

A PILOT STUDY ON ALTERNATIVE DELIVERY METHODS FOR INTERPRETER
SERVICES IN NEBRASKA COURTS

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INTRODUCTION

The cost of providing interpreter services in Nebraska courts is rapidly climbing. Adopted budgets for the Judicial Branch in the past three years have consistently underestimated the growth in interpreter costs. The business model of the State's beef industry of locating packing plants in rural communities presents challenges for delivering interpreter services to a largely immigrant population employed in that industry. The limited number of certified interpreters available in the State together with the present system of service delivery of having the interpreter present in person contribute to increased costs and delays in case progression, especially in very rural courts.

In fiscal 2001, the State paid \$442,891.00 for interpreter services of all types on a statewide basis. In the most recent fiscal year, 2007-8, the costs had risen a startling 135% to \$1,043,259.00. Between the two most recently completed fiscal years the statewide cost increased from \$648,899.00 to 1,043,259.00 or 60% in a single year. (Interview of Sheryl Connolly, Director of Trial Court Services, Nebraska Administrative Office of the Courts, 2008). With present budget constraints and the political philosophy of the current Governor it is clear that the Judicial branch cannot continue to sustain this rate of growth without losing its ability to provide legal services of all types, including adequate numbers of judges and staff to support those judges together with necessary travel, automation, and general infrastructure expenses to serve the ninety-three counties of the State of Nebraska.

We cannot simply say that interpreters are too expensive, and the State must reduce the amount it pays for interpreter services. The "due process clause" and the "equal protection of the law clause" of both the Constitution of the United States and the Constitution of the State of Nebraska would require that persons unable to understand and participate in court proceedings in the English language must be provided with an interpreter in a language they can understand in order to meaningfully participate in the proceedings. This would be true at least for persons appearing as defendants in criminal cases where there is even the possibility of incarceration.

Nebraska has been a leader among the states in providing interpreter services for persons appearing in its courts. In Nebraska persons not speaking English are entitled to an interpreter in all proceedings, not just criminal actions. Present law defines a proceeding as, "any legal proceeding or any hearing preliminary thereto involving persons unable to communicate the English language or deaf or hard of hearing persons unable to communicate by a spoken language." (Neb. Rev. Stat. 25-2402(3)). The law goes on to require a judge to appoint an interpreter in any proceeding "to assist any person unable to communicate the English language for preparation and trial of his or her case." (Neb. Rev Stat. 25-2403). State law further requires that probation officers when serving persons not able to speak English must provide an interpreter when conducting presentence interviews and ongoing probation services. (Neb. Rev. Stat. 29-2259)

In order to meet the dual goals of reducing overall costs and maintaining the availability and quality of interpreter services, a change in the delivery methodology of

interpreter services should be implemented. The method presently in use in Nebraska courts anticipates that the interpreter will be personally present. This paper reports the findings of a pilot project in the Colfax County Court where the delivery method of telecommunication of interpreter services is compared to the traditional method of having the interpreter personally present in court. To that delivery method the component of improved case management and scheduling is introduced at a specific point in the pilot project to allow comparison of the new delivery method both before and after introduction of case management improvements. During the period of the pilot project this same court will continue to conduct business using the traditional delivery method during comparable sessions of court to mitigate the influence of any confounding variables such as economic activity and enforcement actions which can impact case counts.

The pilot study reported in this paper will utilize a free software product called SKYPE as well as simple telephone communication to provide interpreter services via internet video communication on a laptop computer or standard telephone service. It is anticipated that the implementation of this methodology will produce savings in mileage reimbursement, travel time reimbursement and compensable time for interpreter services. It is further anticipated that using this method of delivering interpreter services will produce a qualitative increase in interpreter services by making certified interpreters accessible by courts and probations officers throughout the State who were formerly unable to access such interpreters due to distance constraints. Using this technology and establishing on-call interpreters for the use of both the courts and probation officers should reduce overall costs in the range of 25% to 30%, and by adding a component of better case management and scheduling to compress the time interpreters are needed to adequately serve the courts and probation officers, a additional 10% reduction in costs can be achieved.

Following this introduction, this paper will consist of four sections: the first will review literature to this study; the second will be a description of the methodology utilized in conducting the study which will include the process of proposing and gaining approval for this study; the third will report the findings of the study; and lastly, the paper will conclude with a discussion of the application of these findings to the entire court system.

LEGAL, CONTEMPORARY AND SCHOLARLY LITERATURE REVIEW

An examination of the literature relevant to this pilot project must begin with the legal basis for the necessity of providing interpreter services. If that is lacking, in a time of budgetary constraint, the costs could be reduced or limited simply by reducing the service level. As mentioned in the introduction, simply reducing service levels or eliminating interpreter services is not an option.

De Jongh, writing in the Florida Bar journal states that although the United States Supreme Court has not ruled on a Constitutional basis for the need for interpreter services, the Second Circuit has done so in “U.S. ex rel. Negron v State of New York. (434 F.2nd 386 (2d.Cir. 1970). That holding combined with a statutory scheme makes clear that United States Courts are required to provide an interpreter to a non-English speaking defendant. (de Jongh, 2008, p. 24).

As noted in the introduction, Nebraska has been a leader in providing interpreters in court proceedings, and has gone farther than most States in making interpreters by statute available in all court proceedings. Section 25-2403 of the Revised Statutes states: “In any proceeding the presiding judge shall appoint an interpreter to assist any person unable to communicate the English language for preparation and trial of his or her case”. Nebraska established a very broad definition of “proceeding” as set out in 25-2402(3): “(3) Proceeding means any legal proceeding or any hearing preliminary thereto involving persons unable to communicate the English language or deaf or hard of hearing persons unable to communicate by a spoken language.” The Nebraska requirement includes not only criminal matters but civil and administrative proceedings as well. Nebraska even goes beyond court proceedings and requires interpreters for non-English speaking persons on probation: “(6) ...Interpreter services shall be provided under this section for the purposes of conducting a presentence investigation and for ongoing supervision by a probation officer of such persons placed on probation.” (29-2259(6) Neb. Rev. Stat.).

