

Contents

List of Figures	xli
List of Tables	xliiii
Introductory Note	
<i>Associate Justice (retired) John Paul Stevens, U.S. Supreme Court</i>	xlvii
2012 Foreword	
<i>Guadalupe Valdés</i>	xlvii
1991 Foreword	
<i>Joshua A. Fishman</i>	liii
Preface	lv
Acknowledgments	lxv

Introduction

Chapter 1 • Social Justice through Language Access	3
1. Social Justice and Diversity	3
1.1 Lack of Equal Access to Justice	4
1.2 Marginalization of Language Minorities	5
1.3 Impetus for Reform: The Court Interpreters Act of 1978	6
1.4 Continued Pressing Need for Competent Court Interpreters	7
1.5 Reinforcement of Civil Rights Act: Executive Order 13166 (2000)	9
1.6 Title VI: Focus on the Courts	11
2. Providing Language Access: The Profession of Court Interpretation	12
2.1 The Goal of Court Interpreting: Legal Equivalence Refined to Meaningful Legal Equivalence	14
2.1.1 The Court Interpreter: Provider of Meaningful Access	16
2.1.2 Adaptation versus Conservation	17
2.1.3 Thoughtful Conservation of Meaning and Register	18
2.2 Prerequisite Skills for Court Interpreting	19
2.2.1 Formal Education: The Pathway to Competence	25
2.3 Competent Court Interpreting Is Pivotal to Social Justice	26
3. Shortage of Court Interpreters	26
4. The Demand for Language Services	27
4.1 Changing Demographics	27
4.1.1 Hispanics: The Largest Minority Group	28
4.1.2 Growth of the Hispanic Diaspora across the U.S.	28
4.1.3 Growth of the Asian Population	29
4.2 Growing Language Diversity in the U.S.	30
4.2.1 Languages Other Than English Spoken at Home	31
4.2.2 Asian Language Use	32

4.2.3 Language Use Patterns Pertinent to Language Services	32
4.3 Increasing Number of Persons with LEP	33
4.4 Interpreter Usage in the Courts	34
4.5 Increasing Need for Language Services	37
Chapter 2 • Dilemmas in Due Process	39
1. Substandard Language Accommodation Denies Justice	39
1.1 Poor Quality Interpretation Leads to Detrimental Legal Outcomes	39
1.2 The Hanigan Trials in Arizona (1977–1982)	40
1.3 Testimony of T. Kamiyama to the Grand Jury in the Matter of the Rev. Sun Myoung Moon (<i>U.S. v. Moon</i> , 1983)	43
1.4 <i>California v. Nguyen</i> (1989)	46
2. Continued Injustices as a Result of Poor Interpreting Services	48
2.1 <i>Pagoada v. Kentucky</i> (2001)	49
2.2 <i>Alfonzo v. Florida</i> (2007)	53
2.3 <i>Diaz v. Indiana</i> (2010)	58
2.4 <i>Tennessee v. Barrera</i> (2007)	60
2.5 <i>California v. Morales-Garcia</i> (2010)	61
2.6 <i>New Jersey v. DeSouza</i> (2010)	62
2.7 The Case of Mariella Batista and Other Civil Proceedings	62
3. Obstacles to Ensuring Equal Access	64
3.1 Lack of Awareness by Judges and Attorneys of the Criticality of Language Services in Achieving Justice	65
3.2 The Default Solution for Interpreter Shortage: Reliance on “Otherwise Qualified” Interpreters of Unknown Competence	67
3.3 Shortage of Certified, Qualified Interpreters in State Courts	68
3.4 Lack of Uniform Standards of Interpreter Proficiency in State Courts	68
3.5 Misplaced Focus on Testing over Training to Develop Interpreter Pool	70
3.6 Failure to Provide a Continuum of Language Services for LEP Populations	72
3.7 Failure to Consistently Provide Free Interpreting Services for All Types of Cases (Criminal and Civil) in All Jurisdictions and Specialty Courts	73
3.8 Shortage of Federally Certified Court Interpreters	75
3.9 Lack of Federal Certification for Languages of Limited Diffusion	76
3.10 Failure to Provide Interpreting Services in All Legal and Quasi-Legal Forums, Including Encounters with Administrative Agencies	77
3.11 Failure to Record Foreign Language Testimony	78
3.12 Denying LEP Defendants Trial by a Jury of Their Peers	79
3.13 Use of Child Interpreters	80
4. Signs of Improvement	81
Chapter 3 • Interpreting as a Profession	83
1. History of Interpreting	83
2. Categories of Interpreting	84
2.1 Community Interpreting	85
2.1.1 Social Services	87
2.2 Medical Interpreting	87
2.2.1 Mental Health	88
2.3 Educational Interpreting	89
2.4 Business Interpreting	91

2.5 Conference Interpreting	91
2.5.1 Seminar Interpreting	92
2.5.2 Escort Interpreting	92
2.6 Remote Interpreting	92
2.7 Relay Interpreting	93
3. Legal Implications of Interpreting	93
Chapter 4 • The Profession of Court Interpretation	95
1. Introduction	95
2. Types of Legal Interpreting	95
2.1 Quasi-Judicial Interpreting	95
2.2 Court Interpreting	96
3. Conference Interpreting versus Court Interpreting	96
4. Growth of Court Interpreting as a Profession	98
5. The Professionalization of Court Interpreting	99
6. Current Status of the Court Interpreting Profession	101
7. Improving the Professional Status of the Interpreter	103
7.1 Clarifying Ethical Principles and Advancing Professional Status	103
7.2 Assertion of Professional Standing	105
Unit 1	
Historical Antecedents	
Chapter 5 • Overview of Language Policy in the U.S.	109
1. Fundamental Sociolinguistic Concepts	110
1.1 Language Policy as a Socially Constructed Phenomenon, Reflecting Societal Concerns, Biases, and Values	111
1.1.1 A Model for Deciphering and Evaluating Language Policy	119
1.1.2 Applying the Model: A Policy Analysis of Arizona Proposition 203 (2000), English Language Education for Children in Public Schools (“English for the Children”)	119
1.2 Language and Identity	123
1.3 Acculturation versus Assimilation	124
1.4 Language Ideology	125
1.5 Language Attitudes	127
1.6 Language Rights	127
2. The History of Attitudes Toward Foreign Languages and Language Policy in the U.S.	129
2.1 Prevailing Multilingualism in the Colonial Period (1492 to 1776)	129
2.2 Mounting Nationalism and Growing Inequality for Language Minorities through the Implementation of Restrictive Language Policies from the Establishment of the U.S. through the 1880s (1764 to 1880s)	130
2.3 Increasing English-Only Initiatives during the Great Wave of Migration to the U.S. (1880s to 1950s)	133
2.3.1 Educational Language Policies	134
2.4 Emerging Social Consciousness and Activism Leading to the Equal Access Legislation Enacted during the Civil Rights Movement (1960s to 1970s)	135
2.4.1 Political Access	136

2.4.2	Educational Access	136
2.4.3	Employment Access	137
2.4.4	Legal Access	138
2.5	Rising Backlash against Civil Rights Linguistic Access Laws Expressed through English-Only Initiatives during a Period of Increased Immigration from Latin America and Asia (1980s to 1990s)	139
2.5.1	Advancing English-Only Policies in the 1980s and 1990s	140
2.5.2	Continuing Struggle for Civil Rights	141
2.5.3	Advancing Non-English Languages	145
2.6	Escalating Nationalistic and Anti-Immigrant Sentiments Expressed through English-Only Legislation in Response to Terrorist Aggression, Dramatic Demographic Shifts, and Changing Economic Conditions (2000 to 2010)	145
2.6.1	The Unprecedented Number and Scope of English-Only Initiatives	147
2.6.2	Continued Struggle for Equal Rights	147
3.	Conclusion	152
Chapter 6 • Bridging the Language Gap: Access to Due Process		155
1.	Federal Rules of Procedure	155
2.	Precursors to the Federal Court Interpreters Act	156
3.	Protection of Constitutional Rights by the Interpreter	157
4.	Early Cases Concerning Interpreters	158
5.	Court Interpretation Before 1978	159
5.1	Discretion of the Court to Appoint an Interpreter	159
5.2	A Constitutional Approach: The Concept of “Linguistic Presence” and Right of Confrontation	160
5.3	The Waiver of the Right to an Interpreter	163
5.4	Ad Hoc Interpreters	164
5.4.1	Using Bilingual Attorneys as Interpreters	164
5.4.2	Appointment of Friends, Relatives, or Adversaries of the Defendant	165
6.	Deficient Interpreting Skills	165
7.	Recognizing the Pervasiveness of Inadequate Interpretation	166
Chapter 7 • The Court Interpreters Act		169
1.	The Court Interpreters Act of 1978	169
1.1	Provisions of the Court Interpreters Act	169
1.2	Recognition of Defendant’s Needs	170
1.3	Recognition of the Need for Quality	170
1.4	Mandating Interpreters	171
2.	Benefits of the Court Interpreters Act	171
2.1	Improved and Standardized Pay Scales	172
2.2	The Ripple Effect	173
2.3	International Impact	173
3.	Shortcomings of the Court Interpreters Act	174
3.1	Determining Linguistic Competency	174
3.2	Training, Testing, and the Lack of Competent Interpreters	175
4.	Monitoring the Court Interpreters Act	176

