



# Interpreter Compensation in the Courts: A Descriptive Study

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## **Overview: The Framework of Interpreters' Compensation**

It is indisputable that people cannot receive a fair hearing in court if they cannot understand what is being said or make themselves understood. Persons with limited English proficiency (LEP) who are involved in court proceedings must be provided a competent interpreter if they are to have access to the courts equal to that of English speakers. This is a matter of simple justice. It is also a matter of good court administration.

The Conference of State Court Administrators (COSCA 2007), the Conference of Chief Justices (CCJ 2008), and the American Bar Association (ABA 2012) have reached a consensus on the broad elements involved in implementing those principles. In addition, in recent years the U.S. Department of Justice (USDOJ) has vigorously implemented and enforced Executive Order 13166 issued by President Bill Clinton on August 11, 2000. This initiative asserts that providing adequate interpreting services for LEP individuals is an extension of the Civil Rights Act of 1964. USDOJ has

taken the position that the Act requires courts receiving federal assistance to provide interpreting services to LEP court users at no cost, regardless of case type or ability to pay (2010).

The costs of maintaining an adequate supply of qualified interpreters pose a significant challenge for the nation's courts. The factors driving the increasing costs include:

- the growing number of LEP persons appearing in the courts;
- the increasing volume and diversity of languages spoken by

- LEP persons for which qualified interpreters must be found;
- the expansion of case types for which interpreting services are being provided; and
- the growing recognition that some current pay rates are inadequate to attract and maintain a sufficient pool of qualified interpreters.

Where does a court's director of human resources go to find data regarding career paths and compensation packages when creating new staff interpreter positions or evaluating the adequacy of compensation levels? Where do managers of court-interpreting services find detailed information about how other courts compensate contract interpreters so they can develop well-informed policies to attract and maintain an adequate pool of qualified contract interpreters? Where do bilingual individuals contemplating career options find information to evaluate the prospects for making a living and enjoying a rewarding career as a court interpreter?

This article addresses a heretofore neglected element that is central to the ability of court administrators to sustain the professional status of court interpreters: interpreter compensation. Its aim is to provide a comprehensive description of compensation practices in the courts of the United States, not prescribe or recommend what specific levels of compensation should be. It documents the ways the nation's courts compensate interpreters and reveals the wide range and diversity of practices. Using the time frame of July-December

2013, it provides a baseline of data that will establish a milepost in the evolution of the profession, support court administrators managing interpreting services, and make detailed information available to persons contemplating a career in the field.

This study focuses on the two types of spoken-language interpreters (sign-language interpreters are not included<sup>1</sup>) for which courts develop policies regarding compensation. These are the interpreters who deliver the vast majority of interpreting services in the nation's trial courts. For purposes of consistency in this article they may be defined as follows:

- Contract Interpreters:* These individuals are independent contractors, not employees, who are retained on an as-needed basis by a court for one or more specific proceedings or a specific period of time. They are paid a professional fee based on some unit of time and may be reimbursed for some out-of-pocket costs.
- Staff Interpreters:* These are individuals who are full-time employees of the court system (part-time staff are not included in this study). Their employment is governed by the personnel regulations of the jurisdiction and their compensation typically includes base salary, as well as the dollar value of fringe benefits.

After describing the methodology followed in collecting and analyzing the data, a brief description is provided of the five types of courts included in the study. Then there are two sections of

findings, one for contract interpreters and another for staff interpreters. The study concludes with a discussion of the major findings and suggestions for how administrators may use the data.

This article is complemented by the authors' United States Court Interpreter Compensation Database (2014; referred to hereinafter as the Database), which has been posted at <http://www.courtinterpretingresearch.com>. The Database includes an introduction and tables arranged in chapters for each type of court. Each chapter is organized alphabetically by jurisdiction. This resource also provides many tables of aggregated as well as listed data, such as entry-level salary ranges ranked from highest to lowest, to permit ready access to more statistics than can be included in this article.

