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CODE OF PROFESSIONAL CONDUCT FOR INTERPRETERS, TRANSLITERATORS, AND TRANSLATORS

Approved by the New Jersey Supreme Court

Effective December 1, 1994

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Language Services Section

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LEGAL AUTHORITY OF THE CODE

The New Jersey Supreme Court adopted an amendment to R. 1:14. The rule, as amended, is provided below:

1:14. Codes of Ethics

The Rules of Professional Conduct and the Code of Judicial Conduct of the American Bar Association, as amended and supplemented by the Supreme Court and included as an Appendix to Part I of these Rules, and the Code of Conduct for Judiciary Employees, also included as an Appendix to Part I of these Rules, shall govern the conduct of the members of the bar and the judges and employees of all courts of this State.

When appropriate, the words "partnership," "attorney," and "lawyer" shall be construed to include professional corporations for the practice of law, as well as attorney employees, agents and "of counsel" thereto.

The Code of Professional Conduct for Interpreters, Transliterators, and Translators, also included as an Appendix to Part I of these Rules, shall govern the conduct of persons who are employed by or under contract to the Judiciary to interpret, transliterate, or translate.

CODE OF PROFESSIONAL CONDUCT FOR INTERPRETERS, TRANSLITERATORS, AND TRANSLATORS

POLICY

Many persons who come before the courts are partially or completely excluded from full participation in the proceedings either because English is not their native language or because they have a speech or hearing impairment. The resulting communication barrier must be removed, as far as is possible, so that those persons are placed in the same position as similarly situated persons for whom there is no such barrier. As officers of the court, interpreters, transliterators, and translators help ensure that such persons enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively. Interpreters, transliterators, and translators are highly skilled professionals who fulfill an essential role in the administration of justice.

SCOPE

This code shall be binding on all persons employed by or under contract to the Judiciary who interpret, transliterate, or translate in connection with

- A.** any proceeding before any court of this State;
- B.** any proceeding, hearing or session of a grand jury, of a surrogate or of any arm of the Judiciary, including but not limited to Juvenile Conference Committees, Intensive Supervision Program Panel, Child Placement Review Boards, Child Support Hearing Officers, attorney and judicial disciplinary committees, administrative hearings, and mediation, settlement, and arbitration proceedings; or
- C.** any other activity ordered by a court or conducted under the supervision of a court or its agent.

This code is inapplicable to a person whom a court appoints as an interpreter, transliterator, or translator when that person is not employed by or under contract to the Judiciary. Nor shall the code be construed to limit the authority of a court to determine the qualifications of a person testifying as an interpreter under Evidence Rule 604.

CANON 1: HIGH STANDARDS OF CONDUCT

Interpreters, transliterators, and translators should maintain high standards of conduct at all times to promote public confidence in the administration of justice.

CANON 2: FAITHFUL AND ACCURATE CONVEYANCE OF MESSAGES

Interpreters, transliterators, and translators should faithfully and accurately reproduce in the target language the closest natural equivalent of the source-language message without embellishment, omission, or explanation.

CANON 3: IMPARTIALITY AND CONFLICTS OF INTEREST

Interpreters, transliterators, and translators should be impartial and avoid any appearance of bias or favoritism. They should avoid not only conflicts of interest but also the appearance thereof.

- A.** Interpreters, transliterators, and translators should not, as a general rule, serve in any proceeding in which
 - (1) they are related to or have a close social or business relationship with a party, counsel for a party, or a witness, or are themselves potential witnesses;
 - (2) they, their spouse, or child are party to the proceeding or have a financial interest or any other interest that would be affected by the outcome of the proceeding; or
 - (3) they have been involved in the choice of counsel.
- B.** Prior to providing professional services in a proceeding in court, interpreters, transliterators, and translators should disclose on the record any services that they may previously have provided to any of the parties or their attorneys involved in the matter, as well as anything else that could reasonably be construed as affecting their ability to serve impartially or as constituting a conflict of interest. This disclosure should not include privileged or confidential information.
- C.** Interpreters, transliterators, and translators should not provide services if remuneration is contingent on the outcome of a case.
- D.** During the course of matters in which they are engaged, interpreters and transliterators should not converse or have contact with jurors, parties, witnesses, attorneys, or with friends or relatives of any party, except as may be required in the discharge of official duties.
- E.** Attorneys, probation supervisors or investigators, police officers, therapists, social workers, or other professionals should not interpret in any non-judicial proceeding or for any court support service in which he or she is professionally involved with a party to the matter.

