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REPORT OF THE  
COMPTROLLER GENERAL  
OF THE UNITED STATES



LM103525

Use Of Interpreters For Language-  
Disabled Persons Involved In Federal,  
State, And Local Judicial Proceedings

Judicial Branch

Judicial proceedings conducted in English must be interpreted for people who do not understand the language or who are deaf, or deaf-mute—that is, people who are language disabled—to protect their rights.

Court officials generally believe defendants' rights are protected adequately under existing laws and in judicial proceedings, although steps taken by the courts to meet the needs of the people mentioned above vary considerably.

Enough data was not available for GAO to determine whether there is a serious problem with interpretive services. However, because of the different practices of courts in meeting the needs of people who are language disabled and because of the concern expressed by persons familiar with their problems, action may be needed to make certain that the rights of defendants to a fair trial are adequately protected by all courts.

GGD-77-68

SEPTEMBER 16, 1977

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COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

B-186919

The Honorable Don Edwards  
Chairman, Subcommittee on Civil  
and Constitutional Rights  
Committee on the Judiciary  
House of Representatives

Dear Mr. Chairman:

In response to your June 16, 1976, request, this report describes the use of interpreters in Federal, State, and local judicial proceedings and problems experienced by language-disabled persons involved in such proceedings. As agreed to with your Subcommittee, we did not address the use of interpreters in Federal agency proceedings. Also as arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until September 26, 1977. At that time, we will send copies to interested parties and make copies available to others upon request.

The Administrative Office of the United States Courts was given an opportunity to comment on this report. The Office orally agreed with the facts presented in this report. Subsequently, the Office provided us with general observations concerning the use of court interpreters.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Thomas B. Stearns".

Comptroller General  
of the United States

REPORT OF THE  
COMPTROLLER GENERAL  
OF THE UNITED STATES

USE OF INTERPRETERS FOR  
LANGUAGE-DISABLED PERSONS  
INVOLVED IN FEDERAL, STATE,  
AND LOCAL JUDICIAL PROCEEDINGS  
Judicial Branch

D I G E S T

Judicial proceedings conducted in English must be interpreted for people who cannot understand the language and for deaf or deaf-mute people--in other words, those who are language disabled. This is necessary to guarantee fair trials.

GAO did not find enough data on the role and use of interpreters in the judicial process to determine whether a serious problem exists and, therefore, is not making any recommendations. However, to make certain that the rights of defendants to a fair trial are adequately protected by all courts, efforts may be needed to develop:

--A certification program or other procedure requiring that interpreters, especially in trials involving serious criminal offenses, demonstrate a minimum level of competence.

--Uniform criteria for determining when an interpreter should be provided.

The Congress should consider these matters in any legislation addressing the needs of language-disabled people involved in judicial proceedings.

LEGAL PROVISIONS PERTAINING  
TO COURT INTERPRETERS

Language-disabled defendants apparently have a right to an interpreter in a criminal trial. Furthermore, Federal courts can appoint interpreters in judicial proceedings. Currently, 49 States have statutory provisions pertaining to court interpreters. The scope of these statutes varies widely from State to State. (See pp. 5 and 6.)

--The constitutions of California and New Mexico guarantee to defendants the right of an interpreter in criminal proceedings.

--New Hampshire has no statutory protections in the area of court interpreters. (See app. III.)

--Statutes in 10 States limit coverage to deaf and deaf-mute persons. (See p. 6.)

--Only 13 States extend their statutory provisions to include administrative proceedings, and only 4 of these States extend such coverage to both non-English-speaking people and deaf or deaf-mute people. (See p. 7.)

--Ten States require interpreters for deaf and deaf-mute persons to be chosen from lists of "qualified interpreters" maintained by State or national organizations for the deaf or by the courts. On the other hand, State statutes provide little guidance on the qualifications of interpreters for non-English-speaking persons. (See p. 8.)

Also, some State statutes apparently limit court interpreters to translating the testimony of witnesses, indicating that an interpreter's primary function is to serve the court. Many State statutes leave important issues unresolved; most State statutes do not address the adequacy of interpretive services or define the functions of an interpreter.

Although the disparities among State statutes may result in uneven treatment toward people who must depend on interpreters, not even the best statutory provisions can always guarantee appointment of an interpreter when one is needed. Whether a statute is mandatory or discretionary, the court or administrative tribunal ultimately decides whether to appoint an interpreter.

## USE AND ROLE OF COURT INTERPRETERS

Few courts visited maintained records or other data showing the number of requests for interpreters or the number of times interpreters were used. Without this basic data, GAO could not evaluate the use and role of court interpreters. Courts at all levels generally recognized the need for interpreters when the parties involved in judicial proceedings did not speak English or were deaf, but there was no consensus on the nature or severity of problems these people experienced. (See p. 13.)

Most court officials interviewed believed that defendants needing interpreter services were provided them. However, some judges, private attorneys, public defenders, and representatives of community action groups believed that defendants had problems due to poor interpretive services. (See p. 16.)

## DIFFERENCES IN STEPS TAKEN TO PROVIDE INTERPRETIVE SERVICES

Steps taken by the courts to help people with language disabilities varied considerably.

### Appointment guidelines

Courts visited had no uniform criteria or guidelines for determining when an interpreter should be provided. In some courts, there was a presumption of need when the accused had a Spanish surname; in others, an interpreter was provided when it became evident that the defendant did not understand the court proceedings. (See pp. 13 and 14.)

The courts generally provided only one interpreter for trials involving both defendants and witnesses with language disabilities. In such trials, the interpreter also served the needs of the court by interpreting the testimony of witnesses.

Several people interviewed believed this could jeopardize the rights of the defendant and that two interpreters should be provided in such trials--one to serve the defendant, one to serve the court. (See pp. 21 and 22.)

Finally, some courts did not provide an interpreter if the defendant's attorney was bilingual; other courts, however, concluded that an attorney could not adequately serve a client in the dual role of interpreter and defense counsel and provided an interpreter in this situation. (See p. 22.)

#### Selection criteria

Though some courts had established minimum qualification standards for selecting interpreters, Federal courts in 8 of the 10 cities visited, and State courts in 7, did not have such standards. (See p. 27.)

#### Interpreting procedures

Some courts required that the entire proceedings be translated for the defendant; others had only certain portions translated. (See p. 15.) Furthermore, courts had not established procedures to guarantee that translations were accurate or to provide a basis for challenging their accuracy on appeal. (See p. 30.) Several of those interviewed believed that a certification program for court interpreters would better assure their translating accuracy and general competence. (See p. 29.) Some believed also that the non-English portions of judicial proceedings should be recorded, so they could be reviewed later for the accuracy of the translation given. (See p. 30.)

#### AGENCY COMMENTS

The Administrative Office of the United States Courts was given an opportunity to comment on this report. The Office orally agreed with the facts presented. Subsequently, the Office provided us with general observations concerning the use of court interpreters. (See app. VI.)

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## CHAPTER 1

### INTRODUCTION

In June 1976 the Chairman, Subcommittee on Civil and Constitutional Rights, House Committee on the Judiciary, requested us to determine the problems language-disabled persons experienced in judicial proceedings. In addition, we were asked to identify Federal, State, and municipal statutes dealing with the issue of interpreter services to determine their scope and effectiveness in meeting the needs of language-disabled persons. We were requested also to identify any data on the availability of persons with interpreter capabilities. For the purpose of this report, the term "language-disabled" refers to those persons who either do not speak or comprehend English with reasonable facility or whose hearing is totally impaired or so seriously impaired as to prohibit them from understanding or comprehending the spoken English language. (See app. I.)

### COURT STRUCTURE

There are 29 district courts in the 50 States and 1 each in the District of Columbia and the Commonwealth of Puerto Rico. Each State has at least one Federal district court, and some have as many as four. Also, there are three territorial courts, one each in the Canal Zone, Guam, and the Virgin Islands.

The Administrative Office of the United States Courts has general responsibility for administration of the U.S. court system in accordance with policies set by the Judicial Conference of the United States. The Judicial Conference is a policymaking body for the Federal judicial system, but it is not vested with day-to-day administrative responsibility for the system.

Court structure at the State and local level was different in each State visited, and any generalization about it could be misleading.

### SCOPE OF REVIEW

We analyzed Federal and State statutes dealing with the issue of interpreter services.

We also visited 10 cities in 4 States and obtained from various levels of the judicial system such data as was available concerning (1) the problems experienced by language-disabled persons involved in judicial proceedings, (2) how the need for interpreters was identified, and (3) in what ways

interpreters were qualified, selected, and used. The cities included in our review were:

Los Angeles, Calif.  
San Diego, Calif.  
San Francisco, Calif.  
Kansas City, Mo.  
St. Louis, Mo.

Albany, N.Y.  
New York City, N.Y.  
Dallas, Tex.  
Houston, Tex.  
San Antonio, Tex.

The majority of these cities have large populations of non-English-speaking people. Certain background data was also obtained from various Federal officials in Washington, D.C.

We interviewed about 300 persons involved in the judicial process, including judges, prosecutors, court administrators, public defenders, bilingual attorneys, interpreters, and community action group representatives. (See app. II.) In each city we visited, we interviewed persons at the Federal, State, and municipal level in an effort to obtain representative viewpoints on the interpreter issue. The opinions expressed by the persons interviewed provided the primary basis for much of the information in this report. However, it is not suggested that these opinions in any way represent the consensus of the interest groups (i.e., judges, prosecutors, public defenders, and court administrators) to which these individuals belong.

Few of the courts included in our review maintained records or other data on the role and use of court interpreters. A comprehensive evaluation of the role and use of court interpreters or of the problems experienced by language-disabled persons involved in judicial proceedings could not be made without this basic data.

