



**STATE OF HAWAII
OFFICE OF LANGUAGE ACCESS**

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**Testimony in SUPPORT of SB 813
RELATING TO COURT INTERPRETERS**

SENATOR DONOVAN M. DELA CRUZ, CHAIR
SENATOR GILBERT S.C. KEITH-AGARAN, VICE CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: 3/1/2023

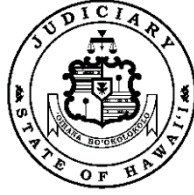
Room Number: 211 & Videoconference

- 1 **Purpose and Justification:** The purpose of this measure is to require the judiciary to increase
- 2 the hourly fees, mileage reimbursement rate, and commuter-time compensation rate for court
- 3 interpreters to reflect the significant increase in the cost of living in Hawaii. Appropriates funds.

- 4 **Agency's Position:** The Office of Language Access (OLA) supports the intent of this measure
- 5 and defers to the judiciary for any substantive recommendations to this measure.

- 6 Qualified interpreters provide a critical link in clear and effective communication. Specially
- 7 trained interpreters ensure that individuals with Limited English proficiency (LEP) have
- 8 meaningful access to the information they need to make decisions that can impact their lives and
- 9 livelihood in matters related to the legal system, as well as health, welfare, education, housing,
- 10 and other matters. The ability to retain a pool of qualified interpreters is integral for LEP
- 11 individuals to successfully access the important programs, services, and activities of all
- 12 government agencies.

- 13 Thank you for the opportunity to submit testimony in support of SB 813.



The Judiciary, State of Hawai'i

**Testimony to the Thirty-Second State Legislature
2023 Regular Session**

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Wednesday, March 1, 2023, 10:10 a.m.
Conference Room 211 & Via Videoconference

by:

WRITTEN TESTIMONY ONLY

Debi Tulang-De Silva
Program Director
Office on Equality and Access to the Courts

Bill No. and Title: Senate Bill No. 813, Relating to Court Interpreters.

Purpose: Requires the Judiciary to increase the hourly fees, mileage reimbursement rate, and commuter-time compensation rate for court interpreters. Appropriates funds.

Judiciary's Position:

The Judiciary supports the intent of Senate Bill No. 813, which would provide for an increase in the rates paid to court interpreters in the Hawai'i State Courts.

The Office on Equality and Access to the Courts administers the Court Interpreter Certification Program, which recruits, screens, trains, tests and qualifies interpreters to provide language services in the Hawai'i State Courts.

Court interpreters provide essential language services that help ensure access to justice for court users with limited English proficiency. Interpreting is a highly specialized field that requires near-native fluency in both English and the non-English language, knowledge of legal terminology and court procedure, skill in the three modes of interpretation--consecutive and simultaneous interpreting and sight translation--and adherence to the court interpreter code of

ethics. Court interpreters are valued professional partners in providing language access in the Hawai'i State Courts.

The Judiciary agrees that a rate adjustment is warranted. Court interpreters should be paid fairly for their work. Interpreter pay rates were last adjusted when the Court Interpreter Certification Program was established in 2007. In July 2022, the Supreme Court Committee on Court Interpreters and Language Access, which sits in an advisory capacity to the Court, established a subcommittee on court interpreter fees that has been working on this issue.

While recognizing the importance of interpreter pay raises, the Judiciary respectfully requests that any appropriations to address the fiscal impact of this measure not supplant the Judiciary's existing funding and current budget requests.

Thank you for the opportunity to testify on this measure.

**Testimony to the Thirty-Second State Legislature
2023 Regular Session**

Senate Committee on Ways and Means

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert Keith-Agaran, Vice Chair

Wednesday, March 1, 2023, 10:10 a.m.
State Capitol Room 211 & Via Zoom

by:

WRITTEN TESTIMONY

Supreme Court Committee on Court Interpreters and Language Access:
Subcommittee on Interpreter Fees
Terri Gearon, Ayano Nishimura (co-chairs)
Suzanne Zeng (member), Cristina Arsuaga (member)
Hattie Embernate (member)

Bill No. and Title: Senate Bill No. 813, Relating to Court Interpreters

Purpose: Requires the Judiciary to increase the hourly fees, mileage reimbursement rate, and commuter-time compensation rate for court interpreters. Appropriates funds.

**Supreme Court Committee on Court Interpreters and Language Access
Subcommittee on Interpreter Fees' Position:**

The Supreme Court Committee on Court Interpreters and Language Access: Subcommittee on Interpreter Fees has been meeting in 2022 and 2023 for the purpose of addressing this very important issue. Our own research and statistics gathered from other states and the federal system clearly show that a significant pay increase for court interpreters is warranted. Therefore, this Subcommittee is hereby providing testimony in strong support of S.B. 813, Relating to Court Interpreters.

Court interpreters play a crucial role in the judiciary. In Hawai'i, they provide interpreting services in 50 different languages, ensuring equal access to justice by allowing limited English proficiency (LEP) persons to meaningfully participate in their cases. Court interpreters are not just people who happen to be familiar with a language other than English. They must possess high-level or native language skills in all working languages, a broad vocabulary, knowledge of the law, understand cultural nuances, have the ability to listen and speak at the same time, have excellent notation and memory skills, and follow strict ethical standards, among other things. Honing and improving these skills requires constant studying and training--another ethical requirement for court interpreters.

