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A Handbook for Court Interpreters Working in Teams

This guide developed by the Wisconsin Director of State Courts Interpreter
Program seeks to provide best practices to court interpreters who are
working as part of a team.

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PURPOSE

This guide is designed to serve as a reference tool for all Wisconsin court interpreters (spoken and sign) who are working as part of a team. It defines the various roles and explains the functions of team members, addresses the mechanics of team interpreting, and provides recommended best practices for matters such as positioning and proper correction of errors. Where practices vary between sign language and spoken language this paper has sought to distinguish and explain those differences and the rationale.

DEFINITIONS

Team interpreting is the practice of using two or more interpreters who work together to provide interpretation for individuals with limited English proficiency (LEP).¹ The statutory authority for using team interpreting in Wisconsin is found under Wis. Stat. §885.38(3)(b) which states, “The court may appoint more than one qualified interpreter in a court proceeding when necessary.”

The interpreter who is engaged in delivering the interpretation is called the **active** interpreter. The interpreter who is not actively interpreting is called the **support** interpreter.

RATIONALE FOR TEAM INTERPRETING

The interpreter plays an important and unique role in the courtroom. This uniqueness stems from the multiple functions interpreters are constantly performing which are unlike any other person in the courtroom. The interpreter serves as a language expert whose job is to produce an equivalent message between people who speak different languages. The interpreter also serves as an officer of the court whose role is to promote justice and effective operation of the judicial system. In addition, the interpreter holds a responsibility, similar to a court reporter, to make certain an accurate record is being produced. Working as part of a team allows the interpreter to share these complex tasks with another professional. According to the National Association of Judiciary Interpreters and Translators (NAJIT), “team interpreting is the quality control mechanism implemented to preserve the accuracy of the interpretation process in any circumstance.”² Some of the reasons why interpreters work in teams are discussed below.

¹ Wis. Stat. §885.38(1)(b)1&2. LEP is defined as:

1. The inability, because of the use of a language other than English, to adequately understand or communicate effectively in English in a court proceeding.
2. The inability, due to a speech impairment, hearing loss, deafness, deaf-blindness, or other disability, to adequately hear, understand, or communicate effectively in English in a court proceeding.

² National Association of Judiciary Interpreters and Translators. (2007). *Team Interpreting in the Courtroom Position Paper*.

INTERPRETER FATIGUE

Interpreter fatigue refers to both physical and mental fatigue that result from the high degree of concentration an interpreter must employ to hear, analyze, and understand ideas in one language and then express those same ideas coherently. Interpreters are using at least 22 cognitive skills when interpreting. Research has shown that accuracy declines significantly after thirty minutes of interpreting and interpreters are not even aware of this rapid increase in error.³

It is unrealistic to expect interpreters to maintain a high level of accuracy for hours without relief. The interpreter's ability to continue to provide a consistently accurate interpretation may be compromised if no breaks are allowed. To reduce the possibility of interpreter fatigue, interpreters should work in teams for lengthier proceedings whenever possible.

SECOND LANGUAGE EXPERT

Under Wis. Stat. §906.04, interpreters are treated as expert witnesses for purposes of qualification:

"An interpreter is subject to the provisions of chs. 901 to 911 relating to qualification as an expert and the administration of an oath or affirmation that the interpreter will make a true translation."

However, the interpreter's role as a language expert is distinct from that of an expert witness. For example, the language expert does not review or analyze a static dataset and produce a written report or oral testimony like a typical expert witness. Interpreters provide constant and on-going linguistic expertise while performing their jobs. The support interpreter serves as a second language expert in the event any challenge to the interpretation arises.

ACTIVE INTERPRETER SUPPORT

The support interpreter can assist the active interpreter by serving as a "second ear" to confirm quickly any spoken names or numbers, to correct errors or omissions, to look up vocabulary or to assist with any technical problems encountered if interpreting equipment is used.

COURTROOM EFFICIENCY

Team interpreting enables court sessions to proceed at the pace the judge requires without a need for extra breaks.

³ National Association of Judiciary Interpreters and Translators. (1997). "New Study on Fatigue Confirms Need for Working in Teams," *Proteus*. Vidal, M.

SITUATIONS IN WHICH TEAM INTERPRETING SHOULD BE USED

A team of interpreters should normally be used in the following circumstances:

- ***All trials and complex hearings***
- ***Lengthy hearings expected to exceed two hours***
- ***If an LEP witness or witnesses are testifying and there is an LEP litigant at counsel table***
- ***Cases involving multiple litigants who have adverse interests.***

If defense counsel or parties object to using the same interpreter for privileged communications, the court may appoint an individual interpreter for each litigant.