### **Data Collection**

This study is based on data sought from all jurisdictions, not a sample of courts. First, all federal and state court administrative offices were contacted to determine whether they had any federal- or state-employed staff interpreters or policy regarding compensating contract interpreters as of December 31, 2013.<sup>2</sup> The officials initially contacted were a manager at the Administrative Office of the United States Courts (AOUSC) and each state's contact person identified in the directory of language-access-program managers maintained by the Language Access Services Section (LASS) at the National Center for State Courts (NCSC).

<sup>1</sup> The study also does not include ad hoc contract interpreters engaged outside any rate structure determined by court policies or interpreters who work through commercial agencies.

<sup>2</sup> The term "state" includes the District of Columbia and Puerto Rico.

Second, a concerted effort was made to identify every other court in the nation that had one or more staff interpreters as of the same date. Each state official mentioned above was asked to identify all levels of courts within their jurisdictions known to have staff interpreters employed at county and city/municipal levels. In addition, many county and city/municipal courts with staff interpreters unknown to state program managers were located by reviewing the websites of, or making phone calls to, courts located in areas with significant LEP populations. Each court below the state level that had any staff interpreters was also asked to provide any policy it might have with respect to contract interpreter compensation.

For respondents who had any kind of policy or guidance regarding contract-interpreter compensation, copies were collected and all features of compensation and reimbursement were identified and analyzed. As to staff interpreters, specific variables were requested. The first variable is the number of hours in the court's official workweek for full-time employees. To make valid comparisons of salary data, one must control for the number of hours. For example, an employee who earns \$50,000/year at 35 hours per week makes \$27.47/hour. However, an employee who is paid the same annual salary but works 40 hours per week is paid \$24.04/hour.

The second variable is job titles. Job titles are typically determined by classification and compensation units in a department of human

resources. While job titles per se are not necessarily tied to compensation, levels of job titles are indeed connected to compensation; any jurisdiction that has more than one level will pay more to interpreters in the higher levels.<sup>3</sup> All job titles out of which employees deliver interpreting services were classified into one of four levels:

- trainee (interpreters who are not yet certified or who are in a probationary status);
- journeyman (interpreters who are certified at the basic or, in many jurisdictions, only level of certification);
- master (interpreters whose expertise has been tested at a level beyond that of journeyman); and
- manager (persons with additional duties beyond interpreting, such as coordinating contract interpreters, developing interpreting resources, or supervising staff interpreters).

The first three sets of titles are limited to delivering interpreting services, while the fourth adds a second set of duties, namely, coordinating, managing, or supervising the delivery of interpreting services. The first three levels are distinguished by levels of performance as determined by testing.

To calculate the total value of compensation, the cost of fringe benefits was collected. This can include matters such as employer contributions to an employee's pension, health insurance, various forms of leave time, and other benefits that have an economic cost to the employer.

The final variable is salary structure. In most instances, employees are paid within a range where there is a minimum and a maximum for each level of position. However, many jurisdictions do not have a range that includes a maximum; in others, there is no range with a minimum or a maximum — just the position's salary in a given fiscal year.

To generate salary information that would permit valid comparisons across disparate types of courts, the lowest minimum salary and, if any, the highest maximum salary for each level of position formed the basis of analysis. In addition, when a district had employees assigned to locations in different locality pay zones (e.g., in the U.S. District Courts [USDCs] of Arizona, California-Eastern, and Texas-Southern), the bottom of the range for the locality pay zone with the lowest starting salary and the top of the range for the locality pay zone with the highest salary at the top of the range were used. Finally, all compensation amounts were rounded to the nearest dollar.

Most respondents were contacted by email. Follow-up communications ensued when additional information or clarification was needed. A uniform format was used to create a page of data for each jurisdiction. Each respondent was sent his or her jurisdiction's page for verification.

### ***The Diverse Courts that Use Interpreters***

Given the diversity of the nation's court systems, this study groups courts into five types for purposes of analysis.

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<sup>3</sup> Accordingly, the findings regarding job titles themselves are not reported in this article, but are available in the Database. Likewise, collecting and analyzing staff interpreter job descriptions was beyond the scope of this study. However, the URLs for any job descriptions that were found to be available online are reported in the Database.



