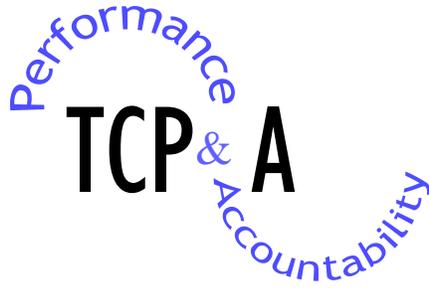


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July 22, 2016

The Honorable Jorge Labarga  
Chief Justice, Supreme Court of Florida  
Supreme Court Building  
500 South Duval Street  
Tallahassee, Florida 32300

Dear Chief Justice Labarga:

The Supreme Court directed the assessment of remote interpreting and associated new operational provisions through Administrative Orders AOSC11-45 and AOSC14-40. Through these directives, a joint workgroup, with cross-over membership from the Trial Court Budget Commission's (TCBC) Due Process Technology Workgroup, the Court Interpreter Certification Board, and the Commission on Trial Court Performance and Accountability (TCP&A), was established to make recommendations on the business processes associated with sharing remote interpreting resources via the assisted use of technology.

The net result of this effort is *Recommendations on Shared Remote Interpreting Services in Florida's Trial Courts*, attached, which provides six recommendations in support of the efforts of the Florida State Courts System to improve access to qualified interpreter services. These recommendations include: 1) Establishment of a statewide pool of court interpreters that are certified in accordance with the Florida Rules for Certification and Regulation of Spoken Word Language Court Interpreters; 2) Establishment of statewide education and training provisions on virtual remote interpreting (VRI); 3) Requirements for each interpreter participating in the statewide pool to track VRI events by entering information into a local system; 4) Allowance for interpreters to take an oath administered by the presiding judge that would remain valid as long as the interpreter is employed; 5) Establishment of a governance committee to make recommendations to the

Chief Justice Labarga

July 22, 2016

Page 2

TCP&A, the Court Interpreter Certification Board and the TCBC regarding management and oversight issues of the statewide pool; and 6) Authorization of the Governance Committee to monitor funding needs of the circuits and make recommendations to TCBC.

These recommendations were approved by the TCP&A in January 2016, the Court Interpreter Certification Board in April 2016, and the TCBC in June 2016. We now submit the report to the Court, in the hopes that these recommendations, if approved, provide the foundation for supporting shared remote interpreting services throughout the trial courts. Also attached to this letter of submission are letters from the chairs of the Board and the TCBC offering comments for consideration in the use of VRI and in implementation of the report's recommendations.

On behalf of the TCP&A, the TCBC, and the Court Interpreter Certification Board, thank you for the opportunity to present this information to the Court. If you should have any questions or if we may be of further assistance, please do not hesitate to contact me.

Sincerely,



Diana L. Moreland

DLM/ml

Enclosures

cc: Justices

Ms. PK Jameson, State Courts Administrator

Judge J. Kevin Abdoney, Chair, Court Interpreter Certification Board

Chief Judge Robert Roundtree, Jr., Chair, TCBC

Thomas A. Genung, Chair, Shared Remote Interpreting Workgroup



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May 16, 2016

Mr. Thomas A. Genung  
Trial Court Administrator  
Nineteenth Judicial Circuit  
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Port St. Lucie, Florida 34986

VIA U.S. MAIL and ELECTRONIC MAIL ([genungt@circuit19.org](mailto:genungt@circuit19.org))

**RE: RECOMMENDATIONS ON SHARED REMOTE INTERPRETING SERVICES  
IN FLORIDA'S TRIAL COURTS - REVISED**

Dear Mr. Genung:

On behalf of the members of the Court Interpreter Certification Board (Board), I would like to express our deepest appreciation to the Shared Remote Interpreting Workgroup (Workgroup) and to those involved in the 2014 Virtual Remote Interpreting (VRI)/Shared Remote Interpreting (SRI) pilot project for their thorough study of the issues relating to SRI in Florida's trial courts. The Workgroup's report and recommendations, as you know, were considered by the Board at its in-person meeting conducted on April 7, 2016. Ultimately, members in attendance voted unanimously to approve the six recommendations contained in the report.

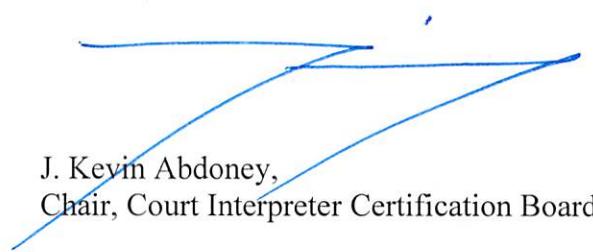
Notwithstanding, several members have expressed various concerns relative to the extent to which VRI/SRI is appropriately relied upon to deliver interpreter services in Florida's trial courts. These members, to varying degrees, hold an opinion that the quality of interpretation suffers when remote technology stands between the interpreter and other court participants. As a result, they envision the use of VRI/SRI as secondary to that of in-person services when such services are available at no unreasonable additional cost, whether monetary or administrative. Admittedly, these members have not had the benefit of witnessing SRI in action as have other

members who do not share their concerns to any substantial degree. Indeed, wary members appreciate the reports of their counterparts that SRI offers an outstanding delivery system for this most important due process service.

As such, it is recommended that Board members be invited to experience hands-on SRI as it is currently being used in certain circuits throughout the state. Whether the result is confirmed or alleviated concerns, the Board will be able to offer with confidence specific input regarding the appropriate use of VRI/SRI. All members recognize the promising nature of the technology and fully support its use as part of the solution to the ever-present systemic problem of limited resource availability. However, given the primary duty of the Board is to ensure *interpreters* are appropriately qualified, it necessarily follows that quality *interpretation* is of equal concern. While the easing of fiscal and administrative burdens factor into all Board decisions, such considerations have historically occupied a secondary status in discussions. It is hoped that direct exposure to SRI will assist the Board in appropriately considering its impact, whether positive or negative, upon the quality of services provided.

Again, thank you, the members of the Workgroup, and the pilot participants for the considerable time and attention given this important proposal for the provision of interpreter services in Florida's trial courts. We look forward to continued cooperation and consultation.

Sincerely,



J. Kevin Abdoney,  
Chair, Court Interpreter Certification Board

Copies:

- Lisa Bell, Senior Court Operations Consultant, OSCA
- Patty Harris, Senior Court Operations Consultant, OSCA



June 29, 2016

**Members**

*The Honorable Mark Mahon  
Chair*

*The Honorable Robert Roundtree, Jr.  
Vice-Chair*

*Catherine Brunson, Circuit Judge*

*Ronald Ficarrotta, Circuit Judge*

*Frederick Lauten, Circuit Judge*

*Wayne Miller, County Judge*

*Debra Nelson, Circuit Judge*

*Gregory Parker, Circuit Judge*

*Anthony Rondolino, Circuit Judge*

*Elijah Smiley, Circuit Judge*

*Bertila Soto, Circuit Judge*

*John Stargel, Circuit Judge*

*Margaret Steinbeck, Circuit Judge*

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Florida Conf. of Circuit Court Judges*

*The Honorable Augustus Aikens, Jr.  
Florida Conf. of County Court Judges*

*The Honorable Diana Moreland  
Commission on Trial Court Performance  
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*The Honorable James E.C. Perry*

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Mr. Thomas A. Genung  
Chair, Shared Remote Interpreting Workgroup  
Nineteenth Judicial Circuit  
250 N.W. Country Club Drive, Suite 217  
Port St. Lucie, Florida 34986

Dear Mr. Genung:

On behalf of the Trial Court Budget Commission (TCBC), I wish to thank the Shared Remote Interpreting Workgroup (Workgroup) for their work on the report *Recommendations on Shared Remote Interpreting Services in Florida's Trial Courts*. The report was reviewed by the Funding Methodology Committee at their June 6, 2016, meeting and approved by the TCBC at their meeting on June 17, 2016, with the following comments.

The TCBC supports the Workgroup's recommendation for a governance structure to guide issues related to shared remote interpreting services and recognizes that it is a critical first step in the implementation of a statewide remote interpreting system. However, the TCBC notes that some functions of the proposed governance committee related to making recommendations on funding and resource allocation formulas may be similar to the role of the TCBC Funding Methodology Committee. The preference of the TCBC is to retain authority to refer allocation and legislative budget request recommendations from any entity to TCBC committees for evaluation and consideration.

The TCBC also discussed the Workgroup's recommendation proposing to use memorandums of understanding (MOU's) as a tool to formalize participation in shared remote interpreting services for both circuits and outside entities. The TCBC recommends that the scope of an MOU between internal participants not overlap with that of the annual Budget and Pay Administration Memorandum, where allocations and funding are currently prescribed. The TCBC further suggests that the scope of MOU's entered between the courts and outside entities be given special consideration, as there have been operational challenges in implementing cost sharing in the court reporting element.

Mr. Thomas A. Genung

June 29, 2016

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Again, thank you for your work on the report and for providing TCBC the opportunity to provide comments.

Sincerely,



Mark H. Mahon

MHM:lbh

cc: Honorable J. Kevin Abdoney, Chair, Court Interpreter Certification Board  
Honorable Diana L. Moreland, Chair, Commission on Trial Court Performance and  
Accountability  
Gary A. Hagan, Chair, Due Process Technology Workgroup  
Patricia (PK) Jameson, State Courts Administrator  
Eric Maclure, Deputy State Courts Administrator  
Blan Teagle, Deputy State Courts Administrator

# **Recommendations on Shared Remote Interpreting Services in Florida's Trial Courts**

**Commission on Trial Court Performance and Accountability**

**Trial Court Budget Commission**

**Court Interpreter Certification Board**

**December 2015**

*Respectfully Submitted:*

**SHARED REMOTE INTERPRETING WORKGROUP MEMBERS**

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Chair

Trial Court Administrator, Nineteenth Judicial Circuit

**Ms. Ody Arias-Zerivitz**, Interpreter Services Coordinator, Ninth Judicial Circuit

**Mr. Matthew Benefiel**, Trial Court Administrator, Ninth Judicial Circuit

**The Honorable Ronald W. Flury**, County Judge, Leon County

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**Ms. Shirley Olson**, Criminal Court Services Manager, Seventh Judicial Circuit

**The Honorable Carlos A. Rodriguez**, Circuit Judge, Seventeenth Judicial Circuit

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## Executive Summary

In December 2011, the Supreme Court, in AOSC11-45 approved several recommendations proposed by the Commission on Trial Court Performance and Accountability (TCP&A) in *Recommendations for the Provision of Court Interpreting Services in Florida's Trial Courts*. Among those, the Court directed the Trial Court Budget Commission (TCBC) to “monitor court interpreting budgets to ensure that, to the extent possible given the fiscal environment, the trial courts are provided the opportunity to seek the necessary and appropriate level of resources for purposes of implementing those policies in the future, as funding becomes available” and to conduct “a feasibility study to assess the viability of remote interpreting technology for improving efficiencies as well as reducing anticipated operational costs associated with expanding the provision of court interpreting to all court proceedings and court-managed activities.”

In response to these directives, the Trial Court Budget Commission established a Due Process Technology Workgroup to review the current state of remote technology in consideration of improving operational efficiencies in court proceedings currently covered with state funded interpreter resources. In 2014, a pilot project was initiated in the Seventh, Ninth, Fourteenth, Fifteenth, and Sixteenth Circuits to study the processes associated with providing remote interpreting services within a statewide network. The Office of the State Courts Administrator (OSCA) participated in the pilot by housing a statewide call manager. Additionally, a joint workgroup, with cross-over membership from the Due Process Technology Workgroup, the Court Interpreter Certification Board, and the Commission on Trial Court Performance and Accountability, was established to make recommendations, based on the results of the pilot and on the business processes for sharing remote interpreting resources.

The workgroup, referred to as the Shared Remote Interpreting Workgroup (Workgroup), met several times between February 2014 and October 2015, including an in-person meeting held at the Orange County Courthouse on April 4, 2014, to view live demonstrations of shared remote interpreting. The Workgroup also initiated a six-month data collection effort on court interpreter workload. This effort, conducted from August 2014 to January 2015, involved court interpreters entering information on a web-based form for each proceeding involving state-funded interpreter services. The information was used to update statistics reported through the Uniform Data Reporting system, but also provided detail on the interpreter, the level of qualification, and the actual time involved in interpreting.<sup>1</sup> The information also informed the Workgroup on whether to expand the remote interpreting pilot to additional areas of the court system.

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<sup>1</sup> Uniform Data Reporting (UDR) is a data reporting system used by Florida's trial courts to provide monthly information to the Florida Office of the State Courts Administrator on the use of state-funded mediators, court interpreters, court reporters, and expert witness resources. The system was developed in 2004 upon implementation of a unified court budgetary framework for Florida's trial courts.

As of result of the Workgroup's study, the following recommendations are offered on shared remote interpreting services for the trial courts. For each recommendation, a set of specific, discrete-level business guidelines is also proposed for implementation purposes.

- I. Establish a statewide pool of qualified interpreter resources. The Workgroup recommends the Trial Court Budget Commission, during its annual resource allocation process, consider the number of hours (per week) each circuit will be required to contribute to the pool. The allocation should be based on a workload threshold to ensure equitable distribution of interpreter workload across circuits.
- II. Establish statewide education and training provisions, including materials and resources, to ensure remote interpreters and courtroom participants understand and are able to operate video remote interpreting technology appropriately.
- III. Ensure that all remote interpreters participating in the statewide pool track their events by entering data, for each remote interpreting event, into a local reporting system or *Activity Form*. Monthly reports shall be provided by each circuit to the OSCA, in a format prescribed by OSCA, by the 15<sup>th</sup> day of each succeeding month.
- IV. Ensure all certified staff interpreters take an oath as administered by a presiding judge at the initial start of employment. The oath shall be considered valid for the duration of the interpreter's employment barring situations such as lapse of certification, disciplinary action, or suspension.
- V. Establish a governance committee to make recommendations to the Commission on Trial Court Performance and Accountability, the Court Interpreter Certification Board, and the Trial Court Budget Commission regarding oversight of shared remote interpreting services.
- VI. Direct the governance committee to monitor funding needs of the circuits in consideration of making recommendations to the Trial Court Budget Commission on changes to existing allocations, standard rates, and cost recovery/sharing practices, to ensure the highest efficiency in the use of the interpreter resources within the shared remote interpreting model.

The Workgroup offers these recommendations in support of the efforts of the Florida State Courts System to improve access to qualified interpreter services. Court interpreting services are an integral component to ensuring the constitutional right of access to justice. According to the U.S. Census Bureau, approximately 27% of Florida's population includes those persons who are limited English proficient.<sup>2</sup> Courts continue to face challenges in addressing the increased needs for quality interpreting services amid a short supply of qualified interpreters. While large population centers are

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<sup>2</sup> U.S. Census Bureau Quick facts, <http://quickfacts.census.gov/qfd/states/12000.html>

## RECOMMENDATIONS ON SHARED REMOTE INTERPRETING SERVICES

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home to more interpreters, rural areas of the state lack the same resources. By embracing technology, the state courts system can eliminate these geographical hindrances. Shared use of remote interpreting services represents an opportunity for courts to greatly improve interpreter services through enhanced technological communications, while also wisely using state resources.

The Workgroup would like to thank the justices of the Florida Supreme Court, the Trial Court Budget Commission, the Commission on Trial Court Performance and Accountability, and the Court Interpreter Certification Board, for the opportunity to submit these recommendations.

