



Judges' Bench Card on Court Interpreting Services

Municipal Court



A. Commitment to Equal Access

The New Jersey Judiciary provides court interpreting services to ensure all people, including persons with limited English proficiency (LEP) and persons who are deaf or hard of hearing, have equal access to court proceedings, programs, and services. ([Directive #21-23 Language Access Plan \(LAP\)](#))

The Administrative Office of the Courts (AOC) approves and registers court interpreters. The New Jersey Judiciary [Registry of Interpreting Resources \(Registry\)](#) includes approved court interpreters who passed AOC exams (master and journey levels), conditionally-approved interpreters, and agencies. It is recommended that approved court interpreters be used before conditionally-approved interpreters and that agency interpreters be used when approved or conditionally-approved interpreters are not available since most agency interpreters are not AOC approved or conditionally-approved. If an agency offers both video or telephone interpreting, the video option is recommended.

This bench card provides general information about court interpreting for judges to effectively use professional interpreters in municipal court. Municipal court judges should work with their municipalities to provide adequate funding for professional interpreting services. Technical assistance is available to judges and administrators at the vicinage municipal division or the AOC language services section at 609-815-2900, ext. 52376.

Municipal courts should:

1. Inform all court users of the availability of interpreting services, as set out in the model opening statements updated in April 2023. If a municipal court serves a substantial Spanish-speaking population, the judge must convey to participants in Spanish the portion of the Spanish Model Opening Statement that relates to the availability of an interpreter and ADA services. As one option, the judge can play, including by cell phone, the audio of the first minute of the Spanish-language portion of the prerecorded video of the opening statement: (<https://www.youtube.com/watch?v=edx14gJnqa4>).
2. Provide interpreting services as needed in all court sessions.

3. Be aware that persons with limited English proficiency (LEP) may be able to speak some English but may not understand a court proceeding.
4. Use only interpreters listed in the *Registry*.
5. Use agencies in the *Registry* only when approved or conditionally-approved interpreters are not available.
6. Provide the best remote interpreting service available, which includes video remote interpreting (VRI) rather than telephone interpreting.
7. Use telephone interpreting agencies only for emergent matters or short matters of 30 minutes or less (Directive #21-23, Appendix 9), as described in sections C and D below.
8. Use qualified bilingual staff only to provide direct client services such as providing information at the court office windows, providing service on the phone, or accepting payments. **Bilingual staff are not AOC approved for court interpreting work and cannot serve as court interpreters.**
9. If hiring a staff interpreter, to the extent practicable, consider applicants who are an AOC approved or conditionally-approved court interpreter. (Directive #21-23, LAP Standard 3.8)

B. Court Interpreting Basics

1. A court interpreter is an officer of the court bound by the Interpreter Code of Professional Conduct and required to interpret everything faithfully and accurately, without omission, embellishment, or explanation. (**R. 1:14**, Canon 2, Interpreter's Oath)
2. Court interpreters must be impartial, avoid any appearance of bias or favoritism, and disclose any prior contact with anyone involved in a case. (R. 1:14, Canon 3)
3. Court interpreters may not act as advocates or advisers and may not explain or clarify anything said by a party or witness. It is improper to ask an interpreter to do so. (See generally, R. 1:14, Canon 5)
4. It is **NOT** appropriate to permit relatives, friends, observers, police officers, public defenders, prosecutors, attorneys, or bilingual staff to interpret in court. See LAP Standard 1.3 Who May Interpret and Standard 1.5 Use of Qualified Bilingual Staff in the Provision of Direct Services to LEP Individuals.

C. Remote Interpreting Policy and Options

LAP, Directive #21-23, includes spoken and sign language remote interpreting standards.

1. Standard 1.8 Use of Remote Interpreting:

“Remote interpreting services are to be used for emergent or non-emergent matters for on-site, virtual or hybrid events, when appropriate. Judges shall have discretion to determine whether remote interpreting is to be used...”

NOTE: Municipal courts must not shift the format of a virtual court appearance to be in person solely because a court user requires interpreting services.



Spoken language VRI via the Zoom platform is the best available remote interpreting option. The Zoom Language feature allows interpreters to simultaneously interpret, and switch modes as needed for efficient court events and quality services. Telephone interpreting services is a last resort and used only for short matters of 30 minutes or less when no VRI or on-site interpreter will be reasonably available.

2. Standard 2.6 Sign Language Video Remote Interpreting:

“While an ASL interpreter on-site is most effective, Video Remote Interpreting (VRI) is appropriate for on-site, virtual, and hybrid court events and can increase the availability of ASL interpreters while reducing costs for the courts...”



Sign language VRI is the only remote option for sign languages. It is best provided with a team including an American Sign Language Interpreter and a Certified Deaf Interpreter.

D. Working with a Remote Interpreter and Preserving the Record

1. If contacting an interpreting agency, specify that an interpreter is needed for a court event to

ensure the inquiry is routed to the highest quality interpreter available.

2. **Swear in the interpreter** pursuant to Evidence Rule 604 and Standard 3.1.

“Do you solemnly swear or affirm that you will interpret accurately and impartially, follow all guidelines for court interpreting that are binding on you, and discharge all of the solemn duties and obligations of an official interpreter?”

3. **Put the interpreter’s appearance on the record.** The **interpreter** should state and spell the interpreter’s name, the language, and, as appropriate, provide the interpreter’s agency ID number.
4. **Determine interpreter qualifications** pursuant to Evidence Rule 604.

