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Towards ethics and best practices in distant public service interpreting in Poland. / Hacia la ética y las mejores prácticas en la interpretación en servicios públicos a distancia en Polonia.

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Abstract: This paper explores ethical challenges faced by court interpreters in Poland, who, like their counterparts in other countries, are experiencing significant changes in their profession due to the shift from face-to-face to distant communication. Polish court interpreters have a code of ethics, but it only sporadically addresses the complexities associated with remote interpreting. Notably, both national and European legislation enabled court hearings to be conducted via videoconferencing well before the pandemic's onset. An analysis of court guidelines and procedural rules reveals that the ethical principles and professional standards for on-site and remote interpreting are largely aligned. Consequently, a radical overhaul of these principles and standards appears unnecessary. Instead, there is a need to clarify and refine them to raise awareness among interpreters, litigants, and members of the judiciary about specific challenges posed by remote interpreting.

Keywords: Remote court interpreting; Ethical principles; Best practices

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Abstrakt: Niniejszy artykuł omawia wyzwania etyczne stojące przed tłumaczami sądowymi w Polsce, doświadczającymi, podobnie jak ich koledzy w innych krajach, ogromnej zmiany w zawodzie wynikającej z przejścia od komunikacji bezpośredniej do komunikacji na odległość. Polscy tłumacze sądowi mają do dyspozycji kodeks etyki zawodowej, który jednak sporadycznie odnosi się do kwestii związanych z tłumaczeniem zdalnym. Zgodnie z krajowymi i europejskimi przepisami rozprawy w polskich sądach były prowadzone w formie wideokonferencji na długo przed wybuchem pandemii. Analiza wytycznych i regulaminów sądów wskazuje, że zasady etyczne i standardy zawodowe odnoszące się do tłumaczenia sądowego na miejscu i na odległość zasadniczo nie różnią się, dlatego wydaje się, że nie jest konieczna ich radykalna modyfikacja, a jedynie doprecyzowanie i przededefiniowanie, aby uwrażliwić tłumaczy, strony postępowania i przedstawicieli wymiaru sprawiedliwości na nowe wyzwania.

Słowa kluczowe: Tłumaczenie sądowe na odległość; Zasady etyki; Dobre praktyki

Resumen: Este artículo examina los retos éticos a los que se enfrentan los intérpretes judiciales en Polonia, quienes, al igual que sus colegas en otros países, están experimentando un cambio significativo en su profesión debido a la transición de la comunicación presencial a la comunicación a distancia. Aunque los intérpretes judiciales polacos cuentan con el código deontológico, este aborda de manera limitada las cuestiones relacionadas con la interpretación a distancia. De conformidad con la legislación nacional y europea, las vistas orales por videoconferencia se realizaban mucho antes del estallido de la pandemia. Un análisis de las directrices y normas de procedimiento de los tribunales revela que los principios éticos y las normas profesionales para la interpretación judicial presencial y a distancia no presentan diferencias sustanciales. Por lo tanto, no parece necesario realizar cambios radicales en estos principios y normas, sino más bien clarificarlos y redefinirlos para sensibilizar a los intérpretes, litigantes y representantes de la justicia ante los nuevos desafíos que plantea este contexto.

Palabras clave: Interpretación judicial a distancia; Principios éticos; Buenas prácticas

1. Introduction

Videoconferencing, and consequently distant interpreting, in Polish court proceedings is governed by both EU¹ and national² legislation. National laws particularly emphasize the use of videoconferencing to collect evidence from witnesses abroad, as well as from children and individuals with disabilities. The outbreak of the COVID-19 pandemic further prompted the adoption of additional legal provisions³ that affirmed the right of all the parties involved in court proceedings to participate remotely. This development significantly accelerated the use of remote interpreting in Poland. By December 2020, the implementation of anti-COVID provisions allowing remote court hearings had led to a noticeable rise in their frequency. According to reports, every 36th court hearing was conducted via videoconference, and in some courts, every 4th hearing was held online (Słowik, 2020). Statistics from the Polish Ministry of Justice further confirmed this trend, showing a substantial increase in the number of online hearings:

Between July 3 and October 22, 2020, a total of 1,080,854 hearings were held, of which 24,726 (2.29%) were conducted via videoconference. From October 23 to December 31, 2020, 671,693 hearings were held, including 19,393 online (2.89%). In 2021, a total of 3,418,356 hearings took place, with 250,076 (7.32%) held as videoconferences. Between January 1 and January 27, 2022, out of 233,090 hearings, 31,007 (13.3%) were conducted online (Partyk & Rojek-Socha, 2022).