4.1 Federal Court Interpreters Advisory Board	177
4.1.1 Establish Criteria to Trigger Certification	177
4.1.2 Establish Guidelines for “Professionally or Otherwise Qualified Interpreters”	178
4.1.3 Proposed Pay Schedules for Freelance Interpreters	180
4.1.4 Orientation Program for “Professionally Qualified/Language Skilled” Interpreters	180
4.1.5 Develop a Code of Professional Conduct	181
4.1.6 Continuing Education	181
5. The Court Interpreters Amendments Act of 1988	181
6. The Court Interpreters Act as Amended—Interim Regulations	183
Chapter 8 • Continuing Access Problems in Federal Courts after the Court Interpreters Act of 1978	185
1. Introduction	185
2. Should the Defendant Have Been Appointed an Interpreter?	187
2.1 Court’s Mistaken Assumption That All Biographical Information Is Predictive of Language Proficiency	188
2.2 Court Errs by Relying on Defendant to Self-Assess English Proficiency	190
2.2.1 Underestimating the Difficulty of Self-Assessment of English Proficiency for an Unknown Setting	191
2.2.2 Ignoring the Effect of an LEP Person’s Cultural Beliefs and Practices in Self-Assessing English Proficiency	192
2.3 Courts Wrongfully Rely on Counsel Regarding Defendant’s English Proficiency	193
2.4 Court’s Improper Assessment of English Proficiency Using Close-Ended Questions	195
3. Whom Should the Court Appoint as Interpreter?	197
3.1 Courts’ Continued Use of Ad Hoc Interpreters	197
3.1.1 Use of Family Members as Interpreters	197
3.1.2 Use of Noncertified Interpreters	198
3.1.3 Use of Attorneys as Interpreters	199
3.2 Court Unduly Relies on Counsel to Object to Unqualified Interpreters	199
4. Is Interpreter Error Sufficient to Require Reversal on Appeal?	200
4.1 Courts’ Failure to Understand the Effect of Interpreter Errors on Linguistic Presence	201
4.2 Court’s Misinterpretation of Defendant’s Silence as Acceptance of Interpreter Performance	202
4.2.1 Judges’ Unfounded Fear of Defendant’s “Abuse” of the Judicial System	203
5. Identifying Problems and Suggestions for Moving toward Language Access in the Courts	205
5.1 High Standard of Review (Procedural Problems)	205
5.2 Trial Court’s Broad Discretion (Substantive Problem)	207
5.3 Towards a Unified Approach to Deciding Interpreter Cases	207
5.4 Evaluating the LEP Individual’s Language Accommodation Needs	209
5.4.1 Assessment of Interpreter Competence	210
5.4.2 Circumscribing Judge’s Discretion through the Use of a Linguistically Sound <i>Voir Dire</i>	211

5.5	Lack of Knowledge Regarding Language Accommodation Issues	211
5.5.1	Lawyers Should Assume the Role of Linguistic Access Advocate	212
5.5.2	Judges Should Assume a More Proactive Role as Guarantors of Linguistic Access	213
5.6	The Court Interpreting Profession Should Take a More Assertive Role in Promoting Equal Access to Justice through Competent Interpretation and Adherence to Ethical Standards	213
6.	Conclusion	214
Chapter 9 • Court Interpretation at the State and Local Court Level		215
1.	Brief Overview of Interpreting in State and Local Courts	215
2.	Obstacles to the Equal Provision of Interpreter Services in State Courts	217
2.1	Lack of Effective and Ethical Utilization of Interpreter Services	217
2.2	Inadequate Determination of the Need for Interpreter Services	218
2.3	Inadequate Articulation and Assessment of Standards for Interpreter Competency and Qualifications	219
2.4	Inconsistent Provision of Interpreters in All Settings and Stages of the Legal System	219
2.5	Inconsistent Provision of Interpreters across Criminal or Civil Proceedings	220
2.6	Inconsistent Language Accommodation in Local and Specialized Court Systems	220
2.7	Circumvention of Financial Responsibility for the Cost of Interpreter Services	221
3.	States' Recognition of the Need for Court Interpreter Services: 1970s to the Present	222
3.1	Provision of Interpreter Services by the State Courts	224
3.2	Continuing Disparity in the Provision of Interpreter Services in State Courts	225
3.3	The Emergence of Court Interpreter Programs in Individual States	226
3.3.1	California	226
3.3.2	New York	228
3.3.3	New Mexico	230
3.3.4	New Jersey	231
3.3.5	Washington State	233
4.	Establishment of the Consortium for Language Access in the Courts	234
4.1	Structure and Functions of the Consortium	236
4.2	Ramifications of the Consortium's Lack of Mandatory Standards and Central Authority	237
4.2.1	The Inadequacy of Tiered Certification Systems	237
4.2.2	Legal Loopholes to the Provision of Interpreter Services	239
4.2.3	Delayed Implementation of Court Interpreter Programs	239
4.2.4	Violation of LEP Persons' Fundamental Right to Equal Access	240
4.2.5	Inconsistent Testing and Reciprocity Standards	240
5.	Current Status of Court Interpreting at the State and Local Level in Non-Consortium States	241
6.	Future Considerations and Recommendations	242
6.1	Legislative Remedies to Support the Funding of State Court Interpreter Programs	242
6.2	Further Research and Advocacy for Language Access	243

6.3	Need for Continued DOJ Enforcement and Empirically Based Competency Criteria	243
6.4	Need for a Government Agency with Proper Authority	244
Chapter 10 • Title VI of the Civil Rights Act and Its Implementation		245
1.	Title VI and Language Access: Introduction	245
1.1	Title VI of the Civil Rights Act of 1964	246
1.2	<i>Lau v. Nichols</i> (1974)	246
1.3	Executive Orders 12250 and 13166	247
1.3.1	Executive Order 12250 (1980)	247
1.3.2	Executive Order 13166 (2000)	247
1.4	The Department of Justice: LEP Guidance	248
2.	LEP Guidance	249
2.1	Who Must Comply	249
2.2	Four-Factor Analysis	249
2.2.1	Number or Proportion of LEP Persons	250
2.2.2	Frequency of Use	250
2.2.3	Critical Nature of Activity	250
2.2.4	Resources and Costs	251
2.3	Final Determination of Title VI Obligations	251
3.	Enforcement of Title VI	253
3.1	Judicial Enforcement of Title VI	253
3.1.1	Pre- <i>Sandoval</i> (2001)	253
3.1.2	<i>Sandoval</i> (2001)	254
3.1.3	Post- <i>Sandoval</i> (2001)	255
3.2	The DOJ's Enforcement of Title VI: Complaint and Compliance Review Procedure	255
3.2.1	Voluntary Compliance	256
3.2.2	Enforcement through Termination of Federal Funding	256
4.	The DOJ's Enforcement of the LEP Guidance	257
4.1	DOJ Enforcement of Title VI in State Courts	257
4.2	DOJ Enforcement Efforts	258
4.3	Historical Shortcomings of the LEP Guidance	261
4.4	The Future of LEP Guidance: The Colorado Judicial Department Model	262
4.5	The DOJ's Renewed Commitment to Title VI Compliance by All Federal Agencies	265
Chapter 11 • Guidance to State Courts on the Provision of Meaningful Access to LEP Individuals		267
1.	State Courts as the Principal Forum for the Protection of Legal Rights	267
2.	Best Practice Standards for Achieving Language Access in State Courts	268
2.1	Interpreters Must Be Provided in All Types of Court Proceedings, Including Court-Annexed Proceedings and Critical Encounters Outside the Courtroom	269
2.2	Interpreting Services Must Extend beyond the Courtroom to All Court Services and Alternative Programs	270
2.3	Interpreters Must Be Provided at No Charge	270
2.4	Fiscal Pressures Should Not Obstruct LEP Individuals' Access to the Legal Process	271

2.5	Courts Have a Duty to Advise LEP Persons of Their Right to an Interpreter	272
2.6	Interpreter Services Must Be Provided in a Timely Manner	272
2.7	Language Service Providers Must Be Competent	273
2.7.1	Courts Should Assure the Competency of All Interpreters	273
2.7.2	Assure Provision of Competent Interpreting Services in Languages of Limited Diffusion (LLDs)	274
2.8	Courts Should Ensure That All Bilingual Staff and Contract Providers Are Trained and Competent	275
2.9	Qualifications and Training of a Competent Court Interpreter	276
2.10	Courts Must Provide Competent, Appropriate Translations of Vital Documents	278
2.11	Judges and Other Court Personnel Must Know When and How to Appoint Interpreters	280
3.	Courts Must Develop and Implement a Language Access Plan	281
3.1	Essential Elements of a Language Access Plan (LAP)	281
3.1.1	Courts Must Document All Aspects Related to Providing Language Services	282
3.2	Recommendations for Effectively Developing and Implementing a Language Assistance Plan	283
3.3	Courts Should Initiate a Systematic Approach by Examining Language Service Needs in Every Facet of Their Activities, Programs, and Services	284
3.3.1	Linguistic Contact Map	285
3.4	Self-Monitoring Court Compliance with Title VI	286
4.	Training Standards for the Implementation of an Effective LAP	286
4.1	Required Title VI Training for Court Personnel	286
5.	Need for Statewide Coordination	288
Chapter 12 • Interpreting for Federal Government Agencies		293
1.	Department of Justice	293
1.1	Executive Office for Immigration Review	294
1.2	Federal Bureau of Investigation	297
1.2.1	The FBI's National Virtual Translation Center	298
2.	Department of Homeland Security	298
2.1	Department of Homeland Security Immigration and Border Agencies	300
2.2	United States Coast Guard	301
3.	Department of Defense	302
4.	State Department	303
4.1	Office of Language Services	304
4.1.1	Interpreting Division	304
4.1.2	Translating Division	305
5.	Federal Interagency Language Roundtable	305
6.	Conclusion	306
Chapter 13 • Court Interpreting Outside the U.S.		307
1.	Introduction	307
2.	International Tribunals	308
2.1	United Nations Tribunals	308
2.2	Regional Tribunals	309
2.2.1	The Americas	309

