

## **Working With Judicial Officers In Domestic Courts: The Interpreter Perspective**

**Sandra Hale\* · Ludmila Stern\*\* · Julie Lim\*\*\*  
Stephen Doherty\*\*\*\* · Melanie Schwartz\*\*\*\*\***

*This paper presents the results of a section of a larger study which aimed to examine the way magistrates and judges (collectively termed Judicial Officers) work with interpreters in Australian courts. The study included observations of court proceedings with interpreters around Australia (New South Wales, Tasmania, Queensland, Victoria, Northern Territory and Western Australia) and interviews with Judicial Officers and interpreters, with questions specifically related to the implementation of the Recommended National Standards for Working with Interpreters in Courts and Tribunals (RNS). The current paper presents the results of the interviews with 19 interpreters from 17 languages. The interviews explored the interpreters' experiences and perspectives regarding the ways in which Judicial Officers communicate with and through them in bilingual proceedings, and their perceptions about the level of implementation of the RNS since its inception in 2017.*

**Keywords: interpreter introductions, interpreter role, speech accommodation, interprofessional relationships, effective interpreted communication.**

---

\* University of New South Wales Sydney

\*\* University of New South Wales Sydney

\*\*\* University of Technology Sydney

\*\*\*\* University of New South Wales Sydney

\*\*\*\*\* University of New South Wales Sydney

# 1. Introduction

In 2007, the Critical Link 5 international conference on community interpreting was held in Sydney, Australia with the then innovative title: “Quality of Interpreting – A shared responsibility”. Before this point, responsibility for quality of interpreting mostly focused on interpreter performance and everything that was required for that quality to be achieved and assured (Ozolins and Hale, 2009; Stern et al., 2025). A shift in focus did not mean that interpreters’ competence was any less important to achieve quality, but recognised that, even with the best qualified and most competent interpreter, quality may not be achieved if other factors are not in place. These factors include adequate working conditions, consistent protocols and active collaboration from those working with interpreters (Hale, forthcoming). This 2007 conference suggested that in courts, all participants should share responsibility for effective bilingual communication, including lawyers and judicial officers (JOs). In 2009, another key conference took place in Freemantle, Western Australia: “The use of interpreters in courts and tribunals” organized by the Australasian Institute of Judicial Administration (AIJA). This conference raised the awareness of the lack of uniformity across Australian states and jurisdictions about how to work with interpreters in courts and tribunals. As a result of this conference, the AIJA commissioned a study comprising the review of policies and guidelines on working with interpreters in Australia and a survey of JOs/tribunal members and interpreters to explore their experiences, perspectives and opinions (Hale, 2011a). The results of this nation-wide study confirmed the lack of uniformity of policies and practices which were spread throughout many different documents and mostly unknown by those who needed to implement them. The survey responses from the two sets of participants revealed a high level of dissatisfaction from both sides: JOs/tribunal members lamented that quality of interpreting varied greatly, with many being below the expected standard needed for such important work, and interpreters lamented the lack of understanding about the complexity of their work, lack of support and poor working conditions. A later mixed-methods study of court interpreting in Australia, which included court observations and interviews with

interpreters, found that interpreters tended to feel unappreciated by those with whom they worked (Hale and Napier, 2016), with the quote from one interpreter: “We’re just kind of there” as the title of the paper, summarizing the sentiment of the group.

As awareness was raised about these issues among the judiciary, the realization that assuming part of the responsibility for quality of interpreting would lead to better outcomes prompted some action. Chiefly, in 2015, a sub-committee of the newly formed Judicial Council for Cultural Diversity (now Judicial Council for Diversity and Inclusion), was tasked with preparing national guidelines on working with interpreters. This led to the publication of the *Recommended National Standards for Working with Interpreters in Courts and Tribunals (RNS)*, first published in 2017, with its second edition published in 2022. This has been a landmark document, unique for its comprehensiveness not only in Australia but also internationally. It is true to say that the *RNS* detailed recommendations for every stage of judicial proceedings contrast with most, if not all, existing guidelines for domestic courts, where recommendations on how to work with interpreters are either missing or are brief. Some existing US Benchcards (New York State Unified Court System, 2015) only address matters of appointing an interpreter and verifying their suitability and quality of interpretation during the proceedings, whereas others (Oregon Judiciary Department, 2019) advise the judge on how to assist interpreters using a 10-point checklist, or else they only briefly recommend training for judges, prosecutors and judicial staff to “pay special attention to the particularities of communicating with the assistance of an interpreter so as to ensure efficient and effective communication” (The European Parliament and the European Council, 2010 Article 6. Training). Even international criminal courts and tribunals (ICTs) that include detailed in-house regulations on interpreters and address the way speakers should modify their speech (for example the ICC *Regulations of the Registry*), make no provision for the judge when working with interpreters, or the judge’s responsibility as the facilitator of interpretation (Stern et al., 2025). In contrast, the *RNS* embraces the notion of successful interpreted communication being a shared responsibility by providing standards for all the relevant professional

participants: court administration, JOs, lawyers, and interpreters. While the document offers comprehensive guidelines that will greatly improve communication, its dissemination and implementation are still not universal, although changes are slowly being noticed by many in some jurisdictions, and in particular interpreters (Stern et al., 2025).

