

TECHNOLOGICAL OPTIONS FOR PROVIDING AND
SHARING COURT LANGUAGE ACCESS SERVICES
OUTSIDE THE COURTROOM
JANUARY 2018



JUDICIAL COUNCIL
OF CALIFORNIA

LANGUAGE ACCESS PLAN
IMPLEMENTATION TASK FORCE

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I. INTRODUCTION

California is unique among the states in its cultural and linguistic diversity. Fully 27% of its residents were born outside of the United States¹, which is twice the national average. Californians speak more than 200 languages, while nearly seven million report speaking English "less than very well."² In response to the language needs of its residents, the California Courts have undertaken a multi-year effort to implement the recommendations of the Strategic Plan for Language Access (LAP).³ The LAP sets forth a vision of a state court system that provides equal access to justice to all court users, regardless of language status. In order to achieve this vision, the LAP contains 75 distinct recommendations, addressing all levels of court operations and points of contact between limited English proficient (LEP) court users and the legal system.

One recurring theme of the LAP is the importance of recognizing that the need for language access extends beyond the confines of the courtroom and formal legal proceedings. While the presence of an interpreter in legal proceedings is critical for protecting the rights and interests of LEP court users, there are a panoply of transactions that occur between courts and court users that often begin before an individual arrives at the courthouse building and take place before and after formal court appearances. Local court websites provide information about court proceedings, courthouse locations and filing legal documents. Many courts also have begun employing technology to provide interactive features on their websites that allow court users to complete a variety of transactions online, including responding to a jury summons, paying a traffic ticket and locating case information. Once a court user arrives at the courthouse, interactions involving language may include anything from communication about security protocols, to asking for directions to a department, to the many types of transactions that occur at a clerk's office or a payment window. Successful communication in these events is also a critical part of access to justice for LEP court users.

To address the criticality of language access outside of the courtroom, the LAP contains several recommendations aimed at ensuring language access in court-mandated services such as parenting classes, mediation and batterer intervention courses. The recommendations include a prohibition on requiring participation in a court-ordered program without appropriate language support⁴ and

¹ Immigrants in California, Public Policy Institute of California, citing the American Community Survey and Decennial Census Data. Available at: <http://www.ppic.org/publication/immigrants-in-california/>.

² US Census Bureau. American Community Survey 2009-2013 Language Tables, at <http://www.census.gov/data/tables/2013/demo/2009-2013-lang-tables.html>.

³ The *Strategic Plan for Language Access in the California Courts* was adopted by the Judicial Council in January 2015. The report is available at: http://www.courts.ca.gov/documents/CLASP_report_060514.pdf.

⁴ Recommendation #11: "An LEP individual should not be ordered to participate in a court-ordered program if that program does not provide appropriate language accessible services. If a judicial officer does not order participation in services due to the program's lack of language capacity, the court should order the litigant to participate in an appropriate alternative program that provides language access services for the LEP court user. In making its findings and orders, the court should inquire if the program provides language access services to ensure the LEP court user's ability to meet the requirements of the court." *Strategic Plan for Language Access in the California Courts*, Judicial Council of California, 2015.

a charge to the court to determine that providers of these services can provide language services before making an order or referral to participate in them.⁵

The demographics of California, coupled with the commitment of the courts to meeting the language needs of court users, have a direct impact on day-to-day court functions. Courts face continual budget challenges and struggle to hire and retain both bilingual court staff and courtroom interpreters. Court clerks and other frontline staff in some courts encounter LEP court users on a regular basis, and must be prepared to provide assistance in any number of languages with a variety of transactions. Certified or registered interpreters, who are specially trained to provide legal interpretation, are in high demand and many courts have not been able to source sufficient interpreter support to meet their courtroom interpretation needs. In addition, courtroom interpreters may be asked to assist in other settings throughout the courthouse when there is no bilingual staff to provide in-language services to LEP court users. Interpreters working in the courts may find that they are stretched thin, while bilingual staff may feel as though they are asked to assist with transactions that exceed their language capabilities.

In recognition of the shared goal of providing language access services outside of the courtroom, while acknowledging the resource challenges experienced by courts, an additional recommendation of the LAP is aimed at assisting courts in obtaining and coordinating language services by using technology to maximize human resources and provide services remotely. Recommendation No. 30 states: "The Judicial Council should consider adopting policies that promote sharing of bilingual staff and certified and registered court interpreters among courts, using remote technologies, for language assistance outside of court proceedings."⁶

The purpose of this document is to highlight existing practices, both in California and around the country, and propose new possibilities for the use of technology to both coordinate bilingual human resources and provide language assistance for services and programs that take place outside of the courtroom. This descriptive survey is organized around four broad categories: videoconference technology, telephone-based initiatives, online applications and interpreter database software. Each type of technology is available from multiple private vendors and this document does not make any recommendations regarding a preferred or specific service provider. Those decisions are best left to the courts and will depend on capacity, budget and other local considerations.