2.2.2 Africa	310
2.2.3 Europe	310
3. National Court Systems	313
3.1 Asia	313
3.2 Latin America	315
3.3 Africa	315
3.4 Canada	316
3.5 Australia	320
3.5.1 National Accreditation	321
3.6 The United Kingdom	323
3.6.1 Language Rights	323
4. Conclusion	324
Unit 2	
Legal Overview	
Chapter 14 • Overview of the U.S. Government	329
1. Introduction	329
2. Definition of Law	329
3. Overview of the U.S. Government	330
Chapter 15 • Overview of the U.S. Criminal Justice System	333
1. Introduction	333
2. The Constitution and Its Amendments	333
3. Criminal Law	335
4. Burden of Proof	336
5. Punishment	337
6. The Judicial Setting	337
7. Distinctions Among Courts	338
8. Jurisdiction	339
9. State Courts	339
10. Federal Courts	340
11. Other Agencies and Officials	342
12. Civil Law	343
13. The Adversarial System	345
Chapter 16 • Criminal Procedure	347
1. Pre- and Post-Arrest Investigations	347
2. Arrest	347
2.1 Types of Criminal Offenses	348
2.2 Search	348
2.3 Advisement of Rights (Miranda Warning)	349
2.3.1 History	349
2.3.2 Elements of the Miranda Warning	349
2.3.3 Reading of the Miranda Warnings	350
2.3.4 Subsequent Developments and Known Issues	351
2.3.5 Additional Rights of Foreign Nationals	352
2.4 Booking	352
2.5 Charging	353
3. Initial Appearance	354

4. Preliminary Hearing or Grand Jury Proceedings	355
5. Arraignments in Courts of General Jurisdiction	356
6. Pretrial Procedures	357
6.1 Pretrial Motions	357
6.2 Disposition of Cases Other Than by Trial	359
6.2.1 Plea Bargains	359
6.2.2 Pretrial Diversion	361
6.2.3 Compromise	361
6.3 Pretrial or Status Conferences and Omnibus Hearings	361
6.4 Bail	362
6.4.1 Opportunities for Bail	362
7. The Trial	364
7.1 Impaneling the Jury	365
7.2 Opening Statements	367
7.3 Presentation of Evidence	367
7.3.1 Testimonial Evidence	367
7.3.2 Tangible Evidence	368
7.4 Objections	369
7.4.1 Objections to Questions	370
7.4.2 Objections to Answers	372
7.4.3 Objections to Exhibits	372
7.5 Resting the Case	373
7.6 The Defense	373
7.7 Rebuttals	374
7.8 Closing Arguments	374
7.9 Final Jury Instructions	375
7.9.1 General Instructions	377
7.9.2 Special Instructions	377
7.10 Bailiff's Oath	377
7.11 Jury Deliberations	377
7.12 Hung Jury	378
7.13 Verdict	378
8. Sentencing	378
8.1 Presentencing Report	379
8.2 Sentencing at the State Level	379
8.3 Sentencing at the Federal Level	380
9. Retributive/Restorative/Therapeutic Justice	382
10. Appeals	384
Chapter 17 • Comparative Legal Traditions and the Interpreter	385
1. Introduction	385
2. Comparative Law Defined	385
2.1 Complexities in Comparative Law	386
2.2 Professed and Underlying Values	386
3. The Common Law or Anglo-American Tradition	387
3.1 History	387
3.2 The Players in the Common Law System	387
3.2.1 Role of the Judge in the Common Law System	388
3.3 Procedure and Trials in the Common Law Tradition	388

4. The Civil Law or Romano-Germanic Tradition	389
4.1 History	389
4.1.1 Two Different Meanings of “Civil Law”	389
4.1.2 The Justinian Compilation	390
4.1.3 The Reception of Roman Law in the Western World and Globally	390
4.1.4 Modern Iterations of Roman Law	391
4.1.5 General Principles of Law	392
4.1.6 The Players in the Civil Law System	392
5. Comparison of Civil and Common Law Families	394
5.1 Principles versus Procedures	394
5.2 Sources of Law	394
5.3 The Role of Precedent	395
5.4 Public and Private Law	395
5.5. Notary Public	396
6. Criminal Procedure in Civil Law Jurisdictions	396
6.1 Common Beliefs	397
6.1.1 Presumption of Innocence	397
6.1.2 Jury Trials	397
6.1.3 Adversarial Nature	397
6.2 Traditional Criminal Procedure	397
6.2.1 Preliminary Investigation	398
6.2.2 Dismissal	398
6.2.3 Bail	398
6.2.4 The Court-Centered Approach	398
6.2.5 Public and Private Prosecutors	399
6.2.6 Trial	399
6.2.7 Testimony	399
6.2.8 Composition of the Court	400
6.2.9 Appeals	400
6.3 The Changing Face of Criminal Procedure in Latin America	401
6.3.1 Chile/Chihuahua Case Study	402
7. The Socialist Law Tradition or Socialist Law Family	404
8. Islamic or Sharia Law	405
8.1 Definition	405
8.2 Branches	406
8.3 Modern History	406
8.4 Contemporary Practice	406
8.5 Legal and Court Proceedings	406
9. Mixed Legal Traditions: The Navajo Nation	407
Unit 3	
Utilization of Interpreter Services	
Chapter 18 • The Role of the Court Interpreter in the U.S. Legal System	411
1. The Court Interpreter Defined	411
2. Rationales for the Use of Interpreters in the U.S. Legal System	412
2.1 The Fourth Amendment	412
2.2 The Fifth Amendment	413

2.3	The Sixth Amendment	414
2.4	The Eighth Amendment	415
3.	Legal Status of the Court Interpreter	415
3.1	The Court Interpreter's Dual Roles: Court's Expert and Officer of the Court	416
3.1.1	Understanding the Court Interpreter's Dual Role	417
3.1.2	González Ethics Case Study: Interpreters Offering Expert Opinion Outside Expertise	419
3.1.3	Courts Compelling Interpreters to Exceed Ethical Boundaries	421
3.2	Legal Standards Governing the Interpreter as Expert Witness	422
3.2.1	Daubert Expert Witness Standard	422
3.3	A Reconceptualization of the Interpreter as an Officer of the Court	424
3.3.1	The Court Interpreter as Language Access Specialist	425
Chapter 19 • The Use of Interpreters at Specific Stages of the Criminal Justice Process		427
1.	Pros and Cons of CI and SI in the Judicial Setting	427
2.	Arrest	432
3.	Interviews	433
4.	Initial Appearance	433
5.	Pretrial Motions and Status Conferences	434
6.	Trials	435
7.	Post-Trial Procedures	435
8.	Appeals	436
9.	Multiple Defendants	436
10.	Multiple Language Proceedings, Relay Interpreting	437
11.	Interpreting for LEP Jurors	438
12.	Other Legal Settings	438
13.	Juvenile Courts	439
Chapter 20 • Language Accommodation Needs in the Custodial Interrogation Stage of the Criminal Justice System		443
1.	Current State of Interrogation Policy with Regard to LEP Populations	444
1.1	Lack of Compliance with Legal Obligations to Provide Meaningful Language Access in Custodial Interrogations	445
1.2	International Court of Justice Recognized Unequal Treatment of LEP Persons in U.S. Custodial Interrogations	446
1.3	Lack of Competent Interpreter Services Produces Unreliable Evidence, False Confessions, and Wrongful Convictions	446
2.	The Miranda Rights: Protection against Involuntary Statements and False Confessions in Custodial Interrogation	448
2.1	Pre-Miranda (1966) History	449
2.2	Miranda v. Arizona, 1966: The Miranda Rights	449
2.2.1	Stricter Criteria for Evaluating Legal Invocation of Miranda Rights	450
2.3	Miranda Rights Comprehension	452
2.3.1	Miranda Comprehension Requires Knowledge of the U.S. Criminal Justice System	453
2.3.2	Miranda Rights Complexity	455

