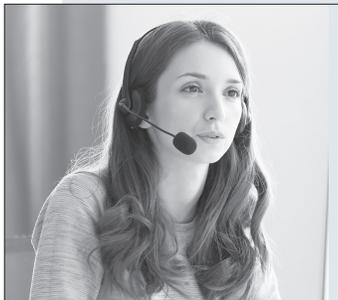




## WORKING WITH TELEPHONIC INTERPRETATION SERVICES IN COURTS



The appointment of court interpreters is set forth in Rules 88 and 89 of the Rules of Superintendence for the Courts of Ohio. The rules cover the appointment of foreign language and American Sign Language (ASL) interpreters in case or court functions and ancillary court services. Reference the rules before appointing a telephonic interpreter.

### **The court may consider the use of telephonic interpretation services for limited-English-proficient parties (LEP) when:**

- There is a public health emergency in place or the court is operating under a continuity of operations plan.
- No certified, provisional or language-skilled interpreter is reasonably available in person.
- Undue delay will be avoided by using a remote interpreter rather than an on-site interpreter. Courts can use telephonic interpretation to move a routine matter forward and locate a live interpreter to handle more complex hearings.
- An interpreter for the language spoken by the LEP is not easily obtainable.
- There are small foreign-language populations and a conflict of interest may exist if the party and interpreter know each other.
- Interpreting assistance is needed outside the courtroom. Often, the LEP will appear at the court information desk or clerk's counter to pay a fee or file a document. Telephonic interpretation is a good resource for these types of situations.

### **Before a Hearing, the Judge/Court Should:**

- Orient the telephonic interpreter as to the jurisdiction of the court, name of the non-English speaker, attorneys, case number, charges, claims, case details, date of incident, type of hearing, and any other critical information.
- Inform attorneys, the LEP parties or witnesses, and court staff that telephonic interpreting will be used during the proceedings.
- Introduce the interpreter and the LEP and allow them to assess whether they can hear and understand each other.
- Instruct the LEP to notify the court immediately if he/she ceases to hear or understand the interpreter and the problem will be addressed.
- Instruct the appropriate staff member to log all technical breakdowns and the remedies used to correct the situation.
- Qualify and administer the oath to the interpreter as you would an on-site interpreter.

- Provide additional instructions to the interpreter and the participants if a non-verbal cue is not communicated effectively; the interpreter must verbally interrupt the speaker to inform the court of the non-verbal information that is not communicated in order to maintain the integrity and completeness of the interpretation.
- Explain to the LEP, through the interpreter, that the interpreter's role is to interpret what is said in the courtroom from English into the foreign language and vice versa. The interpreter cannot give any advice, make suggestions, or engage in private conversations with the LEP.
- Instruct witnesses to keep in mind that a telephonic interpreter is being used to transmit the testimony and, therefore, encourage them to try to speak in complete, but shorter sentences.

#### During a Hearing, the Judge Should:

- Ask the interpreter to spell his or her name for the record and ask if any party knows the interpreter (in order to eliminate potential conflicts or the appearance of impropriety).
- Direct any statement to the interpreter by stating "Mister/Madam Interpreter" to alert the interpreter he/she is being addressed directly.
- If an LEP is testifying and fails to speak in complete sentences as instructed, allow the interpreter to establish a verbal signal with the witness in the witness' language to alert him or her to pause for interpretation of what was just said before testimony continues.
- Be mindful that transitions can be difficult, especially if multiple speakers are involved in an exchange that may require the interpreter to switch modes if a question is asked of the LEP.

- Stop further communication when the interpreter states: "Your Honor, the interpreter requests a repetition."
- Ensure that only one person speaks at a time, enunciating each word, and that the microphone is correctly positioned for the interpreter at all times.
- Avoid shuffling papers or making other unnecessary noises near microphones that may interfere with the interpreter's ability to hear.
- Be patient while the interpreter completes the interpretation.
- Use established protocol to request an attorney-client conversation be conducted.
- Offer breaks to the interpreter to avoid the serious factor of fatigue.

#### Important Tips

- The appointment of the telephonic interpreter must follow Sup.R. 88. Courts shall appoint a certified, provisionally qualified, or language-skilled interpreter if one is reasonably available and use telephonic interpretation only when absolutely necessary.
- Telephonic interpretation services are appropriate when a matter is routine and expected to last no more than 45 minutes. (i.e., initial appearances, scheduling, arraignments, or status conferences).
- The judge or magistrate should instruct the parties that only one person should speak at a time.

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After an Interpreter Has Been Qualified, the Oath Shall Be Administered

**Interpreter Oath:** *Do you solemnly swear or affirm you will interpret accurately, completely, and impartially using your best skill and judgment in accordance with the standards prescribed by law and follow all official guidelines established by this court for legal interpreting or translating, and discharge all of the solemn duties and obligations of legal interpretation and translation?*

## Preparing to Use Telephonic Interpretation

- **Training:** Verify users become familiar with the interpreting equipment prior to a scheduled hearing.
- **Designate a Coordinator and Backup:** Make a troubleshooter available for those times when technology proves difficult.
- **Test the Equipment:** Repeat tests to identify potential glitches.
- **Define Protocol:** Create a checklist specific to the courtroom or location of interpretation.
- **Monitor the Use of Telephonic Interpretation:** Develop a system to track what mode of interpretation is being used.

**For more information or technical assistance**, including vetting non-roster interpreters, contact the Language Services Program at 614.387.9403 or [interpreterservices@sc.ohio.gov](mailto:interpreterservices@sc.ohio.gov).

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