

In the Know

Toughening language tests for court interpreters limiting number of interpreters

By Jane M. Von Bergen

Inquirer Staff Writer

Nothing in Pennsylvania's beefed-up requirements for court interpreters would have helped administrator Osvaldo Aviles solve the problem he faced last week.

The job? Interpreting for a Nigerian participant in a case in Pittsburgh. "The problem is that we have to find out which of the 57 Nigerian dialects this person speaks," Aviles said.

That was last week's challenge. On Saturday, Aviles, who administers the state's court interpretation program, has another one: He must convince 70 foreign-language court interpreters and translators that the state's strengthened regulations matter, even if they mean many of them will be out of work.

In 2006, Pennsylvania enacted a law requiring court interpreters to take tests proving they can listen to and simultaneously translate court proceedings as they occur.

The regulations included a grace period to gain certification. That ended Jan. 1, hence the rising anxiety among interpreters.

"It's an issue of due process," said Aviles, who will address Saturday's meeting of the Delaware Valley Translators Association at La Salle University. "The whole point is to guarantee that the limited-English-proficiency person completely and accurately understands the proceedings as if he were an English-language speaker."

In some ways, the interpreters' situation is typical of what happens when a profession becomes more regulated. Some who performed the work for years find that they can't pass the qualifying test.

The question arises: Were some of these practitioners always substandard, or is the test unrealistically difficult? And given the high hurdle, will practitioners just drop out of the process leaving courts scrambling to find certified interpreters?

"On the one hand, we need high standards in the courts," said Antonio Guerra, who helped organize Saturday's session. Guerra is director of Interpretation Services at Cetra Inc. in Elkins Park, which finds interpreters for courts, hospitals, and businesses.

"On the other hand," Guerra said, "you also don't want to paralyze the judicial system and the right to a speedy trial. If you can't find interpreters, you have to keep delaying the procedures."

When the certification process started in Pennsylvania in 2007, there were about 1,000 regularly used interpreters. Currently, there are 138 certified or otherwise qualified interpreters on the roster, and 900 involved in the testing process. Before January, those 900 could work in the courts. Now they can't. Aviles said

To be certified, interpreters must attend a two-day seminar to learn legal terms and procedures. Then, there's a written exam in the language and a three-part oral test, with the hardest part, simultaneous interpretation, first.

Nationally, only 20 percent to 24 percent of those who take the array of tests complete it. In Pennsylvania, it's about 30 percent, but still not enough.

Although Pennsylvania is grappling with this now, New Jersey and Delaware established their standards 15 years ago, Aviles and others said.

"Statewide, we've had pretty good success with Spanish and American Sign Language," Aviles said. "But we're not completely there - the demand is so great."

In Pennsylvania, only two interpreters are certified in Chinese, four in Russian, and none in Vietnamese, Arabic, or Cambodian, Aviles said. Some interpreters in those languages began the certification process but quit when they failed a test.

So desperate is the need for Haitian Creole interpreters that the Philadelphia court system sponsored the legal-orientation training part of the certification process April 2, bringing in a law professor to train 15 to 20 speakers of Haitian Creole. But that's only the first step.

Aviles' office will conduct a national search to find a qualified interpreter for the Pittsburgh case involving the Nigerian individual. Costs go up and standards go down when the language is more obscure.

Even for high-demand language such as Spanish, earning a living as a foreign-language court interpreter isn't easy. The hourly rate of \$40 to \$65 seems decent, but cases cancel at the last minute and the work isn't regular.

"There's more of a demand for certified interpreters than there is a supply," said Daniel Pritchard, a retired bilingual executive who grew up in Latin America and now translates in the courts.

"One reason, quite frankly, is pricing. It's not a field that lends itself to achieve a full-time living and pay health insurance."

Government budget strains don't help, particularly when upgrading the workforce, said Pritchard of Newtown Square. He plans to take the simultaneous-interpretation test for certification soon. Now, he's on a provisional list.

"The long history is that you had people who weren't trained and were pinch-hitting, especially in Spanish," Pritchard said. "Because they were untrained, they were willing to charge very little money. This goes back decades, and we're still trying to get out of it."