[Note: Using a team of interpreters should not be presumed necessary in this situation because trained and qualified interpreters are under an oath to protect confidentiality of communications and refrain from communicating directly with any court participant except when absolutely necessary and then only to address an error or obstacle to performance.]

INTERPRETING FUNCTIONS

Court interpreters working as part of a team are often asked to provide services in a variety of functions. Sign language interpreters may use different terms than spoken language interpreters to describe what is occurring. Spoken language interpreters often combine proceedings interpreting and counsel table interpreting since they are generally seated near the LEP party already; whereas sign language interpreters keep the tasks separate and consider witness interpreting to be part of proceedings interpreting. Regardless of the term used, the functions remain the same.

PROCEEDINGS INTERPRETING

This task is the most commonly encountered role a court interpreter performs when there is an LEP party. Proceedings interpreting includes everything said in the courtroom by the parties, attorneys, jurors, court staff or audience; the colloquy between court and counsel; and all testimony of English-speaking witnesses. The proceedings interpreter is under oath and abides by Wisconsin SCR 63: Code of Ethics for Court Interpreters. This type of interpreting is most often performed in the simultaneous mode.

WITNESS INTERPRETING

This task is performed when a non-English speaking witness is testifying. Witness interpreting includes the witness' non-English language answers and the English questions from the attorney or judge; as well as attorney objections and arguments. The interpreter is under oath and abides by Wisconsin SCR 63: Code of Ethics for Court Interpreters. This type of interpreting is most often performed in the consecutive mode.

COUNSEL TABLE INTERPRETING

This function is performed when an interpreter is facilitating communication between an LEP party and his/her attorney. The interpreter sits at counsel table. Spoken language and sign language interpreters differ somewhat in their views of this role and therefore, carry out these functions differently:

For **spoken language interpreters**, this role may be considered part of the proceedings interpreting; therefore, the spoken language counsel table interpreter is usually able to rotate with the proceedings interpreter. The counsel table interpreter also serves as support for the proceedings interpreter as described above.

For **sign language interpreters**, this function is separate from the proceedings interpreting function so they are considered aligned with the defense. Counsel table interpreters render privileged conversations between attorney and client. The sign language counsel table interpreter serves as a monitor on the accuracy of the proceedings interpreters. She/he is subject to Wisconsin SCR 63: Code of Ethics for Interpreters and is governed by the rules of the professional code of responsibility for attorneys as well as the code of professional responsibility established by the Registry of Interpreters for the Deaf (RID).

JUROR INTERPRETING (DEAF JURORS)

This function is performed for a deaf juror throughout a trial. A team of sign language interpreters will accompany the deaf juror into the deliberation room and will interpret all conversations occurring during this time. Each interpreter will also take an additional oath to keep confidential all interpretation needed during deliberations. In Wisconsin, interpreters are not provided for jurors who have limited English proficiency due to national origin.

APPROACH TO TEAM INTERPRETING

In his 2010 book, author Jack Hoza suggests that interpreters should approach team interpreting in a **collaborative** and **interdependent** manner.⁴ Adopting this framework implies that members have obligations to each other throughout all aspects of the interpreting process. As collaborators, team members are working towards a shared goal: a seamless and accurate interpretation. Working interdependently means each member brings to the team the individual competencies needed to interpret, as well as a willingness to rely upon the other person's expertise when necessary. This attitude of collaboration and interdependence with team interpreting assumes a level of trust and respect between teammates that should be maintained before, during, and after the assignment.

⁴ Hoza, J. (2010). *Team Interpreting: As Collaboration and Interdependence*. Alexandria, VA: RID Press.

TEAM MECHANICS

SELF ANALYSIS

To be part of a successful interpreting team, an interpreter should be cognizant of his/her personal attributes, style, professional preferences, and experiences. In the spirit of collaboration and interdependence, the interpreter must bring to the team an awareness of his/her abilities and limitations that will require a level of self-analysis. Some questions to reflect upon may include:

- What are my strengths and weaknesses? (E.g. I prefer to be the interpreter who starts or I am not good with numbers)
- How well or poorly do I accept criticism even if offered constructively?
- How do I prepare for an assignment?
- How do I prefer to be corrected by my teammate?
- What do I need from my team member? (E.g. I want my teammate to watch out for certain vocabulary that I tend to get stuck on or to give me a signal to remind me when to switch.)
- Have I ever been in the courtroom where the assignment will occur? If so, how is it arranged and is that arrangement conducive to interpreting?

