# Court Interpreting in New York

## A Plan of Action: Moving Forward

JUNE 2011

New York State Unified Court System

# PREFACE

**IN APRIL 2006, THE OFFICE OF COURT ADMINISTRATION** issued *Court Interpreting in New York: A Plan of Action*,[1] which set forth an ambitious plan for improving the quality and manner in which court interpreting services are provided in New York's courts. Over the past five years, much has been accomplished, and our court interpreting program is now stronger than ever before. New York continues as a leader among the state court systems in meeting the needs of persons with limited English language proficiency and those with hearing disabilities. Our interpreting program is larger in scope and more generous in its provision of services than in any other judiciary in the nation.

Yet, there is more that we can and will do to ensure that our courts are accessible to all. This report assesses what has been accomplished thus far, and what remains to be done. Most importantly, this report updates the Action Plan, and provides a road map for the future.

I am very pleased that, as we move forward, we will have the counsel and assistance of the newly reconstituted Advisory Committee on Court Interpreting, ably co-chaired by Justice Jeffrey Oing and Fern Schair, Esq. The Committee includes judges, court interpreters, representatives of a number of legal services organizations, and others with an expertise in interpreting issues and a strong commitment to improving access to our courts.[2] I am also pleased to have the guidance of the recently formed Judicial Advisory Council, which includes judges from all parts of the state. The Advisory Council's Committee on Facilities and Court Services has chosen to make court interpreting the very first issue it addresses.[3] I look forward to working closely with both the Advisory Committee and the members of the Judicial Advisory Council as we address the challenges ahead.

The economic circumstances that face the State and the court system are very different now than five years ago, when the Action Plan was conceived. Despite these difficult fiscal challenges, we remain fully committed to the principles and goals that gave rise to the Action Plan. Indeed, in these times of economic struggle, it is more important than ever that we redouble our efforts to ensure that the courts are open and accessible to all.

**Ann Pfau**
CHIEF ADMINISTRATIVE JUDGE
OF THE STATE OF NEW YORK

JUNE 2011

[1] For a copy of the 2006 *Action Plan for Court Interpreting* or for more information about interpreting services in the New York State courts, visit our web site at:**www.nycourts.gov/courtinterpreter**.

[2] The membership of the Advisory Committee on Court Interpreting is set forth in Appendix A.

[3] The membership of the Judicial Advisory Council's Committee on Facilities and Court Services is set forth in Appendix B.

# I. COURT INTERPRETING IN NEW YORK: The Challenge and the Commitment

**NEW YORK'S UNPARALLELED DIVERSITY** is one of our State's greatest strengths. At the same time, this diversity poses a challenge to assure that everyone can participate fully in our justice system, regardless of language or hearing capacity.

New Yorkers speak more than 150 different languages and dialects. More than 30 percent of New Yorkers — almost five million people — speak a language other than English at home. Last year, utilizing the services of more than 1,000 interpreters (approximately 300 staff and more than 700 per diem interpreters), the New York courts provided interpreting services in 105 different languages, primarily in Spanish, Mandarin, Cantonese, Russian, and Haitian Creole, but also in languages such as Khmer, Nepali, Pashtu, Swahili, Toisan, and Urdu. The relatively small number of people who speak these more obscure languages further complicates the challenge.

*Uniform Rules for N.Y.S. Trial Courts*

PART 217. Access To Court Interpreter Services for Persons With Limited English Proficiency

**§217.1 Obligation to appoint interpreter in court proceedings in the trial courts.**

(a) In all civil and criminal cases, when a court determines that a party or witness, or an interested parent or guardian of a minor party in a Family Court proceeding, is unable to understand and communicate in English to the extent that he or she cannot meaningfully participate in the court proceedings, the court shall appoint an interpreter. The court may permit an interpreter to interpret by telephone or live audiovisual means.

(b) A person with limited English proficiency, other than a person testifying as a witness, may waive a court-appointed interpreter, with the consent of the court, if the person provides his or her own interpreter.

**§217.2 Provision of interpreting services in clerk's offices.**

A court clerk shall provide interpreting services to a person with limited English proficiency seeking assistance at the court clerk's office in accordance with the needs of the person seeking assistance and the availability of court interpreting services. Such services may be provided by telephone or live audiovisual means.

Historical Note
Added Section 217 on Oct. 16, 2007.

The geographic dispersion of the need also compounds the difficulties. Court interpreting is not just a New York City — or even just an urban — issue. The need for interpreters arises every year, in every court in the State. There is a significant demand for services in rural areas, where the availability of services is significantly less, and the distances greater, than in more populous urban and suburban communities.

