



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

COURT PROGRAMS AND SERVICES DIVISION

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TANI G. CANTIL-SAKAUYE
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Chair of the Judicial Council

JODY PATEL
Interim Administrative Director of the
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CURT SODERLUND
Interim Chief Deputy Director

CHAD FINKE
Director, Court Programs and Services Division

February 28, 2012

Ms. Diane F. Boyer-Vine
Legislative Counsel
State of California
State Capitol, Suite 3021
Sacramento, California 95814

Mr. Gregory Schmidt
Secretary of the Senate
State Capitol, Room 400
Sacramento, California 95814

Mr. E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California 95814

Re: *Trial Court Interpreters Program Expenditure Report for Fiscal Year 2010–2011*, Budget Act of 2010 (Stats. 2010, ch. 712)

Dear Ms. Boyer-Vine, Mr. Schmidt, and Mr. Wilson:

Attached is the Judicial Council report required under the Budget Act of 2010 (Stats. 2010, ch. 712), Item 0250-101-0932, *Trial Court Interpreters Program Expenditure Report for Fiscal Year 2010–2011*.

Ms. Diane F. Boyer-Vine
Mr. Gregory Schmidt
Mr. E. Dotson Wilson
February 28, 2012
Page 2

Summary of the report:

- The amount of \$92,794,000 was appropriated for court interpreter services (program 45.45) for fiscal year 2010–2011.
- Court reimbursements for eligible court interpreter expenditures totaled \$89,951,954 in FY 2010–2011.
- Eligible expenditures were \$2,842,046 less than the appropriation for FY 2010–2011.
- Eligible court interpreter program expenditures increased from FY 2009–2010 to FY 2010–2011 by \$1,996,887, or 2.27 percent.
- The increase in eligible court interpreter program expenditures is primarily attributable to the discontinuation of the statewide court closure days that occurred during FY 2009–2010.
- At its July 22, 2011 meeting, as part of the report on trial court allocations for FY 2011–2012, the Judicial Council approved utilizing \$3 million of the \$4,838,933 savings from the FY 2009–2010 court interpreter program fund to assist in offsetting part of the trial court budget reductions. The \$1,838,933 remains available for eligible court interpreter program costs.
- Total staff expenditures (\$72 million) accounted for 79.78 percent of the eligible expenditures for FY 2010–2011 and total contractor costs (\$18 million) for 20.22 percent.
- Eligible expenditures for noncertified and nonregistered interpreters represented 3.65 percent of statewide interpreter costs and 18.06 percent of total contractor costs.

If you have any questions related to this report, please contact Chad Finke, Director, Court Programs and Services Division, at 415-865-8925 or chad.finke@jud.ca.gov.

Sincerely,



Jody Patel
Interim Administrative Director of the Courts

JP/CF/JR

Attachment

cc: Members of the Judicial Council

Ms. Margie Estrada, Consultant, Office of the Senate President pro Tempore Darrell Steinberg

Ms. Fredricka McGee, General Counsel, Office of Assembly Speaker John Perez

Mr. Matt Osterli, Consultant, Senate Republican Fiscal Office

Ms. Jolie Onodera, Consultant, Senate Appropriations Committee

Mr. Joe Stephenshaw, Consultant, Senate Budget and Fiscal Review Committee

Mr. Allan Cooper, Consultant, Assembly Republican Fiscal Office

Mr. Marvin Deon, Consultant, Assembly Budget Committee

Mr. Chuck Nicol, Principal Consultant, Assembly Appropriations Committee

Mr. Curt Soderlund, Interim AOC Chief Deputy Director

Ms. Christine Patton, AOC Regional Administrative Director

Mr. Curtis L. Child, Director, AOC Office of Governmental Affairs

Ms. Anita Lee, Policy and Budget Analyst, Legislative Analyst's Office

Mr. Peter Allen, Manager, Office of Communications, AOC Executive Office

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Report Summary

Report title: *Trial Court Interpreters Program Expenditure Report for Fiscal Year 2010–2011*

Statutory citation: Budget Act of 2010 (Stats. 2010, ch. 712)

Date of report: February 28, 2012

The Judicial Council has submitted a report to the Legislature in accordance with the Budget Act of 2010 (Stats. 2010, ch. 712).

