

OCIS ETHICS EXAM

Directions: To complete this exam you need to have the Code of Professional Conduct for Court Interpreters or [Code of Conduct](#) (Section 4.00 of the *Standards and Procedures of the Office of Court Interpreter Services*) in hand. Please, read each question, situation or premise carefully and respond according to the instructions for each one, which will either require “Multiple Selection” or “True or False” responses. Use the [Answer Sheet](#) to indicate your selections. Return your completed Answer Sheet to OCIS by the deadline. (See: [OCIS Mandatory Ethics Written Exam: General Description and Information.](#))

1. According to **Section 4.01** of MA’s Code of Professional Conduct for Court Interpreters, which **ONE** of the following six statements does **NOT** reflect the role of court interpreters as “officers of the court”? Please indicate (**X**) your selection on the Answer Sheet.

(a) Ensure equal access to justice.

(b) Ensure that court proceedings function effectively by increasing efficiency, quality and uniformity in those proceedings that involve court interpreters.

(c) Ensure meaningful access to court proceedings to LEP and DHH individuals.

(d) Ensure due process to LEP and DHH individuals by placing them in the same position as English-speaking individuals.

(e) Protect the constitutional rights of LEP and DHH individuals during court proceedings.

(f) Ensure all LEP and DHH individuals fully understand their court process.

2. According to **Section 4.02** of the **Code of Conduct**, “Applicability,” indicate for **each one** of the following four statements if it is True (**T**) or False (**F**). Please indicate your four responses on the Answer Sheet.

(a) The Code of Conduct applies to all individuals and agencies that provide interpreting services in the Massachusetts judiciary.

(b) The Code of Conduct applies to court interpreters during the performance of their court-assigned duties only within the premises of the court.

(c) The Code of Conduct applies only in those circumstances addressed specifically by the Code.

(d) The Code of Conduct applies exclusively and only to those interpreters who have signed a statement agreeing to be bound by the Code.

3. According to **Section 4.03 (A) – (I)** of the **Code of Conduct**, “Accuracy and Completeness,” court interpreters strive for accuracy and completeness in their interpretation or sight translation, to the best of their ability.”

Based on the entire contents of Section 4.03, select from the entries below **ALL THE ONES** that reflect how court interpreters appropriately achieve accuracy and equivalence in their target language rendition. Please indicate **(X)** your selections on the Answer Sheet.

(a) They follow appropriate protocol to correct any error of interpretation discovered during proceedings, by themselves or others.

(b) They apply their best skills and judgment to preserve the meaning of what is said, including the style and register of the speaker.

(c) They interpret “word for word” what the speaker says, preserving the word order of the Source language rendition and being completely literal in their interpretation, even if it distorts meaning in the Target Language.

(d) They interpret every spoken statement, including obscene, rambling, incoherent or apparent misstatements.

(e) They interpret without editing, summarizing, adding or deleting, other than the necessary adjustments or reformulations natural to any translation (oral or written) process between different languages.

(f) When interpreters believe the non-English speaker cannot understand the speaker’s language level, they make every effort to ensure the non-English speaker’s ability to understand, including simplifying the message.

4. According to **Section 4.03** of the **Code of Conduct**, “Accuracy and Completeness,” elements such as slang, idioms, jokes and culturally-bound expressions do not translate easily.

Based on the full contents of Section 4.03, please select from the four options below **ALL** the **appropriate** courses of action interpreters may take in order to handle such interpreting challenges. Please indicate **(X)** your selections on the Answer Sheet.

(a) Court interpreters strive to preserve the intended Source Language meaning, even if preserving the original form of the utterance is not possible.

(b) Court interpreters may at times have to repeat the original Source Language word or expression verbatim, and let the Court inquire into its meaning.

(c) Court interpreters may decide to omit the Source Language word or expression altogether because there is no equivalent in the other language.

(d) If the need arises to explain an interpreting problem, court interpreters should ask the Court’s permission to provide an explanation.

