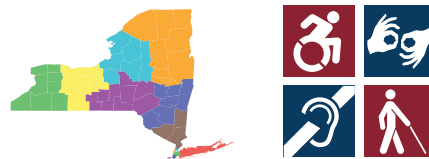




# **A Guide *to*** **ASL Interpretation** *in the* **Virtual Courtroom**

**New York State Unified Court System**  
Office of Language Access • Office of the ADA Coordinator



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During the time that many court proceedings are taking place in virtual courtrooms, it is important that the Court continue to provide sign language interpreting services to Deaf court users. The court system has the capacity to do this, pursuant to the procedures and protocols set forth below.

## 1. HOW REMOTE SIGN LANGUAGE WORKS

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In a physical courtroom, when an interpreter is not available on site, the Court can provide interpreting services remotely via video. A remote sign language interpreter hears what is said in court and provides a sign language translation that a Deaf participant can see on a courtroom video monitor. In turn, the Deaf participant signs to the video camera, and the remote sign language interpreter then speaks an interpretation that can be heard by the hearing participants in the courtroom.

In a virtual courtroom, the same basic process is used, but it will be a little more complicated because the participants will be in multiple locations. In virtual courtrooms, remote sign language interpreting will be provided in conjunction with the Microsoft Teams platform (“Teams”).

## 2. PROVIDING REMOTE SIGN LANGUAGE INTERPRETING IN THE VIRTUAL COURTROOM

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To obtain a remote sign language interpreter for a virtual courtroom, the Court should follow the current procedure for requesting a sign language interpreter: as soon as you become aware of the need, send an email with case information to [signlanguage@nycourts.gov](mailto:signlanguage@nycourts.gov).

The Office of Language Access (OLA) will acknowledge receipt of the Court’s request and confirm the case date with the Court. OLA will then find a sign language interpreter and send the Court an e-mail with the assigned interpreter’s name, e-mail address, and phone number.

In accordance with its general practice, the Court will send all participants – including the assigned ASL interpreter – a Teams invitation containing a link that lets the recipient join the virtual courtroom proceeding. *Attendees should be instructed to download and install the Teams desktop app, because the Teams web app may not support all the features that will be needed.*

Along with the Teams Invitation, the Court should include a link to the *Virtual Courtroom Information Sheet for Deaf Court Users* ([www.nycourts.gov/LegacyPDFS/COURTINT-ERPRETER/ASL-Virt-Interpret-InfoSheet.pdf](http://www.nycourts.gov/LegacyPDFS/COURTINT-ERPRETER/ASL-Virt-Interpret-InfoSheet.pdf)). This *Information Sheet* will help Deaf court users become familiar with how Teams works and help to alleviate potential anxiety about using an unfamiliar application.

The Court should strongly discourage Deaf court users from participating in the virtual courtroom on a smart phone. The small screen size of a smart phone makes it very hard to see the sign language interpreter. A tablet, laptop, or desktop computer should be used instead.

**If the Deaf court user does not have access to a tablet, laptop, or desktop computer, the Court should provide a place in the courthouse with the equipment necessary for the Deaf court user to appear virtually.**

If, on the day of the proceeding, the Court is not able to hold the proceeding at the scheduled time, the Court should notify the ASL interpreter, the other participants, and OLA as soon as possible. The Court should confer with OLA and then send a new Teams invitation to all participants with the rescheduled time and, if necessary, date.

**Please note:** For personal communications, many members of the Deaf community make use of a separate, federally funded communication service – Video Relay Services (VRS). VRS allows a Deaf person to communicate with hearing persons through the telephone system. The VRS caller communicates with a sign language interpreter through a video link, and the interpreter places a telephone call to the party the VRS user wishes to call. The interpreter relays the conversation back and forth between the parties in sign language and by voice.