## CHAPTER 2

### LEGAL PROVISIONS PERTAINING TO INTERPRETERS

Among conditions essential to conducting fair trials are that defendants be fully aware of charges against them and that they be able to understand and participate in any judicial proceedings in which they are involved. Court proceedings conducted in English, therefore, must be interpreted for language-disabled persons. A Federal statute, the Rules of Civil Procedure, and the Rules of Criminal Procedure authorize the appointment of interpreters for language-disabled persons in Federal judicial proceedings. In addition, most States have statutes which provide comparable rights in State judicial proceedings.

### CONSTITUTIONAL GUARANTEES

A few courts have held that failure to provide interpreters to language-disabled persons in criminal proceedings violates constitutional guarantees. These rulings have been grounded in the 6th amendment right of defendants to confront witnesses and the due process guarantees of the 14th amendment. An important case in this area was United States ex rel. Negron v. State of New York.<sup>1</sup> The Negron case involved a non-English-speaking indigent who had been convicted of murder. Of the State's 14 witnesses who testified at his trial, only 2 spoke Spanish and their testimony was translated by a court interpreter. The testimony of the English-speaking witnesses was not interpreted for the defendant during the proceedings. Instead, the interpreter later met with the defendant and his counsel and summarized the testimony of those witnesses in two brief sessions during the 4-day trial.

The defendant was convicted and his conviction was affirmed by the Appellate Division of the New York Supreme Court. Further motions were denied by the New York Court of Appeals, and the defendant then filed an application for a writ of habeas corpus in Federal District Court alleging denial of his constitutional rights. The district court granted the writ, concluding that the defendant was denied his 6th amendment right to confrontation and that, regardless of the probability of his guilt, his trial lacked the basic and

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<sup>1</sup>310 F. Supp. 1304 (E.D.N.Y. 1970), aff'd 434 F 2d 386 (2d Cir., 1970).

fundamental fairness required by the due process clause of the 14th amendment. The district court decision stated:

"\* \* \* In order to afford Negron his right to confrontation, it was necessary under the circumstances that he be provided with a simultaneous translation of what was being said for the purpose of communicating with his attorney to enable the latter to effectively cross-examine those English-speaking witnesses to test their credibility, their memory and their accuracy of observation in the light of Negron's version of the facts."

The Circuit Court of Appeals affirmed the grant of the writ, adding that:

"\* \* \* the right that was denied Negron seems to us even more consequential than the right of confrontation. Considerations of fairness, the integrity of the fact-finding process, and the potency of our adversary system of justice forbid that the state should prosecute a defendant who is not present at his own trial, unless by his conduct he waives that right."

Although some courts have found the right to an interpreter to be guaranteed by the Federal Constitution, trial court discretion has generally controlled the actual appointment and use of interpreters. Such discretion, along with differences in statutory provisions as discussed below, has contributed to what seems like a wide disparity in interpretive services provided by the courts.

#### FEDERAL STATUTORY PROVISIONS

There are four Federal provisions which relate to the appointment of interpreters. The language in these provisions permits, but does not require, courts to appoint interpreters.

--Rule 28 of the Federal Rules of Criminal Procedure provides that the court "may appoint an interpreter of its own selection and may fix the reasonable compensation of such interpreter."

--The Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)) provides that court-appointed counsel may obtain expert or "other" services "necessary to an adequate defense."

--Rule 43(f) of the Federal Rules of Civil Procedure states that "the court may appoint an interpreter of its own selection and may fix his reasonable

compensation. The compensation shall be paid out of funds provided by law or by one or more of the parties as the court may direct and may be taxed ultimately as costs, in the discretion of the court."

--Rule 604 of the Federal Rules of Evidence requires that an interpreter be "subject to the provisions of these rules [the Federal Rules of Evidence] relating to qualification as an expert and the administration of an oath or affirmation that he will make a true translation."

#### STATE STATUTES

Currently, there are 49 States with statutory provisions pertaining to court interpreters. Moreover, the State constitutions of California and New Mexico specifically guarantee an accused the right to an interpreter in criminal proceedings. Furthermore, although appointment of interpreters is now largely governed by various State statutes, courts of general jurisdiction have been recognized to possess the inherent authority to appoint interpreters when the aims of justice so require--even in the absence of a specific statutory provision.

The scope of these statutes varies widely from State to State. Some States have specific statutory authority for the appointment of interpreters to all language-disabled persons--both non-English-speaking persons and deaf and deaf-mute persons--in civil, criminal, or administrative proceedings. Other States have statutes affecting only one class of language-disabled persons, or such statutes may be applicable to some, but not all, types of legal proceedings. (See apps. III and IV.)

For example, the laws of Arkansas and Indiana provide for the appointment of an interpreter for all language-disabled persons in civil, criminal or administrative proceedings; North Carolina and Rhode Island statutes, however, provide for the appointment of an interpreter for only deaf and deaf-mute persons in civil and criminal proceedings. In addition, many States have adopted rules similar to the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure, which authorize the courts to appoint interpreters and fix their compensation, without requiring appointment in any particular circumstances. For example, Delaware provides:

"The Court may appoint an interpreter of its own selection and may fix the reasonable compensation of such interpreter \* \* \*." (Del. Super. Ct. Cr. R. 28(b).)

Other State statutes, however, are more specific and comprehensive, such as the following Iowa statute:

"Every person who cannot speak or understand the English language, or every person who because of hearing, speaking or other impairment has difficulty in communicating with other persons, and who is a party to any legal proceeding or a witness therein, shall be entitled to an interpreter to assist such person throughout the proceeding."

"\* \* \* 'legal proceeding' means any action before any court, or any legal action preparatory to appearing before any court, whether civil or criminal in nature; and any administrative proceeding before any state agency or governmental subdivision which is quasi-judicial in nature and which has direct legal implications to any person."  
(Iowa Code Ann. §§622A.2, 622A.1 (West Supp. 1976).)

State statutes do not always treat non-English-speaking and deaf and deaf-mute persons equally. The statutes of 10 of the 49 States with laws providing for interpreters (Connecticut, Florida, Georgia, Louisiana, North Carolina, Oklahoma, Rhode Island, South Carolina, Washington, and Wisconsin) appear to limit coverage to deaf and deaf-mute persons. Even in those States with statutory provisions for both classes of persons, provisions for deaf and deaf-mute persons often are more comprehensive, not only establishing their right to interpreters but also defining interpreter qualifications and the circumstances governing their appointment. Arizona is a case in point. One of its statutes provides general discretionary authority for the appointment of interpreters, regardless of the nature of the language disability:

"The court may when necessary appoint interpreters, who may be summoned in the same manner as witnesses, and shall be subject to the same penalties for disobedience."  
(Ariz. Rev. Stat. §12-241 (1956).)

Yet for deaf and deaf-mute persons Arizona requires the appointment of interpreters in certain types of proceedings:

"A. The court shall appoint interpreters in the following cases:

"1. In any grand jury proceeding, when the witness is deaf, mute or both.

"2. In any court proceeding involving a person who is deaf, mute or both, and such proceeding may result in the confinement of such person or the imposition of a penal sanction against such person." (Ariz. Rev. Stat. §12-242A (Supp. 1975-1976).)

\* \* \* \* \*

"When a person who is deaf, mute or both is arrested for an alleged violation of a criminal law the court shall appoint an interpreter prior to any attempt to interrogate or take a statement from such person." (Ariz. Rev. Stat. §13-1425A (Supp. 1975-1976).)

"In any proceeding before a board, commission, agency or licensing authority of the state or any of its political subdivisions the hearing officer or other person entitled to administer oaths shall appoint an interpreter when the principal party in interest or a witness is deaf, mute or both." (Ariz. Rev. Stat. §41-1006 (Supp. 1975-1976).)

Thirteen States extend their statutory provisions to include administrative proceedings. Only 4 of these 13 States, however, provide such coverage for both classes of persons; the other 9 States apparently limit coverage to deaf and deaf-mute persons.

Other distinctions worth noting in the statutory treatment of non-English-speaking and deaf and deaf-mute persons follow.

#### Statutes covering non-English-speaking persons

Thirty-nine States have statutory provisions pertaining to interpreters for non-English-speaking persons. Many State statutes provide for the use of interpreters to translate the testimony of "witnesses," indicating that an interpreter's primary function is to benefit the court. A Missouri statute illustrates this point.

"The courts may, from time to time, appoint interpreters and translators to interpret the testimony of witnesses, and to translate any writing necessary to be translated in such court, or any cause therein." (Mo. Ann. Stat. §476.060.)

Under such a statute, it appears that a non-English-speaking person who is a party to a legal proceeding may not be entitled to an interpreter unless he or she testifies at the

proceeding. Similar statutory provisions exist in California, Montana, New Mexico, North Dakota, Oregon, South Dakota, and Texas.

In nine States, the appointment of interpreters is governed by rules of civil or criminal procedure modeled after the Federal Rules of Civil and Criminal Procedure. These rules permit but do not require courts to appoint and fix the compensation of interpreters.

When there is no statutory requirement for the appointment of a qualified interpreter and no statutory definition of what "qualified" means, the courts must determine whether an interpreter is qualified to conduct the needed translation. For deaf or deaf-mute persons, 10 State statutes require interpreters to be certified by a State or national "Registry of Interpreters for the Deaf" or appointed from a list of qualified interpreters maintained either by these organizations or by the courts.<sup>1</sup> For non-English-speaking persons, on the other hand, State statutes provide little guidance on the qualifications of interpreters; rather, the adequacy of the interpretive service is left almost completely to a court's discretion.

Several State statutes provide for the appointment of court interpreters for designated courts or districts.<sup>2</sup> Moreover, several statutes of this type, perhaps reflecting immigration patterns of the area, establish the qualifications of interpreters in terms of specified languages. Three examples follow.