In 2020, the authors of this paper set out to examine the way JOs work with interpreters and assess the implementation of the Standards by JOs in a project titled: *Judicial Officers working with interpreters: Implications for access to justice*, funded by the Australian Research Council (ARC) and eight Australian industry partners (2020–2025).<sup>1)</sup> The project included observation of court proceedings with interpreters around Australia (New South Wales, Tasmania, Queensland, Victoria, Northern Territory and Western Australia)<sup>2)</sup> and interviews with JOs and interpreters, with questions that specifically related to the *RNS*. The project's findings have recently begun to be disseminated: the results of the interviews with JOs and observations (see Stern et al., forthcoming), and, in the current paper, the results of the interviews with interpreters which examined their experiences regarding the ways in which JOs communicate with and through them in bilingual proceedings.

## 2. Methodology

As part of the larger study, we conducted semi-scripted interviews with interpreters. Interviews were held either face-to-face after observing court proceedings involving the same interpreters, or remotely via Zoom or telephone at

---

1) The ARC Linkage project LP180100366 is supported by the following Industry partners: Aboriginal Interpreter Service (AIS), Australasian Institute of Judicial Administration (AIJA), Australian Institute of Interpreters and Translators (AUSIT), All Graduates, National Accreditation Authority for Translators and Interpreters (NAATI), Judicial Council for Diversity and Inclusion (JCIDI), Multicultural NSW and TIS National.

2) The analysis of interviews conducted in the Northern Territory will be reported in a separate article. The observations and interviews in the Northern Territory were held at a different time from the other states and covered issues that were more specific to First nations languages.

a later stage, using a set of questions as a guide (see Appendix A). The questions were based on the contents of the RNS. The interviews were audio-recorded and later transcribed for manual coding and analysis, a summary of which follows.

## 2.1. Participants

Following the court observations across Australian states and territories between 2020 and 2021, interpreters from those observations were invited to participate in a 45–60-minute interview conducted by a member of the research team. A total of 19 interpreters representing 17 languages participated in the interviews (see Table 1). Interviewees were asked questions from a total pool of eight questions, which acted as prompts in the interviews.

In their professional activities, the interviewed interpreters worked in courts to varying degrees, ranging from several times a week to only a few times a year, depending on language, location, language service provider, and type of proceedings. Most of the interpreters (74%, 14 of 19) were aware of the RNS to varying degrees. The five interpreters who were not aware of the RNS were mostly in the languages for which there are no formal qualifications available (Martu, Torres Strait Creole, Farsi and Vietnamese).

**Table 1. Interpreter languages and states**

Language	Number	State	Frequency of court interpreting	Acronym
Cantonese	1	NSW	Average 3 times a week	IntNCE
French	2	NSW	Average 3 times a week	IntNFH1
			Once a week	IntNFH2
Farsi	1	QLD	Once a month	IntQFI
Japanese	1	NSW	Once a month	IntNJE
Kirundi	1	QLD	Not often	IntQKI
Kukatja	1	WA	Not given	IntWKA
Malayalam	1	QLD	Twice a month	IntQMM
Mandarin	1	NSW	Every couple of months	IntNMN

Martu	2	WA	Not given	IntWMU1
			Twice a week	IntWMU2
Nepali	1	TAS	Every couple of months	IntTNI
Persian	1	TAS	130 assignments in past year	IntTPN
Portuguese	1	NSW	Average 3 times a week	IntNPE
Shanghainese	1	NSW	Average 3 times a week	IntNSE
Sinhala	1	TAS	Twice by time of interview	IntTSE
Spanish	1	QLD	Weekly	IntQSH
Torres Strait Creole	1	QLD	Every couple of months	IntQTSC
Vietnamese	1	VIC	Twice a week	IntVVE

Human research ethics approval was obtained from the UNSW Human Ethics Committee (UNSW HREAP B Ethics approval number HC190055). Participants were provided with an Information Sheet and Consent Form to sign, indicating their understanding of the research project and their consent to participate. Data from all participants were anonymized.

## 2.2. Analysis of data

After each interview, the audio-recordings were transcribed using Otter.ai and manually post-edited. The transcripts were uploaded to NVivo 14 qualitative analysis software and manually coded according to the eight interview questions and respective sub-questions. The codes were agreed by all researchers. A manual thematic analysis of the interpreter responses was then carried out on the coded files. Each set of analyses was reviewed by the respective researchers who had carried out the interviews, providing an external check for consistency and inclusion of relevant themes.

### 3. Results

#### 3.1. Greetings, introductions and explanation of role

Standard 17.5 of the *RNS* states:

17.5 “At the start of proceedings, and before an interpreter commences interpreting, judicial officers should introduce the interpreter and explain their role as an officer of the court or tribunal”. (JCIDI, 2022: 19)

The implementation of the above recommendation demonstrates a basic recognition of interpreters’ presence and status as professionals, and yet not all interpreters reported that such introduction regularly occurred. Although more than half reported (52%, 10 of 19) that JOs greet them at the beginning of proceedings, some interviewees commented emphatically that JOs did not greet them: “I haven’t been greeted very often, much less thanked” (IntNFN2), while expressing low expectations of being treated adequately: “To be honest, I never expect to be greeted (IntQSH)” and “No, no, not at all [being greeted]” (IntNSE). Several other interpreters pointed out that being greeted “depends on the JO” (IntTNI): “Some do, and some don’t. I think it’s a personality-based thing” (IntNPE), and when greetings are offered, “it’s pleasant to be acknowledged a little bit” (IntNFH1).

Although most interpreters said that they had experienced JOs introducing them, many suggested that this either does not occur often, happening “sometimes” (32%, 6 of 19), or that they do not get introduced at all (26%, 5 of 19). As seen during the observations, interpreters who responded that they are introduced “sometimes” suggested that the introductions were often for the benefit of the jury (IntNJE), “especially in big, serious criminal trials” (IntQSH), and that, “If it’s not for the jury, he would not introduce” (IntNCE).

