

Improving Language Access: A Pilot Video Remote Interpreter System

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Kathleen M. Schaben  
Trial Court Administrator  
Superior Court in Yuma County  
Yuma, Arizona



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**IMPROVING LANGUAGE ACCESS:  
A PILOT VIDEO REMOTE INTERPRETER SYSTEM**

**Kathleen M. Schaben**

**Abstract**

The need for comprehensive language access and qualified court interpreters is an ongoing concern for court leaders throughout the United States. Various jurisdictions have researched and implemented programs to meet the increasing need for language access in their courts. Some of these courts have utilized telephone interpreting and others have progressed to different audio and video systems to deliver court interpreter services.

The purpose of this project is to explore the Yuma/Administrative Office of the Courts (“AOC”) model for providing Video Remote Interpretation as a small scale proof of concept pilot project. The model was supported by county and AOC funding to evaluate its design, and efficiency, as well as the potential to replicate the model in other Arizona counties. Eight states with some form of Video Remote Interpreter systems were identified to inform the pilot project. A representative for each jurisdiction weighed in on the features used in the eight systems.

The Yuma/AOC system model includes two-way videoconferencing and an additional pan/tilt/zoom camera that allows the interpreter to control the viewpoint in the courtroom. Targeted audio is delivered through Internet Protocol (“IP”) video phones that accommodate the need to provide simultaneous interpreting and private attorney-client interviews. Subsequent to the initiation of this pilot, the AOC has worked with two other counties to establish similar services. The project reflected the chronology of Yuma site installations and cost of implementation; as well as feedback from all identifiable stakeholders and end users.

The literature reviewed for this project were numerous Language Access resources including those published by the National Center for State Courts; the American Bar

Association; the Brennan Center for Justice; and presentations from other states utilizing remote interpreting. These authorities underscored the need for qualified interpreters available to serve non-English speaking court users in courts and court related services across the nation. The reports and studies provided a foundation for the most fundamental reasons that interpreters must be provided by the courts: preserving constitutional rights; due process and procedural justice.

The research methods for this project included online surveys of state language access coordinators and local users of the Yuma County Video Remote Interpreter system, as well as follow-up interviews with selected respondents to the surveys. The first component was a survey to each state representative on the National Center for State Courts Language Access Coordinators Council (“NCSC LACC”). This survey inventoried Video Remote Interpreting (“VRI”) solutions that have been implemented by other states. They responded to surveys designed to determine the participants’ level of satisfaction with the system features and the weightier questions whether the VRI system increases the availability of qualified interpreters and provides a comparable experience to that of an onsite interpreter. The second component was a survey of Yuma stakeholders who have used the VRI system. The Yuma/AOC stakeholders’ surveys explored the same questions posed to the state group.

The survey results suggest that VRI is a viable alternative to onsite interpreters. Conclusions and recommendations resulting from the research, as well as follow up discussions with stakeholders revealed the following.

1. Successful VRI systems implementation requires meticulous planning. A project team should be formed including personnel from Court Administration; Court Interpretation; Court Information & Technology Services; and Court Budget.
2. Training and orientation are necessary for the success of any VRI Program. Curricula and written materials should be created as a guide for judges and court staff.

3. Judges and staff need to know how to get help in the event of VRI system issues. Plans must be made for system failures; help desk inquiries and backup plans.
4. According to the State Survey and the Yuma/AOC Survey, VRI systems increased availability to qualified interpreters.
5. The AOC has been proactive in assisting Arizona's counties with interpreter issues.

The following strategies could be further explored to increase availability of VRI.

1. Collaboration with other Arizona counties that have installed VRI systems
2. Opening a dialogue regarding the creation of regional interpreter service hubs
3. At the state level, working toward national collaboration on VRI systems

An advantage of VRI is that both due process and Constitutional rights are preserved when using the VRI System if hearing types are screened properly to receive remote services and the system provides two way-video, targeted audio and accommodates attorney-client conferences. However, to maximize the benefits of VRI, several additional recommendations are made.

1. Future installations should include the full complement of VRI features.
2. VRI systems come with an initial cost and substantial yearly maintenance fees.
3. Make budget requests for maintenance fees in conjunction with the funding for VRI system installation.
4. The VRI system model should be assessed periodically to use it to its full capacity for all appropriate hearings.

In conclusion, the results of the Yuma/AOC pilot project provide support for expansion of Video Remote Interpreter Technology, along with other strategies to provide language access and to make qualified interpreters more available to court users. Coupled with these additional strategies, VRI is a robust and feasible component of a well-rounded language access initiative.



## **Introduction**

Arizona has long been recognized as a state of diverse language population, resulting in needs for court interpreters that surpass the national average. According to the 2010 U.S. Census 27.1% of Arizona's residents over five years of age reported that they speak a language other than English while at home with their families. This number exceeds the national average by 7.1%. Although this figure does not correlate directly to the population that is non-English speaking ("NES") or of Limited English Proficiency ("LEP"), it does provide sufficient data to estimate overall needs for language access resources. Arizona's proximity to the border with Mexico increases the likelihood of the need for Spanish interpreters, particularly in southern counties such as Yuma, Santa Cruz and Cochise (See Table 1 and Figure 1). Arizona's diverse population triggers interpreter needs for multiple languages, including the state's Native American population, and requires services for groups where qualified resources are scarce.

In the absence of a comprehensive statewide language access program, the Arizona Administrative Office of the Courts has attempted to assist Arizona's counties with interpreter issues. Some of the concrete steps taken were the creation of an Interpreter Registry; a Listserv (Communication Tool for Interpreters) open to staff and freelance court interpreters; participation in the Council of Language Access Coordinators and the National Language Access Summit. Amy Wood reported on some of these enhancements in her work entitled "Strategies for Increasing the Interpreter Pool Using AOC Resources." Ms. Wood's work on these issues and the recommendation that "AOC should take the lead in investigating remote video interpreting" (Wood, 2009, p.6) provided the springboard for this Video Remote Interpreter system that is currently being piloted by Yuma County Courts and the Arizona AOC.

**Table 1:**

**U.S. Census Data – Arizona Counties**

Arizona Counties	2010 U.S. Census % of Residents over 5 y/o who Speak a Language Other Than English at Home.
Apache	60.2
Cochise	24.3
Coconino	16.1
Graham	20.6
Greenlee	20.9
Gila	16.1
La Paz	18.7
Maricopa	26.5
Mohave	10.6
Navajo	36.6
Pima	28.3
Pinal	23.2
Santa Cruz	79.7
Yavapai	10.8
Yuma	50.7

**Figure 1: Map of Arizona Counties**



Arizona’s challenges are compounded by the lack of a statewide Court Interpreter certification program, with the exception of American Sign Language (“ASL”) interpreters providing services for the deaf and hard of hearing. ASL Interpreters must be licensed by the Arizona Commission for the Deaf and the Hard of Hearing (ACDHH). These interpreters follow the licensure regulations as set forth by the Arizona Code of Judicial Administration. ASL Interpreters fall under the Americans with Disabilities Act (ADA) and are not subject to the Language Access Programs. Although the requirements are different, the provision of ASL interpreters is typically managed by the same office that provides spoken language interpreters to the courts.

## Yuma County’s Language Access Needs

**Table 2: Yuma County Demographics and FY2012 Total Case Filing**

• FY2012 Superior Court Case Filings (All Case Types)	5,766 <sup>1</sup>
• FY2012 Justice Court Case Filings (All 3 Precincts)	21,071 <sup>2</sup>

Superior Court in Yuma County is a medium-sized general jurisdiction rural court with a reputation throughout the state of being progressive in the implementation of initiatives aimed at enhancing service to court users with both timeliness and efficiency. A significant impediment to the provision of interpreter services in Yuma County Arizona is a severe lack of local interpreters. Based on its population, Yuma County is considered a metropolitan area, yet its distance from other metropolitan areas with more professional interpreter resources places Yuma at a disadvantage in procurement. The closest non-local interpreters currently providing services to the Yuma County Justice Center reside a distance of 60 miles to El Centro, CA; 180 miles to Phoenix, AZ and San Diego, CA; and 225 miles to Tucson, AZ. Engaging non-local interpreters includes payment for round-trip mileage.

Professionalization of Arizona’s Court Interpreters is hampered by the lack of state statute setting forth minimum standards and the scarcity of interpreter specific training opportunities in Arizona outside of the state’s two largest counties, Maricopa and Pima. In addition, the majority of interpreters who are certified in another jurisdiction, and/or have substantial court interpreter specific training and experience, live in Maricopa and Pima Counties

where they have greater opportunities to practice their skills and secure employment on a regular basis.

Demand for interpreters in languages other than Spanish is unpredictable. This situation results in unforeseen costs that are not programmed into the Interpreter and Translation Services budget. Table 3 below represents a sample for other than Spanish interpreter usage and costs for a six month period. In most instances, the figures below include services, mileage and travel time. Cases at the Superior Court level require a minimum of three to five hearings from case filing to disposition. In some case types, the actual number of hearings held in each case is closer to double that amount. Consequently, one case with multiple hearings can result in a large price tag when interpreters are not locally available.

**Table 3: Other than Spanish Interpreter Appearances and Costs (6 Month Sample)**

• Superior Court – Other than Spanish (6 months)			
▫ Korean	5 Defendants	14 Appearances	\$5568
▫ ASL	3 Defendants	10 Appearances	\$5720
▫ Swedish	1 Respondent	1 Appearances	\$ 219
▫ Mandarin	1 Defendant	4 Appearances	\$1200
▫ Cocopah	1 Defendant	4 Appearances	\$ 260
▫ Vietnamese	1 Defendant	1 Appearance	\$ 30
▫ Thai	1 Defendant	1 Appearance	\$ 30
▫ Tagalog	1 Defendant	1 Appearance	\$ 30
▫ Italian	1 Defendant	3 Appearances	--

Note: Vietnamese, Thai and Tagalog were served by Language Line telephonic interpreters.

## **Seeking Solutions**

In late 2011, Superior Court in Yuma County sought to enhance its Court Interpreter program by expanding services to insure due process for court users and compliance with Supreme Court Administrative Order 2011-96 requiring all Arizona Courts to create a Language Access Plan, and Title VI of the Civil Rights Act of 1964 (Exec. Order No. 13166, 2000). These orders required that Courts provide interpreter services for all case types at no cost to the parties. The Department of Justice had also issued a Letter of Guidance addressed to all Court Administrators reiterating the same requirements (T. E. Perez, personal communication, August 16, 2010).

Prior to these specific mandates, Yuma County Courts had always provided qualified interpreters for all criminal matters. However, in civil and domestic relations cases, litigants were provided interpreters by the court only when staff interpreters were available. In all other instances, litigants were asked to make arrangements to provide interpreters at their own expense.

In 2011, the National Center for State Courts, Government Affairs Office issued a Briefing Paper entitled, "Title VI Considerations in State Courts Providing LEP Services" (National Center for State Courts, Government Affairs Office [NCSC, GAO], 2011). This Briefing Paper gave clear guidance that the Department of Justice expected that all NES/LEP litigants should be provided interpreters at no cost to the parties. In anticipation of a major increase in the service levels provided by interpreter staff, Yuma County staff traveled to Maricopa County for a tour of and briefing on Maricopa's Video Remote program. Carol Westwood, Manager of Court Interpreter and Translation Services and Bert Binder from Court Information and Technology Services hosted the tour and encouraged Yuma County with the possibilities. Their program was well-received by judges, court interpreters and court staff.

## Needs Assessment

Yuma County needed a solution that would maximize availability of qualified interpreters, while keeping additional expenses at a manageable level. Video Remote Interpreting showed great promise to deliver results on both accounts. To improve administration of the new program, Yuma County consolidated the budget and supervision of all interpreter staff in Superior Court. The service umbrella offers many advantages to consistency of supervision, training and services for both the Superior Court and Justice Courts. Table 4 indicates the number of Yuma County judicial officers, Yuma Courthouses, and locations requiring interpreter services.

**Table 4: Yuma Judicial Officers and Courthouses**

- Arizona Superior Court in Yuma County
  - 9 Judicial Officers
    - 7 Yuma County Justice Center
    - 2 Yuma County Juvenile Justice Center
- Yuma Justice Courts
  - 4 Judicial Officers
    - 2 Precinct 1 - Yuma County Justice Center
    - 1 Precinct 2 - San Luis/Somerton
    - 1 Precinct 3 – Wellton
- Yuma is located 180 mi. from major cities
- Wellton is 24 miles east of Yuma
- San Luis is 23 miles south of Yuma
  - The closest resources for all spoken language interpreters (other than Spanish) and American Sign Language Interpreters are in Phoenix, Tucson, El Centro and San Diego
  - Since San Luis/Somerton and Wellton Justice Courts are remote sites, there are substantial challenges to providing interpreter services in all languages, including Spanish

## **The Yuma / AOC Model**

With budget requests granted by the county's funding authority and grant funding from the Arizona AOC, Yuma County was in a position to move forward with the installation of a model that had previously been designed and installed as a pilot in the Ninth Judicial Circuit of Florida. Although Yuma had started out with an individual project, the Arizona AOC expressed interest in partnering with Yuma to initiate a pilot and provide added value by equipping a room at the AOC Offices in Phoenix, Arizona. An additional interpreter room would allow Yuma, as well as other courts equipped in the future, to hire interpreters in the Phoenix area (highest area of availability) to appear at the AOC Offices for the purpose of conducting remote interpretation. Although any language could be made available, the enhancement was primarily targeted at providing access to other than Spanish interpreters, as well as ASL. The Video Remote Interpreter system was evaluated with the full participation of both Yuma and AOC staff and was launched as an attempt to demonstrate its feasibility through a proof of concept pilot project. Table 4 above indicates the number of Yuma County judicial officers, Yuma Courthouses, and locations requiring interpreter services.

Spoken language interpreters and ASL interpreters operate under a separate set of guidelines while delivering court interpreter services. The Yuma Video Remote Program was designed to make sure that the system would also meet the needs of ASL interpreters. The ACDHH was consulted and opined that remote interpreting would be an acceptable accommodation for deaf and hard of hearing court users who communicate with ASL. Remote interpreting is not new in the ASL community. In a 2010 report written by the National Consortium of Interpreter Education Centers, ASL interpreters were asked about conditions which impact video interpreting work. Some of the concerns they listed included video quality; audio quality; stability of video connection; availability of trained personnel to troubleshoot

technology issues; ease of using video remote hardware (Simon, Hollrah, Lightfoot, Laurion, & Johnson, 2010, p. 24). These are all concerns that would worry spoken language interpreters as well. Florida also selected this configuration to accommodate ASL needs. Although Yuma's experience is limited in using the technology for ASL, the tests and few hearings held have shown that the system possesses crisp audio and stable video, without excessive pixilation.

In contrast, Maricopa County's remote interpreter model delivers the targeted audio but does not offer two-way video.

- The Yuma/AOC model allows the interpreter to appear by videoconference in the courtroom, whereas the Maricopa model does allow the interpreter to see into the courtroom with pan/tilt/zoom cameras but the court cannot see the interpreter. This configuration is not optimal and did not allow for active management of the interpreter by the judicial officer. In addition, the system is regularly used for initial appearances at a time when drug-addicted or mentally unstable defendants are most vulnerable. In that setting, a disembodied voice might do little to ensure due process and comprehension of the judicial officers' advisements.
- The Yuma/AOC model has the capability of recording the source language even when not being broadcast through the public address system. Attorneys may view this as a needed enhancement to preserve the interpreters' rendition in the event of challenges to the accuracy of the source language.
- The Yuma/AOC model also has the capability to conduct private attorney/client communications in the courtroom at the counsel table.

Figure 2 depicts the Yuma system. The technology shown makes this system a positive solution for court users and interpreter staff. Particular care was taken to accommodate all three modes of interpretation necessary to provide services consistent with accepted standards and practice in the court interpreting profession:

- Simultaneous
- Consecutive
- Sight Translation

The National Association of Judiciary Interpreters and Translators (NAJIT) described the modes of interpretation in a position paper published by the professional organization:

Simultaneous interpreting is the rendering of one spoken language into another when running renditions are needed at the same time as the English language communication. The interpreter speaks virtually at the same time as the LEP person. The simultaneous mode is used whenever participants, most often defendants, are playing a passive role in court proceedings such as arraignments, hearings, or trials. The LEP speaker needs to hear what is being said but is not required, at that particular stage of the proceedings, to speak [him] or herself.

In consecutive interpreting, the interpreter waits until the speaker has finished before rendering speech into another language. Consecutive interpreting is a true and accurate interpretation of one language to another, spoken in brief sound bites successively, without omissions or embellishments, so that the parties can understand each other slowly and deliberately. The consecutive mode is used whenever LEP participants are playing an active role — when they must speak or respond — during examinations, cross-examinations, and other proceedings.

Sight translation is providing an oral translation of document written in one language into spoken speech in another language. It is a true and accurate verbal translation of written material into the spoken form so that the parties can understand what documents written in foreign languages say (Erickson, 2006, p. 1-2).

The dual system, with Internet Protocol videophones/telephones and video conference units, allows the interpreter to deliver audio to the correct parties in the appropriate mode by conferencing in video phones while muting and un-muting the separate videoconference.

**Figure 2: Technology includes Cisco Video Phone and EX90 Videoconference Unit.**



## **Challenges and Costs**

Many meetings with representatives from Yuma and AOC staff and potential vendors culminated in the selection of a company who promised to deliver all the desired features. The entire Yuma/AOC team decided unanimously that two-way video was critical to the success of our pilot project and to distinguish the program from other Remote Interpreter systems. Plus 6 was selected as the vendor to install the Cisco Systems technology which was piloted in the state of Florida.

The initial scope of the project included the two most underserved courts: Justice Courts, Precincts 2 and 3, located in San Luis and Wellton respectively. Due to location and staffing issues, these were the areas of most concern. As with all technology projects, unexpected challenges presented themselves at the least opportune moments. The VRI system was initially planned to be installed in the two Justice Court locations, an Interpreter Control Room at the Yuma County Justice Center and one in Phoenix at the AOC office; plus the Yuma County Adult Detention Facility for three way video arraignments conducted from the outlying Justice Courts. Integrating the system posed some challenges since Justice Court Precinct 3, in Wellton, was a brand new building not yet opened; Justice Court Precinct 2, in San Luis, was a newer Justice Court but lacked some of the necessary technological infrastructure; and the Yuma County Detention Facility was utilizing a different video conference system.

Because every site installation was different, new stumbling blocks regularly appeared impeding the project's completion. This experience has highlighted the need to perform extensive and detailed reviews of all existing equipment prior to the initiation of any information technology project. It was very fortunate that our entire team, crossing all layers of government, collaborated well and maintained focus from start to finish. The Phase 1 components had a cost of roughly \$9,400 for both Interpreter Rooms and \$24,000 for each courtroom (including the jail

courtroom. These figures are exclusive of the Internet Protocol videophones/telephones provided by CenturyLink. Our funding agreement makes Yuma responsible for the following;

- ⌚ Hardware maintenance agreements on equipment installed in Yuma facilities after the first year warranty expires.
- ⌚ Submission of grant reporting forms with data regarding the Video Remote Interpreter usage; including number of parties with Limited English Proficiency who were served by the system, actual dollar savings, and cost avoidance estimates.

### **Expansion**

The Yuma installation was completed and operational in late March 2013 and would later be known as “Phase 1” of the project. Shortly after the launch of Phase 1, Yuma and the AOC met again to discuss the viability of expansion to Phase 2 to test a concept of court wide services for other Arizona counties. Additional funding was provided and the agreement was reached to equip Superior Court; Juvenile Court; Justice Court, Precinct 1; the Adult Probation Department and additional areas for the Yuma County Adult Detention Facility. (See Appendix A for installation timeline)

The Victim Services Office of the Yuma County Attorney’s Office purchased a video conference unit to allow victims of crime the option to remotely view proceedings regarding their cases. Although this application is not specifically related to Yuma County’s interpreter program, the connectivity is managed by the AOC Information and Technology Department.

The expanded project was dubbed “Phase 2” and went live in July 2013. The Phase 2 components cost was approximately \$22,600 for each of the three additional courtrooms and \$9,000 for the Adult Probation Department videoconference unit. Like the Victim Services unit, this system is not specifically related to the provision of interpreter services but can still accommodate such services delivered in consecutive mode (See Figure 3).

