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Remote Interpreting From the Eyes of the Interpreter

By Ody Arias & Jorge Bonilla

Technology has always been an integral part of simultaneous courtroom interpretation, from its inception during the Nuremberg Trials (which juggled four languages) to present day. Cash-strapped courts are increasingly reliant on technological advances as they seek ways to bridge the gap between due process requirements of ever-growing dockets and the stark realities of today's budgetary constraints. Florida's Ninth Judicial Circuit is no exception, and is well on its way to revolutionizing the manner in which court interpreting is practiced.

In sunny Central Florida, the Ninth Circuit has found a way to implement a creative and efficient solution for providing interpreting service to its multiple courtrooms and courthouse locations. The Ninth Circuit's population, unique demographic mix and multiple courthouse locations require an innovative approach to the manner in which interpreting services are provided. In addition to its two main county courthouses, it serves three outlying court venues, a large juvenile center, and two county jail facilities. These are challenging times, and the Judiciary is not exempt from the harsh realities of contemporary economics.

A non-English speaking defendant has rights protected by the Constitution—rights that are not contingent on the fiscal condition of the State. It is therefore necessary to adapt to these realities, and seek ways to remain ahead of this demand curve. The Ninth Circuit has developed a multi-platform approach which holds the promising possibility to revolutionize, for the entire State, court interpreting services.

The Ninth Circuit, under the leadership of Chief Judge Belvin Perry, has conceived, designed, tested, and deployed a remote interpreting system. Currently interpreting services is provided in courtrooms where a live interpreter might not be readily available.

Through closed-circuit (as well as Internet cloud-based) video over telephone lines, staff interpreters are able to view the proceedings via monitors, and facilitate direct communication with court participants. Interpreters are able to listen to court proceedings remotely via headsets which are connected to the courtroom's own audio feed. They can close the system to facilitate impromptu attorney-client conferences and render responses to the presiding judicial officer via the courtroom public-address system. This revolutionary two-way interaction has afforded the Ninth Circuit the ability to expand on its highly successful remote program. Soon the Ninth will be sharing

resources and know-how with neighboring circuits in an effort to expand the program and share resources intra-State-wide.

In the Ninth Circuit, over 90% of the cases are resolved through some sort of plea arrangement or court-ordered diversion. Interpreting for this caseload consists of short hearings, usually less than ten minutes each. These short appearances can easily be handled by the remote interpretation systems. The practical aspect of this new technology means more efficient allocation of interpreters and administrative resources. The cost savings over time from improved efficiency will far exceed the initial cost of implementation. The new technology has also been shown to provide a dramatic reduction in the delays and continuances that typically result when an interpreter is not readily available in the courtroom.

Perhaps the biggest gain to come through remote interpreting technology is that it will provide access to certified interpreters where there may previously have been none. Greater access to certified interpreters also brings certainty that the record will be properly preserved. Justice is served, and the values of our society are upheld when all persons can be assured of the preservation of their Constitutional rights, even those who may not speak the English language.

From the interpreter's perspective, remote technology is a net positive. First and foremost, remote technology allows for greater coverage possibilities, particularly in places where none previously existed. Therefore, certified interpreters will no longer be constrained by geography. This will result in a greater demand for interpreting services, particularly from jurisdictions where there was no prior access to certified interpreters. In many cases, interpreters working via remote will also have immediate access to the Internet, which provides for quick and seamless solutions when faced with an unfamiliar term.

There are two particular cases that come to mind, with outcomes that were dramatically impacted by the lack of access to a certified interpreter. In Reynoldsburg, Ohio, a botched interpretation recently led to the suppression of all evidence obtained (including a partial confession) during a police interview conducted with the suspect via telephone. Left with virtually no evidence with which to move forward, the prosecution had no choice but to drop the case. In issuing this suppression ruling, the judge found that the interpreter improperly rendered the Miranda Warning, leaving out the defendant's right to end the interview at any time. That interview yielded the name of a

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second suspect, who is at large. The initial suspect is currently in custody on an ICE hold, awaiting deportation. In this instance, Remote technology would have facilitated access to a certified interpreter, which greatly increases the likelihood of properly rendering the Miranda Warning as well as any other proceeding. It should be noted that with regards to certification, Ohio and Texas are both Consortium states. Given that the defendant was in Texas at the time of the phone interview, a certified interpreter could likely have assisted remotely if none was available to the Reynoldsburg Police Department.

In Volusia County, Florida, the opposite happened. In 2006, a defendant pled no contest to aggravated theft of a dump truck, with the assistance of an interpreter. Said defendant was subsequently sentenced to 15 years in state prison, followed by 15 years of probation. Unfortunately, the defendant thought he was pleading to misdemeanor theft of a toolbox, and was expecting to be sentenced to probation. The defendant's outburst at sentencing led to a forensic review of the trial audio and transcripts by a Tampa-based interpreter with Federal Certification. It was then determined that the interpretation was deficient to the point that, according to the reviewer, the defendant was lucky to get 5 per cent of what was said during trial. Subsequently, the judge vacated the plea deal and ordered a new trial. Since then, Volusia County reviewed its court interpreter policy, and took steps to ensure that it only hires certified interpreters.

