

PRESENTED
BY:

USING SKILLED INTERPRETERS

Presented by

The Practice Resource Center
Of The Florida Bar

Karina De La Cruz
Director & CEO
Horizon Legal Solutions, Inc.

FREE WEBINAR

November 17, 2020
2:00 p.m. – 3:00 p.m. EST

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Using Skilled Interpreters

Karina I. De La Cruz President

As President and Director of Language Pickup by Horizon Legal Solutions, Karina De La Cruz has a vast knowledge in the legal field. Her expertise in the legal arena allows her to understand the needs of both legal and medical professionals.

Karina obtained an Associate of Arts in Paralegal Studies from Cooper Career College. She then went on to obtain her Bachelor's Degree in Business Administration, with a major in International Business, from Northwood University in West Palm Beach, Florida. She attended Nova Southeastern University for her Master's in Business Administration (MBA).

As a legal assistant and paralegal for nearly 10 years, Mrs. De La Cruz was employed by some of the most prominent law firms in South Florida. She saw the need for language services and in 2006 founded Horizon Legal Solutions, Inc.

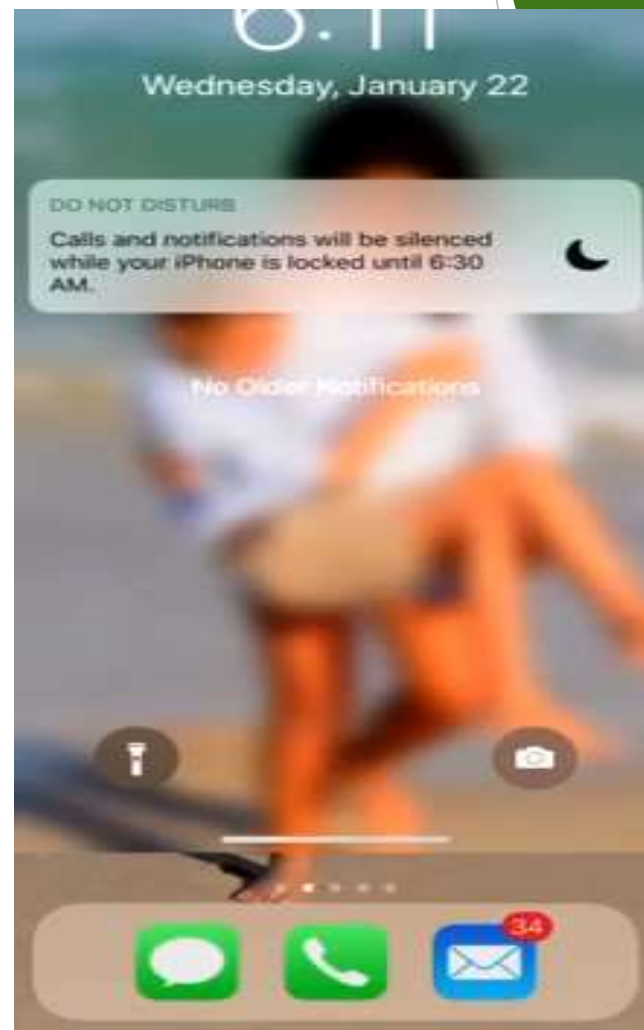


Has anyone ever had to hire an interpreter?



Have you ever forgotten to schedule an interpreter?





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There are approximately 6,000 languages in the world!



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TOP 20 LANGUAGES IN THE USA

According to the ACS in 2017, the most common languages spoken at home by people five years of age or older are as follows. The most recent data can be found via the U.S. Census Bureau's ACS chart.

- ▶ English only - 239 million
- ▶ Spanish - 41 million
- ▶ Chinese (including Mandarin and Cantonese) - 3.5 million
- ▶ Tagalog (including Filipino) - 1.7 million
- ▶ Vietnamese - 1.5 million
- ▶ Arabic - 1.2 million
- ▶ French - 1.2 million
- ▶ Korean - 1.1 million
- ▶ Russian - 0.94 million
- ▶ German - 0.92 million
- ▶ Haitian Creole - 0.87 million
- ▶ Hindi - 0.86 million
- ▶ Portuguese - 0.79 million
- ▶ Italian - 0.58 million
- ▶ Polish - 0.52 million
- ▶ Urdu - 0.51 million
- ▶ Yiddish - 0.51 million
- ▶ Japanese - 0.46 million
- ▶ Persian (including Farsi and Dari) - 0.42 million
- ▶ Gujarati - 0.41 million

Information obtained from: https://en.wikipedia.org/wiki/Languages_of_the_United_States



Interpreter or Translator?



INTERPRETERS

- ▶ Offer verbal, non-written, services.
- ▶ An interpreter's role is to facilitate communication between two or more people.
- ▶ Transfer messages from one language to another while preserving the speaker's intended meaning.
- ▶ Commonly beneficial in contexts including depositions, mediations, trials, office conferences, and medical appointments.



