

LOST IN TRANSLATION

By Mary Lou Aranguren

The county of Los Angeles, 88 cities with more than 10 million residents, is home to millions of immigrants and the cultures and languages they bring with them. This polyglot metropolis is served by the largest court system in the country, where more than 100 languages are spoken and translated each year.

The L.A. courts are slowly returning to normal operations after a six-week strike by some 400 legal interpreters ended on Oct. 17. The labor dispute, the first major interpreter strike in the country, caused major disruptions and put justice on hold for thousands of non-English speakers. Now that it's over, serious questions remain about why the strike lasted so long and why the court refused to meet with the interpreters and reach a settlement.

Serious impacts were dramatically testified to by affected parties in an Oct. 15 Senate hearing convened by California Sen. Gloria Romero, chair of the Senate Public Safety Committee.

Los Angeles City Attorney Rocky Delgadillo described the dispute as a crisis that was causing "a serious breakdown in the system," citing delays as a major problem. In one case, a hearing to compel a convicted child molester to register as a sex offender was postponed for two months because no interpreter was available. As a result, the offender is currently unmonitored in the community. Delgadillo said his deputies reported "dozens and dozens of other examples that have real world consequences."

District Attorney spokesperson Janet Moore testified that to compensate for the absence of interpreters, conditions were implemented that were having severe impacts on clients and practices, including case transfers, hearsay hearings instead of direct testimony by witnesses, and reduced plea bargains to avoid dismissals.

Moore and others said the significant costs associated with these disruptions and potential appeals were hard to calculate in dollars and cents, "What we are all trying to say is [that] the real cost here cannot be estimated. The impact on these cases, on our lawyers, on what the dispositions are, on the defendants who are staying in jail longer, on the witnesses who now will not come to court because they have come and come, they have been inconvenienced, and now will come no more - it's that intangible impact that really is affecting all of us so deeply."

Court interpreters are the only employees excluded from a salary scale that awards experience and service.

Interpreter witnesses said they documented cases county-wide where non-English speakers' rights to competent interpretation were compromised when judges misrepresented the status of qualified interpreters, ignored government code mandates, or overlooked incompetence that was plainly evident, such as substitutes who couldn't keep up and stopped interpreting during the proceedings.

Defense attorney Gilbert Geilim Morales testified that an interpreter in an attempted murder case made material errors interpreting for a key witness. The judge did not inform the parties, as required, that the interpreter was not certified and Geilim said a motion to dismiss will now cost more court time and resources.

Witnesses described cases proceeding with no interpreter at all. Defense attorney Pete Navarro said that in the juvenile justice system, non-English speaking parents were left completely in the dark without interpreters, with no option but to rely on their children to understand court orders.

Following this testimony, Presiding Judge J. Stephen Czuleger maintained the court was functioning well and characterized the strike as an inconvenience, saying "My supervising judges, with whom I meet often, report that each of our districts has modified its operations to address the strike and still meet the needs of all court

Forum

DAILY JOURNAL • THURSDAY, NOVEMBER 1, 2007 • PAGE 6



users. For this I am justifiably proud.”

Czuleger and Judge David S. Wesley responded defensively to questions and interrupted legislators as they tried to reconcile the stark disparity between the court’s testimony and that of other witnesses.

Wesley and Czuleger denied that the rights of non-English speakers were compromised, and did not acknowledge or voice concern over the impacts for impacted cases, parties or communities. Appearing immune to any sense of accountability, court leaders showed an almost complete disregard for their fundamental duty to provide meaningful and equal access.

At the root of this dispute is the court’s indifference toward the services we provide and the communities that need interpreters.

Certified court interpreters possess a rare combination of skills and knowledge that allows us to navigate between cultures and languages with precision and speed — and put non-English speakers, judges, attorneys and the state on equal footing so that justice may proceed. It takes a unique background and many years to acquire the language proficiency we possess and to develop the technical facility that allows us to make the job look easy. After certification, we learn through years of experience how to manage linguistic and ethical dilemmas we encounter.

While many individual judges appreciate our work, as an institution the court has historically treated interpreters less than

equally. More than 80 percent of the interpreter workforce has served the court for more than 10 years and many have served for more than 20 years.

For 16 of the past 20 years, we received no cost-of-living adjustments or raises. We were excluded from employment rights and benefits for most of our careers. We entered the retirement system late and most of our years of service will not count toward a pension. We are underpaid when compared to other employees with similar jobs. A court reporter with five years of service, for example, earns 18 percent more than an interpreter with 20 years on the job.

And finally — the main point at issue in the strike — we are the only employees excluded from a salary scale that rewards experience and service. The salary step system we propose would adjust our wages over a period of four to five years — not all at once as the court repeatedly misrepresented — and would help address the disparities in our treatment.

The court’s reasons for denying this demand are convoluted, but they go something like this: The court can’t give interpreters what everyone else has because, although we were treated unequally before, we now must be treated the same. Because we have had less, it would cost something to give us parity. Bringing us to parity would seem like special treatment. Thus, we are limited to what other unions negotiated this year. Translation: The court refuses to bargain with us as a separate unit of employees

doing a specialized job.

Remarkably, money was not the problem. The court knew before bargaining began that there was a documented surplus of funding in the interpreter line item of the judiciary budget, but refused to acknowledge or access the funds.

We have returned to work, but our determination to gain equal treatment is far from over. We have filed a complaint with the Equal Employment Opportunity Commission, a first step toward filing a discrimination suit against the court. We will seek legislative remedies to safeguard access to competent interpreters and we will continue to expose the alarming disregard that the Los Angeles Superior Court bench has shown during this dispute toward the communities that need these services.

Our struggle is about fairness for us and the communities we serve. The demographics are undeniable: The courts need more interpreters, and the need is growing. To attract and retain professional interpreters to properly serve these communities, the courts must stop treating interpreters like a necessary evil and begin to respect our professionalism and expertise as an integral part of the judicial system. From that point, we can move forward.

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