

Chief Justice Donald W. Beatty
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

Tonnya Kohn, State Court Administrator
1220 Senate Street, Suite 200
Columbia, South Carolina 29201-3739

Paul Magargle, Director of Fiscal Services
1220 Senate Street, Suite 101
Columbia, South Carolina 29201-3739

February 22, 2023

Dear Chief Justice Donald W. Beatty, Ms. Tonnya Kohn, and Mr. Paul Magargle:

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

We are writing to address concerns raised by our members in the State of South Carolina regarding interpreter compensation, poor working conditions, late payments, inefficient scheduling, and the lack of clear, written professional service agreements.

It has been brought to ATA's attention that the South Carolina Judicial Branch (SCJB) has never issued contracts to spoken language court interpreters and that the current hourly rate of \$45 for certified court interpreters has not been adjusted since August 2006. The cost of living nationwide has increased substantially since 2006, and interpreter compensation should be adjusted accordingly. According to the Bureau of Labor Statistics' CPI Inflation Calculator, \$1 in December 2022 has the same buying power as \$0.72 in January 2006, meaning that if the hourly rate had been adjusted for inflation, today it would need to be at least \$66.18.

We would like to commend the SCJB on having a Language Access Policy (LAP), which is a critical first step to ensuring that Limited English Proficient persons can participate meaningfully in our justice system. Your own LAP states that your policy is, "to provide timely, meaningful access for Limited English Proficient (LEP) persons to all agency programs and activities..." and that, "All personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that the Branch will provide these services to them."

However, we have learned that, after deducting the salary of the individual responsible for managing court interpreters, there is a mere \$140,000 left for interpreting services and that this budget has remained unchanged for some time. Given the SCJB's commitment to language access and the volume of the services provided under that mandate, this budget does not seem adequate to fairly compensate interpreters for their time and expertise.

Interpreters provide an essential and professional service to the courts 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, and federal income taxes, as well as covering their own sick and vacation time and other expenses, including 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 appropriate that interpreters be paid at fair market value, the definition of which is a price at which buyers and sellers with a reasonable knowledge of pertinent facts are willing to do business. The current state court compensation fee does not fairly reflect the value and scarcity of court interpreters' skills in your state.

If South Carolina 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 may result in a decrease of available court-certified interpreters and, in turn, compromise due process in cases involving LEP individuals whom the court is mandated to serve equitably. Your own budget request recognizes this reality. Many highly skilled interpreters will seek work elsewhere, and the gap will likely be filled by deskilled, nonprofessional practitioners. Such a shift away from court-certified linguists increases the risk of errors and raises questions of accuracy, which can lead to costly appeals while putting taxpayer dollars at risk unnecessarily, and thus, exposing the SCJB to liability for violating Title VI of the Civil Rights Act of 1964.

In addition to an hourly rate at fair market value, in our view, court interpreters are also entitled to minimum fees (usually a half day). It has also been brought to our attention that court interpreters in South Carolina are not currently compensated for cancellations or wait time, making it financially challenging to render services to the state courts professionally.

Certified and credentialed interpreters cannot be available on demand; assignments in settings like the courts require interpreters to arrive prior to their assignment and to be present until the case is called. Interpreters cannot accept other work for the scheduled time, and if an assignment is canceled, it is unlikely they will be able to fill that time slot with another assignment.

Additionally, we have learned that South Carolina court interpreters have been expected over the last 32 months to render the same level of service for remote judicial proceedings, which may have poor sound quality, without any standardized training or equipment. Remote assignments expose interpreters to added cognitive load and health and safety risks (e.g., acoustic shock). You can read the American Translators Association's position paper on remote interpreting [here](#).

The 2023–2024 South Carolina Senate Bill 52 proposes that South Carolina judge compensation be tied to that of the judges of the U.S. district court. By that same logic, South Carolina certified court interpreters should be paid \$70 to \$80 per hour, the going rate for certified interpreters in federal court.

ATA supports the efforts of certified interpreters in South Carolina to obtain a fairer rate and written service agreements for all independent contractor interpreters that include minimum fees, wait times, a mutually agreed cancellation clause, travel reimbursement, and fair payment terms.

We encourage you to take this matter under serious consideration. Do not hesitate to contact me for more information.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Sánchez Zampaulo". The signature is stylized and somewhat cursive, with a horizontal line above the first few letters.

Madalena Sánchez Zampaulo
President
American Translators Association