Unfortunately, the current pay scale for court interpreters of all tiers does not reflect these important contributions and specialized skills, as the last pay increase for court interpreters in Hawai'i went into effect in 2007. This sixteen-year pay rate stagnation has occurred during a period of time that has seen price of housing, fuel, transportation, food and medical care skyrocket in Hawai'i. Simply put, a significant increase that properly reflects inflation and changes in cost of living for our locality is long overdue for these indispensable and crucial workers.

To illustrate this point, we have included some relevant calculations below.

According to the national CPI inflation calculator from BLS.gov, a person making \$55/hour in 2007 makes the equivalent of \$37.21 in 2023. A person making \$25/hour in 2007 makes the equivalent of \$16.91/hour today.

https://www.bls.gov/data/inflation_calculator.htm

State of HI Court Interpreter Tier	Jan 2007 Interpreter Pay Rate	Dollar value of 2007 Pay Rate in 2023
Tier 6	\$55	\$37.21
Tier 4	\$45	\$30.45
Tier 3	\$40	\$27.06
Tier 2	\$35	\$23.68
Tier 1	\$25	\$16.91

This translates into a 32.5% real dollar for dollar pay decrease since 2007 for court interpreters in Hawai'i. Put in another way, a Tier 6 federally certified and master interpreter (the type of professional interpreter that works at the United Nations) earns in 2023 the equivalent to what a conditionally approved Tier 2 interpreter earned in 2007.

A person making \$55/hour in 2007 would have to make \$81.29/hour in 2023 to have similar purchasing power as in 2007. (\$1 in 2007 equals \$1.48 today.) The middle column in the table below shows the 2007 rate for each tier in today's dollar value. The column on the right further adjusts that value to properly reflect Hawaii's added cost of living, as per the federal government's locality pay adjustment calculation for Hawai'i.

State of HI Court Interpreter Tier	Jan 2007 Interpreter Pay Rate	Jan 2023 Value with Inflation Calculation	Jan 2023 Value with Inflation and Federal Cost of Living Adjustment of 21.17%
Tier 6	\$55	\$81.29	\$98.50
Tier 4	\$45	\$66.51	\$80.59
Tier 3	\$40	\$59.12	\$71.64
Tier 2	\$35	\$51.73	\$62.96
Tier 1	\$25	\$36.95	\$44.77

Given these real numbers, we find that Senate Bill No. 813, Relating to Court Interpreters' fee schedule proposal below reasonably reflects the actual inflation rates since 2007, and allows for at least partial compensation for the added cost of living in Hawai'i, as calculated by the federal government.

State of HI Court Interpreter Tier	SB 813 Interpreter Rate Proposal
Tier 6	\$90/hr.
Tier 5	\$80/hr.
Tier 4	\$70/hr.
Tier 3	\$60/hr.
Tier 2	\$50/hr.
Tier 1	\$40/hr.

It stands to reason that a failure to provide fair and competitive compensation for court interpreters makes it more difficult for the judiciary to attract and retain the most competent and experienced interpreters available in the state, as they will choose better remunerated employment elsewhere.

The Subcommittee Regarding Interpreter Fees of the Supreme Court Committee on Court Interpreters and Language Access is currently addressing this exact issue and will be presenting its report to the Supreme Court shortly.

In order to avoid another sixteen-year fee stagnation for court interpreters, this Subcommittee further proposes a periodic review of interpreter fees to be conducted no more than every three years. The Supreme Court Committee on Court Interpreters and Language Access, a standing advisory committee of Judiciary and community stakeholders appointed by the Hawai'i Supreme Court, would be willing to coordinate, and/or participate in, such periodic review.

As S.B. No. 813 addresses the same issues and its intent is in line with the findings and opinions of the Subcommittee, we hereby reiterate our strong support.

Thank you for the opportunity to testify on this matter.



www.hicir.org | Instagram @hicir
hicoalitionforimmigrantrights@gmail.com

**Testimony in SUPPORT of SB813
RELATING TO COURT INTERPRETERS
COMMITTEE ON WAYS AND MEANS**

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Hearing Date: March 1, 2023

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee,

The Hawai‘i Coalition for Immigrant Rights (HCIR) is in full **support of SB813**, which requires the Judiciary to increase the hourly fees, mileage reimbursement rate, and commuter-time compensation rate for court interpreters. SB813 is a crucial piece of legislation aimed at recognizing the integral role that court interpreters play in the administration of justice in the State for non-English speakers while acknowledging that the increase in cost of living affects court interpreters as their compensation remains the same since 2007.

Title VI of the Federal Civil Rights Act of 1964 requires that all recipients (state agencies and departments included) of federal funds “take reasonable steps to make their programs, services, and activities accessible by eligible persons with limited English proficiency.”¹ While the Hawai‘i State Judiciary has been a model for other states in providing language services, it now struggles to provide interpretation due to staffing shortages.² For justice to be served, regardless of race, home of origin, or economic status- it is imperative that compensation for court interpreters be commensurate with the local cost of living and the professional skills they provide.

