

A REPORT TO THE CALIFORNIA LEGISLATURE
ON THE USE OF INTERPRETERS IN THE
CALIFORNIA COURTS

**Judicial Council of California
Administrative Office of the Courts**

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Administrative Office of the Courts
Court Interpreters Program Unit
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This report has been prepared and submitted to the California Legislature pursuant to provision 4, item 0450-101-0932 of the Budget Act of 2003 (Stats. 2003, ch. 157).

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EXECUTIVE SUMMARY

Provision 4, item 0450-101-0932 of the Budget Act of 2003 (Stats. 2003, ch. 157) provides that the Judicial Council shall report to the Joint Legislative Budget Committee and the Legislature's fiscal committees regarding:

1. An analysis of expenditures for each of the following categories of interpreters: interpreter coordinators, certified and registered interpreters, and interpreters who are not registered or certified, including provisionally qualified interpreters;
2. An analysis of the availability of certified and registered interpreters and whether there are sufficient numbers of certified and registered interpreters; and
3. Recommendations for increasing the numbers of certified and registered court interpreters to meet demand.

This report provides a detailed response to and data for each of these items. Following are summary responses.

A. Analysis of Expenditures

Statewide expenditures. All trial courts in the state report their expenditures for interpreting in Quarterly Financial Statements (QFSs) to the Administrative Office of the Courts (AOC). Of the \$2.2 billion appropriation for all trial court expenditures in fiscal year 2003–2004, \$65 million was spent on the statewide Court Interpreters Program, accounting for about 3 percent of the total court expenditures (see Table 2). This is approximately the same allocation as for fiscal year 2002–2003.

Funded Full-Time Equivalent (FTE) staff in Court Interpreters Program. The trial courts reported 17.5 funded interpreter coordinator positions, 30 staff interpreters, and 641.4 FTE pro tempore interpreters for fiscal year 2004–2005. This represents an increase of 167.3 FTE staff from last fiscal year. This increase was mostly in the category of the pro tempore interpreter. Not all the courts employ pro tempore interpreters in their interpreter programs. As Table 3 shows, about 57 percent of the superior courts—33 of 58—reported authorized funded pro tempore employees in the interpreter programs for fiscal year 2004–2005. Differing staffing levels and patterns in the trial courts' interpreter programs reflect the range of current interpreter usage throughout the state.

B. Analysis by Language and Interpreter Category

To make a detailed analysis of interpreter use, staff from the Administrative Office of the Courts' Office of Court Research collected interpreter expenditure data from the trial courts. The principal source of data was the Court Interpreter Data Collection System or

CIDCS.¹ In fiscal year 2003–2004, 40 courts submitted complete information on their interpreter expenditures, using the CIDCS. These courts included larger, urban trial courts and small, rural trial courts in all regions of the state. The 40 courts accounted for 37 percent of the expenditures of the AOC’s Court Interpreters Program in fiscal year 2002–2003 and for 44 percent of total court expenditures by the courts in the same period (see Table 2).

The data on expenditures by language and certification status that were obtained from the CIDCS are detailed in Table 4 and in the appendix. For the 40 sampled courts, certified court interpreters accounted for about 85 percent of all interpreter expenditures, as reported in the CIDCS. Certified interpreters do nearly all Spanish, Russian, Mandarin, and Armenian interpretations. However, certified interpreter use is much lower for Tagalog, Korean, Portuguese, and Japanese.

About 52 percent of the interpreter expenditures were spent on registered interpreters for non-designated languages for the 40 sampled courts. American Sign Language, Hmong, Lao, Punjabi, Khmer, and Mien were the most often interpreted nondesignated languages. Yet, the proportion of registered interpreters used for those languages is relatively low, particularly for American Sign Language and Khmer, suggesting a need for additional registered interpreters in those languages.

At the individual court level, there is no discernable trend regarding the use of certified and registered interpreters between small, rural courts and larger, urban and suburban courts. The use of certified and registered interpreters for contract per-diem interpretations ranges from 0 percent to 100 percent, depending on the language and location. Specific language needs vary widely, with certain regions showing a growing need for American Sign Language, South Asian, and Southeast Asian language interpreters. Additionally, some courts report anecdotally that proceedings are sometimes delayed in order to ensure the availability of a certified or registered interpreter. In some incidents, noncertified/nonregistered court staff were being called for interpreting tasks if the courts could not locate more-qualified interpreters. Considering that California continues to attract large numbers of new immigrants, the courts will likely experience a steady increase in both the need for interpreter services and the diversity of languages in which those services are needed.

C. Recommendations for Increasing Numbers to Meet Demand

To address the chronic shortage of qualified spoken language interpreters, AOC staff have focused on key areas, such as recruitment, retention, and employee management efforts.

In fiscal year 2003–2004, AOC staff performed the following recruitment activities:

¹ The CIDCS is an Internet-based data collection system used by the courts and the AOC to collect and analyze data on the use of and expenditures for spoken language interpreters in the trial courts.

- Conducted the first AOC-sponsored, statewide interpreter conference;
- Continued collaborative efforts with interpreting associations; and
- Maintained the Telephone Interpreting Pilot Project.