The New York courts responded to this already daunting challenge by commiting to provide interpreting services to a range of court users that is unmatched by any other judiciary in the nation. In 2007, the Chief Administrative Judge codified this policy of providing interpreting services to the widest range of court users possible — not only criminal defendants but also parties in civil cases, witnesses, and crime victims — by promulgating Part 217 of the Uniform Rules for NYS Trial Courts. Part 217 also expressly recognizes the need for interpreting services beyond the courtroom, and addresses the critical importance of providing interpreting services in clerical offices.

The challenge in New York is vast and complex, but we are committed to meeting this need. As discussed in the next section, significant progress has been made under the 2006 Action Plan, yet more remains to be done, and the final section of this report sets forth New York's updated Plan of Action for Court Interpreting.

# II. PROGRESS THUS FAR

**THE 2006 *ACTION PLAN FOR COURT INTERPRETING*** set forth a detailed program for improving interpreting services for non-English-proficient and hearing-impaired users of the NYS Unified Court System (UCS), in several areas:

- Enhanced **testing and assessment** of interpreters
- Improved **training** for interpreters, judges and court personnel
- Strengthened **administration and oversight** of the court interpreting program
- Expanded **community outreach and recruitment**

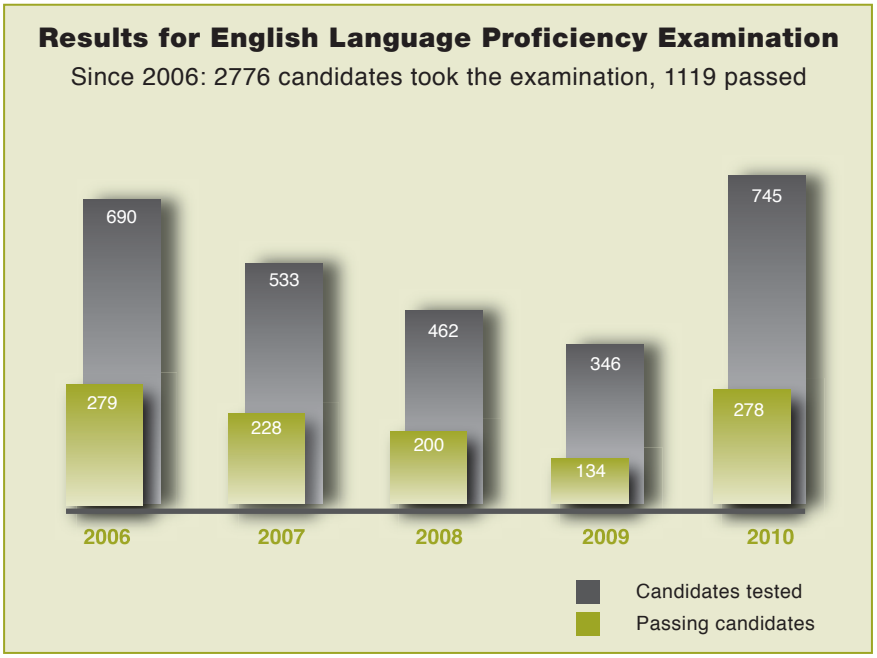
This section of the report summarizes the progress that has been made in these areas.

## TESTING AND ASSESSMENT:

Rigorous testing and assessment of prospective interpreters is the foundation of a high quality program. Under the Action Plan,

- All interpreters are required to take and pass a written English proficiency examination
- The number of foreign languages for which oral examinations are available has been increased
- The review of the professional credentials of prospective interpreters has been strengthened

From 2006–2010, more than **2700 interpreter-candidates** took the Written Test of English Language Proficiency. Typically, 40% of the candidates pass the examination on the first attempt.




The English examination is offered on a rolling basis, and more than 1000 applicants are scheduled to take this examination in June 2011, in locations throughout the state.

Effective January 1, 2007, interpreters who have not passed the examination are disqualified from providing interpreting services in the courts.

Candidates who are successful on the Written Test of English Proficiency are then required to take and pass an oral examination for the language or languages that they wish to interpret, if an examination is available. At the time the 2006 Action Plan was released, there were oral examinations in 12 languages. The UCS now offers oral assessment examinations in 22 lan-

guages: **Albanian**, **Arabic**, **Bengali**, **Bosnian/Croatian/Serbian**, **Cantonese**, **French**, **Greek**, **Haitian Creole**, **Hebrew, Hindi**, **Italian**, **Japanese**, **Korean**, **Mandarin**, **Polish**, **Portuguese**, **Punjabi**, **Russian**, **Spanish**, **Urdu**, **Vietnamese** and **Wolof**. These foreign languages account for more than 90 percent of the demand in our courts.[4]

Interpreters for languages that do not have an oral assessment examination are required to submit professional references and/or academic credentials to demonstrate their proficiency in the foreign language and in court interpreting. This information is reviewed and assessed by the Office of Court Administration's Office of Court Interpreting Services (CIS).

