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# **“We’re just kind of there”: Working conditions and perceptions of appreciation and status in court interpreting**

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## **Abstract**

In considering the challenges for interpreters when working in court, much of the previous research has concentrated on the linguistic aspects of the court interpreting process. This paper explores the issue from the perspective of working conditions and professional status of court interpreters. One-hundred and ninety-four practising court interpreters in Australia were surveyed about their experience with working conditions, court protocols and professional status, as well as their opinions about what affects the quality of their work and what improvements may be necessary. Interviews and focus group discussions were also conducted with other stakeholders, and court observations by the research team were also conducted, which provided further revealing insights into the issues. The findings of this study give a picture of the reality of court interpreting practice, as compared to the ideal, and generate recommendations for the training of interpreters to work in court, the education of legal personnel on how to work with interpreters in court, and practical suggestions regarding the provision of court interpreting to ensure high quality services.

Keywords: court interpreting, working conditions, court protocols, professional status, quality

## **1. Introduction**

Research on court interpreting has demonstrated how challenging it can be from a linguistic perspective (e.g. Berk-Seligson, 1990; Hale, 2004; Jacobsen, 2008; Napier, 2013; Russell, 2002). Other considerations have also been given to the role of interpreters in the courtroom (Angelelli, 2004; Fenton, 1997; Mikkelsen, 1998; Turner & Brown, 2001). Previous surveys of key stakeholders in the judicial system (i.e., interpreters, lawyers, judicial officers) have typically focussed on their perceptions of working practices and the impact of interpreting on courtroom discourse or the judicial process (Lee, 2009; Morris, 2008; Roberson, Russell, & Shaw, 2011); but there has been little discussion on the link between working conditions of court interpreters and the perceptions of their professional status.

Status is a crucial aspect of the standing of any profession. Klegon (1978, p. 265) stated that the "... traditional ideology about the professions has assumed that because they involve such characteristics as trust, ethical codes, and a service ideal, professions are worthy of higher status". One important ingredient in achieving professional status, is trust. Trust is perceived as an essential aspect of the relationship between interpreters and users (Edwards, Temple, & Alexander, 2005; Napier, 2011; Robb & Greenhalgh, 2006). A code of ethics and a set of skills and specialist knowledge acquired via formal education and training, are other essential ingredients in gaining the trust of those served by the individual professional. Professional court interpreters abide by a code of ethics to interpret faithfully and impartially. However, not all interpreters who work in courts are adequately trained or accredited, and despite their attempts to abide by their code of ethics, they may not possess the necessary skills to interpret faithfully (Benmaman, 1999; Miller, Davis, Prestidge, & Eggington, 2011) or the understanding of their role in order to behave ethically (Hale, 2005).

Incompetence and/or unethical behaviour from untrained interpreters continues to be an obstacle to achieving trust and recognition from the legal system and its participants in interpreted cases, a situation that is unlikely to change until pre-service formal training is made mandatory. The absence of a universal requirement for interpreters to be adequately trained is indeed an indication of the low social status of the interpreting profession, as professional status relates to the publicly perceived superior ability of the professional to do something that others in society cannot do (Freidson, 1984). People who are bilingual (“regular bilinguals”) do not necessarily have the required expertise, knowledge and skills to function as an interpreter (“interpreter bilinguals”) (Grosjean, 1997). Thus, the optional nature of pre-service training can only serve to reinforce the common misconception that any bilingual should be able to interpret accurately, which in turn lowers the status of the profession.

However, not all practising interpreters feel they are not recognised as professionals. Generally, those who are highly trained perceive that they are valued by clients and users of interpreting services (see Hale, 2011b; Napier, 2011 for discussions on the attitudes of trained interpreters). Nevertheless, a common complaint from professional interpreters in Australia relates to poor working conditions and remuneration levels (Slatyer & Napier, 2010). Inadequate working conditions can lead to inadequate interpretation, despite the competence and professionalism of the interpreter (Hale, 2013; Hale & Stern, 2011). Even if individual interpreters are respected by different court participants, the absence of adequate working conditions also points to a lack of status of the interpreting profession more widely.

Furthermore, those interpreting in jury trials must also earn the respect of the lay jurors, who will need to trust their competence and professionalism in order to feel confident enough to assess the credibility of the witnesses for whom they are interpreting. Research into the way interpreters’ renditions of the evidence affect jury evaluations have been

conducted (Berk-Seligson, 2000; Hale, 2004), but to date, no research has looked at the way other factors impinge on juror evaluations. Other factors may include the perceived status of the interpreter as a skilled professional which can be influenced by the way interpreters are introduced by the judge, the way they are addressed and address others in the court and where they sit or stand in relation to the other participants. The position of the interpreter in relation to the other participants may affect the dynamics of the interaction and the way the witness is perceived. Standing or sitting next to an alleged offender, whispering in his ear, as is the current practice with spoken language interpreting when interpreting simultaneously, may be perceived by the jury as confirmation of the defence case that this defendant is harmless, or, it may suggest that interpreter and witness belong to the same 'team' (Goffman, 1967) with the assumption that there is no impartiality on the interpreter's part. The positioning of the interpreter in court, therefore, may also affect the perception of their status as an independent and competent professional.