## Introduction

According to the U.S. Census Bureau, as of 2010, 26.64% of Florida's population spoke a language other than English at home. By 2013, this percentage increased to 27.4%.<sup>3</sup> This trend of growth in the non-English speaking population is an indicator of interpreter resources needed in Florida's court system. Nonetheless, growth in this population demographic alone cannot be read in isolation. In fact, the number of cases in which an interpreter was used has actually declined. In FY 2010-11, 442,271 cases occurred that required a court interpreter to provide services. By 2013, the number of cases requiring an interpreter declined to 350,541. This decline in overall interpreter services is regarded as a larger reflection of reduced court filings and national crime rates, as well as changes in societal trends to rehabilitate and reduce incarceration of non-violent offenders. With these changes, fewer criminal cases are entering the court system; therefore, fewer interpreter events are occurring. Although, it is uncertain whether the decline may continue in the future. As the Florida economy continues to recover from the 2007 Great Recession, new laws may be enacted that result in additional arrests. These actions may result in increased need for interpreter services. Also, the Commission on Trial Court Performance and Accountability, in its 2010 report, *Recommendations for the Provision of Court Interpreting Services in Florida's Trial Courts*, recommended the expansion of interpreter services to all court proceedings and court managed activities.<sup>4</sup> Based on these recommendations, it is expected that Florida may face increased need to provide interpreting services in future years. With the possibility of increased need, it is essential the state courts system improve its ability to provide services in cases involving parties or witnesses who are limited English proficient (LEP).

Currently, Florida ranks fourth in the nation for having the largest non-English speaking population, following closely behind states such as California, Texas, and New York.<sup>5</sup> To ensure quality interpreting services in the state courts system, the Florida Supreme Court, in 2008, implemented a state certification program for spoken language interpreters. Florida is joined by approximately 25 other states that have established procedures for certifying spoken language interpreters. The Court Interpreter Certification Program, within the Florida Office of the State Courts Administrator, currently offers oral qualification examinations in the following languages: Arabic, Bosnian/Serbian/Croatian, Cantonese, French, Haitian Creole, Hmong, Ilocano, Korean, Laotian,

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<sup>3</sup> U.S. Census Bureau Quick facts, <http://quickfacts.census.gov/qfd/states/12000.html>

<sup>4</sup> "Court Proceedings" are defined to include any civil or criminal event or proceeding presided over by a judge, magistrate, or hearing officer. "Court-managed activities" shall be defined as any activity or service operated or managed by the court system.

<sup>5</sup> American Community Survey Report, [Language Use in the United States: 2011](#).

Mandarin, Marshallese, Polish, Portuguese, Russian, Somali, Spanish, Turkish, and Vietnamese. As of September 25, 2015, 281 interpreters were certified through the Florida program.

Recently, several amendments were made to the Florida Rules for Certification and Regulation of Spoken Language Court Interpreters promoting the use of the program's more highly qualified interpreters when interpreters are privately retained as well as when they are court-appointed. Additionally, the state courts system is focusing on innovative solutions in utilizing court interpreting resources. In 2013, the Florida Supreme Court directed its Trial Court Budget Commission to review the use of technology to improve access to qualified court interpreters certified through Florida's Court Interpreter Certification Program. In response, the Trial Court Budget Commission initiated a technology pilot to test how remote technology can be used to enhance court interpreter operations. Such a solution, commonly referred to as virtual remote interpreting (VRI) will enable sharing of interpreting resources regionally to allow access to qualified interpreters over a broader geographical area.

To explore how court interpreter resources can be utilized using VRI technology, a Shared Remote Interpreting Workgroup (Workgroup), with cross-over membership from several court committees, the Trial Court Budget Commission, the Court Interpreter Certification Board, and the Commission on Trial Court Performance and Accountability, was established. The Workgroup was directed to make recommendations on the business processes associated with sharing remote interpreting resources across circuit jurisdictions. The purpose of this report is to present those business process recommendations.

## Description of the Virtual Remote Interpreting Technology

As defined by the Workgroup, virtual remote interpreting technology (VRI) is a solution that enables courtrooms to have on-demand and scheduled access to a pool of certified interpreters via the use of a statewide audio/video network. With VRI, courtrooms and interpreter offices are equipped with audio/video technology. This technology enables interpreters to provide instant remote video interpretation to any courtroom connected to the network. Further, VRI allows the interpreter to control the audio settings within the courtroom from a remote location.

*Throughout most of the 20th century, interpreting services were primarily conducted either face-to-face or with the use of standard or speaker telephones. In recent years, technological advancements have made it possible to provide interpretations with the use of sophisticated digital audio/video systems.*

Section 36.303(f) of Title 28 of the United States Codes, offers its definition of VRI. It states VRI provides real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular

pauses in communication. The video includes a sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the participating individual's face, arms, hands, and fingers, regardless of his or her body position; and renders a clear, audible transmission of voices.<sup>6</sup>

When used appropriately, VRI can offer several benefits such as improved access to quality services and effective use of fiscal resources. It can also expedite the time within which an interpreting service can be rendered. For instance, VRI significantly reduces travel and “down time” associated with interpreters having to walk or drive between courtroom locations. Also, VRI enables simultaneous interpreting, in addition to consecutive interpreting. According to the National Center for State Courts, as well as the Commission on Trial Court Performance and Accountability, simultaneous interpreting allows for continuous interpretation at the same time someone is speaking and is intended to be heard or seen only by the person receiving the interpretation. This mode is especially helpful in courtroom settings as judges engage in colloquies or make statements intended for all courtroom participants. Consecutive interpreting requires the interpreter to render an interpretation after the speaker has stopped speaking. This mode is used when a non-English speaking person is giving testimony or when the judge or an officer of the court is communicating directly with the person and is expecting a response. By the use of both video and audio components, VRI allows remote interpreters to provide service as if they were located in the courtroom. There is no degradation of service as there would be with telephone interpreting where the interpreter can provide only consecutive interpreting.

## The Use of Virtual Remote Interpreting Technology Nationally and by Other States

In November 2012, the National Center for State Courts (NCSC) issued a white paper entitled, *Recommendations for the Use of Court Video Remote Interpretation*. This report introduces several recommendations to the Council of Chief Justices (CCJ) and the Council of State Court Administrators (COSCA) in establishing policy, business and technical best practices for VRI. Among its recommendations, the NCSC notes the increased diversity in language needs amid an existing shortage of qualified court interpreters who can provide services in person in the courtroom.<sup>7</sup> To address these challenges, the report offers six specific proposed actions to be taken by the CCJ and COSCA towards establishing:

- A national standard for cross-certification of court interpreters;

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<sup>6</sup> Section 36.303(f) of Title 28 of the United States Codes.

<sup>7</sup> Recommendations for the Use of Court Video Remote Interpretation (VRI), Thomas M. Clarke, Ph.D., November 2012.

- A national legal certification that layers on top of language certification from other domains;
- A national protocol for “stepping down” the quality of interpreters used;
- A national clearinghouse of certified and/or qualified interpreters that could be used for remote court interpretation;
- Business and technical standards that any national cloud provider of remote interpretation capabilities must comply with; and,
- Certification of national cloud providers within the set policies.

Currently, at the direction of COSCA, the NCSC is working to implement these recommendations. In 2015, the NCSC developed a national interpreter “tier” system based on proficiency designations for spoken language interpreters. Further, the NCSC developed business and technical standards for VRI. In May 2015, the NCSC issued a Request for Proposals on a national cloud provision for remote interpreting services. The NCSC is currently reviewing the proposals received through this procurement process for consideration in developing a national cloud capability. As a result of this process, each state may be provided the opportunity to contract with the NCSC to obtain access to the national interpreters via the national cloud.

Current requirements imposed by the United States Department of Justice, under Title VI of the Civil Rights Act of 1964, are motivating the development of these solutions for interpreter services. These federal provisions went into effect on January 16, 2001, ensuring all state recipients of federal funding “take reasonable steps to ensure access to programs and activities to limited English proficient persons.”<sup>8</sup>

States such as Arizona and New York are also moving ahead with statewide remote capability using technology. Like Florida, Arizona is working to implement simultaneous remote interpreting using statewide capability. New York already utilizes a fiber network to every court and a videoconferencing center that has been primarily used for internal court training, but can also be used to support remote interpreters in furtherance of a statewide model. Currently, Florida and Arizona are the only two states using technology designed for both consecutive and simultaneous interpreting services.

As more states move toward integrating similar remote interpreter equipment around a national cloud capability, states may achieve a greater pool of trained interpreters to perform remote interpreting. These potential benefits have prompted the NCSC to move toward development of standards for a shared court video interpreter network that states may use as a guideline for expanding technological resources.

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<sup>8</sup> Federal Register. Vol. 67, No. 117. Tuesday, June 18, 2002, 41455.

## The Current Use of Virtual Remote Interpreting in Florida’s Trial Courts

In Florida, the use of Virtual Remote Interpreting (VRI) technology for interpreting services is gaining widespread recognition as the demand for more effective and efficient interpreting services continues to increase. Access to qualified court interpreters remains one of the courts’ biggest challenges, especially in rural counties where interpreter resources are very limited.

A few judicial circuits within Florida have begun to implement VRI on a circuit-wide basis. The Ninth, Fifteenth, and Seventeenth Circuits began implementing integrated VRI solutions as early as 2007. The remaining circuits have tested the use of off-the-shelf videoconferencing equipment, although, these efforts have not led to major success. Videoconference systems, commonly used for meetings, provide fewer features compared to VRI. These units lack features such as attorney-client privileged communication capability. Also, these units are designed primarily for consecutive mode interpreting and require more human resources than is usually available in rural courts to troubleshoot technical issues. For example, in 2010, the Second Circuit participated in a pilot with the Ninth Circuit using a video remote interpretation cart. The cart was located within Gadsden County, a rural county with a small population. Due to the complex task of setting up the cart and moving it from room to room, the cart did not prove suitable or cost effective.<sup>9</sup>

In recent years, Florida’s judicial circuits have shown growing interest in the implementation of VRI solutions. VRI can be likened to a custom-packaged solution designed specifically for the courts’ needs. In 2012, the Seventh Circuit participated in a pilot of an integrated VRI solution. This trial, using loaned equipment, resulted in an improved understanding of the benefits and limitations of using VRI, especially in those circuits that have multiple counties. The Seventh Circuit was able to utilize its in-house interpreters remotely in certain courtrooms. Logistical issues were identified, such as not having the circuit-wide network available for outlying counties. This lack of network availability limited the benefits of such a solution. As a result, a more workable solution, capable of remote access within a statewide area network, was conceived.

## The Shared Remote Interpreting Pilot of 2014

In 2014, a regional VRI pilot was established based on the results of the local trial with the Seventh Circuit. This pilot effort was funded through a \$100,000 legislative appropriation. The funding allowed expansion of the 2012 pilot to multiple circuits. Also, a statewide call manager was purchased and located in Tallahassee, FL, to allow the use of the statewide network as part of the pilot. Using the statewide network, the call manager automatically connects the courtrooms needing interpreter services with a remote interpreter who may be located elsewhere.

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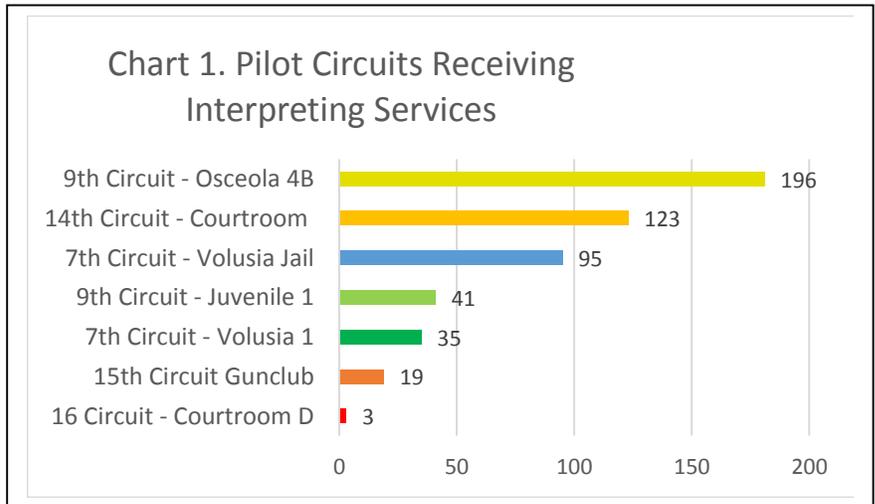
<sup>9</sup> Letter to Chief Judge Francis, Second Judicial Circuit of Florida, December 9, 2010.

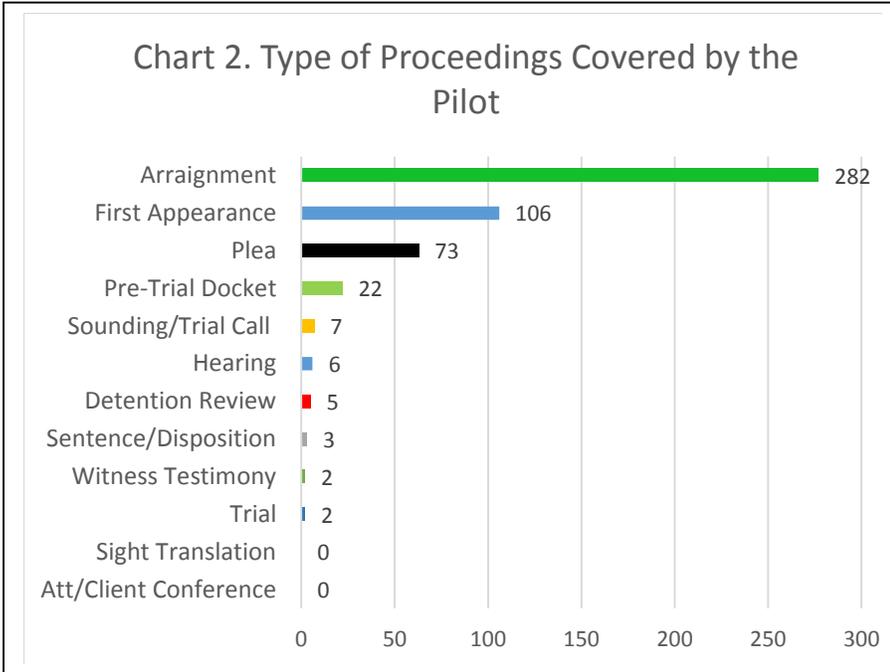
The overall objective of the 2014 pilot was to explore whether the use of VRI technology with a statewide call manager is effective. Through the pilot, several business processes were reviewed to understand the impact of the solution on courtroom participants, as well as court administration/technology staff. For instance, it was beneficial to ascertain how well the equipment performed on its own with limited technical assistance provided by local court technology staff. Also, it was helpful to see how suitable the solution is for certain types of proceedings. These reviews have assisted the Workgroup in determining how to refine the pilot approach and offer recommendations for full deployment, which may include several small rural counties where limited support is available.

In March 2014, the VRI pilot went live between the Seventh, Ninth, Fourteenth, Fifteenth and Sixteenth Judicial Circuits. As of August 2015, the pilot produced interpreting services in over 513 cases based on a shared services model concept. (See Chart 1. Pilot Circuits Receiving Interpreting Services). The shared services concept allows interpreting services to be provided by staff and contractual interpreters residing in

outlying circuits using the statewide call manager located in Tallahassee, FL. For example, during the pilot, the Seventh and Ninth Circuits provided interpreting services to remote locations in their circuits (e.g., multiple outlying counties) and other circuits on the statewide network. The Seventh Circuit provided 96 (18.7%) interpreting service events. The Ninth Circuit provided 417 (81.3%) interpreting events. These events occurred

primarily to meet Spanish interpreting service needs, although nine other events occurred in Haitian-Creole, French, Greek and Arabic languages. Most of the events were scheduled in advance (97.6%). A small percentage of events occurred on-demand (2.3%).