5. According to **Section 4.03 (E)** of the **Code of Conduct**, “Accuracy and Completeness,” what is the correct procedure regarding the use of grimaces and gestures by an LEP defendant or witness? Select the **correct ONE** from the three options listed below. Please indicate **(X)** your selection on the Answer Sheet.

(a) Except in the case of certain gestures or grimaces that may have a cultural significance, the interpreter shall either explain or repeat a speaker’s gesture or grimace which has been seen.

(b) Except in the case of certain gestures or grimaces that may have a cultural significance, the interpreter shall not offer an explanation or repeat a speaker’s gesture or grimace which has been seen.

(c) The interpreter shall not offer an explanation or reenact a speaker’s gesture or grimace which has been seen, which includes gestures with cultural significance.

6. According to **Section 4.03 (G) through (I)** of the **Code of Conduct**, “Accuracy and Completeness,” what should happen when an error in interpretation is brought to the attention of the court by someone other than the interpreter? Select **ALL** the **correct** options from the list below. Please indicate **(X)** your selections on the Answer Sheet.

(a) The Court should confer at side-bar with counsel, the interpreter and any other parties involved.

(b) Court interpreters should objectively analyze any challenge to their performance.

(c) The judge will make a final determination on the evidence as to the correct interpretation, after hearing all arguments. If the correct interpretation is different from the original interpretation, the court will amend the record.

(d) If the Judge determines that the correct interpretation is different from the original interpretation, the interpreter will file a grievance in protest with OCIS or the appropriate judicial authority.

7. Section 4.04 of the **Code of Conduct**, “Impartiality and Avoidance of Conflict of Interest,” states: “Court interpreters shall be impartial and unbiased in their interpretation and shall refrain from conduct that may give an appearance of bias. Court interpreters shall disclose any real or perceived conflict of interest.”

Based on the full contents of Section 4.04, select **ALL** the circumstances from the list below presumed to create **actual or apparent** conflict of interest for court interpreters, thus requiring disclosure and/or, at times, disqualification of the interpreter assigned. Please indicate (X) your selections on the Answer Sheet.

- (a) The court interpreter has been involved in the choice of counsel.

- (b) The court interpreter is a friend, associate or relative of a party or counsel for a party involved in the proceeding.

- (c) The court interpreter or a member of the court interpreter’s immediate family has a financial interest in the subject matter in controversy.

- (d) The court interpreter lives in the same neighborhood as the LEP party. They haven’t met before nor do they share any common activities.

- (e) The court interpreter realizes she attends service at the same church as the LEP party. They have on occasion participated in the same church activities and it could happen again.

- (f) The court interpreter has been previously retained by one of the parties in the case.

8. **Section 4.04** of the **Code of Conduct**, “Impartiality and Avoidance of Conflict of Interest,” states: “Court interpreters shall be impartial and unbiased in their interpretation and shall refrain from conduct that may give an appearance of bias. Court interpreters shall disclose any real or perceived conflict of interest.”

Based on this standard, please select from the list below **ALL** the courses of action that interpreters should **refrain from** either because they represent a clear conflict of interest, or because they could convey the appearance of lack of impartiality. Please indicate (X) your selections on the Answer Sheet.

(a) The interpreter sits alone with the LEP party—a very nervous mother in danger of losing custody of her children--outside of the courtroom while they wait for the case to be called. By chatting in their own language, the interpreter helps the LEP party calm down and prepare mentally for the hearing.

(b) The interpreter expresses her personal position about the LEP party’s religious creed and/or political orientation to the LEP party’s attorney.

(c) The interpreter finds out the LEP party’s number from the phone book weeks after interpreting for him to inquire about his landscaping services and to get an estimate for work she needs done at her house.

(d) The interpreter gives her/his card to the LEP party so they have a chance to talk before the next court date.

(e) The interpreter requests the help of the other OCIS-assigned interpreter in the court complex for a long hearing. Both interpreters have interpreted for LEP clients of the defense attorney before.

