TAHIRIH JUSTICE CENTER®

Protecting Immigrant Women and Girls Fleeing Violence

GUIDELINES FOR WORKING WITH AN INTERPRETER

WHEN TO USE AN INTERPRETER

If your client does not speak English, or speaks some English but is not fluent or comfortable communicating in English, it is important to use an interpreter to ensure that both you and your client are able to fully understand one another. Note that just because a client can speak some English does not mean that an interview should be conducted in English. Sensitive, difficult, emotional subjects are often easier in the client's native language.

If a client has some English proficiency, it is acceptable to forego an interpreter for smaller administrative communications such as scheduling an appointment or asking for an address, however for substantive meetings such as a retainer meeting or drafting a declaration, an interpreter must be present.

You should seek a professional interpreter rather than using a friend or family member because you will need to discuss details of sensitive subjects that a client may not feel comfortable talking about in front of someone she knows, and the friend or family member may inject his or her own opinion or understanding of events into the translation. Remember that just because someone speaks a language does not mean that he or she knows how to properly interpret – it's a skill!

BEFORE FINDING AN INTERPRETER

1) *Assess the client's situation, psychological and emotional status, cultural background and country conditions:*

- Check if the client would prefer a male or a female interpreter or if there are any other demographic factors that will impact how comfortable the client will feel sharing her story. For example, your client may prefer a member of the same or different ethnic group or may have concerns about or a preference for someone from her immediate community.

- Check if the client speaks a certain dialect or is from a particular region so that you can seek out an interpreter with the proper language skills and cultural sensitivity to avoid confusion or miscommunication.

- If the client is from a small country or from a country with widely spread family networks, there may be a danger that the interpreter knows either the client herself or members of her family, which conflicts with confidentiality and may put the client and/or her family in danger. If the client does not feel comfortable

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with meeting the interpreter, an option of interpreting by phone is available to such clients.

2) *Plan logistics:*

- Get a sense of the client's schedule and access to transportation so that you can seek an interpreter who will be able to accommodate when and where the client is available to meet.

- Determine if the client prefers a few long sessions or a greater number of shorter sessions so you can seek an interpreter with appropriate availability

- Schedule more time for meetings with interpreters because the interpretation process can make an appointment take **two or three times as long**.

WORKING WITH INTERPRETERS

1) *Before the Meeting:*

- Speak with the interpreter before the interpreter meets your client in order to provide the interpreter with some background information and lay out your expectations:

- If possible, give the interpreter any forms or documents that he or she will be translating ahead of time so that he or she may look up any unfamiliar terms and otherwise prepare for the meeting.

- Provide the interpreter with background on the client's case and let he or she know ahead of time that you will be talking about trauma and other difficult/sensitive topics. Ensure the interpreter is comfortable with such topics and remind them him or her that it is best to minimize visible reactions to the client's story, e.g. gasping, crying, or making faces.

- If the interpreter has no prior experience in legal translating, the attorney should explain in advance the legal terms that are used in conversation with the client.

- Remind the interpreter that it is extremely important for him or her to translate exactly what the client is saying, using first person, and to not explain, add commentary, or change language. The interpreter should translate verbatim what the client is saying.

- Tell the interpreter that if he or she needs to ask a question to clarify something the client said, he or she should always stop and tell you that he or she is asking for clarification.

- If you step outside the room, make sure the interpreter knows not to answer any questions from the client without you present. Tell the interpreter to ask the client to wait and ask questions directly to you.

2) *During the Meeting:*

When you meet with the client and interpreter for the first time set out everyone's roles and expectations and review the concept of confidentiality

- Review confidentiality, even having the interpreter sign the confidentiality form in front of the client to provide a sense of safety and ensure the client knows everything she says is completely confidential

- Tell both the client and the interpreter right away that it is best to speak in short phrases, 1-2 sentences at a time, so that the interpreter can translate completely and accurately.

- Explain the process that the case will go through in detail and the interpreter's role in the case, reminding the client to direct all questions to you as the attorney and not to the interpreter.

- Emphasize that both the client and the interpreter should stop if they did not understand something and ask for clarification, and never guess at what someone what going to say or what they thought was said.

- Tell both the interpreter and the client that they can take breaks if they need them.

- Ask if either the interpreter or client has any questions before getting to the substance of her case.

3) *As you work through the meeting, keep in mind:*

- Always look directly at your client when speaking to her, never at the interpreter.

- Speak in clear, uncomplicated language using short sentences.

- If you think the translation of a particular question is inaccurate, try rephrasing and ask the same question in a few different ways in order to ensure that both the interpreter and client understand.

- Advise the client to listen to the translation of the question or comment even if the client feels she understands the English.

4) *Wrapping up:*

- After the substance of the meeting is over, take a break and then try to schedule your next meeting with all parties.

- If there is time, debrief with the interpreter to minimize the effects of secondary trauma.

FINDING AN INTERPRETER

- It is strongly encouraged that you use a professional interpreter who has undergone training and has experience working with victims of trauma. However, if your firm or office has staff members with language capacity on hand, you may use that staff with some preparation and guidance. Ask your Tahirih mentor attorney for resources and tip sheets.

- Your client may have her own interpreter. Tahirih advises against using family members, and *especially children*, for the interpretation of the legal case. Your client may not be comfortable sharing the intimate details of the gender-based violence experience with family members or others she already knows. Use a family member *only* as a last resort.

- The interpreter needs to be informed in advance about when his or her services will be required, for how long, and for what type of work.

- It is preferable, where feasible, to use the same interpreter throughout a case in order for the client and interpreter to build trust and for consistency in translation. If you need assistance locating an interpreter, contact your Tahirih mentor attorney.

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