Currently, interpreters are typically seen as outsiders who visit the court rather than officers of the court (Lee, 2009). Unlike the European Court of Justice which has many floors of a high-rise building dedicated to translation and interpreting services, interpreters in Australian courts do not usually have even a desk on which to place their notes (Stern, 2012). Often interpreters find it difficult to hear what is being said and are required to stand or sit in uncomfortable positions in order to interpret for the witness. A national study of court interpreter practices and protocols<sup>1</sup> confirms interpreters' dissatisfaction with poor working conditions, low status, lack of trust and a limited understanding of their role and their needs by other court participants (Hale, 2011a). Similar results were obtained in a survey of Victorian practising interpreters (Ozolins, 2004). All of the factors stated above are relevant to the negotiation of meaning and status within the court setting and may influence how

jurors, judicial officers and other court participants assess the credibility and relevance of testimonial evidence.

Thus the study of interpreters' impact on witness credibility is timely, and necessarily multi-faceted. Building on the earlier work of Hale (2011a), this paper reports on the results of one component of a large multidisciplinary study of interpreters in court and their effect on juror perceptions of witness credibility.<sup>2</sup> The main component of the project consisted of an experimental mock trial, which compared the impact of the presence and position of the interpreter, under experimental conditions, vis-à-vis the same trial run in English, with no interpreter (Hale, Ozolins, Stern, & Martschuk, forthcoming). Prior to the mock trial, the team conducted an on-line, 25 item questionnaire of practising interpreters to elicit information about their experience with working conditions, court protocols and professional status, as well as their opinions about what affects the quality of their work and what improvements may be necessary. The results of this questionnaire were used to inform the development of the mock trial and will be reported in this paper. In addition to the questionnaire, a number of interviews with other stakeholders, including lawyers and court officers, as well as court observations, were also conducted (Stern, Ozolins, & Tait, forthcoming). Responses from the interviews with court officers at the Western Sydney Trial Court<sup>3</sup> are reported where relevant in support of the interpreter responses.

The findings of this study give a picture of the reality of court interpreting practice, as compared to the ideal, and generate recommendations for the training of interpreters to work in court, the education of legal personnel on how to work with interpreters in court, and practical suggestions regarding the provision of court interpreting to ensure high quality services.

## **2. The study**

As part of a larger mixed-methods study, the study results reported in this paper involved the survey of practising court interpreters in Australia through the administration of a questionnaire, to elicit information about their experience with working conditions, court protocols and professional status, as well as their opinions about what affects the quality of their work and what improvements may be necessary.

### *2.1 Questionnaire instrument*

The 25-item questionnaire instrument was developed by drawing on previous literature, and was delivered online using the KeySurvey software, written in English (see attachment 1). The first four questions related to demographic information about the interpreters' state of residence, accreditation and qualifications and whether they were signed language or spoken language interpreters. Using Likert scales, the questions in the main body of the questionnaire sought to elicit a combination of factual and attitudinal information about interpreters' experience in different courts, working conditions, positioning in the courtroom, perceptions of their role and professional status, whether they felt respected as a professional, and equipment and resources available to them. The last question was an open-ended question asking respondents to contribute any additional comments. The first page of the instrument gave an overview of the project, the backgrounds of the research team, and the purpose of the study and an invitation to participate by giving informed consent. The study was approved by the relevant Human Ethics Committees.<sup>4</sup>

### *2.2 Procedure*

Using network and snowball sampling techniques (Hale & Napier, 2013), a flyer giving details of the survey and requesting participation from interpreters was sent out via contacts of the research team, as well as through supporting relevant organisations to their membership groups.<sup>5</sup> People were asked to pass on information about the survey to the

memberships and individuals in their networks who would be eligible to respond. On receipt of the flyer, interpreters could access the survey online by going to a website link provided on the flyer. Questionnaires were estimated to take up to 15 minutes to complete. Respondents completed the survey in English at their leisure and in their own chosen environment. Participants had access to information about the study and the survey was open online from December 2011 to March 2012. On receipt of the completed questionnaires, the quantitative figures were analysed using descriptive statistics and thematic analysis was used to extract any key themes from the qualitative open-ended comments.

A focus group with five court officers of the Sydney West Trial Courts at Parramatta, where the mock trial took place, was held with the first named author. The participants were asked questions along the same lines as those presented in the interpreter questionnaire, to elicit their perceptions of the working conditions and professional status of court interpreters. Some of their answers will be reported in this paper in connection with the interpreters' comments about court officers. The results of the interviews with lawyers and the court observations by the researchers will be reported elsewhere (Stern et al., forthcoming).

