

MANUAL FOR JUDGES  
AND OTHER COURT OFFICIALS  
WHO USE  
INTERPRETING SERVICES  
DELIVERED BY TELEPHONE

(See Directive #14-01)

Approved by the Judicial Council April 24, 2001

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## POLICY

The New Jersey Supreme Court has adopted the policy that the courts and their support services shall be equally accessible for all persons regardless of the degree to which they are able to communicate effectively in the English language. In order to complement the delivery of interpreting services which have historically been provided by interpreters who are physically present on site, the Administrative Council has approved a program<sup>1</sup> to deliver interpreting services to the courts and their support services by telephone.

Telephone interpreting services are to be used for two case types:

- (1) ***Emergent matters*** when no on-site staff or freelance interpreter is reasonably available; and
- (2) ***Short matters (non-emergent matters of thirty minutes duration or less)*** when no on-site staff or freelance interpreter will be reasonably available so long as it is more fiscally responsible to obtain the service by telephone than by bringing in an on-site freelance interpreter and the quality of the interpretation is not compromised.

The program for telephone court interpreting is grounded in the policy of the Judiciary articulated in *Guidelines for Contracting Free-lance Interpreters in the Superior Court* (March 9, 1995). The *Guidelines* provide that when no staff interpreter is available, the most qualified free lance interpreter available must be used. This means the Superior Court must use interpreters who are work either as staff court interpreters approved by the AOC or freelance interpreters approved by the AOC whenever possible, but allowing the use of other interpreters provided by agencies when no staff or registered freelance interpreter is reasonably available. Accordingly, this policy should be considered an extension of the policy articulated in the *Guidelines*.

Following the same hierarchy in the *Guidelines*, the Judiciary will obtain telephone interpreting services for the emergent and short matters indicated above according to the following sequence:

1. ***Full-time staff court interpreters.*** At the present time, this would include the following languages: Galician, Portuguese, Spanish, and Ukrainian.
2. ***Registered freelance interpreters.*** Telephone interpreting services which cannot be satisfied by full-time staff court interpreters will be obtained from registered freelance interpreters, if available.
3. ***Agencies.*** When neither a staff nor a registered freelance interpreter can provide the needed interpretation, telephone interpreting services will be provided as a last resort by a small group of agencies. Agencies are the last option because (1) they are the most expensive option and (2) they cannot guarantee they will provide qualified interpreters, which raises concerns regarding the quality of the interpreting delivered.

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<sup>1</sup>This Manual is based on Directive #14-01, *Operational Standards for Telephone Interpreting*.

## **LOCAL MANAGEMENT OF TELEPHONE INTERPRETING SERVICES**

Telephone interpreting services are coordinated the same as all other interpreting services. Except as may be otherwise provided within a vicinage, all arrangements for telephone interpreting flow through staff or designees of the Vicinage Operations Manager. If problems arise with a particular interpreter, they should be referred to the local coordinator of interpreting services.

### **TELEPHONE INTERPRETING PROCEDURE**

Once an interpreter has been connected by telephone to the courtroom or other location where the interpreting services are needed, judges and other court officials should strive to follow the pertinent parts of the procedure outlined below:

1.     **Swear in Interpreter**

Evidence Rule 604 requires interpreters to take an oath or make an affirmation, the same as is made by witnesses, and also to swear or make an affirmation or declaration to interpret accurately.

2.     **Put the Interpreter's Appearance on the Record**

Have the interpreter state and spell his or her name.

3.     **Determine Interpreters' Qualifications** (especially if using an agency)

Pursuant to Evidence Rule 604, determine whether the interpreter is qualified. A sample *voir dire* with questions judges may draw from is attached as Appendix A.

*Staff interpreters* should be presumed to be qualified.

*Freelance interpreters* obtained through the Registry may be presumed to be qualified, especially if they work in a language for which the AOC administers a test (Arabic, Cantonese, French, German, Haitian Creole, Italian, Korean, Mandarin, Polish, Portuguese, Russian, Serbian, Spanish, and Vietnamese).

