

Guide to Working with Court Interpreters – COVID-19

This guide provides practical suggestions to help guarantee language access for limited English proficient (LEP) and Deaf court participants. Under current conditions, **interpreting should be done remotely whenever possible**. [Order No. 25700-B-626, §19](#). For additional information, please see [Remote Interpreting Best Practices](#) and [Court Interpreting Information and Resources during COVID-19](#).

Legal Requirements:

- Telephonic interpreting is typically permissible in limited circumstances. [GR 11.3\(a\)](#)
- **Courts must follow [RCW 2.42](#) and [RCW 2.43](#)** (qualifications, costs, oath, etc.) and [GR 11.2](#) (Code of Professional Responsibility for Judiciary Interpreters), even when interpreting is done remotely. [GR 11.3\(b\)](#)
- The equipment used must ensure **clear audio for all participants**. [GR 11.3\(c\)](#) For Deaf participants, **clear video** is required under the Americans with Disability Act. [28 CFR §35.160\(d\)](#). Also see Department of Justice [Guidance](#).
- There must be a way for **attorneys to communicate privately with clients**. [GR 11.3\(d\)](#)
- Written documents which would normally be interpreted must be read aloud. [GR 11.3\(e\)](#)
- The telephonically interpreted hearings shall be **recorded**. [GR 11.3\(f\)](#)

When Scheduling Interpreters

The linked resources below were designed to help Court Staff when scheduling interpreters for remote hearings:

- [Quick Tips for Scheduling Interpreters for Telephonic or Video Remote Hearings](#)
- [Interpreter Scheduling Form – Telephonic or Video Remote Hearings](#) (Information to give the interpreter)
- [Interpreter Information Form](#) (Information to get back from the interpreter)

Instructions for LEP and Deaf Participants

Litigants are used to appearing in-person at their hearings with in-person interpreters. For remote hearings:

- Carefully plan instructions for LEP and Deaf individuals, ensuring they are written in clear, plain English.
- Specify what technology is needed, who the person can contact with questions or concerns, and what to do in the case of technology failures or inability to access necessary technology.
- Courts are encouraged to translate written instructions into commonly used languages, and provide timely translation or interpretation into other languages upon request. [Order No. 25700-B-626, p. 11](#).
- Consider directly calling the LEP Participant and speaking through a telephonic interpreter.
- Be careful in presuming the literacy level of LEP and Deaf individuals.

Logistics – Remote Interpreting

Audio and video clarity is critical for accurate interpreting.

- In telephonic connections make sure the interpreter can clearly hear all participants.
- With video remote interpreting, make sure the interpreters (particularly sign language interpreters) can clearly see all participants.
- Confirm that the LEP or Deaf participant can clearly hear/see the interpreter.
- **Audio is usually best when each participant has their own microphone.** Voices become less audible when participants use speaker phones.
- Parties appearing with counsel must have access to **confidential sidebar conversations**. **Ensure that your court's technology allows interpreters to participate** when parties are LEP or Deaf individuals.

Interpreters work use three different **Interpreting Modes**. In a typical courtroom environment they can seamlessly transition from one to another, but it is more complicated with remote interpreting. Things to keep in mind:

Interpreting Mode	What it is	How it's handled remotely
Consecutive Interpretation	<p>Interpreter begins interpreting when the speaker stops speaking.</p> <p>Examples: conversations and witness testimony.</p>	<p>Most common mode in hearings held by telephone or video.</p> <p>Each person speaks in short utterances (1-3 sentences) and pauses for the interpretation.</p> <p>Judges should monitor length of utterances and the interpreter's ability to keep pace.</p>
Simultaneous Interpretation	<p>Interpreter interprets while the speaker is still speaking/signing.</p> <p>Examples: when judges or attorneys speak while LEP or Deaf individual listens.</p>	<p>Most common mode in the courtroom.</p> <p>Can be used in remote hearings, but requires a <u>separate audio channel</u> between the interpreter and the LEP participant.</p> <p>Please contact the AOC for suggestions and examples of how to accomplish this.</p>
Sight Translation	<p>Interpreter reads aloud a document into the other language.</p> <p>Examples: court forms, reports, or written statements.</p>	<p>Send interpreter an electronic copy so they can see the document clearly when sight-translating. Sending documents in advance avoids delays during the hearing allows the interpreter to prepare.</p> <p>If the interpreter is required to sign a document, connect with the interpreter in advance about your court's process for electronic signatures.</p>

Logistics: Socially-Distanced, In-Person Interpreting in the Courtroom

- Simple **transmitter/receiver sets** will allow interpreters to work while keeping a safe distance from an LEP individual in the courtroom. The interpreter speaks into a **microphone connected to a one-way transmitter** while the LEP person listens through **headphones connected to a receiver**. This equipment can be an excellent tool even when COVID-type restrictions are not in place.
- For privileged attorney-client communications inside the courtroom**, consider purchasing **two-way radios** with ear pieces and microphones – similar to those used by store employees to communicate with one another. Provide one set to the interpreter.
- Sign language interpreters will need to remove their mask while interpreting. Courts should work with the interpreter to find a location where the interpreter can maintain a safe distance and be visible to the Deaf individual.

Just Before the Hearing Begins...

- Verify that all technology works well. Confirm that the interpreter can clearly hear/see all participants.
- Ask the interpreter to check-in briefly with the LEP or Deaf person to ensure that they have a compatible language match.
- Ask the participants whether any documents will be discussed. Provide copies of those documents to the interpreter if this has not been done previously.

During the Hearing...

- Remind participants to speak at a slow, steady pace, and take pauses for consecutive interpreting. Monitor their compliance throughout, as people tend to speed up and speak in longer utterances after the first few minutes.
- Check-in occasionally with the interpreter and LEP or Deaf participants to make sure all equipment is functioning, and that they can clearly see/hear all participants.