## *2.3 The sample*

### *2.3.1 Interpreters*

The survey was completed by 194 respondents. It is impossible to ascertain the exact number of practicing court interpreters in Australia. NAATI has accredited 13,683<sup>6</sup> professional and paraprofessional interpreters since 1977, but it is estimated that only a small proportion may be practicing in Australia, as many were international students or overseas applicants, and others work full time in other related or unrelated fields or have since retired. This can be supported by the fact that only 577 interpreters and translators are members of AUSIT, the national professional association, and only one third are believed to be practicing interpreters.<sup>7</sup> Not all practicing interpreters are members of AUSIT or have NAATI

accreditation, nevertheless, the sample of 194 respondents seems to capture most of the active interpreters who work in court, taking into account the number of AUSIT members. Thus we feel that the respondent sample is adequate for the purposes of this study.

The majority of interpreters who responded to the survey came from the states of New South Wales (NSW) (81=42%) and Victoria (74=38%), followed by Western Australia (WA) (15=8%) and Queensland (QLD) (11=6%), with only small numbers from the Northern Territory (NT) (5=2.5%), South Australia (5=2.5%), and the Australian Capital Territory (ACT) (2=1%). These results are consistent and representative of the populations of each state, in terms of their non-English speaking population and the number of professional interpreters (Australian Bureau of Statistics, 2011). The vast majority of respondents were spoken language interpreters (177=91%), with 17 (9%) being signed language interpreters. In terms of qualifications, 73% of the sample had undergone formal interpreting education and training, with 33% having post-graduate degrees, followed by 24% with TAFE<sup>8</sup> diplomas and 16% with university undergraduate interpreting degrees. The remainder (26%) indicated having no formal qualifications at all.

In Australia, interpreters can be accredited by the National Accreditation Authority for Translators and Interpreters (NAATI). There is no specific legal interpreting accreditation, and typically interpreters working in legal settings are not specifically assessed on their skills to work in this setting (Napier, McKee, & Goswell, 2010); thus the minimum recommended accreditation level for interpreters working in court is the NAATI Professional interpreter level.<sup>9</sup> Almost all of the interpreters (92%) who responded to our survey were recognised or accredited by NAATI. The majority (63%) were accredited at the Professional Level, 26% at the Paraprofessional level, 1% at the conference interpreter level and 2% had NAATI Recognition. A small number stated not having any accreditation (8%).

We should point out that NAATI accreditation can be achieved either by completing a formal course of study or by sitting an examination administered by NAATI; this explains the discrepancy between the number of accredited interpreters and the number of formally trained interpreters. In addition, there are some languages for which NAATI does not accredit but only awards ‘recognition’, based on the person’s experience. This is the case with languages of limited diffusion or new and emerging community languages for which there is still no examining panel.

With regard to the sample’s court interpreting experience, 18% of them stated going to the Local/Magistrates Court<sup>10</sup> at least once a month, 13% to the District/County Court<sup>11</sup> at least once a month, 12% going to the Family Court<sup>12</sup> at least once a month, and 5% going to the Supreme Court<sup>13</sup> at least once a month. This result is also consistent with the volume of cases requiring interpreters in the different courts. The Local/Magistrates Court being a filter court, hears all cases before sending them to higher state courts. Only 1% of the sample had never interpreted at the Local/Magistrates Court. The Family court, which is a federal court for all states except Western Australia, is one where interpreters are also commonly required, also evidenced by the fact that only 8% of the sample had never interpreted at the Family Court. However, 11% had never interpreted at the District/County court and 33% had never interpreted at the Supreme Court.

The demographic information about the interpreter sample indicates that these are for the most part, highly trained and experienced court interpreters.

### **3. Results and Discussion**

#### *3.1 Interpreter protocols*

Previous research has found that there are no consistent protocols for interpreters who work in courts and tribunals (Hale, 2011a). Although at the time of writing, steps are being taken in

Australia to rectify the situation, the results of this survey corroborate the previous findings. There were three main areas of interest relating to protocols that can impinge on the status of the interpreter and on how they are perceived by the court participants and the jury, including the way they were introduced, whether or not their role was explained and where they were positioned in the court.

### 3.1.1 Interpreter introductions

Instructions from the judge are paramount in any case tried by a jury (Reed, 1980). In an ideal scenario, the judge should introduce interpreters in order to clarify their expertise and role in the courtroom (Mikkelsen, 2000). A previous Australian study, however, showed that interpreters are rarely introduced adequately or at all (Hale, 2011a). A study of appeals on the basis of interpreter incompetence (Hayes & Hale, 2010) found that interpreter qualifications were rarely recorded, which made it difficult to ascertain whether there was any correlation between lack of competence and lack of qualifications.

The survey asked interpreters how often they were asked to state their name and qualifications at the commencement of the case. The results were varied, with 38% stating always, 27% usually, 21% sometimes and 14% stating either rarely or never, which indicates that this is not a consistent practice in all courts. Being properly introduced in the court by asking interpreters for their name and qualifications and explaining their role to the rest of the court, especially the jury and witnesses, may reflect a higher status in the court. On the other hand, if they are simply referred to as 'the interpreter' or not mentioned at all, their status is not obvious and interpreters feel they are not appreciated, as expressed in quotes 1 and 2 below from open comments on the survey.

