M2012-01045-SC-RL2-R

From: "Lori Gonzalez" <lgonzalez@bartdurham.net>
To: <janice.rawls@tncourts.gov>
Date: 5/25/2012 8:37 AM
Subject: **TN Courts: Submit Comment on Proposed Rules**

Submitted on Friday, May 25, 2012 - 8:36am
Submitted by anonymous user: [65.13.250.190]
Submitted values are:

Your Name: Lori Gonzalez
Your email address: lgonzalez@bartdurham.net
Rule Change: Supreme Court Rule 42 - Standards for Court Interpreters
Docket number: M2012-01045-RL2-RL
Your public comments: An advisory comment or some other language should be added to emphasize that this amendment specifically allows for interpreter costs to be paid by the AOC in civil court hearings as defined. I personally have spoken with some of the private bar who read the proposed rule as written and did not see the change as made and suggested that the rule was the same as before. Because of the major change in both rules, and more importantly, change in actual procedures that this rule hopes to bring about, additional comments or language emphasizing the civil hearing application would be helpful.

The results of this submission may be viewed at:
http://www.tncourts.gov/node/602760/submission/2694

M2012-01045-SC-RL2-RL

From: "Heather Hayes" <info@uscourtinterpreter.com>
To: <janice.rawls@tncourts.gov>
Date: 5/27/2012 2:28 PM
Subject: TN Courts: Submit Comment on Proposed Rules

Submitted on Sunday, May 27, 2012 - 2:28pm
Submitted by anonymous user: [67.212.250.144]
Submitted values are:

Your Name: Heather Hayes
Your email address: info@uscourtinterpreter.com
Rule Change: Supreme Court Rule 42 - Standards for Court Interpreters
Docket number: No. M2012-01045-RL2-RL
Your public comments:
Please find below my comments on the Supreme Court Rules re interpreters

Section 7

(a) Why should interpreters of languages other than Spanish be eligible to receive greater compensation? This is absolutely shocking. We are all carrying out exactly the same duties, at the same level of expertise and effort. This could easily be seen to be discriminatory, at many levels, and even a violation of federal law (rate of pay according to linguistic, ethnic or cultural origin, for example). If the State of Tennessee requires from me that I take the same oath as that administered to interpreters of languages other than Spanish, and if I am to carry out the same duties as those non-Spanish-language interpreters, then OBVIOUSLY we must legally be compensated at the same rate.

Also, this practice means that interpreters whose ability has not been proven (if no certification exam exists for a less common language) stand to be paid MORE than interpreters who have MET STATE CERTIFICATION REQUIREMENTS for judiciary interpreters. This is ridiculous and unfair.

(e) No travel time to be paid? This is tantamount to unpaid labor, unless it is the State of Tennessee's assertion that interpreters travel by de-molecularization, miraculously and instantaneously beaming themselves to assignment locations.

The only reason for an interpreter to travel to an assignment, and to assume all of the associated risks, is to carry out the interpretation assignment itself, and to make possible the court's communication with a party (that is, the court's fulfillment of a party's constitutional right to be present). Therefore, travel is PART OF the assignment itself. If the State wishes not to pay for interpreter travel, then the courts must carry put all hearings needing interpeters via electronic means. However, since this is neither plausible nor practical, travel for interpreters becomes a requirement: it is not the whim of that interpreter to do some sightseeing on route to a court. It is completely unreasonable of the State not to compensate these professionals for their time.

Does the State not provide payment for travel time with regard to attorneys, judges, experts, and others who are not on salary?

Also, currently, TNAOC invoicing requirements for interpreters are so complex and time-consuming that adding yet another requirement (additional motions

for compensation for travel time) unduly and unnecessarily burdens interpreters and others involved in thes process.