2.4 High Correlation between Noncomprehension of Miranda Rights and Miranda Waiver	462
2.5 High Correlation Between Lack of Miranda Comprehension and False Confession	463
3. The Need for Court Interpretation Standards in Custodial Interrogations	463
3.1 Goals of the Custodial Interrogation	464
3.2 False Confessions: An Increasingly Recognized Phenomenon	465
3.3 Pervasive Belief that Interrogation Tactics Do Not Cause False Confessions	466
3.4 Recognition of Vulnerable Persons Who Require Extra Consideration in Miranda Rights Advisals and Custodial Interrogations	467
3.5 Situation-Based Factors in False Confessions	468
3.6 LEPs Should Be Considered a Vulnerable Class Requiring Accommodations and Extra Consideration	469
4. Barrier to Justice for LEP Suspects: Increased Use of Police Officers as Interpreters and Foreign Language Interrogators in Custodial Interrogations	471
4.1 The Use of Putative Law Enforcement (PLE) Interpreters Systematically Obstructs Justice for LEP Suspects	473
4.2 The Use of Putative Law Enforcement (PLE) Interpreters Violates Professional Interpreting Standards as Well as Legal Requirements	477
4.2.1 PLE Interpreters as Transcribers of Evidence Should Be Prohibited	478
4.3 PLE Interpreters Heighten Coercive Effects of Interrogation for LEP Suspects	478
4.3.1 Switching Footing Enhances Coercion and Subverts Miranda	479
4.4 Denying Language Accommodations Enhances Interrogator Power	480
4.4.1 Fear and Anxiety Compromise Language Proficiency	481
4.5 Need to Prohibit the Use of PLE Interpreters in Custodial Interrogations	482
5. Cultural Beliefs and Assumptions Conflict with Understanding the Miranda Rights	483
5.1 LEP Suspect Dependence on Cultural Schema and Knowledge of Home Country's Criminal Justice System	483
5.2 LEP Suspects of Mexican Origin: Fear of Police and Torture	485
5.3 Culturally Determined Tendencies of LEP Suspects	486
6. Sociolinguistic Effects of the Custodial Interrogation on the LEP Suspect	488
6.1 The Asymmetrical Power Relationship and Its Effects on LEP Suspects	488
6.2 Pattern of Acquiescent Responses Used by LEP Suspects	488
6.3 LEP and Other Marginalized Populations Use Indirect Imperative and Polite Interrogative Forms	489
6.4 Cross-Cultural Communication and Custodial Interrogations of LEP Suspects	490
6.5 LEP Suspects Accommodate Nonproficient Police Speech for Social Approval	491
6.5.1 Inadequate Language Accommodations Increase Police Power by Forcing LEP Suspects to Assume the Role of Language Assistant or Mediator	492
7. Interrogation Tactics and the LEP Suspect	493
7.1. Pre-Miranda Techniques and Conditions Used to Increase Suspect Vulnerability	493

7.1.1	Isolation and Duration of Interrogation Promotes Anxiety and Enhances Officers' Coercive Power	493
7.1.2	Mirandizing Suspects in a State of Sleep Inertia or Sleep Deprivation	494
7.1.3	Handcuffs or Similar Restraints Increase Police Power and Suspect Dependence	494
7.1.4	Failure to Inform the Suspect of Charges	495
7.2	Tactics that Minimize the Importance of Miranda Rights	496
7.2.1	Prefaces to Miranda Rights that Minimize or Countermand Protections	496
7.2.2	Rapport Building to Distract from the Adversarial Nature of Interrogation and Importance of Miranda Rights	500
7.2.3	Linguistic Manipulation of Waiver Question	501
7.2.4	Verbal Dominance and Failure to Address Requests for Clarification and Functional Invocations	502
7.2.5	Not Providing Ample Time to Contemplate Waiver	505
7.3	General Interrogation Tactics	506
7.3.1	Minimization Tactics	506
7.3.2	Maximization Tactics	507
7.4	Question Types	512
7.4.1	Yes/No and Other Close-Ended Questions	513
7.4.2	Leading Questions	514
7.4.3	Tag Questions	515
7.4.4	Compound and Compound-Complex Questions	516
7.4.5	Serial Questions	517
7.4.6	Monologues	518
8.	The Construction of False Confessions in Cases Involving LEP Suspects	518
8.1	The Case of Mr. Juan Lara	520
8.2.	The Case of Mr. Reynaldo Ramos	522
9.	Best Practice Recommendations	525
9.1	Law Enforcement Should Be Required to Use PCI Interpreter Services for All Custodial Interrogations and Miranda Advisals	525
9.2	All Custodial Interrogations and Miranda Advisals Should Be Audio and Video Recorded to Safeguard Suspect Rights, Promote Transparency, Reduce Coercive Practices, and Provide Pertinent Information to Triers of Fact	525
9.2.1	Failure to Record Perpetuates Overly Coercive Police Practices and Heightens the Risk of False and Unreliable Confessions	526
9.2.1.1	Positioning of the Interpreter in Recorded Custodial Interrogations	527
9.3	Judges and Attorneys Should Be Skeptical of Evidence Produced from Interrogations Involving LEP Suspects When Police Interpreters or Alleged "Bilingual" Interrogators Are Used	527
9.4	In the Evaluation of Involuntary Statements or False Confessions, Courts Should Take into Account the Cultural and Linguistic Factors That Intensify LEP Suspects' Vulnerability to Coercive Police Practices, and Should Rely on Expert Opinion	528

9.5	Judges Should Be Aware of the Testing Requirements Used to Validate Allegedly Bilingual Officers and Seek Insight into the Legitimacy of These Testing Instruments through Expert Testimony	528
9.6	A Linguistically Sound Version of the Miranda Rights Should Be Developed and Standardized for Use in All Police Agencies in the U.S.	529
9.7	A Miranda Rights Advisal Should Be Crafted for LEP Persons and Other Vulnerable Groups	529
9.8	Replace Close-Ended Question Types in Miranda Rights Advisals with Open-Ended Questions That Invoke Narrative Responses	530
Unit 4		
LEP Guidance for Judges and Attorneys		
Chapter 21 •	Judges' Guide to Working with Interpreters and LEP Litigants	533
1.	Introduction: The Judge as Guarantor of Linguistic Access	533
2.	The Role of the Court Interpreter	534
3.	Legal Obligations to Appoint a Court Interpreter	534
3.1	Constitutional Right to an Interpreter	534
3.1.1	State Criminal Proceedings	535
3.1.2	State Civil Proceedings	535
3.2	Statutory Right to an Interpreter in Federal Criminal and Civil Proceedings	536
3.3	Right to an Interpreter under Title VI of the Civil Rights Act of 1964	536
4.	Evaluating LEP Litigants' Language Accommodation Needs	536
4.1	BICS and CALP: An Important Framework for Understanding the Need for Advanced English Language Proficiency to Fully Participate in the Legal Setting	537
4.2	<i>Fundamentals</i> Model <i>Voir Dire</i> for Eliciting an LEP Person's Relevant Sociolinguistic Background Information and a Language Sample	537
4.2.1	Sociolinguistic Background Factors	539
4.2.2	Assessing the Language Sample	542
4.2.2.1	Evaluating the Narrative Response	542
4.2.2.2	Assessing the Cross-Examination Responses	544
4.2.2.3	Reviewing the Answers to Legal Terminology	545
4.3	Making the Final Decision to Appoint an Interpreter	546
4.3.1	Judges Should Employ a Rebuttable Presumption and Err on the Side of Caution	547
4.3.2	An LEP Person's Belief That He Does Not Need an Interpreter Is Unreliable	547
4.3.3	Do Not Rely on Attorneys' Assurance That There Is No Language Problem or Failure to Request an Interpreter	548
4.3.4	Any Requests for Interpreters Should be Considered Bona Fide and Granted	548
4.4	Court Interpreters Should Be Appointed in All Stages of the Legal Process and All Legal and Quasi-Legal Proceedings	549
4.5	Court Interpreters Must Be Provided at No Charge	549
4.6	Waiver of a Court Interpreter	550
4.6.1	Who Can Waive the Right to An Interpreter?	550

4.6.2	Ensuring a Knowing, Intelligent, and Voluntary Waiver of an Interpreter	550
5.	Judges Must Appoint Competent, Certified or Qualified Court Interpreters	551
5.1	Basic Knowledge and Skill Required by Court Interpreters	551
5.2	Certified Interpreters are Presumed Qualified and Should Be Preferred	551
5.2.1	Postpone Proceedings until a Certified Interpreter Can Be Made Available	552
5.2.2	Maintain Database of Certified and Otherwise Qualified Interpreters	553
5.3	Selection and Appointment of Otherwise Qualified, Noncertified Interpreters	553
5.3.1	A Review of Federal Court Categories for “Otherwise Qualified” Interpreters	554
5.3.2	Systematic Procedure to Assess Noncertified Interpreters’ Qualifications	554
5.4	<i>Voir Dire</i> to Determine Interpreter Competency	557
5.5	Making the Final Decision Regarding Noncertified Interpreter Competence	562
5.5.1	Appoint Interpreters Who Speak the Language of the Client	562
5.5.2	Judges and Attorneys Should Not Serve as Interpreters	563
5.5.3	Translators Are Not Interpreters	564
5.6	Delegate Authority to Determine Noncertified Interpreter Competency	564
5.7	Challenges to Qualifications of Interpreters	564
5.8	Removal of Interpreter	565
5.9	Telephonic Interpreters	565
6.	Interpreting Basics	565
6.1	Modes of Interpretation and Their Use in the Legal Setting	565
6.2	Sociolinguistic Issues	567
6.2.1	Meaning-Based versus Literal Interpretation	567
6.2.2	Bridging the Cultural Gap	568
6.2.3	Monitoring Interpretation in Sexual Assault Cases	569
7.	Ensuring Quality Interpretation during Court Proceedings	570
7.1	Proper Court Interpreting Protocol	570
7.1.1	Interpreters Should Interpret Everything without Modifications, Alterations, or Omissions to Achieve Legal Equivalence and Meaningful Comprehension	570
7.1.2	Use Qualified Bilingual Personnel or an Interpreter from Start to Finish	571
7.1.3	LEP Litigants Should Be Addressed Directly	572
7.1.4	Interpreters Should Only Interpret for One Party at a Time	572
7.1.5	Judges Should Instruct All Legal Actors to Modify Their Speech Patterns	573
7.1.6	Proper Use of Relay Interpreting	573
7.1.7	LEP Witness and Defendant of the Same Language	573
7.1.8	Interpreters Should Interpret Entire Utterance for LEP Persons Who Codeswitch	574
7.1.9	Inclusion of Bilingual Jurors	574
7.2	Addressing Interpreters’ Needs in Order to Minimize Errors	575

