

**An Examination of Remote Language Interpreting  
in the Minnesota Trial Courts**

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## II. ABSTRACT

The Minnesota Judicial Branch is a state unified court system and receives its funding from the Minnesota State Legislature. Minnesota faces unprecedented fiscal challenges in the upcoming years. In all likelihood, the Minnesota Judicial Branch will be faced with difficult budgetary decisions as a result. In recent years, the Minnesota trial courts have implemented a number of efficiencies in hopes of reducing and controlling future costs.

Minnesota is known for being a progressive and fair state. To that end, the Minnesota Judicial Branch provides language interpreters for all case types and court events. Historically, the majority of hearings have been conducted using in-person interpreters. Few courts use a telephonic interpreting service for last minute or unscheduled hearings or when a seldom encountered exotic language interpreter is needed.

With the need for interpreter services expected to grow rapidly in the next ten years, it is essential that courts look for additional ways of providing quality interpreter services while containing costs. One way to accomplish this is through remote interpreting. Remote interpreting is the use of technology allowing the interpreter to be physically in another location from the non-English speaker, but heard and/or seen in the courtroom.

Although Minnesota courts have been utilizing remote interpreting for the past twenty years through a traditional speakerphone and using a commercial telephone service, more sophisticated technology has since been introduced into the market and is showing promising results. Accordingly, several Minnesota Courts have been exploring the use of remote interpreting using Minnesota certified interpreters and enhanced audio equipment with and without interactive television.

The new interpreting technologies include: digital audio platforms, specialized telephonic equipment, videoconferencing and webcams, and voice-over internet protocol (VoIP).

Benefits to the courts from the use of remote interpreting technology include:

- Interpreter event cost savings;
- Access to interpreters for courts that might not otherwise have immediate, timely access;
- Greater access to certified interpreters;
- Improved access to interpreters throughout the country for rare and exotic languages;
- Greater flexibility in court calendaring;
- Greater flexibility in the use of staff interpreters;
- Reduced travel time and costs for staff interpreters;
- Ability to have simultaneous interpretation;
- Ability to have confidential attorney/client communications; and
- More efficient use of contractual resources.

Benefits to interpreters:

- Potentially more assignments
  - Especially for those willing and able to perform remote interpreting.
  - Especially for those interpreters with limited demand for services in their hometown.

(Hewitt, Telephone Interpretation: Options in Accessing Justice, 1999, pp. 1-6)

Benefits to the non-English speaker:

- Timely access to justice; and
- Greater access to qualified/certified interpreters.

As noted earlier, Minnesota courts are facing significant budget reductions and will be challenged to provide in-person interpreting services with limited financial resources. This paper

examines how remote interpreting services are currently provided and looks at obstacles and alternatives for providing remote interpreting in the Minnesota trial courts into the future.

Four unique surveys were used to collect data for this project. First, a multi-state survey of court interpreter coordinators was conducted. Second, Minnesota district judges were surveyed. Third, a Minnesota court administrator survey was administered. Finally, Minnesota certified interpreters were surveyed.

Several conclusions were drawn from the results of the surveys and the following recommendations are made:

1. Courts should use a Minnesota certified interpreter on-site whenever possible to interpret for the hard of hearing, the elderly, and those struggling with mental illness.
2. Courts should perform a cost/benefit analysis on processes or changes that could reduce or stabilize the cost of interpreter services, including: scheduling of interpreters, examining calendar practices, using remote interpreters, and hiring staff interpreters.
3. Courts should limit remote interpreting to short, non-evidentiary hearings.
4. Minnesota courts should utilize similar remote interpreting equipment.
5. Minnesota should establish basic skill requirements and remote interpreter training programs that develop a core of qualified, remote interpreters.
6. Courts using remote interpreting should strive to provide video used in conjunction with enhanced audio equipment for courtroom interpretations.
7. Minnesota courts should comply with Rule 8 and first seek the services of a Minnesota certified interpreter before contacting a non-Minnesota certified interpreter or commercial telephone interpreter agency.

8. Technology must be reliable for courts and interpreters to feel comfortable using the equipment.
9. Districts and counties should utilize the Minnesota Judicial Branch's court interpreter database to generate reports.
10. In order to benefit the court, hearings should begin on time and be limited in length. In order to benefit the interpreter, the Minnesota Judicial Branch should consider revisions to the remote interpreter payment policy.
11. Minnesota should increase awareness and understanding of remote interpreting for roster interpreters.
12. Courts should develop a plan to educate the bench about the differences in using a Minnesota roster interpreter along with advanced technology versus the traditional telephone interpreting agency.

An Examination of Remote Language Interpreting  
In the Minnesota Trial Courts

III. INTRODUCTION

Minnesota courts have a reputation for being progressive, innovative, and fair. Fairness is never more evident than when courts continually strive to provide the most qualified interpreters for its non-English speaking court participants for all court events. Rural courts face a bigger challenge in providing the most qualified interpreters because of their location and the short supply of qualified interpreters. For some counties, this difficulty has resulted in the increased use of remote interpreting. Remote interpreting is the use of technology that allows an interpreter to be physically in a different location from the non-English speaker, but heard and/or seen in the courtroom. In the past, some trial courts have provided non-English speakers' access to interpreters for last minute, unscheduled hearings or seldom encountered exotic languages by using a commercial telephonic interpreting service. However, using a commercial telephonic interpreting agency can have its drawbacks including:

- Not knowing who the interpreter is or what his/her qualifications are;
- The inability to see the interpreter and vice versa;
- The inability to use the simultaneous mode of interpreting which slows the hearing significantly; and
- The lack of confidential access between the attorney and non-English speaker.

More recently, some Minnesota districts have hired staff interpreters to handle remote interpreting via telephone and using courtroom enhanced audio equipment. This has resulted in increased efficiency because the staff interpreter is available to interpret for many courtrooms and

across county lines which allows for more efficient scheduling of the interpreter. Mileage and travel time costs are also avoided. As the economic forecast worsens in Minnesota, many counties throughout the state are looking at remote interpreting as an option to help control the costs of language interpreting services while continuing to provide competent, qualified services.

Every court has an obligation to provide equal access to justice for parties, litigants, and witnesses involved in a court proceeding. All Minnesota courts are required to have a Limited English Proficiency (LEP) Plan which describes the policies in place to protect the rights of limited English proficient individuals. These plans contain information on how the court will provide interpretive services to non-English speaking participants. For example, Carver County District Court's LEP Plan describes various ways to determine when a limited English proficient court customer needs an interpreter for a court hearing. First, the limited English individual may request an interpreter. Second, the court displays a sign translated into Minnesota's eleven most frequently used languages which states: "You may have the right to a court-appointed interpreter in a court case. Please ask someone at the court information desk." Third, court personnel, law enforcement and judges may at any time determine that an interpreter is appropriate for a court hearing. This can occur even when an individual with limited English thinks they know enough English to proceed without an interpreter but doesn't realize that he/she may need an interpreter to understand the legal jargon prevalent in courtrooms. Therefore, when it appears that an individual has any difficulty communicating, the court administrator's office and judges are instructed to err on the side of providing an interpreter to ensure full access to the courts, even if the person did not request an interpreter (Carver County Court Administration, FY 2011, p. 2).

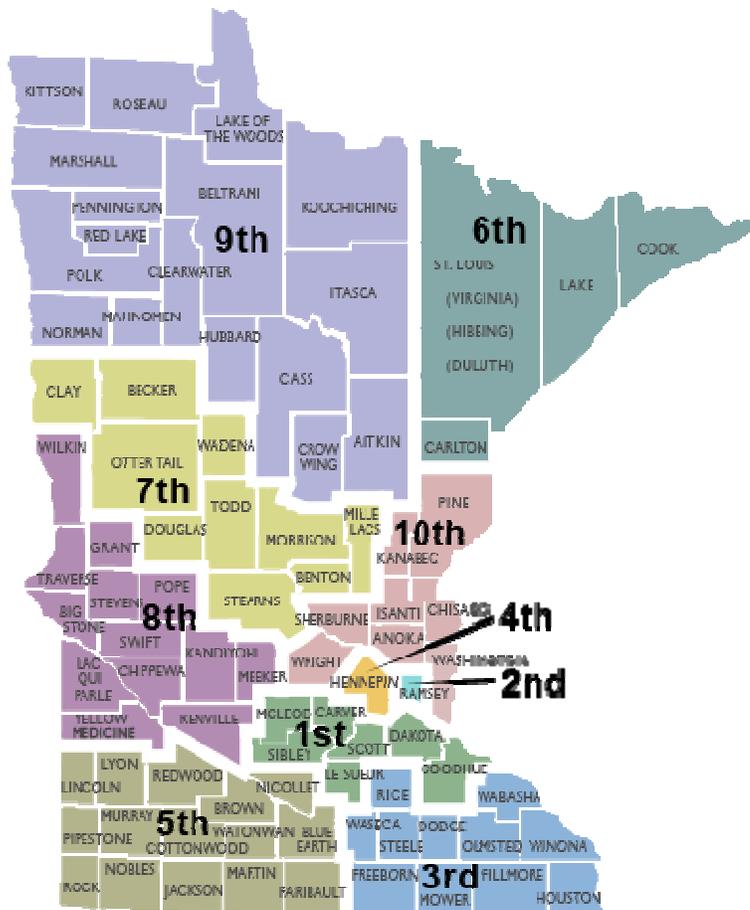
The country is facing unprecedented budget deficits. The State of Minnesota is facing a projected revenue shortfall of over \$5 billion in fiscal years 2012-2013 (Minnesota's fiscal year

runs from 7/1 to 6/30). The Minnesota State Demographer predicts that there will be no room for additional state spending beyond health care cost increases for the next 25 years (Gillaspy & Stinson, 2010, p. 10). This funding deficit is projected at a time when requests for interpreter services are expected to expand. In addition to the fiscal constraints, many Minnesota courts have trouble finding qualified interpreters locally. These issues have several Minnesota courts searching for alternative approaches to in-person language interpreting in an attempt to provide quality interpreter services while controlling costs.

#### MINNESOTA JUDICIAL BRANCH STRUCTURE

The Minnesota court system has existed for over 150 years. Established in 1858, the Minnesota Judicial Branch is comprised of three tiers. The 97 trial or general jurisdiction courts are arranged within ten judicial districts across 87 counties. These are courts of original jurisdiction and have a single class of judges totaling 289. Judges hear everything from traffic tickets to civil and family conflicts to first degree murder. Annually, the Minnesota trial courts process nearly 1.7 million new cases.

Carver County, Minnesota, located in the First Judicial District, has four chambered judges. Judges hear and decide all cases occurring or filed in Carver County. In 2009, Carver County processed over 15,000 new cases.

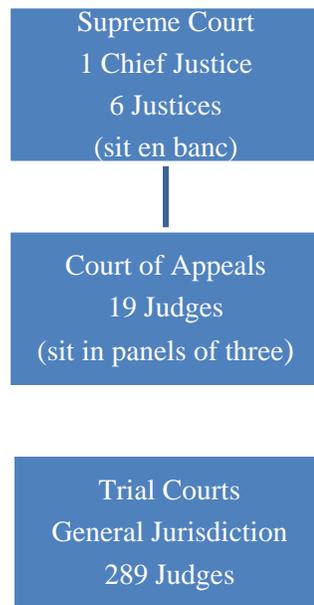


**Figure 1 MN Judicial Districts and Counties**

The Minnesota Court of Appeals hears direct appeals from the District Court. The Minnesota Court of Appeals was created in November, 1983. It has 19 judges that sit in three-judge panels and hear about 2,400 appeals annually (Minnesota Court Information Office, 2010, p. 1). They hear and decide appeals from the trial courts, state agencies, and local governments. This is an error-correcting court, which allows the Minnesota Supreme Court to spend time resolving the difficult constitutional and public policy cases.

The highest court in Minnesota is the Supreme Court. Seven justices sit en banc (all judges from the Supreme Court listen and decide the case) and hear appeals from the Court of Appeals decisions, trial court decisions if the Supreme Court agrees to bypass the Court of

Appeals, Tax Court decisions, and Workers' Compensation Appeals. They also hear original actions including review of all first-degree murder convictions, writs of prohibition, writs of habeas corpus, writs of mandamus, and legislative election disputes (Minnesota Judicial Branch, 2009, p. 22).



**Figure 2 Minnesota Court Structure**

RIGHT TO AN INTERPRETER: RULES AND GOVERNANCE

The mission of the Minnesota Judicial Branch is to provide justice through a system that assures equal access for the fair and timely resolution of cases and controversies. Minnesota developed a strategic plan which outlines three long-term goals for the court system: Access to Justice; Administering Justice for Effective Results; and Public Trust, Accountability and Impartiality. These goals help drive Minnesota's court operations including the non-English speaking litigant's right to the services of an interpreter.

In addition to Minnesota's strategic plan, there are several Minnesota statutes that govern when individuals have the right to an interpreter. Minnesota Statute 611.30 (2006) states that it is

“the policy of this State that the constitutional rights of persons disabled in communication cannot be fully protected unless qualified interpreters are available to assist them in legal proceedings.”

Minnesota Statute 546.42; 611.31 (2006) defines a person “disabled in communication” as one who, because of difficulty in speaking or comprehending the English language, is unable to fully understand the proceedings in which the person is required to participate, or when named as a party to a legal proceeding, is unable by reason of the deficiency to obtain due process of law.

### THE CHANGING DEMOGRAPHICS

Courts across the nation are experiencing an alarming growth in requests for interpreter services. According to the US Census Bureau’s three year estimate, in Carver County from 2006-2008, 7.7% of the population age 5 years and older spoke a language other than English at home (US Census Bureau). The language most often spoken at home other than English was Spanish.

The US Census Bureau reports that in Minnesota in the year 2000, 389,988 or 8.5% of the population age 5 years and over spoke a language other than English at home (US Census Bureau). Of this amount, 2.9% spoke Spanish, closely followed by other Indo-European languages at 2.4%. Although these numbers are less than the national average, they are expected to continue to increase. From 1990 to 2000, the percentage of the US population age 5 years and older that spoke a language other than English at home jumped 47% (US Census Bureau). According to the US Census Bureau’s three year estimate, 2006 – 2008, almost 20% of the US population spoke a language other than English at home (US Census Bureau). Just under half of this number indicated they do not speak English very well. The greatest language need across the nation continues to be Spanish. However, the number of other languages needed in courts continues to grow. In 2009, the US Federal Courts required interpreters for over 120 different languages in over 313,969 events (Annual Report of the Director, 2009, p. 29). By comparison,

in fiscal year 2010, the Minnesota trial courts required the use of interpreters for over 75 languages in more than 32,000 events. These upward trends will continue to challenge the courts' ability to provide interpreter services for those with limited English speaking abilities.

#### MINNESOTA COURT INTERPRETER PAYMENT POLICY

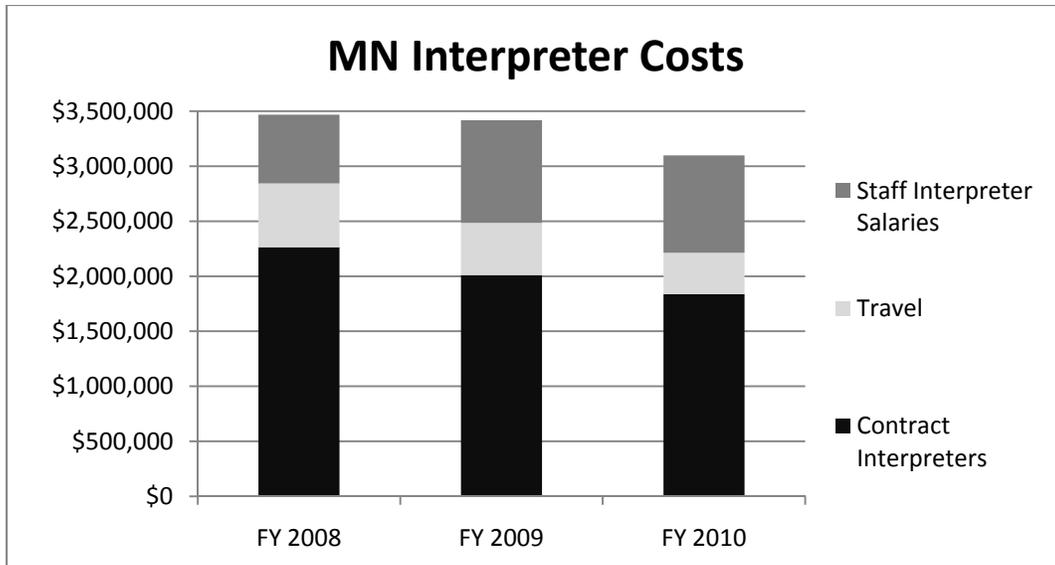
For many years, the Minnesota trial courts have been utilizing contract interpreters to provide on-site interpreting services for court proceedings as required by Minnesota Statutes §546.42 – 546.44 and §611.30 – 611.34.

The table below lists the five most commonly interpreted languages by Minnesota's contract interpreters along with the associated number of events for fiscal year 2010.

<b>Language</b>	<b>Events</b>
Spanish	20,535
Somali	3,502
Hmong	2,477
Vietnamese	774
Russian	659

**Table 1 FY 2010 Most Common Interpreted Languages and Associated Events**

In fiscal year 2010 (7/1/09 – 6/30/10), the Minnesota Judicial Branch interpreter expenditures were over \$3 million. Contract expenditures accounted for over \$1.8 million. Of this amount, the most widely needed language was Spanish which accounted for \$836,431 or 46% of the total contract interpreter cost. Additional travel expenses accounted for 14% of the interpreter budget. The remaining \$885,000 was staff interpreter salaries and benefits.



