

## Guarantee your ROI When Hiring an Interpreter

Interpreting/translating is a relatively young industry in the U.S. and it is currently unregulated. Interpreters are not legally required to have an accreditation unless they are hired directly by the court system and are being paid with taxpayer dollars. Because it is relatively easy for a bilingual individual to hang out his shingle, the consumer, especially attorneys, need to know what to look for in a language professional to ensure that interpreted testimony faithfully follows the source language. Most cases rely heavily on testimony to decipher the facts at issue and to form an understanding of a witness's credibility and motivation. A misinterpretation or a nuance that is not conveyed properly can impact the outcome of a case. To avoid this from happening, ask your language provider for his/her credentials.

Whereas an interpreter is bilingual, a bilingual individual is not necessarily an interpreter. It is one thing to speak two or more languages, but quite another to be able to professionally interpret from and into those languages. This fact may not be apparent in casual conversation and may not become evident unless the attorneys and/or parties involved speak both languages, know the specific terms used in the case and are able to recognize them. In some situations, those listening may not speak one of the languages well enough to judge the quality of the interpretation. Attorneys and clients in general are not set up to screen language providers to verify their proficiency, nor should they have to. The best way to do this is to retain the services of an established agency or Language Services Provider (LSP). The best ones to partner with are those that have experience in the industry, that source their interpreters from existing professionals and from reputable university-level language programs, that require accreditation from the interpreters they employ even if it is not yet mandatory, and that regularly strive to develop their personnel through continuing education. These firms make sure that the interpreters they send you have the training and credentials to carry out your assignments at a specialized level. Available 24 hours a day 7 days a week to schedule interpreters for you anywhere in the U.S. as well as abroad, they can also provide you with written translations as well as certified linguists to render expert witness testimony on language issues.

### **What credentials should an interpreter have?**

When an attorney needs an interpreter for a legal proceeding, he should first verify whether the interpreter holds an accredited certification, assuming there is one for the needed language combination. In the United States, there are several certification programs. The most common is the standardized interpreting examination offered by the Consortium for Language Access in the Courts at the National Center for State Courts. There is also the Federal Court Interpreter Certification Exam which is currently being offered only in Spanish. The National Association of Judiciary Interpreters and Translators (NAJIT) offers another certification, as does the State Department.

If the candidate in question has the required proficiency as indicated by a recognized certification, some of the main skills he should possess and which are acquired from experience are: sight translation, a trained memory supported by note-taking skills to render testimony faithfully, a knowledge of specialized terminology, colloquialisms and slang in order to interpret in the correct register, and how to control the speed at which the attorney and the witnesses speak, if necessary, in order to have the opportunity to accurately interpret everything that is being said. It is difficult to interrupt witnesses giving testimony laden with emotions so it is critically important to have a professional interpreter that can render long statements, doing the interpretation.

Another useful indicator of the interpreter's professionalism is membership in an industry association such as NAJIT or ATA (American Translators Association) that have Codes of Ethics governing the profession that members must adhere to. In addition, these organizations keep members abreast of developments in the field.

### **How to work with an interpreter**

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It is equally important for attorneys to know how to work properly with an interpreter. Unfortunately, interpreters are sometimes considered a necessary evil that must be borne and many attorneys subscribe to the myth that, because you are an “interpreter,” you are a walking dictionary who is able to communicate any terminology, notwithstanding the level of complexity, into another language. Interpreters regularly work in diverse settings for widely differing industries and yet we are not specialists in these industries to the degree that our clients are. Hence, it is important when dealing with complex and/or technically challenging cases, that the interpreter be given an opportunity and sufficient time to acquaint himself, at a minimum, with the pleadings in the case and with any pertinent documents or prior testimony that will be discussed at the proceeding for which he is being scheduled. This is so that we may prepare a bilingual glossary of specialized terms to study, which will result in a more polished, professional interpretation. In addition to our responsibility as officers of the court not to discuss the cases we work on, we also stand ready to sign confidentiality agreements to assuage any fears regarding sharing of information. To avoid unforeseen difficulties, the scheduling coordinators of established LSPs regularly ask how long proceedings are expected to take and what sort of testimony will be presented to ascertain who the best interpreter is for the assignment, based on experience, and whether he will have to study, for example, dedicated medical terminology or engineering language, among many possible specialties. Whenever possible, book services well ahead of time as good interpreters are in high demand. Check the reputation of the LSP in language-dedicated sites such as Proz.com or ask your colleagues in the legal community about their dealings with the firm being considered.

