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Director Arthur W. Pepin
New Mexico Administrative Office of the Courts
The State of New Mexico
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Dear Director Pepin,

We, the American Translators Association (ATA) and the National Association of Judiciary Interpreters and Translators (NAJIT), express our support for the dedicated court interpreters in New Mexico advocating for improved compensation and working conditions.

ATA, representing over 8,500 members across more than 90 languages, is the largest professional association of interpreters and translators in the United States. NAJIT is the largest national organization representing judiciary interpreters and translators in the United States.

We commend the efforts of the New Mexico Administrative Office of the Courts (NMAOC) in expanding language access within the state and the recent increase in hourly rates for contract court interpreters. However, despite these well-intentioned efforts, the current compensation levels fail to adequately address the decades-long stagnation of compensation experienced by contract court interpreters in New Mexico, as it has not kept pace with inflation and the rising cost of living.

Historically, contract court interpreter compensation in New Mexico has not been adjusted to account for inflation or cost of living increases. The recent adjustment in 2023, raising the rate for certified spoken-language interpreters to \$55 from the \$50 rate set in 2007, represents an approximate 21% loss in earnings since 2007, according to the Bureau of Labor Statistics' CPI inflation calculator. If adjusted for inflation, the 2007 rate of \$46 would equate to \$69.71 per hour today. Notably, while contract court interpreter compensation between 2011 and 2023 amounted to 1.1%, other judicial stakeholders have seen significantly higher raises during a similar time frame (2011-2024) – NMAOC Language Access Services staff received raises averaging 62%, while judges, district attorneys, public defenders, and other judicial officers saw raises averaging 47.3% (Source: State of New Mexico Sunshine Portal <https://ssp.nm.gov/>, Contract Interpreter Professional Agreements).

This disparity in compensation raises perpetuates the lack of recognition and devaluation of the crucial role of court interpreters in ensuring access to justice, due process, and equal protection. Like court reporters, public defenders, prosecutors, and judges, interpreters are essential actors in our legal system. Their service facilitates communication, ensures accuracy, and upholds the fundamental right to a fair trial. Therefore, their compensation should reflect the value of their contribution.

Current NMAOC contract court interpreter rates neglect the growing need for interpretation services and the scarcity of certified interpreters in the state. This results in a notable gap between supply and demand. Given the imbalance between the availability of interpreters and the rising demand for their expertise, interpreters should be able to command higher rates for their services. This competitive job market means that qualified interpreters in

New Mexico may have little choice but to seek better-paying opportunities elsewhere, forcing the NMAOC to incur higher costs contracting out-of-state interpreters to meet the demand in the courts. Were these NMAOC resources redirected towards improving compensation for local interpreters, this could incentivize more individuals to become certified in New Mexico and reduce the costly reliance on out-of-state interpreter services.

The NMAOC 2022 report reflects significant efforts toward recruiting and training candidates for certification through scholarships and training opportunities. While laudable, these efforts, without appropriate compensation adjustments, will result in newly recruited and trained interpreters eventually also seeking better-paid opportunities elsewhere, undermining your efforts to expand the pool of court interpreters.

The need for more qualified interpreter services is causing delays in various court proceedings, including arraignments, mediations, trials, settlement conferences, and other critical proceedings. These delays jeopardize the rights of limited English proficient (LEP) and deaf and hard of hearing individuals and undermine the principles enshrined in various legislative acts and constitutional provisions, such as Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act (ADA), and Article 2, §14 of the New Mexico State Constitution, all of which afford these individuals the right to meaningful language access in legal proceedings. The absence of qualified interpreters directly undermines the fundamental principles of fairness and justice these legal provisions uphold, potentially exposing the state to liability for civil rights violations.

Most court interpreters are independent contractors operating as small business owners. As such, the full burden of paying Social Security, Medicare, and federal and state income taxes, health insurance, and business expenses falls on them. Likewise, their sick and personal leave are unremunerated. Furthermore, given the demanding and complex aspects of the profession, court interpreters also make significant annual investments in continuing education to maintain their certification and improve their skills. More recently, they have also had to increasingly invest in costly specialized equipment for remote assignments. Finally, when setting hourly rates, it should be taken into consideration that while full-time employees typically have 35–40 hours per week of compensated work, independent contractors have no such guarantee.

In addition to fair compensation, we suggest a few other changes to the current system: the implementation of a mechanism for adjusting pay rates regularly over time, perhaps aligning them with those received by court personnel; timely payments; half-day and full-day rates (in line with minimums set for interpreters providing services to the federal courts and other jurisdictions); and a statewide, transparent scheduling process. Implementing these changes could significantly improve recruitment and retention of qualified interpreters in New Mexico.

We encourage you to seriously consider this matter to continue to guarantee meaningful language access in your state. Please do not hesitate to contact us for more information.

Sincerely,

The ATA Advocacy Committee
The NAJIT Board of Directors

Cc:

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