

Fundamentals of Court Interpretation

Fundamentals of Court Interpretation

Theory, Policy, and Practice

SECOND EDITION

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With deepest gratitude for 30 years of sincere commitment to social justice through language access, for the visionary and generous sponsorship of interpreter training research, materials, programs, and for the research and editing of the 1991 and 2012 editions of *Fundamentals*.

A Legacy of Justice



We honor you and salute you
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2012

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Introductory Note

A good many years ago I participated in a trial in which a Japanese American couple sought the return of shares of stock in a family business that had been seized by the Alien Property Custodian during World War II (*Nagano v. McGrath*, 1951). When Mrs. Nagano, who did not speak English, was asked an important question about the conduct of the business, she made a response in her native language that lasted for well over a minute. The interpreter then said: “Her answer is ‘No.’” That brief episode illustrates the importance of the issues identified and discussed in Professor González and her colleagues’ scholarly treatise. The value of appropriate language services in ensuring equal access to courts cannot be overstated. Only through qualified interpreters can limited- and non-English speakers hear and be heard and triers of fact make informed determinations.

John Paul Stevens
Associate Justice (retired), United States Supreme Court
March 2012

Foreword

As a federally certified interpreter and researcher who has extensively studied bilingualism and the status of language minority individuals in the U.S. from a linguistic, sociolinguistic, educational, and policy perspective as well as interpreting as a psycholinguistic and intellectual construct, I am struck by the poignancy of Justice Stevens’ anecdote. It is richly significant in that it encapsulates the myriad issues surrounding language in our society and the profound and continuing need to ensure equal access for language minorities to key cultural institutions and services through the provision of competent interpretation and translation services. Moreover, the case is a painful reminder of historical intolerance which continues in various forms today towards persons of different ethnicities, races, and national origins. This legal action involves the seizure of a Japanese American couple’s property during the internment of Japanese Americans in the United States during World War II. When the couple sought to regain their rightful property, a U.S. district court in Illinois dismissed the action. The Seventh Circuit Court of Appeals reversed and remanded the case, finding that Mrs. Nagano was “entitled to the right to just compensation for the requisitioning of her property” (*Nagano v. McGrath*, 1951, p. 51).

Because access to the legal system is at the core of the American ideals of fairness, equality, and justice, there is no more important right than to seek redress for injustices or to defend one's self against criminal accusations. As of 2012, more than 24.4 million people in the United States—because of their national origin and life circumstances—are unable to speak or understand English at the level required to knowingly or intelligently participate in court proceedings or to utilize court services (U.S. Census 2010b). Without appropriate language services, these persons are denied their fundamental right to due process, to invoke their right against self-incrimination, to assist in their own defense, and to confront their accusers. In civil matters, without competent interpreters, limited- and non-English-speaking persons (LEP) are obstructed from utilizing court services to care for and protect their families and themselves and resolve everyday problems such as employment, benefits, or property. They are stripped of the opportunity to govern their lives. Yet interpretation is still not guaranteed in many state and local courts, in critical ancillary settings outside of court, administrative law courts, and in custodial interrogations, where the evidence produced is determinative of an individual's entire legal case.

In these consequential settings, interpreters whose skills have not been validly assessed and who have not received adequate professional, ethical training continue to be used, causing defendants and legal actors alike to falsely rely on distorted information at the expense of justice. Only through the consistent provision of professional, impartial interpreters who possess the superior language proficiency and rigorous interpreting skills required in legal settings can the integrity of the legal process be upheld and the rights of LEP speakers protected. The legal setting requires a highly skilled bilingual who can perform the extraordinarily complex information-processing, instantaneous problem-solving, and decisionmaking tasks demanded by court interpretation. While much has been done through judicial and legislative actions, the provision of competent, certified interpretation/translation services throughout the continuum of the legal process and for all court services in courts at all levels still remains one of the greatest challenges of the 21st century.

Thus, it is my privilege to commend the 2012 edition of *Fundamentals of Interpretation: Theory, Policy, and Practice* to interpreters, judges, attorneys, and other key and ancillary legal actors (e.g., psychologists and other experts, mitigation specialists, and paralegals); agency administrators charged with the implementation of language access plans; scholars of translation and interpretation, the law, psychology, sociology, and criminal justice, as well as researchers interested in language in the legal setting, from a sociolinguistic, discourse, or policy point of view. The first edition of *Fundamentals* is a seminal work, as it accomplished the formidable task of defining and shaping the field of court interpretation. It is relied upon by legal and interpreting scholars as foundational and is the most cited work on the subject of court interpretation in major scholarly articles, books, and government and other reports.

This definitive work promulgated standards of interpreter practice that not only safeguarded the access rights of defendants and litigants, but also enabled legal actors and triers of fact to understand and effectively communicate with LEP individuals, and thus make just decisions. The 2012 edition refines and expands these standards, incorporating lessons learned to announce best practices, revealing new empirical data, and offering a brief review of case law that demonstrates the continuing problems resulting from the use of inadequate interpreter services as well as erroneous judicial and attorney practices in the treatment of LEP litigants. Based on these empirical foundations, the current volume presents a comprehensive view of the field of court interpretation and advances

protocols, policies, and practices for interpreters, judges, attorneys, and other legal actors to effectively provide, utilize, manage, and integrate language services in the courts.

Most importantly, the 2012 edition of *Fundamentals* examines societal misunderstandings that obstruct the provision of language accommodations, including the nature of bilingualism, language proficiency, and cross-cultural communication barriers. Four new chapters for judges and lawyers and a comprehensive chapter on language with a focus on factors influencing language proficiency provide clear recommendations that will go far in improving the assessment of the need for and assignment of interpreters. These chapters clearly enunciate and explain the need for courts to comprehend the language proficiency required of an LEP individual to stand trial without the aid of an interpreter. It is imperative for legal actors to recognize the fundamental difference between conversational English and the advanced language proficiency demanded to navigate the highly inaccessible and complex register of courtroom English. Too often, courts assume that a person who displays an iota of bilingualism or asserts “bilingual” capability can speak and understand English at the advanced level of proficiency and legal competency needed to defend his rights. These assumptions greatly interfere with the equitable administration of justice, as many LEP individuals are routinely denied interpreter services based on a perfunctory “yes/no” inquiry or as a result of an uninformed conclusion that the LEP individual possesses “enough” English.

As many scholars assert, the label “bilingual” is in itself a meaningless construct until the proficiency of each language is established. Bilingualism is a measure of the degree of proficiency in two separate languages. However, the fallacious assumption that “bilingual” means equal native-like proficiency in both languages is universal, and it is not surprising that courts have had difficulty in ascertaining the need for interpreters. But it is profoundly harmful to millions of individuals for courts to continue to make the life-altering decision to provide or withhold interpreting services on the basis of an invalid presumption. It must be recognized by the courts that for many circumstantial bilinguals, codeswitching is the primary form of communication and that, depending on the topic of conversation, one language may be required over the other for most effective understanding and production. I am delighted to see that *Fundamentals* identifies proficiency issues, speech styles, and conditions associated with bilingual status and makes nuanced recommendations to judges and attorneys regarding interpreter need, use, and practice standards. Moreover, it emphasizes the extent to which LEP persons’ cultural schema and lack of knowledge of the U.S. criminal justice system interfere with their understanding of the legal context, which all legal actors should take into account in their interactions with these populations. The sociolinguistic information that González, Vásquez and Mikkelsen provide is indispensable to interpreters, attorneys, and particularly to judges who are the ultimate guarantors of equal access.

Moreover, the 2012 edition delineates the legal obligations and responsibilities of courts to ensure access through competent language services as required by Title VI of the Civil Rights Act of 1964. This much needed guidance can assist courts, law enforcement, and administrative law agencies at the state and federal levels in developing sound language assistance plans to ensure access throughout the course of the legal process, court and ancillary services. The new edition also addresses the most neglected area of language services, the custodial interrogation. At this critical juncture, which determines the legal outcomes of criminal cases, law enforcement routinely utilizes untested, allegedly bilingual police officers and interrogators to Mirandize and obtain the official statements of LEP suspects. The withholding of appropriate language services and the use of biased parties as interpreters result in involuntary statements, false confessions, and wrongful con-

victions, and the authors rightly advocate the prohibition of this malpractice and the utilization of professional interpreters. Of particular interest from a linguistic, interpreting, and legal standpoint is the new chapter on the proper professional standards for the production of forensic transcription/translations of recorded custodial interrogations of LEP suspects and the need for certification of interpreters and translators who work in this very distinct field of language service. *Fundamentals* (2012) brings to light the adverse and often irreparable legal ramifications of subpar, biased evidentiary materials regularly admitted into evidence in the cases of LEP individuals.