## IMPROVED TRAINING FOR INTERPRETERS, JUDGES AND COURT PERSONNEL:

### Interpreters

Court interpreting differs in significant ways from interpreting in other contexts. The court interpreter must, for example, learn the specialized vocabulary of legal proceedings, and understand the protocols of the courtroom, as well as the role that the judge, attorneys, witnesses, reporters, and other participants each play in that world. There are also ethical responsibilities and limitations that adhere in the courtroom, but perhaps not in a medical, business or other situation in which interpreters frequently work. Despite these unique demands placed on court interpreters, there was, prior to the 2006 Action Plan, no mandatory training required of all interpreters working in the New York courts.

Since 2006, more than 1000 interpreters, both staff and per diem, have completed a training program that covers such topics as an overview of the court system and its protocols, a discussion of various challenging scenarios that court interpreters often face, as well as practical tools, best practices, and methods for successful interpreting in the court setting. A major focus of the training is on the **Ethical and Professional Responsibilities** of court interpreters, as set forth in the NYS court system's **Canons of Professional Responsibility** for Court Interpreters. This training has been offered on a continuous basis since 2006, in locations throughout the state. Interpreters who have not completed the training are removed from the list of interpreters eligible for assignment in New York courts (see discussion of the e-scheduling system below).

In addition to this formal training for all court interpreters, CIS also meets regularly with Interpreter-Supervisors (Senior or Principal interpreters, as well as court staff in other titles who oversee the scheduling and/or assignment of interpreters for their court), to review issues and problems relating to the provision of court interpreting services.

### Judges

Training for judges on court interpreting issues has also been strengthened over the past five years.

The week-long orientation required of all new judges stresses the importance of interpreting services as an access to justice issue and reviews practical and logistical issues relating to

[4] In addition to the written English examination and the various oral assesments, the UCS offers, in a four-year cycle, a written and oral civil service examination in Spanish. In 2009, almost 2,000 candidates took this open-competitive examination.

working with an interpreter in the courtroom setting. This training also covers the procedures for raising concerns or problems with respect to court interpreting.

In addition, all judges have access to an **online instructional video** titled "Working with Interpreters" that provides guidance to judges and other court personnel, including an explanation of the interpreter's role in the courtroom. A **Benchcard for Judges** has also been distributed, which, in two pages, covers all aspects of working with an interpreter, including tips on assessing an interpreter's competency and the procedures for reporting concerns or problems.

THE NEW YORK STATE UNIFIED COURT SYSTEM

Working with Interpreters in the Courtroom

BENCHCARD FOR JUDGES

Persons with limited English proficiency and those who are deaf or significantly hearing-impaired face special challenges when they use the judicial system, and Court Interpreters serve a fundamental role in providing access to justice for these individuals.

WHO IS ENTITLED TO AN INTERPRETER?

IN NEW YORK STATE, PARTIES AND WITNESSES WHO ARE UNABLE TO UNDERSTAND OR COMMUNICATE IN ENGLISH OR CANNOT HEAR THE COURT PROCEEDINGS, are entitled to an interpreter at every stage of a proceeding, in all types of court cases. *(Part 217 of the Rules of the Chief Administrator of the Courts; 22 NYCRR Part 217; Judiciary Law §390.)* In addition, section 390 of Judiciary Law requires the provision of an interpreter for hearing-impaired victims and members of their immediate families in criminal cases.

A judge may presume a need for an interpreter when an attorney or self-represented party advises the Court that a party or a witness has difficulty communicating or understanding English, or that a party is deaf or significantly hearing-impaired. If a request for an interpreter has not been made, but it appears that a party or witness has limited ability to communicate or understand court proceedings in English, a judge should ask a few questions (on the record) to determine if an interpreter is necessary:

SAMPLE QUESTIONS TO ASSESS THE ENGLISH PROFICIENCY OF A PARTY OR WITNESS:

- What is your name?
- How comfortable are you in proceeding with this matter in English?
- In what language do you feel most comfortable speaking and communicating?
- Would you like the court to provide an interpreter in that language to help you communicate and to understand what is being said?

HOW DO I GET AN INTERPRETER FOR MY COURT?

Depending on your location, a court administrator, clerk or senior court interpreter is responsible for scheduling and assigning interpreters to the court. If there is no local interpreter available to appear in court, REMOTE INTERPRETING, by phone or video-conference from another UCS location, can be arranged.

HOW DO I KNOW IF THE INTERPRETER IS QUALIFIED?

The UCS uses two types of Court Interpreters:

(1) Staff Court Interpreter (UCS employee) or
(2) Per Diem Court Interpreter (freelancer) from the UCS List of Eligible Court Interpreters.