The preceding cases are examples of what goes wrong when jurisdictions are forced to rely on non-certified interpreters, yet, they also represent opportunities to grow, and to innovate. They represent a glimpse into the salutary effects of expanded remote access on our court systems, and the potential opportunities for certified court interpreters (and jurisdictions) willing to embrace remote interpreting.

The broadening of coverage net is mutually beneficial. Jurisdictions with no natural access to certified court interpreters have the most to gain. Demand for certified interpreters will follow access. In return to accessibility, the interpreting profession will undergo much needed recognition and respect.

No longer will courts be forced to grab any bilingual individual to assist in court interpretations due to lack of qualified services. It is out of inaccessibility that the interpreting profession is not accredited and respected as it merits. With remote interpreting, these discrepancies will dissipate. Only with the revolution of remote access will interpreters be monetarily compensated according to credentials just like any other profession.

Nationwide, caseloads and coverage mandates are increasing,

yet tax revenues and state budgets are decreasing. It is therefore only natural for courts to look towards modern technology to help close that gap. There are those skeptics who will doubt that these technologies can be implemented successfully on a larger scale. They are to be reminded that the World was once thought flat, Man would never fly, and telephones would not fit in a pocket. Rather than fear technology, let us embrace it, master it, and harness it for the betterment of society. With successful implementation of remote interpreting, the court interpreting profession will become more accessible, competent, respected, recognized, resourceful and efficient.



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New Technologies Available for Interpreter Use

By Ron Olson

In a setting where only one language is spoken, every environment has its own set of unique words and ways of using the words with special meanings. An outsider to the world of mathematics, for example, has difficulty understanding when a group of mathematicians start to “talk shop” among themselves. Outsiders to the group feel like they do not belong just because of the inside lingo that keeps them from understanding what is going on. The challenge to work as an interpreter in an environment beyond ones normal *ambit* may seem insurmountable, because we know that an interpreter’s vocabulary ought to be as large as the person for whom he or she is interpreting. How can we possibly meet the challenge?

Knowing all is beyond our grasp, so what is an interpreter to do? We must constantly be building our vocabulary in every possible way. Even so, wherever we work, we will come across something new. There will always be a need to instantly find new words. Pushing a shopping cart of dictionaries from job to job is tiresome, to say the least. No matter how many dictionaries we carry, the one we need is always on the shelf at home or on loan to a colleague. Some of us have recently been using a technological solution that I’d like to share.

During a trial, there is usually a place where the interpreters are able to sit, keep their dictionaries and pass notes to each other when the person who is “on” struggles for the perfect word. If possible, setting up a laptop at that table gives easy access to dictionaries, and keeps the interpreters from having to shuffle through a pile of books to find the perfect word. At a recent trial, there was a lot of testimony by expert witnesses about the mechanics of a shotgun, about DNA, and about blood splatter evidence. I had my laptop on, with The Interpreter’s Companion loaded in Adobe format. When we heard the word “tang” used as a part of a shotgun (By the way, the firearms expert didn’t know the word, and the defense attorney was trying to impress with his knowledge about guns.) I was able to do a search in Adobe, and came up with the correct word within a few seconds. I also had the Real Academia Spanish dictionary loaded and ready, a good English dictionary, a medical dictionary, and several bilingual glossaries ready to quickly look up any word. It would have been even better if there had been WIFI available, because then we could have searched WORDREFERENCE.COM and quickly locate many dictionaries (not only Spanish!). You can also access on-line-court interpreter glossaries. At the same time, an open laptop is an easy place to keep a running list of words and expressions heard during a trial so as to come up with a working glossary for the case.

Another great technology for interpreters is a good PDA. There are a number of dictionaries and readers to go with them at websites such as POCKETPC.COM or MOBIPOCKET.COM. Considering the amount of money that interpreters generally spend on heavy paper volumes, electronic dictionaries are a bargain. They are as on hand and available for research as your phone! And if you are good at doing things simultaneously, you may even be able to look up a word as you interpret. If your PDA is also your phone, you have to carry it anyway. Don’t forget, however, to check with the rules of each place in which you work; there are some places where cell phones are very strictly forbidden.

Recently a great electronic resource for interpreters has become available at a reasonable price. It is the electronic book. I use a Kindle, which is connected commercially to Amazon, but any reader can serve this purpose for an interpreter. Dictionaries and reading materials are available in any language. If I carried Harrap’s Bilingual Dictionary with me to every courtroom, my back would always be sore. But on my Kindle, I can look up a word in about 15 seconds, and have a very good dictionary at the same time. Unlike a dedicated electronic dictionary, which can be useful as well, a reader allows you to choose which reference books you have at hand.

If possible, try using technology in this way. And as you find good electronic aides, please share them with your colleagues. We can all do a better job as interpreters, by sharing our resources and practices with each other.

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