

## RONALD A. PETERSON LAW CLINIC

### POLICY ON SERVICES FOR CLIENTS WITH LIMITED ENGLISH PROFICIENCY

**Introduction:** The Ronald A. Peterson Law Clinic (“RAPLC”) is committed to providing services to clients notwithstanding any barriers that may exist due to a prospective client’s limited proficiency in English. The RAPLC and its students, faculty and staff have an obligation to identify barriers to representation of individual clients on the basis of language and to affirmatively take steps to overcome them. This policy is intended to set out RAPLC’s plans for addressing the language assistance needs of clients who are not proficient in English.

**Identification of LEP Clients:** A limited English-proficient (LEP) client must be adequately identified and be able to obtain and receive legal representation through the use of his or her non-English language. An LEP client is someone who is not sufficiently able to speak and/or read English such that he or she cannot receive effective legal representation through communication only in English. When it is apparent English is not the client’s primary language, the client should be asked if he or she speaks another language at home, and if so, the client should be asked to identify the language. The client should also be asked how well he or she speaks or understands English. The client should be offered the opportunity to communicate through the language in which he or she is most proficient.

RAPLC will communicate with LEP clients through the use of interpreters or other competent individual able to meet the language assistance needs of the clients. These will include students trained through the Access To Justice Institute Language Resources Center.

The RAPLC Office Manual will inform all students that the Clinic is committed to providing service to clients without regard to their ability to speak English. The RAPLC will make available to all students training in how to work effectively with LEP clients and with interpreters.

**Interpreter Conduct:** To promote client trust and to maintain the integrity of RAPLC, it is mandatory that interpreters and translators hired by RAPLC abide by RAPLC’s Confidentiality Rules and the Rules of Professional Conduct for Interpreters. RCW Chapter 2.43 sets out the right to an interpreter in legal proceedings. The Code of Conduct for Court Interpreters (GR 11.1), attached as Appendix A, is a good model of the high standards necessary for successful formal interpreting. Any interpreter or translator hired by RAPLC must either enter into the Professional Conduct Agreement attached as Appendix B, or have signed a similar agreement to which they are bound as a condition of their employment by the interpretation service with which RAPLC contracts for language assistance services.

**Ensuring the Interpreter is Qualified:** Because most interviews for legal assistance require exact and careful communication and the preservation of client confidences, RAPLC staff must, whenever possible, avoid the use of family members and friends as interpreters in working with clients. Interpreters hired by RAPLC must be qualified to interpret. RAPLC staff will make adequate inquiry as to the interpreter's qualification prior to an initial use of an interpreter in client matters. RAPLC staff should inquire whether the interpreter knows the client and whether the interpreter lives in the client's community. If the interpreter or the client indicates they know the other person, the client must affirmatively consent to the use of the particular interpreter. The client's consent must be reflected in the case record. Interpreter qualifications may be demonstrated by proof in order of preference by one of the following:

- "Certification" by the Washington State Administrator for the Courts (AOC);
- "Certification" by the Washington State Department of Social and Health Services (DSHS);
- "Qualification" by DSHS;
- By formal inquiry and adequate response into the interpreter's experience and education, including years of each language (English and the other language) spoken; years of formal training (both languages); country of origin and level of education (particularly for written translation skills); number of years and kind of interpreting experience (frequency and whether oral or written translation); demonstration of language skill in a formal client setting; and understanding of Rules of Interpreter Conduct. (See Guidelines for Interpreters); or,
- An interpreter provided by Language Line or one of the other professional interpreter service providers with which RAPLC contracts for services should be presumed to be competent to interpret, but should also be asked about their knowledge of the client or the community in which the client resides.

If the RAPLC staff member does not believe the interpreter is qualified, or if the client seems uncomfortable with the interpreter, the staff member will notify his or her supervising attorney and determine if the problem is correctable or identify another interpreter for future interactions.

**Interpreter/Translator Certification:** Whenever RAPLC intends to submit to a court or other tribunal a document that has been translated on behalf of a client, the document shall include a certification in an appropriate form that demonstrates both the translation and the apparent understanding of the content of the document by the client/witness or other person for whom the document was translated. A model certification form shall be provided to all staff.

**Implementation:** In order to provide adequate and effective representation, RAPLC shall instruct staff who work with clients on how to arrange for and use interpretation and translation services, including providing practical tips and guidelines for how best to facilitate client communication through interpreters. RAPLC shall develop, maintain, and keep current a LEP Handbook to implement the policy, which shall be available in each of its local offices and on its internal website. The guidelines attached as Appendix C will assist staff in implementing this policy.

### **Attachments**

- Appendix A GR 11.1, Code of Conduct for Interpreters
- Appendix B Interpreter/Translator Confidentiality Agreement
- Appendix C Guidelines for Use of Interpreters