

April 15, 2014

To: Working Group on California's Statewide Language Access Plan
From: The California Federation of Interpreters &
The Translator's and Interpreters Guild

The California Federation of Interpreters (CFI) represents more than 850 staff interpreters working in the courts as full time, part time and as-needed employees. Independent contractors are members of CFI and of our sister organization, the Translators and Interpreters Guild (TTIG).

CFI and TTIG representatives met with the Working Group for California's Language Access Plan (LAP) on January 22, 2014 to provide input on the statewide LAP. Our comments at the meeting focused primarily on:

- the expansion of interpreter services in civil matters; and
- video remote interpreting.

These written comments provide more detail and cover additional topics.

A. Introduction

We are encouraged that the Chief Justice and Judicial Council have prioritized addressing barriers to language access, including the formation of the Working Group for a Statewide Language Access Plan (Working Group). We appreciate the inclusive approach with stakeholders, public hearings and public comment. CFI, TTIG and our members who provide professional, quality language access are allies and a resource for the expansion and improvement of language access at all levels within the judicial system.

The following concerns and recommendations inform our comments overall:

- 1) Expansion of language access should be approached in a comprehensive manner that addresses access both inside and outside of courtrooms, and throughout the court process, including ancillary services.
- 2) The plan should focus on providing high quality and reliable services to guarantee meaningful language access.
- 3) To ensure that language access is provided consistently around the state, the Language Access Plan should recommend adoption of enforceable standards, protocols, and rules of court.
- 4) Implementation should be monitored and evaluated to achieve the plan's stated objectives.

B. California's Unique Challenge and Opportunity

Recommendation: California's LAP should continue California's tradition of setting high standards for language access, and establish enforceable standards based on best practices for achieving meaningful access for all LEP court users.

California lawmakers, the Judicial Council and the Los Angeles Superior Court have historically been leaders in establishing high standards for language access. California's diversity and the demand for interpreters led California lawmakers to establish:

- competence and training requirements for court interpreters;¹ and
- an employment system that provides stability and supports the recruitment and retention of interpreters.²

As a result of these efforts over several decades, today California has a workforce of trained, professional interpreters (including staff and contractors), and is ahead of other states in its capacity to provide language access. At the same time, it is widely recognized that there are significant gaps that must be addressed in order to provide full and equal access for Limited English Proficient court users (LEP's) in civil proceedings and outside of courtrooms.

In planning to close those gaps and expand language access, the Judicial Council should not automatically accept the policy directions being developed by the National Center for State Courts, or trends in other states that do not have the history, volume of demand, or interpreter resources that we have here in California. The working group's recommendations for a statewide LAP should include full expansion of language access to fully comply with the Department of Justice guidelines including:

- certified and registered interpreters at no cost in all court proceedings;
- professional interpreters and bilingual staff for services outside of courtrooms;
- access to certified and registered interpreters for justice partners and ancillary services that are part of the court process (i.e. Public Defenders, Deputy District Attorneys, Department of Child Support Services, probation, mediation and court-appointed counsel);
- best practices and recommendations in the ABA Language Access Standards.³

¹ SB1304 (Lockyer,1992), Established certification standards, rules and procedures to restrict the use of non-certified interpreters, as well as ethics and continuing education requirements.

² SB 371 (Escutia, 2002) Established court interpreter employment positions and collective bargaining rights. Today, approximately 850 certified and registered interpreters work as staff interpreters in more than 50 languages and more than 1100 professional interpreters are available to the courts as independent contractors.

³ Bar Association. ABA standards for language access in courts, February 2012.

http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_standards_for_language_access_proposal.authcheckdam.pdf

C. Assess the Current State of Language Access Resources in California

Recommendation: Instead of assuming that there are not enough interpreters or that costs will be prohibitive to fully expand interpreter services to cover all civil matters, gather data and assess the true costs and feasibility of expansion based on:

- 1) *the available workforce including staff and contractors; and*
- 2) *data-driven estimates that account for services already being provided in civil matters.*

The LAP should recommend that the AOC work with the courts to conduct a methodical survey and gather current information to assess how much access can be expanded to civil using the current workforce of interpreters.

The courts and AOC should also gather metrics to inform cost estimates based on actual needs. Courts should develop detailed information and reports by conducting:

- 1) a survey of unmet needs in court proceedings and outside of court proceedings;
- 2) a survey of civil case types in which courts are already providing interpreters;
- 3) a study of the availability of competent interpreters (both staff and contractors); and
- 4) a study of potential efficiencies using existing resources.

An up-to-date and data-driven assessment of these factors will show that:

- The availability of certified interpreters in the most frequently used languages has increased over the past decade.
- Though supply does not fully meet demands in all languages or circumstances, this is not an impediment to meeting a large majority of the state's language-access needs.
- Many courts are already covering, within the current baseline budget, a significant portion of civil matters including domestic violence, family law, and civil harassment.
- The courts can provide competent, in-person interpreters for court proceedings and related court-ordered programs using a combination of employees and contractors.

D. Collaborate with and Leverage Knowledge of Interpreter Organizations

Recommendation: The LAP should recommend greater collaboration with interpreter organizations to create statewide projects that improve language access by leveraging the knowledge that certified court interpreters and their representative organizations have as language-access professionals.

The California Federation of Interpreters holds a unique position among organizations that represent interpreters in California as both, a professional association and a labor union. We represent nearly 900 staff interpreters, as well as independent contractors that are members of CFI or our sister organization, the Translators and Interpreters Guild (TTIG). CFI is the largest organization of legal interpreters in California, and the only organization with a formal role as the exclusive representative of interpreters throughout California.

The Interpreter Act and the Regional Memorandums of Understanding between the Superior Courts of California and CFI will require the courts to meet and confer over decisions and/or impacts of changes in the delivery of language-access services. Policy decisions and labor issues overlap, and it will be necessary to discuss issues in the policy-making context and in labor relations. Topics should not be off limits because they overlap with "labor issues." We understand the difference between the context of advocacy on policy recommendations and that of collective bargaining.

In light of our unique role and responsibilities, CFI should be given an advisory seat to participate as a stakeholder in the Working Group and the Court Interpreters Advisory Panel (CIAP). This would allow us to truly participate in the process and it would also create a very useful and positive venue to develop greater collaboration to resolve the state's language-access difficulties.

