

# PUBLIC HEARING TRANSCRIPTS

PUBLIC HEARING  
TRANSCRIPTS OF THE  
PENNSYLVANIA SUPREME  
COURT COMMITTEE ON  
RACIAL AND GENDER BIAS  
IN THE JUSTICE SYSTEM

PHILADELPHIA  
WILKES-BARRE  
HARRISBURG



**Philadelphia  
Public Hearing  
Transcript**

ORIGINAL

IN RE:

SUPREME COURT OF PENNSYLVANIA  
COMMITTEE ON RACIAL AND GENDER BIAS  
IN THE JUSTICE SYSTEM

- - -  
WEDNESDAY, DECEMBER 6, 2000  
- - -

Second Regional Public Hearing in the above-captioned matter held in the Free Library of Philadelphia, 19th and Vine Street, Philadelphia, Pennsylvania, commencing at 1:10 p.m., on the above date, before Kimberly A. Hussey, Certified Shorthand Reporter.

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## A P P E A R A N C E S :

## COMMITTEE MEMBERS

ATTORNEY NICHOLAS CAFARDI, CHAIRMAN  
HONORABLE IDA CHEN  
HONORABLE NELSON DIAZ  
PROFESSOR PHOEBE A. HADDON  
ATTORNEY BURTON D. MORRIS  
ATTORNEY CHARISSE R. LILLIE  
ATTORNEY LYNN MARKS  
ATTORNEY ANDRE DENNIS  
LISETTE M. McCORMICK, EXECUTIVE DIRECTOR  
JANE LOUIK, ASSOCIATE DIRECTOR

**Public Hearing Witnesses**  
**Philadelphia Hearing December 6, 2000**  
**TESTIMONY REGARDING LANGUAGE ACCESS ISSUES**

Hearing  Philadelphia 12/6/00

Page Nos. 91-113

1. Witness: **Iraida Afanador**
2. Organization: Lighthouse  
Type organization:

Serving children in youth in the North Kensington area,  
providing all aspects of social and legal services.

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Hearing  Philadelphia 12/6/00

Page Nos. 125-134

1. Witness: **Im Ja P. Choi**
2. Organization: Women's Development Institute International  
Type organization:

Provide cultural educational programs for the community.

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Hearing  Philadelphia 12/6/00

Page Nos. 135-149 & Written

1. Witness: **Arthur Read**
2. Organization: Friends of Farmworkers, Inc.  
Type organization:

A statewide legal services program for farmworkers,  
providing representation of non-English speaking persons  
in a variety of administrative and judicial forums.

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Hearing  Philadelphia 12/6/00

Page Nos. 233-243

1. Witness: **Paul Uyehara**
2. Organization: Community Legal Services  
Type organization:

A nonprofit legal service provider for low-  
income residents of the Philadelphia region.

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Hearing  Philadelphia 12/6/00

Page Nos. 311-313

1. Witness: **Ellen Greenlee**
  2. Organization: Public Defender  
Type organization: represent indigent criminal defendants
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1                   CHAIRMAN NICHOLAS CAFARDI: No, we're  
2 going to defer our questions.

3                   PROFESSOR PHOEBE HADDON: If we have  
4 questions, we will write to you.

5                   ERNEST PREATE, JR.: Oh, okay. Thank  
6 you very much.

7                   CHAIRMAN NICHOLAS CAFARDI: Thank you  
8 very much for coming to testify.

9   - - -

10    (Witness excused.)

11   - - -

12                   CHAIRMAN NICHOLAS CAFARDI: The next  
13 person to testify is Im Ja P. Choi from the  
14 Women's Development Institute International.

15                   IM JA P. CHOI: Mr. Chairman and  
16 distinguished members of the committee, I'd  
17 like to take this opportunity to testify on  
18 behalf of non-English speaking Asian American  
19 people.

20    My name is Im Ja P. Choi. I'm the  
21 president of Women's Development Institute  
22 International based in Blue Bell,  
23 Pennsylvania which has cultural educational  
24 programs for the community.