Case types covered by the pilot have included county criminal (403), circuit criminal (66), delinquency (39), and dependency (4) cases. The types of proceedings covered within the pilot have included mostly arraignments and first appearances. Two trials were covered within the pilot. (See Chart 2 – Type of Proceedings Covered by the Pilot).<sup>10</sup>

Two proceeding types not covered within the pilot include sight translations and attorney/client conferences. This was due to the low volume of cases occurring at

the time. The system is, however, capable of covering these events. For instance, a closed communication line is available for attorney/client conferences. The remote interpreter is able to control the opening and closing of this line. Also, sight translations can be accomplished as each remote interpreter is provided two desktop computer monitors. This allows the interpreter to view documents on a second monitor while viewing a live video feed of the courtroom on a main monitor. The sight translation documents can either be emailed to the remote interpreter or stored on the remote interpreter’s desktop in advance of the court proceeding.

Generally, the pilot has been viewed as a success. The pilot demonstrated the technical aspects of VRI to be functional. For instance, the demonstration of the interpreter’s usage of the system, including the interpreter’s ability to control the courtroom audio from a remote location, have been viewed as critical successes to the project. Based on these technical successes, several circuits have expressed interest in expanding this technology to their courtrooms. Also, the pilot information has been useful to the Workgroup in developing the business model recommendations included later in this report.

## Interpreter Activity Data Collection Effort

In June 2014, the Workgroup initiated a temporary, comprehensive data collection effort to track all court interpreting events occurring in the trial courts. The purpose of the data collection effort was to conduct analysis on the usefulness of establishing a shared remote interpreting model, based on the

<sup>10</sup> As of July, 2015. Data is reported by interpreter staff involved in the regional pilot through a Formstack web-based data entry form.

successes of the VRI pilot. A pool model may allow circuits to have access to certified court interpreters using VRI. A review of the current level of services was deemed necessary to determine how a shared pool may be designed. Currently, limited information is available statewide through the Uniform Data Reporting (UDR) system. The UDR is designed to capture monthly, summary-level information on the number of “events.” The system does not capture “hours” or information related to number of different types of events occurring per day or the professional status of interpreters providing services. Thus, the Workgroup determined more detailed workload data should be captured over a six-month period.

Further, as a long-term consideration, if a shared remote interpreting model is implemented, discrete-level workload information will be needed for on-going resource management purposes. Thus, the six-month data collection effort was viewed as an opportunity to gain insight on the long-term needs of collecting data for on-going governance and performance monitoring purposes of shared remote interpreting services.

In July 2014, the OSCA contacted each circuit and requested their participation in the comprehensive, six-month data collection effort. Circuits were asked to use a web-based data entry form created by the OSCA through a Formstack subscription service.<sup>11</sup> Each interpreter was asked to use the form to enter detailed, descriptive information on each interpreting event. Data elements included:

- Interpreter Name (First and Last)
- Interpreter Type (Court Employee, Freelance Contractor, or Vendor Contractor)
- Date and Time Interpreting Service Begins and Ends
- Uniform Case Number (UCN)
- Uniform Data Report (UDR) Case Type
- Type of Event (e.g., first appearance hearing)
- Courthouse Name
- Language
- Credential of Interpreter (Florida Certified, Florida Language Skilled, Florida Provisionally Approved, Federal Certified)
- Type of Remote Interpreting Service (In-Person, Telephonic, or Remote)

Nineteen of the twenty circuits agreed to participate in the study and began reporting on the above listed data elements. The Twelfth Circuit declined to participate in the collection effort due to local circumstances. Of the nineteen participating circuits, seventeen agreed to use OSCA’s web-based data entry form. The Fifth Circuit submitted data using Excel spreadsheets. The Eleventh Circuit reported data using Excel spreadsheets that were exported from a local web-based data entry system.

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<sup>11</sup> [www.formstack.com](http://www.formstack.com)

The data collection effort began August 1, 2014 and ended January 31, 2015. In total, 139,735 interpreting events and 50,245 hours were reported by the trial courts. Of these events/hours, the study revealed 32% (44,718) events were provided using interpreters that have limited or no credential. Of the remaining events, 67% (93,684) were provided using Florida Certified Interpreters; and 1% (1,333) were provided by Federal Certified interpreters.<sup>12 13</sup>

For more information on the results of the six-month data collection effort, please see Appendix A. This appendix provides summary charts on a range of information gleaned from the data collection effort, including the types of proceedings needing interpreter services and number of in-person, telephonic, and remote interpreting services.

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<sup>12</sup> In March 2014, the Florida Supreme Court adopted amendments to the Court Interpreter Rules, See *In re Amends. to Fla. Rules for Certif. & Regul. of Court Interprtrs.*, 136 So. 3d 584 (Fla. 2014). With those amendments, the Florida Supreme Court established and set the qualifications for the three “designations” of court interpreters: certified, language skilled, and provisionally approved.

<sup>13</sup> At the time of the Interpreter Activity Data Collection Effort no provisionally approved or language skilled interpreters existed in the state.

## Recommendations on Shared Remote Interpreting Services

Upon review of the technology pilot efforts and the court interpreter activity data collection effort, the Workgroup offers the following recommendations on shared remote interpreting services for the trial courts.

### I. Establishment of a Statewide Court Interpreting Pool

The Workgroup has determined the first critical element needed to achieve successful realization of VRI benefits is the establishment of a statewide pool. The statewide pool will allow circuits to access

**Recommendation One – Establish a statewide pool of court interpreters that are certified in accordance with the Florida Rules for Certification and Regulation of Spoken Language Court Interpreters.**

qualified interpreter resources, irrespective of location. When a court interpreter is needed, a circuit will place a request for the specific language from the courtroom (e.g., from a menu on a touch screen tablet). This action will allow an interpreter, from the pool, to appear via video from a remote location. The

interpreter will be able to control the private, public, and on-the-record courtroom audio. Some of the direct benefits of creating a statewide pool include:

- Providing qualified interpreters to more litigants over a much broader geographical area.
- Reducing the need for contract interpreters.
- Reducing courtroom wait times and travel for interpreters, thereby allowing interpreters to cover more proceedings.
- Assuring that resources match demand, thus allowing cost avoidance.

Due to the ad hoc nature of using contractual resources, many contract interpreters leave the courthouse upon completion of an event, although standard contract language generally requires payment for a two-hour minimum. The concept of contract interpreters remaining for the duration of their contractual minimum is promoted through the use of a statewide pool. In doing so, contractual interpreters can either provide additional (pooled) services via virtual remote interpreting or cover in-person court events, freeing up staff interpreters to provide services remotely. Staff interpreters provide greater quality control than contract court interpreters. Therefore, for ad hoc (on demand) needs, staff interpreters should be relied upon to provide remote interpreting services within a statewide pool. For scheduled events and languages not provided by the statewide pool, contractual interpreters can be used to fill the void.

**Proposed Business Model for the Statewide Pool:**

- A. All circuits should participate in a shared remote interpreting model as a consumer court.<sup>14</sup>
- B. A workload threshold of 4.5 hours per day should be used to determine circuits that should become a provider court.<sup>15</sup> This is the number of hours per day a pooled interpreter can reasonably be expected to deliver interpreting services. As a provider court, circuits should retain the management and rotation assignment of their staff and contract interpreter resources. Because the formula will match circuit resources with workload, there will be no need to transfer funds from circuit to circuit. All provider circuits should supply interpreters for the shared pool, with the exception of circuits that do not meet the pre-determined workload threshold. The interpreter(s) pool requirement will be determined, by language, using the following formula:

$$\begin{aligned}
 & \textbf{Maximum Statewide Pool Requirement per Circuit} \\
 & \text{Number of Threshold Hours per Certified State Employee} \\
 & \quad - \text{Total Circuit Estimated Annual Workload} \\
 & \quad = \text{Number of Hours to Contribute to Statewide Pool}
 \end{aligned}$$

- C. For events lasting more than one hour, remote interpreters should take breaks allowing 20 minute shifts. These breaks are recommended by the Commission on Trial Court Performance and Accountability in the 2010 report, *Recommendations for Provision of Court Interpreter Services in Florida's Trial Courts*, to assure that the quality of the interpretation is not diminished by fatigue.
- D. The statewide pool should primarily include staff interpreters for on-demand services. Circuits required to provide interpreters into the pool, but that do not employ staff interpreters, can fulfill their pool requirement with contractual interpreters.
- E. To make the connection, the software should be designed to connect a consumer court to a pooled interpreter based upon the following credentials:
  - Interpreter is certified in the requested language;
  - If available, an interpreter employed by the requesting court;
  - If no interpreter employed by the requesting court is available, interpreter employed outside the circuit who has been idle the longest.
- F. The state call manager should connect to regional and national cloud-based VRI services for languages of lesser diffusion and potentially offer certified Spanish interpreting services for

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<sup>14</sup> "Consumer court" refers to a circuit that receives interpreting services via the statewide pool.

<sup>15</sup> "Provider court" refers to a circuit that provides interpreting services to other circuits via the statewide pool.

cost recovery. Depending upon the number of participating circuits, the pool should include the following languages:

- Spanish
- Creole
- Sign<sup>16</sup>

- G. For sign language service needs, the Workgroup recommends the Trial Court Budget Commission consider the establishment of a full-time equivalent position to provide sign language services statewide. This FTE can be filled through a statewide advertisement, with oversight provided through a statewide hiring committee. The FTE could then be allocated to a circuit in which the selected candidate resides. The circuit receiving the FTE allocation should maintain direct supervisory management responsibilities for the position.
- H. If the statewide pool expands to include all circuits, additional languages should be added to include Portuguese, Vietnamese, and Russian. As these languages are added, the Workgroup recommends the Trial Court Budget Commission review statewide needs pertaining to these languages and consider establishment of additional full-time equivalent positions to provide services statewide as well.
- I. A properly staffed pool should be able to provide on-demand service with all receiving equal and immediate priority. Provided below is a list of events to be covered by the pool:
1. Initial appearances;
  2. Arraignments;
  3. VOPs (Violation of Probation hearings);
  4. Dependency and delinquency hearings and trials;
  5. Traffic and misdemeanor;
  6. Felony pre-trial hearings;
  7. Docket sounding;
  8. Injunctions;
  9. Baker and Marchman Acts – consecutive with tablet/laptop; and
  10. Any other short-duration, in-court proceeding deemed appropriate by the presiding judge pursuant to the statutes, court rules and Supreme Court administrative orders applicable to the court interpreting services. Sidebar communication should be a part of the VRI service in the courtroom.

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<sup>16</sup> In proceedings where sign language services are required, the person needing services must be able to see the monitor or screen clearly, and the remote sign language interpreter must also be able to see the court user clearly. Therefore, courts should consult technical and functional standards for determining the appropriate logistical size display monitor for use in delivering remote sign language services.

Note: Felony trials should be excluded from coverage by the pool.

- J. The Workgroup recommends further review by the Trial Court Budget Commission to address the possibility of additional funding and/or establishment of cost sharing arrangements, as authorized under Florida Statute 29.018, for providing VRI services to entities outside of the courtroom. It is possible the statewide VRI solution can be used to provide services to the public defender and other entities in proceedings where certified interpreters are required; however, proper accountability measures will need to be in place. Also, additional funding may be needed to purchase technology for hearing rooms where plea negotiations occur.

From a technical perspective, a statewide call manager will provide the connection between the requesting courtroom and a pool interpreter who meets the required criteria. When a courtroom requires a language not supported by the pool, the requesting court should schedule a contract interpreter to cover the event from a remote workstation. If the contract interpreter resides outside of the requesting circuit, the contract interpreter can provide the remote service from the interpreters' circuit of residence. The statewide VRI system should be available to all languages for scheduled events. For languages not covered by the pool, the circuit can use the statewide VRI system to arrange for coverage by a non-pool interpreter. This includes using a contractual interpreter from another circuit on the VRI system (e.g., Mandarin Chinese interpreter residing in Orlando using the VRI system to cover an event in Key West).

With enough participating circuits, the pool should be staffed from 8a.m.–5p.m. including both time zones (i.e., EST and CST). Guidelines should be developed to ensure high demand peak times are covered. Peak times usually begin in the morning around 9a.m. for approximately one hour Monday through Friday. The VRI interpreters should rotate hourly into the pool to ensure maximum coverage. When the national VRI program is operational, idle interpreters can login to the national pool for cost-recovery opportunities.

Many on-site interpreters spend time waiting in courtrooms for cases in which they are providing interpreting services. The use of services on-demand will eliminate the down time associated with an interpreter waiting in a courtroom. Thus, it is assumed by eliminating down time, courts will have sufficient availability for on-demand services. The Workgroup recognizes scheduled events are preferable in certain instances (e.g., languages of lesser diffusion should always be scheduled. Also, the statewide VRI system can be used outside of the 8a.m. –5p.m. for scheduled events). These impacts should be monitored, within the statewide pool, to ensure operational procedures are consistent with the needs and practices of the circuits.

As the needs within the statewide pool reach optimum levels (e.g., all twenty circuits participate to receive statewide pool services), consideration should be given towards establishing FTE positions within the statewide pool. With the establishment of a statewide pool, the trial courts should be able to allocate resources based on a statewide perspective. Currently, there are several certified

contractual interpreters unable to work at full-time status due to low demands of a hiring circuit. With VRI, certified contractual interpreters may be willing to serve as a full-time employee for providing services via the statewide pool. This would help trial courts maximize available, qualified resources, currently in such short supply.

The Workgroup notes future challenges that may need to be addressed in the long-term. For instance, small circuits, due to limited availability of interpreters, will typically hire one interpreter (usually the one interpreter that is available in the area) to provide services to the court, in the courtroom, as well as to the public defender for services outside of the courtroom. Due to the low volume of services provided to the public defender in these instances, the court, in these smaller circuits, will absorb the cost of the interpreter. Conversely, large circuits, typically home to large population centers/high volume of interpreters, have practices in place for providing one interpreter for the court. Another interpreter is then hired separately by the public defender to handle plea negotiations and other communications held outside of the courtroom. The general differences in how small circuits versus large circuits handle provision of these services outside of the courtroom presents a unique challenge in developing the VRI business model, especially since the VRI solution advances a consistent, statewide application of funding/services. Due to the existing cultural differences and funding practices among these circuit groups, and recognizing that most circuits have not entered into local cost sharing arrangements with outside entities, the Workgroup limited its recommendations, in scope, to the current funding obligations as delineated under Florida Statute 29.008(2). In the future, the Workgroup recommends further review by the Trial Court Budget Commission to address the possibility of additional funding for these services and/or entering into cost sharing arrangements, as authorized under Florida Statute 29.018. It is possible, the statewide VRI solution can be used to provide services to the public defender and other entities, however, proper accountability measures would need to be put in place. Also, additional funding may be needed to purchase technology for hearing rooms where plea negotiations occur.

Another observation by the Workgroup relates to recording of the interpretation services. During the pilot, the Workgroup noted the existing capability of the VRI solution to record interpretations, as demonstrated by the Fourteenth Circuit. However, because the court record is inclusive of the English translation only, recording of the actual interpretation service is not necessary. Based on the outcomes of the pilot, the Commission on Trial Court Performance and Accountability is currently reviewing whether to recommend a statewide policy to record the interpretation from an accountability standpoint for ensuring accuracy. Currently, the practice to record interpretations via the VRI solution is viewed by the Workgroup as a local option.

