LANGUAGE ACCESS 101

Serving Limited English Proficient (LEP) Clients

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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.


  “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)*
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?

❖ Professional
❖ Trained / knowledgeable in subject
❖ Qualified
❖ Impartial

Inappropriate?

❖ Minor children
❖ Doesn’t know subject or terms
❖ Unqualified to translate
❖ Partial or biased
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.
“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
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
Language Access Resources

* MassLegalServices.org: Language Access Section
  https://www.masslegalservices.org/library-directory/language-access

* www.lep.gov

* MassLegalService.org: Working with Interpreters Guide
  https://www.masslegalservices.org/content/working-interpreters-training-guide
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

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