



National Association of Judiciary Interpreters & Translators
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In response to 'Invitation to comment SP21-01', the National Association of Judiciary Interpreters and Translators submits the following:

The Recommended Guidelines and Minimum Specification for Video Remote Interpreting (VRI) for Spoken Language Interpreted Events [Proposed Guidelines], provides informational background, stating that the goal of the Language Access Plan [LAP] is to increase qualified interpreter services, as well as the availability of language access services. This statement overlooks the fact that highly qualified certified interpreters and those providing services in languages of lesser diffusion may no longer be available to the courts because the Judicial Council has not updated interpreter compensation rates in over 15 years. The rates currently paid by the courts have not kept up with annual increases in the cost of living. As a result, independent interpreters are left with few options other than to travel long distances as a way of supplementing the low fees paid by the courts.

The court's initiative to save money by using remote interpreting and thereby eliminating travel costs for interpreters fails to address the real issue, of the low fees interpreters are being paid at this time. The effect of further reducing interpreters' income will be to have fewer interpreters available to the courts. This is the opposite of what the Recommended Guidelines and Minimum Specifications for Video Remote Interpreting intend to accomplish.

The Proposed Guidelines state that VRI will increase access to qualified (certified and registered) interpreters. Under California law, interpreters who provide services to the state's courts must be located or reside in California. Therefore, the argument that more interpreters will be available is not a factual statement. As a matter of fact, many interpreters of languages of lesser diffusion are finding it harder to remain available to the courts due to a shortage of cases and reduced compensation.

It is worth noting that remote interpreting is more difficult than interpreting in person, as it requires a higher degree of concentration; interpreters must deal with technological and cognitive challenges that are unique to remote interpreting. Additionally, it also requires a greater financial investment on the part of the contract interpreter, who needs proper equipment and connectivity to provide these services remotely. It is unconscionable for the courts to place the financial onus on the interpreter. In short, remote interpreting is a premium service, not a discount service, and should be compensated as such.

In terms of the Fiscal and Operational Impacts, any standardization of VRI efforts must also take into account international ISO standards regarding the sound quality needed for remote interpreting so as to protect interpreters from the effects of acoustic shock, as well as to maintain the requisite clarity of sound throughout every proceeding.

Paragraph 3 mentions the need for the interpreter to hear all parties but neglects to mention the quality of the audio input. There is equipment, such as external microphones and headsets with acoustic shock protection that are necessary to protect interpreters from suffering hearing damage or hearing loss. All court personnel involved in proceedings using VRI should have an ethernet computer cable connection rather than using Wi-Fi. They should also have external microphones, and not use the computer's integrated microphone. Sound quality is critical for VRI to be effective, and the microphones generally found in computers are not sufficient to provide interpreters with clear audio in order to interpret fully and accurately. Poor audio quality and sudden spikes in audio can cause lasting damage to interpreters. Additionally, sound that comes from holding facilities is even more problematic as connections over the phone have poor audio quality as well as the added concern of constant background noise and echo that distort sound. When sound quality is not clear, interpreters inevitably have to turn the volume up, which puts them at greater risk of hearing damage.

Page 8 of the guidelines, number one addresses the need to interrupt or clarify. Experience during the pandemic has shown that in hybrid environments, even with consecutive interpretation, if the parties are not all in the same virtual space (regardless of their physical location) and the interpreter is not on camera, there is little opportunity for the interpreter to interject or request that any of the parties pause to allow for interpretation. This is compounded by connectivity issues suffered by the judge or attorneys that may cause these interjections by the interpreter to not be seen or heard.

Page 8, paragraph 2 refers to lag time for interpreting and relay interpreting. It should be noted that none of the platforms in use by the courts at this time allow for simultaneous relay interpreting. Simultaneous relay interpreting is only available if interpreters have additional technology and training at their disposal or are physically at the same location. It is not always feasible to expect the interpreters to bear the burden of using additional technology rather than travel to one central location. Relay interpreting in the consecutive mode also requires that the LEP and all interpreters be visible to the court in order to signal if something is not working appropriately.

Paragraph 3 mentions the need of the interpreter to hear all of the parties but neglects to mention the quality of the audio input. External microphones and headsets with acoustic shock protection are necessary to protect the interpreters from hearing damage or hearing loss.