## II. Education and Special Training Needs for Remote Interpreting Services

VRI services will inevitably change some of the ways in which users and courtroom participants acquire interpreting services. There are new business processes and technical procedures that must be taken into consideration when using VRI services. Clarifying these roles and responsibilities of

**Recommendation Two – Establish statewide education and training provisions, including materials and resources, to ensure remote interpreters and courtroom participants understand and are able to operate VRI appropriately.**

stakeholders and participants can be helpful to ensure the highest quality service delivery. The Workgroup recommends education and special training materials be developed and provided to circuits participating in the VRI program. This will ensure all those using

VRI equipment will understand the technical requirements and deliver remote interpreting services effectively.

Section 36.303(f) of Title 28 of the United States Codes provides that a public institution choosing to provide qualified interpreters via VRI service shall ensure adequate training to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI.

The Workgroup recommends the following business model guidelines in consideration of these education and training provisions.

### **Proposed Business Model for the Education and Special Training Needs:**

- A. Office of the State Courts Administrator - Currently, the Court Interpreter Certification and Regulation Program within the Florida Office of the State Courts Administrator offers a two-day orientation to prospective court interpreters interested in becoming certified. The orientation is intended to provide a general overview into the interpreting profession. A brief introduction on remote interpreting, including statewide and national efforts and goals, is currently incorporated into the curriculum. With the implementation of a statewide pool, however, the Workgroup recommends the Court Interpreter Certification Board and OSCA consider enhancements to the existing curriculum to include the following additional training criteria:
1. History on remote interpreting as a statewide solution/service.
  2. Technology review including the description on the difference between centralized VRI and telephonic interpretation.
  3. Current statewide VRI efforts and goals.
  4. Role of the interpreter in the VRI solution/service.
  5. Discussion on fears and reservations over using VRI.
  6. Discussion on how the expansion of remote interpreting contributes to career advancement.

- B. The Workgroup recommends that OSCA develop an instructional video and accredit and maintain an updated list of all interpreters who submit a completion verification of the instructional video. The OSCA should further seek eligibility, through the Court Interpreter Certification Board and Florida Court Education Council, for continuing education credits as part of this education program. The OSCA should offer the instructional video on its website as well as an on-line training video of interactive sections where interpreters may log-on to press buttons and simulate the statewide VRI system.
- C. The Workgroup further recommends that the OSCA encourage more training opportunities on remote interpreting and provide support to those circuits wishing to expand this technology, including:
1. Continuous engagement with the circuits.
  2. Provide and maintain a contact listing of participating courts.
  3. Encourage the use of this technology.
  4. Lastly, it is recommended that OSCA create and provide a *Courtroom Assessment Form* to be completed by circuits for each courtroom that will connect to the statewide pool. This form will assess the interpreter service needs of the courtroom. For instance, the form will gather information on:
    - i. Is this a circuit or county division?
    - ii. Does the public defender use the in-person interpreter provided by court administration to prepare cases the day of the event?
    - iii. What type of hearings are heard in this division?
    - iv. What is the rate by which interpreting services are needed?
- D. Circuit Court Administration - The circuit court administration offices should be responsible for the following training requirements for the statewide court interpreting pool:
1. A remote interpreting contact person will be designated to lead the expansion effort in their circuit. Each circuit participating should have a designated contact person in order to receive and send important program communications. These functions may not need to be performed by an interpreter. Many administrative related tasks such as scheduling, invoicing, and data entry may be performed by an administrative staff designee.
  2. The designated remote person will be required to learn and review support materials established for this technology, such as recommendations from the Workgroup and all videos and training material, both for judges and interpreters. The designee will provide 1:1 training to remote interpreters and courtroom participants, as necessary. Also, the designee will maintain contact with all key players responsible for installing/maintaining the technology such as schedulers, the vendor, and AV staff.

3. Court Administration must complete the *Courtroom Assessment Form* which is provided by OSCA before any courtroom joins the remote interpreting pilot.
  4. The court administrator will ensure that judges undergo training through the instructional video prior to using the service.
  5. The court administrator will ensure and verify that staff and freelance/contractual interpreters in the circuit undergo the training through the instructional video prior to using the technology.
  6. Court administration should develop an *Activity Form* to capture data on the VRI events covered within the pool. The *Activity Form* will contain data elements as prescribed by the OSCA.
- E. Court Interpreters (Staff, Freelance, and Vendor Contractors) - Before allowing an interpreter to provide service via the statewide pool, the circuit should apply the following criteria:
1. Interpreter must hold the minimum credential of Certified or Language Skilled.
  2. Interpreter must view the instructional video on remote interpreting and submit verification to OSCA by completing the form on the hyperlink at the end of the video. This verification is required even if the interpreter has taken the state orientation provided by the OSCA.
  3. The interpreter must be provided a 1:1 training by the designated remote staff. This training will consist of the following:
    - i. Specific instructions on connecting to the courtroom.
    - ii. Camera operation.
    - iii. Voice preset operation - how to switch back and forth and also conferencing in an additional party into the service, (e.g., witness, parent, attorney).
    - iv. Protocol maintenance - same protocol as when in-person, (i.e., announcing interpreter's name and credential for the record, note taking, asking for clarification, asking for breaks, etc.).
  4. Interpreter must be instructed and trained to enter each of the covered events onto the *Activity Form*, upon assignment.
  5. Interpreter will be informed of circuit billing and invoice submission procedures.
  6. Interpreter will be given an operations log to document any technical difficulties experienced with the system while providing service.
- F. Circuit and County Court Judges - The following are suggestions for judges using the remote court interpreting system:

1. Chief judges should encourage circuit and county judges to view an instructional video on remote interpreting prior to using the service. For purposes of aiding OSCA with keeping track of user judges and jurisdiction, judges are encouraged to submit verification of video completion through the hyperlink found at the end of the instructional video. Judges will be sent an email confirmation to certify completion.
2. Judges should remind all parties to speak clearly into microphones, one person at a time, whenever using an interpreter via the remote system.
3. Judges should instruct the clerk to make the connection to the pool or may opt to select the interpreter themselves directly from the keypad on the bench.
4. Judges should instruct the bailiff to ensure that the defendant wears a headset at the initiation of the proceeding.
5. Judges should be encouraged to prioritize using the services of remote interpreters over a non-certified in-person interpreter, or over continuing a case due to lack of an in-person interpreter.
6. Judges should remind attorneys to come prepared when working with non-English speaking clients. This means that all conversations and offers should be accomplished and conveyed, if possible, prior to showing up to court by using their own resources and/or interpreters.

### III. Data Collection and Performance Monitoring

Historic performance, in conjunction with current and emerging trends, are the best predictors for determining the standards, thresholds and averages of the future funding and resource allocation needs. Projecting future needs may also benefit from considering filings and activity based

information per case type, and using those trends to establish context.

**Recommendation Three – Each remote interpreter participating in the statewide pool shall track their events by entering data, for each VRI event, into a local reporting system. Monthly reports shall be provided by each circuit to the OSCA, in a format prescribed by OSCA, by the 15<sup>th</sup> day of each succeeding month.**

If a statewide pool is established, the Workgroup believes it will be necessary to evaluate interpreter needs across jurisdictions to ensure court resources, within the pool, are properly aligned to meet the needs of the trial courts. Currently, the Uniform Data Reporting (UDR) system is designed to capture summary-

level information on the number of court interpreting “events.” However, this information is limited and cannot be relied upon for conducting resource management analyses as necessary for the VRI statewide pool.

The American Bar Association, in its 2012 publication, *Standards for Language Access in Courts*, emphasized the importance of exploring and supporting methods to better identify and track needs of interpreters for both individual cases and overall. They note how data can be used to assist courts

in making decisions about hiring staff, developing appropriate interpreter pools, reaching out to community organizations to develop additional language access services, and prioritizing the use of court resources. They recommend courts monitor the scheduling and billing of interpreters, broken down by language, type of proceeding, and location to allow for evaluation of language access needs. For this task, they suggest courts incorporate individualized needs of Limited English Proficiency (LEP) persons into local intake or case management systems. This will achieve collection and reporting of data on the languages for which interpreters have been *requested* as well as data on languages for which interpreters have been *provided*, two equally important types of data.<sup>17</sup>

The Workgroup, in evaluating the ability of the Florida trial courts to capture and report data on interpreting needs, identified several existing limitations and constraints in this area. For instance, the Workgroup recognized the courts' challenges in capturing data in which an interpreting service need is first identified or requested. Knowing precisely how often interpreting services are requested can help determine demands across all case types, not just where courts are currently funded to provide services. This information can be used in planning and determining additional resources based on growth or expansion of coverage. The ABA recommends that each court ask questions regarding interpreter needs and track this regardless of whether an interpreter is provided privately or with public funds. Currently, courts' local and state UDR systems typically only track interpreter services that are *provided* using state funds. Thus, very limited information is available on the interpreter services requested across all case types. As a result, one of the drawbacks in the Workgroup's review efforts was to analyze total need across all case types.

Additionally, when interpreter need is first identified and tracked, it is usually noted by an attorney or case manager with the use of a checkbox in the court's case management/scheduling systems. More often than not, the date and time are not recorded, only a check mark. Thus, the Workgroup notes this as another limitation in reviewing how technology could be used to provide time savings across criminal and civil case types, including the time from the point an interpreter need is first identified to the point services are rendered. While it is generally understood VRI services will improve these timeframes significantly through the use of on-demand services within a shared pool, the inability to access this data hindered the Workgroup's analysis regarding this benefit.

To improve the capacity of the trial courts to harness performance monitoring data, the Workgroup recommends a number of actions for consideration. Most importantly, the Workgroup recommends all court interpreters using VRI track their workload, for each covered event, via a local data collection system. This data entry must be completed by all interpreters using VRI including court employees and contract interpreters. The collection of data will allow circuits to report monthly statistics to the OSCA to allow monitoring of the events/hours covered by the statewide pool in order to adjust pool resources based on demands. Additionally, pooled interpreters should not be required to work more hours per day or handle more events than what best practice standards indicate, as exceeding the

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<sup>17</sup> American Bar Association, Standards for Language Access in Courts. February, 2012.

number of hours or events may adversely impact the quality of the interpreter service delivered. Reporting of VRI workload data will also allow these qualitative aspects of using VRI to be monitored to ensure services are provided effectively.

**Proposed Business Model for Data Collection and Performance Monitoring:**

- A. Circuits participating in the statewide pool as provider circuits should establish a discrete-level data collection/reporting system, or *Activity Form* in either Excel format or web form (e.g., Formstack subscription service), to collect information on the court interpreter pool workload.
- B. All court interpreters providing services within the VRI pool should track their pool workload and enter data using this discrete-level collection/reporting system or *Activity Form*. This includes employees, freelance, and vendor interpreters.
- C. The following data elements noted in the table under the column labeled “current data elements” should be collected for each pool event.
- D. Additional data elements noted in the column labeled “future data elements” are not required but are deemed important by the Workgroup for future reporting needs. The Workgroup recommends that the Florida Courts Technology Commission and the Court Statistics and Workload Committee review these future data elements in consideration of evolving local scheduling/case management systems.

| <b>Current Data Elements</b>  | <b>Future Data Elements</b>  |
|---|--|
| Date and Time Submitted<br>Circuit Providing Services<br>Circuit Receiving Services<br>Receiving Services Courtroom<br>Interpreter Name<br>Interpreter Type (Staff, Freelance, or Vendor)<br>Qualification (Certified, Provisionally Approved, or Language Skilled)<br>Language<br>Date/Start Time of Service<br>Date/End Service Time<br>Schedule Type (Pre-scheduled or On-demand)<br>Uniform Data Reporting (UDR) Case type<br>Judge (You can use Hon. For first name)<br>Case Style<br>Case Number<br>Type of Event (e.g., arraignment) | Uniform Case Number (UCN)<br>Date and Time Requested (across all case types)<br>Requested Language |

|   |  |
|---|--|
| Interpreter Assigned Actor ID (interpreters will be assigned an ID) |  |
|---|--|

- E. Circuits should continue to report to the Uniform Data Reporting System as usual. Therefore, if an event originates in the receiving Circuit but is covered by an interpreter located in another circuit, the event should be reported in the originating circuit’s UDR as well as in the statewide VRI reporting system.
- F. Monthly reports should be provided to OSCA summarizing the statistics on the statewide VRI pool events. These reports are to be completed by the 15<sup>th</sup> day of each succeeding month. The summary statistics should include the same data elements as required by the UDR system for each circuit where services were delivered.
- G. The OSCA should begin developing a scripting language to extract “current data elements” from the statewide call manager. Programming should be initiated as quickly as possible and implemented up-front to reduce data-entry burden on the circuits. The Workgroup recommends the OSCA begin work on this issue as a first priority with completion targeted within one year. Once these data elements are automatically retrieved, notice should be sent to the circuits to alleviate them from unnecessary data collection and reporting.
- H. All data elements collected should conform to the Court Data Model, as accepted by the Supreme Court in March 2013, as part of the TCP&A report, *Trial Court Integrated Management Solution (TIMS): Identifying Key Case and Workload Data and Establishing Uniform Definitions for Improving Automation of Florida’s Trial Courts Phase One Report*.

The Workgroup members discussed how these recommendations provide a first step toward improving the collection of meaningful court interpreter data. In the future, a single, dedicated application could alleviate some of the existing issues in terms of data collection as necessary to monitor the statewide pool.<sup>18</sup> For instance, a custom web application could be developed to allow interpreters to complete data entry via mobile devices which may improve data entry ease and response, although such an application would be complex to build. Alternatively, circuits could retain the use of off-the-shelf web-based reporting systems such as Formstack that allow exports of data in excel format. Exports of data to excel would provide opportunity for circuit staff to review, correct errors, and back-fill missing data fields, such as Uniform Case Number (UCN), prior to submission to

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<sup>18</sup> Data limitations and constraints recognized by the Workgroup include challenges in counting the number of interpreter events. This regularly occurs in first appearance proceedings where case numbers are not yet assigned. Further, in instances when an interpreter provides services to multiple cases and defendants in a short period, interpreters find it difficult to track these events and case numbers separately. Thus, the inability for interpreters to report each event separately can reduce overall assurance in counting these events.

the OSCA. While off-the-shelf solutions may not scale to statewide reporting, they may provide a suitable local level reporting mechanism to collect detailed information on interpreter workload.

Another option discussed by the Workgroup is to create management reports using data tracked by the statewide call manager. This method would reduce inevitable human data entry burden/error as the statewide call manager could automatically track data on the duration of interpreting events occurring between circuits. However, the system could only produce limited reports on the calls occurring within the shared model. For instance, the system could not provide information on events occurring outside of the shared pool. Also, certain descriptive information on the types of proceedings covered would be difficult to track. To overcome the latter, the shared model system could be designed to include a “pop-up window” to prompt the remote interpreter to enter additional descriptive information on the interpreting event such as case type, case number or total number of events. Further, each interpreter could be assigned a unique identifier to reduce the need for interpreters to re-enter their names and other personal identifier information each time an event occurs. To accomplish this, each interpreter invited to participate in the shared pool would register with OSCA to receive a unique identification code. The unique identifier could then be entered on the pop-up window for tracking purposes as well as to route calls to the most qualified interpreter based on language need. Though, for the latter, a separate pop-up window may be needed to allow remote interpreters to sign-in and sign-out during the day.

With such implications, alternative options should be explored for future, permanent data collection needs of the shared remote interpreting program. During the interim until evaluation of future reporting capabilities can occur, the Workgroup recommends continuation of local reporting for shared circuits until such time the management reports from the statewide call manager can be built. With this option, shared model events can be tracked by the pool interpreters based on the above proposed business model guidelines. For all interpreting events, data should continue to be tracked by circuits’ local data collection methods and then reported summarily to OSCA under the current UDR reporting requirements. This will provide monthly statistics on all events and hours by UDR language and case type including events covered within and outside the statewide pool.

#### IV. Administration of the Interpreter Oath

As part of the Workgroup’s efforts, existing statutes and court rules were reviewed to determine changes based on the use of VRI. The Workgroup located one statute and one operational court policy that may need to be addressed.

