

# Language Access in the Courts:

## How Technology Saved the Day During a Pandemic

**An interpreter shares her experience adapting to video remote interpreting at the Santa Barbara Superior Court during the pandemic.**

By Lorena Pike

**O**n March 4, 2020, reality sunk in. I had potentially been exposed to COVID-19 and would have to spend the next 14 days in isolation. For the next week I kept hearing news about the development of the pandemic and where it was heading. On March 16, I texted my colleagues that San Francisco and Santa Cruz Counties, where my sons attend college, had issued

a shelter-in-place order. Monterey County was also seriously considering doing the same.

On March 17, while I was still in quarantine, fellow court interpreter Lauren Ames texted the link to a local newscast reporting the second COVID-19 case in Santa Barbara County. That same day the Santa Barbara Superior Court (SBSC), where I work as a staff interpreter

and interpreter/translator trainer, received approval for an emergency order to suspend all non-emergency services—criminal, civil, family, traffic, small claims, and probate proceedings—until April 3. (Little did we know the courts would remain closed physically, but operational nonetheless, for more than a year.)

On March 20, the governor of California

issued a statewide shelter-in-place order. I was fortunate enough to keep SBSC continue to provide services, including language access. On March 25, SBSC Chief Executive Officer Darrel Parker announced that many people would begin working from home, thanks to the efforts of IT Director Jessica Thomson, her team, and courtroom



operation supervisors. On March 26, Parker announced that he was “exploring the use of Zoom to create a virtual courtroom where appropriate.”

### **The Tech Savvy Interpreter**

As soon as I read Parker’s email, I replied advising him that Zoom has an interpreting feature that

would enable limited-English-proficient (LEP) individuals to hear interpreting into their native language in the simultaneous mode. He replied asking whether I had experience in video remote interpreting (VRI). I answered that I had ample experience.

I first started using VRI—and performing remote simultaneous interpreting—for a language access

initiative spearheaded by Tracy Young, the language access services coordinator at Barton Health in South Lake Tahoe, California. In 2015, Young started using ZipDX, a remote interpreting platform, to provide health-related education programs for the local Spanish-speaking community. She had already hired several experienced conference interpreters, and I was recruited by friend and colleague Judy Jenner, who had joined Barton’s interpreting team earlier. (For more on this story, you can read the article Young and Jenner wrote for *The ATA Chronicle*, “Adventures in Remote Interpreting at a Rural Hospital.”<sup>1</sup>)

### **Being familiar with the technology and how to use it gave everyone a big advantage when it was most needed.**

After moving to California from Las Vegas, I continued to collaborate using ZipDX to conduct demos for several courts around the country interested in providing VRI for rural areas. During my time as an interpreter coordinator in Santa Barbara County, I tried to implement VRI for LEPs who speak indigenous languages. My experience with VRI also stems from using Zoom in online classes at Santa Barbara City College to practice interpreting in the consecutive and simultaneous modes. I’ve also worked as a remote conference interpreter for

interesting assignments such as international gaming tournaments, international symposiums for Southern California universities, teleconferences and videoconferences for the U.S. Environmental Protection Agency’s National Environmental Justice Advisory Council, and, right at the beginning of the pandemic, for remote assemblies, workshops, and committee meetings of the Southern California General Service Office of Alcoholics Anonymous.

Being familiar with the technology and how to use it gave everyone a big advantage when it was most needed. I can say that my experience with VRI, coupled with Parker’s initiative, openness to adopt technology in the courtroom, and SBSC’s IT team helped tremendously to keep the courts operational while protecting staff and court users alike.

### **VRI Implementation and Training**

Our VRI adventure started almost immediately. On April 3, 2020, Parker held a meeting with all staff interpreters, during which we were told to be ready in the event the court needed to open more virtual courtrooms, which would necessitate the use of Zoom for remote court sessions. During these court sessions, LEP litigants and defendants would be able to hear simultaneous interpreting in their native language simply by switching to the corresponding language channel.

**During the past year, we learned about many aspects of video remote interpreting, including adapting to the use of technology, learning new protocols and best practices, and real-life application.**

The breakout room feature was another benefit when it came to the final decision to use Zoom for proceedings. This feature allows defendants and their attorneys to have separate conversations that the interpreter can be asked to join when needed to interpret in the consecutive mode. This is an advantage because it ensures that the private conversations attorneys have with defendants remain confidential. (Note: Zoom's interpreting feature doesn't work in the breakout rooms, so the consecutive mode must be used when interpreting during these conversations.)

The breakout room feature also allows judges to take care of additional cases when other parties need to talk separately. The judge can then close the breakout room when it's time for everyone to reconvene in the general session.

Everyone at SBSC worked together to conduct dry runs and technology testing at the courthouse and jail, as well as at the offices of the district attorney and public defender. As expected, there were various technological challenges, such as issues with connection quality and bandwidth, installation of proper software, setting special videoconference rooms for in-custody defendants, and procuring computers and headsets.

Training with staff interpreters started in early April. Additional training sessions with clerks, judicial officers, and IT staff were scheduled during April and May to ensure that everyone

was ready to use Zoom in the virtual courtroom.

