

Self-Assessment Exercise: Procedures, Protocol and Ethics Quiz

This assessment will NOT be collected or graded; it is merely intended as an introductory exercise to introduce candidates to the scope of topics scheduled for the training session and to serve as a basis for discussion.

For each statement below, please circle the best answer.

1. Which of the following skills is **LEAST** important in interpreting?

- A. Memory
- B. Bilingualism
- C. Native accent
- D. Intelligence

2. The mandatory method for interpreting at the witness stand is

- A. Simultaneous
- B. Consecutive
- C. Summary
- D. Paraphrase

3. A **source language** means

- A. A native language
- B. An official language used in the courts
- C. A dead language from which a modern language is derived
- D. A language from which one translates/interprets

4. If an attorney is speaking too fast or too softly, the interpreter must

- A. Continue interpreting the best he/she can so as not to interrupt the proceedings
- B. Raise his/her hand to get the speaker's attention
- C. Immediately inform the court
- D. Stop interpreting

5. **Paraphrase** or **summary** interpretation may be used

- A. When other interpreting modes are impossible
- B. Usually during consultation in chambers
- C. At no time
- D. In lock-up or jail interviews only

6. A notepad and pencil shall

- A. Always be carried
- B. Never be used at the witness stand
- C. Only be used during consecutive interpreting
- D. Always be kept out of sight

7. An interpreter may accept payment from a defendant in a criminal case
- A. When he/she works past 5:00 PM
 - B. Only if he/she wins the case
 - C. Under no circumstances
 - D. If he/she does extra interpreting, such as assisting an attorney to communicate with family members
8. To become familiar with the particulars of a case, the interpreter must
- A. Take time to personally interview the defendant
 - B. Request and review the case file
 - C. Obtain the points of view of both defense and prosecuting attorneys
 - D. Talk with family members
9. At which proceeding is the defendant informed of the charges against him/her and asked to enter a plea?
- A. Pre-trial conference
 - B. Probation and sentencing
 - C. Arraignment
 - D. Voir dire

10. During a jury trial, the court interpreter is approached by a newspaper reporter who wishes to discuss the case. The interpreter should

- A. Answer any questions the reporter has
- B. Refuse to talk to the reporter under any circumstances
- C. Explain to the reporter that he/she is not allowed to discuss a pending case
- D. Inform the reporter that there will be fee for interview regarding this case because such work goes beyond that which the interpreter is normally required to do

11. A court interpreter is interpreting for the defendant on the witness stand. At some point he/she realizes an interpretation error was made earlier in the testimony. The interpreter should:

- A. Immediately inform the court of the error
- B. Wait until the next break and discuss the problem with the defendant's attorney
- C. Wait until the next break and inform the judge of the problem in chambers
- D. Take no action, but make sure the mistake does not happen again

12. In a criminal proceeding, which party has the burden of proof?

- A. Jury
- B. Judge
- C. Prosecution
- D. Defendant

13. If a witness uses a term an interpreter is unfamiliar with, the interpreter should
- A. Make an educated guess based on the context
 - B. Ask the witness what he/she meant and inform the court
 - C. Skip the unknown term and continue interpreting
 - D. Inform the Court of the problem and ask permission to consult a dictionary or inquire with the witness
14. The court interpreter has an obligation to
- A. Make sure the defendant understands everything that is going on in this trial
 - B. Inform the court if an attorney's question is likely to be too difficult for the defendant to understand
 - C. Interpret everything just as it is said, without explaining or simplifying
 - D. Explain complex legal concepts to the defendant
15. When an attorney cites **points and authorities**, he/she
- A. Tells the court what precedent decisions it must follow in deciding the case
 - B. Informs the court of the expert witnesses who will be testifying in the case
 - C. Challenges the credibility of prosecution witnesses
 - D. Explains to the defendant the charges that have been filed against him/her