The following summary of the report is provided under the requirements of Government Code section 9795.

In fiscal year 2010–2011, \$92,794,000 was appropriated for court interpreter services (program 45.45), and court reimbursements for eligible court interpreter expenditures totaled \$89,951,954. These expenditures were \$2,842,046 less than the appropriation but \$1,996,887 (or 2.27%) more than expenditures in FY 2009–2010, an increase primarily attributable to the discontinuation of the statewide court closure days that occurred during FY 2009–2010. In July 2011 the Judicial Council approved using \$3 million of the \$4,838,933 savings from the FY 2009–2010 court interpreter program fund to assist in offsetting part of the trial court budget reductions; \$1,838,933 remains available for eligible court interpreter program costs. In FY 2010–2011, total staff expenditures (\$72 million) accounted for 79.78 percent of the eligible expenditures and total contractor costs (\$18 million) for 20.22 percent. Expenditures for noncertified and nonregistered interpreters represented 3.65 percent of statewide interpreter costs and 18.06 percent of total contractor costs.

The full report can be accessed here: <http://www.courts.ca.gov/7466.htm> . For a printed copy, call 415-865-8925.

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**JUDICIAL COUNCIL OF CALIFORNIA
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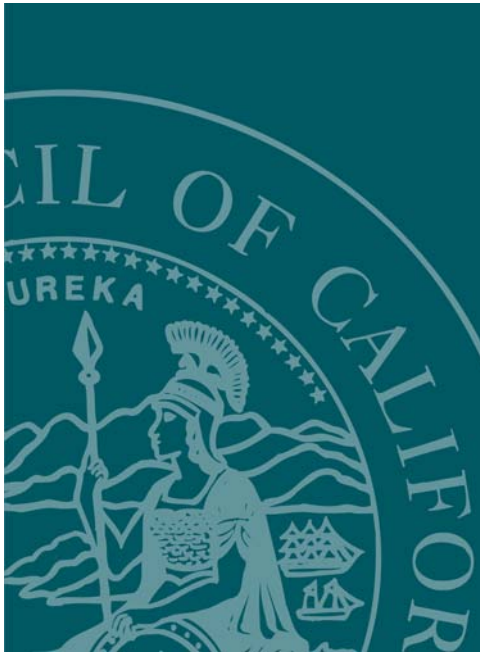
Curt Soderlund
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COURT PROGRAMS AND SERVICES DIVISION

Chad Finke
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Court Interpreters Program, Jacquie Ring
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Primary Author



Trial Court Interpreters Program Expenditure Report for Fiscal Year 2010–2011

REPORT TO THE LEGISLATURE

FEBRUARY 2012



JUDICIAL COUNCIL
OF CALIFORNIA

ADMINISTRATIVE OFFICE
OF THE COURTS

I. Summary

- The amount of \$92,794,000 was appropriated for court interpreter services (program 45.45) for fiscal year 2010–2011.
- Court reimbursements for eligible court interpreter expenditures totaled \$89,951,954 in FY 2010–2011.
- Eligible expenditures were \$2,842,046 less than the appropriation for FY 2010–2011.
- Eligible court interpreter program expenditures increased from FY 2009–2010 to FY 2010–2011 by \$1,996,887, or 2.27 percent.
- The increase in eligible court interpreter program expenditures is primarily attributable to the discontinuation of the statewide court closure days that occurred during FY 2009–2010.
- At its July 22, 2011 meeting, as part of the report on trial court allocations for FY 2011–2012, the Judicial Council approved utilizing \$3 million of the \$4,838,933 savings from the FY 2009–2010 court interpreter program fund to assist in offsetting part of the trial court budget reductions. The \$1,838,933 remains available for eligible court interpreter program costs.
- Total staff expenditures (\$72 million) accounted for 79.78 percent of the eligible expenditures for FY 2010–2011 and total contractor costs (\$18 million) for 20.22 percent.
- Eligible expenditures for noncertified and nonregistered interpreters represented 3.65 percent of statewide interpreter costs and 18.06 percent of total contractor costs.

