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Wanted: People to translate in court

- Article by: HERÓN MÁRQUEZ ESTRADA
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Abdu Elmi has been in court dealing with lawyers or answering a judge's questions thousands of times since 2009.

"I appear in the court system every day," said Elmi, the only certified Somali interpreter in the state and possibly the country. "I do all of Minnesota."

Elmi and state judicial officials say he is so busy because of the lack of certified Somali interpreters in Minnesota, part of a larger shortage of certified interpreters in the state judiciary system.

"It's a real challenge, especially when it comes to exotic languages, " said Chippewa County District Judge Paul Nelson, whose court in Montevideo has had to go as far away as Oregon, Hawaii or Micronesia to address the Chuukese language needs of some defendants who have appeared before him.

In 2010, Nelson said, he had a felony assault trial involving a Pacific Islander that was going to require two Chuukese interpreters to be flown in from Micronesia, at state expense.

"We had to do it, we would have done it," Nelson said recently, "but the expense would have been tremendous."

Luckily, the case was settled before trial. But Nelson and others said it highlights the length to which the court system has to go to accommodate the legal needs of defendants, witnesses or others in a legal proceeding.

"If we don't have an interpreter, that could complicate things," he said.

Further complicating matters is the lack of certified interpreters, especially in exotic languages or languages where the state does not have enough certified interpreters.

The State Court Administrator's Office says that since being certified less than three years ago, Elmi has participated in 2,400 hours of court "events," such as trials, first appearances, omnibus hearings or other legal matters involving a judge.

"I have been to most counties in Minnesota," said Elmi, who also does court work in such states as New York, Ohio, Nebraska and Texas.

While there are dozens of certified interpreters in Spanish, the state courts also only have one certified interpreter in Lao, Vietnamese, French and Chinese Mandarin.

The state has no certified interpreters available in such languages as Arabic, Portuguese, Haitian Creole, Cantonese or Korean, according to Polly Ryan, a court operations analyst at the Court Services Division of the State Court Administrator's Office.

"We have some gaps there," Ryan said. "We certainly are looking to get more to improve the process. Our goal is to not slow things down."

Legal requirements

By state and federal law, any person in the court system can request an interpreter if his or her English language skills are not sufficient for a clear understanding of the judicial proceedings.

Last year, state courts dealt with 84 languages, spending just over \$3 million to provide interpreter services more than 25,000 times in the 101 courts in Minnesota's 10 state judicial districts. Since 2008, courts have dealt with 126 different languages, the Administrator's Office reported.

Judges and law enforcement personnel have a list of the 85 certified interpreters. Judges must first look at that list. If the courts cannot find a certified interpreter in a timely manner, they will use one from a roster of about 625 qualified interpreters who are available but not certified by the state.

Most agree that certified interpreters are preferable because they pass a national examination for court interpreters.

If an interpreter cannot be found in time, the defendant can end up spending extra hours or an extra day in jail. In some instances, said Judge Nelson, a significant delay could possibly lead to prosecutors missing the deadline for filing charges.

"It's vital; their role is so important," Sibley County District Judge Thomas McCarthy said of interpreters. "Unless people can understand their rights ... it's just a farce what we'd be doing. It would not be justice."

Changing things up

In order to make more efficient use of certified interpreters' time, and as a cost-saving measure, the state judicial branches have been making changes in scheduling and technology.

Interpreters are paid \$50 per hour (with a two-hour minimum) plus the same rate for driving time. Theoretically, an interpreter could drive more than two hours between the Twin Cities and

Duluth, spend 10 minutes at a first appearance, and be paid for more than six hours, or \$300, of work.

To address these inefficiencies, courts in neighboring counties are coordinating schedules, clustering trials, hearings or court appearances around the availability and location of the interpreters. They are also using telephone and video-conferencing in court where possible to save the travel time.

One newer strategy is simply to hire a certified interpreter as a full-time staff member for the district courts. That is something that a handful of counties and districts, including Hennepin and Ramsey, have done in recent years.

The most recent to do so was the First Judicial District, which covers seven counties south of the Twin Cities. The district spends more than \$300,000 on interpreters, including more than \$200,000 on Spanish interpreters.

Last fall, as part of a pilot project, the First Judicial District hired Erika Pavon as a full-time certified Spanish interpreter, complete with benefits.

"We saw there could be significant savings," said Vicky Carlson, the Carver County court administrator, who estimates she has saved \$30,000 since Pavon was hired.

"The real problem is finding qualified interpreters," Carlson said. "It's very difficult. If we don't have qualified interpreters, it delays cases, it prolongs them and their disposition."

Pavon, who previously was a freelance interpreter for the district, said she is still as busy, but at a fraction of the cost.

On July 9, for example, she handled two hearings in Shakopee, a few in Chaska, and a phone session with Judge McCarthy in Sibley County and bail hearings. All by noon.

Under the old system, she would have been paid about 14 hours minimum and several hours of travel time, or almost \$1,000 in payments. "It can get very expensive," Pavon said.

Now, because she is a salaried employee, it was all in a day's work.

"It's going well," Pavon said of her new job. "It does require cooperation and extra effort from everyone when it comes to scheduling. But we knew that the need was there."