I am also pleased to see that the 2012 edition of *Fundamentals* situates language access policies such as Title VI of the Civil Rights Act of 1964, the Court Interpreters Act of 1978 and similar state statutes, and Executive Order 13166 (2000) in the larger historical context of U.S. language policy and attitudes towards immigrants and the use of foreign language. In so doing, it gives interpreters and legal actors a better understanding of the need to satisfy the intention of these access policies as opposed to meeting the minimal legal requirement without attention to the larger goal of providing language minorities true equality of opportunity. The measure of the greatness of any society lies in its capacity to ensure equal opportunity to all of its constituents, including those who, by the circumstances of race, national origin, sex, religion, or disability, are different from those in the majority. As globalization and other economic and social forces have invited the migration of millions of persons into the U.S. since the 1980s, U.S. schools, political institutions, workplaces, and courts face the challenge of providing services for a much more ethnically and linguistically diverse population. Regrettably, perceptions about color and language still loom large in the conception of many Americans, who consider difference a threat to the natural order. Consequently, language diversity, bilingualism, and LEP status have been again resurrected in the public conversation as inimical to the good of society, impediments to academic achievement, and expressions of noncompliant and unacceptable behavior.

The sociolinguistic perspective surrounding language access is vital to interpreters and legal actors who must combat on a daily basis resistance to offering meaningful access and requiring the use of certified interpreters. An empirical understanding of prevalent U.S. perceptions of bilingualism or LEP status as a deviation from the norm or a sign of refusal to assimilate can assist legal actors and interpreters to present rational arguments against these ill-founded conceptions.

It is also important for interpreters and legal actors to understand that language is one of the primary bases for discriminatory treatment. Attorneys, members of the judiciary, and other professionals must become alert to the fact that withholding interpreter services or providing inadequate interpreting or translation constitutes discrimination. Restrictive English-only employment and educational policies are used to limit educational attainment and block employment opportunities for language and ethnic minorities. As my research has revealed, in the employment setting, the language use of bilinguals has become an easy target for discrimination. Employers compel foreign language use when it is conducive to business and restrict its use for other than *bona fide* business purposes, such as social control.

Moreover, not only is the language proficiency of bilinguals overestimated by monolinguals in decisions regarding the need for language services, but in other situations, limited-English proficiency is equated with limited intellectual potential, and decisions are made about students, employees, and other persons on the basis of inaccurate data, false assumptions, stereotypes, and prejudices. The effects of this exclusionary behavior are tragic, especially for LEP children who are not warranted the opportunity in most schools in the

U.S. to learn in the language of their nurture and English in order to have full access to the benefits of education. As my research on child interpreters reveals, the giftedness of bilingual children who possess the higher-order intellectual and linguistic skills required to serve as linguistic and cultural interpreters is not perceived as an asset. Because children are tested in English, an entire constellation of giftedness is unrecognized and ignored, detrimentally impacting their life outcomes. I echo the persistent reminder in *Fundamentals* (2012) that ignoring the talents of our immigrant children not only deprives them of the equal opportunity to reach their highest potential, but also wastes invaluable diverse linguistic and human resources, making the U.S. less competitive in the global economy and unable to satisfy the present and future need for competent interpreter services.

Because of its coherent interdisciplinary framework, empirical grounding, and practical utility, I am confident that the 2012 edition of *Fundamentals of Court Interpretation* will be widely used by interpreters and all legal actors to achieve the paired goals of upholding the promises of the Constitution to all persons, regardless of national origin, as well as safeguarding the integrity of the U.S. system of justice. I know that *Fundamentals* (2012), like its first edition, will not only advance the fields of court interpretation, language services, and language policy in general, but also bring us as a society closer to the America that truly provides equality of opportunity.

Guadalupe Valdés, Ph.D.
Bonnie Katz Tenenbaum Professor of Education
Stanford University
March 2012

Foreword — 1991 Edition

There are several reasons why I am delighted to encourage the reader to explore Professor González's *Fundamentals of Court Interpretation*, but among them are two such strictly personal considerations as the fact that I was interested in witness testimony (Chapter 30) even before I became actively involved in sociolinguistics and the further fact that I was interested in interpreting even long, long before that.

I could not have been more than three or four years old, still spending many hours in the crib every day just to be out of harm's way, when my mother began leaving me with her mother when she herself left the house to do the weekly shopping. Bobbe (grandma) Beyle may have been a somewhat sad or depressed person, but she was easy for me to be with because, on the one hand, she let me do whatever I wanted to and, on the other hand, she fed me chocolate at the slightest provocation. We all have our limitations, however, and Bobbe's was that after more than half a dozen years in the USA, she still knew virtually no English, therefore, couldn't communicate at all with the cleaning woman, who invariably also came on the same day that mother did her weekly shopping.

The interpreter role and its potential for abuse

I remember not only translating, from English to Yiddish and from Yiddish to English as a mere child (and not only for the cleaning woman and Bobbe, but for many others in our sizable immigrant neighborhood), but I also remember the sense of power that I experienced in that connection, because not only was I a crucial link in the communication chain, but because I could subtly influence the outcomes of communicative interactions by emphases and modifications that I myself introduced into the ongoing flow of communication. Almost three decades later, I came to recognize, as does Professor González now, that translating and interpreting are not at all identical processes and that the latter is fraught with many more dangers of "third party influence" (less euphemistically put, interpreter influence) than is the former. The professionalization, regulation and certification of the interpreter role constitutes a modern bureaucratic effort to overcome the potential abuses of the interpreter role of which I had already become dimly aware at the tender age of three or four. The abuses of which I speak are societally patterned, of course, and have to do with the inherent exploitability of the societally weak by the societally strong. As a result, they are all the more in need of societal supervision and correction.

Influencing witness testimony

More than a quarter century later, in the mid-fifties, I had my second naïve encounter with another potential area for miscarriage of justice within the interactive process that constitutes the very heart of our legal system. This occurred in the time of McCarthyism, when days and weeks were spent glued to televised hearings in which witnesses were taunted and badgered and put under all kinds of stress, within the hearing chamber and in the "real world" as well. It came to the point that even claiming one's constitutional rights

to invoke the Fifth Amendment protection against potential self-incrimination was interpreted as a sign of treasonable guilt, punishable by blacklisting, dismissal and shunning, regardless of what the hearings themselves might recommend.

It was then that I, a just-completed Ph.D. in hand, and an older colleague, Rudolf Morris (then a sociologist at Marquette University and deeply imbued with the highest principle of Catholic morality) decided to convene a panel of forensic experts (social scientists and legal specialists) to discuss orally, and then in print, the issue of witness performance under stress. The issue of the *Journal of Social Issues* (1957, 13, no. 2), that constituted the ultimate fruit of our labors, was subsequently often cited as an intellectual contribution to overcoming the anti-constitutional hysteria among some defenders of the “American way of life.”

An intellectual contribution to the pursuit of justice for the non-English speaking

Professor González’s work is a further contribution along just these lines, reminding us all that the non-English speaking are entitled to and, unfortunately, often require protection if the very best that American justice promises and is capable of is actually obtainable in practice. Like all genuinely intellectual contributions, her work is both theoretical and practical. Its practical worth is derived not only directly, from the very nature of some of the topics considered, but also indirectly, from her theoretical interest as well. “There is nothing as practical as a good theory,” the brilliant American social psychologist Kurt Lewin (himself a refugee from Nazi terror) was wont to say. Professor González demonstrates this truth over and over again. I may be forgiven for seeing this most clearly in her linguistic unit (Unit 6) and in her unit on interpretation theory (Unit 7), but many others will perhaps more easily do so in her historical and legal units.