7.2.1	Provide Appropriate Case Information for Interpreter Preparation	575
7.2.2	Ensure Timely Appointment of Interpreters	576
7.2.3	Use Team Interpreting or Rotate Interpreters	576
7.2.4	Address Interpreters' Need for Audibility and Close Proximity to Speaker	578
7.2.5	Grant Requests for Repetition or Rephrasing	579
7.2.6	Permit Interpreters Access to Needed Resources	579
7.2.7	Permit and Encourage Interpreters to Take Notes in All Proceedings	580
7.3	Monitoring Interpreter Performance	580
7.4	Handling Interpreting Error	581
7.4.1	Self-Corrections of Interpreting Error	581
7.4.2	Objections to Interpretation	581
7.5	Seek Guidance from Interpreters as Language Access Specialists	582
7.5.1	Be Cautious about Seeking Expert Cultural Advice from Interpreters	582
7.5.2	Assist Interpreters to Stay within Their Scope of Practice	583
8.	Preliminary Instructions to Court Actors, Jury, Witnesses, and LEP Litigants Regarding the Use of Interpreters in Court	583
8.1	General Instructions to the Court Regarding the Role of the Interpreter	584
8.2	Instructions to the LEP Defendant Regarding the Role of the Interpreter	584
8.3	Instructions to Witnesses Regarding the Role of the Interpreter	585
8.4	Instructions for Jurors Regarding the Role of the Interpreter and Challenge to In-Court Interpretations	586
9.	Admitting Foreign Language Evidence: Documents, Recordings, and Transcription/Translations	587
9.1	Addressing Forensic Transcription/Translation Disputes	588
9.1.1	Best Judicial Practice in Addressing Transcription/Translation Disputes	589
9.1.2	Judicial Appointment of Independent FTT Specialist	589
9.2	Transcriptions/Translations as Best Evidence	590
9.3	Playing Foreign Language Recordings in Court	590
9.4	Jury Instructions for the Presentation of Transcription/Translations as Evidence	591
9.4.1	Accuracy of Transcription/Translation Not in Dispute	591
9.4.2	Accuracy of Transcription/Translation in Dispute	592
10.	Ethical Considerations	593
11.	Training on Interpretation Issues	593
12.	Interpreting Technology	594
Chapter 22 •	Attorneys' Guide to Working with Interpreters and LEP Litigants	595
1.	Introduction	595
2.	The Role of the Attorney	596
3.	The Attorney and the LEP Client	598
3.1	Attorneys Need to Inform LEP Clients about the U.S. Criminal Justice System	599
3.2	LEP Defendants Rely on Inapplicable Cultural Schema Regarding the U.S. Criminal Justice System	603

3.3 Attorneys Must Be Aware of Culturally Determined Tendencies and Behaviors among LEP Clients	604
3.3.1 Attorneys Should Modify Communication Style with LEP Clients and Monitor Comprehension	605
4. Attorneys Must Ensure the Provision of an Interpreter throughout the Continuum of the Legal Process	606
4.1 Legal Foundations for the Appointment of Interpreters	606
4.1.1 Protect the Linguistic Presence of the LEP Individual	607
4.2 Understand the Interpreter's Role as Language Intermediary	607
4.2.1 Become Familiar with Interpreter Codes of Ethics	607
4.2.2 Do Not Ask Interpreters to Perform Duties Outside of the Scope of Their Role as Interpreter	608
4.2.2.1 Do Not Rely on the Interpreter as an Expert in Areas That Require Expert Testimony Outside of Interpretation and Translation	608
4.2.3 Provide an Interpreter for LEP Persons throughout All Interactions with Clients as Well as for All Out-of-Court Events	609
4.2.4 Assess the Client's Need for an Interpreter	610
4.2.5 Determine the Client's Dominant Language and Language Variety	611
4.2.6 Assure the Interpreter's Neutrality and Confidentiality	612
4.2.7 Ensure that the Interpreter is Certified or Has Expert Interpreting Qualifications in the Language of the Client	612
4.2.8 Ensure that the Interpreter and Client Can Communicate and That the Interpreter Is Able to Effectively Interpret the Client's Language	613
4.2.9 Guarantee That an Interpreter Communicates Effectively in English	614
4.2.10 Ensure Interpreter Has Subject Matter Expertise	614
4.2.11 Be Cautious in the Selection of an Interpreter	614
4.2.12 Ensure Interpreters Are Provided the Ethical Canons from the Professional Entities Involved in the Case	615
4.2.13 Request That the Court Appoint an Interpreter Free of Charge	616
4.2.14 Petition for Preauthorization of Interpreter Fees for Out-of-Court Interpreter Use	616
4.2.15 Schedule the Interpreter Promptly	617
4.2.16 Use the Same Interpreter for all Client Visits Whenever Possible	617
4.2.17 Attorneys Should Not Serve as Interpreters	617
4.3 Attorney's Obligation to Explain the Role of an Interpreter to the LEP Client	618
4.3.1 Prepare the LEP Client for Working with an Interpreter in Court or in a Legal Setting	618
4.4 Attorney's Responsibilities in Working with an Interpreter	619
4.4.1 Assist the Interpreter to Prepare for Court Proceedings	619
4.4.2 Request That an Interpreter Prepare for Interpretation of Slang, Idiomatic Speech, Code, or Jargon of the Client	620
4.4.3 Adjust Speech for Ease of Interpreting	621
4.4.4 Ensure That an Interpreter Conveys Pragmatic Force	621
4.4.5 Uphold the Interpreter and Attorney-Client Privilege and Confidentiality	622

5. Preparation for Hearings and Trial	623
5.1 Attorneys Should Advise LEP Clients of Consular Rights	623
5.1.1 Failure to Utilize Consular Assistance May Amount to Ineffective Assistance of Counsel	625
5.2 Request the Translation of all Pertinent Documents to Which a Native English Speaker Would Have Access	626
5.3 Order an Independent Transcription/Translation of the Defendant's Statement	626
5.4 Request That all Proceedings Be Recorded	626
5.5 Request a Bicultural/Bilingual Expert for All Evaluations	627
5.5.1 Obtain an Independent Psychological or Other Expert Evaluation	627
5.6 Jury Considerations	629
5.7 Specific Arguments Regarding Custodial Interrogation, Miranda, and Consent Searches	630
5.7.1 Custodial Interrogations and Consent Searches	630
5.7.2 Challenges to Miranda Waivers	632
6. Steps for Attorneys at Hearings and Trial	633
6.1 Request That Interpreter Qualifications Be Enumerated on the Record	633
6.2 Ensure That the Interpreter Was Administered the Statutorily Required Oath	633
6.3 Request Team Interpreting	634
6.3.1 Request an Interpreter for Counsel Table	634
6.4 Request a Standby Interpreter	634
6.5 Ensure the Client's Right to an Appeal by Properly Making a Record	635
6.6 Monitor the Interpreter's Performance in Court and All Other Legal Events	635
6.6.1 Types of Interpreter Errors	636
6.7 Document Request for the Interpreter and All Concerns Regarding Professional Relationship with the Interpreter	637
6.8 Educate the Judge and Jury about Important Cross-Cultural Communication Issues That May Interfere with Judging Credibility or Trustworthiness	637
7. Conclusion	638

Unit 5

Management of Court Interpreter Services

Chapter 23 • Management, Recruitment, and Assessment of Interpreters	641
1. Need for Establishment of the Office of Court Interpreting Services and the Interpreter Supervisor	641
2. Model Office of Court Interpreter Services	641
3. Ideal Interpreter Supervisor	642
3.1 Desirable Personal Characteristics	643
3.2 Assignment and Supervisory Functions	643
3.3 Recruitment	644
3.3.1 The Recruitment Process	644
3.3.2 Certified Interpreters	644
3.3.3 Noncertified Languages	646
4. Assessment Procedures	651
4.1 Interview	652

4.2 Biographical Sketch	653
4.3 Standardized Written Proficiency Examinations	653
4.4 Shadowing	654
4.5 Memory Test	655
4.6 Back-Translation Technique	656
4.6.1 Procedure	657
4.6.2 Scoring	658
4.7 Other Assessment Possibilities	658
Chapter 24 • Orientation, Training, and Monitoring of Interpreters	659
1. Orientation of New Interpreters	659
1.1 General Orientation Procedure	660
1.2 Emergency Orientation Procedure	661
2. Short-Term and Inservice Training	662
3. Long-Term Training	664
4. Monitoring of Interpreters	665
Chapter 25 • Administrative Issues	669
1. Assignment Procedures	669
1.1 Availability Problems	671
1.2 Emergency Assignments	671
1.3 Management of Translation Services	672
2. Records and Statistical Reporting	674
2.1 Interpreter Assignments Database	674
2.2 Electronic Calendars	674
2.3 Invoices or Payroll Claims	675
3. Fee Schedules	675
3.1 Comparison of Fees	678
3.2 Pay Rates and Studies	679
3.3 Staff Interpreter Benefits	682
4. Management of Multidefendant Hearings	683
5. Practical Aspects of Language Access to the Courts	685
5.1 The Physical Layout of the Court	685
5.2 Tracking Requests for Accommodations and Interpreted Court Proceedings	686
5.3 “Who’s Who in Court”	686
5.4 The Role of the Court Interpreter	686
5.5 Interpreter’s Oath	687
Unit 6	
Language and the Interpreter	
Chapter 26 • The Nature of Language	691
1. The Structure of Language	692
1.1 Phonology	693
1.2 Morphology	694
1.2.1 Morphology and the Creation of New Words	695
1.3 Syntax	696
1.3.1 Universal Grammar	699

