

The Law Society *of British Columbia*



Equity and Diversity Committee
Report to the Benchers

Report of the Interpreters Working Group

Benchers meeting: July 14, 2006

Equity and Diversity Committee
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ACKNOWLEDGEMENTS

Interpreters Working Group

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Equity and Diversity Committee 2005-2006

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BACKGROUND

For some years now, the Law Society has, through various committees, been examining the issues surrounding legal and court interpretation in response to concerns raised by members of the profession, various multilingual community organizations and legal interpreters themselves. These concerns include:

- lack of understanding of the use and role of interpreters among the legal profession and the court;
- lack of understanding of the credentialing of interpreters among the legal profession and the court; and
- lack of information as to where to obtain qualified interpreters.

These concerns have been expressed with regard to both spoken and visual language interpretation.

The Equity and Diversity Committee's view is that these concerns are within the Law Society's mandate to the extent that they raise issues of access to justice for non-English speaking groups (including those who communicate by sign or other visual languages) as well as issues regarding the best practices of lawyers of who use interpreters.

Before 1998

A. Multiculturalism Committee

The Systemic Problems Subcommittee of the Multiculturalism Committee (struck in 1993) canvassed a number of interpreters and interpreter-related groups about issues surrounding the working relationship between lawyers, interpreters and the court system. The Subcommittee determined that there was general feeling among interpreters that most lawyers do not adequately understand the interpreter's role. The Subcommittee was further advised that interpreters often feel they are not adequately compensated for their time and are often treated disrespectfully by lawyers. The Subcommittee also briefly examined issues surrounding accreditation of interpreters. As a result of their inquiries, the Subcommittee made several recommendations, including the recommendation that PLTC should educate students about the correct role and use of interpreters including the differences between interpreting verbatim and cultural interpretation.

B. Disability Advisory Committee

The Disability Advisory Committee (struck in 1996) had at various times discussed the issue of court interpreters for the deaf and hard of hearing specifically visual language interpreters and real-time captioning. Most discussions centred around the need for the education of court services, lawyers and legal institutions (e.g., Legal Services Society) as to where to obtain these services and how to effectively use them. There was also some discussion of the constitutionality of public institutions not providing such services to deaf and hard of hearing people.

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From 1998 to 2003

The Equity and Diversity Committee was struck in 1998, amalgamating the memberships and mandates of the Multiculturalism, Disability Advisory and Gender Equality Monitoring committees. Early in its mandate, the Committee identified the provision and use of interpreters as being an important access to justice issue and discussed the issue of spoken language court interpreters several times with specific reference to expressing support for funding the Vancouver Community College program for training interpreters.

In 2001, the Committee held a brainstorming session to identify as specifically as possible what issues may arise out of the use of interpreters in the legal/judicial process and what (if anything) was possible for the Law Society to address. Aside from the Committee members, also present at this discussion were:

- Richard Margetts, QC, Law Society President;
- Mr. Justice Wallace T. Oppal (as he then was);
- Dr. Silvana Carr, director, Vancouver Community College Court Interpreters Program;
- Susan Masters, Western Institute for the Deaf and Hard of Hearing;
- Armand Petronio, chair, Advisory Committee to the VCC Program; and
- Jean Yu, a Vancouver practitioner who uses interpreters extensively.

A number of issues were raised including: education for lawyers on this issue, competency with regard to cross-cultural communication and developing a uniform system of licensing or accreditation for interpreters.

In 2002, a small working group was struck to investigate what the Law Society might do to address the issues raised in the brainstorming session. However, the group was unable to agree on recommendations and was not reappointed in 2003.

THE INTERPRETERS WORKING GROUP 2004-2005

The current Interpreters Working Group (the “Working Group”) was struck by the Equity and Diversity Committee in early 2004 and held its first meeting on April 19, 2004. The Working Group consisted of:

Baldwin Wong (Chair)
Karen O’Connor Coulter
Judge Shehni Dossa
Lisa Fong
Ravi Hira, QC
Azool Jaffer-Jeraj
Lilian To (Lay Benchers)

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Mandate

The Working Group spent its first two meetings developing and articulating its mandate and methodology. During these discussions, the Working Group decided to focus solely on legal interpretation and not examine issues surrounding legal translation. In reaching this decision, the Working Group noted that interpreters have the unique and highly specialized task of having to work as a real-time aid to communication. Conversely, translators work with written materials and accordingly there is more time to scrutinize their work; if a party does not agree with a translation provided by the opposing party, an additional translator can always be retained. Therefore, issues with translation often have more to do with financial costs incurred (documents that need to be corrected if necessary), whereas issues with interpretation tend to have a more immediate and direct impact on access to justice (due to inaccurate or unavailable interpretation).

