Oregon Women Lawyers

presents

Working with Interpreters

Thursday, February 4, 2016 | noon to 1:00 p.m.

By Telephone: 712.775.7000, 990709#

Application has been made for

1 Oregon Access to Justice MCLE Credit

Presenter

Melanie DeLeon

Certification and Training Coordinator for
Court Interpreting Services
Oregon Judicial Department

MELANIE DELEON

PROFESSIONAL EXPERIENCE

August 2011-Present
Oregon Judicial Department, Court Language Access Services **Oregon**
Certification and Training Coordinator, ASL Staff Interpreter II

- Developed and delivered training to approximately five hundred judges, attorneys and mediators on best practices when working with interpreters and people who are Limited English Proficient under Title VI of the Civil Rights Act
- Provided interpreting staff on ethics, skill development, provided resources, mentorship, and support for current language interpreters
- Supported the Remote Interpreting team as Subject Matter Expert for ASL interpreting
- Explored and secured funding strategies, created successful projects collaborating with Community Based Organizations, internal and external stakeholders and other State agencies
- Recruited interpreters and worked with procurement team in developing contracts as well as modernized the payment system
- Shown ability to multi-task in a fast paced environment utilizing good judgment and effective decision-making skills
- Fluent in ASL, RID Nationally Certified ASL Interpreter
- Served as a Council Member on Oregon Health Care Interpreting Council for the Oregon Health Authority

June 1997-Present
Mobility International, USA **Oregon**
Group leader/ Interpreter

- Facilitated workshops and discussions focusing on women and girls with disabilities in topics such as violence and abuse, poor health, barriers to education and employment, access to services such as disaster aid and HIV/AIDS prevention programs
- Represented MIUSA while traveling for programs, shared mission information utilizing cultural appropriate approaches for empowering people with disabilities
- Interpreted for high ranking officials, ambassadors and diplomats as a part of the team providing language access for participants of the programs
- Consulted on issues of Deafness, ASL, interpreting, Deaf Culture, and Deaf education

1993–Present Freelance Interpreter **Oregon and Washington**
American Sign Language Interpreter

- Active community interpreter in a wide variety of settings including: medical, legal and academic settings such as for a Ph.D resident at Oregon Health and Science University and high level business and medical professionals
- Guest Presenter at Western Oregon University, Portland Community College and Seattle Central Community College Interpreter Training Programs
- Specializes in mental health, legal, and assignments which require advanced voicing skills
- Serves as a community leader and mentor and advisory roles at interpreting programs
- Nationally RID certified American Sign Language interpreter

May 2004-November 2010
Hands on Video Relay Services/Purple **Oregon and Washington**
Manager, Recruiter and Video Interpreter

- Managed and supervised a staff of over 25 video and community interpreters, managed payroll and leave requests, HR and personnel issues
- Oversaw Center's budget, developed strategies for employment growth, and retention of personnel and community contracts
- Worked collaboratively with other remote centers, reported to Regional Director and CEO
- Possess an advanced knowledge of software and hardware related to this specialized setting
- Provided video relay interpreting services

2005–2006 Oregon Judicial Department **Oregon**
Interpreter 1 and Freelance Interpreter

- Provided legal interpreting in courts trough out the State of Oregon
- Worked in collaboration with the department and the courts to provide high quality services for Deaf and Hard of Hearing people in Oregon by accomplishing projects and assisting with trainings

2004 Western Oregon University **Oregon**
Instructor

- Taught "Community Settings" for senior level students in Bachelors Interpreter Training Program

EDUCATION

2004	Certificate, 100 Postgraduate hours in Therapy with Adoption Portland State University
1999-2001	M.S., Rehabilitation Counseling: Deafness, Western Oregon University
1995-1997	B.S. American Sign Language/English Interpreting Western Oregon University
1995	A.A. Deaf Studies Seattle Central Community College

CERTIFICATIONS

Certificate of Interpreting from RID, 2000, Certificate of Transliteration from RID, 2003, National Association for the Deaf IV, 2005, Specialty Certificate from RID SC:L , 2009, National Interpreter Certification from RID, 2010, ASL Oregon Certified Court Interpreter, 2012

ACCOMPLISHMENTS

- Collaborated with Community Based Organization to include ASL in HB2419 (2015)
- Selected to be a Fellow with the Department of State EMPOWER program in the Philippines (2013)
- Appointed by Governor Kitzhaber to the Oregon Health Care Interpreter Council (2013)

OREGON JUDICIAL DEPARTMENT
Office of the State Court Administrator

TIPS FOR WORKING WITH OREGON COURT INTERPRETERS

1. **Ask the interpreter if they are an Oregon Certified or Registered Court Interpreter.** If the answer is ***YES***, insure the interpreter's name is given for the record.
   - If the answer is ***NO***, ask questions to qualify and then swear in the interpreter.