- (1) We're just kind of there - no one seems to know what to do with us or what to say.

- (2) No one really cares much about interpreters, often believe we are a burden or waste of time by most participants other than the defendant.

One interpreter in the sample complained that when someone questioned her performance, all the judge seemed to care about was whether she had NAATI accreditation but not about her formal university qualifications. This is a common complaint with trained interpreters who feel their training is not valued by those who use their services (Ozolins, 2004); but is an important issue as there are also identified cases that have been problematic due to ‘accredited’ interpreters working in courts who are untrained (Roberts-Smith, 2009).

### 3.1.2 Explaining the interpreter’s role

- (3) I do think it is important for them to understand what your role is as I don't like to be pushed into something that is not my job.

Quote 3 above stresses the need for all participants to understand the role of the interpreter so as to not expect or even demand that the interpreter take on tasks that are outside their role, in accordance with their Code of Ethics. There were two questions in the questionnaire that related to the explanation of role. One related to the judge explaining the interpreter’s role to the jury and the other related to the interpreters themselves being instructed or reminded of their role. With regards to the first one: “Are jurors instructed about your role as interpreter?” 60 (31%) stated they had never interpreted in a jury trial. For those who had worked on jury trials, 25 (13%) said “Always”, 32 (16%) said “Usually”, and 27 (14%) said “Sometimes”. A total of 50 (26%) however, had never or rarely had their role explained to jurors, and even among those who said yes, the practice does not seem to be consistent, which stresses the need for a standard protocol. Some offered comments on how this has happened in their experience (see quotes 4-5 below):

- (4) Only after the end of the trial, the judge usually sums up the trial and explains about the impact of using interpreters in the case.
- (5) It's more common for the judge to instruct the jury about the difficulty of assessing a witness who is using an interpreter rather than to instruct the jury about our role.

Such explanations may have the effect of arousing suspicion in the jurors about how much they can trust the interpreter's rendition. Explaining the role of interpreters as impartial professionals who will interpret faithfully is more likely to raise the interpreter's status and reassure jurors.

The other question on role: "Are you ever instructed/ reminded about your role?" elicited a majority of responses (139 or 72%) as "Never" and "Rarely", with only (37 or 19%) choosing "Sometimes" and a smaller number (18 or 10%) choosing "Always" or "Usually". This may be due to a lack of protocol or to the fact that the sample comprises predominantly trained and experienced interpreters who fully understand their role and need not be reminded. The answers to this question elicited some differences according to some states, with the only significant difference found between NSW and Victoria ( $p < 0.02$ ). NSW interpreters were less likely to be ever instructed or reminded about their role than Victorians. The open answers showed mixed feelings about this practice, with some interpreters welcoming it and some resenting it. Quotes 5-6 below are examples of interpreters' positive attitudes towards this practice:

- (6) I like judges who give a briefing in the beginning about my role and that I am bound by confidentiality, and that everyone should break their sentences into shorter formats.

- (7) The judge/magistrate may preface the interpreted session with a general comment of what s/he expects from an interpreter, i.e. to interpret everything accurately, etc. I don't regard this as anything personal, rather as a reflection of that particular judge/magistrate's previous experience with interpreters.

Quotes 8 and 9 are examples of interpreters resenting the practice (7) or of interpreters being reminded for the wrong reason (8).

- (8) I will not allow any reminder as I know my role properly.
- (9) Mostly it is after interpreting something that might come across as aggressive/swearing then the judge/magistrate can at times want to reprimand me in their courtroom and remind me of the appropriate behaviour. Generally then the solicitor or police representative will instruct the judge/magistrate that I am only voicing what the deaf person is signing.

In addition to these answers, a number of interpreters expressed their views about the misunderstanding of their role by other court participants, such as those expressed in the quotes below:

- (10) They think it's my responsibility to MAKE everybody UNDERSTAND!!!!  
(emphasis in the original comment)
- (11) I still think that the role of interpreters is not fully understood or appreciated, although it is getting much better nowadays.
- (12) Some judges didn't know that we had to interpret all utterances eg, the mmm and ahh, not just the answers.

A number of interpreters expressed the view that court participants, especially judges and lawyers, should be educated on the interpreter's role, as expressed in quotes 13 and 14. This is indeed something that has been happening for some time in Australia (see Hale, 2015),

which may explain the reason for a perceived improvement, as expressed in quote 11 above, although such training is not yet compulsory or universal.

(13) Some judges should be educated about the role of the interpreter as I have been asked by a few judges to 'interpret word by word'.

(14) All legal personnel should undergo compulsory 'working with interpreters' training and gain a better understanding what the interpreter's role.