**Figure 3 Minnesota Interpreter Costs**

The above chart shows Minnesota trial courts interpreter expenditures declining from fiscal years 2008 to 2010. Although no research has been done to conclude why interpreter costs have decreased, there are several plausible explanations:

1. There has been a decrease in the overall caseload. New case filings declined by 20,000 or 2.4% from fiscal years 2009 to 2010.
2. There has been an increased use of remote interpreting which, in many instances, has reduced the event cost.
3. Staff is more cognizant of spending patterns because of the downturn in the economy resulting in scheduling efficiencies.
4. More districts and counties have begun to regionalize the scheduling of interpreters to more than one county resulting in more efficient scheduling.
5. Districts have begun hiring staff interpreters resulting in contract and travel cost reductions.

The Minnesota trial courts have nine staff interpreters located in several judicial districts. These interpreters were hired by their respective districts to interpret on-site or remotely for the counties in their district. Districts have turned to hiring staff interpreters in order to meet the demands for a specific language, achieve cost savings, and/or to manage interpreter scheduling and coordination.

District	Number of Interpreters	Language	Certified/Non-Certified
Second	1	Spanish	Certified
	1	Hmong	Certified
	1	Hmong	Non-Certified
Third	1	Spanish	Certified
	1	Somali/Arabic*	Non-Certified
Fourth	2	Spanish	Certified
Fifth	1	Spanish	Certified
Eighth	1	Spanish	Certified

\*Interpreter is part time Somali/part time Arabic

**Table 2 Minnesota Staff Interpreters**

#### MINNESOTA INTERPRETER ROSTER

Minnesota Court Rule 8.01 became effective in 1995 and required the State Court Administrator to maintain and publish annually a statewide roster of certified and non-certified interpreters.

Like many courts across the nation, Minnesota has been successful in certifying a number of Spanish speaking interpreters. Somali, Vietnamese, Hmong, French, Laotian, Mandarin and Russian are among the few other languages to be certified in Minnesota. In addition to the certified languages, the Minnesota interpreter roster contains the names of more than 110 additional non-certified language interpreters. The chart below shows the number of certified

interpreters for each language and their county and district location. The majority of the certified interpreters are located in central Minnesota, mainly in the metropolitan area.

<b>Language</b>	<b>Number of Certified Interpreters</b>	<b>District</b>	<b>Interpreter Home County</b>	<b>Number of Interpreters/ County</b>
Spanish	65	First	Dakota	3
			McLeod	1
			Scott	1
		Second	Ramsey	13
		Third	Freeborn	2
			Houston	1
			Mower	1
			Olmsted	2
			Rice	1
			Steele	2
			Fourth	Hennepin
		Fifth	Blue Earth	2
			Lyon	1
			Nobles	1
			Rock	1
		Seventh	Clay	2
Tenth	Anoka	2		
	Washington	4		
Russian	6	First	Dakota	2
		Fourth	Hennepin	4
Hmong	4	Second	Ramsey	4
Chinese/ Mandarin	2	First	Dakota	1
		Second	Ramsey	1
French	1	Fourth	Hennepin	1
Lao	1	Fourth	Hennepin	1
Vietnamese	1	Fourth	Hennepin	1
Somali	1	Fourth	Hennepin	1

**Table 3 Minnesota Certified Interpreters**

The limited number of certified interpreters reflects the limited number of certification tests available and the high cost to administer the tests that are available. In addition, there are a limited number of qualified individuals available to take the test and pass. The Consortium for Language Access in the Courts, maintained by the National Center for State Courts, currently has exams available in less than 20 languages (Examinations Available For Members of the Consortium for State Court Interpreter Certification, 2010).

In order for an interpreter to be on the Minnesota statewide roster, certified or non-certified, they must fulfill certain requirements. Individuals must:

- Pass the courts' written ethics exam which tests the interpreters' understanding of the provisions included in the Code of Professional Responsibility;
- Attend an orientation session that provides court interpreters with an introduction to the Minnesota Judicial Branch, describes the role of court interpreters, identifies common legal terms and teaches interpreters skill building techniques. Part of this orientation session requires the interpreter to file a notarized affidavit agreeing to be bound by the Code of Professional Responsibility (Carver County Court Administration, FY 2011, pp. 2-3); and
- Pass a criminal background check.

To be on the state certified roster, an interpreter must first meet the requirements to be on the roster, and secondly must pass a rigorous exam testing linguistic and interpreting skills. The following Minnesota Court Rules are relevant to the appointment of interpreters.

#### RELEVANT MINNESOTA STATUTES AND COURT RULES

Rule 8.01b added subsection (4) in 2007

*This subsection imposes an additional requirement that court interpreters demonstrate proficiency in English as well as the foreign languages for which they will be listed. This change was intended to minimize the current problems involving the need to use non-certified interpreters who now often do not possess sufficient English language skills to be effective.*

#### Rule 8.02 Establishes the Appointment of an Interpreter

*(a) Use of Certified Court Interpreter. Whenever an interpreter is required to be appointed by the court, the court shall appoint only a certified court interpreter who is listed on the statewide roster of interpreters established by the State Court Administrator under Rule 8.01, except as provided in Rule 8.02(b) and (c). A certified court interpreter shall be presumed competent to interpret in all court proceedings. The court may, at any time, make further inquiry into the appointment of a particular certified court interpreter. Objections made by a party regarding special circumstances which render the certified court interpreter unqualified to interpret in the proceeding must be made in a timely manner.*

*(b) Use of Non-Certified Court Interpreter on Statewide Roster. If the court has made diligent efforts to obtain a certified court interpreter as required by Rule 8.02(a) and found none to be available, the court shall appoint a non-certified court interpreter who is otherwise competent and is listed on the Statewide Roster established by the State Court Administrator under Rule 8.01. In determining whether a non-certified court interpreter is competent, the court shall apply the screening standards developed by the State Court Administrator.*

*(c) Use of Non-Certified Court Interpreter not on the Statewide Roster. Only after the court has exhausted the requirements of Rule 8.02(a) and (b) may the court appoint a non-certified interpreter who is not listed on the Statewide Roster and who is otherwise competent. In*

*determining whether a non-certified interpreter is competent, the court shall apply the screening standards developed by the State Court Administrator. In no event shall the court appoint a non-certified sign language interpreter who does not, at a minimum possess both a Certificate of Transliteration and a Certificate of Interpretation from the Registry of Interpreters for the Deaf or an equivalent certification from the Registry of Interpreters for the Deaf or another organization that is approved by the State Court Administrator.*

#### MINNESOTA COURT INTERPRETER PAYMENT POLICY

Minnesota Judicial Branch Court Interpreter Payment Policy 513(a) establishes reasonable compensation for court interpreters. This policy states that language interpreters shall be paid a minimum two hour rate in addition to mileage exceeding 35 miles one way. The Minnesota Supreme Court certified language interpreter rate is \$50 per hour. The non-certified foreign language rate is \$30-\$40 per hour depending on qualifications.

The policy also states that court interpreters (other than those whose services are procured through commercial vendors such as Language Line) who agree to interpret over the telephone will be paid according to the following rates:

- Certified interpreters \$2.25 per minute
- Non-certified interpreters but on the Minnesota roster \$2.00 per minute
- Non-roster interpreters \$1.75 per minute

Language Line Services (LLS), formerly known as AT & T Language Line Service, is the most predominant remote language commercial service used in Minnesota trial courts. Fees to Minnesota courts can range from \$1.25 to \$2.95 per minute for general interpreters and \$1.90 or more per minute for LLS certified interpreters, if they are available. This cost difference depends on who the court received its contract through. Most often, the best Language Line Service rate

in Minnesota can be achieved by going through the Minnesota Office of Enterprise Technology (OET). According to Language Line Services, they now offer LLS certified interpreters upon request. However, if none are available, the default is a general interpreter. Language Line's certified interpreters differ from Minnesota certified court interpreters in that they do not go through Minnesota's rigorous certification testing. Instead, according to Language Line's Court Interpretation Training Document, the training consists of interpreters' self study and telephone training sessions which include:

- The court system and proceedings;
- Legal terms;
- The code of ethics and role of the court interpreter;
- Advisement of rights; and
- Consecutive interpretation and note taking skills.

(Language Line, 2010)

Although Language Line Services now offers certified interpreters, courts need to be wary of the evaluation method used by commercial entities which in many cases is not equivalent to federal or state court certification. For example, some commercial entities test interpreters only for certain scenarios that are not representative of the full spectrum of situations that a court interpreter may encounter (Cruz, et al., 2009, pp. 2-3).

#### IV. LITERATURE REVIEW

As the need for interpreter services is expected to grow rapidly in the next ten years while budgets tighten, it is essential that courts look for additional ways to provide quality interpreter services while containing rising costs. One answer is remote interpreting. Although courts have been utilizing remote interpreting for the past twenty years through a traditional speakerphone and using a commercial telephone interpreting services, more sophisticated technology has since been introduced into the market. This technology is showing promising results in furthering access to justice for non-English speakers in courts.

Remote language interpreting is an innovative approach to providing court interpretation by utilizing technology (e.g., telephone, audio platforms, interactive television (ITV)) to link the interpreter with the courtroom. Remote language interpreting can be accomplished in two ways:

- On-site occurs when the interpreter travels to a site designated by the court to conduct interpreting remotely. In this instance, the interpreter may travel to a court location and be located in an office and interpret into multiple courtrooms or locations. A qualified interpreter is expected to handle multiple cases remotely and/or in person.
- Off-site occurs when the interpreter provides interpreting services from a location of his/her choosing. The interpreter is not required to travel to a court-designated site or to conduct in-person interpreting.

(Minnesota Judicial Branch, 2010)

According to an article written by William E. Hewitt in 1999, telephone interpreting showed promise in obtaining qualified interpreters in locales where they were previously limited by geography, time, cost, and scheduling conflicts (Hewitt, Telephone Interpretation: Options in Accessing Justice, 1999, pp. 1-6). However, Hewitt wrote, “courts quickly learned that by using

a simple telephone or speaker phone, they were limited to short hearings usually in the consecutive mode of interpretation.”

There are three ways that interpreters accomplish interpreting in court proceedings:

- The first and easiest is consecutive interpreting. Consecutive interpreting occurs when the interpreter waits until a speaker has finished communicating and then interprets those words or sentences into the interpreted language. This form of interpreting can be time consuming and inefficient especially in hearings where phone interpreting is most often used: bail hearings, arraignments, and pleas.
- Simultaneous interpreting occurs when the interpreter is listening to the speaker and interpreting into another language while the speaker(s) continues to speak.

Simultaneous interpreting most often occurs in two ways:

- Most often, when the interpreter is on-site, he/she is seated directly next to the non-English speaking individual.
- More recently, with new technology there are headsets available so the interpreter can be anywhere in the room (within ear shot of the judge and parties) and interpret for one or more non-English speakers who hear the communication via a headset.
- Sight translation is a hybrid type of interpreting/translating whereby the interpreter reads a document written in one language and translates it orally into another language. The written text is rendered orally without advance preparation (Oregon Judicial Department, Court Interpreter Services, 2008, p. 24).

Commercial telephone interpreting companies continue to provide remote interpreting services to courts. The major advantage of using a commercial service is the availability of

interpreters for many languages; in the case of (LLS), the availability of over 170 languages in less than a minute (Language Line, 2010). For short hearings, the cost is relatively low compared to having an interpreter on site. In addition, all that is needed from the courts' perspective is a telephone line and speaker phone (Hewitt, *Court Interpretation: Model Guides for Policy and Practice in the State Courts*, 1995, pp. 179-192).

However, there are many disadvantages to using a telephone interpreting service:

- Communication can only be done in the consecutive mode.
- Communication does not allow for private, confidential conversations between the non-English speaker and his/her attorney.
- The qualifications and skill level of the interpreter are unknown. Some interpreters may not be familiar with how court proceedings work in a particular state and the correct way to interpret. In addition, interpreters may not be trained in legal terminology and may need further explanation in order to interpret the meaning to the non-English speaker.
- For some commercial interpreting companies, interpreters are identified to the court only by their company ID number. These anonymity policies shield interpreters individually from accountability for their interpreting in a legal setting. There is no motivation for the interpreter to "get it right" as they do not work for the court in question. In contrast, the Minnesota certified or roster interpreter whose livelihood depends on his or her performance and reputation, are accountable in ways commercial phone interpreters are not.

The following Amendment to Minnesota Court Rules acknowledges the limitations of telephone interpreting services:

Advisory Committee Comment 1997 Amendment

*Rule 8.02(a) requires that courts use certified court interpreters. If certified court interpreters are not available or cannot be located, courts should next use only interpreters listed on the statewide roster maintained by the State Court Administrator. Rule 8.02 recognizes, however, that in rare circumstances it will not be possible to appoint an interpreter from the statewide roster. Non-roster interpreters and telephone interpreting services, such as AT & T's Language Lines Service, should be used only as a last resort because of the limitations of such services including the lack of a minimum orientation to the Minnesota Court System and to the requirements of court interpreting.*

#### REMOTE INTERPRETING TECHNOLOGIES

In addition to the simple telephone, today there are several technologies available that can assist with remote interpreting (Green & Romberger, 2009, pp. 36-39):

#### CONFERENCE OR SPEAKER PHONE

The most often used technology in the courtroom to provide remote interpreter services is the conventional speaker or conference phone. There are a variety of telephonic interpreter agencies and vendors who are a conference call away. The one advantage to using commercial telephone interpreter services is quick access to an interpreter. The disadvantages, however, are many, and include:

- The equipment typically requires a central location close to the judge and speaking must occur at a relatively close range;
- The interpretation is in the consecutive mode;

- The background noise and lack of visual cues can make it difficult for the interpreter to accurately interpret the message; and
- There is minimal quality assurance.

### DIGITAL AUDIO PLATFORMS

One technological step up from the speaker phone in the courtroom is the use of digital audio platforms. These systems use the existing telephone in the courtroom and enhance the audio quality. Although the sound quality is improved, the basic functionality of the speaker phone remains the same.

### SPECIALIZED TELEPHONIC EQUIPMENT

Specialized telephonic equipment offers the capability to provide telephone interpreting services in both the consecutive and simultaneous modes of interpretation. This technology can be installed directly into the courtroom audio so that all speaking and hearing occurs through the existing microphone system. Another option is to have mobile carts/consols that contain a telephone and speaker system that one can wheel around from courtroom to courtroom. When installed into the existing microphone system, this system can provide enhanced audio quality into the entire courtroom. In both scenarios, the system allows the off-site interpreter to control where his/her voice is going: directly to the non-English speaker, into the open courtroom, or to the non-English speaker and his/her attorney. For this system to work, the non-English speaker wears a headset (as does the attorney if confidential communications between the attorney and non-English speaker are necessary). The interpreter may have specialized equipment on his/her end or, in many instances, simply a touch tone telephone. The interpreter then controls the audio direction in the courtroom. The advantages include:

- Confidential attorney-client conversations can take place;

- The interpreter has a better audio feed to listen to;
- In some instances, the interpreter can be located anywhere in the world as long as he/she has the appropriate equipment;
- The interpreter can use the mode of interpreting best suited to the circumstances; and
- Courts can use qualified internal/staff interpreters and share them with all court locations, potentially maximizing the efficient use of resources and minimizing the cost.

The financial savings using this specialized equipment may be degraded, at least in the beginning, by the cost to upgrade the courtroom or purchase mobile carts and train staff and interpreters to use the new technology.

#### VIDEOCONFERENCING AND WEBCAMS

The most advanced application of remote interpreting technology in courts currently is the use of video teleconferencing or webcams. This technology allows courtroom personnel to see and interact with the interpreter via video in real-time (albeit sometimes with a slight delay), usually through a high speed internet connection or interactive television (ITV). The advantages of videoconferencing include the parties' and judge's ability to see the interpreter and vice versa. For the interpreter to see visual cues is an advantage over other available technologies. However, many courts

believe that the interpreter's duty can be met through the use of audio equipment alone; that the interpreter's duty is to faithfully interpret everything that is heard in the courtroom, not what is seen, and that visual cues and contexts are secondary to the interpreter's primary focus on what is being said and are not determinative of the quality of interpretation (Thompson, 2010).

Most video systems are portable, mobile, wireless, and fairly simple to incorporate into the existing courtroom network. This method is successfully being used by courts for arraignments

and other preliminary hearings. The 2<sup>nd</sup> Judicial Circuit, State of South Dakota, currently uses interactive video conferencing daily for in-custody arraignments and other hearings. “It’s not as good as in-person of course, that’s always our first preference, but video generally flows better than telephone interpreting....” (Thoennes, 2010)

Some courts are even tapping into their courtrooms’ security cameras to provide a visual for the remote interpreter into the courtroom. This visual along with enhanced audio provides the interpreter the ability to see and hear what is happening in the courtroom. The Ninth Judicial Circuit Court of Florida has been using security cameras in conjunction with enhanced audio to provide remote court interpreting since 2007. Arizona also provides a similar remote interpreting service throughout Maricopa County. RoomView software is used to control the video into the courtrooms (Westwood, 2010). The cameras reside on the network and are viewable by interpreters who have access to the network.

Some possible disadvantages to using video in remote interpreting include:

- Security risks to the network, especially with non-staff interpreters, if access to the network is needed.
- Possible video delays if using interactive television.
- Large amounts of bandwidth required for transmitting video signals across the network.
- For courts using security cameras, these are typically stationary. If there is movement in the courtroom, it may be difficult for the interpreter to view these movements.
- If using security cameras, these are typically one-way which means the judge and non-English speaker are unable to see the interpreter.

As technology advances, more options may become available such as coded messages running across the World Wide Web.

