

Welcome & Introductions

LICHTENBERG

Human Resources Officer
Washington State Administrative Office of the Courts
1206 Quince St SE
P.O. Box 41170
Olympia, WA 98504-1170

AOC
Human Resources
JUL 24 2013
Received

July 22, 2013

Dear Human Resource Representative, AOC,

I am respectfully requesting your thoughtful consideration of my application for the position of Language Access Coordinator (Senior Court Program Analyst) with the Washington State Administrative Office of the Courts. As my experience as Assistant Director for the Office of the Deaf and Hard of Hearing (ODHH) within DSHS and professional references will attest, I feel that I can make a positively beneficial contribution to the efforts of the agency to maintain the highest level of qualifications and standards for court interpreters serving the state courts system. I have been involved since 1999 in procuring sign language interpreter services statewide for multiple state agency use and have much experience in the implementation of remote video interpreting services, including a keen knowledge of the technical challenges, costs, implementation schemes, vendor contacts, and procurement procedures necessary to implement a pilot VRI system for the AOC. My experience with interpreter scheduling and billing activities gives me a clear understanding of the challenges of setting up a reliable centralized court interpreter scheduling service. As these are challenging programs to implement, I am excited by the opportunity to bring in multiple team players to collaborate in bringing these programs to fruition and I have the experience and knowledge you seek to make this possible.

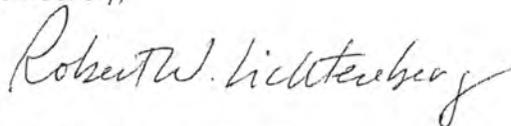
I have a Juris Doctor from the University of Washington School of Law and over 15 years of experience within the Office of the Deaf and Hard of Hearing (ODHH) in the design, development, analysis, implementation, and administration of various types of departmental contracts for client, personal, and purchased services contracts in adherence with applicable contracting rules. This has enabled me to understand the necessity of properly selecting subject matter experts and properly managing/communicating work processes among all team members. I have worked with DES in the RFQQ procurement of sign language interpreter contracts and served as lead for the past three multi-million dollar procurements for the provision of telecommunication relay services in Washington pursuant to federal laws and regulations. I have authored customized, detailed performance-based contracts with client, purchased and personal services vendors, often employing non-standardized clauses to address unique provisions required by ODHH's programs to ensure delivery of desired outcomes. One of my strengths is my ability to understand the "big picture" behind a program need and to employ the requisite attention to detail to achieve the necessary program performance objectives. I have used data-driven approaches to program design and have worked with other subject-matter specialists to ensure that the end-user's needs are incorporated in the finished project.

One of the core responsibilities of this position will be to oversee the scheduling and qualifications of credentialed interpreters and to provide mentoring and monitoring functions related to interpreters. I have brought in specialized trainers to assist interpreters with being able to properly work in medical and legal settings. I currently coordinate the ODHH effort to provide courts with lists of qualified ASL interpreters. I have experience in designing and delivering CLE and professional training on behalf of the Washington Bar Association Access to Justice Program, the Administrative Office of the Courts, and the Northwest Justice Project to courtroom personnel, practicing attorneys, prosecutors, and judges on courtroom access issues under the Americans with Disabilities Act and RCW 2.42 provisions. I have provided training to ODHH's staff and vendors on contract requirements and training to DSHS staff in the use of appropriate communications and cultural approaches needed to effectively serve DSHS clients with hearing and vision disabilities. I strongly believe I can create a high-caliber level of court interpreting services that will ensure the effective provision of spoken-language and ASL interpreting services, as well as guide courts in meeting language access requirements for court services for persons with various disabilities.

I look forward to the opportunity to further explain my skills and abilities. Please do not hesitate to contact me at the email address above to schedule an interview.

Thank you for your time in consideration of my application, resume, and cover letter.

Sincerely,

A handwritten signature in cursive script that reads "Robert W. Lichtenberg". The signature is written in black ink and is positioned above the printed name.

Robert W. Lichtenberg

Robert W. Lichtenberg

Ed

Professional Experience

Assistant Director. Office of the Deaf and Hard of Hearing, Dept. of Social and Health Services, Olympia, WA, 1998-Present (15 years, 7 months).

- Primary responsibility to administer and supervise all ODHH client, purchased, and personal services contracts and procurements; Directly managed several multi-million dollar procurements for federal/state telecommunications services, private-public sector R&D and IT product manufacturing, and statewide sign language interpreting services; Drafted complex contract clauses for Intellectual Property licensure, website ownership, performance-based deliverables and payment terms, liability mitigation, as well as construction of routine DSHS GT&C, Statements of Work, and ST&C clauses for all types of contracts.
- Supervise DSHS Sign Language Interpreting Services Program, including booking and billing
- Key Contracts Coordinator for ODHH since 2004 with direct contract and program supervision over five staff members who administer nearly 40 contracts worth approximately \$4+ million annually. Direct responsibility for ensuring programs adherence to DSHS administrative policies governing contracts. Responsible for program contract compliance trainings to ODHH contractors; Has Advanced Contracting Certificate from CCS Academy and completed Advanced Project Management training.
- Responsible for managing multiple, simultaneous projects within deadlines involving ODHH and collaborating DSHS programs to integrate service delivery improvements to meet the needs of DSHS stakeholders and clients with hearing loss.
- Drafted DSHS Request legislation for RCW 43.20A.725 (HB 1884) and associated WAC rules for telecommunications and social services programs; Acts as ODHH Legislative Bill Analyst
- Lead on ODHH analyses of proposed DSHS administrative policies and provides consultation to ODHH Executive Director on administrative impacts. Collaborated in the drafting of AP 7.20.
- Primary role in ODHH risk management, public disclosure, and litigation discovery activities; Lead on demonstration and ongoing projects for innovative programs serving clients; Provides supervision and leadership of program staff. Serves as Background Checks Unit liaison
- Assists Executive Director in program budget development, program design, implementation, service delivery strategies, integrated strategic agency plans, measures, executive management reports and critical issue decision analyses for DSHS Chief of Staff/Secretary-level review
- Has provided several CLE trainings on courtroom access issues since 2004 to Washington state judges and practicing attorneys on behalf of the Washington State Bar Association, Washington Administrative Office of the Courts, and to Northwest Justice Project staff attorneys
- Experienced in training DSHS staff on ADA and cross-cultural communication issues.
- Served as national consumer representative to the Federal Communications Commission Interstate TRS Fund Advisory Council, with advisory role in management of \$500 Million in USF monies for various telecommunications services authorized by the FCC.

Deaf Services Specialist. TACID, Tacoma, WA, 9/97-1/98 (4 months)

- Responsible for providing case management, advocacy, information/referral, education/training, and outreach services to Deaf, Deaf-Blind, and Hard of Hearing residents of a five county-wide area, including persons of ethnic language background

- Additional responsibilities include contract review, performance planning, budget development, services coordination and contract compliance on behalf of vendor.
- Responsible for maintaining liaisons with mental health services providers, school district personnel, law enforcement and court agencies, as well as DSHS and federal social welfare program service providers.

Therapeutic Aide/Community Support Specialist. Seattle Mental Health, Seattle, WA.

1996-97 (11 months)

- Responsible for providing behavior management support and independent living skills training to "at-risk" youth with behavior disorders and to chronically mentally ill Deaf adults. Provided support for behavior modification and coping strategies developed in conjunction with treatment goals. Provided resource information to parents and professionals providing collateral services to the participants in the treatment programs.

Tutor Coordinator/Instructional Technician, Regional Education Center for the Deaf, Seattle Central Community College, Seattle, WA 1994-1997 (21 months)

- Responsible for training and supervision of tutors for college level courses. Worked extensively with deaf college students in most aspects of coursework preparation, study skills development, problem solving, personal growth counseling, job resume preparation, and job interview skills development. Developed an area-wide social service programs handbook for students.

Education

Certificate in Rehabilitation Management, San Diego State University, CA (2003)

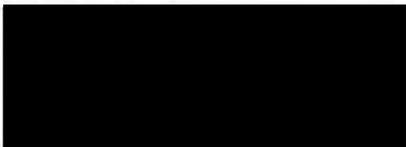
Juris Doctor –University of Washington School of Law, Seattle, WA (1984)

Bachelor of Science – Lewis and Clark College, Portland, OR (Economics, Honors Program, 1978)

Associate in Arts & Sciences – Pierce College, Tacoma WA (1975)

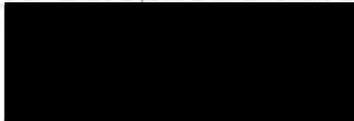
Professional References

Katrin Johnson



Kristi Cruz

Northwest Justice Project



John Meader

Assistant State Attorney General



Personal Interests

Music and Audio Systems/Audio Electronics

Mathematics (Foundational Logics, Algebraic Topology, Category Theory, CTMU)

Making this world better when I leave than when I arrived

Meeting Minutes



Interpreter Commission
Friday, September 13, 2013 (9:00 a.m. – 12:00 p.m.)
AOC SeaTac Facility,
18000 International Blvd., Suite 1106, SeaTac, WA 98188

MEETING MINUTES

Members Present:

Justice Steve González
Eileen Farley
Sam Mattix
Linda Noble
Dirk Marler
Marti Maxwell
Theresa Smith
Judge Greg Sypolt
Alma Zuniga

Members Absent:

Kristi Cruz
Judge James Riehl

AOC Staff:

Shirley Bondon

I. Call to Order and Welcome

The meeting was called to order by Justice Steven González at 9:05 a.m.

II. May 31, 2013 Meeting Minutes

Minutes were unanimously approved. The minutes will be posted on the AOC Court Interpreter Program website.

III. Chair's Report

King County Response:

In the civil matter of *Robert W. Dahlgren vs. Alfonso Loretto, et al.*, 12-2-27768-1 SEA two limited English speaking defendants were denied a continuance by the court despite the fact that an interpreter was unavailable. Justice González drafted a letter dated May 20, 2013 to the King County Superior Court expressing the Commission's concern regarding the fact that the court did not follow statutory requirements in their effort to accommodate the needs of all LEP participants in this case. Justice González stressed the importance of ensuring all LEP persons have meaningful access to justice in Washington Courts. In response, the judicial officer reported attending the Judicial Spring Conference program on interpreter issues and recognizing the necessity of LEP persons having an interpreter present at all court hearings.

Judge Sypolt proposed incorporating a segment regarding LEP persons and Interpreters into the Annual Judicial Conference.

Language Access and DV Open House:

Justice González stated that because of the Interpreter Commission's background in language access, the Commission had been invited to participate and partner with the Language Access and Domestic Violence Court Open House on October 29th & 30th, 2013. Justice González stated that Alma Zuniga had agreed to represent the Commission at the open house.

Proposed 2014 Meeting Schedule

A proposed meeting schedule for 2014 was presented.

IV. Issues Committee Report

The Issues Committee reviewed the following issues and submitted recommendations:

Issue I:

The committee reviewed a request for an extension allowing a passing written exam score to remain valid for four years, one year beyond the three year period provided for in the current program policy adopted on October 3, 2008. Currently, failure to pass the oral exam within the three year period will result in the candidate having to re-take the written examination in order to be eligible for future oral examinations. Judge Sypolt stated that this candidate is requesting an extension due to the fact that she is scheduled to give birth around the test date.

Judge Sypolt explained that the Issues Committee had discussed the situation and voted unanimously that an exception should not be made to the current program policy. Justice González asked if the Commission had any opposing opinions to the Issue Committees recommendation. No opposition was presented.

Issue II:

Judge Sypolt reviewed proposed amendments to General Rule 11.1 Purpose and Scope of Interpreter Commission. The unrevised rule stated that commission members were limited to serving on one committee; the Issues Committee, the Disciplinary Committee, or the Education Committee. A revision would encourage commission members to serve on more than one committee. Additionally, committees are no longer limited to only three members. The second revision to GR 11.1 increased the number of commission members from 12 to no more than 15.

The Issues Committee discussed designating a specific membership for a sign language interpreter on the Commission. Unfortunately, there is a limited pool of applicants who qualify for the position, but the Committee thought this disadvantage could be overcome.

Initially, the duties of the Education Committee was to provide ongoing training and resources to judicial officers and court administrators. A proposed revision to GR 11.1 would include court staff. In addition, the Issues Committee would be charged with addressing complaints and assisting courts with compliance.

AOC Staff reported they had received several additional recommended changes to GR 11.1 from a member of the public after the Issues Committee met. Justice González asked the Issues Committee to review the new recommendations during its next meeting.

A motion was made to adopt the following proposed revisions to GR 11.1:

- Each committee shall consist of at least three Commission members and one member shall be identified as the chair.
- The Issues Committee will also address issues, complaints and/or requests regarding access to interpreter services in the courts, and may communicate with individual courts in an effort to assist with compliance.
- (c) Establishment. The Supreme Court shall appoint no more than 15 members to the Interpreter Commission, ~~and. The Supreme Court~~ shall designate the chair of the Commission. The Commission shall include representatives from the following areas of expertise: judicial officers from the appellate and each trial court level (3), spoken language interpreter (2), sign language interpreter (1), court administrator (1), attorney (1), public member (2), representative from ethnic organization (1), ~~and~~ an AOC representative (1), and other representatives as needed. The term for a member of the Commission shall be three years. Members are eligible to serve a subsequent 3 year term. ~~The Commission shall consist of eleven members.~~ Members shall ~~only~~ serve on at least one committee and committees may be supplemented by ad hoc professionals as designated by the chair. Ad hoc members may not serve as chair on a committee.

The motion passed. Theresa Smith agreed to develop a description of the individuals eligible to fill the sign language interpreter designation.

Issue III:

Judge Sypolt informed commission members that the Supreme Court expressed a desire to develop a language access plan. Justice González noted that a recent request to the Supreme Court for an interpreter during an oral argument has led the Court to look to other state courts for a language access plan. AOC staff researched language access plans in other states locating one in the Supreme Court of Arizona. Justice González stated the court needs to consider what it would do in the event a member of the public, that is not a party to the case, was unable to understand the proceedings and made the request for an interpreter. Justice González stated this is a critical question the

appellate courts need to consider when developing their policies regarding language access.

AOC staff recently received a request for an ASL Interpreter for a Supreme Court hearing which will be held at the University of Puget Sound. Staff stated that when creating a language access policy, funding for the interpreter needs to be considered. Who is responsible for the cost incurred?

The Issues Committee discussed whether to recommend a standalone language access plan for the Supreme Court or perhaps adding a section to the Washington State Language Access Plan. Judge Sypolt added that the consensus among the Issues Committee was to recommend a standalone language access plan. The Issues Committee believed the statewide plan was created specifically to address the needs of trial courts and did not prove a good fit for the Supreme Court.

Issue IV:

A Community Outreach Plan was proposed to engage communities around languages in which courts have a difficult time finding and or certifying interpreters. Objectives of community outreach include the following:

- Understand the barriers to becoming interpreters.
- Explore ways to remove barriers.
- Recruit potential interpreters.
- Understand concerns regarding interpreter testing.

Judge Sypolt stated the importance of knowing where interpreters come from. He suggested researching interpreter training programs and program providers that are available to the public such as community colleges.

One member proposed a focused outreach to Korean and Vietnamese communities due to a current insufficient number of qualified Korean and Vietnamese interpreters. Community stakeholders are believed to have the potential to serve as conduits for persons interested in interpreting or for addressing interpreter issues. Justice González encouraged outreach to the Korean Bar Association.

Commission members agreed that beneficial elements of an outreach plan might include a survey, and personal contacts. Ms. Bondon commented that the court interpreter coordinator in Wisconsin created a plan and shared insights from the plan with the Issues Committee. She also suggested contacting the refugee settlement organization to explore the possibility of recruiting one of their participants to become a member of the Interpreter Commission. This person could help the commission learn more about immigrants entering Washington.

The commission discussed the fact that each language has its own unique issues, therefore a policy needs to be created that recognizes these differences.

The Commission also needs to recruit a member to fill the public member commission membership vacated by Mike McElroy. After some discussion, the Commission decided to conduct a broad and extensive search to solicit letters of interest. Staff was instructed to draft a letter soliciting new members and advertise the position widely with a January 2014 deadline.

Issue V:

Commission members briefly discussed a concern raised by an interpreter regarding the online interpreter scheduling software used in King and Snohomish county courts. The Commission agreed to discuss the issue further if a more formal complaint was received.

V. Program Updates

AOC Reorganization

Dirk Marler informed the Commission that effective October 1, 2013 AOC's Interpreter Program and Commission will become a part of the Administrative Division of AOC directly under the supervision of the State Court Administrator along with the staff of the Gender and Justice and Minority and Justice Commission. Ms. Bondon will continue to support the Interpreter Commission until a new person comes onboard.

Language Access Coordinator Recruitment:

Mr. McElroy stated that AOC narrowed the candidate list to two. He stated that both candidates have exceptional qualifications and would be a good fit for the position. Justice González will interview these two candidates in the near future.

LAAC Resolutions:

AOC staff stated that the Congress of Chief Justices and the Congress of State Court Administrators met July, 2013 and adopted two resolutions related to interpreting. Resolution 7 supports the establishment of best practices and recommendations for the use of video remote interpretation. Resolution 8 supports sharing interpreter resources through establishing a shared national court video remote interpreting network and national proficiency designations for interpreters. Commission members were encouraged to review the resolutions and send comments to AOC staff, which will be shared with the National Center for State Courts.

Adjourn

The next meeting is scheduled for Friday, December 6, 2103, SeaTac Facility, 18000 International Blvd., Suite 1106, 9 am to noon

Decision Summary	Status
<i>The Commission agreed that an exception should not be made to the current three year program policy as it relates to passing the written exam.</i>	<i>Complete</i>
<i>The Commission passed the proposed amendments to General Rule 11.1 Purpose and Scope of Interpreter Commission.</i>	<i>Future Action</i>
<i>The Commission agreed that Alma Zuniga would represent the Commission at the Language Access and DV Open House.</i>	<i>Complete</i>
<i>The Issues Committee recommended a standalone language access plan for the Supreme Court.</i>	<i>Future Action</i>

Action Item Summary	
<i>The Issues Committee will review new recommendations to GR 11.1 submitted by a member of the public.</i>	<i>In- Process</i>
<i>The Issues Committee will explore development of designating a specific membership for a sign language interpreter on the Commission.</i>	<i>Future Action</i>
<i>The Commission will conduct a broad and extensive search to solicit letters of interest to fill the vacant position of the public member commission membership. The deadline is January 2014.</i>	<i>In-Process</i>
<i>Justice Gonzalez will interview two candidates for the Language Access Coordinator position.</i>	<i>Future Action</i>
<i>Commission members will review interpreting LAAC Resolutions 7 and 8. Comments will be forwarded to AOC staff.</i>	<i>In-Process</i>
<i>The Commission will research interpreter training programs and program providers available to the public.</i>	<i>Future Action</i>

Issues' Committee Report



Interpreter Commission- Issues Committee
Monday, October 21, 2013 (4:30 p.m.)
Teleconference

MEETING MINUTES

Members Present:

Judge Gregory Sypolt
Kristi Cruz
Linda Noble
Alma Zuniga

AOC Staff:

Shirley Bondon

Member Absent:

Marti Maxwell

I. Meeting Called to Order

Judge Gregory Sypolt called the meeting to order at 4:35 p.m.

II. Request for Extension

The Issues Committee received a request to rescore an oral exam taken and passed in 2011. The certified court interpreter who submitted the request is seeking reciprocity in California. California's reciprocity policy requires obtaining a score of 70% on all four sections of the exam. Washington allows candidates to average the scores obtained on sight translation to obtain 70%. The interpreter's scores are provided below:

Sight Translation

English to Foreign Language	68%
Foreign Language to English	96%

To satisfy California requirements the interpreter needs to increase her English to foreign language sight translation score two percentage points. The interpreter is a rater and is no longer allowed to take the oral exam for any language for which she serves as a rater.

