

*The Judiciary, State of Hawai'i*

**Testimony to the Thirty-Second State Legislature  
2023 Regular Session**

**House Committee on Finance**  
Representative Kyle T. Yamashita, Chair  
Representative Lisa Kitagawa, Vice Chair

Monday, April 3, 2023, 2:30 PM  
Conference Room 308 & Via Videoconference

by:

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

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**Bill No. and Title:** Senate Bill No. 813, S.D. 1, H.D. 1, Relating to Court Interpreters.

**Purpose:** Requires the Judiciary to increase the hourly fees, mileage reimbursement rate, and commuter-time compensation rate for court interpreters. Appropriates funds.

**Judiciary's Position:**

The Judiciary supports Senate Bill No. 813, S.D. 1, H.D. 1, which would provide for an increase in the rates paid to court interpreters in the Hawai'i State Courts.

The Office on Equality and Access to the Courts administers the Court Interpreter Certification Program, which recruits, screens, trains, tests and qualifies interpreters to provide language services in the Hawai'i State Courts.

Court interpreters provide essential language services that help ensure access to justice for court users with limited English proficiency. Interpreting is a highly specialized field that requires near-native fluency in both English and the non-English language, knowledge of legal terminology and court procedure, skill in the three modes of interpretation--consecutive and simultaneous interpreting and sight translation--and adherence to the court interpreter code of ethics. Court interpreters are valued professional partners in providing language access in the Hawai'i State Courts.

The Judiciary agrees that a rate adjustment is warranted. Court interpreters should be paid fairly for their work. Interpreter pay rates were last adjusted when the Court Interpreter Certification Program was established in 2007. In July 2022, the Supreme Court Committee on Court Interpreters and Language Access, which sits in an advisory capacity to the Court, established a subcommittee on court interpreter fees that has been working on this issue.

The Judiciary estimates the fiscal impact of the proposed increase in interpreter fee rates would be about \$300,000 in FY 2024.

Although the projected fiscal impact totals \$251,198, the Judiciary’s projection was based on FY 2022 expenditures. The Judiciary is cognizant that FY 2022 expenditures reflect lower usage of court interpreters due to continuing COVID-19 impacts on court operations. With the full reopening of the courts and continuous movement towards a less restrictive environment, the Judiciary anticipates that interpreter usage will increase during FY 2023 and FY 2024.

Thus, the Judiciary is requesting an appropriation of \$300,000 for FY 2024 to provide interpreter fee increases without severely impacting other critical programs and services. The Judiciary respectfully requests that any appropriations to address the fiscal impact of this measure not supplant the Judiciary’s existing funding and current budget requests.

FISCAL IMPACT OF INTERPRETER FEE INCREASES (Based on FY22 Court Interpreter Payments)							
TIER	FEES	% OF TOTAL EXPENDITURES	CURRENT HOURLY FEE	PROPOSED NEW HOURLY FEE	% CHANGE IN HOURLY FEE	FISCAL IMPACT OF FEE INCREASE	
TIER 6	\$12,403.20	2.28%	\$55.00	\$90.00	63.64%	\$7,893.40	
TIER 4	\$54,617.60	10.04%	\$45.00	\$70.00	55.56%	\$30,345.54	
TIER 3	\$38,025.60	6.99%	\$40.00	\$60.00	50.00%	\$19,012.80	
TIER 2	\$110,268.80	20.27%	\$35.00	\$50.00	42.86%	\$47,261.21	
TIER 1	\$135,836.80	24.97%	\$25.00	\$40.00	60.00%	\$81,502.08	
OTHER*	\$108,636.80	19.97%	\$25.00	\$40.00	60.00%	\$65,182.08	
<b>TOTAL</b>	<b>\$544,000.00</b>	<b>84.52%</b>				<b>\$251,197.10</b>	

NOTE: A portion of the total expenditures for interpreter services would not be impacted by the proposed fee increase and are therefore not included in the fiscal impact calculation.

\*OTHER includes expenditures for interpreter services made to interpreters not covered by the Judiciary's court interpreter fee rate schedule.

We note that the bill contains a defective effective date and respectfully suggest that the effective date be changed to July 1, 2023; provided that a supplemental appropriation to address the projected fiscal impact also be included in the bill.

Testimony on Senate Bill No. 813, S.D. 1, H.D. 1, Relating to Court Interpreters  
House Committee on Finance  
Monday, April 3, 2023  
Page 2

Thank you for this opportunity to testify on this measure.

