

Addendum to the Reclassification Report “The Evolution of a Profession”

It has been over a year and a half since the Coronavirus pandemic was declared. It has been more than two years since we issued our report, [The Evolution of a Profession](#), which was presented to the Office of Court Administration by our union Local 1070 shortly thereafter.¹ Despite all the intervening emergencies and the time past, we feel that the report’s content remains relevant and urgent, especially since the problems of recruitment and retention have only become more acute. In addition to all the arguments and facts we put forth then, we feel the need to update our plea by bringing the following new circumstances to light.

Since 2019 the number of court interpreters serving the court system has dwindled dramatically due to retirements, promotions, and death, with twenty-percent fewer interpreters in our ranks.² The scarcity of interpreters is most severe in the Family and Civil Courts. We fear that as soon as the courts resume their full operations, including the tremendous backlog of trials and longer hearings, the lack of interpreters will wreak havoc in the entire court system. These difficulties will inconvenience everyone involved, but will be felt disproportionately by the immigrant communities of color that have been dealt the brunt of the pandemic.³ Yet, as the US Department of Justice says in its “Statement by the Principal Deputy Assistant Attorney General

¹ The last reclassification of court interpreters in New York was 27 years ago; meanwhile, the professional standards for court interpreting have risen exponentially.

² According to a recent count by the Interpreter Chapter of Local 1070, exactly 50 employees have left service as interpreters in the five boroughs since issuance of our report in June 2019. It seems evident that if interpreter salaries were higher, the Office of Court Administration would earn greater returns on its investment in the next Spanish court interpreter exam, which we understand is in preparation.

³ Aside from the disproportionately high rate of infection and death among people of color, the latter also have suffered more collateral effects, such as job loss, lacking access to health care, and food insecurity. Johnathan Custodio, “New York Latinos Were Hit Hardest by the Pandemic. Why?” *Documented*, July 29, 2020. <https://documentedny.com/2020/07/29/new-york-latinos-were-hit-hardest-by-the-pandemic-why/>

for Civil Rights, April 2, 2021” regarding its programs during the pandemic, “Civil rights protections and responsibilities still apply, even during emergencies. They cannot be waived.”⁴

The pandemic has forced interpreters to use and master new technology, including computer sound systems, Skype for Business and then Microsoft Teams, transmitters and receivers when interpreting in person, and sterilization equipment. In many instances, our colleagues have had to purchase equipment out of pocket to meet the needs of the court, including computers and peripherals such as headphones and microphones as well as upgraded internet and cell phone plans. Many interpreters have been required to interpret remotely for multiple new jurisdictions, which has made it necessary for them to master a plethora of new terminology. Many colleagues have gotten sick; some have died. We will not forget them. A further difficulty we face working in person is that, although we always have had to hear every word said in a proceeding in order to interpret accurately, the facemasks and plexiglass dividers make this even harder for us. All of these factors have contributed to many of our colleagues retiring.

Inflation has been 4.2% over the last year.⁵ Thanks to the federal stimulus package and new taxes on the rich, the state is better off financially than in decades.⁶ This windfall should also accrue to the benefit of court interpreters and by extension everyone who depends on our constitutionally mandated role in court. Reclassification of court interpreters to a judicial grade in the mid- to high twenties is more urgent than ever.

Álvaro de Prat, David Wayne, and Leonard Morin, New York State Court Interpreters, October 2021

⁴ Pamela S. Karlan, “Statement by the Principal Deputy Assistant Attorney General for Civil Rights,” April 2, 2021. <https://www.lep.gov/leading-coordinated-civil-rights-response-coronavirus-covid-19>

⁵ Jeffrey Bartash, “Inflation rate hits 30-year high, PCE shows, as U.S. confronts major shortages,” *MarketWatch*, August 27, 2021. <https://www.marketwatch.com/story/inflation-rate-hits-30-year-high-pce-shows-as-u-s-confronts-major-shortages-11630068319>

⁶ Denis Slattery, “New York’s \$212 billion post-COVID budget shows Cuomo can’t always get what he wants,” *Daily News*, April 11, 2021. <https://www.nydailynews.com/news/politics/new-york-elections-government/ny-cuomo-budget-billions-taxes-progressives-20210411-u62tuxanxbdahkrqfmtrgu57yy-story.html>