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## 1. Federal Courts

The Department of Program Services (DPS) of the Administrative Office of the United States Courts (AOUSC) provides general oversight of and support for the USDCs. In addition, the AOUSC also periodically issues a schedule of maximum fees the USDCs are authorized to pay contract interpreters.

Twenty of the 94 federal districts have one or more staff interpreters, who are employees of the clerk of court (AOUSC 2014, 29). Most of these courts provided partial or complete data regarding their staff interpreters. While the federal judiciary has issued salary ranges for its employees, the actual determination of the need for staff interpreters, the designation of their titles and pay ranges, and how they are organized and supervised are left up to each individual district. Requests for new positions, which follow established criteria used to document workload, originate in a particular district court and are submitted to the Committee on Judicial Resources of the Judicial Conference of the United States. “New staff interpreter positions are authorized by the Judicial Conference of the United States, upon recommendation of its Committee on Judicial Resources” (AOUSC 2011, §310.10.20) and are recruited and filled when Congress appropriates the corresponding funding.

## 2. State AOCs

Every court system in the United States has a central office that administers it. Most of them are called “administrative office of the courts” (AOC), but several have other titles such as office of court administration, office of the state courts administrator,

judicial department, office of the executive secretary, and so on. Forty-nine of the 50 state judiciaries, as well as the District of Columbia and the Commonwealth of Puerto Rico, provided partial or complete responses.

## 3. The Superior Court of California

In this study, the California judiciary is treated separately for three reasons. First, the California court system has the highest level of demand for interpreting services and spends the most on interpreting services: \$92,471,280 in FY2013-2014 (Judicial Council of California 2015, 1). Its sheer size relative to other state judiciaries warrants treating it separately.

Second, until 2000, the costs of the trial courts in California were the responsibility of the counties, and their employees were county employees. When the Trial Court Employment Protection and Governance Act passed in 2000, such employees ceased being county employees and were made employees of the trial courts of the Superior Court of California, which, although they are funded by the state legislature and the funds are channeled through the Judicial Council of California, does not make them state employees.<sup>4</sup> This means there are 58 trial court systems, one for each of the state’s 58 counties, and they are designated “Superior Court of California, X County.” The only employees of the judicial branch who are state employees in the usual sense are staff of the supreme court, the appellate courts, and the California AOC. In essence, the California courts are like state courts in some respects and like county courts in others, but are actually neither.

Third, the Trial Court Interpreter Employment and Labor Relations Act, adopted in 2002, introduced a feature that pertains only to court interpreters. It established how conditions of employment of staff court interpreters are determined. Most (33) of the 58 trial court systems employ one or more staff interpreters. Data were obtained from the memoranda of understanding from each of the four regions, which accounts for 56 of the counties, as well as from the two counties that are not included in that collective-bargaining framework.

## 4. County Courts

These courts appear in those states where county courts are either the highest level of trial court or stand in addition to state-level trial courts. Thirty-eight such courts participated in the study and are distributed among a dozen states as follows: Arizona (5), Colorado (1), Florida (1), Georgia (1), Idaho (3), Illinois (7), Nevada (1), Pennsylvania (7), Tennessee (1), Texas (6), Washington (4), and Wisconsin (1).

## 5. City/Municipal Courts

Seventeen such courts were identified and are located in five states: Arizona (7), New Jersey (4), Ohio (2), Texas (3), and Washington (1). These courts are not included in this article since so few of them were found to meet the study’s criteria for inclusion, but the data collected from these courts are reported in the Database.

## **Compensation Policies for Contract Interpreters**

### **Policies Regarding Compensation for Professional Services**

Most jurisdictions have some kind of written policy on compensating contract interpreters. Both the AOUSC

<sup>4</sup> See Soderborg 2011 for a very helpful discussion of this legislation.