**Testimony to the  
House of Representatives  
Thirty-Second State Legislature  
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**Committee on Finance**

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Rep. Lisa Kitagawa, Vice Chair

Rep. Micah P.K. Aiu

Rep. Cory M. Chun

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Rep. Rachele F. Lamosao

Rep. Dee Morikawa

Rep. Scott Y. Nishimoto

Rep. Mahina Poepoe

Rep. Jenna Takenouchi

Rep. David Alcos III

Rep. Gene Ward

Date: Monday, April 3, 2023

Time: 2:30 PM

Place: State Capitol, Conference Room 308

Via Videoconference

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by:

**WRITTEN TESTIMONY**

Supreme Court Committee on Court Interpreters and Language Access:

Subcommittee on Interpreter Fees

Terri Gearon, Ayano Nishimura (co-chairs)

Suzanne Zeng (member), Cristina Arsuaga (member)

Hattie Embernate (member)

**Bill No. and Title:** Senate Bill No. 813, S.D. 1, H.D. 1, Relating to Court Interpreters

**Purpose:** Requires the Judiciary to increase the hourly fees, mileage reimbursement rate, and commuter-time compensation rate for court interpreters. Appropriates funds.

**Supreme Court Committee on Court Interpreters and Language Access  
Subcommittee on Interpreter Fees' Position:**

The Supreme Court Committee on Court Interpreters and Language Access:  
Subcommittee on Interpreter Fees has been meeting in 2022 and 2023 for the purpose of addressing this very important issue. Our own research and statistics gathered from other

states and the federal system clearly show that a significant pay increase for court interpreters is warranted. Therefore, this Subcommittee is hereby providing testimony in **strong support** of S.B. 813, S.D. 1, H.D. 1, Relating to Court Interpreters.

Court interpreters play a crucial role in the Judiciary. In Hawai'i, they provide interpreting services in 50 different languages, ensuring equal access to justice by allowing limited English proficient (LEP) persons to meaningfully participate in their cases. Court interpreters are not just people who happen to be familiar with a language other than English. They must possess high-level or native language skills in all working languages, a broad vocabulary, knowledge of the law, an understanding of cultural nuances, the ability to listen and speak at the same time, excellent notation and memory skills, and follow strict ethical standards, among other things. Honing and improving these skills requires constant studying and training--another ethical requirement for court interpreters.

Unfortunately, the current pay scale for court interpreters of all tiers does not reflect these important contributions and specialized skills. Court interpreter compensation has remained unchanged since the Court Interpreter Certification Program was established in Hawai'i in 2007. This sixteen-year pay rate stagnation has occurred during a period of time that has seen the price of housing, fuel, transportation, food and medical care skyrocket in Hawai'i. Simply put, a significant increase that properly reflects inflation and changes in cost of living for our locality is long overdue for these indispensable and crucial interpreters.

To illustrate this point, we have included some relevant calculations below.

According to the national CPI inflation calculator from BLS.gov, a person making \$55/hour in 2007 makes the equivalent of \$37.21 in 2023. A person making \$25/hour in 2007 makes the equivalent of \$16.91/hour today.

State of HI Court Interpreter Tier	Interpreter Pay Rate (January 2007)	Dollar value of 2007 Pay Rate In 2023
Tier 6	\$55	\$37.21
Tier 4	\$45	\$30.45
Tier 3	\$40	\$27.06
Tier 2	\$35	\$23.68
Tier 1	\$30	\$16.91

[https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm).

This translates into a 32.5% real dollar for dollar pay decrease since 2007 for court interpreters in Hawai'i . Put in another way, a Tier 6 federally certified and master interpreter (the type of professional interpreter that works at the United Nations) earns in 2023 the equivalent to what a conditionally approved Tier 2 interpreter earned in 2007.

A person making \$55/hour in 2007 would have to make \$81.29/hour in 2023 to have similar purchasing power as in 2007. (\$1 in 2007 equals \$1.48 today). The middle column in the table below shows the 2007 rate for each tier in today’s dollar value. The column on the right further adjusts that value to properly reflect Hawai’i’s added cost of living, as per the federal government’s locality pay adjustment calculation for Hawai’i.