**Figure 3: Yuma Network Solution Concept**

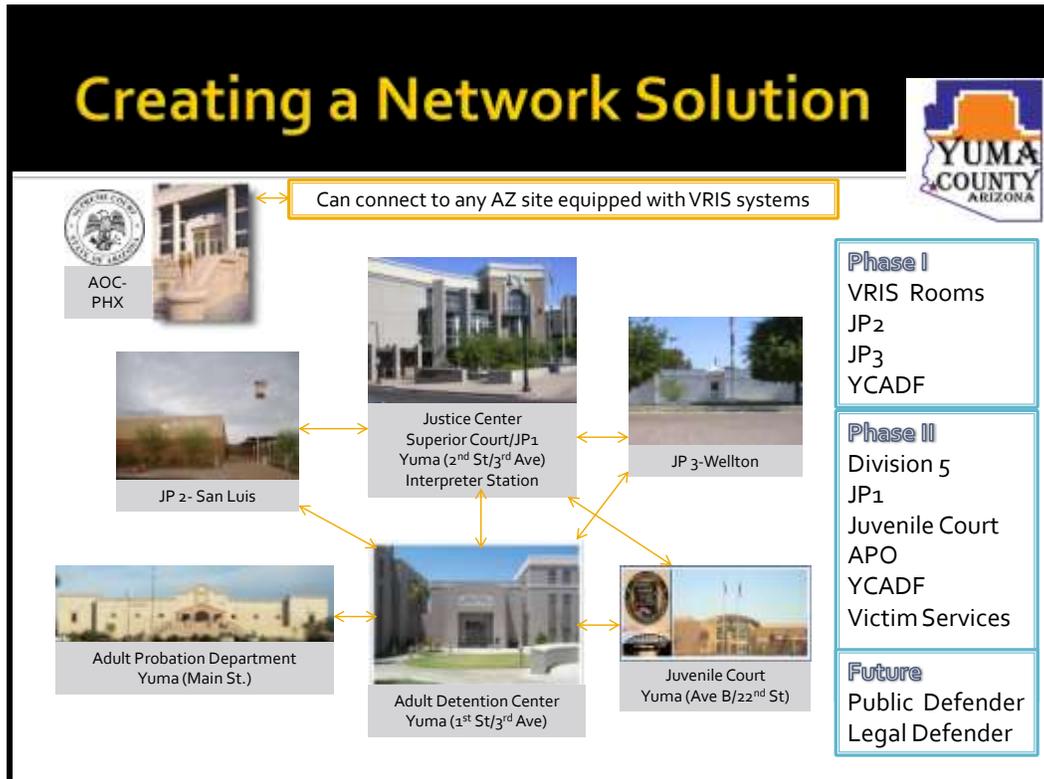


Table 5 below represents a recap of the costs exclusive of Internet Protocol phones.

The total price of Yuma County’s proof of concept pilot must be evaluated with supporting data reflecting actual savings; cost avoidance and acceptance from all stakeholders. Most importantly, the goal must be achieved of a substantially comparable court experience for NES and LEP court users. Due process must be protected; accurate communication must be ensured with qualified interpreter services; and delays must be minimized. A review and evaluation of both Phase 1 and Phase 2 services is the subject of this report.

Questions were posed to the survey population to elicit answers to the following:

- ⚖️ What other video remote systems are currently in use and how do they compare?
- ⚖️ Is this system working as it is intended to work?
- ⚖️ Does the video remote system improve access to interpreter services?
- ⚖️ Does the Video Remote Interpreter system maintain due process and procedural fairness for all court users?

**Table 5: Video Remote Interpreter Installation Cost Breakdown (Exclusive of IP Phones)**

Court Facility	Location	Application	Cost
Yuma County Justice Center Arizona AOC (both sites included)	Yuma, AZ Phoenix, AZ	Interpreter Control Room Interpreter Control Room	\$9,426.17
Adult Detention Facility	Yuma, AZ	Courtroom	\$24,026.73
Justice Court Precinct 2	San Luis, AZ	Courtroom	\$24,003.05
Justice Court Precinct 3	Wellton, AZ	Courtroom	\$24,003.05
Justice Court Precinct 1	Yuma, AZ	Courtroom	\$22,654.87
Superior Court, Division 5	Yuma, AZ	Courtroom	\$22,654.87
Juvenile Court	Yuma, AZ	Courtroom	\$22,654.87
Adult Probation Dept.	Yuma, AZ	Conference Room	\$ 8,926.69
Victim Services Office	Yuma, AZ	Conference Room	Not included
			<b>\$158,350.30</b>

This project provides a high level overview of the progress our country’s states have made toward VRI and the functionality of the jurisdictions utilizing VRI for spoken language interpreting in the court system. They reported on their satisfaction with the system features regarding ease of use; whether the system allows for simultaneous interpreting and attorney-client interviews; and whether the system increases availability of qualified interpreters. Finally, and arguably the most important measure of all, whether the end user has a substantially comparable experience when compared to services provided by an onsite interpreter. The study seeks to provide a program evaluation and assess the utility of the Yuma/AOC VRI System.

The challenge is great and the solutions revolve around two variables: availability of qualified court interpreters and the availability of funds to pay for their services. In the following sections of this report, Language Access Coordinators throughout the country report on some of the Video Remote systems currently in use in their jurisdictions and the Yuma Video Remote Interpreting pilot is evaluated by Yuma County stakeholders.

This report provides an overview of the legal requirements for language access through literature authored by numerous entities including the National Center for State Courts; American Bar Association and the Brennan Center for Justice. Surveys, follow-up interviews conducted and other data on usage and costs collection show the details of the Yuma/AOC Pilot project system, costs and usage examples. Finally, conclusions and recommendations indicate concrete steps that would improve the implementation of Video Remote Interpreter systems.



## **Literature Review**

To varying degrees, spoken language interpreters have had a place at counsel table across the world throughout time. However, the actual profession of court interpreting has a much shorter history. The Nuremberg Trials in 1945 spotlighted a shift to the use of simultaneous interpretation in an international forum where multiple languages were being spoken during the same proceeding. In the following quote, Luigi Luccarelli and Ruth Morris reviewed "The Origins of Simultaneous Interpretation: The Nuremberg Trial" by Francesca Gaiba, 1998.

For the interpreting profession, it was an exemplary - and almost unparalleled - instance of human and technical triumph over the linguistic obstacles that can otherwise impede the implementation of the loftiest sentiments of fairness. As described by the interpretation system's manufacturer, IBM, the goal was "that all men may understand." "All men" included those involved in the trial - defendants, judges, counsel for the prosecution and defence, witnesses, guards and representatives of the media (Gaiba, 1998).

Since that time, standards, protocol, and qualifications have been developed in the United States as the Constitution is interpreted and caselaw is created relative to the provision of court interpreter services. The U.S. Constitution, the U.S. Supreme Court and Title VI of the Civil Rights Act of 1964 form the basis for the current guidance enforced by the U.S. Department of Justice. Courts must do justice and appear to do justice by providing interpreters for court users who are either non-English speakers (NES) or with Limited English Proficiency (LEP). Clearly, a just decision cannot be rendered if one or more of the parties in a controversy do not have the message conveyed accurately and completely. This is the challenge faced by all courts.

## **Constitutional Requirements and Due Process**

In *Lau v. Nichols*, 414 U.S. 563, 569 (1974), the Supreme Court decided that “a federal fund recipient’s denial of an education to a group of non-English speakers violated Title VI and its implementing regulations” (Federal Coordination and Compliance Section, 2011). The Court opined that the Chinese-speaking minority, seeking relief in this case, received fewer benefits than the English speaking majority. By extension, other courts have determined that the lack of meaningful language access equates to discrimination based on one’s national origin.

The United States federal government has dedicated a web site to issues regarding compliance with laws and rules governing language access, as well as resources to help entities understand how they can comply with the same. One of the site’s documents is entitled “Language Access Planning and Technical Assistance Tool for Courts.” This tool helps any court walk step by step through the language access planning process, with guidance on how to document incremental progress and goals for full implementation. The document also helps with future planning by suggesting methods to assess the quality and cost of current services provided. The document entitled “Helpful Resources” lists memorandums and outcomes from complaints filed regarding language access issues.

By whatever means language access is accomplished, it is important to note that Arizona Courts require business to be conducted in English based on the Arizona State Constitution Article 28 Section 1, Section 4. Based on this constitutional provision, hearings may not be conducted in Spanish or any language other than English. For some bilingual judicial officers in border areas, it is tempting to conduct the hearing in Spanish rather than continue the matter to make arrangements for an interpreter to appear. This practice should be discontinued in all jurisdictions and a culture shift must be accomplished.

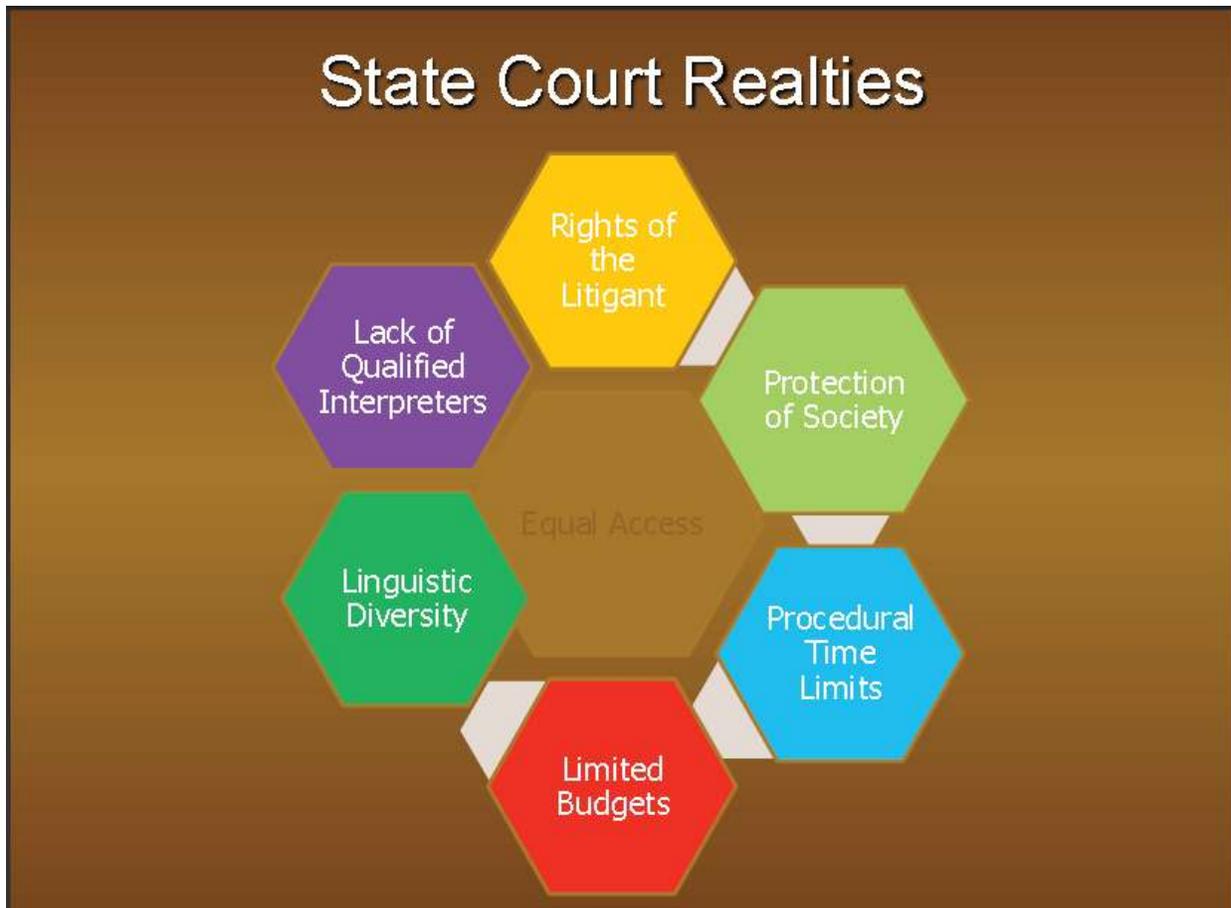
The Court cannot proceed without qualified, unbiased interpreters. Budgets typically allow for fewer interpreter staff than required to meet needs and non-interpreter staff does not have the necessary skills and ethical training. Utilizing non-interpreter staff to provide interpreter services also mixes roles and distracts staff members from their primary duties. Bench time and litigants' ability to resolve cases without delay are lost due to continuances, not to mention the fact that due process denied if a litigant cannot have his or her message conveyed accurately. In a letter addressed to the Chief Justice/State Court Administrator, Thomas E. Perez, Assistant Attorney General made the following statement: "Dispensing justice fairly, efficiently, and accurately is a cornerstone of the judiciary" (Perez, 2010).

Enhanced enforcement of Executive Order 13166 brought the deficiencies squarely to the fore and pressed states already in budgetary crises to seek cost effective solutions that address multiple variables including qualifications, cost, availability and distance. The aforementioned factors only refer to logistics. The loftier goal, in seeking a solution to this increasing problem, relates to the overwhelming need to insure that the solution provides access to the courts, as well as procedural justice. Funding authorities across the United States should take a proactive stance with regards to the provision of interpreter services to guard against litigation and complaints that several states have already been forced to defend against.

What has not been so clearly established is the exact scope of coverage requirements and qualifications needed to effectively provide interpreter services to the courts. Unfortunately, that lack of specificity impedes the understanding of needs, as well as fulfillment of those needs, by all professionals engaged in the task of administration of justice. Some of the most fundamental questions relate to access and availability, as well as identification of qualified service providers. More specifically, how we train judges, court staff and other justice partners;

locate, train and certify court interpreters; and increase accessibility by way of remote interpreting (<http://www.ncsc.org/services-and-experts/areas-of-expertise/language-access/~media/files/pdf/services%20and%20experts/areas%20of%20expertise/language%20access/call-to-action.ashx>). Figure 4 summarizes the issues related to the provision of interpreters.

**Figure 4: State Court Realities**



(Capati & Arias-Zerivitz, 2013, p. 10)

The review in this section focuses on the importance of language access and some possible solutions to language access issues that have been utilized throughout the country.

## **Purposes and Responsibilities of the Courts**

The National Center for State Courts (“NCSC”) and National Association for Court Administration (“NACM”) are interrelated entities providing support for courts as institutions, and for the people responsible for leading them. The professional development offered by the Institute for Court Management (“ICM”) is an indispensable and unique component of the organization. The most logical point to start the analysis is by reviewing language access in the context of two of the five core competencies presented in the NACM Curriculum Guidelines Summary entitled “Purposes and Responsibilities of the Courts.” Those core competencies are 1) “Why Courts Exist,” and 2) “Rule of Law, Equal Protection and Due Process.”

In the former competency, “Why Courts Exist,” multiple parts related to the following passage seem to typify many of the reasons that are linked to language access concerns.

Court processes must reflect established court purposes such as individual justice in individual cases, the appearance of individual justice in individual cases, provision of a forum for the resolution of disputes, the protection of individuals against the arbitrary use of governmental power, and the making of a record of legal status. Individual cases must receive individual attention. The law must be correctly applied to the facts. Regardless of economic or other status, there must be equal access. Everyone who comes to and before the court must be treated respectfully, fairly, and equally. Case processing and the application of the law to the facts in individual cases must be consistent and predictable. (NACM, n.d., p. 3)

Without the provision of accurate interpreter services, individual justice cannot be done and the appearance of doing individual justice would surely be compromised. The balance of power would be tipped away from the level balance that Lady Justice represents while the message used to apply the law to facts presented may be abbreviated, altered or completely incorrect. The probability that consistency, predictability and equal access to the court would be maintained cannot be a reasonable expectation in the absence of an accurate rendition of all communications. An obvious impediment would be a party’s financial means. If a qualified

interpreter is not provided by the court, it would be highly unlikely that low income parties could secure the services of a private professional interpreter.

The latter competency, “Rule of Law, Equal Protection and Due Process,” also falls directly in the purview of language access.

The promise of equal justice under law and the constitutional guarantees of equal protection and due process of law ground day-to-day judicial administration. Courts protect all persons equally without bias or discrimination of any type. This is equal protection. Proper judicial administration demands protection of private rights through regular administration according to prescribed rules, processes, and forms. This is due process. Elements of due process on the criminal and civil side include notice, discovery, right to bail, counsel, lawful and regular process, confrontation, cross examination, the right to call witnesses, the privilege against self incrimination, and public and timely resolution, among others. (NACM, n.d., p. 3)

This competency is virtually self-explanatory in its relationship to the need for qualified interpreters. Litigants represented by counsel are severely limited in their ability exercise their constitutional rights; to make their points; or follow the proceedings. One can only imagine the feeling of powerlessness an individual would feel if facing the court as a self represented non-English speaker. There can be no equality or equal protections if any party involved in a controversy cannot fully understand and participate in court, either procedurally or substantively.

The American Bar Association adopted a lengthy report (Resolution) on February 2012 entitled “ABA Standards for Language Access in Courts” (American Bar Association [ABA], 2012). This work is a comprehensive guide with the goal of preserving the rights of those with Limited English Proficiency, as well as parties who would be impacted by that individual’s participation in the process. “The provision of language access services is not for the sole benefit of the LEP individual. Preserving the integrity of the judicial process as a whole is also the reason why language access service must be provided in a comprehensive manner, not simply in one part of the legal proceedings or in one part of the courthouse” (ABA, 2012, p 14).

The ABA notes that the court is but one entity responsible for providing competent language access.

Legislatures and other funding sources at the federal, state and local levels should provide the resources necessary for courts to meet their constitutional and legal responsibilities and fulfill their access to justice mission. Courts should seek such resources, informing funders of the needs of LEP persons and the court's constitutional, legal and equitable responsibilities to ensure meaningful access to justice for all (ABA, 2012, p. 3).

The ABA clearly states that the court system must provide for linguistic accessibility for all court users. If a party is not afforded the ability to be linguistically present, he or she is denied equal treatment. "Language access services do not give LEP persons any advantage over English speakers; they are simply necessary to achieve a fair process in which LEP persons are placed on an equal footing" (ABA, 2012, p 13). The Bar Association cites the U.S. Constitution and related caselaw in making its case for the role of qualified interpreters in guaranteeing the trial rights contained in the Fifth, Sixth and Fourteenth amendments.

### **Video Conferencing in the Public Sector**

Videoconference has been popular in the private sector for purposes of appearing remotely for meetings; training and educational opportunities; employment interviews; and various other uses. Multiple factors have increased the interest for videoconferencing in the public sector.

The public sector trend to video collaboration was quantified in a survey conducted by the International Data Corporation (IDC) in June 2013 targeted at Network Systems Managers.

In IDC's 2012 U.S. WAN Manager Survey, the top 5 drivers for videoconferencing use in the public sector were as follows:

- Reduce travel expenses (56%)
- Increase productivity (41%)
- Improve employee collaboration (41%)
- Improve business processes (27.6%)
- Cost savings, exclusive of travel cost reduction (25.4%) (Costello, 2013)

All the reasons cited are the same reasons that would be consistent with the value of VRI in courts at any location.

### **National Summit on Language Access**

As a vital component to the administration of justice, the NCSC has formed the Council of Language Access Coordinators (CLAC) as a group and forum related to addressing language access and provision of court interpreters. The first National Summit on Language Access in the Courts was held in Houston, Texas on October 1-3, 2012. A report was prepared subsequent to the summit entitled “A National Call to Action: Access to Justice for Limited English Proficient Litigants-Creating Solutions to Language Barriers State Courts.” The summit focused on problem-solving and creating a blueprint for action.

The majority of the teams in attendance at the Summit indicated in their state action plans that remote interpreting is a priority. During the Summit, they learned how remote interpreting can serve the dual goal of limiting costs, primarily through savings in travel expenses, and improving quality. Perhaps one of the hottest topics at the Summit was video remote interpreter services (“VRI”) (<http://www.ncsc.org/services-and-experts/areas-of-expertise/language-access/~media/files/pdf/services%20and%20experts/areas%20of%20expertise/language%20access/call-to-action.ashx>).

Prior to the Language Access summit, assessments were completed by the 300 participants identifying priority areas and action steps. Nine steps were listed in the analysis - Step 7 was utilization of Remote Interpreting Technology. The survey completed on “Most Frequently Needed Languages” confirms the areas of most need: the national assessment is fairly consistent with Arizona’s needs (See Table 6). The need for Navajo and other North American indigenous languages is not represented in the nationwide data.

**Table 6: Wikipedia – Demographics of Arizona**

Top 10 Non English Languages Spoken in Arizona	
Languages	Percentage of Population (as of 2010) <sup>14</sup>
Spanish	20.80%
Navajo	1.48%
German and Chinese (including Mandarin) (tied)	0.39%
Tagalog	0.33%
Vietnamese	0.30%
Other North American Indigenous Languages (especially Native American Languages of Arizona)	0.27%
French	0.26%
Arabic	0.24%
Apache	0.18%
Korean	0.17%

As of 2010, 72.90% (4,215,749) of Arizona residents age 5 and older spoke English at home as a primary language, while 20.80% (1,202,638) spoke Spanish, 1.48% (85,602) Navajo, 0.39% (22,592) German, 0.39% (22,426) Chinese (which includes Mandarin,) 0.33% (19,015) Tagalog, 0.30% (17,603) Vietnamese, 0.27% (15,707) Other North American Indigenous Languages (especially Native American Languages of Arizona), and French was spoken as a main language by 0.26% (15,062) of the population over the age of five. In total, 27.10% (1,567,548) of Arizona's population age 5 and older spoke a mother language other than English.<sup>[14]</sup>

Arizona is home to the largest number of speakers of Native American languages in the 48 contiguous states. Arizona's Apache County has the highest concentration of speakers of Native American Indian languages in the United States.<sup>[15]</sup>

## Video Remote Interpreting in the United States

The participants at the summit discussed the possibility of pooling resources and enhancing collaboration by way sharing materials and remote interpreting. “At the regional or national level, states may begin to share interpreter resources with the assistance of remote technology” (National Center for State Courts, 2013, p. 33). The concept discussed at the summit overlays nicely with the pilot being tested in Yuma County. Although we do not have a unified state court system for funding purposes, the AOC’s willingness to provide funding and personnel to staff an interpreter room in Phoenix promotes the regional concept. AOC has also provided staff in its information technology department to provide the network infrastructure and support to Arizona’s counties.