*Interpreters from an agency* should not be presumed to have standard qualifications.

4.     **Provide Background to the Proceeding**

If the interpreter has not received background material on the proceeding in advance, the interpreter may ask the judge or other court official for a brief introduction to the case, *e.g.*, type of proceeding, names of the parties and attorneys, etc. The more information the interpreter has about the proceeding, the better prepared the interpreter will be to deliver a faithful and accurate interpretation.

5. **Explain the Process to the Party(ies)**

Communicating through interpreters is difficult in and of itself. When the interpreter is not physically present, the communication process is rendered even more complex and challenging. Experience has shown that the more care court officials take at the beginning to ensure that all the parties understand how the process will unfold, the greater the likelihood that the telephone interpreted proceeding will run smoothly.

Interpreters and managers who have worked closely with telephone interpreting have developed several statements and questions for the court official to use at the beginning of a proceeding. The judge or other court official should use as many as he or she deems appropriate, pausing after each one for the interpreter to interpret.

- (A) We are going to communicate through an interpreter who will be helping us by telephone.
- (B) The interpreter will interpret everything you say into English and everything I [we] say into [insert party's language].
- (C) The interpreter cannot participate in the conversation. The interpreter's only job is to interpret what each of us says.
- (D) If you do not understand something, ask me, not the interpreter. Please talk directly to me, not to the interpreter.
- (E) If you have a long question or a long answer, please pause frequently so that the interpreter can interpret everything accurately.
- (F) Please speak loudly and pronounce your words clearly so that the interpreter can hear you easily.
- (G) It may take longer to say everything you need to say through an interpreter. Please say everything you need to say.
- (H) If you have any difficulty hearing the interpreter or understanding me during this proceeding, please tell me.
- (I) Are you able to hear and understand the interpreter?

6. **Confirm that the Interpreter Is Ready**

The judge or other court official should ask the interpreter something like this:

[Madam/Mister] interpreter, are you ready to proceed? Are you hearing and understanding everyone adequately?

If the interpreter identifies any problems, the judge or other court official should do whatever is possible to address them. Most importantly, if it turns out that the interpreter is not qualified to interpret for this persons' language, it may be best to discharge this interpreter

and secure an interpreter for the correct language.

7. Conduct the Proceeding, Pausing for Consecutive Interpretation of Everything Said

In hearings before a hearing officer, many if not all of the steps may be the same, especially when those hearings are sound recorded. However, when interpreting for other events such as intake interviews and reporting sessions to Probation Officers, those environments are not formal, on-the-record events for which an oath or a voir dire of credentials will necessarily be required.

## HELPFUL HINTS FOR SUCCESS<sup>2</sup>

### *Facilitate Compliance with the Interpreter's Code of Professional Conduct by*

1. Speaking directly to the parties through the interpreter, avoiding such phrases as "Tell him...", "Ask him...", "Does he...", etc. Interpreters are required to be the voice of the speaker and are not allowed to rephrase or paraphrase.
2. Remembering that the interpreter is obligated to interpret everything that is said during the event, whether or not it is directed to the linguistic minority party or is considered essential or even important. Likewise, whatever the linguistic minority party says must be interpreted even when the presiding official may have understood it.
3. Ensuring that participants speak one at a time and at a moderate rate of speech. A concept expressed in one word in English may require a phrase or sentence in the other language!
4. Ensuring that all parties honor interpreter's requests for repetition or clarification.

### *Help Ensure that the Interpreter Can Hear Everything by*

1. Taking whatever steps may be necessary to see that all parties speak up so that they can be easily heard and understood by the interpreter.
2. Being alert to frequent requests for repetition or clarification as this may indicate that there is a problem with audibility.
3. Taking extra care to ensure that the room is free of noise.
4. Requiring that parties enunciate clearly and avoid mumbling.

### *Be the Interpreter's Eyes by*

1. Informing the interpreter of the names and roles of all participants.
2. Giving the interpreter enough information to understand what is happening in the room when there are interruptions, significant non-verbal activity, or long periods of silence.