Recognizing that providing interpreter services is mandated, and that recent growth trends for interpreter services and costs are alarming as noted in the interview with Sheryl Connolly, Trial Court Services Director for the State of Nebraska, this pilot project seeks to answer the question: can significant savings be obtained by altering the method of delivering interpreter services. Historically, the primary method of delivering interpreter services was to have the interpreter personally present in court. With the advent of video conferencing links between detention facilities and courtrooms interpreters were either physically present in the courtroom or at the detention facility with the prisoner. These innovations have by implication enlarged the concept of presence to include those present in person as well as those present via telecommunication links. If a prisoner, the subject of the proceedings, can be present via a telecommunications link, then it follows that the interpreter who is an adjunct to the proceedings can be likewise present via some other medium be it video or telephone.

The reported project in this paper seeks to utilize two mechanisms for delivery of interpreter services: standard telephone and where possible video-conferencing. The primary test site will utilize video-conferencing supplemented with telephone service for attorney-client communications in some instances. Occasionally additional sites using standard telephone service will be noted. This project is a process re-engineering of the interpreter service model.

As with many pilot projects seeking to utilize new or innovative techniques, it is difficult to locate contemporary let alone scholarly literature exactly on point, and that has certainly been the case in this effort. However, a very recent report by the Minnesota

Access and Service Delivery Committee to the Minnesota Judicial Council recommends the use of process re-engineering in light of advances in technology in the court systems. In a section of that report entitled, “Strategy: Re-engineer Workflow in an Electronic Environment”, the committee observes in regard to court staff:

The kind of economies that will come from re-engineering the court’s business process in a new electronic environment may allow the physical courthouses in local communities to be maintained with minimal staff, making their continued presence in the community a viable option. Re-engineering in the electronic environment will also need to include an objective examination of business processes in the courtroom. Capabilities like electronic minutes, electronic orders, in-court updating, digital audio recording and **virtual witnesses via videoconferencing** (emphasis added) should compel a reconsideration of who does what and how during hearings. (p.9)

Although the Minnesota report does not refer directly to interpreters it does support the notion that process re-engineering is an appropriate inquiry of court systems seeking to increase efficiency and reduce costs. It does support the premise of this study that in order to meet the dual goal of reducing cost and providing quality service revising the process of providing interpreter services is a worthy pursuit.

Millo reports on the increase of video-conferencing in immigration cases. Video Conferencing (VC) is an electronic form of communication that permits two or more people in different locations to engage in audio and visual exchanges. According to the Executive Office for Immigration Review (EOIR), the administrative body of federal immigration laws, use of “VC technology allows court proceedings . . . to be conducted efficiently and effectively [.]” despite the fact the participants are not together in one room. The earlier applications of video use in the courtroom were applied more extensively to civil--not criminal--matters. Still, videoconferencing technology has found its way into immigrant hearings. . . . For the Immigration Courts, VC saves travel for the immigration judges, which allows them extra time to hear more cases. VC also effectively manages cases “by allowing immigration judges to conduct hearings for fellow immigration judges in other Immigration Courts, thereby assisting with unusually heavy caseloads.” (Mollo, 2006). If the judge, the attorneys and the subjects can be in different places and joined by video conferencing, it follows that the interpreter can be remotely joined as well.

The National Center for State Courts, a major resource for all state courts, in a report generated in 1995 provided a comprehensive set of recommendations for court interpretation. It was a time when telephonic interpretation was just beginning to come into vogue. Chapter 8 of that report is devoted to telephone interpreting. While the technology has made great strides, especially in the realm of video conferencing many of the principles which are included in the model recommendations can be applied to the framework of this study. It provides several topical areas which should be considered when embarking on a plan of telecommunications for interpreters. The article advises that consideration be given to minimum requirements for equipment, a review of the

services available from AT&T Language Line Services, a description of how the Federal courts use telephone interpreting, a review of promising prototype equipment, qualifications of interpreters, and a brief proposal of a strategy for developing a telephone interpretation service that is tailored for court needs. The authors caution against over reliance upon the AT&T service. Limitations on equipment capabilities were also reviewed, but these are in reference to equipment in general use when the article was written. None the less, it provides a useful framework for the pilot project. Despite its age, this article proved to be a useful tool in designing the pilot project and pointed out equipment requirements for simultaneous interpreting. After considering these cautions it was decided that the initial pilot project would utilize very basic approaches and rely upon consecutive interpretation. Follow up projects anticipate introduction of both video and telephone capabilities to accommodate simultaneous interpretation. However, early analysis of the project determined that the benefits to be obtained by the approach would be most dramatic in reducing costs in relatively low volume courts. Consecutive interpretation does not materially impact use of the video system in low volume courts. Another caution of the report which impacted the design of this project was the caution on over reliance on language line services. The design of this project anticipates the use of only Nebraska certified court interpreters. One of the goals is to make certified interpreters available to all Nebraska courts. By using locally certified interpreters quality can be controlled and it achieves the main qualitative goal of providing access to Nebraska certified interpreters by all courts and probation officers.

The medical profession has been ahead of the legal profession and government in general in utilizing telecommunications for interpreter services. A recent survey of 319 rural hospitals disclosed that nearly all of them provided some language assistance for persons who were unable to speak English and 68.8% of the respondents reported using telephone language lines for such patients. (Torres, Parra-Medina, Bellinger, Johnson, and Probst, 2008).

In another hospital based study, researchers found that use of in-house interpreters reduced the length of hospital visits when compared to telephone interpretation or family provided interpreters. (Fagan, Diaz, Reinert, Sciamanna, and Fagan, 2002). This raises an issue which the pilot study is also intended to measure and that is whether the use of remote interpreting, either by phone or video, increases the time for case processing to an extent that renders use of such a vehicle ill advised. This study would suggest that it is important to balance the savings in travel and interpreter time with throughput of cases in any application. Since the pilot project expects its positive impact to affect remote, low volume courts throughput is not a major concern. Follow up to the basic project would anticipate introducing technologies allowing for simultaneous interpreting which would have a positive impact on throughput.

In a briefly reported case study of a New Jersey hospital, use of video conferencing was found to be a superior mechanism for interpreting in the medical atmosphere. It allowed the interpreter to observe facial expression, physical cues, and less articulate responses as a means of gauging patient response. (Hirsch and Marano, 2007). The design of the pilot project primarily relies upon a video conferencing

mechanism for the very reason noted in this article. Visual cues to the interpreter can be very important is assuring understanding. Use a of telephone does not provide that capability. The design made video a priority followed by telephonic interpretation by a certified interpreter. The former is the most desirable the latter more acceptable than the widespread use of registered (Nebraska allows a classification of registered interpreter who is a person who has completed orientation and achieved a minimal score on a proficiency exam but less than that required for certification.) or even lesser qualified interpreters. Accessibility to qualified interpreters is a central theme of the pilot project.

