

June 20, 2023

Hon. Michael G. Heavican, Chief Justice  
Room 2214, State Capitol  
1445 K Street  
Lincoln, NE 68509-8910

Chief Justice Michael G. Heavican:

The American Translators Association (ATA) is the largest professional association of interpreters and translators in the United States, representing more than 8,500 members working in over 90 languages.

We are writing to address concerns raised by our members in the State of Nebraska regarding stagnant interpreter compensation and unfair travel reimbursement policies.

It has been brought to ATA's attention that the current hourly rate of \$50 for certified court interpreters has not been adjusted since 2004. The cost of living nationwide has increased substantially since then, and interpreter compensation should be adjusted to match. According to the Bureau of Labor Statistics' CPI Inflation Calculator, \$1 in May 2022 has the same buying power as \$0.62 in June 2006. In other words, had the hourly rate been adjusted for inflation, it would be at least \$80.41 today. Furthermore, the Nebraska Supreme Court's expenditures have increased an average of 7.7% year over year since 2004. If interpreter compensation had increased at the same rate, court interpreter fees would currently be \$146/hour. Moreover, these fees do not fairly reflect the value and scarcity of interpreter skills in your state. No new interpreters have been certified in Nebraska since 2016, and supply and demand is dictating that qualified interpreters are seeking to provide their services elsewhere (see below).

We would like to acknowledge the Nebraska Judicial Branch's Language Access Program and commend the efforts you have made to expand language access in Nebraska. Such programs are critical to ensuring that limited English proficient (LEP) persons can participate meaningfully in the US justice system. Your own language access policy states that "the constitutional rights of persons unable to communicate in the English language cannot be fully protected unless interpreters are available to assist such persons in legal proceedings." But this policy does not square with the current treatment of court interpreters in Nebraska.

Interpreters provide an essential and professional service to the courts, which is mandated by both state and federal law. As small business owners, contract interpreters are responsible for paying for their own health insurance, Social Security, Medicare, federal and state income taxes, as well as covering their own sick and vacation time, among other business expenses. Professional interpreters must also bear costs associated with keeping their skills and certifications current.

Furthermore, interpreting is a demanding profession that requires significant training and investment in continuing education and, increasingly, specialized equipment for remote assignments. As such, it is imperative that interpreters be paid at market rate, which is what they can expect to bill and earn on the open market for their services, commensurate with their skills, expertise, and the demand for their work.

If Nebraska courts continue to offer rates below the fair market value, it may drive certified interpreters into other markets where their services are remunerated commensurate with their level of expertise. This will result in a decrease of available court-certified interpreters, if the current walk-out is any indication, and, in turn, compromise due process for LEP individuals whom the court is mandated to serve equitably. Many highly skilled interpreters will seek work elsewhere given the rapid expansion of opportunities for interpreters to work remotely, and the gap will likely be filled by deskilled, nonprofessional bilinguals. Such a shift away from court-certified linguists increases the risk of errors and has devastating consequences for the most vulnerable communities in Nebraska. It also raises questions of ethics and accuracy, which could lead to costly appeals, put taxpayer dollars unnecessarily at risk, and expose the state to liability for violating the right to meaningful language access contained in Title VI of the Civil Rights Act of 1964.

In addition to an hourly rate at fair market value, industry standards dictate that court interpreters are also entitled to minimum fees (usually a half day). Certified and registered interpreters must be scheduled in advance and usually cannot be available at a moment's notice. Assignments in settings like the courts require interpreters to arrive prior to their assignment and to be present until the case is called. They cannot accept other work for the scheduled time, and if an assignment is canceled with insufficient notice, it is unlikely they will be able to fill that time slot with another assignment and should thus be compensated for reserving their availability.

It has also been brought to our attention that court interpreters in Nebraska are not currently compensated for all of the travel they may be required to undertake to fulfill their professional duties to state courts, making it financially challenging to render their services. All professional service providers are entitled to reasonable reimbursement of mileage at the prevailing IRS rate and travel-related expenses, including interpreters.

ATA supports the efforts of court interpreters in Nebraska to update their decades-old fees to a fair rate, receive better terms that include travel reimbursement, and establish a mechanism for annual rate increases commensurate with those received by other court personnel, the pace of inflation, and current market conditions.

We encourage you to take this matter into serious consideration to continue to guarantee language access in your state. Please do not hesitate to contact me for more information.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Sánchez Zampaulo".

Madalena Sánchez Zampaulo  
President, American Translators Association

cc:

Corey Steel, Nebraska State Court Administrator  
Amy Prenda, Deputy State Court Administrator  
Kathleen Valle, Language Access Program Director