



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 this may include: initial appearances, arraignments, scheduling, or status conferences.

2. The appointment of the telephonic interpreter must follow the process pursuant to 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 in the courtroom 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: The court may consider the use of telephonic interpretation services for parties who are limited English-proficient (LEP) when:

- **No certified, provisional or language-skilled interpreter is available in person.** This applies to situations that are emergent or when unexpected situations arise and in-person services are not reasonably available.
- **It avoids undue delays by using a remote interpreter rather than an on-site interpreter.** Courts can use telephonic interpretation to move a case forward and it provides the court with an opportunity to locate a live interpreter to handle more complex hearings.
- **An interpreter for the language spoken by the person needing an interpreter is not easily obtainable.** Telephonic interpretation opens the possibility to tap interpreters in languages with few speakers and a small pool of bilinguals.
- **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.
- **When interpreting assistance is needed outside the courtroom.** Often LEP individuals 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

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

BEFORE THE HEARING

- Inform attorneys, limited-English parties or witnesses and court staff that telephonic interpreting will be utilized during the proceedings.
- Introduce the interpreter to the court and the limited-English user and allow them to assess whether they can hear and understand each other.
- Instruct the limited-English person to notify the court immediately if he/she ceases to hear or understand the interpreter. He/she should raise a hand and the judge will address this problem.
- Instruct the court or clerk staff member to keep a log of all technical breakdowns and the remedies used to correct the situation.

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?

Preparing to Utilize a Telephonic Interpreting Option

- **TRAINING:** Have users become familiar with the interpreting equipment prior to a scheduled hearing.
- **DESIGNATE A COORDINATOR AND BACKUP:** A troubleshooter might be needed for those times technology proves difficult.
- **TEST-RUN THE EQUIPMENT:** Repeating test runs may prove invaluable 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 swear-in 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 person, 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 person.
- 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 have the interpreter state his/her name, spelling it out, for the record. Inquire whether any party knows the interpreter, to eliminate potential conflicts or the appearance of impropriety.
- Direct any statement to the interpreter by stating "Mr./Madame Interpreter" to alert the interpreter he/she is being addressed directly.
- In the event a limited-English witness 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/her to pause, allowing the interpreter to interpret what was just said before continuing with his/her testimony.
- 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 defendant.
- Stop further communication when interpreter states: "Your Honor, the interpreter requests a repetition."
- Speak one at a time, enunciating each word, and position the microphone to ensure speech is being transmitted to 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.
- Utilize the established protocol to request that an attorney-client conversation be conducted.
- Offer breaks to the interpreter, as fatigue is a serious factor to take into account.