Quotes 15 and 16 are illuminating, as they reflect a lack of respect and low status of interpreters in general. They also highlight the uncomfortable situation in which interpreters find themselves where they feel that the court officials resent their being paid for performing their work.

(15) Court officers need to be trained to respect the functions of court interpreters and accept that we are part of the legal system, rather than a burden to their work. They are often most difficult to work with, i.e. not to even notice our presence when we repeatedly trying to get their attention at court, or reluctant to sign attendance forms.

(16) Lack of industrial standing and recognition as a profession in general.

A number of interpreters complained about the treatment received by court officers. The court officers are the assistants of the court; they call in the witnesses, run errands for the judge and lawyers, liaise with the jurors, administer the oaths or affirmations and sign the interpreters' attendance books so they can be paid. As part of the larger project, the first author conducted a focus group discussion with court officers about interpreters. Their general attitude towards interpreters was one of great admiration for those they perceived as the 'good' interpreters, and great frustration in relation to those they perceived to be incompetent and unethical interpreters. The court officers said that they tried to make the interpreters comfortable but that often they were not aware of their needs. Once of the court

officers resented being asked for paper and a pen by one interpreter, something she believed interpreters should bring along themselves.

As stated above, Australian courts do not have stringent requirements about the qualifications of the interpreters hired. For this reason, the court officers may experience a wide range of levels of competence and ethical behaviour among interpreters in court, which may explain their attitudes.

### *3.2 Awareness of professional and physical needs to aid interpreters with their work*

The questionnaire also asked about how aware of their physical and professional needs the different court participants seem to be, on a scale from 1-5, with 1 representing not at all and 5 very much. The court participants who seemed to be the least aware of their needs were the defence and prosecution counsel, with 40% and 41% rating them between 1-2.<sup>14</sup> The judges received the best score, with 50% rating them between 4 and 5, followed by the court officers who received 43% of the responses in the 4-5 range, which seems to contradict the previous complaints made above by one of the interpreters. These responses were supplemented with open narrative answers, which provided further insights into the interpreters' predicaments, giving details of more negative experiences with all participants. Quote 17, for example, illustrates a common complaint from participants about members of the court reading aloud too fast without giving the interpreter a copy of the text. As this interpreter comments, often it is impossible for interpreters to keep up, resulting in omissions or inaccuracies in the interpretation.

- (17) When judges hand down their judgement or decision, they either read it out as fast as they could ... and it's just not possible to keep up with them.

Quote 18 points to a lack of trust in the interpreter's professionalism or at times, the use of the interpreter as a scapegoat or as a strategy to help with the case of the examining counsel. This interpreter comments that judges sometimes stop such behaviours, but interestingly, such tactics can affect the interpreter's level of concentration, again to the detriment of accuracy of interpretation.

(18) I find, mainly at the District Criminal Court, that some (not all) defence lawyers tend to question or try to cast doubts on your interpreting skills when the replies they get are not favourable to their clients. For example it's quite common to be asked: "Madame interpreter are you sure that that is what XXX really meant? Would it be possible that what he really meant was... and you inadvertently may have misinterpreted his/her answer?" ... They do not always succeed as Judges are pretty good at protecting the integrity of the interpreters but these tactics sometimes may emotionally affect the interpreter which in turn may have an effect on his/her concentration.

### 3.2.1 Interpreter positioning

Linked to the concept of professional needs, interpreters were asked about whether they are instructed to sit or stand in particular spots in the courtroom. Just over half of the sample (54%) indicated that they are usually or always instructed on this. Considering that courts do not have a dedicated work place for interpreters to sit, as courts in other countries do (Stern, 2012), or as conference interpreters who work in booths, this is an important point. It reflects the transitory nature of court interpreting in Australia and the low status of interpreters, who are often somewhat of an afterthought, rather than being considered a crucial part of the proceedings in the planning of a trial.

The responses showed some differences depending on whom they were interpreting for. When interpreting for the witness while giving evidence, 39% were instructed to sit next to the witness box, a further 34% were instructed to stand outside the witness box, and the remaining 26% were either “never instructed”, “Other”, or sitting or standing at a distance from the witness box. A more problematic position arises when interpreting for the accused in the dock. The results were similar to the previous questions, with 35% being instructed to sit next to the accused inside the dock while a further 15% were instructed to stand next to the accused in the dock. Another 26% were instructed to either stand (19%) or sit (7%) immediately outside the dock. A further quarter of the respondents identified with the following options, “Other” (9%), “never instructed” (11%), “instructed to stand at a distance facing the dock” (4%) and “instructed to sit at a distance facing the dock” (1%). The ones who face the witness or the accused are the signed language interpreters, as they need to be seen by the deaf person.

The position of the interpreter in relation to the dock is an important one in terms of status, as they may be perceived to be allied with the accused if they sit or stand inside the dock. Interpreters are understandably uncomfortable sitting next to the accused in the dock; as expressed in quote 19, they may feel their safety is at risk. Close physical proximity to the accused is one source of discomfort; another is the possibility of being mistaken for the accused. Some interpreters commented on the uncomfortable seats and uncomfortable positions, but resign themselves to the fact that their comfort is not uppermost in anyone’s mind, as expressed in quote 20.

