

# What If You Don't Speak English?

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Dear Ask the Attorney:

My aunt and uncle have a legal issue that they must get resolved in court. Except, they are fluent only in Spanish and barely understand English. Because of my work schedule I am unable to take off to translate for them. What should they do?

Thanks,

SP

***Our guest blogger is Ivette R. Alvarez. Ms. Alvarez is counsel at Einhorn, Barbarito, Frost & Botwinick, PC where she concentrates her practice in civil litigation with an emphasis on Matrimonial & Family Law. She is fluent in Spanish and has recently appeared as a Guest Legal Commentator for CNN en Español.***

Dear SP:

No need to worry, you would not have been allowed to interpret for them even if you were available.

Since 1985 the Superior Court of New Jersey adopted procedures that provide free interpreting services for a named party, a juror, the parent or guardian of a juvenile who is a named party and for witnesses during their testimony. The interpreting services are provided to ensure those persons with limited English proficiency, or who are hearing impaired, have equal access to the Courts and to the Court's support services. The need for interpreting services is evident since in New Jersey one in every four residents speaks a language other than English. Interpreting services in over forty-six (46) languages and American Sign Language ("ASL") have been provided to the public by the Court system

since 1985.

To ensure accuracy and impartiality in the translations the Court also adopted minimum standards, certifications and a Code of Professional Conduct for Interpreters, Transliterators and Translators. Thus, only qualified interpreters may ordinarily interpret a proceeding on the record before the Judge or Hearing Officer. An interpreter is necessary whenever a failure of communication may have significant negative repercussions on any participant in the Court proceeding. For other direct services such as court mediations or arbitrations, bi-lingual staff, if available, can substitute for interpreters. However, if there is any doubt as to impartiality or understanding, it should always be resolved in favor of assigning an interpreter even if the court event must be rescheduled. The use of family members is discouraged, except perhaps to collect factual biographical and contact information when a bi-lingual staff member is not available.

So, when your family member goes to Court please make sure they take with them a written note stating that “the bearer of this note is unable to understand or communicate readily in the English language and requires a Spanish interpreter”.

*“Ask the Attorney” is a blog in which answers to your legal questions submitted to [asktheattorney@einhornlawyers.com](mailto:asktheattorney@einhornlawyers.com) may be answered. The answers to the questions are for informational purposes only and are not to be construed as legal advice or the creation of an attorney-client relationship. The facts of each case are different; therefore you should seek competent legal representation.*