1           Today I want to speak about the  
2 non-English speaking Asian American litigants  
3 present in the court system.

4           First, I want to discuss about the  
5 court appointment and the certification of  
6 interpreters.

7           The Pennsylvania judicial system does  
8 not require interpreter's individual  
9 certificate when it employs interpreters.  
10 Also, I don't believe that any Pennsylvania  
11 County governments has such a mechanism to  
12 certify interpreters. Since non-English  
13 speaking litigants solely depend on their  
14 communication through their interpreters,  
15 accuracy and comprehensiveness of  
16 interpretation must be the absolute  
17 prerequisite for a fair trial. Unskilled  
18 interpreters can mislead juries and judges by  
19 missing or misinterpreting important points  
20 that may affect the outcome of the trial.

21           Currently, Pennsylvania court system  
22 uses various agencies to choose their  
23 interpreters; however, many of these agencies  
24 do not have set standards to scrutinize their

1 candidate's qualification. In case of Korean  
2 interpreter candidates, agencies do not  
3 require any proof of certificate or academic  
4 degree from the applicant. Rather, after  
5 reviewing the applicant's resume, they have a  
6 very basic reading and writing test to assess  
7 their eligibility for interpreting. However,  
8 due to the scarcity of Korean applicants,  
9 tests are often waived by the agencies. No  
10 mandatory training is required to start the  
11 job and no fundamental courses are provided.  
12 Many agencies are not equipped to provide  
13 suitable programs, not even on basic court  
14 terminology for beginners. It is known that  
15 any Korean native who speaks and understands  
16 English or English speakers who speak Korean  
17 can become court-appointed interpreters  
18 through agencies with no proper scrutiny and  
19 appropriate training process. In addition,  
20 for those interpreters whose native tongue is  
21 English, their ability to command the Korean  
22 language is often overlooked due to the lack  
23 of qualified monitors.

24 The 1990 Census Report stated 3.1

1 percent of the Pennsylvania population is  
2 Asian Pacific islanders. However, Asian  
3 population has increased more than any other  
4 ethnic groups in Southeastern counties of  
5 Pennsylvania over the past 10 years. Unlike  
6 those persons of European and Hispanic  
7 descents, many of these Asian American  
8 residents in Pennsylvania do not speak  
9 English well enough to freely express  
10 themselves. According to several agencies we  
11 contact in five-county area, the demand for  
12 exotic language, quote and unquote,  
13 interpretation has more than tripled or  
14 quadrupled during the past 10 years and is  
15 still increasing. Prevailing unfamiliarity  
16 with Asian language in the main society and  
17 the lack or set standard in qualifying system  
18 will increase the risk of unfair trial for  
19 those who need interpreters. The current  
20 Pennsylvania justice system needs to  
21 re-examine current exotic language  
22 interpreter's qualification to ensure their  
23 accuracy and proficiency.

24 Court interpretation is no part-time

1           leisure job for just anybody. It requires  
2           not only language skill, but also good  
3           understanding of the culture of the native  
4           country of the litigant paired with  
5           experience of professionalism. Due to the  
6           uniqueness of the Korean language and  
7           life-style, there are many people who are  
8           incapable of doing this job with competence.  
9           One reason may be that the Pennsylvania Court  
10          System pay scale to well train interpreters,  
11          unlike our neighboring state, is inadequate  
12          to attract and retain the qualified people.  
13          In addition, the Pennsylvania court do not  
14          normally reimburse the interpreter's  
15          traveling expense, like bus fare, automobile  
16          mileage, parking, toll fee and so forth and  
17          out-of-pocket expenses; thus, agencies in  
18          Philadelphia are not able to send out their  
19          most-experienced people to suburban or rural  
20          counties in Pennsylvania.