2. **Allow interpreters to ask for repetitions** and to place themselves in the courtroom where they can best hear and see the speakers.

3. **Use the first person** when directing comments or questions to the LEP or Deaf person. This preserves clarity regarding who is speaking to whom.

4. **Interpreters interpret exactly what is spoken or signed**. Interpreters interpret all communications accurately without adding or omitting. Interpreters do not interpret verbatim; instead they retain the same meaning and formality of the speaker. Interpreters do not explain or "dummy down" what is said.

5. **Control overlapping speakers/parties during court proceedings.**
   Remember that the speed of speech and reading in the court can affect the interpreter's ability to understand, retain and interpret information.

6. **If only one interpreter is assigned to a hearing/trial over 1 hour, provide breaks** (about every 30 minutes); errors/omissions increase after continual interpretation beyond 30 minutes.

7. **Interpreters may ask for copies of documents/motions/pleadings/names before the hearing**. Interpreters will interpret more accurately when they have background context and specific information such as names, dates, statutes, rule numbers or jury instructions.

8. **Written and recorded evidence should be transcribed and translated** prior to the hearing/trial.

9. **If there is a challenge of an interpretation in a hearing/trial with a jury,** hold any discussions outside the presence of the jury. For further assistance see Chapter 19 of Oregon Judges Criminal Benchbook.

10. **For detailed information which guides appointment and procedures of interpreters** please see Court Interpreting Services web site "Policies, Law and Rules".

Working with Interpreters

Melanie DeLeon, MS
Certification and Training Coordinator
ASL Oregon Certified Court Interpreter
Court Language Access Services

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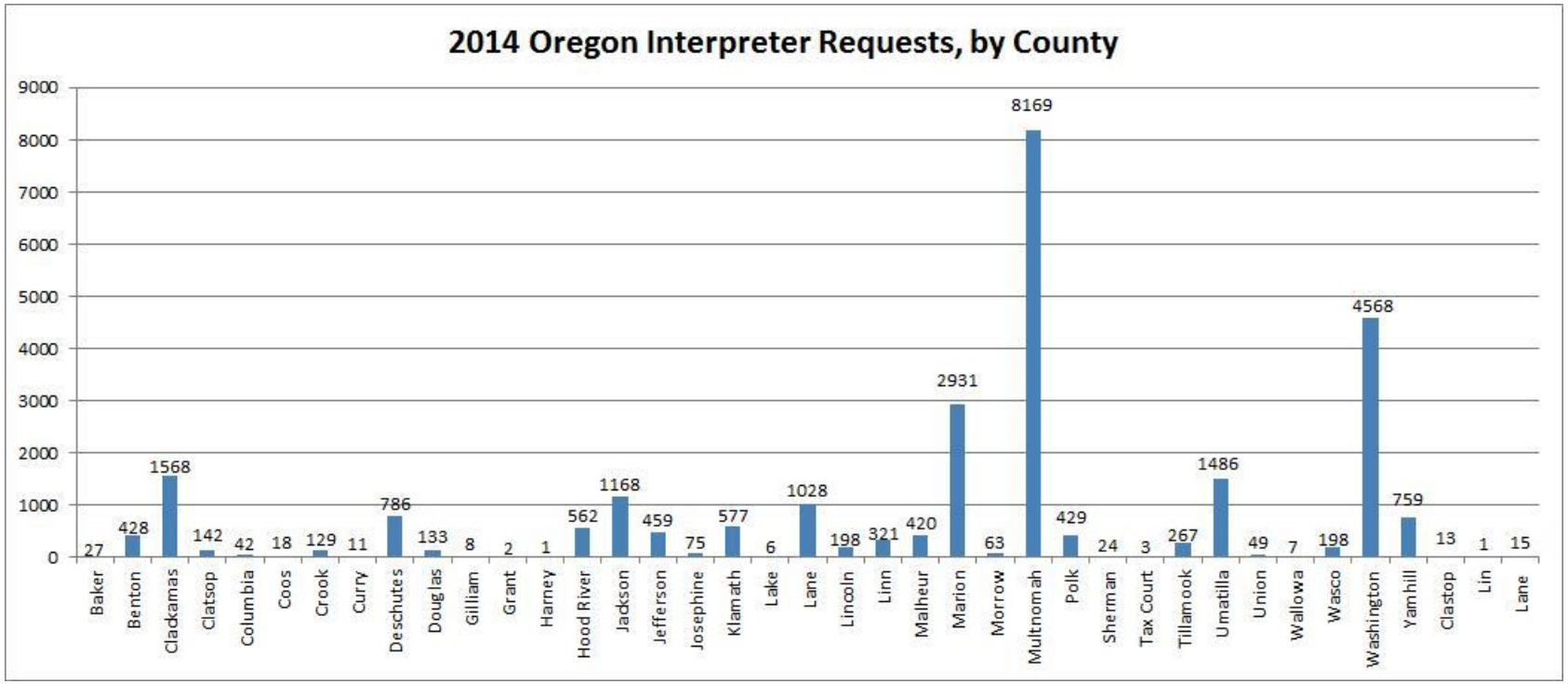
How Do You Rank?



