

Telephone Interpreting Best Practices

When interpreters are not readily available, interpreters may be appointed to serve by telephone primarily for brief, non-evidentiary hearings.

✓ **In Civil Court:**

Pursuant to Wis. Stat. 807.14, on request of any party, the court may permit an interpreter to act in any civil proceeding **other than trial** by telephone or live audiovisual means.

✓ **In Criminal Court:**

Pursuant to Wis. Stat. 967.09 Interpreters may serve by telephone or video on request of any party, the court may permit an interpreter to act in any criminal proceeding, **other than trial**, by telephone or live audiovisual means.

When appointing an interpreter to appear by phone, the court has to make sure the following requirements are met:

1. A qualified interpreter as defined in Wis. Stat. 885.38(1)(c) is appointed;
2. The equipment used ensures clear communication for all the participants;
3. Attorney-client communications are interpreted confidentially;
4. Written documents are read aloud clearly for the interpreter to render an interpretation;
5. The proceedings are recorded.

Best Practices

Before the hearing

Select a certified or authorized interpreter from the Wisconsin roster:

<https://www.wicourts.gov/services/interpreter/search.htm>

- Interpreting over the phone is much more difficult than in-person interpreting. It is important to appoint an interpreter with extensive court experience to minimize the risk of omissions, additions, and misinterpretation due to the lack of visual cues, poor sound, and lack of familiarity with the case.
- Provide the interpreter with case information including but not limited to the case name and number, name of the judge, prosecutor, defense attorneys, and copies of documents to be discussed such as criminal complaints, information, police reports, etc.
- Sometimes the language required is a language without certification. If the interpreter is not "Certified" or "Authorized" by the Court Interpreter Program, send the interpreter a copy of the Code of Ethics for Court Interpreters: <https://www.wicourts.gov/services/interpreter/ethics.htm>

Immediately before the hearing

- Allow time to do a "sound check".
- Allow the interpreter a few minutes to establish communication before the hearing.

During the hearing

COURT:

- If the interpreter is not certified or authorized, conduct a voir dire of the interpreter's qualifications and check for conflicts of interest. Refer to the Bench Card to qualify and swear-in the interpreter.

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- Give the interpreter explicit permission to interrupt. Provide examples of when the interpreter may interrupt the proceedings such as when parties speak at the same time or the interpreter is unable to hear what is being said.

In addition, the Court must ensure that all participants:

- Position themselves close to the phone or microphone,
- Identify themselves each time they speak so the interpreter can discern voices.
- Pause for consecutive interpretation to allow interpreting of each statement.
- Speak clearly, slowly, and one at a time.
- Eliminate background noises.

After the hearing

Check in with the interpreter and courtroom participants to see how things went. This will allow you identify issues and implement remedial actions for future hearings.

When should telephonic interpreting be used?

Rare languages: Oftentimes, states do not have access to local interpreters of languages of limited diffusion, and the only way to secure an interpreter is through a remote appearance by phone. In addition, interpreters can be used by telephone as part of a relay interpreting team. For example, for indigenous Central American languages, the courts may be able to locate an interpreter remotely who speaks the indigenous language and Spanish and pair the interpreter with a certified interpreter who speaks Spanish and English.

Short and non-evidentiary proceedings. Telephonic interpreting is best suited to short proceedings under 15 minutes such as arraignments, initial appearances, scheduling or status conferences.

No certified or qualified interpreter is available in-person. Interpreters may be needed for emergencies or on short notice, and the only way to secure an interpreter is through telephonic interpretation.

Conflict of interest. Many immigrant communities are also small linguistic communities. An interpreter may disclose an existing family, social or professional relationship with an LEP individual which may compromise the neutrality of the proceeding. Therefore, it may be necessary to use a neutral interpreter by phone to avoid the perception of a conflict of interest.

At the clerk's counter. At times LEP individuals will show up at the clerk's counter to pay a fee or file a document. Telephonic interpreting services may be a good resource for these types of short notice encounters.

Telephonic Interpreting Companies

Telephonic interpreting companies can be very convenient, but the interpreters on the line are almost always non-certified or authorized. These interpreters may have little or no court experience or knowledge of court-specific terminology and procedures.

Interpreters booked through telephonic interpreting companies such as Language Line, Globo, Propio, Boostlingo, etc., could be helpful for short customer service conversations. If you use one of these companies, you must keep the language as basic as possible. These companies should not be used for court proceedings unless the court has made reasonable efforts to locate a qualified interpreter and all of the options have been exhausted.