Currently, Florida Statute 90.606(3) states, “An interpreter shall take an oath that he or she will make

a true interpretation of the questions asked and the answers given...” In 2010, the Commission on Trial Court Performance and Accountability considered this statute as part of its report, *Recommendations for the Provision of Court Interpreting Services in Florida Trial Courts*. Within the report, the TCP&A developed policy recommendations to address swearing in of interpreters. It

**Recommendation Four – Allow certified staff interpreters to take an oath as administered by a presiding judge at the initial start of employment. The oath shall be considered valid for the duration of the interpreter’s employment barring situations such as lapse of certification, disciplinary action, or suspension.**

states, as a standard of operation, that a court interpreter shall be sworn in at the beginning of a proceeding or set of proceedings.<sup>19</sup> Ideally, the TCP&A recommends that a court interpreter take an oath before each proceeding. However, the TCP&A also notes, “[f]or the sake of expediency, judges and court administrators have found that for interpreters who are employees of the court or are familiar to the judge, the oath can be administered at

the beginning of the day’s work in a given courtroom and the oath extends for the duration of the day’s services in that courtroom.”

When using VRI services, via the statewide pool, it is expected that the remote interpreter will provide services to multiple courtrooms in many locations throughout the day. In consideration of this, the Workgroup recommends that the remote interpreter take an oath at the start of employment. This will alleviate the interpreters from having to take multiple oaths in one day.

#### **Proposed Business Model Suggestions for Swearing In Interpreters:**

- A. For certified staff interpreters only, an “oath” ceremony should be conducted where a presiding judge administers the oath. The oath shall remain valid for the duration of the interpreter’s employment barring situations such as lapse of certification, disciplinary action, etc. The staff interpreter shall be bound by the oath and the interpreter’s Professional Code of Conduct. Having such an oath for certified staff interpreters prevents delays when an interpreter is covering several events in various courtrooms.
- B. When a pooled interpreter remotes into a courtroom, especially in a different circuit, the interpreter should make their presence known and introduce him/herself on the record as a staff interpreter.
- C. In the case of trials, the oath should always be administered orally to the interpreter as it is beneficial for the jury to observe the oath.

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<sup>19</sup> Commission on Trial Court Performance and Accountability 2010 Report, *Recommendations for the Provision of Court Interpreting Services in Florida Trial Courts*.

- D. The Court Interpreter Certification Board and the Commission on Trial Court Performance and Accountability should conduct a review of the existing rules and standards of operation for incorporating a written oath at the beginning of employment to accommodate remote interpreting (since this level of remote interpreting was not contemplated at the time the standards and best practices were originally developed).

## V. Governance of a Shared Remote Interpreting Model

Oversight of a shared remote interpreting model is necessary to ensure that language access services paid for with public funds are provided in accordance with the mission and vision of the judicial branch, and applicable federal and state laws. Due to the unique nature of interpreting needs in each

**Recommendation Five – Establish a governance committee to make recommendations to the Court Interpreter Certification Board (CICB) and the Trial Court Budget Commission (TCBC) regarding oversight of shared remote interpreting services.**

circuit, it is recommended that one entity be established to assist with providing general oversight, administration/management, coordination of information and data collection, and provide recommendations for modifications to procedures of a shared remote interpreting services model. A single governing entity will ensure state-level consistency of shared remote interpreting model practices and protocols,

while providing flexibility, as necessary, for circuits in need of varied services. Without one governing entity responsible for the oversight of the shared remote interpreting model, it is possible that shared remote interpreting may not adequately meet the needs of all twenty circuits. Further, it may be very challenging to institute procedural changes for all participating circuits in a shared remote interpreting model without an established governing entity.

### Proposed Business Model Suggestions for Governance:

- A. The governance committee should:
1. Be composed of judges, trial court administrators, and court staff that perform court interpreting related coordination duties. The governance committee shall be staffed by the OSCA. Representation on the governance committee should include small, medium, and large circuits.
  2. Develop recommendations to the TCBC on additional funding needs, as requested by the circuits, for interpreting services associated with shared remote interpreting. These recommendations should be based on standardized room models/costs, for both state and county obligated portions of remote interpreting technology, as developed by the TCBC's Due Process Technology Workgroup.

3. Be responsible for collecting data and needs-based funding information for shared remote interpreting for the circuits.
4. Oversee ongoing administration/management issues. This shall include procedural changes to the shared remote interpreting model based upon periodic review of circuit data, as well as feedback and recommendations from the circuits regarding procedural changes to the model. Consideration should be given to an annual review of the shared remote interpreting model, with procedural modifications made as appropriate.
5. Establish Memorandum of Understandings (MOUs) between circuits and the governance committee. An example MOU is provided in Appendix B.
6. To the extent they have bearing on procedures for administration of the model, address complaints/issues filed between circuits related to the use of shared remote interpreters.
7. Establish a grievance policy to address operational issues that may arise as a result of the use of VRI.

The governance committee should make funding recommendations to the TCBC for the annual Legislative Budget Request (LBR) based on periodic surveys and data collection from the circuits defining shared remote interpreter technical and staffing needs. For instance, the functions of management, coordination, and direct service delivery are applicable to all circuits; however, based on low demands within some areas of the state, not all circuits require FTE positions to support each of these functions. The Workgroup discussed the recommendations, especially those pertaining to statewide pool coordination and training, and how these may result in additional resource needs. Most circuits with court interpreter managers may be able to absorb the additional workload; however, some circuits may not. These types of resource issues will need to be reviewed and considered by the governance committee and the TCBC during implementation of a statewide pool model.

Ultimately, the recommendations from the governance committee would be advanced to the TCBC separate from other due process related items (e.g., court reporting needs). The committee would be responsible for making recommendations to the TCBC for funding needs for shared remote interpreting services at the circuit level, and for statewide needs based upon information provided by the circuits. A technical subcommittee (i.e., court technology officers and others) might be best suited to make recommendations to the governance committee regarding technical funding needs (e.g., hardware, licensing, and network infrastructure). This process will allow one body with technical and business application expertise to ensure funding requests for language access are in accordance with Supreme Court administrative orders and recommendations of other state courts system court committees.

It is recommended that an annual review of this model take place, which would include compiling comments, feedback, data, and any additional outreach, to determine if services are being provided in the most efficient and effective manner, and to suggest any adjustments to the model. Once funding recommendations are compiled, the governance committee should outreach the recommendations to all twenty circuits for review. As with other major projects, such as the foreclosure initiative, it is helpful for circuits to understand what is being asked for by each other. This proves especially beneficial when a circuit is reminded that it may need funding for an item previously not considered, but being requested by another circuit. The governance committee should also review, on a quarterly basis, any data that is made available.

The scope of the governance committee should be limited solely to matters related to issues of shared remote interpreting services. The committee should be responsible for addressing complaints/issues filed between circuits regarding the use of shared interpreters as it pertains to procedural implementation of the model, and not to matters governed under the Florida Rules for Certification and Regulation of Spoken Language Court Interpreters, which properly reside with the Court Interpreter Certification Board. Resolving disputes between circuits regarding administration/management and procedures for the shared remote interpreter model should indeed be a responsibility of the applicable oversight entity, which is similar to responsibilities of the Mediation Qualifications Board and Court Interpreter Certification Board. The committee should not be responsible for addressing complaints/issues filed between circuits that involve matters within the jurisdiction of the Court Interpreter Certification and Regulation Board pursuant to Florida Rules for Certification and Regulation of Spoken Language Court Interpreters. Any personnel issues related to staff interpreters should be handled at the circuit level.

## VI. Funding and Resource Allocation of the Shared Remote Interpreting Model

Given the disparity in languages, costs for interpreters, and frequency of utilization of services among Florida's judicial circuits, it is important to have flexibility in funding and resource allocation models. The current statewide Florida budget for court interpreting includes 125.5 FTE and \$3,203,831 in direct services contractual resources. Contractual resources are allocated based on each circuit's expenditures and projected growth in non-English speaking population.

With the establishment of a statewide pool, interpreter resources will be shared across circuits in

**Recommendation Six – The Governance Committee shall monitor funding needs of the circuits in consideration of making recommendations to the TCBC on changes to existing allocations, standard rates, cost recovery/sharing practices, to ensure highest efficiency in the use of the interpreter resources within the shared remote interpreting model.**

order to leverage the use of existing qualified resources. Over time, as performance of the pool is monitored, resources may need to be adjusted to ensure equity. For instance, staffing model changes (e.g., shifting a contractual to an FTE) may need to be considered based on decreases/increases in contractual service interpreter demands. As an example, if statewide demands for Russian interpreting are enough to justify the use of a full-time employee interpreter, consideration should be

given to creating an FTE in the pool to serve that purpose. The full-time interpreter will provide Russian interpreter services to all circuits within the pool. Also, if leveraging existing staff Spanish interpreters results in a decrease of contractual Spanish interpreters in some circuits, those resources should be redirected towards purchasing technology.

With these implications, workload trends of interpreters should be sharply evaluated to develop recommendations on overall budget management of the shared circuit resources under a shared remote interpreting business model. Therefore, the Workgroup recommends ongoing monitoring of these resources to ensure that improvements and necessary adjustments can be made that are consistent with current funding provisions.

**Proposed Business Model Suggestions for Funding and Resource Allocation:**

- A. Options should be available for a diverse funding/resource allocation model, including pay-as-you-go (i.e., cost recovery).
- B. Cost sharing may be applied to circuits where the frequency of shared remote interpreting services usage is higher and there is a substantial contribution to the model from interpreters in those respective circuits. Funding levels can be modified via the Legislature on an on-going basis based on the changing needs of the stakeholders. Therefore, cost sharing payment reconciliation must be evaluated periodically throughout the fiscal year to determine monthly, quarterly, and annual usage cost and contribution cost per circuit. Adjustments should be made as necessary based on evolving needs.
- C. Pay-as-you-go (i.e., cost recovery) may be applied to circuits where the frequency of use of shared interpreting is minimal and there is limited or no contribution to the model from interpreters in those circuits. Payments may be made monthly.

- D. Standardized rates should be used when staff interpreters are providing shared interpreter services.
- E. Contract interpreter rates vary throughout the state and by circuit. It may be in the best interest of the state courts system to develop state or regional-based contracts with interpreters for the provision of shared interpreting services.
- F. Fiscal incentive should be given to the participating circuits by allowing those circuits to keep a percentage of the savings.

These business model guidelines are suggestions and will need a more in-depth review by the governance committee prior to becoming official recommendations to the TCBC. Funding for technology and additional operational resources were not contemplated by the Workgroup. It is recognized, however, additional funding may be needed to implement the recommendations contained in this report. The Workgroup recognizes the efforts conducted already by the Trial Court Budget Commission to seek funding for remote interpreting technology as part of the *Trial Courts' Comprehensive Technology Strategic Plan*. The Workgroup suggests that additional work be conducted in the future to assess the full fiscal impact of these recommendations.

For instance, cost sharing has not been received well by many circuits. Although, ideally it may be applied to circuits where the frequency of shared remote interpreting services usage is higher and there is a substantial contribution to the model from interpreters in those respective circuits. Cost sharing will only work if all stakeholders agree on a funding methodology and that, based on the funding methodology, funding levels can be modified via the Legislature on an on-going basis based on the changing needs of the stakeholders.

Also, the funding methodology used for operational due process resources is based on a three-year average of past expenditures. Under this model, circuits that have stayed within their budget receive less money in the next year. Circuits that exceed their budget receive additional funds. This funding practice creates disincentives for improving business operations in the circuits. Thus, better fiscal incentives should ensure circuit budgets are not harmed as a result of innovative new practices. Rather, circuits should be rewarded through the re-dedication of cost savings to further support successful innovations.

As for contract interpreters, it may be beneficial to have statewide contracts for certain languages. A contract interpreter may not want to provide services for a region due to being paid less than in the region in which he/she resides. In some instances a contract interpreter may be willing to accept a slightly lower rate due to having an increase in assignments. Further, rates for contract interpreters tend to vary throughout the state and often by circuit. Standardized rates for shared interpreter services may be easier to achieve when staff interpreters are used versus contract interpreters. Contracts may need to be negotiated regionally to take into consideration what may be substantial

rate differences. Contractors from outside of the region should only be used when absolutely necessary.

## Conclusion

In Florida, there is no one size fits all for language access services. Florida is on the cutting edge of shared remote interpreting. Accordingly, the suggested guidelines may meet the diverse needs of the circuits in Florida, while providing information on what works, what does not work, and may prove useful for refining best practices nationally.

In review of the pilot, the Shared Remote Interpreting Workgroup concludes virtual remote interpreting technology (VRI) can provide significant benefits to the trial courts in the areas of efficiency, quality, and accountability. VRI will allow for improved access to quality court interpreter services. From an efficiency standpoint, VRI can assist in reducing travel associated with interpreters having to walk or drive between courtroom locations, or wait between hearings in one location. Circuit court staff will no longer have to spend hours locating a qualified interpreter or pay expensive travel accommodations to bring a qualified interpreter in-person to the courtroom. Also, court proceeding delays or “slowdowns” associated with single mode interpreting can be reduced as VRI supports both simultaneous and consecutive interpretation. Fewer continuances may occur because interpreters are more readily available using VRI. Quality may be improved by VRI because circuits can leverage state certified staff interpreter resources, thereby reducing reliance on non-qualified interpreters. Circuit court staff will no longer have to endure decisions that result in making compromises, often in favor of access over quality, because of a lack in available qualified interpreters. Overall, these benefits together improve accountability of tax-payer funded court resources. Such conclusions have compelled the Workgroup to offer these recommendations.

The Workgroup would like to extend its appreciation to the members of the Trial Court Budget Commission, the Court Interpreter Certification Board, and the Commission on Trial Court Performance and Accountability for the opportunity to work on such an important project. The Workgroup would also like to extend its gratitude to those circuits and their staff who participated in the VRI pilot and six-month data collection effort. Their support and cooperative efforts contributed greatly to the Workgroup and the development of these recommendations.