1.4 Semantics	699
2. Language Acquisition	700
2.1 Stages of Childhood Language Acquisition	701
2.2 Second Language Acquisition	701
2.2.1 Bilingualism	702
3. Sociolinguistics	703
3.1 Dell Hymes' SPEAKING Model	704
3.1.1 The SPEAKING Model Applied to a Custodial Interrogation of an LEP Suspect	704
3.2 Intercultural Communication	706
4. Sociolinguistic Variables That Impact Language Proficiency	708
4.1 Basic Interpersonal Communication Skills and Cognitive Academic Language Proficiency (BICS and CALP)	708
4.2 Age of Arrival in the U.S.	710
4.3 Occupation (Nonlanguage-Dependent Labor versus Language-Dependent Labor)	710
4.4 Educational Attainment	711
4.5 Masking Language Deficiency: "Linguistic Bravado"	712
4.6 Codeswitching	712
4.6.1 Codeswitching and Language Proficiency	713
5. Defining and Assessing Language Proficiency	714
5.1 Communicative Competence Model	715
5.1.1 Grammatical Competence	715
5.1.2 Discourse Competence	716
5.1.3 Sociocultural Competence	716
5.1.4 Strategic Competence	717
5.2 Measuring Language Proficiency in High-Stakes Situations	718
5.3 Oral Proficiency Instruments (OPIs) for Language Assessment	718
5.3.1 Oral Proficiency Scales: The Interagency Language Roundtable (ILR) and the American Council on the Teaching of Foreign Languages (ACTFL)	719
6. Forensic Linguistics	723
Chapter 27 • Aspects of Meaning	725
1. Language and Meaning	725
2. Linguistic Meaning	726
2.1 Nuances of Words	727
2.2 Grammatical Usage and Meaning	727
2.3 Lexical Variation and Meaning	729
2.3.1 Semantic Fields	731
2.4 Language Variation	732
2.4.1 Language Varieties and Interpretation	732
2.4.2 Speech Repertoire	734
2.5 Cultural Meaning	735
2.6 Culturally Bound Terms	736
3. Speaker Meaning	737
3.1 Metaphors	737
3.2 Idioms	738

3.2.1 The Interpreter and Idioms	739
3.3 Proverbs	740
3.4 Sarcasm and Irony	741
4. Speaker Meaning and Pragmatics	741
4.1 Speaker Meaning and Communicative Intent	742
4.2 The Importance of Context	744
5. Paralinguistic Features	745
5.1 Gestures	746
5.1.1 Learned Gestures	746
5.1.2 Instinctive Gestures	747
Chapter 28 • Characteristics of Legal Language	749
1. Introduction	749
2. History and Major Influences	752
2.1 Anglo-Saxon Oral Tradition and Language	753
2.2 The Catholic Church	753
2.3 The Norman Conquest	754
2.4 The Rise of the Guild	755
2.4.1 Reliance on Formbooks	755
2.4.2 Padding	755
Chapter 29 • Variation and Complexity of Legal Language	757
1. The Duke Project	758
2. The González Study	759
2.1 Register	759
2.1.1 Register Determinants	760
2.2 Complexity Study	762
2.2.1 Readability Assessment	762
2.2.2 Lexical Examination	763
2.2.3 Structural Study	764
2.2.4 Legal Expression	765
3. Implications for Court Interpreters	765
Chapter 30 • Questioning Styles, Witness Testimony, and the Court Interpreter	767
1. Introduction	767
2. Manipulating Testimony	767
3. Questioning Styles in the Courtroom	768
3.1 Testimony Styles: Narrative versus Fragmented Speech	768
3.2 Altering Questions and Responses in the Courtroom	769
3.2.1 Altering English Tag Questions	770
3.2.2 Altering English Modal Interrogatives	771
3.2.3 Altering English Discourse Markers	771
3.2.4 Altering Hedges and Fillers	772
3.3 Implications for Interpreters	773
4. Powerful versus Powerless Testimony	774
4.1 Language Functions and Powerful and Powerless Speech	774
4.2 Powerful and Powerless Testimony: Implications for Court Interpreters	775
4.3 The Berk-Seligson Study	775

Chapter 31 • Categories of Interpreter Error: The University of Arizona Study	779
1. Introduction	779
2. Error Categories	780
2.1 Literal Translation	780
2.2 Inadequate Language Proficiency	781
2.2.1 Grammatical Errors	781
2.2.2 Lexical Errors	782
2.3 Errors in Register Conservation	783
2.4 Distortion	784
2.5 Omission	785
2.6 Added Information	786
2.7 Protocol, Procedure, and Ethics	787
2.8 Nonconservation of Paralinguistic Elements, Hedges, and Fillers	788
3. Conclusion	788

Unit 7

Interpretation Theory and Practice

Chapter 32 • Translation and Interpretation	791
1. Chapter Overview	791
2. Definition of Terms	791
3. Oral Communication	793
3.1 Speaking Circuit	793
3.2 Oral Comprehension	795
4. Interlingual Communication	798
4.1 Interpreting Process	801
4.2 Obstacles to Interlingual Communication	803
4.2.1 Ambiguity	803
4.2.2 Different Semantic Area	804
4.2.3 Less Precision in TL	805
4.2.4 Different Perspectives	805
4.2.5 Idioms	806
4.2.6 Metaphors	807
4.2.7 Syntax and Style	807
5. Techniques for Problem Solving	808
6. Incremental Intervention	811
7. Conclusion	812
Chapter 33 • From Theory to Practice	813
1. Models of Translation and Interpreting	813
1.1 Triangular Models	813
1.2 Paralinguistic Models	815
1.3 Information Processing Models	815
1.4 The Effort Models	821
1.5 Application to Court Interpreting	822
2. Human Information Processing	823
2.1 Stage Theory	823
2.2 ACT Model	827
2.3 Parallel Distributive Processing	830

2.4 Constraints of ACT* and PDP	832
2.5 The Simultaneous Human Information Processing Model (SHIP)	832
2.5.1 Description of SHIP's Components	833
2.5.2 Levels of Competence	838
2.5.3 Assumptions of SHIP	839
2.5.4 Processing in SHIP	842
2.6 Information Processing Today	843
2.6.1. Component Processes of Interpreting	844
2.6.2 Multitasking and Interpreting	849
2.6.3 Processing Speed in Working Memory	850
3. Expert Performance: How Interpreters Succeed in Getting the Message Across	851
Chapter 34 • Simultaneous Interpretation	853
1. Definition	853
2. Simultaneous Interpreting in the Courtroom	854
3. Process of Simultaneous Interpretation	855
4. Strategies of SI	856
4.1 Analysis	857
4.2 Prediction or Anticipation	857
4.3 Numerical Information	859
4.4 Décalage	860
4.5 Queuing	861
4.6 Self-Monitoring	861
4.7 Graphic Depiction of SI Strategies	862
5. Implications for Training in SI	867
5.1 Dual-Tasking Exercises	868
5.2 Analysis Exercises	869
6. Running Summary	869
Chapter 35 • Consecutive Interpretation	871
1. Definition	871
2. Skills Required	872
2.1 Listening	872
2.2 Prediction	874
2.3 Memory	875
2.3.1 Strategies for Enhancing Retention	875
2.3.2 Forgetting	877
2.4 Notetaking	878
2.4.1 Interpreter Notetaking System	879
2.4.2 Techniques	880
2.4.3 Examples	880
2.4.4 Application to Court Interpreting	884
2.4.5 Principles of Notetaking for Court Interpreting	885
2.5 Situational Control	886
3. Exercises for Improving Skills	890
3.1 Exercises to Enhance Listening/Attending Skills	890
3.2 Memory-Building Exercises	891
Chapter 36 • Sight Translation	893
1. Definition	893

2. Elements of Sight Translation	894
2.1 Differences between ST and Other Modes of Interpreting	894
2.2 Conservation	895
2.3 Written Language	895
2.4 Reading Comprehension	895
2.5 Prediction	896
3. Need for More Research	896
4. Sight Translation in the Judicial Setting	897
4.1 English Documents	898
4.2 Non-English Documents	898
5. Skills Required	900
5.1 Full Command of Working Languages	901
5.2 Public Speaking	901
5.3 Mental Agility	901
6. Process of Sight Translation	902
7. Exercises	902
7.1 Public Speaking Exercises	903
7.2 Reading Ahead in Text	903
7.3 Analytical Skills	903
Chapter 37 • Document Translation	907
1. Translation of Court Documents	907
1.1 Professional Translation Standards	907
1.2 The Translation Process	908
2. Types of Documents	909
2.1 Vital Documents	909
3. Achieving DOJ “Meaningful Communication and Access” Standards	911
4. Other Translated Documents	915
5. Format	917
6. Resources	917
7. Translation Protocol	920
8. Certification and Notarization	921
Unit 8	
Practical Considerations and Tasks	
Chapter 38 • Introduction to the Courtroom and Legal Actors	925
1. The Physical Courtroom	925
2. The Legal Arena	926
2.1 Counsel Table	926
2.2 Jury Box	930
2.3 Witness Stand	931
2.4 Judge’s Bench	931
3. Lockup	932
4. Legal Actors	933
4.1 The Judge	933
4.2 Courtroom Clerk	933
4.3 Court Reporter	934
4.4 Bailiffs: Marshals, Sheriffs, and Other Officers of the Court	934
4.5 Defense and Prosecution Attorneys	934

