

Brief Checklist for Law Student Interviewing Through An
Interpreter

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Step One: Determine if you need an interpreter.

Fluency in any language is a continuum from a few words to extremely high fluency with many gradations in between. Determine at the outset your client's comfort level in English. An interpreter may always be needed for some clients and occasionally for others. Consider that a person who is quite fluent in English may prefer the help of an interpreter in certain situations, such as in an interview for asylum when very detailed and emotionally sensitive information is needed. Discuss these issues with your client. Err on the side of getting an interpreter so you can be sure that accurate, in-depth communication is achieved.

1. Be sure to hire an interpreter who is excellent in both languages and any regional dialects.
 - a.) Hire a certified interpreter if possible
 - b.) Determine qualification through voirdire if no certified interpreter is available.
2. Be sure to hire an interpreter who has experience as an interpreter (extraordinary memory and cognitive skills are required).
3. Be sure to hire an interpreter with no interest in the case -- someone the client will not be afraid to speak to. The interpreter should not be a friend or relative.
4. Allow client and interpreter time before the interview to determine if they can communicate with each other. Do they speak the same language and dialect? Is there any conflict of interest?
5. Explain interpreter privilege and lawyer's professional ethics rules requiring confidentiality.
6. If you have found a good match ask interpreter to sign confidentiality agreement and agreement to comply with

Minnesota Code of P.R. for interpreter (or comparable code from other jurisdiction). Provide a copy of the code of ethics and be sure interpreter is aware of all requirements, including the proper role of the interpreter.

7. Explain the need for verbatim translation.
 - Interpreter should translate all the client says and not shorten it.
 - Interpreter should state what client says rather than what interpreter thinks client should say or what interpreter thinks answer really is.
8. Ask interpreter to let you know whenever interpreter doesn't understand a question on a term. You will explain in another way. Realize that some terms, phrases, concepts simply do not translate. Ask interpreter to let you know when they come up. Figure out new ways of explaining things.
9. Talk directly to the client and make sure the interpreter speaks for you in the first person rather than third person. Maintain eye contact with the client.
10. Break your conversation down to one sentence, one question at a time. If you talk too long, the interpreter will have a hard time remembering and translating everything exactly.
 - Don't ask compound questions.
 - Watch out for "yes"/"no" answers. With a yes or no answer you will not know if understanding is achieved. Open-ended questions are better.

11. Avoid legalese. Explain legalese when it is necessary.
12. Avoid other technical language, acronyms or idiomatic expressions. Use plain English.
13. Plan that everything will take twice as long as usual. This is true of interviews as well as court hearings. Advise court personnel that a longer hearing will be necessary. Try to estimate the hours needed. This may help avoid a bifurcated hearing.
14. Ask open-ended questions as much as possible so you will gather information from client's perspective. Try always to set aside your own cultural assumptions. Try to learn about and understand the client's culture.
15. If the matter will involve a court hearing request that a tape recording be made to preserve the record for appeal (audio recording for America sign language). Consider hiring your own interpreter to check the interpretation of the court interpreter so timely objections can be made.