Relevant Interpreter Commission Policy:

Appeal Process for Rescoring of Oral Exam

Any candidate that takes the oral certification exam and passes two sections, and scores at least 65% on the non-passing section, may submit a request for rescore.

A candidate must submit a request for re-scoring to the Administrative Office of the Courts (AOC) in writing within 40 days after AOC sends the results of the exam via US mail. Any requests received after 40 days will be denied. In the event that a candidate's request for rescore is approved, he/she will be responsible for paying the cost associated with the rescore (to be determined at that time).

The written appeal will be: (1) forwarded to the Issues Committee for review and a decision on whether or not to allow rescoring (2) forwarded to the Consortium for their consideration in developing future examinations, and (3) shared with the Commission at the next quarterly meeting.

Any decision to rescore the exam is at the sole discretion of the Issues Committee based on specific allegations of fundamental errors in the methodology used in evaluating or scoring the exam by the requesting party (test candidate). Candidates are not entitled to rescoring if the only trained raters qualified to rate the oral exam constitutes the team that rated the candidate's initial performance.

National Center for State Courts (NCSC) Consortium

AOC staff explained the request to the NCSC and submitted the questions listed below.

1. Is it possible to rescore the exam?
2. Does the Consortium keep exams? If so, for how long?
3. What is your rescore policy?
4. What, if anything, would you recommend?

The NCSC provided the following response:

Per the Testing Manual for Program Managers, the rescore process would be initiated by the state that coordinates the original rating of the exam. Arrangements could also be made if another state requests and pays for the rescore.

The rescore process would be initiated and paid for by NCSC if the original rating was coordinated by NCSC, and if a rescore was found to be the appropriate response to a formal appeal in which there is documented evidence of one or more of the following:

- Significant irregularity in the exam administration
- Discrimination
- Bias
- Fraud
- Inappropriate application of Americans with Disability Act (ADA) or other accommodations.

The NCSC maintains exam recordings for one year. With regard to the interpreter requesting a rescore, staff could check to see if the recordings are in storage, if Washington or another state would like to initiate a rescore process.

Decision: The Issues Committee voted to inform the interpreter of the current policy and to offer to work with the NCSC to try to respond to her request.

III. Online Interpreter Scheduling

During the September 13 Interpreter Commission meeting, a concern was expressed regarding the operation of the online interpreter scheduling software used by several Seattle and Snohomish County courts. There was a perception that someone had created an “APP” which allowed the user to grab interpreter jobs automatically. The Commission agreed to research the issue if a formal concern was submitted.

September 13, immediately following the Interpreter Commission Meeting, AOC staff received the attached e-mail (Attachment A) from an interpreter stating that she was unable to sign up for Russian interpreter jobs in King County District Court and Snohomish County courts. In addition, she expressed concern that Snohomish County used non-certified Arabic interpreters as their first and primary choice.

September 22, the interpreter provided additional information regarding interpreter scheduling (Attachment B).

Wednesday, October 16, staff spoke with the interpreter and she stated that her concerns regarding the use of non-certified Arabic interpreters had been addressed and corrected. The issues regarding scheduling of Russian interpreters had not changed.

Research

After speaking with Interpreter Coordinators in King and Snohomish Counties and several interpreters—one Russian and two Spanish, it was determined that interpreter jobs are being grabbed and sometimes reassigned to other interpreters by at least one Russian interpreter. I am unable to verify that an “APP” or electronic device is being used to sign up, but one interpreter states that he has given his login for the scheduling program to several friends who sign him up for jobs. When he determines that he has a conflict he reassigns the jobs to friends and colleagues. To confirm this, the Interpreter Coordinator in Snohomish County reviewed Russian interpreter jobs for a 30 day period and determined that one interpreter had been used on all but three occasions.

After speaking with the Interpreter Coordinator in Snohomish County it appears the use of a non-certified Arabic interpreter occurs due to an improper login priority assignment. The scheduling software allows the administrator to set priorities. As designed, certified interpreters have first priority and should be able to view interpreter jobs 24 hours

before they are available to non-certified interpreters. This was not occurring with Arabic interpreters, and the coordinator planned to correct it.

Relevant Interpreter Commission Policy:

None

Questions:

1. Is this an issue the Interpreter Commission should address? If so, pursuant to what authority?

b) Jurisdiction and Powers. All certified court interpreters who are certified in the state of Washington by AOC are subject to rules and regulations specified in the Interpreter Program Manual. The Commission shall establish three committees to fulfill ongoing functions related to issues, discipline and judicial/court administration education. Each committee shall consist of three Commission members and one member shall be identified as the chair.

(1) The Issues Committee is assigned issues, complaints and/or requests from interpreters for review and response. If the situation cannot be resolved at the Issues Committee level, the matter will be submitted by written referral to the Disciplinary Committee.

(2) The Disciplinary Committee has the authority to decertify and deny certification of interpreters based on the disciplinary procedures for: (a) violations of continuing education/court hour requirements (b) failure to comply with Interpreter Code of Conduct (GR 11.2) or professional standards or (3) violations of law that may interfere with their duties as a certified court interpreter. The Disciplinary Committee will decide on appeal any issues submitted by the Issues Committee.

2. Has the Interpreter Code of Conduct or professional standards been violated? If so, how?

Rule 11.2 Code of Conduct for Court Interpreters

PREAMBLE. All language interpreters serving in a legal proceeding, whether certified or uncertified, shall abide by the following Code of Conduct:

A language interpreter who violates any of the provisions of this code is subject to a citation for contempt, disciplinary action or any other sanction that may be imposed by law. The purpose of this Code of Conduct is to establish and maintain high standards of conduct to preserve the integrity and independence of the adjudicative system.

(a) A language interpreter, like an officer of the court, shall maintain high standards of personal and professional conduct that promote public confidence in the administration of justice.

(b) A language interpreter shall interpret or translate the material thoroughly and precisely, adding or omitting nothing and stating as nearly as possible what has been stated in the language of the speaker, giving consideration to variations in grammar and syntax for both languages involved. A language interpreter shall use the level of communication that best conveys the meaning of the source, and shall not interject the interpreter's personal moods or attitudes.

(c) When a language interpreter has any reservation about ability to satisfy an assignment competently, the interpreter shall immediately convey that reservation to the parties and to the court. If the communication mode or language of the non-English speaking person cannot be readily interpreted, the interpreter shall notify the appointing authority or the court.

(d) No language interpreter shall render services in any matter in which the interpreter is a potential witness, associate, friend or relative of a contending party, unless a specific exception is allowed by the appointing authority for good cause noted on the record. Neither shall the interpreter serve in any matter in which the interpreter has an interest, financial or otherwise, in the outcome. Nor shall any language interpreter serve in a matter where the interpreter has participated in the choice of counsel.

(e) Except in the interpreter's official capacity, no language interpreter shall discuss, report, or comment upon a matter in which the person serves as interpreter. Interpreters shall not disclose any communication that is privileged by law without the written consent of the parties to the communication, or pursuant to court order.

(f) A language interpreter shall report immediately to the appointing authority in the proceeding any solicitation or effort by another to induce or encourage the interpreter to violate any law, any provision of the rules which may be approved by the courts for the practice of language interpreting, or any provisions of this Code of Conduct.

(g) Language interpreters shall not give legal advice and shall refrain from the unauthorized practice of law.

Discussion - Proposed Solutions

1. Sanction interpreters.
2. Ask courts to develop sign up standards.
 - a. Restrict access to log in.
 - b. Develop a rotation.

- i. Full time vs. full time interpreters.
3. Discontinue use of scheduling software.
4. Upgrade scheduling software.
5. Other suggestions.

Decision: The Issues Committee decided that this was a complicated matter requiring further discussion by the entire commission.

After the Issues Committee met, AOC staff received an e-mail from another court interpreter, who was also concerned about the online interpreter scheduling process used by King County District Court (see Attachment C).

IV. Supreme Court Language Access Policy

During the August 5, 2013 teleconference, committee members agreed to review the Washington State Court Language Access Plan and be prepared to decide if a separate standalone policy should be developed for the Supreme Court or if a Supreme Court section should be added to the existing state plan.

The Committee recommended developing a standalone plan for the Supreme Court. The state plan was written for trial courts and thus isn't all applicable to the Supreme Court. Members agreed that a simple plan which only addressed those issues pertinent to the Supreme Court would be most effective. Staff was asked to draft a plan for the Issues Committee to review during its next meeting. Staff shared a draft with the Committee, which has been further revised after receiving Committee input. (Attachment D).

Decision: The Committee approved sharing the draft with the Commission.

V. GR 11

The Issues Committee reviewed the following recommendations to revised GR 11 which were submitted by a member of the public:

Proposed Revision I and II

GR 11.1 (b) Jurisdiction and Powers. All certified court interpreters who are certified in the state of Washington by AOC are subject to rules and regulations specified in the Interpreter Program Manual. The Commission shall establish three committees to fulfill ongoing functions related to issues, discipline, and ~~judicial/court administration~~ the education of officers of the court and court administrators. Each committee shall consist of three* Commission members and one member shall be identified as the chair.

** or "at least three"*

GR 11.1 (b)(3) The ~~Judicial and Court Administration~~ Education Committee shall provide ongoing opportunities for training and resources to judicial officers of the court and court administrators ~~related to court interpretation improvement~~ in support of full compliance with court interpretation laws and rules.

"If it is deemed desirable to clarify that education of interpreters is not within the scope of responsibility of the Education Committee, the following language could be used:"

GR 11.2 (b)(3) The ~~Judicial and Court Administration~~ Education Committee shall provide ongoing opportunities for training and resources to judicial officers of the court (other than court interpreters) and court administrators ~~related to court interpretation improvement~~ in support of full compliance with court interpretation laws and rules.

Rationale for change provided by the submitter:

"For the fair and effective administration of justice when an LEP person is a party to a proceeding, it is important that judicial officers, court administrators, and other court staff are familiar with the legal requirements and best practices pertaining to court interpreters. GR 11.1 (Purpose and Scope of Interpreter Commission) assigns to the Judicial and Court Administration Education Committee ("Education Committee") the responsibility to "provide ongoing opportunities for training and resources to judicial officers and court administrators related to court interpretation improvement" (GR 11.1(b)(3)), and a change which the Commission is considering for proposal to the Supreme Court would add "court staff" to the list.

Role of attorneys. Ideally judicial officers, court administrators, and court staff would as a team ensure that a court is fully compliant without exception (in all proceedings to which an LEP person is a party) with all laws and rules pertaining to court interpreters. The reality is that courts are not always in compliance with the relevant law and rules, and I have personal knowledge of cases of egregious non-compliance. In any particular proceeding to which an LEP person is a party, the best person (and usually the only person) who can help preserve that party's rights is his attorney.

A lawyer is required to "act with reasonable diligence and promptness in representing a client" (RPC 1.3). In the case of an LEP client, it seems to me that

diligence in representing an LEP defendant includes ensuring that the defendant understands the proceedings and is understood by the court. Furthermore, a lawyer is required to "provide competent representation to a client", and "[C]ompetent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation" (RPC 1.1). It seems to me that if a lawyer is not familiar with the law and rules which pertain to court interpreters, he will not be able to effectively advocate for the right of his LEP client to understand the proceedings and be understood.

I submit that the rights of LEP parties would be better served if the scope of the Education Committee's mission were to be expanded to include providing training and resources to attorneys.

Goal of the Education Committee. In any enterprise, there is no assurance that the enterprise will achieve its objectives. On the other hand, in the absence of a clearly defined objective it becomes much more difficult to achieve any objective.

The current rules charge the Education Committee with providing training and resources "related to court interpretation improvement" (GR 11.1(b) (3)). I submit that a more precise focus for the Education Committee would be to provide training and resources "in support of full compliance with court interpretation laws and rules".

Decision: The Issues Committee shared the submitters desire to educate all persons interacting with court interpreters, but thought the Commission should not assume responsibility belonging to other entities. For example, attorneys are educated by the Washington State Bar Association. The Committee does not recommend proposed revisions I and II above.

Proposed Revision III:

GR 11.2 (a) A language interpreter, ~~like an officer of the court~~ is an officer of the court, and shall maintain high standards of personal and professional conduct that promote public confidence in the administration of justice.

Rationale for change provided by the submitter:

It is misleading (in the rule) to state that a language interpreter, "like" an officer of the court, has certain conduct responsibilities. The word "like" implies that a language interpreter *is not actually an officer of the court*, but only has certain responsibilities in common with those of a true officer of the court.

One dictionary defines "officer of the court" as *any person who has an obligation to promote justice and effective operation of the judicial system, including judges, the attorneys who appear in court, bailiffs, clerks and other personnel* (source: <http://dictionary.law.com/Default.aspx?selected=1385>). Based on this definition—which the submitter believes is consistent with the generally accepted

meaning of *officer of the court*—a language interpreter serving in court *is* an officer of the court.

In a proceeding where a participant has limited English proficiency, a court interpreter plays a role in the administration of justice which is not inferior in importance to the roles of the presiding officer and counsel. The proposed change would deliver the message to the legal community and to the public that this is indeed the case.

Decision: The Committee agreed with the spirit of the suggestion and recommends the revision provided below:

GR11.2.(a) A language interpreter, ~~like~~ as an officer of the court, shall maintain high standards of personal and professional conduct that promote public confidence in the administration of justice.

Attachment E contains all proposed revisions to GR 11.

VI. Community Outreach

The Committee discussed the upcoming November 8, 2013 meeting with members of Korean and Vietnamese communities.

Good Afternoon Ms. Bondon

I am writing to raise a troubling issue in the practice of signing up for King County District Court and Snohomish County Court jobs. I have noticed that in the Russian language category of jobs, I have never been able to see any job with an "UNASSIGNED" status. I have monitored the job sign-up site at various times of the day and for various lengths of time, refreshing the screen frequently to no avail. I have done this countless times over months. In fact, I have never been able to sign up for a Russian language job on that site.

I have not had the same experience in that language category. Granted there is a big difference between the number of certified interpreters in the two languages, but the fact still remains that in Russian I have never seen an "UNASSIGNED" job. What is more troubling is that I (as well as other colleagues) have heard that some interpreters are using a computer program specially written to capture jobs as soon as they are released. I do not know exactly what kind of program this is or by whom it is written, but this gives me the feeling that this is an unfair practice as a human cannot compete with a machine in speed of job capturing. Furthermore, I have done some investigating and discovered that an interpreter in another language was publicly disciplined for doing the same. I would like to ask you to look into this matter please as when I have raised it with KCDC the advice I received is to "keep trying" to sign up for a job.

Another issue I wanted to raise is the use of Arabic language interpreters who are noncertified in Snohomish County Courts as their first and primary choice, despite the fact that I am a certified interpreter and I am available most of the time for taking assignment. My observation over the past couple of years since being certified has been that I am usually the fall-back, interpreter Snohomish County Courts turn to if the other interpreter/s, who are noncertified are unavailable. If I am certified, I do not see why I am not contacted first or given priority in signing up for jobs on the Snohomish County Interpreter Site. My understanding of interpreter appointment by the courts is as follows:

RCW 2.43.030 Appointment of Interpreter

(1) Whenever an interpreter is appointed to assist a non-English-speaking person in a legal proceeding, the appointing authority shall, in the absence of a written waiver by the person, appoint a certified or a qualified interpreter to assist the person throughout the proceedings.

(a) Except as otherwise provided for in (b) of this subsection, the interpreter appointed shall be a qualified interpreter.

(b) Beginning on July 1, 1990, when a non-English-speaking person is a party to a legal proceeding, or is subpoenaed or summoned by an appointing authority or is otherwise compelled by an appointing authority to appear at a legal proceeding, the appointing authority shall use the services of only those language interpreters who have been certified by the Administrative Office of the Courts, unless good cause is found and noted on the record by the appointing authority. For purposes of chapter 358, Laws of 1989, "good cause" includes but is not limited to a determination that:

- (i) Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services of a certified interpreter are not reasonably available to the appointing authority; or
- (ii) The current list of certified interpreters maintained by the Administrative Office of the Courts does not include an interpreter certified in the language spoken by the non-English-speaking person.

(c) Except as otherwise provided in this section, when a non-English speaking person is involved in a legal proceeding, the appointing authority shall appoint a qualified interpreter.

(2) If good cause is found for using an interpreter who is not certified, or if a qualified interpreter is appointed, the appointing authority shall make a preliminary determination, on the basis of testimony or stated needs of the non-English-speaking person, that the proposed interpreter is able to interpret accurately all communications to and from such person in that particular proceeding. The appointing authority shall satisfy itself on the record that the proposed interpreter: Given the above, I again, feel that Snohomish County Courts are not following the policy. I ask you please to look into the matter.