### VOICE-OVER INTERNET PROTOCOL (VOIP)

VoIP is the ability to send voice communications over IP networks such as the internet instead of a traditional telephone. This service can be hooked up to a courtroom computer with a microphone and speakers and a good internet connection. The interpreter resides on the other end of the communication. Used in conjunction with a webcam, this equipment can be used to deliver relatively low cost remote interpreter communications due to the fact that it uses existing infrastructure. Possible disadvantages to the court include:

- Poor voice quality due to VoIP relying on an internet connection. Poor internet connections and congestion can result in garbled or distorted voice quality;
- Insufficient bandwidth;
- Power failures;
- If used to replace existing telephones, the potential inability to make 911 emergency calls due to the inability of VoIP to locate network users geographically if the system is not properly configured; and
- If network is down, so is the VoIP.

### BENEFITS OF REMOTE INTERPRETING

There are many benefits to the courts, the interpreters, and the non-English speaker that can be derived from the advancement of technology for remote interpreting.

Benefits to the courts include (Minnesota Judicial Branch, 2010):

- Interpreter event cost savings;
- Access to interpreters for courts that might not otherwise have immediate, timely access;
- Greater access to certified interpreters;
- Improved access to interpreters throughout the country for rare and exotic languages;

- Greater flexibility in court calendaring;
- Greater flexibility in the use of staff interpreters;
- Reduced travel time and costs for staff interpreters;
- Ability to have simultaneous interpretation;
- Ability to have confidential attorney/client communications; and
- More efficient use of contractual resources.

Benefits to interpreters include:

- Potentially more assignments
    - Especially for those willing and able to perform remote interpreting; and
    - Especially for those interpreters with limited demand for services in their hometown
- (Hewitt, Telephone Interpretation: Options in Accessing Justice, 1999, pp. 1-6).

Benefits to the non-English speaker include:

- Timely access to justice; and
- Greater access to qualified/certified interpreters.

In the last several decades, remote interpreting has become more commonplace. In recent years, several courts around the country have extended remote interpreting beyond the use of commercial telephone interpreting companies.

Federal courts have been using remote interpreting services since the early 1990's for hearings of less than one hour in duration. In fiscal year 2009, the federal courts' telephone interpreting program was used by 47 courts to provide services for more than 3,700 events in 43 languages. Since the inception of the program, federal courts have saved a reported \$7.8 million in travel and contract costs (Annual Report of the Director, 2009). The vendor for the Federal

Courts program at inception was Rauch Companies, LLC. Several other state courts followed suit and purchased Rauch consoles including: California, Arkansas, and Oregon.

Oregon began offering remote interpreting services for spoken languages (almost entirely for Spanish) via telephone in 2002. These services were upgraded and broadened using Rausch interpreting equipment in 2004 resulting in a savings of \$290,432 in the states travel costs from the year 2004 through 2007 (Oregon Judicial Department, Court Interpreter Services, 2008, p. 24). Today, Oregon maintains a centralized scheduling department. They use remote interpreting mainly for time sensitive matters like in-custody arraignments and ex parte motions for restraining orders. The interpreter schedulers work with the local court to identify the best solution for the court hearing. Oregon has found it difficult to provide remote services for “out of court” or “in the hall” communications and attorney-client confidential communications (Mills, 2010).

In 2007, the Ninth Judicial Circuit Court in Florida began using the BIAMP audio flex product for remote interpreting (Benefiel, 2010). This product allows the interpreter to control the audio via a touch tone phone or by using computer software to control the direction of the call to the courtroom, non-English speaker, or for private communications between the non-English speaker and his/her attorney. In Florida, remote interpreting is mainly accomplished via staff interpreters. Since January, 2008, the Ninth Judicial Circuit court has seen a 16% reduction in contractual service expenditures.

Many courts in Minnesota have followed other states and purchased BIAMP audio products. These systems operate essentially the same as the system used in the Ninth Judicial Circuit in Florida. In the 7<sup>th</sup> and 8<sup>th</sup> districts in Minnesota, the equipment has been in use since

2009. The first, fourth, and tenth districts have recently installed remote interpreting equipment because of the benefits the technology offers:

- Ease of use;
- Sound clarity;
- Ability for the non-English speaker and attorney to communicate in a confidential setting; and the
- Ability for the interpreter to use a simple touch tone telephone keypad. (If the interpreter is on the network, DaVinci software can be used on the computer in lieu of the interpreter's touch tone telephone keypad to control the movement of the audio.)

The BIAMP enhanced audio system is currently being piloted in Carver County, Minnesota. Bail hearings were the first sessions conducted using the new technology and a remote interpreter. The hearings took place in October and November, 2010. The initial hearing was conducted without the use of ITV. Subsequent hearings took place with and without ITV using a staff certified interpreter from the Fourth District. Surveys were developed for this pilot project. Unfortunately, to date, there has not been enough information collected to present in this paper.

It is also worth noting that European courts are experiencing similar challenges to that of US Courts. An International Symposium was held February, 2011 for the EU (European Union) project AVIDICUS – 'Assessment of Videoconference Interpreting in the Criminal Justice Services' to disseminate its findings of research it conducted on videoconference and remote interpreting in legal proceedings. The symposium was held to discuss how judicial services throughout Europe are currently implementing videoconference technology to facilitate communication at all stages of legal proceedings and offer a potential solution for current

problems relating to obtaining qualified interpreters (International Symposium: Video and Remote Interpreting in Legal Proceedings).

### MINNESOTA POLICY CHANGES

As a result of the Minnesota Judicial Branch efforts to expand the use of remote interpreting, court interpreter policies required modifications. In November 2009, the Minnesota Judicial Branch posted revised draft remote interpreter policies for public comment. The branch received a significant number of comments from judges, attorneys, court employees, interpreters and interpreter associations. Comments included support and opposition to the policy proposals.

The supporting themes included:

- Greater access to qualified interpreters;
- More cost effective utilization of interpreters; and
- Greater efficiency of the interpreter.

The main themes opposing the policy changes for remote interpreting included:

- Quality of the interpreting services will be diminished (the interpreter cannot see visual cues, cannot incorporate cultural signals regarding the age or stature of the individual, and the inherent difficulty of remote interpreting negatively impacts the accuracy and quality of the interpretation);
- There would be a systems impact (e.g., more costly, shifting of costs to our court partners, interpreters would be unavailable to assist non-English speaking persons in navigating the courthouse) (State Court Administrator's Office, 2009);
- Interpreters would have inadequate preparation (i.e. no access to court documents to orient them to the case at hand);

- Technology used is sub-standard, not accessible, or inadequately operated, and its installation and maintenance is expensive; and
- Negative impact on the attorney-client relationship.

(Minnesota Court Interpreter Program, 2010)

A concern not noted above but one that has been suggested by some interpreters is that there are languages that are not conducive to remote interpreting. From the literature review, no evidence could be found to suggest that there are any languages that are not conducive to remote interpreting. Instead, the research indicates that the difficulty of interpreting, whether it's in-person or remotely, lies in the qualifications of the interpreter. To be fully competent in all situations a foreign language interpreter should possess:

(1) Strong language skills in both English and the foreign language, including knowledge of legal terminology and idiomatic expressions and slang;

(2) Interpreting skills in the three basic modes of interpreting (consecutive, simultaneous, and sight translation), including highly developed short-term memory skills to “allow the interpreter to listen, understand, memorize, interpret, and speak all at the same time,” as well as experience in determining the appropriate mode to use in particular courtroom situations; and

(3) An understanding of ethical and professional standards and how to apply those standards in a courtroom setting.

The high level of skills needed for court interpretation greatly hinders the ability of courts and judicial systems throughout the country to locate and retain the services of qualified court interpreters (Conference of State Court Administrators, 2007, pp. 5-6).

The research did suggest when telephone interpreting should be avoided (Cruz, et al., 2009, pp. 2-3). Remote interpreting should be avoided in cases involving the hard of hearing, the

elderly, or those struggling with mental illness. In these instances, telephone interpreting can be too confusing. Remote interpreting should also be avoided in some cultures where telephone interpreting can be associated with a traumatic or inappropriate situation. Cambodians have associated the unknown voice of a telephone interpreter with brainwashing sessions carried out by the Khmer Rouge. In these instances, telephone interpreting should be avoided. If no local interpreter is available, extra time is necessary to explain to the non-English speaker that the remote voice belongs to an impartial, unbiased interpreter who is helping to enable the parties to communicate during the hearing.

In addition to the comments and concerns noted above, the literature review expanded on items courts should contemplate when considering and/or implementing remote interpreting:

- Remote simultaneous interpreting can be a challenge. The ability to interpret simultaneously is not necessarily difficult to acquire (NAJIT). On the other hand, there are no more than a few thousand accomplished simultaneous interpreters in the world (judging from numbers of members in professional associations, the difficulty in finding good interpreters in rarely used languages, and the failure rate on interpreter examinations). This fact suggests that simultaneous interpretation is not an easy task. The difficulty in any given situation depends on the conditions: the nature, complexity and speed of the speech, diction, acoustics, the interpreter's ability and familiarity with the material, etc.
- Some interpreters might be incapable of remote interpreting. Getting used to technology can be very difficult for some. Aside from managing the technology, a very high level of skill and unique talents are required for competent interpreting in court and other legal settings (Hewitt, Telephone Interpretation: Options in Accessing

Justice, 1999, pp. 1-6). Simply being bilingual is not enough. The interpreter may lack the ability to render into the target language what they heard in the source language; and/or they may lack the well developed short term memory skill required to accurately and completely remember what has been said. Court interpretation is a highly specialized form of interpreting. Court interactions are at a significantly higher level of difficulty compared to conversational language (Conference of State Court Administrators, 2007, pp. 5-6). Because of this difficulty, a higher degree of familiarity with legal jargon and procedures is necessary for a successful interpretation of the court proceedings. These are problems inherent in both in-person and remote interpreting.

- Technology concerns should be addressed as they relate to sub-standard, inadequately operated, malfunctioning equipment, and the inability of some equipment to allow for simultaneous interpreting.
- The lack of visual cues for the interpreter can hamper a successful interpretation. Unless using video remote interpreting, interpreters may express concerns with a lack of visual aids or non verbal cues for the interpreter to understand what is happening and being said in court and to the participants themselves. This may be more or less significant depending on the qualifications of the interpreter and may require extra effort by all of the court participants to maximize the audibility and intelligibility of the spoken communications. Many in-person interpreters work without visual cues in that they do not receive copies of court documents. Depending on the skill level of the interpreter, this may be a disadvantage.

- Fatigue of the interpreter will need to be monitored, especially when asking interpreters to handle many cases back to back. Some ideas for successfully managing the fatigue issue may include: regular breaks, working with another interpreter, and limitations on the length of time one can reasonably expect to interpret by phone.
- Keeping quality interpreters available and practicing in the field means that compensation rates must be protected. The rates must make it possible and reasonable for the interpreters to schedule their time and make a living in the profession.

### **SURVEYS**

The following studies and pilot projects have been instrumental in helping to identify issues, concerns, and lessons learned.

In August 2002, the Telephonic Certified Court Interpreter Regional Consortium Project published an evaluation of a pilot project on telephone court interpreting in New Mexico, Colorado, Utah and Arizona.

The goal of the project was to test the feasibility of remotely providing simultaneous interpreting services to the above courts using the telephone and technology developed by The Rauch Companies (Clark & Gottlieb, 2002, pp. 2-3).

As a result of this project, several key elements were identified:

- It is important to establish a scheduling system that is quick and easy to schedule events and confirm availability.
- Technology for telephone interpreting in simultaneous mode is a reasonable and very cost effective alternative to bringing in interpreters from far away and is much preferred to using non-certified interpreters or unqualified court personnel.

- When implementing remote interpreting, administrators should select courts that are ripe for remote interpreting such as rural courts with a fair number of non-English speaking residents.
- The system will work only if there is a proven need.
- Interest and commitment of administrators and judges are crucial to the programs' success.
- A staff interpreter is the best solution for most interpreter events, especially when there are emergent events. Using the Rauch technology, the interpreter must have access to a sophisticated and fairly expensive console. This equipment may be cost prohibitive for a non-staff interpreter.

In the mid 1990's, the New Jersey Administrative Office of the Courts conducted a pilot telephone interpreting project to determine the feasibility of using remote interpreting. The interpreters used during the pilot were Spanish speaking staff interpreters. They concluded that court telephone services can be efficient and effective as long as:

- The equipment at both ends of the line is adequate;
- The process is explained to the parties and the interpreter;
- The proceedings are relatively short; and
- The service is made available for confidential communications between the attorney and non-English speaker.

(Hewitt, Telephone Interpretation: Options in Accessing Justice, 1999, pp. 1-6)

The National Center for State Courts conducted a pilot study of remote telephone interpreting in conjunction with Language Line Services in the late 1990's and concluded that key problems existed (Hewitt, Telephone Interpretation: Options in Accessing Justice, 1999, pp. 1-6):

- Audited recordings of a sample of interpreted hearings included some major distortions of meaning by the interpreter.
- Malfunctioning equipment or the failure of the parties to speak so that they were heard clearly through the equipment.
- Unprofessional conduct by the interpreter including: interpreters offering advice, editing statements, answering for the defendant instead of interpreting, summarizing what is said, and engaging in side conversations with the non-English speaker. Some interpreters may engage in these behaviors because they lack education about the proper role of the interpreter or because they lack the skill to interpret correctly and instead may summarize the interpretation.
- Inappropriate conduct by other courtroom participants, including the judge, attorneys and court personnel:
  - Use of third person by judges and attorneys when communicating with the non-English speaker.
  - Speaking too fast for any reasonable opportunity to comprehend what is being said.
  - Speaking for too long without pauses to allow the interpreter to catch up.
  - Using vocabulary or speech styles that are very difficult to understand or interpret (double negatives, highly complex sentence structure, unusual technical terms or professional jargon with no explanation).
  - Allowing two people to speak at one time.
  - Failure of the judge/courtroom staff to keep parties within audibility range of the equipment.

- Mumbling or very soft-spoken speech.

According to the literature review, most US courts are going to be facing some significant budget shortfalls in the coming years while at the same time they are going to be challenged to provide interpreting services to an increasing population of non-English speakers. Surveys for this paper were developed to capture information on remote interpreting and, in turn, will be used to make recommendations for the improvement of remote language interpretation in the Minnesota courts.

## V. METHODOLOGY

Four unique surveys were used to collect data for this project: 1) a multi-state survey of court interpreter coordinators, 2) a Minnesota judge survey, 3) a Minnesota court administrator survey, and 4) a Minnesota certified interpreter survey. All of the surveys were pre-tested and modified several times prior to distribution. In addition, several individuals reviewed the questions for intelligibility and appropriateness for the intended audiences. All four surveys were delivered via email on September 15, 2010 through zoomerang.com, an online survey company. The surveys closed on October 1, 2010. The surveys can be found in their entirety in the appendix.

### MULTI-STATE SURVEY

The multi-state survey consisted of twelve questions and was distributed to all of the members of the Consortium for Language Access in the Courts (Consortium). The Consortium's website contains a listing of 40 individuals representing those states that are a part of the Consortium. This group was chosen to complete this survey because of its knowledge about interpreters and the national perspective it holds. A multi-state survey was used to determine how Minnesota compares with other states in relation to its use of remote interpreting. The survey asked questions such as how many states use remote interpreting and if any use specialized equipment. Additionally, a question was asked about any upgrades courts might be planning for their remote interpreting equipment. Fifteen states responded to the survey for a response rate of 38%.

### MINNESOTA JUDGE SURVEY

All 289 Minnesota district judges were surveyed for this project. There were 115 surveys returned for a response rate of 40%. The judges were surveyed to get their feedback on the use of remote interpreters and to ask if they felt that remote interpreting provided equal access to justice. Although it is recognized that some Minnesota judges use remote interpreters for case types other than traffic, criminal, and juvenile, this survey was limited to these specific case types. The reason the survey focused on these case types was based on the higher demand and more immediate need for interpreter services. Any future survey on remote interpreting should clarify in the beginning of the survey what case types the survey is focusing on. Several recipients were confused as to why the survey focused on the criminal, traffic and juvenile case types and not on family and civil. There were initially twelve questions in this survey. However, administrators and professionals who reviewed the instrument suggested that the questions be reduced in number to encourage a positive response rate. Therefore, the number of questions was reduced to six.

#### MINNESOTA COURT ADMINISTRATOR SURVEY

Although there are 87 counties in Minnesota, many court administrators serve more than one county. Therefore, only 55 surveys were distributed to Court Administrators. There were 40 surveys returned for a response rate of 73%. The actual county response rate is much higher when one considers that the 40 surveys returned contained responses from 75 counties representing a county response rate of 86%. Court Administrators were either asked to complete the survey themselves or forward it to an interpreter coordinator in their county, if one existed. The survey consisted of questions about the types of remote interpreting equipment used by their courts and how well it functions. The court administrator survey, by far, was the most

encompassing survey administered. The Court Administrators were selected for this survey because of their wealth of knowledge and daily interactions with judges and interpreters.

