JUDICIAL MISCONDUCT INVOLVING COURT INTERPRETERS

(Commission on Judicial Performance & Supreme Court Cases)

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Judge Quall had a court interpreter ask a deputy sheriff into chambers, then told the deputy that he wanted him to donate horses he owned for a ride for a group of people as a donation to a charity auction that was part of a fundraising effort on behalf of a charity run by the judge. Judge Quall also personally solicited attendance for the auction. The judge asked several people if they wanted to buy tickets, or if they knew anyone else who might want tickets. (Tickets cost a few dollars.) Judge Quall also directed others to sell auction tickets, including the court interpreter. [*Public Admonishment of Judge Robert D. Quall* (2008).]

On multiple occasions, a judge spoke directly to defendants in Spanish—often on matters of substance and even when interpreters were present—in violation of Code of Civil Procedure section 185(a), which requires all judicial proceedings to be conducted in English. [Com. on Jud. Performance, Ann. Rept. (2006), Advisory Letter 16, p. 33.]

Judge Mills was disciplined for conduct while presiding over a jury trial in a criminal matter. The deputy public defender representing the defendant requested a court interpreter on the basis that her client did not understand, or proficiently speak, English. Judge Mills initially allowed a court interpreter for the defendant. Partway through the trial, however, Judge Mills conducted a hearing outside the presence of the jury to determine the defendant's need for an interpreter and concluded that the defendant was sufficiently fluent in English and that an interpreter was not warranted. Judge Mills then dismissed the interpreter. After the defendant was convicted by the jury, defense counsel argued that the dismissal of the interpreter had been the basis for the jury's conviction of her client. During this argument, Judge Mills made the following sarcastic and discourteous comments to defense counsel while the defendant was present:

> But *I am not going to continue to spend $180 per interpreter, per half day, to conduct a charade with the defendant that,* if I believe he can clearly understand English, *is having the interpreters here to establish the fictional defense.*
> (12/10/04 R.T. 72:23–27, italics added.)
>
> Unfortunately, you know, while *this is entertaining that you have this opinion,* it is not founded in the law.
> (12/10/04 R.T. 227:16–18, italics added.)
>
> THE COURT: Because Mr. Contreras was feigning he didn't understand the questions, and *it was just a game. It was a dog and pony show,* Miss Spears.
> (12/13/04 R.T. 255:11–13, italics added.)

The commission noted that a judge has discretion to make a credibility determination with regard to whether a defendant is entitled to a court-ordered interpreter, but found that the judge's comments made in connection with exercising his discretion were

sarcastic and discourteous to the defendant and his attorney. [*Public Admonishment of Judge Bruce C. Mills* (2006).]

Judge Block was disciplined for conduct that included participating in a prank involving a court interpreter. During a conversation between Judge Block and attorneys and court staff in the courtroom, it was suggested as a joke that a court interpreter be held in contempt for being late.

When the court interpreter arrived in the hallway outside the courtroom, a public area where people were present, the judge's bailiff handcuffed the interpreter over her protests and resistance and took her into the courtroom. The following then took place:

> THE COURT: Ms. Stafford, will you listen to the People please. What were you about to say?
>
> THE INTERPRETER: I said this better be a joke. Take them off.
>
> THE COURT: What were you going to say, Mr. –
>
> MR. DAILY: I was going to say perhaps this is the appropriate time for the order to show cause re contempt.
>
> THE COURT: All right. I understand bail is not available; is that correct?
>
> MR. DAILY: There is no bail for that.
>
> THE COURT: Ms. Stafford, I'm sorry but your vacation plans are somewhat awry.

Judge Block then told the interpreter that it was a joke and had the bailiff remove the handcuffs. The court interpreter felt humiliated.

Judge Block was also disciplined for his treatment of the court interpreter on a subsequent date when she was in Judge Block's courtroom as an observer in a case of interest to her. Judge Block believed that she might have filed a complaint about him because of the contempt incident. During a recess in the case, the judge assembled the interpreter's supervisor and various members of court staff in chambers and told them that he had heard that the interpreter had made allegations against him, and that if she had, he did not think it was appropriate for her to be in his courtroom. The judge then brought the interpreter into his chambers and, with other court staff present, asked her whether she had made a complaint; when she said that she had not, he said that she was welcome in his courtroom. This conduct was undertaken by the judge after being admonished by the court's attorney not to discuss the matter with the interpreter. The commission determined that the judge had engaged in prejudicial misconduct. [*Censure and Bar of Judge Arthur S. Block* (2002).]

In dealing with a non-English speaking defendant and with the defendant's proposed interpreter, a judge gave the impression of impatience and discourtesy. The commission reminded the judge that a patient tone is particularly important with non-English-speaking parties and witnesses. [Com. on Jud. Performance, Ann. Rept. (1988), Advisory Letter 3, p. 11.]

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