The Working Group further decided that “legal interpretation” included both court interpretation and “law firm” interpreting (i.e., interpreting communications between a lawyer and a client outside of court, for example, at the lawyer’s office). The Working Group also decided that visual language interpretation would also fall within their mandate. (Note: In recognition that not all interpretation for the deaf involves signing, we have chosen to use the more inclusive term “visual language” over the more commonly used “sign language” even though the two terms are often used interchangeably. Where the report refers to “sign language,” we are generally referring specifically to American Sign Language or ASL.)

The final mandate of the Interpreters Working Group was:

To examine the role and use of interpreters in the Justice system, including:

- helping lawyers identify qualified interpreters, including identifying existing accreditation schemes;
- identifying current policies and practices with regard to interpreters in the Justice system, including examining any limitations and gaps in service;
- educating all stakeholders in the Justice system on the proper role of interpreters and how to work effectively with them; and
- establishing a conduit with other groups interested in ensuring quality legal interpretation.
- exploring the possibility of having interpreters declared officers of the court.

The working group will examine the role of both spoken and visual language interpreters.

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The working group will also address what the Law Society may do, within its specific jurisdiction, to address these issues and propose practical steps to the Equity and Diversity Committee that, in turn, can be put before the Benchers.

METHODOLOGY OF THE WORKING GROUP

The Working Group identified key information that it needed to collect before developing any suggestions:

- What is the current practice of using interpreters in courts and legal system generally?
- How do lawyers and the courts access interpreters?
- What are the current standards and practices for legal interpreters including systems of accreditation?

To this end, the Working Group consulted with representatives from various key stakeholder groups including:

1. Interpreters (Visual and Spoken Language)
 - Shannon Guilbride, Yolanda Hobrough and Sally Lee who are all spoken language interpreters and instructors at the **Vancouver Community College's Legal Interpreter Program**.
 - Sara MacFayden and Debbie Miyashita who are ASL interpreters as well as representatives of the **Western Association of Visual Language Interpreters (WAVLI)**.
2. Lawyers who use interpreters
 - Kathleen MacDonald and Bonnie Teng of Loh and Company.
3. Court Services
 - John Kula (Senior Policy and Program Analyst, **Provincial Court Services**)
4. Community Service Organization
 - Evelyn Neaman (**Law Courts Education Society**)

Consultations were conducted through in-person and telephone interviews. The Working Group also received written comments from one of the respondents. Detailed minutes were recorded by staff and were used extensively in preparing this report. In addition to being asked about basic practices and procedures regarding legal interpretation, consultation participants were asked the following questions:

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1. From your perspective, what are the top three key issues or challenges concerning legal interpretation?
2. How can they be best addressed?
3. What would you like to tell lawyers who use interpreters?

In addition to these consultations, the Working Group asked Dr. Silvana Carr, director of the Vancouver Community College Court Interpreters Program, to review an earlier draft of this report and provided feedback and comments.

KEY FINDINGS OF THE WORKING GROUP

Based on consultations with the above-mentioned groups and individuals, the Working Group identified three key areas of concern regarding legal interpretation that can be addressed by lawyers, interpreters, clients and the Justice system:

1. Issues concerning lack of understanding of the roles of interpreters;
2. Issues concerning current practice: types of interpreters, consistency, transparency and costs;
3. Issues concerning accessibility of justice system by non-English speaking clients and litigants.

Issues concerning lack of understanding of the role of interpreters

Although most judges and crown counsel understand the constitutional right of access to interpretation, based on legislative provisions in the Charter (s.14) and the Canadian Bill of Rights, s.2(g) (see attached A), there is no commonly shared understanding of the proper role of the interpreter in the judicial process.