### *Control the Flow of Communication by Ensuring that*

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<sup>2</sup>This text is based on a previous draft prepared by staff interpreters in Essex Vicinage.

1. Everyone keeps statements at a moderate length, neither too long nor too short. Pauses should be made at the end of sentences or at logical breaks in thought.
2. Ensure that speakers pause to allow for interpretation before responding to one another.
3. Only one person speaks at a time.

## **EQUIPMENT CONFIGURATION FOR TELEPHONE INTERPRETING**

When telephone interpreting is employed, the judge or other presiding official needs to make sure that the interpreter has no impediments to hearing everything that is said throughout the proceeding. The presumptive equipment configuration requires the following:

- PolyCom SoundStation speaker phone situated on the judge's or other court official's bench (or the equivalent).
- A microphone on each counsel table with wires connecting the microphones to the speaker phone.

Other configurations are possible so long as everyone participating in the proceeding can hear the interpreter without difficulty and the interpreter can hear all of the participants without difficulty.

For proceedings which may involve a confidential attorney/client consultation that requires interpretation, additional equipment is required. This set of equipment allows the judge or other court official to switch off the speakerphone when an attorney needs to have a confidential communication with his or her client. A diagram of this equipment and instructions for using it are provided at Appendix B. The only known alternative is to excuse the attorney and client for a few minutes so they can go to some other room where telephone interpretation can be provided.

When telephone interpreting is delivered in court support employees' offices, a standard speaker phone approved by the AOC should be used. The highly sophisticated PolyCom SoundStation is not required in this environment but certainly may be used.

## **HANDLING PROBLEMS DURING TELEPHONE INTERPRETED PROCEEDINGS**

Interpreters are required by the Code of Professional Conduct for Interpreters, Translators, and Translators approved by the Supreme Court to interpret everything that anyone says during a proceeding faithfully and accurately. When interpreting on site, the interpreter can use a variety of strategies for handling anything that arises which prohibits the interpreter from rendering a faithful and accurate interpretation as required by the Code of Professional Conduct. However, many of those strategies are not available to the interpreter working by telephone as they depend on one's physical presence, *e.g.*, using hand signals to direct a speaker to pause. Accordingly, it is sometimes more difficult to deliver interpreting services by telephone.

Staff and freelance interpreters have been trained to follow the general principles articulated below when anything happens which interferes with the interpreter's ability to interpret everything being

said accurately and faithfully:

1. **Get the presiding officer's attention.** First, the interpreter must say, e.g., "Your honor" or "Excuse me, your honor" to get the judge's attention. Interpreters are trained to seek resolution of problems through the judge, even if the problem is being caused by an attorney or a party.
2. **State the problem.** Interpreters have been trained to describe the problem for the judge or other court official as respectfully, succinctly, and clearly as possible. They are supposed to state exactly what is happening that is preventing them from doing the job they are sworn to do under the Code of Professional Conduct. The assumption is that the presiding officer will resolve the problem.
3. **When appropriate, suggest how the problem may be resolved.** If the problem persists, interpreters have been trained to restate the problem (perhaps using different words) and then offer a solution for the problem as succinctly as possible. Samples of this step are provided below as "Step 2."

Here are a few examples of some of the more typical problems that occur in telephone interpreting and with examples of how interpreters have been trained to handle them:

