

ATTORNEY’S GUIDE TO WORKING WITH INTERPRETERS AND LIMITED ENGLISH PROFICIENT (LEP) LITIGANTS

I. ENSURE PROVISION OF AN INTERPRETER THROUGH THE ENTIRE LEGAL PROCESS

- **Understand the Interpreter’s Role as Language Intermediary**

1. Become familiar with Code of Professional Responsibility.
**Please click [here](#) to download the Nevada Code of Professional Responsibility for Nevada Court Interpreters.*
2. Do not ask interpreters to perform duties outside of the scope of their role as interpreters.
**Do not rely on the interpreter as an expert in areas that require expert testimony outside of interpretation and translation.*
3. Provide an interpreter for limited English proficient (LEP) persons throughout all interactions with clients as well as for all out-of-court events.
4. Assess the client’s need for an interpreter.
5. Determine the client’s dominant language and language variety.
6. Assure the interpreter’s neutrality and confidentiality.
7. Ensure that the interpreter is credentialed or has expert interpreting qualifications in the language of the client.
8. Ensure that the interpreter and client can communicate and that the interpreter is able to effectively interpret the client’s language.
**Schedule a brief interview between the client and the interpreter.*
9. Guarantee that an interpreter communicates effectively in English.
10. Ensure that the interpreter has subject matter expertise.
11. Be cautious in the selection of an interpreter.
12. Ensure interpreters are provided the ethical canons from the professional entities involved in the case.
**Please click [here](#) to download the Nevada Code of Professional Responsibility for Nevada Court Interpreters.*
**Please click [here](#) to download the Code of Ethics and Professional Responsibilities by the National Association of Judiciary Interpreters and Translators (NAJIT).*
13. Request that the court appoint an interpreter free of charge.
14. If necessary, petition for pre-authorization of interpreter fees for out-of-court interpreter use.
15. Schedule the interpreter promptly.

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16. Use the same interpreter for all client visits whenever possible.
17. Attorneys should not serve as interpreters.

II. EXPLAIN THE ROLE OF AN INTERPRETER TO THE LEP CLIENT

- **Attorneys should, through the interpreter, thoroughly explain this role in relation to the client’s case:**
 1. The interpreter is a professional who is credentialed (certified and/or registered by the Administrative Office of the Courts in Nevada) to provide interpreting services in the language of the client and will use the most accessible terminology to ensure that the client has the same access to the legal process as native English-speaking counterparts.
**If the interpreter does not possess an appropriate court interpreter credential, it is highly recommended that you seek the services of a professional court interpreter instead. The use of unqualified, untested, and untrained individuals as interpreters has led to a serious abridgment of due process rights for many United States citizens¹.*
 2. The client has the right to an interpreter free of charge in all legal settings, as guaranteed by state and federal laws and constitutional provisions.
 3. The interpreter will enable the LEP client to be linguistically present throughout the legal process.
 4. The interpreter will interpret directly (not in indirect, narrative style), using the same grammatical person as the speaker so that the parties can speak to each other and to the court. The court record will reflect the client’s words as rendered by the interpreter.
 5. The interpreter is a neutral officer of the court and will not advocate for any of the parties. Rather, the interpreter will provide a meaningful communication between all sides of a case. As an impartial legal actor, an interpreter will recuse himself/herself if there is a perceived or real conflict of interest.
 6. The interpreter must abide by professional standards and keep all information confidential. The attorney should instruct the client not to ask the interpreter for any legal advice and not to disclose any information about the case to the interpreter outside of the attorney’s presence. This protects the attorney-client privilege and ensures that the interpreter is not exceeding the scope of his/her responsibilities.
 7. The client should inform the attorney immediately if he is not fully comfortable with the interpreter’s performance. It may be useful for the attorney to devise a

¹ William E. Hewitt, 1995, *Court Interpretation: Model Guides for Policy and Practice in the State Courts*, National Center for State Courts

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mechanism or some strategy for the client, independently of the interpreter, to alert the attorney to unsatisfactory interpreting. This will safeguard the client’s level of comprehension and comfort with the interpreting process, in the event that the client is embarrassed to say something. This simple act may be the defining instance that proves to the client that his attorney has a genuine interest in both his testimony and input, and views their relationship as a high priority.

III. PREPARATION OF LEP CLIENT FOR WORKING WITH AN INTERPRETER IN COURT OR IN A LEGAL SETTING

- **In addition to the interpreter’s view of interpreter protocol, the attorney should inform the LEP client about proper court behavior and instruct him to:**
 1. Wait for the question to be interpreted before answering.
 2. Answer questions only.
 3. Address the judge, the attorneys, and the jurors as if the interpreter were not present.
 4. Be aware that anything you say will be interpreted by the interpreter.
 5. Refrain from holding private discussions with the interpreter at proceedings or attorney’s office.
 6. Be aware of body language and that the judge and jury will be judging your body language in their considerations of your credibility as a witness.

Additionally, LEP clients should be informed of common legal terms that may be interpreted to them during their testimony, such as “objection”, “sustained”, and “overruled,” in order to assist them in understanding the events taking place.