Each section of this guide contains a general description of the technology and information on how it has or could be used in a court setting to enhance language access. There are brief highlights of successful court-based implementations of the various types of technology, when appropriate. Finally, each section concludes with a set of concrete suggestions on next steps for those court employees interested in exploring the technology to enhance language access in their own courts.

⁵ Recommendation #33: "In matters with LEP court users, courts must determine that court-appointed professionals, such as psychologists, mediators, and guardians, can provide linguistically accessible services before ordering or referring LEP court users to those professionals. Where no such language capability exists, courts should make reasonable efforts to identify or enter into contracts with providers able to offer such language capabilities, either as bilingual professionals who can provide the service directly in another language or via qualified interpreters."

Strategic Plan for Language Access in the California Courts, Judicial Council of California, 2015.

⁶ *Strategic Plan for Language Access in the California Courts*, Judicial Council of California, 2015.

II. VIDEOCONFERENCE TECHNOLOGY

Introduction

Videoconference technology is a popular solution for business and government communications and is increasingly easy to obtain and use. Videoconference calls allow employees to have "unified communications" (both audio and video) and both functions have improved in quality with the advent of broadband connectivity and the increasing number of web-based applications available on the market.⁷ Surveys of technology use in the United States indicate that 19% of American adults have used video calling, video chat or teleconferences.⁸

In California, courts have employed videoconference technology for meetings, trainings and conferences. In addition, early experiments with video technology have shown its potential to enhance the delivery of language access services in courts, both inside and outside of the courtroom. The two key applications of videoconferencing technology for language access outside of the courtroom are 1) allowing bilingual employees to provide in-language remote assistance to multiple court sites; and 2) video remote interpreting, wherein an interpreter is linked by videoconference into an encounter between an LEP court user and monolingual English staff or justice partners.⁹

Videoconference Technology to Connect Bilingual Employees

Government Code mandates the use of a certified court interpreter for in-court proceedings, and bilingual court employees are not permitted to serve in this role except in exigent and extremely limited circumstances.¹⁰ By contrast, many courts already rely on talented bilingual staff members to assist LEP court users with a variety of courthouse encounters outside of the courtroom. Bilingual staff members provide assistance with orientation, wayfinding and direct service provision at clerk's filing desks and payment counters. Several courts have incorporated into their LEP plans the use of bilingual employees at key areas of courthouse service, and at least one has established a systematic way to identify bilingual employees, allowing them to be called upon when needed.¹¹ Some courts also have established differentials in their pay scales to account for

⁷ Tae Yoo, "3 Ways Broadband Internet Is Improving Health Care and Education," HuffPost The Blog, April 20, 2015. Available at: http://www.huffingtonpost.com/tae-yoo/broadband-internet-improves-healthcare-education_b_7072130.html.

⁸ Rainie & Zickuhr, Video calling and video chat, *Pew Internet & American Life Project*, October 13, 2000. Available at <http://www.pewinternet.org/2010/10/13/video-calling-and-video-chat/>.

⁹ In addition to court and legal settings, hospitals have also made use of Video Remote Interpreting. For more information on VRI in the medical setting, see Appendix C of *Wayfinding and Signage Strategies for Language Access in the California Courts*, available at <http://www.courts.ca.gov/documents/LAP-Wayfinding-and-Signage-Strategies-Language-Access-in-the-CA-Courts.pdf>.

¹⁰ Cal. Govt. Code §68561.

¹¹ Superior Court, County of Los Angeles LEP Plan, available at: <http://www.lacourt.org/generalinfo/courtinterpreter/pdf/LASCLEPPlan2016.pdf>; *The Provision of Court Interpreter Services in Civil Cases in California: An Exploratory Study*, National Center for State Courts, available at: <http://www.courts.ca.gov/documents/ncsc-report.pdf>.

bilingual employees.¹² These pay differentials acknowledge the value to courts of employees who can communicate with LEP court users and are often based on testing or other criteria used to establish that an employee has the proficiency required to provide this service to the court and court users.

The use of videoconferencing technology in this context provides an added dimension to the value of bilingual employees. The ability to connect a bilingual employee in one court location with LEP court users in another location means that language assistance can be provided in multiple courthouses without incurring the time and expense of moving human resources among sites. In addition to using videoconferencing technology for ad hoc encounters, family law facilitators and self-help centers can deliver informational workshops in a non-English language from a single location and broadcast the workshop to additional locations via videoconferencing. This allows LEP court users to access workshops at a location that is more convenient to them. The technology that broadcasts that information also allows for bidirectional communication between sites, facilitating questions and answers in real time, thereby preserving all the benefits of an in-person workshop.

The use of videoconferencing technology for informational workshops is particularly beneficial in those counties with geographically disperse courthouse locations and in dense population centers where travel time, even between locations that are physically close, is complicated by traffic. This approach makes efficient use of the court's human capital and increases language access for LEP court users in remote locations.