As Sanders aptly noted, “[v]ideo-hearings did not start with the pandemic” (2021, p. 3). Moreover, contrary to the somehow dramatic assertion that “[...] the COVID-19 pandemic had a disastrous impact on interpreting”, interpreter-mediated hearings and trials in Polish courts persisted during this period. However, the vast majority of these proceedings were conducted remotely.

2. Literature review

Videoconference interpreting (VCI) and remote interpreting (RI) (Moser-Mercer, 2003, 2005), which rely on specialized infrastructure and devices to enable communication at a distance through an interpreter, are effectively utilized in both conference and community interpreting. The latter encompass settings such as healthcare, legal proceedings, and other institutional contexts (Braun, 2013; Napier, 2012; Locatis *et al.*, 2010, 2011).

Scholarly research demonstrates that while remote interpreting facilitates event organization (Mouzourakis, 2006), it also introduces certain technical constraints that impact communication (Mouzourakis, 2006; Braun, 2015). These constraints may include unstable sound quality, background noise, poor visibility, limited eye contact, and a lack

¹ Art. 10 and Art. 17 of Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters; Art. 9 of Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims; Art. 9 of Regulation (EC) No 861/2007 of 11 July 2007 establishing a European Small Claims Procedure; and Directive 2008/52/EC of 21 May 2008 on certain aspects of mediation in civil and commercial matters indicates.

² Art. 177 1a of the Code of Criminal Procedure; Art. 235(2) and (3) of the Code of Civil Procedure; and Regulation of the Minister of Justice of 24 February 2010 on the technical equipment and resources that enable evidence to be taken remotely in civil proceedings.

³ Act of 2 March 2020 on special solutions related to preventing, counteracting and combating COVID-19, other infectious diseases and crisis situations arising therefrom; Act of 14 May 2020 on amendment on certain acts concerning protective measures in connection with the spreading of the SARS-CoV-2 virus.

of handouts (Seleskovitch & Lederer, 2002). Moreover, remote interpreting can give rise to social interaction challenges in both consecutive (Braun, 2007) and simultaneous interpreting settings. These challenges stem primarily from the need to adapt to new communication environments (Braun, 2007) and secondarily from a lack of contextualization (Braun, 2016). The latter is characterized by issues such as remoteness, often described as a “loss of co-presence” (Setton & Dawrant, 2016, p. 36), feelings of alienation, and reduced motivation among the participants in the remote communicative act (Mouzourakis, 1996; Braun, 2007). Other challenges include interpreters feeling “left out” (Moser-Mercer, 2005; Mouzourakis, 2006; Roziner & Shlesinger, 2010) and experiencing decreased concentration (Seleskovitch & Lederer, 2002). Licoppe & Verdier highlight the sequential reshaping of institutional talk in remote courtroom interpreting (2013), while Licoppe & Veyrier argue that turn-taking management in asylum court interpreting may adversely affect an asylum seeker’s case (2020). Klammer & Pöchhacker (2021) emphasize the necessity of adapting not only technical and spatial arrangements but also users’ communication capabilities to address the constraints posed by remote interpreting. Davitti & Braun (2020) underline the importance of non-verbal communication, which “plays a crucial role in helping an interpreter to understand what is said, to grasp nuances of meaning and to resolve potential ambiguities”⁴. Biernacka (2019, p. 25) underscores the importance of establishing rapport between the interpreter and the foreign-language-speaking party. She notes that “[...] the personal context of the interaction [...] may make an interpreter feel involved in the interaction due to a short physical distance between the interpreter and main speakers”. In light of these findings, the lack of physical proximity in remote court interpreting may hinder the establishment of such rapport.

In her quantitative research on the quality of translation and interpretation in criminal proceedings in Poland, Mendel highlights the need for remote legal interpreting “by means of image and sound recording devices that guarantee the quality of information transmission” (2011, p. 37). This need arises in the context of addressing the limited availability of sworn translators and interpreters proficient in rare and very rare languages. Mendel further notes that remote interpreting could mitigate or eliminate factors that adversely affect the quality of interpreting such as the interpreter’s need to travel - especially when their residence is far from the court - travel costs, and fatigue, all of which can affect performance accuracy and efficiency (2011, p. 37). Supporting this perspective, Gilbert *et al.* (2022) prove that in health and social care settings, video remote interpreting is “an acceptable alternative to face-to-face interpreting when the latter is not possible”.

The transition from face-to-face to distant communication, necessitated by the COVID-19 pandemic, posed significant challenges for all the stakeholders (cf. Corpas Pastor & Gaber, 2020). As René de Cotret *et al.* emphasize, “the challenges related to RI are not only technical but also organizational, such as recognizing the expertise of the different actors involved and disseminating that expertise through clearly identified communication channels” (2020, p. 634).