The results of this submission may be viewed at:
http://www.tncourts.gov/node/602760/submission/2697

M2012-01045-SC-RL2-RL

From: "Wei Ralph" <ralphfamily@comcast.net>
To: <janice.rawls@tncourts.gov>
Date: 5/27/2012 12:06 PM
Subject: TN Courts: Submit Comment on Proposed Rules

Submitted on Sunday, May 27, 2012 - 12:05pm
Submitted by anonymous user: [69.137.66.172]
Submitted values are:

Your Name: Wei Ralph
Your email address: ralphfamily@comcast.net
Rule Change: Supreme Court Rule 42 - Standards for Court Interpreters
Docket number: No. M2012-01045-RL2-RL - Filed: May 18,2012
Your public comments:
To Whom It May Concern,

As a spoken foreign language interpreter for languages other than Spanish, I want to point out to you that your newly proposed limitation on cost of interpreter services will create a harsh environment for individual with LEP. This is especially true if a person's life and death is at stake. Quality of service is directly co-related to cost of services that State of Tennessee is willing to pay. Careless cost cutting in hourly rates is taking away necessary incentives for qualified individuals to stay in the TN system.

Travel time is a necessary component to provide services. For rare languages, due to lack of statewide qualified interpreter, one may required to go from one part of the state to another. Travel time can be a large part of the overall process of providing service. It must be compensated to be fair to the provider. Certified Court Interpreters is a product of unique cultural background, advanced education, professionalism, hard work, investment of time, money and efforts as well as continuing education and training. Certified rare language court interpreter in the state of Tennessee typically holds full time jobs in other professions due to lack of full time needs for services. However, when needs does arrive, one must be ready to assist. Daily skill maintenance, routine and updated professional networking and training and dedication to stand ready are trademarks of qualified interpreter.

Does State of Tennessee AOC wish to recruit and maintain teams of qualified and dedicated court interpreters who are prepared and ready to take on the next assignment assisting the court system for a just and fair decision in cases involving individual with LEP?

If the answer is yes, State of Tennessee AOC must remove the newly proposed limitation on cost of interpreter services and travel time compensation to allow qualified and dedicated court interpreters stay in the system.

If the answer is no, State of Tennessee AOC is willing to compromise the court system in cases involving individual with LEP, then, be prepared for quality and standards of court interpreters to drop and free fall.

It is my hope that State of Tennessee AOC will maintain current cost of service rules and not rushes into decision which can compromise its court system.
Regards,
Wei Ralph, MBA-Accounting,

Certified Mandarin Chinese Court Interpreter-TN, AL,
Thru Reciprocity : NC, OH, KY, IN, MO, MS. WV. VA
TAPIT (Moderator), NAMI-Sumner county Board Member,
615-498-6539 Cell, 615-859-8910 Fax

The results of this submission may be viewed at:
http://www.tncourts.gov/node/602760/submission/2696

From: "rau venegas salinas" <rsalinas-777@hotmail.com>
To: <janice.rawls@tncourts.gov>
Date: 6/4/2012 1:39 PM
Subject: TN Courts: Submit Comment on Proposed Rules

Submitted on Monday, June 4, 2012 - 1:38pm
Submitted by anonymous user: [74.226.98.59]
Submitted values are:

Your Name: rau venegas salinas
Your email address: rsalinas-777@hotmail.com
Rule Change: Supreme Court Rule 42 - Standards for Court Interpreters
Docket number: M2012-01045-RL2-RL
Your public comments:
I don't agree with these new regulations they want to implement for interpreters, because in the first new regulation I believe that a person can't work at their very best when they have to be thinking of their travel costs. Second, it's very difficult for a person to do their work thinking that their rate of pay, and their wage, depends on what a judge decides, in my opinion it should not be variable.

Interpreters are indispensable for any society, and more so for one that believes that liberty and justice are for all.

