

**SIGN LANGUAGE INTERPRETER ASSISTANCE
FOR A DEAF JUROR
BEFORE AND DURING JURY DELIBERATIONS**

[The interpreter must be sworn prior to participating in court proceedings and after the court determines the competency of the interpreter. G.L. c. 234A, § 69. The interpreter should be sworn prior to the commencement of any proceedings in the presence of the jury pool.]

Clerk Do you solemnly swear or affirm that you will make true and complete interpretation of all testimony and other court proceedings using your best skill and judgment in accordance with the standards prescribed by law and the ethics of the interpreter profession?

Judge Throughout this trial, interpreters will assist a juror who is deaf. Their role is strictly limited to interpreting what is said in the presence of the jury during the trial and during deliberations. Other jurors shall not ask the interpreters for advice or other assistance. The interpreters may continue to assist a deaf juror in communicating with other jurors and court personnel during recesses.

The interpreter's oath prior to jury deliberations

Clerk Do you solemnly swear or affirm that you will not participate in the deliberations, will not in any way indicate agreement or disagreement with the discussion, will not have communications,

oral or visual, with any member of the jury regarding the deliberations except for the translation of the remarks of jurors, will not vote on the verdict, and that you will keep the jury's deliberations secret?

NOTES:

1. **Statutory requirements.** G.L. c. 234A, § 69, permits the judge to appoint interpreters for deaf jurors. The statute reads, in part, "In the presence of the jury, the court shall instruct the translator to make true, literal and complete translations of all testimony and other relevant colloquy to the deaf juror to the best of his ability." It further directs, "The court may permit a translator to be present and assist a deaf juror during the deliberations of the jury. In the presence of the jury, the court shall instruct the translator to refrain from participating in any manner in the deliberations of the jury and to refrain from having any communications, oral or visual, with any member of the jury regarding the deliberations of the jury except for the literal translations of jurors' remarks made during deliberations."

2. **Unavailability of interpreter.** As a general rule, a totally deaf juror will require the presence of two interpreters. If a deaf juror appears and wants to serve, but no interpreters are available, the Court may contact the Office of Interpreter Services to inquire whether interpreters are immediately available. If not, or alternatively, the Court may contact the Office of the Jury Commissioner to arrange for a date for the juror to return because that office coordinates the assignment of interpreters for deaf jurors. Jurors with more limited hearing impairments may require other accommodations.