Remote interpreting has become a reality that requires the adaptation of all the parties and tools involved: interpreters, users, service providers and technological equipment used. It would be necessary to go deeper into the preferences and perspectives of each of them, separately, and in relation to the different modalities, scenarios and settings. This would be especially timely in today’s situation and in a future post-pandemic world, where displaced and remote multilingual communication will probably be in place.

⁴ Council of the European Union, General Secretariat of the Council, *Guide on videoconferencing in cross-border proceedings – European e-justice*, Publications Office, 2013, <https://data.europa.eu/doi/10.2860/76243> (access December 12, 2023).

In response to these changes, a PDF document titled *A Set of Good Practices for a Videoconference Participant* was made available on the websites of Polish courts in 2020. This document contained relatively detailed, but predominantly technical guidelines for remote court sessions, instructing videoconference participants to: (1) equip themselves with headphones with a microphone, (2) test their connection in a test room using either *Scopia Installation and Test Connection Guide* or *Jitsi Trial Participation Guide*, (3) mute their microphones (by clicking the microphone icon to cross it out) to avoid generating unnecessary background noise, (4) activate their microphones (by clicking the icon again) only while speaking, (5) turn off image transmission if visual interaction is unnecessary, and (6) speak only when given the floor by the moderator (typically the judge). However, notably, there were no guidelines specifically designed for court interpreters. Beyond these general instructions, additional guidelines for online court sessions was included in summonses, notices of hearings, or emails sent by the court to the parties involved, their lawyers, and interpreters. These communications provided: a link to the virtual video conference room for participation in the hearing; recommendations on required equipment, such as a computer with a camera, microphone and speaker - or alternatively, a smartphone; instructions to verify the functionality of the camera, microphone, and speaker before the hearing; a reminder of the indispensability of internet access; instructions for participants to ensure their participation is conducted in a manner that respect the solemnity, peace and order of court activities; a request to provide a telephone number in advance via email to the court division, enabling contact in case of organizational or technical problems during the videoconference (e.g., delays or malfunctions); as well as a note if the party lacks technical facilities or internet access, and other parties agree to a remote hearing, the presiding judge may allow the participant to appear in court in person. In such cases, the court may provide for use, potentially in a separated room from the judge and reporter.⁵

3. Methodology and research questions

Research into remote interpreting, including conference, community and legal interpreting, has primarily focuses on technical and social aspects. As Pastor and Gaber observe,

RI has become a reality that requires the adaptation of all the parties and tools involved: interpreters, users, service providers and technological equipment used. It would be necessary to go deeper into the preferences and perspectives of each of them, separately, and in relation to the different modalities, scenarios and settings (2020, p. 75).

With the advent of the COVID-19 pandemic, issues concerning ethics and best practices in remote interpreting have garnered increased attention from stakeholders. Remote court interpreting, in particular, is considered a sensitive issue, described as “[a] situation where poor-quality solutions may have a highly negative impact, and where the introduction of not

⁵ *Rozprawy zdalne – co warto wiedzieć?*, available at <https://bip.warszawa.so.gov.pl/artykuly/1921/rozprawy-zdalne> (access: May 30, 2022).

just the technology, but also the designer, could be detrimental to the environment that is the target of the technological intervention" (Matthews *et al.*, 2008). Although this definition pertains to the design and evaluation of mobile applications in healthcare settings, it provides a valuable lens through which to explore ethics and best practices in remote court interpreting. As Biernacka & Kalata-Zawłocka assert, "[c]odes of ethics are powerful tools that shape and regulate the functioning of the interpreting profession they serve, effecting social changes in the realities that surround them" (2022, p. 11). Amid a wealth of research on interpreters' ethical and professional conduct (cf. Hale, 2007; Tryuk, 2015; Baixauli-Olmos, 2017; Biernacka, 2019; Biernacka & Kalata-Zawłocka 2019; Phelan 2020; Tiselius, 2024), Valero-Garcés & Cayron underscore the need to re-examine "the ethical considerations, [and] best practices" (2022, p. 26) for remote interpreting. Similarly, Biernacka and Kalata-Zawłocka advocate for "complementing the content [of the Polish *Professional Sworn Translator's Code, PSTC*] with references to technological developments (remote interpreting, terminology management tools for interpreters)" (2024, p. 102). In light of the above demands and the pandemic-induced acceleration of the shift from onsite to online interpreting, Tryuk's (2006, p. 33) definition of public service interpreting remains relevant:

"[t]his is a face-to-face interpreting; in this communication, the two parties want to understand each other; the third participant is the interpreter, who must find the most appropriate place for himself in this contact so that eye contact is possible between the participants of the conversation; this gives participants equality in the act of communication; it is best to arrange a meeting in a triangle configuration"

This definition highlights the universality of ethical principles and best practices across both onsite and online interpreting contexts.

