

December 14, 2016

To: Chief Justice Tani Cantil Sakauye, Chair
Honorable Members of the Judicial Council of California

From: Ariel Torrone, President

Re: Public Comment: Court Interpreter Compensation
Interpreter Testimony before the Language Access Plan Implementation Task Force

Court interpreters offered compelling testimony about the impact of stagnant wages and the rising cost of living on their career decisions at the October 17, 2016 meeting of the Language Access Plan Implementation Task Force in San Francisco.

Many came to say that at the height of their skills and experience, they are reluctantly preparing to leave the state courts to pursue other jobs as interpreters or to leave the profession for new careers. Many have gone before them.

We were so moved by their public comments, as well as others we received in writing from interpreters who could not be there because they were unable to take time away from their busy courts, that we decided to share them with the Council.

In addition to this testimony we are submitting fact sheets that tell the story of how wages for interpreters in regional bargaining units have fallen behind the wages of other court employees, and the inequities and pay gap that has resulted.

- There are serious disparities in pay growth between interpreters and other court employees because most interpreters, whose wages are set in a regional system, are treated much less favorably compared with other employees whose wages are set locally. The contrast is illustrated dramatically by comparing the wages of interpreters in the regional system with a few interpreter positions that are paid significantly more because their wages are set locally (Attachment 2).
- The other disparity affecting recruitment and retention is between state court interpreters in the regional system and staff and contract interpreters in the federal courts and in other segments of a tight labor market for our professional, skilled services.

Please see the attached fact sheets (Attachments 1 and 2) and review the testimony of interpreters about how these disparities affect them. Even better, take twenty minutes of your valuable time to watch the video and listen to their comments. [Oct 17 Comments to LAP Task Force](#).

These are the voices of interpreters who love the work they do, have worked hard to develop their knowledge and hone their skills, and who care deeply about providing access to justice and serving the court system. They speak articulately about the challenges of working in a system that undervalues our work.

**Lucy Gomez Flores, Certified Court Interpreter,
Vice President, CFI Local 39000**

I've been working as a certified interpreter for 31 years. We are here today because our skills and experience aren't valued in the court system we serve:

- Compared with wage increases granted other employee groups in Bay Area courts, interpreters have received less than 50 cents on the dollar since we became employees 13 years ago.
- Veteran court reporters earn 30-49% more;
- And we don't have a salary range like other employees.



After *31 years* of service, I make the same as a brand new interpreter on day one.

Regional bargaining has established separate and unequal treatment of interpreters. Currently, courts are refusing to give us wage increases, like other employees, to offset pension contribution increases. So despite increasing workloads and vacant positions courts can't fill, interpreters in San Mateo, Santa Clara, Mendocino, Marin, Contra Costa and Alameda are facing an effective wage cut when higher pension contributions go into effect.

Our campaign for pay parity is about being treated fairly within the court system and in the market for our services. Recruitment efforts will be futile until our compensation is addressed.

Daniel Navarro, State and Federally Certified Court Interpreter

Good afternoon. I am a Spanish interpreter in the state and federal courts. I'm here to say that blocking the path to advancement is one sure way to derail a profession, and that's the reality facing court interpreters in California.

This July marked my fifteenth year with San Francisco Superior, and regrettably, I will be joining interpreters who, in their prime, are leaving the courts. In August, I cut my hours, and my income by 40% to go back to school. I'm trying to make ends meet by renting out my living room.

I still love what I do for a living, but it's an unrequited love. It's a decade of regional runarounds at the bargaining table that has made court interpreting less and less viable for me. The lack of fair compensation and more pointedly, and certainly locally, the lack of a living wage undermines a stable workforce, and it certainly hurts equal access. Thank you.



Katy Van Sant, State and Federally Certified Court Interpreter

I'm a Spanish interpreter. I've been working for fifteen years in the Alameda County Courts. I wanted to start out by letting you all know that I love my job. I love being an interpreter. I love working in the courts. I love providing language access. I love facilitating communication between the LEP parties, the court staff, the judges, the attorneys. However, there's another part that I don't love. I have to get up at five o'clock in the morning two or three days a week in order to do extra work. I do transcriptions and translations in order to make ends meet. As time has gone by and as the cost of living in the Bay Area has gone up higher and higher and higher, and our wages have stayed stagnant, it's become more and more and more difficult to stay in this profession and support my family. Despite the fact that I consider my job like a second home, I'm going to have to look elsewhere- if things don't change.



