapter 7 filing is presumed to be an abuse of the Bankruptcy Code requiring dismissal or conversion of the case (generally to chapter 13). Abuse is presumed if the debtor's aggregate current monthly income (see definition above) over 5 years, net of certain statutorily allowed expenses is more than (i) \$10,000, or (ii) 25% of the debtor's non priority unsecured debt, as long as that amount is at least \$6,000. The debtor may rebut a presumption of abuse only by a showing of special circumstances that justify additional expenses or adjustments of current monthly income.

## **Mental health treatment**

Special condition the court imposes to require an individual to undergo evaluation and treatment for a mental disorder. Treatment may include psychiatric, psychological, and sex offense-specific evaluations, inpatient or outpatient counseling, and medication.

## **Misdemeanor**

An offense punishable by one year of imprisonment or less. See also felony.

## **Mistrial**

An invalid trial, caused by fundamental error. When a mistrial is declared, the trial must start again with the selection of a new jury.

## **Moot**

Not subject to a court ruling because the controversy has not actually arisen, or has ended.

## **Motion**

A request by a litigant to a judge for a decision on an issue relating to the case.

### **Motion to lift the automatic stay**

A request by a creditor to allow the creditor to take action against the debtor or the debtor's property that would otherwise be prohibited by the automatic stay.

### **Motion in Limine**

A pretrial motion requesting the court to prohibit the other side from presenting, or even referring to, evidence on matters said to be so highly prejudicial that no steps taken by the judge can prevent the jury from being unduly influenced.

## **N**

### **No-asset case**

A Chapter 7 case in which there are no assets available to satisfy any portion of the creditors' unsecured claims.

### **Nolo contendere**

No contest. A plea of nolo contendere has the same effect as a plea of guilty, as far as the criminal sentence is concerned, but may not be considered as an admission of guilt for any other purpose.

### **Nondischargeable debt**

A debt that cannot be eliminated in bankruptcy. Examples include a home mortgage, debts for alimony or child support, certain taxes, debts for most government funded or guaranteed educational loans or benefit overpayments, debts arising from death or personal injury caused by driving while intoxicated or under the influence of drugs, and debts for restitution or a criminal fine included in a sentence on the debtor's conviction of a crime. Some debts, such as debts for money or property obtained by false pretenses and debts for fraud or defalcation while acting in a fiduciary capacity may be declared nondischargeable only if a creditor timely files and prevails in a nondischargeability action.

### **Nonexempt assets**

Property of a debtor that can be liquidated to satisfy claims of creditors.

## **O**

### **Objection to dischargeability**

A trustee's or creditor's objection to the debtor being released from personal liability for certain dischargeable debts. Common reasons include allegations that the debt to be discharged was incurred by false pretenses or that debt arose because of the debtor's fraud while acting as a fiduciary.

### **Objection to exemptions**

A trustee's or creditor's objection to the debtor's attempt to claim certain property as exempt from liquidation by the trustee to creditors.

### **Opinion**

A judge's written explanation of the decision of the court. Because a case may be heard by three or more judges in the court of appeals, the opinion in appellate decisions can take several forms. If all the judges completely agree on the result, one judge will write the opinion for all. If all the judges do not agree, the formal decision will be based upon the view of the majority, and one member of the majority will write the opinion. The judges who did not agree with the majority may write separately in dissenting or concurring opinions to present their views. A dissenting opinion disagrees with the majority opinion because of the reasoning and/or the principles of law the majority used to decide the case. A concurring opinion agrees with the decision of the majority opinion, but offers further comment or clarification or even an entirely different reason for reaching the same result. Only the majority opinion can serve as binding precedent in future cases. See also precedent.

### **Oral argument**

An opportunity for lawyers to summarize their position before the court and also to answer the judges' questions.

## **P**

### **Panel**

1. In appellate cases, a group of judges (usually three) assigned to decide the case; 2. In the jury selection process, the group of potential jurors; 3. The list of attorneys who are both available and qualified to serve as court-appointed counsel for criminal defendants who cannot afford their own counsel.

### **Parole**

The release of a prison inmate – granted by the U.S. Parole Commission – after the inmate has completed part of his or her sentence in a federal prison. When the parolee is released to the community, he or she is placed under the supervision of a U.S. probation officer.

The Sentencing Reform Act of 1984 abolished parole in favor of a determinate sentencing system in which the sentence is set by sentencing guidelines. Now, without the option of parole, the term of imprisonment the court imposes is the actual time the person spends in prison.