(19) I don't feel comfortable to sit next to the accused in the dock.

(20) The last they think of is the interpreter's comfort.

The interpreters were then asked “How easy is it to negotiate the best position to interpret in the courtroom?” A good proportion (40%) said it was easy to do, with an equal number (40%) stating they don’t try or have never been faced with such a situation.

Given the small number of respondents who are signed language (SL) interpreters, it is not possible to discuss any statistical significance. Instead, there are trends that can be noted for further examination. For example, Question 8, “Are you instructed to position yourself in a particular location in a courtroom?” showed that the SL interpreters were most frequently not instructed when compared with the spoken language interpreters. Clearly, the former have particular needs for the deaf person to see their signing, and thus would be more likely to assert the need to position themselves in a particular place to ensure clear sight lines between themselves and the deaf person, rather than be instructed. Similarly, the results indicate that a majority of the SL interpreters find it easy to negotiate the best position (SL: 83% vs Spoken: 36%). This may be due to the fact that most signed language interpreters are native English speakers and Australian born (Napier et al., 2010), whereas most spoken language interpreters are migrants themselves, with English as a second language. Such a difference may contribute to different levels of confidence and assertiveness when it comes to voicing their needs in court.

Related to position was the question about whether they ever had difficult hearing (for spoken language interpreters) or seeing (for signed language interpreters) the speaker, as such a difficulty would inevitably impact on their ability to interpret accurately. It seems from the results that the court participant interpreters have the most difficulty with hearing or seeing is the judge, with 42% stating they sometimes have difficulty and 27% saying they often or always have difficulty. The judge was followed by counsel, who received an average of 40% stating they sometimes have difficulty and 15% stating they often or always do. The other participants (court officer, witness or accused) caused negligible difficulties for interpreters,

with only 8% stating they often or always have difficulty hearing or seeing the court officer and only 4 and 3% for the witness and accused. This is logical, because the lawyers and the judge normally address the jury, or look down when speaking without the benefit of an amplifying microphone, whereas the witnesses speak in close proximity to the interpreter (see quote 21 below). This points to the fact that interpreters should be supplied with headphones, which can amplify the sound received from the different speaker microphones. In the interview with the court officers, we were told that such headphones are already available in court for witnesses who are hard of hearing and request them. Interpreters, however, have never been informed that they can avail themselves of the same devices. As expressed in quote 21, poor working conditions, including poor sound, will inevitably impinge on the interpreter's ability to perform to the best of his/her skill and ability.

(21) One of the major difficulties of courtroom interpreting is that judges/magistrates in particular and some lawyers mumble, speak in too quiet a voice and/or use half sentences, so that it becomes a private conversation between those in the legal profession rather than a court which is accessible and transparent. As lawyers often have their back to the interpreter and accused, it can be difficult to hear and understand everything they say. I also find simultaneous interpreting very challenging at times not because I'm not able to do so, but professionals speak too fast/ low voice/ legalese, poor acoustics etc. Combine all that. I fear if I make my voice heard I may be perceived incompetent to do the job.

Other working conditions that can impinge on the interpreter's work were included in the questionnaire. These included the provision of breaks, drinking water, a seat and permission to ask for repetitions or clarifications when needed. It appears that "breaks" (47%) and "drinking water" (38%) are the most often limited amenities in courtrooms with interpreters.

This result is consistent with previous studies (Hale, 2011a; Hale & Stern, 2011). “Seating” and “repetitions when needed” though, are usually or always provided (60% and 59%, respectively). Interestingly, when such amenities are not provided, only 11% would usually or always ask for breaks, 24% for water, 33% for a seat and 52% for a repetition. This indicates that interpreters’ prioritise their needs and only interrupt the court when they consider it to be absolutely necessary, in order to interpret accurately, putting up with physical discomfort, as expressed in quote 22.

(22) When interpreting in court I am concentrating on what is said and render it in the other language so I am not conscious of my own physical comfort.

A number of interpreters made extra comments reinforcing the fact that physical discomfort can affect their ability to interpret adequately (see quote 23).

(23) Physical tiredness (standing for a long time) will affect interpreting effectiveness.

We found some differences with regards to these questions between NSW and Victorian interpreters once again. Victorians seem to have slightly better working conditions, but NSW interpreters seem to be more assertive in asking for those amenities they do not receive, possibly for the same reason. Another difference in assertiveness was found between the professionals and the paraprofessionals, with professionals having a more assertive approach, by “Always and “Usually” asking for repetitions when needed, reaching a highly significant difference between categories ( $p < 0.00$ ). This is an important finding, as it indicates that the better qualified the interpreter is, the more confidence they will have to do what is needed to ensure that they perform their task adequately.