I'm very well aware that I can make a lot more money in the Federal Courts, in Immigration Court and in the private sector. I know that there are a lot of unfilled vacancies already, and I don't want my position to be another one of those. I know that this committee is tasked with improving language access. Interpreters are language access. Without us there is no language access in the courts. And unfortunately we're leaving. So, while this body is tasked to protect language access, simultaneously the overarching entity, the Judicial Council and the Courts are forcing us out and they are in effect attacking language access. So I would say that if you want to do something about language access, you will support us and you will support our campaign for fair wages. Thank you.

Andrea Pollock, Certified Court Interpreter

I have been working as a certified interpreter since 2013. I am a mother of two, and I am originally from South America. I have been in the United States for about 18 years. I work as a freelance interpreter in the courts, in the private sector, and in workers' compensation hearings. I would like to become a staff interpreter, and I in fact applied for a position in San Francisco; But I withdrew my application after looking seriously at the compensation, and seeing that it was not going to be worth it to go to work full time. Even though work in criminal and civil courts is the area of focus I would like to pursue, it just doesn't make sense for me to become an employee or dedicate a majority of my time to the courts because I earn significantly more and work shorter hours outside the courts.



I would want to make a career in the court system if the compensation was more competitive with other opportunities in the interpreting market place, and if there were opportunities for advancement as well. I hope the courts will recognize the importance of raising wages so that people like me will be able to make working as a staff interpreter our career choice. Thank you.

Curtis Draves, Certified Court Interpreter

Good Afternoon. I've been serving the Superior Courts in the Bay Area for the past ten years as a certified court interpreter. And I want to thank you, first of all, everybody on this task force, for the work you've done. But the high aspirations discussed at this table are belied by the attitude that we face at the bargaining table. Like many of my colleagues, I find it more and more difficult to live here in the Bay Area with my family. I have to look for outside work, and more and more I'm looking to change employment, and even change careers, like some of my colleagues, because our profession has no growth and no development. So I want to thank you all for your work again, but I want to urge you to please look to the interpreters that you have as the solution to language access. Thank you.



Ana Gillison, Certified Court Interpreter

I am a certified court interpreter working for the Santa Clara Courts for the past 21 years. In 2001, I became certified to work in the US Federal Courts as well.

I am a member of the interpreter staff in Santa Clara County- a staff that only two to three years ago was one third larger. Some have retired and some have left the area because they simply could not afford to live in Santa Clara County on the wages we now earn.



Right now, there is a tremendous demand for interpreter services. Like it or not, this is the world we live in. Many contractor interpreters are being called upon to meet the demand. They have been coming in from all over California. They are being paid the federal rate, \$418 a day, and in many cases substantial travel time, mileage and accommodations.

In contrast, we the staff interpreters are being faced with a six percent cut in pay. None of us like it. How would any of you like to get socked with a six percent pay cut? The answer is, you wouldn't.

We know the money is in the budget to adequately compensate staff interpreters. Wouldn't it be smart to retain the staff interpreters rather than to continue having to dish out huge contractor fees? I think so. I urge you to do the smart thing, to retain and maybe even attract staff interpreters, and to show us the same consideration that has been shown to other court employees who have received a raise to offset the increase in pension contributions.

Kate Bancroft, Certified Court Interpreter

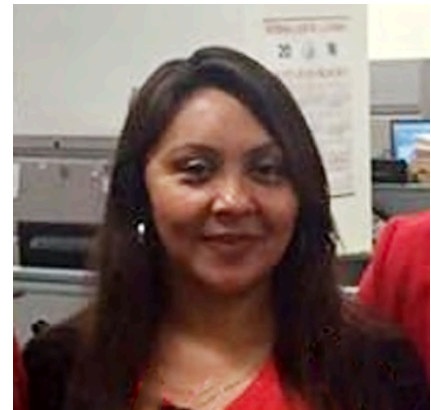
Good afternoon ladies and gentlemen. I am a state and federally certified interpreter. I've been working in the California courts for twenty-six years. Today is my 65th birthday and I choose to spend it here because this is so important.

All over the Bay Area there are positions open where not a single Spanish Interpreter applies for it. Now this is not just about a shortage, because I work in Contra Costa and every day several contract interpreters are being used. The problem is the money. Whenever I meet a contractor in Contra Costa I say, "How would like to become an employee?" Frequently I get an outright laugh. If it's not an outright laugh, it's like, "Why would I do that, with that kind of pay?" Now this concerns me a lot because I know that there is money in the budget to pay us more. And the courts need staff interpreters. It's really the most efficient way- besides being required by law- it's the most efficient way for the courts to deliver our services. So, there is a shortage, but it's nowhere near as serious as it looks. More has to be paid. The courts end up spending more because coordinators and court personnel who are not reimbursed out of the interpreter budget have to hustle finding the contractors. The contractors set limitations, "I can only be there at ten. I have to leave by ten thirty," and so on and so forth. And so, as my colleagues have said, if you want greater access, you need to pay more to recruit staff interpreters. Thank you.