This study raises the following questions: (1) is there a difference between the ethical principles and best practices for onsite and remote interpreting?, (2) is it necessary to completely revise or merely adjust the ethical principles and best practices for onsite interpreting to meet the needs of remote interpreting?, (3) what specific changes or adjustments are required?, and (4) should such changes or adjustments apply to all ethical principles and best practices, or only to select ones? The answers to these questions aim to provide a comprehensive framework for updating or supplementing existing ethical principles and best practices in remote court interpreting.

This qualitative descriptive research re-examines the ethical principles and best practices outlined in the Polish *Professional Sworn Translator's Code (PSTC)*. It considers potential updates inspired by international and national recommendations and guidelines for organizing online court hearings.

To structure the study, which seeks to evaluate the necessity of integrating remote interpreting into the *PSTC*, ethical principles and best practices are categorized according to Hale's classification of aspects: (1) "interpreters' responsibility to the authors of the utterances", (2) "interpreters' responsibility to the profession", and (3) "interpreters' responsibility to self as a professional" (2007, p. 108)⁶.

⁶ The classification proposed by Hale (2007) is also utilized in: Biernacka & Kalata-Zawłocka (2022).

4. Results of the study

Court interpreters in Poland have access to a code of ethics and best practices. The first version of this code, titled *The Code of the Court Translator (Kodeks tłumacza sądowego)* was formulated in 1991 by the Polish Society of Sworn and Specialized Translators TEPIS (*Polskie Towarzystwo Tłumaczy Przysięgłych i Specjalistycznych*⁷). The second version, released in 2005, was renamed *The Sworn Translator's Code with a Commentary (Kodeks tłumacza przysięgłego z komentarzem)*. In 2011, the third version was published as *The Sworn Translator's Code (Kodeks tłumacza przysięgłego)*, and the most recent iteration, published in 2019, is titled *The Professional Sworn Translator's Code (Kodeks zawodowy tłumacza przysięgłego)*, hereinafter referred to as the *PSTC*.

The *PSTC* is divided into two main parts: Part I. Sworn translator's professional ethics (§ 1-§ 15) and Part II. Sworn translator's professional practice (§ 16-§ 83). Part II is further subdivided into three chapters: Chapter 1. General provisions (§ 16-§ 22), Chapter 2. Translation (§ 23-§ 69), and Chapter 3. Interpretation (§ 70-§ 83).

Although the latest version of the *PSTC* was drafted at a time when remote hearings had already been widely conducted, online interpreting is addressed only sporadically. It appears in just a few references to remote interpretation equipment, specifically in § 70 and § 72.

4.1 Interpreters' responsibility to the authors of the utterances

Interpreter's responsibility to the authors of the utterances encompasses confidentiality, accuracy, and impartiality (Hale, 2007, p. 108).

4.1.1 Confidentiality

Confidentiality is first outlined in the *PSTC* § 5 as an ethical obligation "to keep in secret all facts, circumstances and information obtained in relation with the translation/interpreting done, especially those, the disclosure of which shall threaten security of commercial transactions". Professional secrecy is further defined as "secrecy of proceedings, negotiations, correspondence, personal data and other legally protected secrets," and it stipulates that "[t]he translator/interpreter is prohibited to use confidential data to their own benefit". In terms of best practices, § 74 grants the interpreter the right to explicitly inform the parties to the proceedings that they are bound by the principle of confidentiality. Additionally, § 78 specifies that confidentiality includes the destruction of notes taken by the interpreter during court proceedings to prevent third parties from intercepting sensitive information.

In remote interpreting, the ethical principle of confidentiality remains as binding as it is for onsite interpreting. In the documents analyzed, this principle is addressed in relation to the technical aspect of online court sessions. Specifically, the *application selected by the judge for conducting a remote hearing (e.g., MS Teams, Avaya Scopia, or Jitsi)*⁸ must "guarantee confidentiality and integrity of audio and video data between participants in the proceedings"⁹.

⁷ Polskie Towarzystwo Tłumaczy Przysięgłych i Specjalistycznych TEPIS, <http://tepis.org.pl> (March 4, 2023).

⁸ *Rozprawy zdalne – co warto wiedzieć?*, available at <https://bip.warszawa.so.gov.pl/artykuly/1921/rozprawy-zdalne> (March 30, 2022).

⁹ *Rozprawy zdalne*, available at <https://suwalki.so.gov.pl/rozprawy-zdalne,m,m2,320> (March 30, 2022).