The results of this submission may be viewed at:
http://www.tncourts.gov/node/602760/submission/2734

From: "Giovanna López" <gioklp@yahoo.com>
To: <janice.rawls@tncourts.gov>
Date: 6/4/2012 11:59 AM
Subject: TN Courts: Submit Comment on Proposed Rules

Submitted on Monday, June 4, 2012 - 11:58am
Submitted by anonymous user: [66.208.198.70]
Submitted values are:

Your Name: Giovanna López
Your email address: gioklp@yahoo.com
Rule Change: Supreme Court Rule 42 - Standards for Court Interpreters
Docket number: 42
Your public comments:
Memphis, long time ago become a diverse city, not only people from many other states come to Memphis but people from many other countries.
One way to continue living in harmony despite our diferences, for a better future of our city, it is to offer equal acces and rights for everybody. As a city taxe payer, I request the Supreme Court do not change the Judicial Regulation, shall prejudice seriously against adequate language access to courts for defendants, victims, witnesses, etc.

The results of this submission may be viewed at:
http://www.tncourts.gov/node/602760/submission/2731

From: "Ronald G. Tipps" <ronaldg@bellsouth.net>
To: <mike.catalano@tncourts.gov>
Date: 6/4/2012 6:49 PM
Subject: **TN Courts: Submit Comment on Proposed** Rules

Submitted on Monday, June 4, 2012 - 6:48pm
Submitted by anonymous user: [98.240.122.79]
Submitted values are:

Your Name: Ronald G. Tipps
Your email address: ronaldg@bellsouth.net
Rule Change: Supreme Court Rule 42 - Standards for Court Interpreters
Docket number: M2012-01045-RL2-RL
Your public comments:
To the Honorable Court,
I am a translator and a member of the Tennessee Association of Professional Interpreters and Translators (TAPIT). I feel that proposed changes in Rule 42 are unfair. Especially the mileage descrease and the hours allowed decrease. We use gasoline and incur lots of wear and tear on our cars so it is only fair that we be compensated for the long travel time that sometimes necessary when going to distant courts to interpret. Not only that, but frequently we wait many hours before our case comes before the court; this too should be adequately compensated because our time is just as valuable to us as it is to the courts. Please do NOT decrease our benefits and allwances. As the saying goes: "Don't fix it if it ain't broke."
Additionally, I believe that we should receive MORE compensation than we currently do because of cost of living increases. Thanks for your consideration,
~ Ronald G. Tipps

The results of this submission may be viewed at:
http://www.tncourts.gov/node/602760/submission/2735

From: "Tonya Miller" <millertonya@hotmail.com>
To: <janice.rawls@tncourts.gov>
Date: 6/5/2012 1:34 PM
Subject: TN Courts: Submit Comment on Proposed Rules

Submitted on Tuesday, June 5, 2012 - 1:33pm
Submitted by anonymous user: [69.138.36.32]
Submitted values are:

Your Name: Tonya Miller
Your email address: millertonya@hotmail.com
Rule Change: Supreme Court Rule 42 - Standards for Court Interpreters
Docket number: M2012-01045-RL2-RL
Your public comments:
Do we have a law that protects our ability to participate in court proceedings? For some reason, I am convinced that being able to understand and participate in court is necessary. Being innocent until proven guilty means that one must be able to provide information; hence, the need to communicate. Since the majority of our court documentation is oral and written, interpreters and translators fill in a necessary piece of the communication puzzle that allows us to participate in the administration of our laws. How will we categorize those who are not able to understand the language in which the court dictates? Insane? Guilty by language default? Now, what happens if court interpreters are completely free enterprise? Our judicial system then becomes open to inconsistencies in administration, credentialing and cost. If the court assumes that costs will lower automatically by virtue of supply and demand, let me remind you that interpreters make substantially more income outside of court. Even today, there is little incentive for a seasoned interpreter to work in court.
Court interpreting is tedious and stressful. It is my impression that should the court decide to cut ties with the administration of interpreters, everyone becomes subject to greater expense and inconsistency.