### 3.2.2 Resources and equipment

Interpreters in international settings are provided with working booths, preparation materials and access to the internet to facilitate their work. By contrast, interpreters working in

domestic settings have access to very limited resources if any. The three questions asked of the sample appear in Table 1.

**Table 1. Resources and equipment for interpreting in court (Qs 21-23)**

Question	Never	Rarely	Sometimes	Usually	Always
Are you ever provided with any equipment to aid your work? (Q21)	130 (67%)	22 (11%)	26 (13%)	8 (4%)	8 (4%)
Do you take any resources/ equipment to aid your interpreting? (Q22)	62 (32%)	29 (15%)	22 (11%)	25 (13%)	56 (29%)
Do you access the internet in the courtroom to aid your interpreting? (Q23)	151 (78%)	5 (3%)	2 (1%)	4 (2%)	0 (0%)

The results show that the least available resource is clearly access to the internet (78%). Since the internet is a crucial resource for interpreters in accessing on line glossaries and dictionaries (see quote 24), this is an important finding. One interpreter commented on being reprimanded for attempting to consult an online dictionary (see quote 25).

(24) The internet would be great to access online dictionaries and materials (explaining legal procedures and legal terms).

(25) Once in a big trial I was looking in my I-phone for a word and the judge asked me if I could stop using the phone.

A follow up question was whether resources or equipment will facilitate interpreting work. Table 2 shows a summary of the answers. Interestingly, the responses about the usefulness of equipment are polarised for “Portable simultaneous interpreting equipment”, “Interpreter booth”, “Computer with internet access” and “Access to the court reporter's screen”, with approximately the same percentages stating these facilities would be “very useful” and on the other extreme, “not useful at all”. The interpreters with lesser accreditation and qualifications were more likely to reject these resources. This discrepancy is most likely related to the interpreters’ expertise and experience. The more qualified interpreters are likely to have been

trained in simultaneous interpreting and have experience working in international settings where such facilities are common. This variability accounted for a significant difference ( $p < 0.04$ ). On the other hand, signed language interpreters have no need for simultaneous interpreting equipment and a booth. This difference was clear in the results, with 31% of spoken language interpreters supporting it and 0% of signed language interpreters stating it would help very much.

**Table 2. Resources and equipment that facilitate interpreting in court (Q 24)**

	Not at all	A little	Somewhat	A lot	Very much
Portable simultaneous interpreting equipment (Q24a)	66 (34%)	32 (16%)	22 (11%)	19 (10%)	55 (28%)
Interpreter booth (similar to conference interpreting conditions) (Q24b)	52 (27%)	34 (18%)	24 (12%)	27 (14%)	57 (29%)
Other dedicated work station (eg. a desk) (Q24c)	47 (24%)	38 (20%)	31 (16%)	31 (16%)	47 (24%)
Computer with internet access (Q24d)	63 (32%)	28 (14%)	29 (15%)	30 (15%)	44 (23%)
Background/briefing material prior to proceedings (Q24e)	10 (5%)	11 (6%)	13 (7%)	11 (6%)	149 (77%)
Relevant documents during proceedings (Q24f)	11 (6%)	17 (9%)	19 (10%)	18 (9%)	129 (66%)
Access to the court reporter's screen (Q24g)	47 (24%)	31 (16%)	28 (14%)	28 (14%)	60 (31%)

The suggestion of “a dedicated work station”, however, received a mixed appeal with some wanting one and others rejecting the idea.

The most important resources for facilitating interpreting in the courtroom, which received a majority of positive responses from all interpreters are “Background/briefing material prior to proceedings” (77%) and “Relevant documents during proceedings” (66%).

Unlike the other resources, both spoken language and SL interpreters regard this as helping “a lot” or “very much” (“Background/briefing material prior to proceedings”: Spoken 81% & SL 94% indicate “A lot” or “Very much” and “Relevant documents during proceedings”: Spoken 76% & SL 77% indicate “A lot” or “Very much”). Although the majority agreed with the importance of materials and documents, there was also a significant difference between professionals’ and paraprofessionals’ responses. The highly significant difference ( $p < 0.006$ ) was the result of an almost unanimous “Very much” response by the Professionals in comparison to the others’ less positive support. The question on whether “relevant documents during proceedings” would facilitate an interpreter’s work, did not elicit such marked difference ( $p < 0.02$ ) as the previous question, but it was still in the same direction. Professionals were again very definitely in support of having the relevant documents during a trial.

This result is consistent with previous research (Hale, 2011a), but it is an issue that remains contentious, with judicial officers being unconvinced of its usefulness or appropriateness (Hale, 2013). The significant difference between the professional and paraprofessional interpreters is also a very important finding. It indicates that professionals are more demanding in terms of the conditions they need in order to perform at a higher level. Paraprofessionals without the adequate training and experience may be unaware of their limitations and lack of competence and may not be capable of using extra resources to improve their performance.

### *3.3 Respected as professionals*

When asked whether they are respected by the court participants, the quantitative results show that the majority believe they are, with the judiciary receiving the best results (87% stated usually or always respected), compared to 69% to 73% who stated they are usually or always respected by the other court participants.

