

# LANGUAGE ACCESS 101

## Serving Limited English Proficient (LEP) Clients

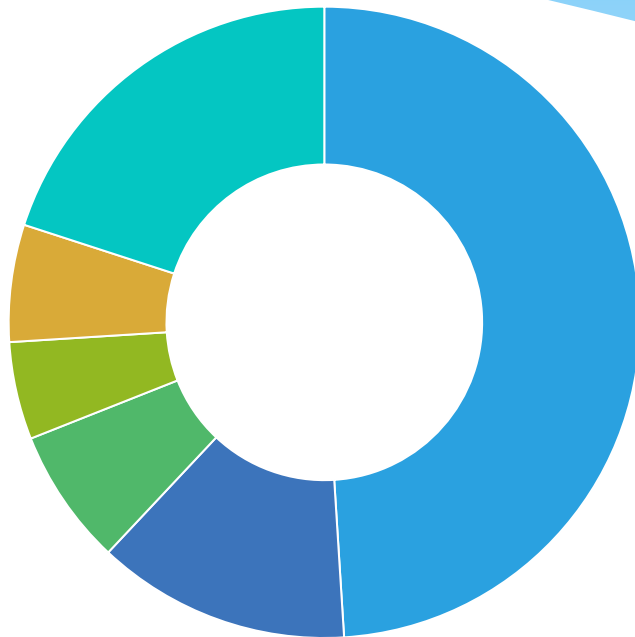
Revised and adapted by Iris Eileen Coloma-Gaines, Statewide Language Access Attorney  
Massachusetts Law Reform Institute - [icoloma-gaines@mlri.org](mailto:icoloma-gaines@mlri.org)  
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Original Author: Jessica DeLoureiro, Staff Attorney  
Justice Center of Southeast Massachusetts, LLC  
(Subsidiary of SCCLS)  
[jdelaureiro@justicema.org](mailto:jdelaureiro@justicema.org)

# Definitions

- ❖ **Limited English Proficient (“LEP”)**
- ❖ **Interpretation (oral)**
  - **Simultaneous**
  - **Consecutive**
- ❖ **Translation (text)**
  - **Written**
  - **Sight**

# MA Data: Languages spoken by low-income LEP population statewide



- Spanish (49.2%)
- Portuguese (12.4%)
- Chinese (6.8%)
- Vietnamese (4.5%)
- Haitian Creole (6.2%)
- Other (20.9%)

Interested in your service area or a specific language? See:

<https://www.masslegalservices.org/content/maps-low-income-lep-speakers-massachusetts>

# Federal Mandates

- **Title VI of the Civil Rights Act of 1964**

**Prohibits recipients of federal funds from discrimination based on race, color, or national origin.**

- ***Lau v. Nichols*, 414 U.S. 563 (1974) → Language is a proxy for national origin**

- **Executive Order 13166 (2000) <https://www.lep.gov/13166/>  
“Improving Access to Services for Persons with Limited English Proficiency”**

# Additional Federal & State Guidance

- **Department of Justice (Guidance and Directives)**
- **Local or City Ordinances, Administrative Plans\***
- **Federal Agency Guidance (i.e. HUD, HHS, DOL, etc.)**
- **State Agencies – MassHealth, DTA, etc.**
- **MA Executive Order 526**
- **MA Office of Access and Opportunity, Administration and Finance Bulletin #16**

# Skills & Best Practices

- ❖ **Logistics**
- ❖ **Working with Interpreters**
- ❖ **Instructing the Client and the Interpreter**
- ❖ **Evaluating Success**
- ❖ **[Youtube video - Working with Interpreters \(Legal Services of NJ\)](#)**

# Logistics: First Steps

- ❖ **When to offer (and use!) an interpreter? Anytime ....**
  - **When primary language is not English**
  - **When responses do not match questions**
  - **When you or applicant/client relies on another method of communication**
  - **New client? Intake information should reflect client's preferred language.**

# Who is an Appropriate Interpreter?

Appropriate ?

Inappropriate?

❖ Professional

❖ Trained / knowledgeable  
in subject

❖ Qualified

❖ Impartial

❖ Minor children

❖ Doesn't know subject  
or terms

❖ Unqualified to translate

❖ Partial or biased



# Logistics: Working with an Interpreter

- ❖ Offer an interpreter to each and every LEP client.
- ❖ Schedule additional time.
- ❖ Ensure client can understand interpreter.
  - ❖ Ask client to “teach back” critical information
- ❖ Explain confidentiality – both for you and interpreter
- ❖ Ensure the conversation is between you and the client
  - Maintain eye contact with the client (if in person!)
  - Speak directly to client using the first person
  - No side conversations!
- ❖ Speak clearly, plainly, and slowly
  - Avoid legal jargon, acronyms, and idioms
  - Avoid compound questions
  - Pause for interpretation