It is important at the outset to establish a common understanding on the use of terminology. “Translation” and “interpretation” are often used interchangeably, but they refer to two different kinds of work. In *R.v. Tran*, (1994) 2 S.C. R.951, the Supreme Court of Canada provides the following comments:

...it may be helpful to note the conceptual distinction that exists between “interpretation”, which is primarily concerned with the spoken word, and “translation”, which is primarily concerned with the written word. In light of the fact that interpretation involves a process of mediation between two people which must occur on the spot with little opportunity for reflection, it follows that the standard for interpretation will tend to be lower than it might be for translation, where the source is a written text, where reaction time is usually greater and where conceptual differences which sometimes exist between languages can be more fully accommodated and accounted for.

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This quote is useful in highlighting the difference between translation and interpretation. However, the comment regarding a lower standard in interpretation likely refers to the output but not the skills required of interpretation. Translation has the natural advantage of benefiting from third party proofreading thereby having greater opportunity to have potential errors eliminated. Interpretation is done on the spot and in real time, not allowing much room for revision. Therefore it is extremely important for all parties concerned – clients, lawyers, judges and the justice system, in general – that interpreters be qualified and trustworthy.

Interpreters generally feel that their role or responsibilities are not well recognised or even trusted by the court system. There does not appear to any consistency as to whether the court system or judges consider interpreters to be Officers of the Courts. The Working Group heard that some judges swear interpreters in as Officers of the Court while other judges don't.

Due to this uncertainty, interpreters are not always sure if or to what extent they should uphold solicitor-client privilege. This issue is important as interpreters can play various roles in the court process, as illustrated by the following scenarios:

1. where the interpreter has helped the lawyer to prepare the client for trial and is now required to interpret court proceedings;
2. where the interpreter has assisted counsel to speak to his/her client during breaks in proceedings and now has to return to interpret in the trial;
3. where the interpreter may have assisted police, immigration officers, or other authorities to question the clients and now is being required to interpret at trial;
4. where the interpreter and client are from the same small community where people tend to know each other.

The Working Group felt that lawyers need to be clear as to where an interpreter's obligations lie with regard to solicitor-client privilege between interpreter and client.

Some interpreters reported being faced with the expectation that they were “working for the clients,” and as such were expected to “interpret” in court what was prepared beforehand regardless of what was actually said. In other instances, interpreters felt they were “intimidated” by lawyers into saying whatever might suit their clients. Some interpreters reported lawyers asking them to perform actions that conflicted with the interpreter's role or the *Court Interpreters Code of Professional Conduct* established by the Court Services Branch of the Ministry of the Attorney General, e.g., assessing the credibility of a client or witness. During the consultations, the Working Group asked if there were any known incidents of interpreters launching a complaint about the behaviour of a lawyer they were working with. Some of the consultation participants opined that interpreters might be reluctant to complain because they rely on lawyers for employment. Some offered that an informal complaint/conflict/dispute resolution mechanism would be helpful in addressing these potential conflicts without going through the formal complaint process.

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Overall, interpreters would like lawyers and the courts to understand the role of interpreters better and would like them to help explain this role to clients if necessary. All certified (and accredited) interpreters have to abide by a code of ethics (which includes abiding by the previously mentioned *Code of Professional Conduct* when interpreting in court) similar to that of most other professional bodies (see Appendix D). It is important for lawyers, clients and the courts to recognise that interpreters should not be put into a situation which will infringe upon their professional ethics, or undertake tasks which fall outside the scope of their responsibilities.

Issues concerning current practice: qualification of interpreters, consistency, transparency and cost

1. Qualification of Interpreters – from Certified to Accredited

The Working Group found there is some confusion in the profession as to the meaning and extent of interpreter qualifications. Many interpreter agencies advertise themselves as “certified,” “accredited” or “qualified” but there is little understanding in the profession as to what, if anything, those terms mean.

Certified Interpreters

According to the **Society of Translators and Interpreters of British Columbia (STIBC)**, there are 40 “certified court interpreters in BC.” This means that they are certified by STIBC on the basis of passing written and practical examinations administered by the STIBC. STIBC “certified interpreters” are covered by STIBC liability insurance. STIBC has “title protection” for “certification” meaning that spoken language court interpreters in BC may only call themselves “certified” if they have been certified by STIBC. (Note: Sign and Visual Language interpreters have their own certifying bodies).

