

REVIEW OF THE LITERATURE ON COMPENSATION OF COURT INTERPRETERS IN THE UNITED STATES OF AMERICA

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Introduction

This study was undertaken in 2013-2014 as part of the collection of nationwide data on court interpreter compensation with a view to including the findings in an article to be published in *Court Manager*. The more the research moved forward, the more it became apparent that it would not be possible to include a literature review in that article. The aim of the literature review was to document and summarize the information that was already available pertaining to key questions associated with compensation of court interpreters. Since the work has been done, the results are being posted with the United States Court Interpreter Compensation Database in the hopes it will be useful to some readers.

The literature review followed several different avenues. First, classic monographs on court interpretation, including national standards on court interpretation, were reviewed to see what they may have stated on the subject. Second, reports issued on court interpretation by independent entities were surveyed. Third, documents collected or produced by the author during his tenure as a court interpreter manager were considered. Finally, a search of the Internet was undertaken to see what the average person looking for related information might discover.

There are other sources that would be included in a comprehensive review of the literature, but the author makes no claim to have been comprehensive. Some of those sources are publications of individual jurisdictions such as annual or special reports, original needs assessments compiled as elements of reports of state-level commissions conducting in-depth studies of court interpretation and minority concerns (issued principally in the 1980s and 1990s), articles in the periodicals of professional associations of interpreters and/or translators, and others.

What data re salary ranges for staff interpreters and compensation packages for contract interpreters have been published?

The only known study to document court interpreter compensation rates is the author's 1989 publication, "Compensating Interpreters and Translators: An International Survey of Wages Paid Salaried and Contracted Interpreters and Translators." That study collected court interpreter compensation data for all New Jersey counties, about fifteen other states, federal courts, and the courts in three Canadian provinces. In addition, compensation data were obtained from non-court organizations, including the Federal Bureau of Investigation, the Organization of American States, the United Nations, and the U.S. Department of State. It also includes compensation data for translation services.

Much of the data compiled in the 1989 Lee study was included in the first edition of Fundamentals of Court Interpretation: Theory, Policy, and Practice (González, Vásquez and Mikkelsen, 1991, pp. 211-221). However, both the Lee report and the first edition are now quite

outdated. The Second Edition of Fundamentals of Court Interpretation appeared in 2012 and provides some data from the 2011 compensation information compiled by the Consortium for Language Access in the Courts as well as data current at the time for federal court interpreters (pp. 675-683; see the bibliographic references under “National Center for State Courts,” 2011 d and e on p. 1440 [González et al., 2012]). It’s also the only source that mentions benefits for staff interpreters.

Until the Consortium for Language Access in the Courts was dissolved in April 2012, tables of compensation rates for both staff and contract interpreters had for many years been compiled and posted periodically, drawing on compensation surveys completed by state program managers, and posted on its website.¹ Since that time the Language Access Services Section at the NCSC posts on its website compensation data supplied by some language access program managers. To find these figures one must look on each state’s page and many states have not provided any information (“Language Access Programs by State”).

The Bureau of Labor Statistics (BLS) in the U.S. Department of Labor lumps together all kinds of interpreters (without separating out information for court interpreters or interpreters who work in any other domain) with all kinds of translators (regardless of specialization). Therefore, the extensive data they publish do not provide any useful information regarding compensation rates for court interpreters.

Some sources have pointed out that the implementation of certification testing has generated a rise in compensation rates for court interpreters (Arjona, González et al., and Mikkelson, 1999). Once valid and reliable credential exams were mandated, it became necessary to increase rates of compensation accordingly.

If one does an Internet search seeking data for court interpreter salaries or contract rates, the sources that surface do not provide comprehensive data. Instead, they may include a few facts from a few jurisdictions but provide generic data (Matthew), have lots of generalizations and cite unhelpful data from the BLS (Akers, who also made the claim that “staff positions are rare” when they are not!; “Courtroom Interpreter”; McKay, Robles, Suttle, Tustison, and Wagner), or do not identify their sources (“Interpreters and Translators-What They Do”). Some sources that address growing professional opportunities in the field don’t even address the compensation issue (LaPonsie). One may also find posts regarding interpreter compensation challenges in other countries (e.g., Downie).