**Table A: Written Policy by Type of Court**

Jurisdiction	Number of Courts for Each Type of Written Policy			
	Published Specific Rate Structure	Published Maximum Rates Courts May Not Exceed	Published Guidelines for Courts to Follow	Use Agencies Only
AOUSC/USDCs	1	0	0	0
States	22	4	4	3
California Superior Court	1	0	0	0
County	16	0	0	1
<b>TOTALS</b>	<b>40</b>	<b>4</b>	<b>4</b>	<b>4</b>

and the Judicial Council of California have a published policy, as do 28 other state judiciaries. Three other states (Illinois, Rhode Island, and Vermont) report they would be developing a policy soon, which would bring the total number of states with a policy to 32. At the county level, 16 of the 23 county courts responding have a policy.

There are four basic ways courts handle contract interpreter policies. The majority have promulgated a court-determined rate structure, the elements of which vary from jurisdiction to jurisdiction (see the next section). A few courts have taken one of three other approaches: publishing a *maximum rate* or *set of rates* that the trial courts may not exceed (Florida, Montana, Oklahoma, and Wyoming), providing *suggested rates* for courts to follow but which are not mandatory (Idaho, Nevada, and Virginia), and using agencies for all contract-interpreting needs instead of contracting directly with individual contract interpreters, in which case there is no need for rates (Arkansas, Connecticut, New Hampshire, and the 1st Judicial District of Pennsylvania). One court system (Missouri) has guidelines that

provide a framework for many aspects of purchasing services from contract interpreters, but it does not include any recommended rates. The specific types of written policies per type of court are depicted in Table A.

Jurisdictions structure rate policies in three different ways with respect to interpreter qualifications. First, the AOUSC, 23 states, the Superior Court of California, and four county courts have different rates *based on whether interpreters are or are not certified*, i.e., one rate for interpreters who are certified and another for uncertified interpreters. Second, most jurisdictions (the AOUSC, 22 states, the Superior Court of California, and 11 county courts) *pay contract interpreters in all languages the same*. However, six states and five counties have different rates based on the language interpreted. Finally, eight states and two county courts have differing rates depending on the interpreter's *certification level*, as most jurisdictions do not have more than one level of certification.

The next issue to consider is how rate policies structure the time for which contract interpreters are

compensated (Table B). The format taken by the largest number of courts is a *flat hourly rate*, with half of those 30 jurisdictions including a two-hour minimum and the other half no minimum number of hours that must be paid. The second largest set of courts follows the example set by the AOUSC, which provides two flat rates of compensation: half-day and full-day. A contract interpreter is paid the half-day rate for any amount of work less than half a day and the full-day rate for any amount of work above a half-day up to a full-day. Two jurisdictions prorate the minimum at *15-minute intervals* for time beyond the first hour (Arkansas) or for time beyond two hours (Pima County, Arizona).

All of the court systems that have promulgated rates have a rate for certified interpreters and most also have a rate for uncertified interpreters. All rate structures have been converted to hourly rates to permit comparisons. The range of compensation for certified interpreters across the four types of court systems is from a low of \$16/hour to a high of \$63/hour, an astonishing nearly fourfold difference. The range in rates for uncertified interpreters is equally extreme: \$10/hour to \$40/hour.

### Policies as to Ancillary Aspects of Compensation

The rates cited in Table C are used for appearances by contract interpreters when delivering on-site interpreting services in the trial courts. These assume the normal workday or a portion thereof. Some jurisdictions have established additional rates for other dimensions of delivering professional services, which are listed in Table D according to descending order of frequency.