In sum, this is a very useful and stimulating work. It combines theory and practice, insight and experience, linguistics and law, social science and history, all of the foregoing being brought together with the prophet’s call “Justice, justice shall thou pursue!” Accordingly, I am delighted to introduce it to the worlds of scholarship and legal practice, in the certainty that both will be grateful to Professor González for her contribution to their improved functioning insofar as our non-English speaking brethren are concerned. Ultimately, we are judged—as individuals, as societies, and as nations—for the help we give to those that cannot help themselves. González has helped us make sure that we will not be found wanting in that connection as heretofore, a connection in which, unfortunately, we not only cannot do enough, but one in which we still do not usually do even that which is required by law.

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July 1990

Preface

1. New Perspective: The 2012 Edition of *Fundamentals*

In 1991, when the first edition of *Fundamentals of Court Interpretation* was published, the profession of court interpreting was in its “infancy.” Ideas regarding linguistic access to the courts and the role of the interpreter were at best rudimentary—in their seminal stages. Foremost among the issues was whether or not the provision of language services should be free of charge to limited- and non-English-speaking (LEP) individuals in all courts and legal venues. Whereas it was clearer that an interpreter needed to be provided without regard to cost in criminal matters, many believed that similar provisions were not necessary in the domestic/family law, juvenile, probate, and other civil areas of law. Since 1991, the provision of language access has been formally recognized as a prerequisite to the delivery of fair and equal justice in our nation’s courts. The Department of Justice is now ensuring that courts across the U.S., at all jurisdictional levels, will provide much needed language services in all court hearings by the end of this decade. The authors are delighted to have witnessed the advancement of a field that was not universally thought of as a core component of the legal system when we began writing the first edition of this text.

The first edition of *Fundamentals* introduced and advanced concepts such as “legal equivalence,” certification testing for establishing competence of interpreting candidates, and interpreter training to improve skill building. Thus, the first edition successfully challenged the prevailing assumptions that the ability to interpret came automatically with being bilingual, or was a “God-given” skill that few possessed and could not be improved upon. Indeed, the precepts of *Fundamentals* (1991) contributed a great deal to scholarly thinking in the fields of translation studies, conference interpreting, interpreter and translator education and training, and the legal education of judges and lawyers (prosecutors and defense attorneys alike). Furthermore, these precepts aided thousands of defendants, witnesses, victims, and litigants to tell, and judges and juries to hear, both sides of the legal story in a case. We aspire to make the second edition of *Fundamentals* (2012) just as beneficial to the field in its “early adolescence” stage. In the coming years we will confront many challenges that need to be addressed to further solidify the profession and ensure the provision of quality interpreter services throughout all jurisdictions in both federal and state courts, as well as in any other setting in which LEP speakers face serious issues with life-altering consequences that affect their property, legal status, employment, families, and their general well-being.

Fundamentals (2012) has been enriched by significant advances in our understanding of the field, invigorated by 20 years of robust research in linguistics, law, and interpreting, along with new testing and training data, policy advancements, and the dedicated ef-

forts of master interpreters, trainers, and related academics who have crafted and honed significant best practice standards in myriad areas of translation and interpretation. These changes are reflected in the ten new chapters written for the new edition, as well as the substantial revision and expansion of many of the existing chapters. Our understanding of all aspects of interpretation in the legal setting is more profound and nuanced, with a more comprehensive view of the role of the court interpreter as a pivotal legal actor and a language access expert, apart from the duties carried out as a language intermediary. We have also come to understand how meaningful access gives the court interpreter greater responsibility for producing an interpretation or translation that is comprehensible to the end user, within the bounds of legal equivalence.

Fundamentals (2012) assumes that the provision of meaningful access does not squarely fall on the shoulders of any one actor, but is a shared responsibility among all legal actors and court staff. It is especially incumbent upon judges, who have the ultimate responsibility for the fair administration of justice, and thus are the primary guarantors of equal access. This responsibility also falls on attorneys, who, because of their unique professional duty to provide zealous advocacy for their clients, must ensure that their clients can effectively communicate throughout the entire justice process. For this reason, the new edition presents two new chapters: **Chapters 21**, “Judges’ Guide to Working with Interpreters and LEP Litigants,” and **Chapter 22**, “Attorneys’ Guide to Working with Interpreters and LEP Litigants.” These chapters are clear, practical guides to help judges and attorneys ensure that LEP individuals are provided with interpreting services throughout the entire legal process and that the quality of the interpretation is at the level required for fair access to justice and the protection of individual due process rights. Most importantly, each guideline offers the basic theoretical and empirical foundation required to fully comprehend its importance. Among the many topics covered are how to determine the need for interpreter services, ensure the interpreter’s proficiency is at the appropriate level of expertise, facilitate conditions that promote accurate interpretation, and how to monitor the quality of language services.

2. Fundamentals of Court Interpretation: Overview/Scope

Twenty years after the publication of *Fundamentals* (1991), the court interpreting profession has risen to a significantly greater status because of the impetus of the 1978 Court Interpreters Act, federal certification, and individual state court certification and interpreting programs. It has also benefited from the development of the Consortium for Language Access in the Courts, and most recently and most dramatically, the reinvigoration of Title VI of the 1964 Civil Rights Act. This law requires all state, federal, and local agencies receiving federal funding to provide equal access to their services and benefits for all LEP individuals, and it enforces compliance in a variety of ways, including loss of federal funding. The reinforcement of Title VI was made necessary by the failure of courts and other federal, state, and local agencies to provide appropriate language services for LEP members of U.S. society, a demographic that has experienced significant growth between 1990 and 2012. Executive Order 13166 (2000) and its subsequent enforcement have brought much needed attention to a prominent civil rights issue that lived in obscurity due to the marginalized status of this population. The growing cultural and linguistic diversity in the U.S. and the unprecedented diaspora of the Latino population have brought challenges to courts in regions of the U.S. with little to no previous experience address-

ing linguistic diversity. Therefore, the best practice policy recommendations to the courts and practitioners offered in *Fundamentals* (2012) are just as pertinent and crucial today as those made 20 years ago in the first edition.

Fundamentals of Court Interpretation addresses a complex set of challenges facing courts and the court interpreting profession, as these two entities must work together to ensure the access to justice that all persons deserve. The text not only attempts to synthesize the evolving knowledge in the field and to set professional standards, but also represents a multidisciplinary effort to inform a variety of audiences about the theoretical and practical issues involved in court interpreting. Although court interpreters have been a part of the judicial process since the late 1800s, significant professional and scholarly activity has occurred only in the last thirty years.

Fundamentals is designed to be as valuable to the judiciary as it is to students, practitioners, supervisory interpreters, interpretation and translation educators, and scholars in a host of disciplines who wish to investigate theoretical phenomena related to court interpreting. The intended audience for this book is diverse: practicing and aspiring interpreters, members of the state and federal judiciary, attorneys, court clerks, heads of interpreter services, and other court personnel who may find this work helpful as a reference for the administration of court interpreter services. The text will also be of value to translation and interpretation researchers, legal scholars, and linguists (e.g., language policy, bilingualism, sociolinguistics, discourse analysis, foreign language and interpreting proficiency testing, pragmatics, second language acquisition, English as a Second Language) as well as scholars in sociology, psychology, criminology, cognitive psychology, neurology, social psychology, cultural and legal anthropology, and foreign languages and literature.

2.1 Terms Used in This Volume

Fundamentals focuses on **court interpreting** and not **translation** in the formal sense. **Interpreting** almost universally refers to the transfer of meaning from one language into another for the purpose of **oral** (or signed) communication between two persons who do not share the same language. The term **translation**, in its general and most frequently used sense, refers to the mental and physical processes involved in transferring meaning from one language to another—whether in spoken or written form. Within the profession, however, **translation** is used exclusively for transferring meaning in written texts. Although the translation of legal documents is briefly reviewed as one of the many tasks of the court interpreter, **legal translation** or **general translation** in the formal sense of the theoretical, stylistic, and pragmatic issues involved in converting a written text from one language to another are not discussed. Treatises on translation such as the works of Baker (2011), Baker and Saldanha (2009), Hatim and Mason (1990, 1997), Larson (1998), Munday (2008) and Venuti (2004) are recommended for practitioners and students of interpretation who are interested in the formal study of this ancient and fascinating field of scholarship and practice. Legal translation can be best studied by consulting the works of Alcaraz Varó, Campos Pardillos, and Miguélez (2001), Alcaraz Varó and Hughes (2002), and Mayoral Asensio (2003). For pragmatic works for Spanish-English translators, see Borja Albi (2000), San Ginés Aguilar and Ortega Arjonilla (1997), and Vázquez-Ayora (1977).