I. INTRODUCTION

A. Legal Mandates

According to the California Constitution, “a person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings.”² In addition, the court must provide a spoken language interpreter for any witness who is unable to understand, or express himself or herself in English well enough to be “understood directly by counsel, court and jury.”³

The Judicial Council is charged by statute to administer statewide standards for spoken-language interpreter certification, certification renewal, professional standards, and continuing education as well as interpreter recruitment. Certified and registered spoken language interpreters are required by law to meet certain standards through testing, completion of ethics seminars, and mandated continuing education.⁴ Government Code section 68561 and rule 984.2 of the California Rules of Court require the trial courts to appoint certified spoken language court interpreters. Courts may use noncertified spoken-language interpreters only after conducting a diligent search for available certified interpreters among state and federally certified court interpreters, administrative hearing-certified interpreters, and interpreter agencies. If the search is unsuccessful, the trial court must specifically qualify the noncertified interpreter and find good cause on the record to use him or her.

During fiscal year 2002–2003, the Trial Court Interpreter Employment and Labor Relations Act, Government Code section 71800 et seq. (Sen. Bill 371; Stats. 2002, ch. 1047), noticeably affected the field of court interpreting. The intent of the act is to provide for fair treatment of interpreters, greater access to the court system for those who need interpreter services, and sound court management. It is the legislative intent for an orderly transition to an employment-based interpreter structure for those eligible interpreters who seek court employment. The Administrative Office of the Courts (AOC) is working diligently to assist the courts with this transition.

The AOC and trial courts have been working very hard on the many administrative tasks involved in this transition. For example, the act required the Judicial Council to develop rules for the creation and operation of Regional Court Interpreter Employment Relations Committees (RCIERCs).⁵ The RCIERCs, in turn, had to set the terms and conditions of employment for court interpreters and adopt reasonable rules and regulations for the administration of employer-employee relations by April 1, 2003.

² Cal. Const., art. I, § 14.

³ Evid. Code, § 752.

⁴ Sen. Bill 1304; Stats. 1992, ch. 770.

⁵ Gov. Code § 71807(b) provides for the creation of a committee to represent each of the four trial court regions: (1) Region 1—Los Angeles, Santa Barbara, and San Luis Obispo Counties; (2) Region 2—counties of the First and Sixth Appellate Districts, except Solano County; (3) Region 3—counties of the Third and Fifth Appellate Districts; and (4) Region 4—Counties of the Fourth Appellate District.

By May 1, 2003, trial courts had to begin accepting applications, under Government Code section 71804(b), from eligible⁶ certified and registered spoken-language⁷ court interpreters working in the trial courts as independent contractors. By March 1, 2003, the courts had to identify eligible interpreters who had worked as independent contractors between January 1, 2002, and January 1, 2003, and present to the Judicial Council and the recognized employee organization a list of these interpreters.

AOC and trial court staff took on these and other Senate Bill 371 implementation tasks with minimal increase in personnel.⁸ The state's uncertain fiscal climate has posed challenging barriers to the AOC's applications for funding to increase personnel (in both the trial courts and the AOC) to implement and administer the act.

B. Court Interpreters Program

Under Government Code section 68561(a), the council has "designated" eight spoken languages for which certification examinations are administered—Arabic, Cantonese, Japanese, Korean, Portuguese, Spanish, Tagalog, and Vietnamese. In 2000 the council designated an additional five spoken languages for certification—Armenian, Khmer, Mandarin, Punjabi, and Russian. Due to fiscal constraints, the AOC has not been able to obtain funds to develop examinations for all five of these newly designated languages. However, Armenian (Eastern and Western), Mandarin, and Russian certification examinations were completed and administered in the fall 2004 testing cycle. The results of these examinations will be available in early 2005. AOC staff has completed a budget change request for funds to develop examinations for Khmer and Punjabi. Until all the new certification examinations are completed, the courts are using *registered* interpreters in these two spoken languages whenever possible.

- To become certified in a designated language, a spoken language interpreter must pass a state certification examination (with both written and oral components); register with the Judicial Council; pay the annual \$85 fee; and attend a Judicial Council Code of Ethics workshop.
- For any of the nondesignated spoken languages (including Khmer and Punjabi at this point), an interpreter can register with the Judicial Council by passing an English proficiency exam (with both written and oral components); registering with the Judicial Council; paying the annual fee of \$50; attending a Judicial Council Code of Ethics workshop; and attending a Judicial Council orientation workshop.

⁶ Gov. Code, § 71804(a) provides that an interpreter is *eligible for employment* if (1) he or she is certified or registered; (2) he or she has provided services to the same trial court as an independent contractor on at least either 30 court days or portions thereof in both calendar years 2001 and 2002, or 60 court days or portions thereof in calendar year 2002; (3) he or she has applied for the position of court interpreter pro tempore prior to July 1, 2003; and (4) the court has not rejected his or her application for cause.

⁷ Gov. Code, § 71801(a) stipulates that the act does not apply to sign language interpreters.

⁸ The AOC's Court Interpreters Program received funding for four regional coordinators to facilitate cross-assignments intra- and interregionally.

- To *maintain* certification or registration, a spoken language interpreter must submit proof of 30 hours of continuing education and 40 law-related professional assignments biennially.

The AOC maintains a *Master List of Certified Court Interpreters of Designated Languages and Registered Interpreters of Nondesignated Languages*. Table 1 breaks down, by language, the current total of 1,361 certified interpreters in eight designated languages.⁹ An additional 425 interpreters are registered in one or more nondesignated or newly designated languages, for a total of 1,786 certified and registered spoken language interpreters.