If current compensation data are not readily available, other than the Lee-Hoeber 2013 compensation study, can this information be found elsewhere?

Some jurisdictions post salary data on their websites (e.g., many of the county and municipal courts in Arizona [see chapters 5 and 6 of the *Compensation Database*]), but often this salary information is very difficult to find (e.g., the salaries for most staff interpreters in California are posted on the union’s website [California Federation of Interpreters], not the Judiciary’s website; also, Florida’s salary structure is available on the “Administration and Funding” page under “Salary Schedule,” but there’s no reference to salary information on the page for the court interpreter program under the “Resources & Services” tab).

Many jurisdictions post compensation information for contract interpreters (e.g., United States Courts), but most do not and, once again, even this information is difficult to find on some

¹ This is also referenced in Abel, n. 136; González et al., 2012; and in NAJIT, 2006.

jurisdictions' websites (e.g., New Jersey's contract interpreter compensation information is included toward the back of the sample contract, which is posted, but is not easy to find [see "Professional Service Statement of Work Proposal"]) and salary information for staff interpreters in California is on a union's website (California Federation of Interpreters).

What recognition is there of any connection between adequacy of compensation and the ability of courts to attract and retain qualified interpreters?

While there may be partial answers to those questions provided by individual court systems, there is no source where relatively current compensation data is readily available for the nation's courts as a whole. In fact, the management issue of compensation of staff and contract interpreters has not been identified as a management issue to be addressed by any of the major Judicial Branch policy initiatives issued by researchers who have studied the nation's court interpreting programs (Hewitt, 1995), groups of court managers who have addressed court interpreting as a national challenge (Conference of State Court Administrators, 2007,²) a set of standards issued by the nation's legal community (ABA, 2012), trial court performance standards (U.S. Department of Justice, Office of Justice Programs, 1997 [see Standard 1.3, which addresses court interpreters]), or gatherings to plan language access in the courts (e.g., NCSC, 2013). Nor has it been discussed in some notable introductions to the field of court interpretation (e.g., de Jongh and Edwards) or the U.S. Department of Justice's efforts to promote language access in the courts.³ Indeed, the closest Mikkelsen comes in her introductory tome is wondering whether the link will ultimately be firmly established:

The adoption of high standards by legislatures, courts, and professional associations and the emergence of specialized training programs for court interpreters mean increasing recognition of court interpreting as a viable profession and a career choice for talented bilinguals. It remains to be seen over the coming decades whether interpreters in the judiciary will enjoy working conditions and professional respect commensurate with extensive preparation and commitment required to achieve proficiency. (2000, at 8)

In 2004 Virginia Suveiu wrote an article for court managers calling attention to the growing demand for competent court interpreters. In the context of identifying what accounts for the lack of qualified interpreters, she noted: "Without steady, well-compensated employment, most people will commit neither the time nor the expense to become qualified." (p. 102)

The National Asian Pacific American Bar Association (NAPABA) issued a report in 2007 assessing ways to improve access to courts for Asian Pacific Americans. One of the major

² The closest this White Paper came to touching on matters of compensation are the following two recommendations: "8. State courts should educate and collaborate with their state legislatures to seek adequate funding to provide and pay for interpreting services as well as the costs of managing court interpreter programs. 9. State courts should establish court interpreter program needs as a high budgetary priority." p. 22. A response supporting this White Paper was issued by the Conference of Chief Justices, which endorsed those recommendations and encouraged Congress "to enact legislation...which would provide direct funding to state and territorial courts to support state and territorial court interpreter initiatives." (2008)

