



NYLJ PHOTO/RICK KOPSTEIN  
Chief Administrative Judge Jonathan Lippman announces the initiative last week at the New York City Bar.

## OCA Unveils Reform Plan For Translators

BY DANIEL WISE

THE OFFICE of Court Administration has unveiled a plan to increase the number and improve the quality of translators available to non-English speaking litigants in New York's courts.

Chief among the reforms are a doubling of the pay rate for per diem interpreters to \$250; improved testing and certification procedures; and the creation of a new senior court interpreter title for sign-language translators.

In reviewing the court's "action plan" at a meeting last week at the New York City Bar Association, Chief Administrative Judge Jonathan Lippman said providing comprehensive translation services "is our solemn duty, as important as any access-to-justice initiative we could ever envision."

State law only requires that interpreters be provided to criminal defendants and crime victims. But the court system is attempting to provide assistance in as broad a range of proceedings as possible, Judge Lippman said.

Participants at the city bar session, which examined the state of translation services in the courts, welcomed the initiative, but said serious problems need to be remedied.

About 30 percent of New Yorkers—roughly 5 million people—primarily speak a language other than English at home. Across the state, 168 different languages or dialects are spoken.

The court system has on staff more than 300 full- and part-time

## OCA Plans to Improve Its Translation Services

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interpreters who speak 30 different languages, as well as sign-language interpreters. In addition, 1,300 private, per diem interpreters are used to help translate approximately 100 other languages each year.

Interpreters are most often called on to translate Spanish, Mandarin, Russian, French, Haitian Creole and sign language.

The OCA's plan also calls for:

- Expanded use of telecommunications and video equipment to allow interpreters to operate from remote locations. The ability to operate from outside the courtroom is particularly important when translation of a language rarely used in this country is needed in a short proceeding.

- Statewide expansion of Internet scheduling, which will enable court managers to quickly find and schedule interpreters.

- Improved testing and certification procedures.

Over this year and next, testing for oral proficiency will be added for eight languages—Albanian, Bengali, French, Farsi, Fuzhou, Japanese, Turkish and Urdu—bringing the total to 20. Testing is now required for Arabic, Cantonese, Greek, Haitian Creole, Italian, Korean, Mandarin, Polish,

Portuguese, Russian, Spanish and Vietnamese.

The increased testing will increase the number of interpreters who have demonstrated adequate oral skills by 10 percentage points to 95 percent of all proceedings in which interpreters are used.

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The annual cost of increasing the per diem rate for non-staff translators will be about \$1.5 million, said Mai Yee, an OCA spokeswoman. Additional costs will be incurred in improving training and testing, she added.

### Concerns Remain

One of the panelists at last week's city bar meeting, Purvi Shah, commended OCA for "committing New York state to the needs of all of us to attain the dream of equal justice."

By the same token, much improvement is needed, said Ms. Shah, executive director of Sakhi for South Asian Women, a group that assists domestic violence victims.

Ms. Shah said staff from her group had encountered interpreters who failed to show up or were not proficient in the language they were assigned to translate. She also said some interpreters had committed serious ethical lapses such as telling victims they should drop their cases or saying that children belong with their fathers.

"There are some real problems in the system," Lawrence H. Mark OCA's administrative director, said in an interview, "but we don't think they are that widespread. With this action program, we have initiatives that will eliminate those problems."

Stanley Mark, program director for the Asian American Legal Defense and Education Fund, called on OCA to make sure the plan carried out. He said it is important to check every few months whether bi-lingual materials, which are supposed to be available in certain courthouses, are in fact available.

Mr. Mark also expressed concern that "budgetary pressures" would cause OCA to rely on remote translation when in-person translation may be preferable.

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**DIASPORA** **COMPILED FROM PRESS**

**Seminar**  
**Work Plan for better court interpretations discussed at seminar**

By Priyanka Mehra

The Task Force on Women in the Courts of the New York City Bar Association in Manhattan, organized a public forum titled 'Are we talking the talk?' on interpretation in courts on Apr. 5.

Hon. Jonathan Lippman, Chief Administrative Judge of the New York State Unified Court System introduced a new "action plan" released by the Office of Court Administration to improve court interpretation in New York State. Four panelists, including Purvi Shah, Executive Director of Sakhi for South Asian Women, praised the new workplan while also pointing out critical needs remaining to be addressed. Over one hundred lawyers, judges, social service providers, and interpreters were in attendance.

Shah emphasized the need for additional and ongoing improvements in court interpretation, "When women and other South Asians call us, we give them promises. Unfortunately we have not been able to deliver on these promises each time," said Shah. "For immigrant survivors who do not speak English fluently, that promise can only be fulfilled with effective and professional court interpretation." A segment of a Sakhi documentary film showing real-life examples of South Asian women who fell victim to the shortcomings in the court interpretation system due to language barriers was shown to the audience.

Shah described obstacles including unethical interpreter behavior, use of minors to document traumatic testimony, inaccurate interpretation, and delays in trials due to a shortage of interpreters. She commended the new workplan saying, "I think it's really wonderful to see that this action plan has developed and that the New York courts is committed to immigrant needs."

Lippman underscored the high priority of addressing court interpretation stating, "The stakes are too high." The Office of Court Administration used the forum to announce upcoming changes, including a doubling of the rate paid to per diem court interpreters and increased assessment and training measures. "Our goal is to make the interpreters available in every language in a moments notice," said Lippman.

Robert Joe Lee, Court Executive of New Jersey Courts' Language Services Section, warned that the process of improvement would be gradual, saying, "Working in this field is not for the



Panelist Purvi Shah, Executive Director, Sakhi for South Asian Women, at the public forum organized by the Task Force on Women on court interpretation on Apr. 5 at the New York City Bar Association in Manhattan, New York.



Jonathan Lippman, Chief Administrative Judge of the New York State Unified Court System introducing the new "action plan" released by the Office of Court Administration to improve court interpretation in New York State.

(Photos: Priyanka Mehra)

weak of heart. In New Jersey, it took two years to develop requirements on who could become a staff interpreter. It took 14 years for all staff to meet those requirements."

Sandra Bryan, coordinator of Court Interpreter Services, Office of Court Administration (OCA), New York, delivered a brief history on interpretation services before outlining the short and long terms measures taken by the department to improve the system. They included the use of a new 'electronic scheduling system;' addition of new languages (including Urdu, Farsi etc); increase in training and other outreach programs.

Robert Driscoll, former Deputy Assistant Attorney General and Chief of Staff for the Civil Rights Division of the U.S. Department of Justice shed light on how the federal government looked at the problem and discussed how the civil courts should deal with it.

Attendees of the forum urged the Office of Court Administration to further investigate use of remote interpretation, create a formal grievance procedure, and improve interpreter training.

Key components of the Action Plan include:

- Expanded recruitment and improved retention of interpreters, including higher

rates for private, per diem interpreters review of the classification structure for court employed interpreters.

- Enhanced testing and assessment of prospective interpreters, including development of examinations in more languages strengthening assessments of interpreter less prevalent languages.

- Improved training for interpreters, judges and court personnel on interpreting issues including expanded ethics training for per diem and court-employed interpreters continuing education for interpreters, programs for judges on conducting voir dire to assess interpreters' qualifications.

- Implementation of programs to maximize accuracy of court interpreting, including pilot project in "team interpreting" and a quality control program to identify problem and appropriate corrective action.

- Statewide deployment of database and remote communication technologies, including statewide expansion of e-scheduling for interpreters and implementation of secure court links to provide real-time interpreting from remote locations.

- Expanded assistance to Justice Courts to enhance interpreting capacities for locally-funded and operated Town and Village Courts.