Laura Villanueva, Certified Court Interpreter

Good afternoon to all. I work full-time with San Francisco Superior Court. I'm here today to support our demands for pay parity. We are asking for a competitive wage and fair treatment within the court system. Our demands are reasonable and necessary, not only to retain interpreters but also to comply with the language access plan. In my humble opinion the time has come for the Courts to consider its interpreters as a legitimate and vital part of the Superior Court staff. Thank you for your time.



Margaret Roberts, State and Federally Certified Court Interpreter

I'm a full-time Spanish interpreter in the Superior Court of Alameda County. I'm here today to tell you about the second time I submitted a job application since I became a California State Court Certified Interpreter, and that was this August. The first time was in 2003 when we first had the opportunity to become employees. I had been working full time for several years in the Superior Courts as a contractor, in Alameda County, and I was very excited to have the opportunity. I took the first chance I got, and I have loved it ever since. I never questioned that this was what I want to do with my career. I feel that in 2016, many years later, I have become a much better interpreter than when I was 28 years old, barely starting as a contractor, in 1999. Yet I am at the same level of pay as an interpreter who starts today in my profession.



I have a two-bedroom, one bathroom house in East Oakland with my wife and our three-year-old. We were about to start fertility treatment for our second child, with a doctor we really loved. And I'm really attached to the Bay Area. I have deep friendships and family here that I'm close to. But I saw a posting for a Federal Court Interpreter position (in Chicago) that pays between \$92,000-\$142,000 per year. I had to take that very seriously, and we moved immediately toward submitting the application, and I had a really hard conversation with my wife: "You're in the middle of getting your licensing as a therapist here in California. We're about to start trying to have a baby. What if I leave you here for a few months while I get started, and you bring our child with you, when you can?"

I hope my colleagues should not have to make those hard decisions. Please make this a more viable professional option for all of us. Thank you.

Thi Zambetti, Certified Vietnamese Court Interpreter

Good morning. I've been working as a certified court interpreter for almost 6 years in Santa Clara County. I'm here today because I am tired of hearing how important language access is and yet at the same time the courts undervalue our skills and experience.

I've seen colleagues, dear colleagues of mine, leaving Santa Clara County to other areas where the cost of living is more bearable. I've seen colleagues, dear colleagues of mine, those who are staying, working to the point of exhaustion because the courts haven't done what's necessary to attract interpreters.

I've seen my supervisor working frantically day in and day out to have enough interpreters to cover the workload. I've also seen attorneys waiving interpreters left and right because there is none available. So, it's time you show your commitment to language access by supporting us to have a fair and just contract. Thank you.

Carol Palacio, Certified Court Interpreter

I am a Court Certified Interpreter employee with San Mateo County Superior Court. I have been certified since May of 1999. I am extremely concerned about the court's ability to hire and retain interpreters in San Mateo County.

Over the past year we have lost approximately one third of our staff.

They have left in order to pursue more lucrative positions or to move out of the area due to rising housing costs. There are currently five vacant positions in our county. Some of this workload is covered by contractors, but San Mateo County always needed contractors to fill in the gaps, even before one third of our staff left. The vacancies and daily shortages we experience, accompanied by Civil Expansion, are making our work increasingly overwhelming and unpredictable.

Attorneys have started having clients waive their right to an interpreter because there was no one available. It takes a high degree of training and skill to be a Court Certified Interpreter. I believe there needs to be a very serious shift in the way our region perceives, treats and compensates interpreters in order to be able to attract and retain interpreters in our county.

