



# Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS

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Hon. Audrey K. Skwierawski  
Director of State Courts

**RECEIVED**

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**CLERK OF COURT OF APPEALS  
OF WISCONSIN**

Mr. Samuel A. Christensen  
Clerk of the Supreme Court  
110 East Main Street, Suite 215  
Madison, WI 53701

Dear Clerk of the Supreme Court,

I am writing to comment on Rule Petition 24-02 filed by Wisconsin Justice Initiative, Inc. related to interpreters in municipal court proceedings.

Wisconsin Justice Initiative, Inc. (hereinafter referred to as "WJI") raises several important points regarding challenges that may occur when individuals with limited English proficiency (LEP individuals) participate in municipal court proceedings without the assistance of a qualified interpreter. Due to these challenges, WJI requests expansion of the availability and use of qualified court interpreters in municipal court proceedings. The petition calls for qualified court interpreters to be present in evidentiary municipal hearings involving LEP individuals and available via telephone, video, or other approved computerized service for non-evidentiary hearings.

The language access concerns outlined by WJI are valid and important. They underscore the need to explore a range of strategies that support the needs of LEP individuals appearing in Wisconsin courts. While I understand the fundamental reasons behind this request, I believe the petition is lacking adequate data on several key points that are crucial to understanding what level of resources and administrative support would be necessary to expand the provision of qualified interpreters as requested.

#### The Demand for Interpreter Services in Municipal Courts is Unknown

WJI asserts in its accompanying memorandum that LEP individuals are not currently receiving proper access to qualified interpreters in municipal court hearings and cites as evidence an informal survey sent to all municipal judges concerning interpreter use in municipal courts (Appendix A). According to the information provided, the survey indicated that for non-evidentiary hearings, approximately 40% of the responding municipal courts allowed a family member or friend to interpret. For evidentiary proceedings, the most commonly reported manner of providing interpreter services was by using an audio/video service (just over 30%), followed by use of an individual interpreter who appeared in person (approximately 20%).

It is important to note that only 49 municipal court judges completed the survey regarding interpreter usage. Currently, there are 232 municipal court judges serving 229 municipal courts across the state. Therefore, the survey results represent only 21% of all municipal court judges' perspectives. Before any proposal to expand municipal court interpreter services is considered, it is necessary to conduct a more thorough survey of demand across a larger and more representative sample of municipal courts. This survey should include information such as the number and percentage of municipal court hearings that involved an LEP individual or individuals; whether each event was an evidentiary or non-evidentiary hearing; what languages the LEP individual(s) spoke that required interpreter services, and any other details that would allow the demand and cost to be accurately estimated. This information is critical to understanding both current interpreter utilization as well as what additional resources may be needed to expand use of qualified interpreters at the municipal court level.

#### The Potential Cost for Expanding Interpreter Services within Municipal Courts is Unknown

According to the survey results provided in Appendix A, municipal court judges reported that the interpreter costs ranged from under \$100 per year to over \$5,000 per year. In addition, although "a few" municipal courts reported the hourly rate that they pay, these rates were not included in Appendix A and remain unknown. Given this limited information, it is not possible to determine what average hourly cost is currently being paid to provide qualified interpreters or other interpreter services, such as phone or video remote interpretation, in the vast majority of the state's municipal courts.

The petitioner refers to a statutorily defined cost for providing court interpreters in municipal proceedings as \$10 per half day, or such higher fees as the municipality or county board may establish. (See Wis. Stat. § 814.67 Fees of witnesses and interpreters.) Given prevailing court interpreter rates, the rate noted by the petitioner understates the cost needed to implement this proposal. For example, the average rate across Wisconsin circuit courts charged by Spanish interpreters in 2023 was approximately \$70/hour. For Hmong and Arabic interpreters, average 2023 rates were closer to \$90/hour. As independent contractors, interpreters set their own rates and may include minimum charges, mileage, travel reimbursement, and cancellation fees. When these additional expenditures are included, total hourly rates often surpass \$100/hour, with rare languages sometimes totaling over \$200/hour.

In order to prevent a sudden and unexpected cost increase to municipalities, a comprehensive review of current municipal court interpreter costs should be conducted. Information from such a review would allow municipalities to estimate the potential fiscal impact of expanded interpreter use and incorporate this data into future budget requests as needed.

#### Proposed Requirement to Approve Telephonic, Video, or Computerized Interpreting Services for Use in Non-Evidentiary Proceedings in Municipal Courts

Among the changes requested by WJI is a proposal to create Wis. Stat. § 885.375(1)(d), which would require the Director of State Courts to approve a list of agencies or other providers of interpreting services through telephonic, video, or computerized means for use in non-evidentiary municipal court proceedings.

The Wisconsin Department of Administration (DOA) currently executes multi-year contracts for in-person, telephonic, and video-based interpreter services available to state agencies. Local units of government, including counties and municipalities, are free to utilize the DOA-

contracted vendors through cooperative agreements. However, the Director of State Courts does not play a role in the vetting or approval of the individual vendors. Therefore, it would not be appropriate for my office to recommend one provider over another for use in municipal court settings.

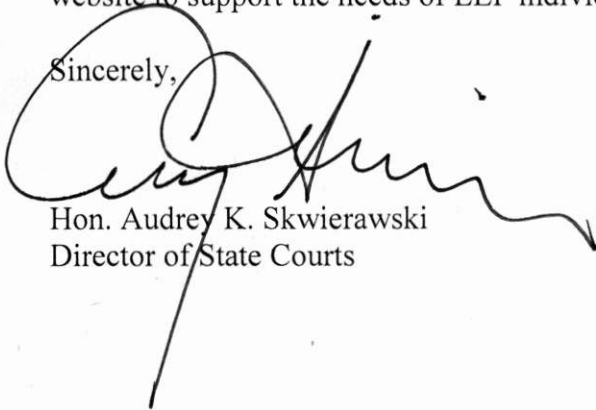
Further, the petition would require the Director to recommend agencies or other providers of interpretation services through "computerized" means. The DOA-contracted providers currently offer services for in-person, telephonic, or video-based interpreting. Because no explanation is provided as to what constitutes interpretation by computerized means, clarification from the petitioner on this point is needed.

Conclusion

The approaches outlined in this petition are well intentioned and seek to expand the availability of interpreters in municipal courts. However important, any discussion of specific solutions such as those proposed in this petition is premature. In addition, affected municipalities do not have adequate information to assess the potential budgetary impact of this proposal.

I respectfully recommend that the Court return this petition without action, and that the Court request that the petitioner collect more information regarding municipal court interpreter utilization and cost. While such data is being gathered, municipal court judges may continue to consult the public roster of certified court interpreters available on the Court System's public website to support the needs of LEP individuals in their courts.

Sincerely,

A handwritten signature in black ink, appearing to read "Audrey K. Skwierawski". The signature is written in a cursive style with a large initial "A" and a long, sweeping underline.

Hon. Audrey K. Skwierawski  
Director of State Courts