Several other salient points noted from the summit related to the multiple benefits of VRI. The possibilities of increasing availability; saving on travel costs; and improving quality are but a few of the reasons to utilize VRI. Some of the technologies being used throughout the United States are listed in the survey results below. Respondents were asked to “Check all that apply” which resulted in a total more than 100%. The total number of responses per question was not included in the results.

**Table 7: Responses to National Summit Remote Interpreting Survey**

Do your courts use remote interpreting techniques? Check all that apply.	
Speaker telephone	82%
Integrated audio/video equipment	54%
Equipment for simultaneous interpretation and confidential conversations	28%
Remote interpreting techniques not used	13%
Other online computer video software	8%
Skype	3%

(NCSC, 2013, p. 4)

“Video remote interpreting will allow the courts to remove impediments, such as expense, distance and the scarcity of the language from their goal to provide language access to all court users” (NCSC, 2013, p. 37). The project determined that the states could substantially benefit from a unified approach in collaboration with a “video interpreter network, namely quality, efficiency, and accountability” (NCSC, 2013, p. 37). The findings also referenced the potential to create a more quality product and cost savings from not reinventing the wheel 50 times.

In response to the burgeoning demand for court interpreters, a variety of Remote Interpreter Systems have been launched throughout the U.S. Courts. They all have the common goal of supplying services to meet the demand. Telephone Interpreter Services is the most common and has been used in virtually all jurisdictions. The Administrative Office of the U.S. Courts has even created its own internal program named “TIP,” Telephone Interpreter Program. There are multiple private vendors who compete for market share in the telephone interpreter world. One of the most well-known is “Language Line Services.” Telephone interpreting can fill the void in a number of instances. It works for needs that arise on the spur of the moment in Spanish or for other languages not readily available. The downside to services such as Language Line is quality control. The end user does not have the opportunity to evaluate an interpreter’s skills to insure that their qualifications match the needs of the assignment. Another deficiency is the lack of ability to provide simultaneous interpreting and conduct private attorney/client conferences. Some videoconferencing solutions being utilized for interpreter service do not incorporate all of the features of the system being piloted in Yuma. Although Maricopa County Superior Court’s Video Interpreter Program does not have two-way video, it does have the capability to conduct private attorney/client conferences and it has received positive reviews from the interpreters and court staff. As is the case with technology, there have been

improvements: for example, Maricopa County is investigating the possibility of installing two-way video.

### **Florida's Solution**

The Ninth Judicial Circuit Court of Florida initiated a pilot named, "Remote Centralized Interpreting." Florida paved the way by working hand in hand with Cisco Systems engineers to address every last detail and fully convey the needs of the court, the interpreters, and the litigants to craft a solution that resolved remaining details. The original Florida model has been enhanced by replacing the Audio BiAmp system with Video Conference IP telephones. According to Florida staff, this modification greatly improved audio quality. Florida's goals were realized by reducing travel time which made interpreters available for additional hearings. Wait time was reduced based on less travel, and costs were avoided due to better utilization of staff resources as well as reduced travel costs. While all these results pleased the budget office, the ultimate goal of the court, procedural justice, was enhanced by ensuring timely access to due process. The program was not without challenges. Some of the issues cited were 1) Return on Investment; 2) Governance; 3) Certification (Requirement vs. Guideline); and 4) Low Staff Interpreter Pay, (Ninth Judicial Circuit Court of Florida, 2013, p. 40).

The Florida system demonstrated clear advantages over any previous system:

- ⌚ The interpreter controls delivery of audio and can interpret simultaneously without concern for cross-talk and a potentially garbled record.
- ⌚ The interpreter has a direct view of the party receiving service through the Internet Protocol Video Phone.
- ⌚ The interpreter can view documents by way of document camera or receive them by email.

- ‡ The interpreter can view the entire courtroom by pan/tilt/zoom cameras controlled by the interpreter.
- ‡ Most importantly, the interpreter can conduct a private attorney-client interview while at the counsel table. To ensure the viability of any such system, counsel must be satisfied that the features are secure.

The Yuma/AOC stakeholders selected the Florida model for all of the points listed above.

The Florida research and design team worked with Cisco for more than a year to address all details that would provide a system that would work for the court and its interpreters.

The courts are stuck in a holding pattern when appropriate interpreter services are not available at the appointed hour. “Judges cannot administer justice when litigants in their courtrooms are unable to understand what is going on, or to convey crucial information to the court” (Abel, 2009, p. 5). At the extreme end of the procurement spectrum are the languages that are rare and have small populations. Coordinators and supervisors may strike out completely when seeking a qualified interpreter for these languages. Cases in this category can languish with undue delays or even have all charges dismissed if an interpreter cannot be procured. Timely services, provided by qualified interpreters, will avoid miscarriages of justice due to lack of language access. Accommodations such as the Video Remote Interpreter System can provide a mechanism to insure that fair resolutions are reached for all parties and that procedural justice is preserved.

As of 2012, “seven states indicated that they had successfully implemented VRI and wished to expand it: seven states were interested in utilizing VRI and fifteen states were in the midst of exploring and evaluating it” (NCSC, 2013, p. 35). At the 2013 Court Technology Conference, Carmel Capati and Ody Arias Zerivitz presented “State of the Art Remote Interpreting.” Based on an informal survey, 20 states indicated they are using remote

interpreting and 10 states can provide simultaneous interpreting using VRI (Capati & Arias-Zerivitz, 2013, p. 13).

Remote technology clearly provides solutions for provision of court interpreters. However, we should not limit the technology to that specific purpose. The figure below provides a listing of other ways to make technology work for the courts and court users.

**Figure 5: Other Court Uses for Remote Interpreting Technology**



(Capati & Arias-Zerivitz, 2013, p. 25)

Yuma County is considering many of these uses for its Video Remote Interpreting program. Technological advances provide opportunities that are limited only by the imaginations of court managers. As noted above, there are many technological benefits that are possible through Video Remote Interpreting and Video Conferencing.

Use of videoconference with videophones is not novel, but literature on a project with this configuration is lacking. The Yuma Pilot may provide enough detail for a small to medium remote court to further investigate the possibilities and explore the advantages and disadvantages of going down this path.



## **Methods**

The methods for this project include two levels of inquiry. The first level was directed to the 50 state language access coordinators and the second to system users in Yuma County, Arizona. Online surveys and follow-up interviews were conducted. Data on the numbers of events served by the Yuma VRI system was also collected.

At the states level, the research was designed to inventory the VRI systems currently in use throughout the nation and identify the features of those being used for spoken languages. The Yuma/AOC research was designed to assess the efficacy of the Yuma model and its features. Furthermore, both groups were given the opportunity to weigh in on their perceptions of preservation of due process and procedural fairness for all court users when providing interpreter services through VRI. In addition to the research gathered from surveys and other online resources, some respondents were contacted to inquire as to the scope and components of their respective VRI systems.

### **Online Surveys**

Surveys to the State Group and the Yuma County/AOC Pilot Group were created through the online survey builder FormSite. FormSite is an online survey building tool that is economical at its lowest level of service and very user friendly. A brief survey can be formatted in 30 minutes or less. Additional benefits include a wide range of formatting options and analytical capabilities. Surveys were delivered by email invitation to participate in the study.

The first survey was distributed to Council of Language Access Coordinators in all states in an attempt to determine which are currently utilizing Video Remote Interpreting and what features the systems possess. 33 (66%) of the 50 state language access coordinators responded to the survey. The second source was a survey targeted at the small group of stakeholders testing Yuma's model Video Remote Interpreter system. 20 out of 26 stakeholders responded to the

Yuma survey (77%). Litigants were not surveyed for this study since their ability to evaluate VRI systems is extremely limited and would not yield meaningful opinions.

### **State Survey**

The goal of the first survey was to determine the state of the states with regards to their progress and experience with VRI. Other surveys and projects have included remote interpreting by telephone. For example, 82% of courts participating in the Language Access Summit utilize telephonic remote interpreting under certain circumstances. The scope of this review of the states was limited to language access services delivered with a video component.

The survey instrument consisted of thirteen questions. A response was required for each question in order to submit the survey. The state survey was intentionally brief to encourage participation and it was anticipated that it could be completed in ten minutes or less. Two reminders were sent as a follow up to maximize responses.

The survey instrument consisted of three multiple choice selection questions about the respondents' role in the court; their experience with Language Access Planning; and responsibility in managing their jurisdictions' VRI system. Question 4 asked the respondents to describe the technological features of their current system (if any). Questions 5-10 inquired about the features of the respective VRI systems and provided for responses indicating level of agreement using a five point Likert Scale and a Not Applicable (NA) option. Questions 11 and 12 provided an opportunity for respondents to provide free text feedback regarding the system and any other comments. Finally, question 15 asked the respondents to provide the jurisdiction represented. The Video Remote Interpreter System Evaluation Survey Instrument, which was distributed to the 50 states, is located in Appendix D.

## Yuma County

The second prong of the research was targeted at the small groups of stakeholders with experience using the Yuma Pilot VRI system. The thirteen questions had the first two and last two questions in common with the State survey. Questions 3-11 asked the respondents to indicate their level of agreement with the features available in the Yuma model using a five point Likert Scale and a Not Applicable (NA) option. The same protocol was followed as was utilized in the State Survey. The Yuma Survey was intentionally brief to encourage participation and it was anticipated that it could be completed in ten minutes or less. Two reminders were sent as a follow up to maximize responses (See Appendix E).

The individuals surveyed were limited to those who had direct experience with the Yuma Pilot VRI System. All four judges and three of four interpreters responded to the survey. The interpreters included two staff interpreters with regular, daily use of the system and one freelance Korean interpreter appearing from the Arizona AOC in Phoenix. This interpreter used the system only two times.<sup>1</sup>

**Table 8: Yuma/AOC Model Response Rates**

Yuma Model Response Rates by Group n=20			
Role	Number Responding	Number Surveyed	Response Rate
Judge	4	4	100%
Interpreter	3	4	75%
Court Staff	10	12	83%
Prosecution	2	2	100%
Defense	1	4	25%

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<sup>1</sup> This researcher has served as the project manager and has substantial experience utilizing the system and troubleshooting issues; however did not submit a survey.

## **Methodological Limitations**

There were several lessons learned with data collection during the 50 state survey. Originally, the target survey group was to be only those jurisdictions with a VRI system in place. There was no way to identify these courts so a new strategy was developed. The survey was sent to each state's Council of Language Access Coordinator members. This seemed to be a prudent move but there may be many other VRI systems in use in states that are non-unified and these systems were not identified. Distributing the survey to local jurisdictions would have yielded more results and potentially other VRI solutions that are working in small to medium courts. Other pertinent questions could have been asked, including how long the system had been in service and whether there were any significant revisions from the original technology. If the survey had been distributed in this manner, extra time would have been needed to receive the additional responses and to analyze the data.

## **Findings**

This is a relatively small scale project designed to test the efficacy of a Video Remote Interpretation system in Yuma County, Arizona to determine the merits of implementation in other Arizona locations. Some findings and conclusions were derived from the survey results whereas some were ascertained by informal follow up interviews with the stakeholders in the state group and the Yuma/AOC group.

### **Overview of State Systems**

The state survey yielded 33 respondents (66%). Eight of the 33 responding states are currently using some form of video remote interpretation for spoken languages. The information below in Table 9 includes the information of the 25 states that are not currently utilizing Video Remote Interpreting<sup>2</sup>. The responses indicate the status of each responding state regarding the implementation of Video Remote Interpretation. Almost all of the states are interested in implementing and using their existing video conference systems to move toward a system that specifically addresses language access deficiencies.

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<sup>2</sup> Since the survey was addressed only to the State Language Access Coordinators, there may be other jurisdictions within the responding states that have utilized or are currently utilizing VRI.

**Table 9: Responses From States Without VRI (25 of 33 Responding)**

Survey of all 50 States - Council on Language Access Coordinators		
State Name	Scope of Implementation	System Description / Additional Information & Comments
Alaska	None	Not currently using VRI
Delaware	None	No system in place.
Hawaii	None	Not currently using VRI but interested in the concept.
Idaho	Statewide	Telephone interpreting only for spoken languages. Some jurisdictions have access to VRI for ASL only.
Illinois	None	Not currently using VRI but considering software through Stratus that could make VRI available to court equipped with webcams. Exploring the option. One court has already implemented successfully for ASL.
Iowa	Statewide	We do not have a system or protocol for VRI at this time. This is one of our language objectives for 2014.
Kansas	None	No system in place.
Maine	Statewide	Not currently using VRI. Investigating cost and technology.
Michigan	Various	Information unavailable at state level. LAP plans are administered locally.
Minnesota	Statewide	Biamp system with no video. Not currently in use due to equipment failure
Mississippi	Statewide	Currently does not have a VRI system.
Missouri	None	None
Montana	None	We do not use RI
Nevada	None	No video-remote interpreting capability currently in Nevada. We are exploring this issue and hope to launch a pilot project.
New Hampshire	Statewide	All courtrooms have videoconference capabilities but not used for interpreting. A pilot will be conducted
New Mexico	None	We are working on a new system with the IT Division. CLAC representative provides input on the technological aspects.
North Carolina	None	We are currently putting together an RFP for such systems but not currently equipped with equipment.
Oregon <sup>3</sup>	Statewide	ASL only. Polycom VSX 6000 video conferencing. 90% of OJD Courtrooms have access to video conferencing technology. Connections over private statewide network.
Pennsylvania	None	We do not have a statewide system implemented yet.
Texas	Not part of the court system.	As of 9/1/14 the court interpreting program will move to the office of court administration.
Utah	Statewide	We have several T3 units which are audio only. <a href="http://www.remoteinterpreting.com">www.remoteinterpreting.com</a>
Vermont	None	We do not have one but wish we could.
Washington <sup>4</sup>	Statewide	No current VRI. 2011 pilot used Biamp solution and video designed by InDemand Interpreting current system.
Wisconsin	TBD	No statewide VRI. Each county circuit would have its own technology
Wyoming	Statewide	Most courts have video appearance capability but it is not used regularly for interpreting purposes.

<sup>3</sup> Oregon has only utilized this equipment for ASL and does not provide for spoken language access through this system.

<sup>4</sup> Challenges to the Washington model were the lack of a “single unique provider that has sufficient numbers of interpreters...” and the cost benefit ratio that proved to be more economical to hire in-person interpreters.

## States Currently Utilizing Video Remote Interpreting

The following eight states reported that they provide interpreter services through Video Remote Interpreting. The solutions listed range from videoconferencing with no targeted audio to one-way video with targeted audio, and finally, videoconferencing with targeted audio. The system details are found in Table 10.

**Table 10: Responses From States With VRI (8 of 33 Responding)**

Survey of all 50 States - Council on Language Access Coordinators				
State Name	Scope of Implementation	System Description / Additional Information & Comments	Spoken Languages	
			Interpretation Modes (Yes / No)	Private Conversations (Yes / No)
Arizona	Maricopa County	System designed with FTR components. One way video allows interpreter to see courtroom. Interpreter not seen.	Yes	Yes
Florida	9 <sup>th</sup> Judicial Circuit	Video Conferencing with IP Video Telephones. The pilot project concluded one year ago. At the present time they are re-installing the system in limited locations due to budgetary constraints.	Yes	Yes
Georgia	Statewide	The T3 interpreter system provides audio and video communication. The audio control software manages volume and switch between modes.	Yes	Yes
Kentucky	Limited	Using Tandberg E20 units/Cisco video phone. <i>Experimented with expanding to Pretrial services for inmate interviews</i>	No	No
Nebraska	Statewide	Cisco Jabber. <i>In spite of the lack of targeted audio, it has greatly increased our ability to provide language access for limited scope hearings across the state.</i>	No	No
New York	Statewide	Video Conference via intranet (court system network) connections from/to courts throughout the state	No	No
South Dakota	2 <sup>nd</sup> Circuit	Polycom on statewide network. Currently building a dedicated videoconference courtroom for this purpose. <i>Critical need to expand across state and national borders.</i>	No	No
Tennessee	One county piloting	Cisco Jabber video. Attorney or judge decides on correct interpretation mode. Piloted since the end of 2013	No	No

Maricopa County, Arizona's system has a view into the courtroom so the interpreter can control his or her viewpoint by way of the pan/tilt/zoom camera. It also allows for simultaneous interpretation and private attorney-client conferences. It does not have two-way video so the courtroom can only hear, but not see, the interpreter. Maricopa has been successful with this model and staff is comfortable with the technology. They are currently investigating a solution that delivers two-way video.

Georgia's system features both audio and video communication and provides for targeted audio to facilitate simultaneous interpretation and private attorney-client interviews. The comments regarding Georgia's system indicate that the technology is working well and once the initial IT issues were addressed, reliability was good. Training was mentioned as an issue but staff had no problems once they practiced with the system regularly. However, when lapses in service occurred, staff tended to forget the training. End users were satisfied with the system but the technology tends to be underutilized based on business processes or lack of prior communication with court staff and requesting parties. The significant downside is cost since the system was expensive and "the cost of the equipment has not been justified by the few uses we have had over the course of the last year and a half."

Kentucky's system is scaled back from the previous two. It provides service through Cisco video phones and Tandberg video conference units. Feedback is limited for this application and the system was designed for emergencies. There are plans to utilize the system for other departments such as pre-trial service officers who can interview inmates remotely. Kentucky's ideas also fall in line with the possibilities to leverage utility from existing technology.

Nebraska's solution consists of Cisco Jabber Video clients. This is a good first step toward increasing availability of interpreter services. It does offer two-way video but

unfortunately, it does not provide for simultaneous interpretation or private attorney-client conferences. Nebraska offers, “while we recognize its limitations, Jabber has greatly increased our ability to provide interpreters for limited scope hearings across the state.”

New York began its remote program in 2006 and has expanded. Most feedback has been positive. Services are provided through videoconference on the court system network. The survey response indicates that targeted audio is not available.

Tennessee is piloting a Video Remote Interpreter system with Cisco Jabber Video technology. More information is needed on the targeted audio. Reports note that the “judges are very impressed with the system. The interpreters are getting used to it. Attorneys have had few issues with the system.” However, Sheriff’s deputies are not pleased with their role in managing the equipment in court.

Finally, South Dakota is utilizing polycom equipment on the state network as well as a number of off network videoconferencing units. Targeted audio is not available with this technology. End user feedback indicates that “the video is okay, but nothing beats in-person interpreting.” One of the most insightful comments in the entire survey came from South Dakota. “I think the most critical need for expansion and ease of use for video interpreting is for court systems to open access to their video units across state and even international borders. Crossing borders (any borders) is not something the courts are used to doing, in tech areas especially.” This comment supports strategies gathered at the National Summit and lends support for the notion that we are much stronger and more effective if we join forces to use our collective wisdom and human resources.

## **State Study Findings**

### **Finding 1: VRI With Two-Way Video And Targeted Audio Is Utilized In Few States.**

Other than the Yuma County pilot, only two of the states responding to the survey are using two-way video and targeted audio. Georgia reported that it is utilizing two-way video conferencing coupled with targeted audio. Florida's Ninth Judicial Circuit will be reinstating a scaled down version of its program in March 2014.

### **Finding 2: State Survey Respondents Indicated Availability Of Qualified Interpreters Is Increased By VRI.**

More than half of the eight states with Video Remote Interpretation reported that they strongly agree that their systems increase availability of qualified interpreters. Although Georgia has a robust system with two-way video and targeted audio, its response was neutral as to increased availability. One comment submitted indicated that, in spite of a high level of demand, its system is not utilized as much as was expected. Kentucky responded not applicable since its system is used only for emergencies. Table 11 lists the detailed responses.

### **Finding 3: State Survey Respondents Indicate Mixed Levels Of Agreement That VRI Delivers A Comparable Experience.**

Maricopa County, Arizona, the Florida 9<sup>th</sup> Judicial District and Georgia report having the most system capabilities with targeted audio (See Table 10). There are many variables in the technology, business processes and political climate that could account for the mixed reviews. This result in evaluating "Comparable Experience" is not at all surprising since it is truly the highest bar to meet in the eyes of judges, interpreters, and staff (See Table 11).

**Table 11: State Assessments Of Systems’ Impact On Availability  
And Comparability To In-Person Interpretation**

States with VRI	Increases Availability of Interpreters	Comparable to In Person Experience
Arizona, Maricopa County	Strongly Agree	Strongly Agree
Florida, 9 <sup>th</sup> Judicial Circuit	Agree	Neither Agree nor Disagree
Georgia	Neither Agree nor Disagree	Agree
Kentucky	Not Applicable	Disagree
Nebraska, 2 <sup>nd</sup> Circuit	Strongly Agree	Agree
New York	Strongly Agree	Agree
South Dakota	Strongly Agree	Disagree
Tennessee	Strongly Agree	Agree

**Finding 4: State Survey Respondents Indicate Mixed Levels Of Agreement That VRI System Features Make The System User Friendly For Court Users And Court Staff.**

Maricopa County, Arizona; Florida; and Tennessee were the only three states that received very favorable ratings regarding the audio, video, pan/tilt/zoom camera and targeted audio in their respective systems. Georgia was very satisfied with the ease of use, but the technology is not utilized as much as expected. One state uses its system regularly while another uses it for emergencies only. This was a difficult analysis since the technology in each jurisdiction is very different in both components and features.

