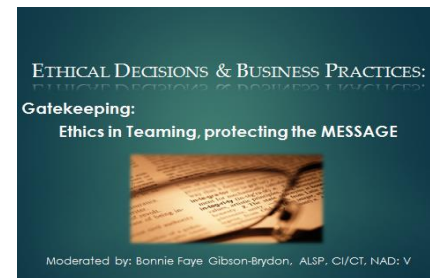


Gatekeeping

is the process through which information is filtered for dissemination, in all modes of communication. Ethical gatekeeping requires “taking the higher ground” and at times, our gatekeeping is done with so much ease the consumers are unaware of our participation in the process. (Kurt Lewin, 1947)



(Legal Environments) - abide by our oath

- Educational - Student getting arrested, IEP meetings, Educational Mediations
- Medical - Workers Comp, Procedure in taking medications, some hospitals have sued their interpreter,
- In Court: Deaf Defendant (rights/amendments), Deaf Juror (responsibilities), Deaf Attorney -Motions, Law, (all three different perspectives)
- Out of Court: Immigration, Arbitration/Mediation, Worker's Comp, Depositions.



Why are interpreters important?

Due process:

- 1: a course of formal proceedings (as legal proceedings) carried out regularly and in accordance with established rules and principles —called also *procedural due process***
- 2: a judicial requirement that enacted laws may not contain provisions that result in the unfair, arbitrary, or unreasonable treatment of an individual —called also *substantive due process***

Idiosyncratic:

A peculiarity of constitution or temperament : an individualizing characteristic or quality

Pertaining to the nature of idiosyncrasy, or something peculiar to an individual:
The best minds are idiosyncratic and unpredictable as they follow the course of scientific discovery.

Idiosyncratic due process: The use of CDI's

(write your explanation to the judge for using a CDI, using the terms above)

How many types of courts do we have? Different types of Procedures?

AUDIENCE (focused listening): Deaf Attorney / Juror / Defendant / Witness

- District
- Superior (used to be Superior and Municipal)
- Parole
- Specialized: Of Limited Jurisdiction (Mental Health / Traffic / Mediation)
- Family
- Appellate procedures

(What types of Listening are different for the various courts??)

Roles of the Courtroom: (Officer of the Courts)

- Bailiff (Protects the well, courtroom)
- Clerk (three different types of clerks)
- CART (importance of the record)
- Interpreter (speak in the third person)
- Deputy District Attorney (Representing the State)
- Public Defense Attorney (Representing the client)
- Judge (Listens for/ Protects the Law)

KNOWLEDGE OF:

Legal History: Which parts of the constitution open the doors to interpreting?

Legal Theory: Evidentiary Rules affecting interpreters; Immunity theories for court interpreters (Privilege Communication and what to do if subpoenaed and how to respond)

Types of Crime: “VOP” Violation of Probation, 641 ... abbreviations - Burglary / Robbery / Arson

Protocol: Ethics / Conflict of Interest / Officer of the Court / Voir Dire /

What are the different types of hearing? (this is just a few)

- Criminal: Unanimous Verdict – District Attorney / Defense Attorney – Jury/Judge
- Motions Almost all in code, limiting what can come into trial
- Civil: “Cause of Action” - Preponderance of evidence: Civil Attorneys - Jury/Judge
- Small Claims: Individual to Individual
- Traffic: Before Judge and Officer
- Family Court: Three Attorneys representing – Judge trial
What type of court is NOT in the Superior Courts - Family Court

(Regarding client) - Accountability

Where / Who is your point of focus?

AUDIENCE (focused listening): Deaf Attorney / Juror / Defendant / Witness

Deaf Attorney: Knows the Law – Codes – Latin - Transliteration

Juror: Facts (Trier of the Facts)

Defendant: Rights , Clarity of Information – ASL to English

Witness: Cross Clarification – Consecutive Interpreting

(1) **Inquiry** * Before stepping into court, are we confident in our own Demand-Control issues and ready to listen? Have we worked with a mentor. Do we know the questions to ask.

- Ability to access skills honestly
- Ethical decision-making

(2) **Articulation,* what was not said,*** (Listening: Explicit/Implicit)

(regarding yourself) - accountability

Intuition holds a very important role with our interpreting, likewise **inference** skills are critical.

Where / Who is your point of focus?? Who was your mentor?

Where are your training certificates? Do you have a work portfolio? Yes / No Questions

- Ability to articulate for a Deaf Interpreter Specialist (CDI)

(3) **Reflection,*** (looking inward) How do we "check in" with each other?

Teams have to have each other's back... even when they don't like each other! They still have to professionally work together.

(When there is an error) How do we know when to stop the proceedings and – at that exact point – who do you address first?

- Ability to advocate for and work with team interpreter

- **SIXTH AMENDMENT**

- **RIGHTS OF ACCUSED IN CRIMINAL PROSECUTIONS**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

- **SEVENTH AMENDMENT**

- **CIVIL TRIALS**

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Legal resources

The Best of the Best Mentors / Legal Instructors – Carla Mathers, Esquire, SC:L

Carla’s previous BASIC LEGAL training, webinar <https://www.youtube.com/watch?v=DgjKZHMsrUU>

Her Book: Legal Interpreting Basics

University of Northern Colorado - http://www.unco.edu/marie/RID_LIMS_preconference.html

[Mid-America Regional Interpreter Education \(MARIE\) Center](#)

Advanced Skills Development for Legal Interpreters: Interpreting Lines of Questioning During Sworn Testimony

RID Legal Interpreters Member Section (LIMS) August 7th

Presenters : Jimmy Beldon, Eileen Forestal, and Carla Mathers

Department of Justice
Office of Public Affairs

FOR IMMEDIATE RELEASE

Monday, August 5, 2013

Justice Department Reaches Settlement with the City of Henderson, Nev. to Improve Law Enforcement Communications with People Who Are Deaf or Hard of Hearing

The Justice Department announced today that it has reached a cooperative settlement agreement with the city of Henderson, Nev. under the Americans with Disabilities Act (ADA).

The Justice Department received complaints by individuals who are deaf that officers for the city of Henderson did not provide them with qualified sign language interpreters and other auxiliary aids and services when needed for effective communication. One of the complainants had been arrested and detained for two days in the Henderson detention facility, while the other was an alleged crime victim.

RID Legal Interpreters Member Section - <https://www.facebook.com/groups/RIDLIMS/>



Signs of Development

Signs of Development: Court & Legal Interpreting Best Practices Book Club Study Group

https://docs.google.com/forms/d/1WfrjTupa6FaZPyp_mw_0rubc4RyP0FdRCFPc3hI4JPM/viewform?formkey=dC1CUYzb2llcmtSV2Rxd1k2RW84SVE6MQ



The NCIEC Court Interpreting Induction Program provides a pathway to the SC:L for certified interpreters, Deaf and non-deaf, through supervised, supported work experience in the courts.

<http://www.interpretereducation.org/>

