

II. Summary of Listening Sessions (continued)

F. Listening Session on Interpreter Bank Issues

At the beginning of the session, Sunil Mansukhani, Executive Director of the Access to Justice Commission, briefly reviewed the evolution of the interpreter bank concept thus far. He explained that in September 2003, a Bar Foundation report identified lack of language access as a critical issue. The DC Access to Justice Commission had extensive discussions about how best to address this issue and decided to focus on the legal services providers as an access point for interpretation and translation services. The Commission subsequently convened a roundtable discussion to explore the issue in depth and received a wide array of input from the community and from an outside expert from the National Center for State Courts. The group agreed that the best strategy was to centralize language access services in a single entity so that interpreters and translators can work for multiple organizations and net close to full-time employment. This structure will also create an incentive for bilingual individuals to develop the necessary skills to provide interpretation and translation services. The group also agreed that the bank would provide both interpretation (oral) and translation (written) services; that it would initially be open only to legal services providers but would later be accessible to DC government agencies; that community groups must be closely engaged in the work because of their ties to the community and to a potential pool of interpreters and translators; and that the bank would feature a tiered qualification system so that interpreters and translators with different skill levels could be available to perform different levels of tasks.

Thinking Point: What are the challenges in setting up an interpreter bank?

The existing pool of qualified interpreters and translators is very small: Most speakers agreed that the pool of individuals currently qualified to perform higher-tiered interpretation and translation tasks is too small to meet demand. They stated that staffing the bank would mean more than just identifying individuals who already have the requisite skills; rather, we will have to identify and recruit individuals with a base level of skills who can be trained. Participants also stressed that the size of the pool must be increased significantly so that organizations aren't competing for the same small group of individuals.

Participants did not agree about whether there were sufficient individuals in the community who are already qualified to perform "tier one" tasks. Some participants stated that they have many bilingual clients who would be able to perform these services with very little training. Other participants believed that being bilingual did not itself qualify an individual to provide these services. One participant cautioned that even tier one tasks should be performed only by very qualified individuals since poor translations can come back to haunt clients later. She gave as an example interpretations that are done at the airport by very poorly trained interpreters; these poorly interpreted statements are then used against clients at deportation hearings. She stressed that we must be certain

of individuals' skill levels even for tier one tasks. Many participants agreed that significantly greater skills are necessary to do tasks beyond tier one and that there is a shortage of qualified individuals. They agreed that the jump from "tier one qualified" to other tiers would require significant training.

Participants were enthusiastic about "creating an employment category that does not currently exist" and "creating a career path" for bilingual individuals. They described it as a dual benefit to the community to show bilingual individuals that their bilingualism is itself a skill and asset that they can use to make a career. They stressed that it was important to "professionalize this service" both to ensure that quality interpretation and translation services are provided to clients and to create a serious career track.

A few participants noted that to attract professionals skilled in certain languages will require extensive outreach and that there simply may not be enough individuals available locally with those language skills.

There are few existing programs to qualify individuals for legal interpretation and translation tasks: Many participants agreed that there is a shortage of area programs that train individuals to perform legal interpretation and translation tasks. One participant identified three programs that currently provide training – Multicultural Community Services; Cross Cultural Communications; and La Clínica del Pueblo. The participant explained that training is done on a community-based model and could potentially be replicated large scale to accommodate the need to train a large pool. Another participant stated that there is a need for programs that train on how to do non-courtroom legal interpretation. The participant stated that the bulk of interactions for which interpretation is currently needed are outside the courtroom and that there are specific skills necessary to do this kind of interpretation. Unlike courtroom-based work, interpretation outside the courtroom is about the attorney-client relationship and trust-building and requires an interpreter to have a different sensitivity about relaying what the parties are trying to communicate to each other. The participant stated that other than the Asian Pacific American Legal Resource Center, he does not know of any other organization that does this type of training.

