



Wisconsin Court Interpreter Program (CIP) Newsletter

Spring/Summer 2017

www.wicourts.gov/services/interpreter/index.htm

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2017 CIP Calendar

Interpreter Committee
Fall Meeting

Oct 27 (Madison)

Orientalions

Jun 24-25 (Wis Rapids)

Sep 23-24 (Madison)

Written Test

Jul 20 (Wis Rapids)

Oct 20 (Madison)

Oral Test (Madison)

Nov 28-29

Interpreter Forms & Other Resources

Forms

www.wicourts.gov/services/interpreter/forms.htm

Team Interpreting Guide

www.wicourts.gov/services/interpreter/docs/inhandbook.pdf

Legal Glossaries

<https://www.wicourts.gov/services/interpreter/glossaries.htm>

Related Links

National Association of
Judiciary Interpreters and
Translators (NAJIT)
www.najit.org

American Translators
Association (ATA)
www.atanet.org

Registry of Interpreters for

Video & Audio Taped Recordings - Imagine this Scenario:

You've been asked to interpret for a defendant in Branch X. You show up for your assignment and the clerk calls the case. You begin interpreting for the LEP defendant at counsel table. All of a sudden the prosecution says they have an audio recording of a conversation in a non-English language they'd like to submit to the court as evidence. The defense attorney makes no objection. In order to save time, the judge turns to you and says, "Madame/Mr. Interpreter, would you be able to interpret this recording for the court while we play it?" You aren't aware of the content or the quality because you haven't had an opportunity to listen to the recording prior to this moment. What do you do?

From an informal survey of interpreters around the state conducted in March of this year, responses showed the responses vary within the profession. When placed in this situation, about half of the interpreters have agreed to perform the interpretation while the other half have declined. One interpreter who was working as part of a team refused the request while the teammate accepted it. Of those interpreters who accepted the request, one individual listened to the tape briefly, attempted to do the job, and then realized the quality was so poor, he/she was unable to complete the task. The different responses suggest guidance may be in order. In a 2006 NAJIT Position Paper entitled, "**Onsite Simultaneous Interpretation of an Audio Recording is Not Recommended**," the authors write, "*The quality of in-court interpretation of a sound file will almost always fall short of the evidentiary standards that must be met, due to the lack of time, technology, and resources required by the practitioner to perform the task correctly.*" On-the-spot simultaneous interpreting of an audio file usually turns out to be an unworkable task that results in more wasted time. Audio recordings are often of poor quality consisting of inaudible portions that will require the court to stop, start, and rewind while the interpreter struggles to decipher what is being said. Even if a recording is crystal-clear, the recommended practice is to produce a transcript and translation of the non-English portions. A transcript and translation is a necessary element in "*processing sound that may not be readily accessible to the unassisted ear of jurors, the parties, and the Court*" according to the authors.

While it may not be easy for an interpreter to decline a request made by the court, interpreters should refrain from attempting an on-the-spot interpretation. The authors further remind readers, "*The interpreter's oath mandates faithfulness and accuracy to the best of the interpreter's ability. The interpreter should make it clear to all parties that an immediate rendition of the material in question will likely fail to meet the high standards set forth by that oath.*" On the flip side, our office needs to do a better job of educating judges and attorneys on the repercussions of this request and advise them to simply not ask interpreters to do it.

Continuing Education (CE) Update

Certified and other rostered interpreters who failed to submit their Continuing Education Compliance Report Forms to the CIP by April 1, 2017 have been given a 120-day grace period to complete their credits and submit proof of compliance by August 1. During this period, however, non-compliant interpreters have been removed from the roster. This suspension also means they no longer appear on the internal CCAP calendaring system that many counties now use which has affected local scheduling practices. Interpreters should be reminded that non-compliance with CIP

the Deaf (RID)
www.rid.org

Midwest Association of
Interpreters and
Translators (MATI)
www.matianet.org

Upper Midwest Translators
& Interpreters (UMTIA)
www.umtia.cloverpad.org

Wisconsin RID
www.wisrid.org

Chicago Area of
Interpreters and
Translators Association
(CHICATA)
www.chicata.org

