Video Remote Interpretation Solutions and Resources for Courts

A Pandemic Resource from NCSC

Language Access Services Section | June 2020 | Version 1

Introduction

During this national public health crisis, many state court systems across the country have moved quickly to adopt remote technology to ensure the continuation of court operations. For many courts, this has included implementing various strategies to provide interpretation during remote hearings to meet the needs of limited English proficient (LEP) court users.

To assist state court systems with providing remote interpretation both during and following the pandemic, staff at the NCSC's Language Access Services Section (LASS) have worked with state language access program managers across various jurisdictions to provide the following tips, resources, and answers to frequently asked questions with regard to providing video remote interpretation (VRI) for remote court proceedings.[1]

Overview – Teleconferencing Solutions and Remote Interpretation

While some state courts had VRI solutions in place prior to COVID-19, many language access program managers across the country have had to rapidly identify and implement various teleconferencing platforms to support remote interpretation services during the pandemic. These include computer-based solutions, as well as hybrid solutions consisting of both computer-based and telephonic communication. Such teleconferencing solutions are being used to support interpretation services across modes, including for consecutive interpreting and simultaneous interpreting.

The following highlights the teleconferencing solutions noted as being used by state courts during the pandemic:

- Zoom
- Cisco WebEx
- Google Meets/Hangouts
- Cisco Virtual Meeting
- Skype for Business
- Microsoft Teams
- VSee
- BlueJeans

Of these solutions, the two most frequently noted as being used by courts are Zoom and Cisco WebEx. Both of these platforms offer a number of publicly available resources on how to use the technology to support interpreting, as illustrated below:

Technological Solution	Interpreting Information/Resources
Zoom	Zoom Language Interpretation in Meetings and Webinars – Zoom Zoom Simultaneous Interpretations for Meetings and Webinars – Zoom (Video) How to Add Simultaneous Interpreters to Zoom Video Conferences – Dragomon Language Solutions (Video) Remote Hearings Interpreting via Zoom – Hawaii Judiciary Using Zoom for Remote Simultaneous Interpreting – University of Arizona National Center for Interpretation (Video) How to Use Zoom with Interpreting – Transcend Zoom: Accessibility for Deaf and Hard-of-Hearing – American Bar Association Commission on Disability Rights
Cisco WebEx	Remote Hearings Interpreting via Cisco WebEx – Hawaii Judiciary VRI Training Dual Channel Demonstration – Oregon Judicial Department (Video) VRI Training Equipment Needs – Oregon Judicial Department (Video) VRI Training Specialty Court Hearing – Oregon Judicial Department (Video) OJD Video Remote Interpreting FAQ – Oregon Judicial Department

These resources provide detailed information on the use of these platforms, including options for using the simultaneous module for Zoom and dual channel architecture options that would allow courts to conduct simultaneous interpretation with Zoom or WebEx in conjunction with the use of one or more telephones.

VRI Questions

As states have quickly adopted technological solutions to provide court services, specific questions have come up pertaining to the provision of remote interpretation. Below are several recent questions posed with responses and resources provided by language access program managers.

1. **Are state courts using staff court interpreters or freelance court interpreters (or both) to provide VRI services?**

   State courts are using both staff court interpreters and freelance court interpreters to provide VRI services. A number of states that have court interpreters on staff have them work from a home-based location or from a separate room within a courthouse. In some cases, staff have been provided work equipment to provide VRI services. Staff may also use personal tablets, laptops, or phones. For interpretation needs that staff court interpreters cannot meet, state courts may utilize interpreter agencies or may independently locate and contract freelance court interpreters for VRI services. State language access program managers are encouraged to use the NCSC's National Interpreter Database to locate such court interpreters.

