CIOL Guide to Video Mediated Interpreting (VMI) in Courts

Remote interpreting requires the right setup and an understanding of how both interpreting and court processes work to ensure it works safely. Following these best practices can help courts and interpreters prepare for and deliver more successful video remote interpreting.

Configuration: When all or some parties (including the interpreter) are remote:

1. Audio-visual factors

- The court needs to ensure that participants in a hearing have appropriate technical equipment, including reasonable internet connection speed, stable (cabled) internet connection, headsets etc., so that their audio and video feed is of a good and stable enough quality to enable interpreters to hear and see all participants.

- *Audio-only connections should be the exception in interpreter-assisted hearings.*

- A technical test to check the quality of the sound and video should be carried out as a routine before the hearing start. This is particularly important as interpreters need a very high quality of sound and video to be able to follow closely the original speech and to have access to non-verbal cues.

- Lighting from the front would help with the latter: participants should have a forward-facing light source so that facial features and expressions can be distinguished well by the interpreter.

- Noise: the parties should avoid background noise and rustling of papers close to the microphone or pouring water because this can make the interpreter miss out on important information.

2. Language/Communication aspects (including the Consecutive[1] mode)

- The names of all participants and their role should be displayed during the hearing or circulated in advance.

- Overlapping speech (court participants talking on top of each other) can pose problems for the interpreter and lead to information loss. Participants must be instructed to avoid overlapping speech and must be ready to repeat information if this occurs. Participants should also be instructed to allow a few seconds gap between interactions so interpreters can ascertain clearly who is talking at all times.

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[1]Consecutive interpreting means that the interpreter will listen to what the speaker is saying and convey the message into another language after the speaker has paused.

- When the interpreter works consecutively, they rely on the collaboration of the court participants in terms of their segmenting their speech and / or using regular and logical breaks. It would help if parties agree on visual cues for chunking. The interpreter or a third party can initiate this at the interpreter's request.

- Any legal documents read out loud can also pose problems as written text will have a more complex structure and higher information density than speech. The interpreter needs access to these documents in advance of the hearing. If this is not possible, such documents should be read at a slow pace, with logical pauses and appropriate intonation. It also needs to be borne in mind that some languages have a different structure and are wordier than English. When the document is read out, the interpreter needs to be given enough time to complete the interpretation of each segment/sentence, before moving on to the next sentence.

- Usually interpreters take notes, and this can become more problematic in a video conference as the interpreters will be splitting their attention between looking at their screen and at their notes. Any reference documents should therefore be shared in advance or on the screen. As a minimum, interpreters should be allowed extra time to take notes and consult them as they are interpreting.

3. Communication which includes Simultaneous interpreting[2]

- Not all configurations/platforms offer a separate communication channel for the other language (OL) speaker. Therefore, the interpreter cannot always work simultaneously. This should be clarified with the interpreter at the outset of the interpreted session Workarounds such as using another device, usually a mobile phone, so that the OL can hear the interpretation while someone else is speaking, easily lead to information loss, poor sound quality, microphony etc).

- If the interpreter is expected to work simultaneously, platforms supporting additional sound channels and simultaneous interpretation need to be used, and interpreters should be provided with additional training and should be given sufficient time to familiarise themselves with any new platforms.

- In the absence of such platforms, every speaker needs to pause for the interpreter in regular intervals so that the interpretation can be delivered consecutively.

- Proceedings involving an interpreter conducted via videoconferencing (VMI) will take longer than in-person court sessions.

4. Lawyer-client communication

- Platform settings may need to be adjusted or adapted to enable confidential lawyer-client communication to take place in a separate virtual space, and to be interpreted.

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[2]Simultaneous interpretation is the mode in which the interpreter lags slightly behind the source language speaker, interpreting the message into the target language at almost the same time as the original message is being spoken.

Not all platforms will easily enable breakouts and virtual spaces and practice and pre-testing may be required.

- Protocols need to be established to ensure that this communication can be translated/interpreted with the necessary quality and accuracy. In particular, where there are problems with simultaneous interpreting or the platform set-up, the Judge will need to instruct the court to pause for any such side conversations to enable these to be translated/interpreted.

5.   Breaks

- VMI like any remote configuration requires a lot of concentration, multitasking and adaptation to the context and platform. All of these factors will tax the interpreter's cognitive capacity, with many interpreters reporting that online hearings lead to significantly increased fatigue when compared to their face-to-face equivalent.

- More frequent breaks should be allowed. As a guide, breaks should be at least every 30 minutes when the interpreter works in simultaneous mode and every 50-60 minutes when the interpretation is consecutive.

- Interpreters should be consulted and allowed to negotiate their breaks, depending on the technical nature of the proceedings and the quality of sound. Interpreters should always be encouraged to ask for and take breaks.

6.   Good Practice/Process Management[3]

Before the hearing:

- Interpreters should be briefed before the session as to the type of hearing and the parties involved. Relevant documents should be made available to the interpreter (see above).

- Interpreters should be formally invited to introduce themselves and their role.

- The method of accessing technical assistance during the session should be clarified: for example, if there is a technological breakdown, how can parties re-join the session.

- Non-verbal cues for clarification / repetition or to highlight a technical problem should be agreed by the parties.

- The witness / victim / defendant should also be advised as to how they can intervene appropriately to avoid talking over the interpreter.

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[3]Guidelines for the judiciary, prosecutors, defence lawyers and police officers - AVIDICUS 2, EU Criminal Justice Programme, Project JUST/2010/JPEN/AG/1558, 2011-2013

During the hearing:

- It should not be left to the interpreter to manage the communication between languages/different speakers. The Judge (with the assistance of the usher) should oversee and assure this aspect of the proceedings as part of the Court's due process.

- Interpreters should be allowed sufficient breaks, when requested, to enable a consistent quality of communication (see above).

After the hearing:

- Feedback should be encouraged from the interpreter and from the other parties in relation to the use of the audio/video link and potential solutions or suggestions should be recorded and used as a basis for subsequent protocols / guidelines for interpreter-assisted audio/video hearings.

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