The guidance provided by the foregoing articles and reports provided the basic foundation for the methodology of the pilot project which follows.

METHODOLOGY

As stated in the introduction, the purpose of this research is to conduct a pilot project to determine the efficacy of using telecommunications to deliver interpreter services in the courts of Nebraska, and to test whether such an approach would achieve the dual goals of reducing overall costs and maintaining the availability and quality of interpreter services. The method presently in use in Nebraska courts anticipates that the interpreter will be personally present. This paper reports the findings of a pilot project in the Colfax County Court where the delivery method of telecommunication of interpreter services is compared to the traditional method of having the interpreter personally present in court. To that delivery method the component of improved case management and scheduling is introduced at a specific point in the pilot project to allow comparison of the new delivery method both before and after introduction of case management improvements. During the period of the pilot project this same court will continue to conduct business using the traditional delivery method during comparable sessions of court to mitigate the influence of any confounding variables such as economic activity and immigration enforcement actions which can impact case counts.

This is a pilot study. The process by which this study was implemented included the following: (1) a proposal to the State Court Administrator of the State of Nebraska, Janice Walker that this study be undertaken in the County Court of Colfax County; (2) approval of Chief Justice Michael Heavican was secured; (3) the Assistant Court Administrator for Technology, William Miller, was consulted on equipment needs and requirements and an agreement was secured that the State would provide the necessary equipment for the interpreter; (4) successful testing of the technology was completed on the first attempt; (5) the Director of Trial Court Services, Sheryl Connolly, committed to providing any data requested from State payroll and administrative records for costs and interpreter utilization statistics; (6) Dr. Liz Neeley of the Center for Public Policy of the University of Nebraska at Lincoln was consulted and data acquired from her research and research done at her direction on interpreter services in Nebraska; and (7) initiation of the pilot project on August 15, 2008. The original start date was expected to be in mid-September, but the approvals and technology testing were accomplished well ahead of schedule allowing an early start which will provide an expanded period of data gathering.

The population of this study is all non-English speaking litigants appearing in the County Court of Colfax County, Nebraska, between August 15, 2008, and November 5, 2008. The variety of cases which arise during the data capture period are representative of the general mix of cases and language challenges experienced by the Court during normal operations in any year.

No special instructions or instrumentation are required in the pilot project. A simple data input sheet is provided to the trial court judge upon which to record the start and end times, the type of case, and the nature of the hearing on each video case. The trial court notes the block of time devoted to case types during sessions where interpreters are present in the court.

As previously mentioned, data on interpreted cases is gathered during the period of August 15, 2008, and November 5, 2008. Regular sessions of the court are held on Tuesdays and Wednesdays of each week. The court conducts its regular business on Tuesdays of each week using the traditional method of having the interpreters present in court, and utilizes the telecommunications system for interpreter services on Wednesdays. The design of the project allows for comparison of the costs incurred in each method. Tuesday costs will be measured using the present compensation protocol of the State Court Administrator's Office for compensation of interpreters. That method provides that an interpreter appearing in any court is guaranteed a two hour block at \$50.00 per hour for each court session, morning and afternoon. In addition for all hours or part of an hour in excess of the guaranteed block an interpreter earns \$50.00 per hour. Travel time is paid at the rate of 80% of regular time or \$40.00 per hour and mileage is reimbursed at the rate of \$0.585 cents per mile. Wednesday charges will be measured using the telecommunication reimbursement rate of \$25.00 per half hour unit. There are no ongoing communication costs as the SKYPE system is a free internet system. When making an analysis of overall potential for cost savings an allocation of one time equipment costs will be taken into consideration using the actual costs incurred in setting up the project.

In doing the comparative analysis, the data will be adjusted to eliminate the time spent on arraignment cases since no arraignments are conducted on Wednesdays, and there is no opportunity to gather comparative data. However, arraignment costs will be considered in analyzing overall costs of delivery of services. The time consuming portion of arraignments consists of the general rights advisory and the trial judge will note the time the advisory begins and the time the Spanish version delivered by the interpreter concludes. This particular portion of interpretation is done by consecutive interpretation so the time data can be used to make reasonable estimates under both systems for purposes of comparison.

Interpretation is done in one of two means: simultaneous interpretation is the method where the interpreter is making an immediate translation of everything that is said in Court at the time it is being said; consecutive interpretation is the method where a statement is said in English and there is a pause in the proceedings while the interpreter

repeats the statement or phrase in the language of the non-English speaking party. When using a single telecommunications device the interpretation must be consecutive.

The method of data gathering is designed to mitigate against a number of potential confounding variables. By measuring the cases before the same trial judge differences in pace, style and habit of the judge is controlled; by measuring the two methods during the same time frame, market conditions at the packing plant, enforcement actions of the Federal government in regard to the immigrant population, weather conditions, and travel habits of the affected population are likewise mitigated. There is a set of comparative data gathered from payroll records by researchers at the Nebraska Public Policy Center for the same general time period last year. Using data gathered during the same seasonal times would lessen potential threats to the data which are related to cyclical effects or time of year effects. Historical data must be adjusted to reflect similar mileage reimbursement rates for comparative purposes.

The analysis plan anticipates the use of Microsoft Excel to display gathered data in both charts and graphical representations. In the introduction, annual costs were described as showing dramatic increases. The data presented will be annualized for comparative purposes to measure growth rates if nothing changes and comparing those results with expected impact of using the alternative method on an annual basis. Day by day comparisons of costs incurred under the two methods will be compared to show the savings trend which is anticipated by using the video interpreter system. The data will be analyzed to some extent on the type of case or nature of hearing to measure the time differential between cases done by simultaneous interpreting with those done by consecutive interpreting. The same general data analysis techniques will be applied to data gathered after October 1, 2008, the date that the modified case management protocol was introduced in order to compare that data with the data gathered prior to October 1, to measure the separate impact of the case management protocol. Annualized data gathered after the introduction of the case management protocol will then be compared to the data set available from last year to compare costs.

The original research question seeks to determine the overall potential for cost savings and the qualitative impact of making certified interpreters available throughout the court system and for every case. The analysis suggested in the preceding paragraph seeks to answer that general question by answering a number of included questions on the use of telecommunications for the delivery of interpreter services: what savings does the comparison of daily costs using the different delivery methods show, what is the time difference between cases of a given type and nature done by simultaneous interpreting compared to cases done by consecutive interpreting and how significant is the time difference, what is the general impact of the case management protocol on the foregoing measures, what are the potential savings on each measure presented as a percentage of current costs, and finally what is the savings potential when both the alternative delivery method is employed and the case management protocol is utilized expressed as a percentage of current costs.