At times, the scheduler might not be aware a team of interpreters is needed for a particular assignment. When contacted about an assignment expected to exceed two hours, contract interpreters should ask the scheduler, “*Who will my teammate be?*” This question alerts the interpreter coordinator that a team of interpreters is needed in the event the scheduler had not already made arrangements for a team. It will also give the interpreter an opportunity to know the identity of his/her teammate or recommend interpreters to contact if none have been identified.

ROLE OF THE SUPPORT INTERPRETER

In order to work collaboratively and interdependently, the support interpreter must be present and prepared to make adjustments when needed. Such adjustments may include looking up terminology and passing notes to the active interpreter or supplying a missing word or phrase out loud for the record if the active interpreter is coming up blank. In short, the support interpreter should serve as the active interpreter’s “life line.”

Take for example, the team’s duty to ensure linguistic continuity throughout the interpretation. If the support interpreter does not view the interpretation as a team effort, he/she is acting independently instead of interdependently.

Example

During witness testimony, one Spanish interpreter is relieved by his/her teammate and decides to leave the courtroom. The LEP witness begins talking about a “sidewalk” which the active interpreter interprets as “*banqueta*” in Spanish. The support interpreter returns, switches and then proceeds to use the term “*acera*” for sidewalk. While both terms may be acceptable, the change in vocabulary may cause confusion with the LEP witness or may even result in the individual answering the question differently than before due to the difference in word choice. Had the support interpreter remained in the courtroom, he/she would have been aware of the choice of vocabulary used by his/her teammate and used that same term.

The support interpreter also should be prepared to handle interpreter equipment issues for LEP alleged victims or family members who are part of the audience and who may be listening to the proceedings.

Certainly there will be occasions when the support interpreter needs to leave the courtroom for a short break or to deal with an unexpected matter. She/he should expect to be absent no more than a few minutes and be prepared to return to the courtroom to continue assisting the active interpreter.

PRE-ASSIGNMENT DISCUSSION

Once the team has been assembled, preparation will be a key component to success. Members of the team should talk over issues discussed below prior to the start of the interpreting assignment. The same questions contemplated as part of a self-assessment should be posed to the other teammate.

- How do you prepare for an assignment?
- How do you prefer to be corrected?
- What do you need from your teammate?

The goal is to engage in a constructive dialogue with the other interpreter about individual strengths and weakness so teammates are prepared to provide collegial support in different areas. For example, one teammate may have greater expertise with technical terminology in a particular field.

PREPARATION FOR THE ASSIGNMENT

Members should review the court file together prior to the hearing but if that is not possible, an interpreter may review the file or other pertinent information individually. If one teammate is more familiar with the physical layout of the courtroom where the assignment will take place, he/she may take the lead in recommending logistical configurations.

Team members may use this preparation time to discuss common or unique court terminology, compile such information, and store it either in a notebook or electronically. Dictionaries should be perused and marked for easy access or research. The team should obtain as much information as possible about the assignment prior to the start date. This step will be important for the team in terms of being ready to handle areas of concern or highly technical testimony.

While it is recommended that the interpreting team be comprised of the same individuals throughout the duration of the proceedings, due to availability of schedules it will not always be possible. Interpreters should consider keeping notes of important information relevant to the case or a glossary of terms to share with new team members to help them gain familiarity with the details and to preserve consistency with terminology.

SWITCHES AND SIGNALS

Teammates should agree upon a method to switch between active and support roles and to signal each other to seek or provide help. Rigid rules do not exist as to when teammates must switch. It should be done in accordance with the natural rhythm of the proceeding and create as little disruption as possible. Since it has been suggested that mental fatigue sets in after approximately thirty minutes of sustained simultaneous interpreting, this time frame should be taken into consideration when deciding how often to switch.

ERRORS, OMISSIONS AND DISCREPANCIES

It is critical for teammates to collaborate and develop a method for handling errors and discrepancies that undoubtedly will occur. The manner in which discrepancies are addressed will be determined by the type of error. As the support interpreter listens to the active interpreter's rendition, the support interpreter must make a split-second judgment call as to whether the active interpreter's utterance amounts to a substantive error. This type of judgment call must be made quickly but will dictate how or even whether a correction is necessary. Mistakes that change the meaning of what someone said require immediate clarification whereas an error more akin to a disagreement in choice of words could be discussed with the other teammate during a break.

Example

At a Termination of Parental Rights (TPR) trial, a Spanish-speaking father who was on the witness stand was asked why he had not come from a particular state to visit his child during the summer. The father replied, "*No podía*" which means "*I was not able to.*" The active interpreter interpreted the father's answer as if he had said "*No quería*" which means "*I didn't want to.*" Since one of the issues in this trial was the willingness of the father to spend time with the child, the support interpreter determined it was a substantive error and therefore, necessary to stop the proceeding at that point to clarify the answer with the court.