9. Section 4.04 (B) and (C) of the Code of Conduct, “Impartiality and Avoidance of Conflict of Interest,” defines court interpreters as “state employees” or “special state employees” as those terms are defined in G.L. c.268A.

Select from the three statements below the **TWO** that most accurately represent what this means for OCIS per diem interpreters. Please indicate **(X)** your selections on the Answer Sheet.

(a) Subject to the provisions of the Conflict of Interest Law, G.L. c.268A, OCIS per diem interpreters may accept employment as court interpreters during hours or times when they are not employed by OCIS.

(b) OCIS per diem interpreters are considered “special state employees” as this term is defined in G.L.c.268A, and as such shall be governed by the provisions of the said law regarding any conflict of interest.

(c) OCIS per diem interpreters are not subject to the provisions of G.L.c.268A in light of their being contractors and not full-time employees.

10. Section 4.05 of the **Code of Conduct**, “Professional Demeanor,” states: “Court interpreters shall conduct themselves in a manner consistent with the dignity of the court and with the standards that govern their profession.”

Select from the options below **ALL** the ones interpreters should **avoid**, as they illustrate **inappropriate** professional demeanor for court interpreters according to the full contents of Section 4.05. Please indicate **(X)** your selection on the Answer Sheet.

- (a) Projecting their voice when interpreting consecutively during a session so their rendition is captured for the record.
- (b) Keeping a loud volume of voice when interpreting simultaneously during a session, in such way everyone in the courtroom can hear them clearly.
- (c) Positioning themselves between the LEP party and the Court, thus encouraging the Court to address interpreters directly, instead of the LEP parties.
- (d) Positioning so they don't obstruct the direct visual contact between the court and the LEP party.
- (e) Engaging in overly familiar behavior towards any person participating in the proceeding or court personnel.
- (f) Supporting fellow interpreters by sharing knowledge and experience, and providing assistance when necessary, including working in teams.
- (g) Dressing casually in court so as to move easily and freely.
- (h) Calling attorneys or judicial secretaries directly to inform them of their inability to respond to a previously scheduled OCIS assignment.
- (i) Wearing attire or symbols that represent specific religious, political, or social affiliations that could cause the perception of partiality or bias on the part of the court interpreter.

11. Section 4.06 of the **Code of Conduct**, “Confidentiality and Restriction of Public Comment,” states: “Court interpreters shall protect the confidentiality of all privileged and other confidential information. [They will not] publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when the information is not privileged or required by law to be confidential.”

According to Section 4.06 (A)–(E), please determine whether **EACH ONE** of the following five statements is True (**T**) or False (**F**). Indicate your responses for all five options on the Answer Sheet.

(a) Court interpreters will uphold the confidentiality of attorney-client privileged communication at all times.

(b) Court interpreters may summarize the details of the case for which they interpreted to a reporter, as long as they were originally heard in open court.

(c) Court interpreters may expand their professional experience and work opportunities by approaching the attorneys they interpreted for to discuss aspects of the interpreted encounter and to offer their services in the future.

(d) Court interpreters may seek and share information on legal matters, language, etc., for training and education purpose, divulging only so much information as is required to accomplish this purpose.

(e) There are absolutely no exceptions to the court interpreter’s mandate to refrain from revealing privileged or confidential information.

12. Section 4.07 of the **Code of Conduct**, “Scope of Practice,” states: “Court interpreters shall limit themselves to interpreting or translating and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translation.”

Following strictly the contents of Section 4.07 (A) – (E), select from the options below **ALL** the ones considered **inappropriate** for court interpreters. Indicate **(X)** your selections on the Answer Sheet.

- (a) Giving moral or spiritual support to an LEP victim of domestic violence.

- (b) Scolding an LEP party for his/her behavior, which in the interpreter’s view brings shame to their shared culture or religious creed.

- (c) Making arrangements to contact LEP parties after the court session, in order to provide them with information on social assistance programs, ESL classes, etc.

- (d) Advising the LEP party to behave in a certain way in front of the attorney, judge or court personnel.