The qualitative question of the availability of certified interpreters throughout the system will be demonstrated by showing a data set available from the Administrative Office of the Courts showing the present level of interpretation being done by less than fully certified interpreters and the elimination of that practice to insure high quality interpretation for all litigants. The anecdotal results of random inquiry made of litigants by the judge and the video interpreter on their experience in using the video system compared to the experiences they have had using an interpreter in person will be presented

The data gathering method being utilized does not present any face validity threats. The trial judge is making simple notes on the time cases begin and end. Should the judge fail to properly note any time or the kind of case or nature of the hearing, most of that same information could be gleaned from the court's calendar. Content validity is not threatened. The data gathered is more than adequate to answer the basic research question of overall cost reduction, but it also allows analysis of some subsets which will be of interest to trial courts. Anticipating concerns of the trial judges will be important in gaining acceptance and buy in to the change in method. Construct validity is protected by the design of the research and the data being gathered and the stages of gathering the data. Until the data gathering is completed and the data analyzed construct validity can only be assured intuitively.

The chief limitation on the scope of this project is its limited time. The constraints of meeting milestones in a capstone project which must be accomplished within a single academic semester imposes significant time constraints and requires that the scope of the project be more limited than otherwise might be desirable. It is expected that follow on research continuing this pilot project with the introduction of dual telecommunication techniques will be undertaken by the Clerk-Magistrate of the court in an undergraduate research course scheduled for next semester in her degree program. However, the limited question to be answered, the time constraints and the short duration of data gathering do not diminish the value or validity of this study.

The following section discloses the findings of the data analysis conducted as described in this section. The data answers the basic research question, and demonstrates that the proposed method of delivering interpreter services using telecommunications technology does meet the dual goals of reducing overall costs and maintaining the availability and quality of interpreter services.

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

The purpose of this study was to determine if a change in the method of providing interpreter services in the courts of the State of Nebraska through the use of remote interpreting using video teleconferencing technology would meet the dual goals reducing overall costs while maintaining the quality of interpreter service. The data from this study while admittedly limited are sufficient to answer that question in the affirmative. Video and telephonic interpreting will reduce overall costs and maintain and perhaps actually increase the quality of interpreting in Nebraska's courts.

In the study framework section, it was noted that the medical community was somewhat ahead of the legal community in utilizing telecommunication technology in providing remote interpreter services. The pilot project achieved the same positive results demonstrated in that literature and achieved much of the goals stated in the Oregon Remote Interpreter Study Recommendations released in July, 2008.

Noteworthy at the outset was the success of the technology itself. This project utilized the free Skype internet communication package. The configuration of the hardware required a simple laptop computer (this study used a Pentium IV processor, but a dual core is recommended for video quality) and a Logitech 9000 video-cam and integrated microphone unit. During the entire project only a single video call was dropped and that call was restored in a matter of seconds. The success of the technology cannot be overemphasized. It is free, readily available, requires a bandwidth available in most areas of the State, and requires no extensive training to use. The initial setup was seamless and the system functioned without error from the very first use. Based upon the initial success of the technology two courts undertook to purchase the hardware and improve infrastructure for use of the system before the final results of this study were available.

In reporting these results a major dataset displayed in Appendix I was created which gathered the relevant data into a large spread sheet. This data together with data provided from unpublished records of the Office of Trial Court Services of the Administrative Office of the Courts and payroll data provided in summary fashion by that same office provided the nucleus of the data reported. The individual session data sheets provided the source data for Appendix I, but are not published in this report. These data were developed by using the actual data developed during the study and using the trends of that data to create equivalent data for each of the delivery methods: that is, interpreters providing services in person and providing service by remote. Compensation was computed using the present rate of \$50.00 per hour of services with a required minimum of two hours for each session, morning and afternoon, for each interpreter. Travel was compensated at the present rate of 80% of hourly rate for travel time and \$0.585 cents per mile. Remote interpreting was computed using a one-half hour compensation unit at the \$50.00 per hour rate. Time data gathered in the course of the study were compared by method and type of hearing and for each type of hearing a conversion factor being the ratio of the average time for remote interpretation over the average time for traditional interpretation were developed. Using those conversion factors comparative data was developed. Appendix II contains the raw cost data from each of the measured court sessions.`

Courts like all branches of government are driven by budgetary constraint. This pilot project's first question was whether the study supported the use of remote interpreters. The data supports an affirmative answer. Travel is a major component of the total cost structure. Travel accounted for 30.56% of the total costs of delivering interpreter services during the study period. The payroll data from the State for the period of September of 2007 through February, 2008, would show that travel accounted for only 15.2% of the total cost. It is unknown how these data were derived and it was done using a mileage rate of \$0.44 per mile rather than the present study rate of \$0.585 per mile. The compensation levels for travel have also undergone some modification since these data were computed. Figure 1 shows the travel expense by session during the travel study and Figure 2 is a table of the data.