In case of discrepancies with words or terminology, the team must address these issues outside of the courtroom and not within earshot of jurors and court officers. When an alleged error occurs and immediate clarification is needed, team members should agree upon a process for how the active interpreter will be alerted, such as a simple whisper, a note, or showing of the word in an electronic dictionary. Once the team has reached an agreement, the interpreters should approach the judge together with the correction using sentences starting with *“The interpreting team...”* which signifies it is a team error not an individual error. Do not use the phrase, *“She made a mistake.”*

In the unlikely event teammates cannot agree and the active interpreter stands by his/her interpretation that the support interpreter is alleging is incorrect, the team should inform the judge. It is the judge’s duty to make a final determination as to the correct interpretation. This process may entail clarifying with the LEP speaker the term or phrase in question, hearing evidence as to the correct interpretation from a linguistic expert, reading back the transcript, or playing the recording of what was said if a recording is available.

POSITIONING

The positioning of team members described in this section are recommended practices that will vary according to judicial preference, the layout of the courtroom or venue where the assignment is taking place, attorney recommendation, and whether spoken language or sign language is being used. In general, teammates should strive to sit close together so they can provide support with vocabulary, dates, names, addresses, etc. It is important for interpreters to be mindful not to block the jury or judge’s view of the defendant, party, or witness(es).

SPOKEN LANGUAGE

PROCEEDINGS AND COUNSEL TABLE INTERPRETING POSITIONING

The active interpreter typically sits at counsel table to the side and slightly behind the LEP party, however, the attorney may prefer an alternate configuration. The support interpreter should aim to sit next to the active interpreter or if space is limited, behind the active interpreter but within earshot. The position of the support interpreter should allow for a quick switch with the active interpreter. Being seated next to the LEP party may not be necessary if equipment is being used.

WITNESS INTERPRETING POSITIONING

LEP WITNESS WITHOUT AN LEP LITIGANT AT COUNSEL TABLE

Both the active and support interpreters should be positioned together at the witness stand. The active interpreter should share the microphone with the LEP witness so that both the English and non-English interpretations are audible to everyone. The support interpreter

should sit next to or slightly behind the active interpreter if space allows making sure not to block the jury or judge's view of the witness. This arrangement allows the support interpreter to provide better assistance to the active interpreter and correct errors through the exchange of notes and allows for smoother transitions.

LEP WITNESS WITH AN LEP LITIGANT AT COUNSEL TABLE

In this scenario, a team consisting of at least three members is recommended. Both the active and support interpreters should go to the witness stand and share the microphone with the LEP witness so that both the English and non-English interpretations are audible to everyone. The third interpreter should remain at counsel table in order to simultaneously interpret for the LEP defendant or party any communication between attorney and client; and any objections, legal arguments and rulings. The three team members may rotate among each other when fatigue becomes a factor.

SIGN LANGUAGE

For trials and hearings involving multiple sign language teams, it is recommended that the interpreting teams meet with the court prior to the start of the trial to establish the best placement for all members and other interpreting-related issues that may need to be discussed. Since sign language is a visual language, the positioning of the team must be considered carefully.

PROCEEDINGS AND WITNESS INTERPRETER POSITIONING

Depending upon who requires the interpreting services, positioning of the active and support interpreter will vary. The proceedings interpreters could effectively interpret for more than one deaf party during the open court process or witness testimony, provided they all speak the same language and can understand one another. In general, the interpreting team should be able to face the LEP party or witness using their services. When a deaf person is on the witness stand and the party at counsel table is also deaf, consideration must be given to creating effective sightlines from all vantage points throughout the courtroom. The proceedings interpreters should not be positioned where they block the judge or jury's view of the witness or the litigants.

LEP WITNESS WITHOUT AN LEP LITIGANT AT COUNSEL TABLE

When a deaf witness is testifying at the stand and is the only person who requires interpreting services, the team may sit or stand side by side in the middle of the court room facing the deaf witness with their backs to counsel or be positioned directly in front of the witness stand. If possible, the active interpreter should have access to the microphone when he or she voices the witness' responses. The most important factor is to ensure that everyone in the court room is able to both see and hear all open court colloquy at all times.