Foreign language interpreters from both groups have fully satisfied the court systems' language-skills screening process and assessment exams, as well as a criminal background check. Sign language interpreters are required to hold certification from the Registry of Interpreters for the Deaf, Inc (RID). The clerk or other court staff are responsible for confirming an interpreter's qualifications prior to scheduling the interpreter to appear in your court.

Occasionally, the court may need to call upon an interpreter who is neither a staff court interpreter nor a per diem interpreter on the List of Eligible Court Interpreters. Such interpreters should be used only on an emergency basis, if a staff or eligible per diem interpreter is not available, and if remote interpreting cannot be arranged or is not suitable for the proceeding. If the court is unsure of an interpreter's qualifications, the court should review the interpreter's credentials by asking a few questions:

SAMPLE *VOIR DIRE* QUESTIONS TO ASSESS COURT INTERPRETER QUALIFICATIONS:

- How did you learn English?
- How did you learn the foreign language or sign language that you will be interpreting today?
- What training or credentials do you have to serve as a court interpreter?
- How long have you been an interpreter?
- How many times have you interpreted in court?

ORKING WITH COURT INTERPRETERS:

interpreter. This question can eliminate potential conflicts or the appearance of impropriety.

SAMPLE INTERPRETER OATH:

"Do you solemnly swear or affirm that you will interpret accurately, completely and impartially, follow all official guidelines established by this court for legal interpreting or translating, and discharge all of the duties and obligations of legal interpretation and translation?"

ASSESS THE PERFORMANCE OF THE COURT INTERPRETER

A judge's observations can aid in the evaluation of an interpreter's performance. Accordingly, consider the following to determine if the interpreter is communicating effectively during the proceeding:

- Are there significant differences in the length of interpretation as compared to the original testimony?
- Does the individual needing the interpreter appear to be asking questions of the interpreter?
- Is the interpreter leading the witness, or trying to influence answers through body language or facial expressions?
- Is the interpreter acting in a professional manner?
- Is the interpretation being done in the first-person? For example, while verbally translating what is being said in court, the interpreter will relay the words as if he/she is the person speaking.
- If the interpreter has a question, does he or she address the Court in the third-person (*e.g. "Your honor, the interpreter could not hear the last question..."*) to keep a clear record)

*ter's performance, contact the Chief Clerk of the court. You may also 86-5630 or by e-mail: interpreter.complaints@nycourts.gov*

TE UNIFIED COURT SYSTEM

Working with Interpreters in the Courtroom

BENCHCARD FOR JUDGES

## Non-judicial personnel

Barriers due to language or hearing impairment can arise at any time, in any part of the courthouse. Therefore each court employee must know how to obtain appropriate assistance in meeting this need. For that reason, information about court interpreting is now provided in orientation sessions for all new UCS employees. In addition, recognizing the role that our court officers often play, especially in such courts as the Family Court, as an initial point of contact with the public, a unit on court interpreting services is an important component of the curriculum of the **Court Officers Academy**. All UCS personnel also have web-access to the "Working with Interpreters" video mentioned above. Managers from CIS have participated as faculty at **training seminars for clerks** from Supreme, County, Surrogate's, Family, Civil and Criminal courts, as well as Commissioners of Jurors - sharing information about interpreting services, the E-system, and remote interpreting. CIS staff also meets with court managers to address interpreting issues and questions.

## ADMINISTRATION AND OVERSIGHT:

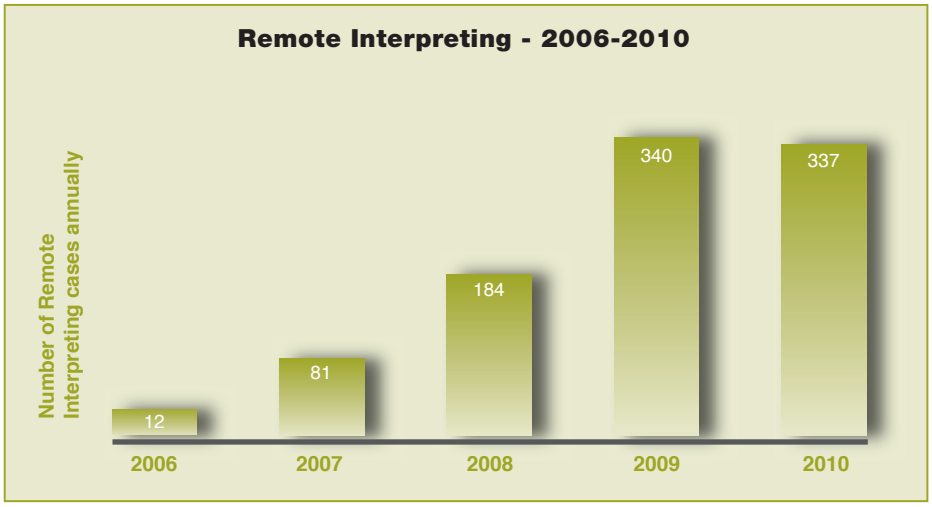
The management and oversight of the interpreting program has been significantly strengthened over the past five years. A central feature of the improved administration has been the statewide deployment of the **Electronic Scheduling System (E-system)** for the assignment of interpreters. Prior to the introduction of the E-system in 2006, courts used a paper list, "the Registry of Court Interpreters" that was provided by OCA, as well as informal lists of local interpreters for the various languages that were being used in their individual court. Court staff would then make phone calls to those on these lists when a need for an interpreter arose. The system was inefficient – there was no way to know whether an interpreter was available when needed – but more importantly the system provided no mechanism for ensuring that only qualified interpreters were used.

