

[Back to Fall 2020 issue](#)

Challenges in Representing Non-English Speaking Clients in Remote Hearings

WINNIE YANG

As a Mandarin speaking attorney who practices family law and whose clients are mostly Mandarin speaking immigrants from Asia, I have many challenges both before and during COVID.

Most of my clients are ignorant to our family law system here so I do need to spend a good amount of time educating potential clients which can be overwhelming and intimidating to them.

Before the court made certified interpreters available to litigants at hearings other than DV cases free of charge, I or my assistant had to search for certified Mandarin interpreters who were affordable to clients because many of my clients were low income people.

Another challenge I face is that when I explain to clients that they need to engage forensic accounts or other experts which can be very expensive, they resist it because the legal system they are familiar with in Asia is mostly summary proceeding without the involvement and costs of lawyers and accountants.

Representing clients who reside in Asia presents another set of challenges in that due to the time difference the US and Asian countries, I must be available to discuss cases with clients at night and on weekends. For clients in China, WeChat is the quickest way to communicate because email is not always accessible to clients living in certain parts of China. For clients in Taiwan, LINE is the way to communicate. If and when WeChat is no longer available when government takes it away, my Chinese clients and I will lose a free and efficient way to communicate with each other.

COVID adds more challenge to clients and myself. I am still learning to adapt to remote appearance myself. Clients overseas have a greater disadvantage. LA CourtConnect does not accept foreign phone numbers when I sign clients up for remote appearances and the audio connection is far from satisfactory.

So far I only had to schedule one remote hearing for a client in China who was not able to travel back to LA due to COVID and the hearing turned out to be disastrous. At this hearing on opposing party's

post-judgment RFO. My client appeared remotely while I appeared in person. At morning check-in, I requested hearing priority in view that my client was 15 hours ahead of us and was already 11:30 p.m. where he was. The judicial assistance never responded to my request. By the time our case was called shortly after 11 a.m., it was after 1 a.m. in China.

Before our case was called, my client was online for about 3 hours and during that period of time he was disconnected more than 3 times. He connected me via WeChat about his connection problem with the court and I called the tech support at LA CourtConnect for help. I was told that there was nothing they can do about the disconnects and that my client should re-logout every time he was disconnected. It was a very stressful time while we waited for our case to be called.

During the hearing, there was a persistent and loud static sound which was presumed to have come from my client's end and which irritated the judicial officer so much that she muted him. After the hearing, my client and I were on WeChat again to go over the hearing because I learned that my client had missed part of the hearing and he was not able to respond to questions from the bench from time to time. I did have to provide information to the court based on information I had but at least one of the responses I gave for my client was not accurate, although not critical. The bottom line is that my client did not participate in the hearing meaningfully.

The lesson I learned from that hearing is that I will not let my client appear remotely from overseas but to continue the hearing until such time when such a client can come to the US to testify in person when travel restrictions are lifted, or when LA CourtConnect improves greatly to give the same sound clarity to people appearing remotely from overseas as such clarity is afforded to people who appear remotely while living in the LA area.