

JUDtestimony

From: Karen.T.Takahashi@courts.state.hi.us
Sent: Tuesday, February 08, 2011 12:29 PM
To: JUDtestimony
Subject: Testimony for HB298, Relating to Court Interpreters - House Judiciary Committee, 2/11/11 @ 2:00pm
Attachments: HB298(JUD).pdf

Please find attached the State of Hawaii Judiciary's testimony for House Bill No. 298, Relating to Court Interpreters which is being heard on Friday, 2/11/11 at 2:00 p.m. by the House Committee on Judiciary in conference room 325.

Thanks,
Karen T. Takahashi, Special Projects Coordinator
Special Projects / Legislative Coordinating Office
The Judiciary, State of Hawaii
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The Judiciary, State of Hawaii

Testimony to the House Committee on Judiciary
Representative Gilbert S.C. Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair
Friday, February 11, 2011, 2:00 p.m.
State Capitol, Conference Room 325

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

Bill No. and Title: House Bill No. 298, Relating to Court Interpreters.

Purpose: Provides court interpreters whose presence is requested by the court the same exemption from prosecution for expired meter parking violations that is provided to other witnesses summoned or subpoenaed by the court.

Judiciary's Position:

The Hawai'i State Judiciary strongly supports this measure, which is part of the Judiciary's 2011 Legislative Package.

The Hawai'i State Courts use court interpreters to provide access to justice for limited English proficient (LEP) parties and witnesses and to facilitate the fair and efficient administration of justice. Under State and Federal language access laws, providing a court interpreter for an LEP defendant is, in some instances, a constitutional obligation, but in the very least a civil rights provision. Because court interpreters are at the call of the court, interpreters may receive parking tickets when they cannot leave the courtroom to deposit money into the parking meter. Court interpreters are subject to prosecution for parking violations that occur while the interpreter is providing language services to limited English proficient court customers at the request of the court.

Despite the important function court interpreters play in facilitating access to justice for parties and witnesses who do not speak English well, court interpreters are the only major group



which has not been granted statutory exemption from prosecution for parking violations that occur while the interpreters are providing services to the court.

HRS § 612-8 provides that “[a]ll jurors shall be exempt from any prosecution, penalty, or fine as a result of a parking violation committed in connection with the juror appearing at court for jury duty.”

Similarly, HRS § 621-8 provides that “[a]ll witnesses summoned or subpoenaed to appear in any circuit court, family court, or district court case shall be exempt from any prosecution, penalty, or fine as a result of a parking violation for an expired meter committed in connection with the witness appearing in court.” Under current law, court interpreters are considered “expert witnesses” under Rule 604 and 702 of the Hawai‘i Rules of Evidence. Since court interpreter services are requested by court staff and interpreters are not formally summoned or subpoenaed to appear in court, interpreters do not qualify for the existing exemption from parking violations afforded to expert witnesses under HRS § 621-8.

This measure would remove the unfair penalty of parking violations on court interpreters who are providing an important public service. It would provide court interpreters whose services are requested by the Hawai‘i State Courts with the same exemption from prosecution for parking violations that is currently provided to jurors and other witnesses summoned or subpoenaed by the Court.

The Judiciary has invested great administrative and financial resources into establishing a Court Interpreter Certification Program in 2007 to ensure that the most qualified available interpreters are provided to LEP court customers. Now in its fifth year, the Certification Program has successfully trained and screened 230 interpreters in 30 languages as court interpreters. This pool of interpreters, however, is far from sufficient to meet the Judiciary’s current language needs. In FY 2009, the Judiciary provided interpreters to LEP parties and witnesses in 7,872 cases at a total cost of \$435,857 – and these figures are increasing annually.

Court interpreters play an essential role in the administration of justice. The Hawai‘i State Courts use interpreters when a party or witness in a court case has LEP or is unable to hear, understand, speak, or use English sufficiently to effectively participate in court proceedings. Court interpreters help such persons gain equal access to justice and help court proceedings function efficiently and effectively.

Federal and state law mandates require the Judiciary to provide language access services to limited English proficient court customers. Court interpreters are the primary means by which the Judiciary meets these stringent mandates for LEP parties and witnesses. Court interpreters are retained on a contract basis to provide language services in specific cases or proceedings.



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Like jurors or witnesses, court interpreters are present at the request of the court to promote fair treatment in the administration of justice and facilitate access to justice for all court customers, regardless of their ability to speak, read, or understand English.

