Orientation Seminar for Prospective Court Interpreters 2025

Welcome!

State of Delaware

Administrative Office of the Courts

Court Interpreter Program

DELAWARE COURTS

JUDICIAL BRANCH

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About

- *Delaware Court Interpreter Program Coordinator since 2015*
- *State Certified Court Interpreter DE, PA, MD, NJ*
- *Board Certified Medical Interpreter (CMI)*
- *EN > SP Translator*
- *Medicolegal, and Emergency Services Bilingual Specialist*

Symbols you may see at work

Why a Court Interpreter Program?

-Title VI of the Civil Rights act of 1964 and its regulations

-The Omnibus Crime Control and Safe Streets Act of 1968

-Executive order 13166

Civil Rights and Title VI

A civil right is an enforceable right or privilege, which if interfered with by another gives rise to an action for injury. Examples of civil rights are freedom of speech, press, and assembly; the right to vote; freedom from involuntary servitude; and the right to equality in public places. Discrimination occurs when the civil rights of an individual are denied or interfered with because of their membership in a particular group or class. Various jurisdictions have enacted statutes to prevent discrimination based on a person's race, sex, religion, age, previous condition of servitude, physical limitation, national origin, and in some instances sexual orientation.

- The most important expansions of civil rights in the United States occurred as a result of the enactment of the 13th and 14th amendments of the U.S. Constitution. The 13th amendment abolished slavery throughout the United States. In response to the Thirteenth Amendment various states enacted "black codes" to limit the civil rights of the newly free slaves. In 1868 the Fourteenth Amendment countered these "black codes" by stating that no state "shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States... [or] deprive any person of life, liberty, or property without due process of law, [or] deny to any person within its jurisdiction the equal protection of the laws."
- The most prominent civil rights legislation since then was the Civil Rights Act of 1964. Discrimination based on "race, color, religion, or national origin" in public establishments that have a connection to interstate commerce or are supported by the state is prohibited. Public establishments include places of public accommodation (e.g., hotels, motels, and trailer parks), restaurants, gas stations, bars, taverns, and places of entertainment in general. The Civil Rights Act of 1964 and subsequent legislation also declared a strong legislative policy against discrimination in public schools and colleges which aided in desegregation. Title VI of the Civil Rights Act prohibits discrimination in federally funded programs.
- Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. § 2000d, and the Omnibus Crime Control and Safe Streets Act of 1968, as amended (Safe Streets Act), 42 U.S.C. § 3789d(c)(1) prohibit recipients of Federal financial assistance from discriminating on the basis of national origin (among other bases) in funded programs or activities. As a result, and as explained in the United States Department of Justice (DOJ) regulations implementing Title VI and the Safe Streets Act, recipients of Federal financial assistance have a responsibility to ensure meaningful access to their programs and activities by LEP persons.

Administrative Directive No. 107

In 1995, the Delaware Supreme Court appointed a Racial and Ethnic Fairness Task Force. The Task Force received testimony on the need for consistent and accurate language interpretation in the courts and, as part of its final report, recommended that a statewide court interpreter certification program be established. Based on this recommendation, then-Chief Justice E. Norman Veasey issued Administrative Directive #107, dated April 1996, which established the Court Interpreter Program under the Administrative Office of the Courts (AOC.) The AOC worked with the National Center for State Courts and the newly formed Consortium of State Court Interpreter Certification (now the Consortium for Language Access in the Courts) to develop the program. Delaware was the sixth state to join the Consortium in 1996. The Consortium now includes 43 member states. The first orientation session for prospective interpreters was held in each county in Delaware in the fall of 1996. The first interpreter test was administered in Spanish in 1997.

Executive Order 13166

In response to the DOJ Guidance, the Courts and the Administrative Office of the Courts (AOC) implemented this Language Access Plan (LAP) which reflects the policy of the Judicial Branch to take reasonable steps to provide meaningful access to all individuals in any encounters with the Delaware Judiciary regardless of their national origin or limited ability to read, write, speak, or understand English.

VIDEO 1

This video explains the rights of (LEP) individuals under Title VI

https://www.justice.gov/crt/video/language-access

The LAP

The Delaware Judiciary Language Access Plan reflects the policy of the Judicial Branch to take reasonable steps to provide meaningful access to all individuals in any encounter with the Delaware Judiciary regardless of their national origin or limited ability to read, write, speak, or understand English.