CANON 4: UNOBTRUSIVENESS

Interpreters and transliterators should be as unobtrusive as possible and should not seek to draw inappropriate attention to themselves while performing their professional duties.

- A.** When interpreting or transliterating for a witness, interpreters and transliterators should convey the speaker's emphasis and emotional tone only to the degree necessary to convey the speaker's messages, without reenacting or mimicking the speaker's tone, emotions, or dramatic gestures.
- B.** When interpreting during a proceeding, interpreters and transliterators should dress and conduct themselves in a manner consistent with the dignity of the court.
- C.** Interpreters and transliterators should not interject or reveal their own feelings, moods, attitudes, or beliefs while performing their professional duties.

CANON 5: LIMITATIONS OF PRACTICE

Because interpreters, transliterators, and translators are responsible only for enabling others to communicate, they should not take a primary role in such communications and may take a secondary role (see below) only as necessary for assuring an accurate and faithful interpretation, transliteration, or translation.

- A.** Interpreters, transliterators, and translators should avoid activities that may be reasonably construed to constitute the practice of law, e.g., giving any legal advice or answering parties' questions that would ordinarily be answered by an attorney.
- B.** Interpreters, transliterators, and translators should not engage in any other activities that may be reasonably construed to constitute a service other than interpreting, transliterating, or translating during the course of performing their interpreting, transliterating, or translating duties.
- C.** Interpreters and transliterators may assume a "secondary role" when they find it necessary to speak directly to the court to seek assistance in performing their duties, e.g., seeking direction when unable to understand or express a word or thought, requesting that speakers moderate their rate of communication or repeat or rephrase something, identifying interpreting errors, or notifying the court of their reservations about their ability to satisfy an assignment competently. In such instances they should make clear that they are speaking for themselves.
- D.** Translators may assume a "secondary role" when they find it necessary to include an explanation in the translation of a text being prepared. In such instances they should make clear that that information is the translator's and not a part of the text.

CANON 6: CONFIDENTIALITY

Interpreters, transliterators, and translators should protect from unauthorized disclosure all privileged or other confidential information that they obtain during the course of their professional duties.

CANON 7: ABSTENTION FROM COMMENT

Interpreters, transliterators, and translators should not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

CANON 8: REPRESENTATION OF QUALIFICATIONS

Interpreters, transliterators, and translators should accurately and completely represent their pertinent testing credentials, training, and experience.

CANON 9: PROFESSIONAL STANDARDS AND DEVELOPMENT

Interpreters, transliterators, and translators should continually improve their skills and knowledge and should keep informed of, adhere to, and conform their practices to all statutes, Rules of Court, and policies of the Judiciary that relate to the performance of their professional duties.

CANON 10: IMPEDIMENTS TO COMPLIANCE WITH CODE

- A.** Any interpreter, transliterator, or translator who discovers anything that would impede full compliance with this
- B.** Interpreters, transliterators, and translators should immediately report to the presiding judge any solicitation or effort by another to induce or encourage them to violate any law, any provision of this code, or any other standard governing interpreting,
- C.** When an interpreter, transliterator, or translator has any reservation about his or her ability to satisfy an assignment competently, he or she should immediately convey that reservation to the court or presiding officer. If the communication mode or language of the non-English-speaking person cannot be readily interpreted or transliterated, the interpreter or transliterator should notify the court or presiding officer.

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