



National Association of Judiciary Interpreters & Translators
5555 Glenridge Connector, Suite 200
Atlanta, GA 30342
Tel: 404-566-4705

Email delivery date: June 24, 2023 9:11 AM ET
Email address: mncourtinterpreterprogram@courts.state.mn.us

June 23, 2023

Court Interpreter Program
State Court Administrator's Office
Court Services Division
25 Rev. Martin Luther King Blvd., Suite 105
St. Paul, MN 55155

Subject: Comments on Proposed Revisions to Judicial Branch Policies Governing Qualifications and Payment of Court Interpreters

Dear State Court Administration,

On behalf of the National Association of Judiciary Interpreters and Translators, we appreciate the opportunity to provide feedback and express our concerns regarding the proposed revisions to the Policies Governing Qualifications and Payment of Court Interpreters in Minnesota.

As an association dedicated to advocating for better working conditions and wages for court interpreters and translators across the United States, we firmly believe in fair and equitable employment terms and payment standards to ensure high-quality interpretation services in Minnesota courts. After carefully reviewing the proposed changes, we would like to address the following points:

(A) Comments on State Court Administrator Policy No. 513(a), Court Interpreter Payment Policy

A1. Fair Compensation for Spoken Language In-Person Interpreters: While we commend the state's efforts to eliminate inequality between in-person and remote interpreting, it is imperative to ensure that in-person interpreters are compensated to the extent that the new rates match current living standards. The proposed rates for in-person interpreters should be reviewed and adjusted accordingly to reflect the annual cost of living increases and ensure fair compensation for their valuable services. By providing adequate compensation, Minnesota courts can attract and retain highly qualified interpreters, ensuring the highest standard of interpretation for limited and non-English proficient individuals.

Furthermore, consideration should be given to a payment structure with a full-day rate and a half-day rate for in-person interpreters, which is the industry standard and the policy of the Administrative Office of the United States Courts, the District of Columbia, and several states. Compensating interpreters on a per-minute basis does not recognize their professional status. If implementing a full-day or half-day rate is not feasible, we recommend a 1-hour increments policy for compensation after the initial two hours of service. This approach provides a fair and transparent compensation system that respects the professional commitment of interpreters.

A2. Fair Compensation for Spoken Language Remote Interpreters: We acknowledge and appreciate the state's efforts to eliminate inequality between in-person and remote interpreting. However, it is not apparent that fairness is achieved by reducing the rates for remote interpreters. Remote interpreting is a specialized service that demands unique skills and investments in technology. Fair compensation for remote interpreters should be maintained to reflect the premium nature of these services. As an alternative to the proposed policy, we recommend raising the rate for in-person interpreters to match the current rate of remote interpreters. This approach ensures that both remote and in-person interpreters receive fair and equitable compensation for their expertise. Additionally, by doing so, Minnesota courts can retain highly skilled remote interpreters and ensure that professional interpretation services are available to individuals with Limited English Proficiency.

A3. Replacement of Travel Time with Mileage Compensation: We strongly emphasize the negative impact of replacing travel time compensation with mileage reimbursement for in-person interpreters' travel. Travel time is an integral part of an interpreter's professional commitment and should be recognized and compensated accordingly. Replacing travel time compensation with mileage reimbursement fails to acknowledge the significant amount of time and effort interpreters invest in traveling to and from assignments. We urge the State Court Administration to reconsider this change and reinstate fair compensation for travel time for in-person interpreters in addition to compensation for mileage. This measure will secure the ability of Minnesota courts to attract and retain highly skilled interpreters, ensuring the availability of professional interpretation services for individuals with Limited English Proficiency.

A4. Optimal Utilization of Remote Interpreters: We recognize the value of remote interpreters in meeting the needs of multiple courts efficiently. It is important to optimize the utilization of remote interpreters while ensuring equal access to justice for LEPs across the state. However, we urge the State Court Administration not to require remote interpreters to be on-call for two hours unnecessarily. This practice not only limits their availability to other courts that may require their services during that time, but it also affects their ability to manage their work schedule effectively. We recommend implementing a policy where access time beyond the assigned interpretation duration is calculated in 1-hour increments to ensure fair compensation and reasonable scheduling

for remote interpreters. This approach optimizes the utilization of remote interpreters while respecting their professional commitment and ensuring equal access to justice for individuals with Limited English Proficiency across the state.