D. Reevaluating Old Assumptions: The Interpreter Shortage and Expansion Costs

Recommendation: The LAP and plans for expansion should not be based on outdated assumptions of the availability of interpreters or exaggerated estimates of the potential costs of expansion.

Assumptions about what is achievable in the area of language access in the courts are too often based on anecdotal experience and historical challenges without looking carefully at current data and factual information. The idea that there is an endemic shortage of trained, certified interpreters and that costs to meet the actual need would be prohibitive are repeatedly cited as the primary impediments to expansion of interpreter services. These assumptions are so prevalent that they are not questioned and they tend to dominate the discussion of what is achievable.

The number of certified interpreters available to the courts has actually improved significantly, however, since the employment system was implemented. After a sharp decline in the number of certified interpreters between 1995 and 2000, the number of certified interpreters has steadily increased. The total number of certified interpreters has increased 41%, with significant increases in high-demand languages including Spanish (30%), Mandarin (67%), Korean (72%), Russian (89%), Armenian (87%), Vietnamese (22%), and Cantonese (23%).⁴

Although the overall number of certified interpreters in most languages besides Spanish remains low, the relatively small numbers of certified interpreters in those languages are also proportional to the much lower demand for services. See Attachment 2: Interpreter Supply and Demand by the Numbers.

Effective use of existing resources has not been adequately explored. A paper published by the National Center for State Courts (NCSC) emphasizes that courts must go beyond bemoaning low pass rates and look to a range of solutions. "[...] courts must begin to consider improved service-utilization techniques for existing interpreter resources and provide incentives to entice new interpreters into the field. More effective management and scheduling practices can increase the number of interpreter resources, make the job of interpreting a more attractive one, and provide growth and development opportunities within the interpreting field."⁵

⁴ See Attachment 2: Certified and Registered Interpreters in California

⁵ *Wanted: Career Paths for Court Interpreters*, Romberger and Hewitt, National Center for State Courts. Ms. Romberger is a manager of interpreters services. William E. Hewitt is a Principal Court Research

In reality, California has the capacity to expand services. The courts will need to hire some additional interpreters, either as employees or contractors, and can also leverage its existing resources --the court interpreters already staffing the courts who can cover multiple cases in one assignment. These issues are discussed more fully in sections below on interpreter recruitment and retention.

Neither is a lack of funding a permissible, or justifiable reason for the failure to expand services to meet the requirement of Title VI of the Civil Rights Act of 1964. The Judicial Council and policy makers have repeatedly declared that they want to expand interpreter services, but lacked funding for this purpose. Yet the Legislature has funded interpreter services consistently, and the courts have failed to fully utilize the funding to hire court interpreters. From 2003-2011, approximately \$35 million in funding appropriated for interpreter services by the Legislature was left unspent, while over \$20 million was redirected to other operations.⁶

E. The Interpreter Act and the Employment System

Recommendation: The Working Group and Judicial Council should study the employment system and realize the potential to leverage the current system for unmet needs.

Across the nation, state courts have generally failed to recognize that stable jobs with decent pay and benefits are necessary to attract individuals with adequate language skills to interpret professionally. As such, they have continued with a contingent workforce of contractors that is not always adequate in numbers or quality.

In California, however, certification standards and the employment system have combined to create a workforce of skilled interpreters in much greater numbers than other states, particularly in Spanish, but also in other high-demand languages.

Consultant at the National Center for State Courts. Article from Future Trends in State Courts 2006. <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/accessfair/id/132>

⁶ Court Interpreter Funding and Expenditures (Program 45:45)

Source: Judicial Council Annual Reports to Legislature: Court Interpreter Program Expenditures

Fiscal Year	Funding	Expenditures	Amount Unspent
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	\$1,743,000
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
			\$35,687,773

Court interpreters won basic employment protections and representation rights only 10 years ago, with passage of the Court Interpreter Act.⁷ It was not until 2005, however, that the courts established full-time positions with benefits in large numbers. Previously, the vast majority of court interpreters were contractors treated as contingent workers without rights or benefits, though many had spent decades serving the court system.

In a short time, the employment system has created greater stability and reliability in the delivery of interpreter services. Interpreter use and expenditure data show measurable improvements in language access and cost efficiencies.

Staff interpreters cost less overall and cover more cases per day than independent contractors. A Judicial Council report analyzing data for 2004-2008 found that, "statewide, employees interpret 16.2 percent more cases per day than contractors."⁸ Expenditure data for the same time period shows that on average, employee interpreters statewide cost the courts 10.4% less per day than contractors. The employment system is also flexible. The Courts use full-time, part-time and as-needed employees, and can supplement their needs with independent contractors.

Interpreter representatives are also actively enforcing statutes and rules of court through employment contracts that were previously unenforced, requiring courts to give priority to certified/registered employees and contractors. This has led to significant reductions in the use of non-certified and non-registered interpreters in California courts,⁹ down from 25 percent of total contractor costs for non-certified or non-registered interpreters in fiscal year 2004-2005 to 14.55 percent by fiscal year 2011-2012.

Stable employment opportunities for interpreters have resulted in efficiencies for the courts and brought greater reliability in language-access services over the past decade.

Policy makers should recognize the potential of the employment system and the current workforce of staff interpreters and independent contractors as a critical resource for meeting the language-access gap in the courts.

E. Expansion to Civil

CFI fully supports the Department of Justice's direction that courts must provide interpreters at no cost in all court proceedings, in accordance with federal law, and the DOJ's position that charging litigants for language access is discriminatory under Title VI of the Civil Rights Act of 1964. As such, we do not support the recovery of costs from individuals for language-access services.

⁷ SB371 (Escutia 2002), California Legislature, http://www.leginfo.ca.gov/pub/01-02/bill/sen/sb_0351-0400/sb_371_cfa_20010509_105137_sen_comm.html.

⁸ 2010 Language Use Study. <http://courts.ca.gov/documents/language-interpreterneed-10.pdf>

⁹ Trial Court Interpreters Program Expenditure Reports (2004-2008 and 2011-2012), Judicial Council Annual Report to the Legislature, <http://www.courts.ca.gov/2686.htm>.

Based on our knowledge and experience with statewide practices, staffing, and budget issues, we submit that much more can be done immediately to expand services to civil cases. The Judicial Council should seek funding from the Legislature to:

- conduct appropriate data collection and survey of language-access needs and resources;
- expand language access to civil cases and in other areas as necessary to comply with Title VI.