The results of this submission may be viewed at:
http://www.tncourts.gov/node/602760/submission/2741

From: "Steve Derthick" <stevederthick@yahoo.com>
To: <janice.rawls@tncourts.gov>
Date: 6/6/2012 2:50 PM
Subject: TN Courts: Submit Comment on Proposed Rules

Submitted on Wednesday, June 6, 2012 - 2:48pm
Submitted by anonymous user: [68.59.228.225]
Submitted values are:

Your Name: Steve Derthick
Your email address: stevederthick@yahoo.com
Rule Change: Supreme Court Rule 42 - Standards for Court Interpreters
Docket number: M2012-01045-RL2-RL
Your public comments: I am shocked at the severity of the proposed changes to Rule 42. If approved in their current form, these changes will be extremely counter productive. They will reverse the past decade's progress in professionalizing interpreting services in Tennessee courts. They will gut the profession. Interpreters who are already credentialed and serving local courts will have to re-evaluate whether it is economically feasible for us to continue. Prospective interpreters will no longer see the potential to earn a living. They will lose their incentive to complete the arduous and expensive process of becoming credentialed. If approved, these changes will bring us back to the days when the court turned to friends, family members, and other inmates to interpret. With these drastically reduced pay rates, no credentialed interpreters will be available.

The results of this submission may be viewed at:
http://www.tncourts.gov/node/602760/submission/2749

From: "Tom Nguyen" <mr.thangnguyen@gmail.com>
To: <janice.rawls@tncourts.gov>
Date: 6/7/2012 1:03 PM
Subject: TN Courts: Submit Comment on Proposed Rules

Submitted on Thursday, June 7, 2012 - 1:03pm
Submitted by anonymous user: [68.53.138.201]
Submitted values are:

Your Name: Tom Nguyen
Your email address: mr.thangnguyen@gmail.com
Rule Change: Supreme Court Rule 42 - Standards for Court Interpreters
Docket number: M2012-01045-RL2-RL
Your public comments:
Interpreting is a demanding task, especially in a court setting. It requires one to be mentally alert and prepared, especially for non-Latin based languages where conversion is rarely easy. Investment in Education and on-going training is a must to be an effective interpreter. This takes time and resources to maintain. Meanwhile, many interpreters of non-Spanish languages are temporary contractors facing unstable work income. At the current rate, it is tough enough to keep interpreting a feasible option over other more stable jobs. There is a lack of adequate incentive for one to be an interpreter (a good one) even on a part time basis. This is most true for non-Spanish languages as volume is not consistent. It is not considered a career path. To put simply, to be a qualified interpreter is not easy in terms of training and work schedule management to attract talent from other career options.

An important aspect to know is that interpreting is increasing as society becomes more diverse. There is more demand for good interpreters in any settings for legal and cultural reasons. To be competitive, the courts must create flexible ways to keep interpreters. Otherwise, it will be hard to meet the needs for languages other than Spanish.

The results of this submission may be viewed at:
http://www.tncourts.gov/node/602760/submission/2754

From: "Amanda" <ajm2179@aol.com>
To: <janice.rawls@tncourts.gov>
Date: 6/7/2012 8:24 PM
Subject: TN Courts: Submit Comment on Proposed Rules

Submitted on Thursday, June 7, 2012 - 8:23pm
Submitted by anonymous user: [97.191.140.233]
Submitted values are:

Your Name: Amanda
Your email address: ajm2179@aol.com
Rule Change: Supreme Court Rule 42 - Standards for Court Interpreters
Docket number: M2012-01045-RL2-RL
Your public comments: Interpreters have a hard enough time finding work and getting adequate pay for it. All of us professional interpreters have spent thousands in training and education. The AOC indigent claims fund is the only one that pays on time and sets the standard for payment amounts. Many agencies take months to pay on claims. It is hard to make a living and pay house payments when you dont get paid regularly. The change that involves interpreting for LEP clients during attorney discussions, trial prep, etc. and not getting paid by the AOC is uncalled for. There hasn't been one trial, hearing, or plea agreement made in the 10 years I have been court interpreting where the LEP didn't discuss everything with their Public Defender before the proceeding. It is essential for the interpreter to be present to interpret the attorneys advice and recommendations. We also have had the same pay rate for the last 10 years when the program started. Are we ever getting a raise? Education costs go up and cost of living rises, why not get a raise every once in awhile?