Interpreters spoke of the inconsistent quality of the introductions and acknowledgements, some being very brief (e.g., “This is the interpreter” (IntQFI)), which was also noted during our court observations. Standard 17.4 (JCIDI, 2022: 19) recommends that JOs ascertain the qualifications, experience and membership

of a professional association that requires interpreters to abide by a code of ethics, unless they know that a qualified interpreter has been retained. In the definitions section of the *RNS*, a qualified interpreter is described in the following way:

*“Qualified Interpreter” means a person qualified for court interpreting because they have all of the following attributes: • a tertiary (VET or university) qualification in interpreting; and • certification from NAATI; and • membership with a professional body (e.g. AUSIT, ASLIA or other recognised State or Territory based interpreter association); and • experience interpreting in court (JCDI, 2022: 11).*

As most interpreters in Australia would not meet all of the above requirements, especially in some languages, JOs would be expected to check interpreters’ qualifications at the start of all proceedings. Two interpreters from languages for which there are no formal tertiary qualifications related different experiences. A Malayalam interpreter stated that he has been asked about qualifications and experience only in “a few cases”, but he felt “in most of the cases, they don’t really care” (IntQMM). However, a Kirundi interpreter reported that, prior to the JO entering the courtroom, he would typically be asked to state his qualifications, whether he is NAATI certified, and whether he is comfortable swearing on the Bible, presumably by the court officer.

Three interpreters mentioned that JOs’ introduce the interpreter in a jury trial, but this is often not the case in other types of proceedings, especially in the lower courts. For example, an interpreter described their experience in a Magistrate’s Court:

*Sometimes they just get up and they just start talking ... they fire away, and they don’t even let people know that you’re there...They just keep going. And they go, “Oh yeah, there’s an interpreter there” and they don’t sort of introduce you. Whenever it’s a trial, they always do that. (IntWKA).*

With regards explaining the interpreter’s role to other participants, about a third of respondents said their role is explained, but only “sometimes”, “not often”

(IntMU1) or “only once” (IntMU2). A Portuguese-speaking interpreter reported she had never witnessed JOs explaining the role of the interpreter, saying, “No judge has ever done that” (IntNPE).

Interviewees who reported JOs explaining the interpreter’s role had vastly different experiences about the adequacy of the explanations. The *RNS* provides the following exemplar on the explanation of the role of the interpreter:

*The interpreter is an officer of the court/tribunal, whose role is to interpret everything said in court/ tribunal. They play an important role by removing the language barrier in order for the court/ tribunal to communicate with limited English proficiency speaking accused or witnesses. The interpreter has promised the court/tribunal to convey accurately the meaning of what is said from one language to the other. The interpreter does not take sides. The interpreter has undertaken to follow the Court Interpreters’ Code of Conduct. (JCIDI, 2022: 61)*

A Spanish interpreter indicated that “most judges tell the jury what you’re there for”, rather than explain the interpreter’s role, for example: “Miss X is the interpreter. And please don’t be prejudiced by her presence with the defendant” (IntQSH). Other JOs explain the interpreter’s role by referring to them in the third person: “the person sitting next to the accused is an interpreter, his or her job is whatsoever” (IntNCE)), emphasising the duty of impartiality: “the interpreter’s job is only to interpret and cannot give any other advice to the clients” (IntQFI), and tell counsel how to assist them: “I’m wanting the interpreter to be translating everything. So please, indicate (sic) shorter sentences. Use less legal language where you can” (IntQTSC).

In one case, an interpreter in a First Nations’ language explained the risks of not explaining the interpreter’s role by sharing an experience of the family of a defendant who watched the proceedings via videolink from their remote community. After interpreting the defence counsel’s story about the defendant, which “didn’t make the family look very good”, family members sent the interpreter a message at the courthouse to say they did not want her there because they were “upset” with her: “They thought I was making the words up, the story about a young fella”

(IntWMU2). Her agency intervened by emailing the judge's associate to explain that there had been a big fight in the community overnight about it, and that there was a serious issue: the interpreter's role had not been explained or understood. The following day, the judge asked those family members to be present again on the video link and apologized to the interpreter, commending her for returning to court, and explaining her role to the people in the community: "She's doing her job. It's not her story. It's the story of the court". The JO added that relatives were not to blame or harass the interpreter because the judge had told her to do that job and explained the role. The agency described these words from the JO to the community members as being "really powerful", however, they added that the problem "could have been avoided had he said that in the beginning" (IntWMU2). This example illustrates the importance of explaining the interpreter's role accurately and consistently at the commencement of proceedings.

### **3.2. Speech accommodation by judicial officers in the presence of interpreters**

Interpreters were asked whether they noticed the JOs accommodating, changing or adjusting their speech during interpreted proceedings. There are multiple standards in the *RNS* that recommend that JOs do this, and reinforce their responsibility to ensure that others in the courtroom do the same. For example, standard 14 recommends the use of plain English, standard 17.9 recommends JOs to speak at a speed that is conducive to interpreting, and standard 17.7 recommends that JOs ensure interpreters understand and invite them to interrupt if they need repetitions or explanations.

Approximately two thirds (63%, 12 of 19) of interpreters interviewed in this study reported having experiences in which JOs accommodated their speech, although responses varied as to when accommodation occurred, and why. Interpreters confirmed JOs' practices of "varying the way they normally speak" (IntVVE), "taking reasonable pauses and using shorter sentences" (IntTNI), and pausing more often when they are reading (IntNFH2). One interpreter said that JOs

“would kind of, with the legal claims, dumb it down a little bit, so, speak in plain English, a little bit slower” so that everyone could understand, and that JOs adjusted their speech depending on each interpreter and their level of experience (IntWMU1).