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183 Languages Found in the Oregon Courts 1996-2014

Acateco
Akan(Twi)
Amdo
American Sign Language
Amharic
Arabic
Armenian
Ashanti
Bamanankan
Baraawe(Brava)
Bengali
Birundi
Bosnian
Bulgarian
Burmese
Cambodian/Khmer
Cantonese
Cebuano
Changning
Chin
Chuj
Chuukese
Cora
Croatian
Czech
Danish
Dari
Dinka
Dutch
English
Esperanto
Ewe
Farsi
Fijian
Fijian Hindustani
Finnish
Fon
French
Fukienese
Fulani
Fulfulde
Fuzhou
Ga
Georgian
German
Gokana
Gonja
Greek
Gujarati
Gun-gbe
Guoyo
Gurumkhi
Haitian Creole
Hausa
Hebrew
Hengyang
Hindi
Hmong
Huayu
Hubei
Huichol
Hunanese
Hungarian
Icelandic
Ifugao
Igbo
Ilocano
Ilonggo
Indonesian
Inupiaq
Italian
Ixl
Jaaxanke
Japanese
Jula
Kanjobal
Karen
Khan
Kikuyu
Kimakonde
Kinuyancore
Kinyarwanda
Kirundi
Kirwanda
Korean
Kosraean
Krahn
Kurdish
Laotian/Lao
Latvian
Lithuanian
Luganda
Maay
Macedonian
Maha
Malay
Malaysian
Mam
Mandarin
Mandinka
Marathi
Marshallese
Maya
Mazahuatl
Miao
Mien
Mina
Mixe
Mixteco
Mizo
Mokilese
Moldavian
Mongolian
Nahuatl
Navajo
Nepalese
Nepali
Ngatik
Norwegian
Nuer
Oromo
Pakistani
Palauan
Pashto/Pashtu
Pidgin
Pidgin French
Pingalap
Pingelapese
Pohnpeian
Polish
Portuguese
Pulaar
Punjabi
Punjabi Eastern
Quiche
Romanian
Russian
Samoan
Serbian
Shanghaiese
Shilluk
Sichuanese
Sicilian
Sinhala
Slovakian
Slovenian
Somali
Spanish
Susu
Swahili
Swedish
Tagalog
Taishanese
Taiwanese
Tamil
Tarasco/Purepecha
Tavoyan
Telugu
Thai
Themme
Tibetan
Tigre
Tigrinya
Tongan
Tosk
Totonaka
Trique
Turkish
Twi (Akan)
Tzotzil
Ukrainian
Urdu
U-Tsang
Uzbek
Vietnamese
Visayan
West African French
Wu Chinese
Yapese
Yiddish
Yoruba
Zapotec
Zomi

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Goals for Today

- Understand why and when we provide services
- Learn why it is best to use a Certified interpreter
- Tips for working with interpreters
- ASL interpreting services
- Get some new tools in your back pocket

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Court Language Access Services provides **high quality** mandated linguistic access to the Oregon State Courts through **trained ethical interpreters**, **education** of the court community, **and** responsible **resource management**.