Court interpreters provide interpretation services that enable non-English speaking defendants to exercise their constitutional and statutory rights in court. This bill will benefit court interpreters and ensure that non-English speaking defendants receive fair and equal treatment in court. The role of court interpreters in narrowing language barriers cannot be overstated. With the passage of SB813, the State of Hawaii is taking a step towards ensuring that justice is served to all.

Thank you for your support and consideration,

A handwritten signature in black ink, appearing to read 'Catherine Chen', is written over a light blue horizontal line.

Catherine Chen
Co-Coordinator/Refounder, Hawai‘i Coalition for Immigrant Rights

¹ <https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/index.html>

² <https://www.staradvertiser.com/2022/07/04/hawaii-news/judiciary-in-need-of-more-court-interpreters/>



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Testimony in SUPPORT of SB813
RELATING TO COURT INTERPRETERS
COMMITTEE ON WAYS & MEANS
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Hearing Date: March 1st, 2023

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee,

The Hawai‘i Coalition for Immigrant Rights (HCIR) is in full **support of SB813**, which requires the Judiciary to increase the hourly fees, mileage reimbursement rate, and commuter-time compensation rate for court interpreters. SB813 is a crucial piece of legislation aimed at recognizing the integral role that court interpreters play in the administration of justice in the State for non-English speakers while acknowledging that the increase in cost of living affects court interpreters as their compensation remains the same since 2007.

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Court interpreters provide interpretation services that enable non-English speaking defendants to exercise their constitutional and statutory rights in court. This bill will benefit court interpreters and ensure that non-English speaking defendants receive fair and equal treatment in court. The role of court interpreters in narrowing language barriers cannot be overstated. With the passage of SB813, the State of Hawaii is taking a step towards ensuring that justice is served to all.

Thank you for your support and consideration,

Liza Ryan Gill
Coordinator/Refounder, Hawai‘i Coalition for Immigrant Rights

¹ <https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/index.html>

² <https://www.staradvertiser.com/2022/07/04/hawaii-news/judiciary-in-need-of-more-court-interpreters/>

SB-813

Submitted on: 2/27/2023 4:31:30 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

Submitted By	Organization	Testifier Position	Testify
M. Cristina Arsuaga	Individual	Support	Written Testimony Only

Comments:

Testimony to the Thirty-Second State Legislature

2023 Regular Session

Senate Committee on Ways and Means

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert Keith-Agaran, Vice Chair

Wednesday, March 1, 2023

State Capitol Room 211 & Via Zoom

by:

WRITTEN TESTIMONY

M. Cristina Arsuaga

Federally Certified and State of HI Master Spanish Court Interpreter

Contact number: 917 387 4617

Carsuaga1@icloud.com

In re: Support for S.B. No. 813, Relating to Court Interpreters

My name is Cristina Arsuaga, Federally Certified and State of HI Master Spanish Court Interpreter. I am also a member of the Supreme Court Committee on Court Interpreters and Language Access (CILA) and its Subcommittee Regarding Interpreter Fees, and the Advisory Council for the Office of Language Access (OLA). As a professional interpreter with 34 years of experience in the field, I am hereby testifying in support S.B. No. 813, relating to Court Interpreter Compensation and Reimbursement Rates.

Judicial court interpreters have not received any pay increase, mileage, or cost-of-living adjustment in HI since 2007. During the same period, the cost of housing, transportation, fuel, health insurance and food have risen significantly both nationally as well as in Hawai‘i, as reflected in increases to Social Security benefits, most notably, 5.9% for 2022, and 8.7% for 2023, the largest in over 40 years. As a result, when factoring inflation and cost of living adjustments, interpreters in Hawai‘i are earning significantly less than they did in 2007 for their work with the courts.

Dispensing justice fairly, equally and accurately is a cornerstone of the judiciary. Anything that may hinder or deny LEP persons equal and meaningful access to justice undermines this cornerstone. A failure to provide fair and competitive compensation for court interpreters makes it more difficult for the judiciary to attract and retain the most competent and experienced interpreters available in the state, as they will choose employment elsewhere. The result is that LEPs may be denied meaningful and equal access to justice.

Additionally, court interpreters are extremely cost-efficient for the state, as their services are only retained on an as-needed basis, and, as contract workers, they do not receive benefits such as vacation, medical insurance and pensions.

For these reasons, as well as others the CILA Subcommittee Regarding Interpreter Fees will present in the coming months to the Supreme Court, I reiterate my strong personal support for this bill.

LATE

SB-813

Submitted on: 2/28/2023 10:45:15 AM

Testimony for WAM on 3/1/2023 10:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Christy MacPherson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran and members of the Senate Committee on Ways and Means,

I am in strong support of SB813. This is a matter of equity. We need court interpreters to be compensated fairly so they can continue to provide a most necessary service for members of our community.

Mahalo for your consideration.