

Deaf Interpreters as Reasonable Accommodation

FACT SHEET

Most of the time in your court, the sign language interpreter you will encounter will be a person, just like you, who can hear. At times, however, a different

Generally when a court interpreter encounters a deaf person who presents these characteristics or a combination of these characteristics, the court interpreter will inform the court that a Deaf interpreter is needed. Generally, the court interpreter will have access to a network of interpreters and will be able to assist in locating the appropriate Deaf interpreter.

Many states have recognized the need for Deaf interpreters and have included definitions and standards in their court interpreting statutes. The statutory standards for providing Deaf interpreters (often termed in the statutes as an intermediary interpreter or certified deaf interpreter) suggest that when a court interpreter indicates difficulty with communication and a Deaf interpreter would assist, improve or enhance the communication, a Deaf interpreter should be appointed. Other statutes provide that a Deaf interpreter should be provided in order for the proceeding to be understandable to the deaf litigant and should be done in consultation with the deaf litigant.¹

Because many Deaf interpreters do not work full time in court and because there is no court certification currently for Deaf interpreters, it is helpful to conduct a short *voir dire* with the Deaf interpreter to ascertain the reasons they are present and to determine whether they have any familiarity with the parties. It should be noted that one reason the Deaf interpreter is present is because of their familiarity with non-standard language usage and the close knit nature of the deaf people within a community makes it likely they will have prior contact with the parties. While such contact is not fatal to the proceedings, the Deaf interpreter should be instructed as any other interpreter with prior contact is instructed to abide by their oath and the court interpreters code of ethics.

When a Deaf interpreter works with a court interpreter who can hear, the physical placement is different but logical. The Deaf interpreter will stand in the well facing the deaf person in the proceeding because the language is visual and any interpreter must be in the sight line of the deaf person needing the service. The court interpreter who can hear will stand behind the deaf person needing the service

