

APPENDIX

APPENDIX TO THE
FINAL REPORT OF THE
PENNSYLVANIA SUPREME
COURT COMMITTEE ON
RACIAL AND GENDER BIAS
IN THE JUSTICE SYSTEM

VOLUME I



CHAPTER 1

LITIGANTS WITH LIMITED ENGLISH PROFICIENCY

**COURT INTERPRETER
AND
TRANSLATOR SURVEY**

**PENNSYLVANIA ASSOCIATION OF
COURT MANAGEMENT RESEARCH,
PLANNING AND DEVELOPMENT
COMMITTEE**

PENNSYLVANIA ASSOCIATION OF COURT MANAGEMENT
RESEARCH, PLANNING & DEVELOPMENT COMMITTEE

COURT INTERPRETER AND TRANSLATOR SURVEY

Interpretation is normally thought of as spontaneous oral translation, from spoken word to spoken word – signed languages are included in this definition. Translation normally refers to written materials, i.e., going from one written medium to another.

1. RESPONSIBILITY OF THE COURT TO PROVIDE LANGUAGE AND SIGN INTERPRETERS.

Although the United States Constitution does not explicitly provide for the right to an interpreter, the individual rights and liberties afforded to all individuals under the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments are meaningless for non- or limited-English speakers unless they are provided with adequate interpreting services. Pennsylvania Rules of Court, Rule 1903 Interpreters for the deaf, makes the court responsible for appointing an interpreter to any deaf party, juror or witness that so requests, at the court's expense.

Please indicate whether you believe that the court should provide language interpreters in any of the following situations.

Provided to a witness in a criminal case.	Yes	No
Provided to a witness in a civil case.	Yes	No
Provided to defendant in a criminal case.	Yes	No
Provided to parties in a civil case.	Yes	No
Provided to Jurors.	Yes	No
Provided to Offenders ordered to court supervision or court programs.	Yes	No

2. INTERPRETER QUALIFICATIONS.

Pennsylvania Rule of Evidence 604, Interpreters, adopts the substance of Federal Rule of Evidence 604 with the only change being explicit references to Pa.R.E. 702 (relating to qualification as an expert) and Pa.R.E. 603 (relating to the administration of an oath or affirmation). As such, "qualification" relates to the court giving the interpreter status as an "expert witness." Please indicate what you believe the minimum qualifications an interpreter must possess?

Written and spoken fluency	Yes	No
Written and spoken fluency with demonstrated knowledge of legal terminology	Yes	No
Certification as a legal interpreter	Yes	No

3. INTERPRETER TESTING & CERTIFICATION.

Pennsylvania rules of evidence do not address the issues of required training, testing, certification, and standards for competency and professional conduct of interpreters. Therefore, even with the consistent application of the rules of evidence from county to county the quality of the interpretation can vary considerably. The only area where certification is addressed is in sign language certification.

In the U.S. District Courts, for example, there is what is known as federal certification pursuant to Title 28 USC §1827, the Court Interpreters Act of 1978. There are federal certification programs for Spanish, Haitian Creole and Navajo.

Please indicate how you believe testing and certifying interpreters would be best managed (check one only).

- Each Judicial District
- Geographical Regions within the State
- State-wide certification

4. AVAILABILITY OF INTERPRETERS.

Urban areas and counties with universities may have easier access to qualified interpreters than rural counties.

Please indicate the level of difficulty, in general, that you have in finding and contracting with language and sign interpreters (check one only).

No Problem
Minor Problem
Major Problem

For which of the following languages have your court used interpreters (check all that apply)? Annually, approximately how many cases required you to have an interpreter for each of the languages that your court used?

Spanish	Polish	Italian
Arabic	Korean	French
Russian	Laotian	German
Vietnamese	Cantonese	Serbian
Haitian Creole	Croatian	Other Eastern European Languages
Hmong	Czechoslovakian	Other Asian Languages

5. INTERPRETER COMPENSATION.

In Pennsylvania, it is the responsibility of each individual court to arrange for compensation of its court interpreters. Obviously, the actual compensation and contractual terms may vary considerably from court to court.

Please indicate how you believe that compensation of court interpreters would be best addressed (check one only).

- Local Rules
 Regional Pricing
 State Contract
 Supreme Court Rules

6. TECHNOLOGY AND INTERPRETERS.

Government in general and Courts in particular have been slow to adopt and incorporate technology into its processes. The use of teleconferencing and video conferencing technologies offer a promise of reduced expenses in conducting some court proceedings. The time and travel expenses affiliated with translation services can be reduced through the use of these technologies, and services like the AT&T foreign language line. Tele-conferencing and video conferencing technology eliminates the geographical proximity criterion for interpreters and the courts can draw from a much larger database of qualified interpreters.

Do you currently use the AT&T services for interpretation? Yes | No

If you answered yes, for which proceedings is this service used (check all that apply):

- Preliminary Arraignment
 Preliminary Hearing
 Court Arraignment
 Hearings
 Trial

Does your court have video conferencing equipment available for video interpreting? | Yes No

7. CONSORTIUM FOR STATE COURT INTERPRETER CERTIFICATION

The expenses incurred in test development, administration, and certification for each specific language that may be needed can be overwhelming for the majority of courts. To address these issues, the Consortium for State Court Interpreter Certification was established, under the auspices of the National Center for State Courts. As of January 2, 2001 there are 25 member states. The consortium has standardized tests for the following languages: Spanish, Russian, Vietnamese, Arabic, Haitian Creole, Polish, Korean, Hmong, Cantonese, and Laotian.

Do you believe that the Commonwealth of Pennsylvania should become a member of the Consortium for State Court Interpreter Certification (check one only)? Yes] No . Need more information

THIS SURVEY WAS COMPLETED BY (COURT): Raymond L. Billotte