The Supreme Court of Ohio

VIDEO REMOTE INTERPRETING (VRI)

in Ohio Courts

INTERPRETING MODES

Consecutive Interpretation

- Works best when the limited-English speaker is providing witness testimony.
- Consecutive is the mode where the speaker makes short, brief utterances or complete sentences, and stops.
- The interpreter then interprets these utterances.
- The speaker resumes and then stops and the interpreter interprets.
- This mode will also slightly slow the proceeding.

Simultaneous Interpretation

This mode is used during court proceedings in which the non-English speaker is not expected to respond (such as opening statements and closing arguments) and is present at the hearing. The interpreter interprets following the speaker closely and saying everything the speaker states but in the non-English speaker's language.

Sup.R. 9.10 and 9.11 Appointment of Interpreters and Language Services

The appointment of court interpreters is set forth in Rules 9.10 and 9.11 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. Court personnel are encouraged to reference the rules before appointing VRI interpreters.

Use of Roster Interpreters in VRI

The Supreme Court of Ohio interpreter roster identifies the languages that are available for VRI services and that meet the requirements of Sup.R 9.10(D) - (E). These interpreters work best when the matter is scheduled in advance. Some interpreters may be available on short notice. Their contact information can be found at: sc.ohio.gov/JCS/interpreterSvcs/certification/rosters.

WHEN DOES VRI WORK BEST?

- The matter is best handled remotely because of public health emergencies or continuity of operations;
- Meets requirements of Sup.R. 9.11 – Communication in Ancillary Services;
- Hearing or event is routine, simple, and does not involve complex testimony or multiple witnesses;
- Averages less than 45 minutes in duration;
- Urgent or unexpected situation and an in-person interpreter is not reasonably optional.

WHEN SATISFIED WITH THE INTERPRETER'S QUALIFICATIONS, THE OATH SHALL BE GIVEN

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?

Use of Non-Roster Interpreters Only if Roster Interpreters Are Not Available

The Language Services Program has not vetted foreign language interpreters who are not on the roster. Therefore, a court always should consult the Supreme Court's interpreter roster before contacting a non-roster interpreter or a language agency. Similarly, if a sign language interpreter is used who is not on the roster, the interpreter must meet the qualifications of Sup.R. 9.10(E), which identifies specific certifications. Uncertified sign language interpreters should not be used.

If a roster interpreter is not available or the language is not on the list, then courts may use VRI services from a language agency or an individual. When using these services, secure the remote interpreter early enough to screen appropriately to match the type of case with the experience, credentials, knowledge, and skills of the interpreter. Because non-roster interpreters are not vetted, courts will have to establish qualifications when using non-roster interpreters for VRI. To establish qualifications either before selection or on the record, courts may use the following questions to qualify the interpreter:

1. Do you have any credentials as an interpreter? If so, what are they?
2. Have you had a language assessment for English or your other language?
3. How many years have you worked as an interpreter?
4. How many cases have you done as an interpreter? Be specific or give a range.
5. How many years and how many cases have you completed as a court interpreter?
6. How many hours of court interpreting training do you have?
7. What training sessions have you completed?
8. How many VRI cases have you done?
9. Are you familiar with the remote equipment used for this hearing?
10. Are you ready to proceed in this case?

PREPARING FOR VRI:

1. For VRI, an ethernet connection works best; WiFi may freeze or lose connectivity and may not be as reliable.
2. Identify a VRI coordinator to design and to monitor the operation.
3. Secure a roster interpreter when available, pursuant to Sup.R. 9.10.
4. Establish video-remote-platform compatibility with VRI.

RECOMMENDATIONS TO MINIMIZE POSSIBLE BARRIERS DURING VRI

1. Ensure the video-conferencing platform can accommodate the non-English speaker and the remote interpreter.
2. Check with court staff to make sure equipment is in place and operational.
3. Confirm that the interpreter and the party speak or sign the same language.
4. Ensure that the interpreter is familiar with the code of conduct for interpreters.
5. Confirm the visibility and audibility of both the court user and the interpreter. For ASL cases, the video screen should be large enough to be seen clearly and have sufficient bandwidth not to freeze the video image.
6. When possible, establish consent on the record to use a remote interpreter.
7. Ask everyone to report technical difficulties to the court immediately.
8. If court documents were not shared with the interpreter ahead of time, be prepared to provide a brief introduction of the case, including specific case information.
9. Remind speakers to speak one at a time so the interpreter can interpret everything said in the courtroom.