- (e) Explaining the “Tender of Plea/ Waiver of Rights” form in their own words so the LEP party really understands it, to ensure she/he will make an informed decision.

- (f) Explaining to an attorney or victim-witness advocate or another court official that the LEP party’s inability to understand is a result of the party’s poor academic education, retardation, learning disability, or other causes you find apparent.

- (g) Telling an attorney, victim witness advocate or another official that the interpreter is experiencing problems understanding the LEP party’s speech, or communicating that the LEP party keeps conveying to the interpreter their inability to understand what the English speakers mean.

13. **Section 4.07** of the **Code of Conduct**, “Scope of Practice,” states: “Court interpreters are responsible only for assisting others to communicate and should limit themselves to the activity of interpreting or translating. Court interpreters should refrain from initiating communications while interpreting, unless it is necessary for ensuring an accurate interpretation.”

And:

“Court interpreters should not perform acts that are the official responsibility of other court officials including, but not limited to, court clerks, investigators, interviewers, or probation officers. Such acts may include the filling out of forms or paperwork for LEP or DHH individuals.”

Following strictly the contents of Section 4.07 (A) – (E), select from the options below **ALL** the ones considered **inappropriate** for court interpreters. Please indicate (X) your selections on the Answer Sheet.

- (a) Filling out forms for LEP parties in court without the appropriate office of the court or staff present.
- (b) Sight (orally) translating forms for LEP parties in court, in the presence of the appropriate court staff.
- (c) Volunteering to explain the purpose of a form to an LEP party in court.
- (d) For an illiterate LEP party who needs to provide a written statement, and in the presence of appropriate court staff, having the person dictate it in his/her own language and writing it down verbatim; then signing and dating the English translation.
- (e) Acting as referral service for a particular attorney or law firm.
- (f) If asked for a reference to an attorney, referring an LEP individual to the local bar association, legal library or a legal services office.
- (g) When necessary, informing the court if a speaker has used a word, phrase or concept for which the interpreter finds no appropriate cultural equivalent.

14. Section 4.08 of the **Code of Conduct**, “Assessing and Reporting Impediments to Performance,” states: “Court interpreters shall provide professional services only in matters or areas in which they can perform accurately. At all times, court interpreters shall assess their ability to provide their services. If court interpreters have any reservation about their ability [...] they shall immediately convey [it] to the appropriate court authority.”

Please determine whether **each one** of the following five statements or scenarios is True (**T**) or False (**F**) for court interpreters, based on Section 4.08 in its entirety, (A) – (G).

(a) Court interpreters should not have any type of communication with the LEP party prior to the initial court appearance.

(b) During a courtroom matter, the interpreter can hardly hear the Judge, while the LEP defendant is also having a hard time hearing the interpreter’s rendition due to people chatting around them. Nevertheless, she must keep a low profile, refrain from interrupting and try as hard as possible to keep going.

(c) An interpreter working at a long, complex hearing starts to feel mentally fatigued, even sluggish. He should immediately notify to the Judge or session’s clerk of his need for a break.

(d) Prior to the interpreted encounter, court interpreters introduce themselves by name and last name to the LEP parties, and interview them to obtain important information.

(e) OCIS assigns an interpreter to a civil trial in which an expert witness will testify on specialized engineering matters, a subject the interpreter has no expertise in. The interpreter should exclude herself from the assignment, unless the proper materials and reasonable time to review them are made available.

15. Under **Section 4.11** of the **Code of Conduct**, “Interpreting Protocols,” interpreters can find specific directives for a variety of interpreting situations.

Based on Section 4.11(A) – (M), please select from the three options below the **TWO** that reflect appropriate standards of practice regarding witnesses using English during their foreign language testimony. Please indicate **(X)** your selections on the Answer Sheet.

(a) Should the witness utter a full English response the interpreter shall ask the witness to respond in his/her native language, and inform the court in English about the interpreter’s intervention.

(b) If a witness testifying in a foreign language occasionally uses a few words in English, the court interpreter shall repeat such words for the record so that a person listening to the recorded proceeding may continue following the interpreter’s voice.