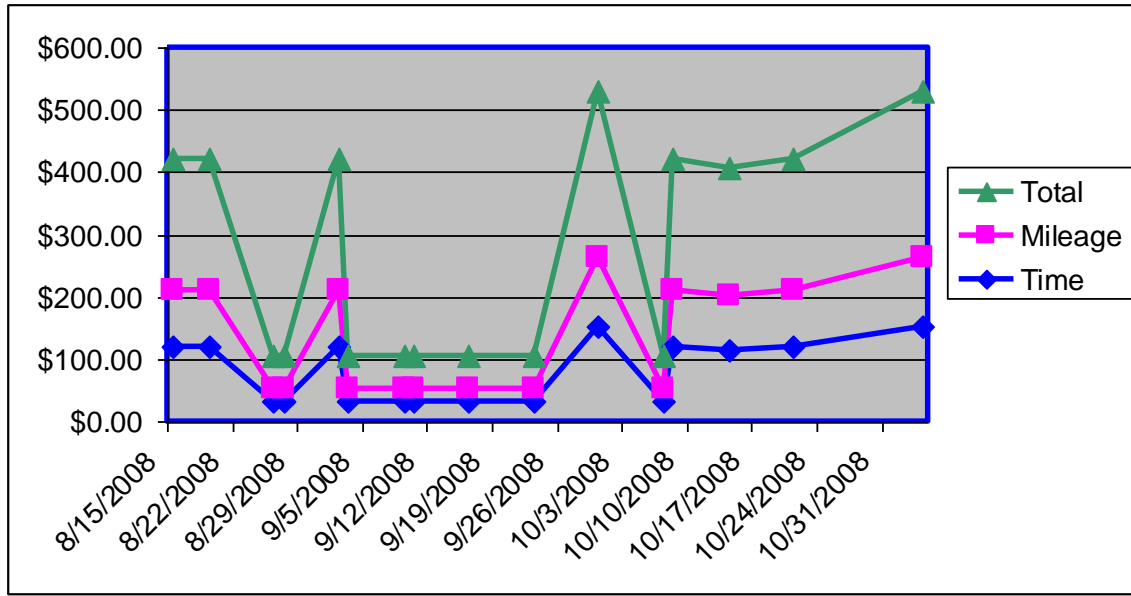


Figure 1: Travel Costs per Session

Travel	Time	Mileage	Total
15-Aug-08	\$120.00	\$91.26	\$211.26
19-Aug-08	\$120.00	\$91.26	\$211.26
26-Aug-08	\$33.20	\$19.89	\$53.09
27-Aug-08	\$33.20	\$19.89	\$53.09
2-Sep-08	\$120.00	\$91.26	\$211.26
3-Sep-08	\$33.20	\$19.89	\$53.09
9-Sep-08	\$33.20	\$19.89	\$53.09
10-Sep-08	\$33.20	\$19.89	\$53.09
16-Sep-08	\$33.20	\$19.89	\$53.09
23-Sep-08	\$33.20	\$19.89	\$53.09
30-Sep-08	\$153.20	\$111.15	\$264.35
7-Oct-08	\$33.20	\$19.89	\$53.09
8-Oct-08	\$120.00	\$91.26	\$211.26
14-Oct-08	\$113.20	\$90.09	\$203.29
21-Oct-08	\$120.00	\$91.26	\$211.26
4-Nov-08	\$153.20	\$111.15	\$264.35
Totals	\$1,285.20	\$927.81	\$2,213.01

Figure 2: Table of Travel Costs per Session.

A driving force is the limited availability of certified interpreters who live in the area where the court is located. The more removed the court is from the residence of an interpreter the more expensive the service. An immediate management problem noted in the study was the necessity of reserving an interpreter several weeks ahead of time and not knowing at that time what the level of interpreter required cases would be for that court session. The spikes in the data

demonstrate the impact of having interpreters available for a relatively few cases. The elimination of travel reimbursement and using the half hour convention of compensation provided the greatest source of savings. The higher the volume of cases the court has the less dramatic the savings. It is clear that the potential savings shown in the study would most benefit courts with very few cases who are far removed from interpreter services.

Another basic question surrounds how much time is required to conduct hearings using remote interpreters. If the increased time is too great the efficacy of the method is defeated. The data demonstrated that the increased level of time was not as dramatic as expected intuitively. Figure 3 shows the results.

TIME COMPARISON BY METHOD AND TYPE OF CASE

	ARRAIGN	PLEA	PRETRIAL	PRELIM HEARING	SENT	TOTAL
VIDEO						
TOTAL TIME		44	50	7	92	193
NUMBER		4	5	1	10	20
AVERAGE		11.00	10.00	7.00	9.20	9.65
CONV FACTOR	1.43	1.90	1.73	0.84	1.33	1.43
TRADITIONAL						
TOTAL TIME	362	110	98	25	152	747
NUMBER	50	19	17	3	22	111
AVERAGE	7.24	5.79	5.76	8.33	6.91	6.73
ADJUSTED VIDEO TIME	519	209	170	21	202	1071
INCREASED TIME	157	99	72	-4	50	324

Figure 3: Time Comparison by Method and Type of Case

No arraignments were conducted by remote video. This is the most challenging type of case to do remotely and where you have 15 or more arraignments set for a one hour time period the efficiency is not supported. In developing conversion factors the overall weighted average for all cases was used to convert arraignment times. Other cases were computed using the ratio method mentioned above. Wherever the term adjusted data is used throughout this report, the adjustment factor utilized is the one developed in this comparison.

The comparison of total costs did show a substantial savings from the use of remote interpreter. Again much of that savings is attributed to travel costs; however, it is important to look at the overall savings using the system. Figures 4 and 5 show those trends.

Note that the use of remote interpreting achieves a much flatter or consistent cost line. Two variables contribute to this more static cost. First, travel is eliminated so the location of the interpreter has no impact. The interpreter could be located anywhere in the State or outside the State. Secondly, the scheduling dilemma noted above is mitigated. Using the remote interpreter and paying in half hour increments takes the spike out of those sessions where relatively few interpreter cases arise. Compare the spikes shown in the traditional cost line. Here the influence of interpreter location and the use of minimum payments can cause a dramatic effect especially during sessions where a relatively limited number of cases requiring an interpreter are called.

Figures 6 and 7 demonstrate these same data with adjustments made using the conversion factor for video to traditional comparisons.