Court interpreting is a highly specialized profession, requiring a near-native fluency in both English and one or more non-English language(s). Bilingual speakers must also develop specialized oral interpreting and sight translation skills, an understanding of ethics and professional conduct, and knowledge of the courts and legal terminology in order to become a court interpreter. Because of these requirements, the pool of potential court interpreters is extremely limited. Hawaii's geographic isolation and insular makeup exacerbate this situation. Moreover, Hawaii's diverse population – immigrants comprise nearly 18% of its population and more than 124 different languages, from Arabic to Yapese, are spoken by its residents¹ – presents tremendous challenges for the Judiciary in meeting legal mandates to provide language access services for LEP court customers. Given these tremendous challenges, failure to provide parity with respect to the exemption from parking violations for court interpreters creates an unnecessary and unfortunate deterrent for qualified court interpreters who are already a commodity in short supply and high demand.

Failure to enact this measure will be a disincentive to recruitment and retention of qualified court interpreters and ultimately will affect ability of LEP court customers to meaningfully participate in the legal system and secure access to justice through language services required by federal and state laws.

Thank you for the opportunity to testify on House Bill No. 298.

¹ U.S. Census Bureau, 2008 American Community Survey; Tbl. 13: Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over for Hawaii: 2006-2008 (April 2010).

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 10, 2011 4:49 PM
To: JUDtestimony
Cc: serafin.p.colmenares@hawaii.gov
Subject: Testimony for HB298 on 2/11/2011 2:00:00 PM
Attachments: OLA Testimony HB298.doc

Testimony for JUD 2/11/2011 2:00:00 PM HB298

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Serafin Colmenares Jr.
Organization: Office of Language Access
Address: 830 Punchbowl Street, Rm. 322 Honolulu, Hawaii 96813
Phone: 808-586-8730
E-mail: serafin.p.colmenares@hawaii.gov
Submitted on: 2/10/2011

Comments:



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
OFFICE OF LANGUAGE ACCESS

830 PUNCHBOWL STREET, ROOM 322
HONOLULU, HAWAII 96813
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February 10, 2011

TESTIMONY IN SUPPORT OF HB298 RE COURT INTERPRETER PARKING

TO: Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair
And Members of the House Judiciary Committee

FROM: Serafin Colmenares Jr.
Executive Director

HEARING: Friday, February 11, 2011
2:00 p.m., Conference Room 325

Dear Chair Agaran, Vice Chair Rhoads and Members of the House Judiciary Committee:

My name is Serafin Colmenares Jr. and I am the executive director of the Office of Language Access. I am writing in strong support for HB298 which exempts court interpreters from parking violations for expired meters.

The Office of Language Access was established by law in 2007 to ensure compliance by state and covered entities with Hawaii's language access law. Its functions include providing oversight, central coordination and technical assistance to state and covered entities in their implementation of the requirements under the law, particularly the provision of language services such as interpretation and translation.

Hawaii has a large population of limited English proficient (LEP) individuals and interpreters play a vital role in helping these people know and understand their rights and enabling them to access government services. Exempting court interpreters from parking violations for expired meters is one way of helping them as they perform their important service.

For these reasons, the Office of Language Access strongly supports and asks the committee to pass HB298.

Thank you for this opportunity to testify.

JUDtestimony

From: Marcella A Boido [boido@hawaii.edu]
Sent: Thursday, February 10, 2011 3:48 PM
To: JUDtestimony
Cc: Debi S.Tulang-DeSilva, J.D.; Kubo, J.D., Melody M.; Tanioka, Jason A.
Subject: HB 298, House JUD, 2/11/2011, Conf. Rm. 325, 2 PM
Attachments: HB 298_House JUD_Parking__Cvr_02-11_2011.pdf; HB 298_House JUD_Parking__02-11_2011.pdf

Cover memo and testimony attached.

M. Alohalani Boido, M. A. Political Science
President, Hawaii Interpreter Action Network
Hawaii State Judiciary Certified Court Interpreter, Spanish & English
Member, Office of Language Access Advisory Council
Member, NAJIT Committee on Shared Concerns with the Bench & Bar

HAWAII INTERPRETER ACTION NETWORK
P. O. Box 236024
Honolulu, Hawaii 96823

TO: Rep. Gilbert S.C. Keith-Agaran, Chair; Rep. Karl Rhoads, Vice Chair
Members, House Committee on Judiciary

FROM: M. Alohalani Boido, M. A., President, Hawaii Interpreter Action Network
Hawaii Judiciary Certified Court Interpreter (Tier 4)
Tel.: 946-2558, E-mail: boido@hawaii.edu

HEARING: February 11, 2011; 2 p.m., Conf. Rm. 325

RE: **SUPPORT, HB 298, Court Interpreter Parking**

Rep. Keith-Agaran, Rep. Rhoads, and Committee members: thank you for hearing this bill.