2. **How do courts verify the court interpreter's credentials when the interpreter is remote?**

   Courts may follow similar steps to those used for in-person proceedings to verify the qualifications of an interpreter for remote events. This may include asking the court interpreter to show a badge or license via video and having them verbally state their credentials on the record at the beginning of a proceeding. For court interpreters who do not hold a state credential or license, courts should conduct a voir dire process via video, similar to processes used for in-person interpretation. Sample voir dire questions are included in the following bench cards:

   - New York State Unified Court System UCS Benchcard and Best Practices for Judges: Working with Court Interpreters
   - Minnesota Judicial Branch Bench Card: Court Interpreting

3. **How are privileged communications between the LEP party and an attorney being handled with VRI (particularly during remote hearings)?**

   If using Zoom, courts may utilize the Zoom breakout room feature, which allows participants to meet in smaller groups from the main Zoom meeting. Other options noted including having the interpreter, LEP party, and attorney disconnect temporarily from a

virtual courtroom meeting. The interpreter then calls the attorney independently to set up a privileged three-way call and provides consecutive interpretation for the LEP court user(s). Upon completion of the private conversation, these members rejoin the virtual courtroom or remote hearing. Alternatively, the court may clear the entire courtroom channel of all participants except the privileged parties, pause the recording, and then instruct members to rejoin when the consultation is completed; however, this type of connection may require more preparation.

4. **How are remote hearings handled when multiple VRI court interpreters are needed?**

When courts are using a team of interpreters to work with one LEP litigant, courts may follow similar steps to those used for in-person, team-interpreted proceedings, including allowing the team to briefly consult with each other virtually to check their equipment and connections and to establish communication with the LEP participant(s) to explain their role. Interpreters may need to use a different communication tool (e.g., text message or WhatsApp) to alert each other of the time to switch.

When using multiple interpreters to serve different LEP parties at the same time, all participants should establish computer connections to Zoom or WebEx audio, which will capture all statements being said aloud. Additionally, the court may need to use separate conference lines to support interpreted communication from the interpreter to each individual LEP litigant being served.

5. **What training or support can be provided to assist court staff and court interpreters with VRI?**

The NCSC's VRI Resource Center includes a number of resources available for both court staff and court interpreters. The Resource Center is a clearinghouse of VRI materials developed by individual state courts and jurisdictions, and includes resources related to VRI guidelines and protocols as well as VRI vendor information. The Resource Center also has a suite of court interpreter training modules designed to provide the interpreter with general standards required for video remote interpreting.

6. **Are there any specific remote interpreting solutions that should be considered for American Sign Language (ASL)?**

State language access program managers noted that Zoom has useful accessibility features, such as closed captioning and automatic transcripts, which can be turned on during the proceeding to support the ASL interpreter and deaf or hard of hearing court user. Additionally, it is helpful to pin the interpreter in speaker view (if possible, depending on the platform), so that the speaker view does not change during the course of the proceeding. Some courts may choose to also use a Certified Deaf Interpreter (CDI) to support an ASL interpreter and the deaf court user during remote interpretations.

Additional VRI Resources

- Video Remote Interpreting (VRI) webpage — Judicial Council of California

- Recommended Guidelines for Video Remote Interpreting (VRI) for Spoken Language Interpreted Events — Judicial Council of California

- Recommended Guidelines for Video Remote Interpreting for ASL-Interpreted Events — Judicial Council of California

- Instructions for Participants in Remote Court Events — New Jersey Courts

- The Remote Interpreter (TRI) Webinar Series — Blue Horizon & Cross-Cultural Communications, LLC

- The Virtual Interpreting Landscape — Nimdz

- VRI Resource Center — The National Center for State Courts

Questions?

If we can be of assistance or if you need any further information about language access or related issues, please contact Tina Vagenas at kvagenas@ncsc.org or Jacquie Ring at jring@ncsc.org.

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[1] While this document specifically addresses remote interpretation solutions to use for remote hearings while public access to courts is limited, various VRI solutions may also be considered for remote participation by interpreters for in-person proceedings to support physical distancing guidelines due to COVID-19.