



MINNESOTA JUDICIAL BRANCH

Bench Card: Video Remote Interpreting in the Courtroom

When Is VRI Appropriate?

Prior to court, local court staff will assess if American Sign Language (ASL) interpretation is an appropriate accommodation for a deaf or hard of hearing court user and whether VRI is necessary. Judicial Council Policy 513 and SCAO Policy and Procedures 513(b) (*amended 3/1/13*).

THE FOLLOWING CONDITIONS APPLY TO COURTS USING REMOTE TECHNOLOGY:

- ◆ Proceedings should be approximately 30 minutes or less in duration.
- ◆ VRI may be used to provide interpreter services from a remote location for:
 - ⇒ urgent or unexpected situations where no in-person staff or freelance interpreter is reasonably available; or
 - ⇒ non-emergent matters when it is more fiscally responsible to obtain the services by remote than by bringing in an in-person interpreter and the quality of the interpretation is not compromised.
- ◆ Remote interpreting should not be used in proceedings where lengthy testimony is expected.
- ◆ The court has the discretion to determine if remote interpreting is appropriate.

Please note: very few situations requiring ASL interpretation are appropriate for VRI.

Interpreter Oath

According to the **Rules of Evidence**, an interpreter should be **qualified as an expert** and administered an **oath**. Minn R. Evid. 604.

Do you swear (affirm) that you will accurately interpret to the defendant/litigant in understandable language all that is said during this proceeding and that you will repeat in English to the Court all statements made by the defendant/litigant. So help you God (not used in affirmation).

Recognizing the inherent challenges of remote interpreting, the following suggestions are offered to minimize potential problems and help address problems if they arise.

- Check with court staff to make sure equipment is in place and operational.
- Indicate when interpreter should begin.
- Confirm visibility and audibility of both the court user and the interpreter.
- Establish consent to using a remote interpreter, on the record.
- Ask everyone to inform you immediately if there are any technical difficulties.
- If court documents have not been shared with remote interpreter ahead of time, be prepared to provide a brief introduction of the case, including background information and case elements.
- Be prepared to assist if a confidential attorney-client communication is requested.
- Describe out loud the reason for any long silences or interruptions in the proceedings so that the remote interpreter knows what is going on.

Example: *“Attorney Smith is looking for information in the defendant’s deposition transcript before asking his next question.”*
- Make sure the court clerk speaks into an amplifying microphone that can be heard by the interpreter when administering oaths and when calendaring hearings.
- Indicate when interpreter is released.
- Indicate when equipment and connection may be disconnected.

Judge's Script: *Script to be Read after Interpreter is connected into the Courtroom*

TO INTERPRETER:

Interpreter, can you see and hear the courtroom clearly? Please state your name for the record. (Interpreter states name).

Please verify that the deaf party can understand you. (pause)

(Wait for the Interpreter to state whether or not the deaf party can understand the interpreter.)

Thank you. Interpreter, please interpret the instructions I am going to give about remote interpreting before we begin the hearing.

TO ALL PARTICIPANTS:

An interpreter is interpreting this hearing for the defendant/party/witness/participant by video remote, ITV. The interpreter's camera view will be on the deaf party. Consequently they may not see who is talking so it is particularly important that only one person speaks at a time. Speak clearly and slowly but at a steady pace into the microphone. Please do not speak or interrupt while someone else is speaking. In fact, try to allow a small pause when someone else has just finished speaking to give the remote interpreter time to finish interpreting. The remote interpreter will let the court know if he/she is having any trouble hearing or understanding anyone.

If the attorney and deaf party request a private conversation, the attorney will need to notify me; the Judge. If the request is granted, I will order the courtroom cleared and the attorney and their client can communicate confidentially with assistance from the remote interpreter. When you are done, I will resume the hearing.

TO THE INTERPRETER AND THE DEAF PARTY:

The court will not know if you are having trouble understanding any part of the proceeding unless you interrupt and notify the court that you have missed a word, phrase, or statement and need to have it repeated.

At this time, the court will administer the Interpreter Oath

(After Oath, direct all participants to state their name and identify their role in the proceedings in order for the remote interpreter to hear their voices to be able to differentiate who is speaking.)

If the attorney needs to speak to the deaf party at the conclusion of the hearing, please adjourn court and allow them to remain in the courtroom and communicate confidentially with assistance from the remote interpreter.

CONCLUSION OF HEARING: This hearing is concluded.

TO ATTORNEY:

Does your client need a moment to confer with you before the interpreter disconnects?
(wait for response)

Ok. The court will be adjourned and the courtroom cleared to allow the interpreter to interpret for the parties in the courtroom. Please follow clerk's instructions on what to do with the interpreting equipment when you are finished.