



WORKING WITH TELEPHONIC INTERPRETATION SERVICES



Important Tips

1. Telephonic interpretation services are particularly appropriate when a matter is routine and expected to last no more than 45 minutes.

Examples of routine matters: initial appearances, scheduling, arraignments, or status conferences.

2. 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.
3. The judge or magistrate should instruct the parties that only one person should speak at a time.

For more information, contact the Supreme Court of Ohio's Language Services Program at 614.387.9403 or visit sc.ohio.gov/JCS/interpreterSvcs.

USE OF TELEPHONIC INTERPRETATION FOR THE LEP

(Limited English-Proficient Individual): The court may consider the use of telephonic interpretation services when:

- **No certified, provisional or language-skilled interpreter is available in person.** This applies to unexpected situations when in-person services are not reasonably available.
- **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.** Telephonic interpretation opens the possibility to tap interpreters in less-common languages.
- **There are small foreign-language populations and conflict of interest.** Existing familial, social, or professional relationships within small linguistic communities may compromise the neutrality of the proceeding. The use of telephonic interpretation will eliminate that potential conflict.
- **Interpreting assistance is needed outside the courtroom.** Often the LEP and families 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.

APPOINTING A TELEPHONIC INTERPRETER

Court appointment of telephonic interpreters shall conform to all existing Ohio laws, court rules, federal regulations and standards pertaining to the use of court interpretation.

BEFORE HEARING, THE JUDGE SHOULD:

- 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 keep a log of all technical breakdowns and the remedies used to correct the situation

After the 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:** Have users become familiar with the interpreting equipment prior to a scheduled hearing.
- **DESIGNATE A COORDINATOR AND BACKUP:** Have available a troubleshooter for those times technology proves difficult.
- **TEST-RUN THE EQUIPMENT:** Repeat test runs to identify potential glitches.
- **DEFINE PROTOCOL:** Create a check list specific to the courtroom or location of interpretation.
- **MONITOR THE USE OF TELEPHONIC INTERPRETATION:** Develop a system to keep track of what mode of interpretation is being used.

BEFORE THE HEARING - Cont.

- 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 a telephonic interpreter is being used to transmit the testimony and, therefore, to try to speak in complete, but shorter sentences.

DURING THE 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 "Mr./Ms. 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 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 the microphones that may interfere with the interpreter's ability to hear
- Be patient while the interpreter completes the interpretation
- Use established protocol to request that an attorney-client conversation be conducted
- Offer breaks to the interpreter to avoid the serious factor of fatigue.