

#### **14-101A. Use of interpreter.<sup>1</sup>**

No matter what language people speak, they have a right to have their testimony heard and understood. You are about to hear a trial in which a court-certified interpreter will interpret for one or more of the [witnesses]. The interpreter is required to remain neutral. The interpreter is required to interpret what is spoken, or translate documents, between English and \_\_\_\_\_ (*specify other language*) accurately and fairly to the best of the interpreter's skill and judgment.

Some of you may speak or understand \_\_\_\_\_ (*specify other language*). Ordinarily because the court-certified interpreters must abide by an oath and with standards and the ethics of their profession, their interpretation is presumed to be accurate. However, if based on your understanding of \_\_\_\_\_ (*specify other language*), you firmly believe that the interpreter has incorrectly interpreted either a question or a witness's response to the question, you may give the bailiff a note before the witness leaves the stand stating your concern. I will decide whether and how to address your concern.

If I decide to leave the interpretation as expressed by the interpreter you must only consider the interpreter's English interpretation, even if you still disagree with the interpreter's interpretation. What the witness(es) may have said in \_\_\_\_\_ (*specify other language*), before the interpreter's interpretation, is not evidence and may not be used by you in any way in your deliberations.

You must evaluate the interpreted testimony as you would any other testimony. That is, you must not give interpreted testimony any greater or lesser weight than you would if the witness had spoken English.

Keep in mind that a person might speak some English without speaking it fluently. That person has the right to the services of an interpreter. Therefore, you shall not give greater or lesser weight to a person's interpreted testimony even if you think the witness speaks some English.

#### **USE NOTES**

1. This instruction is to be used whenever a witness interpreter is necessary. The instruction may be adapted for use with signed language or other types of interpreters.

[Adopted by Supreme Court Order No. 14-8300-022, effective for all cases pending or filed on or after December 31, 2014.]