Throughout this book, for the sake of expediency (to avoid the cumbersome “he/she”), the pronoun “she” is often, although not always, used for interpreters. For other individuals, the pronouns “he” and “she” are used interchangeably. Limited- and non-English-speaking persons and individuals with limited English proficiency are referred

to with the acronym **LEP**. Languages of Limited Diffusion are referred to as LLD(s) for ease of reference. Additionally, some case studies and expert witness cases used as examples have been de-identified and are indicated in the bibliography as such.

2.2 Overview

Fundamentals poses the following questions:

- What is the role of the interpreter in the judicial context and other quasi-legal forums, and what are the parameters of her ethical and professional duties and responsibilities?
- How can the judiciary ensure language access across the continuum of legal services and facilitate the conditions required for accurate, professional interpreting?
- How can attorneys best ensure that the fundamental rights of their clients are protected by ensuring high quality interpreting services throughout the justice process?
- What other methods can attorneys employ to ensure that their LEP clients preserve their right to appeal?
- What are the best mechanisms for ensuring that LEP litigants are identified early in the justice process as requiring interpreter services?
- What constitutes the appropriate use of the interpreter in the judicial setting?
- What is the history of language policy in the U.S. and how is language policy relevant to interpreters?
- What is the state of language access in the courts?
- What is the state of language access in custodial interrogations?
- What are the knowledge, skills, and abilities required of a competent, qualified, professional interpreter?
- What are the cognitive and linguistic processes involved in the complex task of interpreting, and what language obstacles does the interpreter encounter in transferring meaning from one language to another?
- What are the theoretical and pragmatic features of simultaneous interpreting, consecutive interpreting, and sight translation as practiced in the judicial context?
- What are the linguistic, ethical, and professional problems an interpreter encounters, and how can they be efficaciously resolved within the judicial setting?
- How can interpreters ensure that the conditions required for accurate interpretation are present?
- What test-based professional certification is available for court interpreters?
- Apart from certification, what is the optimal method for ensuring interpreter quality, and what can the judiciary do to ensure that interpreters who are appointed are capable of performing judicial interpretation?
- How can the work of interpreters be enhanced through the use of technology?
- What is the recommended methodology for ensuring the evidentiary soundness of forensic transcription/translations, and how can judges evaluate quality and manage disputes regarding these evidentiary documents?
- How effective is remote interpretation in comparison to onsite interpreting in court?

- What educational experience is indicated for court interpretation and what is the state of interpreter education in the U.S.?
- What best practices have emerged from informed practice and research during the past 20 years?

For the new edition, the **Introduction** has been expanded from two to four chapters. The chapters comprising the **Introduction** frame language access within a social justice, legal, and language policy perspective. They illustrate the significant need for professional, competent court interpreting as the primary means by which access to justice can be achieved for traditionally marginalized language minority populations. **Chapter 1** introduces the historical and legal precedents that led to the right to an interpreter in the U.S. and defined the role of the court interpreter as the provider of meaningful access. Moreover, the chapter defines legal equivalence as the goal of the court interpreter and details the linguistic, interpreting, and cognitive expertise required for competent interpretation. Finally, it documents the gap between the number of competent, certified interpreters and the increasing demand for language services throughout the U.S. as a result of changing demographics. **Chapter 2** reviews cases that illustrate the persistent miscarriages of justice caused by the lack of or poor quality interpreting services and identifies 13 obstacles that continue to impede equal access to the justice system for LEP individuals. **Chapter 3** surveys the major branches of interpreting, including conference, community, medical, and educational interpreting and their relative criticality in terms of potential legal ramifications and life consequences. **Chapter 4** defines the field of court interpreting, contrasts it with conference interpreting, and focuses on its history and advancement as a rigorous professional field of practice.

Unit 1: Historical Antecedents, includes four entirely new chapters, **8, 10, 11, and 12**, and charts the movement towards equal access, which has been influenced by a variety of forces. **Chapter 5** has been extensively rewritten and expanded. It defines language policy, the fundamental sociolinguistic principles that affect language policy formulation and implementation, and the benefits and harms of such policies. It also presents the history of language policy in the U.S. and illustrates the shifts in attitude from tolerance to intolerance of foreign language, influenced by socioeconomic and sociopolitical conditions. **Chapter 6** presents major legal decisions regarding the right to an interpreter and discusses the practical implications of these rulings for the provision of interpreter services. Through an analysis of these major cases, the chapter also reveals how inadequate interpreting violated defendants' rights and served as a catalyst for the 1978 Court Interpreters Act. **Chapter 7** reviews the Court Interpreters Act of 1978, a defining point in the movement towards equal access, and its transformational effect on access to justice. This unprecedented statute recognized the constitutional basis for the right to an interpreter and mandated the provision of certified court interpreters for LEP persons involved in the judicial process. **Chapter 8** covers the continuing language access problems in federal courts related to the operationalization and implementation of the Act. **Chapter 9** outlines the disparate practices in state courts that contribute to inconsistent language service delivery. The chapter provides a critical discussion of the Consortium for Language Access in the Courts, reviewing its benefits and shortcomings for ensuring language access across state courts. It concludes with recommendations for improvement of the Consortium. **Chapter 10** discusses the key role of Executive Order 13166 in the reinforcement of Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of national origin. The chapter outlines the legal obligations of agencies that receive federal financial assistance and briefly reviews the enforcement activities of the Department of Justice (DOJ). **Chapter 11** provides practical guidance for state and local courts to meet their legal obligations in guaranteeing equal access to justice regardless of jurisdiction,

state laws, or local rules, based on all relevant DOJ documents and the American Bar Association Standards. **Chapter 12** describes interpreting in federal agencies that have received limited attention in terms of language access requirements. These agencies are now explicitly governed by Title VI, with which, like any other federally assisted agency, they must comply. **Chapter 13** briefly summarizes the status of court interpreting outside the U.S. and documents how other countries approach linguistic access for language minority populations.

Unit 2: Legal Overview presents an overview of the U.S. legal system for readers who are not legal professionals. **Chapter 14** explores the interrelationship between the judicial, legislative, and executive branches of the U.S. government. **Chapter 15** introduces the reader to the U.S. criminal justice system, with some attention to the differences between civil and criminal law. **Chapter 16** delineates criminal procedure from pre-arrest to sentencing, including common terminology and elements. **Chapter 17** presents a brief discussion of comparative legal traditions, focusing primarily on Common Law and Civil Law.

Unit 3: Utilization of Interpreter Services focuses on the effective use of interpreter services. Its chapters do not reflect current practice, but rather offer the preferred forms and techniques, given the ethical and professional duties of the court interpreter and the needs of the judiciary and the defendant/client. **Chapter 18** defines the roles of the interpreter in the legal system, including those of expert witness and officer of the court. It also explains the constitutional basis for the right to an interpreter. Additionally, the role of the interpreter as a language access specialist is promoted. **Chapter 19** discusses preferred modes of interpreting within specified settings and implications for legal and quasi-legal settings outside the courtroom, such as juvenile matters and immigration hearings. The chapter concentrates on the logistics of simultaneous and consecutive interpreting and sight translation in the legal/courtroom setting. A new addition, **Chapter 20**, identifies the inequalities and harm LEP defendants experience in custodial interrogations in which competent language services are not provided. It also describes the barriers to justice created by the use of untrained, linguistically nonproficient police officers who act as interpreters (“putative interpreters”) for monolingual English interrogators or conduct interrogations in the foreign language.

Unit 4: LEP Guidance for Judges and Lawyers is entirely new to the 2012 edition. It provides practical guidance to improve the knowledge of judges and lawyers about the effective utilization of court interpreter services, discusses the ways in which judges and attorneys can facilitate and support the interpreter’s role, and examines cross-cultural issues that interfere with communication. **Chapter 21** specifically addresses the role of judges as the guarantor of equal access, delineating a range of strategies aimed at minimizing interpreter error, as well as outlining best practices for interpreter use in the courtroom. Most importantly, it provides a suggested *voir dire* for judges to accurately assess the need for language accommodation for LEP defendants and victims, with detailed linguistic and sociolinguistic factors to consider in the assessment of English proficiency. Guidelines to evaluate the potential of uncertified interpreters to provide competent language services are also included. **Chapter 22** outlines the ethical and legal obligations of lawyers to ensure that their clients’ rights are protected through the provision of competent interpreter services throughout the entire legal process. How and when to object to the quality of interpreting to protect defendant rights and how to monitor interpreter performance are examples of the specialized topics addressed in this chapter.