4.1.2 Accuracy

An ethical principle of accuracy is addressed in § 3 of the *PSTC*, which states that the sworn translator and interpreter “assumes a personal responsibility for accuracy in translation/interpreting”. This principle is further elaborated in the section of the *PSTC* dedicated to best practices. In § 17, accuracy is defined as rendering a statement “exactly in the form in which it has been conveyed, reproducing the whole content, without omitting, adding or modifying anything”. Additionally, § 75 clarifies that accuracy involves preserving the grammatical form of the original statement, prohibiting grammatical shifts, such as changing from the first to the third person singular. The third person singular is reserved for the interpreter themselves and should be used when addressing clients, for example, by saying “The interpreter asks for an explanation...”.

The recommendations concerning remote interpreting stipulate that the interpreter has the right to intervene to ask “questions clarifying the content”¹⁰. Additionally, accuracy is not defined directly in this context but is addressed in discussions about technical issues. The equipment, internet connection, environment and location used by the remote court interpreter must ensure the highest quality of sound and image, enabling the best possible interpretation¹¹. Furthermore, “the interpreter should be placed where accuracy of the interpretation will not be compromised”¹².

4.1.3 Impartiality

Impartiality is first established as an ethical principle in § 4 of the *PSTC*, which stipulates that sworn translators and interpreters must perform their duties impartially. This involves refraining from expressing personal opinions, rejecting unfounded suggestions from clients, avoiding representing the views of clients or third parties, and disclosing any private or professional relationships with the other party. As a professional practice, § 74 further emphasizes impartiality, defining it as the interpreter’s right and obligation to adhere to this principle, explicitly stating that interpreters are not representatives of the judiciary or the parties involved in the proceedings.

In the context of remote interpreting, the ethical principle of impartiality requires special attention. It has been highlighted that “the interpreter should not become the centre of attention simply by appearing on a video screen”¹³. This dynamic might lead interpreters to perceive themselves as invisible to participants, potentially resulting in violations of impartiality. Such violations may include arbitrary speech, unsolicited commentary, visible gestures, or other reactions to the course of proceedings without the explicit consent of the presiding judge. Moreover, in cases where a defendant who speaks a foreign language is located remotely, it is recommended that interpreter remain physically present in the

¹⁰ Council of the European Union, General Secretariat of the Council, *Guide on videoconferencing in cross-border proceedings – European e-justice*, Publications Office, 2013, <https://data.europa.eu/doi/10.2860/76243>, p. 12.

¹¹ Council of the European Union, General Secretariat of the Council, *Guide on videoconferencing in cross-border proceedings – European e-justice*, Publications Office, 2013, <https://data.europa.eu/doi/10.2860/76243>, p. 11-15.

¹² National Center for State Courts, *Remote Interpreting Guide for Courts, Court Staff, and Justice Partners*, 2018, https://www.ncsc.org/_data/assets/pdf_file/0021/18705/remote_interpreting_guide.pdf, p. 12.

¹³ Council of the European Union, General Secretariat of the Council, *Guide on videoconferencing in cross-border proceedings – European e-justice*, Publications Office, 2013, <https://data.europa.eu/doi/10.2860/76243>, p. 12.

courtroom alongside judicial representatives. This arrangement not only addresses safety concerns, but also “ensures impartiality and the appearance thereof, and helps avoid the situation where the LEP individual asks the interpreter for legal advice”¹⁴.

4.2 Interpreters' responsibility to the profession

According to Hale, interpreter's responsibility to the profession means “professional conduct issues such as dress, punctuality, and solidarity” (2007, p. 108).

4.2.1 Dress code

The *PSTC* does not explicitly address the issue of a dress code. This omission may stem from the assumption that interpreters, as professionals, are already aware of the need to dress appropriately.

However, recommendations for proper attire during remote interpreting via videoconferencing can be found elsewhere. These guidelines emphasize that “[t]he same professional appearance that is required for in-person appearances is required for appearances via video”¹⁵. The inclusion of such guidance may aim to reinforce the idea that a virtual court hearing is equivalent to a physical one, with the only difference being the physical distance separating the parties involved in the proceedings.

4.2.2 Punctuality

Punctuality is highlighted in the *PSTC* as an ethical principle. In § 2, “showing particular diligence” is described as the sworn translator and interpreter's obligation to accept only those assignments they can perform carefully, diligently, conscientiously, and within the agreed timeframe. According to § 7, the interpreter is also required to immediately inform the client if they are unable to meet the deadline for completing the assignment.

In the context of remote interpreting, punctuality takes on an additional dimension, as all parties are obliged to connect “(b)efore the scheduled start time of any RI proceeding” to conduct a connection test¹⁶.