Paragraph 4 mentions that telephonic interpreting is less desirable than video conferencing. We concur. Telephonic Interpreting can be very confusing to the LEP listeners, who cannot distinguish the voices of the source language (SL) speakers since all they can hear is the voice of the interpreter. For telephonic Interpreting, interpreters must often identify the speakers, which is an added cognitive task that is very difficult to perform at high rates of speech.

Paragraph 5 mentions sight translation. Measures should always be taken by the courts to prevent interpreters from being alone with defendants or witnesses. This applies to breakout rooms as well. When sight translating documents, the party's attorney should always be present with the interpreter and the client.

Paragraph 6 states that the same rules for using qualified interpreters apply to assignments using VRI. This should also include the requirement to seek out and contract with interpreters locally, who live and work within the State of California.

Paragraph 7 refers to Data Collection, with Part C referring to Budget Change Proposals. As stated before, remote interpreting is more demanding and stressful than in-person interpreting. It also requires a substantial investment in equipment, long term contracts for high speed internet, and a dedicated space suitable for remote work. We must emphasize, for all these reasons, that VRI or remote interpreting is not a discount service but actually a premium service that must be compensated as such. The per-diem rate for remote interpreting should not be reduced, but, quite the contrary, it should be increased, particularly given the fact that the California Judicial Council per diem fees have not increased in more than 15 years. Any cost saving brought about by VRI should not be at the expense of those providing this premium service to the courts.

Visual/Auditory Issues -

1. Cameras focused on all stakeholders are essential both for the benefit of the LEP and the Interpreter, to allow everyone to identify who is speaking and read all visual cues. The interpreter and LEP need to be in view of all parties so that the interpreter or LEP can alert the court should any technological, terminological, or logistic issue arise.
2. Speakerphones are never an appropriate solution for any type of interpreted proceeding and are certainly not appropriate for simultaneous interpreting due to their very poor sound quality and logistical unsuitability for interpreted events.
3. The devices mentioned in paragraph 2, tablets and smartphones, should be emergency solutions only and not part of any permanent remote interpreting solution to be implemented by the courts. Wi-fi connectivity on tablets and smartphones can be unstable. Additionally, the smaller screen on these devices does not allow the parties to see all participants at one time, placing the interpreter and everyone else at risk of missing important information. The proper equipment for remote interpreting is a computer with an external microphone and hard-wired ethernet connection.
4. It is not enough to ask participants to speak clearly and in short sentences. The interpreter must have access to visual cues and have the leeway to ask for pauses and repetitions when needed.
5. We must emphasize that built-in microphones--microphones integrated to the computer's hardware--are not a permanent solution for remote interpreting. Just as courtrooms have dedicated microphones, participants who connect on a video conferencing platform must have high quality microphones. The difference between "fifteen" and "fifty", "can" or "can't", for example, can be easily obscured by bad audio.

Appendix A mentions providing LEPs with a phone number to call in order to participate in court proceedings. The use of a telephone for interpreted proceedings should be limited to very brief matters only. Trying to allow simultaneous interpretation over a phone with no visual cues puts

the burden on the interpreter to identify all speakers or juggle multiple devices which negatively affects the interpreter's focus on the actual interpreting of proceedings.

The suggested scenarios for hybrid situations also demand that attention be given to details, such as the interference a courtroom's PA system may cause to a participant's device also located in the courtroom. The best practice is for participants' devices to be hard-wired (ethernet-connected) computers with an external headset and integrated noise-cancelling microphone. The interpreter should be visible to the court and the LEP, and the LEP should be visible to the interpreter. The best solution in hybrid situations is to have all parties connected to the same digital platform so that everyone is in the same digital space.

Remote interpreting is undeniably playing a critical role in providing LEPs with language access to the judicial system during the pandemic and should be used with a clear understanding of the technology and working conditions that must be in place for interpreters to provide services that approximate the quality of interpreting services rendered in person. This cannot be accomplished without making investments in both the technology needed and the professional interpreters who provide the vital link between the court and the people of limited English proficiency it must serve.

The Board of Directors
National Association of Judiciary Interpreters and Translators (NAJIT)