

DETERMINING ENGLISH FLUENCY

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

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.

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.

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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