



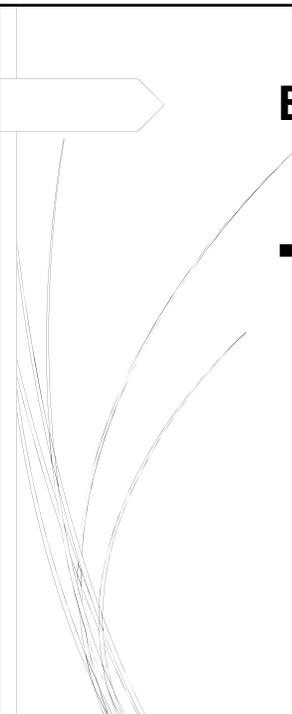
Effective Communication in the Legal Process

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Presented by Annie Urasky, Director of Division on Deaf, DeafBlind and
Hard of Hearing

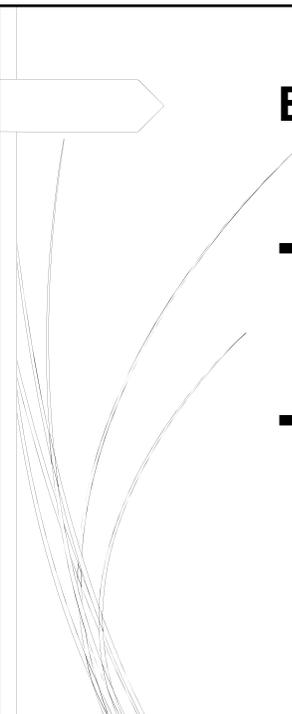
CONTACT INFORMATION

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EFFECTIVE COMMUNICATION

- Always remember that individuals who are Deaf, DeafBlind and Hard of Hearing are entitled to **equal communication** access under several laws, both state and federal.



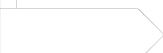
EFFECTIVE COMMUNICATION

- “means that all involved parties understand each other for the exchange of visual and audio information about ideas, attitudes, emotions or behavior that occurs between 2 or more persons, through a common system of language that is equally and fully understood by a person who is D/DB/HH and hearing persons.”
- The key to deciding effective communication is to consider the nature, length, complexity and context of communication along with the person’s preferred method of communication. This should be an interactive process between the person who is D/DB/HH and the appointing authority.



EFFECTIVE COMMUNICATION

- ▶ Remember that effective communication is not one size fits all. Each situation is different.
- ▶ Remember that effective communication is a two-way street. ALL parties benefit when communication is effective, and ALL parties can suffer if communication is inaccurate or incomplete.



VARIOUS IDENTITIES

- ▶ Deaf
- ▶ deaf
- ▶ Hard of Hearing
- ▶ DeafBlind
- ▶ DeafPlus
- ▶ Other – race and cultural identities



DIVERSE COMMUNICATION NEEDS

- ▶ Manually Coded English
- ▶ Signed Exact English
- ▶ American Sign Language
- ▶ Written English
- ▶ Spoken English
- ▶ Tactile communication
- ▶ Braille
- ▶ Haptic
- ▶ Other spoken/signed languages



QUALIFIED INTERPRETER STANDARD LEVELS

Standard Levels reflect the given level of expected proficiency for qualified interpreters. Each level establishes the minimum credentials necessary to protect the health, welfare, and safety of consumers who are deaf, deafblind, and hard of hearing and the interpreters working in specific settings. An interpreter is qualified to work in the settings described for their own Standard Level or any level lower than their own.

- ▶ The levels are based on a proceeding's relative complexity (e.g., context of meeting, usage of special vocabulary, number of participants, etc.), and the risk (e.g., the potential harm if information is misinterpreted).



STANDARD LEVEL 3

- High risk, legal
 - Effective July 7, 2016: to interpret in this level requires Legal Endorsement
 - Forensic psychiatric evaluations, legal evaluations, emergency broadcasts, legal workshops or training, police/prison/prisoners, attorneys/court, probation/parole, Children's Protective Services



ENDORSEMENTS

- Specific settings require specialized knowledge, interpreter skills, and/or vocabularies, and interpreters are required to have endorsements to work in these settings:
 - Legal (includes court and other legal proceedings/meetings)
 - Medical/Mental Health
 - DeafBlind



ENDORSEMENTS

- ▶ The intent of the Endorsement requirements is to establish a minimum base of knowledge, experience and/or skill that interpreters must acquire *before* beginning to practice in specialized areas of practice.



LEGAL PROCEEDINGS

- ▶ A qualified interpreter shall not interpret for opposing parties and counsel in legal proceedings.
- ▶ Separate interpreters are required in criminal trials if the defendant is deaf, deafblind or hard of hearing.
- ▶ This requires proceedings interpreters and table interpreters.
 - ▶ The role of proceedings interpreters and table interpreters is distinct in legal settings.
 - ▶ Table interpreters are agents of the counsels.
 - ▶ Proceedings interpreters are officers of the court.



LEGAL PROCEEDINGS

- ▶ A team of interpreters is required for:
 - ▶ Criminal cases where the individual who is deaf, deafblind or hard of hearing is a defendant;
 - ▶ Police interrogations;
 - ▶ Participants are represented by opposing counsels;
 - ▶ The deaf, deafblind, and hard of hearing individual requests a deaf interpreter; and
 - ▶ The deaf, deafblind, and hard of hearing individual is 18 years of age or younger.



TEAM INTERPRETING

- ▶ Ethics plays a major role here.
- ▶ Key: effective communication
- ▶ Think about multiple variables:
 - ▶ Number of deaf, deafblind, and hard of hearing participants
 - ▶ High degree of specialized vocabulary used
 - ▶ High degree of interactivity and pace of communication between participants
 - ▶ Different communication modes involved
 - ▶ Limited language proficiency
 - ▶ Length of continuous interpreting



QUALIFIED INTERPRETERS

- “A person who is certified through the national registry of interpreters for the deaf or through the state by the division and listed on the Michigan online interpreter system, available on the division website, and who holds all standard level, educational certification, and endorsement(s) required for the interpreting assignment in which he or she is engaging.”



FINDING INTERPRETERS

- Engage in Interactive Process with consumers
 - www.michigan.gov/doddbhh
- Use Online Interpreter Directory to verify interpreters have Michigan certification and Legal Endorsements
 - Can directly contact interpreters or interpreter agencies
 - Search by Standard Levels
 - Qualified Interpreter unavailability through an agency does not meet an Appointing Authority’s legal obligation unless the agency has specifically contracted to accept the authority’s legal responsibility for meeting the obligation
 - Use of an agency (or contracting with agencies) does not create exclusivity

INTERACTIVE PROCESS

- ▶ The first step requires an Appointing Authority to do everything reasonably possible to provide a qualified interpreter, and it must do so every time an interpreter is required to be provided.
- ▶ An Appointing Authority must always make **timely efforts** to secure a qualified interpreter. Determining what timely means in a particular case will depend on the specific facts, but timely usually means that the process begins when an appointment is made or an interpreter request is received.
- ▶ If you are unsure what to do or if you have questions, please contact the Division.



THIS IS WHERE WE
START

-or-



YOU
ARE IN THE BOX