### Guidelines to Working with an Interpreter

- Ascertain the interpreter's credentials
- When relevant, give the interpreter case documents to prepare
- Verify whether team interpreting is required
- Address witnesses with direct speech as if the interpreter were not present.

Other useful tips to keep in mind are to use direct speech when using the services of an interpreter. Address the witness in the first person, as if there were no interpreter present, to safeguard the integrity of the transcript. Avoid using proverbs i.e. “Where there’s smoke there’s fire” because although it may translate, there may be no direct translation, or worse yet, there may be another cultural equivalent to the sense behind the saying and the witness could end up giving an answer that is framed in very different terms from what you asked. Furthermore, you would be adding unnecessary stress to the interpreter’s job by asking him to do mental gymnastics in a matter of seconds to come up with a viable interpretation of an artistic/literary term. When working with consecutive interpretation (speech followed by a pause to allow for interpretation), attorneys and witnesses should pause when a complete thought or phrase has been rendered. The speech should not be so short that the sense is unintelligible nor so long that the interpreter cannot possibly remember it to give an accurate interpretation. An experienced interpreter will quickly establish the required rhythm among the parties involved in the taking of testimony so that the process will be smooth. It is important that only one person speak at a time for the same reason that a court reporter requires it, so that both the full question as well as all testimony is interpreted and taken down.

The length of time involved in an interpreted proceeding brings up another key point that is often overlooked, which is interpreter fatigue. According to a NAJIT position paper on the topic, [http://www.najit.org/documents/Team\\_Interpreting.pdf](http://www.najit.org/documents/Team_Interpreting.pdf), team interpreting “should be used for lengthy proceedings as a quality control mechanism to preserve the accuracy of the interpretation.” The way this works is that two interpreters substitute one another approximately every half hour. It has been found in scientific studies, among which is one at the University of Geneva in 1998, that after a certain amount of time working, an interpreter reaches a saturation point as mental circuits become overloaded and this condition leads to errors.<sup>[1]</sup>

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If the interpreter is going to be interpreting a proceeding simultaneously to the witnesses rather than interpreting from the witness stand, it is important that the interpreter be located in a position to properly hear and have visual contact with the parties speaking. Sound equipment (earphones, a microphone and a transmitter) should preferably be used to interpret the event, transmitting to receivers worn by the parties requiring the interpretation. That way, the interpreter can avoid the additional stress, inconvenience and disruption caused by having to stand close to one or more individuals to whisper an interpretation of what is going on. Many courts have this equipment installed in their courtrooms; otherwise, the LSP can be asked to have the interpreter bring a portable system. LSPs always have units available for their interpreters to use.

If the language at issue is not one for which there are interpreters readily available in your area or there are many dialects of the language, it is advisable that the interpreter selected speak with the witness in advance to ensure that they can understand one another well. Lastly, explain to the witnesses the role of the interpreter. That the interpreter is a neutral party and an officer of the court. That witnesses cannot have private conversations with him while they are testifying, that they should expect that the interpreter will render everything said to him on the stand into the language of the Court (English) but in turn, the interpreter will keep any information gained in the course of his work outside of court, confidential. Parties/witnesses should also know that the interpreter is bound to report any ethical breaches to the appropriate authorities.

Awareness and adherence to these simple guidelines will go a long way towards making sure that you have a positive, productive experience every time you retain the services of an LSP. NAJIT has formed a working group entitled the Bench and Bar Committee to disseminate this information among the judiciary and practicing attorneys. Our objective as interpreters is to be an asset to attorneys in assisting you to present testimony in a seamless, professional manner that you can depend on.

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[1] Moser-Mercer, B., Kunzli, B., and Korac, M., 1998 "Prolonged turns in interpreting: Effects on quality, physiological and psychological stress." University of Geneva, École de Traduction et d' Interprétation. *Interpreting*, Vol. 3 (1), p. 47-64. John Benjamin Publishing Co.

### About the Author



[Maria Cristina de la Vega](#)  
President

Maria Cristina de la Vega holds an M.B.A. and has more than 35 years of experience in court interpreting. She is a federally certified Spanish interpreter and is also certified by the State of Florida in that capacity. She is a regular contributor to publications that deal with language issues and she is a member of the Bench & Bar Committee of the National Association of Judiciary Interpreters and Translators (NAJIT). Ms. De la Vega has done work for prominent law firms including Greenberg Traurig and Holland and Knight. ProTranslating...

[Mdelavega@protranslating.com](mailto:Mdelavega@protranslating.com)

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[MdeVega@protranslating.com](mailto:MdeVega@protranslating.com)

888-532-7887

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