

Guidance for Bilingual Court Staff Observing Court Proceedings

Bilingual court staff play an important support role in ensuring access to justice but are not authorized to serve as court interpreters during court proceedings. They are also not responsible for monitoring or supervising the performance of interpreters unless such oversight is explicitly required by their job duties. These guidelines do not impose that obligation.

However, in rare and exceptional circumstances, bilingual or multilingual court staff (hereafter “bilingual court staff”) may observe a serious or material interpretation error while carrying out their official duties in the courtroom. If the error is likely to significantly impact a litigant’s rights or the integrity of the proceeding, staff have an opportunity to discreetly notify the judge or appropriate court personnel.

This document provides guidance for how to recognize serious errors that may require action, how to distinguish them from non-serious differences, and what steps to take if an issue arises.

1. When to Raise Concerns (Discreetly and Respectfully)

a. Serious Interpreter Errors that May Warrant Immediate Intervention

A serious or material interpreter error is one that has the potential to significantly affect the outcome of a case or a litigant’s ability to meaningfully participate in the proceeding. These are not minor differences in word choice or interpretation style, but errors that could lead to immediate harm or injustice—such as a litigant unintentionally waiving a right, missing a deadline, or having a default judgment entered against them due to misinterpretation. The following examples illustrate the types of errors that may rise to this level.

Serious errors that may justify court staff intervention include:

- The interpreter altered, omitted, or added something to the meaning of what was stated.

Example: The witness says, “I saw him take the wallet out of the drawer,” and the interpreter says, “She saw him near the drawer.”

Example: A litigant says, “I cannot afford to pay rent this month,” and the interpreter says, “She doesn’t want to pay.”

- The interpreter explained the statements of the original speaker.

Example: A witness answers “yes,” and the interpreter says, “He means that he was there when the incident occurred.”



Example: The litigant says, “I was evicted in April,” and the interpreter says, “She’s saying that she was removed by the sheriff for not paying rent.”

- The interpreter provided legal advice.

Example: During a sidebar or break, the interpreter tells a litigant, “You should really ask for a continuance.”

Example: The interpreter tells a litigant, “If you don’t agree to this, the judge could rule against you.”

- The interpreter is providing inappropriate legal guidance.

Example: The interpreter tells the litigant, “Just say you didn’t get the notice; that will help your case.”

Example: The interpreter tells the litigant, “It’s better if you don’t mention that part.”

b. Interpreter Differences that Do Not Warrant Immediate Intervention

Bilingual court staff may sometimes notice minor differences in word choice or interpretation style. This does not necessarily mean the interpreter is making a mistake. Interpreters are trained to interpret faithfully and accurately, but there is often more than one correct way to interpret a word or phrase. Unless the interpretation materially alters the meaning or misleads the court or litigant, it is not appropriate for bilingual staff to intervene.

Differences that do *not* justify court staff intervention include:

- Different but accurate word choices.

Example: The speaker says “apartment” and the interpreter says “unit.”

Example: The speaker says “I was let go” and the interpreter says “I was fired.”

(Both accurately reflect the intent and meaning.)

- Minor omissions of filler words or repetitions.

Example: The speaker says “Well, uh, I mean, yeah, I think so,” and the interpreter says “Yes, I think so.”

(These are natural adjustments to keep the interpretation clear and efficient.)

- Accent or regional differences.

Example: The interpreter uses a term familiar in one Spanish-speaking country but not another.

(This is not a correctness issue unless the term is misunderstood or inappropriate.)

- Interpretation tone or cadence feels different

Example: The speaker sounds emotional but the interpreter sounds more neutral.

(Interpreters are trained to convey meaning, not necessarily mimic tone, unless tone carries specific legal significance.)

- Interpreter pauses or asks for clarification.

Example: The interpreter asks for a repetition or clarification of a technical term.

(This is expected professional behavior.)

2. How to Raise Concerns (Discreetly and Respectfully)

Concerns should be raised outside the presence of litigants unless otherwise directed by the judge.

If you observe what appears to be a serious interpreter error:

- If the error is serious (it appears the error could cause immediate harm or injustice) and requires immediate correction, discreetly request to speak with the judge.

In these rare instances, it may be necessary to briefly interrupt the proceedings—ideally by approaching the courtroom clerk or bailiff—and request a private sidebar with the judge. This allows the concern to be raised without disrupting the record or undermining the interpreter in front of litigants.
- If the error is not going to cause immediate harm or injustice, document what you observed as precisely as possible:
 - The statement as originally made (in the source language)
 - How it was interpreted (in English or target language)
 - Why you believe it was inaccurate or improper
- If the error is not going to cause immediate harm or injustice, report your concern privately to the appropriate court staff as soon as feasible—ideally:
 - During a recess
 - At sidebar
 - After the hearing
- If the error is not going to cause immediate harm or injustice, speak with the courtroom clerk, court reporter, or your supervisor, who can elevate the concern to the judge if appropriate.

- Do not speak directly with the interpreter or the litigant about the interpretation during or after the hearing. This helps preserve neutrality and avoids disrupting the process.
- In either instance, if the interpreter has violated the [Illinois Supreme Court Code of Interpreter Ethics](#) and the interpreter is active on the [Illinois Court Interpreter Registry](#), bilingual court staff should submit a confidential [Grievance Form](#) to the Administrative Office of the Illinois Courts.