

# The Language of Justice: Serving Deaf and Limited English Proficient Communities

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# Learning Objectives

Participants will:

- Understand their ethical and legal duties regarding equal access for Deaf and Limited English Proficient (LEP) communities
- Understand various training and certification standards for interpreters and translators
- Explore best practices in collaborative solutions

# Outline

- Introductions
- Ethical and Legal Duties
- Interpreter and Translator Training and Certification
- Best Practices: DC Case Study

# Introductions

- Have you ever?
  - Worked with an interpreter?
  - Spoken a foreign language?
  - Read a translated work?
- Other challenges

# Ethical Duties

## *ABA Model Rules*

- 1.4 Communication
- 1.6 Confidentiality
- 5.3 Supervision of Non-Lawyer Assistants
- 5.5 Unauthorized Practice of Law

# ABA Standards

## *ABA Standards for the Provision of Civil Legal Aid*

- 2.4 Cultural Competence
- 4.5 Access to Services
- 4.6 Communication in the Primary Languages of Persons
- 7.1 Establishing an Effective Relationship and a Clear Understanding with the Client

# Legal Services Corporation

- LSC-funded entities must also comply with the “Guidance to LSC Programs for Serving Client Eligible Individuals with Limited English Proficiency”
- Describes a process for developing a Language Access Plan

# Legal Obligations

## **Recipients of Federal Funds**

- Rehabilitation Act Section 504- legal services providers must provide qualified sign language interpreters and other auxiliary aids
- Title VI equates discrimination on the basis of language to unlawful national origin discrimination

## **Non-recipients of Federal Funds**

- ADA Title III- law offices (places of public accommodation) can't deny services based on disability, including Deafness

# Meeting Your Obligations: Options

*Language Access Policy and Plan should consider:*

- Technology
- Bilingual Staff
- Contract Interpreters and Translators
- Telephonic/Video Interpreter Services
- Volunteers

# Considerations: Technology

- Case Management Systems
- Evaluation
- Telephone trees
- Website

# Considerations: Bilingual Staff

- How bilingual are they?
- Language skills are not interpreting skills
- How does this fit in your pay scale?
- How does this fit in their work plan?

# Considerations: Contract Interpreters and Translators

- Individuals or a Service
  - Availability
  - Convenience
  - Reliability
  - Skill-building
- What qualifications are you looking for?
- What is the pay rate?
- Sign confidentiality agreements with each interpreter

# Considerations: Telephonic/Video Service

- Anonymity
- Spoken languages lose visual context
- Access, Availability
- Qualifications
- Cost

# Considerations: Volunteers

- Cost
- Availability
- Qualifications
- Reliability
- Confidentiality

# Interpreter Training and Qualifications: Spoken Languages

## **Court Certified**

- Federal Court
- State Court (NCSC Consortium for State Court Interpreter Certification)
- National Association of Judiciary Interpreters and Translators (NAJIT)

## **Other Qualifications**

- Bachelors, Masters Degree in Interpretation
- Training Certificate (Bridging the Gap, others)
- Experience

# Interpreter Training and Qualifications: Sign Language

## **Certified- Registry of Interpreters for the Deaf**

- National Interpreter Certification (Basic, Advanced, Master)
- Specialist Certificate: Legal

## **Other Qualifications**

- Training Programs
- Educational History
- Experience

# Translator Training and Qualifications

## **Certified- American Translators Association**

- Certifications given for each 'direction' (English →Spanish, and Spanish →English)

## **Other Qualifications**

- Training Programs
- Educational History
- Experience

# Best Practices- Elements

- Community support, collaborative approach
- Well-trained interpreters
- Well-trained providers
- Affordable for all
- Sufficient interpreters in appropriate languages

# Collaborative Approach: DC Case Study

1. Build Community Support
2. Shared Funding
3. Interpreter Screening and Training
4. Provider Training and Support
5. Flexibility and Diversity of Services

# Collaborative Approach: Alaska Interpreter Center

- Public-Private partnership to address a wide range of language access challenges in Alaska
- For more information, visit:
  - [www.akijp.org/interpreter.html](http://www.akijp.org/interpreter.html)
  - [www.migrationinformation.org/integration/language\\_portal/](http://www.migrationinformation.org/integration/language_portal/) Language Access webinars “Developing Partnerships to Provide Interpreter Training and Language Referrals”
  - <http://hawaii.gov/labor/ola/conference-speeches-and-presentations> “Creating Interpreter Resources”

# Resources: Language Access

- [www.lep.gov](http://www.lep.gov)- government language access clearinghouse
- DOJ Office of Coordination and Review  
[www.usdoj.gov/crt/cor/](http://www.usdoj.gov/crt/cor/)
- Legal Services Corporation- Guidance and other resources  
<http://www.lri.lsc.gov/access/lepaccess.asp>
- National Language Access Advocates Network (N-LAAN)  
[www.probono.net/nlaan/](http://www.probono.net/nlaan/)
- Empire Justice Center's Language Access Resource Center  
[http://onlineresources.wnylc.net/pb/orcdocs/language\\_access.asp](http://onlineresources.wnylc.net/pb/orcdocs/language_access.asp)
- Brennan Center for Justice- [www.brennancenter.org](http://www.brennancenter.org)
- Migration Policy Institute's Language Access Portal  
[www.migrationinformation.org](http://www.migrationinformation.org)
- MIE Journal- Summer 2008

# Resources: Language Access in Healthcare

- Health Law- [www.healthlaw.org/](http://www.healthlaw.org/)
- HHS' Health Care Language Access Guide  
[www.omhrc.gov/Assets/pdf/Checked/HC-LSIG.pdf](http://www.omhrc.gov/Assets/pdf/Checked/HC-LSIG.pdf)

# Resources: Interpretation

- National Center for State Courts  
[www.ncsconline.org/D\\_Research/CourtInterp.html](http://www.ncsconline.org/D_Research/CourtInterp.html)
- National Association of Judiciary Interpreters and Translators- [www.najit.org/](http://www.najit.org/)
- Hablamos Juntos (health care interpreting)  
[www.hablamosjuntos.org/resources/](http://www.hablamosjuntos.org/resources/)
- Registry of Interpreters for the Deaf- [www.rid.org/](http://www.rid.org/)
- National Association of the Deaf- [www.nad.org](http://www.nad.org)



# Resources: Translation

- American Translators Association- [www.atanet.org](http://www.atanet.org)