#### MINNESOTA COURT CERTIFIED INTERPRETER SURVEY

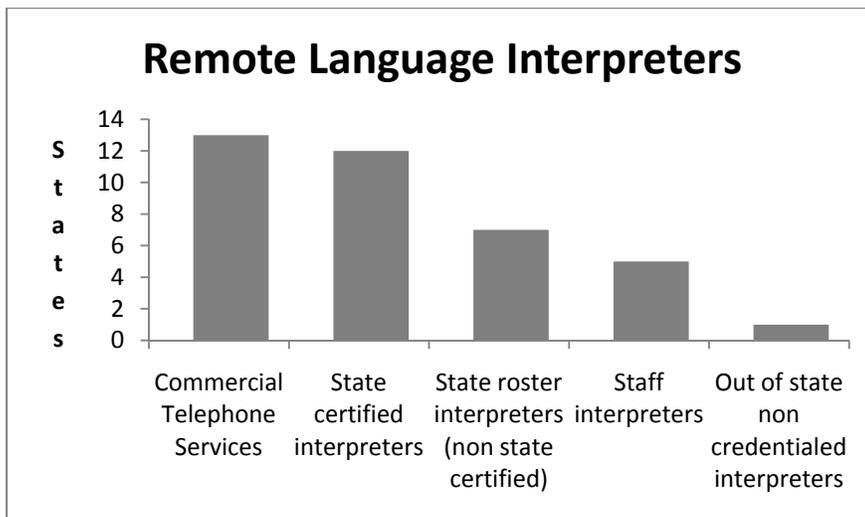
The Minnesota court certified interpreter survey was sent to all 81 certified interpreters listed on the Minnesota court interpreter roster. A total of 41 surveys were completed for a response rate of 51%. Certified interpreters were selected as the recipients for this survey because of their experience in the Minnesota court system. In addition, because Minnesota Court Rule 8 requires the court to first try to obtain the services of a Minnesota Court Certified Interpreter, it was felt that this group could offer some very valuable insight and feedback for this project. An additional goal was to identify interpreter opinions and concerns on remote interpreting and the top three major challenges they saw facing remote interpreting in the Minnesota courts. One question that should have been included in the survey was whether Minnesota certified interpreters would be willing to interpret remotely for the Minnesota courts. Without that question and based on the survey responses, it appeared that there would be a limited number of interpreters who would be willing to interpret remotely. Instead, as part of a pilot being conducted in Carver County, Minnesota, it was found that there were many certified interpreters who are interested in receiving training to interpret remotely.

There were no problems encountered in the delivery of the surveys. However, a suggestion for future work would be to allow more accommodations for those who want to comment throughout the survey. Instead, several comments were received via email and these could have been better captured within the survey itself.

## VI. FINDINGS

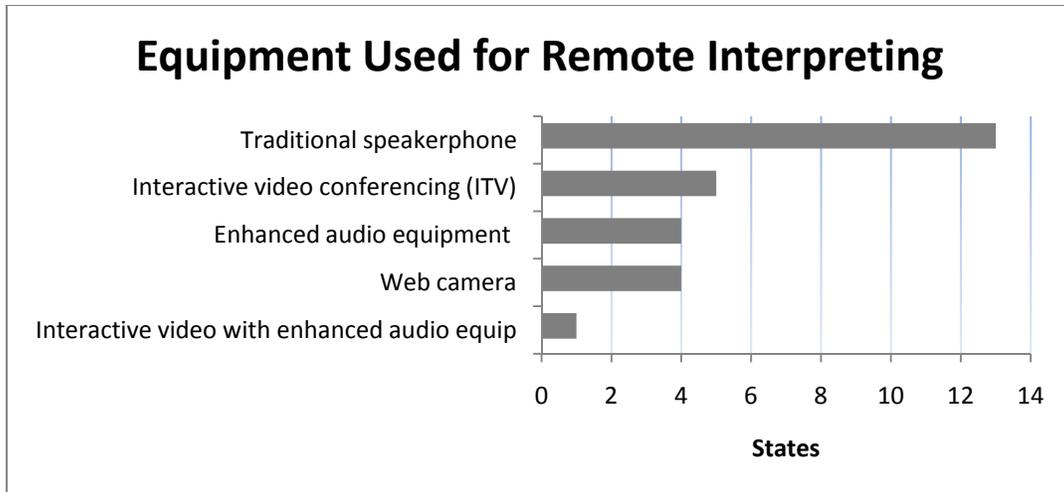
### MULTI-STATE SURVEY

There were 15 states that responded to the survey. All of the individuals that responded to the survey were personnel in the State Court Administrator's Office. Most of the states responding to the survey acknowledged that they use remote interpreters for hearings in their state. The majority of those responding to the survey reported using a mix of commercial telephone services and in-state certified interpreters for their remote hearings.



**Figure 4 Types of Interpreters Used by States for Remote Interpreting**

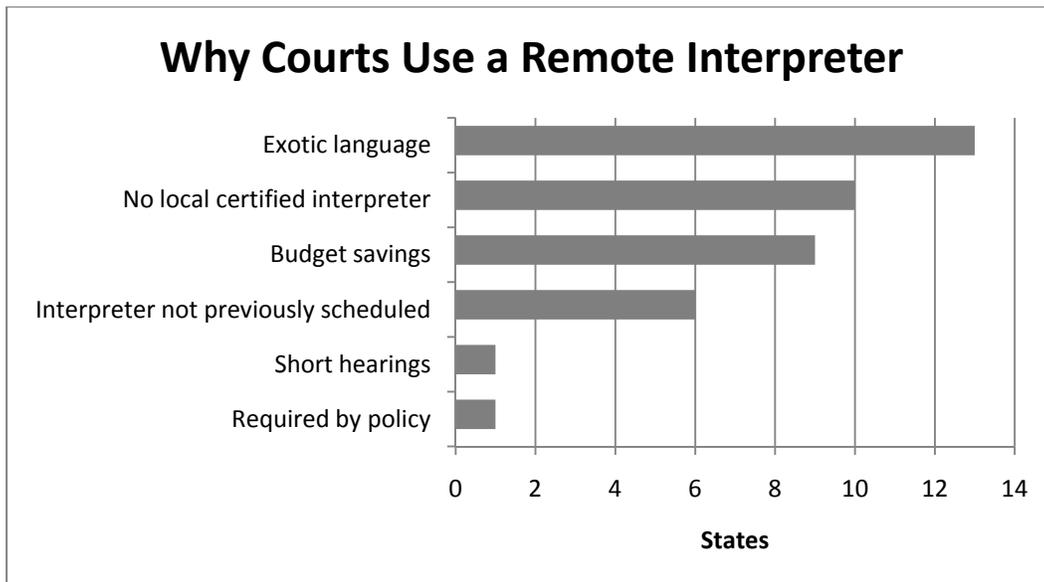
The majority of the states surveyed use a traditional speakerphone for remote interpreting, but several states indicated they use interactive television and enhanced audio equipment.



**Figure 5 Type of Equipment Used for Remote Interpreting**

The top three reasons that most states use a remote interpreter are:

- They need an interpreter for an exotic language;
- There is no local certified interpreter available; and
- For budget savings.



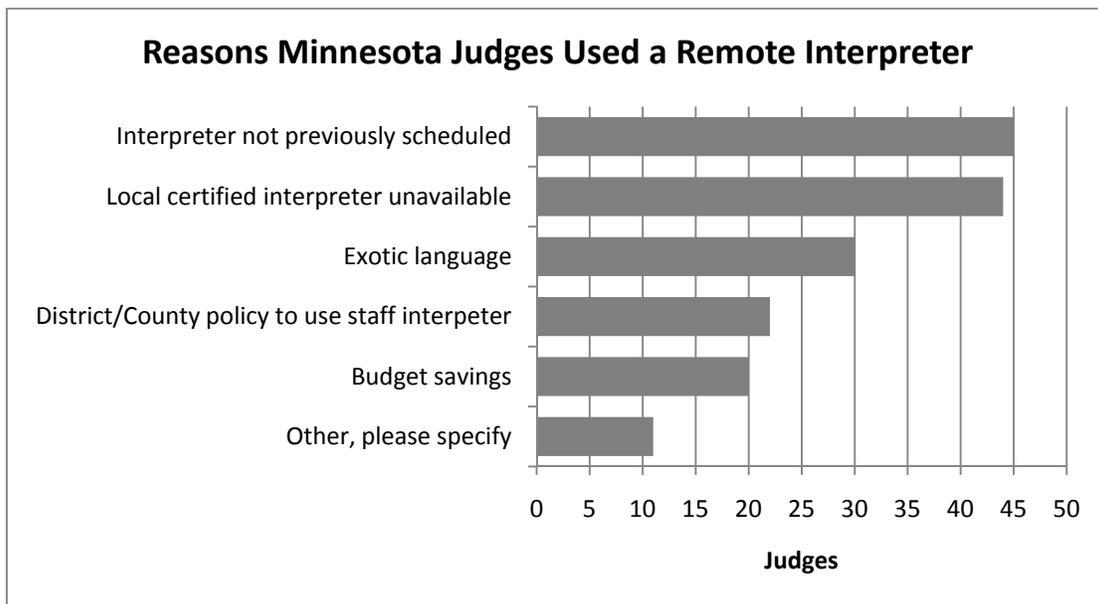
**Figure 6 Reasons Courts Use a Remote Interpreter**

Only five of the states responding to the survey indicated they have a written remote language interpreter policy. The states were asked whether they had plans to upgrade their remote interpreting technology. Nine states responded that they were looking at options to upgrade to a more interactive technology such as ITV or enhanced audio equipment. Others were in the process of studying viable alternatives to their existing equipment.

MINNESOTA JUDGE SURVEY

Of the 115 judges that responded to the remote interpreting survey, 59 stated that they had used a remote language interpreter in their courtroom previously. Judges were asked to select the reasons why they had used a remote interpreter. The top three reasons identified were:

- When a need arose for an interpreter who was not previously scheduled;
- When there was no local certified interpreter available; and
- When an interpreter for an “exotic” language was needed.

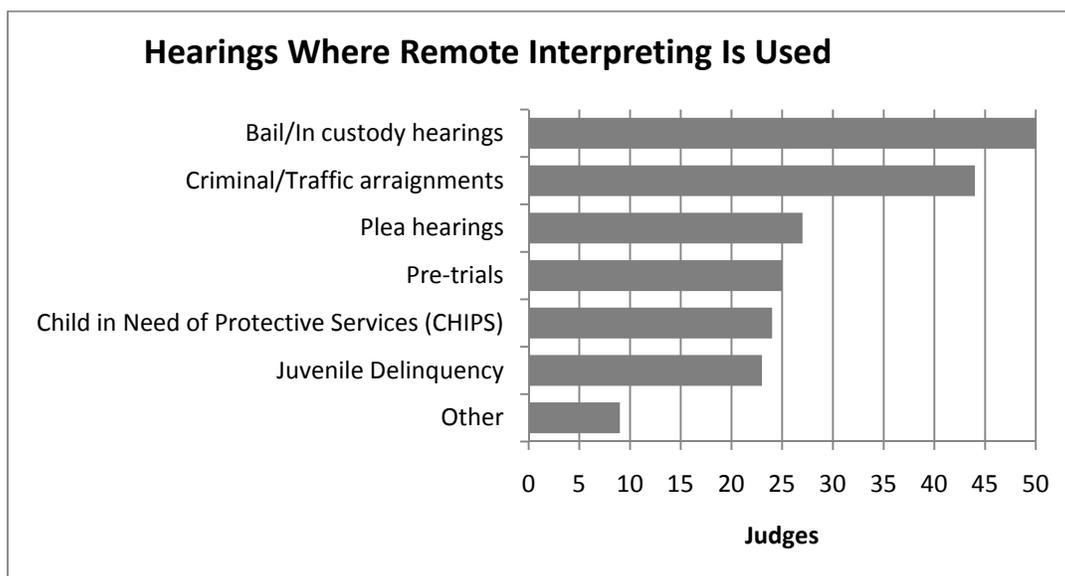


**Figure 7 Reasons Minnesota Judges Have Previously Used a Remote Interpreter**

The survey found that judges use remote interpreting most often for:

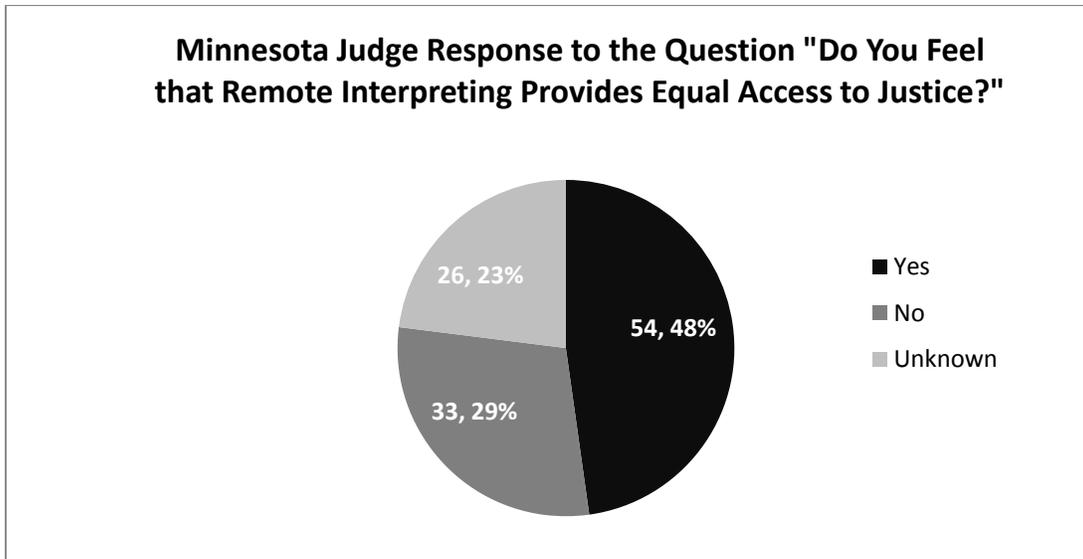
- Bail and in-custody hearings;
- Criminal/traffic arraignments; and
- Plea hearings.

Several judges did, in fact, respond that they have used a remote interpreter for orders for protection hearings, eviction hearings, and for many other civil/family case type court events with the exception of evidentiary hearings and trials.

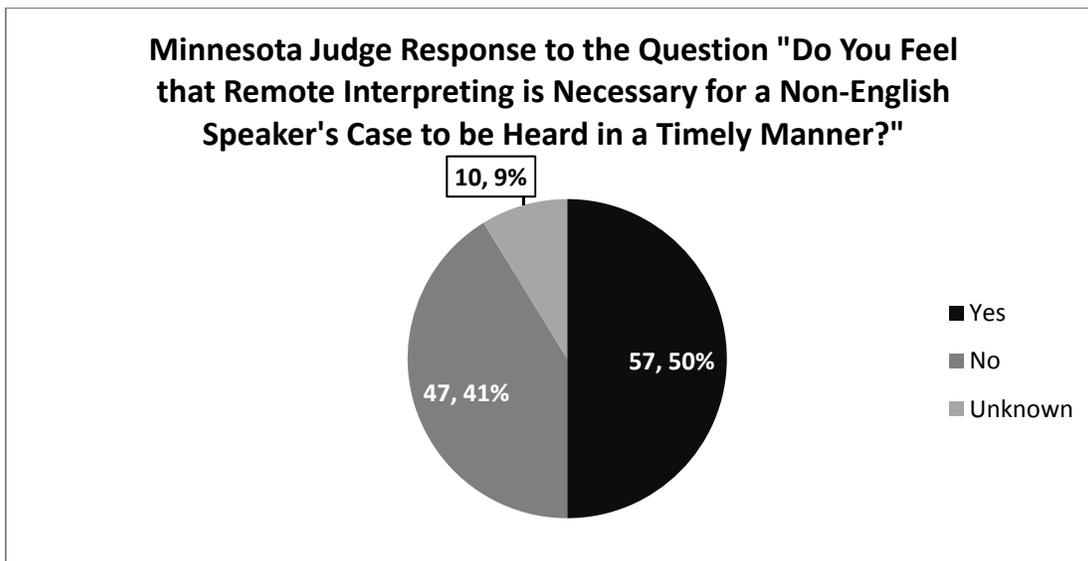


**Figure 8 Types of Hearings Where Remote Interpreting is Used**

Minnesota judges were asked their opinion on whether they felt that remote interpreting provided for equal access to justice. Just under half of the judges who took the survey responded that they felt remote interpreting did provide for equal access. Judges were also asked if they felt that the use of a remote interpreter was necessary for a non-English speakers' case to be heard in a timely manner. Fifty percent of the judges that responded replied "Yes."



**Figure 9 Judge Response to “Do You Feel that Remote Interpreting Provides Equal Access to Justice?”**



**Figure 10 Judge Response to “Do You Feel that Remote Interpreting is Necessary for a Non-English Speaker’s Case to be Heard in a Timely Manner?”**

Some general comments shared by the judges included a comment that remote interpreting was superior because there was less noise in the courtroom. One judge responded that remote interpreting was the only realistic way to provide an interpreter in their county.

Another response came with a resounding yes to the question that remote interpreting was necessary for a non-English speakers case to be heard in a timely manner and included the following comment,

That is usually why we use remote interpreting: to get someone in court in a timely manner so we can consider conditions of release or otherwise protect their rights. So it's sometimes necessary to use remote interpreting on short notice, and I think when it's done it's because it is more timely, thereby protecting the rights of the individual as well as to comply with time constraints for the court, than having to wait for "in-person" interpretation.

Finally, another judge made the following comments,

Indeed, without use of telephone interpreters many people would languish in jail for many days until an "in-person" interpreter could be obtained, and, then, at a considerable expense. We are forced by the time limitations of the rules to hold hearings within a specified time. If we did not use a telephone interpreter, we would be well beyond the "time limits" set by the rules. With the budget "crisis"...I see no alternative to the use of telephone interpreters. Until such time as someone can demonstrate how a telephone interpreter "denigrates" the proceedings, I will continue to employ them.