**The Court should not use VRS in court proceedings, because the VRS interpreters are not UCS employees or UCS per diem interpreters.** If a Deaf court user attempts to participate in a scheduled court proceeding via VRS, the Court (through the VRS interpreter) should instruct the court user that a qualified court interpreter will be provided through the Teams format, and that the court user should end the VRS call. Similarly, in emergency circumstances, or where the Court has not yet been made aware that the court user is Deaf and requires an interpreter, the Court may be contacted by a Deaf person using VRS. If so, the Court should inform the person that VRS interpreting will not be used to conduct court proceedings, and that the Court will be providing a qualified court interpreter accessible through a Teams invitation that the Court will issue via e-mail.


### 3. USING TEAMS WITH A REMOTE INTERPRETER


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To allow full and uninterrupted communication in the virtual courtroom, some Teams features should be used, but some should be avoided. In addition, following certain protocols and best practices will help the court session proceed fairly and efficiently.

**Before the proceeding begins, the Court should always allow the ASL interpreter a few minutes to review the following instructions with the Deaf court user.**

#### A. Pinning

As each participant joins the meeting, their live video image (or name/initials, if they are not using their camera) will be included in a grid in the main window. The main window can show a grid of up to nine (9) participants at the same time. If there are more than nine (9) participants, the grid will always display the last nine participants who have spoken, and the others will appear in small thumbnail panels in a ribbon at the bottom of the screen. However, you can make sure that a person remains in the main window at all times, even if they have not spoken, by using the pin  feature.

**The pinning feature is crucial for sign language interpretation.** The Deaf court user and the sign language interpreter must each use the pin  feature to keep the other pinned and visible at all times. By doing so, they will always remain in each other's view, in a size large enough to be seen. *The Court should confirm that the Deaf court user and the sign language interpreter know how to use, and are using, the pin feature correctly.*

##### 1. About the Pin Feature

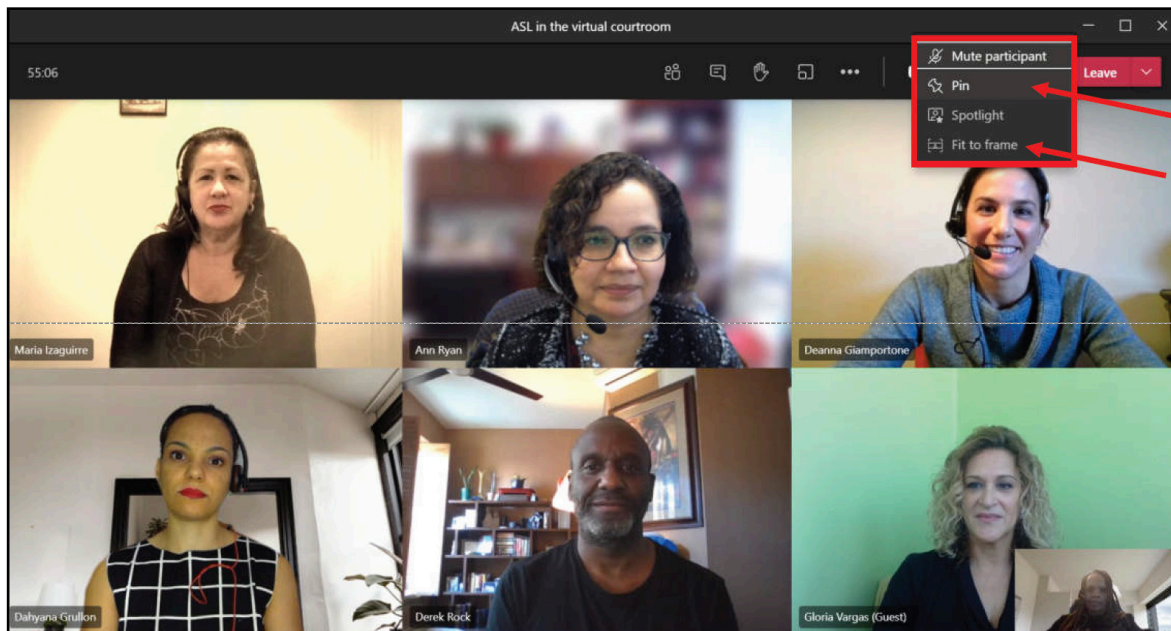
Pinning keeps a person visible in the main screen until unpinned. If you pin one person, only that person will be visible in the main screen -- everyone else will appear in small panels in a ribbon at the bottom of the screen. If you pin two people, only those two will appear in the main screen, with everyone else at the bottom. Any number of people, up to nine, can be pinned, but the more you pin, the smaller they will each appear in the main screen. For that reason, the Deaf court user and the ASL interpreter should pin each other and as few others as possible, making sure that the image of the person who is signing always remains large enough to be seen clearly.

