

TOP TEN PRACTICE POINTS FOR WORKING WITH AN INTERPRETER

Provided by the South Carolina Access to Justice Commission Language Access Committee

1. **An interpreter is required if your client has limited English proficiency or is deaf.**
Limited English Proficiency (LEP) means that your client reads, speaks, or writes English “less than very well.”¹
2. **To ensure you are meeting ethical requirements, use an interpreter for meetings and phone calls with your LEP or deaf² clients.**
3. **Appointment of interpreters in court is governed by S.C. Code Ann. §§15-27-15, 15-27-155, and 17-1-50.**
4. **Contact the Clerk’s office in the county where the action is pending to request a court interpreter for all hearings and appearances where your LEP client will be present.** There is no court mandated procedure for requesting an interpreter, but the attorney can submit a motion requesting the interpreter.
 - a. The motion should request a hearing on the matter if the court is inclined to deny the request to ensure there is a finding on the record regarding the appointment of an interpreter.
 - b. Send the request as soon as you receive notice of the hearing to ensure interpreter availability.
 - c. Include the Order of Appointment form with the motion.
(<http://sccourts.org/forms/pdf/SCCA262.pdf>)
 - d. Request the Clerk’s office use the court interpreter list provided by Court Administration.
 - e. The judge may order the interpreter’s fees be paid by the South Carolina Judicial Department by one or more of the parties or taxed as costs.
5. **Secure the services of a “table interpreter.”** A table interpreter is an interpreter you pay to sit at the table with you and your client to facilitate confidential client communications and to assist you with any issues that arise with the court interpreter’s interpretation, so you are able to make appropriate objections related to the interpretation on the record.
6. **Magistrates and Municipal courts may use telephonic interpreters.**
<http://www.sccourts.org/courtorders/htmlfiles/2003-01-14-02.htm>
7. **On the record, and before you begin the hearing, request the judge allow voir dire of the interpreter.** Voir dire questions should include:
 - a. The statutory requirements;
 - b. Interpreter ethical requirements, Rules of Professional Conduct for Court Interpreters, Rule 511, SCACR;
 - c. Any other issues you deem relevant to the proceeding, such as knowledge of the subject matter terminology.
8. **Be mindful of interpreter placement in the courtroom.**

See “Working with Limited English Proficient Clients in South Carolina,” South Carolina Lawyer. South Carolina Bar, CLE Division, January 2013: 24-31, and The Briefcase Lawyer, South Carolina Bar, CLE Publications.

9. Object to any interpreting issues as they occur and ask the judge to rule on them.

- a. Make a motion that the judge order that the court reporter’s audio recording be a part of the official record.
- b. If you request a copy of the transcript from the court reporter, also request a copy of the audio recording.
- c. Ask the court reporter if you will need to provide a means of reproducing the audio portion (CD, flash drive, etc.).

10. Be aware that attorney ethical obligations and federal statutes apply to LEP and deaf clients as well.³

¹ Improving Access to Services for Persons with Limited English Proficiency, 65 Fed. Reg. 50121.

² Telephone communication with deaf clients requires use of an interpreter service provided to members of the deaf community.

³
See <http://sccourts.org/courtReg/displayRule.cfm?ruleID=407.0&subRuleID=RULE%201%2E3&ruleType=APP>,
<http://sccourts.org/courtReg/displayRule.cfm?ruleID=407.0&subRuleID=RULE%201%2E4&ruleType=APP>,
<http://sccourts.org/courtReg/displayRule.cfm?ruleID=407.0&subRuleID=RULE%201%2E6&ruleType=APP>,
<http://www.ada.gov/albuquerque.htm> and <http://www.ada.gov/tirone.htm>