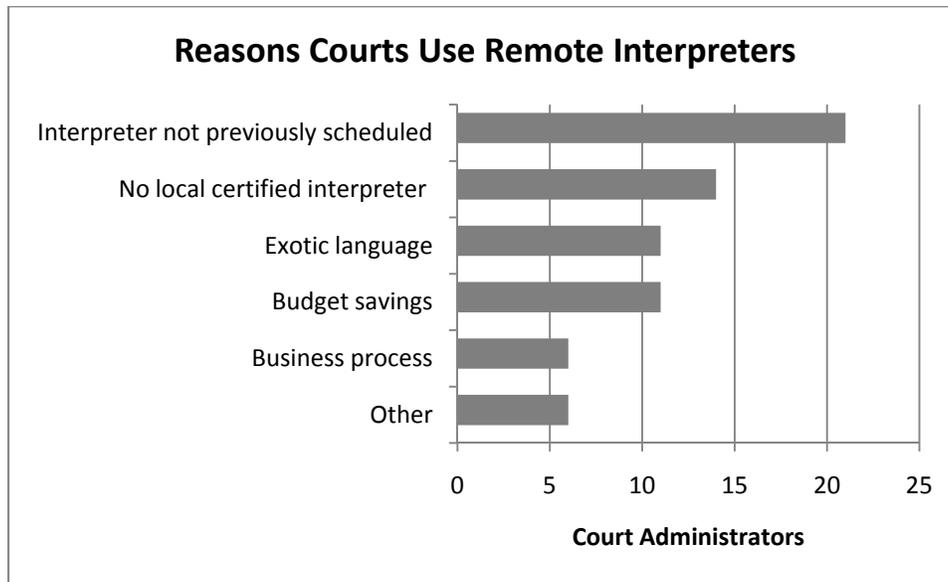
#### MINNESOTA COURT ADMINISTRATOR SURVEY

Of the court administrators that were surveyed, 56% responded that their court uses a remote interpreter for court hearings. This number is similar to the judge survey where over half of the judges responding to the survey had reported that they had used a remote interpreter in their courtroom. Of the responses received, 69% of the administrators stated they had been using remote interpreters for five years or more.

According to court administrators, Minnesota courts use remote interpreters for a number of reasons:

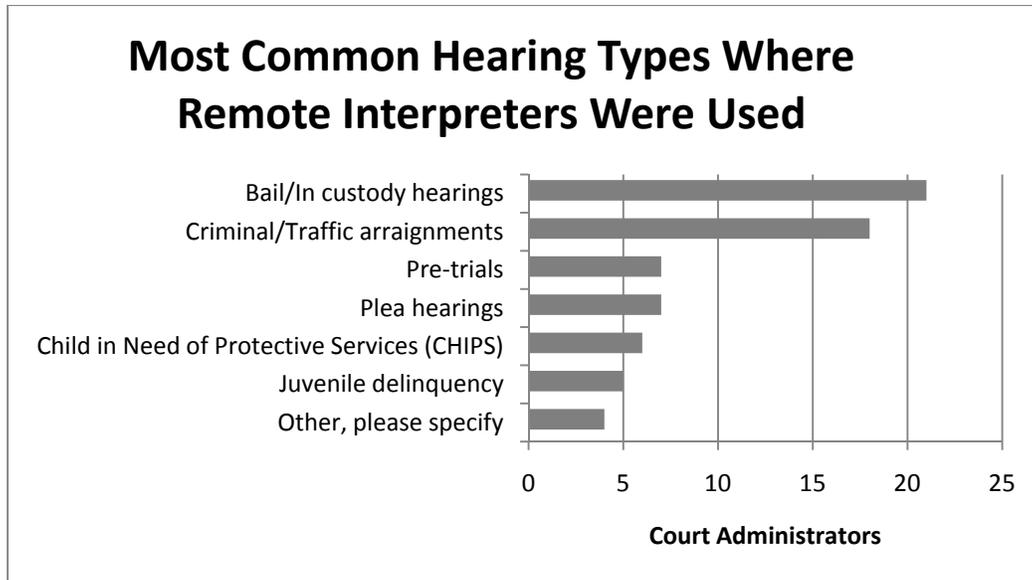
- When an interpreter was not previously scheduled;
- When a local certified interpreter was not available; and
- For an exotic language.

In the “Other” category, one response indicated that a remote interpreter was used during inclement weather.



**Figure 11 Most Common Reasons Courts Use Remote Interpreters According to Court Administrators**

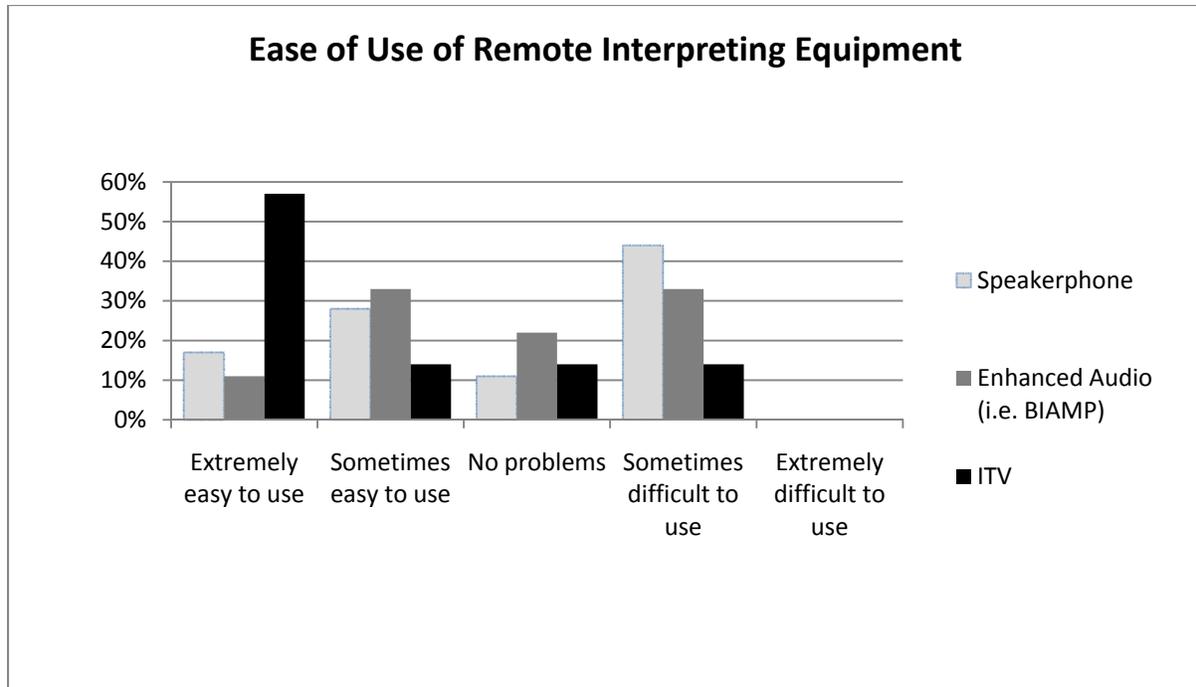
The court administrators’ responses to the most common hearing types where a remote interpreter was used mirrored that of the judges, indicating that the courts in these counties are using remote interpreters mainly for sensitive hearings that are short in duration, last minute or time sensitive, such as bail hearings and arraignments.



**Figure 12 Most Common Hearing Types Where Remote Interpreters Were Used According to Court Administrators**

Of those court administrators that replied that their courts use a remote interpreter, over 19 stated they use a traditional speakerphone for the interpretation. Eleven stated they use enhanced audio equipment to assist with the interpretation. Five use interactive television with or without enhanced audio equipment.

The court administrators were asked to rate the ease of use of the three types of equipment used for remote interpreting. A 5-point Likert scale was used to capture this information and ranged from “extremely easy to use” (1) to “extremely difficult to use” (5). The responses returned ranged from “extremely easy to use” to “sometimes difficult to use.” There were no responses indicating the equipment was “extremely difficult to use.”



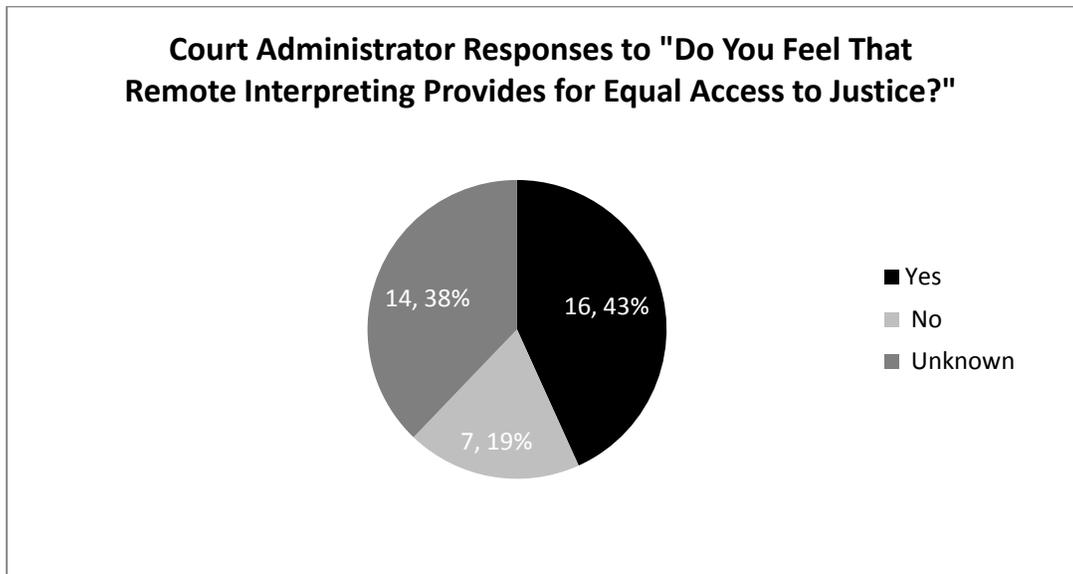
**Figure 13 Ease of use of Remote Interpreting Equipment**

Court administrators were asked if the technology that supports remote interpreting provides for confidential communications between the non-English speaker and attorney. Of those responding, 60% indicated that their equipment does support confidential communications.

Court administrators also were asked whether they use Language Line Services in the courtroom. Sixty-one percent responded that they, in fact, use Language Line Services. Further, those court administrators who responded were asked if they always trust the skills of the remote interpreter from the telephone interpreter agency to interpret court information accurately. Over half responded negatively to this question.

Court administrators were asked whether they felt that remote interpreting provides for equal access to justice. Of the 37 responses received, 43% responded favorably to this question, while 19% responded no. Thirty-eight percent responded that they did not know. Additionally, court administrators were asked if their court has sufficient access to local state roster

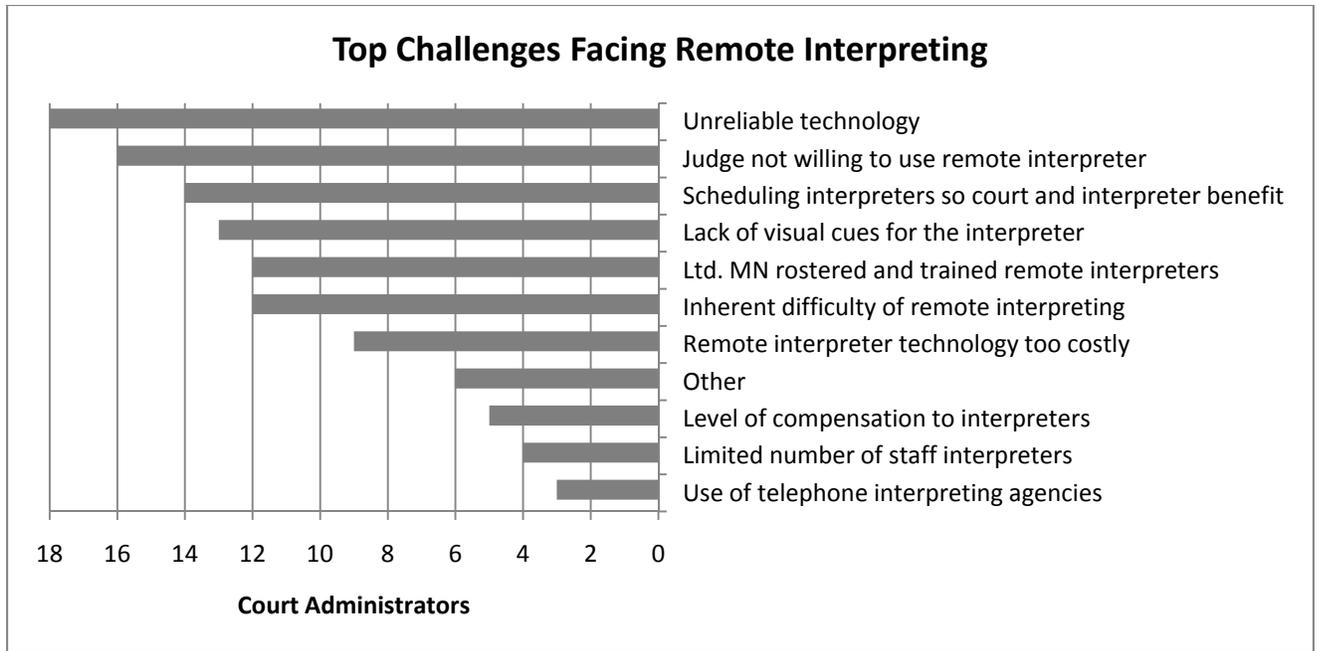
interpreters. Out of 40 responses, 31 stated they felt they had sufficient access to local state roster interpreters.



**Figure 14 Court Administrator Responses to "Do You Feel that Remote Interpreting Provides Equal Access to Justice?"**

Finally, court administrators were asked to identify the top three major challenges they saw facing remote interpreting in their court. The top three challenges included:

- Unreliable technology;
- Judge not willing to use a remote interpreter; and
- Scheduling the interpreter so that both the court and interpreter benefit.



**Figure 15 Top Three Challenges Facing Remote Interpreting**

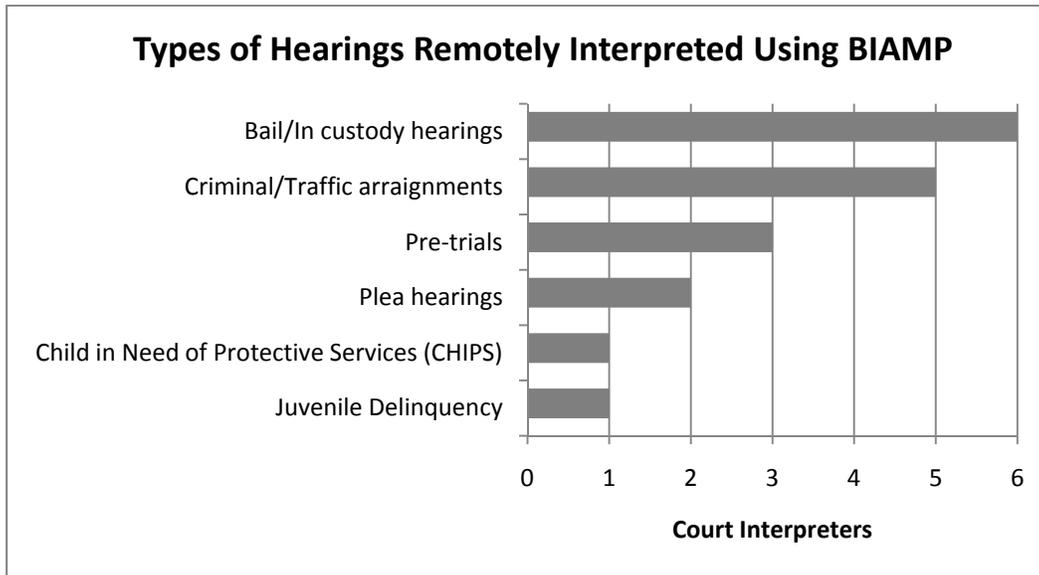
#### MINNESOTA COURT CERTIFIED INTERPRETER SURVEY

The Minnesota court certified interpreter survey was sent to 81 individuals. There were 41 responses received for a response rate of 51%. Of those received, 31 responses were completed by Spanish court certified interpreters. Over 35 of those surveyed have been interpreting for the Minnesota courts for five years or more.

As several courts in Minnesota have either installed or are installing BIAMP audio enhanced equipment, interpreters were asked if they had ever used BIAMP equipment when interpreting remotely for a Minnesota court. Fourteen responded that they had used BIAMP enhanced audio equipment.

Interpreters were asked to select all of the hearing types for which they have interpreted remotely using BIAMP equipment. The majority responded that they have used BIAMP most often in bail and in-custody hearings followed by criminal/traffic arraignments. This is consistent with how judges and court administrators responded to this question. Interpreters also

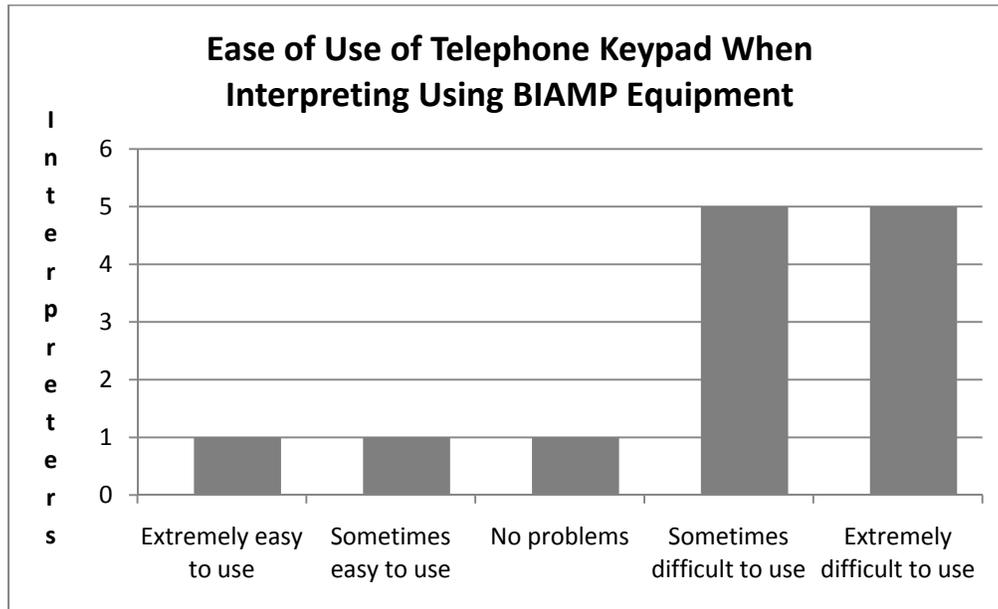
responded that they have used BIAMP equipment for other miscellaneous criminal hearings, civil and family hearings, conciliation court cases, immigration court, and civil commitment hearings.



