

# DETERMINING ENGLISH FLUENCY

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*How do you determine if a party or witness needs an Interpreter?*

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## **Miss. Code Ann. § 9-21-79 Determination of Need for Interpreter:**

**(1) An interpreter is needed and a court interpreter shall be appointed when the judge determines, after an examination of a party or witness, that:**

- (a) the party cannot understand and speak English well enough to participate fully in the proceedings and to assist counsel; or**
- (b) the witness cannot speak English so as to be understood directly by counsel, court and jury.**

**(2) The court should examine a party or witness on the record to determine whether an interpreter is needed if:**

- (a) A party or counsel requests such an examination;**
- (b) It appears to the court that the party or witness may not understand and speak English well enough to participate fully in the proceedings; or**
- (c) If the party or witness requests an interpreter.**

**The fact that a person for whom English is a second language knows some English should not prohibit that individual from being allowed to have an interpreter.**

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*Parties and witnesses with limited English proficiency face unique challenges when using the judicial system. Qualified interpreters help to place non-English speaking and English speaking parties of equivalent background and education on an equal footing before the court.*

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## **SAMPLE QUESTIONS TO EXAMINE AND DETERMINE ENGLISH FLUENCY**

- Please tell the Court your name.
- Please tell us how old you are.
- How did you come to Court today?
- What kind of work do you do?
- How did you learn English?
- Please tell me about your native country.
- Describe some of the things you see in this courtroom.
- How comfortable are you in proceeding with this matter in English?

## SAMPLE VOIR DIRE QUESTIONS FOR A POTENTIAL INTERPRETER

### Determine that the Interpreter:

- ✓ Is not related to the defendant, counsel, witnesses or any party to this case.
- ✓ Is impartial.
- ✓ Can speak both English and the non-English language.
- ✓ Can read and write both English and the non-English language.
- ✓ Has completed some training as in interpreter.
- ✓ Has experience in simultaneous interpreting.
- ✓ Has experience in consecutive interpreting.
- ✓ Has subscribed to the Court Interpreter's Oath and the Mississippi Code of Ethics for Court Interpreters.
- ✓ Understands that as an interpreter he/she must interpret everything, and may not summarize the testimony.

### Resources:

- **Court Interpreter Forms and sample Orders can be found online:**  
<https://courts.ms.gov/aoc/courtinterpreter/resources.php>.
- **Search the Court Interpreter Registry to find a Certified Court Interpreter:**  
<https://courts.ms.gov/aoc/courtinterpreter/registry.php>.

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