In addition to the responses to the questions in the questionnaire, a number of interpreters offered their own comments, which often contradicted the positive results above. Most of the comments referred to their perceived lack of status and respect. This related to their being mistrusted (Quote 26), poor working conditions (Quote 27) and lack of appreciation (Quote 28). It may be that the less qualified interpreters have a worse experience. This was evident in a previous study (Hale, 2011b), which showed a noticeable difference between the way trained and untrained interpreters reported being treated by other professionals. A couple of interpreters in this sample also showed initiative in being proactive to ensure better working conditions and professional status, as expressed in quote 29.

(26) For some unexplainable reason NESBs think it's ok to blame the interpreter if anything goes wrong or if they want an easy way out. Interpreters are not trusted as professionals at courts. The presence of an interpreter triggers the anxiety of all parties involved at court. "Please interpret exactly what I said!" they jump into saying. It is because of their ignorance that court staff often allow the accused or the witness to assess the interpreter's capabilities. Court staff accept it without questioning if the accused or one of his family member's say "oh he is not interpreting correctly".

(27) At trials they ask us to leave our handbag outside the dock as if they don't trust us I find that very strange. They give the accused water but they seldom give water to the interpreter as if we don't exist. Very few court officers offer the interpreter water but most of them don't.

(28) Not that often are interpreters shown respect, acknowledgement or appreciation for the service they offer.

(29) I make a point to always brief the counsels and judge about my role, the language (Indonesian) and the potential issues in interpreting. By taking this initiative, I avoid potential misunderstandings and mistrust that may occur when problems happen. The counsels and judges are very appreciative of my effort so far in informing them in advance.

#### **4. Conclusions**

Overall, the findings from this study support the suggestion that interpreters do not feel that their professional status is appreciated by other stakeholders in court or by the system as a whole, and that the nature of their working conditions are influenced by the perceptions of their professional status. That is, interpreters feel that the less respected they are or the lower their professional status is, the poorer their working conditions are in court. Therefore, we can suggest that the perceptions of court interpreter professional status has an impact on the quality of the interpreting work, because if working conditions are poorer, their interpreting output may also be poorer in quality. One interesting finding was the difference between professional and paraprofessional interpreters. Professional interpreters, who were also mostly trained, demanded better conditions to perform their task adequately and were therefore more assertive. On the other hand, it was the paraprofessionals who felt less appreciated by other court participants.

These findings have implications for the provision of court interpreting, but also for the potential outcome of trials. Firstly, only highly trained, professional interpreters should be working in courts; secondly, adequate working conditions for interpreters should be provided in order for competent interpreters to perform to their best of their skill and ability.

Particularly in the case of jury trials, there should be guidelines for judicial officers on how interpreters should be introduced and how they can provide assurance of their professional

credentials. This process would ensure that all courtroom participants are aware of the professional status of interpreters, and their role and function in the courtroom and that their performance can be trusted. If interpreters in court are perceived not to have high professional status, then this may impact on the perceptions that jury members have of interpreters and the accuracy of their renditions, and indirectly, of witnesses interpreters are interpreting for in their presentation of testimony.

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## Notes

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<sup>3</sup> The Western Sydney Trial court is at Parramatta, Sydney, and it is the court where the mock trial was held. Western Sydney is one of the most multicultural areas, and the Parramatta courts have a very high rate of interpreting service use.

<sup>4</sup> Ethics clearance number HREC11316.

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<sup>6</sup> Private communication with Robert Foote, NAATI Accreditation Manager.

<sup>7</sup> Private communication with Daniel Muller, Chief Executive Officer of AUSIT.

<sup>8</sup> TAFE stands for Technical and Further Education. These are vocational colleges.

<sup>9</sup> NAATI offers four levels of accreditation: Paraprofessional interpreter, Professional interpreter, Conference Interpreter, and Conference Interpreter (Senior). Interpreters who achieve Paraprofessional level are accredited to work in non-specialist dialogues, where as the Professional level is defined as the minimum level of competence required for professional interpreting and is regarded as the Australian professional standard. Interpreters at Professional level are capable of interpreting across a wide range of subjects involving dialogues at specialist consultations. See

<http://www.naati.com.au/PDF/Misc/Outliness%20of%20NAATI%20Credentials.pdf>.

<sup>10</sup> This is the lowest court in the hierarchy of state courts. In some states it is called Local and in others Magistrates' Court or Court of Petty Sessions.

<sup>11</sup> This is the second layer in the hierarchy of state courts. In some states it is called District and in others County Court.

<sup>12</sup> The Family Court of Australia is a federal court, which operates in all states except for Western Australia. There is a Family Court of Western Australia with the same functions. This court deals with all cases under the Family Court Act, including divorce and child custody and maintenance matters.

<sup>13</sup> The Supreme Court is the highest court in each state.

<sup>14</sup> 1 = Not at all, 5 = Very much

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