Arabic	12
Cantonese	24
Japanese	112
Korean	53
Portuguese	8
Spanish	1,108
Tagalog	5
Vietnamese	39
Total	1,361

Source: AOC Court Interpreters Program, December 2004

Spoken Language Interpreters

Since July 1, 2003, spoken language interpreters used in the California court system can be divided into two categories—pro tempore employees and independent contractors. Pro tempore employees must be certified or registered. Independent contract interpreters may be certified, noncertified, registered, nonregistered, “opt-out,” or provisionally qualified. These categories correspond to the languages the interpreters speak, their employment status under SB 371, and the level of screening they have passed. Definitions of the categories and subcategories follow.

- **Pro tempore employee:** A certified or registered spoken language interpreter who accepted employment with a superior court on or after July 1, 2003.¹⁰
 - *Certified interpreter:* A spoken language interpreter who has passed the certification examination in one of the thirteen *designated* languages for which there is currently an examination, has attended the Judicial Council Code of Ethics workshop, and meets biennial continuing education and professional requirements.
 - *Registered interpreter:* A spoken language interpreter who has passed an English fluency exam, has attended the Judicial Council Code of Ethics and orientation workshops, and meets biennial continuing education and professional requirements. A registered interpreter may interpret in any of the nondesignated spoken languages, as well as in any newly designated language for which there is no certification examination currently developed.

⁹ For purposes of this statistical report, Armenian (Eastern and Western), Mandarin, and Russian interpreters are categorized as “registered” interpreters.

¹⁰ Gov. Code, § 71803(a) reads in pertinent part: “In each trial court, there shall be a new employee classification entitled ‘court interpreter pro tempore’ to perform simultaneous and consecutive interpretation and sight translation in spoken languages for the trial courts.”

- **Independent contractor:** An independent contract court interpreter of a spoken language other than those independent contractors who opted out of pro tempore employment under the provisions set forth in Government Code section 71802(b) (known as “opt-out independent contractors”). “Regular” independent contractors may be certified or noncertified, registered or nonregistered.
 - *Noncertified interpreter:* A spoken language interpreter who interprets in the courts in one of the designated languages but has not yet met certification requirements.
 - *Nonregistered interpreter:* A spoken language interpreter who interprets in the courts in one of the nondesignated languages, or in any of the newly designated languages that do not yet have certification examinations, but who has not yet met registration requirements.
 - *“Opt-out” independent contractor:* A certified or registered court interpreter of a spoken language who qualified to opt out of employment under the provisions set forth in Government Code section 71802(b).
 - *Provisionally qualified interpreter:*¹¹ A spoken language interpreter who interprets in the courts in any language and who has passed the written examination for that language, taken the Judicial Council Code of Ethics workshop, and been provisionally qualified under rule 984.2 of the California Rules of Court.

American Sign Language Interpreters

In September 2003, the Court Interpreters Program (CIP) Unit of the AOC’s Human Resources Division assumed administrative responsibility of the American Sign Language Court Interpreters Program, which was previously under the charge of the Access and Fairness Advisory Committee’s Interpreters for the Deaf and Hard of Hearing Working Group. Access and Fairness Advisory Committee staff from the Office of the General Counsel had supported the working group.

Since 1996, the California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH) and the Registry for Interpreters for the Deaf (RID) have been the two programs that certify interpreters for the deaf and hard of hearing on behalf of the Judicial Council. CCASDHH and RID submit a biennial progress report to the Access and Fairness Advisory Committee of the Judicial Council to demonstrate full compliance with the *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hearing Impaired Persons*.¹²

¹¹ Any noncertified or nonregistered interpreter interpreting on the record in a criminal or juvenile proceeding must be provisionally qualified under rule 984.2 of the California Rules of Court.

¹² The Judicial Council adopted these guidelines in 1992 in an effort to monitor the performance of the entities it designated to certify American Sign Language interpreters.

In fall 2000, the advisory committee's Access for Persons With Disabilities Subcommittee determined that an insufficient number of qualified, certified American Sign Language (ASL) court interpreters were available in California. The progress reports revealed that only 39 persons were certified to interpret during legal proceedings in the California courts. Four years later, this number has increased to a mere 43.

CCASDHH and RID are responsible for establishing and maintaining their certification processes, including testing, certification, renewals, and continuing education requirements for ASL interpreters. As soon as staffing levels permit, the AOC's CIP Unit will examine recruitment and retention of ASL interpreters and the use of ASL interpreters in California, in addition to overseeing the certification processes of CCASDHH and RID.

II. EXPENDITURES ON AND USE OF INTERPRETERS

A. Statewide

All trial courts in the state report their expenditures on interpreting in Quarterly Financial Statements (QFSs) to the AOC. The QFSs for the courts in this study for fiscal year 2003–2004 are reported in Table 2. These data are reported in broad categories that include expenditures on personnel (court staff who administer the court interpreter programs as well as court staff employed as interpreters); expenditures on contract, per diem interpreters; and expenditures on travel. Another source of statewide data on interpreters is the Salary and Position Worksheet—compiled by the AOC and reported on Schedule 7A, Salary and Wages Supplement to the Annual Budget—in which all trial courts report the salaries and job titles of authorized, funded staff shown in Table 3.

A third source of statewide data is the Court Interpreter Data Collection System (CIDCS), an Internet-based data collection system in use by most of the superior courts in California. Beginning in the second quarter of fiscal year 2002–2003, the AOC launched the CIDCS for tracking expenditures on interpreter services by language, case type, and event type. This system is linked to all 58 trial courts through Serranus, the judicial branch’s internal Web site. As of December 1, 2004, 49 of the 58 courts had input data into the system.