Delaware CIP

Skilled – Ethical - Courteous

Our Court Interpreter Program

- Created in 1996- Policy Directive
- Credentialing process
  1) Orientation Seminar
  2) Written Examination
  3) Oral Performance Test
- Background Check
- Service Agreements with Interpreters
- Continuing Education
- Disciplinary Policy

Aptitudes and Knowledge Required to Become a Court Interpreter

BASIC SKILLS

Duties and Responsibilities of the Court Interpreter

Video: https://www.youtube.com/watch?v=pVm27HLLiiQ

Thank you, Legal Services of New Jersey.

Aptitudes and Knowledge Required to Become a Court Interpreter

- Superior command of two working languages
- Knowledge of technical terms and concepts (primarily, law)
- Skilled in all modes of interpretation (simultaneous consecutive, sight-translation
- Basic knowledge, understanding of legal system
- Clear understanding of role of the interpreter
- Voluntary compliance with Code of Ethics for
- Professionalism

Professionalism in court settings

- Follow the code of ethics- There are things you should and shouldn't do!
- Train and study
- Communicate
- Prepare for each assignment
- Dress properly
- Timely paperwork/book-keeping
- Ethical business practices
- Support colleagues
- Foster trust

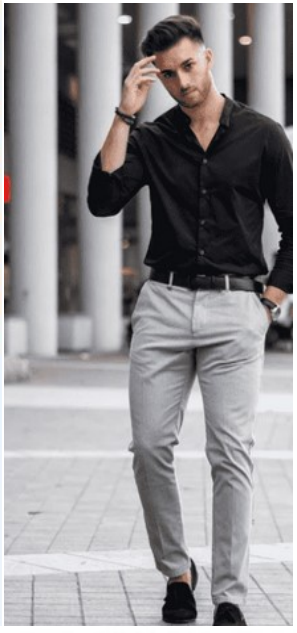
Dress Code

General Public:

To maintain the dignity of the Court, the Court requests that the following list of minimum standards regarding appropriate dress be met before entering the courtroom. 1) Men should wear a shirt with a collar and long pants. 2) Women should wear a dress, or a blouse and skirt or long pants. Check the Dress Code for the court in which you are scheduled to appear.

Interpreters: Should dress like attorneys. Interpreters should not draw attention to themselves. The above applies and furthermore, no noisy jewelry. Clothes should fit properly and be clean and pressed. No jeans. Shoulders covered, not too much cleavage or form-fitting garments. No see-through clothing or minis. Hair should be clean and neat. No strappy sandals, sneakers, or work boots.

Which is/isn’t appropriate and why?



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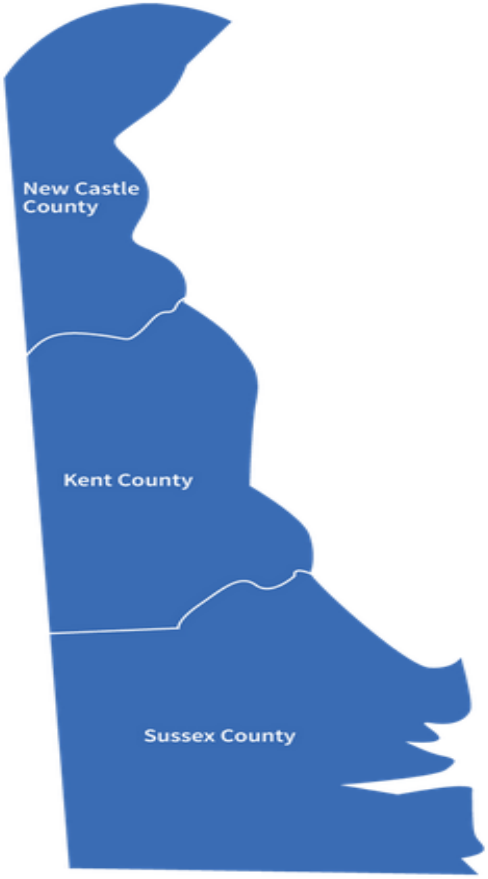
The Delaware Courts

A QUICK OVERVIEW

See 2 handouts:

- ❖ Diagram of court jurisdiction
- ❖ Description

DELAWARE COURTS
JUDICIAL BRANCH



View by County:

- New Castle County
- Kent County
- Sussex County

View by Court:

- Supreme Court
- Court of Chancery
- Superior Court
- Family Court
- Court of Common Pleas
- Justice of the Peace Court

The Delaware Courts

The Justice of the Peace Court (JP)

- It is the initial entry level into the court system for most citizens.
- In civil cases such as landlord/tenant disputes, it has jurisdiction over civil cases that do not exceed $15,000.
- In criminal cases, it hears certain misdemeanors and most motor vehicle cases except for felonies.