Government Code 26806 allows courts to assign interpreters to civil cases if they have been hired for criminal cases and are available for reassignment, but Courts do not have a consistent policy for providing interpreters in civil matters.

We have spoken frequently at Judicial Council meetings to express our concern that under current court policies and practices, it is not unusual for services to be denied to LEP court users even when interpreters are available in the building or even the courtroom, and therefore could be available at no additional cost. This is a matter of poorly communicated, confusing policies and inconsistent practices. At the same time, parties use friends or paid interpreters who are not qualified, some of whom misrepresent themselves as qualified interpreters. These issues will be discussed in more detail in comments submitted by our sister organization, TTIG.

Policies that continue to provide interpreters based on case type or based on fee waivers will actually prevent courts from using interpreters efficiently and can result in a continuation of practices that make language access unreliable.

Though there is no court or Judicial Council policy that affirms the obligation to provide interpreters in civil matters, many courts are providing interpreter services in civil proceedings, particularly in Spanish, but also in other languages. Current use of staff interpreters and independent contractors in civil matters is underreported.

While there are certainly unmet needs and services are provided inconsistently, in our experience court-provided interpreters are doing a significant amount of civil work around the state.¹⁰

¹⁰ **Los Angeles:** the Stanley Mosk Civil courthouse in Los Angeles has six Spanish interpreters staffing the building every day, interpreters in other languages are assigned by the court as needed, and staff interpreters around the county cover many civil proceedings.
Orange: Interpreters provided in domestic violence family law cases, and in most other civil inconsistently, as available.
Alameda: Interpreters provided in all languages for most family law cases, civil harassment and domestic violence. Interpreter provided, but inconsistently, in other civil matters including small claims and unlawful detainers.
Santa Clara: Interpreters are provided in family law matters in Spanish and Vietnamese. For other civil cases, interpreter may be provided based on judicial officer requests, however, court policy and website tell litigants to bring their own interpreter.
Madera and Merced: These courts are covering a majority of civil matters in Spanish.
San Mateo: Spanish interpreters provided in all family law matters and some unlawful detainer cases.
Napa: The court provides interpreters in all family law.
Sonoma: The court provides interpreters in family law cases involving domestic violence.
Sacramento: Interpreters provided in all languages in all family law and mediations.
Ventura: Interpreters are provided in unlawful detainers and small claims.

We recognize that many courts that cover some civil matters are providing services inconsistently and that not all matters are covered. Nonetheless, services tend to be covered in areas and languages of greatest demand, such as family law, including child support, custody and visitation, and domestic violence. Gathering reliable and comprehensive data on the level of services being provided and on the level of unmet need remains a challenge.

A 2013 survey of California superior courts¹¹ confirms that courts are already providing interpreters in many civil matters. Seventy percent of responding courts indicated that in addition to covering all “mandated” proceedings, they can provide Spanish interpreters for “non-mandated” proceedings.¹² For languages other than Spanish, just over half of the responding courts indicated that they provide interpreter services in civil matters. Geographically, one-hundred percent of responding courts in southern California (Regions 1 and 4) said they provide interpreters in civil proceedings. Fifty percent of responding courts in the Bay Area and Northern CA (Region 2), and 60% of responding Courts in the Central Valley and North (Region 3) also said they are providing interpreters in civil proceedings.

As part of legislative initiatives to provide interpreters in all civil cases,¹³ the Judicial Council has estimated the cost of expansion at up to \$25-35 million annually.

Better metrics are needed to make more realistic cost estimates. The fact that a significant number of civil matters are already being covered within the current interpreter budget has not been factored into the projections that argue that the cost of providing interpreters in civil matters will be prohibitively expensive.

Based on our experience and review of expenditure reports and current court practices, we assert the overall cost to cover interpreter services in all civil cases has been overestimated, adding to the sense that full expansion is not achievable.

According to the Judicial Council's *2010 Language Need Report*, about 147 languages are requested

¹¹ Enhancing Language Access Services for LEP Court Users: A review of effective language access practices in California's Superior Courts (2013), page 46, Conducted by the Public Law Research Institute at UC Hastings College of the Law under a grant from the State Justice Institute and the Administrative Office of the Courts. Judicial Council of California Report, February 2013 (hereafter *Enhancing Language Access, 2013 Review of CA Superior Court Practices (2013)*) <http://www.courts.ca.gov/documents/jc-20130426-info3.pdf>

¹² The term “mandated proceedings” is commonly used to refer to matters in which courts recognize the requirement to provide a spoken-language interpreter for the defendant, and includes all criminal and delinquency matters including traffic, infraction, felony, misdemeanor, drug court, delinquency and dependency proceedings. “Non-mandated” case types include most civil and family proceedings. These terms are out of date and do not recognize existing state and federal requirements to provide interpreters in all court proceedings.

¹³ AB2302 (Jones, 2006)

for interpreting services in California courts. The highest demand statewide for interpreting services, in order, is for Spanish, Vietnamese, Korean, Mandarin, Russian, Eastern Armenian, Cantonese, Punjabi, Tagalog, and Farsi.

The demand for Spanish language services, however, dwarfs the rest. Spanish accounted for over 80 percent of the interpreter service days from 2004 to 2008; no other spoken language exceeded three percent. Vietnamese followed in second place at three percent while the remainder of the languages trailed at less than two percent.¹⁴

It is reasonable to conclude that the cost of expansion to cover all civil cases will be significantly mitigated by the fact that a significant portion of Spanish-language interpreter services are being covered within current expenditures.

Given all of these considerations, we do not support a phased-in approach to cover limited case types or to provide interpreters only for indigent litigants or those with fee waivers. The phased-in approach perpetuates unequal access, and is inefficient and difficult to administer.

Limiting services to specific case types or income levels results in confusion amongst court staff, judicial officers and the public about what services are provided by the court and does not allow for efficiencies and economies of scale that are possible when services are provided across the board.

Pilot Project: Making the Leap to Across-the-Board Language Access

Recommendation: The LAP should recommend a pilot project in one to three courts to fully cover civil matters following best practices and identifying efficiencies for using in-person interpreters.

We have advocated and continue to advocate for the Judicial Council to establish a pilot project to provide interpreter services across the board in all court proceedings in a limited number of pilot courts. This would be the fastest and most effective means of measuring the gap between services currently provided and actual need. It would spend down the interpreter budget surplus, and provide metrics necessary to seek and justify additional funding from the legislature.

