

March 31, 2021

To the Administrative Office of Pennsylvania Courts:

The American Translators Association (ATA) has learned of your intention to modify the Compensation Schedule for court interpreting in Pennsylvania, lowering the two-hour minimum to a one-hour minimum for remote interpretation.

Any shift to remote delivery systems that moves away from a humane minimum time and toward a per-minute pricing model found in settings such as healthcare will degrade reliable language access in ways that **endanger due process**.

Such pricing models have proven highly problematic in making appropriately-trained interpreters available on demand. They generally apply to interpreting in non-adjudicated settings without requirements for interpreters to be certified by the courts or any other entity. We urge you for the following reasons to proceed with great caution before implementing any such disruptive change.

1) It is appropriate that an interpreter be entitled to some minimum payment in order to ensure that a particular assignment is worth the time commitment. Many assignments, even remote ones, require an interpreter to arrive 5 to 15 minutes early to the site, or platform, where services are to be rendered. They also require that interpreters **forgo accepting other assignments** scheduled for the same time.

2) Remote interpreting presents different challenges than in-person work. These added obligations include trainings on the use of remote delivery systems, managing poor audio, connectivity issues, and, for video remote, loss of visual cues and split attention due to having to double as tech experts. Interpreters must have stable Internet connections, wired telephones, quality headsets and microphones, and professional working spaces from which to deliver their services remotely. For professional linguists, these technical issues involving quality control cross over to issues involving our code of ethics. Not so for non-professionals. These factors must be considered when establishing new compensation schedules.

3) It is appropriate that interpreters be paid at fair market value, the definition of which is a price at which buyers and sellers with a reasonable knowledge of pertinent facts, and not acting under any compulsion, are willing to do business. If the Pennsylvania courts set the compensation for delivering remote interpreting below the fair market value, it may drive certified interpreters into other markets where their services are remunerated commensurate with their level of expertise. This may result in a decrease of available court-certified interpreters and, in turn, compromise due process in cases involving limited English proficient (LEP) individuals whom the court is mandated to serve equitably. Many highly skilled linguists will opt out of this race to the bottom. Likely to fill the gap are de-skilled, non-professional practitioners. Such a shift away from court-certified linguists raises the risk of errors, questions of accuracy, and costly appeals resulting from them, putting taxpayer dollars needlessly at risk.

ATA supports Pennsylvania interpreters in their efforts to inform state court administrators on how to deliver interpreting services as reliably and cost-effectively as possible. But unless you protect highly skilled, professional interpreters and their capacity to do the work, you may undermine language access and due process. Changes imposed without careful and open consultation with language professionals themselves will likely create problems, not solve them.

We encourage you to take this matter under serious consideration. Do not hesitate to reach out for more information.

Sincerely,

A handwritten signature in black ink that reads "Ted R. Wozniak". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Ted Wozniak  
President  
American Translators Association