The Delaware Courts

CCP

•The Court of Common Pleas (CCP)

• In civil cases, CCP has jurisdiction in cases that do not

•exceed $50,000.

• In criminal cases, CCP handles criminal misdemeanors, all traffic offenses except for felonies and it is responsible for the preliminary hearings in felony cases.

• The court is also responsible for the appeals from the Justice of Peace Courts, Alderman's Courts, and the Division of Motor Vehicles.

The Delaware Courts

The Family Court (FC)

- This court has jurisdiction over all domestic relation matters, including divorce, custody, guardianships, adoptions, visitations, child and spousal support, and property division.
- It also oversees all civil domestic violence protective orders and juvenile offenses.

The Delaware Courts

The Superior Courts (SC)

- This court has jurisdiction over criminal and civil cases, except equity cases.
- It has exclusive jurisdiction over felonies and drug offenses.
- This court is the intermediate appellate court from the Court of Common Pleas, Family Court (adult criminal) and administrative boards.

The Delaware Courts

The Court of Chancery

This court hears/determines all matters and causes in equity (typically corporate, trust, fiduciary matters, land sale, real state, and commercial/contractual matters), guardianship

The Delaware Courts

The Supreme Court

This court receives direct appeals from the Court of Chancery, the Superior Court, and the Family Court.

Judicial Procedure

AN INTRODUCTION

Judicial Procedure

l. A CRIME IS COMMITTED- reported or *in flagrante delicto* (caught in the act)

2. INVESTIGATION -To determine if an alleged crime has actually been committed. This may take days, months, years.

The investigation may involve confidential informants, surveillance of suspects, controlled buys, sweeps, raids, execution of warrants, search and seizures, etc.

Court interpreters most likely will not participate directly at this stage but any evidence gathered may be used later in the procedure. So, it is important for court interpreters to become familiar with police jargon, street language, and methods of surveillance used by the

police.

Judicial Procedure

3. ARREST -Taking a person into custody for the purpose of charging him or her with a criminal offense.

Arrests are possible by police and without a warrant

A sworn statement/Affidavit of Probable Cause/Police Report is prepared and filed.

Documents prepared at this stage are likely to be presented in court later. At that time, the court interpreter will have access to them, either to prepare for a hearing or to sight-translate when the defendant interviews with his/her attorney.

4. ARRAIGNMENT

The purpose of the arraignment is:

- *To identify the defendant (D)*
- *To inform D of his/her constitutional rights*
- *To advise D of the charges against him/her*
- *To ask for a plea (how D responds to the charges: guilty, not guilty, etc.)*

Court interpreters will assist in these proceedings when the D appears before a judge or a commissioner, or if the D is interviewed by the prosecutor for a possible plea. If the D pleads not guilty, another appearance will be scheduled and in the meantime the D will have time to seek counsel--private or through the Public Defenders' Office.

Judicial Procedure

5. PLEA

Defendant's answer to the charges.

- Guilty
- Not guilty
- No lo contendere
- Not guilty by reason of insanity
- Other

Judicial Procedure

6. BAIL

Not all offenses are eligible for release on bail. When offense is “bailable,” posting bail allows for defendants to be released until their next court hearing. Types of bail:

- Monetary: unsecured, secured (usually 10% of the bail amount is required), and cash
- Personal recognizance
- Custody of a third party

Bail hearings are normally quick and mostly interpreted in the simultaneous mode.

Judicial Procedure

7. PRELIMINARY HEARING (PH) OR EXAMINATION

- To determine probable cause. For example, if the crime was committed and if there are reasonable, factual grounds to believe the Defendant was involved.
- The only witness is the investigating officer. The defense is only allowed to cross-examine
- After the PH, charges are either dismissed or “bound over”
- Ds have the right to have or waive their PH. In

the case of waiving a PH, the case is bound over to the Superior Court.

