

## **Wisconsin Court Interpreter Program Guidelines for Conducting Voir Dire of the Court Interpreter Spoken and Sign Languages**

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### **IS THE COURT REQUIRED TO VOIR DIRE THE COURT INTERPRETER?**

Yes. The court must establish an interpreter's qualifications as an expert witness under Wis. Stat. §906.04. This requirement applies to interpreters used in-person and remotely.

### **WHO IS A QUALIFIED INTERPRETER?**

Under Wis. Stats, a "qualified interpreter" is able to do all of the following. §885.38(1)(c):

- ⇒ Readily communicate with a person who has limited English proficiency.
- ⇒ Orally transfer the meaning of statements to and from English and the language used by the person in the context of a court proceeding.
- ⇒ Readily and accurately interpret without omissions or additions; conserving the meaning, tone, and style of the original statement; including dialect, slang, and specialized vocabulary.

**Note:** Sign language interpreters are now required to either be certified by the Wisconsin Supreme Court or hold a license from the Wisconsin Department of Safety and Professional Services in order to provide interpreting services for compensation.

### **WHAT QUESTIONS SHOULD BE ASKED TO DETERMINE AN INTERPRETER'S QUALIFICATIONS?**

Below are suggested questions to ask of the interpreter:

#### **Spoken Language**

##### **To establish qualifications:**

1. Are you certified as a court interpreter by this state or any other state or federal court? Do you have any other accreditation for interpretation or translation?
2. What is your native language? How did you learn English/the other language? Are you listed on Wisconsin's Roster of Court Interpreters? What level are you listed?
3. Please describe your formal schooling.
4. Do you have any formal training in interpreting? In legal or court interpreting? Describe.
5. Please describe your experience as an interpreter. Have you ever interpreted in court before? What kind of proceedings?
6. Are you able to interpret simultaneously and consecutively? Do you understand that you must interpret everything said on the record?

#### **Sign Language**

##### **To establish qualifications:**

1. Do you hold certification from the Registry of Interpreters for the Deaf (RID)? If yes, what credentials do you hold from RID? Are you considered certified by the Wisconsin Supreme Court? Do you hold an interpreter license from the State of Wisconsin's Department of Safety and Professional Services?
2. How did you learn American Sign Language (ASL)? Are you listed on Wisconsin's Roster of Court Interpreters? What level are you listed?
3. Please describe your formal schooling.
4. What training have you had as an interpreter, specifically legal or court training?
5. Please describe your experience as an interpreter. Have you ever interpreted in court before? What kind of proceedings?
6. Are you able to interpret simultaneously and consecutively? Do you understand that you must interpret everything said on the record?

**To establish communication abilities:**

1. Have you spoken with the person? Do you need a few minutes to talk with him/her?
2. Does the person speak a specific dialect? Are you able to communicate with him or her?

**To determine if conflicts of interest exist:**

1. Do you know any of the parties, witnesses, or attorneys?
2. Are you aware of any conflict of interest you might have in this case? Have you interpreted in any incident related to this case?

**To establish understanding of ethics:**

1. Have you read the Code of Ethics for Court Interpreters in the Wisconsin Courts? Do you understand it and agree to abide by it?

**To establish communication abilities:**

1. Have you had an opportunity to speak with the deaf individual? Were there any particular communication problems? Are you able to communicate with this person using ASL? If not, what communication mode does this person use?
2. Does this person require the use of a deaf interpreter?

**To determine if conflicts of interest exist:**

1. Do you know any of the parties, witnesses, or attorneys?
2. Are you aware of any conflict of interest you might have in this case? Have you interpreted in any incident related to this case?

**To establish understanding of ethics:**

1. Have you read the Code of Ethics for Court Interpreters in the Wisconsin Courts? Do you understand it and agree to abide by it?

**Note:** Certified interpreters in Wisconsin are required to wear ID consisting of a bright red lanyard that says "Certified Interpreter" on it with a plastic card indicating the interpreter's name, ID# and date of certification. This ID was intended to assist the court in determining who is certified.

**WHAT OATH IS USED TO SWEAR IN INTERPRETERS?**

*"Do you solemnly swear or affirm that you will interpret truly, accurately, completely, and impartially."*

**Oath for sign language interpreters for deaf jurors:**

*"As an interpreter for a juror, do you also swear [or affirm] that you will not participate personally in the jury's deliberations, nor make any comment about your personal recollections of the evidence or your opinions about the outcome of this case and that you will not disclose or comment upon anything that you hear in jury deliberations unless ordered to do so by the court."*

**IS THERE A SUGGESTED COLLOQUY TO CLARIFY INTERPRETER'S ROLE?**

Court should use this colloquy before the commencement of a hearing involving an interpreter so all parties understand the interpreter's role:

*"We will have an interpreter assist us through these proceedings. The interpreter is here only to interpret the proceedings and to enable us to communicate with each other. The interpreter is not a party in this case, has no interest in this case, does not take sides and is not allowed to give legal advice or any other assistance."*