4.2.3 Solidarity

Solidarity, as an ethical principle, is understood as a mutual obligation among professionals. Accordingly, § 8 of the *PSTC* imposes an obligation on sworn translators and interpreters to seek assistance from their colleagues when needed. Similarly, §§ 13 and 14 establish the duty of sworn translators and interpreters to assist their peers in cases of urgent, unpredictable, or particularly challenging assignments. § 15 expands on the concept of solidarity, emphasizing its international dimension—not only as an obligation to support colleagues but also as a commitment to ensuring the dignity and status of the profession.

¹⁴ National Center for State Courts, *Remote Interpreting Guide for Courts, Court Staff, and Justice Partners*, 2018, https://www.ncsc.org/_data/assets/pdf_file/0021/18705/remote_interpreting_guide.pdf, p. 12.

¹⁵ National Center for State Courts, *Remote Interpreting Guide for Courts, Court Staff, and Justice Partners*, 2018, https://www.ncsc.org/_data/assets/pdf_file/0021/18705/remote_interpreting_guide.pdf, p. 26.

¹⁶ National Center for State Courts, *Remote Interpreting Guide for Courts, Court Staff, and Justice Partners*, 2018, https://www.ncsc.org/_data/assets/pdf_file/0021/18705/remote_interpreting_guide.pdf, p. 24.

Furthermore, § 12 outlines the responsibility to share knowledge and experience with both colleagues and candidates entering the profession.

An analysis of the available guidelines reveals that there are no specific recommendations for understanding the concept of solidarity in the context of remote court interpreting. This suggests that solidarity should be viewed as a practice that transcends the medium used.

4.3 Interpreters' responsibility to self as a professional

Interpreter's responsibility to self as a professional includes professional development, role definition, adequate working conditions and pay rates (Hale 2007, p. 108).

4.3.1 Professional development

Professional development is identified in § 11 of the *PSTC* as an ethical principle of "improving professional qualifications". It encompasses the sworn translator and interpreter's obligation to enhance language proficiency, translation and interpreting skills, as well as to deepen their expertise and knowledge of the legal frameworks governing both national and international transactions, alongside the profession itself.

In the context of remote interpreting, *ISO 20228 Interpreting services – Legal interpreting – Requirements* includes technical competences as part of the professional qualifications required of court interpreters. These competences involve "the ability to use [...] audio- and video-conferencing technology". Additionally, the document highlights the shared responsibility for this skill between the interpreter and a technician, who is tasked with "support(ing) the use of interpreting equipment".¹⁷

With the shift from onsite to online court interpreting, professional development must also encompass the improvement of technical skills. The Polish Ministry of Justice has noted that "the few signaled limitations [to the possibility of holding remote hearings] concerned low interest in online proceedings by some participants, including due to their 'IT exclusion'" (Słowik 2020). While the Ministry's data addresses all participants in court proceedings, it can be inferred that court interpreters may also fall within this group, potentially lacking sufficient competence or technical capacity to provide interpreting services via videoconferencing tools.

There is growing advocacy for continuous professional training in remote interpreting for court interpreters. Such training should address areas like "awareness of wider context, mastery of technology, communicative situation and supportive techniques such as stress management."¹⁸

4.3.2 Role definition

The concept of role definition is implicitly referred to in the Preamble to the *PSTC*, which states that the document is intended for professionals engaged in certified translation and interpreting. Additionally, § 1 establishes that sworn translators and interpreters must refuse assignments if the working conditions compromise their dignity or integrity. In § 2, the *PSTC* outlines the obligations of sworn translators and interpreters, emphasizing due diligence, responsibility for completing assignments, punctuality, and adherence to ethical conduct.

¹⁷ ISO 20228 *Interpreting services – Legal interpreting – Requirements*, p. 9.

¹⁸ Council of the European Union, General Secretariat of the Council, *Guide on videoconferencing in cross-border proceedings – European e-justice*, Publications Office, 2013, <https://data.europa.eu/doi/10.2860/76243>, p. 14.

Furthermore, sworn translators and interpreters are expected to “make all endeavors to use their ethical attitude and professionalism to meet the requirements placed before the persons of public trust”. Sworn translators and interpreters also have the right to decline assignments (§ 6) under specific circumstances, such as a lack of expertise in a required area, insufficient knowledge of specialized terminology, inadequate time for preparation, prior commitments, unforeseeable situations, or when the court unreasonably denies access to case files. The responsibilities of sworn translators and interpreters extend beyond their performance during assignments. These include maintaining, properly completing, and securely storing a repertory of assignments (§ 21); safeguarding documents and materials to prevent destruction, distortion, loss or unauthorized access (§ 22); and protecting their official seal, ensuring it is not accessed or used by third parties (§ 68).