State of HI Court Interpreter Tier	Jan 2007 hourly court interpreter rate	Jan 2023 value with national inflation calculation	Jan 2023 value with inflation and federal cost of living adjustment of 21.17% for Hawai’i
Tier 6	\$55	\$81.29	\$98.50
Tier 4	\$45	\$66.51	\$80.59
Tier 3	\$40	\$59.12	\$71.64
Tier 2	\$35	\$51.73	\$62.68
Tier 1	\$25	\$36.95	\$44.77

Given these real numbers, we find that Senate Bill No. 813, Relating to Court Interpreters’ fee schedule proposal below reasonably reflects the actual inflation rates since 2007, takes into consideration the fact that, as independent contractors, interpreters do not receive benefits such as medical insurance, paid vacation, sick days or employer-sponsored retirement plans, and allows for at least partial compensation for the added cost of living in Hawai’i, as calculated by the federal government.

State of HI Court Interpreter Tier	Current Interpreter Pay Rate	Senate Bill 813 Interpreter Rate Proposal
Tier 6	\$55/hr., 2 hr. min.	\$90/hr., 2 hr. min.
Tier 5	\$50/hr., 2 hr. min.	\$80/hr., 2 hr. min.
Tier 4	\$45/hr., 2 hr. min.	\$70/hr., 2 hr. min.
Tier 3	\$40/hr., 2 hr. min.	\$60/hr., 2 hr. min.
Tier 2	\$35/hr., 2 hr. min.	\$50/hr., 2 hr. min.
Tier 1	\$25/hr., 2 hr. min.	\$40/hr., 2 hr. min.

Rates similar to those in the table above are already being paid to court interpreters in locations such as Austin, TX (\$100/hr., 2 hr. min. for certified interpreters) and Phoenix, AZ (\$95/hr., 2 hr. min. for certified interpreters), where the cost of living is significantly lower than in Hawai’i. In fact, according to the Forbes Cost of Living Comparison Salary Calculator, a person earning \$100/hr. in Austin would have to earn \$192/hr. in Hawai’i to maintain the same purchasing

power and standard of living. Similarly, a \$95/hr. wage in Phoenix translates into \$176/hr. in Hawai'i.

2023 INTERPRETER ACTUAL TOP PAY BY LOCATION; EQUIVALENT PAY IN HI WITH COST-OF-LIVING ADJUSTMENT ACCORDING TO FORBES/CNN MONEY COST OF LIVING COMPARISON SALARY CALCULATOR

LOCATION	TOP INTERPRETER PAY (non-ASL)	HONOLULU EQUIVALENT PAY ADJUSTED FOR COLA (Forbes CNN Money)
AZ (Phoenix)	\$95/hr.	\$176/hr
FL (Naples)	\$120/hr. (non-Spanish)	\$221/hr.
TX (Travis County- Austin)	\$100/hr.	\$192/hr

It stands to reason that a failure to provide fair and competitive compensation for court interpreters makes it more difficult for the judiciary to attract and retain the most competent and experienced interpreters available in the state, as they will choose better remunerated employment elsewhere. This has the effect of undermining Judiciary Policy #12 of providing meaningful access to court processes and services to persons with limited English proficiency.

Another issue that must be addressed is court interpreter travel compensation and reimbursement. Currently, interpreters are receiving a 55 cent per mile reimbursement for travel expenses, even though the Internal Revenue Service's current standard mileage rate is 65.5 cents per mile. Interpreters are sometimes required to travel long distances to cover certain assignments. The current reimbursement of 55 cents per mile is outdated, insufficient, and discourages interpreters from accepting long-distance assignments, as they must make up the difference out of pocket.

With regard to compensation for commuter time, this Subcommittee agrees that an interpreter traveling 150 miles or more roundtrip for an assignment should be paid for three hours of commuter time. Not only does this payment reflect the actual commuter time more accurately, but it will likely encourage more interpreters to accept these long-distance assignments.

It is important to call attention to the fact that all court interpreters in Hawai'i are independent contractors who are hired on a need-only basis, making them extremely cost-effective for the State. In 2019, there were a total of 10,595 interpreted court proceedings. Interpreter expenditures for that year were just \$863,815.

The Subcommittee on Interpreter Fees of the Supreme Court Committee on Court Interpreters and Language Access has been addressing the above issues and will be presenting its report to the Supreme Court shortly.