Consistent with our court observations, some interpreters reported that when JOs deliver judgments or talk to the person who does not speak English, they try to slow down; however, several interpreters commented that during JOs’ exchanges with lawyers, they do not accommodate their speech. A Persian interpreter believed that the conversations between JOs and counsel were not being accommodated because of the speakers’ assumptions that the exchange is “not very useful for the client” (IntTPN). One Kirundi interpreter also felt that JOs do not accommodate their speech during legal exchanges because “they don’t expect you to interpret” them (IntQKI). It is only “when they think the defendant must know about what’s going on”, that they modify their language so that both the interpreter and the defendant can understand (IntTPN). A French interpreter also found JOs become less accommodating when interpreters switch from consecutive to simultaneous interpreting in whispering mode, known as *chuchotage*: “Then, we are rarely acknowledged, and therefore, the manner of speech doesn’t change that much” (IntNFH2).

### **3.3. Resolving communication issues**

#### **3.3.1. JOs addressing interpreters**

Interpreters were asked about JO strategies to resolve communication issues during court proceedings, for example, interrupting proceedings for matters relating to interpreting. There was a roughly equal split in responses from interpreters, with 10 reporting JOs interrupted proceedings to address them, and 9 stating the opposite. Reasons for JOs interrupting proceedings varied: many were for the benefit of the interpreter, while others were to counter suspicions by the JO of interpreter’s unethical behaviours. They also reported interruptions to stop counsel when they spoke too quickly to ask them to slow down for the interpreter’s benefit.

A Japanese interpreter reported JOs stopping prosecutors when they asked double-barrelled questions, or asking witnesses not to give too much information in one segment to allow the interpreter time to interpret. The JO also discussed ways to alternate communication, instructing the interpreter to raise her hand when it was time to interpret (IntNJE), clearly showing a good example of how to work collaboratively with the interpreter.

Some interruptions reported by interpreters demonstrated JO good practice in trying to ensure that the interpreters discharged their role, although the interviewed interpreters may not have perceived these practices positively. For example, one interpreter reported being told: “You will interpret everything, you know, everything that is happening” (IntQTSC). Another (Kirundi) interpreter mentioned that JOs sometimes interrupted proceedings to check whether the interpreter was having a conversation with a defendant (IntQKI). This was also experienced by a Cantonese interpreter, who described a JO who was suspicious of the interpreter for asking a witness to repeat something that the interpreter later summarized. The JO interrupted the interpreter to say: “Just, just tell me what he had answered”. The interpreter then had to explain to the JO that she had asked the witness to repeat what he had said as she had not caught his words (IntNCE). These two instances show that these interpreters may not be following recommended standard #20.4 for interpreters (JCDI, 2022: 69) that requires them to maintain transparency and to always request permission from the JO before seeking clarification or repetition rather than directly addressing the questioning counsel or witness; this is precisely to avoid the unnecessary interruptions that the interviewed interpreters have reported.

Another reason for JO interruption that interpreters reported positively (68%, 13 of 19) is to resolve a misunderstanding or prevent a communication error. The Malayalam interpreter described a JO asking the non-English speaker for clarification to make sure that the lawyers were not asking the wrong questions (IntQMM). A Portuguese interpreter observed some JOs taking notes while they followed the proceedings and interrupting to clarify details and differences between languages (for e.g. wrist vs pulse) (IntNPE).

Overall, the interpreters' comments indicate that when JOs interrupt proceedings because of communication issues, this is generally welcomed by interpreters: "It has been helpful when they have interrupted" (IntQTSC) and "I can't think of an example where it hindered" (IntNPE). One Spanish interpreter explained the way they work collaboratively with the JO by using body language:

*Sometimes, it's enough to look at the judge with, you know, this sort of face, you know, and the judge immediately catches the vibe and says, "Mr. Whatever-your-name-is Barrister, can you please rephrase that question to not include double negatives" ... And I take that, although it's not words exchange d... but it is paralinguistics; it's body language to say, "the interpreter is lost". And then the judge - judges are usually very good at understanding it is not a linguistic problem; it is not an interpreting problem; it is a communication problem - then they ask the barristers to be more clear (IntQSH).*

When asked if they felt comfortable seeking clarification or repetition in court, only one interpreter said they felt uncomfortable, but the majority (74%, 14 of 19) of the interpreters reported feeling comfortable. The Cantonese interpreter said that she would rather "bear the embarrassment or uncomfortable feeling, than interpret it wrongly", which would help avoid any further complications or "trouble down the track" (IntNCE). Although most said they had no difficulty asking for clarification, they understood that some interpreters may be reluctant to give the impression that they are "doing a bad job by asking for clarification or repetition" (IntNMN).

One French interpreter mentioned feelings of embarrassment, commenting: "If I ask once, it's okay. ... But I will be embarrassed if I have to do it too often, if it's the same question, after twice they've repeated it, I still haven't got it. Yes, I am embarrassed" (IntNFH1). The Spanish interpreter reported that she did "not feel uncomfortable", emphasizing the fact that her job is to communicate, "to be the voice of whoever needs my services", and adding that interrupting or asking a JO to tell someone to be clearer or to slow down is part of her job (IntQSH). Another French interpreter reported that, in her view, usually the JOs and parties

in the room “don’t seem to mind” because they know the reason she is doing this, which is to do her job appropriately, and to interpret accurately. She will comfortably ask for repetitions or clarifications, “and then things proceed smoothly” (IntFH2). Likewise, a Kirundi interpreter said he felt comfortable “because I know I’m doing a job that is required by everybody in the court” (IntQKI).

