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# SUPREME COURT OF VIRGINIA



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November 1, 2013

The Honorable Walter A. Stosch, Chairman  
Senate Finance Committee  
Senate of Virginia  
Innsbrook Centre  
4551 Cox Road, Suite 110  
Glen Allen, Virginia 23060-6740

The Honorable Lacey E. Putney, Chairman  
House Appropriations Committee  
Virginia House of Delegates  
P.O. Box 127  
Bedford, Virginia 24523

RE: Report Pursuant to Item 35(F) of the Appropriations Act

Dear Chairmen Stosch and Putney:

Pursuant to Item 35, Paragraph F, of the Appropriations Act, Chapter 806, 2013 Virginia Acts of Assembly, the Executive Secretary of the Supreme Court of Virginia is required to submit a report on or before November 1, 2013, "on the impact on criminal fund expenditures as a result of the hiring of full time foreign language interpreters."

In Fiscal Year 2008, the Office of the Executive Secretary (OES) began a staff interpreter program, hiring nine staff interpreters in five jurisdictions.<sup>1</sup> Staff interpreters provide direct Spanish language interpretations in courts and also manage contract interpreters. Staff interpreters coordinate and schedule contract interpreters' assignments, thereby alleviating some of the tasks that would otherwise fall on busy court clerks' offices. They also set standards for service provision, train interpreters, review contract interpreter payment vouchers, and ensure that the most effective use is made of the service purchased from contract interpreters. Unlike staff interpreters, a contract interpreter is hired on an hourly basis with a two-hour minimum,<sup>2</sup> and the service of a contract interpreter is limited to court interpretation.

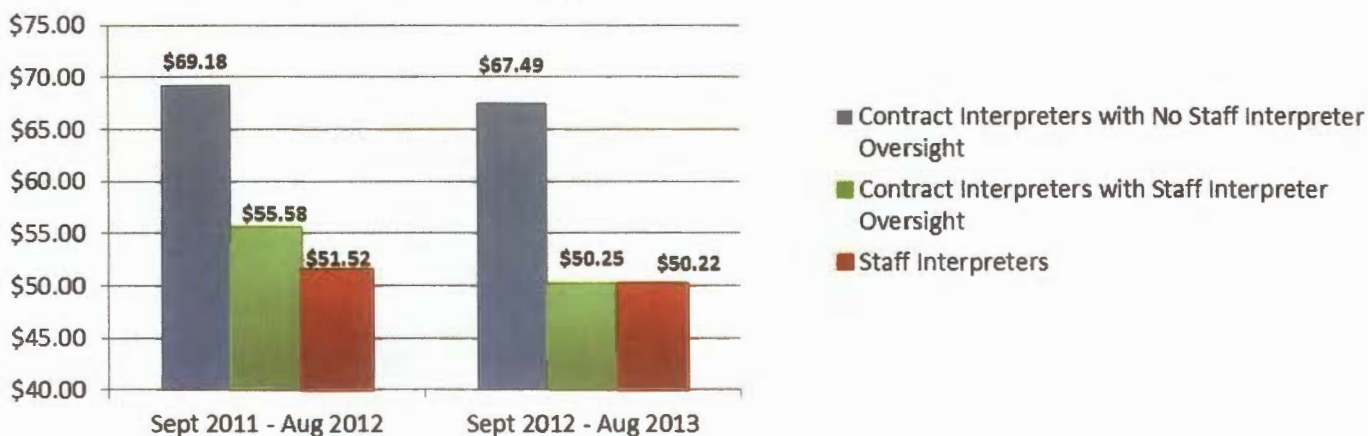
<sup>1</sup> The staff interpreter program operated initially in Alexandria, Arlington, Fairfax, Harrisonburg/Rockingham, and Prince William.

<sup>2</sup> Certified Spanish interpreters earn \$60/hour, and noncertified interpreters earn \$40/hour; both are paid a two-hour minimum for their service in accordance with guidelines established by the Judicial Council of Virginia. Interpreters in languages other than Spanish may charge either rate, depending on their qualifications. In languages for which an interpreter is difficult to locate, an interpreter may command an even higher rate.