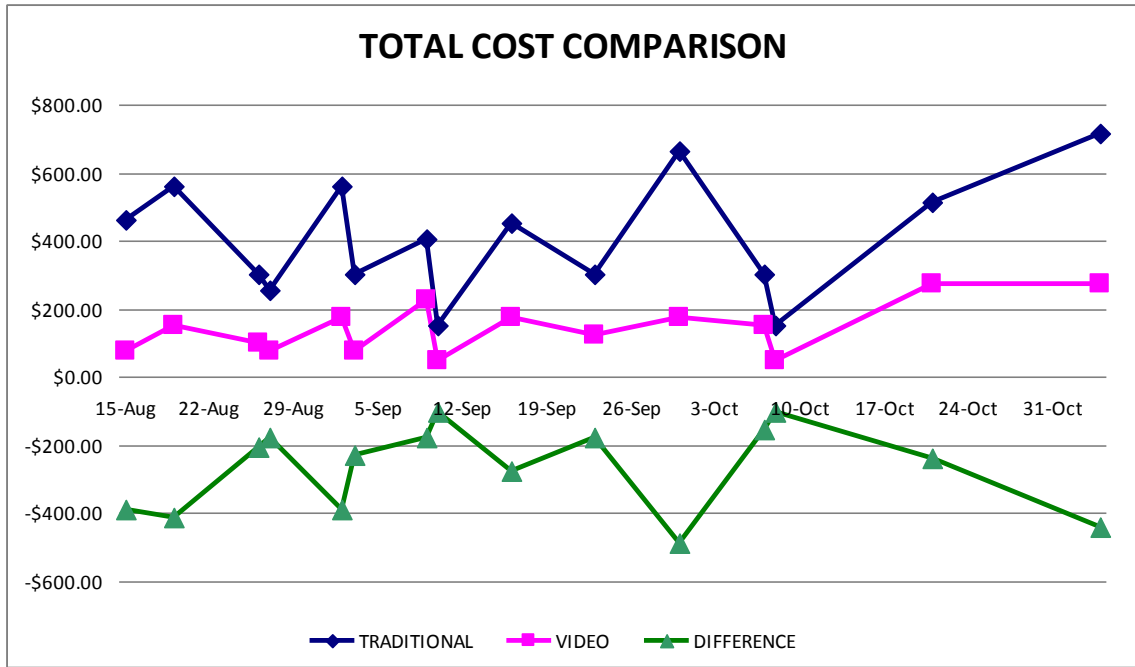


Figure 4: Comparative Total Costs

COMPARATIVE TOTAL COST DATA

DATE	TRADITIONAL	VIDEO	DIFFERENCE
15-Aug	\$461.26	\$75.00	-386.26
19-Aug	\$561.26	\$150.00	-411.26
26-Aug	\$303.22	\$100.00	-203.22
27-Aug	\$253.09	\$75.00	-178.09
2-Sep	\$561.26	\$175.00	-386.26
3-Sep	\$303.09	\$75.00	-228.09
9-Sep	\$403.09	\$225.00	-178.09
10-Sep	\$153.09	\$50.00	-103.09
16-Sep	\$453.09	\$175.00	-278.09
23-Sep	\$303.09	\$125.00	-178.09
30-Sep	\$664.35	\$175.00	-489.35
7-Oct	\$303.09	\$150.00	-153.09
8-Oct	\$153.09	\$50.00	-103.09
21-Oct	\$511.26	\$275.00	-236.26
4-Nov-08	\$714.35	\$275.00	-439.35

Figure 5: Comparative Total Cost Table

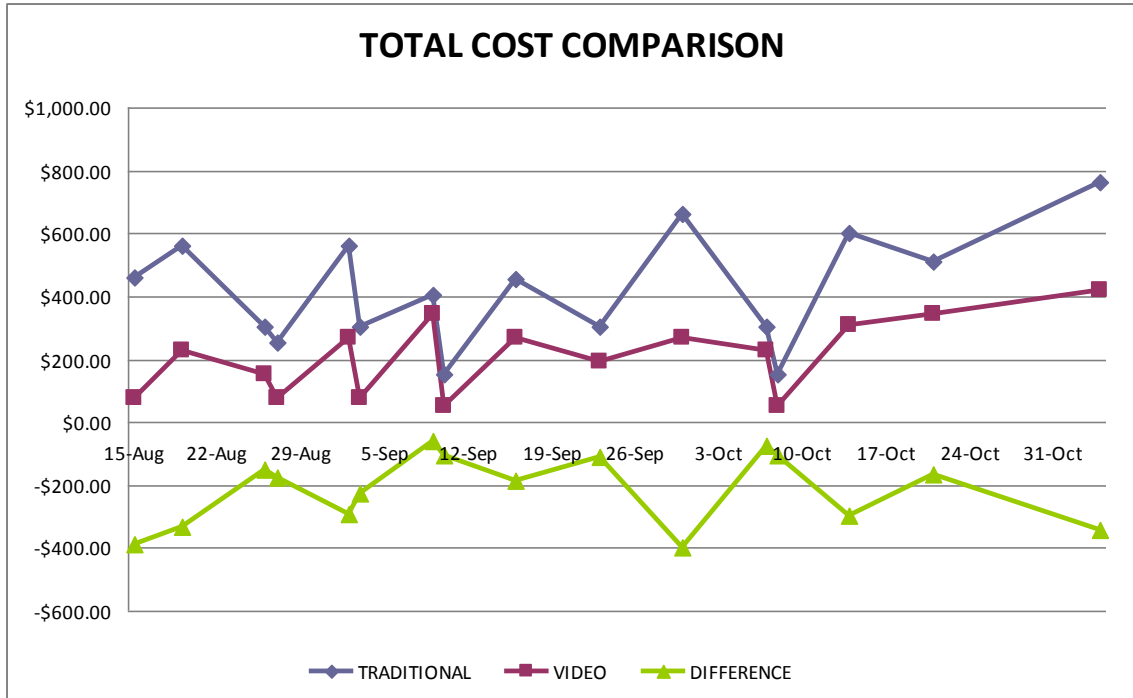


Figure 6: Adjusted Total Cost Comparison

ADJUSTED COMPARATIVE TOTAL COST DATA

DATE	TRADITIONAL	VIDEO	DIFFERENCE
15-Aug	\$461.26	\$75.00	-\$386.26
19-Aug	\$561.26	\$229.50	-\$331.76
26-Aug	\$303.22	\$153.00	-\$150.22
27-Aug	\$253.09	\$75.00	-\$178.09
2-Sep	\$561.26	\$267.75	-\$293.51
3-Sep	\$303.09	\$75.00	-\$228.09
9-Sep	\$403.09	\$344.25	-\$58.84
10-Sep	\$153.09	\$50.00	-\$103.09
16-Sep	\$453.09	\$267.75	-\$185.34
23-Sep	\$303.09	\$191.25	-\$111.84
30-Sep	\$664.35	\$267.75	-\$396.6
7-Oct	\$303.09	\$229.50	-\$73.59
8-Oct	\$153.09	\$50.00	-\$103.09
14-Oct	\$603.29	\$306.00	-\$297.29
21-Oct	\$511.26	\$344.25	-\$167.01
4-Nov-08	\$764.35	\$420.75	-\$343.6

Figure 7: Adjusted Total Cost Table

The adjusted data reflect the increased time by type of case for using remote interpreters where the method of interpreting must be consecutive.

Figures 8 through 11 compare cost per case by the method of interpretation and by type of case. Figures 8 and 9 are the raw data from the study and figures 10 and 11 show those data adjusted by the use of the conversion factor for each type of case.