When you select who to pin, you are only selecting for yourself. Each participant can make their own choices about who to pin. No one else can pin for you. No one else knows whether you have pinned them.

## 2. How to Pin 📌

There are several ways to pin. Here is the quickest and easiest:

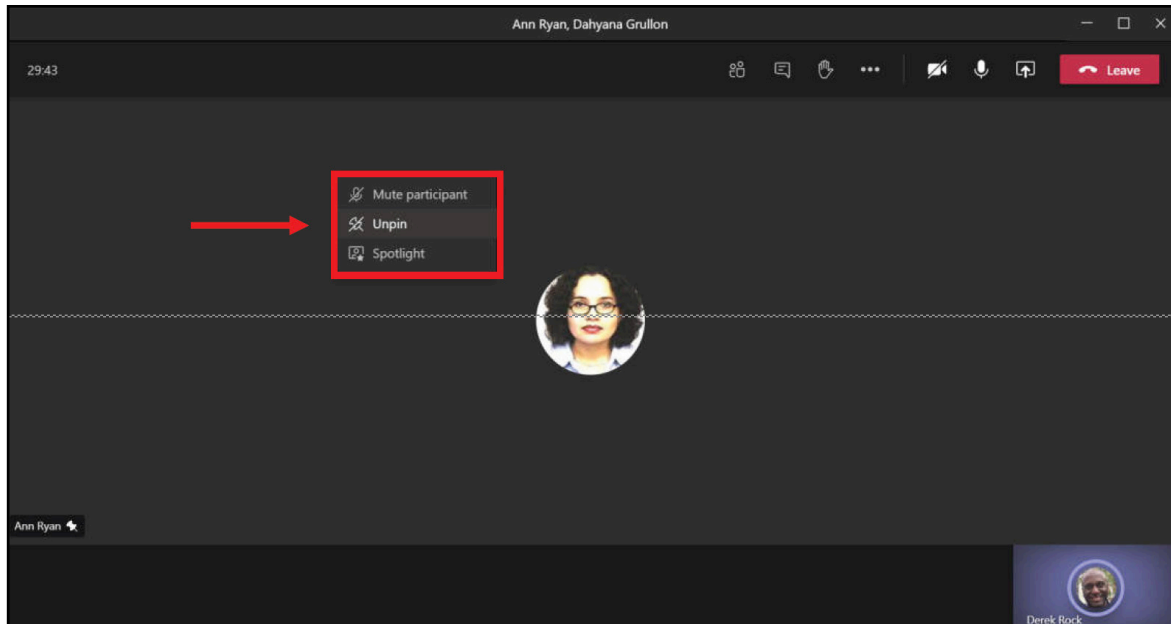
- In the main window grid, find the panel of the person you want to pin
- Right click anywhere in that panel
- Select the 'Pin' 📌 option that pops up



The first person you pin will become the only person visible in the main window – everyone else will appear in small panels in the ribbon at the bottom of the screen.

If you want to pin an additional participant, right click on their panel in the bottom ribbon. Remember, the Deaf court user should pin as few people as possible. If more than one person is pinned, you can widen the view you have of the interpreter or the Deaf court user by right clicking on the person's image and selecting "fit to frame."

