



Tip of the Month October 2018¹

Working with Interpreters

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*“If you talk to a [person] in a language [they] understand, that goes to [their] head.
If you talk to [them] in [their] own language, that goes to [their] heart.”*
Nelson Mandela

Many of our clients speak multiple languages, but English may not be their first language, so we need help to communicate important legal processes and concepts. Here are some tips on working with interpreters to help you as you communicate with your multilingual clients.²

1. **Introductions:** Introduce yourself to the volunteer interpreter. Introduce the client to the volunteer interpreter.
2. **Seating:** Position the interpreter appropriately. Ask the client and the interpreter about seating arrangements. It is usual for the interpreter to be seated next to the attorney so that the client can observe both the interpreter and the attorney simultaneously.
3. **Set Expectations:** In order to ensure that you, the client, and the interpreter have a shared understanding of the extent of the interpreter’s professional services, we suggest that you communicate the following points at the beginning of a session involving an interpreter. Please make sure to include all three parties in the conversation (client, attorney, and interpreter).
 - “This is a conversation between you [the client] and me [the lawyer]. But we need help to communicate, so we are going to communicate through an interpreter.”
 - “The interpreter will interpret everything you say into English and everything I say into ____ [client’s preferred language].”
 - “The interpreter cannot participate in the conversation, share his/her opinion, or give advice. The interpreter’s only job is to interpret what each of us says.”
 - “The interpreter has to follow the same rules of confidentiality as I do which means s/he has to keep whatever we say in this meeting a secret and cannot tell anyone else what we say.”
 - “If you do not understand something, ask me [the lawyer], not the interpreter. Please talk to me [the lawyer], not to the interpreter. I will do the same.”
 - “If I need to clarify something with the interpreter about the interpreting, I will ask the interpreter to tell you what I said to the interpreter. If you have a long

¹ This Tip of the Month was originally published in April 2016

² While many of the tips included in this article may apply to sign language interpretation, the focus is on oral language interpretation.

question or a long answer, please pause frequently so that the interpreter can interpret everything accurately. I will do the same.”

- “Please speak loud enough and pronounce your words clearly so the interpreter can hear you easily. I will do the same.”
- “It may take longer to say everything through an interpreter. Please say everything you need to say. I will do the same.”
- “If you have any difficulty hearing the interpreter or understanding me during the conversation, please tell me. I will do the same.”
- “Are you able to hear and understand the interpreter? Are you ready to proceed? Can you hear and understand everyone adequately? Would you like pen and paper to assist you?”

4. The Interpreter’s Role:

- The interpreter is neutral and not that of “cultural broker.” Ethical codes prohibit interpreters from giving opinions about the legal matter for which they are interpreting. Interpreters are ethically obligated to interpret everything that the client would have understood if he/she had understood (spoken) English, so do not make comments you do not want interpreted.
- When the interpreter is related to the client, which is not an ideal situation, please keep a few things in mind:
 - Treat the family member as you would any professional interpreter; remind them they are bound by the ethics and confidentiality rules.
 - Consider any conflicts of interest that may arise in using a family member as an interpreter. If you have questions, do not proceed with the meeting until your questions have been answered.
 - Take extra care in communicating and clarifying. Although the family member speaks both languages, he/she may not fully grasp the complexities of interpreting in a legal matter.
 - If you do not feel comfortable, do not proceed with the meeting.

5. Interpreter Styles: Some interpreters’ style may be to “over-speak” what you say about the same time you say it (simultaneous). Others may interpret consecutively (see below), which means they will interpret what is said in its entirety in the pauses between phrases or sentences. Others may use a hybrid approach. Different situations may require different approaches.

6. The Lawyer’s Role:

- Speak clearly and at your usual pace and volume. The interpreter should tell you if it is necessary to change your rate. Give extra time for the client to answer any questions you have asked, as there may be lag time as the interpreter interprets from spoken English into a different language. This is especially important during group discussions. When the interpretation is consecutive – that is, the interpreter will not begin interpreting until you have finished speaking – speak in short ‘segments’ so that the interpreter can more easily remember what is said.
- Speak directly to the client as you would to any client. For example, say, “What is your legal issue?” rather than “What is his legal issue?” We have a tendency to

Speak to the interpreter and not the client. Try to act as if the interpreter is not there, and speak directly to the client, in the first person, allowing time for the interpretation to occur. [Note: the interpreter should also use the first person.]

- Be as clear and specific as possible, and avoid using lingo, while allowing for follow-up questions to make sure all parties are clear on the meaning of the question and the answer. It can be helpful to explain legal concepts and to explain the “why” behind a legal concept or requirement.
- Make sure that the client and the interpreter will understand each other. Some languages have different dialects, and understanding can be difficult.
- If possible, provide the interpreter in advance with the documents you will use in the meeting. This will allow the interpreter to become familiar with the information and ask questions if he/she does not understand something.
- Do not leave client and interpreter alone. Clients often feel an affinity with the interpreter, which can interfere with the attorney-client relationship, jeopardize attorney-client privilege, or lead to the interpreter’s unauthorized practice of law.
- Do not allow side conversation. The interpreter is required to interpret everything that is said. Please stop the client and/or interpreter if side conversations occur. As the attorney, please do not have side conversations with the interpreter. If you need to clarify a point, ask the interpreter to explain what you are doing to the client. The client must feel secure that the interpreter is a neutral person.
- Using culturally-neutral humor can help build rapport. But you are speaking to someone that has a different culture and understanding of what is funny and how sarcasm is used. It may be best to avoid sarcasm and certain humor.
- End the meeting and reschedule with a different interpreter if you think that what you want communicated is not being communicated.
- After the meeting and the client has left, take time to debrief with the interpreter. Talk about things that went well and what could have been done better. Thank the interpreter for his/her time and attention. Remind the interpreter that all the information is strictly confidential and cannot be revealed to anyone else.

Resources:

- MN Judicial Branch Court Interpreter Program, Resources for Attorneys and Judges: <http://www.mncourts.gov/Help-Topics/Court-Interpreter-Program.aspx>
- AYUDA, Working with Interpreters: https://secure.migrationpolicy.org/images/2008.12.17_Webinar_Guide_for_Legal_Services.pdf

If after reading this tip you are interested in volunteering or have further questions about working with interpreters, please contact me, Colleen Beebe: colleen@vlnmn.org or (612) 752-6670.