



Minnesota Judicial Branch Policy/Procedures

Policy Source:	State Court Administrator
Policy Number:	513(b)
Category:	Court Operations
Title:	Use of Remote Interpreter Services
Origination Date:	[date original SCAO policy was established]
Effective Date:	[date the policy originally went into effect]
Revision Date:	[date policy last changed - will correspond to date signed by SCA, presuming she signs off on revisions]
Contact:	[Position and division of primary contact for info about this policy]

Use of Remote Interpreter Services

I. PURPOSE

Judicial Council Policy 513, permits technology to be used to provide interpreter services from a remote location in certain circumstances.

This policy shall serve as a guide on how to conduct remote interpreting in accordance with the Judicial Council Policy. It is recognized that variance in local resources, technology, and procedure may determine how it is implemented in any particular jurisdiction.

II. APPLICABILITY

This protocol applies to: (1) all District Court proceedings utilizing the services of an interpreter; (2) all employee and freelance interpreters who perform interpreting services for the courts; and (3) all agencies that provide interpreting services to the courts.

III. DEFINITIONS

None.

IV. PROCEDURES

A. Equipment

Courtrooms in which remote interpreting is utilized must be equipped with the adequate and necessary equipment to ensure that the interpreter, judge, attorney(s), and parties have no impediments to hearing what is said or communicating throughout the proceeding.

Interpreting via cell phone is discouraged. Use of cell phones to conduct interpreting should only be used if there is not a land-line telephone available. If a cell phone is used, a court official must test the reception quality and the interpreter must be located in a safe location away from distractions.

B. Centralized Remote Interpreting

Courts may utilize technology to provide interpreting services from a remote location to multiple courtrooms or locations where interpreters are needed.

C. Appointment

Appointment of interpreters for remote interpreting services must be in accordance with Rule 8 of the General Rules of Practice for the District Courts. Rule 8 requires that a certified interpreter be appointed whenever an interpreter is needed in court. If a certified interpreter, including jurisdictions that have a staff interpreter, is not available or there are no certified interpreters in a particular language, a rostered interpreter is to be appointed. Only after a diligent search for certified and rostered interpreters has been conducted may a court appoint an interpreter who is not on the statewide roster (commercial language line interpreters are considered to be non-rostered). The order for hiring remote interpreters is as follows:

- 1) Staff interpreters, where available;
- 2) Certified interpreters on the Minnesota statewide roster;
- 3) Rostered interpreters on the Minnesota statewide roster;
- 4) Non-rostered interpreters.

D. Remote Interpreting Conditions

Courts may utilize remote interpreting under the following conditions:

1. **Length of Proceedings:** Proceedings should be approximately 30 minutes or less in duration. When proceedings last longer than 30 minutes, the court should provide the interpreter with adequate breaks to alleviate fatigue and facilitate the provision of high-quality interpreting.
2. **Subject Matter:** Remote interpreting is appropriate in the following circumstances:
 - a) Urgent or unexpected hearings;
 - b) Non-emergent matters where the quality of the interpretation is not unduly compromised;
 - c) Hearings where lengthy testimony is not expected.

The court has discretion to determine whether remote interpreting is appropriate in the following circumstances:

- a) Hearings of any type when the person who is disabled in communication speaks a rare or exotic language and an in-person interpreter is not reasonably available;
- b) Hearings involving emergent matters where testimony is necessary.

E. Hearing Preparation

Whenever possible, the court should provide background material on the proceeding to the interpreter prior to the actual hearing. If the interpreter has not received background material, the interpreter may ask the judge or other court official for a brief introduction to the case (e.g., type of proceeding, names of the parties and attorneys).

F. Courtroom Procedure

Once an interpreter has been connected to the courtroom, judges and other court officials should strive to follow the procedure outlined below:

1. **Confirm that the Interpreter is Ready:** The judge or court official should ask the interpreter if he/she is ready to proceed. For example: **[Madam/Mister] interpreter, are you ready to proceed? Are you hearing and understanding everyone adequately?** If the interpreter identifies any problems, the judge or other court official should do whatever possible to address them.

2. **Speak Loudly:** To facilitate interpretation, all parties must remember to speak in loud, clear voices. Courts may wish to designate one person to:
 - a) Ensure there is always a microphone positioned as closely as possible to the speaker; and
 - b) Remind each speaker to get as close as possible to a microphone without distorting the sound before he/she begins to talk, and to speak in a loud, clear voice.

3. **Ensure Speakers Use a Microphone:** If the court requests comments from probation agents, social workers, guardians, or other personnel who may not be seated at the counsel tables, the responses of these individuals must be given at the microphone. This ensures the interpreter is able to hear and understand what is stated.

4. **Attorney-Client Interpretation:** The court is not bound to provide the services of an interpreter to interpret meetings between the attorney and client when the court has provided an interpreter for that client. However, if the court determines that, as part of the proceeding, the attorney and client require a brief conference, the technology used for this purpose or the setting of the communication must guarantee privacy.

G. Payment

Payment rates for remote interpreting services are governed by Minnesota Judicial Branch State Court Administrator Policy 513(a), Court Interpreter Payment Policy.

V. RELATED DOCUMENTS

- A. General Rules of Practice for the District Courts
- B. Judicial Council Policy 513, Court Interpreter Program
- C. State Court Administrator Policy 513(a), Court Interpreter Payment Policy

VI. REVISION HISTORY

<date>: New policy.

<p>Approval:</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Sue Dosal, State Court Administrator</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Date</p>