You can confirm that a person is pinned by looking at the pushpin symbol located next to their name at the bottom of their video panel. If there is no slash mark over the pushpin 📌, the person is pinned. If you want to unpin a person, right click anywhere in their panel and select the unpin 📌 option that pops up.



### Remember:

- The ASL Interpreter **MUST** pin the Deaf court user.
- The Deaf court user **MUST** pin the ASL Interpreter.
- The Deaf court user and the ASL interpreter should make sure they are not pinning too many other participants, or their views of each other will become too small to be useful.


## B. Camera Position

The **Deaf court user's camera** must be positioned in such a way that he or she is clearly visible to the sign language interpreter, and the **interpreter's camera** must be positioned in such a way that the interpreter is clearly visible to the Deaf court user. Otherwise, the Deaf court user will not be able to fully participate in the proceeding, and the interpreter will not be able to provide a full and accurate interpretation.

## C. Speakers Must Identify Themselves

When making a statement, **each speaker must always begin by identifying themselves** (e.g., "This is the Judge"). This will allow the interpreter to let the Deaf court user know who is speaking. Otherwise, the Deaf court user may not be able to tell which statements are attributable to which participant.

## D. Documents: **Do not use “Open Share Tray” to Display Documents**

The “Open Share Tray” function on the Meetings Control Bar (rectangle with an arrow pointing up  ) **should not** be used in proceedings that use sign language interpretation. If that function is used to share a document, the images of the Deaf court user and the sign language interpreter are reduced in size and become too small for effective communication. The Deaf court user won’t know what others are saying and won’t be able to communicate.

In the future, Microsoft Teams will include a “Dynamic View” function that will enable a document to be presented side by side with the key speaker. For now, however, that function is not available, but if documents need to be considered during the proceeding, there are other options:

1. Distribute documents by scanning them and attaching to e-mails, before or during the proceeding; or,
2. Access documents via the New York Courts Electronic Filing (NYSCEF) system, or via the Electronic Document Delivery System (EDDS) in courts where NYSCEF is unavailable. Please visit <https://iapps.courts.state.ny.us/nyscef/HomePage> and <https://iappscontent.courts.state.ny.us/NYSCEF/live/edds.htm> for more information.

**Important Note:** Please **do not attempt to use** the Teams “Chat” feature to distribute or share documents.

“Chat” has limited functionality, and, in some circumstances, documents shared on “Chat” may become accessible to non-parties.

## E. Private Attorney-Client Communications

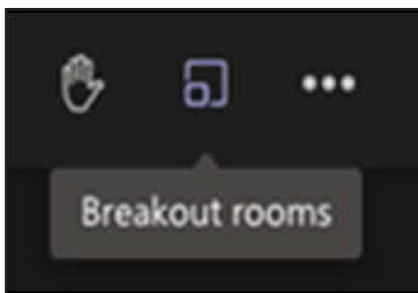
If the Deaf court user and his or her attorney also have **cell phones or other devices** on which they can effectively communicate via text or e-mail, without the need for the sign language interpreter, those additional devices **may be the best choice** for private attorney-client communications during the Teams meeting.

**CAUTION: Do not use** the Chat feature in Teams for private attorney-client communications. Doing so may expose your conversation to other parties.

If private text or e-mail exchanges between attorney and client are not an adequate option, the Court can enable a private attorney-client-interpreter conversation by setting up a separate Breakout Room. For best results, participants should make sure they have an up-



to-date version of Teams that includes the Breakout Room function. Breakout rooms can only be created by the organizer of the meeting. (Thus, it may expedite the setting up of Breakout Rooms if the meeting is scheduled from the Judge or chamber staff's account).