- |         |   |
|---------|---|
| Problem | The interpreter cannot hear a speaker (e.g., volume of interpreter's equipment is too low, speaker is not near a microphone, someone speaks softly, courtroom has poor acoustics, other noises/sounds drown out what was said, background noise such as shuffling paper, tapping on table, and clicking pens.<br>Step 1: "Your honor, the interpreter was unable to hear the last speaker."<br>Step 2: "Your honor, the interpreter is still unable to hear. Is it possible to instruct the defendant to speak louder?" |
| Problem | Two or more persons speak at the same time and the interpreter cannot hear what both said.<br>Step 1: "Your honor, the parties are speaking at the same time and the interpreter is unable to hear or interpret."<br>Step 2: "Your honor, the parties are still talking over one another. Is it possible to instruct them to speak one at a time?"  |
| Problem | A speaker talks in utterances that are too long.<br>Step 1: "Your honor, the parties are speaking too long for the interpreter's recall." or "Your honor, the interpreter is having difficulty recalling that much information."<br>Step 2: "Your honor, could the court instruct the parties to pause after each sentence or two?"   |
| Problem | A speaker talks in utterances that are too short.<br>Step 1: "Your honor, the interpreter is having difficulty because the speaker is pausing too frequently. Could the court instruct her to pause only after complete sentences?"   |



- Problem      The presiding officer is not permitting pauses for the interpreter to interpret everything being said during the event, *e.g.*, attorneys are talking to each other or to the judge and not pausing for interpretation
- Step 1:      “Your honor, the interpreter was unable to interpret because there was no pause between the question and the answer.
- Step 2:      “Your honor, the interpreter requests that the court instruct the participants to pause for interpretation before responding to one another.”
- Problem      Static comes on the telephone line or the connection is interrupted or terminated
- Step 1:      “Your honor, the interpreter was unable to hear because of static on the line.”
- Step 2:      “Your honor, the interpreter is still unable to hear because of static on the line. Could we hang up and get a new connection?”

## MONITORING AND EVALUATION

During the first several months when telephone interpreting is being implemented, a formal evaluation of the services will be conducted. At the conclusion of each telephone interpreted proceeding, the judge or presiding officer should ***fill out the evaluation form*** (see Appendix C for the draft available at the time this Manual went to press) and send it to the appropriate local court support staff person identified by the General Operations Manager. The form will come attached to a form already completed partially by a coordinator of interpreting services and should be left attached to that form.

**FOR FURTHER INFORMATION, CONTACT:**

The county's local coordinator of interpreting services; or

**Court Interpreting, Legal Translating, and Bilingual Services Section  
Special Programs Unit  
Programs and Procedures Division  
Office of Trial Court Services  
Administrative Office of the Courts  
P.O. Box 988  
Trenton, NJ 08625-0988  
609-984-5024**

## APPENDIX A

### SUGGESTED QUESTIONS FOR VOIR DIRE TO DETERMINE QUALIFICATIONS OF UNAPPROVED INTERPRETERS

#### Introduction

This model voir dire has neither been approved nor mandated in any way. Some judges have used it and found it helpful. It is cited for informational purposes only and judges are free to use all, some, or none of the questions.

#### **Knowledge of the Languages and General Education**

1. How did you learn English?
2. Have you formally studied the English language in school or college? Please describe if so.
3. How did you learn [insert name of the other language to be interpreted]?
4. Have you formally studied the [insert name of the other language to be interpreted] language in school or college? Please describe if so.
5. What is the highest grade or degree you completed?

#### **Interpreting and Translating Skills**

6. What formal courses or training have you had in the professions of interpreting and translating?
7. What specific courses or training have you completed in legal or court interpreting and translating?
8. Have you passed any accreditation or certification exams for interpretation or translation? Please describe if so.
9. Are you a member in good standing of any professional associations of interpreters or translators? If so, please identify them.
10. How often do you attend meetings, conferences, and other gatherings of professional interpreters and translators?
11. Have you read and understood the Code of Professional Conduct for Interpreters, Translators, and Translators? Do you agree to abide by that code and advise the court when you cannot abide by any particular provisions of it?

12. Have you ever been disciplined for conduct that violates a Code of Professional Conduct approved by the New Jersey Supreme Court, another state judiciary, or an association of professional interpreters or translators?
13. About how many times have you interpreted in a Municipal, Superior, or Federal court?
14. About how many times have you interpreted for depositions?
15. About how many times have you interpreted for administrative tribunals in the executive branch, such as a judge of Workers Compensation, an Administrative Law judge, or Federal Immigration?
16. Have you ever interpreted in proceedings like the one we are about to have? If so, about how many times?