## Appendices

[Appendix A – Summary Results of the Six-Month Interpreter Activity Data Collection Effort](#)

[Appendix B – Draft Memorandum of Understanding](#)

Shared Remote Interpreting Workgroup  
 Interpreter Activity Data Collection Effort  
 Events and Minutes Provided by Delivery Method  
 By Circuit, Covered by Circuits Outside of the Pilot

|         |                      | Outside Pilot Events<br>August 2014 - January 2015 |                            |                |                                 |
|---------|----------------------|--|----------------------------|----------------|---------------------------------|
| Circuit | Delivery Method      | Total Events                                       | Percent of<br>Total Events | Total Minutes  | Average<br>Minutes Per<br>Event |
| 1       | In-Person            | 590  | 88.3%                      | 22,029         | 37                              |
|         | Remote               | 9  | 1.3%                       | 144            | 16                              |
|         | Telephonic           | 69   | 10.3%                      | 828            | 12                              |
|         | <b>Circuit Total</b> | <b>668</b>   | <b>100.0%</b>              | <b>23,001</b>  | <b>34</b>                       |
| 2       | In-Person            | 288  | 91.1%                      | 10,763         | 37                              |
|         | Remote               | 17   | 5.4%                       | 1,042          | 61                              |
|         | Telephonic           | 11   | 3.5%                       | 150            | 14                              |
|         | <b>Circuit Total</b> | <b>316</b>   | <b>100.0%</b>              | <b>11,955</b>  | <b>38</b>                       |
| 3       | In-Person            | 234  | 81.8%                      | 7,021          | 30                              |
|         | Remote               | 7  | 2.4%                       | 258            | 37                              |
|         | Telephonic           | 45   | 15.7%                      | 715            | 16                              |
|         | <b>Circuit Total</b> | <b>286</b>   | <b>100.0%</b>              | <b>7,994</b>   | <b>28</b>                       |
| 4       | In-Person            | 1,471  | 99.7%                      | 42,341         | 29                              |
|         | Remote               | 4  | 0.3%                       | 136            | 34                              |
|         | Telephonic           | 1  | 0.1%                       | 5              | 5                               |
|         | <b>Circuit Total</b> | <b>1,476</b>                                       | <b>100.0%</b>              | <b>42,482</b>  | <b>29</b>                       |
| 5       | In-Person            | 2,291  | 96.1%                      | 188,795        | 82                              |
|         | Remote               | 9  | 0.4%                       | 434            | 48                              |
|         | Telephonic           | 54   | 2.3%                       | 2,894          | 54                              |
|         | Unknown              | 29   | 1.2%                       | 1,943          | 67                              |
|         | <b>Circuit Total</b> | <b>2,383</b>                                       | <b>100.0%</b>              | <b>194,066</b> | <b>81</b>                       |
| 6       | In-Person            | 1,537  | 91.4%                      | 88,249         | 57                              |
|         | Telephonic           | 144  | 8.6%                       | 2,559          | 18                              |
|         | <b>Circuit Total</b> | <b>1,681</b>                                       | <b>100.0%</b>              | <b>90,808</b>  | <b>54</b>                       |
| 7       | In-Person            | 1,380  | 95.7%                      | 37,064         | 27                              |
|         | Remote               | 53   | 3.7%                       | 2,261          | 43                              |
|         | Telephonic           | 9  | 0.6%                       | 280            | 31                              |
|         | <b>Circuit Total</b> | <b>1,442</b>                                       | <b>100.0%</b>              | <b>39,605</b>  | <b>27</b>                       |
| 8       | In-Person            | 275  | 80.4%                      | 12,109         | 44                              |
|         | Remote               | 2  | 0.6%                       | 75             | 38                              |
|         | Telephonic           | 65   | 19.0%                      | 414            | 6                               |
|         | <b>Circuit Total</b> | <b>342</b>   | <b>100.0%</b>              | <b>12,598</b>  | <b>37</b>                       |

Shared Remote Interpreting Workgroup  
 Interpreter Activity Data Collection Effort  
 Events and Minutes Provided by Delivery Method  
 By Circuit, Covered by Circuits Outside of the Pilot

|         |                      | Outside Pilot Events<br>August 2014 - January 2015 |                            |                  |                                 |
|---------|----------------------|--|----------------------------|------------------|---------------------------------|
| Circuit | Delivery Method      | Total Events                                       | Percent of<br>Total Events | Total Minutes    | Average<br>Minutes Per<br>Event |
| 9       | In-Person            | 6,116  | 76.0%                      | 115,791          | 19                              |
|         | Remote               | 1,911  | 23.7%                      | 18,731           | 10                              |
|         | Telephonic           | 23   | 0.3%                       | 142              | 6                               |
|         | <b>Circuit Total</b> | <b>8,050</b>                                       | <b>100.0%</b>              | <b>134,664</b>   | <b>17</b>                       |
| 10      | In-Person            | 2,925  | 88.3%                      | 52,986           | 18                              |
|         | Remote               | 382  | 11.5%                      | 6,845            | 18                              |
|         | Telephonic           | 5  | 0.2%                       | 94               | 19                              |
|         | <b>Circuit Total</b> | <b>3,312</b>                                       | <b>100.0%</b>              | <b>59,925</b>    | <b>18</b>                       |
| 11      | In-Person            | 83,549   | 91.9%                      | 1,410,584        | 17                              |
|         | Remote               | 5,460  | 6.0%                       | 81,665           | 15                              |
|         | Telephonic           | 1,488  | 1.6%                       | 30,054           | 20                              |
|         | Unknown              | 401  | 0.4%                       | 27,365           | 68                              |
|         | <b>Circuit Total</b> | <b>90,898</b>                                      | <b>100.0%</b>              | <b>1,549,668</b> | <b>17</b>                       |
| 13      | In-Person            | 5,027  | 93.0%                      | 99,752           | 20                              |
|         | Remote               | 364  | 6.7%                       | 11,431           | 31                              |
|         | Telephonic           | 16   | 0.3%                       | 776              | 49                              |
|         | <b>Circuit Total</b> | <b>5,407</b>                                       | <b>100.0%</b>              | <b>111,959</b>   | <b>21</b>                       |
| 14      | In-Person            | 301  | 82.9%                      | 9,710            | 32                              |
|         | Remote               | 5  | 1.4%                       | 102              | 20                              |
|         | Telephonic           | 13   | 3.6%                       | 252              | 19                              |
|         | Unknown              | 44   | 12.1%                      | 2,447            | 56                              |
|         | <b>Circuit Total</b> | <b>363</b>   | <b>100.0%</b>              | <b>12,511</b>    | <b>34</b>                       |
| 15      | In-Person            | 7,031  | 94.8%                      | 175,055          | 25                              |
|         | Remote               | 300  | 4.0%                       | 2,161            | 7                               |
|         | Telephonic           | 89   | 1.2%                       | 1,112            | 12                              |
|         | <b>Circuit Total</b> | <b>7,420</b>                                       | <b>100.0%</b>              | <b>178,328</b>   | <b>24</b>                       |
| 16      | In-Person            | 428  | 47.8%                      | 15,840           | 37                              |
|         | Remote               | 411  | 45.9%                      | 16,200           | 39                              |
|         | Telephonic           | 56   | 6.3%                       | 474              | 8                               |
|         | <b>Circuit Total</b> | <b>895</b>   | <b>100.0%</b>              | <b>32,514</b>    | <b>36</b>                       |

Shared Remote Interpreting Workgroup  
 Interpreter Activity Data Collection Effort  
 Events and Minutes Provided by Delivery Method  
 By Circuit, Covered by Circuits Outside of the Pilot

|         |                      | Outside Pilot Events<br>August 2014 - January 2015 |                            |                  |                                 |
|---------|----------------------|--|----------------------------|------------------|---------------------------------|
| Circuit | Delivery Method      | Total Events                                       | Percent of<br>Total Events | Total Minutes    | Average<br>Minutes Per<br>Event |
| 17      | In-Person            | 3,340  | 80.3%                      | 113,433          | 34                              |
|         | Remote               | 812  | 19.5%                      | 10,992           | 14                              |
|         | Telephonic           | 8  | 0.2%                       | 279              | 35                              |
|         | <b>Circuit Total</b> | <b>4,160</b>                                       | <b>100.0%</b>              | <b>124,704</b>   | <b>30</b>                       |
| 18      | In-Person            | 600  | 88.8%                      | 18,577           | 31                              |
|         | Remote               | 6  | 0.9%                       | 67               | 11                              |
|         | Telephonic           | 70   | 10.4%                      | 820              | 12                              |
|         | <b>Circuit Total</b> | <b>676</b>   | <b>100.0%</b>              | <b>19,464</b>    | <b>29</b>                       |
| 19      | In-Person            | 4,054  | 98.9%                      | 81,715           | 20                              |
|         | Remote               | 30   | 0.7%                       | 591              | 20                              |
|         | Telephonic           | 14   | 0.3%                       | 310              | 22                              |
|         | <b>Circuit Total</b> | <b>4,098</b>                                       | <b>100.0%</b>              | <b>82,616</b>    | <b>20</b>                       |
| 20      | In-Person            | 5,280  | 90.1%                      | 257,268          | 49                              |
|         | Remote               | 530  | 9.0%                       | 26,907           | 51                              |
|         | Telephonic           | 52   | 0.9%                       | 1,635            | 31                              |
|         | <b>Circuit Total</b> | <b>5,862</b>                                       | <b>100.0%</b>              | <b>285,810</b>   | <b>49</b>                       |
| State   | In-Person            | 126,717  | 90.7%                      | 2,759,082        | 22                              |
|         | Remote               | 10,312   | 7.4%                       | 180,042          | 17                              |
|         | Telephonic           | 2,232  | 1.6%                       | 43,793           | 20                              |
|         | Unknown              | 474  | 0.3%                       | 31,755           | 67                              |
|         | <b>State Total</b>   | <b>139,735</b>                                     | <b>100.0%</b>              | <b>3,014,672</b> | <b>22</b>                       |

Notes:

1. Data is self-reported by individual interpreters. Circuits were unable to verify data submitted. They could only verify total events.
2. At the time of the data collection effort, it was noted no provisionally approved or language skilled interpreters existed in the state as these were new designations as of March 2014. See *In re Amends. to Fla. Rules for Certif. & Regul. of Court Interpreters.*, 136 So. 3d 584 (Fla. 2014).
3. Events reported within the pilot represent less than one percent of total events statewide. Therefore, comparative analysis on timeframes were inconclusive.
4. Data reported reflects direct services only. Administrative travel related events are excluded.
5. Unknown delivery method includes N/A, translation, and blank entries.
6. Outside pilot events do not include circuit 12.
7. Does not includes events with negative, zero, or over 660 minutes.

Shared Remote Interpreting Workgroup  
 Interpreter Activity Data Collection Effort  
 Events and Minutes Provided by Type of Case  
 Covered by Circuits In and Outside of the Pilot

| Type of Case                   | Outside Pilot Events<br>August 2014 - January 2015 |                               |                  |                                 | Pilot Events<br>March 2014 - March 2015<br>(Circuits providing service) |                               |                  |                                 |
|--------------------------------|--|-------------------------------|------------------|---------------------------------|---|-------------------------------|------------------|---------------------------------|
|                                | Total<br>Events                                    | Percent<br>of Total<br>Events | Total<br>Minutes | Average<br>Minutes<br>Per Event | Total<br>Events   | Percent<br>of Total<br>Events | Total<br>Minutes | Average<br>Minutes<br>Per Event |
| Baker/Marchman/Guardianship    | 322  | 0.2%                          | 12,187           | 38                              | 0   | 0.0%                          | 0                | NA                              |
| Circuit Criminal               | 41,537   | 29.7%                         | 968,963          | 23                              | 67  | 17.4%                         | 1,855            | 28                              |
| County Criminal                | 49,694   | 35.6%                         | 855,982          | 17                              | 273   | 71.1%                         | 6,348            | 23                              |
| Delinquency                    | 6,358  | 4.6%                          | 208,323          | 33                              | 39  | 10.2%                         | 479              | 12                              |
| Dependency/CINS/FINS           | 4,596  | 3.3%                          | 215,964          | 47                              | 4   | 1.0%                          | 56               | 14                              |
| Domestic Violence Injunctions  | 8,787  | 6.3%                          | 228,230          | 26                              | 0   | 0.0%                          | 0                | NA                              |
| Magistrate/CSEHO or Title IV-D | 711  | 0.5%                          | 33,625           | 47                              | 1   | 0.3%                          | 20               | 20                              |
| Other Case Types               | 27,730   | 19.8%                         | 491,398          | 18                              | 0   | 0.0%                          | 0                | NA                              |
| <b>Total</b>                   | <b>139,735</b>                                     | <b>100.0%</b>                 | <b>3,014,672</b> | <b>22</b>                       | <b>384</b>  | <b>100.0%</b>                 | <b>8,758</b>     | <b>23</b>                       |

Notes:

1. Data is self-reported by individual interpreters. Circuits were unable to verify data submitted. They could only verify total events.
2. At the time of the data collection effort, it was noted no provisionally approved or language skilled interpreters existed in the state as these were new designations as of March 2014. See In re Amends. to Fla. Rules for Certif. & Regul. of Court Interprtrs., 136 So. 3d 584 (Fla. 2014).
3. Events reported within the pilot represent less than one percent of total events statewide. Therefore, comparative analysis on timeframes were inconclusive.
4. Data reported reflects direct services only. Administrative travel related events are excluded.
5. Other case types include, but is not limited to, civil, judicial reviews, mediation, translation, and unknown entries.
6. Outside pilot events do not include circuit 12.
7. Does not include events with negative, zero, or over 660 minutes.

Shared Remote Interpreting Workgroup  
 Interpreter Activity Data Collection Effort  
 Events and Minutes Provided by Type of Event  
 Covered by Circuits In and Outside of the Pilot

| Type of Event              | Outside Pilot Events<br>August 2014 - January 2015 |                         |                  |                           | Pilot Events<br>March 2014 - March 2015<br>(Circuits providing service) |                         |               |                           |
|----------------------------|--|-------------------------|------------------|---------------------------|---|-------------------------|---------------|---------------------------|
|                            | Total Events                                       | Percent of Total Events | Total Minutes    | Average Minutes Per Event | Total Events  | Percent of Total Events | Total Minutes | Average Minutes Per Event |
| Arraignment                | 29,634   | 21.2%                   | 413,367          | 14                        | 185   | 48.2%                   | 4,119         | 22                        |
| Atty/Client Conference     | 1,708  | 1.2%                    | 36,150           | 21                        | 0   | 0.0%                    | 0             | NA                        |
| Detention Review           | 305  | 0.2%                    | 11,065           | 36                        | 4   | 1.0%                    | 52            | 13                        |
| Docket Sounding/Trial Call | 1,927  | 1.4%                    | 61,948           | 32                        | 7   | 1.8%                    | 97            | 14                        |
| First Appearance Hearing   | 6,604  | 4.7%                    | 186,532          | 28                        | 106   | 27.6%                   | 3,606         | 34                        |
| Other Hearings             | 42,632   | 30.5%                   | 853,205          | 20                        | 4   | 1.0%                    | 118           | 30                        |
| Plea                       | 17,838   | 12.8%                   | 257,624          | 14                        | 51  | 13.3%                   | 420           | 8                         |
| Pre-Trial                  | 2,317  | 1.7%                    | 77,962           | 34                        | 12  | 3.1%                    | 109           | 9                         |
| Sentence/Disposition       | 1,425  | 1.0%                    | 48,452           | 34                        | 3   | 0.8%                    | 27            | 9                         |
| Sight Translation          | 2,273  | 1.6%                    | 79,050           | 35                        | 0   | 0.0%                    | 0             | NA                        |
| Trial                      | 3,437  | 2.5%                    | 176,421          | 51                        | 2   | 0.5%                    | 70            | 35                        |
| Witness Testimony          | 2,564  | 1.8%                    | 62,689           | 24                        | 2   | 0.5%                    | 50            | 25                        |
| Deposition                 | 441  | 0.3%                    | 28,870           | 65                        | 0   | 0.0%                    | 0             | NA                        |
| Interviews                 | 12,018   | 8.6%                    | 222,895          | 19                        | 0   | 0.0%                    | 0             | NA                        |
| Psychological Evaluation   | 88   | 0.1%                    | 2,716            | 31                        | 0   | 0.0%                    | 0             | NA                        |
| Other                      | 13,917   | 10.0%                   | 468,948          | 34                        | 8   | 2.1%                    | 90            | 11                        |
| No Event                   | 455  | 0.3%                    | 20,229           | 44                        | 0   | 0.0%                    | 0             | NA                        |
| Unknown                    | 152  | 0.1%                    | 6,549            | 43                        | 0   | 0.0%                    | 0             | NA                        |
| <b>Total</b>               | <b>139,735</b>                                     | <b>100.0%</b>           | <b>3,014,672</b> | <b>22</b>                 | <b>384</b>  | <b>100.0%</b>           | <b>8,758</b>  | <b>23</b>                 |

Notes:

1. Data is self-reported by individual interpreters. Circuits were unable to verify data submitted. They could only verify total events.
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3. Events reported within the pilot represent less than one percent of total events statewide. Therefore, comparative analysis on timeframes were inconclusive.
4. Data reported reflects direct services only. Administrative travel related events are excluded.
5. Outside pilot events do not include circuit 12.
6. Other hearings includes bond, motion, and status hearings entries. Unknown includes domestic violence, dependency, and unknown entries.
7. Does not include events with negative, zero, or over 660 minutes.