Judicial Procedure

For a PH, the officer will be called to testify and the interpreter's equipment should be set up.

The hearing will be done mostly in the simultaneous mode and the court
interpreter will be seated at the defense table.

To prepare for the hearing, the court interpreter will read the sworn statement/Affidavit of Probable Cause/Police report and become familiar with the facts, take notes of the defendant's name, case number, other proper names, dates, places and look up unfamiliar vocabulary or expressions.
It is also important to ask questions if something in the report is not quite clear.

Judicial Procedure

8. DISPOSITIONS (possible outcomes)

- Nolle prosequi
- Stay of the proceedings
- Probation Before Judgment - PBJ
- Diversion
- Plea bargain

Judicial Procedure

9. A PLEA AGREEMENT

It is possible at any stage of the proceedings, in felony as well as in misdemeanor cases.

It usually allows D to plea to some counts instead of all counts in the indictment/information or to a lesser included offense.

By entering a plea agreement, D waives his/her constitutional rights to a trial.

The court reserves the right to follow or not to follow terms of a plea agreement.

Constitutional Rights to Trial

- To a speedy and public trial
- To a trial by jury
- To have an attorney represent you
- To hear and cross-examine witnesses against you
- To present evidence in your defense
- To be presumed innocent until the State can prove each and every element of the charges against you beyond reasonable doubt
- To appeal your conviction to a higher court
- To testify if desired- no obligation

Judicial Procedure

10. PRETRIAL STAGE
    - Discovery
    - Motions
        - discovery
        - severance of parties
        - consolidate

Judicial Procedure

Motions

- change of venue
- suppress evidence
- dismiss charges

Granted or Denied

Parties announce "ready"

Judicial Procedure

11. TRIAL

- Bench trial - Judge is the trier of the facts and rules on matters of law.
- Jury trial - Jury is the trier of the facts; Judge rules on matters of law.

Empaneling of jury - void dire

Delaware Juror Handbook: https://courts.delaware.gov/superior/pdf/petitjury_handbook.pdf

Judicial Procedure

11. TRIAL (cont.)

- Opening statements
- Examination of Prosecution witnesses, Expert witnesses
- Evidence: direct, circumstantial, documentary
- Exhibits
- Prosecution rests

Judicial Procedure

11. TRIAL (cont.)

- Defense's case (as Prosecution's)
- Rebuttal by prosecution
- Closing arguments
- Charge (instructions to the jury)
- Deliberation
- Verdict

Jury Instructions:
https://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/juryinstruct/

Judicial Procedure

12. SENTENCING

    Pre-sentence investigation

    Incarceration or Probationary period

13. APPEALS

    Request to a higher court to review the decision or examine procedures of a lower court.

Judicial Procedure

- Court interpreters must be familiar with the judicial procedure to have context and some reference to interpret.
- The involvement of the court interpreter in all theses stages is crucial to provide defendant access to justice.
- Court interpreters need not to become experts in law but must know enough to understand the process and be able to choose the correct terminology at each step of the process.

Duties and Responsibilities

The Court Interpreter MUST know court protocol:
Court interpreters should know at all times where to stand or sit, to whom report and to whom ask permission to leave; how to address the Court, and how to reply to requests by judicial officers.
Court protocol is as important as knowledge of modes of interpretation and languages.

The Court Interpreter MUST

Know the Courtroom (cont.)

- The witness stand is where the witness sits during testimony.
- The bench refers to the judge's desk inside the courtroom. It is usually raised and gives the judge a bird's eye view of the courtroom.

The Court Interpreter MUST

Know the courtroom:

•The defense table is always located closest to the witness stand.

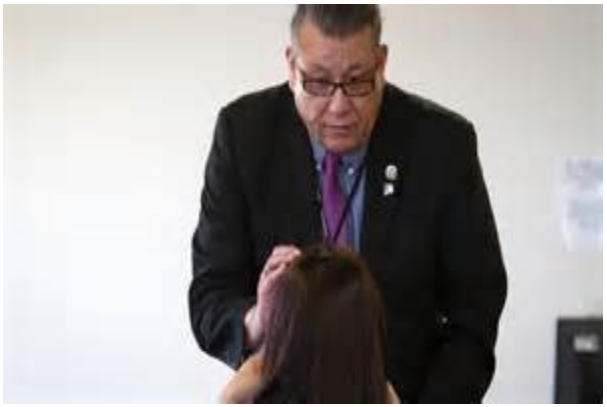
•The State Attorney's table, (also known as the prosecutor or the government) is always located closest to the jury box.

