



Video Remote Interpreting Information for Attorneys

The following information applies to hearings conducted in courtrooms with American Sign Language (ASL) interpretation using a remote interpreter via the courtroom ITV system.

Before 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*).

***NOTE: Very few situations requiring ASL interpretation are appropriate for VRI.
The court has the discretion to determine if remote interpreting is appropriate.***

Appropriate Events for VRI

- Events in which a court-certified ASL interpreter is not available onsite.
- Events which are short in nature (less than 30 minutes) and not complex.
- Events which do not include testimony or cross-examination. Examples of appropriate events include: initial court conferences, status conferences, scheduling conferences, bond review hearings and other non-evidentiary hearings.
- Uncontested infractions which do not include testimony, including traffic cases.
- Events of an immediate nature that cannot be delayed, such as arraignments, bail reductions, and temporary restraining orders.
- Events in which the defendant/litigant is the deaf party and the defendant/litigant is present in the courtroom.
- Events in which the deaf party uses standard ASL.
- Events where the deaf consumer is an observer only and is not a party to the case.

Non-Appropriate Events for VRI

- Events in which a court certified ASL interpreter is available to provide onsite interpretation.
- Events which are long and/or complex.
- Events which include lengthy testimony.
- Events in which the deaf party does not use standard American Sign Language and a deaf intermediary interpreter is not available onsite.

Court staff is responsible for setting up the ITV connection and will remain in the courtroom to troubleshoot if technical problems arise.

Confidential Communications

Before Court

The deaf or hard of hearing court user will establish communication with the interpreter in the courtroom before the court is called to order. This time is also an opportunity for confidential attorney-client communication.

During Court

If, during the course of the hearing, the attorney and deaf party request a private conversation, the attorney needs to notify the Judge. If the request is granted, the judge will order the courtroom cleared and the attorney and client can communicate confidentially with assistance from the remote

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interpreter. When they are done, the judge resumes the hearing.

After Court

At the conclusion of the hearing, the judge will ask if the attorney needs to speak to the deaf party privately. The judge will adjourn court and allow them to remain in the courtroom and communicate confidentially with assistance from the remote interpreter.

Recognizing the inherent challenges of video remote Interpreting, the following suggestions are offered to minimize potential problems:

- ✓ Speak into a microphone.
- ✓ Speak loudly and clearly.
- ✓ Pause between statements.
- ✓ Speak one at a time. Allow a pause between speakers; that is, wait after a person has finished speaking before beginning to speak.
- ✓ Refrain from shuffling papers, handling the microphone or engaging in other activity that creates background noise near the microphone.
- ✓ Alert the Court immediately if there are any technical difficulties.

At the conclusion of the hearing, please contact Polly Ryan at the State Court Administrator's Office, Court Services Division with your feedback. polly.ryan@courts.state.mn.us

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