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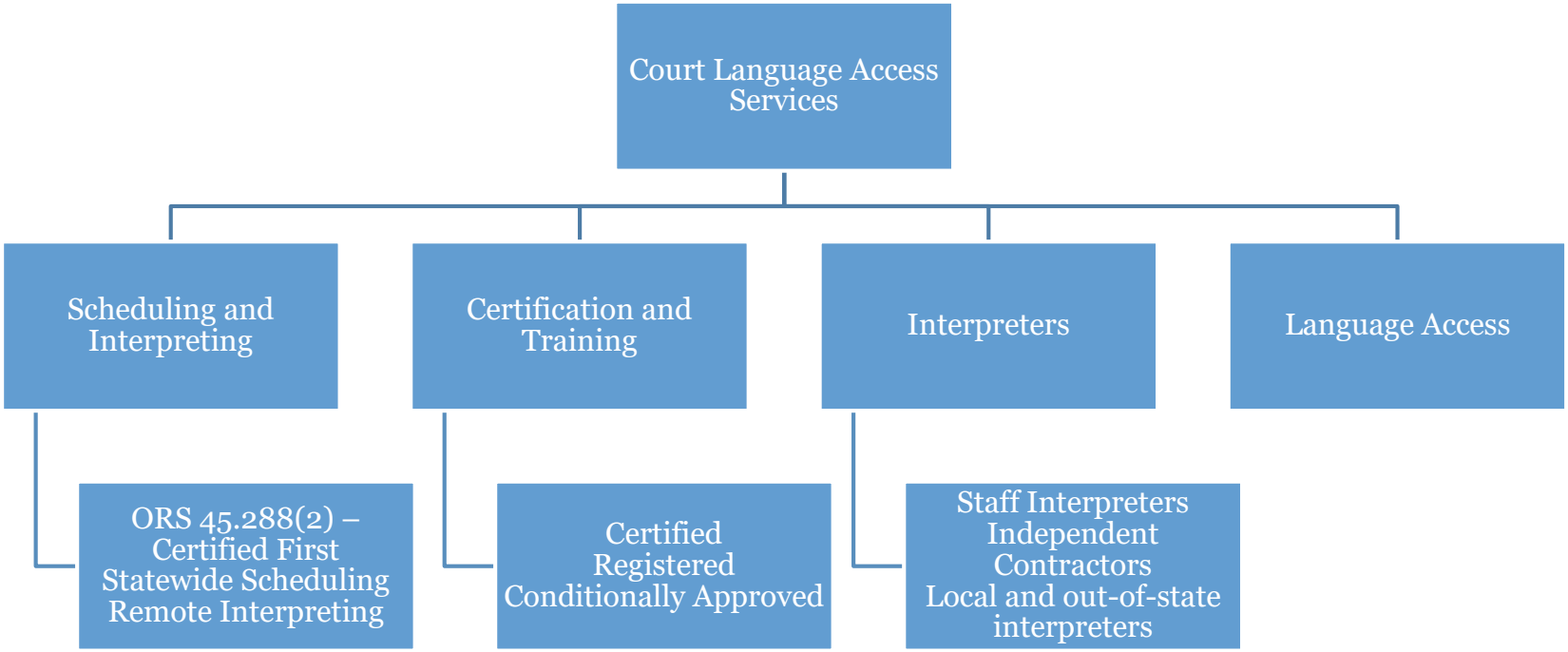
Court Language Access Services



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Language Access in the Courts

ORS 45.272-45.297

Title VI of the Civil Rights Act (1964) and Executive Order 13166 (2000) require OJD compliance

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Court Interpreters (ORS 45.275)

a) To interpret the proceedings to a non-English-speaking party;
b) To interpret the testimony of a non-English-speaking party or witness; or
c) To assist the court, agency or hearing officer in performing the duties and responsibilities of the court, agency or hearing officer