¹⁴ Total Service Days by Language Statewide, 2004-2008 (mandated and non-mandated services)
Source: 2010 Language Need Report, Table 2.1 at p. 20.

Language	Number of Days	Percent of Days
Spanish	974,161	80.5%
Vietnamese	36,763	3.0%
Korean	18,846	1.6%
Mandarin	17,358	1.4%
Russian	15,198	1.3%
East Armenian	14,008	1.2%
Punjabi	11,093	.9%
Tagalog	9,790	.8%
Farsi	8,859	.7%

The best way to expand and protect high-quality access is to fully utilize the services of certified and registered interpreters by efficiently coordinating in-person interpreters through scheduling and calendaring practices that maximize the services of professional interpreters available to the courts. These practices have already proven successful in some courts,¹⁵ and there is significant room for improvement in maximizing existing resources in the form of in-person interpreters. Seriously undertaking these types of changes would be a much more powerful and cost-effective tool for expansion of language access than Video Remote Interpreting (VRI). The pilot should explore the potential of VRI to expand language access for out-of-court services such as Self-Help Centers.

In addition to utilizing the interpreter workforce more efficiently, the courts should work collaboratively with interpreter organizations and expand the role that interpreters play as language-access experts in the court system. Interpreters with appropriate qualifications can be a resource for:

- supervision and training of interpreters;
- training of bilingual staff and judicial officers on language-access issues;
- translation services (with appropriate quality control);
- interpretation services outside of court at self-help centers and for justice partners; and
- implementation of language-access plans at the local court level.

F. Video Remote Interpreting and Telephonic Interpreting

Recommendation: The LAP should recommend adoption of statewide, enforceable standards for VRI use in spoken languages, after careful study. VRI should be used primarily to expand language access outside of court proceedings, such as in self-help centers, family law facilitator offices, and for ancillary services working with lawyers and others interacting with LEP court users such as public defenders, district attorneys, probation officers, and legal services providers representing low-income court users.

VRI for court proceedings is a technology solution that doesn't make sense for California. Its usefulness and presumed cost-saving potential comes with considerable risk to language access and due process. It could rapidly become another expensive technology that does not deliver the promised benefit of increased language access.

The implications of using VRI in court proceedings have not been adequately evaluated here in California or by those entities promoting VRI as a language-access solution. Most of the research we have reviewed focuses on how working remotely affects interpreters. We have not found empirical evidence of claims that VRI is an effective means of providing language access, or research on the impacts of remote interpreting on LEP court users and their ability to receive meaningful access and due process. To our knowledge, these factors have not been researched or adequately considered by the National Center for State Courts (NCSC), in states currently experimenting with VRI on a limited basis, nor by the Department of Justice.

¹⁵ Enhancing Language Access Services for LEP Court Users: A review of effective language access practices in California's Superior Courts (2013), pp 18-21.

Current academic thinking suggests that further research is required on the effects of videoconference technology on communication.¹⁶ The limited research that is available raises serious concerns about the impact of video-mediated communications on due process and meaningful access.¹⁷ All of this suggests that VRI may undermine judges' and attorneys' communications with LEP parties, victims, witnesses and defendants, and restrict LEP individuals' due-process rights and access to the courts.

Further, while VRI is much touted as a tool for expansion of language access, we are not aware of any place where VRI is fully implemented and operational. The fact that it is being used and is partially implemented for some applications does not mean it works on a broad scale, nor does it demonstrate that VRI is successfully delivering the requisite level of access to protect the fundamental rights at play in the court system.

VRI is being promoted on a national level based primarily on two factors:

- 1) that it will cut costs if used broadly; and
- 2) that a shortage of competent interpreters (together with geographic distances) makes providing in-person interpreters cost-prohibitive.

While there are areas where distance or a shortage of interpreters does exist, we assert that in California these difficulties are the exception to the rule and therefore do not justify use of VRI except under exigent circumstances.

The premise that an in-person interpreter is the preferred option for providing meaningful language access is well recognized. Judicial Council guidelines for American Sign Language interpreting using a remote interpreter expressly recognize that VRI is *not appropriate* for "events where a court certified ASL interpreter is available to provide onsite interpretation."¹⁸

For interpreters there is little doubt about this. We understand from everyday experience that the human factor, our presence, is critical and allows us to provide seamless and meaningful access throughout the case, *during, before and after* the court proceeding.

¹⁶ "[...] videoconference technology should be used with utmost care and that further research on its effects is required before it can be used more widely (e.g. Poulin 2004, Federman 2006, Haas 2006, Wiggins 2006, Sossin & Yetnikoff 2007, Harvard Law School 2009)." Video-mediated Interpreting: An Overview of Current Practice and Research, Braun, S. & J. L. Taylor (2011), 29. In Braun, S. & J. L. Taylor (Eds.), Videoconference and Remote Interpreting in Criminal Proceedings. Guildford: University of Surrey, 27-57.

¹⁷ "Respondents [in immigration court proceedings] relying on interpreters had a greater frequency of problems created or exacerbated by videoconferencing and were more likely to receive negative dispositions," Harvard Law School (2009), 'Access to Courts and Videoconferencing in Immigration Court Proceedings,' Harvard Law Review, 122 (1151), 1187.

¹⁸ Recommended Guidelines for Video Remote Interpreting (VRI) for ASL-Interpreted Events, Judicial Council of California/Administrative Office of the Courts, 2012.

Interpreters have an ethical responsibility to continually monitor and assess their ability to provide a complete and accurate interpretation, and to report impediments to their performance to judicial officers. This is very challenging to do even when present in courtrooms because of the nature of the places where we work. Courtrooms are noisy and chaotic and speakers overlap. Interpreters understand very clearly that it will be difficult as an interpreter to assess and report impediments to performance and to hear and see adequately in order to assess our own performance. Additionally, we understand that we simply will not be as available and accessible to LEP court users as we are in person. How this will impact the LEP court user's ability to understand and participate in the proceedings has simply not been fully considered by forces promoting VRI.

A careful consideration of the current state of resources for spoken language court interpreter services shows that California has the capacity to provide in-person interpreters across the state to meet interpreter needs. Since the state has the capacity to provide in-person interpreters in the vast majority of cases, then the appropriate applications for VRI are, by extension, very narrow.

Considering that the appropriate use of VRI is very narrow, we question if installing high-quality, wired equipment in courtrooms, and providing training for court staff, judicial officers and interpreters is worthwhile to deliver second-rate access in a very limited number of cases.