#### Kentucky.

"No person shall be eligible to the position of interpreter who is not able to speak fluently the English and German languages and to interpret each of these languages into the other." (Ky. Rev. Stat. Ann. §28.620 (Baldwin 1975).)

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<sup>1</sup>For example, see N.J. Stat. Ann. §2A:11-28.1 (West Supp. 1976-1977); S.C. Code §10-1211 (Supp. 1974); W. Va. Code §57-5-7 (Supp. 1975).

<sup>2</sup>For example, see Ky. Rev. Stat. Ann. §§28.610-28.650 (Baldwin 1975); N.Y. Jud. Law §§386, 388, 389 (McKinney 1970); Ohio Rev. Code Ann. §§1903.19, 2301.12 (Page Supp. 1975); Pa. Stat. Ann. tit. 17, §§1875; tit. 28 §§441-444, (Purdon Supp. 1976-1977).



Massachusetts

"The justice of the East Boston district court may appoint an Italian interpreter for that court. \* \* \*" (Mass. Ann. Laws ch. 218, §68 (Michie Law Co-op 1974).)

New Jersey

"Whenever the transaction of the public business of the Superior Court, the County Court, and the juvenile and domestic relations courts \* \* \* will be expedited or improved thereby, the judge of the County Court \* \* \* may appoint, to serve at the pleasure of the appointing judge or judges, interpreters of the following languages, namely, Italian, German, Polish, Russian, Spanish, Yiddish, Hungarian and Slavish, and Greek, or any one interpreter for one or more of the aforesaid languages." (N.J. Stat. Ann. §2A:11-28 (West Supp. 1976-1977).)

Statutes covering deaf and deaf-mute persons

Forty-six States have statutory provisions pertaining to interpreters for deaf and deaf-mute persons. Unlike similar statutes for non-English-speaking persons, State statutes for the deaf and deaf-mute generally appear to address the needs of the deaf or deaf-mute person as well as the needs of the courts. Georgia's statute illustrates this point:

"Whenever any deaf person is a party to or a witness at a proceeding before any grand jury or in any trial court in this State, the court shall appoint a qualified interpreter of the deaf sign language to interpret the proceedings to the deaf person and to interpret his testimony." (Underscoring supplied.)

\* \* \* \* \*

"For the purposes of this section, the term 'qualified interpreter' means an interpreter certified by the National Registry of Interpreters for the Deaf, Georgia Registry of Interpreters for the Deaf, or, in the event an interpreter so certified is unavailable, an interpreter whose actual qualifications are otherwise appropriately determined. No 'qualified interpreter' shall be appointed unless the appointing authority makes a preliminary determination that the interpreter is able to readily communicate with the deaf person and is able to

accurately repeat and translate the statements of the deaf person." (Ga. Code Ann. §99-4002(a and d) (1976).)

Alaska, New Hampshire, Oregon, and Utah have no statutory provisions expressly authorizing the appointment of interpreters for deaf or deaf-mute persons. Though Delaware, Maine, Vermont, and Wyoming do not have statutes expressly referring to interpreters for deaf and deaf-mute persons, they have adopted rules of procedure similar to the Federal Rules of Civil and Criminal Procedure; the general authority contained in these rules to appoint interpreters may be broad enough to provide for the interpreting needs of the deaf. The Advisory Committee Notes to the 1966 amendment of rule 28 of the Federal Rules of Criminal Procedure described the scope of this rule:

"Subdivision (b).--This new subdivision authorizes the court to appoint and provide for the compensation of interpreters. General language is used to give discretion to the court to appoint interpreters in all appropriate situations. Interpreters may be needed to interpret the testimony of non-English speaking witnesses or to assist non-English speaking defendants in understanding the proceedings or in communicating with assigned counsel. Interpreters may also be needed where a witness or a defendant is deaf." (F.R.Cr.P. 28.) (Emphasis added.)

Rule 43(f) of the Federal Rules of Civil Procedure is similar in scope.

Statutes enacted specifically to provide deaf and deaf-mute persons with interpreters contain some major features that are not included in most statutes affecting non-English-speaking persons. As noted earlier, the statutes expressly providing for the appointment of interpreters for the deaf and deaf-mute persons normally address the problem of the adequacy of interpretive services provided to those persons.

Arizona and Colorado, for example, require the appointing authority to make a preliminary determination that the interpreter is able to readily communicate with the person who is deaf, mute, or both.<sup>1</sup> South Dakota requires that the interpreter be acceptable to the party or witness for whom the interpreting is being done.

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<sup>1</sup>Ariz. Rev. Stat. §12-242(B) (Supp. 1976-1977); Colo. Rev. Stat. §13-90-202 (1973).

Another approach adopted by several States--including Alabama, Georgia, Maryland, Missouri, New Jersey, Oklahoma, Pennsylvania, South Carolina, Virginia, and West Virginia--provides for the appointment of a certified interpreter from a registry or list maintained by a local or national association for the deaf.

Newer statutes designed specifically to provide for the interpreting needs of deaf or deaf-mute persons tend to be more comprehensive. Several recent statutes governing the appointment of interpreters for such persons extend the statutory entitlement to administrative proceedings. Arizona, Arkansas, Colorado, Connecticut, Georgia, Indiana, Iowa, Kansas, Kentucky, South Dakota, Washington, West Virginia, and Wisconsin have adopted such statutes.

Similarly, a few of the newer statutes direct that a deaf or deaf-mute person accused of a crime shall be appointed an interpreter during initial police custody. Moreover, in many instances, statutes designed for the appointment of interpreters for deaf or deaf-mute persons provide for interpretation of the "proceedings," thereby insuring that a deaf or deaf-mute person will be able to comprehend the entire proceedings and not just limited portions of it. A Florida statute offers an example:

"Whenever any deaf person is a party to or a witness at a proceeding in any trial court in this State, the court shall appoint a qualified interpreter of the deaf sign language to interpret the proceedings to the deaf person and to interpret his testimony. \* \* \*" (Fla. Stat. Ann. §90.243 (West Supp. 1976).)

In any summary of this kind that is intended to indicate to the reader the scope of State legislation, there is always the risk that some important points may be omitted. Accordingly, detailed information may be obtained by consulting specific State statutes.

#### MUNICIPAL STATUTES

There were no municipal statutes dealing specifically with court interpreters in the 10 cities we visited.

## CONCLUSIONS

Although both non-English-speaking and deaf and deaf-mute persons would suffer similar hardships from the lack of an interpreter at legal proceedings, language-disabled persons tend to be treated differently depending on the nature of their disability. Even in States with statutory provisions covering both groups of people, provisions for those who are deaf and deaf-mute often are more comprehensive: extending their right to an interpreter to administrative proceedings and prescribing qualifications for their interpreters.

Although some State statutes are more comprehensive than others, many leave important issues unresolved. For the most part, State statutes do not address the qualifications of interpreters and seldom define the functions and scope of services to be provided by them. Though some statutes appear to be designed to facilitate the language-disabled person's understanding of the proceedings, others appear to be designed mainly for the benefit of the court.

The existence of a statutory or constitutional provision does not guarantee that an interpreter will be appointed in every case where a need exists. Whether a statute is mandatory or discretionary, the court or administrative tribunal decides whether an interpreter is needed. Interpreters may be appointed more frequently where an unambiguous statutory directive exists, but it is up to the court to decide if the statute applies.

## CHAPTER 3

### ROLE AND USE OF INTERPRETERS--

#### PROBLEMS EXPERIENCED UNDER THE CURRENT SYSTEM

Interpreters are providing assistance to language-disabled defendants in a variety of judicial proceedings, from initial court appearances through sentencing, but the specific services provided vary among courts and locations. Interpreters sometimes have a dual role--that of serving both the court and language-disabled defendants.

Some language-disabled persons apparently do experience problems in judicial proceedings, but data to indicate the frequency of these problems does not exist. We attempted to identify the nature and severity of these problems by interviewing individuals involved in the judicial process at the Federal, State, and local level. Although courts at all levels generally recognize the need for interpreters for language-disabled persons, there was no consensus concerning the nature or severity of problems they experience.

#### IDENTIFYING THE NEED

The need for an interpreter may be ascertained by observing or questioning a defendant or after receiving a specific request from the defendant or the defendant's counsel. However, data showing the frequency that interpreters were requested, provided, or denied is either incomplete or non-existent. Also, the informality of the process and lack of data make it impossible to determine how or when the need for an interpreter was decided upon in each instance. It appears generally, however, that the need was identified by a variety of persons associated with judicial and law enforcement activities prior to the trial stage of the proceedings.

None of the courts included in our review used specific criteria, such as literacy examinations, to determine if an interpreter was needed. It appears that, in the absence of formal criteria, there was generally a presumption of need in favor of defendants.

Examples of how some of the Federal courts we visited identified the need for an interpreter are discussed below. Although procedures varied among the courts visited, the examples given are illustrative of how the process usually works.

In Los Angeles the arresting officer in some cases decided that an interpreter was needed and notified the district court

clerk, who, in turn, arranged for an interpreter through the U.S. attorney. In other instances an interpreter was provided when requested by the defendant's counsel or when the court noted that a defendant was having difficulty communicating. We were told that under no circumstances had requests for an interpreter been denied. In San Diego, interpreters were routinely assigned to U.S. magistrate courts handling new complaints and to other cases involving persons with Spanish surnames.

In Kansas City and St. Louis, defense counsels usually initiated requests for interpreters, but if the need had not been identified and met by the time of arraignment, the magistrate then made the decision. In cases where judges determined that an interpreter was needed, they often did so on the advice of defense attorneys, U.S. marshals, or the Immigration and Naturalization Service, Department of Justice.