**Table 12: State Ratings of System Quality and Ease of Use**

<b>8 States With VRI</b>	<b>Clear Audio</b>	<b>Clear Video</b>	<b>Pan / Tilt / Zoom</b>	<b>Targeted Audio</b>
Arizona, Maricopa County	Strongly Agree	Strongly Agree	Strongly Agree	Strongly Agree
Florida, 9 <sup>th</sup> Judicial Circuit	Strongly Agree	Strongly Agree	Strongly Agree	Strongly Agree
Georgia	Agree	Agree	Not Applicable	Strongly Agree
Kentucky	Neither Agree Nor Disagree	Neither Agree Nor Disagree	Not Applicable	Not Applicable
Nebraska, 2 <sup>nd</sup> Circuit	Agree	Agree	Not Applicable	Disagree
New York	Strongly Agree	Strongly Agree	Agree	Disagree
South Dakota	Agree	Agree	Disagree	Disagree
Tennessee	Strongly Agree	Strongly Agree	Strongly Agree	Not Applicable

## **Yuma County Study Findings**

### **Finding 5: Adequate Training Was Lacking Prior To The Launch Of The Yuma Video Remote Interpreter System.**

Several members of the bench and various staff members were interviewed post survey regarding their comfort level with managing the technology. One of the weightiest areas of concern was their apprehension about being able to manage the services without the availability of Court Information and Technology Services staff or Court Interpreter staff. One site has not yet been fully trained and the judge and staff in that court have expressed substantial anxiety and requested that training occur without delay since there is an upcoming hearing requiring ASL services in that facility.

### **Finding 6: No Printed Materials Were Created Or Provided To Staff Prior To The Launch Of The Video Remote Interpreter System.**

Prior to launching the Video Remote Interpreter program, the project team received one day of onsite training from the vendor engineer. No printed instructions were available. Although this training was good, nothing can replace printed materials to reinforce the in person training. End users indicated that they viewed the program to be incomplete without this piece.

**Finding 7: Usage Of The Yuma VRI Has Increased Availability Of Qualified Interpreters To The Two Remote Justice Court Precincts.**

Table 13 provides a snapshot of VRI usage in the two remote Justice Court Precincts during the last quarter of 2013. These data indicate that the two precincts used the VRI system extensively (averaging 2-3 hearings per day), greatly improving timely access to qualified interpreter services in the remote Justice Court Precincts. Prior to VRI, clerks served as interpreters for the majority of cases. For some criminal matters, including trials and preliminary hearings, interpreters were previously sent from Superior Court to provide the service.

**Table 13: VRI Statistics For One Quarter**

Months of Service	Justice Court Precinct 2 San Luis	Justice Court Precinct 3 Wellton	Total
October 2013	49	13	62
November 2013	27	25	52
December 2013	30	21	51
<b>Last Quarter Total</b>	<b>106</b>	<b>59</b>	<b>165</b>

**Finding 8: Yuma/AOC Survey Data Indicates A High Level Of Agreement Among End Users That The VRI System Increases The Availability Of Qualified Interpreters. See Table 14 below.**

Table 13 above shows the usage for the two remote Justice Courts for one quarter of 2013. These were hearings previously served by non-interpreter court staff. This finding is supported by these numbers along with the Yuma survey results in Table 14. The two tables provide the bookends supporting the usage figures and respondents’ opinions about increased availability of qualified interpreters.

**Finding 9: Yuma/AOC Survey Data Indicates A High Level Of Agreement Among End Users That The VRI System Provides A Substantially Comparable Experience When Compared To An Onsite Interpreter.**

Since the two remote Justice Court Precincts had inadequate interpreter resources, VRI has improved the situation for judges, staff and litigants. Availability of qualified interpreters has spiked and judges are very satisfied with the services provided. The data in Table 14 links Findings 7-9 by further supporting the stakeholders’ perceptions of VRI’s qualities and effectiveness in reducing delays, increasing availability, and providing a comparable experience.

**Table 14: Yuma/AOC VRI System Increased Availability and Provides Comparable Experience**

Role	This system reduces continuances and/or calendar delays based on lack of a qualified interpreter.		This system increases availability of qualified interpreters to provide services to your community’s LEP (Limited English Proficiency) population.		Comparing on site interpreter services and video remote interpreter services, this system provides for an overall comparable experience for the end users, including litigants, witnesses, judges, attorneys, interpreters and court staff.	
	Strongly Agree and Agree		Strongly Agree and Agree		Strongly Agree and Agree	
Judge	100%	4 of 4	100%	4 of 4	100%	4 of 4
Interpreter	66%	2 of 3	66%	2 of 3	66%	2 of 3
Court Staff	80%	8 of 10	80%	8 of 10	80%	8 of 10
Prosecution	50%	1 of 2	50%	1 of 2	50%	1 of 2
Defense	100%	1 of 1	100%	1 of 1	100%	1 of 1

**Finding 10: Yuma/AOC Survey Respondents Indicate A High Level Of Agreement Among End Users That The VRI System Features Make The System User Friendly For Court Users And Court Staff.**

They Yuma VRI system controls are easy to manage for judges, courtroom staff and interpreters. Connections for the videoconference and Internet Protocol videophone in the interpreter control room require few steps with initial log on and conferencing of the appropriate extensions. The courtroom setup is also very straightforward and the courtroom staff learned the process quickly.

**Table 15: Yuma/AOC VRI System Ease Of Use**

Role	It appears to be easy for the judge and courtroom staff to manage the video remote interpreter technology		It appears to be easy for the interpreter staff to manage the video remote interpreter technology.	
	Strongly Agree and Agree		Strongly Agree and Agree	
Judge	100%	4 of 4	100%	4 of 4
Interpreter	100%	3 of 3	66%	2 of 3
Court Staff	60%	6 of 10	70%	7 or 10
Prosecution	50%	1 of 2	50%	1 of 2
Defense	100%	1 of 1	100%	1 of 1

## **Conclusions and Recommendations**

Video Remote Interpreting is a promising technology solution to provide better access to justice and fairness while keeping current with the private sector trend toward videoconferencing. When managed properly, VRI systems with appropriate functionality offer multiple benefits for courts. However, proper planning, implementation, training, monitoring, management and maintenance are necessary to realize the full potential for VRI.

### **Conclusion 1: Successful VRI Systems Implementation Requires Meticulous Planning.**

In order to insure the success of a VRI project, one of the most critical pieces is a thorough review of all existing systems and equipment to facilitate integration. Court Administration must involve all the appropriate personnel from project initiation. Judges and attorneys should also be involved at this stage to identify legal requirements and determine if there are any features that must or must not be included. Taking proactive steps to avoid the potential for resistance is an important component of this planning. No decision should be made without input from all team members.

### **Recommendation 1: A Project Team Should Be Formed Including Personnel From Court Administration, Court Interpretation, Court Information And Technology Services, And Court Budget.**

As soon as any Video Remote interpreter project is contemplated, a project team should be formed representing all groups participating in the decision making process. Each member of the group will bring important insights to the selection, purchase, installation and implementation of new systems. A secondary stakeholder group should be convened to allow judges, attorneys, and other court users the opportunity for their opinions and concerns to be raised.

**Conclusion 2: Training And Orientation Are Necessary For The Success Of Any VRI Program.**

Training in advance of the “go live” date is essential. When pressed for time, this is the easiest piece to defer—but ultimately the most damaging to the goal of bringing all the stakeholders on board. The Yuma project suffered from this flaw and is still trying to recover at one site. Judges and staff experience extreme anxiety when trapped in a full courtroom with a system they are not able to properly manage. This is the worst case scenario and leads to both frustration and embarrassment that could be prevented.

**Recommendation 2: Design And Implement A Standard Curriculum For Any Group Utilizing VRI Systems.**

Training should be developed for judges, interpreters, clerks, bailiffs and any other staff interacting with the court’s VRI system. Attorneys can be invited to participate to understand the system and how the private attorney-client conversation feature works. The session should cover an overview of system features; tutorial on connecting / disconnecting; volume controls; and simple troubleshooting. A second session should be developed to train all court staff on Language Access Issues and Working with Interpreters. The same training can be used as an outreach to the local and State Bar Associations. Possible forums include the local Bar Meetings and State Bar Conference.

**Conclusion 3: Printed Materials Should Be Created To Increase Judge And Staff Comfort With VRI Technology.**

Technology is only valuable when it can be easily operated by the targeted users. Judges and their staff are regularly juggling mountains of files, long calendars, and full courtrooms with anxious litigants. They don’t need, and would rightly reject, a process that diverts their attentions from the cases before them. In the absence of a staff member who is trained and

familiar with operating the VRI system, a tool designed to improve access and reduce delay does exactly the opposite. Reference guides with quick reference steps to operate the VRI system will increase comfort with and acceptance of the technology.

**Recommendation 3a: Printed Tri-fold Or One Page Quick Reference Guides Should Be Distributed To All End Users.**

Printed materials are indispensable so that all stakeholders can have a visual aid and a one page quick reference guide. Reference materials should be customized to address the variations of each site. End users indicated that they viewed the program to be incomplete without this piece. Yuma should collaborate with the AOC on this recommendation in order to share work product with other Arizona counties using VRI technology.

**Recommendation 3b: Printed Benchcards Should Be Provided To Judges, Judicial Assistants, Bailiffs and All Courtroom Staff.**

VRI Benchcards should be created and distributed to judges and courtroom personnel. These cards should include important information to assist the judge by outlining how a hearing should be managed when interpreter services are being provided remotely. Judges are masters of multitasking but have many competing priorities they must attend to while on the bench. Benchcards designed as a “how to” guide will help our judges conserve valuable bench time while following appropriate steps to preserve procedural justice.

**Recommendation 3c: Printed Comprehensive Instructions Should Be Provided For All Stakeholders.**

All staff interacting with the VRI system should have access to a comprehensive visual reference guide which includes phone extensions used to connect the Yuma/AOC VRI as well as any other counties’ number. Post survey interviews with judges and court staff highlighted the

deficiency in this area. Yuma should collaborate with the AOC to design and roll out the necessary materials.

**Conclusion 4: Judges And Staff Need To Know How To Get Help In The Event Of VRI System Issues. A Successful Program Must Recognize That All Technologically Based Programs Have Components That Will Malfunction And Fail.**

Trouble strikes at the most inopportune moment. A plan needs to be in place to get judges and staff the help they need. There will be greater acceptance of the VRI technology if those using the system know who to call for help and if help is readily available.

**Recommendation 4a: Create An IT Support List For VRI Users.**

VRI users need help at a moment's notice. They should be given a list of designated support staff with contact numbers. The list should include local court IT personnel and AOC personnel. Appropriate persons should be identified to provide assistance with information and troubleshooting. Backup support should be identified in the event that these support staff members are unavailable.

**Recommendation 4b: Create A Backup Plan For System Failure**

In case of system failure, the default plan for scheduled and unscheduled hearings would be to use telephone interpreting when possible. Some hearings cannot be continued due to time limit issues and other issues. This is not a solution for ASL and more planning will be needed to prepare for this eventuality.

**Conclusion 5: VRI Systems Increase Availability To Qualified Interpreters.**

The majority of survey respondents agreed that VRI systems increase availability to qualified interpreters. The Yuma/AOC VRI system has most certainly succeeded in its original mission to increase availability to the remote Justice Courts. Approval of the Yuma Video Remote system came with approval for one additional staff interpreter. With the arrival of this new employee, the Court Interpreters Office has been able to provide service for all the hearings in the two remote Justice Courts. Since the majority of these services are provided remotely, there is still additional availability for hearings in the other Justice Court, as well as all the Superior Court Divisions.

**Recommendation 5: The AOC Should Continue To Be Proactive In Assisting Arizona's Counties With Interpreter Issues. Exploring The Following Strategies Offers Additional Opportunities To Further Increase Availability.**

- Collaboration with other Arizona counties that have installed VRI systems
- Opening a dialogue regarding the creation of regional interpreter service hubs
- At the state level, working toward national collaboration on VRI systems.

Yuma and the AOC will continue to evaluate remote interpreter services to find the model to best utilize this valuable technology. Other opportunities exist with the potential for intergovernmental agreements that would allow counties with fewer interpreter resources to work directly with counties that have more access to qualified interpreters.

**Conclusion 6: Due Process And Constitutional Rights Are Preserved When Using The VRI System If Hearing Types Are Screened Properly To Receive Remote Services And The System Provides 2 Way-Video, Targeted Audio And Accommodates Attorney-Client Conferences.**

The ultimate goal of any VRI system is to provide an experience for the end user that is substantially comparable to the experience that the limited English proficiency / non-English speaking court user would have with an onsite interpreter. To achieve comparability, VRI systems should include targeted audio capabilities that deliver simultaneous interpretation and private attorney-client interviews. Systems with targeted audio and the ability to conduct attorney-client conferences will improve the perception—and reality—that the system delivers a comparable experience while preserving procedural justice and due process.

**Recommendation 6: Future Installations Should Include The Full Complement Of VRI Features.**

VRI systems should be able to initiate a video conference connection while connecting a separate video phone call. The interpreter appears in the courtroom on any and all display screens. The interpreter controls the vantage point in the courtroom with the pan/tilt/zoom camera. The video call is then connected to any system extension in the courtroom. Targeted audio is possible by delivering interpreter services to the NES/LEP on the IP phone and muting or un-muting the videoconference to provide the appropriate mode of interpretation. Three-way conferences can be initiated to allow defendants to consult with attorneys. Finally, various provisions to send or view documents facilitate sight translation of paperwork that the attorney or judge asks the interpreter to sight translate. All these features are indispensable for interpreters to deliver services consistent with industry standards.

**Conclusion 7: In Addition To Implementation Costs, VRI Systems Require Substantial Yearly Maintenance Contract Costs.**

The quotes for second year service demonstrated that the approximate cost is \$15,000/yr for Phases One and Two. Courts cannot afford to take the risk of the unpredictable expense of doing business without an ongoing service plan.

**Recommendation 7: Make Budget Requests For Maintenance Fees In Conjunction With The Funding For VRI System Installation.**

Technology is expensive: an equipment failure can cost an organization thousands of dollars in unbudgeted equipment replacement. A successful program is a working program. Thus, the funding authorities must understand the program's value in hard and soft savings, as well as the priceless value of language access. Recording usage and potential savings will provide justification for the budget request.

**Conclusion 8: The VRI System Model Should Be Assessed Periodically To Schedule Effectively And Use It To Its Full Capacity For All Appropriate Hearings.**

Efficient scheduling is of the utmost importance for court interpreter offices. Staff interpreters, judicial staff, and clerks are in the best position to assess scheduling practices and possible alternate uses for the technology.

**Recommendation 8: Regular Meetings Should Be Set To Review Scheduling And Other VRI System Procedures.**

Since multiple sites are served by one Video Remote Interpreter room, Court and interpreter staff should work diligently and collaborate on planning. These meetings should focus on developing an approach that meets the needs of the court and maximizes interpreter time. If this process is successful, conflicts will be avoided and there will be fewer resources expended on contract interpreters. The first priority is that the Video Remote room should be

scheduled by the remote courts in consecutive time blocks. The second is to coordinate with all courts being served by the court interpreter's office to explore the possibility of establishing blocks of time to call cases requiring an interpreter. Finally, interpreter, clerk and bailiff staff should all brainstorm to find other scheduling solutions to benefit the whole and maximize services. The group discussions should also include any issues court staff or court users are having with the technology.

## Summary

The Superior Court in Yuma County is about to complete one year piloting the Yuma/AOC Model Video Remote Interpreter system. As with all projects, it is beneficial to convene the project team to seek objective answers to the following questions:

- What went right?
- What went wrong?
- What can be done now to correct any deficiencies?
- What could be done better next time?

When any organization changes longstanding practices and procedures, some fear and resistance to that change is to be expected. A shift to Video Remote Interpreting is no different. As simultaneous interpretation delivered with electronic equipment met with criticism by many in the 1945 Nuremberg Trials, Video Remote Interpreting will meet with opposition in 2014. Most operational changes do meet with initial resistance. However, with proper evaluation and refinement of the process and protocol, it is likely that the barriers will be removed and Video Remote interpreting will emerge as another way to provide a voice to those who need to have their messages heard.



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## Appendices

### Appendix A: Timeline for Phase 1 and Phase 2 Yuma/AOC Project

#### Phase I –Went Live in March 2013

##### *VRI Rooms*

- ⌚ One Interpreter Room at AOC
- ⌚ One Interpreter Room in Yuma

##### *Justice Court – Precinct 2*

- ⌚ Courtroom equipped to connect directly with Yuma or AOC AND Detention Facility
- ⌚ As a side benefit, JP2 Judge and Staff could teleconference for meetings with other JP Precincts.

##### *Justice Court – Precinct 3*

- ⌚ Courtroom equipped to connect directly with Yuma or AOC AND Detention Facility
- ⌚ As a side benefit, JP3 Judge and Staff could teleconference for meetings with other JP Precincts.

##### *Yuma County Adult Detention Facility*

- ⌚ Detention Facility Courtroom equipped with system to conduct video arraignments. Currently this is being used for JP2 and JP3 (Remote Sites) but could be used for other circumstances at other equipped sites.

#### Phase II-Went Live in July 2013

##### *Division 5*

- ⌚ One Superior Court Courtroom. Primarily for other than Spanish/ASL needs to be provided from the AOC VRI Room in Phoenix.

##### *Justice Court – Precinct 1*

- ⌚ One JP1 Courtroom (Co-Located with Superior Court). Primarily for other than Spanish/ASL needs to be provided from the AOC VRI Room in Phoenix.

##### *Juvenile Court*

- ⌚ One Juvenile Court Courtroom. Primarily for other than Spanish/ASL needs to be provided from the AOC VRI Room in Phoenix; additional Spanish needs to be provided by staff interpreters from the Yuma VRI Room.

### ***Adult Probation Department***

- |- Probation/Pretrial Services Officers could potentially meet with clients by videoconference to Detention Facility from the office with or without interpreter in office or from AOC. Remaining in the office will increase productivity by reducing wait times. System will accommodate maximum security (enclosed cells with laptop video clients). More work is needed for minimum security to provide for confidential setting WITHOUT transporting defendant to contact or semi-contact visitation area.

### ***Yuma County Adult Detention Facility***

- |- System will accommodate maximum security (enclosed cells with laptop video clients). More work is needed for minimum security to provide for confidential setting WITHOUT transporting defendant to contact or semi-contact visitation area.

### ***Victim Services***

- |- Victims can view hearings remotely from CA Office or other equipped site and provide victim impact statement without being personally present in the courtroom.

### **Future Expansion- (If Completed) To Be Funded and Managed by the Public Defender (PD), Legal Defender (LD)**

#### ***Public Defender / Legal Defender***

- |- Attorneys could remain their offices and conduct attorney/client interviews with detainees in the Yuma County adult Detention Facility. Interpreters could appear at the attorney's office or at the AOC Office. The system will accommodate maximum security (enclosed cells with laptop video clients). More work is needed for minimum security to provide for confidential setting WITHOUT transporting defendant to contact or semi-contact visitation area.

## Appendix B: Letter to NCSC 50 State CLAC Members

*Email Script  
For Survey #1*

*50 Members of CLAC  
NCSC Council of Language Access Coordinators*

December 2, 2013

Greetings,

I am currently completing the Court Project Phase of the Institute for Court Management (ICM) Fellows Program. The ICM Fellows Program is the flagship court leadership development program offered by the National Center for State Courts (NCSC). As you may know, NCSC is a leading provider of technical assistance, training, and technology to strengthen justice systems in the U.S. and around the world.

The Court Project Phase entails a court research and improvement project. The topic of my project is the **Yuma Video Remote Interpreter Pilot**. Yuma County has recently installed a video conference / video phone system and is in the process of refining procedures and evaluating the program. I am requesting that you complete a survey, located at the link below, to provide information about your experiences with the Video Remote Interpreter System installed in your jurisdiction. Demand for court interpreters in Arizona and the rest of the United States is great. Your participation in this project should help courts find creative solutions to fill that demand in order to ensure due process and language access for all court users.

**Please submit your responses no later than December 15, 2013.**

<http://fs19.formsite.com/EmployeeSurvey/form21/index.html>

I thank you in advance for your support and assistance in developing broader knowledge about the collective experiences of courts in implementing video remote interpretation systems.

Kind Regards,

*Kathy*

Kathleen M. Schaben  
Trial Court Administrator  
Superior Court in Yuma County  
250 W. 2<sup>nd</sup> St.  
Yuma, AZ 85364  
[kschaben@courts.az.gov](mailto:kschaben@courts.az.gov)  
(928) 817-4090 (office)  
(928) 210-2288 (cell)

## Appendix C: Letter to Yuma County Stakeholders

*Email Script  
For Survey #2*

*31 Yuma County Stakeholders  
Judges, Interpreters, Court Staff, Counsel*

December 2, 2013

Greetings,

I am currently completing the Court Project Phase of the Institute for Court Management (ICM) Fellows Program. The ICM Fellows Program is the flagship court leadership development program offered by the National Center for State Courts (NCSC). As you may know, NCSC is a leading provider of technical assistance, training, and technology to strengthen justice systems in the U.S. and around the world.