### **Party in interest**

A party who has standing to be heard by the court in a matter to be decided in the bankruptcy case. The debtor, U.S. trustee or bankruptcy administrator, case trustee, and creditors are parties in interest for most matters.

### **Petition preparer**

A business not authorized to practice law that prepares bankruptcy petitions.

### **Per curiam**

Latin, meaning "for the court." In appellate courts, often refers to an unsigned opinion.

### **Peremptory challenge**

A district court may grant each side in a civil or criminal trial the right to exclude a certain number of prospective jurors without cause or giving a reason.

### **Petit jury (or trial jury)**

A group of citizens who hear the evidence presented by both sides at trial and determine the facts in dispute. Federal criminal juries consist of 12 persons. Federal civil juries consist of at least six persons.

### **Petition**

The document that initiates the filing of a bankruptcy proceeding, setting forth basic information regarding the debtor, including name, address, chapter under which the case is filed, and estimated amount of assets and liabilities.

### **Petty offense**

A federal misdemeanor punishable by six months or less in prison.

**Plaintiff**

A person or business that files a formal complaint with the court.

**Plan**

A debtor's detailed description of how the debtor proposes to pay creditors' claims over a fixed period of time.

**Plea**

In a criminal case, the defendant's statement pleading "guilty" or "not guilty" in answer to the charges. See also nolo contendere.

**Pleadings**

Written statements filed with the court that describe a party's legal or factual assertions about the case.

**Post-petition transfer**

A transfer of the debtor's property made after the commencement of the case.

**Prebankruptcy planning**

The arrangement (or rearrangement) of a debtor's property to allow the debtor to take maximum advantage of exemptions. (Pre-bankruptcy planning typically includes converting nonexempt assets into exempt assets.)

**Precedent**

A court decision in an earlier case with facts and legal issues similar to a dispute currently before a court. Judges will generally "follow precedent" - meaning that they use the principles established in earlier cases to decide new cases that have similar facts and raise similar legal issues. A judge will disregard precedent if a party can show that the earlier case was wrongly decided, or that it differed in some significant way from the current case.

**Preferential debt payment**

A debt payment made to a creditor in the 90-day period before a debtor files bankruptcy (or within one year if the creditor was an insider) that gives the creditor more than the creditor would receive in the debtor's chapter 7 case.

**Presentence report**

A report prepared by a court's probation officer, after a person has been convicted of an offense, summarizing for the court the background information needed to determine the appropriate sentence.

### **Pretrial conference**

A meeting of the judge and lawyers to plan the trial, to discuss which matters should be presented to the jury, to review proposed evidence and witnesses, and to set a trial schedule. Typically, the judge and the parties also discuss the possibility of settlement of the case.

### **Pretrial services**

A function of the federal courts that takes place at the very start of the criminal justice process – after a person has been arrested and charged with a federal crime and before he or she goes to trial. Pretrial services officers focus on investigating the backgrounds of these persons to help the court determine whether to release or detain them while they await trial. The decision is based on whether these individuals are likely to flee or pose a threat to the community. If the court orders release, a pretrial services officer supervises the person in the community until he or she returns to court.

### **Priority**

The Bankruptcy Code's statutory ranking of unsecured claims that determines the order in which unsecured claims will be paid if there is not enough money to pay all unsecured claims in full.

### **Priority claim**

An unsecured claim that is entitled to be paid ahead of other unsecured claims that are not entitled to priority status. Priority refers to the order in which these unsecured claims are to be paid.

### **Probation**

Sentencing option in the federal courts. With probation, instead of sending an individual to prison, the court releases the person to the community and orders him or her to complete a period of supervision monitored by a U.S. probation officer and to abide by certain conditions.

### **Probation officer**

Officers of the probation office of a court. Probation officer duties include conducting presentence investigations, preparing presentence reports on convicted defendants, and supervising released defendants.

**Procedure**

The rules for conducting a lawsuit; there are rules of civil procedure, criminal procedure, evidence, bankruptcy, and appellate procedure.

**Proof of claim**

A written statement describing the reason a debtor owes a creditor money, which typically sets forth the amount of money owed. (There is an official form for this purpose.)

**Pro per**

A slang expression sometimes used to refer to a pro se litigant. It is a corruption of the Latin phrase "*in propria persona*."

**Property of the estate**

All legal or equitable interests of the debtor in property as of the commencement of the case.

**Pro se**

Representing oneself. Serving as one's own lawyer.

**Prosecute**

To charge someone with a crime. A prosecutor tries a criminal case on behalf of the government.

**Pro tem**

Temporary.