### Reimbursement Policies for Interpreters' Expenses

**Table B: Rate Structures**

Jurisdiction	Number of Jurisdictions by Type of Rate Structure			
	Hourly Rate with a Minimum # of Hours	Flat Hourly Rate with Hourly Increments & No Minimum # of Hours	Half-Day/ Full-Day	Hourly Rate with Increments of Less Than an Hour
AOUSC/USDCs	0	0	1	0
States	9	7	5	1
California Superior Court	0	0	1	0
County	6	8	2	1
<b>Total</b>	<b>15</b>	<b>15</b>	<b>9</b>	<b>2</b>

**Table C: Hourly Rates Paid**

Jurisdiction	Certified				Uncertified			
	Min	Max	Mean	Median	Min	Max	Mean	Median
AOUSC/USDCs	\$49	\$49	\$49	\$49	\$23	\$23	\$23	\$23
State	25	63	43	40	10	40	27	25
California Superior Court	35	35	35	35	22	22	22	22
County	16	50	37	35	23*	40	31	25

\* On the face of it, this appears to be incorrect as the minimum rate for uncertified interpreters would be expected to be less than the minimum rate for certified interpreters. These numbers are accurate, and the cause of the seeming mistake is that the county with the \$16/hour rate for certified interpreters does not have a corresponding rate for uncertified interpreters.

**Table D: Distribution of Policies for Ancillary Aspects of Compensation for Contract Interpreters**

Item Compensated (Ranked from Most to Least Used)	Number of Jurisdictions Providing Compensation for the Item			
	AOUSC/USDCs	States	California Sup. Ct.	County
Cancellation policy (clarifies whether and, if so, how much, if any, compensation will be paid when interpreting assignments are canceled)	1	13	1	3
Travel time	1 <sup>a</sup>	11	0 <sup>b</sup>	3
Time worked beyond the normal workday or outside normal work hours	1	4	0 <sup>c</sup>	3
Telephone interpreting (delivering interpreting services by telephone)	0	2	0	3
Preparation time (time spent mastering specialized vocabulary or preparing for unique proceedings)	0	3	0	1
Extra compensation for working in more than one language in addition to English on the same day	0	1	1	1
Waiting time (time spent waiting at court before the case is called or between cases)	0	2	0	1

<sup>a</sup> Compensation for travel time is provided only when traveling beyond the local commuting distance on the day before or the day after a contracted interpreting assignment.

<sup>b</sup> But the policy allows interpreters and trial courts to negotiate travel time “in unusual circumstances.”

<sup>c</sup> The policy defines a “half-day session” to include a night session, but not for the continuation of an afternoon session.

**Table E: Distribution of Policies for Reimbursement Among Jurisdictions**

Item Compensated (Ranked from Most Frequently Appearing in Policies to Least Used)	Number of Jurisdictions Providing Compensation for the Item			
	AOUSC/ USDCs	States	California Sup. Ct.	County
Mileage	1	25	1	4
Per diem	1	12	0	1
Lodging	1	10	0	1
Public Transportation	1	7	0*	1
Parking	0	6	0	1
Tolls	0	1	0	1

**Table F: Distribution of Levels of Positions**

Employing Jurisdiction	Number of Jurisdictions with Each Level			
	Trainee	Journeyman	Master	Manager
USDC*	0	13 districts	0	18 districts
State	4 states	18 states	2 states	13 states
California Supreme Court	0	32 counties	0	5 counties
County	4 counties	31 counties	1 county	13 counties

\* Districts with a single staff interpreter with responsibilities for coordinating the service are included under “Manager.”

Generally, some out-of-pocket expenses — costs attendant to delivering professional services—are reimbursed. In some courts, such reimbursements are negotiated on a case-by-case basis and are not specified in a written policy. But for those jurisdictions that have specified in writing what they do and do not cover, Table E identifies what they report. Again, these features are listed in descending order of use.

The item most frequently reimbursed is mileage, although the rates vary considerably from \$0.31/mile to \$0.565/mile, averaging \$0.51/mile. Most courts pay the rate set by the U.S. General Services Administration

(which was \$0.565/mile in 2013). Another common feature in several policies provides that mileage is payable only for those miles that exceed what is deemed to be an average commute (e.g., 60 miles round-trip for New Jersey and 50 miles round-trip for the USDC, New York Southern District).

With respect to provisions for per diem, lodging, and public transportation reimbursement, these typically involve situations where the contract interpreter must travel from a distance for a trial. The amounts eligible for reimbursement for per diems are usually fixed for each of three meals per day.