Unit 5: Management of Court Interpreter Services addresses the administration of interpreter services for the purpose of ameliorating management, resolving utilization problems, and facilitating standardization of policy. **Chapter 23** proffers a set of recommended strategies, policies, and practices that are intended to assist in the recruitment,

assessment, inservice training, and assignment of both certified and uncertified interpreters. **Chapter 24** outlines a set of procedures and considerations that are useful in the orientation, training, and monitoring of new interpreters, as well as short-term and long-term training objectives. **Chapter 25** examines the management of interpreter services and provides an exemplary model of efficient service delivery by an Office of Court Interpreter Services (OCIS). The chapter discusses procedures for case management and assignment; tracking interpreter events; setting appropriate fee schedules and payment protocols; utilizing systematic databases for assignment; and implementing security requirements. Emergency interpreter services, including recommended strategies for meeting language service needs on short notice, are also discussed. **Unit 5** not only responds to the needs of administrators of court interpreter services, but also formulates policy for use of court interpreters in diverse legal settings.

Unit 6: Language and the Interpreter concentrates on the many intrinsic complexities of language that an interpreter must grasp, such as the nuances of words, the effect of culture on the transfer of ideas from one language to another, problems with idiomatic usage, and linguistic tolerance for diverse varieties of language. **Chapter 26** concentrates on the structure of language, language acquisition, the nature of language proficiency, and language proficiency assessment. **Chapter 27** focuses on three major aspects of meaning: linguistic meaning, speaker meaning, and paralinguistic features of language that contribute to meaning. **Chapter 28** presents characteristics of legal language and the specialized features that contribute to the unique qualities of this professional sublanguage or register. **Chapter 29** focuses on the variety and complexity of legal language and the features that comprise the specialized register of courtroom English, as measured by readability analysis, word frequency, and various syntactic analyses. **Chapter 30** reviews significant research by linguists and legal anthropologists on interpreter distortion of witness testimony and attorney questions and the effects of this distortion on the legal process and legal outcomes. In particular, it examines various language styles (specifically, powerless and powerful speech) and the effects of distorting paralinguistic elements and illocutionary force of questions and responses. **Chapter 31** reviews a University of Arizona study that categorizes different types of interpreter errors and provides a useful taxonomy for trainers, academics, and practicing interpreters to assist interpreters at all skill levels to improve performance.

Unit 7: Interpreting Theory and Practice centers on the theory and practice of consecutive interpreting, simultaneous interpreting, and sight translation—the three primary modes of interpreting in the courtroom setting. After a discussion in **Chapter 32** of the interpreting process, from both theoretical and practical points of view, **Chapter 33** reviews various theories of interpreting and presents the latest research on the interpreting process in an effort to account for the tremendous complexity of this task. **Chapters 34, 35, and 36** are devoted to the three modes of interpreting: simultaneous interpreting, consecutive interpreting, and sight translation, respectively. Each chapter describes the mode from a psycholinguistic standpoint and discusses its application in the judicial setting. In addition, strategies and exercises are suggested to improve technique in each of the three modes. **Chapter 37**, new to the 2012 edition, is dedicated to document translation. It reviews the types of documents that court interpreters are most frequently asked to translate and offers a translation protocol.

Unit 8: Practical Considerations and Tasks includes two new chapters, **40** and **43**, discusses the issues that must be addressed in court interpreting and critical related services, and explains the tasks that must be performed to accomplish the overall goal of language access. **Chapter 38** begins with an introduction to the courtroom and legal actors. **Chapter 39** features a logistical, sequential explanation of the court interpreter's actions from the moment of assignment through preparation, pretrial proceedings, trial, and sentenc-

ing. Also examined are procedures which must be incorporated into the interpreter's behavior, from carrying a pad and pencil to the use of electronic equipment. **Chapter 40** offers a thorough examination of the subfield of forensic transcription and translation (FTT) and argues for the establishment of professional standards and certification for this crucial area of court interpreting practice. An empirically-based protocol for the transcription and translation of recorded audiovisual events is presented, along with a linguistically sound legend to assist FTT specialists to produce documents that meet evidentiary and professional standards. **Chapter 41** discusses the need for ample resources to carry out interpreting and translation tasks effectively and efficiently. It reviews the three major resources available to interpreters: printed, electronic, and oral. The chapter emphasizes the importance of compiling personal glossaries and a comprehensive reference library and explains how the interpreter can use computer technology to carry out research and build personal data banks of terms. **Chapter 42** surveys the role of technology in facilitating the practice of court interpreting as well as translation and forensic transcription/translation. **Chapter 43** examines various modes of remote interpreting, reviews the empirical literature on this subject, and points out the disadvantages and advantages of remote interpreting practices. The chapter also offers guidelines to optimize this mode of interpreting in order to minimize error caused by the lack of physical presence.

Unit 9: Professional Issues focuses on professional challenges affecting the interpreter's performance: ethics and responsibilities, standards of practice, and professional conduct. **Chapter 44** enumerates the fundamental ethical principles and standards governing the court interpreting profession. Each ethical standard is clearly defined and elucidated with specific examples to illustrate the appropriate behavior required of interpreters. An expanded discussion of specific ethical dilemmas and their most appropriate resolution offers guidelines for interpreters and the courts which use their services. Additionally, the role of the professional association is emphasized, with information on professional organizations, newsletters, and journals. **Chapter 45** surveys the state of interpreter education in the U.S., including universities, colleges, and professional institutions that offer courses, degree programs, concentrations, or certificates directly and indirectly related to court interpreting. A brief summary of interpreting education outside of the U.S. as well as the evolution of distance education is also presented. **Chapter 46** examines federal certification and examination procedures, highlighting the exemplary model of interpreter testing brought into being by the implementation of the Court Interpreters Act of 1978. The essential concepts of "conservation of meaning," "register," "legal equivalence," and "meaningful legal equivalent" are highlighted in this discussion. Additionally, the chapter examines the administrative procedures and purposes of certification testing and presents evidence of validity and reliability throughout its history, before and after its modification in 2000. A review of the empirical research that forms the basis of this certification model is also presented. **Chapter 47** surveys certification processes currently used in state courts and professional associations, with a particular focus on the certification instruments and procedures used by member states of the Consortium for Language Access in the Courts. The chapter examines the disparate interpreting performance standards set by Consortium member states and advocates uniform, standardized testing and certification requirements to ensure justice for LEP speakers throughout the U.S.

Unit 10: Conclusion consists of **Chapter 48**, which concentrates on the future of a field that is in escalating demand and of vital importance to our increasingly multicultural and multilingual society. It covers legal topics such as multiple defendants, use of multiple interpreters, and the effect of English language amendments on interpreter services. Professional issues such as recertification, malpractice, certification of legal translators, and machine translation and interpreting are discussed. The chapter also elucidates

the need for a strong national professional organization, and for degree programs in court interpreting at institutions of higher learning. The need to institute certification programs to regulate and standardize interpreter services for other areas where interpreting is practiced—such as administrative hearings, education, and mental health—is another topic covered in this chapter. Mechanisms are proposed for the pooling of resources by various national and regional entities in order to accomplish this task.

The **Appendices** comprise governmental, legal, professional, court management, and other documents that are central to the work of court interpreters and the field of language services in general. Included are the 1978 Court Interpreters Act, its 1988 Amendment, and other pertinent legal opinions and language policies. Professional ethical codes as well as information regarding professional organizations and certifying bodies are also included.

3. Limitations of *Fundamentals*

Fundamentals of Court Interpretation concentrates on the theoretical, legal, administrative, and practical aspects of court or judicial interpreting, but the principles forwarded apply to any quasi-judicial setting, though such settings are only tangentially discussed in the text. Most significantly, this volume is directed to the practitioners of court interpreting in any language. Many of the language examples are in Spanish, only because Spanish is the language in highest demand for court services in the U.S. However, the authors are well aware of the demand for over 120 other languages in the federal court system and the equal or greater demand in the state courts for additional languages as well. It is important to note that the interpreting principles, theories, and ethical and linguistic considerations are universal and apply to any language.

