



Future Trends in State Courts



1999 - 2000

Language Interpreting in the Courts

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Update: Consortium for State Court Interpreter Certification

The Consortium for State Court Interpreter Certification (Consortium) is a program organized by the National Center for State Courts and four founding-member states (**Minnesota, New Jersey, Oregon, and Washington**) as a way for states to share the expenses associated with the development and administration of testing and certification programs for interpreters. The Consortium addresses resource shortages that impede efforts by state courts to define and implement standards for interpreting proficiency. Without those standards, equal access to justice by linguistic minorities remains an unfulfilled obligation of the American system of justice.

The Consortium welcomed six new member states in 1999: **Arkansas, Nebraska, Georgia, Michigan, Missouri, and North Carolina**. There are now twenty-two states^[1] in the Consortium, including California, the first new member for 2000. **Massachusetts** has formally approved membership and several other states are actively pursuing membership (**Kentucky, Iowa, Tennessee, and Nevada**).

The Consortium now offers its member states access to four different oral language test forms for Spanish, two forms for **Russian, Haitian Creole, and Vietnamese**, and one each for **Cantonese, Hmong, Korean, Laotian, and Polish**. An **Arabic** test is currently in the development stage. For further information on the Consortium and other resources related to court interpreting, including a list of contact people in State Court Administrative offices, see the [National Center's Court Interpretation Web page](#).

Minnesota Develops Best Practice Manual for Court Interpreters

The Minnesota Supreme Court Interpreter Advisory Committee has put together a best practice manual to guide judges and court administrators in appointing qualified interpreters and using them effectively in court. This manual is an important step toward providing equal access to justice for the non-English speaking population in court. This comprehensive manual:

- Describe when the court is required by law to appoint and pay for interpreters
- Define a "qualified" court interpreter
- Provides guidelines for court administrators to perform initial screening of Interpreters
- Provides points to consider in employment arrangements
- Recommends a model voir dire for judges to establish the interpreter's qualifications for appointment
- Offers suggestions for appropriate and efficient use of interpreters in court proceedings.^[2]

Questions or comments about the manual can be directed to Helen Boddy, **Coordinator of the Minnesota Court Interpreter Program, at (651) 297-5300.**

Telephonic Interpreting

Telephone interpreting provides new ways for courts to reduce problems associated with the lack of access to qualified or certified court interpreters and their uneven distribution. The use of telephone interpretation in the U.S. District Courts began in 1989 in Las Cruces, New Mexico. The first state court pilot telephone interpreting project took place in New Jersey in 1995. Today, state court administrative offices in Florida, Idaho, New Jersey, and Washington sponsor programs where qualified interpreters in metropolitan counties are made available to rural counties by telephone.

In September 1999, Idaho installed telephonic interpreting systems in 4 rural counties (Teton, Fremont, Butte, and Power) to provide access to interpretation for non-English speaking litigants in a plethora of hearings and conferences. The Idaho Supreme Court funded this pilot project.

Previously, many counties were in need of qualified interpreters but lacked access to one because of their small populations, rural location, or lack of a qualified service provider. They were unable to bring in an outside interpreter because of economic and time constraints. The telephonic interpreting allows judges to access a certified interpreter without paying travel costs, and allows the interpreter to serve a greater number of counties than would normally be possible.

Traditional telephonic interpreting works only in "consecutive" mode. It is time consuming, cumbersome, and difficult for the court, interpreter, and litigant. The current telephonic interpreting that Idaho uses, works in "simultaneous" and "consecutive" modes, is as fast and accurate as using an in-court interpreter, and is easy for all parties to use.

How does simultaneous telephonic interpreting work?

- Special equipment is required at both the interpreter and court location. Two telephone lines are also required.
- After connecting with the interpreter on both phone lines, the Judge conducts court as usual.
- The interpreter listens to the Judge on line 1, and simultaneously interprets into line 2, which the litigant is listening to.
- Speech by the litigant is interpreted into English, and broadcast over the speakerphone through line 1 by the interpreter.
- Using proprietary equipment, the interpreter controls the two phone lines, broadcasting interpretation from English into one line, and into English into another line.
- Up to three litigants (such as co-defendants, or a juvenile and parents), can be interpreted for at a time.
- Judges conduct court as usual, having to take only minimal notice of the fact that the proceedings are being interpreted.

Cost of Equipment

- Complete system, allowing for extended hearings with multiple litigants: \$3000.00, installed.
- Limited system, for brief hearings, one litigant at a time: approximately \$1000.00, installed.

Current cost for telephonic interpreting by a State Certified interpreter in Idaho

- \$25.00 for up to 30 minutes; \$1.00 per minute for each additional minute.

“While telephonic interpretation is not a viable solution for all court hearings, the majority (those not involving extensive testimony by non-English speakers), can be handled over the telephone using specialized equipment,” according to court interpreter James Comstock, Idaho Pilot Telephonic Interpreting Access Project. He feels that the use of telephonic interpreting equipment by the four pilot counties has been a great success. Since the inception of this pilot project, two additional counties have added systems. The Telephonic Interpreting Access Project has increased access of non-English speaking litigants to the judicial system through a Certified Court Interpreter. It is anticipated that access through these systems will continue as long as the services are needed. For further information on the Idaho Pilot Telephonic Interpreting Access Project, please contact Burt Butler, Trial Court Administrator at (208) 529-1350 or James Comstock, Court Interpreter at (208) 390-0256.

Demographic Trends/Projections

According to population projections made for the next century by the U.S. Census Bureau, the U.S. is set to become more a nation of blended races and ethnic groups than ever before. The largest minority

group by 2005 will be people of Hispanic origin. By 2025, there will be nearly 60 million Hispanics, about 17% of the total population, compared to 30 million, or 11% in 1999. By 2050, people of Hispanic ancestry will be the nation's largest minority, accounting for one-quarter of the total U.S. population—96.5 million people. In some regions, they will form a majority.

Over the last two decades, immigrants from Latin America have made up about 40% of the total 19.4 million legal immigrants. Only three major metropolitan areas have dominant or substantial Hispanic populations today—Miami, San Antonio and Los Angeles. But, in the next century, the list will include many more, including Jersey City, New Jersey; Yakima, Washington; and Orange County, California. ^[3]

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Resources

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[1] Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, North Carolina, Oregon, Utah, Virginia, Washington, and Wisconsin.

[2] Sue K. Dosal, Introductory letter to "Best Practices Manual on Interpreters in the Minnesota State Court System," (St. Paul, MN: Minnesota Supreme Court Interpreter Advisory Committee, May 1999).

[3] Maria Puente and Martin Kasindorf, "Blended races making true melting pot," *USA Today*, Sept. 7, 1999.

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