



LOUISIANA'S LANGUAGE ACCESS JUDICIAL BENCH CARD

The Louisiana judiciary is committed to providing persons of limited English proficiency ("LEP") with meaningful access to court programs and activities. To demonstrate that commitment, the Louisiana Supreme Court developed this bench card as guidance for the judiciary when working with LEP individuals.

WHEN IS AN INTERPRETER REQUIRED?

Title VI requires courts to take reasonable steps to provide meaningful access to a limited English proficient party in interest in court proceedings and court operations. Thus, qualified interpreters are required for any court proceeding that involves a party in interest who speaks a language other than English as his primary language and has a limited ability to read, speak, or understand English.

WHO IS A PARTY IN INTEREST?

Party	Victim	Witness	Parent, legal guardian, or custodian of a minor party	Legal guardian or custodian of an adult party
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WHO PAYS FOR THE INTERPRETER?

The United States Department of Justice interprets Title VI of the Civil Rights Act of 1964 to require the judiciary to provide interpreters free of charge in all civil and criminal court proceedings before a magistrate, commissioner, district court judge, the appellate court, or the Louisiana Supreme Court.

The costs for interpreting services shall not be charged to the parties.

Language access services required for all out-of-court communication involving private counsel, including all interviews, investigations, and other aspects of general case preparation, are outside of the scope of services provided or funded by the Louisiana judiciary.

To ensure equal access to all, private counsel are encouraged to privately retain the services of a Louisiana Supreme Court certified or registered interpreter by directly contacting an interpreter from the LASC's roster which is available online at www.lasc.org or by scanning the QR Code below.

LOUISIANA CERTIFIED AND REGISTERED INTERPRETERS

A list of interpreters who have successfully completed the Louisiana Supreme Court's orientation, training, and testing is available on the Louisiana Supreme Court's website. The interpreter roster is also available by scanning the QR Code with your mobile device.



WHO SHOULD I CONTACT IF THERE ARE PROBLEMS?

Concerns or questions about the interpreters or their performance should be directed to the Supreme Court's Office of Language Access at ola@lasc.org or by phone at (504) 310-2540. Concerns or questions about scheduling should be directed to your court's local language access coordinator.

I. EVALUATING THE NEED FOR A COURT INTERPRETER

An interpreter should be appointed when a party in interest requests an interpreter; or when the court or participants have difficulty speaking or understanding each other, ***even when an interpreter is not requested***. To help determine whether to require a court interpreter, the court should ask the LEP individual open-ended questions that cannot be answered with a simple yes or no. For example:

- What is the purpose of your court hearing today?
- How did you get to court today?
- Please tell me about your country of origin.
- What kind of work do you do?
- How did you learn English, and how comfortable are you proceeding with this matter in English?

2. ASSIGNMENT OF A COURT INTERPRETER

If the court determines that a party in interest has limited English proficiency, the court should require a court interpreter. Any doubts should be resolved in favor of the LEP individual, and an interpreter should be required. The court should first seek to use an interpreter from the Louisiana Supreme Court's list of certified interpreters. If no certified interpreter is available in the requested language, courts should then seek to use an interpreter from the Louisiana Supreme Court's list of registered interpreters. If neither a Louisiana Supreme Court certified or registered interpreter is available, courts may use other qualified interpreters.

- The court should never allow family members or friends to interpret inside the courtroom, nor should the LEP person's attorney interpret for the court.
- Only court personnel who are also certified or registered interpreters shall interpret inside the courtroom.