Accredited Interpreters

Provincial Court Services recognise and use a wider “accredited” pool of interpreters. Interpreters are “accredited” if they meet one of the following criteria:

- they have graduated from the **Vancouver Community College Court Interpreting Certificate Program (VCC)**. (This requires 9 month part-time study and 210 classroom hours plus home study, assignment and practicum. Note, however, that students must first complete the Community Services Interpreting Program before they can enter the Court Interpreting Program, bringing the total number of training hours to 315.)
- they are certified by STIBC certified court interpreters or an organization affiliated with **Canadian Translators and Interpreters Council (CTIC)**.

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- certification as a sign language interpreter by either the Registry for the Deaf or the **National Interpreting Association of Visual Language Interpreters of Canada (AVLIC)**¹.

If one adds in all “accredited” interpreters, the number of legal interpreters in BC expands to between 400 and 500. Currently, anyone can apply to become an accredited court interpreter after completing an application form with copy of his or her certificate or assessment. The interpreter is then placed in a directory that is available online to all registries. It should be noted that the existence of this directory does not prohibit other parties from using unaccredited interpreters in court.

As Provincial Courts Services do not certify interpreters or differentiate between the different forms of qualification, lawyers who seek qualified interpreters need to understand the difference between “certified,” “accredited” and “unaccredited” interpreters. The Working Group found that even lawyers who use interpreters extensively did not always know the difference between “certified” and “accredited.” It would be useful for the profession to be informed of what certification means and what risks are associated with using uncertified interpreters. Lawyers who retain court interpreters should also know that there is no formal or official link between the Court Services Branch and any agency that advertises services as “official” or “certified” court interpreters.

2. Consistency

Consultation participants felt that lawyers and judges needed to be alert to how using different interpreters in different parts of a lengthy trial could create inconsistencies in the interpretation. For example, the Working Group was told of a case where different interpreters were used on different days of the same proceedings. The different interpreters had slightly different ways of interpreting terminology and concepts creating conflicts in the testimony.

In another case, a different interpreter was brought half way through a three-day trial. The judge became frustrated with the interpretation and asked that the interpreter be tested. While the interpreter was found to be competent, it was determined that as he was not present in the beginning of the case, he did not necessarily understand the context of or the background of the statements being made, which led to a seemingly incorrect interpretation.

In the case of lengthy trials, it is especially important to use the same interpreters throughout. Courts Services recommend that for lengthy trials, two interpreters be assigned from the start, both of who would be present in court. If one interpreter has to be absent, the other would still be familiar with the subject matter at hand.

¹ Note: the local branch of AVLIC is the **Western Association of Visual Language Interpreters (WAVLI)**.

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3. Transparency

Consultation participants felt that interpreters, lawyers and the judiciary need to agree on a transparent system of practices that upholds the basic principles of “continuous, precise, impartial, competent and contemporaneous” interpretation.

During the consultations, the Working Group heard of many practices employed by lawyers and the courts to encourage transparency and unbiased interpreting. For example:

- not using the same interpreter for preparation as for court so as to avoid the interpreter “filling in the gaps” to get an answer that the lawyer wanted to hear. Some lawyers won’t use the same interpreter for discovery as for trial for the same reason.
- lawyers and interpreters being aware of the obligation to disclose to the court when the interpreter at trial has a previous professional or personal relationship with one of the parties.
- making it clear in instances where the clients may understand some English, that interpreters still interpret all conversation.

On the other hand the Working Group also heard (anecdotal) allegations of questionable conduct on the part of lawyers and/or interpreters who seek to create grounds of appeal by having a mistrial declared based on inaccuracy of the interpretation. Currently, there is no formal process for conducting an “audit” of the accuracy of interpretation.

Some participants suggested that a way of increasing the transparency of interpretation was to encourage consecutive, rather than simultaneous interpretation. In consecutive interpretation, the interpreter listens to what the subject says and then provides an interpretation after the subject has finished speaking. Studies have shown consecutive interpretation to be more accurate as well as easier to decipher from an audio record than simultaneous interpretation in which the subject and the interpreter are often speaking at the same time. However, consecutive interpretation is understandably more time consuming. It should be noted that the courts only require that interpreters interpret faithfully and as close to English as possible. There is no requirement to interpret simultaneously.

