

## **New York's Court Interpreters: Overworked Link**

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### **Body**

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When New York's immigrants must appear in court, precious hours often slip away because an interpreter is nowhere to be found. Judges become furious, then desperate. That was why a State Supreme Court clerk in Queens once ran to a Korean deli and prevailed upon the owner to help out, and why, during a hearing in a Brooklyn homicide case, a judge asked a Vietnamese co-defendant to do the honors.

The co-defendant complied, and on those grounds the conviction is being appealed.

Judges and lawyers say interpreters in the New York City courts are overworked, underpaid, undertrained and often unavailable, resulting in unequal justice for many immigrants. Critical testimony can be misunderstood, mistakes go unnoticed and hearings are often delayed.

The situation has deteriorated so much, a City Bar Association committee report said last week, that people who come to court and do not know English are put through what the panel called a Kafkaesque and deplorable experience in a system with no standard certification of most interpreters.

Judge E. Leo Milonas, New York's Chief Administrative Judge, said his office was aware that more and better-trained interpreters are sorely needed, and had sought a \$1 million increase for them in the next budget. Last summer he ordered a statewide audit of the interpreters, which is due next month.

The right to a competent interpreter in criminal cases has been upheld by courts as fundamental to due process. For immigrants with cases in housing, family or civil courts, lack of an interpreter impedes the right to equal protection, said the report by the Committee on the Legal Needs for the Poor.

New York courts have statutory authority to appoint interpreters. But administrators screen them in an ad-hoc fashion that varies from county to county, the report said.

To most English speakers, legalese, the language of the courts, already sounds incomprehensible. But to the foreign-born, legalese and the principles it stands for can seem utterly out of reach.

Under scrutiny is a job with intellectual and emotional demands unparalleled by other interpreting positions. In addition to bewildering legal terminology, interpreters must accurately translate the words of coroners, of ballistics experts, of psychiatrists. They must stay current with the changing street names for drugs, weapons, sexual parts.

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## From Case to Case

They move from courtroom to courtroom, usually with no preparation, from a slip-and-fall lawsuit to a child's testimony about being sodomized and then a defendant's explanation of murder in self-defense.

"They're putting their words into your mouth," said Luisa Hernandez, a Spanish interpreter based in Queens Supreme Court. "And they are counting on you to help them. Sometimes they whisper to me in Spanish, 'Should I take this plea? Is my lawyer doing a good job?' It's really difficult because I'm not supposed to give advice. I'm supposed to be like a puppet, without an opinion."

More important, there is no way to catch errors. Records are made of the English rendition of the testimony but not the original language. Although appeals based on faulty interpretation have begun to rise in recent years -- including a heroin case in which a Cantonese interpreter was so bad that Chinese reporters in the courtroom laughed derisively -- they are rarely granted because they are so hard to prove, said Stanley Neustadter, a New York appeals lawyer.

While a mistake in Spanish may be noticed occasionally, judges say they feel helpless to control matters with languages like Fujianese; Farsi, the Iranian language, and Wolof, a Senegalese language. When an interpreter translates simultaneously, whispering in a defendant's ear, catching errors is virtually impossible.

Availability is a critical problem, experts say. Judges and litigants tell of cases postponed for days and even weeks, waiting for interpreters.

"I'm always having to adjourn cases because I can't even get a Spanish interpreter," said Judge Laurie L. Lau of Brooklyn Housing Court. "So you can imagine when I had an Arabic-speaking tenant and an Italian-speaking landlord."

## Confusion Meets Desperation

In Brooklyn Housing Court linguistic confusion meets desperation on a daily basis. The other day the corridor outside Judge Lau's courtroom was rocked by scared, angry voices in many languages. Lawyers for landlords strained to be heard, screeching legalese: "Just sign this stip, O.K.?"

The frequent refrain: "No understand."

A Spanish interpreter finally arrived in Judge Lau's court. Through her, a Puerto Rican man in his 70's explained that he was willing to have his wages garnisheed for back rent. But, as he now learned through the interpreter, the landlord wanted to take his entire paycheck.

Even the interpreter looked thunderstruck. She would try to return after lunch to finish the hearing and maybe help with three other cases Judge Lau had to postpone because they needed an interpreter.

Part-Time Interpreters

Although the State Office of Court Administration has 156 full-time interpreters, most of whom are Spanish speaking, part-time interpreters take significant numbers of cases. They are paid \$80 a day and come from refugee organizations, private agencies and even the school system. And they rarely have legal backgrounds.

Complaints about uneven quality are not uncommon. Recently a Spanish interpreter handling a Queens automobile accident case left out the color of the traffic lights and the location of the collision.