**Figure 16 Types of Hearings Remotely Interpreted Using BIAMP Audio Equipment**

Next, Minnesota court certified interpreters were asked to rate the ease of use of the BIAMP equipment. A 5-point Likert scale was used to capture this information and ranged from “extremely easy to use” (1) to “extremely difficult to use” (5). Of the 13 responses received, ten interpreters responded that the equipment was “sometimes difficult” or “extremely difficult to use.” These responses contradict the Court Administrator response which reflected that the equipment was easy to use. However, it should be noted that court administrators and the interpreters are viewing the equipment from a different perspective. From the court administrator perspective, if the interpreter equipment is functioning properly in the courtroom, then the court administrator work during the call is limited. The interpreter controls the switching of the channels by using his/her touch tone phone. The interpreter, essentially, has two

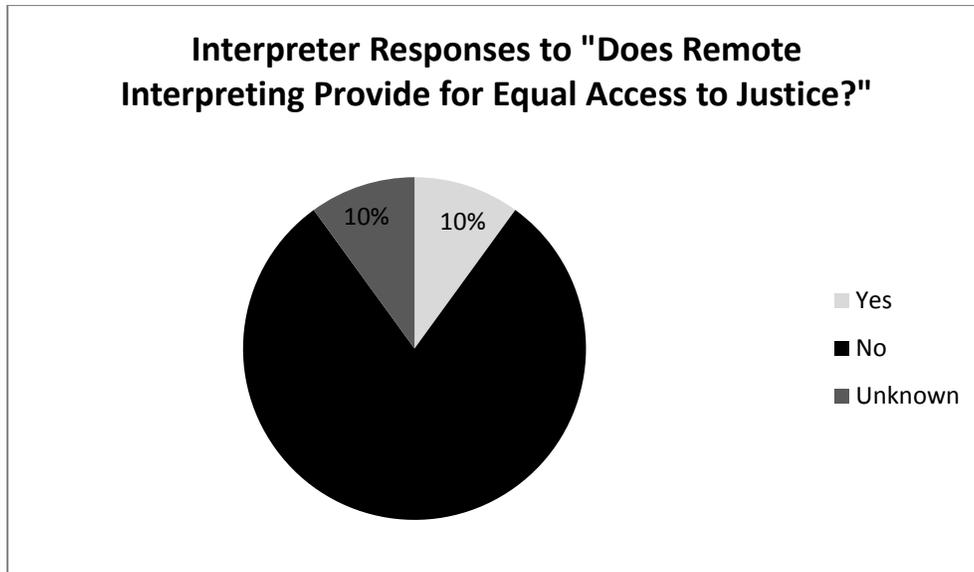
tasks during the interpretation: to interpret and switch between the proper channels on the interpreter equipment.



**Figure 17 Ease of Use of the Telephone Keypad When Using BIAMP**

Next, the interpreters were asked for their opinion about the preferred equipment for remote language interpreting. The majority of those responding selected “unknown” followed by interactive television with enhanced audio equipment.

The interpreters were also asked if they felt that remote interpreting provided for equal access to justice by providing the non-English speaker more timely access to an interpreter. Of the 40 responses received, over 80% responded that they felt remote interpreting did not provide equal access to justice. Again, the interpreters’ perspective differed from the judges and court administrators.



**Figure 18 Interpreter Responses to "Does Remote Interpreting Provide for Equal Access to Justice?"**

Certified interpreters were asked if they felt there were unique qualities or skills that an interpreter should possess in order to interpret remotely. Out of 41 responses, 25 stated yes, five stated no, and eleven stated unknown. If the interpreter responded yes, they were asked to list the qualities or skills that an interpreter should possess. The following table includes the responses (comments are summarized into categories):

Ability to maintain concentration and focus
Ability to multi-task
Ability to overcome the fear of missing crucial information
Ability to speak up when problems occur or quality is compromised
Certification
Cultural awareness
Endurance
Excellent hearing
Experience doing remote interpreting
Experience with the equipment
Familiarity with court where remote interpreting will take place
Good listening skills
Good understanding of the source and target language
Honesty
Imagination because body language is missing

Loud voice
Native ability in both languages
No accent
Patience and high tolerance of frustration
Proficient and well versed with terminology
Same qualities as interpreting in person
Self confidence
Very good skills on all three modes of interpretation
Well trained

**Table 4 Special Qualities or Skills Interpreters Should Possess**

The literature review suggested that telephone interpreting should be avoided in some cultures where telephone interpreting can be associated with a traumatic or inappropriate situation (Cruz, et al., 2009, pp. 2-3). Therefore, interpreters were asked whether there were languages that should not be interpreted remotely. Sixty-eight percent of the responses indicated they were not aware of any languages that should not be interpreted remotely. Of those responding “yes” to this question, the comments received included:

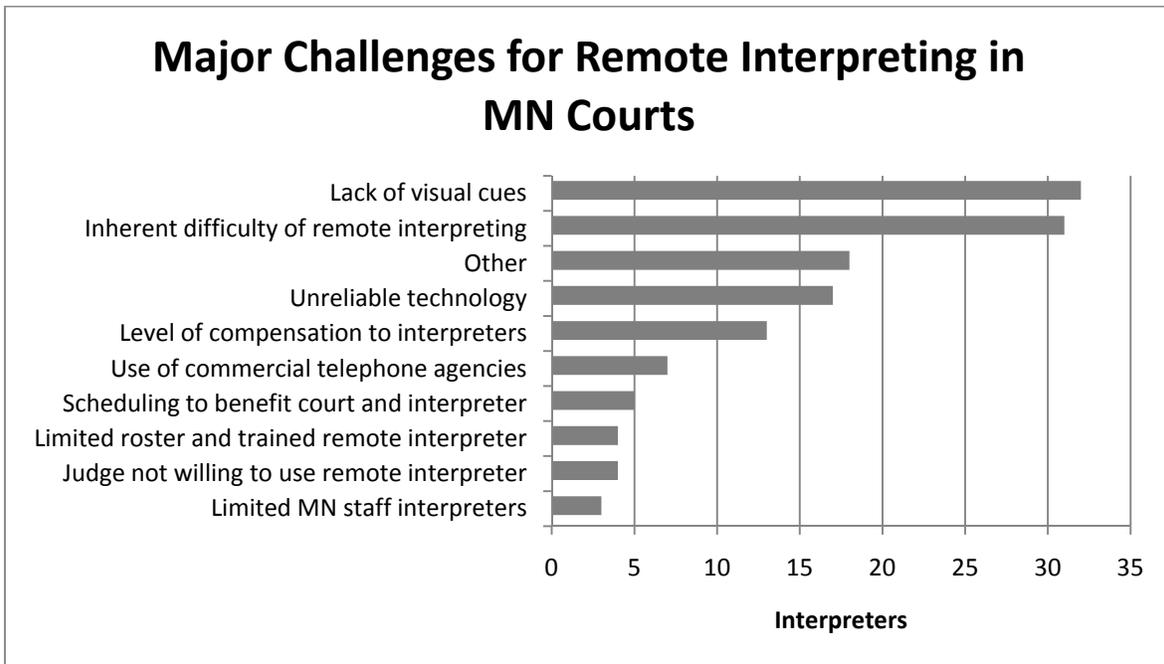
- Remote interpreting should not be used in any case where there is a local certified interpreter available.
- There shouldn't be any language singled out and labeled as able to be interpreted remotely while another isn't.

Finally, interpreters were asked to select the top three challenges they saw facing remote interpreting in the Minnesota courts. The top three challenges included:

- Lack of visual cues for the interpreter;
- Inherent difficulty of remote interpreting; and
- “Other”

The “other” category contained a significant number of comments including:

- Lack of confidentiality.
- There are interpreters available to assist at any time [onsite].
- Unwillingness of the court to provide information to the interpreter.
- Lack of coordination by some courts in calling the interpreter at the appointed time.
- Lack of equal access to the court for Limited English Proficient (LEP) individuals.



**Figure 19 Major Challenges for Remote Interpreting in the MN Courts**

## VII. CONCLUSIONS AND RECOMMENDATIONS

This paper examined remote language interpreting in the Minnesota courts. Listed below are conclusions and recommendations that resulted from this research.

**CONCLUSION 1: Remote interpreting should be avoided when individuals are hard of hearing, elderly or are struggling with mental illness.**

The literature review suggested certain hearings where remote interpreting should be avoided because of the confusion and difficulty inherent with remote interpreting. They include hearings involving the hard of hearing, the elderly, and those struggling with mental illness.

**RECOMMENDATION 1: Courts should use a Minnesota certified interpreter on-site whenever possible to interpret for the hard of hearing, the elderly, and those struggling with mental illness.**

Remote interpreting could unduly complicate the court proceeding for these groups. In order to limit any unnecessary complications, courts should use an on-site interpreter whenever possible.

**CONCLUSION 2: The Minnesota Judicial Branch's budget could see significant cuts as a result of the budget crisis looming in Minnesota.**

The State of Minnesota is facing a budget deficit of over \$5 billion in fiscal years 2012-2013. The Minnesota Judicial Branch is expecting significant cuts to its budget as a result. In fiscal year 2010, interpreter costs for the judicial branch were over \$3 million. The courts must look for ways to control interpreter costs while providing a quality service to its non-English speakers.

**RECOMMENDATION 2: Courts should perform a cost/benefit analysis on processes or changes that could reduce or stabilize the cost of interpreter services.**

**A. Scheduling of Interpreters**

To achieve the greatest efficiencies and flexibilities in the scheduling and ordering of interpreters, it is recommended that courts move towards regionalization or centralization of interpreter scheduling which may:

- Allow courts to maximize the efficiencies of contract, staff, or remote interpreters between locations and reduce costs.
- Provide one central location that maintains all of the data on scheduling interpreters including: where to locate interpreters, requirements of ordering an interpreter, and associated costs; thereby limiting the number of staff who must maintain interpreter information that may be rarely used and most often forgotten.
- Provide an individual whose responsibility and goal lies in controlling and monitoring costs which will help to maximize efficiencies and decrease costs.

**B. Examine Calendar Practices**

Courts should examine calendar practices and look for ways to reduce the number of calendars or sessions in which interpreters are scheduled for the same language. Courts should be making the best use of the interpreter services and cluster cases back to back on the court calendar when possible.

One way to accomplish this would be to set up a calendar that clerks can access to find sessions where an interpreter is currently scheduled.

### **C. Remote Interpreting**

Minnesota courts should expand the use of remote interpreting for hearings short in duration. Remote interpreting can help reduce costs while providing the non-English speaker with a timely service. Courts currently pay a two hour minimum or \$100 for an on-site Minnesota certified interpreter. Those courts, where travel is involved, pay additional hourly rates for interpreter travel time. Costs can be substantial. With remote interpreting and the way the current payment policy reads, a Minnesota certified contract interpreter can be used and the court would only pay for the time the interpreter interprets. Courts can also use staff interpreters to interpret remotely and reduce the travel time of these employees. Carver County has been using a staff interpreter from another district in Minnesota to interpret remotely and has been able to reduce the interpreter event costs by 50%.

### **D. Staff Interpreters**

Counties and/or districts should perform a cost/benefit analysis of hiring a staff interpreter to serve multiple counties or districts. The staff interpreter could work across county and district lines and travel to courts for lengthy hearings while interpreting remotely for shorter hearings. Several benefits could result from this approach:

- Enhance access to justice because courts can assure the hiring of court certified interpreters;
- Reduce travel costs;
- Interpreters would be available for non-court related work such as assisting counter customers and form translations, etc.;
- The interpreter would become more proficient with remote interpreting; and

- The interpreter would become more familiar with the judges and locations and as a result, the level of trust would be increased between all parties.

**CONCLUSION 3: Most courts in Minnesota and around the country avoid using a remote interpreter for hearings that are lengthy in duration or evidentiary in nature.**

Research has suggested that remote interpreting should only be used in hearings short in duration because of the fatigue to the interpreter which may compromise a successful interpretation.

**RECOMMENDATION 3: Courts should limit remote interpreting to short, non-evidentiary hearings.**

Lengthy hearings are exhausting for a remote interpreter and may not be more cost efficient or effective in the long run. The current Minnesota remote interpreter payment policy rate is \$2.25 per minute for a certified interpreter. At 45 minutes it is no longer cost effective to use a remote interpreter because at this point the court would have expended the two hour on-site minimum rate.

Courts that use remote interpreters guarantee a start time for the remote interpreter. Due to this fact, courts must be prompt and begin the hearing when stated or a 15 minute hearing can quickly turn into a 45 minute hearing wherein the remote interpreter rate is no longer cost effective.

**CONCLUSION 4: Courts that have similar remote interpreter equipment will be able to achieve a greater pool of trained interpreters to perform remote interpreting.**

One of the top three challenges for remote interpreting identified by Minnesota certified interpreters was the inherent difficulty of remote interpreting. Expecting interpreters to learn and be able to successfully use a variety of equipment may be unrealistic.

**RECOMMENDATION 4: Minnesota courts should utilize similar remote interpreting equipment.**

Courts utilizing remote interpreting should purchase similar equipment so that interpreters only have one type of equipment or system to learn. This in turn will limit the training necessary for interpreters. Interpreters have stated that there is an inherent difficulty present in remote interpreting. Requiring interpreters to learn multiple types of equipment may reduce the number of interpreters willing and able to perform remote interpreting. In addition, the less an interpreter uses any one technology, the less chance they have of becoming more familiar, comfortable, and proficient with the equipment.

**CONCLUSION 5: Remote interpretation requires special skills/techniques/abilities.**

According to interpreters surveyed, 25 out of 41 or 61% responded that they felt there were special qualities/abilities that interpreters should possess in order for there to be a successful remote interpretation. These special skills/abilities were identified in the “Findings” section. Those interpreters who are naturally more visual and rely on reading lips and body language to supplement the spoken words may not be able to successfully interpret remotely, even after a lot of practice. In addition, interpreters that do not possess manual dexterity or the required timing coordination may not be able to effectively interpret remotely.

**RECOMMENDATION 5: Minnesota should establish basic skill requirements and remote interpreter training programs that develop a core of qualified, remote interpreters.**

The following interpreter requirements should be considered:

- Minnesota certification or at a minimum, the interpreter must be on the Minnesota roster;
- Ability to interpret simultaneously;
- Minimum number of hours of in-court experience; and
- Special skills necessary to successfully perform remote interpreting including:
  - A higher degree of concentration and focus;
  - Ability to multi-task;
  - Ability to operate telephone buttons and take notes while interpreting simultaneously;
  - Manual dexterity; and
  - Confidence to assertively manage the remote interpreting process and address technical difficulties, interrupt the court proceedings when words are dropped or inaudible, ask for clarification when needed, and request breaks when fatigued.

The training should include script runs, ethics, equipment use, and techniques to manage situations such as technology problems and when to speak up if part of the interpretation was missed or when clarification is needed.

A training program is essential so that the judge, court administrator, and interpreter trust that the non-English speaker will receive a successful interpretation. An effective training program for the interpreter is also necessary in order to make sure that the interpreter feels

competent and comfortable controlling the telephone keypad while simultaneously interpreting. Most interpreters responding to the survey rated the ease of use of the telephone keypad when using BIAMP as “difficult or extremely difficult to use.” Therefore, it will be essential that the interpreter has enough training to feel confident when they are put in a “real” courtroom hearing. Any training program should allow interpreters to test and develop their remote interpreting skills.

**CONCLUSION 6: Many interpreters feel that remote interpreting lacks visual cues that may be essential for a successful interpretation.**

According to the interpreters that responded to the survey, lack of visual cues was the number one rated challenge facing remote interpreting in Minnesota. Many interpreters feel that a successful interpretation depends on being able to see the participants in the courtroom setting.

**RECOMMENDATION 6: Courts using remote interpreting should strive to provide video used in conjunction with enhanced audio equipment for courtroom interpretations.**

The most advanced remote interpreting technology in courts currently is the use of video teleconferencing or webcams. This technology allows courtroom participants to see and interact with the interpreter via video in real-time. The advantages of videoconferencing include the parties’ and judge’s ability to see the interpreter and vice versa. Seeing visual cues provides an advantage for the interpreter. Video can help the interpreter identify the setting, location, and body language of participants. In addition, it can give the judge a sense of who is at the other end. It has, however, been suggested in the research that video is not necessary to achieve a successful interpretation. Instead, the focus and ability of the interpreter will ultimately determine the overall success of a remote interpretation. In addition, some courts may be limited

from using video due to the cost of implementation and inability of the interpreter to have video on their end.