4.6 The Jurors	936
4.7 The Witnesses	936
Chapter 39 • Pragmatics of Judicial Proceedings and the Interpreter	939
1. Initial Preparation	939
2. Information Gathering and Pretrial Preparation	940
2.1 The Need for Interpreters to Be Proactive: Gathering Information	940
2.2 Preparation as an Aspect of Ethics	941
2.2.1 Misunderstanding of the Interpreter's Need for Preparation	941
2.3 Importance of Punctuality	943
2.4 Interpreter Resources: The Use of Dictionaries and Glossaries in Court	943
2.5 Notetaking: An Essential Tool of the Interpreter	943
2.5.1 Notetaking during Grand Jury Proceedings	944
2.6 Prehearing Interview of a Defense Attorney for a Specific Case	944
2.6.1 Pretrial Language Assessment Interview of the Defendant	945
2.6.2 Importance of the Pretrial Language Assessment: Possible Outcomes	945
2.6.3 Explanation of the Role of the Interpreter and the Interpreting Process	948
2.7 Inquiring about Witnesses: Interviewing the Prosecutor	949
2.8 Recommending Team Interpreting	949
3. The Interpreter as Language Access Specialist	950
4. The Interpreter's Role in Criminal Proceedings	951
4.1 Jury Selection	951
4.2 Pretrial Motion	952
4.3 The Trial Phase	953
4.4 Opening Statement	953
4.5 English-Speaking Witness Examination	954
4.5.1 Defense Witness Cross-Examination	955
4.5.2 Communication between Interpreter and Defendant	955
4.5.3 Excusing the Witness	955
4.6 Examination of an LEP Witness	955
4.6.1 Interpreting Witness-Stand Testimony: Consecutive Mode	956
4.6.2 Professional Strictures Regarding Onsite Simultaneous Interpretation of a Sound File in Court	956
4.6.3 Interpreting for Nonproficient Speakers of a Foreign Language in Cases in Which Speaker Error Is Key to the Effective Use of Testimony by Legal Actors	957
4.7 Closing Argument	959
5. Instructions to the Jury	960
6. The Verdict	961
7. Sentencing	961
7.1 The Interpreter's Role at Sentencing	962
8. Communication with the Assignment Office	962
9. Responding to Challenges to Interpretation	963
10. Conclusion	963
Chapter 40 • Forensic Transcription and Translation	965
1. Introduction to Forensic Transcription and Translation	965
1.1 FTT: A Two-fold Process	966

1.2 FTT: A Developing Hybrid	967
1.3 Critical Need for Reliable FTT in Custodial and Noncustodial Interrogations	968
2. Poor Quality FTT Produced by Untrained, Noncertified Bilingual Personnel	971
2.1 Failure to Recognize the Duty to Preserve Source/Minority Language in the Transcript	976
2.2 Ethical and Legal Dilemmas Caused by the Lack of Standardization	977
3. Need for Legitimization of FTT as a Branch of Legal Interpretation and Translation	978
3.1 Hindrances to the Formal Recognition of FTT as a Subfield of Legal Interpretation	979
3.2 Need for Certification in FTT	980
3.3 Master-Level FTTS Certification	981
4. Model FTTS Work Examples	982
5. Legal Standards for the Admissibility of FTT Products	987
5.1 Rule 901(a) Authentication	987
5.2 Audibility and Intelligibility of the Recording	987
5.3 Rule 702 Admissibility of Expert Testimony	988
5.3.1 Required Qualifications for FTTSs to Serve as Expert Witnesses	988
5.3.2 Establishing the Use of Empirically Sound Linguistic Methods in Producing the FTT Product	989
5.3.3 Responding to Cross-Examination	989
5.4 Disputes Regarding Accuracy of Transcription/Translations	990
5.5 Special Circumstances: Translation of Argot, Foreign Drug, or Gang Codes	990
6. Professional and Ethical Standards of FTT	991
6.1 Overarching Responsibility of the FTTS	991
6.2 FTT Transcription Goal: Meaningful Legal Equivalence (Mirror the Tape)	991
6.3 FTT Translation Goals	992
6.3.1 Meaningful Legal Equivalence: "Mirror the Transcription"	992
6.3.2 Conservation of Speaker Error and Nonstandard Usage	992
7. Required Knowledge, Skills, and Training for FTT	993
7.1 Primary Skills for the FTTS: Language Proficiency, Cultural, and Linguistic Knowledge	994
7.1.1 Master-Level FTTS	995
7.2 Required Secondary Skills for the FTTS: Perception, Cognitive Abilities, and Personal Traits	996
7.3 Recommended Training for FTT Certification	997
7.4 Master-Level FTTS Recommended Training and Credentials	997
8. Recommended Protocol for Forensic Transcription and Translation	999
8.1 Preliminary Steps	1000
8.1.1 Ethical Obligations in Accepting or Declining an Assignment	1001
8.1.2 Extraordinary Circumstances and Ethical Considerations	1001
8.1.3 Assessing the Scope of Work	1002
8.1.4 Listening to/Viewing the Recording	1002
8.1.5 Using a Team Approach	1002
8.1.6 Estimates and Costs	1003
8.1.7 FTT Work Requiring FTT Master-Level Expert Analysis and Testimony	1004

8.1.8	Accepting the Assignment	1005
8.2	Phase 1 of the FTT Process: Transcription	1006
8.2.1	Preparing for the Transcription Process	1006
8.2.2	Transcribing Audio/Video Recordings	1008
8.3	Phase 2 of the FTT Process: Translation	1022
8.3.1	Preparing for Translation	1023
8.3.2	Performing the Translation	1025
8.3.3	FTTS Notes	1034
8.4	Phase 3 of the FTT Process: Final Product	1034
8.4.1	Expect to Defend the Forensic Transcription and Translation in Court	1035
8.4.2	Model Transcription/Translation Document: Formatting and Application of Protocol and Legend	1035
8.4.3	FTT Introductory Briefing	1036
8.4.4	Certification of the Transcription/Translation	1037
8.4.5	Need for Reform in the Court Certification Process of FTT Documents	1038
9.	Recommended Forensic Transcription/Translation Legend	1039
10.	Policy Recommendations for the Professionalization of FTT Practice and Regulation	1041
Chapter 41 • Using Language Resources and References		1043
1.	Printed Resources	1043
1.1	Locating Reference Books and Materials	1043
1.2	How to Use Dictionaries	1044
1.3	The Media	1046
2.	The Internet	1047
2.1	Internet Search Strategies	1048
2.2	Online Dictionaries and Resources	1049
3.	Human Resources as Language References	1050
3.1	Use of the Witness as a Language Resource	1051
3.2	Attending Court Proceedings	1051
3.3	Conferring with Colleagues	1052
3.4	Contacting Experts	1053
4.	Glossaries	1054
4.1	Need for Personal Glossaries	1054
4.2	Terminology Defined	1054
4.3	Compiling Glossaries	1055
Chapter 42 • Technology and the Interpreter		1059
1.	High Technology (Tech) in Court Interpreting	1059
1.1	High Tech Courtrooms	1059
1.1.1	Computer Applications	1061
1.1.2	Evidence Presentation Component	1061
1.1.3	Display Monitors, Whiteboards, Screens, and Courtroom Cameras	1061
1.1.4	Videoconferencing Component	1062
1.1.5	Teleconferencing	1062
1.1.6	Assistive Listening Devices and Interpreter Audio Equipment	1063

1.1.7 Radio Frequency versus IR Systems	1063
1.1.8 Digital Court Recordings	1064
1.2 Telephonic Interpreting in Federal Courts	1064
1.3 Federal Law and the Recording of Court Proceedings	1065
1.4 Case Management and Related Technology	1066
1.5 Technology in the State Courts	1067
1.6 Remote Testimony	1068
1.7 Electronic Discovery	1070
2. Technology for the Legal Interpreter and Translator	1070
2.1 In-Court Simultaneous Interpreting Equipment	1071
2.2 Real-Time Court Reporting Transcripts	1073
2.3 Overhead Projection of Documents and Other Exhibits	1073
2.4 In-Court Use of Online and Electronic Dictionaries and Other Reference Works	1074
2.4.1 In-Court Use of Handheld Electronic Dictionaries	1074
2.4.2 In-Court Mobile Internet Access	1074
3. In-Office Technological Aids for the Interpreter and Translator	1075
3.1 Personal Computers	1075
3.1.1 The Keyboard	1076
3.1.2 The Scanner	1076
3.1.3 The Display	1076
3.1.4 The Microphone	1077
3.2 Computer-Assisted Translation Tools	1077
3.3 Optical Character Recognition Systems in Translation	1078
3.4 Speech Recognition Applications	1078
3.5 Localization	1080
3.6 Translator and Interpreter Internet Communities	1081
4. Use of Technology to Aid Forensic Transcription/Translation	1081
5. Conclusion	1082
Chapter 43 • Remote Interpreting: Telephonic and Videoconferencing	1083
1. History of Remote Interpreting	1083
2. Video Remote Interpreting	1084
3. Research on Remote Interpreting	1085
4. Attitudes Towards Remote Interpreting	1087
5. Guidelines for Remote Interpreting in Judiciary Settings	1089
6. Conclusion	1090
Unit 9	
Professional Issues	
Chapter 44 • Ethics and Professional Conduct	1093
1. Code of Ethics	1093
1.1 Canon 1: The Interpreter Shall Render a Complete and Accurate Interpretation	1096
1.1.1 Complete Interpretation	1097
1.1.2 Embellishments, Clarifications, Editing	1099
1.1.3 Nonverbal Communication	1100
1.1.4 Duty to Protect the Record	1105

