

Role –Playing Scenarios Ethical Issues

Discuss and/or act out the following scenes in your small group, and decide how you would solve these ethical issues. Note that there may be more than one solution.

1. A busy public defender with many non-English-speaking clients on the arraignment calendar asks you to explain the rights to her client while she is speaking with another client. You work often with this attorney and want to maintain a good relationship with her.
2. During a break in a trial, the defense attorney leaves and the defendant asks you what you think of his attorney. In fact, you think his attorney is not doing a very good job. When the attorney comes back, he asks you how you think the trial is going. "By the way," he adds, "do you think my client is telling the truth?"
3. You have sight-translated the change of plea form for the defendant and he has signed it, indicating he understands that he is giving up his rights in order to plead guilty. When his case is called, the judge asks the defendant if he gives up his right to a trial and the defendant whispers to you in his language, "What should I say?" The defendant is representing himself, as it is a minor offense. The judge berates you for not explaining the waiver form properly to the defendant.
4. The judge asks the defendant if she has had any drugs or alcohol in the last 24 hours. She says, "No." You almost faint from the alcoholic stench. The defense attorney appears to be aware of the problem but is not willing to say anything. The prosecutor appears not to have noticed. The defendant is about to be released on her own recognizance and will leave the court to drive herself home.
5. You are interpreting for the defendant at counsel table. You hear a colleague make a serious meaning error while he is interpreting at the witness stand. The interpreter is not someone you are on friendly terms with, and he does not take criticism well. The prosecutor has just informed the court that he has "a couple more questions" before the court breaks for lunch.
6. During a trial you overhear some jurors discussing the case in the restroom, a direct violation of the court's admonition not to do so. You are the interpreter assigned to the trial they are hearing.
7. You realize that you made a mistake in interpretation after you leave the witness stand. You are not sure whether the mistake was significant enough to have altered the testimony. You have been dismissed from the case because there is no more interpreting to be done, but the trial is still going on.

8. You are working on a case in which neither the judge nor the defense attorney has ever worked with an interpreter before. They both use technical legal jargon and very formal language that you are sure the defendant won't understand, such as "Do you waive speedy trial?" and "They're offering a county lid." The judge's statements are made in open court on the record; the attorney's statements are made in private conversation.
9. After the judge sentences a defendant to a rather stiff fine, the defendant swears at the judge under his breath. The judge has not yet left the bench, and court is still in session. Everyone in the courtroom is aware that the defendant whispered something, and they are looking at you expectantly.
10. You are interpreting the proceedings for the defendant. The prosecution announces that it has a witness who also needs an interpreter. The judge instructs you to leave counsel table and interpret for the prosecution witness on the stand. When you point out that the defendant will be left without a means of communicating with his attorney, the judge replies that the court doesn't have the time or money to get another interpreter.