**CONCLUSION 7: Currently many courts utilize a commercial telephonic interpreting agency when an interpreter is needed for a last minute or previously unscheduled hearing or when an exotic language interpretation is needed.**

Sixty-one percent of court administrators stated they use Language Line Services when they have hearings where an in-person interpreter was not available.

**RECOMMENDATION 7: Minnesota courts should comply with Rule 8 and first seek the services of a Minnesota certified interpreter before contacting a non-Minnesota certified interpreter or commercial telephone interpreter agency.**

Rule 8.02 states that “*whenever an interpreter is required to be appointed by the court, the court shall appoint only a certified court interpreter who is listed on the statewide roster of interpreters established by the State Court Administrator....*”.

Whether using an on-site or remote interpreter, courts should first try to obtain a Minnesota certified interpreter before seeking the services of a non-Minnesota certified interpreter or a commercial telephone interpreting agency. However, when there is no Minnesota interpreter available to interpret remotely, telephone interpreting agencies should continue to be utilized. When contacting a telephone interpreter agency, courts should request a certified interpreter. Although the term “certified” does not mean Minnesota court certified, interpreters “certified” through a commercial agency go through additional training at the agency. Despite the disadvantages of some commercial language interpreter companies, they provide an immediate service where the alternative might be holding someone in custody longer

than necessary and/or paying an interpreter a significant sum of money to interpret for only a few minutes. In addition, courts should continue to use commercial telephonic interpreting companies for rare and exotic languages in order to provide continued access to justice.

**CONCLUSION 8: Technology issues can inhibit a successful remote interpretation.**

Interpreters see unreliable technology as one of the main challenges to remote interpreting in Minnesota. Court Administrators agree and rated unreliable technology as the top challenge facing remote interpreting in their court.

**RECOMMENDATION 8: Technology must be reliable for courts and interpreters to feel comfortable using the equipment.**

Courts implementing remote interpreting should have their equipment thoroughly tested prior to using and develop a manual for judges, staff, and interpreters on the proper use of the equipment.

Technical issues using any type of equipment or technology can hamper a successful remote interpretation. A complete training plan should be developed for court staff and judges on how to use the technology. Fact sheets should be developed so that all court participants know what to expect in a remote interpreter hearing. Additionally, the judge or clerk should advise all of the court participants on the expectations for speaking during the hearing. (See appendix for a script)

**CONCLUSION 9: Minnesota has a statewide interpreter database that maintains interpreter costs and other ad hoc reports which can be generated for a multitude of uses.**

Many of the reports for the literature review and introduction were obtained from the interpreter database.

**RECOMMENDATION 9: Districts and counties should utilize the Minnesota Judicial Branch's court interpreter database to generate reports.**

Reports can be generated and reviewed to compare costs with other counties and districts, identify interpreter hours, and for Court Rule 8 compliance-use of a certified interpreter. In addition, Minnesota courts should compare rates with service providers including any commercial telephone companies to make sure they are receiving the best rate. It was discovered during this research that Carver County and the First District were paying \$2.65 per minute for Language Line Services (LLS). The Minnesota Office of Enterprise Technology (OET) contracts with LLS at a rate of \$1.25 per minute. Hence, the counties in the First District reduced their rates over 100%. Courts should review rates occasionally and renegotiate travel costs and fees whenever possible.

**CONCLUSION 10: According to the Minnesota Court Administrator survey results, scheduling so that both the court and interpreter benefit was rated as one of the top challenges facing remote interpreting in Minnesota courts.**

Courts that struggle to begin cases on time may see limited savings in remote interpreting unless the hearing is very short in duration. This is a unique challenge in courts because cases do not always start on time due to plea negotiations, late arrivals and other interferences.

Scheduling and reserving interpreters who will interpret remotely may be difficult when there is no minimum payment to the interpreter. Interpreters may be unwilling to commit to a remote hearing event if there is a chance of an on-site offer where they could earn a two hour minimum payment.

**RECOMMENDATION 10: In order to benefit the court, hearings should begin on time and be limited in length. In order to benefit the interpreter, the Minnesota Judicial Branch should consider revisions to the remote interpreter payment policy.**

Using a Minnesota roster interpreter for remote interpreting is different than calling a commercial interpreting agency. Courts must schedule and reserve contract interpreters for a certain time period in order to assure they will be available for the hearing. However, the remote interpreter policy only guarantees payment by the minute. Therefore, it may be difficult to reserve a contract interpreter unless it is for a last minute hearing where an interpreter was not previously scheduled for an on-site court event. The Minnesota Judicial Branch may want to consider revisions to the payment policy so interpreters are guaranteed a minimum payment for reserving their time.

A minimum remote interpreter payment rate may drive up the costs of an interpreter event especially if the court was previously using a commercial telephonic agency. However, the court will be complying with Rule 8 and will be securing a higher quality interpretation. In addition, overall costs may decline the more remote interpretation is used because remote interpreters can be used not only for last minute hearings, but also hearings short in duration where an on-site interpreter may have been previously used.

When a remote interpreting session is then scheduled, the hearing should be short in duration and begin at the time stated to the interpreter in order to limit the cost to the court.

**CONCLUSION 11: Most Minnesota certified interpreters are unfamiliar with BIAMP and remote interpreting.**

The responses to the court interpreter survey indicated that a majority of interpreters had not performed a remote interpretation for the Minnesota courts using BIAMP audio equipment. Therefore, it can be concluded that most interpreters are unfamiliar with the equipment and, perhaps, remote interpreting in general.

**RECOMMENDATION 11: Minnesota should increase awareness and understanding of simultaneous remote interpreting for roster interpreters.**

In order to increase awareness and understanding of simultaneous remote interpreting, the Minnesota Judicial Branch should include information on its website to inform interpreters about the skills required, best practices, technology used, pitfalls of remote interpreting, and the interpreter's obligations. The information should also encourage interpreters to increase their remote interpreting technical skills.

**CONCLUSION 12: Some judges may not understand the advanced form of remote interpreting or its possibilities.**

Over half of the judges that responded to the survey indicated that they have used a remote interpreter in the past. From this number it can be determined that a majority of these judges used a commercial telephone interpreting agency due to the fact that BIAMP is in place in a limited number of courts. The other half of the surveys indicated the judge had not used a remote interpreter in the past. Therefore, it can be concluded that many Minnesota judges may be unfamiliar with the advanced form of remote interpreting and its possibilities.

**RECOMMENDATION 12: Courts should develop a plan to educate the bench about the differences in using a Minnesota roster interpreter along with advanced technology versus the traditional telephone interpreting agency.**

The possibilities relating to scheduling, simultaneous interpreting, budget savings, and increased skill level of the interpreter should be communicated to judges.

## VIII. APPENDICES

### A. Carver County District Court FY 11 Limited English Proficiency (LEP) Plan

#### I. LEGAL BASIS AND PURPOSE

This document serves as the plan for Carver County District Court to provide services to limited English proficiency (LEP) individuals in compliance with Federal law.<sup>1</sup> The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with Carver County District Court.

This plan was developed to ensure equal access to court services for persons with limited English proficiency and hearing impaired persons. Although deaf and hard of hearing individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to the Minnesota Judicial Branch Court Interpreter Program.

#### II. NEEDS ASSESSMENT

##### A. Statewide

The Minnesota Judicial Branch provides court services to a wide range of persons, including people who do not speak English or who are hearing impaired. Service providers include the Minnesota Supreme Court, the Court of Appeals and trial courts in the ten judicial districts.

According to the Minnesota Court Interpreter Program, which tracks court interpreter usage, the most widely used languages for interpreters in Minnesota Courts in **2010** were (in descending order of frequency):

1. Spanish
2. Somali
3. Hmong
4. American Sign Language
5. Vietnamese

##### B. Carver County District Court

Carver County District Court will make every effort to provide service to all LEP persons. However, the following list shows the languages that are most frequently used in the area.

1. Spanish
2. Sign Language
3. Russian

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<sup>1</sup> Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq; and 28 C.F.R. § 42 et seq.

4. Vietnamese
5. Lao

This information is based on data from the Minnesota Court Interpreter Program.

### III. LANGUAGE ASSISTANCE RESOURCES

#### Interpreters Used In the Courtroom

By Minnesota statute, it is “the policy of this State that the constitutional rights of persons disabled in communication cannot be fully protected unless qualified interpreters are available to assist them in legal proceedings.” Minn. Stat. § 611.30 (2009). A person “disabled in communication” is one who, because of difficulty in speaking or comprehending the English language, is unable to fully understand the proceedings in which the person is required to participate, or when named as a party to a legal proceeding, is unable by reason of the deficiency to obtain due process of law. Minn. Stat. § 546.42; 611.31 (2009).

In the Carver County District Court, sign language interpreters will be provided at court expense for all deaf court customers in compliance with the Americans with Disabilities Act. Spoken language interpreters will be provided at no cost to the court customers who are “disabled in communication” under the following circumstances:

- Interpreters will be provided at no cost for litigants and witnesses in criminal hearings;
- Interpreters will be provided at no cost for litigants and witnesses in civil hearings
- Interpreters will be provided at no cost for litigants and witnesses in juvenile hearings; and
- Interpreters will be provided at no cost for litigants and witnesses in child support hearings.

Alternatively, Minnesota Statutes Section 611.33, subd. 3 requires that “[p]ayment for any activities requiring interpreter services on behalf of law enforcement, the Board of Public Defense, prosecutors, or corrections agents other than court appearances is the responsibility of the agency that requested the services.”

#### 1. Determining the Need for an Interpreter in the Courtroom

There are various ways that the Carver County District Court will determine whether an LEP court customer needs an interpreter for a court hearing.

**First, the LEP person may request an interpreter.** The Carver County District Court displays a sign translated into Minnesota’s most frequently used languages which states: “*You may have the right to a court-appointed interpreter in a court case. Please ask someone at the court information desk.*” The Carver County District Court displays this sign at the following location: in the public hallway outside the Court Administration window.

**Second, court personnel and judges may determine that an interpreter is appropriate for a court hearing.** Many people who need an interpreter will not request one because they do not realize that interpreters are available, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Therefore, when it appears that an individual has any difficulty communicating, the court administrator or judge should err on the side of providing an interpreter to ensure full access to the courts.

**Third, the Minnesota Court Information System (MNCIS), which is the statewide case management system, will track interpreter needs through case records and party records.**

Case record interpreter flags will assist staff in making sure that they know an interpreter is needed for the next hearing on a particular case. Party record interpreter information stays with the party and would be available statewide for future filings and party search results for that same individual.

**Finally, outside agencies such as probation, attorneys, social workers or correctional facilities notify the court about an LEP individual's need for an interpreter for an upcoming a court hearing.**

## 2. Court Interpreter Qualifications

The Carver County District Court hires in person or remote interpreters for courtroom hearings in compliance with the rules and policies set forth by the Minnesota Court Interpreter Program (CIP) and Rule 8 of the General Rules of Practice for the District Courts. The CIP maintains a statewide roster of interpreters who may work in the courts. This roster is available to court staff on CourtNet and the [Minnesota Judicial Branch website](#). Interpreters on the roster have passed the court's ethics exam, attended an orientation session and signed a sworn affidavit of professional responsibility.

In accordance with Rule 8, the Carver County District Court appoints "certified" interpreters when available. To be certified, an interpreter must first meet the requirements to be on the roster, and secondly must pass a rigorous exam testing linguistic and interpreting skills. Minnesota court certified interpreters are currently available in the following languages: Spanish, Somali, Hmong, American Sign Language, Vietnamese, Russian and Mandarin Chinese. When the Carver County District Court has made a "diligent" effort to find a certified court interpreter and none is available, the Carver County District Court then seeks a non-certified court interpreter who is on the statewide roster.

In compliance with Rule 8, the Carver County District Court appoints non-certified interpreters who are not listed on the roster *only* when certified and roster interpreters are unavailable. Whenever a non-certified interpreter is used in the courtroom, judges are encouraged to inquire into the interpreter's skills, professional experience, and potential conflicts of interest.

The Carver County District Court may also use interactive television (ITV) or telephone interpreting through a commercial telephone company if no interpreters are available onsite.

Bilingual staff members who are not on the statewide roster are never used to interpret in court. However, they may assist in securing an interpreter if necessary.

More information on court interpreters is available to court personnel in the “Best Practices Manual on Interpreters in the Minnesota State Court System,” published and maintained by the State Court Administrator’s Office.

### **B. Spoken Language Services Outside The Courtroom**

The Carver County District Court is also responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to services outside the courtroom. This is perhaps the most challenging situation facing court staff, because in most situations they are charged with assisting LEP individuals without an interpreter. LEP individuals may come in contact with court personnel via the phone, counter or other means. To that end, the Carver County District Court has the following resources to help LEP individuals and court staff communicate with each other:

The following resources are available:

- Language Identification Card
- Multi-lingual employees
- Language Line
- Face to face interpreters

#### Language Identification Card

The “Language Identification Card” is used to aid in identifying the language that the LEP individual speaks.

#### Multi-Lingual Employees

A Spanish speaking court employee is available in Carver County to assist in interpreting should an LEP individual require assistance.

Employees on this list have offered their skills and are not required to provide interpretation as an additional responsibility to their jobs. They should offer their services only if it does not significantly interfere with their primary job duties. They should not interpret in situations requiring a language level superior to their own.

#### Language Line

When face-to-face interpreting is not appropriate or unavailable for assisting the LEP individual, the Court employee may make use of the Office of Enterprise Technology (OET) Language Line. Each location of the following MJC offices has a unique 6-digit access codes for billing purposes.

#### Face to Face Interpreters

If circumstances permit the use of a face to face interpreter, Court employees can access the Minnesota Interpreter Roster at the Minnesota Judicial Branch [public website](#) and the Intranet r court proceedings.

### C. Translated Forms & Documents

The Minnesota Courts understand the importance of translating forms and documents so that LEP individuals have greater access to the courts' services. The Carver County District Court currently has the following forms translated into commonly used languages:

- Criminal Court Forms have been translated into Cambodian, Hmong, Lao, Russian, Somali, Spanish and Vietnamese. These forms include Rule 15 Plea Petitions (Felony and Gross Misdemeanor); Felony, Gross Misdemeanor, Misdemeanor, and Petty Misdemeanor Statements of Rights; Gross Misdemeanor DUI Statement of Rights; Probation Violation Statement of Rights
- Statement of Rights for First Court Appearance on Paternity Proceedings: Cambodian, Hmong, Lao, Russian, Somali and Spanish
- Public Defender Application

When interpreters are hired for hearings, they are expected to provide sight translations for corresponding documentation to LEP individuals.

## IV. TRAINING

The Minnesota Judicial Branch is committed to providing LEP training opportunities for all employees who may come in contact with LEP individuals. The LEP Coordinator will work with the Education and Organizational Development division to ensure that new employees are trained on the LEP plan as part of the mandatory Judicial Branch New Employee Orientation. Additionally, judges are trained on interpreter issues at the New Judge Orientation.

The Minnesota Judicial Branch provides periodic training for front line staff to connect LEP individuals with the appropriate resources such as:

- "Language Identification Card"
- Multi-lingual employees
- Language Line
- Face to face interpreters
- Deaf and hard of hearing accommodations
- Translated forms and documents
- Access to Self-Help Desk for completing court forms.

## V. PUBLIC NOTIFICATION AND EVALUATION OF LEP PLAN

### A. LEP Plan Approval & Notification

The Carver County District Court's LEP Plan has been approved by the District Administrator, and a copy has been forwarded to the State Court Administrator's Office (SCAO). Any revisions to the plan shall be submitted to the District Administrator for approval, and then forwarded to the SCAO. Copies of Carver County District Court's LEP plan will be provided upon request. In

addition, Carver County District Court will post this Plan on its website, and the SCAO will post it on the Minnesota Judicial Branch's public website.

**B. Evaluation of the LEP Plan**

The LEP Coordinator will review this plan on an annual basis and make any changes based on the review.

The evaluation will include identification of any problem areas and development of required corrective action strategies. Elements of the evaluation may include:

- Assessing the number of LEP persons requesting court interpreters in Minnesota Courts
- Assessing current language needs to determine if additional services or translated materials should be provided
- Assessing whether staff members adequately understand LEP policies and procedures and how to carry them out
- Gathering feedback from LEP communities

Any revisions made to the plan will be communicated by posting on the Judicial Branch public website.

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Diversity Specialist and LEP Coordinator  
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(651) 284-4343  
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Local Contact:  
Vicky L. Carlson  
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(952) 361-1420  
[vicky.carlson@courts.state.mn.us](mailto:vicky.carlson@courts.state.mn.us)

The effective date of this LEP plan is 11/08/10.

## B. Judge Script

### Script to be Read after Interpreter is transferred into the Courtroom

Interpreter, are you on the phone? Please state your name for the record.

(Interpreter states name). Please verify that the non English speaker can hear and understand you. (pause)

(Wait for the Interpreter to state whether or not the non English speaker can hear.)

Thank you. Before we begin, I want to explain some details to all of the parties regarding our interpreting system. Interpreter, you should be interpreting this information.

Although you cannot see the interpreter, an interpreter is interpreting this hearing for the defendant/party/witness/participant by telephone. The interpreter cannot see who is talking so it is particularly important that only one person speaks at a time. Speak clearly and slowly but at a steady pace into the microphone. Please do not speak or interrupt while someone else is speaking. In fact, try to allow a small pause when someone else has just finished speaking to give the remote interpreter time to finish interpreting. The interpreter can only interpret what is spoken, so all responses must be verbal. The remote interpreter will let the court know if he/she is having any trouble hearing or understanding anyone.

If the attorney and non English speaker have a private conversation, the attorney must notify the interpreter that we are back in the courtroom.