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5. Test equipment to ensure operability.
6. When possible, obtain consent from the party to participate with VRI.
7. Provide the interpreter with case information prior to the hearing. This includes names of non-English speaker, judge and attorneys, case number, charges, claims, case details, date of incident, type of hearing, and any other information that may assist the interpreter to perform duties accurately, efficiently, and completely.
8. Notify the interpreter if there is more than one case that will require interpreting.
9. Allow counsel to communicate with the client to prepare for the hearing through the court's VRI access or telephonic interpretation (TI).
10. Allow time for privileged communication between the attorney and non-English speaker whether in the courtroom or a separate location. Additionally, for individuals who use sign language, privileged communication must be protected from view by other individuals.
11. Allow time for the interpreter and the non English speaker to meet prior to the start of a hearing to establish communication.

JUDGE'S SCRIPT AFTER INTERPRETER IS CONNECTED TO COURTROOM

To Interpreter:

- "Interpreter, can you see and/or hear all parties in this hearing?
- Please state your name and credentials for the record.
- Please verify the non-English-speaking party can understand you. (Pause and wait for the interpreter to respond that communication is established).
- Please interpret the instructions I am going to give about remote interpreting before we begin the hearing."

Instructions to the Party/Witness:

"I want you to understand the role of the interpreter. The court interpreter is impartial and here only to interpret the proceedings. The interpreter will interpret only what is said without adding, deleting, or summarizing anything. The interpreter will interpret everything you state, so do not say anything you do not want on the record. You are here to listen and/or give testimony to this court.

10. Describe out loud the reason for any long silences or interruptions in the proceedings, so that the interpreter knows to stand by. (Example: "Attorney Smith is looking for information in the defendant's deposition transcript before asking his next question.")
11. Be prepared to assist if a confidential attorney-client communication is requested.
12. Indicate when the interpreter should begin.
13. Make sure all parties speak into an amplifying microphone and the interpreter can hear clearly. Instruct parties to identify themselves so the interpreter can provide context. For example, "This is Ms. Jones, the plaintiff's attorney."
14. Indicate when the interpreter is released and when the equipment and connection may be disconnected.

When speaking, speak directly to the attorney or me. Do not ask the interpreter for advice. If you do not understand the interpreter, tell me immediately. If you need a question or answer repeated, please ask me. Wait until the entire statement or question has been interpreted before you answer. We have a video remote interpreter available for you. May I have your consent to continue with this interpreter? Please say or sign 'yes' or 'no.' Do you have any questions?"

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.

To All Participants:

"An interpreter is interpreting this hearing for the party/witness/participant remotely. The interpreter's camera view will be on the non-English-speaking party only, so the interpreter may not see who is talking.

- It is important that only one person speaks at a time.
- If you are not visible to the interpreter, please state your name each time you speak, speak clearly and slowly at a steady pace into the microphone.
- Do not speak or interrupt while someone else is speaking and try to allow a pause when someone else is finished speaking to allow the remote interpreter to finish interpreting.
- The interpreter will let the court know if he/she is having trouble hearing or understanding anyone."

To the Interpreter and Non-English-Speaking Party:

"Please interrupt and notify the court if you have trouble understanding any part of the proceeding or if you missed a word, phrase, or statement and need to have it repeated.

"I also will call for a break for the interpreter if it is necessary. The interpreter will give me a 'time-out' sign and we'll take a short break. At this time, the court will administer the oath."

After the oath, direct all participants to state their name and identify their role in the proceeding, so the remote interpreter can hear their voices and be able to differentiate who is speaking.

The information contained in this resource is a compilation of statutes, court rules, and court decisions in the State of Ohio, and it is intended as a summary of the law to assist judges, lawyers, and the general public. The information does not represent binding statements of law by the Supreme Court of Ohio.