Federal officials in New York City said that judges decide whether to appoint an interpreter after personally determining if the defendant fully understands what is to transpire in the proceeding. One magistrate said he routinely questioned defendants to determine their language ability. U.S. attorneys, defense counsels, arresting officers, and judges generally initiated requests for interpreters. Also in New York City, prearraignment interviews conducted by the U.S. attorneys were used to identify language-disabled persons.

Generally, officials expressing an opinion did not believe formal guidelines were necessary to determine when an interpreter was needed. Several officials, in fact, believed that a change to a more formalized system might be counterproductive. The following are illustrative of the comments received concerning the need for a more formal system for determining when an interpreter is needed, such as a standardized literacy examination:

- It is not necessary because determining when an interpreter is needed is a relatively simple matter.
- It would unduly delay trials and place additional administrative burdens on the courts.
- It would provide another cause for appeals or grounds for continuance and therefore further contribute to the lack of finality in the judicial system.
- Interpreters are already provided if there is any doubt as to the defendant's ability to communicate in English.

DUTIES AND RESPONSIBILITIES  
IMPOSED BY THE COURTS

Some courts instruct interpreters on their duties and responsibilities while others leave these matters to the discretion of participating attorneys and interpreters themselves. An example of the former exists in New York City where the "Guide for Criminal Court Interpreters" sets forth interpreters' duties in various types of judicial proceedings, including the interpretation techniques to be used:

- "Translate as simultaneously as possible the opening remarks of the judge, attorney, and District Attorney and the final summation. For direct testimony provide thorough consecutive verbatim translations of exactly what is said, no matter how irrelevant or unresponsive it appears."
- "On pleas of guilty, provide simultaneous translation of all the District Attorney's statements concerning the charge and its particulars. Questions asked defendants and answers are to be translated using the consecutive verbatim method."

The San Diego Federal court also provides a list of rules to be followed by interpreters. The rules cover such matters as counsel-client-interpreter relationships, translation techniques to be used, and physical appearance and courtroom demeanor.

In contrast, an interpreter used in the Houston Federal court said that the only instruction she had ever received was to interpret in the "first person" so that the record would reflect correctly when the non-English-speaking person testified. A State judge in Houston said that he did not impose any requirements and left such matters to the discretion of participating attorneys and the interpreter.

The full-time interpreter for a Federal court in Texas said that he had not been provided any instructions or guidance on the techniques to be used or the portions of proceedings to be interpreted; he said this was left to his discretion. Also, the official interpreter for the State courts in a Texas city said he had received no formal instructions applicable to the courts he served and that practices varied among courts. For example, he said that whereas in criminal courts he was usually required to translate only during interrogations on the witness stand, one civil court judge required him to translate all proceedings while the non-English-speaking defendant was present in the courtroom. Similar differences were found in other courts.

Several officials expressed concern that some interpreters performed functions that were not within the scope of their responsibilities. This could indicate a need for courts to provide appropriate guidance regarding responsibilities of interpreters. Concerns expressed by those officials follow:

--A public defender for the Los Angeles municipal courts said that some interpreters are "practicing law." He said that an interpreter, after learning details of the charge, may decide that the defendant is guilty and recommend a guilty plea. The interpreter may tell the defendant that it would be useless to ask for the services of a public defender after the arraignment and that to do so would be a waste of the court's and public defender's time.

--Several officials said that interpreters often insert their own comments, provide advice to witnesses or defendants, or otherwise do not act in a professional manner.

--Several officials expressed concern that some interpreters may be biased either in favor of the court (prosecution) or in favor of defendants.

PROBLEMS EXPERIENCED BY LANGUAGE-  
DISABLED PERSONS INVOLVED IN  
JUDICIAL PROCEEDINGS

Most of the court officials interviewed believed that language-disabled defendants were provided adequate interpreter services when needed in judicial proceedings and that problems, if any, were minimal. But some judges, private attorneys, public defenders, and representatives of community action groups cited problems that they believed prevented language-disabled defendants from understanding or participating in judicial proceedings.

When confronted by the American judicial system, non-English-speaking persons often have problems in addition to language. Many are aliens (mostly illegal) who frequently have little or no understanding of the U.S. judicial system, are poorly educated, and often are illiterate in their own language. These handicaps make it extremely difficult for many such defendants to comprehend the American judicial system--to understand the purpose of the various hearings or to appreciate that they have certain constitutional rights, such as the right to a court-appointed defense attorney and trial by jury. Several officials interviewed in California saw these as the greatest problems facing non-English-speaking defendants.



Several judicial officials indicated that the above factors increased the anxieties of the non-English-speaking person involved in judicial proceedings. One judge compared such feelings to those which might be experienced by an American thrust into the Soviet judicial system without having knowledge of that system or the Russian language.

Other areas of concern common to the various locations visited were

- differences in translation techniques,
- variations in the quality of translations,
- the role of the interpreter when there is a simultaneous need for interpretive services by the court and defendant(s), and
- possible adverse effects from using bilingual attorneys as both defense counsel and interpreter.

#### Differences in translation techniques

Translations made by interpreters in judicial proceedings may be simultaneous or consecutive and may be verbatim or in summary form. In simultaneous translation, the interpreter translates sign language or spoken material from one language to another as near in time to the speaker's words as possible. This implies that the translation is also verbatim, but it could be something less than an exact translation. In consecutive translation, the interpreter listens to statements of varying length in one language (or "reads" sign language if the defendant is deaf or deaf-mute) and then translates them into another language. Consecutive translations may be verbatim, but, where long statements are made and then interpreted, the translation will likely be a summary of the essence of the original statements.

Generally in court trials, interpreters use the consecutive method when translating direct testimony for the court and the simultaneous method when translating for the defendant at the defense counsel's table. Exceptions were found in Los Angeles and San Diego where the common practice is to translate simultaneously unless the consecutive method is requested by a judge or counsel.

It appears that some court officials would be opposed to a strict requirement that a simultaneous translation be made of all proceedings, especially the testimony of witnesses.

Two officials and a report<sup>1</sup> dealing with this subject noted that simultaneous translations during certain proceedings, such as presentation of testimony, tend to be confusing to both court officials and defendants because of the difficulty of listening to two persons speaking (in different languages) at the same time. According to the full-time interpreter for one Federal court, the consecutive method is easy to learn and is the most effective and accurate method for translation of court proceedings. One obvious disadvantage to the consecutive method is that it takes more time than the simultaneous method.

We noted disagreement among some of those interviewed concerning the need for verbatim translation. Those opposed and reports<sup>1,2</sup> on interpreter services indicated that strict, verbatim translation is impractical and, on occasion, can actually bar true understanding. The following rationale was cited for this opposition.

--Exact language equivalents do not exist for certain legal terms, and, in fact, many of our legal concepts are unique to our culture and have no direct translation into certain languages.

--Trying to translate verbatim certain English idioms, such as "to be beside oneself," inevitably leads to misunderstanding.

--Poorly educated or illiterate persons frequently cannot understand explicit translations. One attorney recalled a case in which he acted as an interpreter for a poorly educated person seeking damages for the loss of his legs in an accident, and remembered the futility of trying to translate terms such as "release from liability" to such a person.

Other officials, however, expressed the opinion that interpreters should translate every word so that important facts would not be left out or the translations embellished. They said that interpreters sometimes go beyond strict translations and characterize responses or add personal comments which may bias or prejudice the meaning of what is being translated.

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<sup>1</sup>"The Language Needs of Non-English Speaking Persons in Relation to the State's Justice System (California)," January 1976, Arthur Young and Company.

<sup>2</sup>"Interpreters Effect on Quality of Justice for Non-English Speaking Americans," January 1973, The Institute of Court Management.

### Variance in quality

Generally, the individuals interviewed expressed ambivalent feelings regarding the quality of the translations provided. For example, of the 40 officials interviewed in San Diego and Los Angeles, 34 (85 percent) believed that translation quality was generally good. However, officials in other States and reports dealing with interpreter services expressed the concern that quality varied greatly among interpreters, and because of this disparity there was doubt as to whether some language-disabled defendants receive adequate interpreter services. Unfortunately, the degree to which inaccurate translations occur cannot be measured because courts do not maintain a system to detect and record such errors or to provide a basis for challenging accuracy on appeal.

Factors which were said to impede the ability of some interpreters to translate accurately generally fall into one or more of the following categories:

- Lack of general linguistic ability. Some interpreters have trouble translating the foreign language into English; others have trouble translating English into the foreign language.
- Lack of knowledge of local idioms, dialects, and street language.
- Lack of knowledge of court procedures and legal words and phrases.

For example, a bilingual public defender for the Los Angeles municipal courts said that the quality of translation of some interpreters was poor because they lacked a sound knowledge of Spanish and recalled instances in which he had interceded to correct faulty translations. Two judges in San Francisco said that some interpreters had trouble being understood in English. Because of this, judges sometimes ask interpreters to repeat themselves or to rephrase responses with a different selection of English words. We were told that in some instances interpreters had distorted or improperly translated the testimony of non-English-speaking persons. A bilingual attorney in San Antonio cited a case in which the translations by a Government employee, serving in the absence of a full-time interpreter, were so poor that the interpreter had to be replaced.

In San Francisco, a municipal court judge fluent in Chinese detected an important omission of facts in an interpreter's translation of testimony. This occurred in a criminal

case in which a teenager was accused of assaulting a man with a knife. Following is a paraphrased version of the testimony:

Attorney's question to the witness

What did he do with the knife?

Interpreter's Chinese translation

(Properly translated.)

Answer by the witness in Chinese

He took the knife out of his pocket, opened it, and stuck it in my ribs.

Interpreter's English Translation

He took the knife out of his pocket and showed it.

Since the judge was able to understand the witness' testimony, he detected the interpreter's omission and instructed the interpreter to repeat the question and to provide a complete translation. The process was repeated and the full testimony was translated.