**Compensation Policies for Staff Interpreters**

**States with Full-time Staff Interpreter Positions**

At least one staff interpreter is employed in about 60 percent of states. States with staff interpreters tend to be those with substantial LEP populations. Thirteen states with the largest LEP populations have such positions. Indiana, Maryland, and Michigan, however, each of which has an LEP population exceeding 500,000 persons (Ryan 2011), have none. The states where there is not a single staff interpreter tend to have small LEP populations.



**Table G: Percentage of Salary for Fringe**

Employing Jurisdiction	Low	High	Mean	Median
USDC	26.00	36.25	35.68	36.25
State	15.86	73.57	37.33	34.32
California Supreme Court	30.00	32.50	32.08	32.50
County	19.26	58.00	36.09	35.00

### Position Levels

Career progression paths for staff interpreters are rare, with the only path to advancement in most jurisdictions being moving into a management position—and many jurisdictions do not even have a management position for interpreters (Table F). Only one court system (New Jersey) has all four levels.

### Workweek

Three official workweeks are documented in the nation's courts: 40 hours (2,080 hours/year), 37.5 hours (1,950 hours/year), and 35 hours (1,820 hours/year). Over 70 percent of each of the five court types have a 40-hour week. The 35-hour workweek is the second most common, and the 37.5-hour workweek the least common.

### Fringe Benefits

The vast majority of jurisdictions reporting how fringe benefits are calculated do so using a percentage of base salary. Hence, if a base salary is \$50,000 and fringe is 10 percent, the total cost to the employer and the total value to the employee for that position is \$55,000. Fringe benefits range widely across jurisdictions, but the means and medians are very similar.

The greatest ranges are among the states (from 15.86 percent in Oregon to 73.57 percent in Connecticut) and counties (19.26 percent to 58.00 percent). A few jurisdictions treat fringe as a flat dollar amount (e.g., \$15,000) instead of as a percentage and are, therefore, not included in Table G.

### Salary Ranges

Information regarding the minimum and maximum of salary ranges is reported for two of the four types of positions: journeyman and manager. Data for the other two position types—trainee and master—are not reported here since there are so few such positions nationwide, although they are available in the Database. Salaries are reported in two ways: base salary without fringe benefits and base salary plus the dollar value of fringe benefits. Salaries for job titles that are not purely interpreter titles (i.e., dual titles and titles with no interpreting component in the title) are excluded from these analyses, except for a few for which it could be determined that they actually involved interpreting duties only; however, the salaries not used in these analyses may be found in the Database.

Most jurisdictions have salary ranges that include a minimum and a

maximum. The remaining jurisdictions, however, fall into three groups. First, the federal courts have a minimum and a maximum with eight steps in between, and the Oregon Judicial Department has nine steps in between, a structure that has been abandoned by several states (e.g., Colorado and New Jersey). Second, in California, two of the four regions have a base salary with two additional levels, whereas the other two regions and the two counties exempt from the collective-bargaining framework have only a base salary. The rest—mostly at the county level—have a single salary level representing what the employee is being paid that year.

Several factors present challenges to comparing salary data. The first is that requirements for staff interpreter positions vary considerably. In the USDCs, the entry-level position requires certification by the AOUSC through the Federal Court Interpreter Certification Exam (FCICE), which is the highest standard of all court-interpreter-certification exams. Jurisdictions that rely on the battery of exams provided by NCSC know that those tests are the same regardless of which state uses them, so that standard is the same across states. That standard is somewhat lower than the FCICE exam. At least

**Table H: Salaries of Journeyman-Level Positions (without Fringe)**

Employing Jurisdiction	Minimum Hourly Salary				Maximum Hourly Salary			
	Low	High	Mean	Median	Low	High	Mean	Median
USDC*	28	52	44	48	52	69	64	64
State	16	36	23	21	26	48	35	32
California Supreme Court	32	35	34	34	35	36	36	36
County	15	29	22	21	24	38	31	32