³ While DOJ has not specifically identified this consideration, it has stated: "Budgeting adequate funds to ensure language access is fundamental to the business of the courts" (Perez, p. 3). See also Acosta and other publications issued by the Civil Rights Division in the Sources Cited at the back of this literature review.

impediments to access they indicated was the difficulty state courts have in developing and maintaining an adequate supply of interpreters in APA languages due to inadequate compensation. They identified two factors: “the low pay rate for contract interpreters” and the “lack of full-time staff interpreter positions” (p. 19; see also p. 37). Another cost-related deterrent they identified was “the high cost of certification” and the corresponding high costs of affording higher education to develop the ability to achieve certification (p. 20). In view of these conclusions, the study issued the following recommendation: “State courts should raise compensation and increase benefits for state court interpreters to attract more applicants to state court interpreter positions” (p. 57).

Lee, in a presentation on “Recruitment Strategies” at the 2007 Annual Business Meeting of the Consortium for State Court Interpreter Certification, began his presentation by identifying what he believed is required to make court interpretation a career that attracts new professionals and is sufficiently rewarding to retain established professionals in the field. The first and foremost factor he identified was compensation. He referred to the need for compensation rates for court interpreters to be commensurate with the professional nature of the work (and comparable to similar professions), to have a classification system that provides levels for a genuine career path, and increases in compensation from time to time.

The Brennan Center for Justice at the New York University School of Law published the results of its study of language access to the nation’s state courts in 2009 (Abel). In order to implement the “guideline” for ensuring “that interpreters are competent and act appropriately,” they suggested that the first way to implement Guideline C.4, “Ensure that there is an adequate supply of competent interpreters in the languages needed,” was to “Provide compensation adequate to attract and retain competent interpreters.” (p. 25)

Wood (2009) conducted a study to evaluate how courts could increase the pool of interpreters to meet their growing need for interpreting services. The author conducted surveys of several state AOCs as well as trial courts and specifically asked about the strategies the various jurisdictions utilized to recruit interpreters. There’s no substantial consideration of the issue in the study. None of the surveys asked about the possible role that compensation may have in recruitment efforts and there is no discussion of the subject in the findings or recommendations.⁴

Kelly et al. (2010) conducted a study that surveyed 1,140 interpreters in North America, about 92% of which were located in the United States. It included interpreters in all domains and languages, as well as both spoken and signed languages. One of the major subjects studied was compensation (see pp. 29-48) and the report provides a variety of interesting tables. The study does not offer much that bears directly on compensation of court interpreters, but there are two findings that are relevant. First, the study ranked fourteen industry sectors where interpreters work and it provides evidence that interpreting in “legal/judiciary” contexts (which may be broader than just court interpreting) has considerable competition from several higher-paying sectors. The following table is extrapolated from Table 13 on p. 43.

⁴ The closest the study comes to even recognizing that compensation may have a role in recruitment, much less, retention of interpreters, is a couple of passing comments that the field is “not very appealing” because of being so undervalued and lack of sustained demand for one’s services (p. 19) and the need for funding (which isn’t clearly tied to the compensation issue [p. 23]).

**RANKING OF INTERPRETER COMPENSATION LEVELS BY
INDUSTRY SECTOR**

Industry Sector	Three-year average annual salary, 2008-2010	Rank
Military/armed forces/intelligence	\$63,421	1
Federal/national government	\$48,557	2
Media/TV/radio	\$46,525	3
International/transnational events	\$46,024	4
Scientific/technical conferences	\$45,465	5
Local government (state, province, city)	\$39,688	6
Sports/professional athletics	\$39,600	7
Legal/judiciary	\$38,595	8
Business/private sector	\$38,285	9
Non-profit	\$36,590	10
Religious/spiritual	\$36,492	11
Educational/schools	\$32,928	12
Medical/health care	\$32,150	13
Community/public and social services	\$32,150	14

Second, the report documents the average daily rates by state paid to conference interpreters. These rates range from a low of \$100/day in Nebraska to a high of \$683/day in South Carolina. While the report does not disclose the average daily rate paid for conference interpreting in the country, the following table extrapolated from Table 17 on p. 46 shows that conference interpreters are paid substantially more in most states than are court interpreters.

