

Lessons Learned the Hard Way:
Takeaways from 26 Years Managing a
State Judiciary's T&I Program
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1. Introduction:

- a. Thanks to Hilda S. and Adrian Aleckna and Anne Connor
 - b. Story of how I came into the job, as it sets the stage for much of what I want to share:
 - i. PTS and prison chaplaincy—how to effect real change
 - ii. 1974 meeting with AOC
 - iii. MA in criminal justice and 1978 job at AOC—new experiment
 - iv. Leading up to that fateful conversation in Fall 1981
 - c. Thinking back over a very gratifying, if grueling, career. Checked with former supervisor. Her assessment: “I was surprised by the difficulty of being an interpreter. Being bilingual is one thing; being a skilled interpreter is SO another. And you had to make dunderheads like me understand that, all the while dealing with too little money, too little help, and too many emergencies. Language Services always seemed the poster child for justice on a shoestring—or maybe a tightrope. Enough reason to want to run fleeing from the Justice Complex on any given day.”
2. Where we started in 1985, basic finding of the Supreme Court Task Force on Interpreter and Translation Services:
- a. “The special needs of linguistic minorities who have sought relief in or been brought before the courts of New Jersey have not been adequately met by the present approach of leaving to each judge, administrator or employee of the court support services at the county or municipal level the responsibility of eliminating the language barrier.”

- i. No policy on anything; no statistics on languages or volume of interpreting services
 - ii. Very little testing and what testing existed was hardly a test of court interpretation (civil service test for bilingual employees!)
 - iii. Uniformed sheriff's officers staff interpreters in Essex—per statute!
 - iv. Translation practices—erratic, low quality
 - v. Low quality of interpreting performance:
 - 1. The Task Force (1983) hired three linguists to observe & evaluate performance of interpreters: 7 out of 42
 - 2. Only 2 of 22 staff interpreters tested in 1987 passed the first time
 - b. Two early conclusions:
 - i. The field is heavily Spanishized
 - ii. The field is heavily criminalized
 - c. The brand new Court Interpreting, Legal Translating & Bilingual Services Section opens for business at the AOC December 1985
3. Takeaways about successful institutional change from the inside:
- a. **Vision:** Had a very clear vision following three years of extensive research and planning. The final report of the task force offered a very clear master plan.
 - i. Cut scores for CI exams: Research resulting in FCICE determined minimum acceptable performance level without compromising legal standards is 80%
 - b. Longevity**
 - i. Have to build relationships within bureaucracies so, when the time comes, the doors are open and your counterparts are educated and not as resistant
 - ii. Concern with high turnover among program managers around the country or local managers in NJ—lack of continuity, almost have to start over
 - iii. Perseverance—meaningful change usually takes time

- iv. Patience—Take the long view; you don't have to fix everything all at once
 - 1. The longer people who've been working in an environment, the more resistant to change they are—imagine the response of a judge on the cusp of retirement after many years on the bench with rare cases involving interpreters having a trial with a deaf defendant and a deaf victim—and 5 ASL interpreters! Team interpreting a difficult pill to swallow.
 - 2. Code of Conduct: October 1994 (10 yrs.)
 - 3. 2001 first year all staff interpreters had obtained approval (N=34 positions) (14 years)—AND 8 of them were at the Master level! Today 22 Master staff interpreters
 - 4. Standards for Court Interpreting: March 2004 (20 yrs.)
 - 5. Staff interpreters: 4 counties in 1982 → 16 counties + AOC now
- c. **Serendipity:** You never know when opportunities will present themselves—must be ready to walk through unexpectedly opened doors!
 - i. How our testing program started—Judge DeSimone; no cut score; later in 1986 established 60%
 - ii. New tests per requests of a TCA: Portuguese (1993) and Haitian Creole (1994)
 - iii. Leftover money: 1995, Arabics, French, Italian, Mandarin, Polish and Russian tests
 - iv. NY program manager wanted to learn how to develop tests, German 1998
 - v. Contract interpreter policy—1995 unification and birth of Master level, 80%+
 - vi. Reclassification of court interpreter titles—HR guy who reached out and said, “Don't we want to have a world-class set of staff interpreters?” when he learned we

were having problems with recruitment and retention.
Formed a work group and got it done!