**Table I: Salaries of Journeyman-Level Positions (with Fringe)**

Employing Jurisdiction	Minimum Hourly Salary				Maximum Hourly Salary			
	Low	High	Mean	Median	Low	High	Mean	Median
USDC	38	71	59	66	66	94	86	88
State	22	51	34	30	33	73	49	48
California Supreme Court	43	47	45	45	47	48	47	47
County	21	45	30	28	31	53	41	41

**Table J: Salaries of Manager Positions (without Fringe)**

Employing Jurisdiction	Minimum Hourly Salary				Maximum Hourly Salary			
	Low	High	Mean	Median	Low	High	Mean	Median
USDC	46	64	54	54	60	75	69	70
State	21	51	30	27	32	66	45	41
California Supreme Court	30	39	33	32	39	60	47	42
County	17	33	24	22	24	49	35	34

**Table K: Salaries of Manager Positions (with Fringe)**

Employing Jurisdiction	Minimum Hourly Salary				Maximum Hourly Salary			
	Low	High	Mean	Median	Low	High	Mean	Median
USDC	63	87	74	73	82	102	94	95
State	26	63	40	38	40	86	62	56
California Supreme Court	39	50	43	42	51	78	61	55
County	25	48	33	32	34	61	48	50

one state (New York) uses its own exam, whose comparability to other exams has not been established, and Texas uses the same NCSC exams as most states but designates its levels at a lower threshold than the other states.

Another impediment is the use by several jurisdictions of dual titles, which are positions into which two separate and unrelated job descriptions are combined. These titles are used when a jurisdiction does not have enough workload to warrant a full-time interpreter but wants to have a full-time employee available when the need arises. Examples of such titles include interpreter/jury clerk, senior court interpreter/law librarian, interpreter/social worker, court interpreter/grand jury bailiff, assistant court clerk/interpreter, certified court interpreter/court bailiff. Salaries of such positions cannot be incorporated in analyses of staff interpreter salaries for two reasons: First, the amount of time such employees devote to interpreting is unknown, and, second, the two positions involved may be worth different rates of compensation (e.g., the interpreter may be valued at a professional level and the other position may be valued at a paraprofessional or even clerical level).

The last limiting factor in analyzing salaries of staff interpreters is that

some employees who interpret are in titles for non-interpreting positions. Examples include entry-level titles of deputy clerk, judicial assistant, clerk I (bilingual), and assistant court clerk, and a managerial title of court services supervisor 2. All such employees are credentialed court interpreters, but the interpreting function is not reflected in the job title.

The data reported in Tables H-K yield the following major findings:

1. The compensation of journeyman and managerial staff interpreters correlates with the level of government in which a position appears. The highest rates are paid in the federal courts, and the lowest rates are paid at the county level. The variation in the minimum salary (fringe benefits excluded) for journeyman-level positions across the five types of jurisdictions is \$14-\$24/hour at all levels, except for California where the range is only \$3/hour. When fringe benefits are included, the range for journeyman-level positions is even greater (again, except for California): \$16-\$33/hour.
2. The largest variation in minimum salaries within a category of courts appears in the USDCs: \$24/hour. This is due primarily to the fact that these courts employ journeyman-

level staff interpreters at several different grades.

3. The variation of the base salary (fringe benefits excluded) a journeyman-level court interpreter can make is \$5/hour to \$69/hour; with fringe benefits included, that variation is \$20/hour to \$94/hour.
4. The variation of the base salary (excluding fringe benefits) a managing court interpreter can make is \$17/hour to \$75/hour; with fringe benefits included, that range is \$25/hour to \$102/hour.<sup>5</sup>

### Other Pay Factors

Two jurisdictions have additional interesting features regarding staff interpreter compensation. First, the federal judiciary's compensation program "consists of base pay plus a locality pay" (U.S. Courts 2016). In the Judicial Salary Plan, a percentage is assigned to metropolitan areas to reduce the differential impact of varying rates of cost of living. In 2013 that percentage adds to the base salary a low of 14.16 percent in seven of the districts with staff interpreters to a high of 35.15 percent in the Northern District of California (San Francisco).