The topic of my project is the **Yuma Video Remote Interpreter Pilot**. As you all know, this system was installed in multiple locations in the Yuma County Court system to improve access to qualified interpreters for court users who do not speak English or speak English with limited proficiency. In an effort to evaluate the program, I am requesting that you respond to the survey located at the link below. Your participation is vital in order to assess what is working well, identify any problems with the technology or how it is used, and determine what may need to be changed prior to other court installations. Demand for interpreters in Arizona is great. We must find creative solutions to fill that demand in order to ensure due process and language access for all court users.

**Please submit your responses no later than December 15, 2013.**

<http://fs19.formsite.com/EmployeeSurvey/form22/index.html>

I thank you for your continued support of the video remote interpretation initiative and for your assistance in this evaluation.

Kind Regards,

*Kathy*

Kathleen M. Schaben  
Trial Court Administrator  
Superior Court in Yuma County  
250 W. 2<sup>nd</sup> St.  
Yuma, AZ 85364  
[kschaben@courts.az.gov](mailto:kschaben@courts.az.gov)  
(928) 817-4090 (office)  
(928) 210-2288 (cell)

## Appendix D: FormSite Survey Instrument for 50 State CLAC Members

### Video Remote Interpreter Systems Evaluation Survey



• 1. What is your role in your court?

Judge

Administrator

Interpreter Supervisor/Coordinator

Interpreter

Court Staff

Other (Please Specify): \_\_\_\_\_

• 2. What is your experience related to interpreter issues and language access planning?

I am responsible for interpreter services evaluation.

I am responsible for language access planning.

I am responsible for both of the above.

I provide input on one or both of the above.

I am not responsible for either.

Other (Please Specify): \_\_\_\_\_

• 3. Are you the project / program manager responsible for program evaluation of your Video Remote Interpreter System?

Yes

No

Provide input

• 4. Please describe your current system's technological features.

• For questions 5-10, please indicate your level of agreement regarding your Video Remote Interpreter System.

	Strongly Disagree	Disagree	Neutral Agree/Disagree	Agree	Strongly Agree	Not Applicable
5. The audio is clear and easily adjusted.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. The video is clear without excessive production.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. (If available to your system) The system/feature corrects coverage of all potential parties.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8. The targeted audio features allow the interpreter to provide the correct level of interpretation, comparable or simultaneous.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. Your system increases availability of qualified interpreters to provide services to your community's LEP (Limited English Proficiency) population.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. Compared to other interpreter systems and video remote interpreter services, this system provides for a more complete experience for the end user, including legal, witness, judge, attorney, interpreters and court staff.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

• 11. What feedback have you received from the system's end users about functionality, reliability and quality? (Judge, Attorney, Interpreter, Court Staff)?

• 12. Is there anything else you would like to add?

• 13. Please indicate your state and jurisdiction.

\* Indicate Response Required

1/7/2014
1/7/2014

# Appendix E: FormSite Survey Instrument for Yuma County Stakeholders

## Yuma <> AOC Video Remote Interpreter System Evaluation



**\* 1. What is your role in your court?**

Judge  
 Administrator  
 Interpreter  
 Court Staff  
 Prosecutor  
 Defense Attorney  
 Victim Services Representative  
 Other (Please Specify):

**\* 2. What (if any) is your experience related to interpreter issues and language access planning?**

**\* For questions 3-11, please indicate your level of agreement regarding the Yuma <> Arizona AOC Video Remote Interpreter System.**

	Strongly Disagree		Disagree		Agree		Strongly Agree	
3. It seems to be easy for the video and courtroom staff to merge the video remote interpreter technology (e.g. making the system connecting with the interpreter, changing the system)	<input type="radio"/>							
4. It seems to be easy for the interpreter staff to merge the video remote interpreter technology (e.g. making the system connecting with the court, defendant and performing other parties)	<input type="radio"/>							

**5. The audio is clear and easily adjusted.**

**6. The video is clear without excessive production.**

**7. (If applicable to your role) The system provides coverage of all parties in the courtroom.**

**8. (If applicable to your role) The system provides features that allow the interpreter to provide the correct mode of interpretation (Consecutive or Simultaneous).**

**9. The system increases availability of qualified interpreters to provide services to your community's ACP (United English Interpreters).**

**10. The system reduces performance and/or standard delays based on level of a qualified interpreter.**

**11. Connecting an AOC interpreter service and video remote interpreter services. The system provides for an initial complete connection to the system, including system, video, audio, judge, attorney, interpreter and court staff.**

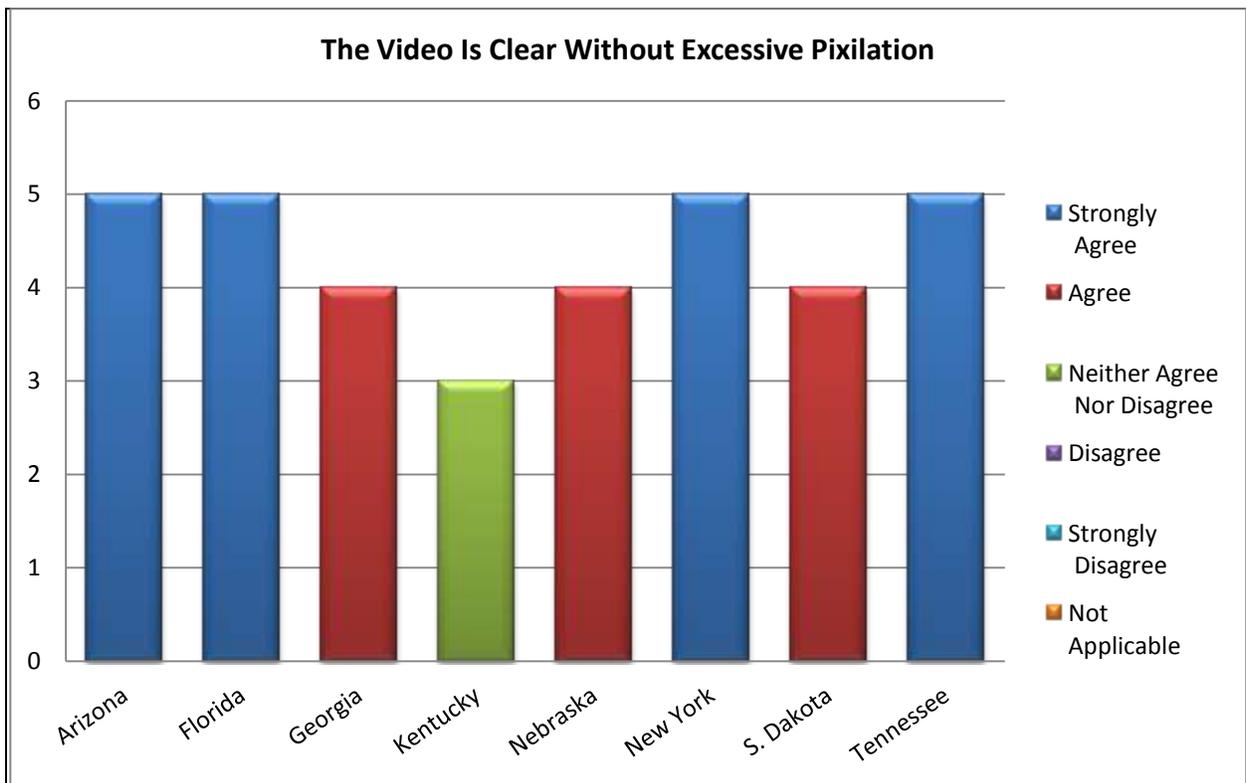
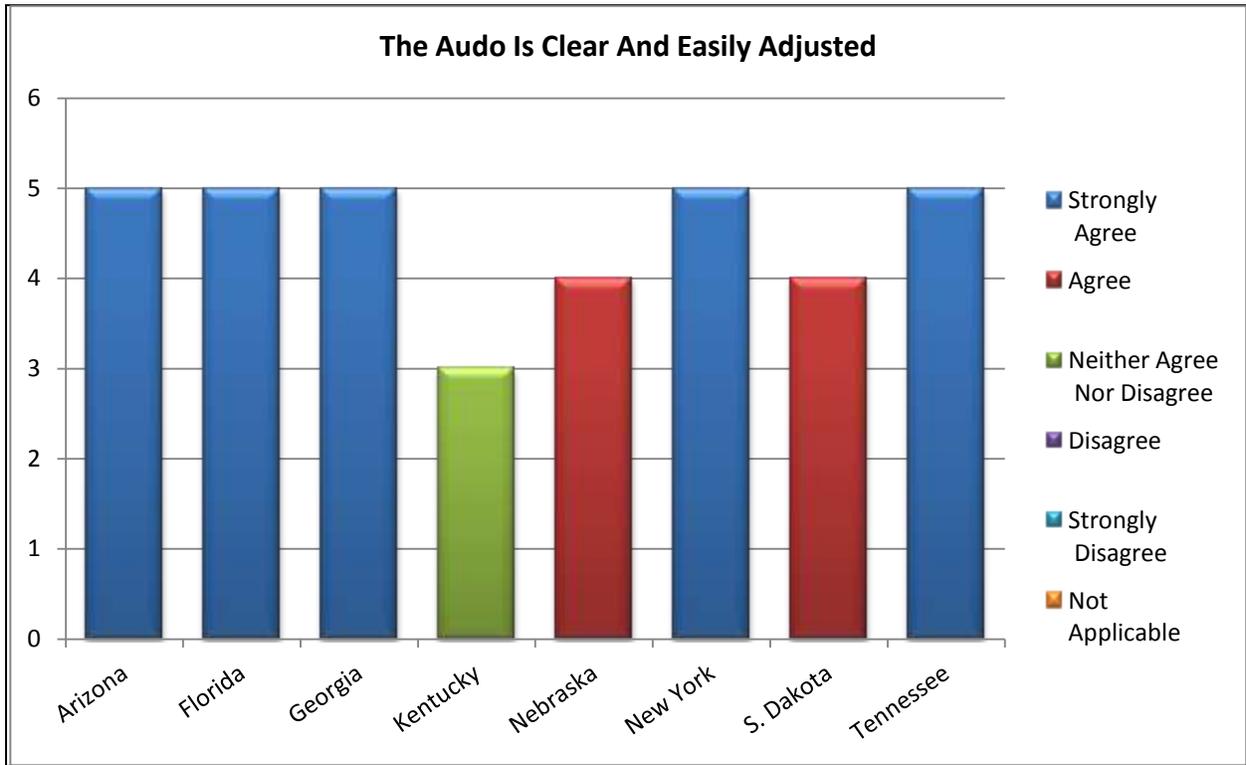
**\* 12. What feedback have you received from the system's end users about functionality, usability and quality? (Judge, Attorney, Interpreter, Court Staff?)**

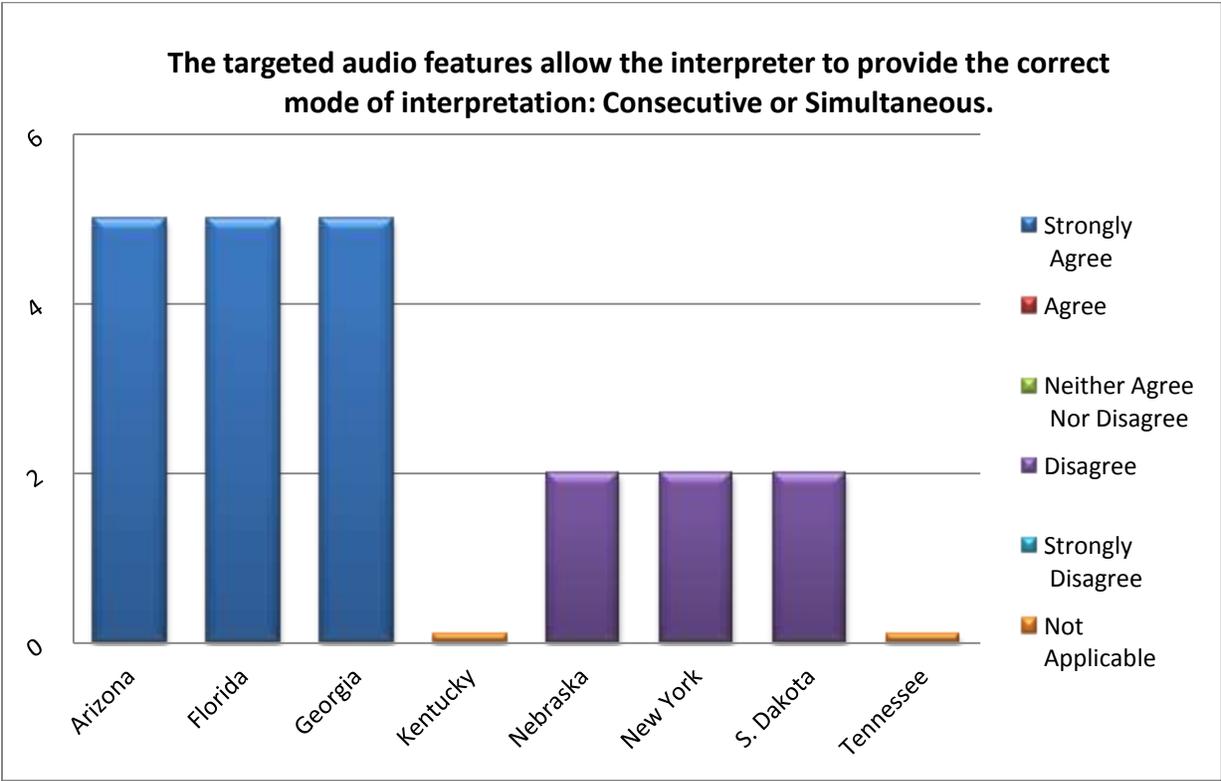
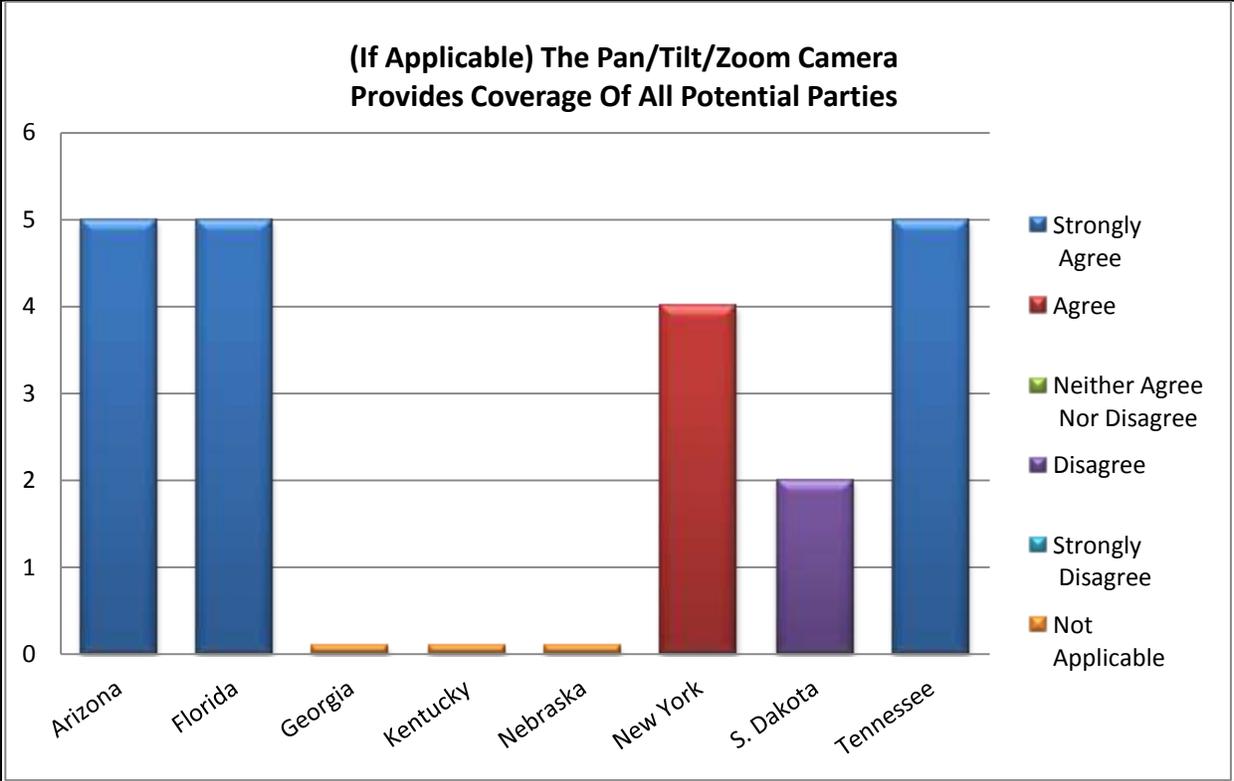
**\* 13. Is there anything else you would like to add?**

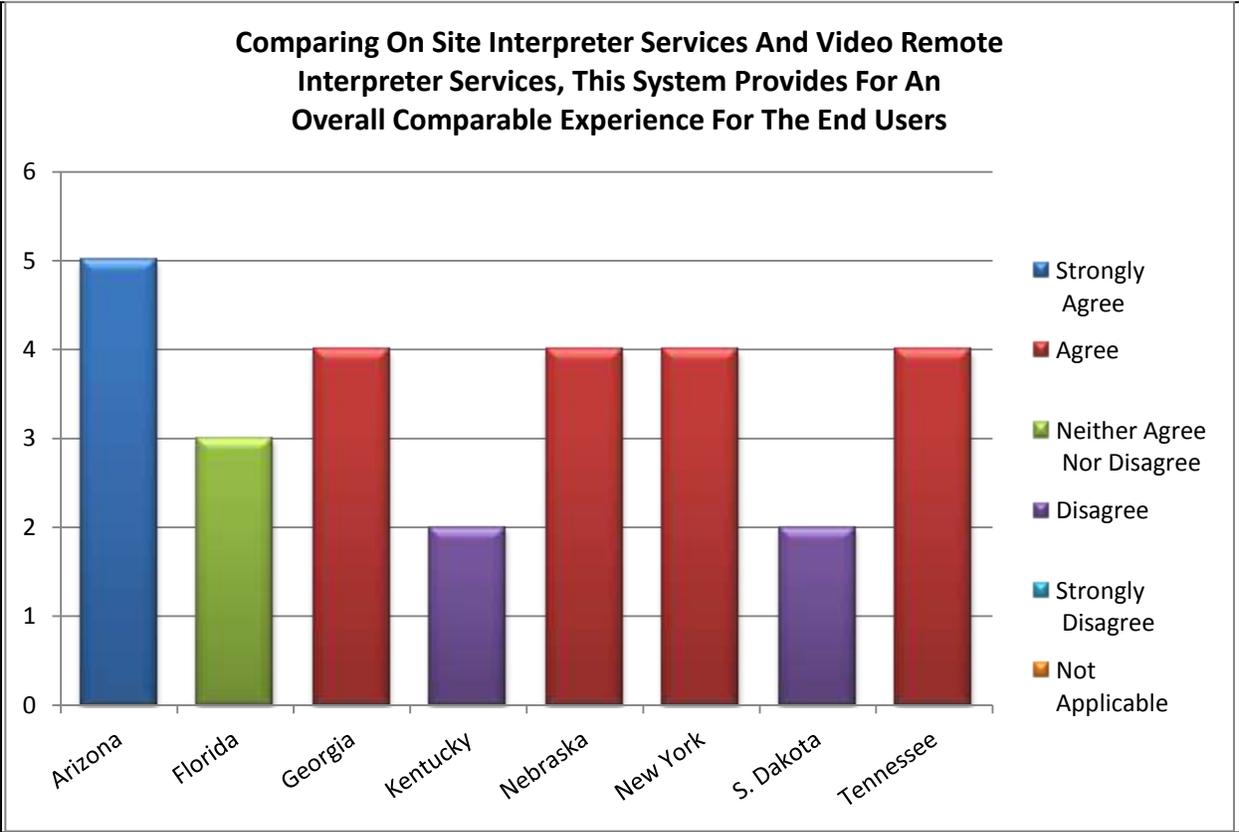
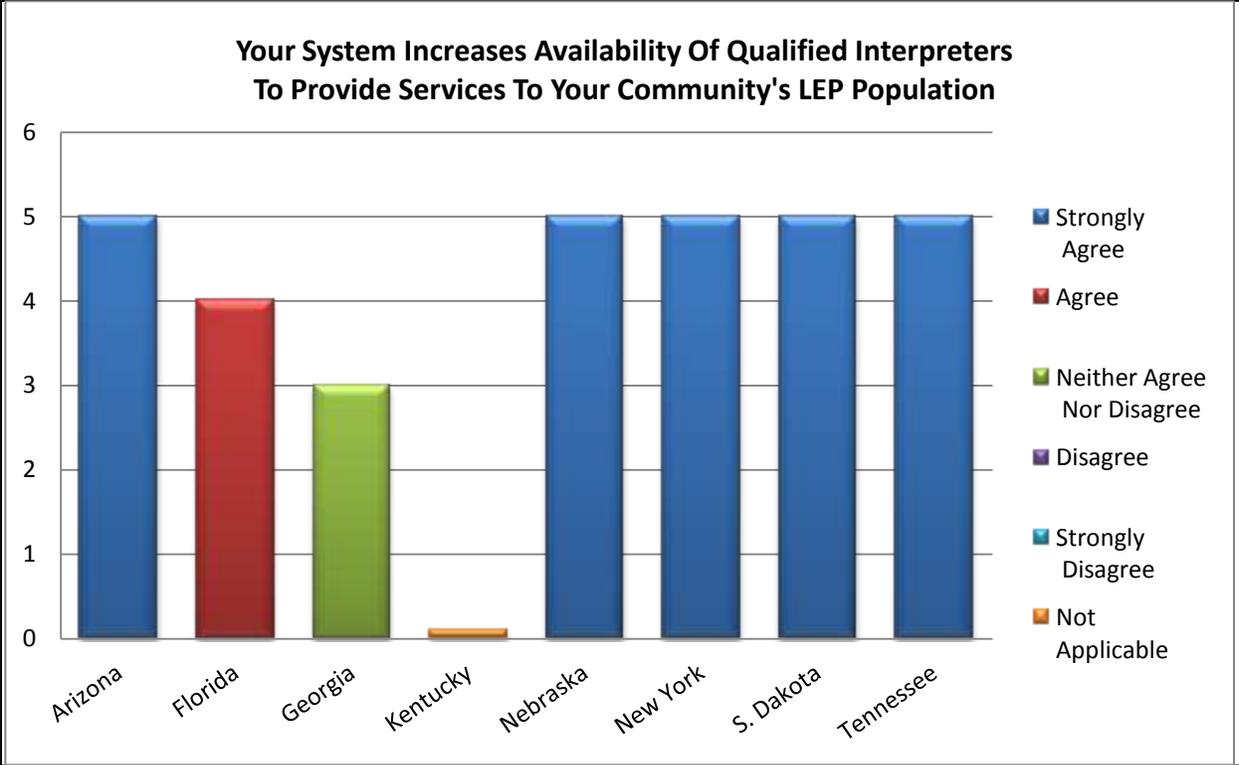
**\* Voluntary Response Required**