Around this time, Tracy Clark, manager of interpreter services at Ventura County Superior Court, contacted me for advice on how to use Zoom's interpreting feature so she could authorize the purchase of the proper license and offer remote simultaneous interpreting in Ventura County courts. Even though the courts in Ventura County had been using Zoom since the beginning of the pandemic, Clark explained that they were still unsure of how to use the interpreting feature, so interpreted court proceedings had been conducted in the consecutive rather than simultaneous mode.

I agreed to provide training sessions to Ventura staff and independent contractor interpreters. I'll never forget the joy in my Ventura colleagues' eyes when they realized how "easy" it was to perform simultaneous interpreting in the virtual courtroom. After this training, which I recorded and shared with administrators, the Ventura courts decided to acquire Zoom's business level license to start using the interpreting feature.

Meanwhile, in the outside world, officials from California predicted that COVID-19 deaths per day would peak on April 17, 2020, thus ensuring that "full social distancing" (and remote court proceedings) would last through May 2020.

## **The Virtual Courtroom**

Around this time, work had just started on the next phase for remote court sessions. In addition to the tests conducted at the Santa Barbara Courthouse, several successful tests were also performed in Santa Maria (70+ miles apart), where I primarily work and reside. A few judges even proved to be tech wizards and helped other judges by holding special training sessions to help them get acquainted with the functions necessary to handle their virtual courtrooms in a simpler, more expeditious way.

Zoom's interpreting feature was first tested by a staff interpreter at the Santa Barbara Courthouse. This went well and served as the starting point to identify potential issues such as background noise, choppy audio due to slow bandwidth, and switching to the Spanish channel. At this point, protocols for remote court proceedings were drafted, including VRI guidelines and protocols for interpreters. My colleague Lauren Ames drafted an awesome Zoom guide for interpreters, and Clark, who is also a sign language interpreter, shared VRI protocols with us.

The IT team at SBSC worked tirelessly to set up courtrooms with all the necessary technology and audio connections so that occasional hybrid court proceedings could take place. This proved helpful when in-person and remote interpreters were needed at the same time in cases involving multiple defendants. Throughout this



process, I continued holding training sessions for judges and other staff as more courtrooms opened virtually.

By the end of April 2020, several criminal courts were operating virtually with a skeleton crew (e.g., judicial officer, clerk, and court reporter), and, of course, IT personnel were always on standby. By mid-May 2020, the opening of virtual courtrooms in the civil, probate, and child support divisions was expected to occur. Several hiccups were experienced during the remote court proceedings, but everyone remained patient and cooperative to make these remote proceedings less painful.

## My colleagues and I acquired more skills and proved essential to the day-to-day operations of the judicial system.

My colleagues and I continued to conduct test meetings using separate channels to provide interpreting for witnesses and defendants/litigants, to practice team interpreting and hand-over protocols, and to exchange information on best practices to make everyone else's life easier.

There were times when colleagues were still required to interpret in person, either because of technology limitations or because defendants requested to appear in person at the courthouse (something they have a right to do).

In those cases, portable interpreting equipment (e.g., the Williams Sound Digi Wave audio system) was used at all times. This was made possible thanks to funds the Judicial Council of California set aside to acquire interpreting equipment when the pandemic first began. As a result, SBSC received enough transceivers for each interpreter to have their own set (i.e., three for each interpreter). Each transceiver can transmit and receive sound, which means the attorney and the defendant can speak into their own device and interpreters can hear it through their headset. This made it possible for any social distancing guidelines to be respected while maintaining attorney-client confidentiality.

## The Video Remote Interpreting Experience: A Year Later

VRI remains challenging for court interpreters who aren't used to this modality. It can create fear and stress. It also has its own disadvantages, such as injuries due to acoustic shock when sound levels change abruptly, eye strain (also known as computer vision syndrome), and very limited mobility for the interpreter.

As of June 15, 2021, California lifted more restrictions on businesses. Consequently, SBSC opened its clerk's office and other courtrooms, including arraignment and other criminal divisions, to the public. Unvaccinated individuals are still required to wear masks inside the buildings, as are employees

when in close proximity to other people, and those experiencing COVID-19 symptoms are asked to remain at home. Stringent cleaning and disinfecting protocols are also in place.

Several court proceedings are still being held via the virtual courtrooms, including family, small claims, and civil divisions. Some interpreters continue to work on a flex-time basis: morning proceedings in person at the courthouse and afternoon proceedings remotely from home or at a dedicated VRI station inside the courthouse.

Despite the return to in-person proceedings, VRI might be here to stay, as it's a good option for use in

remote or rural communities, or in jurisdictions where courthouses are too far apart. During the past year, we've learned about many aspects of this method of interpreting, including adapting to the use of technology, learning new protocols and best practices, and real-life application. My colleagues and I acquired more skills and proved essential to the day-to-day operations of the judicial system. Fortunately, we're getting through this pandemic and hopefully, one day, we'll return to hopping from courtroom to courtroom. In the meantime, I'm ready to tackle any VRI assignment that may come my way. 

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### NOTE

- <sup>1</sup> Jenner, Judy, and Tracy Young. "Adventures in Remote Interpreting at a Rural Hospital," *The ATA Chronicle* (March/April 2016), <http://bit.ly/Jenner-Young-RI>.



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