The CIDCS was created to supplement expenditure data on the use of interpreters in this report and in the budget change process. Due to the historical development of trial courts under a dual state-county system of funding, each trial court tracks detailed information on interpreters differently. Although estimates provided by the courts for the budget process distinguish between expenditures for two different categories of interpreters—that is, estimates of certified and registered expenditures are separated from those of noncertified and nonregistered expenditures—no distinction by language is made in these estimates. For fiscal year 2003–2004 and beyond, the AOC is able to draw reports from the CIDCS on use by language, certification status, and case type, subject to the superior courts’ fully using the CIDCS to log interpreter assignments.

The data presented in section C and the appendix are taken from the CIDCS for the fiscal year 2003–2004. Table 4 illustrates data from 40 courts that reported complete data on interpreter usage in the CIDCS from July 1, 2003, through June 30, 2004. Data were collected on full- and half-day interpreting sessions by language and certification status as well as by other information such as case type and the number of cases. Only expenditure data by language and certification status are presented here. The certification status is further broken down into court interpreters pro tempore; contract, per diem and opt-out interpreters; and noncertified or nonregistered contract interpreters in both language categories (designated and nondesignated.)

Note that there are differences in the expenditure data reported in the QFSs and the CIDCS (Tables 2 and 4). Since the CIDCS data is not used as the basis for payment to the courts, it should not be used as a definitive source for expenditure data. Rather, the value of the CIDCS is in showing expenditures for contract, per diem court interpretation by language and certification status. This data will, among other things, help courts and the Court Interpreters Program recognize languages that should become certified due to high usage levels or identify courts and languages that would benefit from having more court interpreters pro tempore or certified interpreters.

The 40 sample courts¹³—which include courts of all sizes, from large, urban courts such as San Diego to smaller, more rural courts such as Tuolumne—reported that they had used more than 73 languages during the fiscal year 2003–2004. As Table 2 illustrates, interpreter expenditures by these sample courts accounted for 37 percent of the \$65 million spent on court interpreting in California in fiscal year 2003–2004, whereas the total court expenditures of the 40 sample courts correspond to 44 percent of the \$2.2 billion statewide court expenditures.

¹³ Due to heavy usage of interpreters and low numbers of staff, the Superior Court of Los Angeles County was unable to provide information on interpreter usage in the CIDCS in this reporting period.

Table 2: Total Expenditures on Interpreters by Court, Fiscal Year 2003—2004

Superior Court of California, County of	Total Expenditures	Interpreter Expenditures	Interpreter Expenditures as % of Total Court Expenditures	Interpreter Expenditures as % of Statewide Interpreter Expenditures
Amador	\$3,023,418	\$26,248	0.87%	0.04%
Butte	\$12,181,239	\$141,550	1.16%	0.22%
Calaveras	\$2,339,720	\$18,732	0.80%	0.03%
Colusa	\$1,323,684	\$110,614	8.36%	0.17%
Contra Costa	\$51,553,355	\$954,967	1.85%	1.47%
Del Norte	\$2,303,884	\$27,624	1.20%	0.04%
El Dorado	\$8,050,626	\$85,565	1.06%	0.13%
Fresno	\$41,510,680	\$1,795,245	4.32%	2.76%
Glenn	\$2,196,216	\$91,727	4.18%	0.14%
Imperial	\$7,968,192	\$279,458	3.51%	0.43%
Inyo	\$2,221,571	\$15,352	0.69%	0.02%
Kern	\$41,228,947	\$1,245,660	3.02%	1.91%
Kings	\$6,595,615	\$196,762	2.98%	0.30%
Lassen	\$2,410,204	\$26,660	1.11%	0.04%
Madera	\$5,482,744	\$325,815	5.94%	0.50%
Marin	\$16,873,117	\$386,409	2.29%	0.59%
Merced	\$10,696,028	\$479,922	4.49%	0.74%
Mono	\$1,299,678	\$30,328	2.33%	0.05%
Nevada	\$6,124,352	\$99,876	1.63%	0.15%
Plumas	\$2,078,237	\$6,688	0.32%	0.01%
Sacramento	\$87,019,887	\$2,030,486	2.33%	3.12%
San Benito (1)	\$2,843,352	\$53,636	2.52%	0.08%
San Bernardino	\$86,779,790	\$2,527,223	2.91%	3.88%
San Diego	\$189,595,975	\$3,725,319	1.96%	5.72%
San Joaquin	\$28,793,926	\$849,097	2.95%	1.30%
San Luis Obispo	\$14,425,280	\$195,836	1.36%	0.30%
San Mateo	\$44,469,457	\$1,203,336	2.71%	1.85%
Santa Barbara	\$24,991,771	\$725,240	2.90%	1.11%
Santa Clara	\$109,490,527	\$2,666,458	2.44%	4.09%
Santa Cruz	\$14,627,155	\$484,320	3.31%	0.74%
Shasta	\$11,812,100	\$93,343	0.79%	0.14%
Siskiyou	\$4,518,375	\$58,356	1.29%	0.09%
Stanislaus	\$18,694,459	\$515,214	2.76%	0.79%
Sutter	\$4,758,052	\$133,482	2.81%	0.20%
Tehama	\$3,700,680	\$100,062	2.70%	0.15%
Tulare	\$18,991,529	\$746,077	3.93%	1.15%
Tuolumne	\$3,486,583	\$23,800	0.68%	0.04%
Ventura	\$43,394,388	\$998,651	2.30%	1.53%
Yolo	\$10,313,981	\$386,317	3.75%	0.59%
Yuba	\$4,545,858	\$85,319	1.88%	0.13%
40 confirmed courts	\$954,714,632	\$23,946,774	2.51%	36.70%
Rest of the state	\$1,226,891,448	\$41,307,991	3.37%	63.30%
Statewide Total	\$2,181,606,080	\$65,254,765	2.99%	100%

Source: Quarterly Financial Statements, fiscal year 2003—2004

(1) As of December 15, 2004, Q4 San Benito was not available, so a projection based on the first three quarters was used.

