



# Working With Deaf or Hard of Hearing Persons And Sign Language Interpreters In the Courtroom

## — A Bench Card for Judges —

Last updated 1/1/2025

### The Law on Sign Language Interpreters for Participants in Court Proceedings

Under the Americans with Disabilities Act (ADA) and GA statutory law (O.C.G.A. § 24-6-650 to 658), case law, and Supreme Court [Rules](#) (*amended effective 1/1/2024*), Georgia courts must provide auxiliary aids or services – such as qualified sign language interpreters – to participants in court proceedings who are deaf or hard of hearing (DHH). Courts must provide these aids or services when necessary to ensure effective communication by and with DHH court participants. DHH participants can include litigants, witnesses, and spectators. Court proceedings include all court services, programs, and activities. DHH participants:

- Cannot be required to arrange or pay for their own interpreters;
- Must be provided an interpreter for any criminal or civil proceeding;
- Can waive their right to an interpreter if the waiver is in writing and it is approved by the court;
- Do not waive their right to an interpreter simply because they do not request an interpreter.

### Establishing the Communication Preference of the Participants

The court must ask DHH participants to identify the type of reasonable accommodation needed.<sup>1</sup> If a request for an interpreter is not made, but the participants could benefit from the services of an interpreter, the judge should address the need on the record:

- “Please tell the court your name.”
- “You have the right to participate and understand these proceedings. Tell the court the best way to communicate with you, so you know what is being said.”
- “Do you need an interpreter?”

### Finding a Qualified Sign Language Interpreter

**An individual must be licensed by the Committee to interpret in a GA court.** Courts should make a diligent effort to appoint a **Master Licensed Legal** (*Master Licensed*) interpreter. If a Master Licensed interpreter is unavailable, a **Licensed Legal, Conditionally Licensed Legal, or Apprentice** interpreter should be given preference – in that order. [See Rules, Appendix A Proceeding Types and Qualified Interpreter Roster Designations](#)

The Judicial Council of Georgia Standing Committee on Interpreters (Committee) maintains an online database of licensed interpreters that can be searched by language and by

county, at [“Locate an Interpreter”](#) tab on the Committee website.

### Credentials of Sign Language Interpreters

**An ability to sign does not equate to being *qualified* to interpret.** To effectively communicate, the interpreter must possess the necessary skills to process spoken language into equivalent sign language and to process sign language into equivalent spoken language. Family members or friends of DHH participants should never be called upon to interpret court proceedings. Court personnel should not function as interpreters unless they are licensed or otherwise qualified and employed as staff interpreters.

A court official or designee should assess an interpreter’s qualifications prior to scheduling the interpreter’s appearance in court. Only “court qualified” sign language interpreters may interpret in GA courts. “Court qualified” is any person licensed as an interpreter for the deaf/hard of hearing under the Georgia Code and the Code grants the Supreme Court of Georgia authority to establish rules and requirements for “foreign language interpreters and interpreters for the hearing impaired utilized in the courts of this state and provide for the administration and enforcement of such rules.” *See*, O.C.G.A. §§ 24-6-652(2); 15-1-14(a). Individuals certified by RID and the National Association of the Deaf (NAD) are eligible to become licensed by the Committee as Master Legal, Legal, Conditionally Legal, or Apprentice if they meet all requirements, the same as a spoken language interpreter. *See*, [Rules 2-2\(a\)-\(e\)](#). *See* also, the Registry for Interpreters for the Deaf’s (RID), the national certification organization for all sign language interpreters, searchable database of certified members at [www.rid.org](http://www.rid.org). The Committee may consider other qualified individuals on a case-by-case basis.

If the court is unsure of an interpreter’s qualifications, the court should *voir dire* the interpreter:

#### Sample *Voir Dire* to Assess an Interpreter’s Qualifications

- “Do you hold any current certifications from RID or NAD?”
- “What specialized training have you completed?”
- “How long have you been an interpreter?”
- “How many times in court?”
- “For what type of legal proceedings have you interpreted?”

## Additional Considerations When Selecting Sign Language Interpreters

Courts should take additional steps to determine whether a particular interpreter is suited to work in a court setting. Some considerations could include:

- Prior professional and/or social contact or association with the DHH participants.
- Education, professional training, and formal legal training completed by the interpreter.
- The types of court proceedings in which the interpreter has experience.