1/7/2014

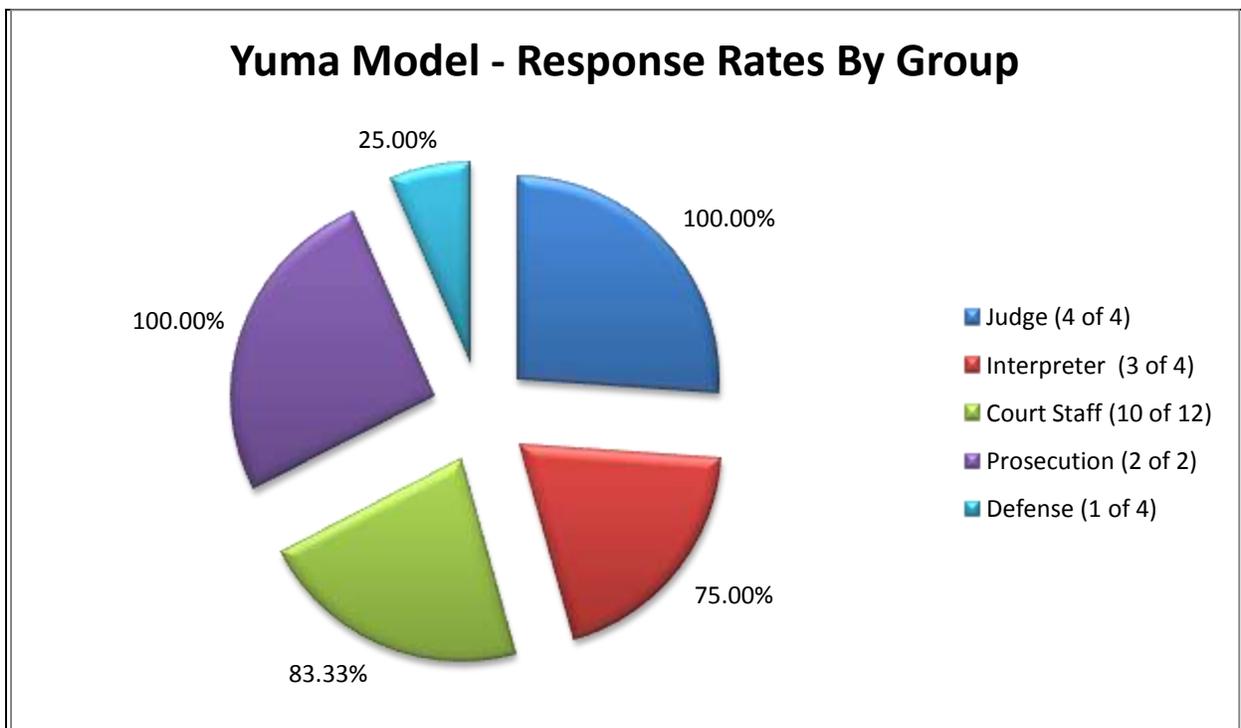
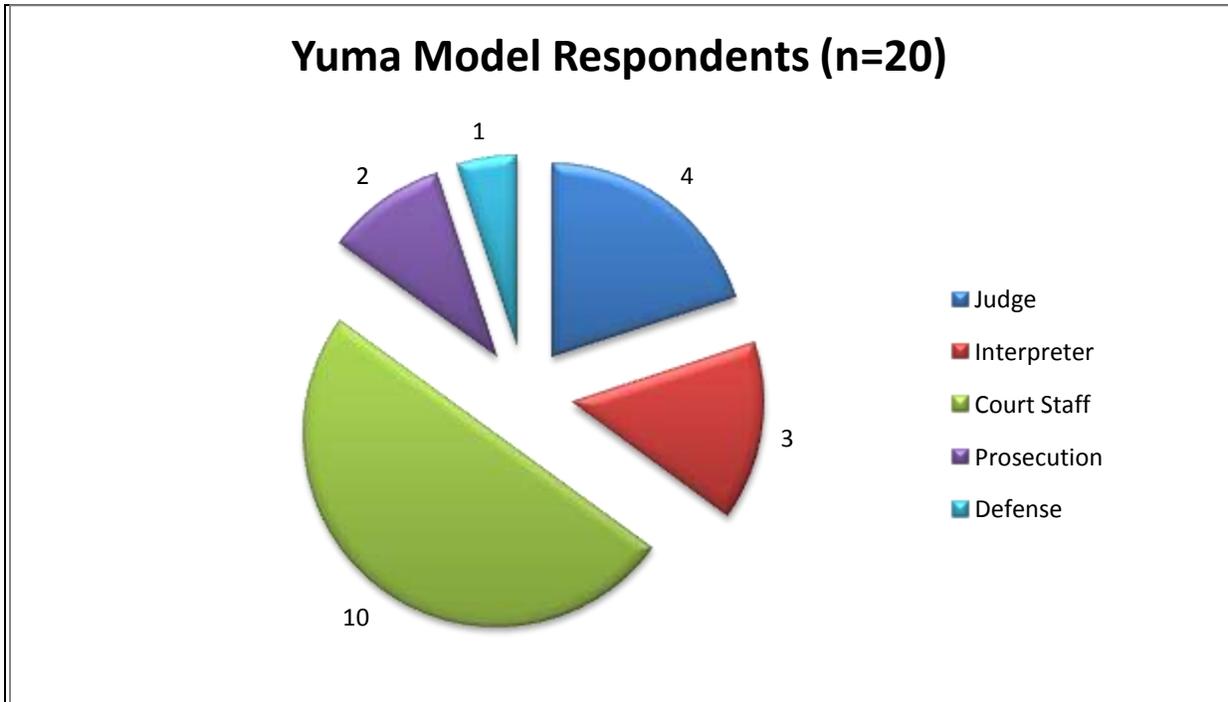
**Appendix F: Compiled Results–8 States Utilizing VRI**







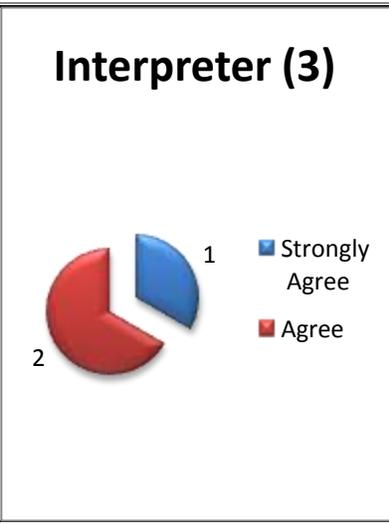
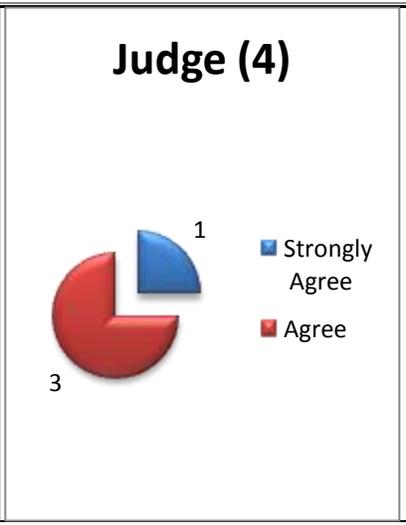
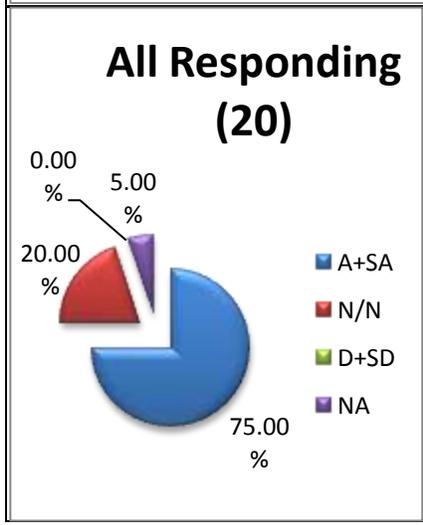
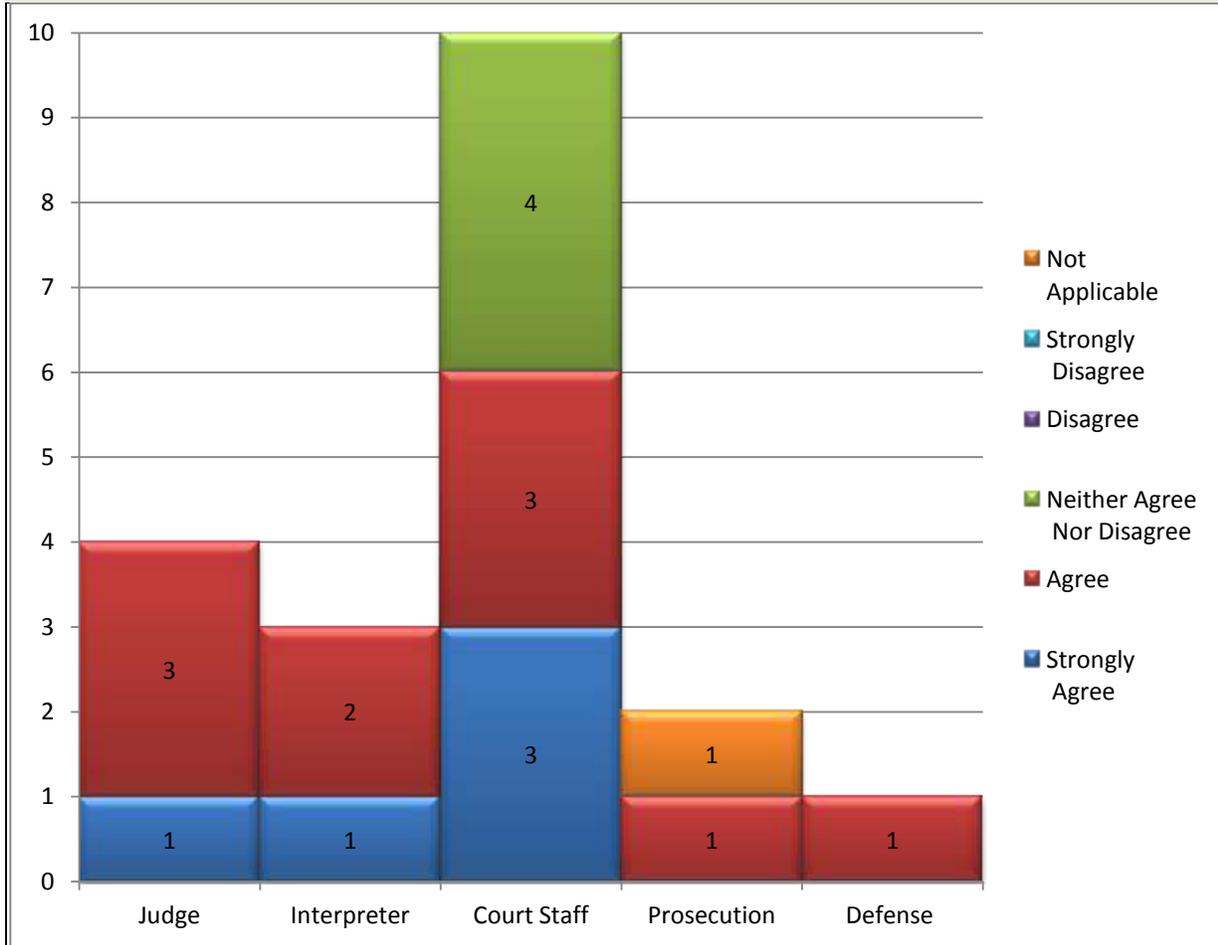
## Appendix G: Yuma County Stakeholders Respondents and Response Rates



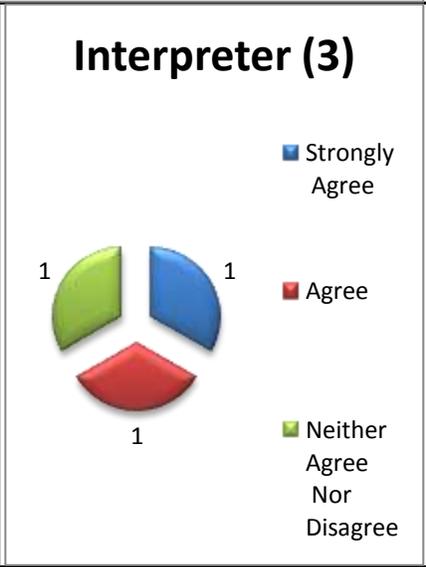
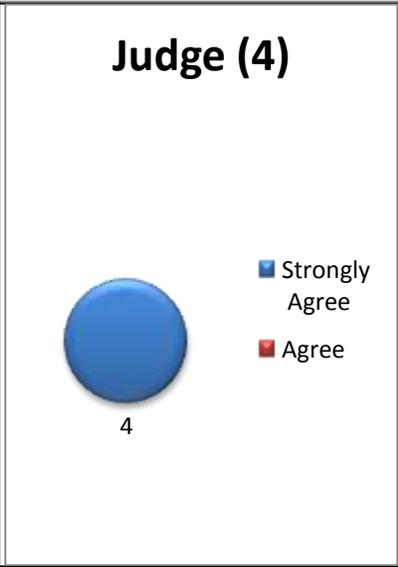
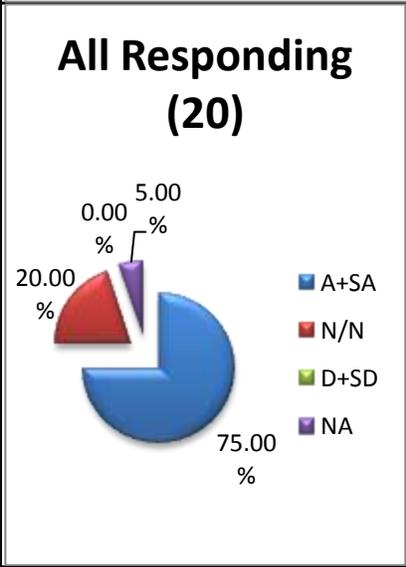
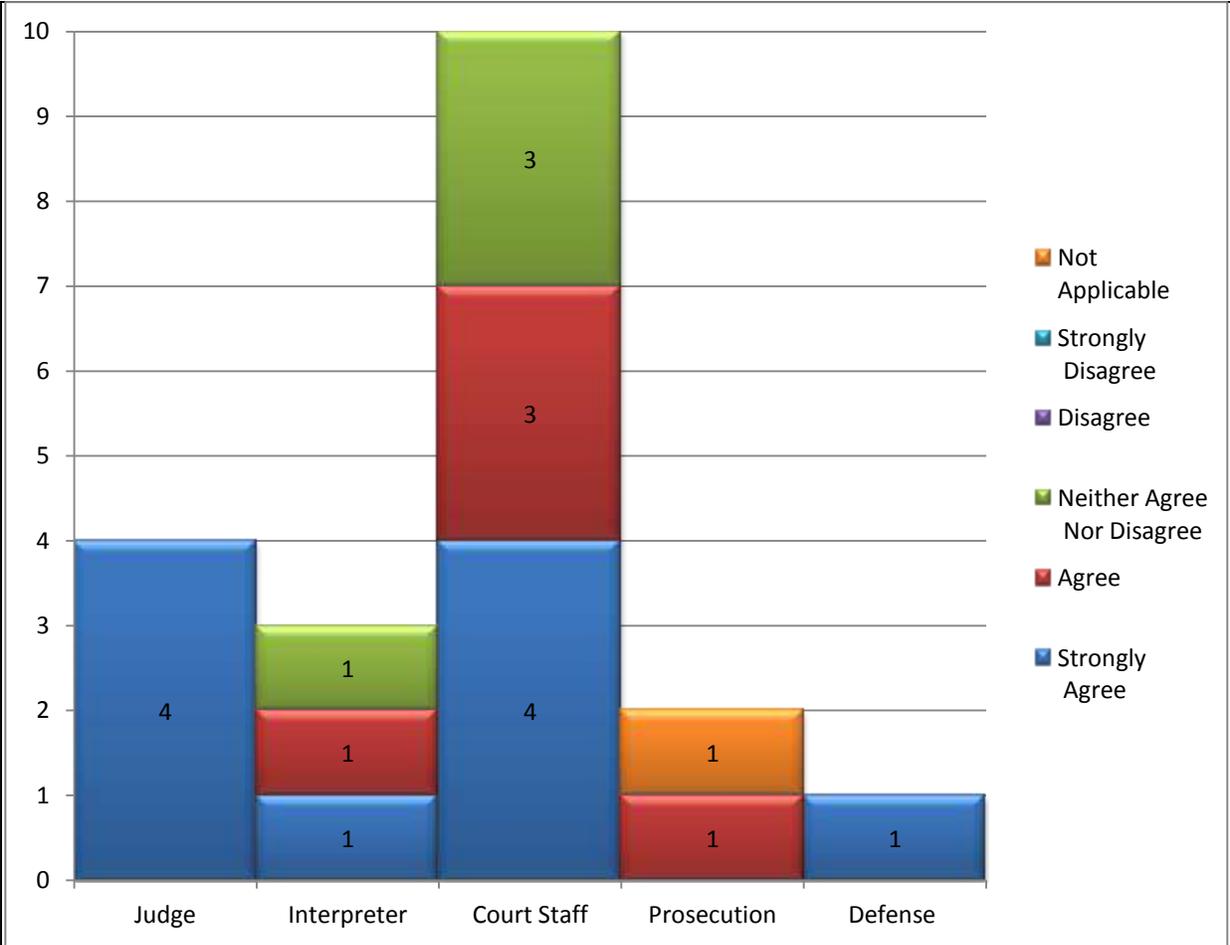
**Appendix H: Compiled Results – Yuma County Stakeholders**