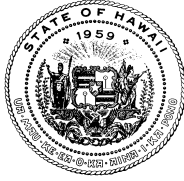
In order to avoid another sixteen-year fee stagnation for court interpreters, this Subcommittee further supports a periodic review of interpreter fees to be conducted no more than every three years. The Subcommittee also agrees with a yearly review of the mileage allowance to match the annual standard mileage rate issued by the Internal Revenue Service. The Supreme

Court Committee on Court Interpreters and Language Access, a standing advisory committee of Judiciary and community stakeholders appointed by the Hawai'i Supreme Court, would be willing to coordinate, and/or participate in, such periodic review.

As S.B. No. 813, S.D. 1, H.D. 1 addresses the same issues and its intent is in line with the findings and opinions of the Subcommittee, we hereby reiterate our strong support.

Thank you for the opportunity to testify on this matter.





**STATE OF HAWAII  
OFFICE OF LANGUAGE ACCESS**

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Honolulu, HI 96801-3378  
Phone: (808) 586-8730 / Fax: (808) 586-8733  
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**Testimony in SUPPORT of SB 813 SD1 HD1  
RELATING TO COURT INTERPRETERS**

REPRESENTATIVE KYLE T. YAMASHITA, CHAIR  
REPRESENTATIVE LISA KITAGAWA, VICE CHAIR  
HOUSE COMMITTEE ON FINANCE

Hearing Date: 4/3/2023

Room Number: 308 & Videoconference

- 1 **Purpose and Justification:** The purpose of this measure is to require the judiciary to increase
- 2 the hourly fees, mileage reimbursement rate, and commuter-time compensation rate for court
- 3 interpreters to reflect the significant increase in the cost of living in Hawaii. Appropriates funds.
- 4 **Agency's Position:** The Office of Language Access (OLA) supports this measure and defers to
- 5 the judiciary for any substantive recommendations.
- 6 Qualified interpreters provide a critical link in clear and effective communication. Specially
- 7 trained interpreters ensure that individuals with Limited English proficiency (LEP) have
- 8 meaningful access to the information they need to make decisions that can impact their lives and
- 9 livelihood in matters related to the legal system, as well as health, welfare, education, housing,
- 10 and other matters. The ability to retain a pool of qualified interpreters is integral for LEP
- 11 individuals to successfully access the important programs, services, and activities of all
- 12 government agencies.
- 13 Thank you for the opportunity to submit testimony in support of SB 813 SD1 HD1.



www.hicir.org | Instagram @hicir  
hicoalitionforimmigrantrights@gmail.com

**Testimony in SUPPORT of SB813**  
**RELATING TO COURT INTERPRETERS**  
COMMITTEE ON FINANCE  
Representative Kyle T. Yamashita, Chair  
Representative Lisa Kitagawa, Vice Chair

Hearing Date: April 3rd, 2023

Dear Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee,

The Hawai‘i Coalition for Immigrant Rights (HCIR) is in full **support of SB813 SD1 HD1**, which requires the Judiciary to increase the hourly fees, mileage reimbursement rate, and commuter-time compensation rate for court interpreters. SB813 is a crucial piece of legislation aimed at recognizing the integral role that court interpreters play in the administration of justice in the State for non-English speakers while acknowledging that the increase in cost of living affects court interpreters as their compensation remains the same since 2007.

Title VI of the Federal Civil Rights Act of 1964 requires that all recipients (state agencies and departments included) of federal funds “take reasonable steps to make their programs, services, and activities accessible by eligible persons with limited English proficiency.”<sup>1</sup> While the Hawai‘i State Judiciary has been a model for other states in providing language services, it now struggles to provide interpretation due to staffing shortages.<sup>2</sup> For justice to be served, regardless of race, home of origin, or economic status- it is imperative that compensation for court interpreters be commensurate with the local cost of living and the professional skills they provide.

Court interpreters provide interpretation services that enable non-English speaking defendants to exercise their constitutional and statutory rights in court. This bill will benefit court interpreters and ensure that non-English speaking defendants receive fair and equal treatment in court. The role of court interpreters in narrowing language barriers cannot be overstated. With the passage of SB813, the State of Hawaii is taking a step towards ensuring that justice is served to all.