•The courtroom clerk's desk is often between the well of the courtroom and the judge. This desk provides additional buffer and security. The clerk is the person who receives and processes evidence, exhibits and documentation on behalf of the judge.

The Court Interpreter MUST

- NEVER approach a judge without getting permission.
- NEVER block the view to the witness.
- NEVER LEAVE without permission.
- NEVER INTERRUPT PROCEEDINGS without permission and only when really necessary,
- ALWAYS address the judge as “Your Honor" inside the courtroom and on the record.

Which one do you think is incorrect?



The Court Interpreter MUST

- ADDRESS both the state's attorney and the defense attorney as "Mr. or Ms. Smith" or as "Counselor".
- TREAT defendants and witnesses with the utmost respect and call them by their proper title without exception (Mr., Ms., Dr., Rev., Professor, etc.)
- ALWAYS dress professionally (in a manner similar to attorneys)

The Court Interpreter MUST

- SPEAK in a clear, firm, and well modulated voice and employ the techniques of interpretation best suited to the situation (simultaneous, consecutive interpreting or sight-translation).
- ALWAYS abide by the rules of the Court
- NEVER argue with a Judge's decision.

A Day in the Life of a Court Interpreter

Interpreter's schedule:

8:30 a.m. CCP calendars

CCP has multiple calendars on a given day, running simultaneously.

Introduce yourself to the bailiff. It is important they know who you are and where you are in case your services are needed in another courtroom.

A Day in the Life of a Court Interpreter

Interpreter's notes:

5D-Preliminary hearing; 1 defendant

5C-Non-jury trials: 4 defendants - 2 PD and 2 pro-se

Names and case numbers should be noted down and also whether the D is pro-se or represented (private, conflict or PD).

5C-2 interviews with PD and will plea. Plea agreement is filled in with the assistance of the interpreter. D will appear before Judge.

2 interviews with prosecutor and requests a continuance to obtain paperwork. D will appear before the judge to request continuance.

Interviews of this nature are normally done in consecutive mode.

A Day in the Life of a Court Interpreter

All conversations during interviews are confidential and client-attorney privilege applies. The court interpreter should not share any information regarding pleas, waivers, etc. This information belongs to counsel and the defendant.

A Day in the Life of a Court Interpreter

Hearings in 5C

Pleas are taken, and continuances are granted. Defendants stand before judge by the podium. Court interpreter request permission to be excused when hearings are over.

PRELIMS in 5D

Court interpreter gets ready for hearing; notebook, equipment and water.

Court interpreter will use simultaneous mode during the hearing and interpret everything for the defendant (officer's testimony, direct and cross, judge's decision).

Before leaving, ask counsel if he/she will further confer with D.

A Day in the Life of a Court Interpreter

Before leaving the floor, check if any defendant needs help with the paperwork (payment, probation papers) and if the court interpreter's services are needed for the capias calendar.