The results of this submission may be viewed at:
http://www.tncourts.gov/node/602760/submission/2757

From: "Bare Yogol" <byogol@yahoo.com>
To: <janice.rawls@tncourts.gov>
Date: 6/8/2012 2:10 AM
Subject: TN Courts: Submit Comment on Proposed Rules

Submitted on Friday, June 8, 2012 - 2:10am
Submitted by anonymous user: [99.120.117.8]
Submitted values are:

Your Name: Bare Yogol
Your email address: byogol@yahoo.com
Rule Change: Supreme Court Rule 42 - Standards for Court Interpreters
Docket number: M2012-01045-RL2-RL
Your public comments:
To: Michael W. Catalano, Clerk
100 Supreme Court Building
40 1 Seventh Avenue North
Nashville, TN 372 19-1407

I am Bare Yogol an Interpreter/Translator in Tennessee for Somali to English and English to Somali Language and I wish to applaud the Supreme Court and the Tennessee AOC for their excellent work in ensuring linguistic access to justice though the expansion of the number of courts, proceedings and litigants eligible for AOC-remunerated spoken language interpreter services. Unfortunately, the Proposed Amendments to Rule 42 also contain provisions with which I cannot agree since they almost certainly will reverse years of progress in the proper and continued use of competent and credentialed interpreters in Tennessee Courts.
Sincerely,
Bare Yogol

The results of this submission may be viewed at:
http://www.tncourts.gov/node/602760/submission/2758

From: "Sandra Gibbs" <sgibbs1118@att.net>
To: <janice.rawls@tncourts.gov>
Date: 6/8/2012 3:39 PM
Subject: **TN Courts: Submit Comment on Proposed Rules**

Submitted on Friday, June 8, 2012 - 3:38pm
Submitted by anonymous user: [99.3.93.236]
Submitted values are:

Your Name: Sandra Gibbs
Your email address: sgibbs1118@att.net
Rule Change: Supreme Court Rule 42 - Standards for Court Interpreters
Docket number: M2012-01045-RL2-RL
Your public comments: I think the proposed changes for Court Interpreters is a mistake. By cutting the travel time allowance, 2 hr. minimum compensation, and by making the "party" responsible for seeking his/her own interpreter, the quality of interpretation in court proceedings will be diminished greatly. This will cause many appeals as "parties" will ask relatives and friends to do the interpreting for them; most of these individuals do not have experience in the field and the accuracy of the interpretation will be hindered. Credentialed interpreters are not going to be willing to take assignments where they have to commute at least 40 minutes each way if there's no guarantee of pay due to the elimination of the two hour minimum and the elimination of travel time. Credentialed Interpreters are not going to risk spending all of their time and money to provide services for then to have the court say: "sorry, we don't have enough funds at our disposal with which to pay you!" Do we do that to Judges, Court Clerks, Court Reporters? Do we just take anyone from the street to hear a case, keep a docket and keep the record just because funds are limited? Can the AOC guarantee justice for all and fair trials if it undertakes the proposed changes? I think not. Does the AOC really want to go down this road after having made such much stride in the last couple of decades? I think the AOC is sending the wrong message by even contemplating such ridiculous position. Furthermore, we need uniformity; uniformity cannot be accomplished by having each court determine what it is willing (under the guise of able) to pay its interpreters.

The results of this submission may be viewed at:
http://www.tncourts.gov/node/602760/submission/2762