**Table 3: Fiscal Year 2004—2005 Authorized, Funded FTE Staff
in Court Interpreters Program as of July 1, 2004**

Superior Court of California, County of	Pro Tempore Interpreter	Staff Interpreter	Interpreter Coordinator	Total Interpreter Staff 04—05	Total Interpreter Staff 03—04	Change 03—04 to 04—05
Alameda	18.5	-	-	18.5	-	18.5
Alpine	-	-	-	-	-	-
Amador	-	-	-	-	-	-
Butte	-	-	-	-	-	-
Calaveras	-	-	-	-	0.1	-0.1
Colusa	-	-	-	-	-	-
Contra Costa	5.0	-	-	5.0	-	5.0
Del Norte	-	-	-	-	-	-
El Dorado	1.0	-	-	1.0	-	1.0
Fresno	14.6	6.0	-	20.6	6.0	14.6
Glenn	-	-	-	-	-	-
Humboldt	-	-	-	-	-	-
Imperial	5.0	-	-	5.0	3.0	2.0
Inyo	-	-	-	-	-	-
Kern	6.0	2.0	1.0	9.0	3.0	6.0
Kings	-	-	-	-	-	-
Lake	-	-	-	-	-	-
Lassen	-	-	-	-	-	-
Los Angeles	370.0	-	8.0	378.0	359.0	19.0
Madera	5.0	-	-	5.0	5.0	-
Marin	3.0	-	-	3.0	5.0	-2.0
Mariposa	-	-	-	-	-	-
Mendocino	1.0	-	-	1.0	-	1.0
Merced	1.0	-	-	1.0	-	1.0
Modoc	-	-	-	-	-	-
Mono	1.0	-	-	1.0	1.0	-
Monterey	6.0	-	-	6.0	-	6.0
Napa	2.0	-	-	2.0	-	2.0
Nevada	-	-	-	-	-	-
Orange	50.0	1.0	-	51.0	35.0	16.0
Placer	-	-	-	-	-	-
Plumas	-	-	-	-	-	-
Riverside	15.0	1.0	-	16.0	1.0	15.0
Sacramento	4.0	-	-	4.0	5.0	-1.0
San Benito	-	-	-	-	-	-
San Bernardino	42.0	-	-	42.0	42.0	-
San Diego	35.6	7.0	-	42.6	17.5	25.1
San Francisco	10.2	-	1.0	11.2	-	11.2
San Joaquin	6.0	-	-	6.0	-	6.0
San Luis Obispo	-	-	-	-	-	-
San Mateo	7.6	-	1.0	8.6	1.0	7.6
Santa Barbara	3.0	5.0	0.5	8.5	6.5	2.0
Santa Clara	14.0	-	-	14.0	6.5	7.5
Santa Cruz	-	-	1.0	1.0	1.0	-
Shasta	-	-	-	-	-	-
Sierra	-	-	-	-	-	-
Siskiyou	-	-	-	-	-	-
Solano	-	1.0	1.0	2.0	2.0	-
Sonoma	7.0	-	1.0	8.0	6.0	2.0
Stanislaus	2.0	1.0	1.0	4.0	2.0	2.0
Sutter	1.0	-	-	1.0	1.0	-
Tehama	1.0	1.0	-	2.0	2.0	-
Trinity	-	-	-	-	-	-
Tulare	4.0	-	-	4.0	4.0	-
Tuolumne	-	-	-	-	-	-
Ventura	-	5.0	1.0	6.0	6.0	-
Yolo	-	-	1.0	1.0	1.0	-
Yuba	-	-	-	-	-	-
Statewide Total	641.4	30.0	17.5	688.9	521.6	167.3

Table 4: Expenditures on Contract Per Diem Interpreting by Language and Certification Status, July 1, 2003, to June 30, 2004