Thank you for your support and consideration,

Liza Ryan Gill  
Coordinator/Refounder, Hawai‘i Coalition for Immigrant Rights

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<sup>1</sup> <https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/index.html>

<sup>2</sup> <https://www.staradvertiser.com/2022/07/04/hawaii-news/judiciary-in-need-of-more-court-interpreters/>

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Rep. Gene Ward

Date: Monday, April 3, 2023

Time: 2:30 PM

Place: State Capitol, Conference Room 308

Via Videoconference

by:

WRITTEN TESTIMONY

M. Cristina Arsuaga

Federally Certified and State of HI Tier 6 Master Spanish Court Interpreter

Contact number: 917 387 4617

[Carsuaga1@icloud.com](mailto:Carsuaga1@icloud.com)

In re: Support for S.B. No. 813, Relating to Court Interpreters

My name is Cristina Arsuaga, Federally Certified and State of HI Master Spanish Court Interpreter. I am also a member of the Supreme Court Committee on Court Interpreters and Language Access (CILA) and its Subcommittee Regarding Interpreter Fees, and the Advisory Council for the Office of Language Access (OLA). As a professional interpreter with 34 years of experience in the field, I am hereby testifying in support S.B. No. 813, relating to Court Interpreter Compensation and Reimbursement Rates.

Judicial court interpreters are not just people who can converse in another language. They possess highly specialized skills and knowledge that require years of study and training to hone.

By way of example, to become federally certified, one must undergo a two-year examination process for which the passing rate is between 3-4% nationwide. The passing rate for the Hawaii Bar exam has historically ranged between 60 and 87%.

Court interpreters have not received any pay increase, mileage, or cost-of-living adjustment in HI since 2007. During the same period, the cost of housing, transportation, fuel, health insurance and food have risen significantly both nationally as well as in Hawaii, as reflected in increases to Social Security benefits, most notably, 5.9% for 2022, and 8.7% for 2023, the largest in over 40 years. As a result, when factoring inflation and cost of living adjustments, interpreters in Hawaii are earning significantly less than they did in 2007 for their work with the courts in a state with the highest cost of living in the nation.

Dispensing justice fairly, equally and accurately is a cornerstone of the judiciary. Anything that may hinder or deny LEP persons equal and meaningful access to justice undermines this cornerstone. A failure to provide fair and competitive compensation for court interpreters makes it much more difficult for the judiciary to attract and retain the most competent and experienced interpreters available in the state, as they will choose better remunerated employment elsewhere. The result is that LEPs may be denied meaningful and equal access to justice.

Additionally, court interpreters are extremely cost-efficient for the state, as their services are only retained on an as-needed basis, and, as contract workers, they do not receive benefits such as vacation, medical insurance and pensions.

For these reasons, as well as others the CILA Subcommittee Regarding Interpreter Fees will present in the coming months to the Supreme Court, I reiterate my strong personal support for this bill.

**SB-813-HD-1**

Submitted on: 4/1/2023 7:04:41 PM

Testimony for FIN on 4/3/2023 2:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
nanette au	Individual	Support	Written Testimony Only

Comments:

Please pass SB 813 with an appropriation of at least \$300,000.00 and an effective date of July 1, 2023.

We have not had a raise since 2007, which makes it hard to stay at this job. Good workers are not easy to come by.

To top it off, we have to pay tax on it. We don't get paid for the travel time to the job. Just mileage (55 cents), which does not take in account the increase cost of gas.

My name is Gunda Nollenberger, and I am writing today as a concerned fellow interpreter to testify in support of S.B. 813 `Relating to Court Interpreters`.

There is a lot more to interpreting as an independent contractor than meets the eye as far as professionalism and integrity is concerned. The right to a fair trial is one of the cornerstones of the American legal system. Court interpreters work closely with clients and law officers to relay accurate, reliable and unbiased information from the actual context. A court interpreter must thoroughly understand and have a command of modes of interpretation, interpreter protocol, and ethics, as well as the procedures and processes within their assigned division in order to effectively provide interpretation services. A court interpreter maintains excellent customer service skills and remains objective in dealing with the irate, emotional, and sometimes difficult general public. Compensation for this service should reflect the critical role a court interpreter plays in the administration of justice in the State of Hawaii.

