

Administrative Office of the Trial Court, Massachusetts
OFFICE OF COURT INTERPRETER SERVICES

MANDATORY ETHICS WORKSHOP



General Introduction to OCIS Mandatory Training on the Code of Professional Conduct

Court interpreters who provide services to the Office of Court Interpreter Services (OCIS) of the Massachusetts Trial Court are bound by ethical and professional standards set forth in the [Code of Professional Conduct for Trial Court Interpreters](#), Section 4.00 of the [Standards and Procedures of the Office of Court Interpreter Services](#) (Code of Conduct). Following the November 2009 revision of Section 4.00, OCIS will be offering its first mandatory interpreter ethics training in 2010, which includes a written exam and a three-hour workshop on the Code of Conduct. In offering this comprehensive training on the revised Code of Conduct, OCIS hopes to achieve a three-fold goal: that interpreters carefully review and understand the code's contents; that they acquire insights into applying its standards effectively; and that OCIS and its interpreters collaborate in supporting the standards of practice.

This OCIS mandatory training is open only to active OCIS screened and certified court interpreters.

Standards of Practice for Court Interpreters Ensure Equal Access to Non English-Speakers

The important role of court interpreters in our court system is outlined in Section 4.01 of the Code of Conduct:

“A court interpreter is the communication facilitator for the parties involved in a proceeding, and, as such, plays a vital role in the protection of the rights of LEP [Limited English Speaking] and DHH [Deaf and Hard of Hearing] individuals engaged as parties or witnesses in legal proceedings in the Trial Court. This role requires an understanding by the court interpreter of the complexities of the tasks to be performed. In these tasks, court interpreters should be guided by the ethical principles and standards promulgated pursuant to G.L. c. 221C and c. 221, § 92A.”

Professionally-trained court interpreters who understand and act according to the standards of practice are better suited to achieve the following goals, also outlined in Section 4.01 of the Code:

- (1) Ensure meaningful access to court proceedings for LEP and DHH individuals.*
- (2) Protect the constitutional rights of criminal defendants to the assistance of a court interpreter during court proceedings.*
- (3) Ensure due process in all phases of litigation for LEP and DHH individuals.*
- (4) Ensure equal protection of the law for LEP and DHH individuals.*
- (5) Increase efficiency, quality, and uniformity in handling proceedings that involve court interpreters.*
- (6) Encourage the broadest use of professional court interpreters by all those in need of such services within the Trial Court.”*

The Mandatory Ethics Workshop, 2010: Overview

The Ethics Workshop will be offered for the first time in 2010 on different dates and locations. OCIS screened and certified interpreters can easily register to the session of their preference by clicking on this link, [“Workshop Registration,”](#) and following instructions to register.

The Ethics Workshop will focus on group discussion, analysis and effective application of standards of practice to real-life scenarios. A successful discussion can only take place if everyone has read and studied the Code of Conduct prior to arrival at the workshop. Therefore, prior to attending the Ethics Workshop, participants must have completed the [Mandatory Written Ethics Exam](#) (*Please see footnote¹.*) which serves as a general review of the Code of Conduct.

OCIS’s Code of Conduct resembles other codes of ethics and codes of professional conduct in that it does not envision every single situation that may challenge the interpreter’s ability to remain within his or her role while performing daily court duties. Interpreters are constantly confronted with ethical dilemmas, whether they are aware of it or not. Generally, the Code of Conduct provides guidelines for handling clear-cut situations, such as a potential for conflict of interest, an error in interpretation, a breach of confidentiality, etc. There are many issues that are not so clear cut, however, and problems may suddenly stem from those borderline situations that cause interpreters to feel conflict between their role as interpreter, their role as officer of the Court or their role as a good-intentioned citizen. Problems may also arise when interpreters find the behavior

¹ ***The Written Ethics Exam and an Answer Sheet will soon be posted on-line in this website for interpreters to download and work on at home prior to the Ethics Workshop. The Answer Sheet with the interpreter’s responses must be submitted to OCIS by the deadline posted.***

of another court official towards LEP parties questionable, unprofessional or potentially damaging.

Interpreters must develop the skills to maneuver successfully through difficult situations. Training and experience will eventually help interpreters understand that, when handling ethically--challenging scenarios; some decisions will ultimately be the result of careful consideration of all factors and potential consequences for each situation. The most important aspect to remember is that court interpreters must possess a solid understanding of their role if they are to avoid ethical missteps. They have an individual responsibility to uphold standards of practice in order to preserve the integrity of the interpreted encounter and thus protect the rights all LEP parties have to due process.