**AVERAGE DAILY COMPENSATION OF
CONFERENCE INTERPRETERS BY EARNING LEVELS**

Range of Average Daily Rate	State(s) with their individual daily rate
\$100-199	Nebraska, \$100
\$200-299	New Hampshire, \$208; Oklahoma, \$221; North Carolina, \$242; Oregon, \$270
\$300-399	Utah, \$300; Georgia, \$350; Arizona, \$353
\$400-499	Kentucky, \$400; Minnesota, \$422; Washington, \$450; Nevada, \$465; Indiana, \$488
\$500-599	Michigan, \$505; Florida, \$512; Maryland, \$519; Illinois, \$535; Virginia, \$548; Ohio, \$567; Colorado, \$576; California, \$592; Pennsylvania, \$595
\$600-699	New Jersey, \$604; Massachusetts, \$608; New York, \$616; Texas, \$620; Connecticut, \$625; District of Columbia, \$634; South Carolina, \$683

González et al. (2012) call attention to the compensation issue as a factor in the growth of court interpretation toward being recognized and treated as a profession. Their view of the

challenge is summarized as follows: “Since the beginning of the profession, it has been questionable whether or not interpreters are fairly remunerated for their skills” (p. 678). They go on to describe the history of compensation and the issue of remuneration. After pointing out the challenges that make it difficult for courts to make sustained progress in this respect, they stake out the basic issue as follows: “Proper remuneration is one of the best tools to achieve these goals” (referring to “ways to retain skilled interpreters over time,” p. 682). They conclude their discussion of “Fee Schedules” with the following:

State courts must increase their salary competitiveness or face a never-ending cycle of hiring interpreters and investing in expensive training, only to see an exodus of experienced, qualified interpreters within a couple of years of hire. Poor salaries and the threat of job loss for both staff and daily contractors lead to low morale. (p. 683)

What does the literature say about career paths for staff interpreters?

Evolution of a Career Path in New Jersey⁵. The New Jersey Judiciary pioneered the concept of levels of staff interpreter positions. The first step in this direction was resulted from pragmatic necessity arising out of the first test cycle after the validated program commenced in late 1987. The county that was recruiting to fill a vacant staff interpreter position encountered a dilemma once all candidates had been tested and the results were completed. Only one person passedⁱ and that individual was not interested in working as a staff interpreter. The choice that was left to court managers was to commence another recruitment and keep trying until a qualified candidate approved by the Administrative Office of the Courts could be hired, or select someone from the original pool who did not pass the exam. This was a county with the state’s highest volume of court interpreting services and the need to fill the position was considerable.

That quandary resulted in the creation of a test outcome initially called “Critical Range” and later was renamed “Conditionally Approved.” This category was created as a temporary position, or trainee, meaning the person hired had met certain testing criteria below that of passing⁶ and would work under close supervision and take courses to improve his or her skills. Within a period no sooner than six months and no later than eighteen months the employee would be retested and his or her status would be reviewed at that time. Employees who passed the test would be presumed to be eligible to become permanent, those who showed clear progress would be presumed to be eligible for a renewed period at this level, and those who showed no clear progress or even scored worse would be presumed to be dismissed. These experiences were officially incorporated in the judiciary’s personnel system when, on April 10, 1989, the Office of Personnel at the Administrative Office of the Courts promulgated new job specifications and stipulated that anyone hired as a staff court interpreter must be placed in one of these positions. The three titles were Court Interpreter I (a supervisory interpreter), Court

⁵ This section does not really belong in a “review of the literature” since it is not drawing on published information. However, since this information may be useful to some readers and is not available in print, the author included this brief historical summary.