**Q****R****Reaffirmation agreement**

An agreement by a debtor to continue paying a dischargeable debt after the bankruptcy, usually for the purpose of keeping collateral or mortgaged property that would otherwise be subject to repossession.

**Record**

A written account of the proceedings in a case, including all pleadings, evidence, and exhibits submitted in the course of the case.

Redemption

A procedure in a Chapter 7 case whereby a debtor removes a secured creditor's lien on collateral by paying the creditor the value of the property. The debtor may then retain the property.

### **Remand**

Send back.

### **Reverse**

The act of a court setting aside the decision of a lower court. A reversal is often accompanied by a remand to the lower court for further proceedings.

## **S**

### **Sanction**

A penalty or other type of enforcement used to bring about compliance with the law or with rules and regulations.

### **Schedules**

Lists submitted by the debtor along with the petition (or shortly thereafter) showing the debtor's assets, liabilities, and other financial information. (There are official forms a debtor must use.)

### **Secured creditor**

A secured creditor is an individual or business that holds a claim against the debtor that is secured by a lien on property of the estate. The property subject to the lien is the secured creditor's collateral.

### **Secured debt**

Debt backed by a mortgage, pledge of collateral, or other lien; debt for which the creditor has the right to pursue specific pledged property upon default. Examples include home mortgages, auto loans and tax liens.

### **Senior judge**

A federal judge who, after attaining the requisite age and length of judicial experience, takes senior status, thus creating a vacancy among a court's active judges. A senior judge retains the judicial office and may cut back his or her workload by as much as 75 percent, but many opt to keep a larger caseload.

### **Sentence**

The punishment ordered by a court for a defendant convicted of a crime.

**Sentencing guidelines**

A set of rules and principles established by the United States Sentencing Commission that trial judges use to determine the sentence for a convicted defendant.

**Service of process**

The delivery of writs or summonses to the appropriate party.

**Settlement**

Parties to a lawsuit resolve their dispute without having a trial. Settlements often involve the payment of compensation by one party in at least partial satisfaction of the other party's claims, but usually do not include the admission of fault.

**Sequester**

To separate. Sometimes juries are sequestered from outside influences during their deliberations.

**Small business case**

A special type of chapter 11 case in which there is no creditors' committee (or the creditors' committee is deemed inactive by the court) and in which the debtor is subject to more oversight by the U.S. trustee than other chapter 11 debtors. The Bankruptcy Code contains certain provisions designed to reduce the time a small business debtor is in bankruptcy.

**Statement of financial affairs**

A series of questions the debtor must answer in writing concerning sources of income, transfers of property, lawsuits by creditors, etc. (There is an official form a debtor must use.)

**Statement of intention**

A declaration made by a chapter 7 debtor concerning plans for dealing with consumer debts that are secured by property of the estate.

**Standard of proof**

Degree of proof required. In criminal cases, prosecutors must prove a defendant's guilt "beyond a reasonable doubt." The majority of civil lawsuits require proof "by a preponderance of the evidence" (50 percent plus), but in some the standard is higher and requires "clear and convincing" proof.

**Statute**

A law passed by a legislature.

**Statute of limitations**

The time within which a lawsuit must be filed or a criminal prosecution begun. The deadline can vary, depending on the type of civil case or the crime charged.

**Sua sponte**

Latin, meaning "of its own will." Often refers to a court taking an action in a case without being asked to do so by either side.

**Subordination**

The act or process by which a person's rights or claims are ranked below those of others.

**Subpoena**

A command, issued under a court's authority, to a witness to appear and give testimony.

**Subpoena duces tecum**

A command to a witness to appear and produce documents.

**Substance abuse treatment**

A special condition the court imposes that requires an individual to undergo testing and treatment for abuse of illegal drugs, prescription drugs, or alcohol. Treatment may include inpatient or outpatient counseling and detoxification.

**Substantial abuse**

The characterization of a bankruptcy case filed by an individual whose debts are primarily consumer debts where the court finds that the granting of relief would be an abuse of chapter 7 because, for example, the debtor can pay its debts.

**Substantive consolidation**

Putting the assets and liabilities of two or more related debtors into a single pool to pay creditors. (Courts are reluctant to allow substantive consolidation since the action must not only justify the benefit that one set of creditors receives, but also the harm that other creditors suffer as a result.)

**Summary judgment**

A decision made on the basis of statements and evidence presented for the record without a trial. It is used when it is not necessary to resolve any factual disputes in the case. Summary judgment is granted when – on the undisputed facts in the record – one party is entitled to judgment as a matter of law.

