

ADVOCACY COMMITTEE REPORT *continued*

NAJIT members who reside in Texas have informed us that the State of Texas required court interpreters to be licensed in response to the miscarriages of justice that occurred when non-trained, non-professional interpreters were used. The effect of HB 1642 is that persons who have been victimized or who were a witness to an offense may again be victimized—they will not be afforded the means to have their story accurately and competently heard in court.

Judiciary interpretation is a complex skill requiring far more than the ability to speak two languages. An untrained interpreter is often woefully unprepared to provide adequate interpretation. He or she is also unaware of the requirements imposed by the Code of Conduct and Professional Responsibilities. The Civil Rights Division of the U.S. Department of Justice has published guidance regarding Title VI and Executive Order 13166 compliance for LEP populations. This guidance makes clear that a lack of professionally trained and qualified interpreters has "...severe drawbacks.... The impediments to effective communication and adequate service are formidable. The client's untrained 'interpreter' is often unable to understand the concepts or official terminology he or she is being asked to interpret or translate. Even if the interpreter possesses the necessary language and comprehension skills, his or her mere presence may obstruct the flow of confidential information to the provider. This is because the client would naturally be reluctant to disclose or discuss intimate details of personal and family life in front of the client's child [or relative] or a complete stranger who has no formal training or obligation to observe confidentiality."

As a professional association with over 1100 members, NAJIT strongly supports the use of qualified, trained and licensed interpreters as the necessary means to justice for those who do not speak or understand the language of the courtroom. HB 1642 would place many Texans for whom, through no fault of their own, English or Spanish is not a native language, in an unequal position when compared to other LEP Texans. It is for these reasons that we request that you veto HB 1642. Thank you for your consideration.

Sincerely,  
Alexander Rainof, Ph.D.  
Chair, Board of Directors

June 10, 2005

The Honorable Rea B. Boylan  
Bucks County Court of Common Pleas  
Doylestown, Pennsylvania

Dear Judge Boylan:

On behalf of the National Association of Judiciary Interpreters and Translators, a professional association with over 1100 members, I write to respectfully request that you reexamine the sentence imposed on Ryan Steel and consider imposing community service other than Spanish-English interpretation.

*The Morning Call* informs us that Mr. Steel, a construction worker 26 years of age who lived in Mexico a few years ago, has been sentenced to a work-release term requiring him to perform community service as a translator (apparently an authorial error for "interpreter," since a translator works with written texts and an interpreter with spoken language). The article further states that he will provide services for Bucks County Court and county housing and health agencies.

Court interpretation is a highly skilled profession requiring specialized training and experience. Even bilingual individuals who have mastered two

languages or speak them at a high degree of fluency are not qualified thereby to provide interpreting services in a courtroom. In a courtroom, language and the law combine to demand excellence and full command of technical language, nuance, register and vocabulary. In addition, there are strict and challenging ethical requirements for any court interpreter. Constitutional safeguards go hand in hand with qualified interpreters. We are aware of cases that have been reversed, dismissed, or resulted in much lesser charges due to the use of untrained and unqualified interpreters.

As a lesser point, we will also mention that even if the individual in question were highly educated and had undergone the rigorous training necessary to bring him to the requisite level of skill to provide satisfactory services—which seems unlikely—it would not be just and fitting for him, by donating community service, to displace a qualified worker in a Pennsylvania courtroom.

The state of Pennsylvania has recognized the necessity of high standards in court interpretation by joining the Consortium for State Court Interpreter Certification of the National Center for State Courts. More information about this issue can be obtained at the website [www.ncsconline.org](http://www.ncsconline.org), or at [www.najit.org](http://www.najit.org).

With regard to health and housing agencies, the Civil Rights Division of the U.S. Department of Justice has published guidance regarding Title VI and Executive Order 13166 compliance for LEP (limited English proficient) populations. This guidance makes clear that a lack of professionally trained and qualified interpreters has "...severe drawbacks.... The impediments to effective communication and adequate service are formidable. The client's untrained 'interpreter' is often unable to understand the concepts or official terminology he or she is being asked to interpret or translate." If the county agencies receive any federal funding, they are obligated to provide competent services. Even if no federal funding were involved, the physical harm that could ensue from an unskilled interpreter at work is a potential wrong that must be avoided. We are familiar with many instances of errors in medical care due to poor interpretation that have had serious or even fatal consequences.

NAJIT members labor every day in courtrooms, jails, attorney's offices and county facilities to ensure that those who do not speak adequate English will have the same access to justice as all other residents of our nation. We strive to provide services of the highest quality and invest time, energy and money in improving our skills, because we know how difficult the work of court interpreting is. Please do not allow this assignment, which could result in a serious miscarriage of justice to Spanish-speaking individuals in the court system, or physical harm to those receiving medical services due to errors in interpretation, to stand.

Sincerely,  
Alexander Rainof, Ph.D.  
Chair, Board of Directors

June 14, 2005

Ms. Helen Wong  
Asian Community Development Corporation  
Boston, Massachusetts

Dear Ms. Wong:

The National Association of Judiciary Interpreters and Translators is a professional association with over 1100 members, one of whom forwarded to us your e-mail "Introducing Speakeasy," in which you state that you are recruiting bilingual individuals fluent in Chinese for a six-week pilot program to begin in early July.