Languages for which Interpreters may be Certified by the State of Florida

Certification exists for the following 7 languages:

- ▶ Spanish
- ▶ Haitian Creole (only 38 interpreters certified in Florida!)
- ▶ French (only 4 certified interpreters)
- ▶ Russian (6 interpreters)
- ▶ Portuguese (3 interpreters)
- ▶ Mandarin (1 interpreter)
- ▶ Bosnian Serbian Croatian (1 interpreter)

Language Skilled Interpreter Registries

- ▶ Romanian (1 in Florida)
- ▶ German (1 in Florida)

Provisionally Approved Interpreter Registries

- ▶ Spanish Provisionally Approved Court Interpreters
- ▶ Haitian Creole Provisionally Approved Court Interpreters
- ▶ Portuguese Provisionally Approved Court Interpreters
- ▶ Turkish Provisionally Approved Court Interpreters

Information obtained as of October 27, 2019.

<https://www.flcourts.org>

EXOTIC LANGUAGES

Exotic language is a term used in court interpreting to refer to those languages which lack readily available interpreters or translators, or for which a standard of quality has yet to be established.

- ▶ Exotic languages usually have a 24 to 48 hour cancellation policy. Common examples of such languages include Arabic, Cantonese, Farsi (Persian), Japanese, Korean, Mandarin, Portuguese, French, Punjabi Russian, Tagalog, and Vietnamese.

The 3 Modes of Interpretation

- ▶ Simultaneous
- ▶ Consecutive
- ▶ Sight Translation



The 3 Modes of Interpretation

SIMULTANEOUS

Simultaneous interpretation involves rendering an interpretation concurrently while someone is speaking. It is usually employed when a non-English speaker is not involved in the proceedings. During trials, this may be particularly useful during opening statements, at mediation, and at conferences.

CONSECUTIVE

Consecutive interpretation involves rendering statements made in a source language into their target language equivalents. This is the most commonly-used method during depositions. It is typically used when the non-English speaker is involved in the conversation.

SIGHT TRANSLATION

Sight interpretation is a hybrid type of interpretation and translation. It involves an interpreter reading a document written in one language, while translating it orally into another language.

Interpreters



Dialects vs. accents Cuban Dialect

Corn - elote in Mexico/maiz
in most Spanish-speaking
countries

Flip flop/sandalia, chancla



Interpreters can request
clarification.



Phrases that do not
translate properly/no
meaning



Using skilled interpreters

“I’m in a pickle.”



Send her on a “wild goose chase.”



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Many phrases do not translate properly, or lack clear meaning. A great example of this can be found in the brand name of a beer, *Modelo*.

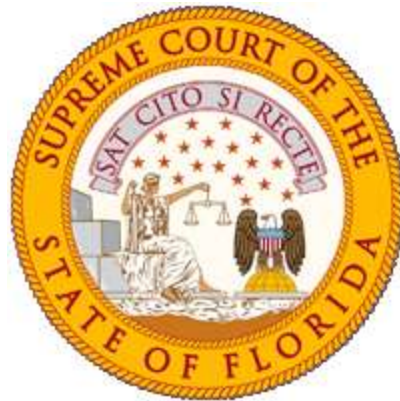


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Why Is it important to have an interpreter present?

- ▶ Prenuptial signings
- ▶ Mediations
- ▶ Closings
- ▶ Trials
- ▶ Anytime your client is making an important decision.
- ▶ Unnecessary litigation should be avoided by including a translator's clause, in which it is stated that the document was read from English into an individual's native language.

Who Certifies Interpreters in the State of Florida?



FLORIDA RULES FOR CERTIFICATION AND REGULATION OF SPOKEN LANGUAGE COURT INTERPRETERS

<https://www.flcourts.org>

Rule 14.100 Definitions

Certified Court Interpreter. (b) The certified court interpreter designation represents the highest qualified state-level interpreter designation and shall be the preferred designation in the selection, appointment, staffing, or private retention of court interpreters. The certified court interpreter has completed all requisites for certification and holds a certificate that is valid for two years, and renewable upon successfully meeting maintenance of registration requirements.

Language Skilled. (c) The language skilled designation represents the highest qualified state-level interpreter designation for languages for which there is currently no state-certifying examination and shall be the preferred designation over non-designated interpreters in the selection, appointment, staffing, or private retention of court interpreters in the area of the language skilled individual's linguistic expertise. The language skilled court interpreter has completed all requirements and holds a certificate that is valid for two years and renewable upon successfully meeting maintenance of registration requirements. In the event a language-specific, state-certifying examination becomes available, a language skilled court interpreter shall be required to pass the examination within two years of notice of its availability. Failure to become certified within the two-year period shall result in loss of the language skilled designation, unless the board approves an extension in extenuating circumstances.

Provisionally Approved. (d) The provisionally approved designation represents the highest qualified state-level interpreter designation next below the certified and language skilled designations and shall be the preferred designation in the selection, appointment, staffing, or private retention of court interpreters when certified or language skilled court interpreters are unavailable. The provisionally approved court interpreter has yet to meet the minimum threshold scores on an oral performance examination sufficient to qualify for certification. This designation holds a certificate that is valid for two years, but is non-renewable. Provisionally approved court interpreters must become certified within two years following designation or shall forfeit the designation.