### Courts should also consider that:

- The ability to speak a language does not equal the ability to interpret nor qualify a person to interpret in that language;
- Relatives or friends of DHH parties, witness, judges, or attorneys should not interpret court proceedings. Minor children should never be used to interpret;
- Court personnel or bilingual staff should not function as interpreters unless they are licensed and employed as staff interpreters;
- Court interpreting is strenuous, so it is advisable to schedule regular breaks. Sometimes, appointing more than one interpreter may be necessary for proceedings expected to last more than two hours;
- The interpreter is a neutral party whose sole job is to facilitate communication by interpreting everything said during the proceedings;

If the court determines due process requires the use of a non-licensed interpreter after an unsuccessful, diligent search for a licensed interpreter, the court should personally verify the interpreter's basic understanding of his or her role on the record and determine if the individual is qualified to serve in an *Ad Hoc Permitted*. See, [Rule 2-2\(c\)](#). If so, the Court should execute the Committee's [Model Form for Use of Non-Licensed Interpreters \(Ad Hoc Permitted\)](#). The court should weigh the need for immediacy in conducting a hearing without a licensed interpreter or with an unlicensed interpreter or telephonic interpreter, against the potential compromise of due process, or potential of substantive injustice, if interpreting quality is inadequate. Failure to appoint a qualified interpreter or no interpreter at all can result in reversible error on appeal.

## Sign Language Interpreter's Ethics

RID and NAD together have enacted a [Code of Professional Conduct](#) for sign language interpreters. The Code applies to RID's certified and associate members and NAD's certified members; is superseded by any local, state, or federal laws and regulations; and applies to both face-to-face and remote interpretations.

## Sign Language Interpreter's Oath

Courts should administer an oath to the interpreter prior to the start of court proceedings. Below is an example:

*"Do you solemnly swear or affirm that you will faithfully interpret from (the foreign language) into English and from English into (the foreign language) the proceedings before this court in an accurate manner to the best of your ability?"*

### Best Practices for Interacting with DHH Persons<sup>2</sup>

- DHH persons experience differing levels of hearing loss and may prefer varying methods of communication. Ask DHH persons which method they prefer.
- When speaking with DHH persons, whether through a sign language interpreter or not, speak directly to them, look directly at them, and maintain eye contact. Natural facial expressions and gestures will be helpful in facilitating your conversation.
- The role of a sign language interpreter is only to facilitate communication between DHH and hearing people. Therefore, the interpreter should never be asked to participate in any activity other than interpreting for the DHH individual.

## RESOURCES

### Georgia Supreme Court Rule on Interpreters

<https://ocp.georgiacourts.gov/wp-content/uploads/sites/7/2020/06/Supreme-Court-of-Georgia-COI-Rules-and-Regulations-1.pdf>

### Judicial Council of GA/AOC Standing Committee on Interpreters

<https://ocp.georgiacourts.gov/commission-on-interpreters/>

### Handbook for GA Court Officials on Courtroom Accessibility for Individuals with Disabilities

[https://georgiacourts.gov/wp-content/uploads/2024/04/ADAHdbk\\_MAY\\_05\\_800.pdf](https://georgiacourts.gov/wp-content/uploads/2024/04/ADAHdbk_MAY_05_800.pdf)

### State of Georgia ADA Coordinator's Office

<http://ada.ga.gov>

### Georgia Registry of Interpreters for the Deaf

[www.garid.org](http://www.garid.org)

### Georgia Council for the Hearing Impaired

[www.gachi.org](http://www.gachi.org)

### National Association of the Deaf

[www.nad.org](http://www.nad.org)

### U.S. Dept. of Justice/Americans with Disabilities Act

[www.ada.gov](http://www.ada.gov)

### Good Judgment Podcast – Ep. 144: Interpreter Issues (June 2024)

<https://soundcloud.com/thegoodjudgementpodcast/ep-144-interpreter->

<sup>1</sup> As set out in the final ADA Title II rule, "[t]he type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual, the nature, length, and complexity of the communication involved, and the context in which the communication is taking place. In determining what types of auxiliary aids and services are necessary, a public entity shall give primary consideration to the requests of individuals with disabilities." 28 C.F.R. 35.160(b)(2) (analysis).

<sup>2</sup> Best Practices when Interacting with Persons with Disabilities: A Customer Service Guide for State Government Agencies – Georgia State Financing and Investment Commission, State ADA Coordinator's Office. [http://ada.georgia.gov/sites/ada.georgia.gov/files/related\\_files/document/BestPractices%20Handbook%20final%20copy%20with%20Corrina%20M%20foreward.pdf](http://ada.georgia.gov/sites/ada.georgia.gov/files/related_files/document/BestPractices%20Handbook%20final%20copy%20with%20Corrina%20M%20foreward.pdf)