16. If counsel misstates the facts, the interpreter should
- A. Correct the attorney
 - B. Tell the judge
 - C. Interpret the misstatement
 - D. Tell the defendant
17. If the defendant asks what the consequences are for pleading guilty, the interpreter must
- A. Answer the question **only** if he/she knows the answer
 - B. Immediately refer to the Code of their state
 - C. Inform the defendant that he/she will find out when the time comes
 - D. Refer the question to the attorney
18. The interpreter is free to speak with any member of the jury
- A. When the jury has been impaneled
 - B. When the jury has been dismissed
 - C. Only if the juror questions the interpretation
 - D. When court is not in session
19. The interpreter may give legal advice
- A. In a limited way, under certain circumstances
 - B. Never under any circumstances
 - C. When the defendant explicitly asks for help
 - D. When the defendant is indigent

20. **Chronic** is

- A. Cocaine
- B. Heroin
- C. Marijuana
- D. PCP

21. **China White** is

- A. Cocaine
- B. Heroin
- C. LSD
- D. Opium

22. A **Nickel** is

- A. A measurement for buying and selling marijuana
- B. A Peruvian strain of cocaine
- C. A narcotic informant
- D. A gag used to quiet unruly prisoners

23. A **mule** is

- A. A stubborn person who will not confess
- B. A person who transports narcotics for others
- C. A person who suffers the severest penalty for drug violations
- D. A powerful narcotic with a strong kick or effect

24. **Yaba** is

- A. Marijuana
- B. Cocaine
- C. Benzodiazepine
- D. Methamphetamine

25. A defendant who represents himself / herself is designated

- A. Improper
- B. In camera
- C. In loco parentis
- D. Pro se

26. **Counts** in an indictment or information are

- A. The number of victims in a case
- B. The allegations of distinct separate offenses
- C. The number of potential witnesses in a matter
- D. The counter-charges involved in the case

27. At a preliminary hearing the judge may not

- A. Dismiss the case
- B. Release the defendant if the evidence is insufficient
- C. Release the defendant if the evidence was illegally obtained
- D. Determine the guilt or innocence of the defendant

28. **Probable Cause** is

- A. A feasible excuse or reason for committing a crime
- B. A requisite element of a valid search and seizure or arrest
- C. A precedent source of case law to support an argument
- D. A fact, not in evidence, from which another fact, in evidence can be derived

29. An **adjudication hearing** is

- A. A term used for a settlement hearing between parties
- B. A term used for an allocation dispute
- C. A term used for a portion of a juvenile proceeding
- D. A term for division of property adjudication

30. A **voir dire** interrogation is made

- A. To hear and see prosecution witnesses
- B. Prior to the field sobriety test
- C. To determine if the witness is lying
- D. To determine qualifications or competency

31. To **impanel** a jury is

- A. To sequester a jury
- B. To swear in a jury
- C. To choose a jury
- D. To disqualify a whole jury

32. **Nolo contendere** means
- A. I won't answer
 - B. I will not contest the charges
 - C. I won't do it again
 - D. I cannot understand (the proceedings)
33. To **impeach** a witness is
- A. To excuse a witness
 - B. To badger a witness
 - C. To discredit a witness
 - D. To qualify a witness
34. A **cursory search** is
- A. A superficial search
 - B. A house search
 - C. An area search
 - D. A detailed search
35. To **waive** means
- A. To prove
 - B. To relinquish
 - C. To justify
 - D. To use

36. A **rebuttal** is

- A. A rebuke
- B. A refutation
- C. A rebuff
- D. A remission

37. To **remand** a defendant is

- A. To send back into custody
- B. To interrogate
- C. To release on certain conditions
- D. To strip-search

38. To **serve a subpoena** means

- A. To comply with a subpoena
- B. To deliver a subpoena
- C. To accept a subpoena
- D. To prepare a subpoena for service

39. The **defense rests** means

- A. The defense cannot proceed for lack of witnesses
- B. The defense moves for a brief recess
- C. The defense has finished presenting its case
- D. The defense is finished with the cross-examination of the prosecution witnesses