Sample voir dire to determine interpreter qualifications:

- *What training or credentials do you have as a court interpreter?*
- *Have you interpreted in proceedings like the one we are about to have? If so, about how many times?*

5. **Provide the interpreter with background on the proceeding.** A brief introduction to the case such as the type of proceeding, names of the parties and attorneys is helpful to the interpreter. The interpreter will be better prepared to deliver a faithful and accurate interpretation.
6. **Explain the process** to the parties using the interpreter.

Sample language:

- a. *We are going to communicate through an interpreter who will be helping us remotely (video or telephone).*
- b. *The interpreter will interpret everything you say into English and everything we say into your language.*
- c. *The interpreter cannot participate in the conversation. The interpreter’s only job is to accurately interpret what each of us says without omission, embellishment, or explanation.*

- d. *If you do not understand something, ask me, not the interpreter. Please talk to me directly, not the interpreter.*
- e. *If you have a long question or a long answer, please pause frequently so the interpreter can interpret everything accurately.*
- f. *Please speak loudly and pronounce your words clearly so the interpreter can hear you easily.*
- g. *It may take longer to say everything you need to say through an interpreter. Please say everything you need to say.*
- h. *If you have any difficulty hearing the interpreter or understanding me during this proceeding, please tell me.*
- i. *Are you able to hear and understand the interpreter?*

7. **Conduct the proceeding, pausing frequently, when only consecutive interpreting is possible, to allow the interpreter to interpret your statement after you complete it to avoid overlapping voices on the record.**

E. Working with an On-site Interpreter and Preserving the Record

1. **Swear in the interpreter** pursuant to Evidence Rule 604.

“Do you solemnly swear or affirm that you will interpret accurately and impartially, follow all guidelines for court interpreting that are binding on you, and discharge all of the solemn duties and obligations of an official interpreter?”

2. **Determine interpreter qualifications** pursuant to Evidence Rule 604.

Sample voir dire to determine interpreter qualifications:

- *Are you listed on the New Jersey Judiciary Registry of Interpreting Resources?*

- *What training or credentials do you have as a court interpreter?*
- *How many times have you interpreted in court?*
- *Are you related to, friends with, or have you done business with anyone in this case?*

3. **Speak at a moderate pace and directly to the LEP or the deaf or hard of hearing person, NOT the interpreter.**
4. **Explain the process** of working with the interpreter to the LEP person. Use sample language in section D.6.
5. **Confirm that the interpreter has no communication difficulties** with the LEP or the deaf or hard of hearing person.
6. **Pause periodically** to allow the interpreter to complete the interpretation.
7. **Work with the interpreter** by attending to the interpreter’s requests for clarification, additional time to complete an interpretation, etc.

F. Interpreting for the Deaf or Hard of Hearing

1. All sign language interpreters must be certified by the National Registry of Interpreters for the Deaf ([N.J.S.A. 34:1-69.8d](#)). Use the [New Jersey Division of the Deaf and Hard of Hearing Legal List](#) to find certified sign language interpreters. The Registry also includes a few certified sign language interpreters as well as agencies that provide them.
2. A deaf or hard of hearing person who has been arrested and who is otherwise eligible for release shall not be held in custody pending the arrival of an interpreter. ([N.J.S.A. 34:1-69.10c](#))
3. As required by ADA, the Judiciary will provide a reasonable accommodation for all court users with disabilities including defendants, witnesses, victims, observers, attorneys, agency representatives, volunteers, and participants. (See the New Jersey Judiciary’s [Title II ADA Procedures for Access to the Courts by Individuals with Disabilities](#).)
4. Questions regarding reasonable accommodations should be directed to the municipal court ADA coordinator, the vicinage municipal division, or the vicinage ADA coordinator.

G. How Judges Can Ensure Quality Interpreting

1. **Conduct a *voir dire*** to determine interpreter qualifications as described in E.2.
2. **Provide the interpreter background on the proceeding** as described in D.5.
3. **Advise the interpreter** that if the interpreter has a question, or does not understand the content of the communication, the interpreter should advise the judge.
4. **Monitor the interpreter** for any conduct inconsistent with the interpreter's official duties such as failing to interpret everything or having private conversations with a party or family member(s).
5. **Handle interpreter error**, allegations of interpreter error, and corrections on the record. See LAP Standard 3.5 Handling Interpreter Error and Allegations of Interpreter Error.
 - Accept any correction of errors offered by the interpreter(s).
 - Handle allegations of error at sidebar.
 - The burden of proof is on the person challenging the interpretation.
 - The interpreter should be presumed to be correct unless the interpreter agrees the interpreter made an error.



STUART RABNER
CHIEF JUSTICE

GLENN A. GRANT, J.A.D.
ACTING ADMINISTRATIVE DIRECTOR OF THE COURTS

TODD McMANUS
DIRECTOR, OFFICE OF MANAGEMENT AND
ADMINISTRATIVE SERVICES

JENNIFER M. PEREZ
DIRECTOR, TRIAL COURT SERVICES

JENNIFER MORRIS
ASSISTANT DIRECTOR, SUPPORT SERVICES

DEIDRA BARLOW
ASSISTANT DIRECTOR, MUNICIPAL COURT SERVICES

BRENDA CARRASQUILLO
MANAGER, LANGUAGE SERVICES SECTION

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