Designated Languages						
Language	Pro Tempore ^a	Certified Contractor/Opt Out	Noncertified Contractor	Language Total	% Certified ^b	Language as a % of Interpreter Expenditures
Spanish	\$5,920,310	\$5,827,113	\$1,720,659	\$13,468,082	87%	76.8%
Vietnamese	\$53,001	\$414,913	\$191,213	\$659,127	71%	3.8%
Russian (1)	\$75,221	\$208,311	\$11,719	\$295,250	96%	1.7%
Tagalog	-	\$41,719	\$132,220	\$173,939	24%	1.0%
Mandarin (1)	\$7,819	\$133,781	\$9,929	\$151,530	93%	0.9%
Armenian (1)	\$9,594	\$90,825	\$14,206	\$114,624	88%	0.7%
Korean	\$7,081	\$44,331	\$47,096	\$98,507	52%	0.6%
Cantonese	\$24,033	\$40,211	\$27,528	\$91,773	70%	0.5%
Arabic	\$735	\$37,615	\$27,548	\$65,898	58%	0.4%
Portuguese	-	\$15,833	\$37,524	\$53,357	30%	0.3%
Japanese	-	\$8,540	\$21,374	\$29,915	29%	0.2%
Total Designated Languages ^e	\$6,097,794	\$6,863,192	\$2,241,016	\$15,202,003	85%	87%
Nondesigned Languages						
Language	Pro Tempore ^a	Registered Contractor/Opt Out	Nonregistered Contractor	Language Total	% Registered ^c	Language as a % of Interpreter Expenditures
American Sign Language	-	\$176,667	\$422,929	\$599,596	29%	3.4%
Hmong	\$162,979	\$41,117	\$92,870	\$296,965	69%	1.7%
Lao	\$42,916	\$116,897	\$95,223	\$255,036	63%	1.5%
Punjabi	\$66,528	\$111,794	\$52,597	\$230,919	77%	1.3%
Khmer	\$87,039	\$22,277	\$91,972	\$201,289	54%	1.1%
All Other Languages (2)	\$19,813	\$38,451	\$129,383	\$187,647	31%	1.1%
Mien	\$24,377	\$61,289	\$48,050	\$133,716	64%	0.8%
Other Asian, Southeast Asian, Pacific Island (3)	\$2,147	\$23,432	\$47,963	\$73,543	35%	0.4%
Eastern/Southern European Languages (4)	-	\$52,160	\$13,246	\$65,407	80%	0.4%
Farsi (5)	\$294	\$49,219	\$13,458	\$62,970	79%	0.4%
Other Asian Indian Languages (6)	\$7,119	\$33,781	\$15,053	\$55,952	73%	0.3%
African Languages (7)	-	\$8,437	\$42,036	\$50,473	17%	0.3%
Tongan	-	\$30,964	\$17,745	\$48,709	64%	0.3%
Samoan	-	\$10,495	\$13,617	\$24,112	44%	0.1%
Middle Eastern Languages (8)	\$4,399	\$4,331	\$17,144	\$25,873	34%	0.1%
Other Western European Languages (9)	\$530	\$5,848	\$5,419	\$11,797	54%	0.1%
Total Nondesigned Languages ^e	\$418,141	\$787,159	\$1,118,706	\$2,324,006	52%	13%
TOTAL ^e	\$6,515,935	\$7,650,351	\$3,359,722	\$17,526,008	81% ^d	100%

This table includes data for the following counties: Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Imperial, Inyo, Kern, Kings, Lassen, Madera, Marin, Merced, Mono, Nevada, Plumas, Sacramento, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Siskiyou, Stanislaus, Sutter, Tehama, Tulare, Tuolumne, Ventura, Yolo, and Yuba.

^a Court Interpreters Pro Tempore are court employees who are paid on a per diem basis.

^b The proportion of expenditures for designated language interpretations performed by certified court interpreters.

^c The proportion of expenditures for nondesignated language interpretations performed by registered court interpreters.

^d The proportion of total expenditures for interpretations performed by certified or registered court interpreters.

^e Some totals may not add up due to rounding.

(1) Russian, Mandarin, and Armenian became certified languages in FY 2003—04.

(2) Includes Latin American languages, such as Mixteco, Trique, Qanjobal (Kanjobal), Tzotzil, and Zapateco. Also includes data where a language was not specified.

(3) Includes Burmese, Cebuano, Fijian Hindustani, Ilocano, Iloggono, Indonesian, Thai, and Taiwanese.

(4) Includes Albanian, Bosnian, Bulgarian, Croatian, Czech, Georgian, Greek, Hungarian, Polish, Romanian, Serbian, Slovak, and Ukrainian.

(5) Includes Dari (Persian of Afghanistan) and Farsi (also known as Persian of Iran).

(6) Includes Bengali, Hindi, Gujranti, Pashto, and Urdu.

(7) Includes Amharic (also known as Ethiopian), Oromo, Somali, Swahili, and Tigrinya.

(8) Includes Assyrian, Chaldean, Hebrew, Kurdish, Persian, and Turkish.

(9) Includes Dutch, Finnish, French, German, and Italian.

B. By County and Interpreter Category

Each court sends an annual report to the AOC listing the number of authorized, funded positions by position title and program budget area. This report is called Schedule 7A, *Salary and Wages Supplement to the Annual Budget*. In July 2004 the trial courts reported about 689 full-time equivalent (FTE) authorized and funded staff positions in the trial courts' interpreter programs for fiscal year 2004–2005. The majority of these positions were staff interpreters and pro tempore interpreters (as defined by the Trial Court Interpreter Employment and Labor Relations Act).

Not all the courts employ staff in their interpreter programs. As Table 3 shows, about 57 percent of the superior courts—33 of 58—reported authorized funded staff in the interpreter programs for fiscal year 2004–2005. Differing staffing levels and patterns in the trial courts' interpreter programs reflect the range of current interpreter usage throughout the state. Most courts still rely primarily on contract interpreters; however, SB 371 has caused an increase in the number of pro tempore interpreters. Many courts also use court personnel, such as courtroom or calendar clerks, to assist with interpreter coordination in addition to their other duties, but these positions are not listed in Schedule 7A.

The Judicial Council established statewide standards for interpreter pay and authorized increases in the amounts paid for full-day and half-day interpreting effective January 1, 1999. Two additional increases were authorized and made effective on July 1, 1999, and July 1, 2000.¹⁴ Table 5 shows the changes in payment over time. Certified and registered interpreters are currently paid 32.5 percent more for a full day of interpreting than they were when the Judicial Council first established statewide standards for interpreter pay in January 1999. At the same time, the Judicial Council lowered the wages paid to noncertified and nonregistered interpreters to provide a financial incentive for new and existing court interpreters to become certified or registered. Despite the increases in pay for certified and registered interpreters, compensation for interpreters in the state trial courts still lags behind the \$305 paid to federally certified interpreters for a full day. The Judicial Council sought but did not receive funding for further rate increases in fiscal year 2001–2002.

