



# It's Our Own Voices, as Translators and Interpreters, We Hope Lawmakers Hear

## AB 5 Threatens Access to Language Services by Californians with Limited English Proficiency

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By MARYBEL CARIÑO

It was just after ten in the morning, and the witness was crying. Step by step she explained in Spanish how she had suffered abuse at the hands of a doctor she trusted. One of many survivors to bring charges, she required an interpreter able to respect every nuance, emphasis, pause and expression in her videotaped statement. A microphone on my collar conveyed her testimony onto the official

My fifteen years as a certified language professional in California instilled the skills needed to perform this exacting work with precision. An essential part of being an interpreter is staying in the background.

But this month, a new state law, Assembly Bill 5, took effect. It all but mandates that translators and interpreters in California work solely as employees. It threatens to make it illegal for the vast majority of translators and interpreters like me who work as independent contractors to practice our trade here. Now it is our own voice that we must use. Will legislators hear us?

I learned firsthand the need for skilled language professionals two decades ago. While in nursing school in Los Angeles, I would assist doctors and medical students in rounds at the county hospital. They asked me and other bilingual junior clinicians to interpret for their patients. Within a couple of weeks, my colleagues were asking for me by name.

After becoming a licensed vocational nurse, I went back to school to study interpretation and translation. The State Personnel Board of California certified me to interpret in medical settings for injured workers.

Soon the Judicial Council of California certified me as a court interpreter. Now I also work in the federal system, having earned certification from the Administrative Office of the U.S. Courts. Our



Marybel Cariño, a professional interpreter with medical, state, and federal court certifications, also describes in a recent television interview the fallout of AB 5 on independent contractors who assist Californians in overcoming language barriers. So compelling are the facts of her story that she wins over the news anchor on the urgent fix needed to the law.

<https://www.kusi.com/impact-of-gig-worker-bill-ab-5-on-court-interpreters/>

state speaks many languages, and that's just as true under oath.

Some of my favorite assignments have been in Mexican Sign Language, which I learned in Mexico amid efforts to teach deaf people and their family members to communicate using standardized signs.

My skill in this language fills a rare, highly intermittent, but much needed niche. Whether I work for a court or for clients, usually through their attorney, I apply very specialized expertise on timing and payment terms that I negotiate, and with only the people I want to. For me, it may be a two-hour job. For them, it may change their entire life.

Does it make sense to treat a Mexican Sign Language interpreter as an employee for doing a two-hour task? No, it does not. Nor does it make sense for most of the five thousand *(continued)*

practicing interpreters and translators in California. We often engage with twenty, forty or more hiring entities in a year. We operate as independent contractors because the facts of our work fit that model, not as an employee of dozens of agencies we barely know.

As a single mother, I remember the day five years ago my sons went to hear me interpret for Mayor Faulconer of San Diego. The mayor of Panama City was visiting to sign a Sister-City agreement. I had the privilege of interpreting for both mayors and then-Assembly Speaker Toni Atkins.

In 2017, I also assisted Assemblymember Lorena Gonzalez Fletcher, D-San Diego, during presentations and awards for the Junior Legislators Program. I did it as a favor to her office. In 2019, she pushed AB5 to passage with no exemption for interpreters and translators.

That failure all but precludes us from practicing our trade as independent professionals. Some hiring entities, acting out of fear, are terminating all freelance interpreters and translators in California. A few, even from inside our state,

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<https://www.ocregister.com/as-interpreters-speak-for-ourselves-will-lawmakers-listen>

inadvertently turn the knife by saying they would be happy to engage us again if we move out of state. Such perverse, vigilante application of AB5 is already cutting off much of the work for some linguists.

Can Californians at operating tables or negotiating tables possibly be served as well by language robots, or over-the-phone services from out of state or overseas? We know the objective of AB5 was not to make language professionals in California an endangered species, or to strengthen the hand of those who benefit from language barriers. Yet that is the result the law is inflicting.

My training guides me to worry about the fallout on vulnerable people whose voices I put on the record. Now it is my own that I hope lawmakers heed. They can pass a law to put AB5 on hold for language professionals. They can remove us from its scope and enforcement. Let interpreters and translators who work independently in California continue to turn language barriers into bridges and make our state work, in all of its diversity.