

Massachusetts court interpreters demand fee increase, refuse to work

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Approximately 30 contract court interpreters in Massachusetts have been refusing assignments and demanding an increase in their per diem rates, which have not been increased since 2006. A protest and walkout was organized for the week of February 6. The state courts of Massachusetts provide language interpreters for all proceedings, including cases in the criminal, civil, family and juvenile courts. Language interpreters render a critically important service to the functioning of the judicial system, collectively providing services for over 90,000 interpreted events per year in over 100 languages. Roughly two-thirds of these events are in Spanish.

Of approximately 175 interpreters on the roster of the state court's Office of Language Access, a majority are contract per diem interpreters—contingent workers who receive no benefits such as health insurance, retirement benefits and sick or vacation leave. The current rates—\$300 per full day and \$200 per half day—have not been adjusted since 2006. According to www.inflationtool.com, which computes the purchasing power of the dollar over time using the Consumer Price Index (CPI), \$100 in 2006 is equivalent to \$147 today. Thus, the effect of inflation since the last rate increase is tantamount to a one-third cut in their wages.

As quoted in a *Boston Globe* article, Spanish interpreter Genevieve Howe says, “[T]he point is to call attention to the disgrace that we’ve had no pay adjustment for 17 years, and that we need travel time pay. We’re tired of waiting. We’re not willing to continue working for rates established back in 2006. We offer a high level of skill to the courts every day, and we need to be compensated like the professionals we are. Our patience has been exhausted.”

According to the *Globe* report, the Massachusetts

courts anticipated the walkout and made plans for “substitute coverage,” meaning scabs. Trial Court spokeswoman Jennifer Donahue also indicated the court’s intention to announce a new rate structure in the next month, retroactively applicable as of January 1. Interpreters involved in the walkout are aware of this but decided to go forward with their action nonetheless, since they do not know whether the planned increase will be even close to adequate. By way of obligatory lip-service, Donahue added that “court interpreters are critical partners in ensuring access to justice, and the Trial Court values their service.”

Interpreting requires a high level of skill and knowledge and carries significant responsibility. Full bilingual proficiency is a necessary but insufficient condition. Effective interpreting requires advanced, specialized skills—for example, when simultaneously interpreting speech that is fast and laden with legal jargon—and an unusually extensive bilingual vocabulary, both general and specialized, and across the spectrum of registers from slang to formal. In many jurisdictions, and in the most-used languages, interpreters are required to pass rigorous certification examinations. Nevertheless, court personnel too often assume that any lay person who is bilingual can be pressed into service if a trained, professional interpreter is not immediately available.

Contract court interpreters have been quintessential gig workers since the inception of their profession, called upon as needed and not infrequently canceled on short notice. The lack of compensation has caused many talented interpreters to leave the field of judiciary interpreting, resulting in a shortage for the courts. Working conditions also are often less than ideal. Court interpreters have had to battle with cost-conscious court administrators who refuse to acknowledge the objective

fact that the cognitive burden of continuous simultaneous interpreting is so great that no interpreter can do it accurately for more than 30 minutes at most, and that extended court hearings therefore require a team of two interpreters. Court interpreting also entails a psychological strain comparable to that of professions such as health care and social work, as they daily come into direct contact with people who are in deep distress and typically powerless.

The under-compensation, burnout and attrition that affect interpreting services also prejudice the rights of the people for whom they interpret, e.g., defendants in criminal cases. If the interpretation is inaccurate or incomplete, it undermines defendants' ability to defend and advocate for themselves.

The US federal District Court system has historically had generally higher standards of performance and compensation relative to most state courts. But US Court-certified interpreters have had to organize themselves in a campaign to pressure the Administrative Office of the US Courts (AOUSC) into conceding a long-overdue rate increase. In 2022, certified Spanish interpreters sent a formal letter to the director of the AOUSC arguing for a rate increase, citing as legal basis the federal Court Interpreters Act of 1978. In return they got a dismissive pro forma reply. These interpreters then refused en masse to sign the contract that the AOUSC requires of each individual contractor every fiscal year. Then, in 2023, the AOUSC substantially increased its rates.

The demand for court interpreters is itself a consequence of immigration, which in turn is driven by the economic hardship and inequality inherent in the global capitalist system, of American capitalism's need to incarcerate masses of people as a means of social control, and of selective enforcement of its laws in the "war on drugs." The sale and consumption of drugs such as opiates is driven by disastrous social conditions, as well as the staggering criminality of the pharmaceutical industry.

The struggles of court interpreters are of a piece with those of workers across all industries and across the globe. Years of exploitation, now exacerbated by rampant inflation, compel workers to take the fight into their own hands, organizing independently of the unions and the two big-business parties.



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