#### **Conflicts of Interest**

17. Are you a potential witness in this case?
18. Do you know or work for any of the lawyers, parties, or witnesses in this case?

#### **Communicative Compatibility**

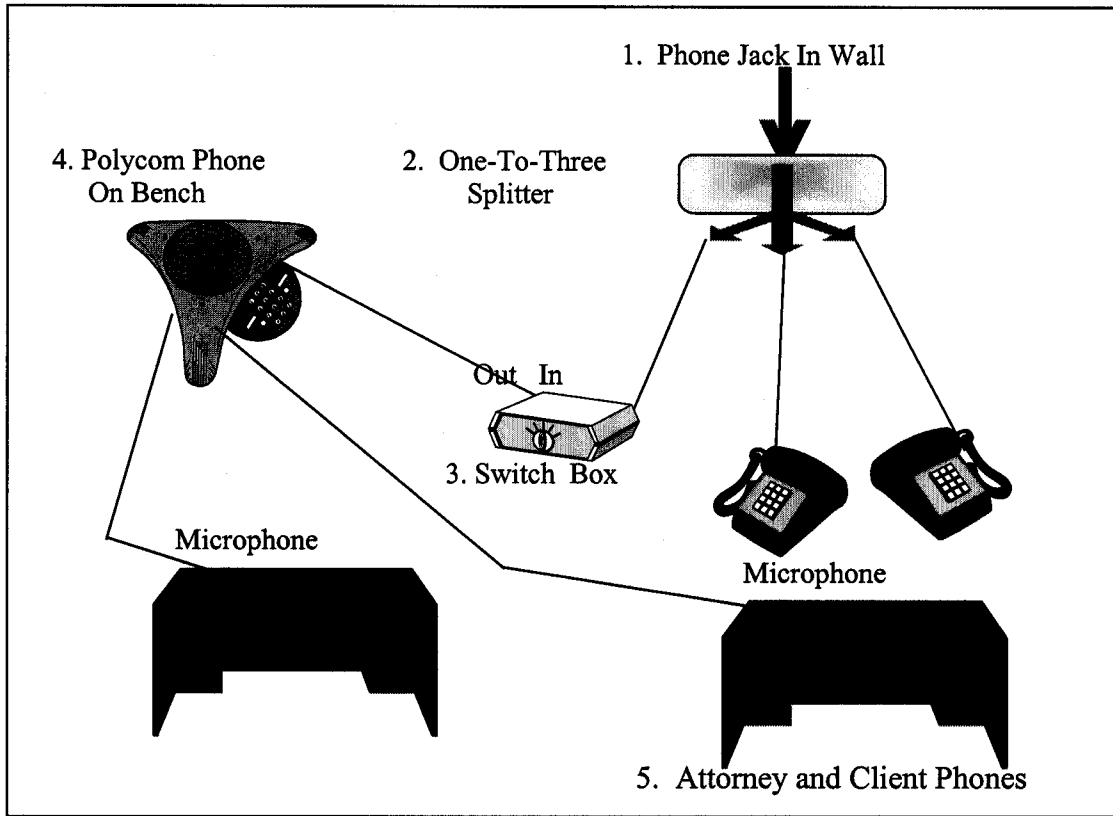
19. Have you had an opportunity to speak with the person for whom you will be interpreting?
20. Did you have any difficulty understanding everything that person says?
21. Do you speak the same language?
22. Does that person have any dialectal or idiomatic peculiarities that you do not understand or which you cannot interpret into English?

#### **Performance of Appropriate Interpreting Modes**

23. Tell me what simultaneous and consecutive interpreting are and when you should use them while interpreting court proceedings.
24. Can you interpret simultaneously into [name of language] everything that is said in English during this proceeding without adding, deleting, or changing anything?
25. Can you interpret consecutively from English into [name of language] and from [name of language] into English everything that is said without adding, deleting, or changing anything?

