

Welcome to the District of Columbia Courts and thank you for your interest in working at the Courts as an interpreter.

In this presentation, we will discuss the code of ethics and rules of professional conduct that must be followed by interpreters when working at the DC Courts. This presentation has been put together by the Office of Court Interpreting Services (OCIS).

What is a Code of Ethics? A Code of Ethics is a written set of guidelines issued by an organization to its workers to help them conduct their actions in accordance with its primary values and ethical standards. It may outline the mission and values of the organization, how professionals are supposed to approach problems, the ethical principles based on the organization's core values, and the standards to which the professional is held. In this case, the Code of Ethics has been designed for court interpreters working at the DC Courts. It consists of 10 canons that must be adhered to by interpreters when working at the DC Courts.

Canon #1: Qualifications

The first canon of the DC Courts' Interpreter Code of Ethics is regarding an interpreter's qualifications. It is essential that court interpreters accurately represent their certifications, training, education, and pertinent experience to the OCIS when seeking work at the District of Columbia Courts. All interpreters must send their proof of certification, qualifications, and resumes to the OCIS prior to commencing work. This information will be used to assign the appropriate interpreter to the appropriate assignment.

Canon #2: Accuracy

The second canon of the DC Courts' Interpreter Code of Ethics is accuracy. Interpreters must faithfully and accurately interpret all statements and testimony presented to the court and in out-of-court judicially mandated events to the best of their ability. Target-language speech must conserve all the elements of the original message in the source-language, while conveying the meaning, style, tone, and syntax in the target language. Nothing must be omitted. Nothing must be added. Nothing must be embellished, explained, summarized or paraphrased. The register of the source-language must be maintained, including all dense legal vocabulary and terminology. All false starts and repetitions must be preserved in the rendition.

Interpreters should avoid conjecturing or guessing about what the speaker means to say. If an interpreter does not hear or understand what the speaker has said, the interpreter should request a repetition or request permission to seek clarification.

When interpreting, an interpreter may be tempted to summarize or omit if they are falling behind. They might want to simplify the language being used so that the individual using their services can more easily comprehend. The interpreter might want to omit false starts or clean up the testimony presented by a witness, so that the court or the attorneys can more readily understand. Interpreters must avoid all these pitfalls and render a faithful and accurate interpretation of what is being said at all times.

Canon #3: Conflict of Interest and Impartiality

The third canon of the DC Courts' Interpreter Code of Ethics is regarding conflict of interest and impartiality. Court interpreters must at all times avoid conflicts of interests and must remain neutral and

impartial in proceedings where they serve. Interpreters should not ever be alone with the parties. They must not have unnecessary contact with the parties. They must avoid even the appearance of impropriety.

Interpreters must disclose any real or potential conflict of interest to the Court, parties, and attorneys in both in-court and out-of-court matters. The interpreters must have no personal interest in the outcome of the case.

Sometimes, interpreters are left alone with the parties and the parties try to engage the interpreters in conversation. It is essential for interpreters to politely explain to the parties that they are not permitted to have private conversations with them and to step away. If an interpreter is seen conversing with one of the parties, it could appear to the other party or opposing counsel that the interpreter has a bias or personal preference, which could negatively affect the interpreter's appearance of impartiality and cast doubt on the interpreter's credibility.

Likewise, if an interpreter knows one of the parties in a case in which they are asked to interpret to such an extent that they believe it would affect their ability to be impartial, the interpreter must recuse him/herself and ask OCIS to assign another interpreter. If the interpreter knows a party but is still able to be neutral and impartial, the interpreter must disclose this to the Court, and also inform the Court that their knowledge of this individual does not affect the interpreter's ability to be fair and impartial.

Canon #4: Duty to Report Inaccuracies

Interpreters have the duty to correct any and all errors of interpretation made during the proceeding or interpreted event immediately or as soon as the error is identified. This duty to report inaccuracies is limited to errors in the interpretation. Interpreters must not speculate as to whether others participating in the proceeding have made mistakes or correct the errors committed by other parties or attorneys.

If it appears that a party, attorney, psychologist, interviewer or mediator has made a mistake, do not try to correct them.