April 3, 2023

Hawai'i State Legislature  
House of Representatives  
Committee on Finance  
Honorable Members

Dear Committee Members:

I, Hideyuki Takahashi, a Hawaii Judiciary Registered Japanese/English Court Interpreter, strongly support SB 813, which proposes to increase the compensation for court interpreters with an appropriation of \$300,000 or more and an effective date of July 1, 2023. My reasons are based on my personal experience as a court interpreter for the last ten years and are as follows:

- Interpreters play an essential role in supporting those who find themselves involved in court proceedings. This situation is intimidating and complicated for someone with little experience with the system and judicial language. Having a court interpreter eases their fear and difficulty in understanding English.
- Higher compensation for court interpreters will secure a more reliable and consistent pool of interpreters who will then be more readily available for those in need of interpretation services. When an interpreter is requested but does not appear, those involved in court proceedings face delays and rescheduling of their court proceedings leading to additional time away from their workplace and/or further disruption in their lives.
- Compensation for court interpreters has not changed for at least the last ten years, although others who work for the courts have had increases in compensation, and the cost of living in Hawaii has increased.

Thank you for allowing me to present this written testimony to the committee members. I look forward to hearing that you unanimously support SB 813 with an appropriation of \$300,000 or more and an effective date of July 1, 2023, which may provide fair and equitable compensations to us Hawaii Judiciary registered court interpreters.

Sincerely yours,



Hideyuki Takahashi  
801 South Street, #1114  
Honolulu, Hawaii 96813  
Hideyuki.takahashi@gaap-hawaii.com

To the Honorable Chair, Vice Chair, and members of the Committee:

I am testifying in favor of SB 813, Relating to Court Interpreters. My name is Victor Saymo, a court interpreter. The Internal Revenue Service mileage reimbursement rate for 2023 is currently 65.5 cents per mile, 10.5 cents higher than the 55-cent mileage rate paid to court interpreters.

When court interpreters travel on assignment, we are already losing money with each mile.

When we travel to a distant court, such as on the other side of the Big Island, we could drive five hours and almost 200 miles round trip. In such a scenario, our loss in terms of mileage reimbursement is more than \$20, almost equal to one hour's compensation. Factor in the cost of gasoline at almost \$5 per gallon, and the severe impact on our compensation is evident. Now is the time to increase our compensation, by approving SB 813 as a remedy to this inequitable situation, which has lasted for sixteen years.

I respectfully ask the Honorable members of the Committee to pass this bill, effective in 2023.

Victor Saymo  
[victorluzonico@aol.com](mailto:victorluzonico@aol.com)



Marcella Alohalani Boido, M. A.  
Hawai'i State Judiciary Certified Spanish Court Interpreter (Tier 4)  
Moiliili, Honolulu, Hawaii 96826

To: Rep. Kyle T. Yamashita, Chair; Rep. Lisa Kitagawa, Vice Chair  
Members, House Committee on Finance  
Re: **SB 813, SUPPORT with comments**  
Hearing: Monday, April 3, 2023, 2 p.m., Room 308

Thank you for hearing this bill. And a big “Thank you” to the Filipino Caucus for bringing it! As SB 813 points out, hourly fees for interpreters have remained static since at least 2007.<sup>1</sup> The Judiciary regularly tries to recruit more people, and regularly fails to recruit the group that it needs the most: speakers of Chuukese and Marshallese. In a Judiciary-interpreter meeting several years ago, I compared this to fishing without any bait.

Chuukese and Marshallese are the two languages in greatest demand, as of the 2015 report from the Judiciary...a report which *should* be updated yearly. The next three are Ilokano, and depending on the court circuit, Korean and Spanish in fourth or fifth place. The small number of Tier 1 interpreters in Chuukese and Marshallese on the [Registry](#) remains relatively stable from year to year. It generally requires a level of language knowledge in two languages that is the equivalent of at least two years of college, and better yet, a bachelor’s degree. Micronesian bilinguals with this level of education may be snapped up by government offices and non-profits.

None of the people working in these high demand languages can earn a living at current rates. They are compelled to work at other jobs, or depend on relatives or welfare. Some people who could work in court opt to work in places where they have full-time work, benefits, maybe even a career path. Even fast-food places and 7-11s, and stores such as Walmart, are better options.