We were told that local idioms, slang, and language dialects can have a significant effect on the quality of translations. A bilingual attorney in San Antonio said that the Spanish spoken there differs from that spoken in Mexico and South America. He said that in some instances the same word had different meanings. A bilingual State judge in San Antonio cited a case in which the Spanish word "tata" was used to identify one member of a neighborhood gang. The interpreter translated "tata" as "daddy," which was literally correct but did not reflect the word's intended meaning. As used by the gang, "tata" meant "the boss" or "leader," the one who gave the orders. Because he was familiar with the word, the judge was able to get the interpreter to translate its actual meaning.

The quality of interpretive services being provided was also perceived as a major problem in several studies of California court systems.<sup>1,2</sup> For example, the study of these services in the Los Angeles Superior Court system stated:

"The heart of the problem lies in the uneven quality of work by the present group of interpreters

<sup>1</sup>"Upgrading Spanish Language Interpreter Services in the Los Angeles Court System," May 1976.

<sup>2</sup>"The Language Needs of Non-English Speaking Persons in Relation to the State's Justice System (California)," January 1976, Arthur Young and Company.

and the absence of effective quality controls on their work. In some instances, the work is outstanding; in others, it is clearly inferior, and leads us to conclude that some Spanish-speaking defendants receive substandard interpreting services."

#### Variance in using interpreters during trials

Essentially, there are four different situations arising during court trials which may require interpreters. We found that the courts included in our review responded differently to the various situations.

1. Language-disabled witness(es). All courts provided an interpreter to serve the needs of the court.
2. One language-disabled defendant. Courts generally provided an interpreter to serve the defendant, but there were exceptions where the defendant's attorney was bilingual. For example, the practice of one State court in San Antonio was to appoint bilingual attorneys to serve in the dual role of defense counsel and interpreter.
3. Two or more language-disabled defendants. Generally only one interpreter was provided to serve all defendants. However, the Federal court in San Diego and the Superior court in Los Angeles occasionally provided more than one interpreter. (When this was done there were usually four or more non-English-speaking defendants or a judge or counsel requested additional interpreters.) Federal courts in New York City generally provided an interpreter for each non-English-speaking defendant, as did State courts if interpreters were available.
4. Language-disabled defendant(s) and witness(es). Courts generally used the same interpreter for witnesses and defendants. One exception noted was one of the Federal courts in New York City, which sometimes provided separate interpreters for defendants and witnesses.

In the fourth situation described above, the interpreter must play a dual role, serving both the court and the defendant(s). The interpreter must leave the defendant(s) and move to the witness stand to translate the testimony of language-disabled witnesses. At such times, a defendant is

unable to communicate with his counsel (unless his counsel is bilingual or versed in sign language). Also, all the proceedings, such as discussions between attorneys and/or the judge, may not be translated to the defendant. Several officials and independent studies indicated that this could jeopardize the rights of the defendant and that two interpreters should be provided in such trials, one to serve the defendant and one to serve the court. Some officials pointed out that if this problem developed, the proceedings could be stopped so that the defendant could use the interpreter, or the defendant's attorney could request an additional interpreter.

Some courts also try to alleviate this problem by appointing bilingual defense attorneys to act as both counsel and interpreter for defendants. However, as discussed below, many of the persons interviewed believed that an attorney cannot perform this dual role adequately.

#### Bilingual attorneys used as both counsel and interpreter

Some courts in all States visited permit or require bilingual attorneys representing non-English-speaking clients to serve as the interpreter for their clients. Yet various persons, including judges, defense attorneys, a prosecutor, and others believe that in a trial court situation an attorney cannot adequately serve as both counsel and interpreter and that this practice could impair the defendant's *ca e*. This was said to be more prevalent at the local level because of less formality and less serious offenses at these courts. However, there are no guidelines as to which proceedings bilingual attorneys would serve in as both counsel and interpreter, and practices vary among the courts.

The general view of those who did not favor using bilingual attorneys as both counsel and interpreter in a trial court situation was that a defense attorney could not perform both jobs adequately; one or both would suffer. For example, several officials, including judges, private attorneys, and an assistant U.S. attorney, said it was too much of a burden for a bilingual attorney to simultaneously listen, take notes for cross-examination, and translate for the defendant. Their point was that a defense attorney needs to be concentrating on the testimony of witnesses and cannot, at the same time, provide the quality of translation needed to permit effective communication between the defendant and his attorney.

#### Other perceived problems

The concerns discussed above were those most frequently cited and were common to several of the locations visited.

In addition, the following were cited as problems in providing interpreter services for language-disabled persons.

- Need for interpreters prior to and after court appearances, such as for interviews by arresting officials and jail personnel.
- Lack of understanding by court officials of the cultural background and needs of language-disabled persons.
- Lack of bilingual and bicultural attorneys. Such attorneys could alleviate the problems of pretrial interviewing of non-English-speaking persons.
- Unavailability of legal documents in a second language, such as the conditions of a formal probation.

#### CONCLUSIONS

Courts at all levels tended to recognize the need for interpreters where the parties involved in judicial proceedings are language disabled, but there was no consensus as to the severity of problems these persons have experienced. It is apparent, however, that some of the problems perceived by court officials and others do affect the ability of the courts to provide language-disabled defendants with adequate interpretive services.

Basic considerations of fairness, inherent in our system of justice, require that language-disabled defendants be given the assistance necessary to assure their meaningful participation in judicial proceedings affecting their interests. In some instances this may require that courts permit interpreters to have flexibility in translation techniques, perhaps varying with the phase of the trial itself. In other instances this may require appointment of an interpreter for the defendant even when he/she has a bilingual attorney.

These basic considerations of fairness require some assurance of competent interpretive services. They suggest the need for minimum guidelines to govern the hiring, appointment, training, and use of court-appointed interpreters. (See ch. 4.) Providing such guidance for the Federal court system falls within the responsibilities of the Administrative Office of the U.S. Courts. The concerns of some officials that interpreters are not performing their proper function could be partly alleviated if courts established guidelines on the duties and responsibilities of court interpreters. Such guidelines would help insure that interpreters provide services that remain within the scope of their authority or responsibility.

The methods used to determine whether interpreters are needed are informal and vary among courts. But, in general, courts seem to be sensitive to the needs of language-disabled persons. Also, it is natural that courts and prosecutors want to avoid situations which might be grounds for an appeal. These factors probably act to the benefit of language-disabled defendants, helping to assure that interpreters are provided when the need is evident.

Although perhaps infrequent, there have been instances, such as the Negron case, where interpreters were needed but were not provided. However, we found no evidence to suggest that standardized literacy examinations or other formal guidelines would be more effective in determining when an interpreter is needed than the present informal, discretionary approach. Application of formal, standardized procedures could (1) add to the administrative workload of the court, (2) be too inflexible to meet all situations, and (3) still be subject to abuse. A simpler, more straightforward approach might be for the Congress to deal with this issue through a specific statutory change. For example, a statutory provision might be considered requiring the appointment of an interpreter on the motion of any party to the proceeding. This should essentially eliminate any doubt as to whether interpreters are provided when needed.



## CHAPTER 4

### ARE INTERPRETERS QUALIFIED?

How adequate are the interpretive services currently being rendered in courtrooms across the United States? It doesn't seem that anyone really knows. Court interpreters are presently obtained from quite a variety of sources. Despite the importance of their services to a judicial proceeding, court interpreters are not always required to meet minimum qualifications before they are selected. Furthermore, few of the courts visited had developed procedures to monitor interpreter performance, assess the accuracy of the translations rendered, preserve a record of such translation for possible review, or provide interpreters with needed training in courtroom procedure.

The lack of such standards and procedures does not necessarily mean that the interpreters currently being used are unqualified or that their services are deficient. However, such requirements are essential to assure the integrity of the judicial process. Without them, courts have no assurance that the high professional standards required of counsel, expert witnesses, and other parties to judicial proceedings are in fact being met by court interpreters.

#### SOURCES USED TO OBTAIN INTERPRETERS

Federal, State, and local court practices for obtaining interpreter services vary considerably. In addition to full-time interpreters and those employed on a per diem basis, courts sometimes avail themselves of a wide range of "volunteers." For example, as noted on page 22, bilingual attorneys sometimes are expected to interpret the proceedings for their clients in addition to advocating their clients' interests at trial. Bilingual employees of the court or of some other government agency, such as clerks, secretaries, bailiffs, etc., also serve as interpreters. In addition, relatives, friends, or bilingual attorneys who happen to be in the courtroom are allowed to function as interpreters. Appendix V summarizes the various sources of interpreters used by the courts we visited. Brief highlights of the practices used at the Federal, State, and local level are set forth below.

##### Federal courts

Presently there are 12 full-time court interpreters among the 94 U.S. district and territorial courts. Four of

these interpreters are stationed in Texas, three are stationed in Puerto Rico, two are stationed in New York City, and the others are located in the Canal Zone, the Southern District of California, and the Southern District of Florida.

In addition to these full-time interpreters employed by the Federal courts, the Federal judicial structure also reimburses expenditures for interpreters made pursuant to the Criminal Justice Act of 1964 (18 U.S.C. 3006A) for "experts" needed by indigent defendants in Federal criminal proceedings. Data maintained by the Administrative Office was not sufficient to determine the number of interpreters hired in this manner, but the Office did report expenditures of \$71,333 for interpreters under the Criminal Justice Act in fiscal year 1976. This sum represents a 108-percent increase over similar expenditures made in fiscal year 1975 (\$34,256).