The justification that VRI is necessary for certain languages, and/or due to geographic distance, could result in a system of justice where LEP court users in some language groups or geographic areas receive second-rate access compared with LEP court users in urban areas and high-population language groups. This is a formula for a dual-track system of justice with the potential for serious miscarriages of justice. Moreover, reducing the number of assignments in certain languages may very well reduce the overall availability of competent interpreters because it may mean that fewer interpreters can earn a living as court interpreters in certain languages. This is discussed in more detail in Section J of these comments on *Compensation, Recruitment and Retention*.

Proposals to implement VRI using inexpensive, portable, ad hoc technology, as is currently being proposed in the central valley courts (Region 3), are misguided and dangerous. The decision by the Superior Court of California, County of Fresno to implement VRI before there has been adequate research, and before there are standards and a statewide Language Access Plan, is disturbing. The court's proposal to use VRI for evidentiary proceedings in criminal and civil cases goes far beyond what is considered appropriate under the guidelines for American Sign Language services over VRI adopted by the Judicial Council, using grossly inadequate technology for spoken-language VRI.

Neither the courts' right to deliver services using technology nor the allure of technology solutions makes this a reasoned decision. Courts should not experiment without adequate standards and knowledge. VRI should be carefully studied and considered before any attempt to use it in court proceedings for spoken language, except in the most extenuating circumstances. The risk to due process and language access are too great, while the impacts on court users are unknown, and will not necessarily be evident.

A much better technology solution for language-access purposes would be to invest in scheduling software and case-identification and tracking solutions that would improve efficiencies in interpreter coordination.

Based on all of the above, a responsible approach to VRI would be cautious and slow, and focused on expanding language access outside of courtrooms. The Language Access Plan should make the following findings and recommendations:

1. Before implementing VRI for any court proceedings, there should be a thorough review of existing research, and a discussion of further research needed before VRI is used for spoken language in court proceedings, with a final report to the Judicial Council. VRI in courtrooms should not be implemented anywhere until this process is completed and policy makers and stakeholders have had an opportunity to review and fully consider the implications for meaningful access and due process.
2. Use of VRI should be regulated with clear and enforceable statewide standards and conditions for its appropriate use.

In our experience, courts do not follow rules well and most people confronted with decisions about language access (judges, clerks, lawyers and litigants) do not have sufficient knowledge or understanding of the issues to make good judgments or exercise discretion in a manner that protects due process and meaningful access.

3. Use of VRI for American Sign Language (ASL) does not mean that VRI is appropriate for spoken-language interpreting in court proceedings. Standards for legal interpretation in court proceedings are not the same for spoken language. The current guidelines for VRI use in American Sign Language (ASL) are inadequate because they are not enforceable, and leave too much to the discretion of the court. Even if one were to accept VRI is appropriate for ASL, this does not make it appropriate for spoken-language interpretation.
4. The Judicial Council should establish a pilot project to use VRI and telephonic interpretation to provide language access to the court system *outside of court* proceedings for communications between one LEP person and one English speaker. Appropriate uses for VRI outside of court proceedings would include self-help centers, financial hearing offices, family law facilitator services, interviews with probation, public defenders, or district attorneys, and other points of contact with the public. Mediation and psychological evaluations would not be appropriate for VRI.
5. Any remote interpreting program developed by the courts should be made available to justice partners (District Attorney, Public Defender, Probation) and legal-aid organizations that provide legal services to low-income court users, through court-partnership contracts.

Any program to use VRI for court proceedings or any other work currently performed by staff interpreters must conform with the Interpreter Act¹⁹ and labor contracts. The Act and other statutory provisions require that services provided by the court must be performed by staff interpreters or certified or registered contractors. Contracting out services to outside vendors (such as Language Line or other remote interpreting agencies) is not permissible under the MOUs except as the option of last resort in a particular language or on a particular date when no other interpreters are available, and following procedures prioritizing certified and registered contractors before outsourcing to private agencies.

¹⁹ The Trial Court Interpreter Employment and Labor Relations Act, Government Code Section 71800-71829

G. Training and Education

A much greater understanding of language access needs and issues is needed throughout our courts. A National Center for State Courts publication discusses how this affects interpreters:

Considering the very hard work and specialized cognitive and motor skills that are required to become a qualified court interpreter, the job is too often not a tempting one. [...] Although the job should be viewed, and treated, as an important one [...] it is often viewed or misunderstood in way that fails to lure potential interpreters into the job market. Too often, interpreters enter a courtroom where the judge and attorneys do not possess an understanding of the ethical and professional responsibilities of the interpreter.²⁰

Among the greatest challenges interpreters face in serving the public is a lack of sensitivity to the challenges of overcoming linguistic barriers and a lack of awareness about conditions that interpreters and LEP court users need to facilitate communication and full participation by LEP court users.

Training and education should be among the highest priorities in the LAP. The Judicial Council should establish required training and timelines for completion. Training is needed for judicial officers, attorneys, interpreters and court staff.

Training should be consistent statewide providing a standardized curriculum based in the DOJ guidelines and ABA standards including:

- a. General knowledge of interpreter competence standards, which will help those working with interpreters understand the need to use competent interpreters and provide conditions necessary to ensure meaningful access. Training should cover appropriate modes of interpretation, qualifications of interpreters, procedural requirements, and recognized standards for legal interpreting (legal equivalence, complete and accurate, preservation of register) and cultural competence.
- b. Early identification of language-access need and proactive offering of available services.
- c. Efficient use of interpreters (requests, scheduling, prioritization of cases).
- d. Bilingual staff: training in legal terminology, basic language access, and differentiating between interpreting and serving the public in another language.
- e. Judicial officers and court staff should receive cultural-competence training and an increased understanding of language access as a civil right along with the language-access requirements under state and federal law.

²⁰ *Wanted: Career Paths for Court Interpreters*, Romberger and Hewitt, National Center for State Courts. Ms. Romberger is a manager of interpreters services. William E. Hewitt is a Principal Court Research Consultant at the National Center for State Courts. Article from *Future Trends in State Courts 2006*; court interpretation; human resource management. <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/accessfair/id/132>

H. Competence and Qualifications

Recommendation: Courts should use only certified and registered interpreters for all court proceedings and court-ordered ancillary services that have an impact on a case including, attorney-client interviews, mediations, psychiatric evaluations, probation interviews and any other court-ordered programs.

