

Taking the Heat

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interpreting was a profession. We had been preliminarily classified together with chauffeurs. As a result of our protests, our titles are now included in the professional bargaining unit.

It's been more than two years since we've organized and it's been tough. I was nominated in 1995 by my fellow interpreters and took on the duties of shop steward. Through the union we interpreters adopted a position paper that states our position on a number of job issues, such as our endorsement of team interpreting, our support of basic job rights, our proposal to fairly reward interpreters who earn college credits in development of their skills, our desire to see "master interpreter" skill level appropriately recognized, our objections to unilateral departures from published job descriptions and salary scales, etc. The five-page position paper was comprehensive in scope.

We also started negotiations with the Administrative Office of the Courts for our first contract, to cover interpreters and the other 500 professional state judiciary workers in our bargaining unit. Negotiations with the present administration have not been easy for state workers, as those of you who keep up with the news about Governor Christie Todd Whitman may know.

In Middlesex County I am the lone staff interpreter. Greg Edwards, our Court Administrator, had been opposed to improving freelance interpreter fees for seven years. Spanish interpreter fees were frozen at 25 dollars an hour, and at that time qualified interpreters were refusing to come to Middlesex. Early in 1995 the new unified courts adopted "The Guidelines for Contracting Freelance Interpreters in the Superior Court," a document drafted by the Administrative Office in consultation with staff interpreters. It was approved at a meeting of the state's assignment judges (the Chief Judges for each Superior Court district, or vicinage). Mr. Edwards protested its adoption, but a second vote taken by the judges again approved the guidelines, which establish a fair rate of pay for interpreters based on the federal pay schedule.

I ran into trouble in April of 1996 when Mr. Edwards decided that Middlesex County would unilaterally depart from the guidelines, this time with reference to our practice of team interpreting in trials and lengthy court proceedings. Mr. Edwards declared that we would no longer be permitted to work in teams. I protested in a letter to him, and made the authorities in Trenton aware of my professional objections to this policy change.

NAJIT Corresponds with Judge Longhi

At the request of interpreter James Farrell, NAJIT sent the following letter of support to the Hon. Robert L. Longhi, Chief Judge in Farrell's court. We got a response telling us that we were mistaken because the policy calling for team interpreters is contained in the Proposed Standards for Interpreted Proceedings, which have not yet received official approval. We wrote back to His Honor and explained that we were alluding to the Guidelines For Contracting Freelance Interpreters which have indeed been approved, are binding on court managers, and do call for team interpreting in situations such as trials. Moreover, we pointed out, the reasoning underlying the team interpreting provision in both documents is the same. He wrote back to us and reiterated that we were "simply wrong," and that the issue of team interpreting has not been resolved.

April 9, 1997

Dear Judge Longhi:

I write on behalf of the National Association of Judiciary Interpreters and Translators, Inc., in support of James Farrell and his Communications Workers of America Unfair Labor Practice Charge currently pending before the Public Employment Relations Commission.

According to a report published in the newsletter of the CWA, Local 1034, of March 18, 1997, Mr. Farrell "ran into trouble after he raised objections through the union to the unilateral discontinuation of 'team interpreting' by [Trial Court Administrator] Greg Edwards in Middlesex County in April, 1996."

Since then Mr. Edwards and his managers have retaliated against me.

At the present time I am serving a fifteen day suspension for alleged insubordination. The union and I will continue to fight these unfair labor practices.

The good news is that on May 13, professional court workers ratified our first contract. For the first time we have important job rights. I hope to be around to enjoy them.

Jim Farrell, June 9, 1997

As you know, the policy that calls for the use of multiple interpreters where necessary and appropriate (e.g., in protracted proceedings such as trials) has been adopted by the Chief Justice and the Assignment Judges, and is not at the discretion of local court managers. Moreover, it is the position of NAJIT and of every responsible, well-informed individual that the use of multiple interpreters for simultaneous interpreting assignments exceeding approximately 30 minutes' duration is absolutely essential in order to avoid excessive fatigue and the resulting extreme deterioration in accuracy. In our view, it is not acceptable for local court administrators unilaterally to override this policy to the detriment of the quality of interpreting services, hence to the detriment of the interests of justice. Therefore, we applaud Mr. Farrell's consistent efforts to implement sound interpreter management practices. If in fact he is being punished for those efforts, we deplore it. In his defense of the quality of interpreting services for linguistic minorities who come before the court, Mr. Farrell enjoys the unqualified support of this Association.

For your information, I enclose herewith the Winter 1997 issue of *Proteus*, the official publication of the National Association of Judiciary Interpreters and Translators, whose lead article, entitled "New Study on Fatigue Confirms Need for Working in Teams," cites new research that supports NAJIT's and James Farrell's position.

Please feel free to contact me if you have any questions.

Yours truly,

David Mintz
Chair of the Board

NAJIT ON THE INTERNET

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Tools of the Trade

Thoughts on live vs. telephone and video interpretation

Ines Swaney

New developments in technology have resulted in an ever-increasing array of sophisticated tools aimed at facilitating human interaction. There was a time when using an interpreter meant that everyone had to be in the same room or general area. Now some interpreting is done by video or by telephone. Interpreting by telephone is efficient when the sole purpose of the participants is to gather simple facts and to have some questions answered with the assistance of an interpreter. This style of interpreting is acceptable in situations involving an exchange of raw data, getting facts, communicating ideas and sending or receiving specific information.

However, in situations involving the fate of human lives, the character of an individual, or under circumstances requiring the rendering of an opinion about a person, there is no substitute for live, face-to-face contact. Heads of state and diplomats serve as a clear example. Because of their elevated status, they un-

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doubtedly have at their disposal the most sophisticated video conferencing equipment available anywhere. Instead, high-level diplomacy today continues to take place eyeball-to-eyeball. As these historical events transpire they are then reported and we see the participants' image on television or their photograph in the newspaper. There is often one more person visible, usually not identified by name: the interpreter, who was also physically present while high-ranking diplomats and government leaders were discussing delicate issues. Our President goes there, their leader or Prime Minister comes here, or two leaders are invited to meet on neutral ground. Still, face-to-face remains the favored means of civilized contact.

Something similar happens with the judicial system. If a judge were to impose sentence while observing a video image instead of a live three-dimensional defendant, that judge is prevented from fully perceiving

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