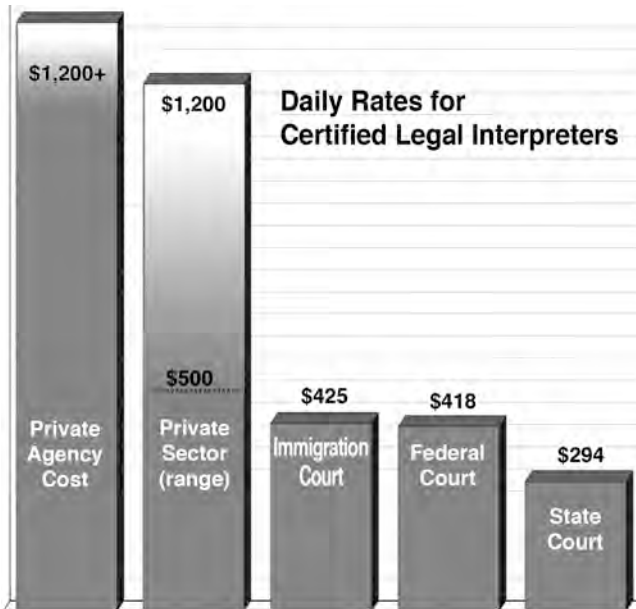
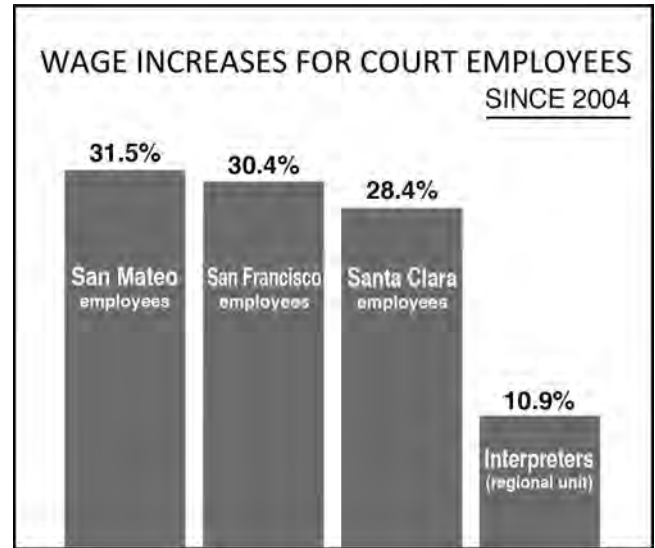


Fairness and Equity for Interpreters

We perform skilled and specialized work that takes years of study and preparation. We're tested and certified at the highest level in the field of legal interpreting. But our wages have been neglected for over a decade, even though language access funding has been and is available.

A serious pay gap has grown steadily due to **disparate treatment of interpreters** in multi-employer regional units, resulting in substandard, below market wages.

Interpreters in regional bargaining have received about 1/3 of the wage increases and COLAs granted other court employees- about 30 cents on the dollar.¹ →



Even as our workload is increasing due to expansion of our work to civil matters, state courts are losing staff interpreters and can't fill vacancies – not because there is a shortage of interpreters, but because interpreters aren't available to work for sub-standard, below-market pay. Private work pays 2 to 4 times more.

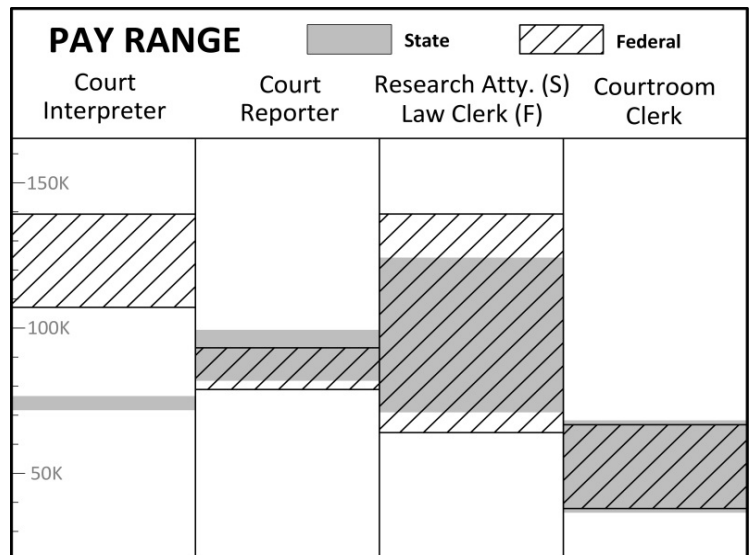
State courts in the Bay Area have started paying contractors the federal rate- and even higher premiums- to secure professional interpreters.

← But staff salaries still lag far behind other public and private employers, leaving state courts unable to compete with other users in a tight labor market.

State vs. Federal Salary Disparity

Federal courts pay staff *and* contract interpreters 45% more. The *Federal Judiciary Salary Plan* classifies and pays us as professionals, along with executives and attorney law clerks. Salaries for other positions in state and federal court are comparable, except for interpreters who earn far less in state than federal. →

We deserve fairness and equity in compensation.



¹ Source: CA Superior Courts. CFI 2016 wage survey of largest employers of interpreters in Bay Area state trial courts (complete data was not available for all courts). Chart reflects compounded wage increases.