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Interpreter Web

King County District Court

[Schedule Search](#)

[Job #113921 Details](#)

[Password/Profile](#)

Start Date:

End Date:

Language:

Division:

Court Type:

Job ID:

Interpreter:

Personal Calendar

Job Date	Time	Job ID	Duration	Division	Interpreter	Language
9/18/2013	9:15 AM	113459	2.0 hrs.	Shoreline	Assigned	Russian
9/19/2013	9:15 AM	113941	2.0 hrs.	Shoreline	Assigned	Russian
9/19/2013	1:30 PM	113775	2.0 hrs.	Redmond	Assigned	Russian
9/20/2013	8:45 AM	113197	2.0 hrs.	Bellevue	Assigned	Russian
9/20/2013	1:30 PM	113120	2.0 hrs.	Auburn	Assigned	Russian
9/23/2013	1:30 PM	112702	2.0 hrs.	Issaquah	Assigned	Russian
9/24/2013	8:45 AM	113365	2.0 hrs.	Auburn	Assigned	Russian
9/25/2013	1:45 PM	113316	2.0 hrs.	Shoreline	Assigned	Russian
9/26/2013	9:30 AM	113659	2.0 hrs.	Auburn	Assigned	Russian
9/26/2013	2:00 PM	113205	2.0 hrs.	Redmond	Assigned	Russian
9/26/2013	3:00 PM	112922	2.0 hrs.	Burien	Assigned	Russian
9/27/2013	8:45 AM	113266	2.0 hrs.	Burien	Assigned	Russian
9/30/2013	8:45 AM	113446	2.0 hrs.	Bellevue	Assigned	Russian
9/30/2013	10:15 AM	113405	2.0 hrs.	Burien	Assigned	Russian
9/30/2013	10:15 AM	113939	2.0 hrs.	Redmond	Assigned	Russian
9/30/2013	1:30 PM	113630	2.0 hrs.	Redmond	Assigned	Russian
10/1/2013	8:45 AM	113033	2.0 hrs.	Redmond	Assigned	Russian
10/1/2013	10:00 AM	113925	2.0 hrs.	Bellevue	Assigned	Russian
10/1/2013	10:15 AM	113618	2.0 hrs.	Regional Justice Center	Assigned	Russian
10/1/2013	1:30 PM	113133	2.0 hrs.	Redmond	Assigned	Russian
10/2/2013	9:15 AM	113952	2.0 hrs.	Shoreline	Assigned	Russian
10/3/2013	8:45 AM	113194	2.0 hrs.	Auburn	Assigned	Russian
10/3/2013	8:45 AM	112488	2.0 hrs.	Issaquah	Assigned	Russian
10/3/2013	8:45 AM	113067	2.0 hrs.	Shoreline	Assigned	Russian
10/3/2013	1:30 PM	112416	2.0 hrs.	Bellevue	Assigned	Russian
10/3/2013	1:30 PM	113134	2.0 hrs.	Redmond	Assigned	Russian
10/4/2013	1:30 PM	113836	2.0 hrs.	Auburn	Assigned	Russian
10/7/2013	1:30 PM	113849	2.0 hrs.	Bellevue	Assigned	Russian
10/8/2013	10:15 AM	113762	2.0 hrs.	Burien	Assigned	Russian

10/14/2013	8:45 AM	113541	2.0 hrs.	Bellevue	Assigned	Russian
10/14/2013	9:30 AM	113899	2.0 hrs.	Auburn	Assigned	Russian
10/14/2013	1:30 PM	113763	2.0 hrs.	Regional Justice Center	Assigned	Russian
10/17/2013	8:45 AM	113934	2.0 hrs.	Regional Justice Center	Assigned	Russian
10/17/2013	1:30 PM	112920	2.0 hrs.	Bellevue	Assigned	Russian
10/17/2013	2:00 PM	113307	2.0 hrs.	Redmond	Assigned	Russian
10/18/2013	8:45 AM	113436	2.0 hrs.	Auburn	Assigned	Russian
10/18/2013	8:45 AM	113150	2.0 hrs.	Bellevue	Assigned	Russian
10/22/2013	8:45 AM	113539	2.0 hrs.	Burien	Assigned	Russian
10/25/2013	10:15 AM	113876	2.0 hrs.	Redmond	Assigned	Russian
10/29/2013	1:45 AM	113746	2.0 hrs.	Shoreline	Assigned	Russian
10/29/2013	8:45 AM	113886	2.0 hrs.	Regional Justice Center	Assigned	Russian
10/29/2013	8:45 AM	113764	2.0 hrs.	Seattle	Assigned	Russian
10/30/2013	8:45 AM	113142	2.0 hrs.	Redmond	Assigned	Russian
11/4/2013	1:30 PM	113412	2.0 hrs.	Bellevue	Assigned	Russian
11/7/2013	8:45 AM	113907	2.0 hrs.	Seattle	Assigned	Russian
11/12/2013	8:45 AM	113846	2.0 hrs.	Regional Justice Center	Assigned	Russian

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If you have questions, need your password reset, or would like to find out more about King County's interpreter program please e-mail [The Interpreter Coordinator](#) or call: (206) 477-1760

Those interested in learning more about Interpreter Web from a technical point of view are invited to open this [FAQ doc](#)

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Interpreter Web
King County District Court

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[Job #113921 Details](#)

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Start Date: 9/18/2013

End Date:

Language:

Division: All

ARABIC

Court Type: All

Job ID:

Interpreter:

Personal Calendar

Job Date	Time	Job ID	Duration	Division	Interpreter	Language
9/18/2013	10:15 AM	113174	2.0 hrs.	Seattle	Assigned	ARABIC
9/18/2013	1:30 PM	112815	2.0 hrs.	Auburn	Assigned	ARABIC
9/24/2013	9:30 AM	112556	2.0 hrs.	Auburn	Assigned	ARABIC
9/24/2013	2:00 PM	113950	2.0 hrs.	ACA-Kent	Assigned	ARABIC
9/26/2013	8:45 AM	113508	2.0 hrs.	Regional Justice Center	Assigned	ARABIC
9/27/2013	8:45 AM	112958	2.0 hrs.	Burien	Assigned	ARABIC
9/27/2013	8:45 AM	113538	2.0 hrs.	Regional Justice Center	Assigned	ARABIC
9/27/2013	10:15 AM	113288	2.0 hrs.	Redmond	Assigned	ARABIC
9/30/2013	8:45 AM	113366	2.0 hrs.	Bellevue	Assigned	ARABIC
10/2/2013	10:15 AM	113678	2.0 hrs.	Regional Justice Center	Unassigned	ARABIC
10/3/2013	9:30 AM	113710	2.0 hrs.	Shoreline	Assigned	ARABIC
10/4/2013	8:45 AM	113747	2.0 hrs.	Regional Justice Center	Assigned	ARABIC
10/4/2013	1:30 PM	113052	2.0 hrs.	Regional Justice Center	Assigned	ARABIC
10/9/2013	8:45 AM	113039	2.0 hrs.	Regional Justice Center	Assigned	ARABIC
10/11/2013	1:30 PM	112592	2.0 hrs.	Bellevue	Assigned	ARABIC

Interpreter Web

Job Date	Time	Job ID	Duration	Division	Interpreter	Language
9/19/2013	9:00 AM	14060	7.5 hrs.	SSC Campus Courthouse	Assigned	Arabic (standard)
9/20/2013	1:00 PM	14030	2.0 hrs.	SSC Campus Courthouse	Assigned	Arabic (standard)
9/30/2013	1:00 PM	13824	2.0 hrs.	SSC Campus Courthouse	Assigned	Arabic (standard)
10/3/2013	9:00 AM	13837	2.0 hrs.	SDC South	Assigned	Arabic (standard)
10/8/2013	9:30 AM	13938	2.0 hrs.	SDC Evergreen	Assigned	Arabic (standard)

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Job #14060 Details

Job Date:* Job Time:*

Job Duration:* Interpreter:

Division:* Language:*

Created: Requestor:

Last Updated: Assigned Date:

Updated by: Interpreter Email:

Interpreter Phone Number(s):

Location (viewable by all): * Indicates Required Fields

Case Number	Client Name	Event Type	Click for Details
12-3-03115-2	[REDACTED]	Civil Non-Jury Trial	

Job #14030 Details

Password/Profile

[Logoff](#)

Job Date:* Job Time:*

Job Duration:* Interpreter:

Created: Requestor:

Last Updated: Assigned Date:

Updated by: Interpreter Email:

Interpreter Web

Division:* Language:*

Location (viewable by all): * indicates Required Fields

Case Number	Client Name	Event Type	Click for Details
13-3-00257-6	[REDACTED]	Show Cause	

Interpreter Web

[Logoff](#)

Schedule Search

Job #13824 Details

Password/Profile

Job Date:* Job Time:* Created: Requestor:

Job Duration:* Interpreter: Last Updated: Assigned Date:

Division:* Language:* Updated by: Interpreter Email:

Location (viewable by all): * indicates Required Fields

Case Number	Client Name	Event Type	Click for Details
12-1-01307-6	[REDACTED]	Review	

Interpreter Web

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Schedule Search

Job #13837 Details

Password/Profile

Job Date:* Job Time:* Created: Requestor:

Interpreter Web

10/3/2013 9:00 AM 8/20/2013 11:18 AM
 Job Duration:* Interpreter:
 2.00 Assigned
 Division:* Language:*
 SDC South Arabic (standard)
 Location (viewable by all): * Indicates Required Fields
 8/20/2013 12:57 PM
 Updated by:
 Assigned
 Assigned Date:
 8/20/2013 12:57 PM
 Interpreter Email:
 Interpreter Phone Number(s):

Case Number	Client Name	Event Type	Click for Details
3z0588355 wsp		Mitigation Hearing	

Interpreter Web

[Logout](#)

Schedule Search

Job #13938 Details

Password/Profile

Job Date:* Job Time:* Created:
 10/8/2013 9:30 AM 8/28/2013 9:00 AM
 Job Duration:* Interpreter:
 2.00 Assigned
 Division:* Language:*
 SDC Evergreen Arabic (standard)
 Location (viewable by all): * Indicates Required Fields
 8/28/2013 9:30 AM
 Updated by:
 Assigned
 Requestor:
 Assigned Date:
 8/28/2013 9:24 AM
 Interpreter Email:
 Interpreter Phone Number(s):

Case Number	Client Name	Event Type	Click for Details
3Z0631421		Mitigation Hearing	
3Z0668279		Contested Hearing	

Interpreter Web

938 Details

Password/Profile

Start Date: 9/18/2013

End Date:

Language:

Division: All

Russian

Court Type: All

Job ID:

Interpreter:

Personal Calendar

Search

Job Date	Time	Job ID	Duration	Division	Interpreter	Language
9/20/2013	10:30 AM	13731	2.0 hrs.	SDC Campus Courthouse	Assigned	Russian
9/23/2013	1:30 PM	13698	2.0 hrs.	SDC South	Assigned	Russian
9/25/2013	9:00 AM	14004	2.0 hrs.	SSC Campus Courthouse	Assigned	Russian
10/1/2013	9:00 AM	13867	2.0 hrs.	SDC Campus Courthouse	Assigned	Russian
10/7/2013	9:30 AM	13899	2.0 hrs.	SDC Evergreen	Assigned	Russian
10/4/2013	1:00 PM	13770	2.0 hrs.	SPA Courthouse	Assigned	Russian
10/11/2013	1:00 PM	13519	2.0 hrs.	SSC Campus Courthouse	Assigned	Russian
10/17/2013	1:30 PM	14081	2.0 hrs.	SDC South	Assigned	Russian

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Schedule Search

Job #13731 Details

Password/Profile

Job Date:* 9/20/2013

Job Time:* 10:30 AM

Created: 8/8/2013 2:50 PM

Requestor:

Job Duration:*

Interpreter:

Last Updated:

Assigned Date:

Interpreter Web

2.00 Assigned 8/8/2013 2:50 PM 8/8/2013 2:50 PM

Division:* SDC Campus Courthouse Language:* Russian Updated by: Assigned Interpreter Email:

Location (viewable by all): * Indicates Required Fields Interpreter Phone Number(s):

Case Number	Client Name	Event Type	Click for Details
3963A-09D	[REDACTED]	Pre Trial	⊗
7023A-12D	[REDACTED]	Pre Trial	⊗

Interpreter Web

[Logoff](#)

Schedule Search

Job #13698 Details

Password/Profile

Job Date:* 9/23/2013 Job Time:* 1:30 PM Created: 8/8/2013 10:48 AM Requestor: [REDACTED]

Job Duration:* 2.00 Interpreter: Assigned Last Updated: 8/8/2013 10:48 AM Assigned Date: 8/8/2013 10:48 AM

Division:* SDC South Language:* Russian Updated by: Assigned Interpreter Email:

Location (viewable by all): * Indicates Required Fields Interpreter Phone Number(s):

Case Number	Client Name	Event Type	Click for Details
3z0576101 sno	[REDACTED]	Mitigation Hearing	⊗

Interpreter Web

Interpreter Web

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Schedule Search

Job #14004 Details

Password/Profile

Job Date:*
 9/26/2013

Job Time:*
 9:00 AM

Created:
 9/5/2013 11:03 AM

Requestor:
 [Redacted]

Job Duration:*
 2.00

Interpreter:
 Assigned

Last Updated:
 9/5/2013 11:03 AM

Assigned Date:
 9/5/2013 11:03 AM

Division:*
 SSC Campus Courthouse

Language:*
 Russian

Updated by:
 Assigned

Interpreter Email:
 [Redacted]

Interpreter Phone Number(s):
 [Redacted]

Location (viewable by all): * indicates Required Fields

[Empty location field with scrollbars]

Case Number	Client Name	Event Type	Click for Details
13-1-00428-8	[Redacted]	Other	

Interpreter Web

[Logoff](#)

Schedule Search

Job #13867 Details

Password/Profile

Job Date:*
 10/3/2013

Job Time:*
 9:00 AM

Created:
 8/22/2013 2:48 PM

Requestor:
 [Redacted]

Job Duration:*
 2.00

Interpreter:
 Assigned

Last Updated:
 8/22/2013 2:49 PM

Assigned Date:
 8/22/2013 2:49 PM

Division:*
 SDC Campus Courthouse

Language:*
 Russian

Updated by:
 Assigned

Interpreter Email:
 [Redacted]

Interpreter Phone Number(s):

Location (viewable by all): * indicates Required Fields

Interpreter Web

Empty search box with navigation arrows.

Empty search box.

Case Number	Client Name	Event Type	Click for Details
9422A-11D WSP	[REDACTED]	Show Cause	

Interpreter Web

[Logoff](#)

Schedule Search

Job #13899 Details

Password/Profile

Job Date:*

Job Time:*

Created:

Requestor:

Job Duration:*

Interpreter:

Last Updated:

Assigned Date:

Division:*

Language:*

Updated by:

Interpreter Email:

Interpreter Phone Number(s):

Location (viewable by all): * indicates Required Fields

Empty search box.

Case Number	Client Name	Event Type	Click for Details
16762224	[REDACTED]	Contested Hearing	

Interpreter Web

[Logoff](#)

Schedule Search

Job #13770 Details

Password/Profile

Job Date:*

Job Time:*

Created:

Requestor:

Interpreter Web

10/4/2013 1:00 PM

Job Duration:* Interpreter:
 2.00 Assigned

Division:* Language:*
 SPA Courthouse Russian

8/13/2013 9:01 AM [Redacted]

Last Updated: Assigned Date:
 8/21/2013 1:50 PM 8/13/2013 9:01 AM

Updated by: Interpreter Email:
 Assigned [Redacted]

Interpreter Phone Number(s):
 [Redacted]

Location (viewable by all): * Indicates Required Fields
 [Empty Box]

Case Number	Client Name	Event Type	Click for Details
13-1-00428-8	[Redacted]	Confirmation Calendar	

Interpreter Web

Schedule Search

Job #13519 Details

Password/Profile

[Logoff](#)

Job Date:* Job Time:* Created: Requestor:
 10/11/2013 1:00 PM 7/11/2013 8:52 AM [Redacted]

Job Duration:* Interpreter: Last Updated: Assigned Date:
 2.00 Assigned 9/10/2013 12:00 PM 7/11/2013 8:53 AM

Division:* Language:* Updated by: Interpreter Email:
 SSC Campus Courthouse Russian Assigned [Redacted]

Interpreter Phone Number(s):
 [Redacted]

Location (viewable by all): * indicates Required Fields
 [Empty Box]

Case Number	Client Name	Event Type	Click for Details
13-4-00848-9	[Redacted]	Guardianship Hearing	
13-3-01079-0	[Redacted]	Other	

Interpreter Web

Interpreter Web

[Logoff](#)

Schedule Search

Job #14081 Details

Password/Profile

Job Date:*

Job Time:*

Created:

Requestor:

Job Duration:*

Interpreter:

Last Updated:

Assigned Date:

Division:*

Language:*

Updated by:

Interpreter Email:

Interpreter Phone Number(s):

Location (viewable by all): * Indicates Required Fields

Case Number	Client Name	Event Type	Click for Details
c26729 mtp		Pre Trial	

Hello Shirley:

I am a certified Russian interpreter working primarily in King County Superior Court and King County District Courts. I am writing to you today to bring light to a situation that is currently occurring at the King County District Courts.

King County District Court has a scheduling website that was implemented in order to improve efficiency in the court system. However, this system is being abused by individuals, and I think it is an issue that needs to be addressed. I cannot speak to the situation concerning other languages, but I can, with certainty, say that Russian jobs are not available on the site. I suspect that this is not because there are no Russian jobs, but because individuals have learned how to manipulate the process. I suspect that the computer software has been written to claim any jobs the instant they become available, making it impossible for an individual to use the website as it was intended.

In addition to the inability to claim jobs that are released to the pool on the website, it is now impossible to hand off jobs to a colleague in the event of a scheduling conflict. Court clerks will not allow a substitute interpreter, and require that the job be released back to the pool in case of such an event, which then leads to the job disappearing.

I am not writing to you to simply tell you this is unfair, which it is. I am writing to tell you that this is a significant problem, which leads to many discouraged and frustrated interpreters. Interpreters rely on these jobs not only for economic support, but in order to keep up their skills. Skilled interpreters that have been serving the Washington courts for years are getting increasingly more discouraged with this situation, and the quality of interpreter services will suffer. Instead of having qualified, experienced interpreters working with the judges and clerks that know and respect them, you are simply getting the interpreter that figured out how to manipulate the program.

I am sure there is a somewhat simple fix to the problem, and I hope you decide to look into this further.

Thank you for your time, and please let me know if you need anything else from me.

Washington State Supreme Court Language Access Plan

I. Policy Statement and Purpose

The Washington State Supreme Court together with the Appellate and Trial Courts of Washington State are committed to ensuring the availability of comprehensive, timely, effective, and free language services in court proceedings and operations that comply with Title VI of the Civil Rights Act of 1964, its implementing regulations, and all language access obligations.

Implementing language access plans will help ensure accuracy of communications, ensure meaningful access to court services for persons with limited English proficiency (LEP), and promote efficiency in operations.

II. Legal Basis

Both federal and Washington law require that courts provide all Limited English Proficient (LEP) people with competent interpreters during all court hearings, trials and motions in which the LEP individual participates as a party or witness.

The Federal Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating on the basis of race, color, or national origin. In the regulations and guidance implementing the Civil Rights Act, the U.S. Department of Justice (DOJ) indicated that every court receiving federal financial assistance must take reasonable steps to ensure that all LEP people will have meaningful access to all court proceedings and court-related programs and activities. Failure to comply with the Civil Rights Act requirements or DOJ Guidance could result in loss of federal funding for the court.

Under the Washington State interpreter statute, RCW 2.43.010, it is the policy of the court to make a qualified interpreter available in all legal proceedings in which an LEP person is involved.

III. Approach

The Supreme Court Clerk's Office will partner with the Administrative Office of the Courts' (AOC) Language Access Coordinator to provide full and effective services to all LEP persons.

The Supreme Court Clerk will serve as the Language Access Coordinator for the Supreme Court.

- a. Language Assistance Resources

i. Language Services in the Courtroom (Temple of Justice or Traveling)

1. Spoken Language Interpreters

Upon request, when appropriate, the Court will provide a certified or registered spoken language interpreter from the AOC interpreter directory. If there is no certified or registered interpreter for the language requested, the Supreme Court Language Access Coordinator will collaborate with AOC to identify a qualified interpreter in the target language.

2. Sign Language Interpreters

Upon request, when appropriate, the Court will provide a sign language interpreter from the Office of the Deaf and Hard of Hearing's (ODHH) list of approved interpreters who has a Registry of Interpreter for the Deaf (RID): SC:L (Specialist Certificate: Legal). If such an interpreter is not available, the Supreme Court Language Access Coordinator will collaborate with the AOC Language Access Coordinator and ODHH to find an appropriate qualified sign language interpreter.

3. Certified Oral Interpreters

Upon request, when appropriate, the Court will provide an oral interpreter(s) from the Office of the Deaf and Hard of Hearing's (ODHH) list of approved interpreters whom have Oral Transliteration Certificate credentialing from the RID.

If any such oral interpreter is not available, the Supreme Court Language Access Coordinator will collaborate with the AOC Language Access Coordinator and ODHH to find an appropriate qualified oral interpreter.

4. Translated Documents

When interpreters are hired for proceedings in the courtroom they will be expected to provide sight translation for LEP individuals.

Washington State Supreme Court
Language Access Plan

ii. Language Services Outside the Courtroom

1. Telephonic Access

Telephonic language assistance will be provided for communication with LEP persons outside the courtroom, including the counter and phone.

2. Sign Language Interpreting/Oral Interpreting Services

Sign language interpreting or oral transliteration assistance will be provided for communication with deaf and hard of hearing persons outside the courtroom, including the counter and phone.

3. Translated Forms and Documents

The AOC Language Access Coordinator will develop a plan to translate high use forms and instructions into commonly used languages.

IV. Staff Training

The Supreme Court Clerk and staff will be trained by the AOC Language Access Coordinator in partnership with AOC Court Education. The Clerk will work with the AOC Language Access Coordinator and Court Education to ensure that new employees are trained on the Language Access Plan at the Institute for New Court Employees.

V. Notice of Language Assistance Services to Public

The current Language Access Plan will be posted on the Supreme Court website and copies of the Language Access Plan will be provided upon request.

VI. Monitoring and Evaluation

The Supreme Court Clerk will review the plan periodically and make changes based on the results of his or her review.

VII. Complaint

Written complaints containing the information listed below should be mailed or e-mailed to the Supreme Court Language Access coordinator at the address provided below.

