

Working with Interpreters by Video or Teleconference

TIPS FOR REMOTE INTERPRETING

USE OF REMOTE INTERPRETING:

Remote Interpreting is a useful alternative in providing court interpreting services, when availability or critical need renders on-site interpretation impractical.

Telephone or video interpretation may be used in place of on-site interpreting whenever the quality of interpretation is not compromised and:

1. there is no on-site UCS staff or qualified freelance interpreter available, and there is a time-sensitive matter to be heard; or
2. there is no available on-site UCS staff or qualified freelance interpreter available for a less-immediate matter; or
3. it is more responsible to obtain the service by remote-means than to delay a court proceeding.

Remote interpreting may be considered a suitable option when there is a time-sensitive matter requiring interpretation and no other resources are available. Adhering to the following “tips” will help to ensure that the remote appearances run smoothly and efficiently.

SCHEDULING A REMOTE INTERPRETER:

The Clerk (or appropriate court personnel) should provide as much advance notice as possible when an interpreter is needed. Requests for remote interpreting services may be submitted online, using the **Request for Remote Interpreting Services form** that is available on Courtnet, or by submission of a detailed e-mail to: remoteinterpreting@nycourts.gov

Include as much case information as possible with the request for interpreting services (e.g., case type, procedural phase, which party needs the interpreter), to help the interpreter prepare for vocabulary or legal terminology that may be used during the procedure.

If it is the first time the court is conducting a remote session, a “test run” is strongly recommended. This test will confirm the clarity and proper use of video and/or telephonic connections and equipment to be used during the remote interpretation, and should be conducted at least 30 minutes prior to the remote session.

BEFORE THE PROCEEDING:

- Before the proceeding begins, the court user should be informed (by the Judge) that the interpreter is appearing by video or phone; the judge should also ascertain that they can both hear and understand one another.

- Explain to the court user, through the interpreter, that the interpreter's role is to translate what is said in the courtroom in English into the foreign language and vice versa. The interpreter cannot give any advice, make suggestions, or engage in private conversations with the court user.
- The court should advise all parties in the courtroom that **one person should speak at a time, in a loud and clear voice**; it is impossible to interpret multiple or inaudible voices.
- The court user should be advised (by the judge) that if they are unable to hear or understand what the interpreter has said, s/he should raise their hand and the judge will ask for clarification from the interpreter.
- If there is a jury present, explain that languages other than English may be used during the proceeding. Even if members of the jury understand the non-English language being spoken, jurors must base their decision on the evidence presented in the English interpretation.
- In proceedings where an interpreter for the **Deaf or Hard of Hearing** is required, the positioning of the parties is particularly important. Facial expressions, lip movements and bodily gestures are interpreted. The person who is deaf or is hard of hearing must be able to see the monitor clearly, and the remote interpreter must also be able to see the court user clearly.

DURING THE PROCEEDING:

- The Judge should have the interpreter state his/her name, spelling it out, for the record. Inquire whether any party knows the interpreter, to eliminate potential conflicts or the appearance of impropriety.
- Once the case is ready to proceed the interpreter can be sworn in. Administering the oath to the interpreter underscores the importance of adhering to the principles of clear and accurate court interpreting.

SAMPLE OATH FOR THE INTERPRETER:

“Do you solemnly swear or affirm that you will interpret accurately, completely, and impartially, follow all official guidelines for legal interpreting or translating, and discharge all of the duties and obligations of legal interpretation and translation?”

- Remote interpretation should be done in the consecutive mode. All responses and verbal exchanges should include a pause after a sentence or two, in order for the interpreter to fully capture what is being said and to orally translate.
- If the court user and his/her attorney need to confer privately, the handset of the telephone may be used; if one receiver is utilized, it should be shared between the court user and the attorney.
- If needed, the court can utilize the ‘mute’ button for in-court exchanges that do not involve the court user (similar to an off-the-record bench conference).

Beware of shuffling papers or other activity near the microphones. Turn off cellphones and electronic devices. All sounds near the unit will be transmitted and may interfere with the interpretation.

EVALUATING THE REMOTE INTERPRETING SERVICE:

The court’s observation can aid in the evaluation of an interpreter’s performance. Accordingly, consider the following to determine if the interpreter is communicating effectively during the proceeding:

- Are there significant differences in the length of interpretation as compared to the original testimony?
- Does the individual needing the interpreter appear to be asking questions of the interpreter?
- Is the interpreter leading the witness, or trying to influence answers through body language or facial expressions?
- Is the interpreter acting in a professional manner?
- Is the interpretation being done in the first-person? For example, while verbally translating what is being said in court, the interpreter must relay the statement as if he/she is the person speaking.
- In order to keep a clear record, does he/she address the Court in the third-person? (e.g. “Your Honor, the interpreter could not hear the last question.”)

At the conclusion of each Remote Session, please complete the **Remote Interpreting Assessment**, which is available online via Courtnet. The Office of Language Access (OLA) relies on your comments and suggestions in order to make remote interpreting a useful service.

If an interpreter will be needed for a subsequent date, please submit a **Request For Remote Interpreting Services Form** to the Office of Language Access, so that the remote arrangements can be made; scheduling arrangements for future assignments should not be made during the current video or telephonic remote interpreting appearance.

If you have any concerns or questions about an interpreter's performance, contact the Chief Clerk of the court. You may also contact the Office of Language Access at (646) 386-5670 or by e-mail: InterpreterComplaints@nycourts.gov

THE NEW YORK STATE UNIFIED COURT SYSTEM

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