Fundamentals is not a comprehensive legal reference. Although an overview of the U.S. criminal justice process is presented, it is by no means exhaustive. It is intended to give the novice an understanding of basic criminal procedures and to serve as one of many sources for novices and practicing interpreters. Topics such as bankruptcy, divorce, and contract law are beyond the scope of this text. Furthermore, the law-related appendices are compiled with the judiciary, attorneys, scholars, and students of court interpreting in mind. These appendices are not intended as exhaustive compendiums, but rather as a starting point to stimulate further research on court interpreting.

Sign language interpreting, research, practice, and history are not explicitly treated in *Fundamentals*, although court interpreting among sign language interpreters is a long-standing profession. In fact, sign language interpreting has been theoretically and pragmatically analyzed in great detail over a period of many years, and sign interpreters are a politically astute, professionally organized community. Works by Frishberg (1990), Humphrey and Alcorn (1995), Neumann Solow (2000), Stewart, Schein, and Cartwright (2004), and Taylor (2002) capture the distinctive linguistic, pragmatic, and cultural aspects of sign language interpreting. Sign language interpreting, in research and professional materials, shares many assumptions with court interpreting, but in some ways differs from the goals and standards of spoken language court interpreting.

Fundamentals is dedicated to reporting and proposing theoretical models of court interpreting, and to improving outcomes through the synthesis of theory and enlightened practice. The intention of this work is not so much to document current practice as to

suggest best practice and policies and procedures that reflect empirical research, congruent with respected theoretical models and reflective practice.

Foremost, the authors of *Fundamentals* see this work as a clearinghouse of information, a compilation of informed theory and practice, and the advancement of a dialogue among scholars, members of the judiciary and the bar, court administrators, practitioners of interpreting, student interpreters, teachers of court interpreting, and teacher trainers. Out of this dialogue, we hope will come an understanding of the fact that court interpreting is indispensable to the fair and even-handed administration of justice for all LEP persons in the U.S.

Acknowledgments

Tribute to Agnese Nelms Haury

As was true with the first edition of *Fundamentals of Court Interpretation* in 1991, there are many to thank for their help and support in bringing *Fundamentals* (2012) to fruition; however, neither edition would have been possible without the funding and personal support of Agnese Nelms Haury, whose interest in the fair and equal administration of justice has spurred the development of the field of court interpreting. Agnese Haury's support of the initial Summer Institute for Court Interpretation (now the Agnese Haury Institute for Interpretation) at the University of Arizona in 1983 marked a milestone in court interpreter training. Throughout the years her commitment to social justice through language access has been unflagging, and in 1996 the nationally recognized court interpreter training program she founded at the University of Arizona was renamed in her honor. We are grateful to Mrs. Haury for her astute recognition of the need to include—rather than exclude—limited- and non-English speaking (LEP) persons from access to the larger U.S. society; and, for assisting with numerous training, testing, and policy-related projects that extend language services and educational opportunities to marginalized U.S. populations.

Agnese Nelms Haury was born in Houston, Texas, in 1923. She was educated in Fontainebleau, France; Houston, Texas; and Greenwich, Connecticut, where she graduated from Bryn Mawr College in 1946 with a degree in history. She soon went to work for Carnegie Publications, a department of the Carnegie Endowment for International Peace, where she became Assistant Editor of International Conciliation (Carnegie Endowment) and Associate Editor of *Intercom* (Foreign Policy Association). From 1954 to 1959 she traveled to Bolivia, Peru, Ecuador, Libya, and Burma on special assignment for the Carnegie Endowment, making three surveys of technical assistance for the United Nations and its Specialized Agencies and of bilateral national programs. She was the author of *Indians of the Andes* (1956); *Libya, Building a Desert Economy* (1957); and *The Burma Road to Pyidawtha* (1958), all published by the Endowment. After her years at the Carnegie Endowment, she held a variety of positions, including editor of several United Nations publications, editor of *Anthropological Papers of the University of Arizona*, and worked on the Snaketown Archaeological Project.

One of the University of Arizona's most committed benefactors, Agnese Haury has supported projects in the fields of education, scientific advancement, the arts, human and civil rights, and the environment, as well as professional training related to these fields. In 1982, Mrs. Haury began what would become a lifetime commitment to the cause of social justice on behalf of marginalized, underserved language minorities. Through her United Nations network, Mrs. Haury learned that an enormous population of individuals in the U.S. was being denied access to justice because of language barriers and inadequate interpreter services. On the advice of the late United Nations Chief Inter-

preter, Theodore Fagan, Mrs. Haury initiated a meeting with Professor Roseann González at the University of Arizona, who at that time was the primary consultant to the Federal Court Interpreter Certification Program. This meeting led to Mrs. Haury's support for the development of interpreter training—the first Agnese Haury Institute (AHI), celebrating its 30-year anniversary in 2012—and many years of fruitful collaboration and friendship.

After the inaugural Institute in 1983, to expedite the improvement of the quality of interpreter services, Mrs. Haury supported the training of trainers in 1984, along with a second interpreter institute to rapidly disseminate quality training nationwide. These three initiatives were followed in 1985 by the third annual AHI, held in Montclair, New Jersey in an effort to serve the needs of East Coast interpreters. These four institutes not only set the standard for interpreter training in the United States, as did the Federal Court Interpreter Certification Examination for testing, but these institutes also trained many interpreters who would go on to become the leaders in the field and noticeably advance the efforts to secure equal access for language minorities. For the past 30 years of the AHI, Mrs. Haury's enduring commitment has strengthened the field of specialized interpretation by offering generous scholarship support for aspiring and practicing interpreters who wish to improve their knowledge and performance, and by facilitating their attendance at the AHI legal and medical interpreter training programs. The Agnese Haury Institute's exemplary curricular model has been replicated in a wide variety of training programs in such diverse areas as education, healthcare, social service, immigration, certification preparation, and others. All told, the Agnese Haury Institute and its national seminars and workshops have trained over 5,000 interpreters worldwide.

Not content to offer only training, Mrs. Haury also wanted to share the work of the AHI with the entire country and the world. Her goal was to create the resources to build a strong professional field with a solid academic foundation and a rigorous set of ethics and protocols to guide practice. Her keen understanding of the importance of codifying the informed practice, protocol, and ethics developed at the Institute led her to support the writing of *Fundamentals of Court Interpretation: Theory, Policy and Practice*, published in 1991. The publication of *Fundamentals* (1991) made her vision a reality, offering a set of standards that served as a driving force for the field of court interpretation, promoting improved language services for LEP persons and providing courts with the guidance they needed to integrate the newest legal actor into the fabric of the court. Thanks to Mrs. Haury, *Fundamentals* has carried out its promise to assist courts at all levels and jurisdictions, as well as interpreters, in meeting the needs of courts and non-English speaking persons. We are humbly gratified that *Fundamentals* is the work on court interpretation most often cited in law review articles, practical and theoretical articles concerning legal and other types of interpretation, and among national, state, and regional associations of legal interpreters and translators. We are also heartened that this volume is used throughout the United States—and indeed the entire world—as a text and a reference for scholars.

Agnese Nelms Haury, the University of Arizona, and the University of Arizona Foundation should also be credited with influencing an entire generation of scholars, academicians, and professionals who have attended the Agnese Haury Institute or the Training of Trainers as students, or who have been associated with the Institute as interns and associate faculty. Eminent sociolinguistic researcher Susan Berk-Seligson, Vanderbilt University, in a tribute to Mrs. Haury in 2009, acknowledges the Agnese Haury Institute (1983) as “pivotal in shaping the course of my research.” Other prominent researchers, master interpreters, and trainers were also influenced by the student and teacher training ef-

forts of the Agnese Haury Institute, such as Dr. Linda Haughton, FCCI, staff interpreter, U.S. District Court, El Paso (retired); Sara Krauthamer, FCCI, former California Court Interpreters Association President; Professor Nancy Schweda Nicholson, University of Delaware; the late Laura Murphy, M.S., FCCI, Staff Interpreter, U.S. District Court, Tucson; Joyce Garcia, FCCI, U.S. District Court, Tucson; Susana Stettri-Sawrey, Ph.D., FCCI King County Superior Courts; Martha Cohen, Washington State Certified Interpreter, King County Superior Courts; Donna Whitman, FCCI; Jeck Navarette, Ph.D., J.D., FCCI; Katty Kaufman, FCCI; Janet Bonet, Nebraska Certified Interpreter and President of the Nebraska Association for Translators and Interpreters, and many other notable persons in the field.