3. OBTAINING A COURT INTERPRETER

A request for an interpreter should be submitted to the local language access coordinator at least 10 business days prior to the scheduled proceeding, or as soon as the proceeding is placed on the court calendar, whichever occurs first. Counsel is responsible for submitting the request form for their LEP clients or witnesses. Court personnel should assist self-represented litigants with submitting the request form. Request forms are available at *District Court Rule 5.1 – Appendix 5.IB*. <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.IB.pdf>



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QUICK REFERENCE GUIDE

- Evaluate the need for an interpreter.
- Require an authorized court interpreter approved by the LASC.
- Establish interpreter qualifications, determine whether any conflicts exist, check the interpreter ID card and/or the Louisiana Supreme Court's website and administer the interpreter oath.
- Allow the interpreter to meet with the LEP individual briefly prior to the proceeding to confirm the ability to communicate, and to view the court file prior to the proceeding to become familiar with case terminology, names, and dates.
- Allow the interpreter to review any documents that will need to be sight translated during the proceedings. *Note:* Sight translations during a proceeding are limited to one page.
- Have the interpreter state his/her name and qualifications on the record.
- Explain the role of the interpreter to the parties, witnesses, and the jury on the record.
- Advise witnesses to speak clearly and at a moderate pace.
- Emphasize that the record produced by the court reporter or court recorder will be in English and is the official record of the proceeding.
- Provide breaks every 30 minutes for the interpreter.
- Team interpreting is required to maintain accuracy in any proceeding expected to last more than 2 hours.
- Observe the interpreter's conduct, communication, and interaction with participants; if problems arise, use a sidebar conference with attorneys and the interpreter or a recess to address and correct the problems.

YOU SHOULD CLARIFY THE INTERPRETER'S ROLE TO THE JURY:

"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 is not allowed. Therefore, do not allow the fact that the party requires an interpreter to in any way influence you. Although some of you may understand the non-English language used, it is important for all jurors to consider the same evidence. Therefore, you must **base your decision on the evidence presented in the English interpretation**. Do not rely upon your own interpretation of the witness' words."

YOU SHOULD CLARIFY 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 proceedings. The interpreter will say only what is said in your language and will not add, omit, or summarize anything. The interpreter will say in English everything that you say in your language, so do not say anything you do not want everyone to hear. If you do not understand a question asked of you, request clarification from the person who asked it. Do not ask the interpreter."

"You are giving testimony to this court; therefore, please speak directly to the attorney or to me. Do not ask the interpreter for advice. Do not ask the interpreter any questions. Speak in a loud clear voice. If you do not understand the interpreter, please make your request to me, not to the interpreter. Please wait until the entire statement has been interpreted before you answer. Do you have any questions?"

YOU SHOULD VERIFY THE INTERPRETER'S QUALIFICATIONS:

Certified Interpreters: Qualifications can be verified through their listing on the LASC's website and/or their corresponding interpreter ID card. Full voir dire is not required.

Non-certified interpreters (i.e., registered interpreters): Qualifications can be verified through their listing on the LASC's website and/or their corresponding interpreter ID cards. These interpreters must be voir dired on the record to ensure qualifications.

Other Qualified Interpreters and Telephonic Interpreters: These interpreters must be qualified through voir dire.

SAMPLE VOIR DIRE TO ESTABLISH INTERPRETER'S QUALIFICATIONS:

- What is your native language?
- Are you listed on the Louisiana Supreme Court's registry as a certified or registered interpreter?
- Are you familiar with the *Louisiana Code of Professional Responsibility for Language Interpreters*?
- How many times have you interpreted in court?
- How did you learn both language skills?
- Have you worked in a legal proceeding before? If yes, please describe it.
- Do you understand you are to be a neutral party who is here to facilitate communication and that you should not offer advice or interject your opinion into these proceedings?

YOU SHOULD ADMINISTER THE INTERPRETER'S OATH

Do you solemnly swear or affirm that you will accurately, completely and impartially make a true interpretation to the person needing interpretation services of all the proceedings of this case in the language understood by said person, and that you will repeat, in as literal and exact manner as possible, said person's answers and statements to the court, counsel or jury, to the best of your skill and judgment? (*District Court Rule 5.1—Appendix 5.1C*)

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1C.pdf>