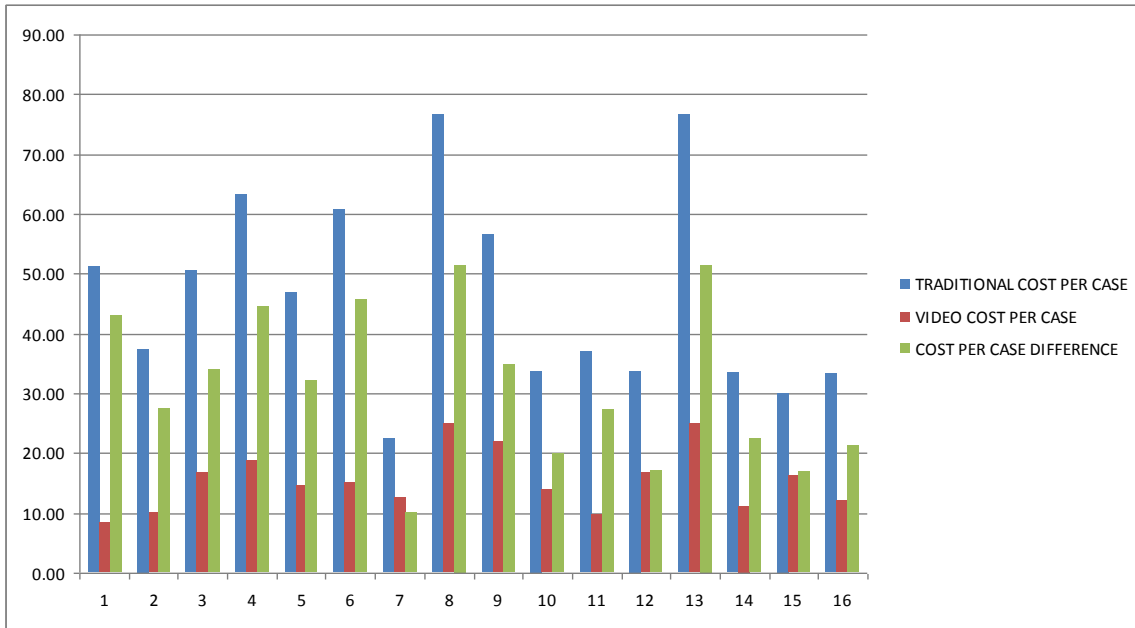


Figure 8: Cost per Case Comparison

DATE	TRADITIONAL COST PER CASE	VIDEO COST PER CASE	COST PER CASE DIFFERENCE
15-Aug-08	51.25	8.33	42.92
19-Aug-08	37.42	10.00	27.42
26-Aug-08	50.54	16.67	33.87
27-Aug-08	63.27	18.75	44.52
2-Sep-08	46.77	14.58	32.19
3-Sep-08	60.62	15.00	45.62
9-Sep-08	22.39	12.50	9.89
10-Sep-08	76.55	25.00	51.55
16-Sep-08	56.64	21.88	34.76
23-Sep-08	33.68	13.89	19.79
30-Sep-08	36.91	9.72	27.19
7-Oct-08	33.68	16.67	17.01
8-Oct-08	76.55	25.00	51.55
14-Oct-08	33.52	11.11	22.41
21-Oct-08	30.07	16.18	16.83
4-Nov-08	33.23	11.96	21.27

AVERAGES 46.44 15.45 31.17
 Figure 9: Cost per Case Table

A comparison of the two graphs for per case cost shows the relatively modest impact of the type of interpreting between simultaneous and consecutive. This is an important consideration for high volume courts since even a modest per case increase in time can have a significant impact on resource allocation. However, for most courts where the number of interpreter required cases is lower this may not be of great significance. It further demonstrates the strong influence of travel costs.

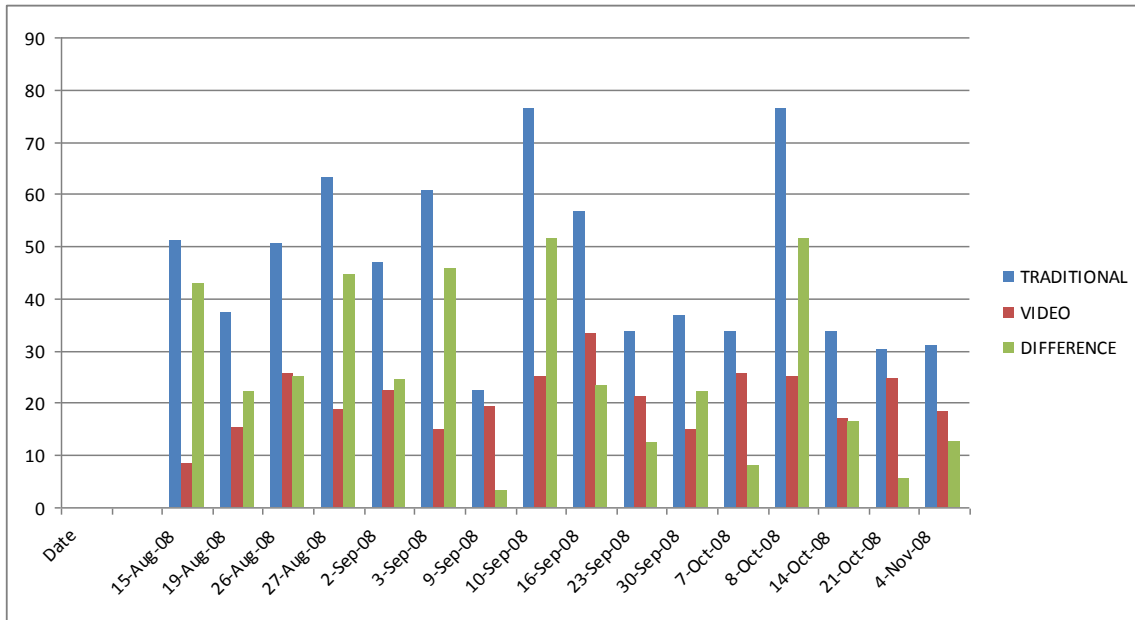


Figure 10: Adjusted Per Case Costs

ADJUSTED COST PER CASE DATA

Date	TRADITIONAL COST PER CASE	VIDEO COST PER CASE	DIFFERENCE
15-Aug-08	\$51.25	\$8.33	\$42.92
19-Aug-08	\$37.42	\$15.30	\$22.12
26-Aug-08	\$50.54	\$25.50	\$25.04
27-Aug-08	\$63.27	\$18.75	\$44.52
2-Sep-08	\$46.77	\$22.31	\$24.46
3-Sep-08	\$60.62	\$15.00	\$45.62
9-Sep-08	\$22.39	\$19.13	\$3.27
10-Sep-08	\$76.55	\$25.00	\$51.55
16-Sep-08	\$56.64	\$33.47	\$23.17
23-Sep-08	\$33.68	\$21.25	\$12.43
30-Sep-08	\$36.91	\$14.88	\$22.04

