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ABA / NLADA 2010 Equal Justice Conference

[Beyond an LEP Policy – Providing Effective Language Assistance Services]

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Brief Description: This panel will review the requirement and hallmarks of an effective LEP policy for legal service providers and in self-help Centers. It will explore tools, resources, staff training and approaches to provide high quality legal services to the LEP population. We will also address problems that arise in every day practice.

This session will have 4 objectives: 1) Overview of the law and basic elements of LEP policy; 2) Tools to help staff; 3) Training staff on how to work and be effective interpreters; and 4) Outreach to LEPs.

Topical Outline:

- I. The Law
 - a. Definition of LEP
 - i. Does not speak English and/or
 - ii. Limited ability to Read, Write, Speak or Understand English
 - b. Key Laws
 - i. Civil Rights Act of 1964 - Title IV (Federal Law)
 - ii. Lau vs. Nichols Case
 - iii. CA State Law – Government Code 11135
 1. Guarantee Equal Access Opportunities
 2. No barriers based on language
 - iv. LEP Regulation for LSC: 67 Fed.Reg.41455 (2002)
 1. LSC programs must have an LEP policy
 2. LSC programs must have bilingual case handlers
 3. LSC programs must have interpreters

- a. Either on staff, contract, volunteers (trained)
 - b. Language Line Services
 - 4. LSC programs must have a translation of Vital Documents
 - 5. LSC programs must train staff on LEP policies/issues
 - 6. LSC programs must have annual assessment of language needs
 - 7. LSC programs must have a Process for Discrimination Complaints
- c. Importance of Language Access today - DIVERSITY
 - i. Threshold Languages
 - ii. Essential Languages
 - iii. Nationwide: 17.9% (almost 47 million people) of households speak a language other than English;
 - iv. In California: 9.8 million people – 42% of the population of Los Angeles County are LEP
 - v. Threshold Languages in Los Angeles
 - 1. Spanish 2. Chinese (mandarin/Cantonese) 3. Armenian
 - 4. Tagalog 5. Vietnamese 6. Russian 7. Korean 8. Khmer (Cambodian) and 9. Farsi
 - vi. NLS' Essential Languages – Spanish, Armenian and Chinese (Mandarin/Cantonese)
 - 1. Bi-lingual staff
 - 2. Translate all vital documents
 - 3. Must interpret & Translate for other languages as needed

II. The Policy

- a. Goals of an LEP Policy
 - i. Eliminate barriers
 - ii. Ensure Access – at all levels
 - iii. Provide high quality services regardless of language spoken
- b. NLS' Language Access Policy
 - i. Oral Communication
 - 1. Interpreter for Intake
 - a. Receptionists/Support staff
 - b. Member of your advocacy group
 - c. Bilingual staff outside your advocacy group
 - d. ATT Language Line Services (LLS)
 - 2. Interpreters for Casework
 - a. Assign LEPs to Bilingual staff member in group
 - b. Find other NLS staff to interpret
 - c. Use LLS to interpret
 - d. Maybe use volunteers to interpret
 - 3. Working with Interpreters
 - a. Arrange an appointment in advance
 - b. Courtesy e-mail to person's supervising attorney
 - c. Plan ahead to make best use of everyone's time
 - d. Never use a minor to interpret
 - e. Do not use a Family Friend to interpret
 - i. If a family friend is used, NLS bilingual staff person must observe to ensure the interpretation is

1. Competent
2. Accurate
3. complete
- f. No unreasonable delays
- ii. Written Communication
 1. Translation of vital documents
 - a. Intake, Retainer, Income verification
 - b. Outreach materials
 - c. Client letters and documents
 - d. In NLS' essential languages
 - i. Other languages – as are needed
 2. Finding a translator
 - a. Receptionist/Support staff within advocacy group
 - b. Bilingual staff outside your group (in & then outside your office)
 - c. Outside Translators (with LEP Coordinator approval)
 3. Blind or Visually Impaired
 - a. Recording device or Braille
 - i. Translate documents into Braille;
 - ii. Use Large Print
 - iii. Consider at Outreach events as well
 4. Deaf or Hearing Impaired
 - a. TTY/TTD (Text Telephone)
 - b. California Relay Service
 - c. Sign Language interpreter
 - d. Written notes are not appropriate
 - i. Ok only to Identify language (ie: ASL)
 - ii. Use Notes ONLY – after offer free interpreter for Deaf and litigant refuses

III. The Tools

- a. LEP COORDINATOR
 - i. Develop Policy
 - ii. Train Staff on LEP policy
 - iii. Translation of documents
 - iv. Train staff on proper interpretation
 - v. Evaluate program's language needs
 - vi. Centralize resources
 - vii. Troubleshoot language access issues
 - viii. Develop materials
- b. Language Identification - Materials/Brochures/Posters
 - i. Poster & Stand Up Cards (has 20 languages on it)
 - ii. LLS Brochure lists over 70 language
 1. Client/litigant points to his/her language (self-identify)
 2. Order materials from Language Line
 - iii. I-SPEAK cards
 1. For Language identification
 2. Explain rights – for use with other agencies
 3. Mail or give to LEP clients
 4. Available in NLS' Essential Languages

- c. Intake/Time system – Identifying Language
 - i. Identify and document Clients'/litigants' primary language
 - ii. Staff Roster of language availability
 - iii. Drop Down Menu on computer system
 - 1. Shows who speaks what language within the program
 - 2. Can sort staff by language spoken
- d. Equipment & Contracts for Services
 - i. Language Line Services (LLS) Contract
 - 1. Qualified interpreters
 - 2. More than 90% of World's languages
 - ii. Headsets
 - 1. Outreach events
 - 2. Meeting in office
 - 3. NLS' Board members
- e. Forms
 - i. Waiver
 - ii. LLS log
 - iii. Certificate of Translator
 - iv. Greetings in Threshold Languages
- f. Documentation of files – per NLS LEP POLICY
 - i. Recording of LEP's language
 - ii. Notes on language services
 - iii. Recording time
 - iv. Documenting Language Line
- g. Discrimination complaints
 - i. Refer Person (transfer if via phone) to your immediate supervisor
 - 1. Whether complaint is valid or not
 - ii. Supervisor will assist them by
 - 1. Speaking to them
 - 2. Fills out the complaint form
 - 3. Must use the form

Notes:

Bibliography & Website Links:

- 1.
- 2.

