NAJIT Empowering Interpreters & Translators Worldwide™
National Association of Judiciary Interpreters & Translators

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Tuesday, July 15, 2025

To: Senator André Jacque (Sen.Jacque@legis.wisconsin.gov),
Senator Steve Nass (Sen.Nass@legis.wisconsin.gov),
Representative Dave Murphy (Rep.Murphy@legis.wisconsin.gov),
Representative Jerry O'Connor (Rep.O'Connor@legis.wisconsin.gov),
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Representative Robert Brooks (Rep.Rob.Brooks@legis.wisconsin.gov),
Representative Elijah Behnke (Rep.Behnke@legis.wisconsin.gov),

From: National Association of Judiciary Interpreters and Translators
(board_of_directors@najit.org)

Subject: **SB357: Increased Risk to Interests of Justice**

Dear Senator Jacque and Representative Murphy:

The National Association of Judiciary Interpreters and Translators (NAJIT) respectfully advises the withdrawal of SB357, which poses an increased risk to the interests of justice. SB357 proposes the use of machine translation (MT) and artificial intelligence (AI) tools in place of qualified professional human interpreters in Wisconsin's courts.

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 (LEP).

SB357, as it is currently drafted, increases the risk of the court being misled due to inherent deficiencies of MT and AI platforms. While we recognize the potential of technology to assist courts and human interpreters in specific contexts, we are deeply concerned about the consequences of a broad interpretation of SB357. Such an interpretation risks undermining the quality, accuracy, and accountability that court interpreting services demand.

According to the AI Rapid Response Team from the National Center for State Courts, "Public trust and confidence in the courts is integral to the credibility of the judicial branch. Courts and judicial officers are responsible to ensure that the use of GenAI and other AI tools does not erode the public's trust and confidence in courts due to errors or biases."[1] As proposed, SB357 fails to uphold this responsibility.

In addition, it could jeopardize the rights of limited English proficient (LEP) individuals and compromise the State's ability to uphold justice. For these reasons, we believe that SB357, as

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[1] National Center for State Courts. *Artificial Intelligence: Guidance for Use of AI and Generative AI in Courts*. 7 Aug 2024. National Center for State Courts, https://nationalcenterforstatecourts.app.box.com/s/65mh1qmyx9ap469kjj386vhk0vxtpral. Accessed 7 July 2025.

currently written, poses a serious threat to the due process protections that are fundamental to our judicial system.

Our specific concerns are as follows:

SPECIFICITY
-   The term "AI" covers a wide range of technologies—from simple lookup tables to neural networks and chatbots.
-   SB357 does not specify which tools and/or technologies may be used, and under what circumstances AI may be implemented for court interpreting tasks, in place of human interpreters.
-   To ensure compliance with due process, any proposed bill should specify which AI tools are appropriate for use in place of human interpreters, under what circumstances, and how the performance of the AI tool is to be measured.

EVALUATION
-   Good governance of the justice system requires that practices and processes be evaluated and validated.
-   SB357 does not establish a clear mechanism for evaluating or validating the accuracy, precision, and completeness of AI or MT output.
-   Any bill proposing to replace human interpreters with AI or MT platforms should clearly state how, when, and by whom these tools will be evaluated and validated. Any AI or MT tools deemed suitable should be specified and certified as suitable for use by the courts.

ACCURACY
-   Generative AI models, including large language models (LLMs), do not retrieve information from validated legal sources but rather generate text strings based on statistical patterns.
-   Such models can and do generate false statements, known as "hallucinations," as an inherent part of their functioning. Such inaccurate or misleading output may violate a defendant's rights, distort a party's evidence, or endanger the integrity of a judicial proceeding.

APPLICABLE LAW
-   Even if it could be guaranteed that models produce accurate content in general terms, there is no guarantee that output will align with Wisconsin statutes, case law, or court procedures. Moreover, the accuracy of AI and MT platforms is reliant upon an assumed context or no context at all without human intervention.

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- Training data are often proprietary and unavailable for review, making it impossible to verify whether AI tools are trained on relevant legal material or even Wisconsin law.

