

## Court Interpreter Budget Fact Sheet

The legislature provides funding for interpreter services to the courts in a special item of the judiciary budget (Program 45:45). This funding is managed as a statewide budget and is separate from local court operations budgets. Nothing in the budget language (see page 3) restricts the use of this money for certain case types or prohibits its use in any case type. Nonetheless:

- Citing insufficient funding to cover all interpreter needs, the Administrative Office of the Courts (AOC) has maintained a policy for years that restricts use of this budget for certain case types (primarily criminal, juvenile delinquency, dependency and traffic) and excludes most civil cases such as family law, small claims, eviction proceedings and other civil matters.
- As a result, most courts limit the cases for which they'll provide interpreters, and services are inconsistent around the state and even within a single jurisdiction.
- Nearly \$40 million in funding earmarked for interpreter services over the past ten years has gone unspent (see page 2), left in the trial court trust fund as "reserves" or "surpluses." From there, the AOC has approved spending the funds for other things, such as to offset general budget cuts to local courts or the costs of a failed Court Management Software System, rather than for the purpose the legislature intended: interpreter services.
- Meanwhile, courts statewide continue denying interpreter services to people who need them in many civil cases when in fact funds are available to pay for interpreters. These practices violate federal anti-discrimination laws.<sup>1</sup> For instance, most California courts do not provide interpreters for eviction, small claims, and many other types of legal proceedings. Recently, citing budget cuts, the Contra Costa Superior Court stopped providing interpreters in many family law and restraining order cases. The Sonoma Court has stopped providing interpreters for parents and attorneys of juveniles to speak outside the courtroom. These are but a few examples of a growing trend.

On May 22, the Department of Justice's Civil Rights Division, which has been investigating California courts for the past one-and-a-half years for inappropriately limiting court interpreter services, issued preliminary findings in the form of a letter to the AOC.<sup>2</sup> It expressed "great concern" about the "underutilization and transfer" of interpreter funds. In fact, number one on its

---

<sup>1</sup> Assistant Attorney General Thomas E. Perez, Language Access Guidance Letter to State Courts, August 16, 2010, [http://www.lep.gov/final\\_courts\\_ltr\\_081610.pdf](http://www.lep.gov/final_courts_ltr_081610.pdf). See also CFI Backgrounder on *Language Access and DOJ Enforcement in California*.

<sup>2</sup> Deeana Jang, Section Chief, Federal Coordination and Compliance, U.S. DOJ Civil Rights Division, 5/22/13 Letter to the California Chief Justice, the Administrative Office of the Courts, and Los Angeles County Superior Court, <http://www.calinterpreters.org/wp-content/uploads/2013/06/DOJ-Investigation-171-12C-31-5-22-13-Letter-2.pdf>.

list of "proposed steps towards voluntary compliance" with federal civil rights mandates was an admonition to the AOC to stop re-allocating interpreter funds for unrelated uses. Currently, the interpreter budget surplus is estimated to have reached between \$13 million and \$16 million.<sup>3</sup>

#### Interpreter Funding and Expenditures<sup>4</sup>

<b>Fiscal Year</b>	<b>Program 45.45 Funding (Court Interpreters)</b>	<b>Expenditures</b>	<b>Amount Unspent</b>
2003-04	\$68,036,000	\$62,196,094	\$5,839,906
2004-05	\$67,735,000	\$61,358,240	\$6,376,760
2005-06	\$88,230,562	\$75,877,935	\$12,352,627
2006-07	\$85,770,000	\$83,163,606	\$2,606,394
2007-08	\$90,243,000	\$88,473,157	\$1,769,843
2008-09	\$92,793,481	\$93,705,374	<\$911,893>
2009-10	\$92,794,000	\$87,955,067	\$4,838,933
2010-11	\$92,794,000	\$89,951,954	\$2,842,046
2011-12	\$92,794,000	\$89,187,485	\$3,606,515
			<b>\$39,321,131</b>

Prior to 2010, the courts spent approximately \$25 million in interpreter funds for other purposes. They did so without specific approval to allocate those monies for a different use, as unspent surpluses were mingled with other reserves in the trial court trust fund. Significantly, in October of 2010, the Judicial Council for the first time adopted a policy to set aside any interpreter budget reserves to cover future interpreter services needs, specifically. Unfortunately, the Judicial Council made an exception to its own rule just months later, in July 2011, when it shifted \$3 million in unspent funds from the previous fiscal year's interpreter budget.

The Judicial Council considered but did not approve yet another recommendation to take interpreter funds -- \$6.5 million this time -- to offset budget cuts to the trial courts, in September 2012.

<sup>3</sup> As reported July 9, 2013 in a meeting of the Judicial Council's Trial Court Budget Advisory Committee.

<sup>4</sup> Judicial Council Trial Court Interpreter Program Expenditures Annual Reports to the Legislature, <http://www.courts.ca.gov/12317.htm>.

**Budget Control Language: AB 1464, 2012-13 Budget**

*This is the actual language in the budget bill, within the judiciary budget, that controls expenditures from the interpreter budget item.*

0250-101-0932- Schedule (4) 45.45-Court Interpreters..... **\$92,794,000**

The funds appropriated in Schedule (4) shall be for payments to contractual court interpreters, and certified and registered court interpreters employed by the courts for services provided during court proceedings and other services related to pending court proceedings, including services provided outside a courtroom, and the following court interpreter coordinators: 1.0 each in counties of the 1st through the 15th classes, 0.5 each in counties of the 16th through the 31st classes, and 0.25 each in counties of the 32nd through the 58th classes. For the purposes of this provision, “court interpreter coordinators” may be full- or part-time court employees, and shall be concurrently certified and registered court interpreters in good standing under existing law.

The Judicial Council shall set statewide or regional rates and policies for payment of court interpreters, not to exceed the rate paid to certified interpreters in the federal court system.

The Judicial Council shall adopt appropriate rules and procedures for the administration of these funds. The Judicial Council shall report to the Legislature and the Director of Finance annually regarding expenditures from Schedule (4).

**Eligible Expenditures per Judicial Council Expenditure Report<sup>5</sup>**

Program expenditures that qualify for reimbursement are limited to the following four items:

1. Contract court interpreters and their per diems, including travel;
2. Certified and registered court interpreters employed by the courts, including their salaries, benefits, and travel;
3. Court interpreter coordinators;
4. Four court interpreter supervisor positions: two in Los Angeles County, one in Orange County, and one in San Diego County. These are the only positions funded under the program that include funding for standard operating expenses and equipment (OE&E).

The Judicial Council does not currently reimburse trial courts for the cost of supervisors, administrative overhead, or any OE&E except for the contractual services, travel, and standard complementary items noted above in items (1), (2), and (4), respectively. Trial courts must absorb all other OE&E costs and, except as noted in item (4) above, all supervisory expenditures associated with staff interpreters and court interpreter coordinators.

---

<sup>5</sup> Trial Court Interpreters Program Expenditure Report for Fiscal Year 2011-2012, Judicial Council, [http://www.courts.ca.gov/documents/lr\\_Trial-Court-Interpreters-Program- FY-2011-12.pdf](http://www.courts.ca.gov/documents/lr_Trial-Court-Interpreters-Program- FY-2011-12.pdf)