When working in a team interpreting situation, if the passive interpreter realizes that the active interpreter may have made a mistake, the interpreters must request permission of the court and briefly consult one another to determine what the correct interpretation should be. The interpreter who made the mistake should correct the record.

Canon #5: No Advocacy or Legal Advice

Interpreters must not advocate or provide legal advice to the parties. Interpreters must limit their participation in those matters in which they serve to simultaneous and consecutive interpreting, and sight translation. It is important that interpreters not give advice to the parties or advocate on behalf of the parties, or engage in any activity that could be perceived as the practice of law.

Many times, parties who receive interpretation services might feel comfortable directing questions or concerns to an interpreter, because they speak the same language. It is important to refrain from providing any advice whatsoever to the party or advocate on behalf of the party, even if you feel like you want to help them as much as you can, and even if you believe you know how to improve their situation. It is critical to remain in the role of the interpreter, whose job is to aid in communication and

overcome linguistic barriers, so that limited English proficient and deaf or hard-of-hearing courts users are placed in the same position as similarly situated persons for whom there is no such barrier. Nothing more, nothing less.

A situation may also arise where a mediator, attorney or psychologist may inquire of the interpreter as to their opinion of the limited English proficient or deaf or hard-of-hearing court user. The interpreter must politely decline to comment and remain in the role of a neutral and impartial interpreter at all times.

Canon #6: Confidentiality

Interpreters must not disclose privileged or confidential information acquired both in and out-of-court in the course of interpreting without authorization.

It may be tempting to discuss what you have learned in an attorney-client interview, private mediation session or other closed-door interpreted event or hearing with friends, family or co-workers. Sometimes, the information interpreters learn is fascinating. However, it is essential to maintain confidentiality at all times and not disclose any private information without authorization. This promotes trust between interpreters and the Court, parties, attorneys and court staff.

Canon # 7: Restriction on Public Comment

Interpreters must not publicly discuss, report or offer an opinion concerning a matter in which they are or have been engaged. No activities or comments related to court matters may be shared, discussed, posted or otherwise provided through or on any social media.

When interpreting in a particularly interesting court event, an interpreter may want to discuss his or her professional experience in a public forum. This could be through social media, such as Facebook, Instagram or Twitter. The interpreter may want to share their experience on a particularly challenging case or express their opinion on those who participated in the hearing. However, this could have unforeseen or unintended consequences, as it is unknown who might be able to see these comments. Many of the cases for which interpreters are hired are of a highly sensitive nature. Therefore, interpreters must refrain from public comment at all times.

Canon #8: Dignity of the Court

Interpreters must conduct themselves in a manner consistent with the standards and protocol of the court and must perform their duties as unobtrusively as possible.

When interpreting, the interpreter must use the same grammatical person as the speaker. When it becomes necessary to assume a primary role in the communication, the interpreter must make it clear that he or she is speaking for him or herself.

Interpreters must also abide by strict rules of professional conduct.

Canon #9: No Remuneration

Interpreters must not accept remuneration for their service to the court from anyone but the court. Interpreters will not accept any real or perceived gifts, gratuities or valuable consideration from any litigant, witness, party or attorney in a case where the interpreter is serving.

Sometimes, parties or attorneys may feel very grateful to the interpreter for his or her services and may offer to pay the interpreter or ask how much their interpretation services cost. An attorney may attempt to fraternize with the interpreter and offer to take him or her out to lunch for having done such a wonderful job. The interpreter must politely decline any offer of payment of any kind from everyone but the court.

Canon #10: Impediments to Compliance with Code of Ethics

Interpreters must bring to the attention of the appropriate judicial authority any circumstance that prevents full compliance with any canon of this code, including their ability to interpret an assignment competently.

If an interpreter is assigned to a lengthy hearing and no relief interpreter is available, the interpreter must request a break from the Court. If an interpreter is unable to hear, the interpreter must request that the judges, parties and attorneys speak louder and more clearly. If a judge, party or attorney is speaking too quickly, the interpreter must request that he or she slow down. If the interpreter does not have adequate knowledge of specialized terminology being used in an assignment, the interpreter must decline the assignment.

Interpreters must be forthcoming about their ability to comply with every canon in this code of ethics and make every effort to always be in compliance.