CONFLICT WITH RULES OF PROFESSIONAL CONDUCT FOR ATTORNEYS

- The Wisconsin Supreme Court Rules of Professional Conduct for Attorneys (SCR CHAPTER 20, SCR 20:5.3 "Responsibilities regarding nonlawyer assistance") detail the professional obligations lawyers and law firms have when they rely on non-lawyer assistance.[2] Specifically, this part of the code refers to non-lawyer assistance in terms of humans but the burden of responsibility for legal representation would apply even if such representation were reliant on AI interpreting and translating services.
- SB357 does not address attorneys' professional obligations regarding the use of, and reliance on, AI in place of human interpreters. This absence represents an unacceptable risk to due process.

LANGUAGES OF LESSER DIFFUSION

- MT/AI tools may be capable of processing and generating plausible text under limited and controlled circumstances in a handful of languages with large training datasets (e.g. English), but the same cannot be said for languages for which there is relatively little digitized data online. For the purposes of language access in US courts, these are often called "languages of lesser diffusion" (LLDs), although they may still represent millions of speakers worldwide. MT/AI performance in these languages is often deficient due to the inadequate datasets they rely on, significantly increasing the risk of errors in translation. Many LLDs worldwide--including hundreds of indigenous languages of Latin America--are still primarily transmitted orally. Such languages are left out of AI datasets.[3]
- The court's use of MT/AI in matters involving LLD could disproportionately impact those court users who rely on interpreting services for equal access to justice.

ACCOUNTABILITY

- Human interpreters take an oath, place their name and credentials on the record, and are accountable for their work.
- SB357 does not explicitly state who will be accountable for the performance, or lack thereof, of AI or MT services.

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[2] Wisconsin Supreme Court. *Chapter 20B – Rules of Professional Conduct for Attorneys*. 21 Sept. 2017, Wisconsin Court System, https://www.wicourts.gov/sc/rules/chap20b.pdf. Accessed 7 July 2025.

[3] Pava, Juan N., et al. *Mind the (Language) Gap: Mapping the Challenges of LLM Development in Low-Resource Language Contexts*. Stanford Institute for Human-Centered Artificial Intelligence, https://hai.stanford.edu/assets/files/hai-taf-pretoria-white-paper-mind-the-language-gap.pdf. Accessed 7 July 2025.

- Any bill proposing to replace human interpreters with AI must make explicit who bears responsibility for AI output, noting that it is often incomplete and/or inaccurate.

EXCESSIVE AGREEABLENESS

- Many AI tools are programmed to produce outputs that align with the user's prompts, a problem called "sycophancy."[4]
- This could result in AI-generated court responses that compromise informed decision-making, spread misinformation, or inadvertently advise parties to violate court orders or break the law.

RECOMMENDATIONS

- Withdraw SB357.
- Produce a bill that:
  - Clearly identifies authorized AI/MT tools/platforms appropriate for language access tasks in court, and under what circumstances these tools may be used.
  - Establishes and clearly states accountability mechanisms to ensure that all translations and interpretations are accurate, complete, and consistent with Wisconsin law.
  - Mandates only qualified professional human interpreters be engaged in court proceedings and that AI/MT tools be used at their discretion and under their control.

CONCLUSION

Wisconsin's commitment to equal access to justice requires a robust standard for language services. SB357, as currently drafted, presents a significant risk to the interests of justice in that it undermines the prospect of fair court proceedings. The bill presents an increased danger of unfair prejudice to LEP individuals and places the State's interests at risk. We respectfully advise the withdrawal of SB357 and offer assistance in the drafting of any proposed bill that addresses the use of AI or MT tools in court with a view of mitigating risks to the interests of justice.

Thank you for your consideration. We stand ready to provide assistance to help ensure that all Wisconsinites receive accurate, professional language access in the courts.

Respectfully submitted,

The NAJIT Board of Directors

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[4] Winecoff, Amy. "Artificial Sweeteners: The Dangers of Sycophantic AI." *TechPolicy.Press*, 14 May 2025, https://www.techpolicy.press/artificial-sweeteners-the-dangers-of-sycophantic-ai/. Accessed 7 July 2025.

For additional information or clarification on any recommendation, please contact NAJIT at office@najit.org.

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ENDORSED BY:
Association of Language Companies (ALC)
American Association of Interpreters and Translators in Education (AAITE)
American Translators Association (ATA)
Certification Commission of Healthcare Interpreters (CCHI)