LEP WITNESS **WITH** AN LEP LITIGANT AT COUNSEL TABLE

When a deaf witness is testifying at the stand and the litigant is also deaf, the active and support interpreter should position themselves in a way that allows both the litigant and the witness to see the interpreting team. If possible, the active interpreter should have access to the microphone when he or she voices the witness' responses. The most important factor is to ensure that everyone in the court room is able to both see and hear open court colloquy at all times.

DEAF JUROR POSITIONING

The active and support interpreters should sit side by side facing the deaf juror in a location that will not obstruct the judge or jury's view of the witnesses and defendant or parties but keeping in mind the deaf juror's ability to see the interpreters and the witness at the same time. The interpreting team will accompany the deaf juror into the deliberation room.

POST-ASSIGNMENT DISCUSSION

If time permits, team members should try to discuss the assignment afterwards to further enhance the team experience and to build collegiality:

- Review specific features that contributed to a successful interpretation or hindered the effectiveness.
- Discuss changes that could be made the next time and why or what the other teammate did that was particularly appreciated
- Talk about any unresolved matters between teammates that may have arisen during the assignment
- Engage in a conversation with the judge (if she/he is amenable) about possible changes that could be implemented to ensure a seamless interpretation; e.g. making sure microphones work or monitoring the rate of speech of attorneys

SPECIAL CONSIDERATIONS

MULTIPLE TEAMS

A situation may occur when more than one interpreting team is needed throughout the hearing, which is more common with sign language. The proceedings interpreting teams will be different from the individual interpreter who provides counsel table interpreting. The counsel table interpreter is considered independent from the proceedings interpreting and would not rotate with the proceedings interpreters. The number of teams needed and the placement of the teams should

be discussed with the court and attorneys and decided upon as far in advance of the assignment as possible.

ASL-CDI INTERPRETING TEAM

Another configuration found with sign language is when the team is comprised of a hearing sign interpreter and a Certified Deaf Interpreter or Intermediary (CDI). A CDI is an individual who is deaf or hard of hearing and who has been certified by the Registry of Interpreters for the Deaf (RID) as an interpreter. A CDI typically works as a team member with an interpreter who is hearing. A CDI/hearing team should follow the same roles, rules and protocol as other teams. For each person involved in the case who requires a CDI/hearing team, a hearing sign interpreter and a CDI team is needed. Since there is double the number of interpreters involved in such a case, it is vital that positioning and other logistical mechanics be discussed and agreed upon with the court prior to the proceedings.

EQUIPMENT

Spoken language interpreting teams may use equipment consisting of transmitters and receivers. The use of equipment may reduce fatigue as the interpreter has more flexibility to adjust his or her posture, increase or decrease the volume of the speaker, speak in a very soft voice, or move to a different location within the courtroom that has better sightlines or manipulate dictionaries or digital devices while interpreting.

The switch between team members while using equipment will require familiarity with the various devices to ensure a smooth transition. It is important for interpreters to discuss whether they will physically switch places if equipment is used or whether the microphone will be passed to the other interpreter after a transition or whether both will switch places and will hand off the microphone.

Sign language interpreters may also work in situations where the deaf parties are using equipment such as Communication Access Realtime Transcription (CART) services or assistive listening devices combined with interpreters. The interpreters should possess basic knowledge of the technology being used and follow best practices for team interpreting.

VOICE MODULATION

One of the skills interpreters must possess is the ability to modulate their voices. Spoken language interpreters are usually required to whisper into the LEP's party's ear when performing a simultaneous interpretation in order to be heard **only** by that individual. This process must be as subtle as possible to prevent disruptions and excessive background noise. When performing a consecutive interpretation, however, interpreters must be able to project their voices loudly enough for everyone in the courtroom to hear the speaker's statements.

Mastering this skill is vital in situations where two LEP parties are using the services of two interpreters who are simultaneously interpreting. In this configuration, even though the interpreters may not be working as part of a team, they should be willing to address attention to this detail with each other before the proceedings begin. One simple solution is for the interpreters to agree to sit as far apart as from one another as reasonably possible if the courtroom layout allows it.

If one interpreter is unable to modulate his/her voice, it can lead to noise interference which may disrupt the other interpreter's concentration and may even affect the attorneys' ability to hear the proceedings. In addition, the LEP parties may get confused when they can hear both interpreters at the same time and cannot concentrate on only one interpretation.

CONCLUSION

While working successfully as part of an interpreting team requires practice and patience, the professional rewards are significant. The more experience an interpreter obtains working with a team, the stronger the team will be. One of the assets of team interpreting is it allows the interpreting assignment to run with minimal interruptions and ensures a more accurate record. Approaching team interpreting in the spirit of collaboration and interdependence provides interpreters with access to a support system and helps to foster collegiality among professionals within the field.

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