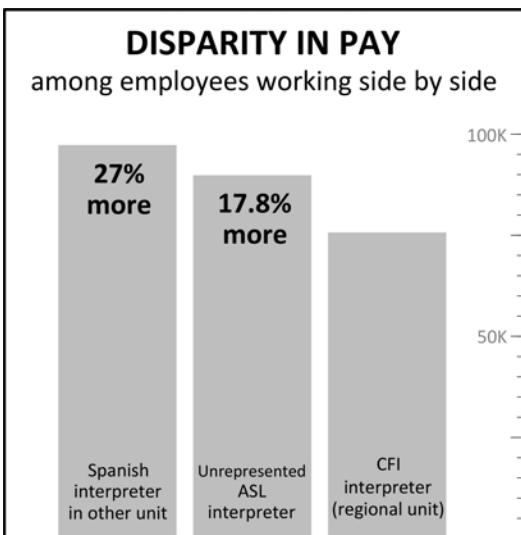
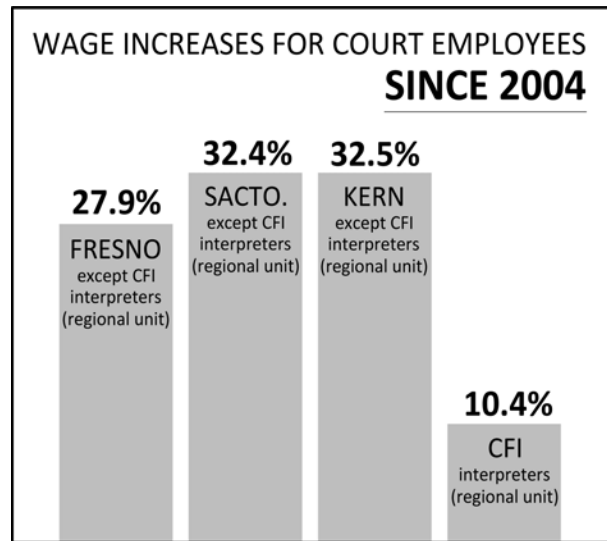
Fairness and Equity for Interpreters

Interpreter wages have been neglected for over a decade, resulting in below market wages, even though language access funding has been and is available.

A serious pay gap has grown steadily due to disparate treatment of interpreters in multi-employer regional units compared with other employees.

Interpreters in the regional bargaining system have received less than $\frac{1}{3}$ of the wage increases and COLAs granted other court employees.¹ →

As a result, those of us working under a regional contract earn 18% to 27% less than other state court interpreters who do the same job and work side by side with us. ↓



Wages not Competitive for Qualifications

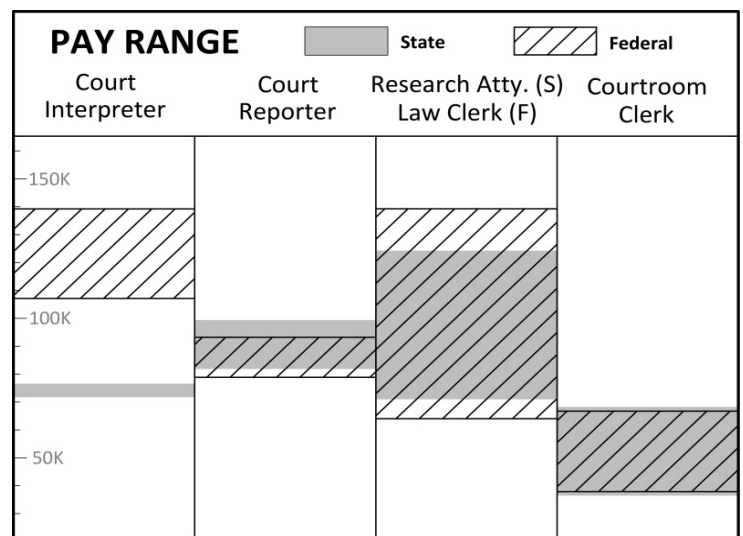
State courts are increasingly paying contractors federal rates- 45% more and even higher premiums- to secure professional, legal interpreter services. Low state court salaries are also leading to more use of non-certified interpreters in some areas.

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Federal courts pay their staff *and* contract interpreters 45% more. The *Federal Judiciary Salary Plan* classifies and pays us as professionals, along with executives and their second in commands, and attorney law clerks. Salaries for other positions are generally comparable in state and federal courts, except for interpreters who earn far less in state than federal. →

We perform highly skilled and specialized work that requires years of training and preparation. We're tested and certified at the highest level in the field of legal interpreting. **We deserve better.**

Federal and State Court Salary Comparison



¹ CFI 2016 wage survey of the largest employers of interpreters in the central valley. Chart reflects compounded wage increases.