Connecting Bilingual Employees Across Three California Counties

The Self-Help Assistance and Referral Program (SHARP) provides self-help services to residents of Butte, Glenn and Tehama Counties. In addition to traditional forms of service, such as in-person workshops and telephone assistance, SHARP has implemented a remote service delivery model based on the use of videoconferencing technology. This remote service initiative includes the delivery of workshops by videoconference to multiple locations. In addition, the technology that SHARP employs allows for an open videoconference line that continuously links their sites. This allows for quick consultations among staff and allows for a bilingual employee who is housed at one location to have instant interactions with LEP court users at other locations within the SHARP family of courts.

More information about the use of videoconferencing technology by the SHARP program can be found here: [SHARP VideoConferencing](#)

Video Remote Interpreting for Out-of-Court Services

Video Remote Interpreting (VRI) has been widely viewed as a solution to specific language access issues, including interpreter coverage in geographically remote locations and locating professional interpreters for languages of lesser diffusion. The use of VRI also allows for more agility in scheduling and reduces travel costs for interpreters. The Language Access Plan Implementation Task Force is currently overseeing a pilot project to implement VRI in a number of courtrooms

¹² https://www.seiu721.org/contracts/inland_superior_court_county_of_san_bernardino_mou_2015-07-01_through_2019-09-30_scan_searchable.pdf (see Article 8).

and evaluate the effectiveness and quality of interpretation services provided as well as the technological performance and agility of three different VRI providers.¹³ The results of these pilot demonstrations are scheduled for publication in mid-2018.

While remote interpretation in the courtroom requires a detailed consideration of visual and audio communication flow among multiple participants, including the judge, jury, litigants, attorneys and witnesses, interpretation for out-of-court proceedings can be more straightforward.¹⁴ Many services mandated by the court, such as parenting classes, batterer intervention classes and anger management classes, lend themselves to interactions with a remote interpreter, who can deliver educational content to an LEP court user in the target language and be available to ask questions in English and relay the answers back to the LEP court user. Others, such as mediation, present greater challenges to the successful use of VRI.¹⁵ In addition to court-mandated services and programs that take place outside the courtroom, other points of contact within the courthouse, such as transactions at the clerk's office or filing counter, are areas for exploration of the use of VRI to achieve communication.

One of the principal challenges in using VRI is to equip sites with the appropriate technology to ensure high fidelity in the participation of the remote interpreter. Because facial expressions and the subtleties of vocal inflections are critical elements to an accurate and faithful interpretation of meaning, it is vitally important to have a stable and clear audio and video connection. This requires sufficient bandwidth and high quality software and hardware. The National Center for State Courts has published the "Remote Interpreting Guide for Courts and Court Staff," which sets forth specific recommendations and baseline technical requirements for a successful VRI implementation.¹⁶ These recommendations, which include minimum bandwidth and equipment requirements, apply to all VRI use, whether inside or outside of the courtroom.

¹³ More information on the Video Remote Interpreting pilot project available at: <http://www.courts.ca.gov/VRI.htm>.

¹⁴ See "Remote Interpreting Guide for Courts and Court Staff" Available at <http://www.courts.ca.gov/documents/COS-VRILAP-MDS-080816-attachment-7.pdf> for technical standards applicable to VRI.

¹⁵ For a detailed treatment of the benefits and challenges of VRI in mediation, see Braun, S. (2016). Videoconferencing as a Tool for Bilingual Mediation. In B. Townsley (Ed.), *Understanding Justice: An enquiry into interpreting in civil justice and mediation*. London: Middlesex University, 194-227.

¹⁶ Available at: <http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Language%20Access/Resources%20for%20Program%20Managers/RI%20Manual%20-%20Final%20Draft%20-%20206-5-14.ashx>.

Charting the Path Forward: Videoconference Technology to Enhance Language Access

Courts may consider the following steps towards the use of videoconference technology to provide language access services:

- Identify existing bilingual employees who are able to provide language assistance for out-of-court encounters and services.
- Develop standards for qualification of bilingual employees to ensure a baseline level of language proficiency.
- Explore the use of videoconferencing technology to connect bilingual employees with LEP court users across different courthouse sites.
- If there is a live training or workshop provided in another language by bilingual court or self-help center staff, consider using videoconferencing technology to broadcast the event for participants at remote locations. Consider recording those trainings and workshops provided in any language for remote viewing at a later time by court users in all locations and online.
- Explore options to collaborate on VRI initiatives with justice partners and other entities providing court-mandated services.
- Identify out-of-court transactions and interactions that would benefit from a remote interpreting solution.

III. TELEPHONE

Introduction

A "lower-tech" but equally important strategy is the use of the telephone to provide language services. As in the case of videoconference technology, telephones also have been employed in two ways: 1) to provide Telephonic Interpretation Services (TIS), connecting interpreters over the phone to LEP court users who are conducting business with the court; and 2) to allow bilingual employees to provide in-language services to court users.

Telephonic Interpretation Services

The Language Access Plan emphasizes the importance of calling upon bilingual staff when an LEP court user presents him or herself in person at the court and needs assistance.¹⁷ However, there are times when a bilingual staff member may not be available, or the court may not have any staff members who speak a particular language. In those cases, TIS is a natural next-best option.