### **3.3.2. Attribution of mistakes**

In a similar theme to the above, we asked the interpreters if the JOs ever blamed them for communication breakdowns. This did not seem to be a common occurrence, as the majority (13/15) of the interpreters responded that JOs usually interrupt proceedings to clarify misunderstandings, but they generally attribute the communication problems to the speakers. The Mandarin interpreter reported this was evidenced by JO requests to the relevant speakers, such as, “Lawyers, can you please rephrase your question so it's easier for Madam Interpreter to understand” or “making it short so it can be easily interpreted” (IntNMN). However, there was one instance where a bilingual lawyer called out interpreting as “less than perfect”, a statement that might prompt JOs to doubt the interpreter (IntNCE). Some of the responses indicate that much depends on the judge’s confidence in the interpreter and their skills. One French interpreter suggested that it depended on the JO’s experience with interpreters. If a JO could see that she was doing her job correctly, they are more likely to attribute the communication problem to the speaker. If, on the other hand, she has created a lot of misunderstandings previously, then the JO might attribute problems to the interpreter (IntFH2). Similar comments were conveyed by the Spanish interpreter, who reported, “I think that if the judges have worked with you for an hour or two, and they've seen you... they wouldn’t likely blame an interpreter that has been doing a good job” (IntQSH).

The Portuguese interpreter felt that experienced JOs tended to attribute problems to the appropriate source, which could be the speaker or the interpreter (IntNPE). Only two interpreters (11%) responded that JOs attributed communication problems largely to the interpreter. They were both interpreters in Western Australia, for the same First Nations language. One of them (5%) reported that a JO would typically

ask the interpreter to repeat (IntWMU1), while the other one said a JO would say to the interpreter, “Explain it properly” (IntWMU2).

There were some situations where the interpreters’ renditions were questioned by counsel and the JO had to ask the interpreter to explain. One French interpreter recalled an incident in the Family Court where counsel knew some French and interrupted her interpretation, believing she had used the wrong word. The JO then asked her for advice, so she explained the difference between the two words, the two options in English, and why she used the chosen word, which was the correct one (IntNFH2).

Some interpreters described their strategies for minimizing any interpretation challenges. The Spanish interpreter, for example, might ask leave of the court to look up a particular word or slang expression:

*I always say to the judge, ‘The interpreter would like the court’s permission to have my phone next to me, because I’ve got my legal glossary in case I need to check something’ (IntQSH).*

The Portuguese interpreter similarly took the initiative of raising potential language issues for the attention of the whole court in order to minimize any interpreting challenges later. For example, she might flag the double meaning that a word has, noting that it can be important in certain trials. This then enables a discussion about the word and its meanings. She commented, “They are thankful for you to bring those things to their attention, and they’re always welcome, if there’s an issue, a linguistic issue” (IntNPE).

### **3.3.3. JOs addressing counsel to assist interpreters**

Most interpreters (n=16) agreed that JOs routinely instruct counsel to modify their speaking style during interpreted proceedings: six interpreters reported JOs instructing counsel to avoid overlapping speech or interrupting the interpretation and to slow down. Encouragingly, a Cantonese interpreter felt the JOs “are aware of our presence and accommodation that we need” (IntNCE).

A Kukatja interpreter agreed, with praise for JOs who instructed counsel to slow

down:

*They almost always tell them to, you know, to talk slowly, to use simple English... And they say, "Look, we do have an interpreter there. And he has to keep up with everything you do. And we're not allowed to talk over each other. So just try to give a pause before he finishes" (IntWKA).*

Further, other interpreters noted that JOs' interventions are mostly reactive: according to the Cantonese interpreter, JOs "do not do it as a general reminder at the start" of proceedings but take action when they see problems such as the interpreter having problem understanding, or when the JOs themselves find the questioning too long or too repetitive. In these instances, the Cantonese interpreter felt that JOs took action "for the benefit of everyone, not just the interpreter" (IntNCE). The Portuguese interpreter had a similar viewpoint, saying that "They manage the pace for their own sake as well ...not just for the interpreter... otherwise, nobody knows what everybody else is saying" (IntNPE).

### **3.3.4. JOs addressing the witness**

Nine of the interpreters (47%) who responded to this question had experienced JOs addressing the witnesses directly with reference to interpreting. Two interpreters (11%) reported never having had the experience, and seven (37%) interpreters did not answer the question.

Interpreters who had experienced this reported JOs asking witnesses, "I beg your pardon, can you please explain again?" (IntNMN), instructing them to "Please make your sentences shorter. It is going to be a long hearing or complex matter" (IntTNI). The Japanese interpreter recalled a NSW judge telling a witness not to give too much information in one segment, and to stop to give the interpreter time to interpret (IntNJE). On his experience with JOs, the Torres Strait Creole interpreter commented that "when it's necessary ... they will, if they can, go directly to the witness" rather than the interpreter.

One interpreter in New South Wales reported JOs encouraging witnesses to "use the interpreter" a lot, because sometimes they have a hard time understanding

broken English, and the JOs “get annoyed when the people try and express themselves in English” (IntNPE).