4. Cost

Currently, accredited spoken language interpreters are paid \$35/hr by Court Services; unaccredited interpreters are paid \$20/hr. Many interpreters are booked ahead of time for the whole day. Consequently, interpreters stand to lose a fair amount of income if a trial does not proceed and they are not given enough notice to be able to take on other jobs.

The situation for sign language interpreters is different. Provincial Court Services are required to provide for a team of two interpreters as the minimum for a trial. The standard fee for a “certified” sign interpreter is \$50/hr, \$200/half day, and \$400/day.

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Some consultation participants expressed concern that the difference in fees among accredited and unaccredited interpreters may cause lawyers to shop for the cheapest or most available interpreters rather than the most qualified interpreters. There was also some discussion of fee parity between spoken and sign language interpreters' fees amongst the consultation participants.

The Working Group also asked Court Services about the overall costs of interpretation in the court system. Although there is no direct tracking system on interpreter usage or which languages are most frequently requested, overall expenditures were estimated at around \$1 million a year. Although interpreter use is apparently on the increase, the budget has not necessarily increased to reflect this growing need.

Issues concerning accessibility of justice system by non-English speaking clients and litigants

The Working Group also received information that there is a growing access to justice issue for non-English speaking clients and litigants. Cutbacks to legal aid have increased the number of self-represented litigants. The lack of services for non-English speakers creates significant barriers even before they step into a courtroom.

Some of the difficulties experienced by these litigants are best illustrated by the information provided by the Law Court Education Society (LCES) on their Community Education and Outreach Program. The Program, established in the early 90s, provides pre-trial interpretation service at 222 Main to non-English speaking clients, and is intended to "bridge the gap between the court and the communities."

The program is currently run by two part-time staff who approach non-English speaking people in the courthouse who may need court information or referral services in one of four languages: Spanish, Chinese, Vietnamese and Punjabi. In 2003, they provided 51,000 service contacts to 6,000 clients. Most of their clients are low-income and do not have much knowledge of the Canadian Court system. They generally find court experiences both intimidating and confusing. With legal aid cutbacks, there is reduced access to legal representation in court for people who are low income and who don't speak English. LCES provides some basic information about the court system to people prior to trial or court proceeding.

LCES noted that many clients from non-English speaking countries are unfamiliar with the Canadian Common Law system and do not have an understanding of basic Canadian legal concepts and procedures. Interpreters often find there are large gaps in clients' understanding during a proceeding, which interpreters can do nothing about, as it is not their role to explain.

Some of these concerns are beyond the Working Group's (and possibly the Law Society's) mandate and ability to address. However, they are included here to give a fuller picture of the issues regarding interpretation and non-English speaking clients and litigants and, in doing so, hopefully build awareness of these issues within the profession and justice system.

DISCUSSION OF THE FINDINGS

The Equity and Diversity Committee received the revised report of the Working Group and reviewed the nine suggestions that were appended to it (see Appendix A). As the suggestions were drawn extensively from the consultations, many are addressed to institutions or bodies that are beyond the Law Society's jurisdiction (e.g., the judiciary). The Committee's task was to review the report and suggestions and determine what role the Law Society had addressing the issues raised with regard to the Society's role and mandate within the justice system.

Ultimately, the Committee was of the view that the issues raised by the Working Group were within the Law Society's mandate to the extent that they related to the education and practice of lawyers. As such, it was felt that the Society could best address through the concerns raised by:

- informing lawyers of the issues and potential pitfalls surrounding interpretation;
- providing lawyers with resources and information on interpreters and interpreter accreditation agencies;
- educating lawyers and articulated students as to the best practices for working with an interpreter; and
- using its position as a partner in the justice system to encourage others to look at these issues.

REPORT TO THE BENCHERS

The Benchers received the final report of the Working Group in July 2006 and approved the following three recommendations that had been formulated by the Equity and Diversity Committee:

- 1. That the Benchers receive the report from the Working Group and allow its findings to be published in a summary form in the Benchers Bulletin and in more complete form on the Law Society website, to inform lawyers of the issues and potential pitfalls surrounding interpretation and encourage discussion of these issues among other partners in the justice system;**
- 2. That the Benchers approve the creation of web-based resource to educate lawyers about the proper use of interpreters and the issues around accreditation of interpreters;**
- 3. That the Benchers ask staff to consult with the relevant legal interpreter accreditation bodies² about the possibility of collaborating to develop a training**

² We refer here to the Society of Translators and Interpreters of British Columbia (STIBC), the Vancouver Community College (VCC) legal interpreter program and the Western Association of Visual Language Interpreters (WAVLI), among others.