More widespread, subtle problems occur, judges and lawyers say, when untrained interpreters step outside their strictly defined roles of neutrality. Judge Michael Gage, the supervising judge of Queens Family Court, tells of a Korean interpreter who berated a battered woman for testifying against her husband, and an Urdu interpreter in a

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juvenile delinquency case who explained what he thought the teen-ager meant, rather than what the boy actually said.

While having an interpreter can be crucial in matters as disparate as proving one's innocence in a criminal case or in asking a court to compel a landlord to provide heat, judges say that many immigrants, embarrassed by their limited English, are too shy to ask for help. And often lawyers do not demand an interpreter.

While judges have informally assigned interpreters for decades, legal experts say that with some exceptions, the right to an interpreter only began to be recognized by state courts in the mid-1960's.

The problems with interpreters in New York and other cities reflect the growing number of immigrants and the shift in homelands. In 1987 New York's courts classified the most common foreign languages as Spanish, Haitian Creole, Korean, Polish and Chinese. In 1993 the courts said they were Spanish, Korean, Arabic, Russian, Cantonese and Mandarin.

In fiscal year 1988 New York State spent \$6.8 million on interpreters. Last year it spent \$9.3 million (raises for permanent staff account for some increase). State administrators do not track how many cases used interpreters for which languages.

## Los Angeles Is Model

Some experts say Los Angeles County has the best-paid, best-trained court interpreter staff in the country's local jurisdictions. California offers an exam for eight languages and Los Angeles also tests for legal terminology and ability to interpret both consecutively and simultaneously. Last year the county spent \$16 million on interpreters, paying them \$128 for a half day and \$210 for a full day.

By contrast, New York State offers a Civil Service exam only for full-time Spanish interpreters once every four years; testing of the per-diem workers is not mandatory. The interpreters are generally not monitored. Attendance at the occasional seminars offered by the Office of Court Administration is voluntary.

"Screening is a major issue," Jonathan Lippman, deputy chief administrator of the state courts, said. He said that tests, which he hopes to make mandatory, have been developed for Spanish, Russian, Cantonese, Mandarin, Polish and Greek per-diem interpreters.

But in the hierarchy of interpreting positions, which include the private sector, the United Nations and the Federal courts, the New York State court jobs lurk somewhere near the bottom. While the per-diem interpreters in state court are paid \$80 a day, the day rate from corporations runs between \$350 and \$450.

The Federal Government offers certification exams only in Spanish, Haitian Creole and Navajo, which have a pass rate of 7 percent; the certified Federal interpreters earn \$250 a day. Federal court interpreters for other languages earn \$150 and up.

## Ingenuity and Diligence

Given the scarcity of state resources, the system often survives on ingenuity and extra diligence. Over the years Sonya Mittler, who coordinates interpreters for Queens Supreme Court, has proudly assembled a roster for 55 languages.

In Manhattan, a harried Rosadale Dunnom, who assigns interpreters for the city's criminal courts, tells a Brooklyn judge: "I've got a Polish interpreter who just called from court in Queens, but it'll take an hour and a half to get him to you, and it's already 3:30."

The more responsible interpreters explain legal terminology to one another, study language books on their own time, and keep informed about new street words.

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Recently Ms. Hernandez, the Spanish interpreter in Queens, was stumped by a witness who kept referring to his "chagon." Court proceedings ground to a halt as she flipped through dictionaries. The word turned out to be a Spanish-English concoction for "shotgun."

## A Problem With Dialects

The Spanish dialects spoken in the Caribbean and Latin America can prove nettlesome. "Manteca," for example, generally means lard, but to many Latin American drug dealers it also means heroin.

The interpreter system has endured other criticism recently. Last summer, a report about court interpreters for the deaf and the hearing-impaired by the City Bar Association and the New York Women's Bar Association found that because the deaf communicate through lip reading, writing, or one or more sign languages, interpreters were often mismatched with litigants.

In 1991, the New York State Judicial Commission on Minorities, which found the state court system "infested with racism," urged that interpreters be improved.

In addition to ordering the statewide audit of the interpreters, court administrators have been meeting with officials from New Jersey, Massachusetts, Washington State and the National Center for State Courts to study interpreter services. In a statement, Judge Milonas said: "We will soon undertake a revamping of services and procedures."

## Graphic

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Photo: Judges and lawyers say interpreters in the New York City courts are overworked, underpaid, undertrained and often unavailable. At State Supreme Court in Manhattan, Pedro Masoliver, left, helped a Spanish-speaking defendant, center, communicate with his court-appointed lawyer, Joseph Torres. (Sara Krulwich/The New York Times) (pg. A22)

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