To the interpreter and non-English Speaker: The court will not know if you are having trouble hearing or understanding any part of the proceeding unless you interrupt and notify the court that you have missed a word, phrase, or statement and need to have it repeated.

At this time, the clerk will administer the interpreter Oath

### CONCLUSION OF HEARING

This hearing is concluded.

To Attorney: Does your client need a moment to confer with you before the interpreter hangs up? (wait for response)

Ok. The court will proceed with the next case while the interpreter continues to interpret for the parties in the conference room. Please return the interpreting equipment after your conversation and advise the clerk to hang up the phone line.



### C. Remote Interpreting State Survey

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#### Remote Interpreting State Survey

Page 1 - Question 1 - Open Ended - Comments Box

Please list your name, title, phone number.

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Page 1 - Question 2 - Choice - One Answer (Drop Down)

Select the state where you are located.

- ALASKA
- ALABAMA
- ARKANSAS
- ARIZONA
- CALIFORNIA
- COLORADO
- CONNECTICUT
- CANAL ZONE
- DISTRICT OF COLUMBIA
- DELAWARE
- FLORIDA
- GEORGIA
- HAWAII
- IOWA
- IDAHO
- ILLINOIS
- INDIANA
- KANSAS
- KENTUCKY
- LOUISIANA
- MASSACHUSETTS
- MARYLAND
- MAINE
- MICHIGAN
- MINNESOTA
- MISSOURI
- MISSISSIPPI
- MONTANA
- NEBRASKA
- NORTH CAROLINA

- NORTH DAKOTA
- NEW HAMPSHIRE
- NEW JERSEY
- NEW MEXICO
- NEW YORK
- NEVADA
- OHIO
- OKLAHOMA
- OREGON
- PENNSYLVANIA
- RHODE ISLAND
- SOUTH CAROLINA
- SOUTH DAKOTA
- TENNESSEE
- TEXAS
- UTAH
- VIRGINIA
- VERMONT
- WASHINGTON
- WISCONSIN
- WEST VIRGINIA
- WYOMING

Page 1 - Question 3 - Choice - One Answer (Bullets)

Select the court that most closely describes where your job position resides:

- General Jurisdiction/Trial Court
- Limited Jurisdiction Court
- Justice of the Peace Court
- Municipal Court
- State Court Administrator's Office
- Federal
- Other, please specify

Page 1 - Question 4 - Choice - One Answer (Bullets)

Do any of the courts in your state conduct hearings using a language interpreter who is not physically located in the courtroom? (Remote) (Include basic telephone)

- Yes (Continue to Question 5)
- No (Proceed to Question 12)

Page 1 - Question 5 - Choice - Multiple Answers (Bullets)

Who are the language interpreters that interpret remotely? (Check all that apply)

- State certified interpreters
- State roster interpreters (non state certified)
- Commercial telephone interpreter services (i.e. Language Line Services)

- In house/staff interpreters
  - Other, please specify
- 

Page 1 - Question 6 - Choice - One Answer (Bullets)

How long has/have your local/state courts been conducting hearings using remote language interpreters? (Include basic telephone line)

- 0-4 years
- 5-9 years
- 10-14 years
- 15 years or more
- unknown

Page 1 - Question 7 - Choice - Multiple Answers (Bullets)

What equipment does your court use for remote language interpreting? (Check all that apply)

- Traditional speakerphone
  - Enhanced audio equipment (i.e. BIAMP, Rausch, etc.)
  - Interactive video conferencing (ITV)
  - Combination interactive video conferencing with enhanced audio equipment
  - Web camera
  - Courtroom security cameras with enhanced audio equipment
  - Other, please specify
- 

Page 1 - Question 8 - Choice - Multiple Answers (Bullets)

Why do the court(s) in your state/location use remote language interpreting? (Check all that apply)

- For a hearing where an interpreter was not previously scheduled
  - Budget savings
  - No local certified interpreter available
  - Exotic language
  - Required by policy
  - Other, please specify
- 

Page 1 - Question 9 - Choice - Multiple Answers (Bullets)

For what types of hearings do you use remote language interpreters? (Check all that apply)

- Bail/In custody hearings
  - Criminal/Traffic arraignments
  - Plea hearings
  - Pre-trials
  - Other, please specify
-

Page 1 - Question 10 - Choice - One Answer (Drop Down)

Does your state/court have a documented remote language interpreter policy?

- Yes
- No
- Unknown

Page 1 - Question 11 - Choice - Multiple Answers (Bullets)

Check those instances for which your state/local court would not use a remote interpreter. (Check all that apply)

- Trial
  - Hearings lasting longer than 2 hours
  - When taking testimony
  - When translation of documents is involved
  - Other, please specify
- 

Page 1 - Question 12 - Choice - One Answer (Bullets)

Does your state/court have plans to add/upgrade your remote language interpreter technology?

- No
  - Yes, please explain
- 

Thank You Page

Thank you for taking the time to complete this survey.

Sincerely,

Vicky Carlson  
Carver County Court Administrator  
604 E. 4th St.  
Chaska, MN 55318  
952-361-1424  
vicky.carlson@courts.state.mn.us



## D. Remote Interpreting Minnesota Judge Survey

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### Remote Interpreting Judge Survey

Page 1 - Question 1 - Choice - One Answer (Drop Down)

Please list your chamber county. (If more than one, select the county where you are most often located)

- Aitkin
- Anoka
- Becker
- Beltrami
- Benton
- Big Stone
- Blue Earth
- Brown
- Carlton
- Carver
- Cass
- Chippewa
- Chisago
- Clay
- Clearwater
- Cook
- Cottonwood
- Crow Wing
- Dakota
- Dodge
- Douglas
- Faribault
- Fillmore
- Freeborn
- Goodhue
- Grant
- Hennepin
- Houston
- Hubbard
- Isanti
- Itasca
- Jackson
- Kanabec
- Kandiyohi
- Kittson
- Koochiching
- Lac qui Parle
- Lake

- Lake of the Woods
- Le Sueur
- Lincoln
- Lyon
- Mahnomon
- Marshall
- Martin
- McLeod
- Meeker
- Mille Lacs
- Morrison
- Mower
- Murray
- Nicollet
- Nobles
- Norman
- Olmsted
- Otter Tail
- Pennington
- Pine
- Pipestone
- Polk
- Pope
- Ramsey
- Red Lake
- Redwood
- Renville
- Rice
- Rock
- Roseau
- Scott
- Sherburne
- Sibley
- St. Louis
- Stearns
- Steele
- Stevens
- Swift
- Todd
- Traverse
- Wabasha
- Wadena
- Waseca
- Washington
- Watonwan
- Wilkin
- Winona
- Wright
- Yellow Medicine

Page 1 - Question 2 - Choice - One Answer (Drop Down)

Have you ever held a hearing using a remote (off site) language interpreter? (Include traditional telephone services, i.e. Language Line Services)

- Yes (continue to question 3)  
 No (proceed to question 5)

Page 1 - Question 3 - Choice - Multiple Answers (Bullets)

Select all the reasons why you have used a remote interpreter in your courtroom.

- For a hearing where an interpreter was not previously scheduled  
 Budget savings  
 Local certified interpreter unavailable  
 Exotic language - no interpreter listed on the statewide roster  
 County or district uses staff or contract interpreters for remote interpreting as part of the normal business process  
 Other, please specify
- 

Page 1 - Question 4 - Choice - Multiple Answers (Bullets)

For what types of hearings have you used a remote language interpreter? (Select all that apply)

- Bail/In custody hearings  
 Criminal/Traffic arraignments  
 Plea hearings  
 Pre-trials  
 Juvenile Delinquency  
 Child in Need of Protective Services (CHIPS)  
 Other, please specify
- 

Page 1 - Question 5 - Choice - One Answer (Drop Down)

Do you feel that remote interpreting provides for equal access to justice?

- Yes  
 No  
 Unknown

Page 1 - Question 6 - Choice - One Answer (Drop Down)

In your county, do you feel that remote interpreting is necessary for a non-English speaker's case to be heard in a timely manner?

- Yes  
 No  
 Unknown

Thank You Page

Thank you for taking the time to complete this survey.

Sincerely,

Vicky Carlson  
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### E. Minnesota Court Administrator Remote Interpreting Survey

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#### Minnesota Court Administrators Remote Interpreting Survey

Page 1 - Question 1 - Choice - One Answer (Drop Down)

Please select your district:

- First
- Second
- Third
- Fourth
- Fifth
- Sixth
- Seventh
- Eighth
- Ninth
- Tenth

Page 1 - Question 2 - Open Ended - Comments Box

List all of the counties for which you are completing this survey. (This information will be used only to track survey returns)

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Page 1 - Question 3 - Choice - One Answer (Drop Down)

Does your court conduct hearings using a language interpreter who is not physically located in the courtroom? (Remote) (Include basic telephone) (Include commercial interpreter agencies such as Language Line Services)

- Yes
- No (proceed to question 17)

Page 1 - Question 4 - Choice - One Answer (Drop Down)

How long has your county been conducting hearings using remote interpreters? (Include traditional telephone & commercial telephonic services, i.e. Language Line Services)

- 0-4 years
- 5-9 years
- 10-14 years
- 15 years or more
- Unknown

Page 1 - Question 5 - Choice - Multiple Answers (Bullets)

Select all of the reasons why your court(s) uses remote interpreting.

- For a hearing where an interpreter was not previously scheduled
- Budget savings
- No local certified interpreter available
- Exotic language - no interpreter listed on the statewide roster
- County or district uses staff or contract interpreters for remote interpreting as part of the normal business process
- Other, please specify

Page 1 - Question 6 - Choice - Multiple Answers (Bullets)

For what types of hearings have you used a remote language interpreter? (Check all that apply)

- Bail/In custody hearings
- Criminal/Traffic arraignments
- Plea hearings
- Pre-trials
- Juvenile Delinquency
- Child in Need of Protective Services (CHIPS)
- Other, please specify

Page 1 - Question 7 - Choice - One Answer (Drop Down)

How often does your court use a remote language interpreter for court hearings?

- At least once per week
- At least once per month
- At least once per year
- Unknown

Page 1 - Question 8 - Choice - Multiple Answers (Bullets)

What types of technology does your court use to assist with remote language interpreting? (Check all that apply)

- Traditional speakerphone
- Enhanced audio equipment (i.e. BIAMP)
- Interactive television (with or without enhanced audio equipment)
- Other, please specify

Page 1 - Question 9 - Rating Scale - One Answer (Horizontal)

If your county(ies) uses a telephone for remote interpreting, rate the ease of use of the technology. (If you do not use a telephone for remote interpreting, proceed to the next question)

Extremely easy to use    Sometimes easy to use    N e u t r a l    Sometimes difficult to use    Extremely difficult to use



Page 1 - Question 10 - Rating Scale - One Answer (Horizontal)

If your county(ies) uses a speakerphone for remote interpreting, rate the ease of use of the technology. (If you do not use a speakerphone for remote interpreting, proceed to the next question)

**Extremely easy to use   Sometimes easy to use   N o   p r o b l e m s   Sometimes difficult to use   Extremely difficult to use**

Page 1 - Question 11 - Rating Scale - One Answer (Horizontal)

If your county(ies) uses enhanced audio equipment such as BIAMP for remote interpreting, rate the ease of use of the technology. (If you do not use enhanced audio equipment for remote interpreting, proceed to the next question)

**Extremely easy to use   Sometimes easy to use   N o   p r o b l e m s   Sometimes difficult to use   Extremely difficult to use**

Page 1 - Question 12 - Rating Scale - One Answer (Horizontal)

If your county(ies) uses interactive television (with or without enhanced audio equipment) for remote interpreting, rate the ease of use of the technology. (If you do not use interactive television, proceed to the next question)

**Extremely easy to use   Sometimes easy to use   N o   p r o b l e m s   Sometimes difficult to use   Extremely difficult to use**

Page 1 - Question 13 - Choice - Multiple Answers (Bullets)

If your county(ies) uses technology to assist with remote interpreting other than a telephone or speakerphone, where is the equipment located.

- Integrated into the courtroom sound system
  - On a mobile cart
  - Other, please specify
- 

Page 1 - Question 14 - Choice - One Answer (Drop Down)

Does your remote interpreting technology provide the non-English speaker the opportunity for confidential communications with his/her attorney via the remote interpreter?

- Yes
- No
- Unknown

Page 1 - Question 15 - Choice - One Answer (Drop Down)

Does your court use Language Line Services' (fka AT & T Language Line) interpreters in the courtroom?

- Yes
- No

Page 1 - Question 16 - Choice - One Answer (Drop Down)

If your court uses a commercial telephone interpreter such as Language Line Services, do you always trust the skills of the remote interpreter to interpret court information accurately?

- Yes
- No

Page 1 - Question 17 - Choice - One Answer (Drop Down)

Do you feel that remote interpreting provides for equal access to justice?

- Yes
- No
- Unknown

Page 1 - Question 18 - Choice - One Answer (Drop Down)

Do you feel that your county (ies) has sufficient access to local state roster interpreters?

- Yes
- No

Page 1 - Question 19 - Choice - One Answer (Drop Down)

Are you aware of newly revised Judicial Branch policies 513(a) and 513(b) relating to remote language interpreting?

- Yes
- No

Page 1 - Question 20 - Choice - Multiple Answers (Bullets)

Does your court(s) have plans to upgrade your remote language interpreting technology?

- No
  - Yes, to what equipment
- 

Page 1 - Question 21 - Choice - Multiple Answers (Bullets)

In your opinion, what do you see as the three major challenges for remote interpreting in your court? (Check three)

- Level of compensation to interpreters
- Inherent difficulty of remote interpreting
- Scheduling interpreters so it is mutually beneficial to the court & interpreter
- Lack of visual cues for the interpreter
- Limited number of Minnesota roster and trained remote interpreters
- Unreliable technology
- Use of commercial telephone interpreting agencies
- Judge not willing to use a remote interpreter
- Limited number of staff interpreters in the Minnesota Judicial Branch
- Advanced remote interpreter technology too costly to implement

Other, please specify

---

Thank You Page

Thank you for taking the time to complete this survey. Your feedback is important!

Sincerely,

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## F. Minnesota Court Certified Interpreter Survey

### Minnesota Court Certified Interpreter Survey

Page 1 - Question 1 - Choice - Multiple Answers (Bullets)

Please select the language(s) that you interpret.

- Chinese (include Cantonese and/or Mandarin)
- French
- Hmong
- Lao
- Russian
- Somali
- Spanish
- Vietnamese
- Other, please specify

Page 1 - Question 2 - Choice - One Answer (Drop Down)

How many years have you interpreted for the Minnesota courts?

- 0-4 years
- 5-9 years
- 10-14 years
- 15 years or more

Page 1 - Question 3 - Choice - One Answer (Drop Down)

Have you ever interpreted remotely for a hearing in a Minnesota court using BIAMP enhanced audio equipment with or without interactive television?

- Yes (proceed to the next question)
- No (proceed to question 7)

Page 1 - Question 4 - Choice - Multiple Answers (Bullets)

What types of hearings have you interpreted remotely using BIAMP audio equipment or interactive television equipment?

- Bail/In custody hearings
- Criminal/Traffic arraignments
- Plea hearings
- Pre-trials
- Juvenile Delinquency
- Child in Need of Protective Services (CHIPS)
- Other, please specify

---

Page 1 - Question 5 - Choice - One Answer (Bullets)

How often do you interpret remotely?

- At least once per week
  - At least once per month
  - At least once per year
  - Unknown
  - Other, please specify
- 

Page 1 - Question 6 - Rating Scale - One Answer (Horizontal)

Rate the ease of use of operating the telephone when interpreting for a court that uses the BIAMP enhanced audio equipment.

**Extremely easy to use   Sometimes easy to use   N o   p r o b l e m s   Sometimes difficult to use   Extremely difficult to use**

---

Page 1 - Question 7 - Choice - One Answer (Bullets)

In your opinion, what is the preferred equipment for remote interpreting? (check one)

- Traditional speakerphone
  - Enhanced courtroom audio equipment (BIAMP, other)
  - Interactive television
  - Interactive television with enhanced audio equipment
  - Web camera
  - unknown
  - Other, please specify
- 

Page 1 - Question 8 - Choice - One Answer (Drop Down)

Do you feel that remote interpreting helps provide equal access to justice by providing the non-English speaker more timely access to an interpreter?

- Yes
- No
- Unknown

Page 1 - Question 9 - Choice - One Answer (Drop Down)

Are you aware of the newly revised Minnesota Judicial Branch remote interpreter payment policy 513a?

- Yes
- No

Page 1 - Question 10 - Choice - One Answer (Bullets)

Do you feel there are unique qualities/skills that an interpreter must possess to interpret remotely?

- No
  - Unknown
  - Yes, please list qualities and skills that an interpreter should possess
- 

Page 1 - Question 11 - Choice - One Answer (Bullets)

Do you think there are languages that should not be interpreted remotely?

- No
  - Unknown
  - Yes, which languages and why?
- 

Page 1 - Question 12 - Choice - Multiple Answers (Bullets)

In your opinion, what do you see as the three major challenges for remote interpreting in the Minnesota courts?  
(Select three)

- Level of compensation to interpreters
  - Inherent difficulty of remote interpreting
  - Scheduling interpreters so it is mutually beneficial to the court & interpreter
  - Lack of visual cues for the interpreter
  - Limited number of Minnesota roster and trained remote interpreters
  - Unreliable technology
  - Use of commercial telephone interpreting agencies
  - Judge not willing to use a remote interpreter
  - Limited number of staff interpreters in the Minnesota Judicial Branch
  - Other, please specify
- 

Thank You Page

Thank you for taking the time to complete this survey. Your feedback is important!

Sincerely,

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