40. To **sustain** an objection means

- A. To uphold an objection
- B. To make an objection
- C. To suffer an objection
- D. To withdraw an objection

41. If you are sure that the person for whom you are interpreting is lying, you should

- A. Inform the attorney
- B. Interpret what is said
- C. Let the judge know
- D. Tell the person not to lie

42. An attorney calls her client a [son of a bitch]. The interpreter should

- A. Clean up the language, since the client may be offended
- B. Interpret everything using the closest equivalents in the target language
- C. Report the inappropriate behavior to the judge
- D. Tell the attorney that it is against your religion to use such language

43. A **hung jury** is one that

- A. Has no alternate jurors
- B. Cannot reach a verdict
- C. Is missing a juror during deliberations
- D. Is dismissed for unethical behavior

44. What is considered the most serious type of crime?

- A. Misdemeanor
- B. Gross misdemeanor
- C. Felony
- D. Infraction

45. Which of the following would be heard in civil court?

- A. Drunk driving
- B. Divorce
- C. Petty theft
- D. Possession of cocaine

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YOU ARE PERSON A.

SIMULTANEOUS EXERCISE (SHADOWING)

You read while Person B simultaneously repeats what you are saying

Do you understand that if you plead guilty you are giving up your right to have a trial? You can be sentenced up to 10 years, but the standard range is 4 to 6 months. If you hear that she is here, we can go to the store and buy some potatoes. Then you can appeal to the court of last resort, and the resort is Lake Chelan. The challenge to change the tone and meaning of this colloquy is one that can be seen by any literary critic writing for the Seattle Times, published in Volume 1, number 128, page 7 and following, and in the WAC §128.134, (a)(i)(b), with parallel cite at 42 Wash. App. 123, 1987, review denied.

CONSECUTIVE EXERCISE

QUESTION: What happened at about 7:15 p.m. that night?

While you read, Person A listens. When you are through, Person A repeats verbatim what you have said.

At about 7:15 p.m. a blue station wagon, maybe a 1981 Ford, southbound approached the intersection of 35th Ave. NE and N. 27th. There was a stop sign, I think, but the driver did not stop. Then he turned left and speeded away. Just before the stop sign, I could make out his license plate. I believe it was WKH 392.

Person B now repeats

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RACIAL AND ETHNIC BIAS IN THE COURTS**

YOU ARE PERSON B.

SIMULTANEOUS EXERCISE (SHADOWING)

You read, while Person A simultaneously repeats what you are saying

This hearing is called an arraignment. You are being charged with a crime. I am advising you of your rights. You have the right to a lawyer. You have the right to buy lotto tickets. If you win, you will not be entitled to a public defender. You will be entitled to buy a red convertible. You have the right to a trial. At your trial, if you want to, you can testify and tell your side of things, but you might not want to spill your guts, so you can decide to just sit there and rest on your laurels, rest your case and cite the authorities above stated for your position, even if it is untenable, or play tennis, or quote Tennyson. See RCW 2.42.040 and 113 Wn. 2nd, 486, CJS, ALR, and QZB.

CONSECUTIVE EXERCISE

QUESTION: Describe who was in the car on March 3rd.

While you read, Person A listens. When you are through, Person A repeats verbatim what you have said.

There were three passengers in the car, northbound. The driver seemed to be a tall red-haired man. Mr. Taylor was sitting in the passenger seat, and right behind him was the woman I also saw at the pharmacy the day before. They were going about 35 miles per hour.

Person A now repeats

CONSECUTIVE INTERPRETING PRACTICE

Q. Had you ever been to the residence at 2953 Bradley Street prior to the incident that occurred on January 12, 2010, when you were stabbed with a knife?

A. No. That was the first time I had ever been there. John had invited me before, but I never went there until the night of the party when I was stabbed.

Q. Did you recognize any of the individuals who were present at the party at John's house, at 2953 Bradley Street, that night of January 12?

A. Well, there was one fellow I knew from work, and, of course, John and his wife, and then there was the guy who stabbed me. I had seen him before with John, playing soccer after work.