Consider, for instance, the following scenarios:

- “The attorney is not advising this non English-speaking lady correctly of the immigration consequences she will face if she pleads out. She will most likely be deported, but the attorney is assuring her that she’ll be ok. Should I say something to the attorney about this?”
- “During the attorney-client interview, the non English-speaking client kept asking me questions directly in our language. I tried to interpret the questions into English for the benefit of the attorney. To my amazement, he interrupted me and told me he wasn’t interested in hearing about it. His client has a misdemeanor charge against her but now she was telling me of the abuse she’d been suffering at home. I know I can’t get involved, but this attorney was totally indifferent to the woman she was supposed to assist. Should I have informed the Judge about this?”
- “I have been assigned to this serious sexual assault matter to assist the defendant, but I just found out that one of the District Attorneys witnesses is someone I know from my community-advocacy meetings. Actually, although I had not met the defendant himself, once a long time ago I babysat for his sister. I know I am the only interpreter OCIS has in my language and if I disclose this information they may disqualify me. These people will be left without linguistic access, which is terrible. Should I still go ahead and say something? Perhaps I should I simply wait to see if it comes up, and then I’ll give them any information they want. Is that a better option here?”

Any of the previous scenarios could appear challenging to some interpreters, depending on their reading of the Code of Conduct. Regarding the first scenario, perhaps the majority of professionally-trained interpreters would choose to move in and out of the situation limiting their participation to interpreting. On the other hand, some could choose to intervene to some degree, arguing that their role also mandates that they help ensure the non English-speaker’s right to linguistic presence within the legal process. The former would be following the Code of

Conduct strictly as impartial participants, whereas the latter would be prioritizing their role as officers of the Court. Which group would be most correct in this situation? What would the potential consequences be for the professional court interpreter in each group?

Understanding the interpreter's Code of Conduct demands first-hand knowledge of its actual contents. It also requires the ability to analyze situations individually before applying the Code's standards. A way to achieve this level of understanding is to engage in a systematic approach to handling difficult situations based on the analysis and self-monitoring of one's decision-making process.

Goal for the Ethics Workshop: To serve as a tool to apply the interpreter's Code of Conduct effectively

The Ethics Workshop seeks to provide interpreters with guidance on applying the Code of Conduct effectively through the discussion of sample scenarios. Most of the sample scenarios that will be discussed in the Workshop illustrate situations that could be open to different courses of action from the part of the interpreter. In discussing and weighing various possible solutions for each scenario, our goals are to help participants:

- learn to identify ethically problematic situations for which the Code of Conduct does provide specific guidelines, and to apply such guidelines;
- learn to identify ethically problematic situations for which the Code of Conduct does not provide specific guidelines, and to apply their knowledge analytically in choosing a course of action;
- Understand that every choice carries consequences, some of them unforeseen at the moment. Some consequences may be less desirable or acceptable than others. Therefore, interpreters will need to gauge how these consequences impact their role as an interpreter as well as the legal process.

Certificate of Completion

Attendance at this 2010 Ethics Workshop is mandatory for all OCIS screened and certified interpreters. OCIS will continue to offer the Workshop so new interpreters can attend. Interpreters who meet the Mandatory Ethics Exam and Workshop requirement will receive a certificate of completion. OCIS will revise and update its Workshop and Exam periodically and may require interpreters to continue to attend other Ethics educational events.

Ethics Workshop Format and Role of the Moderator(s)

- The Ethics Workshop lasts three hours, including a break.
- Participants are expected to review carefully any materials sent before the day of the workshop, and are encouraged to bring questions and ideas already sorted out.
- All registered participants must have read or re-read the complete 2009 version of Code of Professional Conduct before attending the Ethics Workshop, and bring it with them to the Workshop. The revised version of the Code of Conduct is available for downloading on the OCIS web page: www.mass.gov/courts/admin/planning/interpreters.html
- After a general presentation that will include whole group discussion, the moderator(s) will divide all attendees into small discussion groups and will assign to each group one or more sample scenarios for discussion. Each group will designate a spokesperson from amongst its participants, who will later report on the group's main discussion points. Each group should focus the discussion on their assigned Scenario.
- After all of the small groups have concluded their reports, the moderator will open the floor to a general discussion of the cases studied or on any other issue pertaining to court interpreter ethics. The Written Ethics Exam completed prior to the Workshop will be reviewed collectively during the course of the Workshop.
- The Moderator will provide participants with instructions on how to conduct whole and small group discussions. Because the format of the workshop has been carefully designed, we ask participants to follow the Moderator's guidelines and instructions.

General Guidelines for Participants

To ensure that all participants benefit from the workshop, here are some important guidelines to remember individually:

“As a participant in the OCIS Ethics Workshop...

I will not feel personally attacked if someone disagrees with me. Everyone should feel comfortable expressing disagreement with a colleague's ideas if it involves a professional, mutually respectful exchange.

I will remember that the goal of this exercise is to learn to analyze situations and figure out ways to approach them, rather than proving that I'm right at all costs. Indeed, I can learn from everyone, even from those I disagree with, and I don't want to close myself to different points of view to approach a problem.

I will avoid monopolizing the discussion because while my contribution to the discussion is very important, so is everyone else's. Instead, if any member of my group is not contributing ideas, I will prompt her or him to participate for the benefit of all."