**Please Indicate Your Level of Agreement**

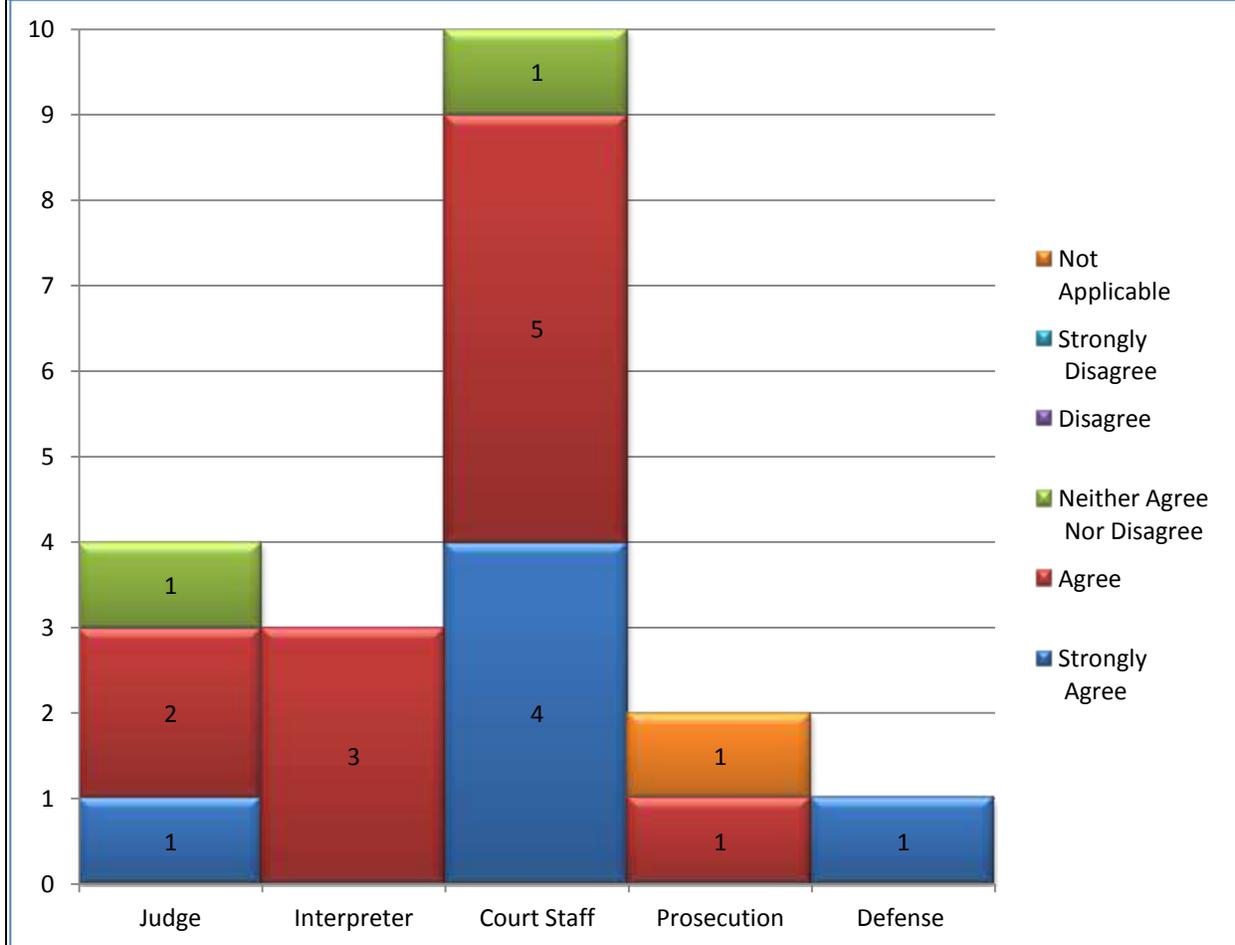
**It Appears To Be Easy For The Judge And Courtroom Staff  
To Manage The Video Remote Interpreter Technology  
(E.G. Initiating The System, Connecting With The Interpreter, Disengaging The System).**



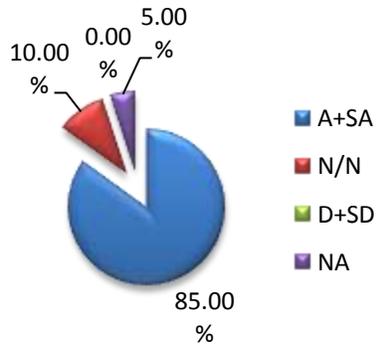
**It Appears To Be Easy For The Interpreter Staff To Manage The Video Remote Interpreter Technology (E.G. Initiating The System, Connecting With The Court, Defendant And Conferencing Other Parties)**



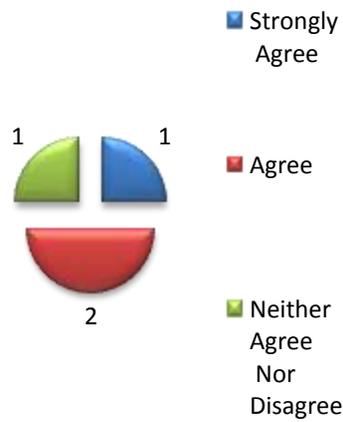
### Audio Is Clear And Easily Adjusted



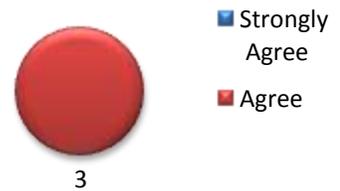
#### All Responding (20)



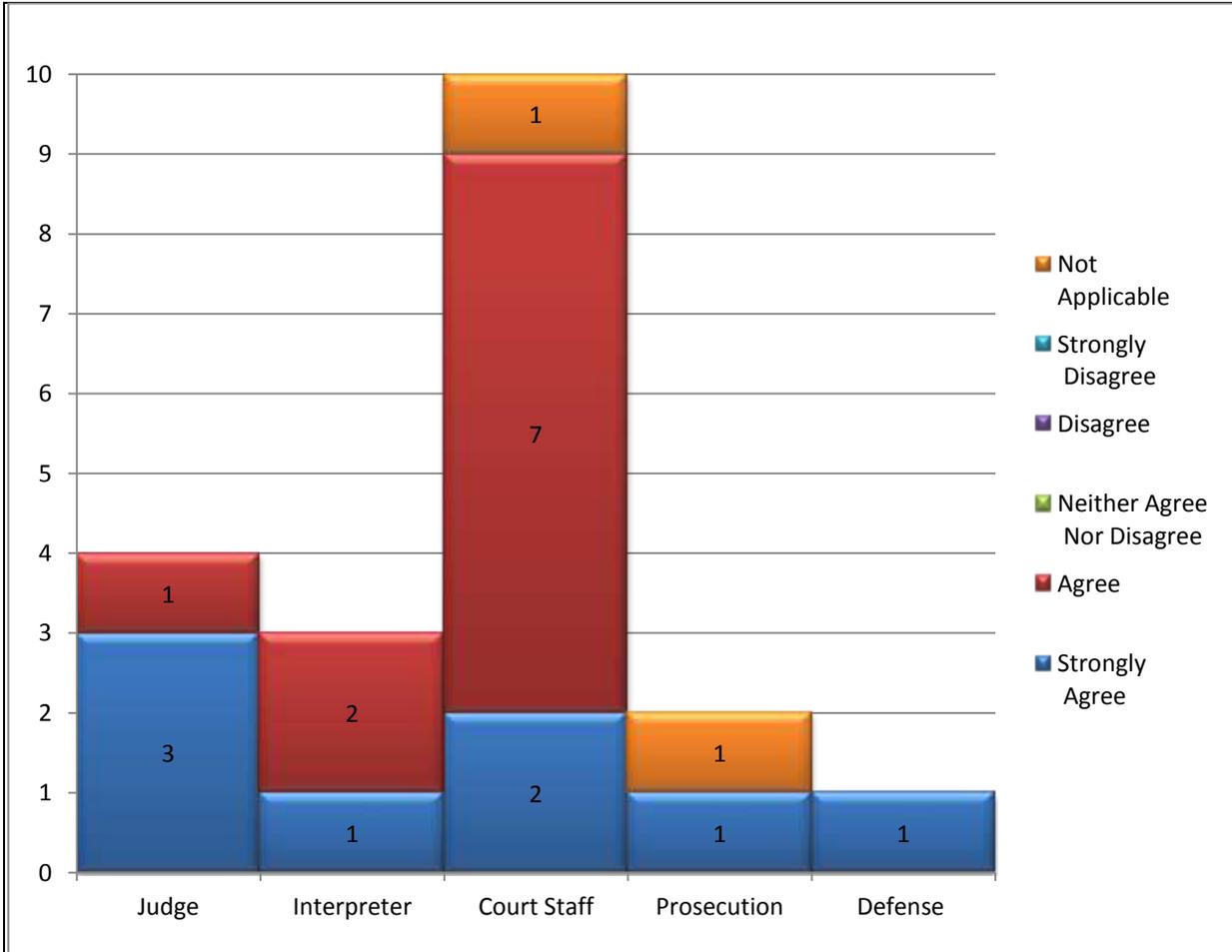
#### Judge (4)



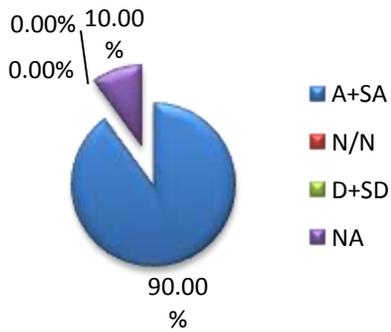
#### Interpreter (3)



The Video Is Clear Without Excessive Pixilation



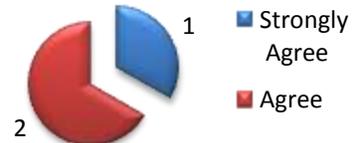
All Responding (20)



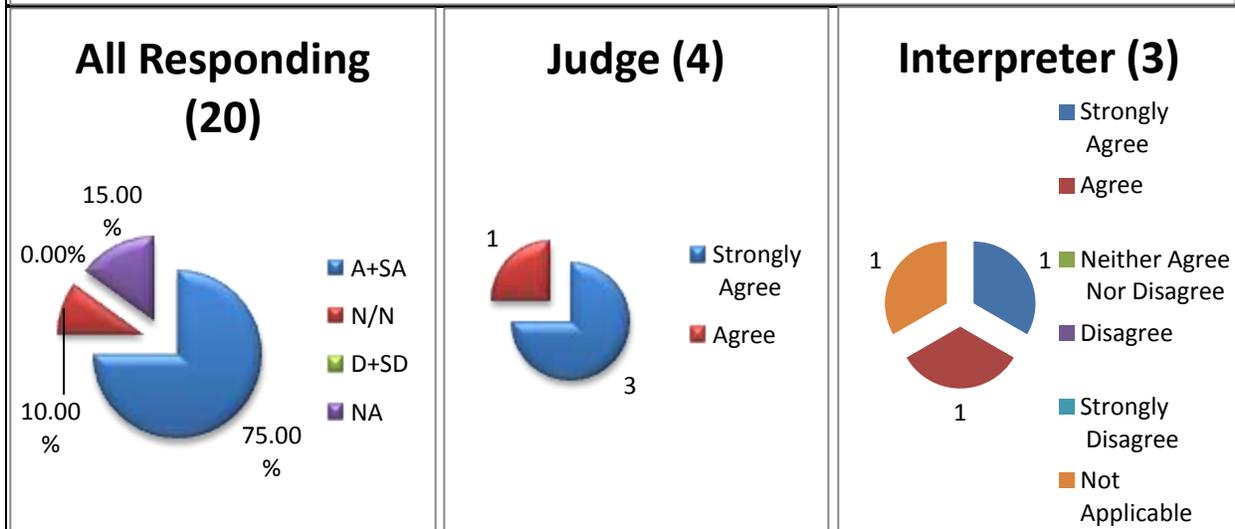
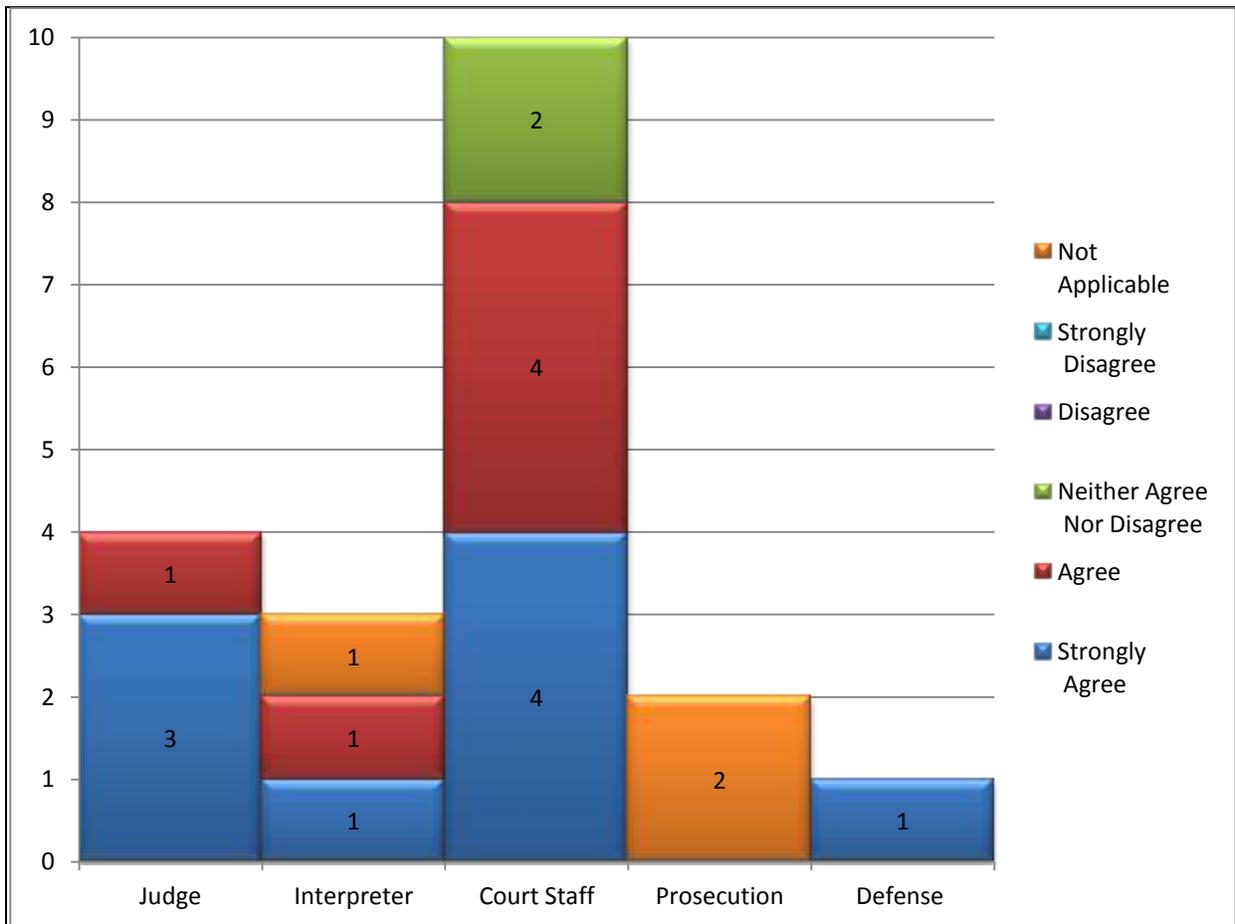
Judge (4)



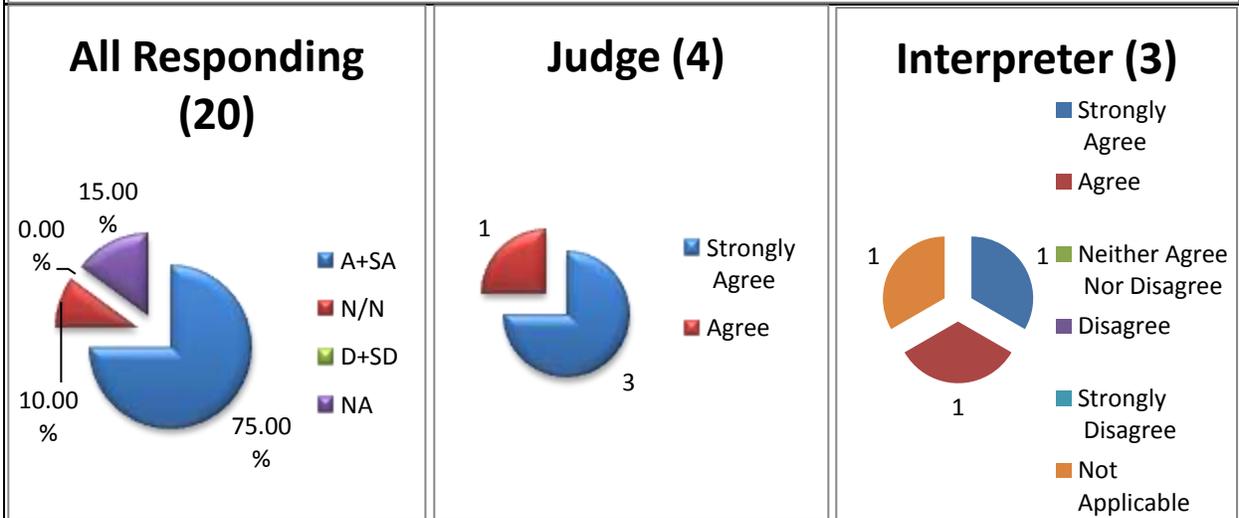
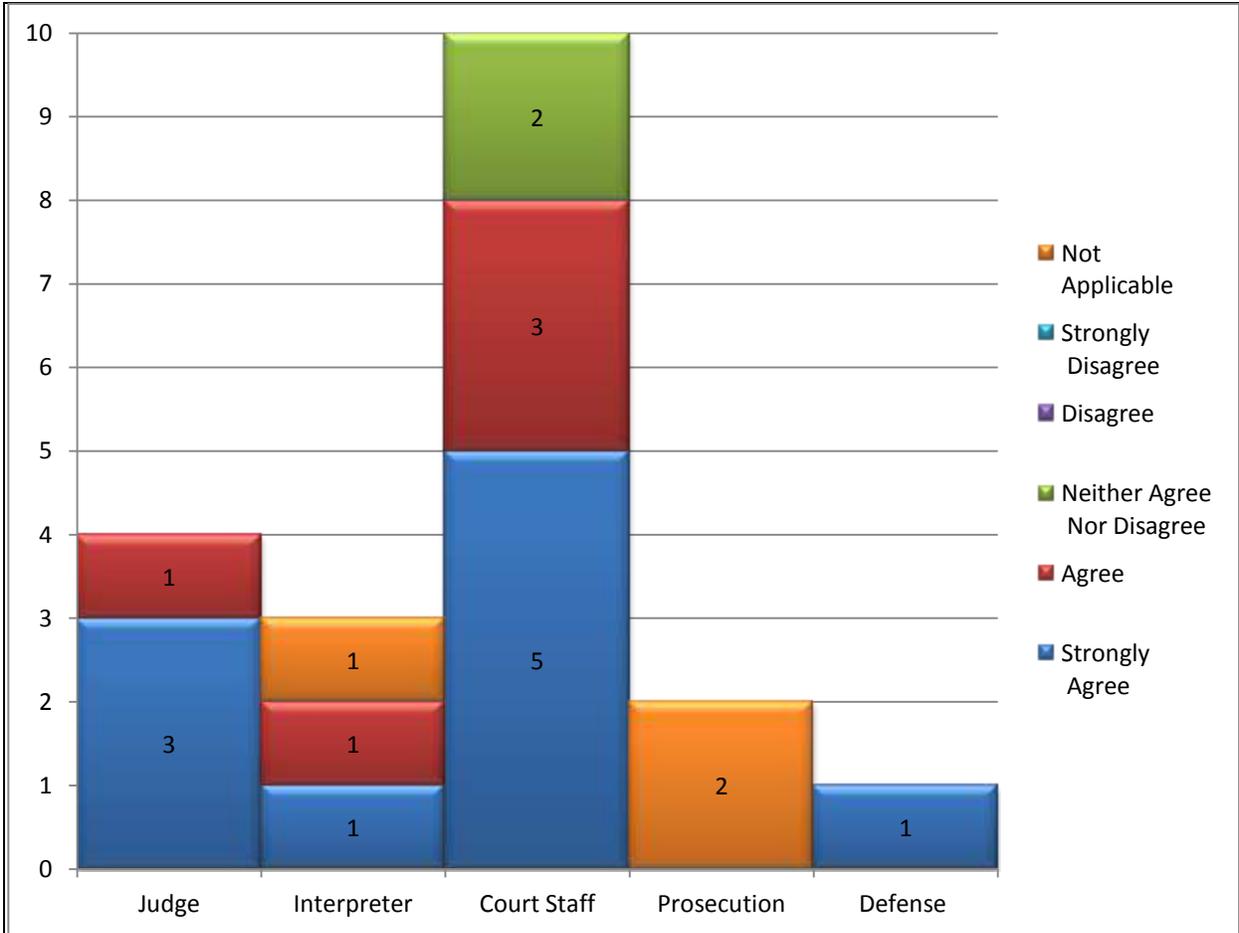
Interpreter (3)