Interpreters described how JOs assisted non-English speaking participants by checking their understanding, and about two thirds (63%, 12 of 19) commented that JOs try to “make sure that the witnesses or the accused have understood it all” (IntQFI). Sometimes JOs check directly with the person (“Do you understand that your bail has been refused?” (IntVVE)), but sometimes they instruct the interpreter to check (e.g., “Madam or Mister Interpreter, can you please confirm that this witness has understood the question” (IntNMN)). One effective direct approach reported by a Martu interpreter was that JOs “would stop them [defendants/witnesses/accused] and then ask if they understood the question and ask after it was interpreted to them, ask them again, if they understood what it means. And then ask them to explain in their own words” (IntWMU1).

The interpreting mode played a key role in whether JOs would check comprehension. A French interpreter stated that JOs checked more frequently when the mode was consecutive (when the interpreter stands visibly next to the defendant in the witness box), rather than simultaneous (when the interpreter whispers in the back of the court or dock) (IntNFH2) — a statement consistent with previous observations about consecutive interpreter’s visibility when on the witness stand, whereas the interpreter in the dock largely remains invisible, even though their simultaneous interpretation is part of the defendant’s right to follow the course of their proceedings but does not go on record.

### **3.4. Advancing interpreted courtroom communication**

#### ***3.4.1. Noticeable improvements after introduction of the RNS***

Almost half of the interpreters interviewed (47%, 9 of 19) reported improvements since the introduction of the RNS, including increased “understanding of the role and limitations of the interpreter” among JOs (IntQFI), greater “awareness regarding why interpreters are needed” (IntNJE), and a “general feeling” that “it’s improving” (IntNCE).

The Mandarin interpreter said she had witnessed interpreters being “treated better” in the last few years. She recalled a minor Local Court matter from a decade earlier at which an interpreter was present, where the JO said impatiently, “I don’t know, I don’t understand why we are having an interpreter here today, because it only delays our process”. The interpreter said that hardly any JO has that attitude now. Instead, “interpreters are provided with water, with a seat. … Judges, they would offer breaks by asking, ‘Madam Interpreter, do you need a break? Do you think you can continue?’” (IntNMN).

The Persian interpreter wondered whether some JOs had undertaken training recently, as he had noticed a significant difference in JOs speaking with and maintaining eye contact with the defendant directly, as opposed to three years earlier, when he recalled JOs would “talk to me as an interpreter rather than talking to the defendant”. He described this as a “good improvement” (IntTPN). This is a positive observation, as judicial officers are being trained more regularly since the introduction of the RNS.

The Spanish interpreter conceded that while there were not “great changes”, she thought “things were getting a bit better”, however, “they’re not there yet”, indicating there is still scope for improvement.

One perspective of interest was speculation from an interpreter (who agreed that there had been improvements since the *RNS*) as to a possible “correlation between the gender of the judge” and the age of the judge, with skills in engaging with interpreters. The interpreter said, “I tend to think that women are better in terms of acknowledging the interpreting, and I noticed that the younger, youngish judges, they are way more aware. … I think the difficulty is very old, nearly retiring judges that have not that openness to it…” (IntNPE).

Some interpreters also commented that they now have the confidence to ask to be briefed before the case starts by citing the *RNS* that backs them up. Whereas in the past they might be told that they could not be briefed, citing the *RNS* improves their chances of receiving a briefing.

However, not all interpreters felt that the improvements were consistent across JOs. The Nepali interpreter said that “some of them are quite helpful, and some

of them just don't care" (IntTNI), which echoes comments from the Persian interpreter that improvements depended on the particular JO (IntTPN).

### ***3.4.2. What can JOs do to provide greater assistance to interpreters?***

Most interpreters (89%, 17 of 19) provided a 'wish list' of areas of improvements and support that JOs can provide. They included acknowledging, introducing and thanking the interpreter, explaining the interpreter's role to other court participants, facilitating briefings and providing relevant documents to interpreters beforehand to help them prepare, checking the need for and offering hearing loops, water, and breaks, minimising the intimidating atmosphere of the court where possible, and being aware of and implementing the Recommended National Standards. Interpreters indicated that it would be helpful if JOs checked at the outset whether interpreters had everything they needed for their work, to avoid complications later.

Interpreters believed that JOs welcoming the interpreter was important because it provides "respect by acknowledging that person is here". An introduction which explains the role of the interpreters to the jury and to other participants was important because "it's not recognised, not fully understood" (IntNSE) despite the fact that "if there is no interpreter, the court won't run" (IntQMM). Similarly, the Spanish interpreter felt that JOs should explain the interpreter's role "to not just the jury, but to the accused themselves, the barristers and the witnesses as they come through. [...] And the security guards, because I have been treated like an accused myself by security guards" (IntQSH).

While a Vietnamese interpreter reflected on his improved experience with JOs, saying that in the past, he saw them as "placing the requirement of the legal system at the top priority ... at the expense of everything else, including communication", he now felt things had improved, and JOs are "much more in tune with the needs of the interpreter", though "the change is a bit slow to come" (IntVVE).

## 4. Discussion and Conclusions

The overall results of our study have been positive. Although interpreters report that not all JOs accommodate their communication or follow the Recommended National Standards completely, the general feeling among interpreters is that JOs have become more aware of them and their needs. Some common themes from the interpreters are that the higher the court, the more JOs know and implement the standards; that most judges will help interpreters by instructing lawyers and witnesses to accommodate for them; and that positive changes have been noticeable in recent years, in particular, since the introduction of the *RNS*. Interestingly, interpreters have found the *RNS* a useful tool to back up their requests, especially for briefing.

