



Working with Interpreters

Interpretation is a crucial element of many habeas cases involving immigrant clients. Working with an interpreter to interview a client is a complex skill that does not come naturally to most people. This practice guide will provide you with a few simple but important tips to discuss up front with the interpreter, and with your client. We suggest sharing these with your interpreter, and then with your client, at the outset of the conversation:

1. Everyone should speak a few sentences at a time, and then stop and wait for the interpreter to translate them. Both the client and the attorney should do this. Interpreters are human, and can't remember more than a few sentences at a time with precision. It is crucial for you and your client to understand each other. If you miss a few key details, it could be devastating to your client's case.

Explain this up front to the interpreter, explain it up front to your client, and do your best to adhere to this as well. It will feel awkward at first, and you will likely need to stop your client a few times (and realize that you yourself haven't paused soon enough a few times) before you fall into the rhythm.

2. No side conversations between your client and the interpreter. This happens all the time and can also be a huge problem. The client may ask the interpreter what you meant by a particular comment – and the interpreter may try to help by offering her/his interpretation, which may not be what you meant. The client may not feel comfortable asking you questions directly and will just ask the interpreter, who may then engage in a back and forth with your client. This is hugely problematic.

The only time this should happen is if the interpreter doesn't understand something your client said, and needs to ask for clarification. The interpreter should tell you directly that that is what is happening before doing this.

The goal is for communication between you and your client to be as direct and seamless as possible, and for both of you to understand everything the other person says.

Sample language to use with interpreters

Hi, I'm an attorney working on a habeas case for a person in immigration detention. I'd like to meet today with to work on their case. Are you comfortable interpreting for that?

Thank you so much for your help with this! We really appreciate it. A few things that would really help me as today:

1. Because I don't want to miss a single word my client says, I'm going to ask her/him to pause after every few sentences so that you can interpret. It's really important that I understand everything s/he says, and that s/he understands everything I say. It can feel a little strange at first to communicate that way, but it's the best way to make sure that we don't miss anything. Thank you for your patience with this!
2. Please translate **everything** my client says, even if he or she is talking directly to you. It is really important that I understand everything my client says, so I can give her/him the best legal help possible. So please translate **everything**, again even if he or she asks you a question directly.
3. I'm going to address my client as "you" and would ask that you translate what I say that way. I am hoping that you can be my voice in X language for my client, and my client's voice in English for me!
4. Thank you again for your help with this case.

Once your client/prospective client joins the call, suggest saying:

1. XY has kindly agreed to interpret for us today. I just asked her/him a few things to make our conversation easier, and I want to share them with you as well.
2. Because it is very important that I understand everything you say, I ask that you stop after a few sentences (or stop often, if client is not literate) to give the interpreter time to tell me what you said. I don't want to miss anything! If you talk more than that without stopping, I may ask you to stop. This is only to make sure that I don't miss anything you say.
3. I have asked the interpreter to translate everything you say. If you have any questions along the way, please let me know and I will try to answer your questions. Again, it is very important for me to understand everything you say so that I can give you the best legal help.
4. Do you have any questions for me about this before we start?