There is a seventh, unpublished tier, optimistically named “Transitional.” These bilinguals scored between 60—69% correct on the [Written English](#) test. The passing score in Hawaii is 70%. ([The National Center for State Courts](#) recommends 80% correct as the standard.)<sup>2</sup> Chuukese and Marshallese “Transitional” bilinguals earn the same as those in Tier 1, and often work about the same number of hours.<sup>3</sup>

Lacking enough interpreters in Micronesian languages, the Judiciary “fills in” with bilinguals working for Dr. Suzanne Richardson Zeng. I hear she pays \$40/hour. Of course, Dr. Zeng charges more for their services. These bilinguals have no financial incentive to enter the Judiciary’s program. The Judiciary is therefore paying more money for people who may be less qualified than the Transitional and Tier 1 groups. They have not gone through the Judiciary’s program. They have not taken and passed the Written English and Ethics exams. Their objective, test-based qualifications are unknown to the Judiciary. This has serious implications for the administration of justice. So does the Judiciary’s failure to attract more qualified people into the certification program.<sup>4</sup>

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<sup>1</sup> It has been longer than that, but would require a complicated discussion to explain.

<sup>2</sup> The Written English exam is not an interpreter credential. It is a means to identify those people whose knowledge of English is sufficient to make it possible for them to pass an oral certification test.

<sup>3</sup> I do not know of a single Micronesian in the Transitional tier who has later tested into Tier 1.

<sup>4</sup> [“In Many Courtrooms, Bad Interpreters Can Mean Justice Denied,”](#) by Rebecca Beitsch, August 17, 2016.

In 1990, I was one of the founding members of the Hawaii Interpreters & Translators Association (HITA), the first professional interpreter association in Hawaii. My colleagues elected me chair of the Committee on Fees. I did a considerable amount of research.

In 1995, when the Hawaii Supreme Court Committee on Certification of Court Interpreters was formed, I was part of the Subcommittee on Fees. I explained to the Subcommittee how fees are derived, and then computed a proposed increase. Judge Soong, the Committee's chair, took the proposed fee increases to the administration four times. He was not heeded.

In 2003, the [American Translators Association](#) (ATA) reprinted an article from the [National Association of Judiciary Interpreters and Translators](#) (NAJIT) publication, *Proteus*, that Patricia J. Harpstrite and I co-authored. Quoting from an interpreter petition for a pay raise: "In 1995 the Subcommittee on Fees of the Hawaii Supreme Court Committee on Certification of Court Interpreters suggested a higher pay scale. ....but no action was taken." "The Judiciary has not raised the minimum court interpreter pay for two decades." And "...the Judiciary cannot compete effectively for the services of competent court interpreters needed to provide equal access and linguistic due process for Hawaii's Limited English Proficient population."<sup>5</sup>

In NAJIT, I served on both the Committee on Shared Concerns with the Bench and Bar<sup>6</sup> and the Committee on [Advocacy](#).

In reality, the fee increases proposed in SB 813 are too low. On page 4 of their testimony on March 15<sup>th</sup>, the Supreme Court Committee on Court Interpreters and Language Access, Subcommittee on Interpreter Fees, calculated more appropriate fee increases that better account for inflation and Hawaii's high cost of living. This bill should either be amended to reflect their figures, or be considered as creating a floor, not a ceiling, for fees. If SB 813 is passed with the fee schedule it proposes, then the Subcommittee has almost a year to finalize their report. Next year the Judiciary's budget should reflect their findings and increase fees appropriately.

In 2013, ATA asked me to serve as one of three people responding to an article about interpreter shortages. I wrote: "Jobs are unstable and wages are often too low." And added: "...employers need to change from a win-lose financial model to playing a win-win game."<sup>7</sup>

Ten years later, this bill is a step in that direction. SB 813 focuses attention on the longstanding problem of extremely inadequate fees for court interpreters. Fairness should begin at home, within the Judiciary, by treating and paying bilinguals and court interpreters fairly.

Passing this bill is an essential part of providing and hopefully, improving, language access through enabling the Judiciary to recruit and retain competent and ethical court interpreters.

Please pass SB 813 with an appropriation of at least \$300,000.00 and an effective date of July 1, 2023.

Thank you.

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<sup>5</sup> "[Court Interpreting](#)," *Newsletter of the Interpreters Division of ATA*, Summer 2003, p. 6.

<sup>6</sup> <https://studylib.net/doc/9444494/bench-and-bar-presentation-2012>

<sup>7</sup> "[Interpreter Shortages](#)," by Corinne McKay. *The ATA Chronicle*, April 2013, p. 31.

**SB-813-HD-1**

Submitted on: 4/2/2023 8:40:12 PM

Testimony for FIN on 4/3/2023 2:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Christy MacPherson	Individual	Support	Written Testimony Only

Comments:

I am in strong support of SB813 SD1 HD1.