Protocol and Ethics

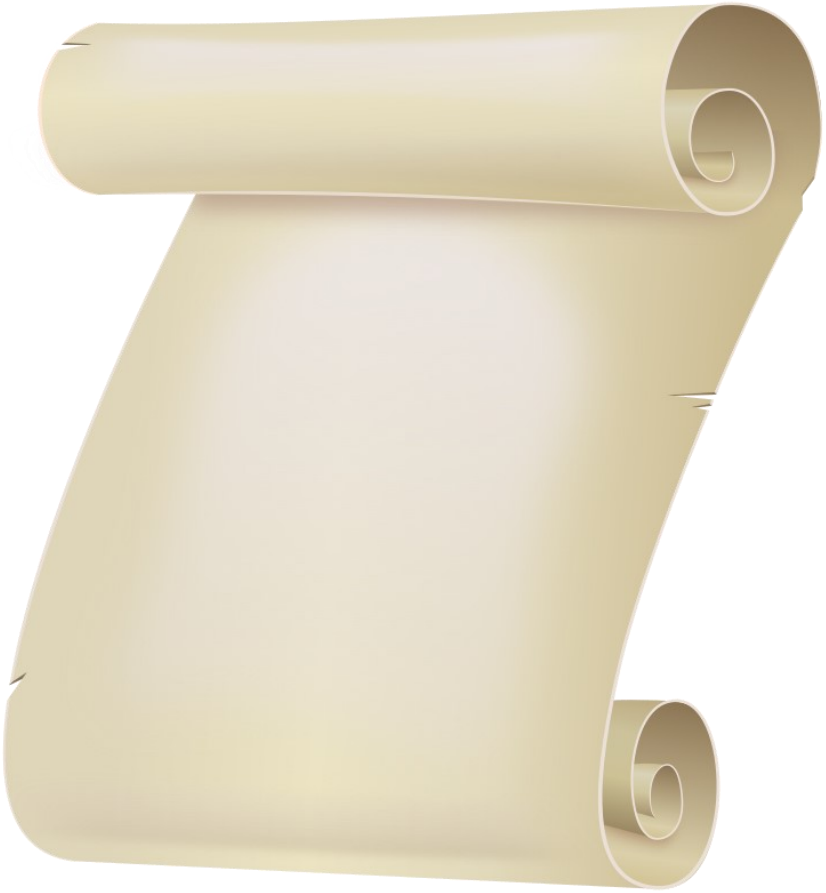
- Abide by the rules of the court
- Adhere to the Code of Ethics
- Be respectful and firm when confronted with an ethical challenge
- Say no, provide reasons, offer 2-3 alternative solutions
- Never argue with a Judge's decision

BREAK FOR LUNCH

The Court Interpreter SHALL

- Interpret accurately and faithfully, conveying the true meaning of the words, phrases, and statements of the speaker (tone, register, style, word order) in order to preserve the record.
- Not interject his/her own words, phrases, or views.
- Familiarize his/herself with the case as much as possible prior to going into the court room: Canon 1 Accuracy and Completeness
- Do not do “standby interpreting”

The Court Interpreter Code of Ethics



The Court Interpreter SHALL

- REMAIN impartial and unbiased and must refrain from conduct that may bring to question his/her impartiality. All contact with court personnel and litigant should be professional: Cannon 2- Impartiality

- ACCURATELY represent his or her certifications, qualifications, training and pertinent experience: Cannon 3- Representation of Qualifications

- Adopt a conservative manner of dress and conduct in upholding the dignity of the Court and of his/her Profession: Cannon 4- Professional Demeanor

The Court Interpreter SHALL

- NOT disclose any information obtained during the performance of his/her duties: Cannon 5 Confidentiality

- Strive constantly to improve knowledge of legal terminology in English and the in the language he/she interprets, and to be familiar with general courtroom procedures: Cannon 10- Professional Development

The Court Interpreter SHALL

The Court Interpreter SHALL…

- Limit him or herself to interpreting or sight translating and shall not give legal advice, express personal opinions to individuals for whom he or she is interpreting, or engage in any other activities which may constitute or appear to constitute a service other than interpreting or translating

Cannon 7- Scope of Practice

Modes of Interpretation

- Simultaneous
- Consecutive
- Sight Translation

Videos

Simultaneous Interpretation

- In Simultaneous Interpretation, the interpreter speaks at the same time as the source-language speaker.
- Requires proximity or specialized equipment.
- In court, it is mostly English into foreign language.

Simultaneous Interpretation

Simultaneous is the preferred mode during:

- jury selection,
- motions,
- rulings,
- English-speaking witness testimony,
- arguments before judge or jury,
- jury instructions, and
- verdict.

Consecutive Interpretation

In Consecutive Interpretation (CI) the interpreter waits until the speaker has finished the message in the source language before rendering it in the target language

-Duration can be a few seconds to several minutes

-Rate of delivery depends on density of content

Consecutive Interpretation (CI)

CI is the preferred mode during:

- questioning of defendant.
- witness testimony.
- depositions.
- pre-trial, presentence interviews.

Sight Translation

In ST, the Interpreter renders an oral version of a written document which may or may not become part of the record

Very similar and just as difficult as SI.

Input is visual instead of auditory.

Sight Translation

Texts are in either:

- English- court documents, police reports, state agency reports.

or

- Foreign Language- court documents, birth certificates, or handwritten letters.

The Written and Oral Proficiency Exams

A BRIEF OVERVIEW

Written Exam

- The examination contains 135 multiple-choice questions.

Each question has four choices, labeled A, B, C, and D.