(1) A description of your complaint,

(2) A summary of the facts.

Washington State Supreme Court
Language Access Plan

Commented [BS1]: Comment: the Language Access Plan should be provided as a translated document upon request, because III.ii.3 above only deals with instructions and high use forms. Plus, I believe that any notice, whether website or signage, etc., needs to be provided in a translated format so that people know they have the right to review the plan after translation? I am also concerned it does not address public area signage posting as not all LEP individuals have Internet access. As this LEP Plan applies to appellate-level courts, very few buildings would need signage posting.

(3) A description of the resolution sought.

The Supreme Court Language Access Coordinator should respond within five business days.

If your complaint is not resolved by the Coordinator, you may request further review by the Chief Justice of the Supreme.

Within five business days after receipt of the Coordinator's response, please mail a copy of your original complaint and the coordinator's response to the Chief Justice at the address provided below.

The Chief Justice will respond within five business days.

VIII. Contacts

Supreme Court Language Access Coordinator

Ronald R. Carpenter, Clerk of the Court

Supreme Court
Temple of Justice
PO Box 40920
Olympia, WA 98504-0920
360.357.2077
supreme@courts.wa.gov

AOC Language Access Coordinator

Robert W. Lichtenberg
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170
robert.lichtenberg@courts.wa.gov

Barbara A. Madsen, Chief Justice
Washington State Supreme Court
Temple of Justice
PO Box 40920
Olympia, WA 98504-0920

Language Access Plan Effective Date: _____

Approved by: _____

Barbara A. Madsen, Chief Justice
Washington State Supreme Court

Washington State Supreme Court
Language Access Plan

GR 9 COVER SHEET

Suggested Technical Change

General Rule (GR) 11.1 Court Interpreters

- (A) Name of Proponent: Interpreter Commission
- (B) Spokesperson: Justice Steven González
- (C) Purpose: To correct several errors occurring as a result of oversight, omission and lack of clarity regarding the Commission's jurisdiction, powers and membership requirements.

Pursuant to GR 11.1 (b) and (c) the Commission is authorized to establish three committees to fulfill ongoing functions related to issues, discipline, and judicial/court administration education. Each committee shall consist of three Commission members; one member shall be identified as the chair, and each member is expected to serve on one committee.

GR 11.1 was not written to limit participation on a committee, but to require involvement of a sufficient number of members on each committee. To clarify intent and encourage greater participation on committees, the Commission wishes to clarify that each committee shall consist of ***at least*** three Commission members and Commission members should serve on ***at least*** one committee, but are encouraged to serve on more than one committee should schedules permit.

GR 11.1 (b) (1) also authorizes the Issues Committee to review and respond to issues, complaints and or requests from interpreters. The Commission wishes to clarify that the term "issues" encompasses all issues related to the delivery of interpreter services within Washington Courts, including but not limited to interpreter certification and access to interpreters.

GR 11.1 (b) (3) states that the Judicial and Court Administration Education Committee shall provide training opportunities for judicial officers and court administrators, but fails to include court staff. The Commission wishes to correct the omission and add court staff to the list of persons to be trained.

GR 11.1 (c) specifies the number and composition of Commission membership. The Commission wishes to clarify the types of interpreter, spoken and sign language, authorized to serve on the Commission and to increase the potential number of Commission members from 12 to 15, making it possible to add other representatives as needed without revising the rule.

- (D) Hearing: Not recommended.
- (E) **Expedited Consideration**: Expedited consideration is requested by the Commission. The Commission considers this to be a clarifying/technical change to the rule, rather than a change in the law.

1 **Rule 11.1 Purpose and Scope of Interpreter Commission**

2
3 (a) Purpose and Scope. This rule establishes the Interpreter Commission
4 ("Commission") and prescribes the conditions of its activities. This rule does not modify
5 or duplicate the statutory process directing the Court Certified Interpreter Program as it
6 is administered by the Administrative Office of the Courts (AOC) (RCW 2.43). The
7 Interpreter Commission will develop policies for the Interpreter Program and the
8 Program Policy Manual, published on the Washington Court's website at
9 www.courts.wa.gov which shall constitute the official version of policies governing the
10 Court Certified Interpreter Program.

11
12 (b) Jurisdiction and Powers. All certified court interpreters who are certified in the state
13 of Washington by AOC are subject to rules and regulations specified in the Interpreter
14 Program Manual. The Commission shall establish three committees to fulfill ongoing
15 functions related to issues, discipline, and judicial/court administration education. Each
16 committee shall consist of at least three Commission members and one member shall
17 be identified as the chair.

18 (1) The Issues Committee is assigned issues, complaints, and/or requests from
19 interpreters for review and response. If the situation cannot be resolved at the Issues
20 Committee level, the matter will be submitted by written referral to the Disciplinary
21 Committee.

22
23 (2) The Issues Committee will also address issues, complaints and/or requests
24 regarding access to interpreter services in the courts, and may communicate with
25 individual courts in an effort to assist ~~in with~~ compliance with language access
26 directives required by law.

27
28 ~~(3)(2)~~ The Disciplinary Committee has the authority to decertify and deny certification of
29 interpreters based on the disciplinary procedures for: (a) violations of continuing
30 education/court hour requirements, (b) failure to comply with Interpreter Code of
31 Conduct (GR 11.2) or professional standards, or (3) violations of law that may interfere
32 with their duties as a certified court interpreter. The Disciplinary Committee will decide
33 on appeal any issues submitted by the Issues Committee.

34
35 ~~(4) (3)~~ The Judicial and Court Administration Education Committee shall provide
36 ongoing opportunities for training and resources to judicial officers, ~~and~~ court
37 administrators, and court staff related to court interpretation improvement.

38
39 (c) Establishment. The Supreme Court shall appoint no more than 15 members to the
40 Interpreter Commission, ~~and The Supreme Court~~ shall designate the chair of the
41 Commission. The Commission shall include representatives from the following areas of
42 expertise: judicial officers from the appellate and each trial court level (3), spoken
43 language interpreter (2), sign language interpreter (1), court administrator (1), attorney
44 (1), public member (2), representative from ethnic organization (1), ~~and~~ an AOC

1 | representative (1), and other representatives as needed. The term for a member of the
2 | Commission shall be three years. Members are eligible to serve a subsequent 3 year
3 | term. ~~The Commission shall consist of eleven members~~. Members shall only serve on at
4 | least one committee and committees may be supplemented by ad hoc professionals as
5 | designated by the chair. Ad hoc members may not serve as the chair of a committee.
6

7 (d) Regulations. Policies outlining rules and regulations directing the interpreter program
8 are specified in the Interpreter Program Manual. The Commission, through the Issues
9 Committee and Disciplinary Committee, shall enforce the policies of the interpreter
10 program. Interpreter program policies may be modified at any time by the Commission
11 and AOC.
12

13 (e) Existing Law Unchanged. This rule shall not expand, narrow, or otherwise affect
14 existing law, including but not limited to RCW chapter 2.43.
15

16 (f) Meetings. The Commission shall hold meetings as determined necessary by the
17 chair. Meetings of the Commission are open to the public except for executive sessions
18 and disciplinary meetings related to action against a certified interpreter.
19

20 (g) Immunity from Liability. No cause of action against the Commission, its standing
21 members or ad hoc members appointed by the Commission, shall accrue in favor of a
22 certified court interpreter or any other person arising from any act taken pursuant to this
23 rule, provided that the Commission members or ad hoc members acted in good faith.
24 The burden of proving that the acts were not taken in good faith shall be on the party
25 asserting it.
26

27 *[Adopted effective September 1, 2005]*
28

1 **Rule 11.2 Code of Conduct for Court Interpreters**

2 PREAMBLE. All language interpreters serving in a legal proceeding, whether certified or
3 uncertified, shall abide by the following Code of Conduct:

4 A language interpreter who violates any of the provisions of this code is subject to a citation
5 for contempt, disciplinary action or any other sanction that may be imposed by law. The
6 purpose of this Code of Conduct is to establish and maintain high standards of conduct to
7 preserve the integrity and independence of the adjudicative system.

8 (a) A language interpreter, ~~like~~ as an officer of the court, shall maintain high standards of
9 personal and professional conduct that promote public confidence in the administration of
10 justice.

11 **■** A language interpreter shall interpret or translate the material thoroughly and precisely,
12 adding or omitting nothing, and stating as nearly as possible what has been stated in the
13 language of the speaker, giving consideration to variations in grammar and syntax for both
14 languages involved. A language interpreter shall use the level of communication that best
15 conveys the meaning of the source, and shall not interject the interpreter's personal moods
16 or attitudes.

17 (c) When a language interpreter has any reservation about ability to satisfy an assignment
18 competently, the interpreter shall immediately convey that reservation to the parties and to
19 the court. If the communication mode or language of the non-English speaking person
20 cannot be readily interpreted, the interpreter shall notify the appointing authority or the court.

21 (d) No language interpreter shall render services in any matter in which the interpreter is a
22 potential witness, associate, friend, or relative of a contending party, unless a specific
23 exception is allowed by the appointing authority for good cause noted on the record. Neither
24 shall the interpreter serve in any matter in which the interpreter has an interest, financial or
25 otherwise, in the outcome. Nor shall any language interpreter serve in a matter where the
26 interpreter has participated in the choice of counsel.

27 (e) Except in the interpreter's official capacity, no language interpreter shall discuss, report,
28 or comment upon a matter in which the person serves as interpreter. Interpreters shall not
29 disclose any communication that is privileged by law without the written consent of the
30 parties to the communication, or pursuant to court order.

31 (f) A language interpreter shall report immediately to the appointing authority in the
32 proceeding any solicitation or effort by another to induce or encourage the interpreter to
33 violate any law, any provision of the rules which may be approved by the courts for the
34 practice of language interpreting, or any provisions of this Code of Conduct.

35 (g) Language interpreters shall not give legal advice and shall refrain from the unauthorized
36 practice of law.

37 *[Adopted effective November 17, 1989; September 1, 2005.]*

Court Interpreter Program Updates

Needs Assessment of Language Access Services For LEP Individuals in Domestic Violence, Sexual Assault, Dating Violence and Stalking Cases

Thank you for participating in this needs assessment, which is funded by the Office on Violence Against Women and conducted by the Center for Court Innovation and the National Center for State Courts. The purpose of the needs assessment is to identify language access planning and implementation issues, challenges and successes experienced by state and local level courts, government offices and agencies, and community based organizations as they all strive to provide justice for limited English proficient individuals in domestic violence, sexual assault, dating violence and stalking cases. The needs assessment is expected to inform the development of technical assistance resources and model practices for courts, prosecutors, defense counsel, civil legal attorneys, community based victim service providers, probation officers, batterer intervention service providers, and court and community interpreters.

This needs assessment uses the definition of limited English proficient (LEP) from the Federal Interagency Working Group on Limited English Proficiency Website (LEP.gov): "Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter." The assessment also includes American Sign Language interpretation services, with the understanding that the Americans with Disabilities Act applies to Deaf persons and responses for these individuals may differ from those for LEP individuals.

All responses to the needs assessment questions are and will remain confidential, and any analyses of the assessment findings will be reported only in the aggregate. No individuals or jurisdictions will be identified unless the respondent provides explicit permission to share this information.

Completion of the needs assessment is expected to take 20 minutes. **Please note that you must complete this survey in one session.** If you close the window before finishing, you will not be able to come back to the same document you started. For technical assistance with the needs assessment, please click the link that appears at the bottom left corner of each screen.

We know that you are busy and completing the needs assessment requires an investment of your time. We believe that the issues are critical, however, and the assessment results will help advance the improvement of language access for LEP individuals seeking justice in domestic violence, sexual assault, dating violence and stalking cases. Thank you for helping us in this important work.

A. Please identify your primary professional role

- Civil Attorney
- Court Clerk/Clerk Staff
- Court Interpreter
- Court Staff (Not Clerk's Office)
- Community Based Service Provider (Domestic Violence/Sexual Assault)
- Community Based Service Provider (Other than Domestic Violence/Sexual Assault)
- Judge/Judicial Officer
- Language Access Program Manager
- Probation Officer
- Prosecutor
- Public Defender/Defense Counsel
- State Court Administrator
- Supervised Visitation Staff
- Treatment Provider (Batterer Intervention)
- Treatment Provider (Other)
- Trial Court Administrator
- Victim Witness Advocate
- Other_____

B. Please identify your primary agency or organization affiliation:

- Administrative Office of the Courts (State)
- Community Based Organization
- Court Based Service (e.g., Interpreters, Self-Help Center)
- Court Clerk's Office
- Government Agency (e.g., Social Services)
- Government Office (e.g., Probation, Prosecutor, Public Defender)
- Legal Services Organization
- Private Practice
- Supervised Visitation Center
- Trial Court
- Trial Court Administrators Office
- Other (please specify):_____

C. Please identify the state in which you work. [drop down menu]

Part I. Capacity and Resources to Provide Language Access Services

1. Does [agency/office/court] provide direct services to individuals who are limited English proficient (LEP) or Deaf? For purposes of this needs assessment, direct services are defined as services specific to an individual person who is involved in a domestic violence, sexual assault, dating violence or stalking case that is pending, may be filed or has been adjudicated in a court process. Examples include legal advocacy, counseling, shelter services, supervised visitation and/or exchange services, batterer intervention, social services, legal representation, prosecution, family court proceedings, and civil protection order proceedings.
 - Yes
 - No (Skip to 14)

2. For which languages, can [agency/office/court] provide interpretation services? (Check all that apply)
 - All languages
 - American Sign Language
 - Acholi
 - Arabic
 - Eastern Armenian
 - Western Armenian
 - Cantonese
 - French
 - German
 - Haitian Creole
 - Ilocano
 - Italian
 - Hmong
 - Japanese
 - Khmer
 - Korean
 - Mandarin
 - Polish
 - Portuguese
 - Punjabi
 - Russian
 - Somali
 - Spanish
 - Tagalog
 - Urdu
 - Vietnamese
 - Other _____

3. How does the [agency/office/court] provide interpretation services? (Check all that apply.)

	All languages	Spanish	Other language(s) MOST commonly spoken in community	Other language(s) LESS commonly spoken in community?	ASL
Bilingual staff	0	0	0	0	0
In-person court-qualified/certified interpreters	0	0	0	0	0
In-person interpreters (agency qualified, not necessarily court qualified)	0	0	0	0	0
Remote telephone interpretation services	0	0	0	0	0
Remote video interpretation services	0	0	0	0	0
Family members or friends of individual	0	0	0	0	0

4. If family members or friends selected in item above, in which situations are family members or friends used for interpretation? (Check all that apply.)

- Initial meetings with potential clients
- Paying fines
- Filing documents
- Other (please identify) _____

5. How do LEP individuals find out about the availability of interpreter services in the [agency/office/court]? (Check all that apply)

- Signage in court or agency
- Agency screening protocols (e.g., Language Identification Cards)
- Court screening protocols (e.g., Language Identification Cards)
- In-person by staff
- Notices in court documents
- Agency website
- Court website
- Referrals from other service agencies
- Referrals from courts
- Referrals from prosecutor, law enforcement, probation
- Other sources (please identify) _____

6. About how many LEP individuals does the [agency/office/court] work with per year?

- 1-24
- 25-74
- 75-199
- 200+

7. Do courts in your community refer LEP individuals to the [agency/office]?

	Yes	No	Do not know
For mandated services?	0	0	0
For recommended but not mandated services?	0	0	0

8. Do you have to turn away LEP individuals because the [agency/office] cannot provide services in the needed language?

- Often
- Sometimes
- Rarely
- No

9. Does your community have other agencies similar to yours that can serve LEP individuals if the [agency/office] cannot?
- Yes
 - No
 - Depends on the language
 - Do not know
 - Not applicable
10. Does the [agency/office] provide services in the courthouse?
- Yes
 - No (Skip to 13)
11. Does the [agency/office] have access to court interpreters for services provided in the courthouse other than in the courtroom? (Check all that apply)
- Court interpreters who are available can provide interpretation for services outside the courtroom
 - My agency/office can hire per diem court interpreters
 - No, my agency/office cannot use court interpreters
12. Does the [agency/office] have access to court interpreters for non-court related aspects of a domestic violence, sexual assault, dating violence or stalking case (e.g., access to a court interpreter for probation intake for a court mandated client)? (Check all that apply)
- Court interpreters who are available can provide interpretation for services outside the courtroom
 - My agency/office can hire per diem court interpreters
 - No, my agency/office cannot use court interpreters
 - Other: _____
13. In what settings does the [agency/office] provide access to court interpreters to its clients at no cost to them? (Check all that apply)
- In the courtroom
 - In the courthouse outside of the courtroom
 - In agency's offices (not in the courthouse)
 - Other: _____
 - My agency does not provide court interpreters to clients at no cost to them

14. Does the [agency/office/court] provide materials to clients in languages other than English?
(Check all that apply)

- Brochures about agency services
- Brochures about other agencies' services
- Brochures about the criminal justice system
- Brochures about the civil justice system
- Agency forms
- Other forms (e.g., civil restraining order petitions)
- Other materials: _____
- No materials provided in languages other than English
- No materials provided

Part II. Provision of Language Access Services in the Court

The following questions refer to civil and criminal domestic and sexual violence cases, including family court cases where domestic or sexual violence may be a factor.

15. In your jurisdiction is language assistance available to LEP individuals at no cost to them when they are filing petitions or completing other court documents and required paperwork?

	Always/almost always	Sometimes	No	Do not know
All languages	0	0	0	0
Spanish	0	0	0	0
Languages commonly spoken in the community	0	0	0	0

16. In your jurisdiction are court interpreters available to LEP individuals at no cost to them in **civil ex parte orders of protection**?

	Always/almost always	Sometimes	No	Do not know
All languages	0	0	0	0
Spanish	0	0	0	0
Languages commonly spoken in the community	0	0	0	0

17. In your jurisdiction are court interpreters available to LEP individuals at no cost to them in **hearings on final civil orders of protection**?

	Always/almost always	Sometimes	No	Do not know
All languages	0	0	0	0
Spanish	0	0	0	0
Languages commonly spoken in the community	0	0	0	0

18. In your jurisdiction are court interpreters available to LEP individuals at no cost to them in hearings in **family law and other civil matters**?

	Always/almost always	Sometimes	No	Do not know
All languages	0	0	0	0
Spanish	0	0	0	0
Languages commonly spoken in the community	0	0	0	0

19. In your jurisdiction, is an individual court interpreter provided to **each LEP individual** (litigant, defendant, victim, witness) at no cost to them in contested civil cases (e.g., protection orders, divorce, custody)?

	Always/almost always	Sometimes	No	Do not know
All languages	0	0	0	0
Spanish	0	0	0	0
Languages commonly spoken in the community	0	0	0	0

20. In your jurisdiction, is an individual court interpreter provided to **each LEP individual** (litigant, defendant, victim, witness) at no cost to them in **uncontested civil cases** (e.g., stipulated divorce, custody)?

	Always/almost always	Sometimes	No	Do not know
All languages	0	0	0	0
Spanish	0	0	0	0
Languages commonly spoken in the community	0	0	0	0

21. In your jurisdiction, is an individual court interpreter provided to **each LEP individual** (litigant, defendant, victim, witness) at no cost to them in **criminal cases**?

	Always/almost always	Sometimes	No	Do not know
All languages	0	0	0	0
Spanish	0	0	0	0
Languages commonly spoken in the community	0	0	0	0

22. In your jurisdiction, are victims provided an interpreter at no cost to them who is **the same gender as the victim in civil cases?**

	Always/almost always	Sometimes	No	Do not know
All languages	0	0	0	0
Spanish	0	0	0	0
Languages commonly spoken in the community	0	0	0	0

23. In your jurisdiction, are victims provided an interpreter at no cost to them who is **the same gender as the victim in criminal cases?**

	Always/almost always	Sometimes	No	Do not know
All languages	0	0	0	0
Spanish	0	0	0	0
Languages commonly spoken in the community	0	0	0	0

24. In court proceedings in your jurisdiction, how often do family members, friends, advocates or other non-credentialed persons serve as interpreters?

