

SCWCC Accepts Administrative Guidelines for Interpreters/Translators



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Practice Areas:

- Workers' Compensation
- Retail/Hospitality/
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At a recent South Carolina Workers' Compensation Commission's (SCWCC) regular business meeting, the SCWCC accepted administrative guidelines for the use of interpreters and translators in workers' compensation proceedings. The guidelines are intended to ensure translators and interpreters render complete and accurate translation or interpretation without altering, omitting or adding anything to what is said or written by a witness. The guidelines are for administrative purposes only. It is not the intent of the Commission to propose the guidelines as a new regulation or statute.

The guidelines provide:

- 1) All parties must make a good faith effort to ensure any interpretations or translations are rendered completely and accurately.
- 2) A party obtaining the services of a translator or interpreter must make a good faith effort to obtain a translator or interpreter who possesses the necessary certifications, training and pertinent experience to render a complete and accurate translation.
- 3) The Commission presumes an interpreter or translator who is certified pursuant to the South Carolina Court Interpreter Certification Program possess the requisite certifications, training and pertinent experience; however, the Commission may permit the use of uncertified translators who possess sufficient training and/or experience. Translators and interpreters are expected to comply with Rule 511, S.C.A.C.R., Rules of Professional Conduct for Court Interpreters (2006).
- 4) A party obtaining a translator or interpreter must make a good faith effort to ensure the translator or interpreters is impartial, unbiased and refrains from conduct that may give the appearance of bias.
- 5) Translators and interpreters must disclose any real or perceived conflicts of interest.
- 6) After qualifications and conflicts of interest are disclosed, the parties may stipulate their consent to using the interpreter or translator's services. If a party objects to the use of a translator or interpreter due to a perceived lack of qualifications or conflict of interest, the Commissioner will decide on a case-by-case base whether the proffered interpreter or translator is sufficient.

Interpreters and translators will be required to complete an affidavit certifying the above guidelines have been met.

Finally, to ensure conflicts are disclosed and all parties are provided notice of any perceived conflicts, the Commissioner will ask the following questions prior to the commencement of translation or interpretation, on the record and under oath:

- 1) Are you a friend, associate or relative of a party or counsel for a party in the proceedings?
- 2) Have you served in an investigative capacity for any party involved in the case?
- 3) Do you or your spouse or child have a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that would be affected by the outcome of the case?
- 4) Have you been involved in the choice of counsel or law firm in this case?
- 5) Are you an attorney or an employee of an attorney in the case?
- 6) Have you previously been retained for private employment by one of the parties to interpret in the case?
- 7) Is there any other reason your independence of judgment would be compromised in the course of providing services in the case?

A complete copy of the guidelines, affidavit and questions can be found at the link below.

<http://www.collinslacy.net/marketing/pdf/SCWCCAdministrativeGuidelines.pdf>

About Kristian Cross

Kristian Cross is an associate with Collins & Lacy practicing in Workers' Compensation and Retail / Hospitality / Entertainment law. In addition to her position on the South Carolina Bar Workers' Compensation Committee, Kristian serves on the executive board of Sexual Trauma Services of the Midlands. Kristian received her Juris Doctor from the University of South Carolina, where she served as the Secretary of the Student Bar Association, as well as the Academic Assistance Program Property Tutor. During law school, she also served as a law clerk for Collins & Lacy and another local firm. Prior to joining Collins & Lacy in 2010, Kristian worked as an attorney for a Columbia-based firm practicing in the areas of business, commercial and insurance litigation.

About Collins & Lacy, P.C.

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- construction
- employment law
- hospitality/retail & entertainment law
- insurance/bad faith
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