In 2008, Mrs. Haury again reified her commitment to the court interpreting profession as the bridge to social justice for language minorities when she agreed to fund the 2012 revision of *Fundamentals*. This essential contribution supported time away from teaching for Professor González, provided travel assistance for experts in various areas to contribute knowledge to *Fundamentals*, funded meetings of the co-authors, and subsidized a small but critical team of research, editing, proofreading, and bibliographic assistants. Mrs. Haury has again made it possible to create a compendium that will serve the needs of courts and quasi-legal agencies, judges, attorneys, clerks of court, and other ancillary staff for the next several decades to best integrate the role of the interpreter into legal and law-related settings to meet the goal of meaningful access to justice for LEP individuals. Once again, without the financial support of Mrs. Haury, *Fundamentals* (2012) would not have been possible. Because of Mrs. Haury's commitment, *Fundamentals* (2012) has the opportunity—through its interpretation of best practice and presentation of the most current applicable research—to continue to guide sound practice and shape future policy, testing, training, performance standards, and the research agenda of the field of court interpretation. Words cannot sufficiently express our gratitude to Mrs. Haury. We also wish to express our tremendous appreciation for the integrity and commitment of Tammy Barnett, R.N., a long-time associate of Agnese Haury, who has been instrumental in carrying out Mrs. Haury's commitment to social justice. In addition, we would like to publicly thank Mrs. Haury's trustees for continuing to honor her strong interest in social justice through competent language services and to John Woods of the University of Arizona Foundation for his interest and support.

Recognition of *Fundamentals* (1991) Consultants

We wish to acknowledge the participation of our *Fundamentals* (1991) consultants, to whom we will be forever indebted for their significant contributions: the late Sofia Zahler, J.D., FCCI, former Director of Court Interpreter Services, United States District Court, Los Angeles; Mr. Frank M. Almeida, FCCI, former lead faculty, Agnese Haury Institute, former Director of Interpreter Services, United States District Court, Los Angeles (retired); and Dr. Linda Haughton, Ph.D., Lead Faculty, Agnese Haury Institute, FCCI, United States District Court, El Paso (retired). We extend to them our most heartfelt appreciation and admiration for their generous sharing of information. They spent countless hours reading the manuscript, editing, and discussing with us the myriad issues presented in the inaugural edition. Their willingness to share their profound knowledge and vast experience through this work distinguishes their extraordinary professionalism. We are deeply honored that Professor Emeritus Joshua Fishman of Yeshiva University took precious time, during an especially difficult period, to both read a portion of the manuscript and write a Foreword for the 1991 edition. We are also grateful to colleagues who

kindly read various portions of the manuscript to produce the 1991 edition: Jon A. Leeth, Chief, Programs Branch, Court Administration Division of the Administrative Office of the United States Courts (retired); Professor David Marshall, University of South Dakota; and various members of the Department of English, University of Arizona.

Recognition of *Fundamentals* (2012) Expert Panel

We express our sincere gratitude to the Expert Panel members for *Fundamentals* (2012) for their thoughtful and insightful contributions to the new edition in terms of best practice and policy based on vast experience in interpreting, in teaching, testing, and management of court interpreter services, and the law surrounding language discrimination. First and foremost, Linda Haughton, Ph.D., FCCI (described above), for her profound contributions as lead faculty member of the AHI for over two decades and the impact she has had on the entire profession of court interpretation; John Bichsel, M.A., University of Arizona; Susana Stettri Sawrey, Ph.D., FCCI, Staff Interpreter and Assistant Program Manager, King County Courthouse, Seattle, WA; Barbara Moser-Mercer, Ph.D., Professor of Conference Interpreting and Director, Faculté de Traduction et d'Interprétation, University of Geneva; Paul Gatto, C. Phil., University of Arizona; Pilar Cal-Meyer, M.A., Massachusetts Court Certified Interpreter; Gregory J. Kuykendall, J.D., Director, Mexican Capital Legal Assistance Program; Jaime Fatás, FCCI, Professor of Practice in Translation and Interpretation, University of Arizona; Ramón del Villar, FCCI, J.D., Director of Interpreting Services, U.S. District Court, Houston, Texas; Anthony Rivas, FCCI; Robert Joe Lee, Court Executive, Language Services Section, Administrative Office of the Courts, State of New Jersey (retired); Nancy Festinger, FCCI, Director of Interpreting Services, U.S. District Court, Southern District of New York; Yvette Citizen, M.A., FCCI; Isabel Framer, Oregon and Tennessee State Court Certified Interpreter; Katherine Kaufman, FCCI; Jeck-Jenard Navarrete, Ph.D., J.D., FCCI, Staff Interpreter, Federal Public Defender's Office, U.S. District Court, Nebraska; Lili Palacios-Baldwin, J.D.; Bruce Adelson, J.D.; and Nataly Kelly, Missouri Court Certified Interpreter.

We also wish to recognize those interpreters and researchers who have come before and from whom we have learned so much—all AHI core faculty members: the late Ely Weinstein, FCCI, past president of the California Court Interpreters Association; the late Theodore Fagan, Former Chief Interpreter of the United Nations; the late Laura Murphy, M.S., FCCI, whose commitment to educating the next generation of interpreters was a focus second only to her foremost goal of serving the needs of the many LEP individuals with whom she came in contact.

We are profoundly honored by the thoughtful introductory note retired U.S. Supreme Court Justice John Paul Stevens contributed to the 2012 edition and wish to point out the extraordinary strides he has made towards improving access to the judicial system throughout his eminent tenure as a jurist. To our colleague Guadalupe Valdés, whom we greatly admire and esteem, we are grateful for her insightful foreword. Our sincere appreciation is also extended to the many members of the federal judiciary who have been instrumental in ensuring justice for LEP litigants and for strengthening our training and testing efforts through the years. Our special thanks go to the late Honorable Richard Bilby, the late Honorable John Roll, the Honorable Bernardo Velasco, and the Honorable Frank Zapata, all of the United States District Court of Tucson, Arizona, for their deep commitment to the Agnese Haury Institute and to improving court interpreter practice, and especially for their recognition of the interpreter as pivotal to justice when LEP liti-

gants are involved. We also wish to honor Tucson attorneys Richard J. Gonzales and Richard M. Martínez for their consistent dedication to the work of the Agnese Haury Institute and their annual financial contributions, as well as the time they have taken to address our students over the past 20 years. Great thanks also to attorney Greg Kuykendall, Director of the Mexican Capital Legal Assistance Project, and attorney John Aubrey Davis for their tremendous support of the work of the Institute as well.

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We wish to thank Teresa Pac, Ph.D., who assisted in the bibliographic work, and editing. We also greatly appreciate the comprehensive research, editing, and intellectual contributions of our legal University of Arizona researchers Daniela Bernal, J.D. and Brad Terry, J.D. candidate; and the expert editing of Patricia Matthews, Ed.S. and Ildiko Melis, Ph.D, all graduates of the University of Arizona. Finally we wish to recognize the talented team of University of Arizona undergraduate and graduate students who worked on this project: especially the dedicated work of Briana Swift, Editorial Assistant, who put her heart and soul into this project for nearly three years, read original sources and made insightful and significant edits and suggestions to the drafts. The significant contribution of Catherine Botelho, Ph.D. candidate and the consistent contributions of Paul Swift, Jessica Batriz, and Hector Acosta are also commendable. These bright, committed University of Arizona undergraduates and graduate students not only word processed, formatted, researched, assisted with bibliographic work, organized hundreds of sources, created figures and tables, and checked quotations, citations, and other data, but also read original sources, drafted summaries, and proofread. Thanks also to Tim Roberts for fine proofreading as well as to Carol Edelsky, UA Professor Emeritus, Daniel Roper, Nayalin Feller, and Eva Morrow of the UA National Center for Interpretation for invaluable manuscript assistance.