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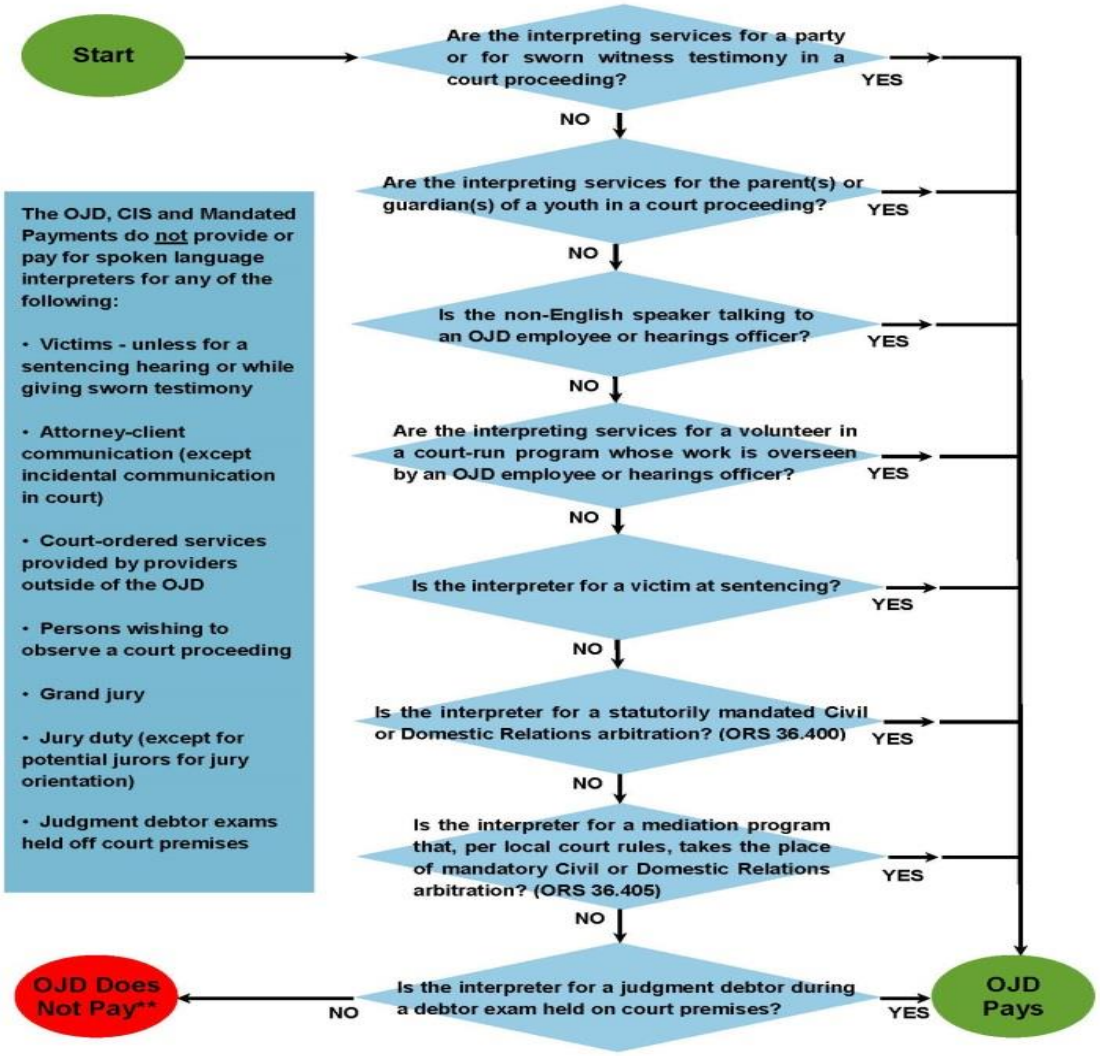
Payment Protocols for Scheduling Spoken Language (not ASL) Interpreters



***OJD does not pay. Whoever pays the English-speaker is likely responsible for scheduling and paying for the interpreter.*

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Why Is ASL Different?