1.1.5	Guessing	1114
1.1.6	Response to Challenges	1114
1.1.7	Duty to Witness	1115
1.2	Canon 2: The Interpreter Shall Remain Impartial	1115
1.2.1	Role of the Interpreter	1116
1.2.2	Appearance of Neutrality	1116
1.2.3	Conflict of Interest	1117
1.2.4	Unobtrusiveness	1118
1.2.5	Detachment	1119
1.2.6	Gratuities	1119
1.2.7	Personal Emotions	1120
1.3	Canon 3: The Interpreter Shall Maintain Confidentiality	1120
1.3.1	The Public and the Media	1121
1.3.2	“Off-the-Record” Remarks	1121
1.4	Canon 4: The Interpreter Shall Confine Herself to the Role of Interpreting	1122
1.4.1	Legal Advice	1122
1.4.2	Clerical Work	1124
1.4.3	Cultural Expertise	1124
1.4.4	Instructions to Parties	1125
1.4.5	Other Problems	1126
1.5	Canon 5: The Interpreter Shall Be Prepared for Any Type of Proceeding or Case	1127
1.5.1	Continuing Education	1128
1.5.2	Technical Terminology	1128
1.5.3	Jury Instructions	1128
1.5.4	Familiarity with the Case	1129
1.5.5	Pre-Testimony Interview	1129
1.5.6	Disqualification	1130
1.6	Canon 6: The Interpreter Shall Ensure That the Duties of Her Office Are Carried Out under Working Conditions That Are in the Best Interest of the Court	1130
1.6.1	Periodic Breaks	1131
1.6.2	Team Interpreting	1131
1.6.3	Workload	1132
1.6.4	Audibility	1132
1.6.5	Position	1132
1.6.6	Special Equipment	1133
1.7	Canon 7: The Interpreter Shall Be Familiar with and Adhere to All of These Ethical Standards, and Shall Maintain High Standards of Personal and Professional Conduct to Promote Public Confidence in the Administration of Justice	1133
1.7.1	Candor with the Tribunal	1133
1.7.2	Personal Conduct	1133
1.7.3	Fiscal Propriety	1134
1.7.4	Upholding the Public Trust	1134
1.8	Handling Ethical Dilemmas: The Postville Raid	1134
2.	Professional Conduct	1138
2.1	Professional Attitude	1138

2.1.1	Awareness of Role	1138
2.1.2	Relations with Colleagues	1139
2.1.3	Role of the Professional Organization	1139
2.1.4	Court Interpreting and Translating Organizations	1141
2.2	Continuing Education	1142
2.2.1	Support from Court Administration	1142
2.2.2	Informal Educational Activities	1143
Chapter 45 • Interpreter Education		1145
1.	History of Court Interpreter Training	1145
2.	Evaluation of Training Programs	1148
3.	Interpreter Training Outside the United States	1149
4.	Distance Education for Interpreters	1150
4.1.	Evolution of Distance Education	1150
4.2.	Online Interpreter Programs	1153
5.	Conclusion	1157
Chapter 46 • Federal Certification		1159
1.	Introduction	1159
2.	Initial Development	1160
3.	The Written Exam	1162
3.1	Equating Studies for the Written Examination	1162
3.2	Changes in the Written Exam	1163
3.2.1	Changes to the Written Examination after 2000	1164
3.2.2	Change in Pass Score Criterion for the Written Examination	1165
3.2.3	Change in Length of the Written Examination	1166
4.	The Oral Examination	1166
4.1	Assessment: Objective and Subjective	1168
4.2	Cut-Off Score	1169
4.3	Standardization of Administration	1169
4.4	Equating Studies and Trend Analyses of the Oral Examination	1170
4.5	Results of the Federal Certification Examinations: 1980–1999	1170
4.6	Changes in the Oral Exam	1171
4.7	Results of the Federal Court Certification Examination: 2000–2009	1172
5.	Federal Certification Efforts for Languages Other Than Spanish	1173
5.1	Navajo	1173
5.2	Haitian Creole	1175
5.3	Certification and Otherwise Qualified Status for Languages Other Than Spanish	1176
6.	Implications	1177
7.	Conclusion	1179
Chapter 47 • State Certification		1181
1.	Consortium for Language Access in the Courts Interpreter Certification	1183
1.1	Consortium Certification Testing	1184
1.1.1	Consortium Written Examination	1184
1.1.2	Consortium Oral Court Interpreter Performance Examinations	1186
1.2	Reciprocity between Consortium States	1191
2.	New York Unified Court System Interpreter Certification	1192

3. National Association of Judiciary Interpreters and Translators (NAJIT) Certification	1194
4. Other Notable Court Interpreter Certifications	1196
4.1 New Mexico/Arizona Navajo Court Interpreter Certification	1196
4.2 California Court Interpreter Certification	1198
4.2.1 California Court Interpreter Certification Oral Performance Examination (pre-2010)	1199
4.2.2 California Administrative Hearing and Medical-Legal Interpreter Certification	1200
4.3 University of Arizona Court Interpreter Certificate of Proficiency (CICP)	1201
4.3.1 University of Arizona Municipal Court Interpreter Oral Assessment (MCIOA)	1202
4.4 American Translators Association Certification Examination	1203
5. State Criteria for Interpreters of Languages for Which There Is No Certification	1204
6. Problems with Certification Testing Combining Multiple Constructs	1205
7. Certification Model for State Courts and Other Public and Private Organizations	1206
Unit 10	
Conclusion	
Chapter 48 • A Look to the Future	1211
1. Legal Issues	1211
1.1 Adopting a Court-Centered Model with Team Interpreting	1212
1.1.1 Multiple-Defendant Cases	1212
1.1.2 False Dichotomy Between Defense and Prosecution Interpreters	1212
1.1.3 Erroneous Bifurcation of Defense Interpreting into Defense and Proceedings Functions	1213
1.1.4 Best Practice: The Court-Centered Model with Team Interpreting	1214
1.2 “English-Only” Movement and Other Threats to Language Access	1214
1.3 Malpractice	1215
2. Professional Issues	1216
2.1 Recertification: Arguments For and Against	1216
2.1.1 Alternatives to Recertification	1217
2.2 Certification of Legal Translators	1219
2.3 Certification of Forensic Transcription and Translation Specialists	1220
2.4 Translation Memory Software and Interpretation	1221
2.5 The Role of Professional Organizations	1222
2.5.1 Need for Client Education and Raising Public Awareness	1222
2.5.2 Internal Monitoring of Interpreter Professional Practices	1222
2.5.3 Developing Competence in Smaller and Rural Courts	1223
2.5.4 Training the Next Generation of Leaders	1223
2.5.5 Improving Interpreter Competence in Ancillary Services	1223
2.6 The Multidisciplinary Interpreter	1224
2.7 Developing a Pool of Court Interpreters	1225

2.7.1 Fostering Heritage Language Development	1226
3. Interpreting in Other Sectors	1229
3.1 Immigration	1229
3.2 Administrative Agencies	1230
3.3 Healthcare	1230
4. Bilingual Personnel in Government Agencies	1231
4.1 Title VI and Government Bilingual Services	1233
5. Joint Efforts for Standardization, Training, and Testing	1234
6. Call for Research	1236
7. Conclusion	1237
Appendix A • The Court Interpreters Act of 1978	1239
Appendix B • Interim Regulations for Federal Court Interpreters	1247
Appendix C • The Court Interpreter Amendments Act of 1988	1255
Appendix D • <i>Seltzer v. Foley</i> (1980) Opinion	1259
Appendix E • Executive Order 13166	1269
Appendix F1 • Memorandum of Understanding between the United States of America and the State of Maine Judicial Branch	1275
Appendix F2 • Letter from Merrily A. Friedlander, Chief of the Department of Justice Civil Rights Division, Coordination and Review Section, to Lilia G. Judson, Executive Director of the Indiana Supreme Court	1281
Appendix F3 • Letter from Thomas E. Perez, Assistant Attorney General to Chief Justice/State Court Administrator	1283
Appendix F4 • Memorandum of Agreement between the United States of America and the Colorado Judicial Department	1287
Appendix F5 • Executive Summary, Revisions to CJD 06-03, Effective 7-1-11 Directive Concerning Language Interpreters and Access to the Courts by Persons with Limited English Proficiency	1293
Appendix F6 • Chief Justice Directive 06-03. Directive Concerning Language Interpreters and Access to the Courts by Persons with Limited English Proficiency	1295
Appendix G • Code of Professional Responsibility of the Official Interpreters of the United States Courts	1303
Appendix H1 • Model Code of Professional Responsibility for Interpreters in the Judiciary	1305
Appendix H2 • Rule 2.890 Professional Conduct for Interpreters 2012 California Rules of Court	1313
Appendix H3 • NAJIT Code of Ethics and Professional Responsibilities	1315
Appendix H4 • Model Code of Professional Conduct for Interpreters, Transliterated, and Translators	1317

Appendix I • Model Ethics Code for Judicial Employees	1321
Appendix J • Directory of Translating and Interpreting Professional Organizations, Certifying Bodies, and Federal and State Administrative and Testing Programs	1325
Appendix K • Declaration of Roseann Dueñas González, Avena and Other Mexican Nationals (Mexico v. United States of America)	1331
Appendix L1 • Model General Jurisdiction Court Language Access Plan	1341
Appendix L2 • Model Limited Jurisdiction Court Language Access Plan	1347
Appendix L3 • Model Team Interpreting Policy	1353
Appendix L4 • Model Request for Case Preparation Materials in an Interpreted Case	1355
Bibliography	1357
Cases Cited	1487
Index of Cases Cited	1495
Index of Names	1499
Index of Subjects	1507
About the Authors and Consultants	1531