

**POLICY ON SERVICES FOR
LIMITED ENGLISH PROFICIENT CLIENTS
Ronald A. Peterson Law Clinic**

Introduction: The Ronald A. Peterson Law Clinic (“RAPLC”) is committed to providing high-quality services to all clients without regard to 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, including organizational clients.

Identification of LEP Clients: A limited-English proficient (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 that 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 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. If a client says he or she does not need an interpreter but you can observe (either at the outset of the communication or at a later time) that the client has some difficulty understanding English or you have difficulty understanding the client, you may need to explain that you need an interpreter to assure good communication. Remind the client that the interpreter is bound by the rules of confidentiality.

RAPLC will communicate with LEP clients through the use of interpreters or translators able to meet the language assistance needs of the clients.

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.

Bilingual Staff/Students: The RAPLC will use staff and students who are able to communicate in a language other than English only after they have been screened for fluency in the second language and in English.

Training: The RAPLC will introduce student attorneys to its program of services to LEP clients. Training will include: the requirements of this policy; how to work with an interpreter; the resources within RAPLC to meet the language assistance needs of clients; translated materials available through the RAPLC shared drive and instructions on how to obtain language assistance services through community resources or telephonic services.

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, Interpreter Code of Ethics, 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) is a good model of the high standards necessary for successful formal interpreting. Any interpreter or translator employed (for pay or not) by RAPLC must agree to abide by the Clinic's Interpreter Professional Conduct Agreement or have previously signed a similar agreement with the organization through which the Clinic has arranged for this individual's services.

Ensuring the Interpreter is Qualified: Because most interviews for legal assistance require exact and careful communication, the preservation of client confidences, and the avoidance of conflicts of interest, RAPLC students, faculty, and staff must avoid the use of family members and friends as interpreters in working with clients. Interpreters engaged by RAPLC must be qualified to interpret. RAPLC staff¹ 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 either of them knows each other, 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 one of the following methods (listed beginning with the highest level of certification):

- "Certification" by the Washington State Administrator for the Courts (AOC);
- "Registration" by the Washington State 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. It is recommended that the inquiry include 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). The Interpreter Screening Form may be used for this purpose; or,
- An interpreter provided by a professional interpreter service with which RAPLC contracts should be presumed to be competent to interpret, but should also be asked about his/her knowledge of the client or the community in which the client resides.

¹ All references to RAPLC "staff" are intended to refer to students, faculty, and staff.

If the student attorney does not believe the interpreter is qualified or if the client seems uncomfortable with the interpreter, the student attorney 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 the office and on its internal website. The Handbook shall include instructions for working with an interpreter/translator, forms, and an interpreter directory.