In Fiscal Year 2009, the staff interpreter program was expanded by five interpreters into two additional jurisdictions.<sup>3</sup> Ten additional staff interpreter positions were allocated by the General Assembly in Fiscal Year 2013, which brought staff interpreters into five additional jurisdictions<sup>4</sup>, and expanded the program so that staff interpreters are now stationed in a total of twelve jurisdictions. Although principally responsible for providing services in the jurisdictions where they are stationed, the program has expanded into a regional resource for many courts, and staff interpreters now commute to locations where no certified interpreter may otherwise be available. In addition to the twelve jurisdictions that currently host staff interpreters, they have provided direct interpretation in sixteen additional jurisdictions<sup>5</sup>, bringing the total number of jurisdictions served by the staff interpreter program to 28. Staff interpreters also train and mentor contract interpreters in all languages and support court staff in locating resources for languages other than Spanish. The program is currently working to implement a project that is funded by a federal grant that utilizes telecommunications equipment to provide an additional remote interpreting option for courts. This program will assist in containing the cost of language services while expanding quality customer service to a broader area.

Staff interpreters reduce overall interpreter costs by more efficiently managing interpreter resources; in particular, the use of contract interpreters. In those jurisdictions where staff interpreters are stationed, the staff interpreters assist the courts by coordinating the use of contract interpreters to maximize their use (i.e., where possible, ensuring that contract interpreters provide interpretation for more than one service event if the initial service event took less than the two-hour payment minimum to complete). This cost savings is evidenced by the fact that the cost per service event for contract interpreters in those jurisdictions where staff interpreters are managing the use of contract interpreters is on average 20 - 25% less than the cost per service event for contract interpreters where staff interpreters are not overseeing the provision of such services. *See Table 1.*

**Table 1. Interpreter Costs Per Service Event.**



<sup>3</sup> Chesterfield and Loudoun were added to the staff interpreter program.

<sup>4</sup> Frederick/Winchester, Henrico, Roanoke, Stafford, and Virginia Beach were added to the program with the ten staff interpreters added in Fiscal Year 2013.

<sup>5</sup> Staff interpreters have commuted to provide direct interpretation services in Alleghany, Bedford, Chesapeake, Clarke, Colonial Heights, Danville, Franklin, Isle of Wight, Norfolk, Portsmouth, Richmond City, Salem, Scott, Warren, Washington, and Westmoreland.

In allocating ten additional staff interpreter positions beginning in Fiscal Year 2013, the General Assembly reduced the Criminal Fund by \$1,069,228, and provided OES \$798,570 to hire these staff interpreters; thus, projecting an annual savings for interpreter costs of \$270,658 for Fiscal Year 2013. From September 1, 2011 through August 31, 2012<sup>6</sup>, \$ 4,453,133 was spent on interpreter services (staff and contract interpreters), and from September 1, 2012 through August 31, 2013, \$4,214,607 was spent on these services. Accordingly, the amount spent on interpreter services was reduced by \$239,526 in that one year period, which is slightly under the projected savings. However, at the same time, the number of staff and contract interpreter service events for the same time period increased by 1,050.<sup>7</sup> Additionally, there has been growth in the number of service events in juvenile and domestic relations district court and circuit court, and many of these service events require interpretation services for the duration of these cases, which can last multiple hours. There has also been a demand for interpretation in a larger number of foreign languages, for which interpreters may command higher rates. The staff interpreter program is looking to fill vacant positions with interpreters certified to translate in languages other than Spanish.

Prior to the implementation of the staff interpreter program, interpreter expenditures were continuing to rise. For the five years leading up to implementation of the program, expenditures had, on average, increased by over 8 % per year. With the implementation and growth of the staff interpreter program, the annual cost for interpreter services has remained stable, despite the growth of non-English speaking populations in Virginia, and the greater use of interpreters in the courts.

If you have any questions regarding this report, please do not hesitate to contact me.

With kind regards, I am

Very truly yours,



Karl R. Hade

cc: Richard E. Hickman, Jr., Senate Finance Committee  
Michael Jay, House Appropriations Committee  
Division of Legislative Automated Systems

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<sup>6</sup> These figures are not calculated using fiscal year because, although funding was available to hire staff interpreters beginning July 1, OES was not able to fill many of the positions until at least September.

<sup>7</sup> The number of service events covered by interpreters increased from 69,433 to 70,483 during that same time period.