



COURT REPORTERS BOARD OF CALIFORNIA



Best Practices for Interpreted Depositions

ADMINISTRATION OF OATHS

The court reporter begins by swearing in the interpreter.

- **Suggested language:** Do you solemnly state or affirm that the interpretation you are about to provide from English to (insert foreign language) and from (insert foreign language) to English shall be true and correct to the best of your ability?
- **Suggested parenthetical:** (The interpreter was sworn to interpret from English to (insert foreign language) and from (insert foreign language) to English to the best of his/her ability).

The court reporter then swears in the witness as usual.

- **Suggested parenthetical:** (The witness was sworn in through the interpreter and testified as follows:)

APPEARANCE PAGE

The following information regarding the interpreter should be included:

- Name
- Agency (if applicable)
- Phone number
- Certification number – Note: Government Code section 68561 requires that an interpreter present at a court proceeding be court certified.

Depositions are court proceedings. Verification of interpreter certification is the burden of the hiring party.

COURTESY PROVISION OF REALTIME

It is often very helpful to the interpreter to have access to a realtime screen during the deposition.

SCENARIOS

1. When an interpreter or questioning attorney begins to use the third person (i.e., “Ask him how old he is” or “He says he is 54”), this is set up as colloquy in the transcript. The court reporter should ask to go off the record in order to explain to counsel or the interpreter that for a clean record, everyone must speak in first person. Hint: In order to avoid such errors as much as possible, proceed with the depo as if the interpreter was not there.

Example:

Q. And what is your address?

A. 1234 West Main Street.

MR. SMITH: Ask him how old he is.

THE WITNESS: I'm 54.

Q. BY MR. SMITH: How old did you say you are?

THE INTERPRETER: He says he's 54.

Q. BY MR. SMITH: Do you have any children?

THE INTERPRETER: He said he has three.

BEST PRACTICES FOR INTERPRETED DEPOSITIONS

2. When an interpreter asks for clarification or additional information such as a spelling, it is set up as colloquy in the transcript.

Example:

Q. What is your current address?

THE INTERPRETER: Excuse me, Counsel, what was the question?

MR. SMITH: I asked him for his current address.

THE WITNESS: 1234 West Main Street.

Or

Q. What is your current address?

THE INTERPRETER: Excuse me, Counsel, what was the question?

Q. BY MR. SMITH: What is your current address?

A. 1234 West Main Street.

3. When a witness uses both English and the foreign language, the court reporter must make the record clear as to which language is used. A parenthetical may be placed at the beginning of testimony such as (All answers through interpreter unless otherwise noted.), followed by a parenthetical noting when the witness answers in English.

Example:

Q. How many children do you have?

A. (In English) Three.

4. When the court reporter knows the foreign language being spoken and knows that the interpretation is incorrect, the court reporter is not to interrupt to correct the interpretation. It is the onus of the parties present to provide a check interpreter. The court reporter's function is to capture the record, not create it.
5. When there is no interpreter but one is needed or the interpreter is unintelligible, the court reporter must interrupt and advise the parties that there is no record being created. The court reporter can offer to call for another reporter. The court reporter may also place a realtime screen in front of the interpreter or the attorney so everyone can see what the court reporter is hearing.
6. When there is clearly an issue with the interpretation, i.e., after a lengthy exchange between the interpreter and the witness after which the interpreter simply answers "yes" or the interpreter and witness are speaking without interpretation, the court reporter is to report what is said in English. It is the responsibility of the attorney to clarify the record. No parenthetical is needed unless the record is confusing without it.
7. If the questioning attorney understands the foreign language and asks the next question before the answer is interpreted, the court reporter should interrupt to ask for an interpreted answer.
8. If a foreign word or short phrase is used, it is appropriate for the court reporter to ask for spellings through the interpreter on a break or at the end of the deposition. If a lengthy phrase is used, the court reporter should insert a parenthetical: (Witness speaks in foreign language.).



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