



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

April 15, 2024

Honorable Chief Justice Donald W. Beatty
South Carolina Supreme Court
1231 Gervais Street
Columbia, South Carolina 29201-3206
Email: supctfilings@sccourts.org, dbeatty@sccourts.org

Re: Recommendation for Enhancing Court Interpreting Services Administration

Dear Chief Justice Beatty:

Since its establishment in 1978, the National Association of Judiciary Interpreters and Translators (NAJIT) has been dedicated to representing a diverse array of professionals in legal settings, including court interpreters, legal translators, judicial officers, court administrators, scholars, trainers, and interpretation and translation students. Our mission is to advance professional standards, foster a deeper understanding of the court interpreter's responsibilities and code of ethics, and advocate for equitable access to justice for individuals with limited English proficiency in the courts across the nation.

We commend the remarkable progress achieved under your leadership in improving court interpreter services, as demonstrated in the September 29, 2023, press release and the subsequent implementation of new policies. Your commitment to enhancing language access in the judicial system is truly commendable.

The South Carolina Court Interpreter Alliance has approached us seeking our support for further improvement to your court interpretation program. After careful consideration, we offer the following recommendations, which align with best practices for effective administration. We respectfully invite you to consider these recommendations as opportunities to build upon the substantial progress achieved in 2023.

1. Preference for Certified interpreters

While the policy outlined in the three bench cards prioritizes certified interpreters for assignments, it appears that court clerks may not consistently adhere to this practice.

We propose that you clarify and strengthen this policy by integrating it into §4.03 on p. 35 of the *Policy & Procedure Guide* and explicitly stating it in §3 on p. 44. We also suggest that you implement proactive measures, such as issuing directives to all court clerks and conducting periodic training to ensure compliance with the policy.

2. Use of "Otherwise Qualified" Interpreters

We note the potential risk associated with using interpreters at the "otherwise qualified" level without a performance testing requirement to mitigate these risks. We suggest:

- (i) Establishing a probationary category below basic certification, contingent upon demonstrated skills through interpreter testing. However, if implemented, strict limitations should be imposed, with its use reserved as a last resort and only for relatively routine matters whenever feasible; and
- (ii) Mandating that all aspiring interpreters pass the NCSC's Court Interpreter Written Examination, which is entirely in English. This exam should be used as a baseline to assess candidates from diverse linguistic backgrounds on their English proficiency, and knowledge of basic legal terminology and court procedures as well as of the interpreter code of ethics.

3. Cancellation Policy

§4.06.a.C. of the current cancellation policy places the responsibility of invoicing certain groups for canceled assignments on court interpreters themselves, which we believe is inequitable and burdensome for independent contractors, especially considering interpreters lack the necessary authority to enforce payment. We recommend that you revise this provision to ensure that all imposed cancellation fees are collected by the courts, with interpreters being compensated regardless of fee collection success.

4. Adoption of Annual Contracts

Consider adopting annual contracts as best practice to safeguard the interests of both the courts and independent contractors. We recommend reviewing contracts from other states, such as New Jersey's (https://www.njcourts.gov/sites/default/files/forms/11211_psw_ls_sample.pdf).

5. Restructuring of Compensation Framework

We commend the implementation of a two-hour minimum, a significant improvement over previous practice. Furthermore, we encourage exploring the approach to compensation pioneered by the Administrative Office of the United States courts in 1980, subsequently adopted by several state and local court systems across the country. It consists of a half-day/full-day framework. This model offers various advantages over the two-hour minimum system. First, it ensures interpreters' availability for extended periods, enhancing case coverage for on-site or remote interpreting throughout the contracted time. Second, it demonstrates greater respect for the professional standing of independent contractors, providing them with increased income security and facilitating better management of their business commitments.

6. Addressing Geographical Challenges

We want to draw attention to staff court interpreters' challenges when providing interpretation services over expansive geographical regions. We recommend examining strategies other jurisdictions employ to facilitate better coverage and support for staff interpreters required to travel long distances.

In conclusion, we strongly urge the adoption of the recommendations provided in this letter to further improve court interpreting services in South Carolina. Prioritizing certified interpreters, revising cancellation policies, adopting annual contracts, restructuring the certification program, and addressing geographic challenges will collectively enhance language access and uphold equitable justice for all. We appreciate your consideration and commitment to advancing these essential improvements.

Respectfully,

The NAJIT Advocacy Committee
On behalf of the Board of Directors

cc: Tonya K. Kohn, State Court Administrator, tkohn@sccourts.org
Karama B. Herrington, Esq., Director of Court Services, kbherrington@sccourts.org
Tiffany Raines, Deputy Director of Judges' Scheduling, Court Reporting, and Court Interpreting, traines@sccourts.org
Cynthia R. Benjamin, M.Ed., Manager of Court Interpreting, cbenjamin@sccourts.org
South Carolina Court Interpreter Alliance, emily@archwaysl.com