7-Oct-08	\$33.68	\$25.50	\$8.18
8-Oct-08	\$76.55	\$25.00	\$51.55
14-Oct-08	\$33.52	\$17.00	\$16.52
21-Oct-08	\$30.07	\$24.75	\$5.32
4-Nov-08	\$31.06	\$18.29	\$12.77
AVERAGE	\$46.31	\$20.59	\$25.72

Figure 11: Adjusted Cost per Case Data

Again and again the data demonstrate that the source of significant savings in the quantitative sense is garnered from the reduction or elimination of travel. However, it has been noted that high volume courts may not experience the savings due to the increased time per case for consecutive interpretation. That again supports the conclusion that the greatest positive impact of the method of remote interpreting is for those courts that have a lower volume of interpreted cases.

Payroll data supplied by the Director of Trial Court Services when annualized showed the total cost of services during the period of September, 2007, through February, 2008, for the Colfax County Court was \$38,922.58 when that data was annualized. Annualizing the results of the pilot study shows that the rate of growth in Colfax County is approximately 13.38% using the traditional method of interpretation. Implementing remote interpreting completely in Colfax County would show a rate of decreased costs of 43.69%. Since the data show that travel costs is the driving force and that as the number of cases increases the benefit reduces the final efficient cost savings is somewhat less than the 43.69% rate.

Colfax County has always used certified interpreters for all of its cases; however that is not the case throughout the State. In fact according to the data supplied again by Sheryl Connolly, Director of Trial Court Services, in the period of September, 2007, to February, 2008, only 39.4% of interpreted cases were done by certified interpreters. The remaining 60% were done by Registered or less qualified interpreters. A positive, although not quantifiable result of this study, would show that it would be possible to provide certified interpreters to all courts in the State.

A second method for decreasing the overall costs of interpreting is to introduce better case management practices in the courts. Looking at the cost per case data set out in figures 8 through 11, trends after October 1 show the impact of better case management. The spike of October 10 is an outlier. It resulted from having an unusually small number of interpreter required cases on that date. Although the calendar would have shown the customary presence of Spanish surnames, when the cases were called only one or two required an interpreter. The averages become more stable and the cost per case become more flat by each method. It results from an effort to schedule cases by language need rather than case type as had been the practice and to schedule the language needed cases into a compressed time slot. It seeks to maximize the amount of interpretation done during the minimum compensation time frame. Recall that under the payment method an interpreter receives a minimum of two hours of compensation for the morning and afternoon sessions regardless of whether they work five minutes or the full two hours. Maximizing cases during the compensated minimums is an important management contribution to cost reduction.

CONCLUSIONS AND RECOMMENDATIONS

This pilot study clearly demonstrates that the use of remote interpreters, especially in low volume courts, can achieve the dual goals of reduced costs and increased quality of interpreter services. While the elimination of all travel in the pilot study court would decrease costs by 43.69% it is doubtful that it would be practical until other supportive changes were introduced. However, reducing travel by 25% is realistic and achieving an additional savings of 10% to 20% through management practices and using remote interpreting for staff support is a reasonable prospect. The increased time for consecutive interpreting if measured at the overall rate of 1.43 results in a traditional case lasting four minutes taking just under six minutes with consecutive interpreting. This additional time will not be of significance in the majority of courts. Clearly, continuing the study and data gathering is necessary to refine these preliminary results. These preliminary findings are sufficient to recommend that the State of Nebraska establish a system of on-call interpreters in the State using both video conferencing where the infrastructure will support it or telephone where necessary to provide certified interpreters to all courts in Nebraska. Eliminating 35% to 40% of travel costs would save the courts approximately \$350,000 to \$400,000 per year; and improved case management may garner an additional \$100,000 to \$200,000 savings.

EXECUTIVE SUMMARY

The State of Nebraska has experienced growth in the cost of providing interpreters in its course. As recently as fiscal year 2001, the total expenditure was approximately \$443,000.00. Internal studies of the judicial branch showed that amount had risen to \$649,000.00 in fiscal 2006-2007, and fiscal 2007-2008 costs increased to \$1,043,000.00. This paper reports the results of a pilot study conducted in the County Court of Colfax County, Nebraska, measuring the efficacy of using remote interpreters appearing by video conferencing as opposed to the traditional method of having the interpreter present in court in reducing overall costs.

A survey of the available literature demonstrated that little formal study of this problem has been undertaken. The few reported studies within the legal community dealt mainly with telephone interpreting. Expanding the scope of the review showed the medical community has both studied and utilized remote interpreting far more extensively than has the legal community. However, using the medical models and experiences can be employed successfully by the legal community.

The method of study used was a pilot project in the Colfax County Court. All sessions of the court studied were conducted by the same judge to mitigate stylistic differences among judges. All interpreting was done by certified Nebraska interpreters. Each case of each session was recorded by the trial judge on a data entry sheet and travel data was obtained for each of the interpreters providing services during the study period. Raw data from the study was interpreted and adjusted for purposes of measuring whether the use of remote interpretation was able to meet the dual goals of limiting costs and improving quality.

Data developed in the study would indicate that the State may experience another 13% growth in interpreter costs if the traditional method continues to be the sole source of interpreter services. Results of the study demonstrated that using remote interpreters can achieve significant costs savings. The reduction or elimination of travel expenses could save as much as \$350,000 to \$400,000 per year system wide. A further \$100,000 to \$200,000 savings may be achieved by better case management regardless of method. For mid to low volume courts the increased time resource required for remote interpretation which must be done consecutively was computed to be a factor of 1.43 per case, an increase which will not be significant for the great majority of courts, especially very low volume courts that are far removed from interpreter services. The results of the study argue strongly for the State of Nebraska to establish a system of on-call, certified interpreters to serve all the courts of the State, especially those more remote from available services, and that such a system can have positive cost savings impact on the overall cost of providing service and at the same time increase the availability of high quality, certified interpreter services throughout the State.