A5. Prioritizing Certified Interpreters: We strongly advocate that the assignment process prioritizes certified interpreters in all languages where certification is available and considers qualified interpreters only for those languages that do not have a certification program. Certified interpreters possess the only qualification that ensures a consistent and constitutionally adequate standard of interpretation. It is crucial to exhaust all efforts in locating available certified interpreters within the state and from outside the state before considering non-certified interpreters for assignments. By prioritizing certified interpreters, the court can fulfill its obligation of providing equal access to justice for all the judiciary's constituents, regardless of their language proficiency. Therefore, we strongly recommend that the language requiring diligent effort to contract certified interpreters is reinstated in your policy. We further recommend that measures are taken to configure the Interpreter Resource Management Application (IRMA) settings to reflect this diligent effort to make sure assignments are offered first to certified court interpreters, instead of adopting a first-come first served model that does not consider the qualification of the interpreters in project assignment.

We appreciate the state's commitment to addressing the disparities between in-person and remote interpreting. However, we urge the State Court Administration to ensure that in-person interpreters are compensated to the extent that the new rates match cost of living and professional rate. Furthermore, we strongly recommend maintaining the current rates for remote interpreters as remote interpreting is a premium service that requires specialized skills and should be adequately compensated. We also emphasize the importance of fair compensation for travel time for in-person interpreters. Finally, optimizing the utilization of remote interpreters and prioritizing certified interpreters will enhance the quality of interpretation services and uphold the fundamental principle of equal access to justice.

(B) Comments on State Court Administrator Policy No. 513(c), Court Interpreter Roster Qualifications

B1. Administration and Application of the NCSC's Written Test: The policy does not clarify how the NCSC's written test is to be administered and applied, especially with reference to §IV.A.1. This section seems to suggest that the test may be administered in sections or that the scores of two "portions" may be used independently. However, the NCSC's Test Administration Standards recommend that the written test be given to candidates in its entirety for consistency, and it allows for reciprocal results among different state court interpreter credentialing programs. The written test was developed as a single exam with two parts and is intended to be administered and graded as a whole. The NCSC overview for prospective examinees notes that the exam has two parts: Language Proficiency and Court-Related Terms and Usage plus Ethics. Yet it also mentions that the exam has 135

total questions, which is the sum of both parts, and a passing score of 80% or more correct answers across all 135 items.

B2. Concerns Over the Conditional Roster Status: §IV.B. provides that interpreters who fail the written test but achieve a certain level on an oral proficiency exam “may be granted Conditional Roster Status.” We believe this practice creates an unwarranted confidence of competency and places the integrity of the judicial process in jeopardy. There is evidence that passing the written test is correlated with passing the oral certification exams and, therefore, performance of court interpreting duties but are not aware of any similar evidence for any oral proficiency exam. We respectfully recommend that the Conditional Roster Status never be awarded to anyone who has not passed the written test.

B3. Additional Requirement for Staff Interpreters: §IV.D.2.b. allows individuals to be staff interpreters in languages without a certification performance exam if they reach a certain level on a test of oral proficiency, but it makes no reference to performance on the written exam. We recommend that passing the written test should be a requirement for such individuals.

B4. Mandatory Certification for Interpreters: The concluding paragraph of §IV.D.2. "encourages" interpreters working in a language for which there is initially no certification exam to take such an exam once one becomes available from the NCSC. We recommend that it be mandatory for interpreters to take and pass any such performance exam, rather than being a matter of the interpreter’s choice. Any interpreter to whom this situation may apply should be removed from your roster upon either failing the exam or refusing to take the exam.

In conclusion, we appreciate the state's commitment to enhancing the quality of court interpreter services. However, we encourage the State Court Administration to reconsider certain aspects of Policy #513(c) to maintain the integrity and credibility of the interpreter program.

We sincerely thank you for your attention to these matters and your dedication to improving the court interpreter payment policy. As the National Association of Judiciary Interpreters and Translators, we stand ready to support the state in its efforts to provide fair and equitable working conditions for court interpreters and translators.

Sincerely,

The Board of Directors
National Association of Judiciary Interpreters and Translators (NAJIT)