21                        In view of the foregoing, I recommend  
22          the following: That Pennsylvania  
23          Commonwealth create a comprehensive  
24          examination system governed by the state --

1 state regulations and certify interpreters in  
2 different levels according to their  
3 qualifications, including highly specialized  
4 technical interpretation in different areas.

5 Number two, Commonwealth create new  
6 requirement to all agencies which can record  
7 interpretation to conduct mandatory training  
8 program for each candidate who wants to  
9 become interpreters in the Pennsylvania  
10 judicial system.

11 Number three, that the Commonwealth  
12 create a comparable pay system based on  
13 qualification of the interpreters and  
14 reimburse for their travel expenses.

15 Number four, in case the Pennsylvania  
16 court are not able to find a certified  
17 interpreter in exotic languages in its own  
18 system, a provision should be made to import  
19 specialism from the neighboring jurisdiction,  
20 especially in an important criminal cases.

21 It is noticed that in New Jersey, our  
22 neighboring state, a person without a  
23 certificate cannot become a court  
24 interpreter. In order to obtain certificate,



1 culture differences and I have specific  
2 judicial cases in Pennsylvania on each  
3 example.

4 CHAIRMAN NICHOLAS CAFARDI: You have  
5 one more minute.

6 IM JA P. CHOI: Example one --

7 CHAIRMAN NICHOLAS CAFARDI: Will you  
8 start to sum up, you have one minute left.

9 IM JA P. CHOI: -- touching a little  
10 boy's genitals in a teasing way is a Korean  
11 custom, at least it used to be. And example  
12 number two, smacking high school children is  
13 not considered abuse in Korean culture at  
14 all. Number three, Korean man seldom express  
15 his emotion in a family tragedy. A man --  
16 man's reaction in a family tragedy and his  
17 failure to demonstrate his grief may have  
18 given a wrong impression to witness and  
19 affected the outcome of the all-white jury or  
20 trial without any cultural mediator in  
21 Pennsylvania rural county.

22 For the fair trial process for those  
23 who have different culture background and  
24 life-style, especially for those who do not

1 speak English, I represent the Pennsylvania  
2 Court System the following: It makes a  
3 provision to hire qualified mediator with the  
4 same cultural and language background as the  
5 defendant in all the major criminal cases.  
6 And number two, there is -- that it  
7 establishes a voluntary advisory board or  
8 standing committees in each county court  
9 system to represent the different ethnic  
10 group. Currently, Montgomery County has a  
11 Korean Advisory Committee in the DA's office.

12 Thank you very much for this  
13 opportunity.

14 CHAIRMAN NICHOLAS CAFARDI: Thank  
15 you. Any questions?

16 JUDGE NELSON DIAZ: I'm interested in  
17 knowing, if you know, how many different  
18 Asian languages you think are in this  
19 five-county area?

20 IM JA P. CHOI: Major different  
21 languages, Chinese, Korean, Vietnamese, Thai,  
22 Mongol, but I don't know the exact -- even  
23 Chinese, Mandarine and Cantonese, so there  
24 are quite a different number.

1 JUDGE NELSON DIAZ: And if you were  
2 to qualify someone through interpreters, do  
3 you need to qualify them for each one of  
4 those languages?

5 IM JA P. CHOI: Not one person has to  
6 be qualified. All this is each one of the  
7 languages, but at least one should be  
8 qualified in one of the languages.

9 JUDGE NELSON DIAZ: Is there enough  
10 of a population to have people --

11 IM JA P. CHOI: I'm sure.

12 JUDGE NELSON DIAZ: -- from each one  
13 of those different languages?

14 IM JA P. CHOI: Oh, yes, yes.

15 CHAIRMAN NICHOLAS CAFARDI: Thank  
16 you. Any more questions? Miss Choi, thank  
17 you so much for testifying.

18 - - -

19 (Witness excused.)

20 - - -

21 CHAIRMAN NICHOLAS CAFARDI: Our next  
22 person who will testify will be Arthur Read,  
23 Esquire, Friends of Farm Workers. Good  
24 afternoon, Mr. Read.