Per diem interpreters are also hired by Federal courts pursuant to rule 28 of the Federal Rules of Criminal Procedure. Again, the Administrative Office could not provide data on the number of interpreters hired in this manner but did report expenditures of \$15,779 in fiscal year 1976 for this purpose. That sum represents a large increase over the \$1,443 in comparable payments made during fiscal year 1975.<sup>1</sup> No payments for interpreters were reported pursuant to rule 43(f) of the Federal Rules of Civil Procedure.

#### State courts

The most extensive use of full-time interpreters was found at the State court level. For example, in New York City alone there were 102 full-time interpreters for New York State courts. Interpreters employed by State courts will sometimes interpret local court proceedings in the same city. We found this to be true in Los Angeles and San Francisco.

#### City/municipal courts

As noted above, municipal courts in Los Angeles and San Francisco used interpreters provided by the respective State

<sup>1</sup>As discussed on p. 27, the Department of Justice has traditionally paid for many of the interpreters used in Federal courts. In fiscal year 1977, however, the responsibility was transferred to the courts, and \$175,000 was appropriated to the Administrative Office for payment of certain interpreter fees under rule 28. The amount requested was based on data supplied by the Department of Justice.

courts. Other interpreters used at this level included bilingual court employees, other bilingual city employees, and volunteers.

Some sources used may create conflicts of interest

Some courts have allowed relatives, friends, police officers, and others to function as court interpreters. Such persons might serve a court competently as impartial interpreters, but their position or relationship to a defendant could also make it difficult for them to do so. Several persons expressed this concern. For example, one Federal judge felt that law enforcement functions were frequently influenced by the need for expediency. While perhaps valid for some law enforcement purposes, expediency is not necessarily compatible with the requirements of a fair trial. A U.S. magistrate said that he had used law enforcement officers as interpreters in "preliminary matters" when other sources were not available, despite the apparent conflict of interest.

Several officials interviewed also expressed concern over the fact that many court interpreters used in the Federal system, including those provided for the benefit of defendants, have been paid by the Department of Justice. These officials felt that this arrangement created the appearance of a possible conflict of interest. They believed, therefore, that interpreters provided for defendants should be paid by and under the supervision of the clerk of the court. This responsibility was transferred from the Department of Justice to the judiciary in fiscal year 1977, with the exception that the Department of Justice will continue to pay for interpreters required for Government witnesses.

QUALIFICATIONS NEEDED TO BE AN INTERPRETER

Some courts had established minimum qualification standards for hiring interpreters, but Federal courts in 8 (and State courts in 7) of the 10 cities visited had none.

At the Federal level, the Administrative Office has no written standards, guidelines, or procedures for hiring Federal court interpreters. Discretion for hiring interpreters is left entirely to the individual district courts. An Office official explained that the reason for not having centrally determined guidelines or standards is that they might be too restrictive when individual courts need interpreters to meet unusual requirements (e.g., exotic languages or peculiar dialects of a widely spoken language).

Qualifications at selected locations

Written and/or oral examinations were required for interpreters by the following courts included in our review:

San Diego--Federal court and superior/municipal courts.  
Los Angeles--Superior/municipal courts.  
New York City--Federal courts (eastern and southern districts) and State courts.

These examinations were required for Spanish interpreters only. The superior/municipal courts in Los Angeles and the San Diego Federal court were the only courts in our review which required per diem interpreters to pass oral and written examinations.

The basis for selection of interpreters was less formal at the other courts we visited. These courts did not require interpreters to pass any form of written or oral examination, nor was any other type of certification required. Some persons used as interpreters, such as Government employees and attorneys, were apparently selected simply because they were bilingual, which was considered sufficient. For example, some local courts in Texas on occasion request bilingual attorneys, if they happen to be in the courtroom when an interpreter is needed, to interpret in cases in which they have no direct interest. Two attorneys said they had served under such circumstances but did not consider themselves to be competent interpreters. (One added that he believed his translations in a civil case had adversely affected the interests of the non-English-speaking person.) They added that protocol prevented attorneys from denying a judge's request for such assistance. Another example was cited by a county court judge in Houston, who recalled a case in which a college student from Iran, who could hardly speak English himself, was used as an interpreter for an Iranian-speaking defendant.

Some of the interpreters hired by courts not having written or oral qualification examinations nevertheless had credentials which appeared adequate for such positions. For example, we found that two full-time Spanish interpreters used in Federal courts in Texas had bachelor's degrees in languages and had taught Spanish as a vocation. Another Spanish interpreter was a native of Mexico and had worked several years for a bilingual judge. Also, the full-time Spanish interpreter used in the State and county courts in San Antonio was a former Spanish language radio broadcaster whose duties included Spanish/English translating. In addition, the two per diem interpreters most frequently used in the Houston Federal court also served as conference interpreters

for major oil firms, which positions we understand indicate interpreting competence.

#### Need for certification of interpreters

There was no consensus among the officials interviewed concerning the need for certification of court interpreters. As noted above, only a limited number of courts used qualification standards in selecting interpreters. However, numerous officials with experience in court systems without such standards agreed that certification or some form of standards would help assure that only competent interpreters are selected. Most officials addressing the issue, however, did not identify any specific cases which had been adversely affected by inadequate interpretation.

On the other hand, some officials voiced concern over what they perceived to be potential problems associated with a requirement that interpreters be certified. The essence of some of the comments received was as follows:

- Standards would probably be set too high and the cost would be excessive. States could not afford elaborate competency tests.
- Formal criteria could prevent a client from getting the interpreter desired.
- Certified interpreters might not be available, causing delays in the proceedings.

#### LACK OF SYSTEM TO VERIFY ACCURACY OF TRANSLATION

Courts we visited had not established systematic procedures to evaluate interpreter performance. Generally, the only checks on translating accuracy or the overall quality of interpretive service provided were the random presence of other bilingual persons in court or informal monitoring by court officials. For instance, in some courts interpreter performance was deemed satisfactory unless complaints were made by individuals involved in the proceedings. Some courts relied on the presence of bilingual persons as an informal means to monitor an interpreter's performance. Court officials at several court levels and locations said they relied on observing the general flow of conversation between the interpreter and the non-English-speaking persons as an indicator of the quality of interpretive service being rendered. They assumed that the interpreter was doing a good job if there was no indication of a lack of understanding.

Aside from the informal monitoring described above, none of the courts visited had systematic procedures to verify whether testimony was accurately translated. Official court transcripts show only the translated (English) version of the proceedings, and there is no way, after the fact, to question its accuracy. Proceedings in some Federal courts visited were electronically recorded; however, the recordings were not used to check the accuracy of translations. Also, some court reporters used electronic recordings as a backup to make sure they had accurately recorded the English version of the proceedings, but these were not used to check the accuracy of the translations and were not made a part of the official court transcript.

Persons interviewed on this subject acknowledged that an electronic recording of both the non-English and English versions of the proceedings would be a useful quality control tool since it could be used to make a postreview of an interpreter's performance. It appears that such a recording would also be useful in appeals disputing the accuracy of translations. For example, in a case appealed to a U.S. district court in Texas, a bilingual law clerk working for the court found several translation errors made by the interpreter when the defendant entered his original plea before a U.S. magistrate. The district court's decision to remand the case to the magistrate's court for a retaking of a plea was based in part on the translation errors. Detection of the errors was accidental; the clerk who found them was reviewing the proceedings because the case had been appealed on other grounds.

#### TRAINING PROVIDED TO INTERPRETERS

The Administrative Office has no training programs for interpreters and leaves this to the discretion of each Federal district court. The only courts visited which provided some training to their interpreters were the State court in New York City and all court levels in San Diego. Additionally, the contractor responsible for furnishing per diem interpreters to the U.S. district court in Los Angeles said she provided some training for new interpreters.

The training that was provided appeared to be primarily an orientation to courtroom procedures, and in some instances it involved on-the-job training. For example, new full-time interpreters in State criminal courts in New York City are provided orientation in courtroom procedures and are required to observe experienced interpreters for about 2 weeks. Prospective interpreters for the U.S. district court in San Diego are indoctrinated into the courtroom environment by observing court proceedings on their own time. Once hired, they

are given the opportunity to learn pertinent slang, idioms, cultural characteristics, and technical jargon. They also become acquainted with types of physical evidence through field trips to jails and law enforcement agencies.

In San Francisco, many officials believed that interpreter testing and training would provide valuable procedural safeguards to protect the rights of non-English-speaking persons. The full-time court interpreter for the U.S. district court in San Antonio made these observations about the need for interpreter training in Federal courts:

"Seminars and training sessions should be provided for interpreters so that they can have two or three weeks of formal courtroom training interpreting for mock trials, viewing actual trials, learning courtroom procedure, translating documents, learning legal terms, etc. I believe these first two weeks of training would be most helpful."

\* \* \* \* \*

"Yearly training sessions are required so that interpreters can exchange views, impressions, interpreting techniques, differences in dialects within their languages, formal changes in the languages, etc. Language is not static, but an everchanging thing. The world is changing. Courts are undergoing a changing process, too. Therefore, interpreters need to keep up-to-date and abreast of changes in their field. This is why a yearly training session is desirable."

The former interpreter for this same court questioned the lack of training programs for interpreters. He perceived the lack of such programs as part of a larger problem; i.e., not requiring the same "professional status" of interpreters that is required of judges, attorneys, court reporters, and other professionals whose presence is required in court.

EMPLOYMENT, QUALIFICATIONS, AND TRAINING  
OF INTERPRETERS ELSEWHERE IN THE  
FEDERAL GOVERNMENT

Interpreters employed by the Federal courts are not within the cognizance of the Civil Service Commission. However, we contacted the Commission to obtain information pertaining to the employment, qualification standards, and training of interpreters employed by Federal agencies within the Commission's purview. The Commission differentiates between interpreters, who perform oral translations, and translators, who perform written translations.