Government Code Section 68561 already establishes this standard for all court proceedings (including depositions). In 1992, the Legislature directed the Judicial Council to establish standards for certification, ethics and continuing education (SB1304, Lockyer). These measures responded to serious miscarriages of justice caused by the use of untrained and incompetent interpreters. These problems were widely reported in the press only two decades ago.²¹

The Language Access Plan should be consistent with existing law in this regard, maintaining the high standards that California has achieved, and not fall prey to the argument that in order to expand services, it is necessary to lower standards or sacrifice quality.

The LAP Working Group would do well to heed the recommendation by Holly Mikkelson in written comments submitted to the working group. Mikkelson, co-author of the authoritative academic text on court interpretation,²² and a leading trainer and educator in the field of legal interpreting, emphasizes the importance of using certified interpreters in all court proceedings:

It has long been accepted that interpreting court proceedings is an extremely difficult and complex task that cannot be left to individuals whose skills are deficient, which is why the State of California pioneered certification exams for court interpreters in 1979, soon followed by the federal courts and many other state court systems. [...] The State of California would tarnish its reputation as a leading light in guaranteeing civil liberties if it were to detract from this achievement by condoning the use of inferior interpreters in civil proceedings. I urge you to uphold the highest standards of quality when addressing the needs of some of the most vulnerable members of our population.

Recommendation: High standards for proficiency should be established for bilingual staff providing services directly in a foreign language and training should be provided to bilingual staff.

Providing direct bilingual services should be distinguished from using bilingual staff to act as ad-hoc interpreters. Interpreting is a separate skill requiring specialized knowledge and adherence to a code of ethics. Bilingual staff should not be used as ad-hoc interpreters in settings outside of court proceedings unless they have specific qualifications and training as interpreters. The courts should explore the possibility of using certified interpreters to train bilingual staff to provide interpreting services for basic communications outside of courtrooms in areas where highly skilled and tested interpreters are not required.

²¹ “How Court Interpreters Distort Justice,” Miranda Ewell and David Schrieberg, San Jose Mercury News, December 17, 1989.

²² Fundamentals of Court Interpretation: Theory, Policy, and Practice, Roseanne Dueñas Gonzalez and Holly Mikkelson.

Recommendation: Use of certified court interpreters should be maximized and court interpreters should be used for additional language-access services beyond the court proceedings and ancillary services.

Court interpreters currently provide a significant amount of language-access services outside of courtrooms including attorney-client interviews; witness preparation and interviews; sight translation of paperwork received in court after the proceeding is over; or interpreting for LEP parties as they comply with court-ordered aspects of a case such as signing up for fine payments or completing a post-court interview to review probation conditions for their children. This level of service provides continuity and maximizes the LEP court users' ability to understand the process and comply with orders and procedures.

Courts should conduct a study of the LEP court users' needs *before, during, and after* court proceedings and work with administrators, judges, and interpreters to identify efficiencies and maximize the use of certified interpreters throughout the process to ensure complete and meaningful language access.

Certified interpreters could also be available by phone or video connection for a range of basic communication needs outside of courtrooms. This would allow for high-quality service at a reasonable cost, and would permit courts to fully utilize their interpreter resources. This approach will provide greater continuity and consistency in services, and is more realistic than developing multiple levels or tiers of language-access providers at all levels of the court system.

CFI does not support the use of tiered system with different levels of skill for different types of interpreting in court proceedings. All court proceedings and ancillary services require a highly skilled interpreter with a high level of proficiency in both languages. This is fundamental to any type of interpreting, and there should be no distinction between the level of proficiency required by case type (i.e. misdemeanors, felonies, civil, criminal, etc.). In order to interpret accurately, an interpreter must be highly skilled and proficient regardless of the case type. Additionally, experience tells us that courts will not consistently maintain the limitations established for different tiers and will find it easier to call in a less qualified interpreter who is at hand than to wait for, or seek out, a more qualified interpreter. A tiered system adds layers of complication and would be less efficient administratively, since it would require developing, scheduling and managing different levels of interpreters. It is more straightforward to require interpreters to meet a minimum standard for court and then use them as efficiently as possible to meet the courts' overall interpreting needs in settings that require a competent interpreter.

We see the value of having a system that perhaps designates master level interpreters who are federally certified or have a Masters degree and are recognized as super qualified. However the current level of certification for court proceedings should remain the *minimum* qualification for working in any court proceeding or other complex or sensitive communications outside of court proceedings.

Other communications in the court system can be provided by a mix of well trained and tested bilingual staff, remote interpreters who are trained and tested (including staff interpreters and contractors), and certified court interpreters whose services can be efficiently coordinated.

Recommendation: The Language Access Plan should recommend the establishment of a statewide translation program that uses qualified translators and provides for quality control and sharing of translation resources among courts.

The translation program should establish qualifications to do translation work and identify certified staff interpreters who are also qualified as translators. Establishing interpreter/translator positions would permit the courts to better utilize the skills of the existing workforce of highly skilled interpreter/translators, and to create efficiencies in the use of language access resources.

Recommendation: The Language Access Plan should recommend a strict prohibition on using non-professional interpreters in court proceedings including children, family members, or friends. The good cause clause should be re-examined, modified or eliminated to ensure that certified interpreters are used in all court proceedings.

When litigants and attorneys are required to provide their own interpreters they are more likely to rely on non-certified, non-professional interpreters. Having courts provided interpreters for all matters should reduce this practice, however there will continue to be occasions when LEP court users are not identified in advance and the Court is faced with a request to use a non-interpreter. Use of family members, friends or non-professional interpreters (brought by litigants or volunteers from the audience) should be prohibited in all court proceedings, and court staff and judicial officers should receive training on the reasons this practice is unacceptable.

The good cause clause under G.C. Section 68561 allows courts to appoint non-certified interpreters under certain circumstances. It was intended to ensure that courts only appoint non-certified interpreters when good cause is established, and only after a diligent search confirms no certified interpreter is available, or when there is some urgency related to the proceedings, such as the need for a protective order. However, the finding of good cause under this provision has become a routine practice in some courts, where it is overused without following requirements for diligent search, qualification of non-certified interpreters, and findings on the record.

J. Compensation, Recruitment and Retention

Recommendation: The LAP should recommend that the Judicial Council and courts continue to invest in the interpreter workforce, conduct a study of interpreter wages in California, implement a wage step system and promotional opportunities to make a career as a court interpreter attractive and competitive with other sectors that need the skills of trained language professionals.