I am Marcella Alohalani Boido, M. A., a Hawaii Judiciary Certified court interpreter (Spanish & English), a founding member of Hawaii Interpreter Action Network (HIAN), and currently the HIAN President. HIAN is dedicated to representing Hawaii's court interpreters. We work to elevate professional standards of competence and ethics, and to improve working conditions.

Hawaii has one of the highest percentages of residents with limited English proficiency of any state. Our population is also one of the most linguistically diverse in the country. We, the members of HIAN, are the professionals who provide the language services needed by this population, so that they can fully participate in the life of our community.

HIAN is in complete agreement with HB 298 and with the eloquent testimony of the Judiciary regarding this bill. The high cost of parking has been one of the longest-standing complaints of court interpreters.

We wish to point out that the average court interpreter currently spends between 5—10% of income from each assignment on parking. The problem becomes even worse when interpreters must park on the street during a trial. We cannot leave the courtroom. At Kapolei, the problem is severe. Family Court may hold an interpreter for up to five (5) or six (6) hours. We are not officially permitted to leave the courthouse to feed the meters, resulting in parking fines and a possible subsequent reluctance to work for Family Court.

Please grant all of us, court interpreters and the Judiciary alike, some relief from this long-standing problem.

Thank you.

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 10:06 PM
To: JUDtestimony
Cc: susankroe@aol.com
Subject: Testimony for HB298 on 2/11/2011 2:00:00 PM

Testimony for JUD 2/11/2011 2:00:00 PM HB298

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: susan kroe-unabia
Organization: Individual
Address: 7086 Hawaii kai dr honolulu, HI
Phone: 808-295-0647
E-mail: susankroe@aol.com
Submitted on: 2/8/2011

Comments:

This letter is in support of HB 298 - Relating to Court Interpreters being exempted from parking violations for expired meters.
Court interpreter have no way to predict how long a preceding will last. The interpreter must wait until all parties are ready and their case is called. It can be a worry for an interpreter to have to keep track of a meter while working or waiting to work. Court personnel want the interpreter ready on stand by and ask them not to leave the court room area. Exempting court interpreter from parking violations for expired meters is a fair accommodation to this group who are working to provide equal access to the courts.

Mahalo
Susan Kroe-Unabia

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 10, 2011 4:21 PM
To: JUDtestimony
Cc: RickKiefer@hawaii.rr.com
Subject: Testimony for HB298 on 2/11/2011 2:00:00 PM

Testimony for JUD 2/11/2011 2:00:00 PM HB298

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Rick Kiefer
Organization: Individual
Address: 444 Hana Highway Kahului HI
Phone: 871-9700
E-mail: RickKiefer@hawaii.rr.com
Submitted on: 2/10/2011

Comments:

Dear Chair Keith-Agaran and members of the Committee: Please support this bill. Court interpreters are increasingly important to the operation of the judiciary, and this measure makes a small change which treats them the same as others who are vital to court operations. Thank you for your consideration, Rick Kiefer, Kahului, Maui

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 10, 2011 4:48 PM
To: JUDtestimony
Cc: jodieyasuda@hawaii.rr.com
Subject: Testimony for HB298 on 2/11/2011 2:00:00 PM

Testimony for JUD 2/11/2011 2:00:00 PM HB298

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Jodie Yasuda
Organization: Individual
Address: 444 Hana Hwy., Ste. 204 Kahului, HI
Phone: 808-871-6016
E-mail: jodieyasuda@hawaii.rr.com
Submitted on: 2/10/2011

Comments:

Dear Chair Keith-Agaran and members of the Committee: I whole heartedly support this bill. I was previously employed as a Judicial Assistant to the Chief Administrative Court Judge in the Fifth Circuit Court of the State of Hawaii and clerked for countless jury trials and court hearings where court interpreters were required. Often these trials and court hearings were very lengthy and recesses were very few and far in between. In addition to the in-court time, these court interpreters continued their interpretation services during the recesses with the individuals needing interpretation and their respective counsel. Therefore as you can see, having an exemption of a parking violation while on duty will greatly aid these much needed court interpreters who greatly assist the courts with the dispensation of justice. Thank you for your time and consideration. Jodie Yasuda, Kahului, Maui.