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Authors' Personal Acknowledgements

Roseann Dueñas González

Beyond my gratitude to Mrs. Haury for supporting the Institute, this publication, and countless projects, I want to thank her most sincerely for the faith she has had in me for the past 30 years. I value her tremendous friendship over the years more than I can say, and I esteem her as my most influential mentor. I also want to publically acknowledge Jon Leeth, former Chief of the Programs Branch, Court Administration Division, Administrative Office of the U.S. Courts (AOUSC), to whom the implementation of the Court Interpreters Act was entrusted. When the AOUSC selected Jack Leeth to carry out the mandate of the Act, it chose well, and the outcome has been extraordinary. Current and future generations of interpreters and language access advocates should know that they owe much to this one individual. Jack Leeth recognized the complexity of court interpretation and the competence that equal access to the courts required. Those assumptions led to a rigorous federal certification program that set performance standards nationally and internationally.

In the first edition of *Fundamentals*, we all gave Bob González, my husband, special and hearty thanks for his substantive and moral support, encouragement, technical advice of all kinds, and assistance with numerous tasks such as entertaining various children, transporting authors and consultants, reading, proofreading, word processing, copying, running errands, and various and sundry tasks. His patience was unending, as was his willingness to do whatever was necessary to get the job done. Those were the days when my children, Roberto and Marisa, were small, as were Holly's children, so keeping children entertained was of utmost importance. Now, 21 years later, we still thank Bob for his patience and support, helping provide a good workspace for the seven computers and laptops, four printers, 20 boxes of articles and many yards of bookshelves required to house the intellectual and material machinery of *Fundamentals* (2012), as well as for his editing and proofing assistance.

To Bob and my children, Roberto and Marisa, their spouses Sarah Rapawy and Ricardo Llamas-Vidales, and to my dear sisters and brothers, Gloria, Gilbert, and Oralia, and many nieces, nephews, and friends, I'm grateful to them for forgiving me for everything I've neglected to do as a result of being too busy with *Fundamentals* 2012!

I thank my son, Roberto José González, J.D., for being a role model for me, as he has worked towards legal and social justice and equity in the service of retired Supreme Court Justice John Paul Stevens, then in his service to President Obama, as an Associate Counsel in the White House Office of General Counsel, and more recently as the Principal Deputy Counsel of the Consumer Financial Protection Bureau, newly formed by President Obama in 2010. I am also grateful to my daughter Marisa Camille González, M.D. in OB/GYN, whose work ethic and commitment to meeting the needs of diverse patients every day—first at Harvard Medical School as well as in residency at the University of Arizona Medical Center, and then in private practice—sets an exemplary work standard for me and invigorates my own commitment to striving to improve language services in all venues. Marisa's level of compassion, cultural sensitivity, and meticulous care for her patients is inspiring to me.

Both Roberto and Marisa carry out the commitment to social justice and equitable treatment of others that my late mother, and their grandmother, María Luisa Sazueta Dueñas, instilled in us. Her humble but passionate belief in the dignity of all people, our

social responsibility to each other, and the promise of the United States to its people of equality and fairness have been a driving force in my life. I'm only sorry she passed away before she could see the marvelous fruits of her values in all of our lives. I continue to have faith that we can achieve difficult goals, and I remember her wise words: *Doing the right thing is always the most difficult thing to do.*

Victoria F. Vásquez

To the Vásquez family and many friends (you know who you are), I thank you for your love, support, understanding, and patience each time I go underground to meet a personal goal or project—and for being there when I surface. I also extend special appreciation to my father, the late Benjamin V. Vásquez, and mother, Frances E. Vásquez, whose examples have helped inspire this work and to my sisters who have been my best friends my entire life. Thank you for supporting me all these long years as I took my education and developed my career.

A special acknowledgement is also extended to Professor Bruce Sales, Director, Law Psychology and Policy Program at the University of Arizona, for his unwavering support and superb teaching. I continue to be eternally grateful to all of my law professors at the James E. Rogers College of Law, University of Arizona, especially Professor Dan Dobbs (retired) for teaching me about the law and how it changes and adapts and grows. I am grateful to have been able to study this field, academically and from a testing perspective, with my mentor and co-author, Dr. Roseann Dueñas González. Now, as Director, Interpreting Services for the Arizona Superior Court in Pima County in Tucson (or as we like to call this town, “Interpreter Mecca”), I have learned immensely about the practical aspects of the day-to-day administration of justice from my Court Administrator, Mr. K. Kent Batty; and about how the law is actually administered from the three Presiding Judges under whom I have thus far served—the Honorable John S. Leonardo, the Honorable Jan E. Kearney, and the Honorable Sarah R. Simmons. My special thanks goes the Honorable Michael Cruikshank (retired), former Presiding Judge of the Superior Court Criminal Bench, whose introduction to his bench could not have been more helpful. Indeed, I have been blessed to learn from all of the Pima County Superior Court Presiding Bench Judges, Judges, and Commissioners who have been so supportive and filled my job with meaning and purpose. What I learned helped make this text richer and more useful.

But, most importantly, my deepest admiration goes to my fellow division directors and court staff, especially MaryAnn O’Neil, Law Librarian, and staff member Cheryl Thompson who takes care of us all in my court; my Interpreter Supervisor colleagues who have taught me much; my hard working staff interpreters; and the thousands of staff and daily contract interpreters who do the heavy lifting in this field each and every day. Without your interpretation and translation services, there would be no access, fairness, or justice for the literally thousands of LEP litigants and individuals that are served daily in the United States federal and state courts, administrative law agencies, medical and mental health agencies, educational institutions, and other entities too numerous to mention.

Holly Mikkelsen

To my husband Jim Willis, I am grateful for his invaluable editing skills and love of the English language, his razor-sharp wit, his willingness to be a sounding board, and his

enduring patience and support. Without Jim, I could not have done my part in making *Fundamentals* a reality, and the Acebo training manuals simply would not exist. To my son Gahan Willis (newly minted FCCI) and his wife Patty, I would like to express my pride and appreciation for the fact that they have chosen to follow in my footsteps in this challenging and rewarding profession. I also want to thank them for raising my granddaughter Emily (and any other grandchildren who may come along) to be bilingual and bicultural, something I always wished I had been blessed with myself. To my son Ned Willis, consummate storyteller, and his wife Laura, I offer thanks for their ongoing emotional support and their down-to-earth common sense. They have kept me from taking myself too seriously by always having an amusing anecdote at hand.

I owe a tremendous debt of gratitude to my father, the late V. E. Mikkelson, M.D., for imparting to me an insatiable thirst for knowledge and an appreciation for contemplative silence—a precious opportunity to absorb and process information and weigh words and actions carefully. And of course to my mother, Mary B. Mikkelson, who instilled in all of us a strong work ethic and an abiding interest in bringing justice and equality to all. I attribute my love of language and my ability to express myself effectively and concisely to the fact that I grew up in a household of six loquacious sisters and two parents who presided judiciously over passionate dinner-table discussions of the trivial and the profound, when I had to seize those rare opportunities when I had the floor by saying what I had to say in as few words as possible—excellent preparation for an interpreting career. In all seriousness, without the values and intellectual curiosity bestowed on me by my parents, I would not be the person I am today.

And finally, a special note of gratitude to Etilvia Arjona Tseng-Ortiz, former Dean of the Graduate School of Translation and Interpretation, Monterey Institute of International Studies (among other illustrious positions), because she never lost faith in me; she refused to let me give up when I was most discouraged, mentored me at the dawn of my career, made vital contributions to interpreting pedagogy, scholarship, and research, and inspired many others to become translators and interpreters. In fact, I am grateful to all the teachers I have had throughout my life, and by that I mean not just the education professionals who provided me with formal instruction, but also the colleagues I have worked with, the students who have taken my classes and workshops, and the legal and medical professionals I have interpreted for over the years. Not least, I honor the Spanish-speaking witnesses, defendants, claimants, patients, workers, and parents for whom I have interpreted and from whom I have learned so much, as they are the very reason I was drawn to and continue to work in this field.

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We would especially like to pay homage to the thousands of students who have attended the University of Arizona Agnese Haury Institute for Court Interpretation and the Monterey Institute of International Studies. We are grateful for all that we have learned from them.

Roseann Dueñas González, Victoria Félice Vásquez, and Holly Mikkelson