

OPEN LETTER VIA U.S. MAIL AND E-MAIL

To: Chief Justice Donald Beatty
Tonnya Kohn, State Court Administrator
Paul Magargle, Director of Fiscal Services

From: South Carolina Court Interpreter Alliance

Date: February 24, 2023

Re: Spoken foreign language court interpreter issues

During the second half of 2022, a working group of professional foreign language court interpreters has discussed concerns regarding:

- current compensation fee¹
- lack of clear, written professional services agreement for interpreters
- payment for two or more daily assignments that do not overlap²
- in-person and video remote working conditions
- invoicing forms and procedures, timely processing of payments³, and
- efficiency of interpreter scheduling.

The group unanimously concurred that the present compensation and working conditions for certified court interpreters are untenable.

The South Carolina Judicial Branch (SCJB) has never issued agreements to court interpreters. SCJB has not adjusted certified court interpreter compensation of \$45 per hour since August 2006. The annual net budget for professional court interpreting services is \$139,796.00⁴. This underfunded appropriation has been static for over seven years. By contrast, each Family Court judge receives an annual salary greater than the language access budget.⁵ SCJB's Language Access Plan⁶ (LAP) states that its policy is "to provide timely meaningful access for Limited English Proficient (LEP) persons to all agency programs and activities..." and "All personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that the Branch will provide these services to them."

Court interpreters bear mounting financial pressure while enduring stressful working conditions after almost three (3) years of a global pandemic that has disproportionately affected the court system. Likewise, they face an economic landscape of high inflation, escalating housing costs, rising fuel prices, health insurance, and self-employment taxes.

¹ [South Carolina Supreme Court Order, August 3, 2006](#)

² [Court Interpreters in South Carolina Courts: a Policy and Procedure Guide, Volume II](#), pp.16 and 30

³ [Court Interpreters in South Carolina Courts: a Policy and Procedure Guide, Volume II](#), p. 27

⁴ https://dc.statelibrary.sc.gov/bitstream/handle/10827/42724/ADM_EBO_Agency_Budget_Plan_JD_2022-2023.pdf?sequence=1&isAllowed=y, \$190,000 minus Court Interpreter Manager salary (\$50,204)

⁵ <https://thenerve.wpenginepowered.com/wp-content/uploads/2022/03/SC-Judicial-Dept-Salary-list-Feb-2022.pdf>, \$191,574.00

⁶ <https://www.sccourts.org/languageHelp/SCLEPPlan.pdf>

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The existing compensation and lack of payment for cancellations, continuances, no-show and wait time are insufficient to continue rendering services to the state courts. Thus, it is evident that the actual payment policies are insufficient. Accordingly, it is justifiable and reasonable to adjust the compensation fee in line with professional practices.

Certified spoken and signed foreign language court interpreters provide a valuable, necessary legal service for the SCJB. They advance and uphold the commitment to remove barriers that hinder meaningful equal access to justice by LEP and deaf/hearing-impaired individuals. Interpreters serve the court's interest in ensuring accurate communication, thereby protecting (1) the due process rights of LEP and deaf/hearing-impaired persons and resources that enhance the quality, and (2) availability of interpreting and translation services. Court interpreters are highly skilled professionals who undergo a rigorous, performance-based examination that carries a **lower** passing rate than attorneys' or court reporters' examinations nationwide. However, the current state court compensation fee does not fairly reflect the value and scarcity of court interpreters' skills.

Besides the high-level linguistic abilities required of court interpreters, they swear an oath to adhere to SCACR §511.⁷ Additionally, they always practice ethically⁸ in accordance with SCACR §511 Rule 9 and under all conditions while implementing the knowledge, skills, and abilities (KSAs) to effectively navigate an often chaotic, unpredictable legal system. Furthermore, they mediate competing demands to effectively manage their time in court and travel between assignments. Moreover, they maintain a courteous, professional demeanor while anticipating, reporting, and overcoming potential impediments to interpreter performance.

Compounding these obstacles, South Carolina court interpreters are expected to render the same level of services for remote judicial proceedings with poor sound quality and without any standardized training or equipment for interpreters or court personnel over the last 32 months. Remote assignments expose them to added cognitive load and health and safety risks (e.g., acoustic shock) during assignments.⁹ Thus, no cost-of-living adjustment to the \$45 hourly compensation fee leads these highly skilled professionals to seek other clients and fields with higher fees and fair working conditions. SCJB fails to compete, attract, and retain more interpreters.

Considering the foregoing, and in solidarity with court interpreters who have expressed these and similar sentiments, we ardently request that the SCJB:

1. Adjust the certified Spanish interpreter compensation for all SCJB programs and activities (including mediation, solicitor, public defender, guardian ad litem, etc.; see LAP) to:

⁷ [Court Interpreters in South Carolina Courts: a Policy and Procedure Guide, Volume II](#), pp. 42-50

⁸ <https://www.sccourts.org/courtReg/displayRule.cfm?ruleID=511.0&subRuleID=Rule%209&ruleType=APP>

⁹ <https://www.atanet.org/advocacy-outreach/ata-position-paper-on-remote-interpreting/>

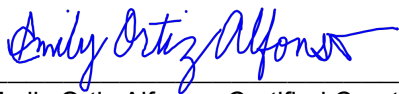
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- a. Full Day (8 hours) at \$566.00
 - b. Half Day (4 hours) at \$320.00
 - c. Overtime compensation at \$107 per hour
2. Draft an agreement for SCJB and interpreters and address:
 - a. Continuances and waiting time for court programs and activities¹⁰
 - b. Payment of cancellation full-day or half-day fee for 72 hours or less notice
 - c. Round-trip travel time at hourly compensation fee of \$71 per hour
 - d. Prevailing IRS mileage rate reimbursement for travel greater than 20 miles one way
 - e. In-person and video remote working conditions
3. Amend Court Interpreters in South Carolina Courts: a Policy and Procedure Guide, Volume II, Chapter 4, Paragraph 2 to reflect that SCJB will remit payment within 21 days
4. Establish a standardized compensation fee and agreement for certified Languages Other Than Spanish (LOTS) interpreters
5. Simplify invoicing forms to one page and streamline invoice procedures.
6. Direct Pioneer Technology Group to implement an efficient statewide interpreter scheduling system within the new case management system.¹¹

The 2023-24 Senate Bill 52 proposes to tie judges' salary to that of district court judges. However, court interpreter compensation¹² is woefully below their federal¹³ counterparts. The federal Judicial Conference values interpreters as much as it does law clerks. In April 2022, Chief Justice Beatty stated that "our judges' pay is commensurate with their national counterparts."¹⁴ Since the SCJB is aiming for federal standards in the judiciary, it is necessary to adjust interpreter compensation in line with federal standards. Not doing so opens the door to a discriminatory practice against court interpreters.

We respectfully submit this letter with a view toward fruitful dialogue between certified court interpreters and the SCJB to reach a mutually agreeable resolution to the concerns. Thank you for your time, attention, and consideration.

Respectfully yours,



Emily Ortiz Alfonso, Certified Court Interpreter

¹⁰ <https://www.sccourts.org/languageHelp/SCLEPPlan.pdf>, p. 1

¹¹ <https://www.sccourts.org/2021AnnualReport.pdf>, pp. 9 and 19

¹² <https://www.uscourts.gov/services-forms/federal-court-interpreters>, 2023 Fees for (Contract) Court Interpreters

¹³ https://www.uscourts.gov/sites/default/files/archive_3/jsp_charlotte_2023.pdf, Grade JSP-14 for federal staff court interpreters

¹⁴ <https://www.sccourts.org/2021AnnualReport.pdf>, p. 4