### **Supervised release**

Term of supervision served after a person is released from prison. The court imposes supervised release during sentencing in addition to the sentence of imprisonment. Unlike parole, supervised release does not replace a portion of the sentence of imprisonment but is in addition to the time spent in prison. U.S. probation officers supervise people on supervised release.

## **T**

### **Temporary restraining order**

Akin to a preliminary injunction, it is a judge's short-term order forbidding certain actions until a full hearing can be conducted. Often referred to as a TRO.

### **Testimony**

Evidence presented orally by witnesses during trials or before grand juries.

### **Toll**

See statute of limitations.

### **Tort**

A civil, not criminal, wrong. A negligent or intentional injury against a person or property, with the exception of breach of contract.

### **Transfer**

Any mode or means by which a debtor disposes of or parts with his/her property.

### **Transcript**

A written, word-for-word record of what was said, either in a proceeding such as a trial, or during some other formal conversation, such as a hearing or oral deposition.

### **Trustee**

The representative of the bankruptcy estate who exercises statutory powers, principally for the benefit of the unsecured creditors, under the general supervision of the court and the direct supervision of the U.S. trustee or bankruptcy administrator. The trustee is a private individual or corporation appointed in all chapter 7, chapter 12, and chapter 13 cases and some chapter 11 cases. The trustee's responsibilities include reviewing the debtor's petition and schedules and bringing actions against creditors or the debtor to recover property of the bankruptcy estate. In chapter 7, the trustee liquidates property of the estate, and makes distributions to creditors. Trustees in chapter 12 and 13 have similar duties to a chapter 7 trustee and the additional responsibilities of overseeing the debtor's plan, receiving payments from debtors, and disbursing plan payments to creditors.

### **Typing service**

A business not authorized to practice law that prepares bankruptcy petitions.

## **U**

### **U.S. attorney**

A lawyer appointed by the President in each judicial district to prosecute and defend cases for the federal government. The U.S. Attorney employs a staff of Assistant U.S. Attorneys who appear as the government's attorneys in individual cases.

### **U.S. trustee**

An officer of the U.S. Department of Justice responsible for supervising the administration of bankruptcy cases, estates, and trustees; monitoring plans and disclosure statements; monitoring creditors' committees; monitoring fee applications; and performing other statutory duties.

### **Undersecured claim**

A debt secured by property that is worth less than the amount of the debt.

### **Undue hardship**

The most widely used test for evaluating undue hardship in the dischargeability of a student loan includes three conditions: (1) the debtor cannot maintain – based on current income and expenses – a minimal standard of living if forced to repay the loans; (2) there are

indications that the state of affairs is likely to persist for a significant portion of the repayment period; and (3) the debtor made good faith efforts to repay the loans.

**Unlawful detainer action**

A lawsuit brought by a landlord against a tenant to evict the tenant from rental property – usually for nonpayment of rent.

**Unliquidated claim**

A claim for which a specific value has not been determined.

**Unscheduled debt**

A debt that should have been listed by the debtor in the schedules filed with the court but was not. (Depending on the circumstances, an unscheduled debt may or may not be discharged.)

**Unsecured claim**

A claim or debt for which a creditor holds no special assurance of payment, such as a mortgage or lien; a debt for which credit was extended based solely upon the creditor's assessment of the debtor's future ability to pay.

**Uphold**

The appellate court agrees with the lower court decision and allows it to stand. See affirmed.

**V**

**Venue**

The geographic area in which a court has jurisdiction. A change of venue is a change or transfer of a case from one judicial district to another.

**Verdict**

The decision of a trial jury or a judge that determines the guilt or innocence of a criminal defendant, or that determines the final outcome of a civil case.

**Voir dire**

Jury selection process of questioning prospective jurors, to ascertain their qualifications and determine any basis for challenge.

**Voluntary transfer**

A transfer of a debtor's property with the debtor's consent.

## W

### **Wage garnishment**

A non-bankruptcy legal proceeding whereby a plaintiff or creditor seeks to subject to his or her claim the future wages of a debtor. In other words, the creditor seeks to have part of the debtor's future wages paid to the creditor for a debt owed to the creditor.

### **Warrant**

Court authorization, most often for law enforcement officers, to conduct a search or make an arrest.

### **Witness**

A person called upon by either side in a lawsuit to give testimony before the court or jury.

### **Writ**

A written court order directing a person to take, or refrain from taking, a certain act.

### **Writ of certiorari**

An order issued by the U.S. Supreme Court directing the lower court to transmit records for a case which it will hear on appeal.

## X

## Y

## Z

Source:

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