(c) Should a witness utter a full English response, the interpreter will not ask the witness to respond in his/her native language. Rather, the interpreter will stand back so that the parties are aware of the English response and await the court’s direction.

16. Based on **Section 4.11** of the **Code of Conduct**, “Interpreting Protocols,” select from the following three statements the **TWO** that illustrate **appropriate** standards of practice for case preparation. Please indicate (**X**) your selections on the Answer Sheet.

(a) Each court interpreter shall prepare for the case, whenever possible and especially for lengthy and complex criminal or civil trials, by conferring with the non-English speaker, and inquiring as to the charges, the name of his/her attorney, his/her degree of satisfaction with the services provided by counsel, and any available details about the case in order to save time and interpret in a streamlined and efficient manner.

(b) Each court interpreter shall prepare for the case, whenever possible and especially for lengthy and complex criminal or civil trials, by requesting that the attorneys trying the case provide them with case materials including the charges, reports, complaints or indictments, motions, or any other documentation to be used in the case, with the awareness and consent of both parties and with an understanding of confidentiality.

(c) When court interpreters are faced with the need to interpret technical or specialized terminology unfamiliar to them, and they realize that familiarity with such terminology and subject matter would require extensive time and research, they should so inform the court.

17. Based on **Section 4.11** of the **Code of Conduct**, “Interpreting Protocols,” select from the following statements **ALL** that demand the use of the **consecutive mode** while interpreting for LEP defendants. Please indicate (X) your selections on the Answer Sheet.

(a) When the LEP defendant is testifying in court.

(b) While the LEP defendant listens to witness testimony while sitting at the counsel table.

(c) While interpreting at a meeting between the LEP defendant and his probation officer.

(d) While assisting the LEP defendant during jury selection before her trial.

18. Based on **Section 4.11** of the **Code of Conduct**, “Interpreting Protocols,” select which **ONE** of the following three statements about the **simultaneous mode** of interpreting is **correct**. Please indicate (X) your selection on the Answer Sheet.

(a) Simultaneous interpretation should be used when interpreting for an LEP witness at the stand.

(b) Interpreters should always allow speakers to complete their full utterances before starting to interpret simultaneously, especially with long, multi-sentence ones.

(c) Interpreters should interpret simultaneously into the LEP party’s language any verbal exchanges in English related to his/her matter.

19. Based on **Section 4.11** of the **Code of Conduct**, “Interpreting Protocols,” please, select from the following three options the **ONE** does **not** reflect how an interpreter should address the Court while on the record. Please indicate **(X)** your selection on the Answer Sheet.

(a) “Your Honor, the interpreter requests permission to take a break before the next witness is called at the stand.”

(b) “Your Honor, the interpreter is not familiar with the phrase used by Counsel just now. Could the interpreter request clarification?”

(c) “Your Honor, I cannot hear the defendant. Would you please instruct him to speak louder?”

20. Based on **Section 4.12 (A) – (B)** of the **Code of Conduct**, “Judicial Removal from a Proceeding,” indicate **ALL** the statements from the options below that could be grounds for removal of interpreters. Please, indicate (X) your responses on the Answer Sheet.

(a) The interpreter reveals a bias towards only one of the LEP parties he interprets for.

(b) The interpreter interrupts the session to request clarification of a term.

(c) The interpreter acts dismissively towards persons who need their services while on assignment in Court.

(d) The interpreter fails to disclose a potential conflict of interest to the attorneys and Judge before a court matter.

(e) The interpreter who has acquired an academic certificate for completing an interpreter course describes herself as “certified interpreter” when asked for her qualifications by the Judge.

(f) The interpreter explains to the Court that he does not interpret simultaneously, and therefore cannot assist the LEP defendant during a hearing.

(g) The Judge is informed that the interpreter in front of her was not the one assigned by OCIS. Instead, the original interpreter arranged for an independent interpreter to substitute him without telling OCIS.