Shared Remote Interpreting Workgroup  
 Interpreter Activity Data Collection Effort  
 Events and Minutes Provided by Professional Category  
 By Circuit, Covered by Circuits In and Outside of the Pilot

| Circuit | Professional Category | Outside Pilot Events<br>August 2014 - January 2015 |                         |                |                           | Pilot Events<br>March 2014 - March 2015<br>(Circuits providing service) |                         |               |                           |
|---------|-----------------------|--|-------------------------|----------------|---------------------------|---|-------------------------|---------------|---------------------------|
|         |                       | Total Events                                       | Percent of Total Events | Total Minutes  | Average Minutes Per Event | Total Events  | Percent of Total Events | Total Minutes | Average Minutes Per Event |
| 1       | Florida Certified     | 20   | 3.0%                    | 458            | 23                        |   |                         |               |                           |
|         | No Credential         | 7  | 1.0%                    | 235            | 34                        |   |                         |               |                           |
|         | Other                 | 641  | 96.0%                   | 22,308         | 35                        |   |                         |               |                           |
|         | <b>Total</b>          | <b>668</b>   | <b>100.0%</b>           | <b>23,001</b>  | <b>34</b>                 |   |                         |               |                           |
| 2       | Florida Certified     | 203  | 64.2%                   | 9,894          | 49                        |   |                         |               |                           |
|         | No Credential         | 11   | 3.5%                    | 55             | 5                         |   |                         |               |                           |
|         | Other                 | 102  | 32.3%                   | 2,006          | 20                        |   |                         |               |                           |
|         | <b>Total</b>          | <b>316</b>   | <b>100.0%</b>           | <b>11,955</b>  | <b>38</b>                 |   |                         |               |                           |
| 3       | Florida Certified     | 72   | 25.2%                   | 2,050          | 28                        |   |                         |               |                           |
|         | No Credential         | 67   | 23.4%                   | 2,780          | 41                        |   |                         |               |                           |
|         | Other                 | 147  | 51.4%                   | 3,164          | 22                        |   |                         |               |                           |
|         | <b>Total</b>          | <b>286</b>   | <b>100.0%</b>           | <b>7,994</b>   | <b>28</b>                 |   |                         |               |                           |
| 4       | Florida Certified     | 1,035  | 70.1%                   | 23,644         | 23                        |   |                         |               |                           |
|         | No Credential         | 235  | 15.9%                   | 12,731         | 54                        |   |                         |               |                           |
|         | Other                 | 206  | 14.0%                   | 6,107          | 30                        |   |                         |               |                           |
|         | <b>Total</b>          | <b>1,476</b>                                       | <b>100.0%</b>           | <b>42,482</b>  | <b>29</b>                 |   |                         |               |                           |
| 5       | Federal Certified     | 80   | 3.4%                    | 9,025          | 113                       |   |                         |               |                           |
|         | Florida Certified     | 1,630  | 68.4%                   | 144,412        | 89                        |   |                         |               |                           |
|         | No Credential         | 52   | 2.2%                    | 3,905          | 75                        |   |                         |               |                           |
|         | Other                 | 621  | 26.1%                   | 36,724         | 59                        |   |                         |               |                           |
|         | <b>Total</b>          | <b>2,383</b>                                       | <b>100.0%</b>           | <b>194,066</b> | <b>81</b>                 |   |                         |               |                           |
| 6       | Florida Certified     | 1,163  | 69.2%                   | 48,404         | 42                        |   |                         |               |                           |
|         | No Credential         | 143  | 8.5%                    | 12,137         | 85                        |   |                         |               |                           |
|         | Other                 | 375  | 22.3%                   | 30,267         | 81                        |   |                         |               |                           |
|         | <b>Total</b>          | <b>1,681</b>                                       | <b>100.0%</b>           | <b>90,808</b>  | <b>54</b>                 |   |                         |               |                           |
| 7       | Florida Certified     | 1,322  | 91.7%                   | 33,335         | 25                        | 92  | 100.0%                  | 3,767         | 41                        |
|         | No Credential         | 40   | 2.8%                    | 2,246          | 56                        | 0   | 0                       | 0             | NA                        |
|         | Other                 | 80   | 5.5%                    | 4,024          | 50                        | 0   | 0                       | 0             | NA                        |
|         | <b>Total</b>          | <b>1,442</b>                                       | <b>100.0%</b>           | <b>39,605</b>  | <b>27</b>                 | <b>92</b>   | <b>100.0%</b>           | <b>3,767</b>  | <b>41</b>                 |
| 8       | Florida Certified     | 108  | 31.6%                   | 5,218          | 48                        |   |                         |               |                           |
|         | No Credential         | 42   | 12.3%                   | 1,380          | 33                        |   |                         |               |                           |
|         | Other                 | 192  | 56.1%                   | 6,000          | 31                        |   |                         |               |                           |
|         | <b>Total</b>          | <b>342</b>   | <b>100.0%</b>           | <b>12,598</b>  | <b>37</b>                 |   |                         |               |                           |
| 9       | Florida Certified     | 6,575  | 81.7%                   | 100,636        | 15                        | 292   | 100.0%                  | 4,991         | 17                        |
|         | No Credential         | 227  | 2.8%                    | 11,263         | 50                        | 0   | 0.0%                    | 0             | NA                        |
|         | Other                 | 1,248  | 15.5%                   | 22,765         | 18                        | 0   | 0.0%                    | 0             | NA                        |
|         | <b>Total</b>          | <b>8,050</b>                                       | <b>100.0%</b>           | <b>134,664</b> | <b>17</b>                 | <b>292</b>  | <b>100.0%</b>           | <b>4,991</b>  | <b>17</b>                 |

Shared Remote Interpreting Workgroup  
 Interpreter Activity Data Collection Effort  
 Events and Minutes Provided by Professional Category  
 By Circuit, Covered by Circuits In and Outside of the Pilot

| Circuit | Professional Category | Outside Pilot Events<br>August 2014 - January 2015 |                         |                  |                           | Pilot Events<br>March 2014 - March 2015<br>(Circuits providing service) |                         |               |                           |
|---------|-----------------------|--|-------------------------|------------------|---------------------------|---|-------------------------|---------------|---------------------------|
|         |                       | Total Events                                       | Percent of Total Events | Total Minutes    | Average Minutes Per Event | Total Events  | Percent of Total Events | Total Minutes | Average Minutes Per Event |
| 10      | Florida Certified     | 1,962  | 59.2%                   | 41,528           | 21                        |   |                         |               |                           |
|         | No Credential         | 1,142  | 34.5%                   | 12,437           | 11                        |   |                         |               |                           |
|         | Other                 | 208  | 6.3%                    | 5,960            | 29                        |   |                         |               |                           |
|         | <b>Total</b>          | <b>3,312</b>                                       | <b>100.0%</b>           | <b>59,925</b>    | <b>18</b>                 |   |                         |               |                           |
| 11      | Federal Certified     | 1,253  | 1.4%                    | 20,205           | 16                        |   |                         |               |                           |
|         | Florida Certified     | 63,158   | 69.5%                   | 992,003          | 16                        |   |                         |               |                           |
|         | No Credential         | 20,682   | 22.8%                   | 393,045          | 19                        |   |                         |               |                           |
|         | Other                 | 5,805  | 6.4%                    | 144,415          | 25                        |   |                         |               |                           |
|         | <b>Total</b>          | <b>90,898</b>                                      | <b>100.0%</b>           | <b>1,549,668</b> | <b>17</b>                 |   |                         |               |                           |
| 13      | Florida Certified     | 2,202  | 40.7%                   | 40,095           | 18                        |   |                         |               |                           |
|         | No Credential         | 741  | 13.7%                   | 13,978           | 19                        |   |                         |               |                           |
|         | Other                 | 2,464  | 45.6%                   | 57,886           | 23                        |   |                         |               |                           |
|         | <b>Total</b>          | <b>5,407</b>                                       | <b>100.0%</b>           | <b>111,959</b>   | <b>21</b>                 |   |                         |               |                           |
| 14      | Florida Certified     | 4  | 1.1%                    | 1,560            | 390                       |   |                         |               |                           |
|         | No Credential         | 336  | 92.6%                   | 10,186           | 30                        |   |                         |               |                           |
|         | Other                 | 23   | 6.3%                    | 765              | 33                        |   |                         |               |                           |
|         | <b>Total</b>          | <b>363</b>   | <b>100.0%</b>           | <b>12,511</b>    | <b>34</b>                 |   |                         |               |                           |
| 15      | Florida Certified     | 6,103  | 82.3%                   | 138,632          | 23                        |   |                         |               |                           |
|         | No Credential         | 383  | 5.2%                    | 11,391           | 30                        |   |                         |               |                           |
|         | Other                 | 934  | 12.6%                   | 28,305           | 30                        |   |                         |               |                           |
|         | <b>Total</b>          | <b>7,420</b>                                       | <b>100.0%</b>           | <b>178,328</b>   | <b>24</b>                 |   |                         |               |                           |
| 16      | Florida Certified     | 408  | 45.6%                   | 16,125           | 40                        |   |                         |               |                           |
|         | No Credential         | 458  | 51.2%                   | 15,985           | 35                        |   |                         |               |                           |
|         | Other                 | 29   | 3.2%                    | 404              | 14                        |   |                         |               |                           |
|         | <b>Total</b>          | <b>895</b>   | <b>100.0%</b>           | <b>32,514</b>    | <b>36</b>                 |   |                         |               |                           |
| 17      | Florida Certified     | 2,343  | 56.3%                   | 72,536           | 31                        |   |                         |               |                           |
|         | No Credential         | 1,540  | 37.0%                   | 40,573           | 26                        |   |                         |               |                           |
|         | Other                 | 277  | 6.7%                    | 11,595           | 42                        |   |                         |               |                           |
|         | <b>Total</b>          | <b>4,160</b>                                       | <b>100.0%</b>           | <b>124,704</b>   | <b>30</b>                 |   |                         |               |                           |
| 18      | Florida Certified     | 546  | 80.8%                   | 10,755           | 20                        |   |                         |               |                           |
|         | No Credential         | 31   | 4.6%                    | 5,415            | 175                       |   |                         |               |                           |
|         | Other                 | 99   | 14.6%                   | 3,294            | 33                        |   |                         |               |                           |
|         | <b>Total</b>          | <b>676</b>   | <b>100.0%</b>           | <b>19,464</b>    | <b>29</b>                 |   |                         |               |                           |

Shared Remote Interpreting Workgroup  
 Interpreter Activity Data Collection Effort  
 Events and Minutes Provided by Professional Category  
 By Circuit, Covered by Circuits In and Outside of the Pilot

| Circuit | Professional Category | Outside Pilot Events<br>August 2014 - January 2015 |                         |                  |                           | Pilot Events<br>March 2014 - March 2015<br>(Circuits providing service) |                         |               |                           |
|---------|-----------------------|--|-------------------------|------------------|---------------------------|---|-------------------------|---------------|---------------------------|
|         |                       | Total Events                                       | Percent of Total Events | Total Minutes    | Average Minutes Per Event | Total Events  | Percent of Total Events | Total Minutes | Average Minutes Per Event |
| 19      | Florida Certified     | 2,106  | 51.4%                   | 23,459           | 11                        |   |                         |               |                           |
|         | No Credential         | 1,583  | 38.6%                   | 39,572           | 25                        |   |                         |               |                           |
|         | Other                 | 409  | 10.0%                   | 19,585           | 48                        |   |                         |               |                           |
|         | <b>Total</b>          | <b>4,098</b>                                       | <b>100.0%</b>           | <b>82,616</b>    | <b>20</b>                 |   |                         |               |                           |
| 20      | Florida Certified     | 2,724  | 46.5%                   | 132,002          | 48                        |   |                         |               |                           |
|         | No Credential         | 374  | 6.4%                    | 16,216           | 43                        |   |                         |               |                           |
|         | Other                 | 2,764  | 47.2%                   | 137,592          | 50                        |   |                         |               |                           |
|         | <b>Total</b>          | <b>5,862</b>                                       | <b>100.0%</b>           | <b>285,810</b>   | <b>49</b>                 |   |                         |               |                           |
| State   | Florida Certified     | 93,684   | 67.0%                   | 1,836,746        | 20                        | 384   | 100.0%                  | 8,758         | 23                        |
|         | Federal Certified     | 1,333  | 1.0%                    | 29,230           | 22                        | 0   | 0.0%                    | 0             | NA                        |
|         | No Credential         | 28,094   | 20.1%                   | 605,530          | 22                        | 0   | 0.0%                    | 0             | NA                        |
|         | Other                 | 16,624   | 11.9%                   | 543,166          | 33                        | 0   | 0.0%                    | 0             | NA                        |
|         | <b>Total</b>          | <b>139,735</b>                                     | <b>100.0%</b>           | <b>3,014,672</b> | <b>22</b>                 | <b>384</b>  | <b>100.0%</b>           | <b>8,758</b>  | <b>23</b>                 |

Notes:

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5. Other professional category includes court employee, Florida language skilled, Florida professionally approved, and duly qualified entries.
6. Outside pilot events do not include circuit 12.
7. Does not include events with negative, zero, or over 660 minutes.

Shared Remote Interpreting Workgroup  
 Interpreter Activity Data Collection Effort  
 Average Minutes Per Event  
 By Circuit and Language, Covered by Circuits In and Outside of the Pilot

| Circuit      | Outside Pilot Events<br>August 2014 - January 2015 |                    |           |                  | Pilot Events<br>March 2014 - March 2015<br>(Circuits providing service) |                    |           |                  |
|--------------|--|--------------------|-----------|------------------|---|--------------------|-----------|------------------|
|              | Spanish  | Haitian-<br>Creole | Other     | Sign<br>Language | Spanish   | Haitian-<br>Creole | Other     | Sign<br>Language |
| 1            | 33   | NA                 | 24        | 64               |   |                    |           |                  |
| 2            | 37   | NA                 | 49        | 58               |   |                    |           |                  |
| 3            | 27   | NA                 | 46        | 13               |   |                    |           |                  |
| 4            | 23   | 70                 | 53        | 96               |   |                    |           |                  |
| 5            | 81   | 34                 | 94        | 86               |   |                    |           |                  |
| 6            | 41   | 35                 | 80        | 154              |   |                    |           |                  |
| 7            | 25   | NA                 | 60        | 59               | 41  | NA                 | NA        | NA               |
| 8            | 22   | NA                 | 143       | 148              |   |                    |           |                  |
| 9            | 14   | 36                 | 62        | 63               | 17  | 12                 | 24        | NA               |
| 10           | 17   | 22                 | 39        | 60               |   |                    |           |                  |
| 11           | 17   | 30                 | 21        | NA               |   |                    |           |                  |
| 13           | 20   | 29                 | 45        | 40               |   |                    |           |                  |
| 14           | 32   | NA                 | 46        | 63               |   |                    |           |                  |
| 15           | 21   | 31                 | 78        | 137              |   |                    |           |                  |
| 16           | 36   | 31                 | 54        | 46               |   |                    |           |                  |
| 17           | 25   | 48                 | 76        | 62               |   |                    |           |                  |
| 18           | 26   | 14                 | 18        | 82               |   |                    |           |                  |
| 19           | 19   | 37                 | 30        | 134              |   |                    |           |                  |
| 20           | 47   | 63                 | 59        | 157              |   |                    |           |                  |
| <b>Total</b> | <b>20</b>  | <b>34</b>          | <b>60</b> | <b>95</b>        | <b>23</b>   | <b>12</b>          | <b>24</b> | <b>NA</b>        |

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3. Events reported within the pilot represent less than one percent of total events statewide. Therefore, comparative analysis on timeframes were inconclusive.
4. Data reported reflects direct services only. Administrative travel related events are excluded.
5. Other languages includes, but is not limited to, Albanian, Amharic, Arabic, Bengali, Chinese, Mandarin, Korean, and Portuguese.
6. Outside pilot events do not include circuit 12.
7. Does not include events with negative, zero, or over 660 minutes.