The Judicial Council's Language Access Plan Implementation Task Force has developed a protocol and action guide for court staff to meet the needs of LEP court users, which includes a recommendation to look first to a bilingual staff member for assistance and if one is not available, to employ other tools and resources, including TIS. The *Action Guide*, which is a condensed quick reference guide for court employees, includes a customizable section where a court can enter the phone number to their telephone interpreting service.¹⁸

In 2013, the Judicial Council entered into a leveraged procurement agreement (LPA) with a telephonic interpreter service, Language Select.¹⁹ The LPA allows judicial branch entities to contract directly with Language Select under terms negotiated by the Judicial Council. Language Select offers its contractors on-demand interpreters in 200 languages. It is unknown how many of the 58 superior courts make use of this LPA or have independent contracts with Language Select or

Joining Forces with Justice Partners in Hawai'i

In Hawai'i, individual service providers are responsible for obtaining the necessary language access services for their clients. However, the Hawai'i Courts have recognized the fiscal challenges to meeting this need and have tried to work with providers and partially subsidize the cost of an interpreter, in order to ensure that litigants are able to fully participate and benefit from the programs offered. Currently, some Hawai'i courts allow an outside service provider to use the court's telephonic interpreter service (TIS) to conduct substance abuse assessments when there is a language need. Because the service provider delivers the service onsite at the courthouse, they are able to access the court's TIS at no cost.

(Source: Response to informal NCSC survey, *Remote Interpreting for Non-Courtroom Services*, June 2017)

¹⁷ Recommendation #26: "Courts should identify which points of contact are most critical for LEP court users, and, whenever possible, should place qualified bilingual staff at these locations." *Strategic Plan for Language Access in the California Courts, Judicial Council of California*, 2015.

¹⁸ Protocol and Action Guide for Meeting the Needs of LEP Court Users available at: <http://www.courts.ca.gov/33865.htm>.

¹⁹ In December 2016, Language Select was acquired by United Language Group.

another vendor providing this service; however, most counties reference the use of this service or a similar one in their annual LEP Plans.²⁰

In addition to using telephonic interpreting on an informal or as-needed basis at those points of contact where an LEP court user may need assistance to communicate with court staff, TIS can also be accessed on a planned basis to help staff coordinate out-of-court services and to conduct simple transactions at the clerk's office and at self-help centers.

In-Language Telephone Support

In addition to interpretation services, the telephone can be marshalled in bilingual staff efforts to deliver in-language services directly to LEP court users.

Orange County's Criminal and Traffic Division offers a 24-hour automated phone system that provides general information on the court, and allows litigants to obtain extensions on infraction cases and pay for both criminal and traffic fines.²¹ Callers can also pay for traffic school and request extensions on traffic school deadlines. The "Automated Information and Payment Center" is available 24 hours a day and callers can choose to receive general information or conduct transactions specific to their case in English, Spanish or Vietnamese. During business hours, customer service agents are available to handle live inquiries if the caller is unable to use the automated service or needs additional assistance to complete a transaction. The Superior Court has six customer service agents, two of whom speak Spanish. The court ensures that a Spanish-speaking agent is available at all times. Because the volume of calls from monolingual Vietnamese speakers is so low, if a person who has selected "Vietnamese" in the automated system requests a live operator, they are routed to a mailbox where they can leave a message and a Vietnamese-speaking staff member will call them back the same day. This occurs with approximately 1-2 calls per month. If someone

Alaska's Family Law Helpline

The state of Alaska, with its widely dispersed population, offers a helpline for assistance with family court matters. The service is available Monday-Thursday from 7:30 am to 6 pm and receives approximately 7,000 calls per year. Initial calls are assigned to the next available staff person as they come in, with the exception of Spanish and Tagalog speakers, who are routed to one of two bilingual employees who can conduct business in these languages. Once an initial intake is conducted over the phone, the caller can call back to the staff person's direct line with additional questions. Staff will listen in on court hearings involving their callers and can then follow-up with any additional information the litigant needs. General information about family law is also available on the court's website in Spanish, Hmong, Korean, Russian, Tagalog and there is an informational video available in Yup'ik.

(Source: Alaska Court System Self-Help Center: Family Law, available at: <http://www.courts.alaska.gov/shc/family/selfhelp.htm>.)

²⁰ See Judicial Resources Network, "Limited English Proficiency (LEP) Plans", available at: <http://jrn.courts.ca.gov/programs/lap/plans.htm>.

²¹ All information on Orange County Superior Court's Automated Information and Payment Center was obtained through a phone interview on August 15, 2017 with Melissa del Rio, Manager of Criminal and Traffic Division for the West Justice Center and Manager of the Integrated Voice Response system for the Superior Court. The webpage for the system is available at: <http://www.occourts.org/directory/criminal/call-center.html>.

attempts to connect with an agent and is speaking a language other than the three offered by the system, the agents can call upon the assistance of the Language Access Services Unit to meet the needs of the LEP court user. The unit offers a remote telephonic interpreting feature to accommodate this scenario as well.

