



Minnesota Judicial Branch Policy/Procedures

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

Use of Remote Spoken Language Interpreter Services

I. PURPOSE

Judicial Council Policy 513, permits technology to be used to provide spoken language interpreter services from a remote location in certain circumstances.

This policy shall serve as a guide on how to conduct remote interpreting in accordance with the Judicial Council Policy. It is recognized that variance in local resources, technology, and procedure may determine how it is implemented in any particular jurisdiction.

II. APPLICABILITY

This protocol applies to: (1) all District Court proceedings utilizing the services of spoken language interpreters; (2) all employee and freelance spoken language interpreters who perform interpreting services for the courts; and (3) all agencies that provide spoken language interpreting services to the courts.

III. DEFINITIONS

None.

IV. PROCEDURES

A. Equipment

Courtrooms in which remote interpreting is utilized must be equipped with the adequate and necessary equipment to ensure that the interpreter, judge, attorney(s), and parties have no impediments to hearing what is said or communicating throughout the proceeding.

Interpreting via cell phone is discouraged. Use of cell phones to conduct remote interpreting should only be used if there is not a land-line telephone available. If a cell

phone is used, a court official must test the reception quality. The interpreter must not use a speaker phone. The interpreter must:

- 1) be in a safe location away from distractions;
- 2) ensure there is no background noise that will interfere with the interpretation;
- 3) ensure that bystanders cannot overhear the proceeding.

B. Centralized Remote Interpreting

Courts may utilize technology to provide spoken language interpreting services from a remote location to multiple courtrooms or locations where interpreters are needed.

C. Appointment

Appointment of interpreters for remote spoken language interpreting services must be in accordance with Rule 8 of the General Rules of Practice for the District Courts. Rule 8 requires that a certified interpreter be appointed whenever an interpreter is needed in court. If a certified interpreter, including jurisdictions that have a staff interpreter, is not available or there are no certified interpreters in a particular language, a rostered interpreter is to be appointed. Only after a diligent search for certified and rostered interpreters has been conducted may a court appoint an interpreter who is not on the statewide roster (commercial language line interpreters are considered to be non-rostered). The order for hiring remote interpreters is as follows:

- 1) Staff interpreters, where available;
- 2) Certified interpreters on the Minnesota statewide roster;
- 3) Rostered interpreters on the Minnesota statewide roster;
- 4) Non-rostered interpreters.

D. Remote Interpreting Conditions

Courts may utilize remote spoken language interpreting under the following conditions:

1. **Length of Proceedings:** Proceedings should be approximately 30 minutes or less in duration. When proceedings last longer than 30 minutes, the court should provide the interpreter with adequate breaks to alleviate fatigue and facilitate the provision of high-quality interpreting.
2. **Circumstances:** Remote interpreting is appropriate in the circumstances identified in Judicial Council Policy 513, paragraph B.

E. Hearing Preparation

Whenever possible, the court should provide background material on the proceeding to the interpreter prior to the actual hearing. If the interpreter has not received background material, the interpreter may ask the court for a brief introduction to the case (e.g., type of proceeding, names of the parties and attorneys).

F. Courtroom Procedure

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

1. **Confirm that the Interpreter is Ready:** The interpreter should be asked if he/she is ready to proceed. For example: **[Madam/Mister] interpreter, are you ready to proceed? Are you hearing and understanding everyone**

adequately? If the interpreter identifies any problems, the court should do whatever possible to address them.

2. **Speak Loudly:** To facilitate interpretation, all parties must remember to speak in loud, clear voices. Courts may wish to designate one person to:
 - a) Ensure there is always a microphone positioned as closely as possible to the speaker; and
 - b) Remind each speaker to get as close as possible to a microphone without distorting the sound before he/she begins to talk, and to speak in a loud, clear voice.
3. **Ensure Speakers Use a Microphone:** If the court requests comments from probation agents, social workers, guardians, or other personnel who may not be seated at the counsel tables, the responses of these individuals must be given at the microphone. This ensures the interpreter is able to hear and understand what is stated.
4. **Attorney-Client Interpretation:** The court is not bound to provide the services of an interpreter to interpret meetings between the attorney and client when the court has provided an interpreter for the proceeding. However, if the court determines that, as part of the proceeding, the attorney and client require a brief conference, the technology used for this purpose or the setting of the communication between attorney and client must afford confidentiality.

G. Payment

Payment rates for remote spoken language interpreting services are governed by Minnesota Judicial Branch State Court Administrator Policy 513(a), Court Interpreter Payment Policy.

V. RELATED DOCUMENTS

- A. General Rules of Practice for the District Courts
- B. Judicial Council Policy 513, Court Interpreter Program
- C. State Court Administrator Policy 513(a), Court Interpreter Payment Policy

VI. REVISION HISTORY

August 2, 2010: New policy.

Approval:  _____ Sue Dosal, State Court Administrator _____ July 22, 2010 Date