⁶ The specific criteria originally adopted in 1987 for this probationary category was an overall score across all three sections of the exam of 60% and a score of no lower than 50% in any of the three sections of the exam. In 2005 the overall average score was lowered to 55%.

Interpreter II (an entry level interpreter at the “Journeyman” level), and Court Interpreter III (a trainee level).

New Jersey’s program had always envisioned a higher level of outcome that would be somewhat equivalent to certification by the Administrative Office of the United States Courts. When the opportunity presented itself to create a Master level with the advent of court unification with state funding, the level was made available first for contract interpreters in 1995 and in 1999 for staff interpreters.⁷ The criteria for scoring at this level are a score of 80% or higher on all three sections of the exam as well as on both parts of the sight interpretation section.

New Jersey’s career progression for court interpreters also includes a supervisory position. However, unlike the other three titles, there is no testing criterion and it is not in the court interpreter band of the personnel system. It’s a generic title used for any office in a trial court that has a supervisor at this level and is in the Professional Supervisory band. The original intention was that supervisors of court interpreting units must themselves be court interpreters, but, over time, some counties have appointed persons supervising court interpreter units in the Court Services Supervisor II position who are not court interpreters.

Recommended Tiered System Issued by the National Center for State Courts. In April 2014, the National Center for State Courts issued the “State Court Interpreter Testing Desk Reference Manual” to promote uniform management of court interpreter testing programs in the nation’s state courts. The document recommends in §1.4 “that court systems adopt the following testing requirements for the below-listed credentialing levels” for languages for which certification exams exist: Master, Certified (same as New Jersey’s Journeyman level), and Conditionally Approved.

Other Sources. Echaore-McDavid (2002) posited in her review of careers in the legal environment that there should be three levels in a career ladder for court interpreters: Court Interpreter Trainee, Court Interpreter, and Senior Court Interpreter or Program Coordinator (pp. 146-148). Romberger and Hewitt wrote in 2006 about the challenges of attracting and retaining court interpreters in state courts. They identified three impediments: poor working conditions, too few incentives, and inadequate service utilization techniques. They wrote the following regarding the central issue with respect to insufficient incentives: “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.” (p. 78)

⁷ The test criterion for the Master level of outcome was set at 80% or higher on all three sections of the exam as well as both parts of the sight interpreting section. When the Master title was developed, it was part of a Court Interpreter Band with three levels that was established in the Judiciary’s new comprehensive personnel system. The titles under the new system issued in 1999 were as follows: Level 1, Court Interpreter 1-Conditionally Approved/Trainee; Level 2, Court Interpreter 1-Journey; and Level 3, Court Interpreter 2-Master. <http://www.judiciary.state.nj.us/interpreters/jobspecs.pdf>.

What other relevant information may be found in an Internet search?

Court interpreting is one of language-based professions that are rapidly growing in the modern job world. One story reported that “interpreters and translators” are the fourth fastest growing job group in the country (Hess). The rapid growth of this industry has been echoed in other sources as well (Kurtz, O*Net OnLine). The Occupational Outlook Handbook issued by the BLS states that these jobs are “projected to grow 46 percent from 2012 to 2022, much faster than the average for all occupations.”

What literature is available for the broader aspects of managing court interpreting services?

Some helpful resources along those lines include two position papers issued by NAJIT (2003) plus essays by Alger-Robbins (2014), Festinger (2003), and Lee (1995). In addition, Hewitt’s work includes a chapter on position descriptions (37-49) and the database accompanying this study includes links to all courts that have posted position descriptions on the web. NAJIT has issued two position papers offering advice to court managers (2003 and 2006, the latter of which offers some general guidance regarding compensation). Finally, Unit 5 of the Second Edition of González et al.’s Fundamentals is entitled “Management of Court Interpreter Services” (641-688) and provides a considerable amount of relevant information.

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ⁱ The score required to pass was 70 or higher on each of the three sections (sight, consecutive and simultaneous) of the exam and at least 60 on each part of the sight with an overall average of 70 on the sight section.