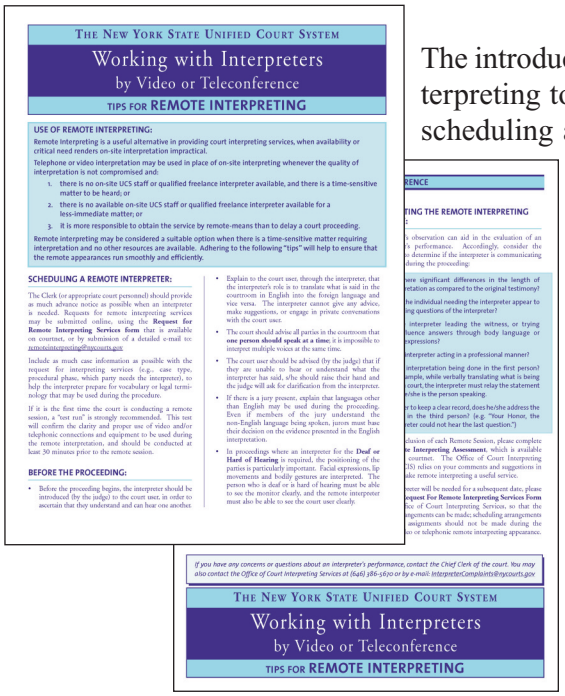
The E-system changed all of that – when the need for an interpreter in a particular language

at a particular place and time is entered into the system, the system immediately identifies an interpreter who is available at that time and place, and, very importantly, who is fully qualified, having passed all required examinations and taken the mandatory training. In addition to its role in individual assignment of interpreters, the E-system supports the administration of the program by producing various statistical reports that help to identify language trends and court needs.

Improvements have also been made in the provision of **remote interpreting** services. While on-site interpreting is generally preferred, in appropriate situations, telephone or video conference interpreting services, delivered by court interpreters who have met the UCS' language skills testing standards and training requirements, are suitable alternative methods to achieve the same goal.

The UCS began a statewide program for remote interpreting in mid-2005. The use of remote interpreting services has grown exponentially, from 12 cases in 2005 to more than 300 in both 2009 and 2010. Many times, the remote interpreter is a UCS-employee (staff interpreter), or a per diem who is paid by the court that requests the interpreter, at the standard half- or full-day rate, instead of incurring an interpreter's travel expenses to their (often distant) location, or being faced with delaying a case because they cannot find an interpreter. In addition to the cost factor, remote interpreting through the UCS program ensures that the courts are using interpreters who have met the established testing standards and training requirements. For many courts that do not have a sufficient population from which to draw qualified interpreters, or whose geographic location requires extensive travel time, remote interpreting has become an invaluable tool for meeting the interpreting needs, and for providing access to justice to all, regardless of what language the person may speak.





THE NEW YORK STATE UNIFIED COURT SYSTEM

Working with Interpreters
by Video or Teleconference

TIPS FOR REMOTE INTERPRETING

USE OF REMOTE INTERPRETING:

Remote interpreting is a useful alternative in providing court interpreting services, when availability or critical need renders on-site interpretation impractical.

Telephone or video interpretation may be used in place of on-site interpreting whenever the quality of interpretation is not compromised and:

1. there is no on-site UCS staff or qualified freelance interpreter available, and there is a time-sensitive matter to be heard; or
2. there is no available on-site UCS staff or qualified freelance interpreter available for a less-immediate matter; or
3. it is more responsible to obtain the service by remote-means than to delay a court proceeding.

Remote interpreting may be considered a suitable option when there is a time-sensitive matter requiring interpretation and no other resources are available. Adhering to the following "tips" will help to ensure that the remote appearances run smoothly and efficiently.