Certified interpreters in California are tested, highly skilled professionals held to high standards of competence, and must comply with ethical codes and continuing education requirements. Compensation and job opportunities in the courts have not kept pace with the demand for these skills, however, and working for the courts is not competitive in the job market for these skills.

Court interpreting is a relatively young profession, and until the last decade, interpreter services in California were provided almost exclusively using a contingent workforce. Low wages in the courts compared to the other sectors, a lack of promotional opportunities, and insecurity have characterized this work and continue to be an issue despite improvements created by the employment system.

According to a National Center for State Courts publication,²³ “It is difficult to imagine that a highly qualified individual will strive to enter a job market that is sporadically needed and fails to provide a reliable living. Interpreters, like other professionals, must find jobs that pay enough and offer some incentive for growth and development in the field.”

Although standards for competence are high and the workforce began to professionalize by the early nineties, pay remained flat for a decade, and interpreters worked without protections or security. Not surprisingly, the courts have traditionally struggled to attract and retain enough skilled interpreters.

Statewide, interpreter wages have remained stagnant for periods of up to ten years at a time. Most courts have paid little attention to quality and recruitment, and use of non-certified interpreters was persistent. Across the state, interpreters began organizing in the mid nineties and demanded wage increases. The Judicial Council increased wages statewide between 1998 and 2000, and in 2003 the Trial Court Interpreter Employment and Labor Relations Act gave interpreters the opportunity to have benefitted jobs, leading to greater stability and reliability in interpreter availability. As a result, the use of non-certified interpreters has dropped significantly over the past decade.

Stable jobs and regular wage growth are demonstrated to be effective for creating a more stable workforce. Historically, steady work and higher wages (compared with the rest of the state) were a factor in the Los Angeles Superior Court developing among the largest and most skilled pool of interpreters in the country during the late eighties and early nineties.²⁴

While we have seen improvement in the availability of interpreters generally, the need to increase the number of certified interpreters in certain relatively high-use languages remains a challenge, as does providing language access for less frequently used languages and in rural areas.

Court interpreter wages have stagnated again recently during the economic recession, and most interpreters (both employees and contractors) have not seen a wage increase in more than seven years.

²³ *Wanted: Career Paths for Court Interpreters*, Romberger and Hewitt, National Center for State Courts. Ms. Romberger is a manager of interpreters services. William E. Hewitt is a Principal Court Research Consultant at the National Center for State Courts. Article from *Future Trends in State Courts 2006*; court interpretation; human resource management. <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/accessfair/id/132>

²⁴ The court had a high demand for interpreters and used many Spanish interpreters on full-time basis. During this period, the Los Angeles Superior Court also offered a high-quality training and recruitment program, good working conditions, regular salary increases and the highest wages in the state. The use of non-certified interpreters was very low. The court's approach to language access changed for the worse with a change in administration in the early nineties, however, and things went downhill with stagnant wages and worsening working conditions.

Certified legal interpreters in all languages are in high demand in a marketplace that includes the federal courts, state agencies, and the private market, among others. Staff salaries and per-diem rates in the state courts are low in this marketplace.

- Working in legal depositions, certified interpreters earn double to quadruple the state court rate.
- The federal court daily per-diem rate is 37% higher than in state court (\$388 for a full day in federal court vs. \$282 for a full day in state court).
- Federal court salaries are 25-50% higher than California's and go up with experience.²⁵
- Other professionals with comparable skills, education and experience working in the courts earn substantially higher salaries than state court interpreters.²⁶

Courts must continue to invest in the interpreter workforce to keep pace with demand and to expand services as required under Title VI. In addition to making the job more attractive in terms of compensation, this means recognizing the need to:

- develop a career path and promotional opportunities for interpreters; and
- develop creative solutions such as sharing resources among courts and with other legal interpreting consumers.

It is unlikely that highly proficient, capable bilingual individuals will be motivated to become qualified court interpreters, and aspire to a job where work is sporadic, with low pay and benefits. Yet full-time benefitted jobs for interpreters in languages of lesser diffusion are few and far between. Even where they do exist, the pay is not competitive enough to attract certified interpreters in these languages.

The Interpreter Act provides for a cross-assignment system in which court interpreters are shared by several trial courts, and receive their pay and benefit eligibility from a single employer. This system has experienced limitations because of logistical and bureaucratic challenges that should be improved.

Improvements in the cross-assignment system, and investment in a reasonable number of full time positions for interpreter/translators in key languages could go a long way toward filling important language-access needs. Regional positions are explicitly provided for in the Interpreter Act, but no region or court has pursued this option since the Act was implemented in 2003.²⁷

²⁵ Federal Court Interpreter Annual Salary: \$89,000-\$140,000 depending on location and experience.

²⁶ *San Francisco Superior Court Salary Schedule*, (Sept. 2010), Superior Court of California, County of San Francisco, <http://www.sfsuperiorcourt.org/sites/default/files/pdfs/1916%20Salary%20Schedule.pdf>.

Court Interpreter: \$73,727 (no increases or steps for experience)

Senior Deputy Clerk: \$70,757-\$86,000

Court Paralegal: \$72,349- \$83,729

Court Reporter: SF: \$104,557-\$110,821

Court Investigator: \$87,513- \$101,294

²⁷ Government Code 71810(c)

To further address these issues, the LAP should recommend, and courts and the Judicial Council should consider:

- adopting wage differentials in languages with high demand and low supply;
- establishing full-time positions with a higher salary range or other incentives to attract interpreters in key languages; and
- developing training and recruitment programs in languages with persistent shortages, providing workshops through the Administrative Office of the Courts with language specific training by certified interpreters.

Finally, courts and other justice partners and consumers of interpreter services need to evolve in their thinking, and recognize that to create sufficient work and incentives for competent interpreters, pooling demand and sharing interpreters across agencies makes sense and will create the job pipeline that is absolutely necessary to increase access to competent interpreters. While there might be a collective demand for one or more full-time, qualified interpreters across several agencies, there is no collaboration between offices or recognition of the potential benefits to collaboration.

