

Guidelines for Visual Interpreters



GUIDELINES FOR VISUAL INTERPRETERS¹

Individuals with visual or cognitive impairments may need someone to describe visual evidence, or to convey what is happening in the courtroom. With the help of a visual interpreter, persons with blindness may be able to participate fully as jurors or may be able to more fully participate in court proceedings in which they are a party, attorney, or witness. Persons with blindness are more likely to request this type of assistance for court proceedings. These guidelines can aid courts in responding to requests for these types of accommodations.

These guidelines apply when the court designates a visual interpreter to serve an individual either in response to an informal or formal request as described in the Reader and Visual Interpreter Policy.

The goal of providing a visual interpreter is to ensure that the court visitor can participate fully in court services, processes, and proceedings.

WHO SHOULD BE APPOINTED AS A VISUAL INTERPRETER?

Given the skills required for a visual interpreter and possible ethical considerations, the court should consider appointing an agency professional secured specifically to serve as a visual interpreter. Under the ADA, a qualified interpreter should be able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. 28 CFR § 35.104.

The court should note the interpreter assigned for future reference.

DEFINITIONS

VISUAL INTERPRETER

A visual interpreter is a person who provides an oral description of evidence or the visible activity in the courtroom, without evaluation, using neutral, descriptive language, when necessary to facilitate the party, witness, attorney, or other individual's full participation in the proceeding. A visual interpreter may be called upon to serve as a reader and/or scribe if necessary.

¹ These *Guidelines* were adopted by the Maryland Judicial Council on 09.28.2022 as part of the *Report & Recommendations of the Readers & Visual Interpreters Work Group*.

SUPPORT SERVICE PROVIDER

A deaf-blind individual may need a “support service provider” – an individual trained to function as a link between persons who are deaf-blind and their environment. A support service provider may be needed for informal interactions as well as for courtroom settings. This document primarily refers to visual interpreters in formal courtroom settings, but it may apply to support service providers when serving in a similar capacity.

ETHICAL CONSIDERATIONS

A visual interpreter must be careful not to make decisions for or give advice to the person requesting assistance. The visual interpreter must describe actions or visual evidence in a neutral way, without interpretation or elaboration.

The visual interpreter may not discuss any portion of the visual information or evidence rendered with anyone unless specifically authorized to do so by the individual in need of assistance. The visual interpreter should maintain confidentiality both about the person they are assisting and any information they access in providing assistance.

QUALIFICATIONS

A visual interpreter assigned to serve in a courtroom setting should meet the following qualifications:

1. Ability to concentrate for extended periods of time.
2. Attention to detail.
3. Ability to speak aloud clearly, at a normal to fast pace, and with good pronunciation.
4. Ability to write clearly and with correct punctuation (for rendering written descriptions of video content).
5. The visual interpreter should have the ability to communicate in a neutral tone and maintain a neutral facial expression and posture throughout the proceeding or service. A visual interpreter must be impartial and not enhance or interpret what is being conveyed.
6. Familiarity with the words, terms, symbols or signs that are specific to a court setting or proceeding when possible.
7. Willingness to be patient and to understand that the individual may need information repeated several times.

PRETRIAL CONSIDERATIONS

The court may require preliminary steps to prepare for the full participation of jurors, parties, attorneys, witnesses, or other individuals with blindness. With planning and by

permitting the use of appropriate technology, the use of a reader or visual interpreter may be reduced or eliminated.

- Provide a Jury Questionnaire or any other forms to be completed by members of the jury pool in an accessible format.
- Require all written documents, including written evidence, to be submitted in an accessible format. Find guidance on making PDF documents screen reader-friendly in the [Tips: Making Your Court Website Accessible](#) (found on the [Court Accessibility Toolkit](#)).
- Assess the extent to which the case hinges upon visual evidence and determine whether the juror or other participants can assess the evidence with or without a modification.
- Consider having a visual interpreter prepare a written description of visual evidence, including photos and videos, prior to trial. The written description may then be provided to both parties to allow them the opportunity to object or concur on the accuracy and neutrality of the description. The describer can then be cross-examined at trial when the description is used at court.
- If there is extensive video evidence, especially in the form of a single lengthy video, it may be appropriate to commission the services of a professional video describer who can write a full description and, if deemed appropriate and agreed to by the parties, add the description as an additional audio narration track to the video. The video can then be played with description in court and on the record. Alternatively, the described version can be made available separately to the blind or low-vision participant. With modern projection equipment, it is possible for the description track to be sent to headphones worn by the blind participant while the video is playing, without other participants hearing it.
- Decide ahead of time whether the visual interpreter will be using equipment or providing the narration or interpretation aloud and on the record.
- If equipment is to be used, ensure the equipment is tested and is operational and available on the day of trial. A visual interpreter can use the same equipment used by foreign language interpreters for simultaneous interpretation. This has the advantage of permitting the visual interpreter to provide descriptions off the record, without disrupting courtroom proceedings.
- In considering a request for an accommodation, the court should give deference to the requestor's preferred accommodation. The accommodation process should not focus on a grant or denial of a particular accommodation but should involve a dialogue with the requestor to determine what reasonable accommodation would best aid them to fully participate in the proceeding.

