

AOC Boondoggle 2.0: From Computerized Case Management to Video Remote Interpreting

Just one year ago, the Judicial Council of California finally halted the implementation of the California Case Management System (CCMS), a massive software project that ate up \$522 million dollars of public funds and would have required another \$343 million to deploy to 11 courts through fiscal year 2020-2021. Planned in 2001, the system's original cost was estimated at \$260 million. When it ended, the final cost of full implementation was calculated at \$1.9 billion.

The decision to dump CCMS came after significant opposition across the state. In February 2011, the California State Auditor issued a report lambasting the AOC for underestimating the cost of CCMS by hundreds of millions of dollars. "Further, the AOC has not analyzed whether the project would be a cost-beneficial solution to the superior courts' technology needs," notes the report, concluding that "the AOC has not adequately planned" the project.¹

Consultant Michael Kringsman, an IT expert and CEO of Asuret Consultants, told *PC World* that he was "dumbstruck over the incredible waste and obvious poor planning associated with this system."²

By 2011, with deepening cuts to the trial courts' budgets, even the most strident CCMS supporters finally realized that there would be no point in creating a new computer system for closed courthouses and courtrooms.

Now, the AOC is hastening the implementation of Video Remote Interpreting (VRI) in California courts just as it did CCMS: without adequate study or scrutiny.

In negotiations with the Northern California court interpreter bargaining unit, administrators have been insisting that interpreters accept a new clause in their contract allowing the AOC to implement VRI in the courts -- but without providing any concrete plans or protocols for its use, nor binding assurances that it won't be misemployed.

The AOC is promoting VRI much in the same vein as it did CCMS, by promoting it as a "cost-effective technology" that will allow it to expand language access services cheaply. "Using off-the-shelf video cameras at \$150 bucks apiece, it's about as good as it gets in terms of technology cost," said the Hon. James Herman when describing a related remote video project.³ But Herman ignored the fact that video-remote technology entails much more than video cameras. It requires secure and reliable Internet technology, confidential channels and adequate bandwidth, networking, screens and microphones - all

¹ The Statewide Case Management Project Faces Significant Challenges Due to Poor Project Management, California State Auditor Report (February 2011), <http://www.bsa.ca.gov/pdfs/reports/2010-102.pdf>.

² "California Scraps Massive Courts Software Project," Chris Kanaracus, IDG News Service via PC World, March 28, 2012, http://www.pcworld.com/article/252767/california_scraps_massive_courts_software_project.html

³ Judicial Council of California Meeting (April 25-26, 2012), Audiocast: <http://www.courts.ca.gov/21552.htm>, Agenda: <http://www.courts.ca.gov/documents/jc-20130426-agenda.pdf>.

of which increase the costs significantly.

The AOC does not have a realistic idea of VRI's true price tag because it has not conducted a cost/benefit analysis nor done any serious onsite research on problems with providing remote interpretation to meet courts' language access needs.

What's more, the AOC doesn't seem able to keep its story straight about how it intends to use VRI. The AOC's own report, "Enhancing Language Access Services for LEP Court Users,"⁴ states that it seeks to use VRI for communications "outside the courtroom," while in contract negotiations, it has proposed VRI as the solution for providing interpreters inside the courtroom for civil proceedings. (The AOC has been under investigation by the Department of Justice for failing to provide interpreters for civil matters, in conflict with federal civil rights law.)

Studies so far have shown that VRI is inefficient, conducive to error, prone to technical problems, and unsuited to a great deal of actual court needs. If implemented broadly and without strict controls, VRI threatens to sabotage the "meaningful language access" and due process that federal law demands the courts provide. Interpretation services should continue to be provided onsite and live, through the more than 900 staff interpreters who are already working in the courts providing reliable, efficient, high-quality language access to judges, attorneys, and the ever-growing number of Limited English Proficient court users.

⁴ Enhancing Language Access Services for LEP Court Users, Public Law Research Institute at the University of California, Hastings College of the Law, Commissioned by the Judicial Council (February 2013), <http://www.courts.ca.gov/documents/jc-20130426-info3.pdf>.