SCHEDULING A REMOTE INTERPRETER:

The Clerk (or appropriate court personnel) should provide as much advance notice as possible when an interpreter is needed. Requests for remote interpreting services may be submitted online, using the **Request for Remote Interpreting Services form** that is available on courtnet, or by submission of a detailed e-mail to: remoteinterpreting@nycourts.gov.

Includes as much case information as possible with the request for interpreting services (e.g., case type, procedural phase, which party needs the interpreter), to help the interpreter prepare for vocabulary or legal terminology that may be used during the procedure.

If it is the first time the court is conducting a remote session, a "test run" is strongly recommended. This test will confirm the clarity and proper use of video and/or telephonic connections and equipment to be used during the remote interpretation, and should be conducted at least 30 minutes prior to the remote session.

BEFORE THE PROCEEDING:

- Before the proceeding begins, the interpreter should be introduced (by the judge) to the court user, in order to ascertain that they understand and can hear one another.
- Explain to the court user, through the interpreter, that the interpreter's role is to translate what is said in the courtroom in English into the foreign language and vice versa. The interpreter cannot give any advice, make suggestions, or engage in private conversations with the court user.
- The court should advise all parties in the courtroom that **one person should speak at a time**; it is impossible to interpret multiple voices at the same time.
- The court user should be advised (by the judge) that if they are unable to hear or understand what the interpreter has said, s/he should raise their hand and the judge will ask for clarification from the interpreter.
- If there is a jury present, explain that languages other than English may be used during the proceeding. Even if members of the jury understand the non-English language being spoken, jurors must base their decision on the evidence presented in the English interpretation.
- 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 interpreted. The person who is deaf or is hard of hearing must be able to see the monitor clearly, and the remote interpreter must also be able to see the court user clearly.

*If you have any concerns or questions about an interpreter's performance, contact the Chief Clerk of the court. You may also contact the Office of Court Interpreting Services at (646) 386-5630 or by e-mail: InterpreterComplaints@nycourts.gov*

THE NEW YORK STATE UNIFIED COURT SYSTEM

Working with Interpreters
by Video or Teleconference

TIPS FOR REMOTE INTERPRETING

The introduction of technology such as the E-system and Remote Interpreting to courts in New York has made the process of locating, scheduling and paying interpreters more efficient, and reduced redundancy of tasks in these areas. These applications provide courts (and central Administration) with comprehensive information on interpreters where there was none previously, tools to ensure that this information is kept current and consistent, and a streamlined way to provide qualified interpreters to all courts that need them.

Progress has also been made in adding the need for interpreting **services outside of the courtroom**. The court system's information line (1-800-COURT-NY) has been upgraded to significantly improve service to non-English proficient callers. Access to Language Line, now available in many court locations, including HelpCenters, is another way in which the interpreting needs outside the courtroom are being addressed. In addition, numerous court documents have been translated in various languages (e.g., the Client's Statement of Rights has been **translated** into seven languages and is available online and in print). While much has been accomplished in this regard, there is much more to be done, and this will be an area of particular focus under the new Action Plan.

Improved administrative oversight of the interpreting program has also focused on **quality control**. Better testing and qualification assessment, a stronger training program, and an E-system that assigns only properly qualified interpreters are the foundation of an effective program of quality control. Yet there will always be issues relating to individual performance, and it is critical that there be an effective procedure for reporting, reviewing and acting on these issues. Toward that end, judges have been advised to report any problems or concerns about an interpreter's performance to appropriate local supervisor or to CIS. In addition, an online form is also available to anyone, including a member of the public, to expedite the reporting of a question, concern or complaint about an interpreter. This information is also in multiple languages in brochures that are available in all courthouses.

## COMMUNITY OUTREACH AND RECRUITMENT:

Outreach to the communities served, and community awareness of the services provided, are critical to a successful interpreting program.

As the need for interpreters continues to increase throughout the state, CIS has stepped-up efforts to recruit additional interpreters for all languages, including Sign Language. Over the past five years, CIS has participated in dozens of job fair events at colleges with foreign language programs, in geographic areas where there is a particular shortage and need for interpreters, and/or through partnerships with various community, clergy, and municipal organizations. In 2008, CIS introduced a recruitment campaign - "Be A Court Interpreter: Discover the Opportunities" - with the goal of expanding the court system's roster of foreign and sign language interpreters, who provide interpreting services in more than 100 languages

to an increasingly diverse population of court users throughout the state. The "Be a Court Interpreter" brochure and posters feature photographs of and testimonies from interpreters who are currently working for the NYS courts, conveying the crucial role that court interpreters play in helping court users to exercise their right to be heard in court, regardless of their language or hearing capacity. The recruitment materials have been widely distributed to colleges, public libraries, religious institutions, and in foreign-language newspapers, as well as to court facilities and jury offices. Announcements for court interpreter job opportunities are also posted on the courts' website: **www.nycourts.gov.**