During June 2017, the Orange County court Criminal Call Center provided live phone assistance to over 4,700 unique callers in English and in Spanish. The court tracks total usage and transaction statistics of the automated phone system and the identical services on the web and reports that the total customer usage on phone and web in July 2017 was 28,259. The automated contacts resulted in the completion of 31,950 transactions. The program is widely viewed as successful both as a way to reduce the numbers of traffic and criminal litigants who need to make a personal trip to the courthouse, and as a tool for language access. The court is looking to expand the features and services available through the automated service, including possibly offering the ability to post bail and to schedule criminal hearing dates.

Charting the Path Forward: Telephone Technology to Enhance Language Access

Courts may consider the following steps towards the use of telephone technology to provide language access services:

- If your court does not yet offer telephonic interpreter services, consider the possibility of contracting with such a service, either through the Judicial Council's LPA or by direct contract.
- If your court currently offers interpretation through a telephonic interpreter services provider, consider making this service available to agencies, professionals and organizations that provide out-of-court services to court users.
- Depending on the demographics of your court community, consider coordinating the availability of bilingual staff to offer in-language phone assistance to LEP court users.
- If there is demand for this service in a region that encompasses several counties, consider the possibility of entering into MOUs with other counties to pool bilingual employee resources in offering in-language phone assistance.
- If your court offers any recorded messages or automated payment processing via phone, consider translating the script for this information and having messages recorded in other languages, based on your local community needs.

IV. WEBSITE-DELIVERED SERVICES

Introduction

In response to the growing use of the internet for all transactions, and the expectation that many issues can be handled on a smartphone, courts are increasingly making efforts to place a variety of services on the web and optimize their mobile interface for access on hand-held devices. These services include responding to jury summonses, providing education and information about legal processes, and requesting an interpreter.

Bilingual Mirror Sites with Legal and Procedural Information

One advantage of using the internet to present legal information is the ability to display the information in more than one language. Since 2002, the Judicial Council has offered the self-help content available on the California Courts website in both English and Spanish. Whenever new content is developed, it is translated into Spanish by a professional translator and both versions are posted simultaneously in order to ensure the consistency of information in both languages.

The image below shows the landing page for "The California Courts Self-Help Center," which includes three ways to click over to the Spanish version of the content: the link in the central description, "En Español", the green box on the right column of the screen titled "Centro de Ayuda: Información en español," and finally, a link on the right side of the screen underneath the title with a red flag and the word "Español." This latter link repeats on all the English language pages of the self-help center content.

CALIFORNIA COURTS
THE JUDICIAL BRANCH OF CALIFORNIA

Judicial Branch Home

Courts

Self-Help

Forms & Rules

Opinions

Programs

Policy & Administration

News & Reference

Self-Help



THE CALIFORNIA COURTS SELF-HELP CENTER

Print Español

Find Help

Click on your topic below. For topics not listed, use the search box or the A-Z index. [En español.](#)
[More languages.](#)

CENTRO DE AYUDA
INFORMACIÓN EN ESPAÑOL

Search here ...

SEARCH

IMMIGRATION
RESOURCES

When the "Español" link is clicked, the user is taken to the following page, which provides a translation into Spanish of the self-help content (menu options for the other features of the California Courts website are not translated). The link next to the red flag now reads "English" and will return the user to the English version of the page with a click.

The screenshot shows the website for the California Courts self-help center in Spanish. At the top right, it says "CORTES DE CALIFORNIA LA RAMA JUDICIAL DE CALIFORNIA". Below that is a navigation menu with options: "Courts", "Centro de ayuda", "Forms & Rules", "Opinions", "Programs", "Policy & Administration", and "News & Reference". The "Centro de ayuda" option is selected. Below the menu, there is a search bar with the text "Buscar en el Centro de ayuda" and a "BÚSQUEDA" button. To the right of the search bar is a "ENLACES RÁPIDOS" (Quick Links) section with three links: "Abogados y ayuda legal", "Encuentre ayuda en su corte", and "Índice de A a Z del Centro de ayuda". There is also a "Pregunte al bibliotecario" (Ask the librarian) link with a small profile picture. The main heading is "CORTES DE CALIFORNIA CENTRO DE AYUDA". Below the heading, there is a section titled "Encuentre ayuda" (Find help) with the text: "Haga clic en el tema que le interese a continuación. Si no ve su tema, use la casilla de búsqueda o el índice de A-Z. [For English.](#) [Más idiomas.](#)" At the top right of the page, there are links for "Imprimir" (Print) and "English".

The flag and language link are available on all pages of the self-help center and this approach provides users the ability to switch back and forth as necessary. In addition, because all Spanish is translated by a professional translator, any errors that might occur with machine translation are avoided and the Spanish is consistent across case types.