InterpretAmerica
www.interpretamerica.net

National Center for State
Courts
www.ncsc.org

2017 Annual Conferences

Jul 20-24: RID Lead
Together Conference
Salt Lake City, UT

Oct 25-28: ATA
Washington, DC

Blogs, Newsletters & Other Tidbits

NAJIT
najit.org/blog/

Intersect
www.cultureandlanguage.net

The ATA's Chronicle
www.atanet.org/chronicle

NAJIT's Proteus
www.najit.org/publications/proteus.php

Interpreters USA
www.interpretersusa.org

Online Training
Interpreter Ed Online
<http://site.interpretereducationonline.com/>

American Pie Seminars
<http://americanpieseminar.wixsite.com/pieseminars>

Policies and Procedures, including CE requirements, is grounds for discipline. Interpreters who do not submit their reporting form to the CIP by the August deadline could find their certification in jeopardy. Failure to meet this second deadline will result in an automatic referral to the Character and Fitness Sub-Committee and will be treated as an ethical violation.

Meet Eric Rohland: Certified Spanish Interpreter



I started working as a Spanish Medical Interpreter after studying abroad in Valladolid, Spain in 2009. Looking back--aside from great professors and the opportunity to study abroad-- having a background in music has been very useful for interpreting and translating skills. Some of the more skilled interpreters I know also play instruments; I have no doubt that this talent is very beneficial in developing a non-verbal sense of timing, entrances and exits in a conversation, and paying attention to multiple lines of communication. In many ways, simultaneous interpreting is similar to playing a melody while listening to a chord section.

Once I was able to begin applying these skills in medical interpreting, I became interested in court interpreting soon after. I observed, worked while in Provisional status, and then became fully certified as a Court Interpreter in July of 2016. I also do some translation work as well as conference, lecture, and community interpreting. I gained a lot of insight into the court system through the NWTC Paralegal Certificate Program, in particular via the mock trial in this program. We are also lucky enough to have great volunteer opportunities here in Madison for immigration law, which tends to find its way into family, criminal, and many other areas of law we see in court. I enjoy the challenge of interpreting and the endless range of things you can study and learn that may come up unexpectedly in court.

State v. Webster (No. 2016AP225-CR)

In *State v. Webster*, the defendant appealed her conviction on the grounds that the Shawano County Circuit Court erred in not granting her motion to disqualify the interpreter and strike the victim's testimony for inaccuracies by the interpreter; and for failing to qualify the interpreter as an expert witness. The alleged misinterpretations cited by the defendant occurred during the Spanish-speaking victim's interpreted testimony and involved: 1) the "defendant's daughter" versus the "son-in-law's daughter" when describing who had come to the store on previous occasions; 2) "ears" instead of "eyes" when describing what could be seen through the robber's face mask while gesturing to her eyes; and 3) "S" instead of "Z" when she spelled her surname. In an unpublished November 2016 decision, the Court of Appeals rejected Webster's arguments and affirmed the circuit court. The defendant argued that SCR 63.01 Accuracy and Completeness requires the court to disqualify the interpreter if there are **any** mistakes in the interpretation and to strike the interpreted testimony. The higher court disagreed and said SCR 63.01 does not require an "error-free translation" but rather for the interpreter to "apply their best skills and judgment to preserve as faithfully as is reasonably possible and without editing...the meaning of what is said..." The court relied upon the standard in *State v. Besso* 72 Wis.2d 335 (1976) when an interpreter's performance is challenged which says, "Although a [circuit] court has the duty to choose the most competent and the least biased person available, the defendant must show that some injustice has resulted because of the appointment of the interpreter." *Besso* at 343. It said Webster failed to show the errors, whether taken together or individually, were sufficiently prejudicial to warrant her relief. The court agreed that state law requires the judge to qualify the interpreter as an expert witness under §906.04. However, the court's failure to do so in the instant case did not mandate reversal because the interpreter's qualifications were never challenged.