## APPENDIX B

### INSTALLATION DIAGRAM



To place a call in the **Public Conference Mode** (i.e., on the record):

1. Place the switch box to ON.
2. Turn on the Polycom phone.
3. Use the keypad on the Polycom to place a call.
4. When the call is made, you are in a Public Conference Mode.

To function in attorney-client **Private Conference Mode** (i.e., confidential, off the record):

1. At the point in which a Private Conference is to take place, the attorney and client must pick up the handsets on the phones in front of them on the counsel table. (Note: All three phones in the courtroom are now active.)
2. The clerk turns the switch box to the OFF position and the Polycom phone is no longer part of the conference. The system is now in Private Conference Mode.
3. When the confidential, private conference is concluded, the attorney must inform the clerk BEFORE the attorney and client hang up their handsets.
4. The clerk will turn the switch box to the ON position to activate all phones.
5. The attorney and client can now hang up their phones.

Should both the attorney and client hang up their phones before the switch box is placed to ON, the call will be terminated. If this occurs, redial the interpreter to resume the private conference or on-record proceeding.

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APPENDIX C

**TELEPHONE INTERPRETING EVALUATION FORM**

*To Be Completed by The Judge or Other Court Official  
Receiving Telephone Interpreting Service*

<b>Name of judge or other court official receiving service</b>	<i>(Please print.)</i>
<b>Title</b>	
<b>Time interpreter came on</b>	: <input type="checkbox"/> AM <input type="checkbox"/> PM
<b>Time interpreter went off</b>	: <input type="checkbox"/> AM <input type="checkbox"/> PM
<b>Was there any confidential attorney/client communication using the telephone interpreting service in this proceeding?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Which, if any, of the following problems occurred in this telephone interpreted event? (Check all boxes that apply with ✓ or X.)</b>	
<b>Audibility</b>	<input type="checkbox"/> Court/other user could not hear interpreter <input type="checkbox"/> Party could not hear interpreter <input type="checkbox"/> Interpreter could not hear party <input type="checkbox"/> Interpreter could not hear court official
<b>Technical Issues</b>	<input type="checkbox"/> Static on line <input type="checkbox"/> Problem with interpreter's phone <input type="checkbox"/> Problem with speaker phone <input type="checkbox"/> Problem with attorney/client line
<b>Protocol</b>	<input type="checkbox"/> Interpreter didn't follow instructions <input type="checkbox"/> Party was confused <input type="checkbox"/> Interpreter was not assertive enough
<b>Length of Party's or Attorney's Utterances</b>	<input type="checkbox"/> Phrases too short <input type="checkbox"/> Phrases too long (without breaks)
<b>Rate of Speech by Attorney/Party</b>	<input type="checkbox"/> Talked too fast <input type="checkbox"/> Talked too slow
<b>Interpreter's Qualifications</b>	<input type="checkbox"/> Had to do <i>voir dire</i> <input type="checkbox"/> Found interpreter to be unqualified <input type="checkbox"/> Had doubts, but used interpreter anyway
<b>Other</b>	Please specify.

<p><b>What comment or reaction, if any, did the party/attorney make or have about the interpreting service being provided by telephone? (Check one.)</b></p>	<p><input type="checkbox"/> No comment or obvious reaction  <input type="checkbox"/> No noticeable reaction in either direction; neutral  <input type="checkbox"/> Happy with the service or complimentary  <input type="checkbox"/> Somewhat unhappy with the service or hesitant  <input type="checkbox"/> Somewhat happy with the service or accepting  <input type="checkbox"/> Very unhappy with the service and very critical</p>
<p><b>In your opinion, how well did telephone interpreting service work in this case? (Check one.)</b></p>	<p><input type="checkbox"/> Extremely well  <input type="checkbox"/> More positively than negatively  <input type="checkbox"/> Mixed feelings and basically neutral  <input type="checkbox"/> More negatively than positively  <input type="checkbox"/> Not well at all</p>
<p><b>What concerns, if any, do you have about telephone interpreting?</b></p>	
<p><b>What suggestions, if any, would you offer to improve this service?</b></p>	

Please return this form to:

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