The Judicial Council's Information Technology group has made available two "widgets" that can be placed on local court websites that provide an attractive visual and will take the user directly to the state's self-help center in either English or Spanish:



Multilingual Web Portals

In addition to providing legal information, courts are able to offer administrative and legal transactions online in multiple languages. Los Angeles County Superior Courts offers an "Interpreter Request Portal," which allows users to receive information and request an interpreter in Spanish, Vietnamese, Chinese, Korean or Armenian²². The user first selects a language and then receives information about interpreter requests in various areas of law. Next, the user selects the case type, which can be one of the following:

- Eviction (Unlawful Detainer)
- Small Claims
- Limited Jurisdiction Civil (Collections and non-collections)
- Traffic
- Family Law
- Probate

Once the user has selected a language and an area of law, they are taken to a page with a series of fillable fields, which collects details about the hearing date, time and location, and asks for the requester's role in the case.

There are several access points on the website for the portal; the court has incorporated multi-language links on the pages of the court's division landing pages, including Family, Probate and Traffic. The translations of "Request an Interpreter for Your [Family Law, Probate, etc.] Case" appear alternately in Armenian, Chinese, Korean, Spanish and Vietnamese. Selecting one of the languages will send users to the Interpreter Request Portal where they can enter the appropriate information.

REQUEST AN INTERPRETER FOR YOUR FAMILY LAW CASE

为您的家庭法的案件申请一名传译员

- English
- Հայերեն
- 中文
- 한국어
- español
- Tiếng Việt

Multilingual Live Chat

Another approach to connecting court users with live support is through an internet-based "live chat" service. The California Law Librarians offer such a service, called "Ask a Law Librarian," which allows a user to enter a question and get an online response during working hours. Despite the fact that law librarians cannot provide legal advice or interpret legal information, they can still provide helpful information for self-represented litigants who are researching a particular area of law and can point users toward additional resources to find the information and support they need.

A "chat" feature on a court website can be leveraged in a variety of ways, including connecting users to volunteer attorneys, or self-help center employees who could provide more specific assistance with legal processes and forms. In addition, the electronic interface allows a bilingual

²² Interpreter Request Portal, available at: <http://www.lacourt.org/irud/ui/index.aspx>.

person who is staffing the effort to provide responses in-language, should an LEP court user contact the service for assistance.

The Arizona courts offer a Live Chat service, which is accessed through the "AZ Court Help" website. The website is hosted by the Arizona Bar Foundation and the Live Chat service is provided through the state's law libraries. The opportunity to "chat" with a law librarian is available on weekdays during variable hours. When a user accesses the webpage, they will see a blue box with "Chat now" on it, when a law librarian is available. After clicking on the box, the user is asked to enter a name, email address, language and question. The language field is a drop down box with English plus 15 additional language options, including Spanish, Arabic, Urdu, Romanian and Vietnamese. If the user enters any language except English, they will receive a pre-drafted message in their language, instructing them to call a special number. Once they call, they will be placed on hold while the chat operator, who knows the language needed contacts a telephonic interpreter service and requests a phone interpreter in the language needed. The chat operator will quickly brief the interpreter on the nature of the call and will then conference in the LEP court user who is waiting on the other line. The program's coordinators indicate that this process should take less than one minute to complete.²³

Document Assembly in Multiple Languages

Document assembly programs are interactive, online interviews that ask the user a series of questions and populate the answers provided on specific form sets. In California, these programs have been developed during the last ten years for self-help center attorneys and other legal nonprofit agencies to assist self-represented litigants with forms completion. Most of the document assembly programs were created with a specific workshop in mind: they are used for forms completion during or immediately after a workshop providing instructions on the guardianship petition process, or how to begin the divorce process. In the past three years, there has been a growing interest in making document assembly programs available directly to self-represented litigants through www.courts.ca.gov or on local court websites. In addition, there is an interest in providing document assembly interviews in multiple languages. While California and most states require that all documents filed with the court be in the English language, it is still possible to collect information such as name, county and case number in another language and populate the answers appropriately on an English form. To the extent that the user must answer yes/no questions or select an answer from a drop-down box, this also facilitates asking interview questions in another language and still producing English language forms at the end of the process.

Document assembly programs can have a variety of language assistance features that provide access to LEP users. First, a program can be fully translated into the second language. As long as it is made clear to the user that any narrative information entered into the program must be in English, the program can ask questions in another language and still populate and produce form sets for filing in English.

²³ Email exchange with Kathy Sekardi regarding Arizona's Live Chat service. The service is available at: <http://azcourthelp.org/live-chat>.

Michigan Legal Help offers a variety of programs in Spanish, using the HotDocs and A2J Author proprietary software applications, which are accessed from the LawHelp Interactive platform.²⁴ Form sets produced by Michigan Legal Help using a Spanish language interface include the petition for divorce, answer and countersuit for divorce, and petition for a personal protective order.²⁵

The New York State Courts also have developed document assembly solutions with language access features, primarily using A2J Author software.²⁶ A2J Author contains a variety of features that enhance language access, including the ability to insert supplemental information in "pop-up" windows and the ability to attach audio files to the interview flow, which can be produced in multiple languages.²⁷ Program developers are also able to link to video resources, which enhances the ability to provide context and education around a particular area of law. The audio feature in particular is helpful because it allows the court to reach users who may have low levels of literacy or who may only *speak* their native language and not necessarily read and write in that language. Developing programs using these features in A2J Author has allow the New York courts to provide language assistance in several different areas of law, including name change, parentage, consumer debt and housing issues, in Spanish, Chinese, Vietnamese, French and Polish.²⁸

Whether foreign language content is provided in a standalone program, is combined with an English program, or is provided in an audio format or as pop-up information, the language will need to be accounted for in a document assembly maintenance plan to ensure that all programs are up-to-date with the latest statute, rule and form changes.