Q. What about the person you were acquainted with from your job? Can you tell us his name and describe him?

A. Yes. His name is Fred Bridges, and he's about, well, I would say about six feet tall, and he has reddish-blond hair, and he's kind of a burly fellow, you know, pretty big and muscular.

- Q. Now, what about the person you say allegedly stabbed you at the party on January 12? Can you give us his name and/or describe him for the record?
- A. Well, I know his name now, but I didn't at the time. He's sitting over there at the defense table. He has long blond hair in a ponytail, and he's wearing a suit and tie. That night, he had on a leather outfit.
- Q. I'd like you to tell us about the events that led up to the stabbing that night at the party on January 12. Did the defendant say anything to you, or did you say anything to him?
- A. No, man. I didn't say or do anything to him. He was raging around the place, probably high on something. He was yelling at everyone. Then he suddenly pulled this knife, and since I was the closest person to him, he stabbed me.
- Q. What was your reaction to, strike that. What part or parts of your body, if any, were touched by the knife when he allegedly stabbed you?
- A. First he got me in the upper arm, here, in the biceps of my right arm. Then, as I tried to doge him, he stabbed me again in the left shoulder area and down lower, in the left kidney area. I'm lucky I'm still alive to tell you.

Simultaneous Exercise:

JOINT MOTION TO EXTEND TIME PERIOD FOR INDICTMENT

Comes now the Defendant, Luis Valdez and the defendant's undersigned counsel, Michael Morchower, Esq., and the United States of America, through its counsel, Helen F. Fahey, United States Attorney, and M. Hannah Lauck, Assistant United States Attorney, and respectfully move this Honorable Court to extend the time period given the United States to indict this case to and including March 1, 2008, and in support thereof, states as follows:

The defendant was arrested December 22, 2007 on charges of conspiracy to possess with intent to distribute fifty grams or more of cocaine base, commonly known as crack cocaine, in violation of Title 21, United States Code, Section 841 and 846. On December 23, 2007, the defendant appeared before United States Magistrate David G. Lowe, who set a preliminary hearing for December 29, 2007 upon motion of the United States. As no official interpreter was available, Robert Duran, a Spanish-speaking officer with the Richmond Police Department served as translator. On December 29, 2007, a preliminary hearing was held before the Honorable David G. Lowe, United States Magistrate Judge. At this hearing, probable cause was found to charge the defendant and the defendant waived a bond hearing. Under the Speedy Trial Act, the United States would be required to indict this defendant on or before January 21, 2008.

ETHICS – GROUP DISCUSSION TOPICS

1. An attorney asks you to explain the rights to her client while she is speaking with another client.
2. The defendant's attorney leaves and he defendant asks you what you think of his attorney.
3. The judge asks the defendant if he gives up his rights to a trial and the defendant whispers to you in his language, "What should I say?"
4. The judge asks the defendant if she has had any drugs or alcohol in the last 24 hours. She says, "No.". You almost faint from the alcoholic stench.
5. You hear a colleague make a mistake while interpreting at the witness stand.
6. The judge asks you to go out into the hallway to speak with the defendant about his case.
7. During a trial, you overhear some jurors discussing the case, a direct violation of the Court's admonition not to do so.
8. After the judge sentences a defendant to a rather stiff fine, you hear the defendant say under his breath, "You bastard!"
9. During voir dire of a jury panel, the interpreter realizes there is a juror he knows very well. However, this juror decides not to acknowledge the interpreter and, when asked by the attorneys, says nothing about knowing the interpreter.
10. You are called to interpret for the defense attorney during an attorney/client confidential meeting. After you are through with the interview, the attorney asks you to stick around a little bit longer because he would like your honest opinion about his client. He really would like to know whether his client is telling the truth or not.
11. You have been working countless hours on a particular case as an interpreter. You almost know by heart all the details concerning the case, as

well as all questions and answers that will be presented to the jury. However, on the day of the trial, the witness decides to change positions, if not the whole testimony. You as the interpreter...