- American's With Disabilities Act
  - Access- Grand Jury
  - Reasonable Accommodations
    - FM Systems/ Amplification
    - Real-Time Captioning

- Logistical
  - Sight Lines
  - Certified Deaf Interpreters

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Qualified Interpreter ORS 40.325

- The Oath and Qualifications to be made on the record ORS 45.275, 9 (c)
- Except for (Per ORS 45.291) Oregon Certified and Registered Interpreters

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How to Qualify an Interpreter

- Ask open ended questions
- Ask questions requiring complete/near complete sentences
- Ask questions with a unique answer
- Consider questions that do NOT require “yes” or “no”

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Interpreter Credentials

Certified	Registered
• Criminal background check	• Criminal background check
• Language Proficiency Exam Written English	• Language Exams Oral English Oral foreign language
• Oral Interpreting Exam Three modes in two languages	• On-Site Mentoring
• Court Observation	• Court Observation
• Interpreter Ethics and Protocol Exam	• Interpreter Ethics and Protocol Exam

<u>Conditionally Approved</u>
Criminal background check
Experience Interview

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The Code of Professional Responsibility for Interpreters in the Oregon Courts

- Accuracy and Completeness
- Representation of Qualifications
- Impartiality and Avoidance of Conflicts
- Demeanor
- Confidentiality
- Restriction of Comment
- Scope of Practice
- Impediments to Performance
- Ethical Violations
- Professional Development

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The Code of Professional Responsibility for Interpreters in the Oregon Courts

- Established in 1995
- ORS 45.291 – certification authority
- ORS 45.288 – preference for certified interpreters
- ORS 45.275 – qualifications

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Interpreting Processes

- Source Language
- Target Language
- Language Conversion
- Situational Awareness
- Anticipating Next Steps/Next Content
- Research
- Note Taking
- We are not just digital recorders!

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What interpreters Want you to Know

- Facilitate information
- There is a difference between linguist comprehension and understanding
- We don't "explain"
- LEP parties are often confused but it is not a language issue

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Tips on Working with Interpreters

Handout

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What You Can do to Assist the Interpreter:

- Facilitate information.
- Provide rest periods.
- Familiarize yourself with the legal standards.
  - ORS 45.272-45.297
  - Oregon Criminal Bench Book Chapter 19

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Some Consistent Problem Areas

- Objections (accuracy and completeness)
- Writings (role)
- Motions (content, speed)
- Rote texts and processes (speed)
- Needing a team

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Questions/Follow-Up

How can we help you to do your job better?

- What has frustrated you about interpreters?
- How do you report a problem?
- We are solutions oriented not punitive!
- You are our end user, but also our eyes and ears.
- Be vigilant, it is your courtroom.

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Thank You!

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OREGON JUDICIAL DEPARTMENT
Court Language Access Services

Chapter 132 — Grand Jury, Indictments and Other Accusatory Instruments
2013 EDITION
Oregon Revised Statutes

132.090 Presence of persons at sittings or deliberations of jury; interpreters. (1) Except as provided in subsections (2) and (3) of this section, no person other than the district attorney or a witness actually under examination shall be present during the sittings of the grand jury.
(2) Upon a motion filed by the district attorney in the circuit court, the circuit judge may appoint a reporter who shall attend the sittings of the grand jury to take and report the testimony in any matters pending before the grand jury, and may appoint a parent, guardian or other appropriate person 18 years of age or older to accompany any child 12 years of age or younger, or any person with an intellectual disability, during an appearance before the grand jury. The circuit judge, upon the district attorney's showing to the court that it is necessary for the proper examination of a witness appearing before the grand jury, may appoint a guard, medical or other special attendant or nurse, who shall be present in the grand jury room and shall attend such sittings.
(3) The district attorney may designate an interpreter who is certified under ORS 45.291 to interpret the testimony of witnesses appearing before the grand jury. The district attorney may designate a qualified interpreter, as defined in ORS 45.288, if the circuit court determines that a certified interpreter is not available and that the person designated by the district attorney is a qualified interpreter as defined in ORS 45.288. An interpreter designated under this subsection may be present in the grand jury room and attend the sittings of the grand jury.
(4) No person other than members of the grand jury shall be present when the grand jury is deliberating or voting upon a matter before it.
(5) As used in this section, "intellectual disability" has the meaning given that term in ORS 427.005. Intellectual disability may be shown by attaching to the motion of the district attorney:
(a) Documentary evidence of intellectual functioning; or
(b) The affidavit of a qualified person familiar with the person with an intellectual disability. "Qualified person" includes, but is not limited to, a teacher, therapist or physician. [Amended by 1973 c.836 §39; 1983 c.375 §1; 1991 c.406 §1; 2001 c.243 §1; 2011 c.658 §31; 2013 c.36 §35]

To Make a Request:

http://courts.oregon.gov/ojd/osca/cpsd/InterpreterServices/pages/ScheduleAnInterpreter.aspx