

Canon 3. Impartiality and Avoidance of Conflict of Interest

Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.

(Added effective January 1, 1996.)

Commentary

The interpreter serves as an officer of the court and the interpreter's duty in a court proceeding is to serve the court and the public to which the court is a servant. This is true regardless of whether the interpreter is publicly retained at government expense or retained privately at the expense of one of the parties.

The interpreter of record should avoid any conduct or behavior that presents the appearance of favoritism toward any of the parties. Interpreters should maintain professional relationships with their clients, and should not take an active part in any of the proceedings. The interpreter should discourage a non-English speaking party's personal dependence.

During the course of the proceedings, interpreters of record should not converse with parties, witnesses, jurors, attorneys, or with friends or relatives of any party, except in the discharge of their official functions. Official functions may include an informal preappearance assessment to include the following:

- 1. culturally appropriate introductions;*
- 2. a determination of variety, mode, or level of communication;*
- 3. a determination of potential conflicts of interest; and*
- 4. a description of the interpreter's role and function.*

The interpreter should strive for professional detachment. Verbal and non-verbal displays of personal attitudes, prejudices, emotions, or opinions should be avoided at all times.

Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest and must be disclosed to the judge. The interpreter should only divulge necessary information when disclosing the conflict of interest. The following are circumstances that create potential conflicts of interest that must be disclosed:

- 1. the interpreter is a friend, associate, or relative of a party or counsel for a party involved in the proceedings;*
- 2. the interpreter or the interpreter's friend, associate, or relative has a financial interest in the subject matter in controversy, a financial interest in a party to the proceeding, or any other interest that would be affected by the outcome of the case;*
- 3. the interpreter has served in an investigative capacity for any party involved in the case at issue;*
- 4. the interpreter has previously been retained by a law enforcement agency to assist in the preparation of the criminal case at issue;*
- 5. the interpreter has been involved in the choice of counsel or law firm for that case at issue;*
- 6. the interpreter is an attorney in the case at issue;*

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7. the interpreter has previously been retained for private employment by one of the parties to interpret in the case at issue; or

8. for any other reason, the interpreter's independence of judgment would be compromised in the course of providing services.

The existence of any one of the above-mentioned circumstances does not alone disqualify an interpreter from providing services as long as the interpreter is able to render services objectively. An interpreter may serve if the judge and all parties consent. If an actual or apparent conflict of interest exists the interpreter may, without explanation to any of the parties or the judge, decline to provide services.

Should an interpreter become aware that a non-English speaking participant views the interpreter as having a bias or being biased, the interpreter should disclose that knowledge to the judge.