²⁴ More information about LawHelp Interactive available at: <https://lawhelpinteractive.org/>.

²⁵ Michigan Legal Help self-help tools and resources available at: <https://michiganlegalthelp.org/self-help-tools>.

²⁶ Rochelle Klempner, *The Case for Court-Based Document Assembly Programs: A Review of the New York State Court System's "DIY" Forms*, Fordham Urban Law Journal, Vol. XLI 2014, 1189-1226.

²⁷ *Id.* at 1201.

²⁸ *New York State Courts Access to Justice Program: Working Toward 100% Meaningful Access to Justice*, Report to the Chief Judge and the Chief Administrative Judge of the State of New York, 2016.

Multilingual avatars

In response to the needs of a very linguistically-diverse population, the Los Angeles County Superior Court developed an online "avatar," which provides information and the ability to conduct business with the traffic court in English, Spanish, Chinese, Korean, Vietnamese and Armenian.

The avatar, which was launched in 2015 and is affectionately referred to as "Gina," takes the visual form of a young woman who speaks directly to the user, guiding him or her through the program toward helpful information about traffic cases in the Los Angeles courts. Gina offers users the ability to pay for a traffic ticket or request traffic school. Gina can also help users request an extension for traffic school or for payment of fines and schedule a court date for their traffic matter.²⁹ The court has indicated that approximately 4,800 persons interact with Gina on a weekly basis.³⁰ Of these 4800, approximately 250 interact with Gina in Spanish, 35 in Chinese, 10 in Korean and 5 each in Armenian and Vietnamese.³¹

Because so many court users have been able to complete a transaction without coming to the courthouse in person, Gina has been successful in reducing overall wait times for traffic services and reduced workload pressure on court clerks.³²



²⁹ Gina is available on the court's Traffic landing page: <http://www.lacourt.org/division/traffic/traffic2.aspx>.

³⁰ Email communication dated 8/21/2017 with Snorri Ogata, Chief Information Officer for Los Angeles County Superior Court.

³¹ *Id.*

³² Cristina Llop, "Gina – LA's Online Traffic Avatar Radically Changes Customer Experience (News 2016)," available at: <https://www.srln.org/node/1186/gina-las-online-traffic-avatar-radically-changes-customer-experience-news-2016>.

Charting the Path Forward: Website Services to Enhance Language Access

Courts may consider the following steps towards the implementation of services on their court websites that are accessible to LEP court users:

- Ensure that your self-help pages have the widget link to the California Courts Self-Help Center to make use of the statewide informational content available in English and Spanish.
- If your court offers a "chat" function, consider offering chat services in the most frequently spoken non-English languages in your court community.
- Consider the development of an online services portal that makes use of avatar technology to deliver content in multiple languages.
- Explore the most cost-effective tools for allowing court users to request an interpreter—whether by using the INT-300 provided by the Judicial Council as an optional form, developing an online request process.

V. INTERPRETER MANAGEMENT SOFTWARE

Introduction

There are a variety of software applications on the market that are designed to assist courts with calendaring and coordinating the schedules of interpreters working in the courts. Interpreter management software also can be used to track training certifications and contracts for interpreters, and when appropriate can facilitate invoicing and payment processes. In addition, scheduling software could be integrated with online interpreter request systems and used to track the availability of both interpreters and bilingual staff members to provide language assistance in a variety of courthouse contexts. There are also possibilities for integrating interpreter management software with a court case management system and with the court user e-filing interface, in order to track language need in individual cases from the earliest point of contact between an LEP litigant and the court.

Interpreter Scheduling

New York's Unified Court System employs over 300 interpreters who speak 20 languages, including American Sign Language; in addition, the courts draw from a pool of approximately 700 per diem interpreters who provide services in more than 100 languages.³³ Since 2006, the New York State Courts have used an electronic interpreter scheduling program. Before the implementation of the electronic system, courts were provided a paper "Registry of Interpreters," which was produced and maintained by their court administrative office. Local courts also maintained supplemental lists of interpreters they could call upon locally for interpreter assignments. The courts note that, "The paper system was inefficient. More importantly, it provided no mechanism for ensuring that only qualified interpreters were used."³⁴ The current electronic system now allows a court to enter a date, time and language for which an interpreter is needed and the program will identify an interpreter who is available at that time "...and, most importantly, who is fully qualified, having passed the required examinations and completed the mandatory training."³⁵

An electronic scheduling program could be used to assign interpreters and possibly bilingual staff members to events that occur outside of the courtroom as well. For example, internal court departments, such as a clerk's office and the self-help center, could be given permission to enter a request for assistance and be assigned either an interpreter or a bilingual employee to assist with a scheduled encounter. In addition, courts could explore the possibility of integrating their scheduling software program with an online interpreter request, which allows litigants and court users to make the request themselves. There may also be opportunities to integrate the functions of a Case Management System (CMS) that tracks language need at the individual case level with electronic interpreter assignment programs, which would allow technology to do the tracking and assignment over the life of a case that has been flagged as being one with one or more parties with

³³ New York State Unified Court System, *Ensuring Language Access: A Strategic Plan for the New York State Courts*, March 2017, at page 5.