The candidate is instructed to select the **best choice and mark that choice on the answer sheet.**

- The test has two parts:

  Part I: General Language Proficiency, and

  Part II; Court-Related Terms & Usage, and Ethics & Professional Conduct.

Written Exam

To pass the test, 80 percent of the items must be answered correctly. That means the examinee must:

- Answer at least 108 of the 135 items correctly to pass.
- Reminder: Passing this test does not mean you are now a ‘certified’, ‘approved,’ or ‘qualified’ court interpreter.

NCSC Court Interpreter Written Examination Overview

Written Exam

To prepare:

- ❑ Take upper-level college courses at a college or university.
- ❑ Read widely such items as books and professional journals in many fields. American literature, and editorials and articles in major newspapers.
- ❑ Brush up on English vocabulary and lexical concepts {go back to the basics and review antonyms, synonyms, and idioms}.
- ❑ Review sample tests from other interpreter certification programs. For example, https://www.ncsc.org/consulting-and-research/areas-of-expertise/interpreter-info/written-and-oral-exam-resources
- ❑ Consult other resources, such as:

a. The Idiom Connection available online at: http://www.idiomconnection.com/

b. The ESL. Idiom Page, (Dennis Oliver), available online at; http://www.eslcafe.com/idioms/

c. The Synonyms Page, available online at: http://www.synonyms.com

d. SAT and GRE workbook.

e. Vocabulary-building books found in the reference section of libraries and bookstores.

Oral Proficiency Exam

The test measures what a court interpreter should and must be able to do to meet minimum professional requirements. In all three modes of interpreting the interpreter must demonstrate the following abilities:

1. Ability to speak the non-English language and English fluently and without hesitation;

2. Ability to transfer all meaning faithfully from the source language to the

target language while interpreting in both the consecutive and simultaneous modes, and while sight translating documents (sometimes called sight interpreting);

3. Ability to pronounce the non-English language and English in a way that

does not systematically interfere with meaning and understanding.

Oral Proficiency Exam

The entire exam consist of four parts. All four parts are based on actual transcripts or other court documents and simulate in many respects, actual court interpreting. The four parts of the exam are:

1. Sight translation of a document written in English interpreted orally into the non-English language
2. Sight translation of a document written in the non-English language interpreted into oral English.
3. Consecutive interpreting from English into the non-English language and from the non-English language into English
4. Simultaneous interpreting from English into the non-English language

Oral Proficiency Exam

Scoring units are particular words and phrases that are selected to represent various features of language that interpreters encounter in their work, and that they must render accurately and completely, without altering the meaning or style of speech.

Oral Proficiency Exam

Scoring Units:

Grammar

General vocabulary

False cognates

Modifiers

Legal/technical vocabulary

Idioms

Register/Style

Slang

https://www.ncsc.org/consulting-and-research/areas-of-expertise/interpreter-info/written-and-oral-exam-resources

NCSC
National Center for State Courts

WHO WE ARE | WHAT WE DO | SUPPORT NCSC

Overview

NCSC Oral Examinations Ready for Administration

Testing schedules by state

Written Exam

Written Examination Administration Manual

Written Examination Overview for Candidates

Oral Exam

NCSC State Court Interpreter Testing Desk Reference Manual

Oral Examination Overview for Candidates

Common Oral Interpreting Exam Performance Deficiencies

Oral Exam Development Information

Training and Continuing Education for Court Interpreters

- Getting certified is the first step for the professional court interpreter of minimum levels to perform in court proceedings.
- Further training is necessary to become competent in the three modes of interpretation, develop specialized and technical vocabulary, understand law and judicial procedure, and thoroughly analyze professional ethics and courtroom protocol.

Closing Comments

- Getting certified is the first step for the professional court interpreter of minimum levels to perform in court proceedings.

- Further training is necessary to become competent in the three modes of interpretation, develop specialized and technical vocabulary, understand law and judicial procedure, and thoroughly analyze professional ethics and courtroom protocol.

Recommended Reading

- Edwards, Alicia B. 1995. The Practice of Court Interpreting. John Benjamin Publishing Company.
- Gonzalez Duenas, Roseann et al. Fundamentals of Court Interpretation. Theory, Policy and Practice; 1991. Carolina Academic Press.
- ACEBO: The Interpreter's Edge (tapes and textbook) and The Interpreter's Companion (basic legal terminology).

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