With assistance from the UCS Office of Public Affairs, CIS also produced a Public Service Announcement (PSA) that has been played on radio stations during selected times since late 2007, based on a (no-cost) agreement with the NYS Broadcasters' Association. The focus of the ads was to raise public awareness of the need for court interpreters in New York, and to recruit additional interpreter candidates. In 2010, the City University of New York produced a program on its cable television network (CUNY-TV), that featured several NYS court interpreters and highlighted interpreting career opportunities, while raising awareness of the need for interpreters in the courts.

# III. NEXT STEPS

**SIGNIFICANT PROGRESS HAS BEEN MADE** in ensuring access to all regardless of English language proficiency or hearing capacity, but there is more to be done. As we move forward with the next phase of our Action Plan, the focus will be on the following four broad objectives:

- **ENSURING QUALITY** in all interpreting-related services
- **EXPANDING ACCESS** to interpreting services beyond the courtroom
- **ENHANCING OUTREACH** to the communities served, and
- **FOSTERING A TEAM APPROACH** to meeting these objectives

The specific steps that we will take to advance these goals are:

## Beyond the courtroom

While the proceeding before the judge is the primary focus in any case, there is much of significance that happens outside of the courtroom. Part 217 expressly recognizes that fact. The many potential points of contact between the courts and a person needing interpreting assistance make the provision of services outside the courtroom a difficult challenge. A number of steps have already been taken to meet this need, including the use of telephonic interpreting, bilingual staff (other than court interpreters), and court interpreters when they are not engaged in a courtroom assignment.

Steps that we will take to further improve access to services at clerks' counters, HelpCenters and other points of contact outside the courtroom include:

- Ensure that court staff **understand the importance** of providing, and know **how to obtain**, interpreting services at each point of contact with the courts
- Expand the use of **bilingual staff** for assisting court users outside the courtroom
- Continue to expand the availability of **telephonic interpreting** outside of the courtroom
- Standardize the protocol for **deploying staff interpreters** to non-courtroom assignments
- Increase the **translation** of documents, instructions, and frequently-requested materials, into as many languages as possible, **posting** the translated materials on the court system **website** **www.nycourts.gov** and **distributing** the materials in all court facilities

## Outreach

Many of those who need language services do not know that an interpreter can be provided to them at no cost—**outreach** is therefore critical. Outreach is also important to support the court system's recruitment of interpreters. To enhance outreach we will:

- Increase the **distribution and visibility** of posters, flyers and written information, in the most commonly spoken languages within NYS courts, to raise awareness of the **availability of free interpreting services**

- Strengthen **partnerships** with community groups, educational institutions and other organizations with an interest in interpreting and court access issues
- Broaden **community awareness** by means such as public service announcements and articles in community newspapers

## Testing and Review of Qualifications

Language-assessment examinations and a rigorous screening process are the foundation of a high quality program. To build upon the significant progress made in this area under the 2006 Action Plan, the following steps will be taken:

- To help candidates succeed on the language-screening examinations (and thereby increase the number of qualified interpreters available to the courts), UCS will develop **examination-preparation** materials and resources
- Review **reciprocity** provisions regarding acceptance of results of language examinations from the Consortium for Language Access in the Courts, federal courts and others
- The **criteria and process** for evaluating candidate **credentials** in languages for which there is no oral assessment examination will be evaluated for expansion or revision

## Training for Interpreters

All professionals need ongoing training to maintain and sharpen skills, and to keep current on emerging trends and new requirements. Interpreters are no exception. UCS will therefore take the following steps to further strengthen its training program for interpreters, both court staff and per diem:

- Develop **online training** programs for interpreters
- Increase the **diversity** of training programs
- Offer **language-specific** training programs
- Add **skill-based** components (e.g., improving memory retention for consecutive interpreting)
- Evaluate options for a **continuing education** requirement

## Oversight

Even the best testing methods and training programs cannot guarantee that an interpreter will always perform at the high level that is required in court. Close oversight is therefore critical. Feedback from judges, counsel, and others involved in a proceeding is an important component of oversight. Information on how to lodge a **complaint or concern** about an interpreter's performance is already posted on the court system's website[5], and within various informational materials that are available in the courthouse. To further enhance oversight, the following steps will be taken:

- Provide judges and court staff with **guidelines for assessing** an interpreter's perform-

[5] See: **http://nycourts.gov/howdoi/fileacomplaint.shtml**

ance, and how to **report a problem** if one occurs so that appropriate **corrective action** can be taken