Second, the New York State Unified Court System has two pertinent provisions. Two regions also receive "location pay." An additional \$3,696/year is paid to employees in the five

<sup>5</sup> Data are not included for manager positions in Tables J and K because only six courts would have appeared in Table J and 4 in Table K.

boroughs of New York City, and \$1,848/year is paid to employees in seven high-cost counties near New York. In addition, New York pays longevity bonuses above and beyond base pay as follows: \$1,900 in the 20th year, \$2,000 in the 25th year, and \$2,100 in the 30th year.

## Conclusions

This article details the nation's courts' compensation policies for contract and staff interpreters, revealing the considerable variation in compensation for both. The range of compensation for certified contract interpreters across the four types of court systems is \$16/hour to \$63/hour, and the range for journeyman staff interpreters is from \$15/hour to \$69/hour. While it is not surprising that there is a declining rate of compensation for substantially identical work down the hierarchy of the nation's court system from the federal through state to county courts, the lack of comparable rates of compensation and the great range of practices and policies within each level of court is striking. Other market forces being equal, it seems at least possible that such disparities result in advantages to higher-paying jurisdictions when competing for scarce interpreter resources and corresponding disadvantages for lower-paying jurisdictions. One might ask whether

these disparities affect the quality of service provided to LEP litigants if the best interpreters are drawn to the highest-paying jurisdictions while those less well qualified settle for the lower-paying jurisdictions.

The variation in interpreter compensation does not have to be as stark as it is. It is within the power of committed court managers to pay greater attention to the inequalities in interpreter compensation disclosed in this study by devising rational, jurisdiction-wide systems of compensation. It is likely that achieving such compensation reforms will require court administrators to engage judges and legislative bodies to allocate funding equitably.

Two of the court systems discussed in this paper—the U.S. District Courts and the Superior Court of California—demonstrate how different approaches result in different outcomes in compensation patterns. In the USDCs, there is no single, system-wide approach to setting the positions and compensation levels of interpreters performing substantially similar work. Individual district courts are permitted to devise their own interpreter-staffing plans. The result is widely disparate compensation of interpreters doing the same work in the same kind of courts. Even taking locality pay into

account, each USDC's free rein to plug interpreters doing the same work into disparate grades creates a situation of unequal compensation.

The Superior Court of California, on the other hand, has a complex but standardized system for compensating staff interpreters. This system was the result of court administrators confronting a combination of legislative initiatives and union organizing. The subsequent difficult negotiations resulted in a compensation system that is more evenhanded than many other courts and court systems. Achieving such a result, however, requires exercising significant managerial and political will.

Hopefully, this research effort provides data that will help court managers design and implement compensation practices that will enhance the judicial branch's ability to attract and retain competent interpreters so it can come closer to providing equal access for the nation's burgeoning LEP population. The anticipated results would include the following:

- a clear career path in a job band for staff interpreters with three levels—journeyman, master, and manager—and, if needed, the trainee level;
- ranges of compensation for staff interpreters within levels of courts that are less diverse, particularly

among jurisdictions that are geographically proximate to each other and are drawing on the same pool of applicants;

- levels of compensation for contract interpreters differentiated by level of certification at trainee, journeyman, and master levels;
- expansion of contract interpreter policies to include other aspects of compensation, especially for certain canceled assignments; and
- appropriate levels of reimbursement for out-of-pocket expenses incurred by contract interpreters.

#### Resources

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#### ABOUT THE AUTHORS

Robert Joe Lee managed the language-access program of the New Jersey Judiciary from its inception in 1985 until retiring at the end of 2008. He was a cofounder of the Consortium for State Court Interpreter Certification, later renamed Consortium for Language Access in the Courts, serving on its Executive Committee and chairing its Technical Committee from its beginning in 1995 through 2008.

Francis W. Hoeber served as special assistant to the administrative director of the New Jersey courts and facilitated the New Jersey Supreme Court’s adoption of interpreting standards for all New Jersey courts. He currently works as a writer in Philadelphia.