# Instruct the Interpreter

- ❖ Keep all information confidential
- ❖ Interpret everything that is said
  - Use the first and second person
  - Use same grammatical construction as the speaker
  - Do not omit, edit, or polish what was said
- ❖ Interpret the meaning as accurately as possible
- ❖ Ask speakers to pause, repeat, and slow down
- ❖ Ask for clarification or a time out

## **DO NOT:**

- **No side conversations**
- **Never answer for the advocate or LEP person**

# Instruct the Client

- Explain the role of the interpreter: to be a conduit **ONLY**
- Speak slowly and speak only one or two sentences at a time
- Be patient- the interpreter may ask you to slow down or repeat what you just said
- Allow the interpreter to finish interpreting before speaking, even if you understand what was said

## **DO NOT:**

- **No side conversations**
- **Do not ask the interpreters any questions. Please address all questions and concerns with me.**

# Examples

- ❖ **“The interpreter is here to help us communicate, please speak directly to me and the interpreter will interpret what you said word-for-word.**
- ❖ **The interpreter has ethical guidelines that he/she must follow. Everything said in this meeting will be confidential.**
- ❖ **The interpreter cannot answer your questions or give you advice about your case. If you have questions, please ask me.**
- ❖ **Please speak clearly and in short sentences so the interpreter can accurately interpret everything you say. It’s important that I understand what you’re saying. If there is something that you do not understand, please tell me.”**

# Logistics, especially during COVID: Working with Phone Interpreters

- ❖ **Specify your language request**
- ❖ **Get the interpreter's name or ID number at onset of call.**
- ❖ **Give context and introductions to both interpreter and client.**
- ❖ **Verify the client's understanding – both directly and indirectly.**
- ❖ **Pauses.**
- ❖ **Report problems to your supervisor immediately.**
- ❖ **Schedule ahead of time if using rare language.**

# Warning Signs ...

- ❖ **Interpreted answers are much shorter or longer than client's response**
- ❖ **Interpreted answers and responses don't appear to make sense**
- ❖ **Interpreter frequently reformulates or changes words mid-sentence**
- ❖ **Interpreter or client appears flustered, frustrated, or confused**
- ❖ **Interpreter repeatedly asks for clarification**
- ❖ **Client corrects interpreter or appears to disagree with the translation**
- ❖ **Client opts to start speaking in broken English**



# ... and what to do

**If you do not think the interpretation is going well, STOP**

- ❖ If you suspect that the interpreter is editing, adding, or subtracting, remind him/her to interpret everything that is said and to be a conduit.
- ❖ Ask the interpreter if he/she needs a break.
- ❖ If necessary, get a different interpreter.
  
- ❖ **If you are the interpreter, ask for a break.** If you cannot understand the client, let the advocate know.

# Post-Interpreter Debrief

- How did this meeting go?
- Were there any moments where you felt you had to go beyond your role?
- Were there instances when had to add or subtract what was said?
- What suggestions do you have for how I can be more sensitive or more responsive to the client's culture?



# Additional Considerations & Barriers

## Ask yourself:

- \* What assumptions am I making? What bias am I bringing?
- \* What cultural understanding of issues does the Client bring?
- \* What understanding of systems and bureaucratic processes does the Client have?

**Listen to the Client.**

# Securing an Interpreter in Court

- \* **Contact Clerk's Office ASAP to request interpreter – best to do in writing**
- \* **If case sent to mediation, insist interpreter be present even if Housing Specialist speaks client's language. Conflict of interest to have dual role**
- \* **Complaints about interpreters can be filed with Office of Court Interpreter Services**
- \* **<https://www.mass.gov/doc/standards-and-procedures-for-court-interpreter-services/download>**

# Language Access Resources

- \* **MassLegalServices.org: Language Access Section**  
<https://www.masslegalservices.org/library-directory/language-access>
- \* [www.lep.gov](http://www.lep.gov)
- \* **MassLegalService.org: Working with Interpreters Guide**  
<https://www.masslegalservices.org/content/working-interpreters-training-guide>

# Reporting Problems

- **Get Involved!** The Language Access Coalition (LAC) is a group of legal advocates across Massachusetts interested in language access issues in the courts, state agencies and legal services. LAC works to advance the rights of Limited English proficient (LEP) clients in these fora. Join the ListServe on MassLegalServices.org.
- **Language Access Incident Report Form:**  
<https://www.masslegalservices.org/content/language-access-incident-report-form>

# CONTACT INFO

- \* **Iris Coloma-Gaines - Statewide Language Access Attorney**
- \* **[icoloma-gaines@mlri.org](mailto:icoloma-gaines@mlri.org) (best way to reach me)**
- \* **617-357-0700 Ext. 317 (office closed during COVID-19)**