	Often	Sometimes	Never	Do Not Know
For Spanish speaking LEP individuals?	0	0	0	0
For non-Spanish speaking LEP individuals?	0	0	0	0

25. In out-of-courtroom events (e.g., paying fines/fees, filing documents) in your jurisdiction, how often do family members, friends, advocates or other non-credentialed persons serve as interpreters?

	Often	Sometimes	Never	Do Not Know
For Spanish speaking LEP individuals?	0	0	0	0
For non-Spanish speaking LEP individuals?	0	0	0	0

26. Do the courts in your jurisdiction have translated materials and forms (such as protection orders)?

- Yes
- No (Skip to 28)
- Unsure (Skip to 28)

27. To the best of your knowledge, which materials are available in Spanish or other language(s)?

	Spanish	Other languages
Protection order forms required for filing	0	0
Temporary protection orders	0	0
Final protection orders	0	0
Custody forms	0	0
Child support forms	0	0
Hearing notices	0	0
Victim/witness services	0	0
Consent forms	0	0
Notice of language services availability	0	0
Notice of rights	0	0
Complaint forms	0	0
Resource materials	0	0

Other (please list)	0	0
---------------------	---	---

Part III. Court Interpreter Training on Domestic and Sexual Violence and Cultural Competencies

28. Do court interpreters in your community receive training regarding domestic and sexual violence?

- Yes
- No (Skip to 32)
- Do not know (Skip to 32)

29. What topics are included in court interpreter training on domestic and sexual violence?)

	Yes	No	Do not know
Domestic Violence	0	0	0
Sexual Violence	0	0	0
Batterer Behavior	0	0	0
Victim Behavior	0	0	0
Specific Legal Terminology and Vocabulary Used in These Cases	0	0	0
Cultural Competencies Related to LEP Populations in Your Community	0	0	0
Other (please specify)			

30. When do court interpreters receive training on domestic and sexual violence? (Check all that apply)

- Training conducted at the time they are hired
- Ongoing training
- Both when hired and ongoing
- Other (please specify): _____
- Unsure

31. Who provides court interpreter training on domestic and sexual violence? (Check all that apply)

- Domestic violence or sexual assault agency
- Court interpreter organization
- Court staff
- Other (please specify): _____
- Unsure

Part IV. Monitoring and Improving Quality of Language Assistance Services

[Items 32-35 are different for court and non-court needs assessment participants]

32. Do you or your clients know how to file a formal complaint with the court or the interpreter credentialing authority about the availability, quality or performance of an interpretation services or an individual interpreter?

- Yes
- No
- Do not know

Show if court respondent: Does your court have a protocol for submission of complaints to the court or the interpreter credentialing authority regarding the availability, quality or performance of an interpretation services or an individual interpreter?

- Yes
- No [Skip next question]
- Do not know [Skip next question]

Please describe the protocol.

33. Have you ever filed a formal complaint with the court or the interpreter credentialing authority about the availability, quality or performance of an interpretation services or an individual interpreter?

- Yes
- No [Skip to 35]

34. What action did the court or interpreter credentialing authority take?

35. Have you or your clients ever been asked to provide feedback to the court or state language access program regarding the availability or quality of interpretation services?

	Yes	No (clients use court interpreters)	No (clients do not use court interpreters)
State Language Access Program	0	0	0
Local Court	0	0	0

36. Does the [agency/office/court] have a protocol or system for soliciting feedback regarding the availability, quality or performance of an interpretation services or an individual interpreter?

- Yes
- No [Skip next question]
- Do not know [Skip next question]

Please describe the protocol.

37. What could courts do to improve language assistance services for LEP individuals involved in domestic and sexual violence cases?

38. What resources would courts require to implement these recommendations?

Part V. Court Language Access Planning Resources

39. Does your state or local court have a court Language Access Plan? [Hide or show 40-43 based on responses]

	Yes	No	Do not know
State Language Access Plan	0	0	0
Local Court Language Access Plan	0	0	0

40. Please identify any challenges that the courts have experienced in implementing the state Language Access Plan in regard to domestic and sexual violence cases. (Check all that apply) [skip if “no” or “do not know” to state language access plan]
41. Please identify any features of the state Language Access Plan that are working well in the context of domestic and sexual violence cases. (Check all that apply) [skip if “no” or “do not know” to state language access plan]
42. Please identify any challenges that your local court has experienced in implementing its Language Access Plan in regard to domestic and sexual violence cases. (Check all that apply) [skip if “no” or “do not know” to local court language access plan]
43. Please identify any features of the local court’s Language Access Plan that are working well in the context of domestic and sexual violence cases. (Check all that apply) [skip if “no” or “do not know” to local court language access plan]
44. Are you familiar with the contents of the American Bar Association’s Standards for Language Access in Courts?
- Yes
 - No (Skip to 47)
45. Has your local court used the ABA Standards for Language Access in Courts?
- Yes
 - No (Skip to 47)
 - Do not know (Skip to 47)

46. Please describe any impacts the ABA Standards have had on language access for victims of domestic and sexual violence.

[Text box for narrative responses; code later]

47. Are you familiar with any online language access resources? (check all that apply)

- The Department of Justice Language Access Planning and Technical Assistance Tool for Courts (www.lep.gov)
- National Center for State Courts Language Access Services Section (www.ncsc.org)
- The National Association of Judiciary Interpreters and Translators (www.najit.org)
- Other websites (please list name and URL): _____
- Not familiar with any online resources

Part VI. Model Programs and Practices

48. Please describe any model programs, policies or practices regarding language access services for individuals involved in domestic and sexual violence cases used in your state or in your local court.

49. Please provide any materials and links to resources that you think other jurisdictions might find helpful in developing and implementing effective language access services for victims of domestic violence and sexual assault.

50. If you are willing to be contacted for further information or follow-up to your responses to this needs assessment, please provide your contact information.

Name

Email

Phone

310 Of this appropriation, \$300,000 shall not be expended or encumbered until the
311 executive transmits a report on the county's interpreter services and a motion that
312 acknowledges receipt of the report and the motion is passed by the council. The motion
313 shall reference the proviso's ordinance, ordinance section, proviso number and subject
314 matter in both the title and body of the motion.

315 The executive must file the interpreter services report and motion required by this
316 proviso by June 30, 2014, in the form of a paper original and an electronic copy with the
317 clerk of the council, who shall retain the original and provide an electronic copy to all
318 councilmembers, the council chief of staff and the lead staffs for the budget and fiscal
319 management committee and the law, justice, health and human services committee or
320 their successors.

321 The report shall be prepared by the office of performance, strategy and budget in
322 consultation with council staff and representatives of the superior court, district court, the
323 department of judicial administration, the prosecuting attorney's office, the sheriff's
324 office, the department of adult and juvenile detention, the department of public defense,
325 the department of public health, and any other county departments determined by the
326 executive to have significant expenses related to interpreter services. The report shall
327 review data for 2010 through 2013.

328 The interpreter services report shall include, but not be limited to:

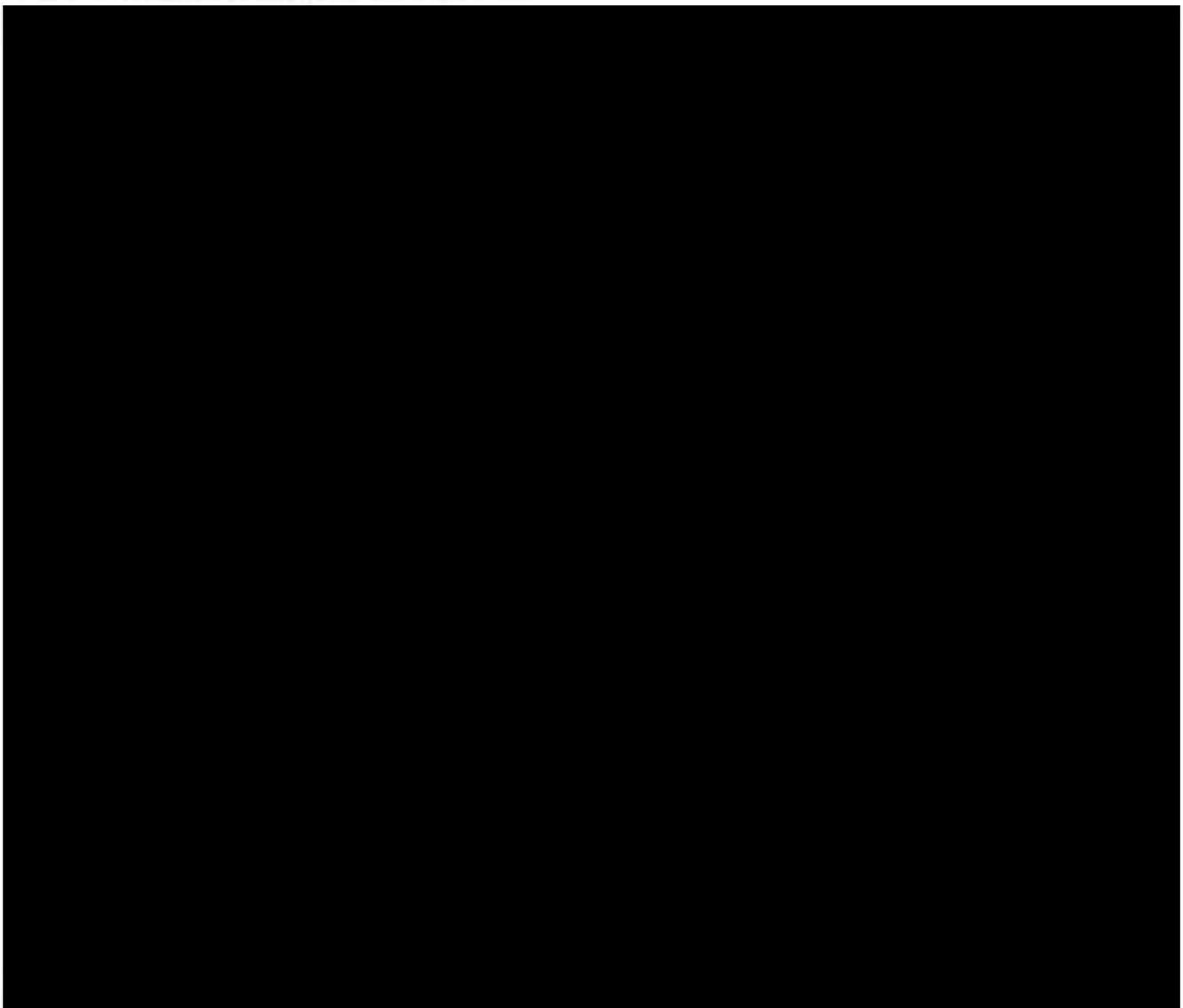
329 A. The actual costs of providing interpreter services within the county;

330 B. The utilization of interpreter services by county agencies, including how users
331 of the service are identified and how interpreters are assigned;

332 C. An examination of the service delivery methodology used, including quality
333 control and how conflicts are identified and addressed, including the possible use of
334 technology;

335 D. An examination of the pros and cons for developing a consolidated system for
336 the provision of interpreter services countywide; and

337 E. Recommendations for improvements or changes to the current system for the
338 provision of interpreter services.



Community Outreach AOC Follow-up Report

November 8, 2013 Interpreter Commission Special Community Outreach Meeting

Participant Response:

Korean Bar Association:

Dan Shin reported to the AOC stating that they put together a Korean Bar task force that includes some eager young law students from Seattle University and should have updates in the coming weeks.

Vietnamese-American Bar Association of Washington (VABAW)

Maily Hoang reported back that information regarding the Special Outreach meeting was shared with members of the VABAW Board at their monthly board meeting. The VABAW Board thinks it would be beneficial for them to reach out to the Vietnamese community and professional organizations with whom they usually work and see if those contacts could help recruit individuals to become court certified interpreters. The Board also discussed contacting a reporter for a local Vietnamese newspaper and asking her to write a story on this issue. The VABAW plans to draft a brief letter to these groups to explain the issue and hopefully capture their interest in supporting efforts to recruit more potential interpreters. She desires to have AOC staff be made available to respond to inquiries from contacts made as a result of her communication with those community and professional organizations.

(Robert Lichtenberg of the AOC has informed Ms. Hoang that he offered to be the AOC contact)

Participant Question

Eunyoung Kim attended the Special Outreach meeting and sent the AOC an email on November 9, excerpted in pertinent part below:

Justice Gonzalez indicated that there is a statistical data showing how both Korean and Vietnamese language proceedings are delayed due to lack of certified interpreters. Do you have the statistics? My point yesterday was to assert that the problem could potentially lie in logistical, scheduling and administrative issues more than the supply/demand issues. Very hard for me to tell without looking at the numbers. Are the cases delayed primarily within King County area or outside of King County where very few certified interpreters exist? It could then be a geographical distribution issue than anything else.

One thing I know is that over time experienced interpreters tend to shift toward higher paying jobs such as translation, private client, depositions in order to supplement the income. This is because meeting a earning goal only through court assignments is almost elusive. Since we have more Korean interpreters residing in King County, there already is quite a bit of competition to find enough work within the county.

Perhaps interpreter coordinators find that locating a Korean interpreter is a bit harder than locating a Spanish interpreter due to a smaller pool to choose from. Do they then automatically assume and assert that there is a severe shortage? Which party in this process brought up this issue and on what statistical date was the complaint based on?

I am personally very interested in delving into this issue and use my analytical skill to brainstorm to find a solution. Please point me to someone who can answer these questions so I can provide additional feedback. Would that be Bob or Justice Gonzalez? I can also provide more insights into the Korean group based on their age and other factor which will help predict the future supply issue.

Respectfully submitted by Robert Lichtenberg

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Remote Interpreting Guide Working Group Members:

Sandra Barrios (ID), Lisa Bell (FL), Brooke Bogue (NC), Carmel Capati (WI), Brenda Carrasquillo (NJ), Sheryl Connolly (NB), Gaye Gentes (MA), Andrea Krlickova (NV), Anne Marx (CA), Kelly Mills (OR), Carol Mitchell (AZ), Elizabeth Reimer (KS), Aimee Rivera (NM), Richard Williams (LA), and Mary Rose Zingale (TN).

INTRODUCTION

Ensuring access to Limited English Proficient (LEP) individuals through the use of interpreters has become a core court service throughout most jurisdictions in the country. The diversity of languages, geographic location, availability of qualified interpreters, and limited budgets are all factors that have contributed to a rise in interpreting services being offered with the assistance of technology.¹ In the past, Remote Interpreting (RI) service, if available, was generally provided via telephone. Great improvements in the technology used to support these services have occurred and interpreting can now be accomplished using a variety of audio and video equipment that allow for the off-site location of the interpreter, the LEP party or both.

States judiciaries are at varying stages of implementing RI services. Some states have long-established standards for telephone interpreting, other states have made significant efforts in expanding to video remote interpreting, while others are commencing study or beginning use of RI services.² Successful use of an interpreter remotely through the various audio and video technologies requires specific knowledge, coordination, cooperation, and patience from everyone involved including court users.

Note: The quality of the interpretation is of paramount importance and should never be compromised. While RI is not generally a substitute for an on-site interpreter, in certain situations, if the effectiveness of the communication is in no way compromised and certain controls are in place, it can be a viable first choice.

This guide is designed to be a practical reference for program managers, judges, interpreter coordinators/schedulers, court staff, administrators, technology staff, interpreters and attorneys. It provides an overview of the general factors to consider in providing RI, the types of situations where RI is appropriate, recommended best practices, a survey of the technologies currently available for RI, pros and cons of utilizing the various technologies, and the necessary system requirements. In addition, to being cognizant of the requirements established by the Americans with Disabilities Act (ADA) and guidance set forth by the US Department of Justice

¹ 2010 Professional Issues Committee (PIC) Biennial Survey, Consortium for Language Access in the Courts reported that 34 states used some form of audio or video interpreting services in their courts. See full PIC survey at [Provide web link on NCSC.org](#)

² State programs that have developed policies and procedures governing the use of RI services as well as other resources on RI can be found on the NCSC website at [Provide web link on NCSC.org](#) In addition state judicial leadership through the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) are supporting efforts to establish national guidance on RI through a shared video interpreting network.

Commented [BC1]: Should the intro state that onsite interpreters are still the best option but remote is a good option in certain circumstances and with controls in place that ensure appropriate service? A statement here sets the foundation for what comes up later on page 6. **BRENDA CARRASQUILLO**

Commented [2]: Although RI is not a substitute for on-site interpreters in certain situations, provided the effectiveness of the communication is not diminished, it can serve as a viable alternative service delivery mechanism that is both effective and efficient. We may want to retain the language as is rather than offer a caveat about usage of the technology in the lead-in paragraph. **LISA BELL**

Commented [3]:

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(USDOJ)³ court systems should always first examine their state statutes, local rules and policies before executing an RI project to ensure full compliance with both federal and state laws.

WHAT IS REMOTE INTERPRETING

In its broadest sense, RI can be defined as *the provision of interpreting services using technology in a situation where the interpreter is at a location physically separate from the consumers of the interpreting service*. With RI, the English speaker, the LEP speaker, and the interpreter are not all physically located in the same place (unlike on-site interpreting where the interpreter, the LEP speaker and the English speaker are physically located in the same location/courtroom). The consumers may or may not be located with each other.⁴

Using RI, the court can connect the consumer with an interpreter either via *audio or integrated audio and video technology*. The interpreter can provide interpretation services either in the consecutive or simultaneous mode depending upon the RI technology being used.

Commented [5]:

ASSESSING THE COURTROOM

If a court system is interested in pursuing RI services, it will be necessary to assess the equipment and the types of connectivity currently available in the courtrooms (e.g. landline telephones, computers, audio system, hardwired or wireless internet access, and available bandwidth, etc.) Any new equipment needed to provide RI during a court proceeding can be as simple as a telephone to something more elaborate such as an integrated video remote interpreting system. Consider establishing a designated RI workgroup comprised of key court services staff responsible for the business and technical aspects.⁵

Note: While some courtrooms may be equipped with wireless internet capabilities, wireless internet is not recommended for interpreted video sessions on the record as the continuous upload/download speeds may not be sufficient to ensure a steady, consistent video. Security issues also arise when using wireless internet.

³Regulations implementing the Americans with Disabilities Act (ADA) recognize Video Remote Interpreting (VRI) services as a kind of auxiliary aid that may be used to provide effective communication. 28 C.F.R. § 35.104. When a public entity uses VRI it must provide real-time, full-motion video and audio that delivers high quality video images and clear audible transmission of services. 28 C.F.R. § 35.160(d)(1)-(3). See also Daniel A. Osher, Esq., “The Americans with Disabilities Act Updated to Reflect 21st Century Challenges,” Lozano Smith (2011); US Dept. of Justice, “Questions and Answers Regarding the August 16, 2010 Title VI Language Access Guidance Letter to State Courts” which says that determining whether RI is a reasonable method to provide court language assistance depends upon circumstances such as whether other participants are appearing remotely, availability of qualified in-person interpreters, and quality of the remote technology. See <http://www.lep.gov/faqs/faqs.html> for full FAQs.

⁴ Oregon Judicial Department, Court Interpreter Services, “Remote Interpreting in Oregon Courts: A Roadmap,” 7/21/2008, p.12

⁵The Language Access Advisory Committee (LAAC) has developed technical and business standards as part of a national VRI network. [\[Provide web link\]](#) for the standards.