- Increase the number of **supervisory site visits** to courts, to ensure that interpreters are properly fulfilling their vital role, adhering to the **professional standards** and ethical responsibilities to which they are obligated
- Incorporate issues that arise from complaints into **training** curriculum

## Remote interpreting

While in-person interpreting is preferred, remote interpreting is a useful alternative, especially for shorter appearances involving a language for which a qualified interpreter is not locally available. To ensure the high quality of interpreting services delivered remotely, the following steps will be taken:

- Expand **training** for judges and court personnel, on how to use remote interpreting effectively and when it is appropriate
- Ensure that the appropriate **equipment** (e.g., headsets) and **technical support** is available
- Encourage use of **video**, rather than telephone, for remote interpreting, when possible
- Provide guidelines for maximizing '**regional' remote interpreting**, such as **court-to-court remotes**, to save time and travel within a Judicial District

## Sign Language

Providing services to court users who are hearing impaired poses unique and specific challenges. To better serve this community the following steps will be taken:

- Review issues relating to the **recruitment** of sign language interpreters and develop a plan to increase the roster of qualified interpreters
- Re-assess standards for **qualification and credentialing** of sign language interpreters
- Provide **training** specific to sign language interpreting
- **Centralize the administration** and deployment of sign language interpreters to make more effective and efficient use of this resource

## Courtroom Team

A court interpreter does not work alone, but as a member of a team that includes the judge, court clerks, the reporter, court officers, attorneys, and other personnel. In order for this team to work effectively, each player must be aware of their role, and how it is tied to that of their teammates. The UCS will continue its efforts to educate all court personnel on the best practices for working with limited-English-proficient court users. Increasingly, this training will be offered online. Key steps that will be taken include:

- Re-distribute the **Benchcard** on *Working with Interpreters*, along with a reminder about **Part 217**
- Introduce on-demand **online training videos** for judges and non-judicial staff
- Distribute written materials, **guidelines**, and a **contact list** for obtaining assistance with interpreting issues
- Develop and post on the court system's web site **guidance** and **best practices** for **attorneys** on working with court interpreters and persons in need of interpreting services, as well as information on the process for submitting a complaint about court interpreting services
- Participate in **bar association meetings** to raise awareness of court interpreting services and to ensure that attorneys know how to work effectively with court interpreters

### Management and Planning

Administrative changes, including the statewide deployment of the e-scheduling system, have enhanced the provision of interpreting services. To further improve the effective management of this program and to ensure that services are provided in a timely and efficient manner, the following steps will be taken:

- Review **court calendars** to maximize the use of interpreters: where feasible, schedule multiple cases requiring an interpreter on the same day
- At the end of each court appearance at which an interpreter is needed, ensure that an interpreter is **scheduled for the next appearance** through the e-scheduling system
- **Flag dockets** to indicate when an interpreter will be needed, to facilitate advance scheduling
- **Call interpreter cases first,** so that the interpreter can be made available in other cases as quickly as possible
- Evaluate the feasibility of assigning cases requiring interpreting services to a **designated judge**
- Improve **inter-court coordination**, to make more efficient and effective use of available interpreters

## CONCLUSION:

**THE NEW YORK JUDICIARY** is committed to fulfilling the promise of equal justice under law. Achieving this goal requires that access to the courts not be impaired by physical, linguistic, financial or other barrier. The initiatives set forth above build upon the progress made under our 2006 Action Plan and will help ensure that New York continues as a leader in ensuring unfettered access to the courts.

## APPENDIX A

## UCS Advisory Committee on Court Interpreting

Hon. Jeffrey Oing, *Co-Chair*

Reema Abdelhamid, *Esq.*
Laura K. Abel, *Esq.*
Karen Ambrozik
Hon. John S. Balzano
Hon. Juanita Bing Newton
Eric Brettschneider, *Esq.*
Sandra Bryan
Pui Chi Cheng, *Esq.*
Barry Clarke, *Esq.*

Fern Schair, *Esq.*, *Co-Chair*

Beatrice Frank, *Esq.*
Jill Goodman, *Esq.*
Adriene Holder, *Esq.*
Hon. Pam Jackman-Brown
Michael Klein, *Esq.*
Gladys Maldonado
Jana Owen
Amy S. Taylor, *Esq.*
Dan Weitz, *Esq.*

## APPENDIX B

## NYS Judicial Advisory Council

### Committee on Facilities and Court Services

Hon. Miriam Cyrulnik, *Co-Chair*
Hon. Evelyn L. Braun
Hon. Deborah Dowling
Hon. Ruben Franco
Hon. Doris M. Gonzalez

Hon. W. Patrick Falvey, *Co-Chair*
Hon. David Kaplan
Hon. Dennis M. Kehoe
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