Using the Breakout Room function, the Court can temporarily place the attorney, the Deaf court user and the interpreter in a separate, private virtual space. When it wishes to end the breakout meeting, the Court can close the breakout room to return the participants to the main meeting. Before doing so, the Court may want to send a meeting message to announce the time left for the private meeting; the message will be visible in the

breakout room. The participants can depart from the breakout room on their own as well – when they do so, they will be placed in the lobby of the main meeting and will need to be readmitted by the Court. CAUTION: text messages and files shared in the breakout room might be accessible by other meeting participants. Avoid using those features if you are having a confidential conversation.

For more information about the use of Breakout Rooms, please visit: Use breakout rooms in Teams meetings - Office Support (<https://portal.nycourts.gov/>)

## 4. SOME GENERAL REMINDERS ABOUT REMOTE SIGN LANGUAGE INTERPRETING

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Whether it takes place in a physical courtroom or a virtual courtroom, remote sign language interpreting is a multi-step process that requires time and patience. Below are a few reminders to help ensure the best possible courtroom experience for all participants.

### A. Best Practices for Sign Interpreters

At the outset of the proceeding, the interpreter should introduce him/herself to the Deaf court user and briefly describe the interpreter's role. The interpreter should ask several questions:

#### 1. Can you see me and my signs clearly?

If the Deaf court user informs the interpreter that he/she has a problem seeing the interpreter on the screen, the Court must be notified immediately.

## 2. Can you understand me?

If the interpreter and the Deaf court user have trouble understanding one another, the interpreter might politely inquire about what school or institute the Deaf court user attended, or otherwise try to ascertain the Deaf court user's language skills and preferred mode of communicating. If unable to meet the needs of the Deaf court user, the interpreter should notify the Court immediately.

## B. For the Court to Keep In Mind

1. Remote interpreting will not be effective where, for example: the Deaf person has poor vision; the equipment cannot be properly positioned or its use is hampered by noise or poor lighting; or, too many participants are involved in the proceeding.
2. Before the proceeding begins, the Court should make sure that the equipment is functioning and that all participants are connected. The Court should also allow the interpreter and the court user to have the brief conversation described in section (A), above.
3. The Court should always double check that the court user is fluent in the type of sign language being provided (i.e., American Sign Language, or a foreign or regional sign language). If not, the Court should adjourn the proceeding until an interpreter or another form of communication that best suits the Deaf court user's needs can be obtained.
4. To ensure that everything stated in the courtroom is fully and accurately **interpreted, proceedings must be conducted in the consecutive mode** (i.e., one person makes a statement, then pauses and allows the interpreter to convey the statement in sign language before the next person speaks). All parties must keep in mind the Deaf court user's right to participate in their court proceeding and the sign language interpreter's obligation to interpret fully and accurately.
5. During the proceeding, the Court should periodically check in with the Deaf court user and the sign language interpreter to make sure that the Deaf court user is able to follow what is being said.

**Important Note Regarding Criminal Defendants:** If incarcerated, the Deaf court user must be in a room where his/her image is unobstructed by bars or double paned glass and un-handcuffed if possible. This will allow the interpreter to see the Deaf person's signs and verbalize any responses, questions or concerns.

For more information:

- [http://inside-ucs.org/oqa/professional-ct-services/ADA/PDFs/ADA\\_Benchcard.pdf](http://inside-ucs.org/oqa/professional-ct-services/ADA/PDFs/ADA_Benchcard.pdf) for more information on working with the Deaf and hard of hearing and their interpreters
- <http://inside-ucs.org/oqa/professional-ct-services/CourtInterpreting/PDFs/CIS-TipSheet.pdf> for more information and helpful tips on working with remote interpreters
- <https://portal.nycourts.gov/> for detailed instructions on ways to connect to your virtual court appearance. Also, keep in mind that Teams is subject to future enhancements, so please check here for updates and changes.
- We welcome your comments, questions or concerns. Please contact us at [signlanguage@nycourts.gov](mailto:signlanguage@nycourts.gov)

**Important Notice:** Microsoft makes updates to Teams on a rolling basis. These updates may not be reflected in this guide as they occur. For the most up to date information, please visit <https://portal.nycourts.gov/>