The results also indicate that when interpreters are confident and competent, they seem to be treated well and work collaboratively with JOs. Some of the interpreters in the sample mentioned that when JOs know them and see that they perform well, they are trusted more, and they are not blamed for communication errors. This phenomenon was also found in a previous study, where confident and competent interpreters reported better job satisfaction and higher status (Hale, 2011b).

A positive development raised by some interpreters in the study is that they feel they are working more collaboratively with JOs than they have in the past. Some interpreters gave specific examples of such collaboration between JOs and interpreters, such as using body language or eye contact with the JO to indicate that they need them to intervene to ensure counsel ask clear questions or accommodate their speech for the benefit of the interpretation. This corroborates our recent findings about JOs' interactions with interpreters (Stern et al., forthcoming) where observations of proceedings and interviews with JO show engagement with interpreters during proceedings, including JOs' monitoring interpreters' body language and responding favourably to their requests to ask legal practitioners to modify their speech. However, this engagement with interpreters and the monitoring of their ability to keep up with the evidence is limited to interpreters who interpret for the witness whereas interpreters for the defendant who work in

the whispered simultaneous mode are mostly ignored (Stern et al., forthcoming).

The interviews also revealed that although interpreters are more confident about asking for clarification or repetition when needed, they may do so reluctantly, as they feel a sense of guilt if they become too conspicuous or burdensome if they interrupt too much. In contrast, JOs (Stern et al., forthcoming) expressed willingness to respond positively to the interpreters' requirement to interrupt, with some stating that it is the interpreter's obligation as a professional to alert the JO to any difficulties they experience. The observations of how JOs responded to interpreters interventions confirmed a favourable response on JOs' part observed in our study of JOs (Stern et al., forthcoming).

Some interpreters speculated correctly that the JOs must be receiving training on how to work with interpreters, as their practices have improved. JOs have been receiving training on working with interpreters in Australia for many years (see Hale, 2015), but this has been happening more consistently since the introduction of the RNS, with more resources also available online (JCDI, n.d.). In interviews with Australian JOs (Stern et al., forthcoming) they expressed a willingness to participate in training on working with interpreters; they also expressed the view that such training should be regular, and not sporadic. Interestingly, Australian JOs' willingness to participate in regular training contrasts with the EU experience, where judges in member countries have been more reluctant to be trained in working with interpreters, leading to inconsistent practices (Stern et al., forthcoming).

Some of the results, however, indicate that not all JOs accommodate their communication in interpreted proceedings or are fully adhering to the *RNS*. Surprisingly, what may be considered the easiest standard to follow - greeting and acknowledging interpreters at the start and end of proceedings, is not consistently observed, with one interpreter commenting that "...it is pleasant to be acknowledged a little bit" (IntNFH1). As the discussion above demonstrates, there are negative impacts of not following the recommended standard of explaining the interpreter's role at the start of proceedings, leading to unnecessary confusion and even conflict within the community. These findings largely support our observations

and interviews with JOs whereby interpreters are frequently not properly introduced or even acknowledged, and their role not explained to participants (Stern et al., forthcoming).

According to interpreters, the concept of a defendant's right to be linguistically present may not be fully appreciated by JOs, some of whom do not take noticeable steps to ensure the defendants understand proceedings, or that the interpreter is able to follow when interpreting in the simultaneous mode, usually in the dock, which would require additional speech accommodation by speakers. This is also consistent with our findings showing that most JOs do not instruct speakers to slow down for the benefit of the interpreter in the dock, and do not use consistent effective checks of whether the defendant understands the course of the proceedings (Stern et al., forthcoming). The results also found that some interpreters may not be following the recommended protocols for seeking clarification, leading to JOs' interruptions to ensure they are interpreting everything faithfully.

Overall, in spite of these deficiencies in JOs' approaches, the results of this study present an optimistic view of the future. As more JOs and interpreters become familiar with the *RNS*, more will hopefully implement its recommendations, leading to a better working relationship between the two officers of the court (the JO and the interpreter) who are completely impartial and interested in removing the language barrier in interpreted proceedings. As practices improve, the sense of responsibility for quality of interpreted proceedings will also improve, for the benefit of all involved and ultimately for the benefit of justice.