vii. Written test—2005, donated by Washington and validated by the Consortium

d. **Pragmatism:** When balanced by long-term vision, pragmatic decisions have to be made that fall short of the ideal to lay groundwork for the long haul. Choice is usually between the lesser of two evils, never between “good” and “evil.” **Example:** New cut score of 70% after validated by external experts: Results of first testing 1987 (1 of 27) → emergence of “critical range” (60% average, no score below 50%) + birth of tuition reimbursement program

e. **Making decisions based on empirical data**

- i. Which would you prefer: an interpreter who has demonstrated some level of skill, or one who has a great reputation but no objective testing? Keep in mind: Case study, abbreviated exam
- ii. Selecting languages to develop tests for
- iii. Supporting creation of staff interpreter positions: Did research on contract interpreter costs and developed formula to show more cost effective to have staff
 1. Successes
 2. Failures: One county’s TCA: “In this county there will never be a staff interpreter.” Now 3.

4. Translation

- a. Story of the translation we accidentally did twice
- b. Translation testing for new staff interpreters:
 - i. Passing rate: Spanish to English: 61%
 - ii. Passing rate: English to Spanish: 39%
 - iii. Passing rate: Both directions: 36%
- c. Relationship between translation competence and interpretation competence

d. **Emergence of a translation policy**

- i. Existing translations were not being used

- ii. How to integrate bilingual forms into operation of court support offices
- iii. Ideal process for producing official translations
 1. Using team with demonstrated competence
 2. Having standards to guide their work
 3. Promote uniform usage of terminology—a living dictionary constantly being expanded!

5. Interpretation

- a. Just assume no one, not even bilingual persons, really understands what interpreting is, especially court interpreting.
 - i. **Bilingual public:**
 1. “Interpretator”
 2. The merchant marine sailor who took tests in 4-5 languages and failed all badly
 3. The businessman: “I’ve managed multi-million \$ contracts all over Latin America. Who are you...?”
 - ii. **General public:** translate ≠ Interpret: Newspapers and other media—even the *NY Times*: aggravating
 - iii. **High-level court managers:**
 1. Don’t understand why using Google translate is not the ideal solution to making a website accessible to people in other languages or to produce official translations of court forms and other docs
 2. A high, state-level court manager thought we should not create new staff court interpreter positions on the grounds they would be obsolete in the near future, just like court reporters were becoming obsolete
- b. Interesting findings from our testing experience:
 - i. Which mode is hardest? **HAVE AUDIENCE VOTE.** Test results show clearly simultaneous is!

1. For Spanish examinees, 76% got lowest score in it and 18% was second lowest
 2. For examinees in 11 languages with 15 or more examinees
 - a. Lowest % passing this section BY FAR
 - b. Lowest average score of the 3 modes BY FAR
 - ii. Simultaneous is possible into perhaps every language:
 1. Russian example: GUILT, GUILT, GUILT
 2. Highest scores ever:
 - a. Bosnian etc., 97
 - b. Polish & Spanish, 96
 - c. Korean, 93
 - d. French & Russian, 91
 - e. Portuguese, 90
 - f. Mandarin, 89
 - c. Myths we have to counter:
 - i. These tests are “hard” or “extremely difficult”
 - ii. There must be something wrong with these tests because the failing rates are so high
 - iii. 70% cut score is good enough—only NJ and Oregon use 80% for all interpreters with a Master level
6. So what are my takeaways?
- a. Vision—know what the long-range goals are
 - b. Longevity—Hang in there over the long haul; patience
 - c. Serendipity—be ready to see and take advantage of opportunities you don’t anticipate and go outside the box, change course even if for a short time
 - d. Pragmatism—Deal with the world as it is, keep in mind how you want it to be down the road, but be pragmatic and take effective baby steps
 - e. Base as much policy and program as possible on empirical data—Ask questions, get answers, compile information, and make decisions on the basis of real facts and astute analysis

- f. Network—rarely do you accomplish anything by yourself. Build relationships, nurture allies, involve all the stakeholders
- g. Finally, it's good to be inside, much better than being on the outside—but the best arrangement would be receptive managers inside and advocates on the outside.