

**61 PRELIMINARY INSTRUCTION: USE OF AN INTERPRETER FOR A JUROR**

One of the jurors requires help from an interpreter. The role of the interpreter is to provide communications assistance, so that the juror can hear the evidence and participate effectively in jury deliberations. An interpreter must interpret truly, accurately, completely, and impartially, in accordance with the standards prescribed by law and the code of ethics for court interpreters. An interpreter may not offer any opinion on the proceedings, or ask any questions, or participate in the jury's deliberations. An interpreter may not disclose or comment upon anything that happens in jury deliberations unless ordered to do so by the court. During the deliberations, address the juror directly and speak as freely as if an interpreter was not there. Please do not engage the interpreter in conversation, except to speak with the juror.

**COMMENT**

Wis JI-Criminal 61 was originally published in 2003. This revision updated the Comment and was approved by the Committee in June 2003.

This instruction was based on suggestions of the Wisconsin Supreme Court's Court Interpreter Committee for cases involving hearing impaired jurors. Persons who are not "able to read and understand the English language" are not qualified for jury service; the clerk shall strike their names from the list of prospective jurors. §§ 756.02 and 756.04(9). State v. Carlson, 2003 WI 40, ¶2, 261 Wis.2d 97, 661 N.W.2d 51.

A Code Of Ethics For Court Interpreters was adopted as Chapter SCR 63, effective July 1, 2002.

Two other instructions address the use of an interpreter: Wis JI-Criminal 60 is intended for cases where a witness uses an interpreter; Wis JI-Criminal 62 is intended for cases where the defendant uses an interpreter. See State v. Santiago, 206 Wis.2d 3, 556 N.W.2d 687, which discusses the different functions of an interpreter.