According to the most recent data available from the Commission, worldwide employment of interpreters and translators by the Government as of October 31, 1976, was as shown below. The Commission did not know their geographic location.

<u>Department</u>	<u>Interpreters</u>	<u>Translators</u>
Defense	17	116
State	18	19
Justice	81	16
Commerce	-	17
Health, Education, and Welfare	20	44
All others	<u>8</u>	<u>26</u>
Total	<u>144</u>	<u>238</u>

The following limitations apply to the above data:

- Agencies may employ persons who translate yet are not classified as interpreters or translators (i.e., other bilingual employees).
- Interpreter services provided under contract are excluded. For example, most State Department interpreting is provided under contract.
- All data shown apply only to full-time civilian personnel and includes all Federal departments and agencies with the following exceptions: Members and employees of Congress, most of the judicial branch, Congressional Budget Office, Board of Governors of the Federal Reserve System, Central Intelligence Agency, National Security Agency, and foreign nationals employed overseas.

Although the Commission has prepared qualification standards for translators, it has not set any minimum requirements for interpreters. The Commission maintains no national register of interpreters or translators, but its regional offices assist Federal agencies in recruiting such personnel.

The Commission provides no training for interpreters or translators. According to the Commission, there is no inter-agency training specifically designed for those individuals. The State Department, however, provides training sessions for its interpreters and indicated it allows interpreters from other agencies to attend.



## CONCLUSIONS

Interpreters are obtained from many and varied sources, often in the absence of minimum qualification standards for their selection. Once selected, there appear to be no established procedures for assessing their effectiveness.

Courts generally consider the quality of interpretation as adequate unless complaints are made. Since in some situations the interpreter may be the only one present who can comprehend both the non-English and English versions of what is said, the defendant, judges, opposing counsels, and others may not be able to detect errors made by that interpreter. The lack of a record of both the non-English and English versions of the proceedings makes it impossible to evaluate translations after the fact or to resolve questions that might arise as to the accuracy of an interpreter's translations.

Generally, individuals interviewed believed that the quality of interpretive services provided was adequate. The lack of selection standards found at several courts does not necessarily mean that the interpreters used by these courts were unqualified. To the contrary, there is evidence to suggest that some of these interpreters possessed excellent qualifications. Furthermore, it can be argued that common standards for all interpreters (which might be required under a certification program) may be impractical, costly, and even unnecessary in some courts.

However, many individuals acknowledged that the quality of service varied considerably among interpreters. The absence of selection standards, the lack of procedures to monitor and detect translation errors, and the practice of some courts to "make do" with bilingual volunteers provide little assurance that accurate translations will be rendered. The courts should strive to provide assurances that translations are accurate because if the translations are inaccurate they will hinder rather than help understanding of the proceedings. Thus, there is a need for courts at every level to develop at least some rudimentary criteria for selecting interpreters, some means to selectively preserve and evaluate translations, and some level of basic training in court procedure to prevent prejudicial error and protect the integrity of the judicial process. Such need is most critical in trials involving serious criminal offenses.

We did not find enough data on the role and use of interpreters in the judicial process to determine whether a serious problem exists and therefore are not making any recommendations at this time. However, because of significant

differences in the steps taken by various courts to meet the needs of language-disabled defendants and because of concerns expressed by some persons, efforts may be needed to make certain that the right of those defendants to a fair trial is adequately protected by all courts. Consideration should be given to developing:

- A certification program or other procedure requiring that interpreters demonstrate a minimum level of competency, especially those used in trials involving serious criminal offenses.
- Uniform criteria for determining when an interpreter should be provided.

We believe the Congress should consider these matters in any legislation addressing the needs of language-disabled persons involved in judicial proceedings. For example, legislation mandating that an interpreter be provided on the motion of any party to a proceeding should be worded to avoid any possible injustice, such as a defendant's attorney also being used as an interpreter or the same interpreter being used for both a language-disabled defendant and a witness in the same proceeding.

#### AGENCY COMMENTS

The Administrative Office of the United States Courts was given an opportunity to comment on this report. The Office orally agreed with the facts presented. Subsequently, the Office provided us with general observations concerning the use of court interpreters. (See app. VI.)

APPENDIX I

APPENDIX I

NINETY-FOURTH CONGRESS

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Congress of the United States  
 Committee on the Judiciary  
 House of Representatives  
 Washington, D.C. 20515

Telephone: 202-225-3951

June 16, 1976

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The Honorable Elmer B. Staats  
 Comptroller General of the United States  
 General Accounting Office  
 Washington, D.C. 20548

Dear Mr. Staats:

The Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary has presently pending before it several bills which would require the appointment of an interpreter for non-English-speaking parties in Federal civil and criminal proceedings. In late 1975, we held three days of hearings on the issue of interpretive services at all levels of the judicial system. A significant portion of the testimony indicated that the provision of interpreter services to language disabled persons in State and municipal courts is inconsistent, arbitrary and often nonexistent.

The Subcommittee, therefore, is considering whether legislation is appropriate to require the appointment of interpreters for all non-English-speaking persons in any judicial or Federal agency proceeding. In the course of our investigation into this area, however, we have encountered a complete lack of data on the number of language disabled persons involved in Federal, State, and local courts, and agency proceedings; the number of such persons receiving interpreter services; and the number of requests for interpreter services which were denied.

We would like to request, therefore, that the General Accounting Office conduct a study to determine the problems experienced by non-English-speaking persons involved in judicial proceedings. In addition, the study should focus on any current Federal or State statutes, or agency regulations dealing with the issue of interpreter services to determine their scope and effectiveness in meeting the needs of language disabled persons. If possible during the course of your review, further, several municipal statutes dealing with interpreter services should be

APPENDIX I

APPENDIX I

The Honorable Elmer B. Staats  
June 8, 1976  
Page 2

identified and analyzed. We would further require that the study identify any data on the availability of persons with interpreter capabilities. For the purposes of this study, "language disabled" and "non-English-speaking" should be defined to include persons who either do not speak or comprehend English with reasonable facility or whose hearing is totally impaired or so seriously impaired as to prohibit the person from understanding or comprehending the English language.

We believe that the Subcommittee will be better prepared to fashion appropriate legislation after adequate research has been conducted to define the precise parameters of this problem.

If you have any questions regarding this request, please contact me. Thank you for all your past assistance in my Subcommittee's activities, and I look forward to a fruitful continuing relationship.

Sincerely,

*Don Edwards*

Don Edwards  
Chairman  
Subcommittee on Civil and  
Constitutional Rights

DE:vo

PERSONS INTERVIEWED

<u>Category</u>	<u>Total by category</u>		<u>Totals by level</u>					
	<u>No.</u>	<u>Per- cent</u>	<u>Federal</u>		<u>State/ local</u>		<u>Private</u>	
			<u>No.</u>	<u>Per- cent</u>	<u>No.</u>	<u>Per- cent</u>	<u>No.</u>	<u>Per- cent</u>
Judges	87	29	27	9	60	20	-	-
Prosecutors	38	12	13	4	25	8	-	-
Public defenders	21	7	11	4	10	3	-	-
Interpreters	20	7	6	2	8	3	6	2
Other Government employees	89	29	40	13	49	16	-	-
Private bilingual attorneys	11	4	-	-	-	-	11	4
Community action representatives	28	9	-	-	-	-	28	9
All others	<u>10</u>	<u>3</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>10</u>	<u>3</u>
Total	<u>304</u>	<u>100</u>	<u>97</u>	<u>32</u>	<u>152</u>	<u>50</u>	<u>55</u>	<u>18</u>

FEDERAL AND STATE STATUTES OR RULES OF  
PROCEDURE FOR PROVIDING INTERPRETERS

	<u>Non-English- speaking persons</u>			<u>Deaf and deaf- mute persons</u>		
	<u>Crim- inal</u>	<u>Civil</u>	<u>Adminis- trative</u>	<u>Crim- inal</u>	<u>Civil</u>	<u>Adminis- trative</u>
Federal	x <sup>a</sup>	x <sup>a</sup>		x <sup>a</sup>	x <sup>a</sup>	
State:						
Alabama		x <sup>a</sup>		x	x	
Alaska		x <sup>a</sup>				
Arizona	x	x		x		x
Arkansas	x	x	x	x	x	x
California	x	x		x		
Colorado		x <sup>a</sup>		x	x <sup>a</sup>	x
Connecticut				x	x	x
Delaware	x <sup>a</sup>	x <sup>a</sup>		x <sup>a</sup>	x <sup>a</sup>	
Florida				x	x	
Georgia				x	x	x
Hawaii	x	x		x	x	
Idaho	x	x		x	x	
Illinois	x	x		x	x	
Indiana	x	x	x	x	x	x
Iowa	x	x	x	x	x	x
Kansas	x	x <sup>a</sup>	x	x	x <sup>a</sup>	x
Kentucky	x	x		x		x
Louisiana				x		
Maine	x <sup>a</sup>	x <sup>a</sup>		x <sup>a</sup>	x <sup>a</sup>	
Maryland	x	x		x	x	
Massachusetts	x	x <sup>a</sup>		x	x <sup>a</sup>	
Michigan	x			x		
Minnesota	x <sup>a</sup>	x <sup>a</sup>		x	x <sup>a</sup>	
Mississippi	x	x		x	x	
Missouri	x	x <sup>a</sup>		x		
Montana	x	x <sup>a</sup>		x	x <sup>a</sup>	

## APPENDIX III

## APPENDIX III

	Non-English-speaking persons			Deaf and deaf-mute persons		
	<u>Crim- inal</u>	<u>Civil</u>	<u>Adminis- trative</u>	<u>Crim- inal</u>	<u>Civil</u>	<u>Adminis- trative</u>
Nebraska	X	X <sup>a</sup>		X	X <sup>a</sup>	
Nevada		X <sup>a</sup>		X	X <sup>a</sup>	
New Hampshire						
New Jersey	X	X		X	X	
New Mexico	X	X		X		
New York	X	X		X	X	
North Carolina				X <sup>a</sup>	X	
North Dakota	X <sup>a</sup>	X		X <sup>a</sup>	X	
Ohio	X	X		X	X	
Oklahoma				X		
Oregon	X	X				
Pennsylvania	X	X		X		
Rhode Island				X	X	
South Carolina				X	X	
South Dakota	X	X		X	X	X
Tennessee		X <sup>a</sup>		X	X <sup>a</sup>	
Texas	X	X <sup>a</sup>		X	X	
Utah	X					
Vermont		X <sup>a</sup>			X <sup>a</sup>	
Virginia	X	X		X		
Washington				X	X	X
West Virginia	X	X		X	X	X
Wisconsin				X		X
Wyoming	X <sup>a</sup>	X <sup>a</sup>		X <sup>a</sup>	X <sup>a</sup>	
Total	<u>33</u>	<u>37</u>	<u>4</u>	<u>45</u>	<u>35</u>	<u>13</u>

<sup>a</sup>Covered by Rules of Civil or Criminal Procedure. In some States, rules may be in addition to express statutory provisions.