II. Background

Mandates to Provide Court Interpreting Services

Article I, section 14 of the California Constitution was amended in 1974 to provide that “[a] person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings.” This establishes a mandate for the courts to provide interpreters to all defendants in criminal matters who have limited ability to understand or speak English. Further state court rulings subsequent to the constitutional amendment have established the right to a court interpreter in delinquency and some family law matters for individuals with limited English proficiency. In addition to the constitutional mandate and state court rulings, under federal law, individuals with hearing disabilities who require sign language interpreters must receive court interpreter services free of charge in all court proceedings.

Statutory Requirement to Report on Expenditures

The Budget Act of 2010 (Stats. 2010, ch. 712), item 0250-101-0932, Schedule 4 provides appropriation from the Trial Court Trust Fund for the services of court interpreters. Provision 4 states that “the Judicial Council shall report to the Legislature and Director of Finance annually regarding expenditures” from Schedule 4. In fulfillment of that provision, this report details trial court expenditures for court interpreters.

Program Funding

- For FY 2010–2011, the Budget Act of 2010 appropriated \$92,794,000 for the provision of court interpreter services, exactly the same amount as the previous year’s appropriation. During FY 2010–2011, eligible expenditures totaled \$89,951,954, or \$2,842,046 less than the amount appropriated.

- On October 29, 2010, the Judicial Council approved a recommendation that the \$4,838,933 savings from FY 2009–2010 and any future program savings be set aside to address future reimbursable court interpreter costs. At its July 22, 2011 meeting, as part of the report on trial court allocations for FY 2011–2012, the Judicial Council approved utilizing \$3 million of the \$4,838,933 savings from the FY 2009–2010 court interpreter program fund to assist in offsetting part of the trial court budget reductions. The \$1,838,933 remains available for eligible court interpreter program costs.

III. Eligible Expenditures

Program expenditures that qualify for reimbursement are limited to the following four items:

1. Contract court interpreters and their per diems, including travel;
2. Certified and registered court interpreters employed by the courts, including their salaries, benefits, and travel;
3. Court interpreter coordinators;¹ and
4. Four court interpreter supervisor positions: two in Los Angeles County, one in Orange County, and one in San Diego County. These are the only positions funded under the program that include funding for standard operating expenses and equipment (OE&E).

The Judicial Council does not reimburse trial courts for the cost of supervisors, administrative overhead, or any OE&E except for the contractual services, travel, and standard complementary items noted above in items 1, 2, and 4. Trial courts must absorb all other OE&E costs and, except as noted in item 4 above, all supervisory expenditures associated with staff interpreters and court interpreter coordinators.

Attachment 1 is a summary by court of the major reimbursable categories in items 1– 4 above.

IV. Rates of Pay for Court Interpreters

The Judicial Council first established statewide standards for court interpreter compensation in January 1999 at two defined levels, a full-day rate and a half-day rate. Three increases in pay for certified and registered interpreters have been authorized since then, effective on July 1, 1999; July 1, 2000; and September 1, 2007.

A significant change to the provision of interpreter services was the enactment of Senate Bill 371 (Stats. 2002, ch. 1047), which required trial courts to establish staff interpreter positions and offer employment to certified and registered court interpreters under prescribed conditions. As a result, trial courts began hiring contract interpreters as staff interpreters. The council's standard interpreter pay rates apply only to contract interpreters, not to staff interpreters.