³⁴ *Id.* at 7.

³⁵ *Id.*

a need for language assistance. If seamlessly integrated with authorized Electronic Filing Service Providers (EFSPs) for the court, the need for language assistance by a filing party could be information that is fed into the CMS from the initial contact with the court. The information about the need for an interpreter and the language required would then trigger an event with the interpreter scheduling system, which could process an automatic request each time a hearing was set for the case. This type of integration would satisfy the LAP Recommendation that calls for obtaining language need information early and incorporating that information into the court's CMS.³⁶

Interpreter Database Management

The ability to automate interpreter coordination functions also serves as a leverage point for finding economies of scale by establishing a pool of interpreters that can be drawn upon by more than one agency. This is the approach taken by Alaska's Language Interpreter Center (ALIC), which was established in 2007 by the Alaska Institute for Justice.³⁷ The solution is one that was designed to address the specific needs of the Alaskan community and a variety of agencies that serve the public, including those related to the courts, health/medicine and education. Representative stakeholders from these realms came together to establish ALIC, which supplies available and qualified interpreters when an agency requests interpreter support. The Center serves as a resource for aspiring interpreters as well, providing education and information about becoming an interpreter, in addition to testing, training and certification. In addition to interpretation services, the Center also keeps a list of available translators and connects them to agencies in need of translation services.³⁸

While the training and certification of California interpreters are managed at the state level and interpreter compensation is set at a regional level, some variations on the Alaska approach may merit consideration by smaller courts that do not receive regular requests for language assistance, based on low overall population numbers or very low numbers of LEP court users. It may be possible to combine forces with other courts within the same interpreter region and employ electronic means to track the certification, location and availability of interpreters for court proceedings. In addition, courts may be able to collaborate with justice partners that also have a need for interpreters, in establishing a database of available professionals. Finally, a database of language professionals could be expanded to include bilingual employees who are available to courts to provide in-language support to LEP court users during interactions occurring outside of the courtroom. This type of cross-court and cross-agency collaboration has the potential to increase the availability of language assistance in out-of-court services by increasing the visibility and access to qualified professionals.

³⁶ "Courts will identify the language access needs for each LEP court user, including parties, witnesses, or other persons with a significant interest, at the earliest possible point of contact with the LEP person. The language needs will be clearly and consistently documented in the case management system and/or any other case record or file, as appropriate given a court's existing case information record system, and this capability should be included in any future system upgrades or system development." *Strategic Plan for Language Access in the California Courts*, Judicial Council of California, 2015.

³⁷ Wanda Romberger, *Language Access Centers: A Win-Win Idea*, Future Trends in State Courts, 2008.

³⁸ ALIC Website available at: <http://www.akijp.org/language-interpreter-center/>.

Charting the Path Forward: Interpreter Management Software

Courts may consider the following steps towards the use of technological solutions for interpreter management:

- Explore technological options for interpreter scheduling if you are in a court with sufficient volume to justify a software solution.
- Smaller courts can consider cross-court and cross-agency collaborations for interpreter scheduling, other interpreter management functions and establishing a pool of available language professionals.
- Consider making interpreter request functionality available to self-help centers, clerk's offices and other departments, as appropriate.

VI. CONCLUSION

The ever-changing landscape of technological tools available to courts makes this an exciting time for those courts interested in leveraging technology to offer remote language services. Technology allows courts to make the most efficient use of their human resources and deploy them remotely to maximize coverage in a single or multiple courts. Technology allows for the delivery of content in multiple languages in a variety of formats, including live and recorded audio content, live and recorded video content and multilingual web interfaces. Technology increases the forms of communication available between courts and court users, thereby increasing the likelihood of getting questions answered and more successful self-representation. Technology also offers opportunities for cross-county and cross-agency collaboration, allowing smaller entities to attain economies of scale and ensure high quality service and consistent coverage. Each of these features can be easily leveraged to deliver information and achieve communication in multiple languages, thus reaching more Californians and ensuring equal access for LEP court users.

This document highlights successful implementations of technology to enhance language access, particularly with regard to non-courtroom services and programs, and provides concrete steps for consideration for those courts interested in implementing similar initiatives. Courts that are actively working on technology initiatives to enhance services for their court users will want to examine the language needs of their service areas and consider how their initiatives can be built with the needs of their LEP court users in mind.