

Exercise

Maria Luis appears before you seeking a temporary order of protection. This is the first time she has appeared in your courtroom. Three weeks ago, an intake judge issued a summons and an ex parte temporary order of protection against Emilio Figueroa, her boyfriend of five years.

Ms. Luis is a Guatemalan immigrant who lives with her nine-year-old daughter Teresa and Mr. Figueroa. Luis speaks Quiche, a Mayan dialect spoken in certain parts of Guatemala. Her knowledge of English and Spanish is very limited, however Teresa is fluent in both Quiche and English. Figueroa is also fluent in both languages.

On September 15th, a neighbor overheard loud cries and commotion coming from the household and called the police. Upon arrival at the house, police discovered Ms. Luis crying and bleeding from her nose and bottom lip. It was clear that a physical altercation had taken place. Teresa was also visibly shaken but showed no outward signs of being assaulted. Figueroa was arrested and charged with battery and Ms. Luis and her daughter were taken to a nearby hospital.

At the hospital a Spanish interpreter was available to assist Ms. Luis but Luis had too little knowledge of Spanish to be able to effectively communicate with the interpreter. The hospital staff therefore relied on Teresa to interpret for her mother. During examination, bruises on Luis' neck and inner thighs were discovered. The victim disclosed that Figueroa had not only physically assaulted her but had also forced her to have sex with him, threatening that if she did not comply he would harm her daughter.

No Quiche interpreter is immediately available in your courtroom. Your court clerk suggests using Ms. Luis' daughter as an interpreter for the case.

1. Would you allow Ms. Luis' daughter to serve as an interpreter for this case? Why or why not?
2. If Ms. Luis was accompanied by her Quiche-speaking aunt, would you allow her aunt to serve as an interpreter? Why or why not?
3. Quiche is not a widely spoken language. How will you locate a professional Quiche interpreter?
4. What can judges do to improve court interpretation services for adult sexual assault victims?