¹ Limited by item No. 0250-101-0932, provision 4 of the Budget Act of 2010 to 1.0 personnel year (PY) each for counties in classes 1–15, 0.5 PY each for counties in classes 16–31, and 0.25 PY each for counties in classes 32–58. The Budget Act of 2010 defines county classes based on size of population: counties in classes 1–15 have populations greater than 500,000, classes 16–31 have populations between 130,000 and 500,000, and classes 32–58 have populations less than 130,000.

Statewide Standard Rate for Certified and Registered Contract Court Interpreters

Effective September 1, 2007, the Judicial Council increased the statewide standard pay rate for certified and registered interpreters to \$282.23 for a full day and \$156.56 for a half day. The full-day rate of \$282.23 represents a 41 percent increase over the original January 1999 rate of \$200.

Interpreters who pass the Court Interpreter Certification Examination or the required exam for American Sign Language and fulfill the corresponding Judicial Council requirements are referred to as certified interpreters. Currently, California recognizes 15 designated languages: American Sign Language (ASL), Arabic, Eastern Armenian, Western Armenian, Cantonese, Japanese, Khmer, Korean, Mandarin, Portuguese, Punjabi, Russian, Spanish, Tagalog, and Vietnamese. (Effective January 1, 2011, Farsi is recognized as a designated language. However, interpreters currently enrolled on the Master List of Court Interpreters will remain registered interpreters until a bilingual oral interpreting exam for certified status is developed.)

An interpreter of a spoken language not designated for certification status is required to pass an English Fluency Examination and fulfill the corresponding Judicial Council requirements in order to become a registered interpreter of a nondesignated language.

Statewide Standard for Noncertified and Nonregistered Interpreters

During FY 2010–2011, the statewide standard rate for noncertified and nonregistered interpreters remained \$175 for a full day and \$92 for a half day, the same rate established by the Judicial Council in July 1999. However, the actual rates paid to contract interpreters, whether certified/registered or noncertified/nonregistered, often exceed these standards because each assignment must be individually negotiated by the local court subject to the realities of supply and demand—particularly for contractors who interpret less commonly spoken languages.

Comparison with Federal Rates

Compensation for California employee court interpreters is comparable to federal rates. California employee court interpreters receive health and retirement benefits that increase the total value of their compensation by 30–35 percent. The current federal rates for contract court interpreters are \$388/full day and \$210/half day for certified interpreters and \$187/full day and \$103/half day for noncertified interpreters. While the federal system relies almost exclusively on contract interpreters, most court interpreter assignments in California are performed by staff interpreters.

V. FY 2010–2011 Reimbursed Expenditures

Shift from Contract Interpreters to Staff Interpreters

Table 1 details reimbursed expenditures by year for staff and contract court interpreters. Total staff expenditures, which represented 75.96 percent of interpreter costs in FY 2005–2006, increased to 79.78 percent of interpreter costs in FY 2010–2011. Conversely, contract expenditures decreased from 24.04 percent to 20.22 percent. These figures illustrate that, since FY 2005–2006, around 75 percent of reimbursed expenditures have gone to cover staff costs and 25 percent to cover contractor costs. This percentage shift toward staff expenditures continued during FY 2010–2011.

Table 1. Shift of Reimbursed Expenditures From Contract to Staff Costs					
Fiscal Year	2005–2006	2007–2008	2008–2009	2009–2010	2010-11
Total Staff Expenditures	\$57,661,117 -75.96%	\$65,109,655 -73.59%	\$69,842,707 -74.53%	\$68,042,596 -77.36%	\$71,763,311 -79.78%
Total Contractor Expenditures	\$18,249,522 -24.04%	\$23,363,502 -26.41%	\$23,862,667 -25.47%	\$19,912,471 -22.64%	\$18,188,643 -20.22%
Total	\$75,910,639	\$88,473,157	\$93,705,374	\$87,955,067	\$89,951,154