---

## References

- Hale, S. (2011a). *Interpreter policies, practices and protocols in Australian Courts and Tribunals. A national survey*. Australian Institute of Judicial Administration.
- Hale, S. (2011b). The positive side of community interpreting. *Interpreting: International Journal of Research and Practice in Interpreting* 13(2): 234-248.
- Hale, S. (2015). Approaching the Bench: teaching magistrates and judges how to work effectively with interpreters. *MonTI. Monografías de Traducción e Interpretación* 7: 163-180.
- Hale, S. (forthcoming). Legal interpreting. In *The Encyclopedia of Applied Linguistics*. John Wiley & Sons Ltd.
- Hale, S. and Napier, J. (2016). "We're just kind of there": Working conditions and perceptions of appreciation and status in court interpreting. *Target: International Journal of Translation Studies* 28(3): 351-371.
- JCDI [Judicial Council on Diversity and Inclusion]. (2022). *Recommended National Standards for Working with Interpreters in Courts and Tribunals* (2<sup>nd</sup> edn.). Retrieved from <https://jcdi.org.au/wp-content/uploads/2022/05/JCDD-Recommended-National-Standards-for-Working-with-Interpreters-in-Courts-and-Tribunals-second-edition.pdf>
- JCDI [Judicial Council on Diversity and Inclusion]. (n.d.). Resources (online). Retrieved from <https://jcdi.org.au/resources/> on 9 October 2025.
- New York State Unified Court System. (2015). *UCS Benchcard and Best Practices for Judges of standards* (Working with Court Interpreters). Retrieved from [http://ww2.nycourts.gov/sites/default/files/document/files/2018-05/Judicial\\_Benchcard.PDF](http://ww2.nycourts.gov/sites/default/files/document/files/2018-05/Judicial_Benchcard.PDF)
- Oregon Judiciary Department. (2019). *Best practices for Working with Interpreters*. Oregon.
- Ozolins, U. and Hale, S. (2009). Introduction: Quality in interpreting. A shared responsibility. In Hale, S., U. Ozolins, and L. Stern (eds.), *Critical Link 5. Quality in interpreting. A shared responsibility*. John Benjamins, 1-10.
- Stern, L., Hale, S., Lim, J., Doherty, S. and Schwartz, M. (forthcoming). How do judicial officers ensure effective interpreted communication in domestic criminal proceedings? Implementation of policies, strategies, practices and access to justice. *Journal of Empirical Research on Law in Action*.
- Stern, L., Hale, S., Schwartz, M. and Doherty, S. (2025). Protecting the defendant's rights in interpreted cases: How does public policy shape "good practice" for judicial officers working with interpreters? *Journal of Judicial Administration* 34(3): 111-129.
- The European Parliament and the European Council. (2010). *Directive 2010/64/EU of the European Parliament and of the Council, of 20 October 2010 on the right to interpretation and translation in criminal proceedings of standards*. Retrieved from <https://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:280:0001:0007:en:PDF>

## Appendix A: Interview questions for interpreters

1. How often do you work in court?
2. Do you think JOs accommodate their speech when interpreters are present? How? Give examples?
3. Are you aware of the *Recommended National Standards for Working with Interpreters in Courts and Tribunals* (RNS)? Do you ever apply them?
4. I will now ask you about your interactions with the judges.
  - a. Do the JOs (replace all) greet interpreters at the beginning of each hearing/after a recess? Do they thank them at the end of a session?
  - b. Do the judges explain the interpreters' role to the other participants?
  - c. How do the judges address interpreters when they address them directly during proceedings?
  - d. Do the judges interrupt the proceedings to address you or another interpreter? If so, can you give reasons and provide examples?
  - e. Do you as an interpreter happen to interrupt the proceedings to address the bench, and if so, why? How do you do it? What is the JO's response to that?
  - f. Can you give examples of a JO interrupting the proceedings that helped resolve a misunderstanding or prevent a communication error? That hindered communication?
  - g. When there are communication problems, to whom do the judges usually attribute them, the speaker or you as an interpreter?
  - h. Do you feel comfortable seeking clarification or repetition in court?
    - i. Yes – Why?
    - ii. No – Why?
  - i. Do JOs ever praise, thank or criticise you as an interpreter? Give examples.
  - j. Have you noticed any improvements since the introduction of the RNS in 2017?
  - k. Other?

5. Do JOs assist interpreters by asking counsel to,
  - a. speak more slowly?
  - b. repeat a question?
  - c. re-phrase a question?
  - d. use 'plain English'? avoid legalese? explain complex concepts?
  - e. avoid overlapping speech?
  - f. avoid long questions, questions with embedded clauses?
  - g. Do JOs ever discuss interpretation with counsel?
  - h. other?
6. I will now ask you about JOs' communicating with witnesses/defendants/accused/jurors:
  - a. Do JOs introduce you as an interpreter to witnesses/defendants/accused/jurors,
    - i. No
    - ii. Yes - Do they explain the interpreter's role and how witnesses/defendants/accused/jurors should communicate through an interpreter?
  - b. Do the JOs explain to the witnesses/defendants/accused/jurors complex concepts and terms that may have no equivalents in their language(s)?
  - c. Do JOs ever address the witnesses directly with reference to interpreting? Could you give examples? (ask them to repeat, clarify, reduce their pace, pause, etc.)
  - d. Do JOs check that the witness/defendants/accused understood the questions?
7. What can JOs do to provide greater assistance to interpreters?
8. Anything else?

This paper was received on 7 November 2025; revised on 5 December 2025; and accepted on 15 December 2025.

---

***Authors' email addresses***

S.Hale@unsw.edu.au

L.Stern@unsw.edu.au

Julie.Lim@uts.edu.au

S.Doherty@unsw.edu.au

M.Schwartz@unsw.edu.au

***About the authors***

Professor Sandra Hale (corresponding author) is Convenor of the Interpreting and Translation Programs at the University of New South Wales. She teaches interpreting in domestic and international settings. Her research is multidisciplinary and has focused on various aspects of police and court interpreting, using a variety of research methods. She has been training the judiciary on how to effectively work with interpreters for over twenty years.

Ludmila Stern is Professor of Interpreting and the founder of the Postgraduate programs in interpreting and translation at UNSW Sydney. Her research focuses on interpreting practices in domestic and international courts, including in war crimes trials, and the current research project *Judicial Officers working with interpreters: Implications for access to justice*.

Dr. Julie Lim coordinates the TESOL and Applied Linguistics program at the University of Technology Sydney. She is a language teacher educator and researcher with interests in access to language in multilingual settings.

Professor Stephen Doherty is based in Linguistics, Interpreting and Translation at the University of New South Wales. His research explores language processing and language technologies using mixed methods approaches, particularly in translated, interpreted, and multilingual contexts.

Melanie Schwartz is Deputy Dean (Education) in the Faculty of Law and Justice at the UNSW Sydney. She researches and teaches on criminal law, indigenous justice and access to justice issues.