Submitting a Request for a Visual Interpreter

It is strongly recommended that members of the public submit written requests for accommodations using [Form CC-DC-049](#) and include their request for a visual interpreter or other accommodation as soon as possible to ensure the court can properly consider and

arrange for an appropriate accommodation. Members of the public may submit the form to the Clerk's Office or to the ADA Coordinator. Courts should direct the public to the Accommodations web page (<https://mdcourts.gov/legalhelp/accommodations>) for information about accommodations, the [ADA Request Procedure](#), forms, helpful videos, and a list of court ADA coordinators.

TRIAL CONSIDERATIONS

On the day of trial, the court can ameliorate many of the barriers for persons with low-vision or blindness by taking a number of simple steps, without imposing a significant burden on the parties or the court:

- Permit persons with blindness to use personal devices that allow them to access screen-readable documents or take notes, if appropriate.
- Permit persons with low vision to change their seating to ensure they are best able to see witnesses and evidence.
- If a visual interpreter is designated, consider permitting the visual interpreter the opportunity to render their descriptions of visual evidence or activity aloud on the record. This allows the parties and their counsel to monitor the accuracy of the description and address concerns if necessary.
- Remind witnesses to testify in detail, verbalizing as much information as they can, when describing diagrams, photographs, documents, and visual aids.
- Remind witnesses to avoid using only hand signals or gestures to demonstrate evidence but to also use words to describe the item or situation.
- Allow blind participants to touch exhibits during trial and trace lines on diagrams and sketches. If possible, arrange for tactile graphics of such materials to be prepared ahead of time. This can be done by professionals who work with the blind or by Braille production houses.

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1. Explain your role to the person receiving assistance. Confirm that you will keep information you access in performing your duty confidential. Note that you are to render a description of evidence or activity neutrally, without interpretation or modification. Let the individual know that they may ask you to modify the way you speak, if necessary (faster, slower, louder), and state that you may repeat information if they need you to do so. If the person will also be using assistive technologies, discuss how those will be used.

In the Courtroom. In open court, if you are not rendering a description on the record, request the court's permission to review the evidence or other item with

- the individual needing assistance before proceeding. When you and the individual needing assistance agree that the review of the evidence is complete, then you or the individual should so inform the court.
2. Briefly review evidence and or documents and familiarize yourself with them.
 3. Provide as ample a description as is required to assist the person with blindness to evaluate and understand the importance and nature of the item presented.
 - a. Describe the item, person, or activity with precision and accuracy, and without evaluation. Avoid labelling when possible.
 - b. For example, in describing a photo or video, if relevant, identify.
 - The time and place described by the scene.
 - Who is represented (if it is clear).
 - Hair, build, clothing of persons depicted.
 - Individuals described using their most significant characteristics.
 - What is happening.
 - Direction to orient the information within the frame. Follow a logical progression in describing all the elements in the image.
 - c. Do not describe logos or imprints unless they are necessary to the meaning of the document.
 - d. Read the title or caption of images, if available.
 - e. Read any text that appears in the body of the image.
 - f. Avoid adverbs, rather identifying characteristics that might suggest the tone, aspect, or characteristic, allowing the person you are assisting to draw their own conclusions.
 - g. Avoid censorship. Some information conveyed at trial or in evidence may create discomfort, but it is critical for the person being assisted to fully understand what is being presented.
 4. **Pacing.** Speak clearly and at a pace that the person you are assisting can easily follow. Adjust your speaking speed and volume if requested by the individual you are assisting.
 5. **If the Person Has Questions.** Avoid engaging in conversation with the individual you are assisting, about the content of what you are describing.

Respond to the individual's questions by repeating the description and respond to any requests for clarification.

6. ***Objections.*** If the opposing party objects to your description or characterization, pause and permit the judge the opportunity to rule on the objection.

For more information about these Guidelines, contact:

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