	Table 5: Rates Paid for Interpreters							
	Certified (Registered)				Noncertified (Nonregistered)			
	Full Day	% Change	Half Day	% Change	Full Day	% Change	Half Day	% Change
1/1/99	\$200	—	\$105	—	\$200	—	\$105	—
7/1/99	243	+21.5	135	28.57	175	-12.5	92	-12.38
7/1/00	265	+9.05	147	8.89	175	0	92	0

¹⁴ Prior to 1999 pay rates for interpreting varied among different courts.

C. Summary of Findings From 40 Courts

The Spanish language remains the most-interpreted language in the courts. In fiscal year 2003–2004, over \$17 million in expenditures were reported in the CIDCS for Spanish language interpretations in the 40 courts included in this analysis. This represents approximately 77 percent of all contract, per diem expenditures in fiscal year 2003–2004.

Usage of certified and registered court interpreters varies widely across courts and across languages. Statewide, certified court interpreters are used in about 85 percent of all contract, per diem interpretations, as reported in the CIDCS. Nearly all Spanish (87 percent), Russian (96 percent), Mandarin (93 percent), and Armenian (88 percent) interpretations are done by certified interpreters (both contractors and interpreters pro tempore). However, certified interpreter use is much lower for Tagalog (24 percent), Korean (52 percent), Portuguese (30 percent), and Japanese (29 percent). While this might partially reflect low levels of language use in the courts, particularly for Portuguese and Japanese, Tagalog and Korean interpreter expenditures are significant enough to warrant additional certified interpreters.

Statewide, registered interpreters for nondesignated languages are used in about 52 percent of contract, per diem interpretations. This low rate is to be expected, due to the variety of non-designated languages. However, it would be expected that the nondesignated languages used more frequently in the courts (American Sign Language, Hmong, Lao, Punjabi, Khmer, and Mien¹⁵) would have more registered interpreters. The proportion of registered interpreters used for those languages is relatively low, particularly for American Sign Language (29 percent) and Khmer (54 percent), suggesting a need for additional registered interpreters in those languages.

At the individual court level, there is no discernable trend regarding the use of certified and registered interpreters between small, rural courts and larger, urban and suburban courts. The use of certified and registered interpreters for contract, per diem interpretations ranges from 0 to 100 percent. While some smaller courts do not seem to be hampered by a lack of available certified and registered interpreters, others do not share that same access. For example, the Superior Court of Del Norte County used certified interpreters for 100 percent of their contract, per diem interpretations (all Spanish language interpretations), whereas the Superior Court of Plumas County did not use any certified interpreters (also all Spanish language interpretations).

American Sign Language is the third-most interpreted language in the courts, but there are few registered interpreters statewide to meet the demand. In September 2003, the Court Interpreters Program Unit of the AOC's Human Resources Division assumed administrative authority of the American Sign Language Court Interpreters

¹⁵ The language category called "All Other Languages" had reported expenditures of \$187,647, but that category cannot be disaggregated into separate languages. Most are Latin American dialects (Mixteco, Trique, Qanjobal (Kanjobal), Tzotzil, and Zapateco) or instances where a language was not specified for the interpretation.

Program, which was previously under the charge of the Access and Fairness Advisory Committee's Interpreters for the Deaf and Hard of Hearing Working Group. This report contains the first full fiscal year's worth of data about contract, per diem American Sign Language interpretations. American Sign Language was the third-most interpreted "language" in the courts, with about \$588,000 in expenditures reported in the CIDCS for fiscal year 2003–2004.

However, it appears there are few registered American Sign Language interpreters. As reported in the CIDCS for fiscal year 2003–2004, only 29 percent of American Sign Language contract, per diem interpretations statewide were done by registered court interpreters and there apparently were no American Sign Language interpretations by court interpreters pro tempore. Use of registered American Sign Language interpreters varied in the courts from 0 to 100 percent. Unlike what might be expected, the problem is not confined to small, rural courts; there was no discernable difference in availability of registered American Sign Language interpreters between larger, urban courts and smaller, rural ones.

Southeast Asian Language interpretation expenditures are significant in Central Valley courts. Among the 40 courts included in this analysis, Vietnamese, Hmong, and Lao contract, per diem interpreter expenditures rank second, fourth, and sixth, respectively, among all language expenditures reported in the CIDCS for fiscal year 2003–2004. The expenditure rates for these languages are particularly high for the Superior Courts of Fresno County and Merced County. Outside the Central Valley, the Superior Courts of Sacramento County and Santa Clara County report high levels of interpreter expenditures for Vietnamese and Hmong.

Punjabi language interpretation expenditures are increasing. Expenditures for Punjabi interpretations ranked seventh highest of all languages interpreted statewide in the 40-court study, as reported in the CIDCS for fiscal year 2003–2004. Due to the high number of interpretations, data about Punjabi interpretations are presented separately rather than being grouped with other South Asian languages.

Punjabi interpretations were performed in both urban and rural courts statewide. The highest levels of expenditures were found in the Superior Courts of Sacramento County (\$33,506), Santa Clara County (\$30,813), and Fresno County (\$28,492). Unexpectedly, the Superior Court of Sutter County reported the highest *proportion* of contract, per diem interpreter expenditures for Punjabi. As reported in the CIDCS for fiscal year 2003–2004, Punjabi interpretations in the Superior Court of Sutter County represented 23 percent of all interpreter expenditures. Even smaller, rural courts such as the Superior Courts of Butte County and Nevada County reported expenditures for Punjabi interpretations.