Consultation with a court system’s Information Technology (IT) experts during all phases of the decision-making process is an important first step to identify the financial costs for adding, maintaining or upgrading equipment. Tech staff can provide insight on whether proposed RI equipment meets industry standards⁶ and can effectively perform as intended.

A cost-benefit analysis should be performed to weigh the expenses of upgrading a courtroom’s technological capabilities against the current costs for providing on-site interpreting services (e.g. travel expenses, frequency of languages needed versus availability of qualified interpreters).

WHO WILL PROVIDE THE INTERPRETING SERVICES

During the assessment phase of analyzing courtroom requirements, it is vital to consider who will provide the interpreting services as individual service providers may require different equipment and specifications. Determining who will provide the service at this stage is a decision that will dictate many of the requisite technological upgrades within the courtroom or courthouse as well as detailed specifications for the upgrades.

The three main options for providing RI services along with pros and cons are:

- 1) Staff or freelance interpreters working out of a location (or locations) under the control of the court, jurisdiction or Administrative Office of the Courts (AOC);

Pro = more quality control

Con = more up-front costs with internal office or courtroom set-up

- 2) Freelance interpreters working in a location not under the court or AOC’s control, such as a home, outside office, institution of higher learning, or military installation;

Pro = convenience

Con = less quality control and oversight, therefore a contract or written agreement is recommended

- 3) Commercial vendors

Pro = convenience

Con = less quality control and oversight, therefore a contract or written agreement is recommended; higher per-usage fees

Note: States are encouraged to first rely on interpreters who meet the particular state’s credential requirements. Outside agencies usually have their own internal process in place for qualifying interpreters that may not meet the state’s requirements. It is necessary to inquire about the qualifications of interpreters working for commercial vendors.

⁶[Provide web link from NCSC.org] from the NCSC CTC Conference 2013 on industry standards.

In some court systems it is possible a combination of all three resources will be utilized depending upon the type of service needed. For example, an agency interpreter may be an adequate choice for interpretation occurring at the counter while a staff interpreter may be more appropriate during court proceedings.

WHEN SHOULD REMOTE INTERPRETING BE USED

Determining when RI is appropriate

The decision when to use or not use RI is one that requires a balancing of factors such as the type of event, expected duration of the matter, language, cost, and special needs of the LEP litigant to name a few.⁷ Historically, RI may have been seen as a second choice solution, to be used only when an on-site interpreter was not available; however, advances in technology, as well as increased experience using RI in courts around the country, now allow RI to be selected as a first-choice interpreting method in certain situations.

As a guiding principle, RI may be used in place of on-site interpreting whenever it will allow for meaningful language access. Courts should ensure LEP court-users are able to fully and meaningfully participate in the proceedings. If it is determined that using RI would negatively impact access for any reason, an on-site interpreter should be used instead.

Commented [AM6]: Removed second half regarding "at every step" in the absence of a legal check confirming that all courts agreed this is required "at every step" of a case.

Consider the nature of the event

In cases that are complex, lengthy or evidentiary in nature, it remains essential to seek an on-site interpreter whenever one is available. In cases which are short, non-complex and will not involve extensive testimony, courts may wish to proceed with RI without considering the availability of an on-site interpreter.

Determining availability of an on-site interpreter

For purposes of this guide, the availability of an on-site interpreter should be determined by the interpreter coordinator or other court staff responsible for assigning the interpreter through the analysis of a number of factors. This analysis should include the proximity of a court-certified interpreter, whether a court-certified interpreter can be on-site when the event is scheduled, and overall cost of court-certified interpreters who are being considered (including interpreting fees and travel expenses).

Events and Situations presumed appropriate for RI

- **When proceedings are expected to be short and non-complex.**

⁷National Consortium of Interpreter Education Centers (NCIEC), *Fact Sheet on the Use of Video Remote Interpreting in the Courtroom*, See http://www.interpretereducation.org/wp-content/uploads/2012/10/FACT_SHEET_The_Use_of_Video_Remote_Technology_in_the_Courtroom.pdf

For example, initial appearances, arraignments, scheduling conferences, or status conferences.

- **When proceedings will involve limited testimony.**
- **When interpreting assistance is needed outside the courtroom.**
Often LEP individuals and families will show up at the court information desk or clerk's counter to pay a fee or file a document. RI is a good resource for these types of situations.
- **When no certified or otherwise qualified interpreter is available in person.**
RI is a good option when interpretation is needed for urgent, emergent or unexpected situations or when an on-site interpreter is not "available" for any reason.

Factors to consider when determining "availability" of an on-site interpreter:

- **When the available on-site interpreter does not meet a state's credentialing requirements.**
A qualified remote interpreter may be the better option over a less qualified on-site interpreter who has not met the program's requirements.
- **When the person in need of an interpreter speaks a language of limited diffusion (a more rare language).**
RI opens up the possibilities for locating qualified interpreters for more rare languages in different cities, states or countries. For some languages a remote interpreter may work alone or even as part of a relay team. For example, a remote interpreter who speaks an indigenous language and Spanish may be paired with an on-site interpreter who speaks Spanish and English.
- **When a local interpreter discloses a conflict of interest.**
Many immigrant communities are also small linguistic communities. An interpreter's existing family, social or professional relationship with an LEP individual may compromise the neutrality of the proceeding. It may be necessary to use a neutral interpreter via remote technology to avoid a real or perceived conflict of interest.
- **When it is more fiscally responsible to use a remote interpreter than an on-site interpreter.**
If interpreter travel costs or interpreter rates are high relative to the length or importance of the hearing, RI may provide a cost-effective alternative.

When an on-site interpreter who meets a state's court qualification process is available, RI should normally NOT be used in the following situations:

- **When the proceedings are expected to be complex.**

RI should be avoided during trials, long hearings, or complicated evidentiary proceedings because of interpreter fatigue and other logistical factors that can jeopardize the accuracy of the interpretation.

- **When the proceedings involve many participants.**

If audio-only technology is used, the interpreter will not have the benefit of visual signs and cues and it will be challenging for the remote interpreter to know who is speaking, as well as the increased potential for parties to speak over one another.

- **When communication is difficult to establish adequately.**

RI should be avoided in situations involving children, the elderly, people with mental illness, unsophisticated users of interpreting services, or individuals who have profound speech or language problems, including deaf or hard of hearing court users without fully developed American Sign Language skills.

- **When emotionally charged or contentious testimony is anticipated.**

For witness testimony that may be lengthy, includes highly-specialized expert terminology, or involves a contentious cross-examination, RI may not be the best option.

ESTABLISHING POLICIES AND PROCEDURES

The use of RI within a particular court system will vary according to that jurisdiction's economics and needs. It is important for a court system using RI to develop standard policies and procedures regarding its use and to convey this information to court personnel and interpreters. A sample policy might state:

"At the discretion of the court, all traffic offense proceedings requiring an interpreter may be conducted via interactive audio-visual device."

There may be instances where one of the parties or the judge objects to the use of remote interpreters even for seemingly simple or routine proceedings. The interpreter coordinator or scheduler should be prepared to address this situation with the court and provide an on-site interpreter if possible.

Courts should have a policy or procedure in place regarding what to do if video or audio is lost during remote interpretation, and all parties should be made aware of this procedure at the beginning of the proceedings. For example, since video is not a requirement for LEP (spoken language) individuals as long as audio is available, a "back-up procedure" for a video interpreted session might be use of a landline telephone in the courtroom and on the interpreter's end.

Commented [b7]: We may want to have this language double checked by legal staff regarding the reference to due process rights or full and meaningful participation of LEP individuals. See also email comment regarding this section generally in light of 9th circuit's RI implementation to juvenile bench trials and long hearings.

TRAINING

All judges, court personnel, legal practitioners (e.g. prosecutors, public defenders, CPS, etc.) staff and freelance court interpreters, and others who would be involved with a court proceeding, should receive proper training on RI protocols and procedures.⁸ If specialized equipment will be used, the interpreters should be trained to be fully comfortable using it and be able to troubleshoot if needed. The use of RI technology can present challenges for judges and court staff who have never before used the technology or equipment. If a commercial vendor is being used, an inquiry should be made as to the type and frequency of training their interpreters receive and their trouble-shooting capabilities.

When training judges and court staff on the use of RI, the sessions should be divided into two phases: 1) informational session(s) and 2) mock hearing(s). More than one mock hearing will likely be necessary before judges, court staff and interpreters feel comfortable with the technology.

It is important to have IT staff available whenever possible during all aspects of setup, testing, and training. Local IT can typically provide quick resolution of any problems during setup, testing, and training as well as identify or foresee particular technical problems before they arise.

SPECIAL CONSIDERATIONS

While using RI can be a cost-effective option, it may not be appropriate in all circumstances. Courts must remember to consider all factors addressed above to make a situation-specific decision as to the appropriateness of RI.

Attorney-Client Communications

The issue of ensuring private attorney-client conversations can occur is more challenging when RI is being used; therefore, consideration should be given to developing proper protocols, regardless of the type of RI used in the courtroom.⁹ Additional equipment or components on existing equipment may be needed. If all else fails, the court may clear the courtroom to allow the attorney, LEP client and interpreter to converse privately.

LEP Speaker Appearing Remotely

Situations may arise when the LEP speaker appears remotely such as from jail or other detention center. If the option exists for the interpreter to be located in the courtroom or with

⁸ 28 C.F.R. § 35.160(d)(4) says a public entity that chooses to provide qualified interpreters via VRI services shall ensure that it provides adequate training to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI.

⁹ New York State Unified Court System, Office of Court Administration, *Remote Interpreting Operational Standards*, November 2007

the LEP speaker, special thought should be given for the best placement of the interpreter. Some factors to consider when making such a determination include the location of the LEP speaker's attorney (if he/she has an attorney) and security of the interpreter.

For those instances where the LEP individual's attorney will not be at the same location with the litigant (e.g. attorney in the courtroom while defendant is at the jail) or if the LEP speaker is *pro se*, the better practice is to have the interpreter in the courtroom. This configuration protects the interpreter from being alone with the LEP individual which ensures impartiality and the appearance thereof, and helps to avoid the situation where the LEP speaker asks the interpreter for legal advice. It also ensures the safety of the interpreter. If the LEP speaker has an attorney who will be situated at the remote location with him/her, the interpreter should be placed where it is most convenient for all parties and where accuracy of the interpretation will not be compromised.

Room Standards¹⁰

The room layout and furniture should also be taken into consideration in the courtroom as well as at the remote location. Tables with a matte finish, solid colored curtains, adequate lighting, non-squeaky chairs, and neutral colored rooms are ideal for RI.

EQUIPMENT PLACEMENT

Microphones, Monitors or Screens, and Cameras

Courtroom acoustics must be taken into account and audio equipment positioned to ensure the best sound quality for the remote interpreter, the parties and the judge. Particular attention must be given to the placement of microphones so there is no distracting echo. Close proximity between the speaker and microphone or lapel microphones can mitigate these issues. A speakerphone is not recommended unless only one hearing individual is using it, the speakerphone is in that individual's immediate proximity, and no exchange of privileged communication takes place over the speakerphone.

If video equipment is used, cameras should be placed so as to ensure an optimal view of the various speakers by the interpreter and to optimize the LEP speaker's view of the interpreter for any non-verbal cues. Cameras on all stakeholders are recommended but not required. A clear view between the LEP court user and the interpreter is more important than a view of every speaker in order to optimize viewing of non-verbal cues. In more complex hearings, involving testimony or multiple speakers, monitors or screens and cameras should be of

¹⁰ Canadian Network for Inclusive Cultural Exchange, *Remote Real-Time ASL Interpretation Guidelines*, <http://cnice.idrc.ocad.ca/guidelines/asl.pdf>

sufficient size and number to allow convenient viewing by all participants. Multiple cameras and screens may also assist with confidentiality and security issues.

In proceedings where an interpreter for the Deaf or hard of hearing is required, the positioning of the parties is particularly important. Facial expressions, lip movements and bodily gestures are part of the communication process. Therefore, the person who is Deaf or hard of hearing must be able to see the monitor or screen clearly, and the remote sign language interpreter must also be able to see the court user clearly.¹¹

Fax Machine, Scanner, Document Camera, and Printer

A fax machine and/or computer scanner should be available in order to send and receive court documents if required. Some remote interpreter systems provide the capability of transferring documents over a secure remote instant messenger-like connection or use of a document camera. Additionally, a scanner may be used to scan documents for emailing, which would result in a much clearer representation of court documents. Some remote interpreter systems provide the capability of transferring documents over a secure remote instant messenger-like connection. Interpreters should have access to emails from the court, in the event scanned documents are sent.

DATA COLLECTION AND FINANCIAL CONSIDERATIONS

RI has the potential to be a cost-saving endeavor. It is important to implement a data-collecting system to monitor the use of RI, ensure its appropriate use, and track the costs for providing interpreting services remotely versus in-person. Courts may also wish to track their ability to utilize court certified or otherwise qualified interpreters, even if remotely, as opposed to an on-site interpreter without proper certifications. This data can highlight how RI directly improves language access.

Commented [AM8]: Adding this eliminates the benefit of tracking VRI as a quality "raiser". Let's discuss.

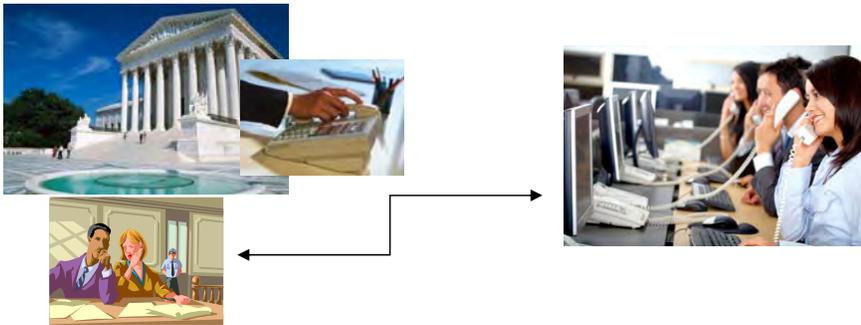
¹¹ The New York State United Court System, *Working with Interpreters by Video or Teleconference: Tips for Remote Interpreting*, <http://www.nycourts.gov/courtinterpreter/pdfs/CISipSheet.pdf>

AUDIO TECHNOLOGIES

Telephone

Description: Using a standard telephone and landline to provide remote interpreting services.

How it Works: The interpreter is based in a separate location from the court official and LEP speaker and provides interpreting in the consecutive mode. The telephone can be integrated and amplified through a courtroom’s existing audio speaker system using a digital audio platform device or can be used as a simple stand-alone device with amplification occurring through the telephone’s internal speaker.



Equipment and Connectivity Required for Interpreting Telephone

Commented [RFD9]: Equipment was listed twice.

RI via Telephone		
Courtroom Equipment	Interpreter Equipment	Connection
<ul style="list-style-type: none"> ● Telephone with some form of audio capability (internal speaker or amplification through courtroom’s audio system) 	<ul style="list-style-type: none"> ● Telephone with reliable connectivity <i>*A speaker phone is generally not recommended because of possible issues with room acoustics which could make it difficult for the courtroom/LEP individual to adequately hear the interpreter</i> 	<ul style="list-style-type: none"> ● Standard telephone line <i>*Cellular phone service is not recommended because of the potential for dropped calls or lost signals</i>
	<ul style="list-style-type: none"> ● Over the ear headset with microphone recommended. 	

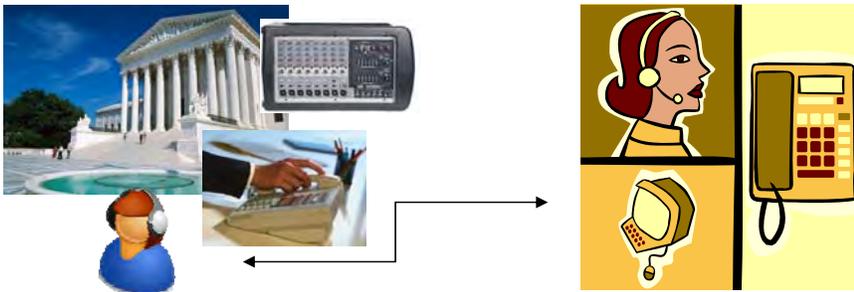
Pros/Cons and Financial Considerations

RI via Telephone		
Pros	Cons	Financial Considerations
<ul style="list-style-type: none"> • Greater access to qualified interpreters in more languages 	<ul style="list-style-type: none"> • Lack of visual cues may compromise quality of interpretation 	<ul style="list-style-type: none"> • Low to no start-up costs since most courts are already equipped with telephones.
<ul style="list-style-type: none"> • Cost-effective for the courts 	<ul style="list-style-type: none"> • Consecutive mode of interpretation only which can double the proceeding time 	<ul style="list-style-type: none"> • Agency services are typically charged on a per minute basis
<ul style="list-style-type: none"> • Interpreters will have access to more paid court work in a variety of locations and jurisdictions. 	<ul style="list-style-type: none"> • No convenient option for attorney-client conversations to occur 	
<ul style="list-style-type: none"> • Can diminish or eliminate delays in legal proceedings 	<ul style="list-style-type: none"> • Limited positioning of parties and judge around telephone 	
<ul style="list-style-type: none"> • Easy to use 	<ul style="list-style-type: none"> • May involve lower pay for interpreters depending on payment structure 	
	<ul style="list-style-type: none"> • May involve lower quality interpreters depending on the interpreter pool being used 	

Specialized Telephone System

Description: Telephone interpreting with specialized equipment (i.e. mixer, integrated phone line, handset, headphone, touchtone telephone, and speakerphone) allows the opportunity to provide consecutive and simultaneous interpreting services using telephones and a standard telephone line.

How it Works: Specialized telephone equipment can be installed directly into an existing courtroom’s audio system so that all speaking and hearing occurs through the microphone and speaker system. When installed into the existing microphone system, this system can provide enhanced audio quality into the entire courtroom. A second option is to have mobile carts/consolas that contain a telephone and speaker system that one can be wheeled around from courtroom to courtroom. In both scenarios, the system allows the off-site interpreter to control where his/her voice is going using a keypad: directly to the non-English speaker, into the open courtroom, or to the non-English speaker and his/her attorney.



Equipment and Connectivity Required for Interpreting via Specialized Telephone System

Commented [RFD10]: Equipment was listed twice.

RI via Specialized Telephone System		
Courtroom Equipment	Interpreter Equipment	Connection
<ul style="list-style-type: none"> Mixer device 	<ul style="list-style-type: none"> Touchtone telephone with reliable connectivity. 	<ul style="list-style-type: none"> Standard telephone line
<ul style="list-style-type: none"> Integrated phone line 	<ul style="list-style-type: none"> Headset and speakerphone (optional) 	
<ul style="list-style-type: none"> One handset/headset for non-English speaker 		
<ul style="list-style-type: none"> One handset/headset for attorney 		

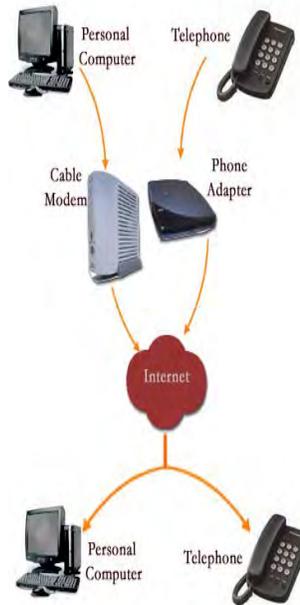
Pros/Cons and Financial Considerations

RI via Specialized Telephone System		
Pros	Cons	Financial Considerations
<ul style="list-style-type: none"> ● Confidential attorney-client conversations can occur 	<ul style="list-style-type: none"> ● Lack of visual cues may compromise quality of interpretation unless interpreter has access to video options 	<ul style="list-style-type: none"> ● \$2,000-\$7,000 per courtroom to upgrade an “enhanced” A/V system
<ul style="list-style-type: none"> ● Greater access to qualified interpreters in more languages 	<ul style="list-style-type: none"> ● Start-up costs to upgrade each courtroom, purchase mobile carts, train interpreters and court staff may outweigh financial savings 	<ul style="list-style-type: none"> ● \$15,000 per courtroom to install a full digital A/V system with specialized interpreting technology
<ul style="list-style-type: none"> ● Requires only one phone line 	<ul style="list-style-type: none"> ● Each courtroom must have mixer device which is dependent upon the court’s existing system 	
<ul style="list-style-type: none"> ● Simultaneous OR consecutive mode of interpreting can be used 		
<ul style="list-style-type: none"> ● Easy to use 		

Voice Over Internet Protocol (VoIP)

Description: Voice over Internet Protocol (VoIP) is a form of communication that *allows making phone calls over a broadband internet connection* instead of typical analog telephone lines. Basic VoIP access usually allows users to call others who are also receiving calls over the internet. Calls can also be made to traditional landline numbers, usually for a service fee. VoIP can turn a standard Internet connection into a way to place phone calls.