In the context of remote interpreting, “(t)he interpreter should be provided with appropriate equipment to perform his/her work”¹⁹ as well as “an ergonomic and quiet work environment”²⁰. When interpreting services are rendered from a third location, rather than a courtroom, preparatory arrangements should include obtaining detailed information about the technical equipment, testing the internet connection, and verifying sound and image quality²¹. Regarding the right to reject assignments, insufficient knowledge, skills, or access to adequate equipment should be added to the list of valid reasons. A *remote court hearing via videoconferencing* is determined by the judge and does not require the consent of attendees, nor can they object to it. Therefore, it is the interpreter’s responsibility to inform the judge in advance if they are unable to accept a remote interpreting assignment. These preparatory measures not only ensure professionalism but also influence how the interpreter is perceived. If necessary, the judge may arrange for the interpreter to use a dedicated room within the court building, equipped for remote participation in the hearing²².

4.3.3 Adequate working conditions

Working conditions are addressed in the *PSTC* as both ethical principles and best practices.

According to § 70 the sworn interpreter has the right to obtain detailed information about the proceedings to which they have been appointed, including the duration, the clients’ expectations, and the potential use of teleconference facilities. This ensures that the interpreter can assess whether they are able to meet the requirements of the assignment. In the context of remote interpreting, communication management allows interpreters to intervene prior to an assignment to ask “questions clarifying the content”²³. Additionally,

¹⁹ ISO 20228 *Interpreting services – Legal interpreting – Requirements*, p. 19.

²⁰ Council of the European Union, General Secretariat of the Council, *Guide on videoconferencing in cross-border proceedings – European e-justice*, Publications Office, 2013, <https://data.europa.eu/doi/10.2860/76243>, p. 13.

²¹ Council of the European Union, General Secretariat of the Council, *Guide on videoconferencing in cross-border proceedings – European e-justice*, Publications Office, 2013, <https://data.europa.eu/doi/10.2860/76243>, p. 11.

²² Sąd Okręgowy w Warszawie (2022) *Rozprawy zdalne – co warto wiedzieć?*, available at <https://bip.warszawa.so.gov.pl/artykuly/1921/rozprawy-zdalne>, p. 1.

²³ Council of the European Union, General Secretariat of the Council, *Guide on videoconferencing in cross-border proceedings – European e-justice*, Publications Office, 2013, <https://data.europa.eu/doi/10.2860/76243>, p. 12.

interpreters should be informed that, as in onsite proceedings, the judge “[...] plays a central role in administrating the interpretation and in giving instructions to the witness or the interpreter during the hearing, in particular as regards the order in which the parties involved speak”²⁴.

Regarding working hours, § 83 grants the interpreter the right to request a substitute or a break when fatigued. However, this provision is rarely applied in practice in Poland, where typically only one interpreter is appointed for a hearing or trial, often without prior knowledge of the assignment’s durations. To address this, it is recommended for both onsite and online court interpreting to adopt the practice of conference interpreters, who “work in pairs and swap over every 20 to 30 minutes”²⁵. This aligns with suggestions to avoid remote interpreting “during trials, long hearings, or complicated proceedings because of interpreter fatigue and other logistical factors that can jeopardize the accuracy of the interpretation”²⁶.

Under § 71, the sworn interpreter is responsible for recommending the interpreting technique²⁷ that best suits the communicative event. Furthermore, § 82 gives the interpreter the right to request access to documents to provide sight translation. In Polish courts, consecutive interpreting, sight translation, and chuchotage are commonly used during onsite proceedings. For remote interpreting, the consecutive mode is recommended as it allows “more easily for clarifications and interventions that may be necessary to ensure that the interpreting is accurate”²⁸. For sight translation, document cameras (visualizers) are suggested²⁹, although the *Share Screen* function can also be used.

§ 72 stipulates that the interpreter’s workplace, including during teleconferences, must provide good audibility and eye contact with the person being interpreted. It also emphasizes the need for the interpreter to establish with the judge and the parties involved clear rules or non-verbal signals to facilitate smooth interpretation, such as indicating when to pause for interpretation or when the speech pace is too fast. Similarly, § 76 reiterates the interpreter’s right to clear audibility and allows the interpreter to request repetition of a statement in case of sound distortions. The interpreter is also required under § 73 to ensure mutual understanding with the foreign-language-speaking party and, if not achieved, to inform the client of any communication difficulties. When communication problems arise from the speaker’s pace or manner of speaking, § 77 grants the interpreter the right to ask speakers to adjust these aspects. If issues stem from partial understanding, § 79 requires the interpreter to provide explanations or comments to ensure that clients fully understand the original statements. Additionally, § 80 allows the interpreter to request clarification of specialized terms, and § 81 permits the use of dictionaries when necessary.