Expenditures for Noncertified and Nonregistered Contract Interpreters

During FY 2010–2011, statewide per diems for noncertified contract interpreters equaled \$2,488,385 or 2.77 percent of total statewide expenditures. Statewide expenditures on per diems for nonregistered contract interpreters equaled \$797,239, or 0.88 percent of total statewide expenditures. Per diem expenditures for both noncertified and nonregistered contract interpreters equaled 3.65 percent of all statewide interpreter costs. Columns K and L of Attachment 1 detail nonregistered and noncertified contract interpreter per diem expenditures for FY 2010–2011 for each of the 58 county trial courts.

Table 2 below shows annual statewide expenditures over the past three years for compensation (excluding travel) of noncertified and nonregistered interpreters, and their percentages of total eligible expenditures for court interpreter services. The annual percentages have decreased from 4.77 percent in FY 2008–2009 to 3.65 percent in FY 2010–2011.

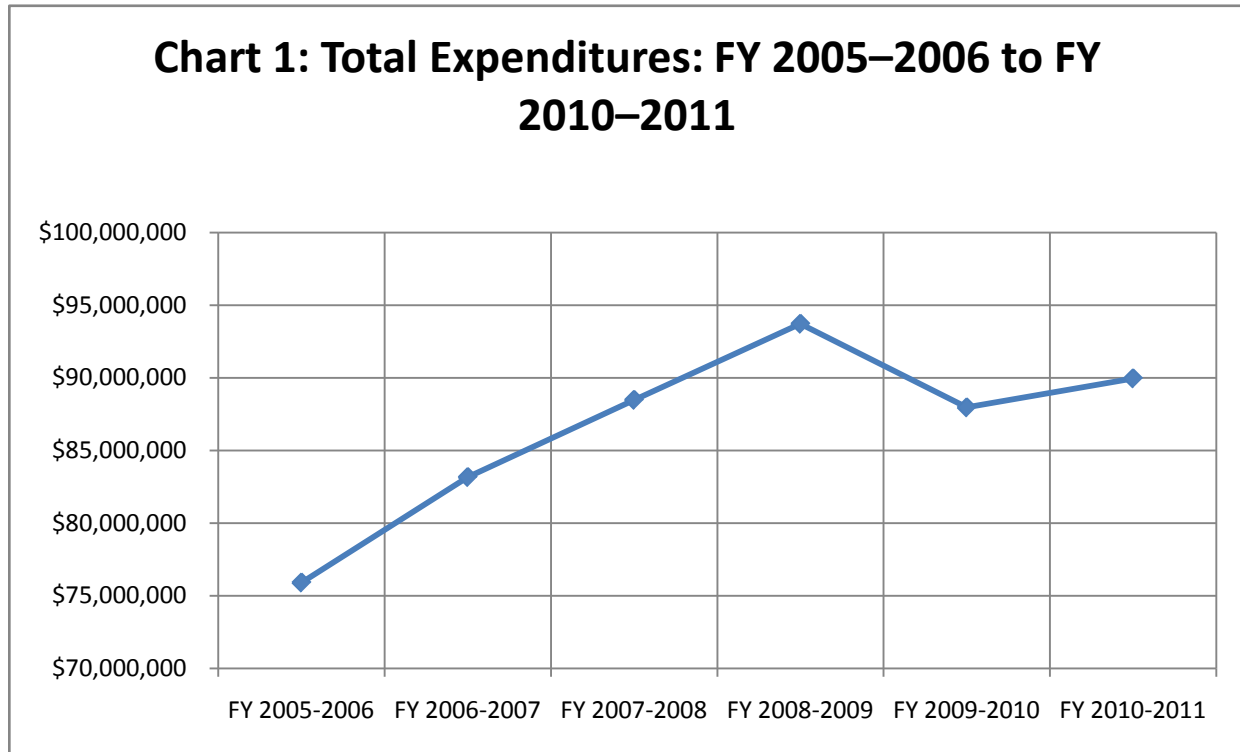
Table 2. Expenditures for Noncertified and Nonregistered Contract Interpreters and Percentage of Total Expenditures			
Fiscal Year	2008–2009	2009–2010	2010-2011
Noncertified Expenditures	\$3,408,555 -3.64%	\$2,816,013 -3.20%	\$2,488,385 -2.77%
Nonregistered Expenditures	\$1,058,954 -1.13%	\$862,814 -0.98%	\$797,239 -0.88%
Combined Expenditures	\$4,467,509 -4.77%	\$3,678,827 -4.18%	\$3,285,624 -3.65%