How it Works: A broadband (high-speed internet) connection is required, which can be done through a cable modem or high speed services such as DSL or a local area network. A computer, adaptor or specialized phone is necessary. Some VoIP services only work over a computer or special VoIP phone, while others allow use of traditional phones connected to a VoIP adapter. If a computer is used, software and a microphone will be needed.



Equipment and Connectivity Required for Interpreting via VoIP

RI via Voice Over Internet Protocol (VoIP)		
Courtroom Equipment	Interpreter Equipment	Connection
<ul style="list-style-type: none"> • Telephone using standard telephone line or computer with internet connection 	<ul style="list-style-type: none"> • Computer or specialized telephone 	<ul style="list-style-type: none"> • Broadband high-speed internet connection through a cable modem or high-speed services such as DSL or LAN
	<ul style="list-style-type: none"> • Software and microphone 	<ul style="list-style-type: none"> • Firewall traversal must be taken into consideration for video transmission

Commented [RFD11]: Equipment was listed twice.

Commented [RFD12]: May need to add Firewall Traversal as a note here since it is a connection issue that should be considered by local IT.

Pros/Cons and Financial Considerations

RI via Voice Over Internet Protocol (VoIP)		
Pros	Cons	Financial Considerations

RI via Voice Over Internet Protocol (VoIP)		
Pros	Cons	Financial Considerations
<ul style="list-style-type: none"> • Avoids fees charged by ordinary telephone services 	<ul style="list-style-type: none"> • Susceptible to connectivity problems associated with broadband services. Connection can be interrupted if insufficient bandwidth is available 	<ul style="list-style-type: none"> • Depends on the company, but typically less expensive than telephone services. Most VoIP companies offer minute-rate plans structured like cell phone bills
<ul style="list-style-type: none"> • Greater access to qualified interpreters in more languages 	<ul style="list-style-type: none"> • Though uncommon, susceptible to worms, viruses and hacking 	<ul style="list-style-type: none"> • Firewall traversal solutions may be available at an additional cost that would reduce security risks
	<ul style="list-style-type: none"> • Consecutive mode of interpretation only which can double the proceeding time 	
	<ul style="list-style-type: none"> • Simultaneous mode of interpreting is not possible unless two communication devices are used 	

VIDEO TECHNOLOGIES

Video Conferencing System

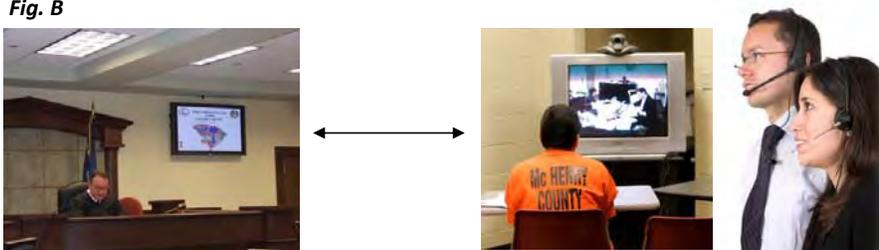
Description: Videoconferencing is an interactive technology that sends video, voice, and data signals over a transmission circuit so that two or more individuals or groups can communicate with each other simultaneously using video monitors.

How it Works: There are generally two ways of using videoconference technology to provide interpreting services. An interpreter can be with the participants in the courtroom (Fig. A) or the interpreter can be located with the LEP speaker and attorney in a location such as a prison or other courthouse (Fig. B).¹² The off-site speakers are projected on a screen or monitor and their speech is transmitted directly to the headsets of participants and interpreters or over the speaker system. The interpretation is typically conducted in the consecutive mode.

Fig. A



Fig. B



¹²Braun, Sabine. & J. L. Taylor, *Videoconference and Remote Interpreting in Criminal Proceedings*, Guildford: University of Surrey, 2011, pp. 27-57.

Equipment and Connectivity Required for Interpreting via Video Conferencing System

A wide array of technical components that support evidence presentation, remote site interactions, language interpreting and audio enhancement is required. The components needed for a video conferencing system include:

RI via Video Conferencing System		
Courtroom Equipment	Interpreter Equipment	Connection
<ul style="list-style-type: none"> ● Camera or webcam 	<ul style="list-style-type: none"> ● Camera or webcam 	<ul style="list-style-type: none"> ● ISDN or IP which contains the required CODEC
<ul style="list-style-type: none"> ● Computer, monitor, television or projector with related software 	<ul style="list-style-type: none"> ● Desktop or laptop computer with videoconferencing equipment and related software 	<ul style="list-style-type: none"> ● Integrated cabling system
<ul style="list-style-type: none"> ● Microphones, CD/DVD player 	<ul style="list-style-type: none"> ● Microphone 	<ul style="list-style-type: none"> ● High-speed broadband internet
<ul style="list-style-type: none"> ● Loudspeakers 	<ul style="list-style-type: none"> ● Headset 	
<ul style="list-style-type: none"> ● Analog or digital network, LAN or internet 	<ul style="list-style-type: none"> ● High-speed broadband internet 	

Note: Minimum bandwidth requirements differ depending upon the type and model of camera being used in each location, compression ratio being used, and the video format (720p or 1080p) desired. Refer to the manufacturer’s documentation for specific bandwidth requirements. It is recommended that the download and upload speeds are equal for smooth video transmission.

Recommended Minimum Equipment Specifications

Refer to video equipment manufacturer for specific requirements.

RI via Video Conferencing System		
Computer	Camera or Webcam	Connection
<ul style="list-style-type: none"> ● Windows® 7 (32-bit or 64-bit) 	<ul style="list-style-type: none"> ● Full HD 1080P 30fps 	<ul style="list-style-type: none"> ● 2 Mbps upload/download for 720p
<ul style="list-style-type: none"> ● i5 Intel or comparable processor 	<ul style="list-style-type: none"> ● H.264 Video Compression format 	<ul style="list-style-type: none"> ● 3 Mbps upload/download for 1080p (See note

RI via Video Conferencing System		
Computer	Camera or Webcam	Connection
		below)
<ul style="list-style-type: none"> ● 4 GB RAM ● USB 2.0 port 		

Note: Many environmental factors must be considered when employing video across the internet. Download and upload speeds in a courthouse may fluctuate drastically depending on the available bandwidth across the network, the number of users on the network and the type and amount of streaming data being uploaded or downloaded. This fact should be taken into account when determining minimum available bandwidth requirements. Wireless internet is not recommended for video transmission. It is important to include local IT in the decision making process in order to get the best equipment that the local network can support in order to achieve satisfactory video performance.

Pros/Cons and Financial Considerations

RI via Video Conferencing System		
Pros	Cons	Financial Considerations
<ul style="list-style-type: none"> ● Greater access to qualified interpreters in more languages 	<ul style="list-style-type: none"> ● Initial set-up cost could be high depending upon the capabilities 	<ul style="list-style-type: none"> ● Price range from approximately \$2,500 for desktop solution to \$300,000 for an integrated video system depending upon the capabilities
<ul style="list-style-type: none"> ● Can diminish or eliminate delays in legal proceedings 	<ul style="list-style-type: none"> ● Requires integrated cabling system to allow for access through the court firewall while maintaining a secure courtroom 	
	<ul style="list-style-type: none"> ● Signal latency can sometimes delay and distort communication 	
	<ul style="list-style-type: none"> ● Consecutive mode of interpretation only which can double the proceeding time 	
	<ul style="list-style-type: none"> ● Simultaneous mode of 	

RI via Video Conferencing System		
Pros	Cons	Financial Considerations
	interpreting is not possible unless two communication devices are used	

Specialized Video Remote Interpreting (VRI) Systems

Description: VRI uses video conferencing technology over dedicated lines offering a high-speed, wide-bandwidth video connection that delivers high-quality video images that allow for sign and spoken language interpreting services. The technology is similar to a different service called Video Relay Service (VRS) which is a free telephone relay service using video technology to allow Deaf and hard of hearing persons to make and receive phone calls using American Sign Language (ASL). With VRS, the Deaf and hearing participants are in separate locations.¹³

Note: VRS is not appropriate for court proceedings and is not permitted by the Federal Communication Commission (FCC) as VRS interpreters only identify themselves by a number and VRS interpreters typically do not possess any legal qualifications.

How it Works: VRI uses video conferencing equipment over high speed broadband connections or ISDN lines carrying both video and audio messages. Equipment is paired with wired or wireless connections. VRI sessions can be conducted via internet, intranet or ISDN.¹⁴ Typically, the LEP person and English speakers are located together at one location (courtroom) with a web camera (or other technology) while the interpreter works from a separate location.

Equipment and Connectivity Required for Interpreting via Specialized VRI System

RI via Specialized VRI System		
Courtroom Equipment	Interpreter Equipment	Connection
<ul style="list-style-type: none"> • Desktop or laptop computer with appropriate software 	<ul style="list-style-type: none"> • Desktop or laptop computer with appropriate software 	<ul style="list-style-type: none"> • High-speed broadband internet access such as T1, DSL, SDSL, ISDN (3 Mbps upload/download recommended)
<ul style="list-style-type: none"> • Webcam 	<ul style="list-style-type: none"> • Webcam 	
<ul style="list-style-type: none"> • External speakers 	<ul style="list-style-type: none"> • Headphones or integrated speakers 	
<ul style="list-style-type: none"> • Integrated software 	<ul style="list-style-type: none"> • Software 	

Commented [RFD13]: Consistency

Commented [RFD14]:

¹³Registry of Interpreters for the Deaf (RID), *Video Relay Service Interpreting Standard Practice Paper*, 2007. VRS services are regulated by the Federal Communications Commission (FCC) which sets standards that VRS companies and their interpreters must follow. VRS is an offshoot of traditional Telecommunications Relay Service (TRS) or text-based relay services.

¹⁴Registry of Interpreters for the Deaf (RID), *Video Remote Interpreting Standard Practice Paper*, Video Interpreting Task Force, 2010.

Pros/Cons and Financial Considerations

RI via Specialized VRI System		
Pros	Cons	Financial Considerations
<ul style="list-style-type: none"> • Court cost savings for short proceedings 	<ul style="list-style-type: none"> • Requires high speed bandwidth to avoid lags, choppy signs, or irregular pauses in communication (3 Mbps upload/download recommended) 	<ul style="list-style-type: none"> • Video interpreting demands that a large amount of data be transmitted in a short period of time. The primary consideration for any video interpreted session is how many frames per second are being transmitted. Good quality requires a minimum of 30 frames per second
<ul style="list-style-type: none"> • Greater access to qualified interpreters in more languages 	<ul style="list-style-type: none"> • Dedicated ISDN, cable or T1 lines provide a clearer picture and the lines may not be shared by other systems, but it could be quite costly 	<ul style="list-style-type: none"> • Price can range from approximately \$7,640 for a stand-alone solution at each point to greater than \$100,000 depending on the number of locations in a multi-point system
	<ul style="list-style-type: none"> • IT technology presents its own set of security concerns thus requiring firewalls which limit the type of telecommunications interactions that can occur within the closed network 	<ul style="list-style-type: none"> • Firewall traversal solutions may be available at an additional cost
	<ul style="list-style-type: none"> • Consecutive mode of interpretation only which can double the proceeding time 	
	<ul style="list-style-type: none"> • Simultaneous mode of interpreting is not possible unless two communication devices are used 	

Commented [RFD15]: Keeping the same standard throughout.

Minimum technology requirements for VRI that will also meet ASL requirements

1. Video screen: A flat-panel, LCD computer monitor, with a minimum screen size of 17 inches (measured diagonally from corner to corner) for providers and 19 inches (measured diagonally) for courtrooms. Minimum device resolution capability of 1280 x 720 pixels.

2. Video camera: Minimum video resolution of 720p (1280 x 720 pixels, progressive, at 30 frames per second); ideal resolution of 1080p30, 1080p50, or 1080p60 (1920 x 1080 pixels, progressive, at 30, 50, or 60 frames per second, respectively).

3. Endpoint bandwidth: Every endpoint must support at least 3Mbps upload/download speed for video calling.

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4. Computer: Macintosh or PC with a minimum processor speed of 2 ghz, at least 3 gb of physical RAM, 300 gb or larger hard drive with at least 5 gb free, a dedicated video card, and USB 2.0 or higher. The computer should be dedicated to VRI during an interpreting event if you are operating a software endpoint.

5. QoS: A connection to a WAN circuit with Quality of Service (QoS) settings that take into account the potential number of concurrent video calls over the WAN and the quality settings for each call. In addition to the bandwidth reserved by QoS, an adequate amount of bandwidth should be available to support other operations, such as e-mail and web traffic, etc.

6. Encryption: Every endpoint used for VRI, regardless of type (room based all-inclusive unit or software/computer-based) must support encrypted transmissions, preferably using 256-bit Advanced Encryption Standard (AES-256).

7. Firewall opening: The capability to safely traverse court firewalls without compromising security.

8. URI capability: All endpoints should be able to place and receive video calls using Uniform Resource Identifiers (URIs).

Web-Based Applications

Description: Commercial downloadable software applications that allow users who are using the same application to make free video calls over the internet.

How it Works: These applications are peer-to-peer systems rather than a client-server systems. In the courtroom it is best used via a laptop computer with an internal or external camera. The laptop computer can either be placed in front of the LEP person to ensure that he/she and the interpreter have clear visibility and audio of each other, or if the speakers are all standing in a small area (e.g. at the bench), the laptop can be placed there to better include principal participants.¹⁵

Equipment and Connectivity Required for Interpreting via Web-Based Applications

RI via Web-Based Applications		
Courtroom Equipment	Interpreter Equipment	Connection
<ul style="list-style-type: none"> ● HD quality webcam and a dual core processor, audio capabilities sufficient for all courtroom participants to hear 	<ul style="list-style-type: none"> ● HD quality webcam and a dual core processor 	<ul style="list-style-type: none"> ● A fast internet connection of 3 Mbps upload/download

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Pros/Cons and Financial Considerations

RI via Web-Based Applications		
Pros	Cons	Financial Considerations
<ul style="list-style-type: none"> ● Software is available for easy download. 	<ul style="list-style-type: none"> ● Users self-register and identities are not verified 	<ul style="list-style-type: none"> ● Video calls are generally free
<ul style="list-style-type: none"> ● Software allows courts to connect to interpreters located anywhere. 	<ul style="list-style-type: none"> ● No direct customer support 	
<ul style="list-style-type: none"> ● Many people use it for personal use, so courtroom users may feel comfortable with the platform. 	<ul style="list-style-type: none"> ● Quality of audio and video connections are inconsistent 	
<ul style="list-style-type: none"> ● Greater access to qualified interpreters in more 	<ul style="list-style-type: none"> ● All persons in the courtroom must consistently 	

¹⁵Nebraska Administrative Office of the Courts, *Protocol for Use of Remote Interpreters*, Hon. Patrick McDermott, 5th Judicial District and issued by the Nebraska Supreme Court Interpreter Advisory Committee, October 2009.

RI via Web-Based Applications		
Pros	Cons	Financial Considerations
languages	<p>speak loudly, to be audible to the interpreter.</p> <ul style="list-style-type: none"> • Consecutive mode of interpretation only which can double the proceeding time • Simultaneous mode of interpreting is not possible unless two communication devices are used 	

GENERAL GUIDELINES AND RECOMMENDATIONS

Regardless of the audio or video technology used, remote interpreting requires additional considerations and cooperation by all people involved to successfully utilize the qualified interpreter's skills to ensure the LEP individual is provided the language access necessary to be linguistically present for the proceeding.

The following are practical recommendations for the court, interpreters, and legal practitioners to consider when using RI technology.

Note: Before the scheduled start time of any RI proceeding, a connection test with the interpreter should always be conducted.

Before the hearing, the COURT should:

- ✓ *Make sure that a connection test with the remote location is successfully completed.*
- ✓ *Inform attorneys, LEP parties and LEP witnesses and court staff that RI will be utilized during the proceedings and explain its purpose.*
- ✓ *Inform attorneys and LEP parties that if at any point the RI process is compromising the LEP speaker's language access, he/she is to inform the court and an on-site interpreter will be provided if possible, or the hearing will be continued.*
- ✓ *Introduce the interpreter to the LEP court user in order to ascertain they can understand and can hear each other.*
- ✓ *Instruct the interpreter that he/she will be bound by the same professional standards and ethics as on-site interpreters.*
- ✓ *Explain to the LEP litigant and attorney the process for conducting a confidential communication between attorney and client.*
- ✓ *Instruct the parties in the courtroom that only one person should speak at a time.*
- ✓ *Instruct the LEP person to notify the court immediately if he/she ceases to hear, see or understand the interpreter, and he/she should raise a hand and the judge will address this problem.*
- ✓ *Instruct the interpreter to notify the court immediately if connectivity issues arise or if he/she is unable to see or hear the proceedings.*
- ✓ *Instruct the court reporter or judicial clerk to keep a log of all technical breakdowns and the remedies used to correct the situation.*
- ✓ *Qualify and swear in the interpreter.*

- ✓ *If audio-only equipment is being used, provide additional instructions to the interpreter and the participants if a non-verbal cue is not communicated effectively and the interpreter must verbally interrupt the speaker to maintain the integrity and completeness of the interpretation. [Carmel's Note: I don't understand this item]*

During the hearing, the COURT should:

- ✓ *Direct any statement to the interpreter by beginning "Mr. /Madame Interpreter" to alert the interpreter he/she is being addressed directly.*
- ✓ *Offer breaks to the interpreter if the proceeding is going longer than anticipated as fatigue is a serious factor to take into account. [Carmel's Note: If we are recommending that RI be used for shorter matters, does the court need to provide a break; will fatigue really be an issue?]*
- ✓ *Instruct the witness to keep in mind an interpreter is being used to transmit the testimony and therefore try to speak in complete but shorter sentences.*
- ✓ *[*Specialized Telephone System Only*] Speak directly to the interpreter when the "mode" buttons on the telephone equipment need to be changed. For example, "Mr. or Madame Interpreter, I am going to address the defendant" (if the LEP defendant is going to be addressed directly for a response so the interpreter will know to switch to the "Courtroom" mode to interpret the defendant's response); or "Mr. or Madame Interpreter, attorney would like to consult with his/her client" (to alert the interpreter to switch from "Defendant Only" mode to "Counsel-Client Only" mode)*

Before the hearing, the INTERPRETER should:

- ✓ *Become familiar with the interpreting equipment. With specialized telephone equipment, be comfortable with toggling between the options ("Courtroom" mode, "Defendant Only" mode and "Counsel-Client Only" mode).*
- ✓ *Inform the court which verbal cue will be used to notify the witness to pause so accurate interpretation can occur.*
- ✓ *Establish with the court the proper protocol to use if a repetition or clarification is needed.*
- ✓ *Consider proper attire if video equipment is being used. Bright colors tend to bleed on to the screen. All dark clothing tends to make faces look washed out while all light clothing tends to make faces darker on the screen. Patterned clothing (checks or stripes) may cause wavering patterns on the screen.*
- ✓ *Report any connectivity issues to the court immediately.*

- ✓ **[*Specialized Telephone System Only*]** *Develop a system to keep track of what mode is being used.*

During the hearing, the ATTORNEY should:

- ✓ *Keep in mind that if only audio technology is being used, interpreter cannot see the courtroom and therefore cannot observe the non-verbal cues naturally noticeable by a live interpreter.*
- ✓ *Stop posing questions when interpreter states: "Your Honor, the interpreter requests a repetition."*
- ✓ *Not interrupt others who are speaking*
- ✓ *Position the microphone so as to ensure speech is being transmitted to the interpreter at all times.*
- ✓ *Avoid shuffling papers or making other unnecessary noises near the microphones*
- ✓ *Be patient while the interpreter completes the interpretation.*
- ✓ *Utilize the established protocol to request that an attorney-client conversation be conducted.*

**** Specialized Telephone System Only: Attorney-Client Conversations ****

- ✓ *Instruct the interpreter that he/she should switch to "Counsel-Client Only" mode if counsel needs to speak to the LEP client at counsel table and the RI equipment allows it.*
- ✓ *Advise the interpreter that the confidential communication has concluded so the interpreter can return to either "Defendant Only" or "Courtroom" mode.*

Selecting an equipment vendor:

- ✓ *Research the vendors' history of providing the types of desired services and request client recommendations.*
- ✓ *Request that local IT staff be present at all meetings, presentations, and equipment demonstrations to validate technical claims and to assist in determining local court infrastructure compatibility.*
- ✓ *Enquire as to the company's policy of providing equipment warranty, technical support, and turn-around time of repairs/equipment replacement.*
- ✓ *Technical support should include both telephonic and on-site. It is important to develop a service contract that supports the needs of the court with timely and effective service.*

GLOSSARY OF TERMS¹⁶

Analog: term used to describe any system based on continuous data or events. When used in reference to data storage and transmission, analog format is information which is transmitted by modulating a *continuous* transmission signal, such as amplifying a signal's strength or varying its frequency to add or take away data, e.g., telephones take sound vibrations and turn them into electrical vibrations of the same shape before they are transmitted over traditional telephone lines. The opposite of analog is digital.