²⁴ Council of the European Union, General Secretariat of the Council, *Guide on videoconferencing in cross-border proceedings – European e-justice*, Publications Office, 2013, <https://data.europa.eu/doi/10.2860/76243>, p. 11.

²⁵ Polish Association of Conference Interpreters PSTK, *A Guide to conference interpreting*, www.pstk.org.pl, p. 18.

²⁶ National Center for State Courts, *Remote Interpreting Guide for Courts, Court Staff, and Justice Partners*, 2018, https://www.ncsc.org/data/assets/pdf_file/0021/18705/remote_interpreting-guide.pdf, p. 9.

²⁷ ‘Interpreting technique’ is a term wrongly used in the PSTC. A correct term shall be ‘interpreting mode’, as it is referred to in, e.g. *ISO 20228:2019 Interpreting services — Legal interpreting — Requirements*.

²⁸ Council of the European Union, General Secretariat of the Council, *Guide on videoconferencing in cross-border proceedings – European e-justice*, Publications Office, 2013, <https://data.europa.eu/doi/10.2860/76243>, p. 11.

²⁹ Council of the European Union, General Secretariat of the Council, *Guide on videoconferencing in cross-border proceedings – European e-justice*, Publications Office, 2013, <https://data.europa.eu/doi/10.2860/76243>, p. 11.

All these provisions are equally significant for remote interpreting. It is particularly important that “(t)he interpreter should have a frontal view of the remote participants”³⁰.

4.3.4 Pay rates

Pay rates are addressed in the *PSTC* as ethical principles. § 1 includes a provision granting sworn translators and interpreters the right to refuse assignments if the proposed pay rates undermine their dignity or integrity. § 9 emphasizes their obligation to demand fair and adequate remuneration, while the non-competition clause in § 10 prohibits accepting excessively low rates.

There are no specific guidelines regarding pay rates for remote court interpreting. For example, the Polish Regulation of the Minister of Justice of October 16, 2023, amending the regulation on fees for the activities of sworn translators and interpreters³¹ does not differentiate between the rates for onsite and online court interpretation.

5. Conclusion and recommendations

Based on the analysis of the *Polish Professional Sworn Translator's Code (PSTC)* and related guidelines, the following conclusions can be summarized:

- **Ethical Principles:** Core ethical principles such as integrity, diligence, and responsibility remain consistent across both onsite and remote interpreting contexts. However, remote interpreting introduces unique challenges—technical requirements, equipment needs, and communication management—which necessitate additional considerations not explicitly addressed in the *PSTC*.
- **Best Practices vs. Ethical Principles:** While a comprehensive revision of ethical principles is unnecessary, best practices should be adapted to address the specific challenges of remote interpreting. These adaptations should enhance, rather than alter, the core ethical values.
- **Key Adjustments for Remote Interpreting:**
 - **Technical Competence:** Interpreters must be proficient in videoconferencing tools and have access to reliable equipment and stable internet connections.
 - **Working Conditions:** Standards should ensure interpreters work in quiet, ergonomic environments with high-quality audio and video setups, including pre-assignment technical checks.
 - **Fatigue Management:** To mitigate fatigue, shorter shifts or interpreter rotation should be implemented for lengthy or complex proceedings.

³⁰ Council of the European Union, General Secretariat of the Council, *Guide on videoconferencing in cross-border proceedings – European e-justice*, Publications Office, 2013, <https://data.europa.eu/doi/10.2860/76243>, p. 12.

³¹ Rozporządzenie Ministra Sprawiedliwości z dnia 16 października 2023 r. zmieniające rozporządzenie w sprawie wynagrodzenia za czynności tłumacza przysięgłego (Dz.U. 2023 poz. 2316) (access: 29.12.2023).

- Communication Protocols: Judges and participants must accommodate interpreters' needs in remote settings by speaking clearly, allowing interventions, and sharing relevant documents.
- Pay Structure: Differentiated pay rates for onsite and remote interpreting should reflect the additional demands and costs of remote work.
- Focus of Adjustments: Adaptations should target best practices rather than ethical principles. Areas such as technical competence, working conditions, and communication protocols are particularly critical for remote interpreting, while the ethical framework remains robust and universally applicable.

In conclusion, while the ethical foundations of interpreting remain universal, adjustments to best practices are essential to address the technical and logistical demands of remote interpreting. These changes aim to uphold professional standards and ensure the quality of interpretation services in evolving contexts.

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