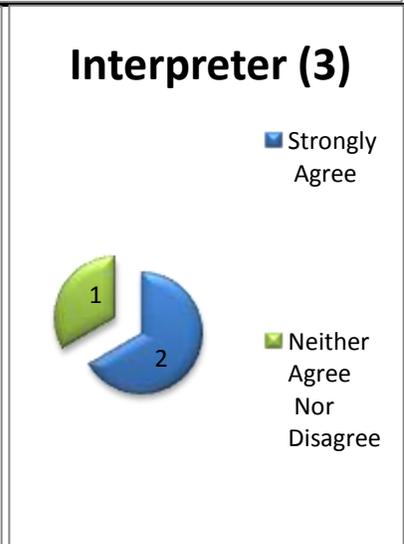
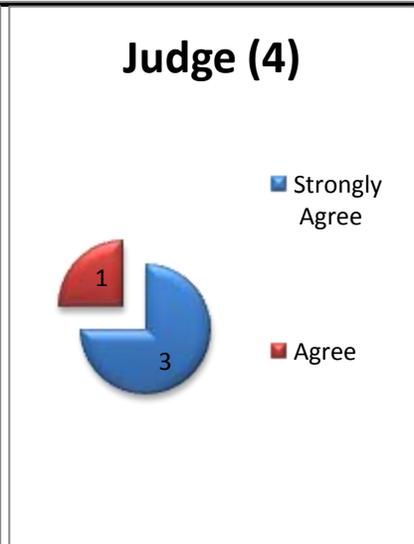
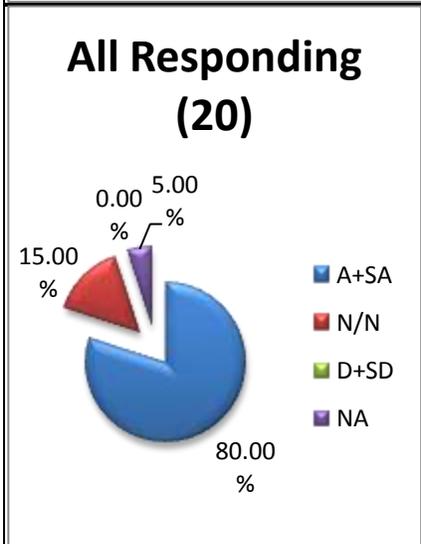
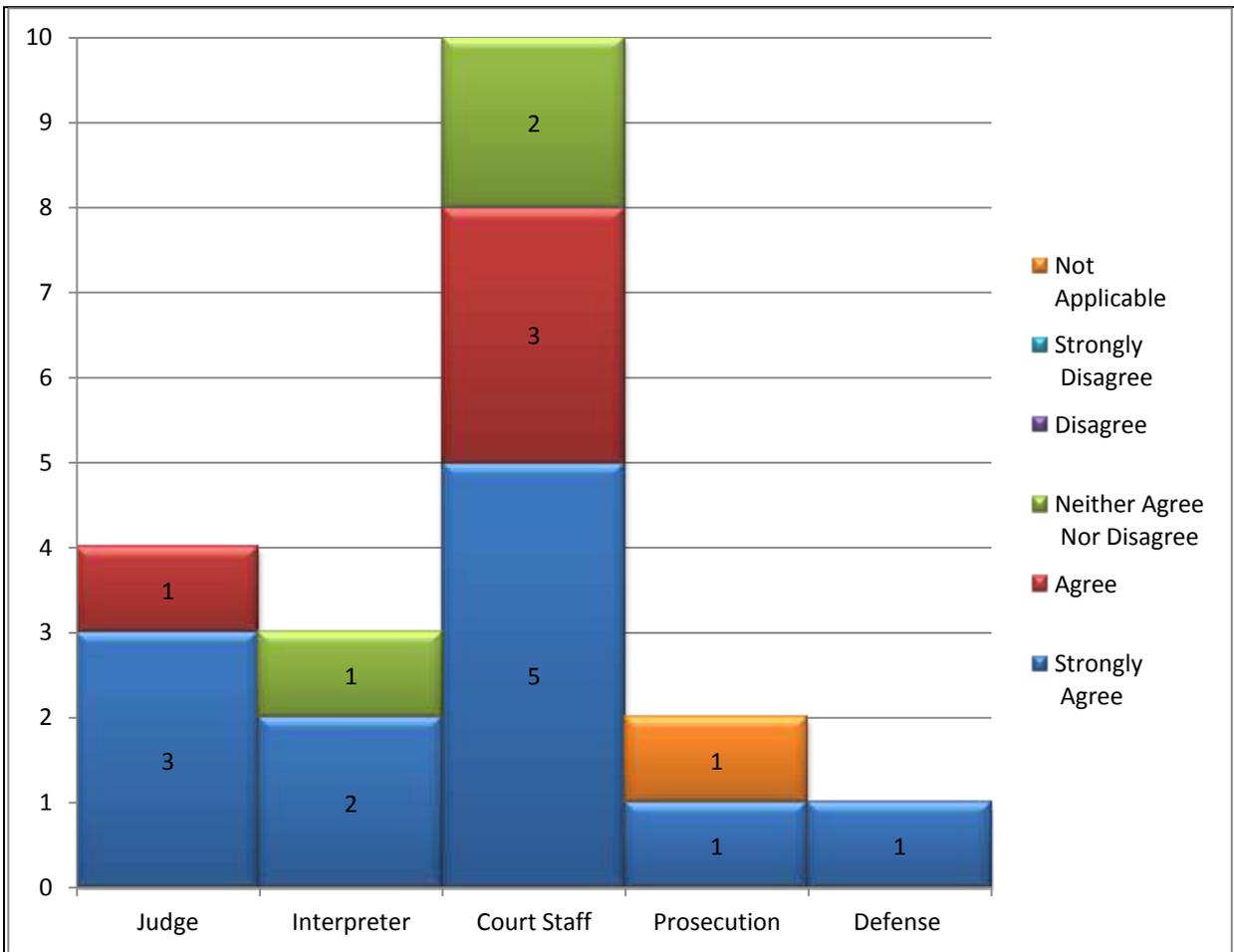
**(If Applicable To Your Role) The Pan/Tilt/Zoom Camera Provides Coverage Of All Potential Parties**



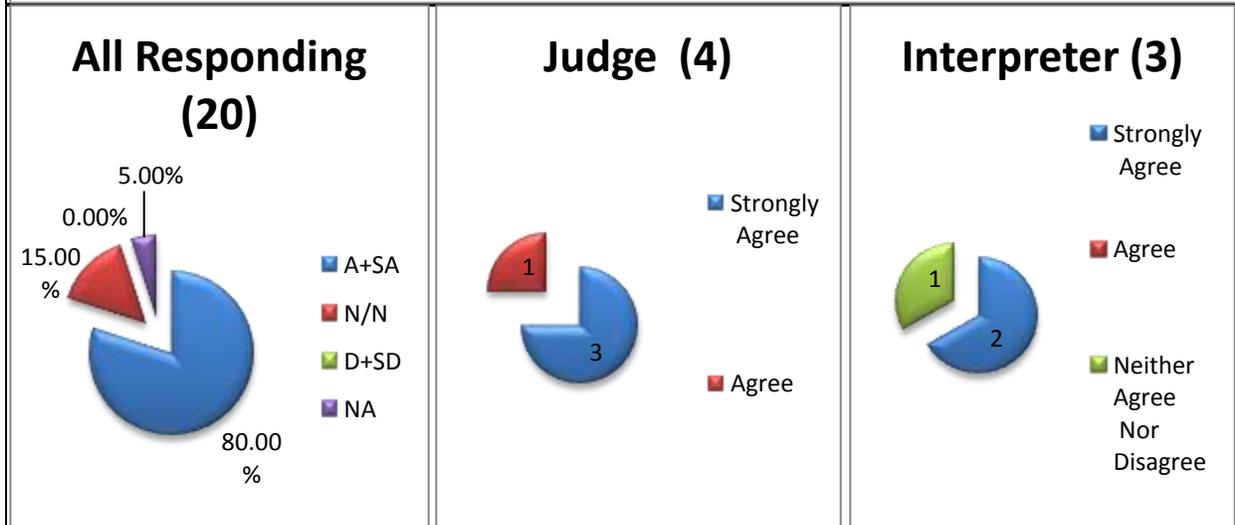
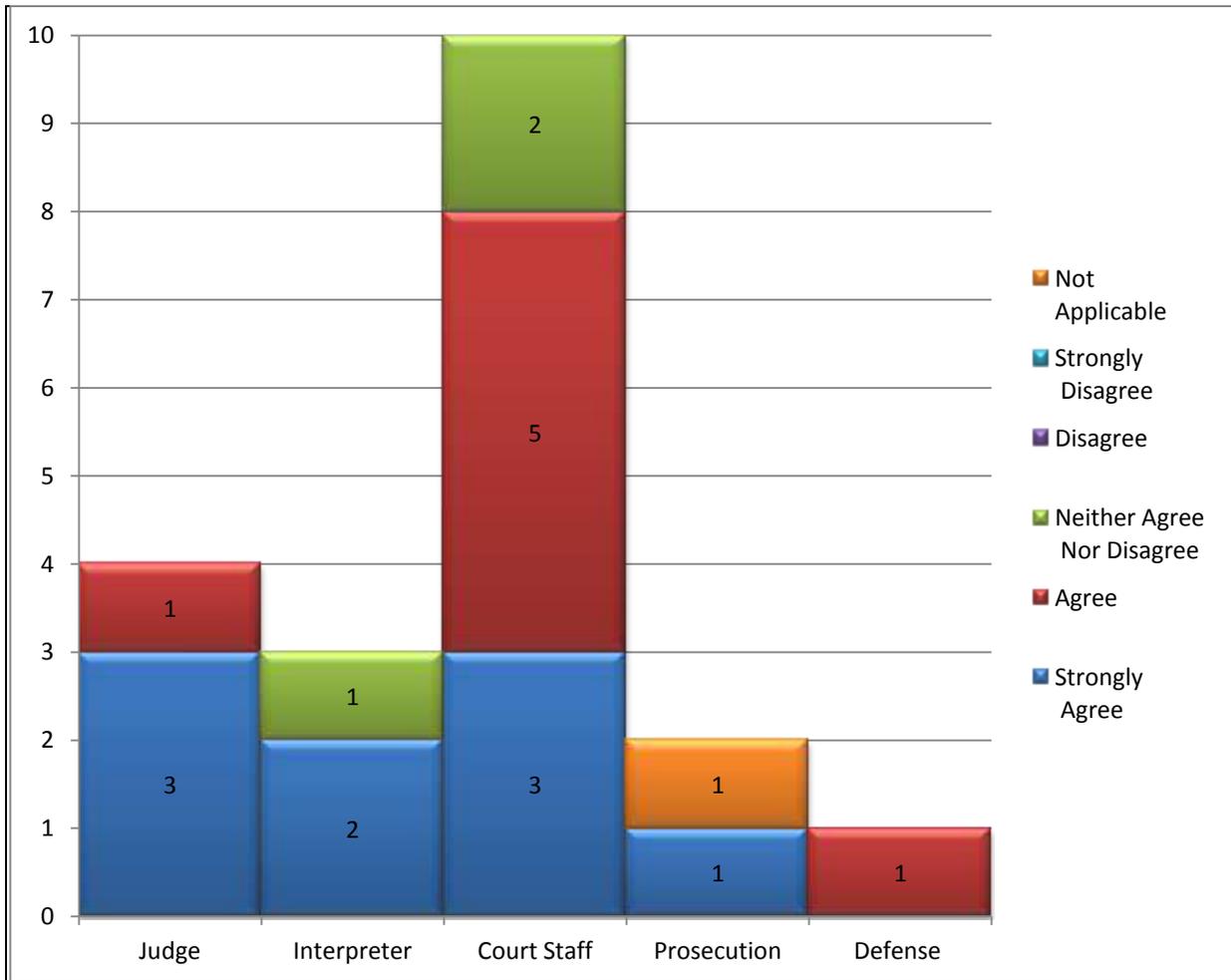
**(If Applicable To Your Role) The Targeted Audio Features Allow The Interpreter To Provide the Correct Mode of Interpretation: Consecutive Or Simultaneous**



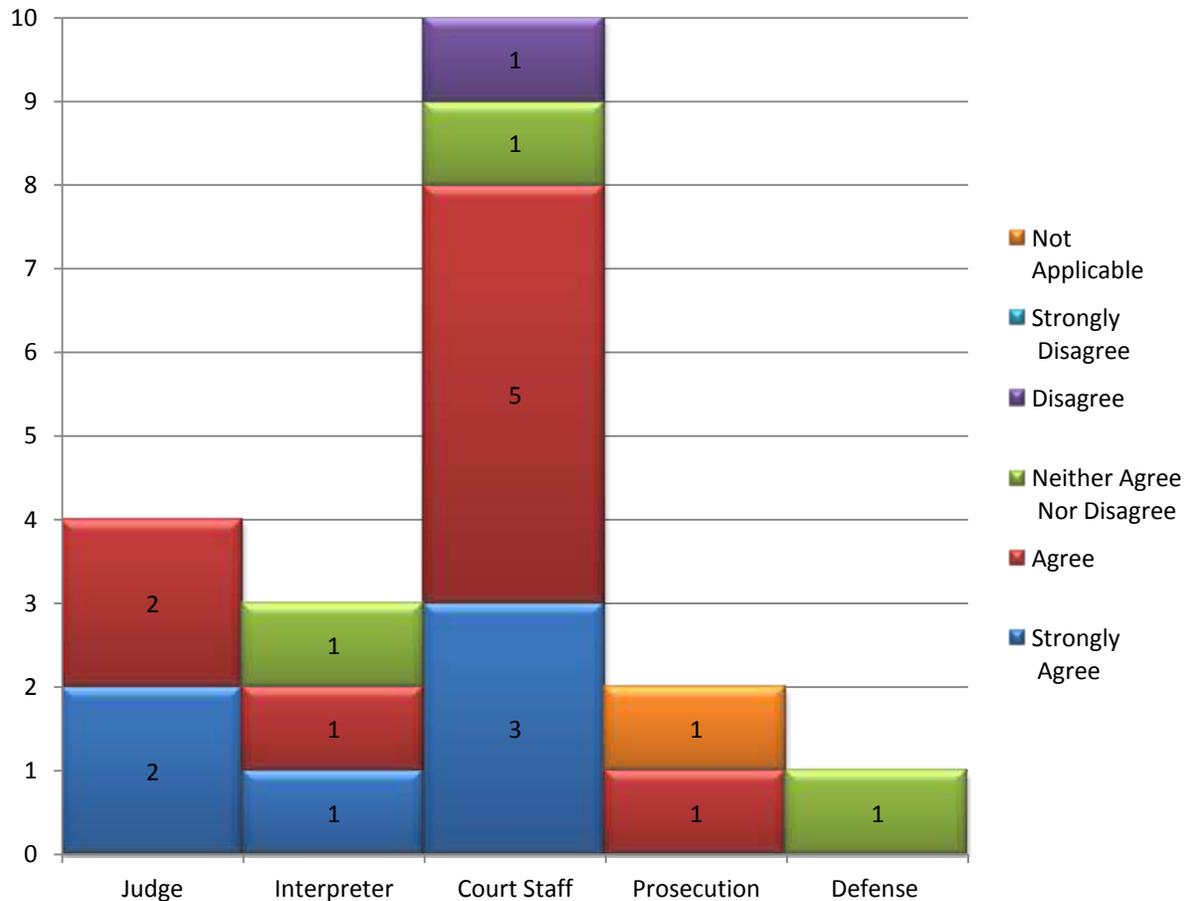
**This System Increases Availability Of Qualified Interpreters To Provide Services To Your Community's LEP (Limited English Proficiency) Population**



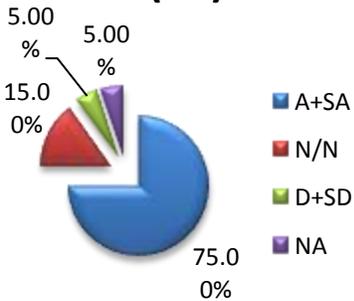
**This System Reduces Continuances And/Or Calendar Delays  
Based On Lack Of A Qualified Interpreter**



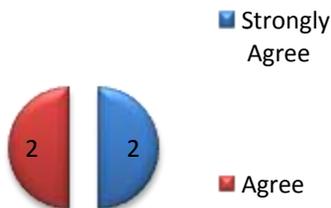
**Comparing On Site Interpreter Services And Video Remote Interpreter Services, This System Provides For An Overall Comparable Experience For The End Users, Including Litigants, Witnesses, Judges, Attorneys, Interpreters And Court Staff**



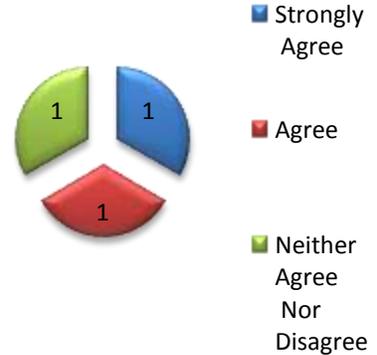
**All Responding (20)**



**Judge (4)**



**Interpreter (3)**



**Appendix I: Comments – Yuma County Stakeholders**

1. What is your role in your court?	2. What (if any) is your experience related to interpreter issues and Language Access Planning?	12. What feedback have you received from the system's end users about functionality, reliability and quality? (Judges; Attorneys; Interpreters; Court Staff)?	13. Is there anything else you would like to add?
Court Staff	I coordinate and schedule matters that require interpreter assistance. I have contact daily with Spanish speaking defendants and public members as part of my regular duties.	Judges and staff have been extremely pleased with how well the remote interpreting system has improved the, at times, daily need for interpreter assistance.	In my opinion, this remote interpreting system has helped to strengthen the administration of justice by using technology effectively. It saves time and money for defendants, public members, Judges and Court staff alike, due to nearly eliminating travel to the court for hearings and continuances due to lack of availability of interpreters. Access to the courts and justice are positively affected with the implementation of this system. I am excited to see implementation of this system state wide and to have more languages available from all areas of Arizona.
Court Staff	I assist with using the remote language interpreters via webcam that we have at the jail.	Defendants feel it is very easy to use.	the audio quality is good but could be better
Court Staff	I schedule interpreters for Court Hearings and I conduct Court when Interpreter cases are taking place.	All feedback seems positive.	No
Court Staff	N/A	Positive, professionalism feedback	Thank you for all your time and efforts implementing the Remote Interpreting System.
Court Staff	NONE AT THIS POINT	AT THIS POINT NONE. THE SYSTEM WAS JUST INSTALLED AND HAS NOT BEEN USED IN THE COURT ROOM YET.	THE SYSTEM LOOKS LIKE IT WILL BE A REAL SAVINGS FOR THE INTERPRETERS AND ACCESS TO INTERPRETERS.

Court Staff	Need to set up interpreter for in custody if needed, also for hearings if needed	All seem to be pleased with the system.	No
Defense Attorney	None really. It would be nice if more often we were able to speak to our clients prior to the court hearing.	The only issue is trying to greet the client as their attorney and explain the interpreter will be on the phone when we are at the table on the day of court.	No
Interpreter	I interpret daily for Spanish Speakers with limited or no English proficiency as well as translation of documents, forms letters etc... I also assist in coordinating and scheduling interpreters in a variety of languages as the need arises.	Easy to use. Allows for private conversations between attorneys and their clients as well as victims or witnesses. It is nice to have a clear visual of all parties involved even if situated in different offsite locations. Qualified interpreters are easily available even for last minute unscheduled hearings.	It saves a lot of travel and wait time at the jail and to the different courthouses within the County, as well as significant savings in travels costs associated with interpreters having to travel from different counties when interpreters of less common languages are required.
Interpreter	Locally, our court strives to provide appropriate language services by scheduling, coordinating and providing interpreter services.	Very positive feedback. Users seem satisfied with the system and the service provided.	This is a great tool that is easy to use, that allows for equal access to the courts to its NES users, and that greatly expedites matters.
Interpreter	Just my personal experience using remote site medical and interpretation as an interpreter	The audio-video system is adequate but does not provide the same level of communication as an on-site interpretation.	I was surprised by how many people it took to guarantee that the system was working properly. For actual trials, I think on-site is preferable and the system should be used only when an on-site interpreter is not available
Judge	Positive. quick and easy resolution to provide services	highly efficient and on point	The system is a must for all counties that do video initials and arraignments.
Judge	none	Positive feedback from court staff and interpreters	no
Judge	Considerable. Every day.	Works great and met our needs without question.	Hard work by others made this system a reality.
Judge	Used interpreters on a daily basis, have use the Language Access Program and video remote interpreter system	It has been positive feedback	The services are needed and all courts should have access to it

Other (Please Specify) Bailiff	They come to court when needed.	n/a	n/a
Other (Please Specify) Bailiff	As a bailiff I schedule cases that may require interpreters and am also present in the court room to assist when the case is being heard.	I have only been present once during the use of this system, it was clear to hear and see the interpreter, however most people involved that day agreed that a "live person" (physically present in the court room) was a lot easier for everyone.	No thank you.
Other (Please Specify) Court Access Specialist	As a court administrator/specialist with the AOC for over 7 years, my role is to work with courts across the state to educate about language access planning and resource collaboration involved with interpreters in the courtroom. I also have been involved in the video remote interpreting project.	Interpreters that have used the AOC interpreter room have been overall pleased, but have required additional time to become acquainted with the new technology. The requirement to toggle between mute in courtroom and speakerphone in the courtroom has been the biggest adjustment. They do say the quality of the video/audio has not been a problem.	Yuma Judiciary has made this project successful from support that started at the top and permeated throughout the rest of the organization. Designating a lead person on each end of the development of this type of project is crucial. Kathy Schaben has truly been the key to this project's success. The savings of time and money is also commendable.
Other (Please Specify) Remote Interpreter AOC Staff	I do not have extensive experience with either of these issues other than the experience that I have gained with the rollout of the Video Remote Interpreter System.	The feedback that I have received has all been positive once they have used it. Some of the interpreters have been a little apprehensive to it but seem to be more comfortable with it afterwards.	As with anything new it will take a little time for people to become comfortable with change. The system has the capabilities to significantly change the way courts handle interpreter needs across the country.
Prosecutor	Use the interpreters during pre-trial interviews; observe their use during court hearings	I was very happy with it. It also allows flexibility in scheduling because the interpreters do not need to travel to Yuma.	No
Prosecutor	In my role as a prosecutor, it has not come up. Previously, as a defense attorney, access to interpreters both in and out of court could require a bit of a wait.	I have not heard anything about the system.	My experience with the system is limited to one occasion. I was on speaker phone as the prosecutor for an initial appearance in JP2. I could barely hear the persons speaking, to include the interpreter.