Audio Mixer: a device that accepts "inputs" from multiple separate sound sources combines them in a customizable way and then "outputs" the result, typically to speakers or a recording device.

Bandwidth: the volume of information per unit of time that a transmission medium (e.g. an Internet connection) can handle. As the bandwidth increases, so does the amount of data that can flow through in a given amount of time. An internet connection with a larger bandwidth can move a set amount of data much faster than an internet connection with a lower bandwidth.

Broadband: generally refers to high-speed internet access that is always on and faster than traditional dial-up access. Broadband includes several high-speed transmission technologies such as cable, DSL, fiber, wireless, satellite, and broadband over power line (BPLs).

Cable Internet: internet service that runs off of the same network as cable television. For cable internet to work, a transmission between a cable modem termination system and a subscriber cable modem is required in order for a user to utilize internet service on their computer.

Client Server System: a network made up multiple computers connecting to a single, central server. Client computers connect over the internet to use resources.

CODEC: software that takes a raw data file and turns it into a compressed file. Because compressed files only contain some of the data found in the original file, the codec is the necessary "translator" that decides what data makes it in to the compressed version and what

¹⁶This glossary of terms was developed using information from various useful websites and articles on the web which include: <http://www.livinginternet.com/>; "The Top 30 Internet Terms for Beginners, 2012 by Paul Gil <http://netforbeginners.about.com/od/internetlanguage/tp/the-top-internet-terms-for-beginners.htm>; <http://pcsupport.about.com/od/termsb/g/bandwidth.htm>; www.wisegeek.com; www.wikipedia.org

data gets discarded. Codec is a short name for “coder-decoder” or “compression/decompression.”

Consecutive Interpreting: the mode of interpreting used where the interpreter renders statements made in a source language into statements in the target language intermittently after a pause between each completed statement in the source language. This mode is used in all question and answer settings such as witness testimony.

Dial-Up Internet: internet service that uses the facilities of the Public Switched Telephone Network (PSTN) to establish a dialed connection to an ISP via telephone lines. The user's computer or router uses an attached modem to encode and decode IP packets and control information into and from analog audio frequency signals, respectively.

Digital: any system based on *discontinuous* (not continuous or having breaks, e.g., computers) data or events which handle data in digital form, requires modems to turn signals from digital to analog before transmitting those signals over communication lines such as telephone lines that carry only analog signals. The signals are turned back into digital form (demodulated) at the receiving end so that the computer can process the data in its digital format. The opposite of digital is analog.

Digital Subscriber Line (DSL): a wire line transmission technology that transmits data faster over traditional copper telephone lines already installed to homes and businesses. DSL-based broadband provides transmission speeds ranging from several hundred Kbps to millions of bits per second (Mbps). The availability and speed of DSL service may depend on the distance from the business to the closest telephone company facility. DSL service is asymmetrical (ASDL), with the bulk of the bandwidth reserved for receiving data, not sending it. (See SDSL)

Digital Subscriber's Line Access Multiplier (DSLAM): a network device (usually at a telephone company central office) that receives signals from multiple customer DSL connections and puts the signals on a high-speed backbone line using multiplexing techniques. It acts as a switchboard for local DSL clients, routing requests and responses between each client's computer address and the Internet.

Ethernet: a type of connection between computers that forms the basis of most Local Area Networks (LAN). It generally covers only a single building or premises that are close to each other but Ethernet networks may span tens of kilometers. Ethernet allows many computers to connect to one another into a network with the help of special hardware and protocols.

Firewall: a system designed to prevent unauthorized access to or from a private network. Firewalls can be implemented in both hardware and software or a combination of both. They are frequently used to prevent unauthorized internet users from accessing private networks connected to the Internet, especially intranets.

High Definition (HD): term used to describe video that has resolution substantially higher than that of traditional standard definition. HD has one or two million pixels per frame, roughly five times that of standard definition.

Integrated Services Digital Network (ISDN): a set of communications standards for simultaneous digital transmission of voice, video, data, and other network services over the traditional circuits of the public switched telephone network. Prior to ISDN, the telephone system was viewed as a way to transport voice, with some special services available for data. The key feature of ISDN is that it integrates speech and data on the same lines, adding features that were not available in the classic telephone system.

Internet: a massive interconnection of computer networks that spans the globe. It is comprised of millions of computing devices that trade volumes of information. The Internet houses many layers of information, with each layer dedicated to a different kind of documentation.

Internet Protocol (IP) Address: a unique numerical address that every computer on the Internet has which is used to route packets to the computer (or cell phone, etc.) across the Internet. A computer's "internet protocol" address is a four-part electronic serial number that looks something like "202.3.104.55," complete with dot separators.

Internet Service Provider (ISP): a private company or government organization that connects a consumer into the Internet around the world for a fee.

Intranet: a generic term for a collection of private computer networks within an organization. An intranet uses network technologies as a tool to facilitate communication between people or workgroups to improve the data sharing capability and overall knowledge base of an organization's employees. Intranets utilize standard network hardware and software technologies like Ethernet, Wi-Fi, TCP/IP, Web browsers and Web servers. An organization's intranet typically includes Internet access but is firewalled so that its computers cannot be reached directly from the outside.

LAN/MAN/WAN:

- **LAN (Local Area Network):** a group of computers and network devices connected together, usually within the same building. By definition, the connections must be high speed and relatively inexpensive (e.g., token ring or Ethernet).
- **MAN (Metropolitan Area Network):** a larger network that usually spans several buildings in the same city or town.
- **WAN (Wide Area Network):** in comparison to a MAN, it is not restricted to a geographical location, although it might be confined within the bounds of a state or country. A WAN connects several LANs, and may be limited to an enterprise (a

corporation or an organization) or accessible to the public. The technology is high speed and relatively expensive. The Internet is an example of a worldwide public WAN.

Limited English Proficient (LEP): LEP individuals are persons whose first language is other than English and who have a limited ability to read, write, speak, or understand English.

Malware: software designed to disrupt computer operation, gather sensitive data, or gain unauthorized access to information. "Malware" is short for malicious software.

Modem: an electronic device that converts a computer's digital signals into specific frequencies to travel over telephone or cable television lines. At the destination, the receiving modem demodulates the frequencies back into digital data. Computers use modems to communicate with one another over a network. "Modem" is short for modulator-demodulator.

Network: a group of two or more computer systems linked together.

Open Systems Interconnection (OSI) Model: internet working in terms of a vertical stack of seven layers. The "upper layers" of the OSI model represent software that implements network services like encryption and connection management. The "lower layers" of the OSI model implement more primitive, hardware-oriented functions like routing, addressing, and flow control. In the OSI model, data communication starts with the top layer at the sending side, travels down the OSI model stack to the bottom layer then traverses the network connection to the bottom layer on the receiving side, and up its OSI model stack.

Peer-to-Peer System: a network made up of two or more computers pooling individual resources such as CD-ROMS, disk drives and printers together. Each computer acts as both the client and the server and communicates directly with the other computers on the network

Protocols: layers of information dedicated to different kinds of documentation. The most popular protocols are the World Wide Web, instant message and email.

Quality of Service (QoS): an industry-wide set of standards and mechanisms for ensuring high-quality performance for critical applications. The goal of QoS is to provide preferential delivery service for the applications that need it by ensuring sufficient bandwidth, controlling latency and jitter, and reducing data loss.

Router: a device that typically works in combination with a modem and acts as the traffic cop for network signals flowing into a location. A router can be wired or wireless or both.

Server: a computer or device on a network that manages network resources. For example, a file server is a computer and storage device dedicated to storing files whereby any user on the network can store files on the server.

Simultaneous Interpreting: the mode of interpreting where the interpreter renders an interpretation continuously at the same time someone is speaking. This mode of interpreting is used for most court room proceedings.

Symmetric Digital Subscriber Line (SDSL): high-speed Internet access service with matching upstream and downstream data rates. Data can be sent to the Internet from the client machine or received from the Internet with equal bandwidth availability in both directions.

T1 Lines: ("T-carrier line") a type of broadband connection used to connect to the internet. A T1 line uses a highly advanced method of transferring data with the ISP. Advantages of using a T1 line include constant speeds and highly secure connections, though a downside is that most T1 lines have very high monthly subscription charges associated with them. A T1 line uses a specific type of telephone line that has the ability to carry more data than standard telephone phone lines. T1 lines can be made out of twisted copper or glass fibers (also known as fiber optics). Twisted copper and fiber optics allows very large amounts of data to be transferred than with a DSL or dial-up connection that uses normal copper wires.

Transmission Control Protocol (TCP)/Internet Protocol (TCP/IP): two distinct network protocols; TCP and IP are so commonly used together that TCP/IP has become standard terminology to refer to either or both of the protocols. IP corresponds to the Network layer (Layer 3) in the OSI model, whereas TCP corresponds to the Transport layer (Layer 4) in OSI. In other words, the term TCP/IP refers to network communications where the TCP transport is used to deliver data across IP networks. The average person on the Internet works in a predominately TCP/IP environment. Web browsers, for example, use TCP/IP to communicate with Web servers.

Videoconferencing: the process of two or more locations interacting via two-way video and audio transmissions simultaneously by a set of telecommunication technologies to allow a "meeting."

Video Remote Interpreting (VRI): the process of providing interpreting services via video or web cameras and telephone lines with an off-site interpreter.

Voice-Over Internet Protocol (VoIP): a form of communication that allows the consumer to make phone calls over a broadband internet connection instead of typical analog telephone lines. Basic VoIP access usually allows a person to call others who are also receiving calls over the internet. Interconnected VoIP services also allow a consumer to make and receive calls to/from traditional landline numbers, usually for a service fee. Some VoIP services require a computer or a dedicated VoIP phone, while others allow the consumer to use a landline phone to place VoIP calls through a special adapter.

Wireless Fidelity (Wi-Fi): a wireless networking technology used across the globe. It refers to any system that uses the 802.11 standard, which was developed by the Institute of Electrical

and Electronics Engineers (IEEE) and released in 1997. In a Wi-Fi® network, computers with Wi-Fi® network cards connect wirelessly to a wireless router. The router is connected to the internet by means of a cable or DSL modem typically.

World Wide Web (Web): a way of accessing information over the medium of the Internet. It is an information-sharing model built on top of the internet. The Web uses the HTTP protocol, only one of the languages spoken over the Internet, to transmit data. Web services, which use HTTP to allow applications to communicate in order to exchange business logic, use the Web to share information.

Webcam: a video camera which feeds its images in real time to a computer or computer network, often via USB, Ethernet or Wi-Fi. Webcams are known for their low manufacturing cost and flexibility making them the lowest cost form of videotelephony.

APPENDIX A: EXAMPLES OF COMMERCIAL PROVIDERS

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COMPANY	WEBSITE	TELEPHONE
TELEPHONE INTERPRETING SERVICES		
Language Line	http://www.languageline.com/	800.752.6096
Voiance Language Services (formerly Language Learning Enterprise, LLC)	http://www.voiance.com/	866.742.9080
CTS Language Link	http://www.ctsll.com/	800.208.2620
Certified Languages International	http://www.certifiedlanguages.com/	800.225.5254
de la Mora Interpreting	www.remoteinterpreting.com	321-252-8513; 407-677-4155
Optimal Phone Interpreters	http://www.optimalphoneinterpreters.com/	877.746.4674
Cross-Cultural Interpreting Services	http://www.heartlandalliance.org/ccis/	312.660.1300
SPECIALIZED TELEPHONE EQUIPMENT		
BIAMP Systems	http://biamp.com/	800.826.1457
de la Mora Interpreting	www.remoteinterpreting.com	321.252.8513; 407.677.4155
Tieline Technologies	http://tieline.com/	800.211.6989
VOICE OVER INTERNET PROTOCOL		
Trident Global Services	http://www.tridentglobalservices.com/	713.960.2143

COMPANY	WEBSITE	TELEPHONE
VIDEO CONFERENCING EQUIPMENT		
LG Premium Video Conference System	http://www.lifesize.com/	877.543.3749
Polycom	http://www.polycom.com/	800.polycom
VIDEO REMOTE INTERPRETING EQUIPMENT		
CISCO	http://www.cisco.com/	800.326.7114; 866.870.5822
de la Mora Interpreting	www.remoteinterpreting.com	321.252-8513; 407.677.4155
LifeSize Communications	http://www.lifesize.com/	877.743.3749
LG Premium Video Conference System	http://www.lgsolutions.com/	
VIDEO REMOTE INTERPRETING SERVICES		
Monterey Language Services	http://www.montereylanguages.com/video-remote-interpretation-services.html	831.655.3460
Stratus Video Interpreting	http://www.stratusvideo.com/courts-overview/	855.865.8778
DOWNLOADABLE WEB BASED APPLICATIONS		
Skype	http://www.skype.com/intl/en/home	

APPENDIX B: GENERAL OVERVIEW SHEET

TERM	DESCRIPTION/DEFINITION
Remote Interpreting (RI)	The provision of interpreting services using technology in situation where the interpreter is at a location physically separate from the consumers of the interpreting services.
RI Appropriateness	<ul style="list-style-type: none"> ● Urgent, emergent or unexpected situations where no interpreter is available ● Routine matters for which the quality of the interpretation will not be unduly compromised and the duration is expected to be short ● Interpreter for a language of limited diffusion is needed and no on-site interpreters are reasonably available
RI Inappropriateness	<ul style="list-style-type: none"> ● Trials, long hearings or complicated evidentiary hearings ● Proceedings involving many individuals ● Proceedings involving parties who are elderly, very young, have mental illness or those who have profound speech or language problems ● Anticipated emotionally charged or contentious testimony
Audio Technologies	<p>Telephone – Services provided with the use of telephones and a standard telephone line; telephone interpreting is delivered in the consecutive mode.</p> <p>Specialized telephone equipment – Services provided with technology that allows for simultaneous interpreting services using a standard telephone and standard phone line.</p> <p>Voice Over Internet Protocol (VoIP) – Services provided through phone calls initiated over a broadband internet connection.</p>
Video Technologies	<p>Video Conference System – Services provided using technology where the interpreter is either in the courtroom or in a location with the LEP individual</p> <p>Specialized Video Remote Interpreting (VRI) System – Services provided with video web cameras and telephone lines to provide sign and spoken language interpreting services through an off-site interpreter.</p> <p>Web-Based Applications – Services provided using downloadable applications that allows users to make free video calls over the internet.</p>
Recommendations for the court	Before the hearing – provide specific guidelines or protocols/instructions regarding remote interpreting use &

<i>TERM</i>	<i>DESCRIPTION/DEFINITION</i>
	equipment testing. During the hearing – address the interpreter, pay attention to fatigue, establish a short signal (between the interpreter and the LEP witness) to request a pause and address the LEP witness regarding a testimony.
Recommendations for interpreters	Before the hearing – be familiar with and comfortable using the RI equipment and actively participate in the RI process via open communication. During the hearing – be able to transition from mode to mode when multiple speakers are involved in an exchange.
Recommendations for attorneys	Before the hearing – provide assistance to the interpreter by giving him/her as much information about the case as possible (i.e. statutory language for criminal offenses, facts and subject matter of the case, names, dates, any exhibits that will be introduced, etc.). During the hearing – note specific suggestions described on the page 29; pay special attention to the issue of privileged attorney-client conversations.

APPENDIX C: DETERMING BROADBAND NEEDS

How to Estimate Business Broadband Needs

Typical applications and their performance for various download/upload speeds - single user

Application	1.5 Mbps / 384 Kbps	7 Mbps / 768 Kbps	10 Mbps / 1 Mbps	20 Mbps / 2 Mbps	50 Mbps / 2 Mbps	100 Mbps / 10 Mbps
Simple email, no attachments	Green	Green	Green	Green	Green	Green
Web browsing	Green	Green	Green	Green	Green	Green
Email, attachments and graphics	Green	Green	Green	Green	Green	Green
Download small files (1 MB, 50 pages)	Green	Green	Green	Green	Green	Green
Download large files (2 MB, 100 pages)	Green	Green	Green	Green	Green	Green
Online trading, e-business	Green	Green	Green	Green	Green	Green
Online meeting, with document sharing	Green	Green	Green	Green	Green	Green
Videconference (384 Kbps) - 1 user	Yellow	Green	Green	Green	Green	Green
Skype videoconference - 5 users	Yellow	Green	Green	Green	Green	Green
Cloud applications (business apps, backup)	Yellow	Green	Green	Green	Green	Green
VPN, remote service access	Red	Yellow	Yellow	Green	Green	Green
Videconference (768 Kbps) - 5 users	Red	Yellow	Yellow	Green	Green	Green
Voice over IP (ten external lines)	Red	Red	Yellow	Green	Green	Green
Upload videos, presentations (1 GB)	Red	Red	Yellow	Yellow	Green	Green
Download HD video (2 GB) in real-time	Red	Red	Red	Yellow	Green	Green
Server backup, up to 20 GB (off-hours)	Red	Red	Red	Yellow	Green	Green
Telecommuting	Red	Red	Red	Yellow	Green	Green
Distance learning	Red	Red	Red	Yellow	Green	Green
Telemedicine (160 MB, radiologic images)	Red	Red	Red	Yellow	Green	Green

Table adapted from "The Impact of Broadband Speed and Price on Small Business" at <http://archive.sba.gov/advo/research/rs3731ot.pdf>