Information from the 40 courts that entered complete data into the CIDCS for fiscal year 2003–2004 gives us a snapshot of language usage and the use of certified and registered court interpreters for contract, per diem interpretations in California courts. However, it

should be noted that without data from Los Angeles County, the largest user of contract, per diem court interpreters, the picture is not complete. The AOC's Office of Court Research staff will work to find ways to lessen the reporting burden for Los Angeles so that its data can more easily be added to the CIDCS and included in subsequent annual reports.

III. AVAILABILITY OF CERTIFIED AND REGISTERED INTERPRETERS

The proportion of California's population that is foreign born—26 percent—is higher than that of any other state.¹⁶ California is also the most linguistically diverse state, with 224 languages and innumerable dialects spoken here.¹⁷ According to the 2000 U.S. Census, 39.5 percent of Californians (12,401,756) speak a language other than English in their homes, which represents an increase of more than 4 million from 1990. The 2000 U.S. Census also revealed that 20 percent of the state's population (6,277,779) reported not being able to speak English well and that 3.5 percent, or 1.11 million, of California's 31.4 million residents over age 5 were linguistically isolated or spoke no English at all.

California's statistics on legal immigration show an increasing rate of growth in ethnic groups unlikely to speak English as a first language. According to statistics released by the California Department of Finance,¹⁸ yearly legal immigration to the state averages more than 200,000. In the period 1990–2000, legal immigration to California was 2,186,774. Population increases during this period were particularly significant among ethnic groups unlikely to have English as their first language.¹⁹

Although there are more than 1,700 certified and registered spoken language interpreters in California, the state's trial courts are facing a critical shortage of qualified interpreters. As already discussed, the availability of certified and registered interpreters varies widely among courts. The needs for specific languages also vary widely among courts, with certain regions showing a growing need for South Asian and Southeast Asian languages.

It is clear that California will experience a steady increase in both the need for court interpreting services and the diversity of languages in which those services are needed, while not having enough interpreters to meet these demands.

¹⁶ Public Policy Institute of California, *Just the Facts: Immigration in California* (July 2002).

¹⁷ United States Census, *Language Use and English Ability, Persons Five Years of Age and Older, by State* (2000).

¹⁸ California Department of Finance, *Legal Immigration to California by County, 1990–2000*.

¹⁹ California Department of Finance, *Race-Ethnic Population Estimates: Components of Change in California Counties, April 1990–July 1999*.

IV. RECOMMENDATIONS TO INCREASE THE NUMBERS OF CERTIFIED AND REGISTERED COURT INTERPRETERS

In 1998 the Judicial Council became responsible for setting payment rates and other compensation policies for court interpreters. In addition to the recruitment activities described on page 2, a multipronged strategy is in place to overcome the critical shortage of certified and registered court interpreters. The components of this strategy include:

- Increased rates and an improved incentive-based rate structure to attract and retain certified and registered court interpreters;
- Collaboration with schools and universities (the nation's first bachelor's degree program in interpreting and translating has now been developed at California State University at Long Beach);
- Development of a plan highlighting specific steps to incorporate American Sign Language (ASL) interpreter issues into the AOC's Court Interpreters Program;
- Development of standards and/or rules related to the use of team interpreting for spoken language interpretations in trials of long duration;
- Development and implementation of a refresher course for interpreters who wish to return to the interpreting profession after being on inactive status;
- Creation of a policy or rule of court to establish standards for authorizing translation of documents for criminal proceedings in a format and manner approved by the Judicial Council;
- Expansion and implementation of a mentoring program in which experienced court interpreters serve as counselors and guide new interpreters in languages other than Spanish;
- Creation of a plan to work with spoken language and ASL interpreter associations to address language access issues;
- Development of a resource manual for court interpreters, including relevant rules of court, statutes, protocols, practices, standards, and service-related statistics; and
- Development of a plan to seek funds to assist prospective interpreters of languages other than Spanish in attending courses and workshops in legal interpreting.

V. CONCLUSION

While Spanish was the language most frequently interpreted in the 40 courts whose data are part of this annual report, the CIDCS data also revealed high usage levels of American Sign Language, Southeastern Asian languages (Vietnamese, Hmong, Lao), and Punjabi.

Table 4 shows that certified and registered interpreters performed the majority of trial court interpreting. Certified interpreters or court interpreters pro tempore conducted 85 percent of all interpretations of designated languages, and registered interpreters or court interpreters pro tempore did 52 percent of all interpretations of nondesignated languages.

However, this statewide data may mask local shortages of certified or registered interpreters in certain languages. These shortages seem to occur both in small, rural courts and large, urban and suburban courts. The expenditure tables for individual courts, in the appendix of this report, may help courts and Court Interpreters Program staff identify areas of need and, therefore, improve access to the justice system for non-English speakers.

Moreover, the current use of interpreters is limited to constitutionally and legally mandated interpreter services in criminal matters. It is unclear how interpreting needs are being met in other important areas of court operations, such as civil and family law, and in legal proceedings involving persons who are deaf or hard of hearing.

The Judicial Council is committed to seeking expanded funding to ensure that non-English speakers and individuals who are deaf or hard of hearing have access to the courts and an ability to participate in court proceedings in a manner equal to those of hearing, English-speaking people.