

June 16, 2021

To the Administrative Office of Pennsylvania Courts:

The American Translators Association (ATA) follows up its March 31, 2021, letter with this public comment to the recently published changes to the Compensation Schedule for language services in state courts by the State of Pennsylvania. We appreciate that changes to state policy are considered only after consultation with language professionals and the impacts on the people we serve.

ATA strongly encourages the Administrative Office to rescind the proposed 50-percent pay cut for remote interpreting from a two-hour minimum to just one. We also oppose the mandatory time block of 45 minutes without compensation between cases to “allow for a smooth transition between assignments.”

Title VI of the Civil Rights Act of 1964 guidance from the Department of Justice requires courts to provide **competent** language access services to limited English proficient persons involved in legal processes. Qualified court interpreters have invested time and money in attaining the professional skill set necessary to interpret competently in legal settings, just as lawyers, court reporters and judges have invested in the skills and knowledge required for their profession. A 50-percent pay cut represents an unacceptable reduction in compensation for a mandated court service that requires a highly-trained professional. Furthermore, remote interpreting is more difficult due to poor sound quality, requires additional technical skills and additional preparation time when compared with onsite interpreting. The Compensation Schedule cuts pay to such an extent that it is inevitable that qualified interpreters will stop interpreting for Pennsylvania courts and less-qualified bilingual individuals may take their place, given the language embedded in Chapter 221, Subchapter 1, Section 104 Remote Interpretation, which allows for utilization of a “commercial telephone interpreter service” in the absence of a certified one, violating language access laws and jeopardizing the court’s ability to provide due process for all individuals.

Regarding the unpaid 45-minute transition period, no one would consider telling judges that their salary will be cut for time spent outside the court room. Judges use that time to review cases and prepare for the next session — just as interpreters do. This proposed compensation schedule treats freelance interpreters unfairly by denying them due compensation for time spent preparing for their next case. Interpreters are subject to the schedules of the court and will forfeit due remuneration during the proposed 45-minute transition period.

We would like to reiterate our comments from our previous letter to the State of Pennsylvania.

“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.”

The Pennsylvania courts were already paying interpreters a two-hour minimum for remote assignments prior to the pandemic. Nothing about the pandemic changed the requirements or nature of remote interpreting. It is still as challenging as before, if not more so. There is no justification or rationale to impose such a draconian pay cut.

We encourage you to take this matter under sincere consideration. If you would like more information, please do not hesitate to contact me.

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 R. Wozniak  
President  
American Translators Association