



Minnesota Judicial Branch Policy/Procedures

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Category:	Court Operations
Title:	Use of Remote Interpreter Services
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Contact:	Director, Court Services Division

Use of Remote Interpreter Services

I. PURPOSE

Judicial Council Policy 513; Court Interpreter Program, authorizes the provision of interpreter services via remote technology to support the goal of providing interpreter services in a timely and fiscally responsible manner.

This policy serves as a guide for conducting remote interpreting. Variances in local resources, and available technology may determine policy implementation in a particular jurisdiction.

II. APPLICABILITY

This protocol applies to: (1) all District Court proceedings using interpreter services; (2) all employee and freelance interpreters performing interpreting services for the courts; and (3) all agencies providing interpreting services to the courts.

III. DEFINITIONS

- A. Court Proceedings – The court session itself, plus interpreting for the parties, attorneys and witnesses immediately prior to the court session, during breaks in the court session, or immediately after the court session.
- B. Distance Court Interpreting (DCI) – Technology that works through the audio system and a standard telephone allowing an interpreter to interpret simultaneously from a remote location.
- C. Remote Interpreting - Spoken or sign language interpretation conducted by an off-site interpreter using technologies available to the court, such as telepresence / ITV (Interactive Video Teleconference), telephone, and sound- system based DCI (Distance Court Interpreting).

- D. Telepresence – Technology such as high definition audio, video, and other interactive elements that enable people to feel or appear as if they were present in a location which they are not physically in.

IV. PROCEDURES

A. Equipment

1. Spoken Language Interpreting Events

Courtrooms using remote interpreting must be equipped with adequate and necessary equipment ensuring there are no impediments to the interpreter, judge, attorney(s), and parties hearing what is said or communicated throughout the proceeding.

Interpreting via cell phone is discouraged. The interpreter must not use a speaker phone.

The interpreter must:

- a) be in a safe location away from distractions;
- b) ensure there is no background noise interfering with the interpretation;
- c) ensure bystanders cannot overhear the proceeding.

To prepare for a remote hearing, staff interpreters are expected to view documents in MNCIS and non-staff interpreters are expected to review documents via Minnesota Public Access terminals.

Judicial officers and court staff must know how to provide attorney/client confidential communication through the telephone and/or video connection.

2. Sign Language Interpreting Events

Courtrooms where Video Remote Interpreting (VRI) is used must be equipped with adequate and necessary equipment to provide effective communication among all parties

The interpreter must also use adequate, comparable equipment ensuring clear visual communication is provided for the deaf, hard of hearing or speech impaired individual. The interpreter must:

- a) be in a safe location away from distractions;
- b) ensure the visual background is neutral and clear of distractions;
- c) ensure there is no background noise interfering with the interpretation;
- d) ensure bystanders cannot overhear or see the proceeding.

It is critical confidential communication be possible with VRI. Judicial officers and court staff must know how to provide attorney/client confidential communication. (See *Recommended Guidelines for Video Remote Interpreting for American Sign Language Interpreting Events*).

B. Centralized Remote Interpreting

The Branch will utilize remote interpreting provided by staff interpreters regardless of their location, using Branch equipment, as coordinated by centralized scheduling specialists.

C. Appointment

Appointing interpreters for remote interpreting services must be according to with Rule 8 of the General Rules of Practice for the District Courts. Rule 8 requires appointing a certified interpreter when an interpreter is needed in court. If a qualified interpreter is not available or there are no certified interpreters in a particular language, a rostered interpreter can be appointed. Only after diligent search for certified and rostered interpreters, may a court appoint an interpreter who is not on the statewide roster. **NOTE: (commercial Language Line interpreters are considered not certified and not rostered).**

The hiring order for 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 Guidelines

The following conditions apply to courts using remote technology:

1. **Length of Proceedings:** Court sessions should be approximately 30 minutes or less in duration. When court sessions 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. **Circumstances:** The presiding judicial officer has the discretion to determine if remote interpreting is appropriate but the use of remote interpreting must be considered in the following situations:
 - a) when it is more fiscally responsible to obtain the services by remote than by using an in-person interpreter and the quality of the interpretation is not compromised; or
 - b) urgent or unexpected situations where no in-person staff or freelance interpreter is reasonably available.
3. **In-Person Interpreting:** Priority for in-person interpreting will be given to the following case types and hearings:
 - a) Felony jury trials
 - b) Other criminal jury trials, including extended juvenile jurisdiction trials
 - c) Juvenile termination of parental rights trials
 - d) Civil jury trials
 - e) Juvenile delinquency trials
 - f) Court trials
 - g) Court hearings at which witnesses testify under oath
 - h) Civil motion hearing

E. Hearing Preparation

To prepare for a remote hearing, staff interpreters are expected to view documents in MNCIS and non-staff interpreters are expected to review documents via

Minnesota Public Access terminals. The court should provide the interpreter with background material on the proceeding prior to the hearing. If the interpreter does not receive background material beforehand, the interpreter may ask the court for a brief introduction to the case (e.g., type of proceeding, names of the parties and attorneys) when the hearing begins.

F. Courtroom Procedure

Once an interpreter is connected to the courtroom, the court should strive to follow the procedure outlined below:

- 1. Confirm the interpreter is ready:** The interpreter should be identified for the record and asked if they have established whether the LEP or deaf / hard of hearing party can understand them. If a VRI event, the interpreter and the deaf, hard of hearing or speech impaired individual should be asked if they can adequately see each other. The interpreter should be asked 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 problems are identified, the court should do what is possible to address them.
- 2. Speak Loudly:** All parties must remember to speak in loud, clear voices. Courts may wish to designate one person to do the following:
 - a) ensure a microphone is always 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; to speak in a loud, clear voice; to pause between questions and answers to give the interpreter time to finish the interpretation; and to slow down when reading documents or giving citations.
- 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 required to provide interpreter services for meetings between the attorney and client, even though the court provides an interpreter for the proceeding. However, if the court determines that the attorney and client require a brief conference during the proceeding, the court must ensure the technology used or the setting of the communication between attorney and client affords confidentiality.

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
- D. Recommended Guidelines for Video Remote Interpreting for American Sign Language Interpreting Events

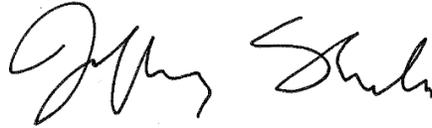
VI. REVISION HISTORY

August 2, 2010: New policy.

March 1, 2013: Revised to include procedures for use of video remote interpreting.

September 1, 2018: Revised to comply with changes to Judicial Council Policy 513 and to update procedures based on new and improved technologies.

Approval:



Jeffrey Shorba, State Court Administrator

August 6, 2018

Date