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session in the use of interpreters in a legal context as part of the Professional Legal Training Course and to report back on the feasibility of such a collaboration.

CONCLUSION

The Equity and Diversity Committee wishes to thank the members of the Interpreters Working Group as well as all the individuals who helped us understand the complexity and challenge facing lawyers, interpreters, clients and the Justice system regarding legal interpretation. We hope that our final recommendations reflect a positive Law Society response to the key concerns they shared with us.

In closing, we would like to quote from the Honourable Judge Pedro de Couto, Provincial Court of BC, on how to work with interpreter:

Interpreters often work in a difficult environment, where they try to accommodate the demands of people with different, sometimes conflicting, needs. This adds to the already stressful situation in which they work.

Judges and lawyers, by being aware of the role of the interpreter and the stress under which they work, can assist – perhaps, should assist- by being vigilant and anticipating potential conflicts or problem situations and stepping in to avoid them, or by trying to relieve the interpreter of some of the pressures that he or she works under. The return from such vigilance will be interpreters who will be able to direct their focus on interpreting with professionalism and dedication.

(Excerpted from *Points of Departure, Interpreters in the Justice System*, Vancouver Community College)

APPENDIX A

SUMMARY OF WORKING GROUP SUGGESTIONS

Note: After reviewing the following suggestions of the Interpreters Working Group, the Law Society's Equity and Diversity Committee determined that many of them were outside of the Law Society's mandate and should not be considered by the Benchers. The final recommendations that were approved by the Benchers are contained within the body of report under the section **Report to the Benchers**. The Suggestions are reproduced here for information only.

Suggestion 1: that the judiciary recognise interpreters as Officers of the Court;

Suggestion 2: that the Law Society and other stakeholder groups provide training, workshops or materials to lawyers regarding the proper use of interpreters; e.g. materials or a workshop in PLTC or law schools, articles in Benchers' Bulletin.

Suggestion 3: that the Law Society and Interpreters Professional bodies jointly explore the need for responding to concerns from interpreters or legal professionals in dealing with situations that do not require the full weight of the regular complaint process, perhaps involving the creation of an informal complaint/conflict of interest/dispute resolution mechanism.

Suggestion 4: that the Law Society provides information, online or otherwise, to lawyers on how to access "qualified" legal interpreters.

Suggestion 5: that lawyers or court services be made aware of the advisability of using at least two interpreters throughout complex or lengthy cases in order to maintain consistency and to allow the interpreters to assist or spell each other.

Suggestion 6: that the Interpreters Working Group consult with additional experts on the issue of simultaneous vs. consecutive interpretation and report back to Equity and Diversity Committee with recommendation.

Suggestion 7: that Court Services review their current and projected interpretation service provision with the view of ensuring reasonable access for clients who need interpretation.

Suggestion 8: that the issue of accessing court information by non-English speaking clients be further explored with stakeholder groups such as Provincial Court Services and Legal Services Society.

Suggestion 9: that the court system be made more aware of diverse linguistic needs of cultural communities in BC, including those who may require non-standard interpretation assistance.

APPENDIX B

REFERENCES

Minutes of Interpreters Working Group consultation meetings: April 19, 2004; May 19, 2004; July 15, 2004; October 7, 2004; November 17, 2004.

Interview notes with John Kula, Provincial Court Services, April 14, 2005, by Azool Jaffer-Jeraj

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http://continuinged.vcc.ca/interpreting/court_f2f.htm Vancouver Community College Interpreting Program

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Interpreter Directory, 2003/2004 Edition, Westcoast Association of Visual Language Interpreters

Court Interpreters’ Handbook, Law Courts Education Society of B.C., March 1998

APPENDIX C

LEGISLATIVE PROVISIONS

The right to an interpreter is mentioned in the *Charter*, the *Bill of Rights* and the CRDD Rules.

The *Canadian Charter of Rights and Freedoms*, s.14, provides that:

A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

The *Canadian Bill of Rights*, s.2(g), provides that:

no law of Canada shall ... be construed or applied so as to ... deprive a person of the right to the assistance of an interpreter in any proceedings in which the person is involved or is a party or a witness, before a court, commission, board or other tribunal, if the person does not understand or speak the language in which such proceedings are conducted.

