

Suggested Guidelines for the Use of Remote Interpreting

Spoken Languages

1. While performing remote interpretation (Video/Telephonic), interpreters remain bound to comply with the Standards and Ethics of their profession as contained in the New Mexico Court Interpreter Code of Professional Responsibility.
2. The Remote Interpreting (RI) Interpreter will request to be recused from the RI assignment immediately if he/she is for any reason unqualified to provide the requested services.
3. All interpretation during RI must be rendered in the first person (direct speech).
4. In the event of any error or omission in the interpretation, as soon as an interpreter becomes aware of the error or omission, he/she will immediately inform the court and rectify the error for the record.
5. The RI Interpreter must use the consecutive interpretation mode unless a) the interpreter has received specialized training for simultaneous interpreting as a remote interpreter, and b) the technology being used allows for effective simultaneous interpreting.
6. Before accepting RI assignments, interpreters will complete requisite training/orientation with respect to proper protocols and procedures for RI.

Suggestions for Protocols and Procedures:

Remote Interpreting can be used for courtroom proceedings such as:

- Proceedings estimated to last less than thirty minutes, such as arraignments, status or scheduling conferences, initial hearings. Plea hearings where the defendant will plead guilty or no contest to a charge under the Motor Vehicle Code, except for driving under the influence or reckless driving charges.
- Proceedings for which there is potential conflict of interest. ¹

- Proceedings for which an interpreter for the language spoken by the LEP is not easily obtainable. ²
- Proceedings for which there is no reasonably available on-site interpreter.³
- Proceedings involving limited testimony⁴ such as ex parte orders of protection, sentencing, conditions of release.

Ideally, all court related personnel (Judges, Attorneys, court staff, and interpreters) should have received basic training/orientation on the proper procedures for RI before implementing it for legal proceedings.

Prior to commencing the official interpreting session, the interpreter shall be permitted by the Judge to:

1. Verify the interpreter's ability to communicate with the service user;
2. Explain to the participants the mode of interpreting and how each participant can help assure the interpreting is successful, as for example, educating the participants about turn-taking, and the need to advise the interpreter when they cannot hear or understand the interpreter, or the equipment is not working.

Prior to commencing the official interpreting session, the judge shall:

1. Perform a "sound check" to make sure the interpreter and the participants can clearly hear one another before proceeding;
2. Instruct the participants to speak clearly and at a slower rate of speech;
3. Ask the participants to identify themselves each time they speak so that the interpreter can more easily discern the voices;
4. Ask the participants to speak directly into the microphone;

5. Ask the participants to speak in brief segments for easier interpretation;
6. Direct the participants to pause once they have completed their statement so that the interpretation can be rendered.
7. Remind others in the courtroom to be as quiet as possible;
8. Direct persons to leave the courtroom if they are interfering with the interpreter's ability to hear;
9. Instruct all participants to immediately alert the court if they are unable to hear or understand the participant who is speaking, or if the equipment they are using is not working properly. If the participants in the courtroom cannot hear or understand the interpreter, or the equipment is not working properly the judge shall terminate the proceedings. If the interpreter is unable to hear or understand the speaker, or the interpreters equipment is not working properly, or the environment from which the interpreter is performing the remote interpreting is no longer conducive to effective interpreting the judge shall honor a request by the interpreter to discontinue the proceedings.

Survey

A detailed survey and corresponding report should be prepared on a quarterly or semi-annual basis regarding the use of RI. Input for the same should be solicited from Judges, Attorneys, Court Staff and Court Interpreters. The goal of said survey and report should be to assure the ongoing maximum efficiency of the RI program and the identification of ways to make improvements when and where necessary.

¹ *Ohio, Existing familial, social, or professional relationships within small linguistic communities may compromise the neutrality of the proceeding. The use of RI will eliminate that potential conflict.*

² *Ohio, RI opens the possibility to tap interpreters in less-common languages.*

³ CLAC, *The availability of the interpreter should be determined by the language access coordinator through the analysis of a number of factors. This analysis should include the proximity of an on-site interpreter, whether an onsite interpreter can be present when the event is scheduled, and overall cost of an on-site interpreter who is being considered (including interpreting fees, cancelation costs, and travel expenses).*

⁴ CLAC