STATUTES AND RULES  
PERTAINING TO INTERPRETERS

Federal

Criminal Justice Act of 1964 (18 U.S.C. 3006A(e))  
Fed. R. Civ. P. 43(f)  
Fed. R. Cr. P. 28  
Fed. R. Evid. 604

State

Ala. Code tit. 7, §§446(1)-446(4) (Supp. 1973); Ala. R. Civ. P. 43(f).

Alaska R. Civ. P. 43(g).

Ariz. Rev. Stat. §§12-241 - 12-242, 13-1425, 41-1006 (Supp. 1976-1977).

Ark. Stat. Ann. §§5-715, 27-835, 43-2101.1 (Supp. 1973).

Cal. Const. of 1879, art. I, §14; Cal. Evid. Code §§752, 754 (Deering 1966).

Colo. Rev. Stat. §§13-90-201 - 13-90-205 (1973); Colo. R. Civ. P. 43(f).

Conn. Gen. Stat. Ann. §17-137k (West 1958).

Del. Super. Ct. Cr. R. 28(b); Del. Super. Ct. C. R. 43(f).

Fla. Stat. Ann. §90.243 (West Supp. 1976).

Ga. Code Ann. §§99-4001 - 99-4006 (1976).

Haw. Rev. Stat. §606-9 (Supp. 1975).

Idaho Code §9-205 (Supp. 1976).

Ill. Ann. Stat. ch. 38, §§165-11 - 165-13; ch. 51, §§47-48.01 (Smith-Hurd Supp. 1976-1977).

Ind. Code Ann. §§4-22-1-22.5, 34-1-14-3, 35-1-8-2 (Burns 1974); Ind. Rules Tr. Proc. 43(f).



## APPENDIX IV

## APPENDIX IV

- Iowa Code Ann. §§622A.1-622A.6 (West Supp. 1976).
- Kan. Stat. §§75-4351 - 75-4355 (Vernon Supp. 1975); Kan. Civ. Pro. Stat. Ann. §60-243(e).
- Ky. Rev. Stat. Ann. §§28.610-28.658 (Baldwin 1975).
- La. Rev. Stat. Ann. §15.270 (West Supp. 1976).
- Me. R. Civ. P. 43(1); Me. R. Cr. P. 28.
- Md. Cts. & Jud. Proc. Code Ann. §9-114 (Supp. 1976); Md. Ann. Code art. 27, §623A (1976).
- Mass. Ann. Laws ch. 218, §§67-68, ch. 221, §§92-92A (Michie/Law Co-op 1974); Mass. R. Civ. P. 43(f).
- Mich. Stat. Ann. §§28.1256-28.1256(1) (1972).
- Minn. Stat. Ann. §§611.30-611.34 (West Supp. 1975-1976); Minn. R. Civ. P. 43.07; Minn. R. Cr. P. 26.03, Subd. 16.
- Miss. Code Ann. §§11-7-153, 13-1-16, 99-17-7 (Supp. 1974).
- Mo. Ann. Stat. §§476.060, 546.035 (Vernon Supp. 1976).
- Mont. Rev. Codes Ann. §§93-514, 93-701-6 (Supp. 1975); Mont. R. Civ. P. 43.07.
- Neb. Rev. Stat. §§25-2401 - 25-2406 (1975).
- Nev. Rev. Stat. §§50.045, 50.050 (1975); Nev. R. Civ. P. 43(f).
- N.J. Stat. Ann. §§2A:11-28 - 2A:11-29 (West Supp. 1976-1977).
- N.M. Const., art. II, §14; N.M. Stat. Ann. §16-1-6 (1970).
- N.Y. Jud. Law §§386-390 (McKinney Supp. 1975-1976).
- N.C. Gen. Stat. §8A-1 (Supp. 1975).
- N.D. Cent. Code §§31-01-11 - 31-01-12 (1976); N.D. R. Cr. P. 28(b).
- Ohio Rev. Code Ann. §§1903.19, 2301.12, 2311.14, 2335.09 (Page Supp. 1975).

- Okla. Stat. Ann. tit. 22, §§277-280, 1278 (West 1971).
- Or. Rev. Stat. §45.520 (1975).
- Pa. Stat. Ann. tit. 17, §1875; tit. 19, §§797.1-797.5; tit. 28, §§441-444 (Purdon Supp. 1976-1977).
- R.I. Gen. Laws §8-5-8 (1956).
- S.C. Code §10-1211(Supp. 1974).
- S.D. Compiled Laws Ann. §§19-3-7 - 19-3-14 (Supp. 1975).
- Tenn. Code Ann. §24-108 (Supp. 1974); Tenn. R. Civ. P. 43.06.
- Tex. Civ. Code Ann. tit. 55, art. 3712a (Vernon Supp. 1975-1976); Tex. Code Crim. Pro. Ann. arts. 38.30, 38.31, (Vernon 1966); Tex. R. Civ. P. 183.
- Utah Code Ann. §77-45-7 (1953).
- Vt. R. Civ. P. 43(f).
- Va. Code §§8-295, 19.2-164 (1975).
- Wash. Rev. Code Ann. §§2.42.010-2.42.050 (Supp. 1975).
- W. Va. Code §57-5-7 (Supp. 1975).
- Wis. Stat. Ann. §269.55 (West 1973).
- Wyo. R. Civ. P. 43(f); Wyo. R. Cr. P. 29(b).

SUMMARY OF DATA ON THE SOURCES OF INTERPRETERS

	New York City	Albany	Kansas City	St. Louis	Dallas	Houston	San Antonio	San Diego	Los Angeles	San Francisco
<b>Full-time:</b>										
Federal	X						X	X		
State	X						X	X	X	X <sup>a</sup>
Municipal	N/A							X	X	X <sup>a</sup>
<b>Per diem:</b>										
Federal	X	X	X	X	X	X		X	X	X
State	X				X	X	X	X	X	X
Municipal	N/A							X	X	X
<b>Bilingual employees of Government agency (note b):</b>										
Federal			X	X	X	X	X			
State			X	X	X	X	X			
Municipal			X	X	X	X	X			X
<b>Defendant's bilingual attorney:</b>										
Federal				X	X	X				
State					X	X	X			
Municipal										
<b>Volunteers (note c):</b>										
Federal			X			X	X			
State		X	X	X	X	X				
Municipal		X	X	X			X			X

a Secretaries, police officers, clerks, etc.

b Relatives, friends, disinterested bilingual attorneys, etc.

c Includes part-time salaried interpreters in San Francisco Superior Court (State), who also serve in municipal courts.

APPENDIX V

APPENDIX V

ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTSSUPREME COURT BUILDING  
WASHINGTON, D. C. 20544ROWLAND F. KIRKE  
DIRECTORWILLIAM E. FOLEY  
DEPUTY DIRECTOR

August 12, 1977

Honorable Elmer B. Staats  
Comptroller General of  
the United States  
General Accounting Office  
441 G Street, N.W.  
Washington, D. C. 20548

Dear Mr. Staats:

Thank you for the opportunity to review your report prepared in response to the July 16, 1976, request from the Subcommittee on Civil and Constitutional Rights, Committee on the Judiciary, United States House of Representatives, concerning interpreters utilized in courts of the United States.

As you are aware, the official position of the Judicial Conference of the United States, as expressed in 1974, was that new legislation providing for translation services in courts of the United States is unnecessary. Report of the Proceedings of the Judicial Conference of the United States 5-6 (1974). The Conference's position was solicited in respect of S.1724, then pending in the Senate.

In response to requests from interested committee staff members, this agency did prepare an analysis of the proposed legislation. [See GAO note on p. 45.]

Your report suggests that deficiencies may exist with respect to translation services provided in courts of the United States. At best, there is available currently a dearth of data to substantiate a conclusion that the quality of translation services is adequate or superior.

Furthermore, our experiences with multi-defendant criminal prosecutions in United States District Courts indicate that available judicial resources will be conserved and translation services will be provided more efficiently and economically if simultaneous translation services are provided in such cases.

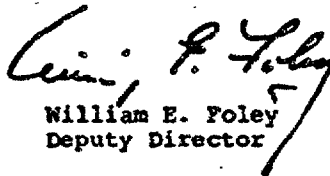
APPENDIX VI

APPENDIX VI

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[See GAO note below.]

Very truly yours,

  
William E. Foley  
Deputy Director

Attachments

GAO note: Material and attachments deleted by GAO. The material deleted referred to a draft bill on court interpreters prepared by the Administrative Office and an accompanying internal memorandum explaining key provisions of such legislation.

(18836)