Shared Remote Interpreting Workgroup  
 Interpreter Activity Data Collection Effort  
 Number of Events  
 By Circuit and Language, Covered by Circuits In and Outside of the Pilot

| Circuit      | Outside Pilot Events<br>August 2014 - January 2015 |                    |              |                  | Pilot Events<br>March 2014 - March 2015<br>(Circuits providing service) |                    |          |                  |
|--------------|--|--------------------|--------------|------------------|---|--------------------|----------|------------------|
|              | Spanish  | Haitian-<br>Creole | Other        | Sign<br>Language | Spanish   | Haitian-<br>Creole | Other    | Sign<br>Language |
| 1            | 616  | 0                  | 17           | 35               |   |                    |          |                  |
| 2            | 304  | 0                  | 3            | 9                |   |                    |          |                  |
| 3            | 276  | 0                  | 9            | 1                |   |                    |          |                  |
| 4            | 1,218  | 6                  | 230          | 22               |   |                    |          |                  |
| 5            | 2,313  | 2                  | 33           | 35               |   |                    |          |                  |
| 6            | 1,384  | 2                  | 162          | 133              |   |                    |          |                  |
| 7            | 1,356  | 0                  | 43           | 43               | 92  | 0                  | 0        | 0                |
| 8            | 302  | 0                  | 7            | 33               |   |                    |          |                  |
| 9            | 7,503  | 259                | 170          | 118              | 284   | 3                  | 5        | 0                |
| 10           | 3,167  | 66                 | 30           | 49               |   |                    |          |                  |
| 11           | 87,433   | 3,299              | 166          | 0                |   |                    |          |                  |
| 13           | 5,289  | 23                 | 53           | 42               |   |                    |          |                  |
| 14           | 324  | 0                  | 26           | 13               |   |                    |          |                  |
| 15           | 6,647  | 515                | 206          | 52               |   |                    |          |                  |
| 16           | 878  | 6                  | 10           | 1                |   |                    |          |                  |
| 17           | 3,502  | 367                | 234          | 57               |   |                    |          |                  |
| 18           | 633  | 1                  | 11           | 31               |   |                    |          |                  |
| 19           | 3,920  | 115                | 50           | 13               |   |                    |          |                  |
| 20           | 5,425  | 328                | 88           | 21               |   |                    |          |                  |
| <b>Total</b> | <b>132,490</b>                                     | <b>4,989</b>       | <b>1,548</b> | <b>708</b>       | <b>376</b>  | <b>3</b>           | <b>5</b> | <b>0</b>         |

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2. At the time of the data collection effort, it was noted no provisionally approved or language skilled interpreters existed in the state as these were new designations as of March 2014. See *In re Amends. to Fla. Rules for Certif. & Regul. of Court Interpreters*, 136 So. 3d 584 (Fla. 2014).
3. Events reported within the pilot represent less than one percent of total events statewide. Therefore, comparative analysis on timeframes were inconclusive.
4. Data reported reflects direct services only. Administrative travel related events are excluded.
5. Other languages includes, but is not limited to, Albanian, Amharic, Arabic, Bengali, Chinese, Mandarin, Korean, and Portuguese.
6. Outside pilot events do not include circuit 12.
7. Does not include events with negative, zero, or over 660 minutes.

Shared Remote Interpreting Workgroup  
 Interpreter Activity Data Collection Effort  
 Average Number of Events Per Day  
 By Circuit, Covered by Circuits Outside of the Pilot

| Circuit | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|---------|--------|--------|---------|-----------|----------|--------|----------|
| 1       | 1      | 6      | 11      | 7         | 4        | 3      | 2        |
| 2       | 1      | 2      | 7       | 2         | 3        | 2      | 1        |
| 3       | 1      | 3      | 6       | 2         | 3        | 3      | 1        |
| 4       | 2      | 13     | 15      | 13        | 10       | 4      | 2        |
| 5       | 2      | 15     | 20      | 18        | 29       | 11     | 2        |
| 6       | 2      | 13     | 11      | 23        | 11       | 7      | 2        |
| 7       | 1      | 9      | 18      | 13        | 10       | 5      | 1        |
| 8       | 2      | 4      | 4       | 3         | 4        | 2      | 1        |
| 9       | 7      | 49     | 61      | 68        | 76       | 53     | 8        |
| 10      | 5      | 19     | 26      | 36        | 21       | 18     | 3        |
| 11      | 26     | 764    | 778     | 722       | 638      | 554    | 29       |
| 13      | 6      | 39     | 63      | 55        | 31       | 15     | 4        |
| 14      | 2      | 3      | 3       | 3         | 4        | 2      | 1        |
| 15      | 4      | 55     | 83      | 73        | 22       | 44     | 4        |
| 16      | 2      | 5      | 8       | 9         | 8        | 5      | 2        |
| 17      | 3      | 30     | 35      | 33        | 33       | 22     | 4        |
| 18      | 1      | 6      | 7       | 5         | 5        | 5      | 1        |
| 19      | 3      | 27     | 40      | 33        | 42       | 9      | 2        |
| 20      | 7      | 67     | 42      | 41        | 26       | 36     | 6        |

Notes:

1. Data is self-reported by individual interpreters. Circuits were unable to verify data submitted. They could only verify total events.
2. At the time of the data collection effort, it was noted no provisionally approved or language skilled interpreters existed in the state as these were new designations as of March 2014. See In re Amends. to Fla. Rules for Certif. & Regul. of Court Interpretrs., 136 So. 3d 584 (Fla. 2014).
3. Events reported within the pilot represent less than one percent of total events statewide. Therefore, comparative analysis on timeframes were inconclusive.
4. Data reported reflects direct services only. Administrative travel related events are excluded.

# **DRAFT Memorandum of Understanding**

**on**

## **Shared Remote Interpreting Services**

This Memorandum of Understanding (MOU) is made and entered into by and between the Joint Workgroup on Shared Remote Interpreting (SRIW) and the \_\_\_\_\_ Judicial Circuit (Circuit).

### **I. Purpose**

The purpose of this MOU is to define the agreement between the SRIW and the Circuit regarding the utilization of virtual remote interpreting equipment and associated court interpreters. The MOU will provide the Circuit with information necessary to utilize the virtual remote interpreting equipment and the pool of certified court interpreters to provide and/or receive remote interpreting services.

### **II. Background**

Court interpreting services are critical to the operations of the trial courts. In concert with the mission of the Florida Judicial Branch to be accessible, fair, effective, responsive, and accountable, the SRIW is reviewing the use of technology to enhance and enable the delivery of these services. Court interpreting services, when combined with the use of advanced technology, promises to significantly enhance the courts' ability to address an increasing demand for qualified interpreters amid a large diversity of languages and limited court resources and budgets. To facilitate the on-going development and improvement of interpreting services through the use of technology, the SRIW and the Circuit agree to develop a partnership to work cooperatively together ensuring the highest level of court interpreting services possible.

### **III. Legal Authority**

The parties agree that, for purposes of executing this MOU, the SRIW is the governing authority in providing the virtual remote interpreting equipment and access to certified court interpreters, as established within a statewide pool, to support the shared interpreter service needs of the trial courts.

The Circuit is subject to all statutes, court rules and Supreme Court administrative orders applicable to the court interpreting services.

#### **IV. Definitions**

1. Virtual Remote Interpreting (VRI) - VRI is defined as the provision of court interpreting services using telepresence videoconferencing technology. VRI is used to provide interpreting services when the interpreter is at a location physically separate from the consumer needing the service.
2. Remote Interpreter - A remote interpreter is a court interpreter who is certified according to the Florida Rules for Certification and Regulation of Spoken Language Court Interpreters, and Florida Rules of Judicial Administration. The remote interpreter also possesses the necessary training to operate and deliver interpreting services using VRI.
3. Statewide Pool - A statewide pool will allow the court, when a court interpreter is needed, to place a request for the specific language from the courtroom (e.g., from a menu on a touch screen tablet). This action will allow an interpreter, from the pool, to appear via video from a remote location. The interpreter, from a remote location, will be able to render the interpreting services.

#### **V. Shared Remote Interpreting Initiative**

The Shared Remote Interpreting Initiative (Initiative) comprises a combined set of technical and business model practices to ensure court interpreting services are provided in a manner that best meets the current needs of the trial courts. From a technical perspective, the Initiative comprises VRI, an integrated network system of audio and video technology to enable a clear, audible communication between a remotely located staff interpreter and the court proceedings held in multiple counties throughout Florida. From a business perspective, the Initiative also includes an established statewide pool of qualified interpreters to be shared among circuits. The purpose of the Initiative is to allow qualified staff and contractual interpreters to be shared across circuit boundaries providing interpreter resources across a broader geographical area. Utilizing VRI can significantly reduce the time and cost associated with interpreters having to walk or drive between courtroom locations. Ultimately, the Initiative will improve effectiveness in the delivery of services by maximizing the use of state certified staff interpreter resources thereby reducing reliance on lesser qualified interpreter resources.

## **VI. Types of Proceedings Covered by Statewide Pool**

Currently, the VRI solution is designed for in-court proceedings of short duration:

1. Initial appearances
2. Arraignments
3. VOPs (Violation of Probation hearings)
4. Dependency and delinquency hearings and trials
5. Traffic and misdemeanor
6. Felony pre-trial hearings
7. Docket sounding
8. Injunctions
9. Baker and Marchman Acts – consecutive with tablet/laptop
10. Any other short-duration, in-court proceeding deemed appropriate by the presiding judge pursuant to the statutes, court rules and Supreme Court administrative orders applicable to the court interpreting services

Note: Felony trials should be excluded from coverage by the pool. In the future, the SRIW will assess capabilities to enable the expansion into other areas including more complex proceeding types (e.g., proceedings in which two interpreters are needed to provide interpreting services, such as one for a witness and one for a defendant). For now, VRI is intended for proceedings needing only one interpreter.

## **VII. Languages Covered by Statewide Pool**

The VRI solution will provide coverage for the following languages:

- Spanish
- Creole
- Sign (Requires 37" + display monitor)

To make the connection, a pooled interpreter will be selected based upon the following criteria:

- Interpreter is certified in the requested language;
- If available, an interpreter employed by the requesting court;
- If no interpreter employed by the requesting court is available, the available interpreter employed outside the circuit who has been idle the longest.

When a courtroom requires a language not supported by the pool, the requesting court may pre-schedule and arrange for a contract interpreter to cover the event using the statewide VRI system. The statewide VRI system should be available to all languages for scheduled events. If the contract interpreter resides outside of the requesting circuit, the contract interpreter can provide the remote service from the circuit where they reside (e.g., Mandarin Chinese interpreter residing in Orlando using the VRI system to cover an event in Key West).

Since uniform, statewide rates are not established for contractual interpreting services, rates currently vary across the state based on local market conditions and whether the interpreter must travel to provide the in-person service. Contract interpreters, providing services using VRI, should receive a rate exclusive of costs relating to travel or other logistical hardships, as well as cost issues pertaining to lesser economies of scale. Circuits should choose contract interpreters in consideration of these impacts (i.e., ability to capitalize on lower neighboring circuit rates using VRI). For instance, if an interpreter has a contract with both the providing and receiving Circuit, and the rates differ, the receiving Circuit should pay the lesser rate. Thus, Circuits should consider adding new provisions to existing contracts to address differing rates of in-person and VRI services, as applicable. Lastly, if a receiving Circuit receives VRI services within the two-hour minimum provision of a provider Circuit's interpreter (initially hired for VRI), then the receiving Circuit will not be required to pay the contract interpreter.

## **VIII. Responsibilities of the Courtroom Participants**

Courtroom personnel should assist in initiating a call to a remote interpreter who is available upon demand or with whom they have a pre-scheduled event.

A person needing interpretation in the courtroom should be provided access to a headset that will allow them to hear the interpreter providing simultaneous and consecutive interpretation of the proceeding in a private mode. If needed, a headset should also be made available to the lawyer of a person needing interpretation in case they need to communicate, off the record, while at the podium. Litigant-to-lawyer private communication may be conducted in a consecutive mode within the courtroom on private mode. Switching audio from public-to-private/private-to-public will be executed by the remote interpreter who determines where his or her voice is heard, on the PA or into the headset.

## **IX. Establishing Necessary Equipment**

It is important that the Circuit first assess the equipment and connectivity available in courtrooms to ensure new video units can integrate into existing courtroom sound systems. This integration will provide audio to and from the courtroom allowing the services of the interpreter to be conducted through the sound system with voice cancellation features. Existing fixed courtroom units should include:

- Video conferencing room system custom installed to optimize courtroom views and audio
- Audio-out integrated with court reporting/audio systems
- Pan/Tilt/Zoom camera required
- Monitor/Projection unit for interpreter video
- 2 additional IP phones for simultaneous interpretation and private sidebar discussions
- Integrated headsets to video and IP phones

## **X. Performance Monitoring and Reporting**

All court interpreters using VRI should track their workload by entering the data, for each covered event, into the Formstack reporting system. This data entry must be done by court employees and contract interpreters. This reporting system will allow the SRIW to monitor the events/hours covered by the statewide pool in order to adjust pool resources based on demands.

Circuits should continue to report to the Uniform Summary Reporting System as usual. Therefore, if an event originates in the receiving Circuit but is covered by an interpreter located in another circuit, the event should be reported in the originating circuit's UDR as well as in the statewide VRI reporting system, Formstack.

Monthly reports produced from Formstack will be provided to OSCA summarizing the statistics on the statewide VRI. These reports are to be completed by the 15<sup>th</sup> day of each succeeding month. The summary statistics should include the same data elements as required by the UDR system for each circuit where services were delivered.

## **XI. Reimbursement of Costs**

Circuits participating in the Initiative will limit the use of these services to the courtroom only. Any other party (public defenders, state attorneys, VOP officers, etc.) must resort to other sources for interpreting services and may not rely on the statewide VRI system.

Generally, when interpreting at public expense is required for a court event, the court is responsible for costs associated with providing a qualified interpreter to interpret all non-English communication meant to be heard by all participants or the judge. Costs related to the interpretation of privileged or other private communications between persons participating in the court event, such as the state attorney, public defender, court appointed counsel, private counsel, or the media, are to be borne by those entities participating in said conversations.

However, for purposes of this MOU, so long as the use of the remote interpreter is for communication meant to be heard in the courtroom where the remote interpreting equipment is installed, the SRIW agrees to provide access to pooled court interpreter services at no cost to the external parties.

## **XII. Duration**

This MOU shall be effective upon execution by both parties. It may be mutually terminated by written agreement of both parties, or unilaterally by the SRIW or the Circuit, provided the terminating party serves the other party with written notice of an intention to terminate the MOU in no less than 60 days from the date such notice is sent. A written notice of intention to terminate shall include the factual basis and reason for such termination.

## **XIII. Amendments**

This MOU may be subsequently amended by written agreement between the parties.

## **XIV. Authorizing Signatures and Dates**

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Tom Genung  
Chair, Shared Remote Interpreting Workgroup

Date:

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\_\_\_\_\_ (Printed Name)  
Chief Judge  
\_\_\_\_\_ Judicial Circuit

Date:

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\_\_\_\_\_ (Printed Name)  
Trial Court Administrator  
\_\_\_\_\_ Judicial Circuit

Date: