



Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on February 26, 2013

Title	Agenda Item Type
Court Interpreters: Expenditure Report for Fiscal Year 2011–2012	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	February 28, 2013
Recommended by	Date of Report
Administrative Office of the Courts Chad Finke, Director Court Operations Special Services Office	February 1, 2013
	Contact
	Dianne Bolotte, 415-865-7633 dianne.bolotte@jud.ca.gov

Executive Summary

The Administrative Office of the Courts (AOC) recommends that the Judicial Council approve the annual report on trial court interpreter expenditures for submission to the Legislature. This report to the Legislature is required by the Budget Act of 2011 (Stats. 2011 ch. 33).

Recommendation

The Administrative Office of the Courts recommends that the Judicial Council:

1. Approve, effective February 28, 2013, the report to the Legislature summarizing the fiscal year 2011–2012 trial court interpreter expenditures in conformance with the requirements of the Budget Act of 2011 (Stats. 2011, ch. 33); and
2. Direct the AOC to submit the report to the Legislature.

Previous Council Action

At the Judicial Council business meeting held on February 28, 2012, the Judicial Council approved the *Trial Court Interpreters Program Expenditure Report for Fiscal Year 2010–2011* for submission to the Legislature, summarizing the fiscal year 2010–2011 trial court interpreter expenditures in conformance with the requirements of the Budget Act of 2010 (Stats. 2010, ch. 712) and directed the AOC to submit the report to the Legislature. Previous reports can be found at www.courts.ca.gov/2686.htm.

Rationale for Recommendation

The Budget Act of 2011 (Stats. 2011, ch. 33), item 0250-101-0932, Schedule 5, provides appropriation from the Trial Court Trust Fund for the services of court interpreters. Provision 3 states that “[t]he Judicial Council shall report to the Legislature and the Director of Finance annually regarding expenditures from Schedule (5).” In fulfillment of that provision, this report details trial court expenditures for court interpreters.

Comments, Alternatives Considered, and Policy Implications

This report was not circulated for comment. The information on expenditures in this report to the Legislature was provided by the AOC Fiscal Services Office.

Implementation Requirements, Costs, and Operational Impacts

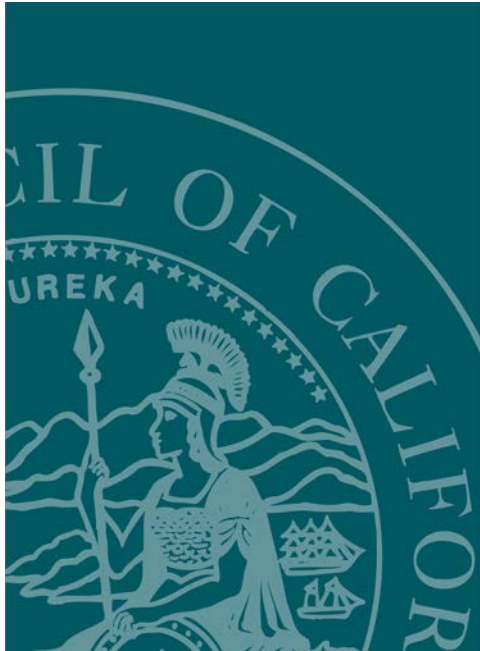
No costs or operational impacts are associated with the approval of this report.

Relevant Strategic Plan Goals and Operational Plan Objectives

The report fulfills the requirements of the Budget Act of 2011.

Attachments

1. *Trial Court Interpreters Program Expenditure Report for Fiscal Year 2011–2012*



Trial Court Interpreters Program Expenditure Report for Fiscal Year 2011–2012

REPORT TO THE LEGISLATURE

FEBRUARY 2013



JUDICIAL COUNCIL
OF CALIFORNIA

ADMINISTRATIVE OFFICE
OF THE COURTS



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

STEVEN JAHR
Administrative Director of the Courts

Report Summary

Report title: *Trial Court Interpreters Program Expenditure Report for Fiscal Year 2011–2012*

Statutory citation: Budget Act of 2011 (Stats. 2011, ch. 33)

Date of report: February 1, 2013

The Judicial Council has submitted a report to the Legislature in accordance with the Budget Act of 2011 (Stats. 2011, ch. 33).

The following summary of the report is provided under the requirements of Government Code section 9795.

The appropriation for court interpreter services (Program 45.45) in FY 2011–2012 was \$92,794,000. Court reimbursements for eligible court interpreter expenditures totaled \$89,187,485. Reimbursable court interpreter expenditures decreased from FY 2010–2011 to FY 2011–2012 by \$764,469, a decrease of 0.85 percent. Reimbursable expenditures for staff interpreters represented 81.67 percent of total reimbursements, and reimbursable expenditures for contract interpreters represented 18.33 percent. Reimbursable expenditures continue to decrease for noncertified and nonregistered interpreters. Reimbursements for noncertified and nonregistered interpreters represent 2.67 percent of statewide interpreter costs and 14.55 percent of total contractor costs. In 2011–2012 the Judicial Council approved using \$3.0 million of the remaining expenditure authority from FY 2009–2010 to offset statewide trial court budget reductions

The full report can be accessed here: www.courts.ca.gov/7466.htm. For a printed copy, call 415-865-4288.

Judicial Council Members

As of February 20, 2013

Hon. Tani G. Cantil-Sakauye
Chief Justice of California and
Chair of the Judicial Council

Hon. Sherrill A. Ellsworth
Presiding Judge of the
Superior Court of California,
County of Riverside

Hon. Judith Ashmann-Gerst
Associate Justice of the Court of Appeal
Second Appellate District, Division Two

Hon. Noreen Evans
Member of the California State Senate

Hon. Stephen H. Baker
Judge of the Superior Court of California,
County of Shasta

Mr. James P. Fox
Attorney at Law (Retired)
California State Bar Association

Hon. Marvin R. Baxter
Associate Justice of the Supreme Court

Hon. James E. Herman
Assistant Presiding Judge of the
Superior Court of California,
County of Santa Barbara

Hon. Richard Bloom
Member of the California State Assembly

Hon. Harry E. Hull, Jr.
Associate Justice of the Court of Appeal
Third Appellate District

Hon. James R. Brandlin
Judge of the Superior Court of California,
County of Los Angeles

Hon. Teri L. Jackson
Judge of the Superior Court of California,
County of San Francisco

Ms. Angela J. Davis
Assistant United States Attorney
for the Central District of California

Hon. Ira R. Kaufman
Assistant Presiding Judge of the
Superior Court of California,
County of Plumas

Hon. David De Alba
Judge of the Superior Court of California,
County of Sacramento

Ms. Edith R. Matthai
Attorney at Law
Robie & Matthai

Hon. Emilie H. Elias
Judge of the Superior Court of California,
County of Los Angeles

Judicial Council Members

As of February 20, 2013

Hon. Douglas P. Miller

Associate Justice of the Court of Appeal
Fourth Appellate District, Division Two

Hon. Morris D. Jacobson

Judge of the Superior Court of California,
County of Alameda

Hon. Mary Ann O'Malley

Judge of the Superior Court of California,
County of Contra Costa

Hon. Brian L. McCabe

Presiding Judge of the
Superior Court of California,
County of Merced

Mr. Mark P. Robinson, Jr.

Attorney at Law
Robinson Calcagnie Robinson
Shapiro Davis, Inc.

Hon. Robert James Moss

Judge of the Superior Court of California,
County of Orange

Hon. David Rosenberg

Judge of the Superior Court of California,
County of Yolo

Hon. Kenneth K. So

Judge of the Superior Court of California,
County of San Diego

ADVISORY MEMBERS

Hon. Sue Alexander

Commissioner of the
Superior Court of California,
County of Alameda

Ms. Mary Beth Todd

Court Executive Officer
Superior Court of California,
County of Sutter

Mr. Alan Carlson

Chief Executive Officer
Superior Court of California,
County of Orange

Hon. Charles D. Wachob

Assistant Presiding Judge of the
Superior Court of California,
County of Placer

Hon. Laurie M. Earl

Presiding Judge of the
Superior Court of California,
County of Sacramento

Mr. David H. Yamasaki

Court Executive Officer
Superior Court of California,
County of Santa Clara

Hon. Allan D. Hardcastle

Judge of the Superior Court of California,
County of Sonoma

Judicial Council Members

As of February 20, 2013

ADMINISTRATIVE OFFICE OF THE COURTS

Hon. Steven Jahr

Administrative Director of the Courts
and Secretary of the Judicial Council

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

Hon. Tani G. Cantil-Sakauye
*Chief Justice of California and
Chair of the Judicial Council*

Hon. Steven Jahr
Administrative Director of the Courts

Curtis L. Child
Chief Operating Officer
**JUDICIAL AND COURT OPERATIONS
SERVICES DIVISION**

**COURT OPERATIONS
SPECIAL SERVICES OFFICE**

Chad Finke
Director

Dianne Bolotte
Assistant Director

Sonia Sierra Wolf
Primary Author of Report

I. Summary

- The appropriation for court interpreters (Program 45.45) in fiscal year (FY) 2011–2012 was \$92,794,000. The appropriation amount has remained unchanged since FY 2009–2010.
- Court reimbursements for eligible court interpreter expenditures in FY 2011–2012 totaled \$89,187,485.
- Reimbursable court interpreter expenditures decreased from FY 2010–2011 to FY 2011–2012 by \$764,469, a decrease of 0.85 percent.
- Reimbursable expenditures for staff interpreters have increased every year over the past five years (see Table 1). FY 2011–2012 reimbursable expenditures for staff interpreters represented 81.67 percent of total reimbursements.
- Over the past four years (since FY 2008–2009), reimbursable expenditures for contract court interpreters have continually decreased. FY 2011–2012 reimbursable expenditures for contract interpreters represented 18.33 percent of total reimbursements, as compared to 25.47 percent in FY 2008–2009.
- Reimbursed court interpreter expenditures since FY 2009–2010 have been less than the appropriation (expenditure authority). On October 29, 2010, the Judicial Council approved the savings from FY 2009–2010 and any future expenditure savings to be set aside to address future reimbursable court interpreter costs.
- Reimbursable expenditures for noncertified and nonregistered interpreters continue to decrease (see Table 2). Reimbursements for noncertified and nonregistered interpreters represent 2.67 percent of statewide interpreter costs and 14.55 percent of total contractor costs for FY 2011–2012.

II. Background

Mandates to Provide Court Interpreting Services

Article I, section 14, of the California Constitution was amended in 1974 to provide that “[a] person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings.” This provision establishes a mandate for the courts to provide interpreters to all defendants in criminal matters who have limited ability to understand or speak English. Further state court rulings subsequent to the constitutional amendment have established the right to a court interpreter in delinquency and some family law matters for individuals with limited English proficiency. In addition to the constitutional mandate and state court rulings, under federal law, individuals with hearing disabilities who require sign language interpreters must receive court interpreter services free of charge in all court proceedings.

Statutory Requirement to Report on Expenditures

The Budget Act of 2011 (Stats. 2011, ch. 33), item 0250-101-0932, Schedule 5, provides appropriation from the Trial Court Trust Fund for the services of court interpreters. Provision 3 states that “[t]he Judicial Council shall report to the Legislature and the Director of Finance annually regarding expenditures from Schedule (5).” In fulfillment of that provision, this report details trial court expenditures for court interpreters.

Program Funding

- For FY 2011–2012, the Budget Act of 2011 appropriated \$92,794,000 for the provision of court interpreter services. The amount appropriated for court interpreter reimbursements has remained unchanged since FY 2009–2010.
- During FY 2011–2012, reimbursable expenditures totaled \$89,187,485.
- Reimbursable expenditures for FY 2010–2011 totaled \$89,951,954.
- On October 29, 2010, the Judicial Council approved the savings from FY 2009–2010 and any future expenditure savings to be set aside to address future reimbursable court interpreter costs.
- In response to the deepening fiscal crisis in the state of California, at its July 22, 2011, meeting, as part of the report on trial court allocations for FY 2011–2012, the Judicial Council approved using \$3 million of the savings from the FY 2009–2010 court interpreter expenditure fund to offset part of the trial court budget reductions.

III. Eligible Expenditures

Expenditures that qualify for reimbursement are limited to the following four items:

1. Contract court interpreters and their per diems, including travel;
2. Certified and registered court interpreters employed by the courts, including their salaries, benefits, and travel;
3. Court interpreter coordinators;¹ and
4. Four court interpreter supervisor positions: two in Los Angeles County, one in Orange County, and one in San Diego County. These are the only positions funded under Program 45.45 that include funding for standard operating expenses and equipment (OE&E).

The Judicial Council does not reimburse trial courts for the cost of supervisors, administrative overhead, or any OE&E except for the contractual services, travel, and standard complementary items noted above in items 1, 2, and 4. Trial courts must absorb all other OE&E costs and, except as noted in item 4 above, all supervisory expenditures associated with staff interpreters and court interpreter coordinators.

Attachment 1 is a summary by court of the major reimbursable categories in items 1–4 above.

IV. Rates of Pay for Court Interpreters

The Judicial Council first established statewide standards for court interpreter compensation in January 1999 at two defined levels, a full-day rate and a half-day rate. Three increases in pay for certified and registered interpreters have been authorized since then, effective on July 1, 1999; July 1, 2000; and September 1, 2007.

¹ Limited by item No. 0250-101-0932, provision 3, of the Budget Act of 2011 to 1.0 personnel year (PY) each for counties in classes 1–15, 0.5 PY each for counties in classes 16–31, and 0.25 PY each for counties in classes 32–58. The Budget Act of 2011 defines county classes based on size of population: counties in classes 1–15 have populations greater than 500,000, classes 16–31 have populations between 130,000 and 500,000, and classes 32–58 have populations less than 130,000.

A significant change to the provision of interpreter services was the enactment of Senate Bill 371 (Stats. 2002, ch. 1047), which required trial courts to establish staff interpreter positions and offer employment to certified and registered court interpreters under prescribed conditions. As a result, trial courts began hiring contract interpreters as staff interpreters. The council's standard interpreter pay rates apply only to contract interpreters, not to staff interpreters.

Statewide Standard Rate for Certified and Registered Contract Court Interpreters

Effective September 1, 2007, the Judicial Council increased the statewide standard pay rate for certified and registered interpreters to \$282.23 for a full day and \$156.56 for a half day. The full-day rate of \$282.23 represents a 41 percent increase over the original January 1999 rate of \$200.

Interpreters who pass the English-only written and oral portions of the court interpreter certification examination or the required exam for American Sign Language and fulfill the corresponding Judicial Council requirements are referred to as certified court interpreters. Currently, California recognizes 15 designated languages for certification: American Sign Language (ASL), Arabic, Eastern Armenian, Western Armenian, Cantonese, Japanese, Khmer, Korean, Mandarin, Portuguese, Punjabi, Russian, Spanish, Tagalog, and Vietnamese. (Effective January 1, 2011, Farsi was recognized as a designated language; however, Farsi interpreters currently enrolled on the Master List of Court Interpreters will remain registered interpreters until a bilingual oral interpreting exam for certified status can be administered.)

An interpreter of a spoken language not designated for certification status is required to pass an English fluency examination and fulfill the corresponding Judicial Council requirements to become a registered interpreter of a nondesignated language.

Statewide Standard for Noncertified and Nonregistered Interpreters

During FY 2011–2012, the statewide standard rate for noncertified and nonregistered interpreters remained \$175 for a full day and \$92 for a half day, the same rate established by the Judicial Council in July 1999. However, the actual rates paid to contract interpreters, whether certified/registered or noncertified/nonregistered, often exceed these standards because each assignment must be individually negotiated by the local court subject to the realities of supply and demand—particularly for contractors who interpret less commonly spoken languages.

Comparison with Federal Rates

State compensation rates for California employee court interpreters are comparable to federal rates. California employee court interpreters receive health and retirement benefits that increase the total value of their compensation by 30 to 35 percent. The current federal rates for contract court interpreters are \$388/full day and \$210/half day for certified interpreters and \$187/full day and \$103/half day for noncertified interpreters. Whereas the federal system relies almost exclusively on contract interpreters, most court interpreter assignments in California are performed by staff interpreters.

V. FY 2011–2012 Reimbursed Expenditures

Shift From Contract Interpreters to Staff Interpreters

Table 1, below, details reimbursed expenditures for the past five years for staff and contract court interpreters. Total staff expenditures represented 73.95 percent of interpreter costs in FY 2007–2008 and increased to 81.67 percent of interpreter costs in FY 2011–2012. Conversely, contract expenditures in the same period decreased from 26.41 percent to 18.33 percent. These figures illustrate that, since FY 2007–2008, the percentage shift toward staff expenditures has continued to increase.

Table 1. Shift of Reimbursed Expenditures From Contract to Staff Costs					
Fiscal Year	2007–2008	2008–2009	2009–2010	2010–2011	2011–2012
Total Staff Expenditures	\$65,109,655 73.59%	\$69,842,707 74.53%	\$68,042,596 77.36%	\$71,763,311 79.78%	\$72,835,667 81.67%
Total Contract Expenditures	\$23,363,502 26.41%	\$23,862,667 25.47%	\$19,912,471 22.64%	\$18,188,643 20.22%	\$16,351,818 18.33%
Total	\$88,473,157	\$93,705,374	\$87,955,067	\$89,951,954	\$89,187,485

Expenditures for Noncertified and Nonregistered Contract Interpreters

During FY 2011–2012, statewide per diems for noncertified contract interpreters equaled \$1,642,989, or 1.84 percent of total statewide expenditures. Statewide expenditures on per diems for nonregistered contract interpreters equaled \$735,860, or 0.83 percent of total statewide expenditures. Per diem expenditures for both noncertified and nonregistered contract interpreters equaled 2.67 percent of all statewide interpreter costs. Columns K and L of Attachment 1 detail nonregistered and noncertified contract interpreter per diem expenditures for FY 2011–2012 for each of the 58 county trial courts.

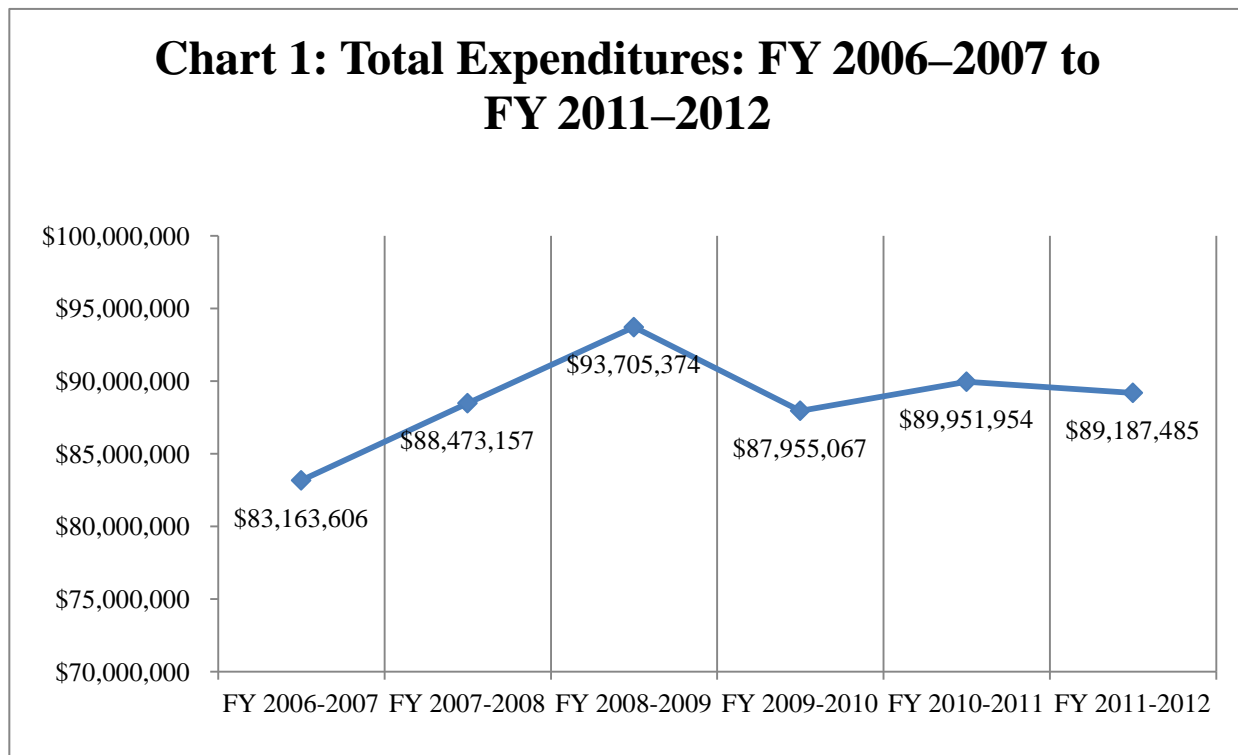
Table 2 shows annual statewide expenditures over the past three years for compensation (excluding travel) of noncertified and nonregistered interpreters and their percentages of total eligible expenditures for court interpreter services. The annual percentages show a decrease from 4.18 percent in FY 2009–2010 to 2.67 percent in FY 2011–2012.

Table 2. Expenditures for Noncertified and Nonregistered Contract Interpreters and Percentage of Total Expenditures			
Fiscal Year	2009–2010	2010–2011	2011–2012
Noncertified Expenditures	\$2,816,013 3.20%	\$2,488,385 2.77%	\$1,642,989 1.84%
Nonregistered Expenditures	\$862,814 0.98%	\$797,239 0.88%	\$735,860 0.83%
Combined Expenditures	\$3,678,827 4.18%	\$3,285,624 3.65%	\$2,378,849 2.67%

Table 3 shows the annual percentage changes in statewide reimbursed expenditures from FY 2005–2006 to FY 2010–2011.

Table 3. Percentage Change in Statewide Reimbursed Expenditures				
FY 2006–2007 to FY 2007–2008	FY 2007–2008 to FY 2008–2009	FY 2008–2009 to FY 2009–2010	FY 2009–2010 to FY 2010–2011	FY 2010–2011 to FY 2011–2012
6.38%	5.91%	-6.14%	2.27%	-0.85%

Chart 1 depicts total reimbursed court interpreter expenditures since FY 2006–2007.



VI. Distribution of Reimbursed Expenditures by Largest Court Providers

Table 4 lists the 11 courts that received the largest reimbursements for eligible court interpreter costs in FY 2011–2012. These 11 courts accounted for \$69,771,731 or 78.3 percent of the state’s reimbursed expenditures for court interpreters. The Superior Court of Los Angeles County alone accounted for 34.07 percent of reimbursed expenditures, and Southern California’s five largest superior courts—those of Los Angeles, Orange, San Diego, San Bernardino, and Riverside Counties—together accounted for 59.26 percent of the state’s reimbursements.

Superior Court	FY 2011–2012 Reimbursed Expenditures (\$)	Percentage of Statewide Total
Los Angeles	30,385,109	34.07
Orange	8,315,792	9.32
San Diego	6,020,578	6.75
San Bernardino	4,806,295	5.39
Alameda	3,451,817	3.87
Sacramento	3,418,328	3.83
Riverside	3,325,155	3.73
Santa Clara	3,052,257	3.42
Kern	2,395,366	2.69
San Francisco	2,340,119	2.62
Fresno	2,260,915	2.54
Subtotal	\$69,771,731	78.23
Statewide Total	\$89,187,485	100.00

VII. Conclusion

In FY 2011–2012, the state appropriation was sufficient to provide all courts with full reimbursement of their allowable court interpreter costs.

Although California’s economic future continues to remain uncertain, it is essential that all Californians have meaningful access to justice, regardless of their ability to communicate in English. The adequacy of the current funding allocation is not guaranteed to meet the need for court interpreter services in future years. To ensure fair and equal access to justice, it is essential that there continue to be sufficient funding to meet the public’s need for court interpreter services in the California courts. The judicial branch continues to work with the Governor, the Legislature, and stakeholders to ensure that all Californians, including those who are unable to understand court proceedings because of a language barrier, are provided meaningful access to justice.

VIII. Attachments

1. FY 2011–2012 Court Interpreters Program 45.45 Year-End Reimbursed Expenditures