Increase in Total Court Interpreter Expenditures

Allowable court interpreter expenditures increased from FY 2009–2010 to FY 2010–2011 by \$1,996,887, or 2.27 percent. The increase is attributable primarily to the discontinuation of the 10 statewide court closure days instituted by the Judicial Council in FY 2009–2010 due to the severe budget situation. Table 3 shows the annual percentage changes in statewide reimbursed expenditures from FY 2005–2006 to FY 2010–2011.

Table 3. Percentage Change in Statewide Reimbursed Expenditures				
FY 2005–2006 to FY 2006–2007	FY 2006–2007 to FY 2007–2008	FY 2007–2008 to FY 2008–2009	FY 2008–2009 to FY 2009–2010	FY 2009–2010 to FY 2010–2011
9.55%	6.38%	5.91%	-6.14%	2.27%

Chart 1 depicts total reimbursed court interpreter expenditures since FY 2005–2006.



VI. Distribution of Reimbursed Expenditures by Largest Court Providers

Table 4 lists the 11 courts that received the largest reimbursements for eligible court interpreter costs in FY 2010–2011. These 11 courts accounted for \$70,337,615, more than 78 percent of the state’s total reimbursed expenditures for court interpreters. The Superior Court of Los Angeles County alone accounted for 35.27 percent of reimbursed expenditures, while southern California’s five largest superior courts—those of Los Angeles, Orange, San Diego, San Bernardino, and Riverside Counties—together accounted for 59.8 percent of the state’s reimbursements.

Table 4. Reimbursed Expenditures by the 11 Largest Providers of Court Interpreters		
Superior Court	FY 2009–2010 Reimbursed Expenditures	Percentage of Statewide Total
Los Angeles	\$31,727,071	35.27%
Orange	\$8,041,526	8.94%
San Diego	\$5,916,464	6.58%
San Bernardino	\$4,746,510	5.28%
Riverside	\$3,355,916	3.73%
Sacramento	\$3,311,496	3.68%
Alameda	\$3,258,801	3.62%
Santa Clara	\$3,110,729	3.46%
Kern	\$2,399,914	2.67%
Fresno	\$2,330,668	2.59%
San Francisco	\$2,138,520	2.38%
Subtotal	\$70,337,615	78.19%
Statewide Total	\$89,951,954	100.00%

VII. Conclusion

In FY 2010–2011, the state appropriation was sufficient to provide all courts with full reimbursement of their allowable court interpreter costs. The overall statewide increase in expenditures by 2.27 percent from FY 2009–2010 to FY 2010–2011 is attributable to the discontinuation of court closures approved by the Judicial Council in FY 2009–2010.

Although California’s economic future remains uncertain, it is vitally important that all Californians have meaningful access to justice regardless of their ability to communicate in English. It is essential that there be adequate funding for court interpreter services so individuals with limited English proficiency are able to participate fully in their court proceedings. The Judicial Council will work with the Governor and Legislature to ensure the availability of sufficient resources to meet the statewide need for court interpreters.

VIII. Attachments

1. FY2010–2011 Court Interpreters Program 45.45 Year-End Reimbursed Expenditures

