

Wisconsin Court Interpreter Program Guidelines for Using Telephonic Interpreting in Court

WHAT IS TELEPHONIC INTERPRETING?

Telephonic interpreting generally refers to interpreting services conducted via telephone where the interpreter is located in a separate place from the Limited English Proficient (LEP) individual.

WHEN SHOULD TELEPHONIC INTERPRETING BE USED?

- ⇒ **When a rare language is needed.** States that are members of the Consortium for Language Access in the Courts (CLAC) may have greater access to rare languages. Interpreters can be used telephonically either alone or if needed as part of a relay interpreting team. (e.g. for indigenous Central American languages, it may be possible to locate an interpreter by telephone who speaks the indigenous language and Spanish and pair that interpreter with a certified interpreter who speaks Spanish and English who may be physically located near the LEP individual)
- ⇒ **When proceedings are short and non-evidentiary.** Telephone interpreting is best suited to short proceedings under 15 minutes such as arraignments, initial appearances, scheduling or status conferences. If interpreter travel costs are high relative to the length or importance of the hearing, telephone interpreting provides a cost-efficient alternative.
- ⇒ **When no certified or qualified interpreter is available in-person.** Interpreters may be needed for emergency situations or on short notice. Many Wisconsin certified interpreters may be willing to provide telephone interpreting for these types of situations.
- ⇒ **When a local interpreter discloses a conflict of interest.** Many immigrant communities are also small linguistic communities. An existing family, social or professional relationship with an LEP individual may compromise the neutrality of the proceeding therefore it may be necessary to use an anonymous interpreter by telephone to avoid the perception of a conflict of interest.
- ⇒ **When interpreter services are needed at the clerk's counter.** At times LEP individuals and families will show up at the clerk's counter to pay a fee or file a document. Telephonic interpreting may be a good resource for these types of short notice encounters

WHEN SHOULD TELEPHONIC INTERPRETING NOT BE USED?

- ⇒ **When a certified interpreter is close by.** If it is possible to obtain the services of a certified interpreter in-person who is nearby, telephone interpreting should not be used.
- ⇒ **When there is intensive testimony or emotionally charged situations.** For witness testimony that may be lengthy or a contentious cross examination, telephone interpreting should be avoided.
- ⇒ **When the proceedings last longer than 15 minutes.** Lengthy proceedings can lead to interpreter fatigue, jeopardizing the interpreter's accuracy and potentially compromising due process rights of LEP individuals.
- ⇒ **When the proceeding involves many people.** Without the benefit of visual signs and cues, it can be difficult for an interpreter providing services telephonically to know who is speaking. If telephone interpreting must be used, speakers should identify themselves before speaking.
- ⇒ **During trials.** For criminal or civil proceedings the court may allow an interpreter to provide services for proceedings except for trials. See Wis. Stats. §807.14 and §967.09.
- ⇒ **Any time communication is difficult to establish adequately.** In situations involving children, people with mental illnesses, unsophisticated users of interpreter services, deaf-blind people, or people with profound speech or language problems, telephone interpreting is not appropriate.
- ⇒ **Any time the quality of interpretation would be compromised.**

HOW IS TELEPHONIC INTERPRETING USED?

In advance of the hearing, court should:

- ⇒ Determine interpreter's qualifications and existence of conflicts of interest
- ⇒ Make sure there are no dialectical or other language problems

- ⇒ Test equipment to ensure it is working properly
- ⇒ Send the interpreter copies of any pertinent documents he or she may need to review prior to the hearing (e.g. criminal complaint, information) since the interpreter will not have access to the court file since he or she will not be onsite.
- ⇒ Be clear about interpreter payment rates and policies

Immediately before the hearing, court should:

- ⇒ Allow time to do a “sound check” with the equipment and sound or video quality
- ⇒ Allow the interpreter a few minutes to establish communication before the hearing

During the hearing and on the record, court should:

- ⇒ Conduct a *voir dire* of the interpreter’s qualifications and check for conflicts of interest
- ⇒ Check to make sure everyone can hear
- ⇒ Speak clearly, slowly, and one at a time
- ⇒ Remind others in the room to be as quiet as possible and to speak one at a time
- ⇒ Tell speakers to identify themselves each time they speak so the interpreter can discern voices
- ⇒ Unless specialized technology is being used, most telephonic interpreting will be done consecutively. Court should direct parties to pause or speak in brief segments so interpretation can be rendered.

WHAT REQUIREMENTS ARE NEEDED?

- ⇒ Telephone with good quality speaker phone capabilities
- ⇒ A pre-established mechanism to allow attorney and client to consult privately (e.g. this may involve clearing the courtroom for a brief period of time or setting up a secondary phone line)

REIMBURSEMENT

Reimbursement for telephonic interpreting is the same as for in-person interpreters under Wis. Stats. §758.19 and §885.38

WHO PROVIDES TELEPHONIC INTERPRETING SERVICES?

For Spanish and other languages where certified interpreters are available, the court should contact these individuals directly from Wisconsin’s Roster of Interpreters or other Consortium states’ rosters. For rarer languages, many commercial language line companies offer telephonic interpreting services. Many companies may have their own system for certifying or qualifying interpreters. It is important for the court to conduct a *voir dire* on these interpreters providing telephonic interpreting to establish proper qualifications. See table below for suggested providers.

National Providers:	Website	Telephone
Language Line	http://www.languageline.com/	800.752.6096
Voiance Language Services (formerly Language Learning Enterprise, LLC)	http://www.voiance.com/	866.742.9080
Certified Languages International	http://www.certifiedlanguages.com/	800.225.5254
Optimal Phone Interpreters	http://www.optimalphoneinterpreters.com/	877.746.4674
Cross-Cultural Interpreting Services	http://www.heartlandalliance.org/ccis/	312.660.1300
Local Provider:		
SWITS	http://www.swits.us/	262.740.2590

Disclaimer: This list is provided for informational purposes only and is not exhaustive. Appearance on this list does not indicate the Wisconsin Director of State Courts endorses a particular company.

Resource: National Association of Judiciary Interpreters and Translators (NAJIT) Position Paper: Telephone Interpreting in Legal Settings 2/27/2009