Registered Court Interpreter. Registration is an initial step towards official state-level designation. The "registered" or "registration status" refers to interpreters who have satisfied general prerequisites. This status includes interpreters who have yet to meet the minimum threshold scores on an oral performance examination sufficient to qualify for an official designation. Such interpreters may be referred to as "otherwise registered" or "registered only."

RULE 2.565(d) OF THE FLORIDA RULES OF JUDICIAL ADMINISTRATION

- ▶ Rule 2.565 states that when an attorney or self-represented litigant is unable, after **diligent search**, to secure the services of a Certified, Language Skilled, Provisionally Approved, or otherwise Registered Interpreter, subdivisions (d) and (e) of Rule 2.565 require submission of a written declaration to the Office of the State Courts Administrator. See [SC15-1594, In Re: Amendments to the Florida Rules of Judicial Administration](#), effective October 1, 2015.



How to make the interpreter's role easier?

Before the proceedings

- ▶ Advise the agency upon the subject matter of the interpretation job, and if there is any specialized terminology the interpreter must research. Adequate preparations must be made, should the agency anticipate the need for an interpreter to handle more specialized fields.

During the proceedings

- ▶ Remember to advise the client at the beginning of the assignment that, even if he or she possesses some competency in the English language, it is imperative to allow the interpreter to interpret first. The client may then respond in his or her native language.
- ▶ Break down compound questions. Speak slowly and clearly, short phrases, to ensure no details are missed

Objections

- ▶ Should be interpreted.

“Personally, I interpret objections even though I know the witness doesn't understand that. When attorneys tell me not to interpret them, I feel as if I am not totally doing my assignment, but I also feel that I have no choice, but to obey, as some can become rather upset.”

- ▶ If you do not wish for the interpreter to interpret your objections, it would be helpful to advise them of this from the beginning.
- ▶ Many witnesses may find the objections confusing.

Remote Proceedings

- ▶ Advise the witness not to gesture, and to use verbal responses, spoken clearly and audibly.
- ▶ Advise the witness to be in a quiet place. The presence of children, other people, or pets in the room, may increase the difficulty of an interpreter's task. This is also true if background noises, such as television or nearby construction, are present.
- ▶ Avoid conducting depositions from your car, while driving or outside.
- ▶ Make sure you have a strong connection if communicating with a client via the internet. If this cannot be assured, communicating via telephone may be more efficient.
- ▶ When there are several parties participating, keep those not communicating on mute. This includes court reporters, as their voices may echo. Only the witness, attorney and interpreter should be talking. The rest of the parties should only unmute themselves when they need to make an objection or speak.
- ▶ It helps if the parties avoid speaking over one another. Also, select a videoconferencing system that offers high sound quality. The Zoom platform has been demonstrated to be among the best services available.
- ▶ When there are arguments between lawyers, the interpreter cannot interpret to the witness, as they often occur too quickly. Keep in mind that the interpreter is unable to interrupt in order to ensure being heard.

Translators

- ▶ Translation is converting a written text from one language into another.
- ▶ This is especially useful for documents, books, magazines, and articles.
- ▶ Translation is also commonly needed for legal documents, including birth and marriage certificates, divorce decrees, death certificates, and wills.



Certified Translations

- ▶ A ***Certified translation*** does not need necessarily require a certified translator.
- ▶ The **Certificate of Accuracy** verifies that the translation is true, accurate, complete, and correct. It also verifies that the translation was performed to the best of the translator's ability.
- ▶ Some agencies require certificates of accuracy be notarized. In notarized translations, the quality of the translation is not the issue. It is simply about fulfilling a requirement of the institution.
- ▶ A professional translator can present the translated document to a notary public, who will ask the translator to swear an oath to the accuracy of the translation.
- ▶ A certified interpreter is not a certified translator.



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Professional Conduct

- ▶ Rule 14.300. Professional Conduct All court interpreters shall act in a professional manner in keeping with the Code of Professional Conduct as set forth herein. Failure to adhere to the Code may lead to disciplinary action. Disciplinary action is at the discretion of the board.
- ▶ Rule 14.330. Impartiality and Avoidance of Conflict of Interest Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.
- ▶ Interpreters CAN NOT lawfully provide legal advice.

Interpreter's Code of Ethics

- 1) Interpreters should render complete and accurate interpretation without altering, omitting or adding anything to what is stated and without explanation.
- 2) Interpreters shall accurately and completely represent their credentials.
- 3) Interpreters shall be impartial and unbiased and should disclose any conflict of interest.
- 4) Interpreters shall protect the confidentiality of all privileged and confidential information.

Using Skilled Interpreters

► Why is it important to hire your interpreter/translator DIRECTLY through an agency?

► 1) We know and follow the rules.

► 2) Your request will not get “lost in translation.”

► 3) You will save your clients TONS of money!





you may reach us at
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direct: 561-602-7260
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