Rule 17 of the CRDD (Convention Refugee Determination Division) Rules provides that:

17. (1) The Refugee Division shall provide an interpreter to assist a party or witness where the party or witness advises the Refugee Division in writing at least 15 days before the date set for a conference or hearing, as the case may be, that the party or witness does not understand or speak the language in which the conference or hearing is to be conducted, or is hearing impaired.

(2) The interpreter shall take an oath or make a solemn affirmation to interpret accurately any statements made, and to translate accurately any documents that the Refugee Division may require to be translated, in the course of the conference or hearing.

APPENDIX D

S.T.I.B.C. CODE OF ETHICS

Definitions

Translation is a professional activity which has as its aim the written transposition of text from one language into another and which requires, among other things, excellent knowledge of the source language and mastery of the target language.

Interpretation is a professional activity, the purpose of which is to convey, in a given language and for a given audience, the content of oral messages produced in another language. Interpretation may be simultaneous or consecutive. It requires, among other things, excellent knowledge of both the source language and the target language.

Terminology is a sphere of professional activity, the purpose of which is the systematic study, in one or more languages, of terms used to designate concepts. It requires mastery of the working languages and a good knowledge of the field under study, as well as terminological research methods and reference sources.

Principles

In this code, unless otherwise stated, "member" shall refer to translators, interpreters and terminologists belonging to the Society, whether certified or associate.

- Members shall abide by the Code of Ethics and shall be answerable to the Society for any breach thereof.
- Members shall accept full responsibility for the quality of their work.
- Members shall accept an assignment only if they are well qualified with respect to knowledge of both languages involved and the skills required, and only if the subject matter is within their competence.
- Members shall refrain from making misleading statements regarding their level of competence or their certification. In their advertising, they shall clearly indicate their certification in terms of languages and professional class (translator, court interpreter, conference interpreter, terminologist). Only Certified Members of the Society may use the term "Certified Member" or "Member" on business cards, letterhead, professional advertising in general or on publications of which they are the author or translator.
- Certified Members may also use the term "Certified Translator," "Certified Court Interpreter," "Certified Conference Interpreter" or "Certified Terminologist" as appropriate.
- Associate Members who wish to mention their membership in the Society shall use the term "Associate Member."
- Members shall refrain from unfair tactics in the practice of their profession.

APPENDIX D

- Members shall act towards colleagues in a spirit of mutual cooperation as well as assist and encourage beginners in the profession.
- Where applicable, members shall respect all copyrights and other intellectual property rights.
- Members shall not divulge privileged information.
- Members shall not use their professional role to perform functions that lie beyond the scope of a language professional, such as advocacy, counselling or improper disclosure of information.
- When interpreting in the courts of British Columbia, members shall abide by the Code of Professional Conduct established for court interpreters by the Ministry of Attorney General.
- The Society members' professional seal shall be obtained only through application to the Society and shall be used only by Certified Members in good standing.

COURT INTERPRETERS CODE OF PROFESSIONAL CONDUCT

(Excerpted from the *Court Interpreters Code of Professional Conduct*, Court Services Branch, Ministry of Attorney General of British Columbia, Canada)

1. Court interpreters shall faithfully and accurately reproduce the speaker's message in the closest natural equivalent of the listener's language, primarily in terms of meaning, and secondarily in terms of style, without embellishment, omission, explanation or expression of opinion.
2. Court interpreters shall remain impartial and shall avoid any appearance of bias or favouritism to any person. They shall avoid real or apparent conflicts of interest and shall inform the trial judge or the interpreter scheduler of any possible conflicts of interest.
3. Court interpreters shall not, in the course of their duties, give witness or parties advice or an explanation of proceedings, or engage in activities which may be construed to constitute the practice of law.
4. Court interpreters shall keep all assignment-related information confidential. They shall not publicly discuss, report on, or offer an opinion about any of their assignments, even when that information is not privileged information or required by law to be kept confidential. They shall not discuss any aspect of the case they are working on with parties, witnesses, or jurors.
5. A Court interpreter shall immediately inform the Judge, if at any time during an assignment, the interpreter feels unable to provide adequate interpretation.