A National Center for State Courts publication recommends:

Courts must learn that once an interpreter is tested and certified, it is important to hang on to that interpreter, to consider ways to make the interpreter available when the courts need him or her, and to keep the interpreter busy enough to make a living interpreting. A public service interpreter resources center may be a solution. The solution would share interpreter resources with other offices in the courthouse, with other jurisdictions, or with other public service agencies and governmental offices, creating enough work to keep the interpreter available and meeting the needs of multiple offices or agencies. [...] To share resources successfully, the demand for interpreters must be pooled into a single, coherent system, organized in a single place. By centralizing the demand and organizing the scheduling process, the quality of the services provided can be improved and the availability of interpreters can be increased.²⁸

Such a system has the potential to allow sharing of professional legal interpreting services for courts and ancillary services, such as public defenders, district attorneys, court appointed counsel, probation officers and legal services providers who represent indigent court users to share the services. This would create a reliable source of services and alleviate each agency maintaining and expending administrative efforts. Creating such a resource center would require a highly organized and centralized scheduling process.

Based on our experience and on-the-ground knowledge of courts across California, we submit that the shortage of competent interpreters is not dire as it once was, and that much more can be achieved by evaluating what can be done using existing resources --namely the existing workforce which includes staff interpreters and independent contractors.

²⁸ *Wanted: Career Paths for Court Interpreters*, Romberger and Hewitt, National Center for State Courts

K. Conclusion

We appreciate the opportunity to provide comments and again offer ourselves as a resource and ally in achieving a historic expansion of language access in California through the development and implementation of the statewide LAP.

We thank the Working Group for taking up this challenge and urge you to aim high and make quality of services the paramount concern as you finalize your recommendations.

We hope our input convinces you that the shortage of interpreters is not as dire as it once was, and that the LAP should not be built around assumptions of scarcity. With a reasonable investment of additional resources and efficient management, expansion of interpreter services to all civil proceedings and greater language access throughout the court system is achievable.

An analysis of what it would cost to expand services must take into account that many courts in California are already providing interpreter services, regularly, in many civil matters.

A careful and data driven reevaluation of these factors should lead the Working Group and the Judicial Council to conclude that a more rapid and complete expansion of language access is possible, and will provide the metrics necessary to pursue funding and support for policies that establish high standards for language access services in California's court system.

California's size and diversity call for a plan that is tailored to this state and its circumstances. The LAP should ensure that California remains a leader and becomes an example of how to provide language access throughout the court system without sacrificing quality, meaningful access and due process.

Certified and Registered Interpreters in California³⁰

	1995	2000	2005	2007	2014	Change since 2000 (or year of available data)	Average service days per year ²⁹
Spanish	1526	988	1088	1095	1282	+ 30%	167,744
Vietnamese	47	36	38	37	44	+ 22%	6,968
Korean	32	36	55	59	62	+ 72%	3,687
Mandarin	--	--	--	20	61	+ 67%	3,143
Russian	--	--	--	19	36	+ 89%	2,753
Armenian	--	--	--	8	15	+ 87%	2,493
Cantonese	31	22	23	23	27	+ 23%	2,117
Punjabi	--	--	--	--	2	---	2,083
<i>Farsi</i>					54	---	1,768
Tagalog	7	5	3	3	4	(-20%)	1,645
<i>Hmong</i>					10	---	1,523
Khmer	--	--	--	--	3	---	1,191
<i>Laotian</i>					13	---	861
Arabic	10	9	12	15	10	+ 11%	794
Japanese	10	8	12	13	13	+ 62%	655
<i>Mien</i>					3	---	570
Portuguese	2	4	7	8	6	+ 50%	328
Top 17 Languages (98.5% of usage)					1645		
72 other languages (1.5% of total use)					342		
Total Certified	1665	1108	1238	1347	1565	+ 41%	
Total Registered	--	--	--	237	422	+ 78%	
Total All Languages					1987		

²⁹ Judicial Council 2010 Report to the Legislature on Language Use in the Courts, usage based on average number of services days over a 4-year study period (2005-2008).

³⁰ Source: <http://www.courts.ca.gov/3796.htm>, Judicial Council Interpreter Search database. Numbers are approximate because some interpreters are listed more than once under different languages. Historical numbers come from CFI Report to the Legislature, *Realizing the Goal of Equal Access to the Courts: Increasing Access to Competent Interpreters*, November 2008.

Interpreter Supply and Demand- By the Number 17 Most Used Spoken Languages³¹

Language	Certified /registered interpreters 2014	Average service days per year ³²	Service days per interpreter ratio ³³	No. FTE by service days ³⁴	Interpreters to FTE ratio ³⁵
Spanish	1282	167,744	130 to 1	645	2 to 1
Vietnamese	44	6,968	158 to 1	27	1.6 to 1
Korean	62	3,687	59 to 1	14	4.4 to 1
Mandarin	61	3,143	51 to 1	12	5 to 1
Russian	36	2,753	76 to 1	10	3.6 to 1
Armenian	15	2,493	166 to 1	14	1.1 to 1
Cantonese	27	2,117	78 to 1	8	3.4 to 1
Punjabi	2	2,083	1042 to 1	8	.25 to 1
<i>Farsi</i>	<i>54</i>	<i>1,768</i>	<i>33 to 1</i>	<i>7</i>	<i>7.7 to 1</i>
Tagalog	4	1,645	411 to 1	6	.7 to 1
<i>Hmong</i>	<i>10</i>	<i>1,523</i>	<i>152 to 1</i>	<i>6</i>	<i>1.7 to 1</i>
Khmer	3	1,191	397 to 1	5	.6 to 1
<i>Laotian</i>	<i>13</i>	<i>861</i>	<i>66 to 1</i>	<i>3</i>	<i>4.3 to 1</i>
Arabic	10	794	79 to 1	3	3.3 to 1
Japanese	13	655	50 to 1	2.5	5.2 to 1
<i>Mien</i>	<i>3</i>	<i>570</i>	<i>190 to 1</i>	<i>2</i>	<i>1.5 to 1</i>
Portuguese	6	328	55 to 1	1.3	4.6 to 1
Top 17 Languages (98.5% of usage)	1645	200,323	122 to 1		
72 other languages (1.5%)	342	2998	9 to 1		
Total Workforce	1987	203,321			
Total Certified	1565				
Total Registered	422				

italics = registered language (all others are designated languages requiring certification)

³¹ These 17 languages represent 98.5 percent of language services.

³² Judicial Council 2010 Report to the Legislature on Language Use in the Courts, usage based on average number of services days over a 4-year study period (2005-2008).

³³ The greater number of service days per interpreter indicates a higher demand for services to supply of interpreters.

³⁴ 260 service days equals one full time equivalent position (FTE).

³⁵ The lower the number of interpreters per FTE, the greater the shortage in that language.