

RE: Opposition to SB 357

Dear Lawmaker:

On behalf of the undersigned organizations, we respectfully urge the withdrawal of SB 357, which proposes the use of artificial intelligence (AI) tools in place of qualified professional human interpreters in Wisconsin's courts. If enacted, this bill could result in a host of unintended negative consequences for Wisconsin's courts.

SB 357 poses a serious threat to the fair and efficient administration of justice, which is fundamental to our judicial system, due to the inherent deficiencies of AI-powered translation and interpreting platforms. While we recognize the potential of technology to assist human interpreters in specific contexts, we are extremely concerned about the consequences of a broad interpretation and application of SB 357, as it will undermine the quality, accuracy, and accountability that court interpreting services demand. In addition, it jeopardizes the rights of individuals with limited English proficiency (LEP) and compromises Wisconsin's ability to uphold justice.

Firstly, generative AI models, including large language models (LLMs), do not think, "speak," use human language, or understand cultural nuances and differences. They transcribe and generate text according to statistical patterns, and the algorithm's best estimation is based on information retrieved in large part from untrusted and unvalidated online sources. As we have seen in many instances, such models frequently generate false statements, known as "hallucinations." Numerous attorneys around the country have been sanctioned in recent years for submitting briefs written with AI that include defective citations, invented precedents, and other misstatements, and these have all only dealt with English. In interpreting, inaccurate or misleading output violates defendants' rights, distorts evidence, and endangers the integrity of judicial proceedings. Furthermore, many AI tools are programmed to produce output that aligns with users' prompts. The result is AI-generated responses that compromise informed decision-making, spread misinformation, improperly inform court users of their rights, or inadvertently advise parties to violate court orders or break the law. A comprehensive review by the World Health Organization (WHO) determined that a leading AI interpreting tool was not even fit for informational public-facing meetings where the organization's image or reputation are at stake, much less important matters of justice.

Secondly, AI tools may be capable of processing and generating plausible translations under limited and controlled circumstances in a handful of languages with large training datasets, such as English. The same cannot be said for languages for which there is relatively little reliable bilingual data online. For the purposes of language access in U.S. courts, these are often called "languages of lesser diffusion" (LLDs), even though they may still represent millions of speakers worldwide and tens of thousands of speakers in Wisconsin, including Hmong, Burmese, Karen, and others. AI performance in these languages is deficient, significantly increasing the risk of errors. The court's use of AI in matters involving LLDs disproportionately impacts all who rely on interpreting services for equal access to justice, including the courts themselves.

Finally, judicial interpreters are highly trained professionals who adhere to codes of ethics, take an oath, place their name and credentials on the record, and are accountable for their work. The story of José María Rodríguez Uriarte, a father mistakenly blamed for the accidental death of his son in Dane County due to improper interpreting, is just one example of the consequences of not using qualified judicial

interpreters. The National Center for State Courts (NSCS) is unequivocal in its guidance on the use of AI to replace human interpreters: “AI should not be used to replace human interpreters for real-time spoken interpretation in court proceedings due to the high risks associated with context, nuance, and potential errors. Human oversight remains critical.” Trying to replace professional judicial interpreters with AI will not solve the most pressing challenges to meaningful language access in Wisconsin’s courts, namely that the budget allocated is insufficient to cover current needs, making qualified interpreters difficult to find for certain languages. AI solutions, in addition to having many flaws, consist of both software and hardware that are extremely expensive to acquire, operate, maintain, and update. Machines also cannot be held accountable for the inevitable lack of performance. AI is frequently incorrect without ever notifying the user that it lacks needed information, which would lead to mistrials and overturned cases. Who would bear responsibility for such errors?

Wisconsin’s commitment to equal access to justice requires a robust standard for language services. SB 357, as currently drafted, undermines the prospect of fair court proceedings, may increase costs to the courts, and places the state’s interests at risk. We urge you to please oppose SB 357. Numerous standards, including ISO 18841:2018, ASTM 2089-24, and ethical guidance from the SAFE-AI task force provide useful guardrails for any future legislation. We are able to offer our assistance in drafting any proposed bills that address the use of AI tools in court with a view of mitigating risks to the interests of justice for all.

Thank you for your consideration. We stand ready to provide assistance to help ensure that all those who use Wisconsin courts receive meaningful, accurate, and professional language access.

Respectfully submitted,

American Translators Association (ATA)  
National Association of Judiciary Interpreters and Translators (NAJIT)  
Wisconsin Association for Bilingual Education (WIABE)  
Association of Language Companies (ALC)  
Certification Commission for Healthcare Interpreters (CCHI)  
American Association of Interpreters and Translators in Education (AAITE)  
Midwest Association of Translators and Interpreters (MATI)  
Wisconsin Registry of Interpreters for the Deaf (WisRID)  
Registry of Interpreters for the Deaf (RID)  
Wisconsin Association of the Deaf (WAD)

***About ATA***

Founded in 1959, ATA represents over 6,000 professional translators, interpreters, teachers, project managers, web and software developers, language company owners, hospitals, universities, and government agencies.

***About NAJIT***

Founded in 1978, NAJIT represents over 1,200 court interpreters, translators, judicial officers, scholars, and trainers committed to advancing professional standards and ensuring equal access to justice for those with limited English proficiency.

***About WIABE***

Founded in 1987, WIABE is the largest organization of bilingual educators, parents, students, researchers, and allies serving multilingual students in the state of Wisconsin.

***About ALC***

ALC is a U.S.-based international trade association representing businesses that provide language services.

### ***About CCHI***

Founded in 2009 by interpreters, CCHI is a national non-profit that develops and administers credible, vendor-neutral performance-based certification for interpreters serving the U.S. healthcare system in all languages. CCHI is the only certifying body for interpreters accredited by the National Commission for Certifying Agencies (NCCA).

### ***About AAITE***

AAITE is a professional association that represents interpreters and translators who work in educational settings and their allies and promotes the highest standards for interpreting and translation in educational settings.

### ***About MATI***

MATI is a distinct chapter of ATA founded by and for translators and interpreters in the states of Illinois, Indiana, and Wisconsin that promotes high standards of professional ethics, business practices, and continuing education for professionals in the translation and interpreting fields.

### ***About WisRID***

Established in 1971, WisRID is Wisconsin's leading organization for ASL interpreters. As an RID affiliate, we uphold professional standards, defend language access rights, and advocate for Deaf, DeafBlind, and Hard of Hearing communities. Our work supports equitable access and a highly qualified interpreting workforce statewide.

### ***About RID***

RID is the national professional organization and certifying body for American Sign Language interpreters. RID is committed to advancing linguistic and human rights through the promotion of high-quality interpreting services that honor the lived experiences of Deaf, DeafBlind, DeafDisabled, and Hard of Hearing people. Representing over 14,000 interpreters and Deaf stakeholders across the United States and its territories, RID upholds ethical standards, fosters interpreter education, and advocates for policies that protect language access as a cornerstone of equity and justice. RID stands firm in the belief that communication access is a civil right.

### ***About WAD***

Established in 1876, WAD is Wisconsin's premier civil rights advocacy-based organization for, by, and of Deaf, Hard of Hearing, and DeafBlind individuals in the state.