A wide array of training will be required to qualify individuals to perform these services: Participants agreed that any training program will have to include a wide variety of elements, including:

Training to raise participants' skill levels: This will require a curriculum, an evaluation component to test participants' existing capacities, and post-training testing to ensure that participants have reached requisite skill levels. One participant suggested that we will need to be thoughtful about what level of ability to require. Training will also need to be divided by skill level so that we can train for different tiers.

Ethics training: Participants strongly agreed that training is required on the ethics involved in performing these services. They reported that many of the individuals they work with now do not have this training and end up engaging in counseling, giving quasi-legal advice, and performing all sorts of other “inappropriate” tasks. One participant noted that training on unauthorized practice of law issues is particularly important since a violation could jeopardize the entire program. One participant noted that La Clínica del Pueblo has a good model for ethics training.

Training on legal issues: Participants also agreed that it was important to train interpreters and translators on basic legal issues and legal terms of art. They need to understand why interpreting and translating in the legal context is different from other arenas and that some terms and ideas have a different import in the legal system than they do colloquially. One participant stated that when her organization uses translators, the attorneys review the documents and highlight in advance the legal terms of art. They also have a “back and forth” conversation about legal concepts to make sure the translator understands them.

Cultural competency training: Many participants advocated training in cultural competency for interpreters, translators, and attorneys. They noted that this type of training is particularly important for dealing with populations that are afraid of the legal system. In addition, it was acknowledged that clients may be put off when seeking services if social amenities common in their culture are not observed in their very earliest contacts with a provider. A bad “first impression” may end up dissuading clients from seeking services at all.

Training for attorneys: Some participants favor training attorneys on how to work with interpreters and translators. One participant noted that some attorneys view interpreters as “machines” and do not appreciate that interpreters and translators bring their own individual viewpoints, sensitivities and biases to the table with them. Other participants argued that well-trained interpreters and translators would be able to work with untrained attorneys and that attorney training should instead focus on how to work with limited English proficiency populations.

Substantial outreach is necessary to reach isolated limited English proficiency populations: One participant noted that the African immigrant community is particularly cut off from language access services. He explained that many individuals are not even aware that legal or social services exist and therefore do not attempt to access them. Outreach to these communities is likely to increase the need for language capacity in legal services organizations. He also noted that there is a significant amount of misinformation in the community because of language access issues. Other participants agreed that outreach is necessary but expressed concern about doing outreach before there is language capacity to take the calls. They are concerned about encouraging individuals who speak those languages to seek help before organizations have the language capacity to communicate with them. Once the interpreter bank is operational,

outreach to those communities will have to be done in such a way that the calls go directly to the interpreter bank.

One participant also pointed out that representatives from marginalized communities are not participating in these discussions and that we need to hear from them.

There is a great need for sign language interpretation: A number of participants stated that they need sign language interpretation services. There is a large deaf community in the region, and many organizations have clients with whom they have difficulty communicating. There was no consensus in the group about how to include this need in the interpreter bank. Some participants stated that the bank should simply include sign language interpreters as well as interpreters for spoken languages. One participant suggested that there are many complex issues surrounding sign language interpretation and that we did not have enough information to develop a strategy for including it in the offered services. This participant suggested a separate conversation with representatives from the deaf community to get further information. Another participant stated that sign language interpretation is a very advanced field and that excellent training resources and interpreter pools already exist. It may be a matter of tapping into those resources.

This can only be an incremental program: Participants agreed that the interpreter bank should be viewed as an incremental program and cannot substitute for organizations' maintaining and expanding their own language access services. The need is so vast that it will quickly overwhelm the resources that could be devoted to this project. Participants stressed that as a community we cannot externalize all of our language access challenges and that the interpreter bank should be viewed as one piece of a multi-prong strategy.

There aren't enough bilingual and bicultural lawyers in the legal services community: One participant noted that the larger issue is the shortage of bilingual and bicultural lawyers in the legal services community. He suggested that the community continue to think about ways to cultivate and identify these attorneys. Other participants noted that the loan forgiveness program is a critical piece of that strategy. Yet another participant noted that her program has not had difficulty recruiting bilingual staff, but that most of their clients are English dominant, and the only other language needed has been Spanish.

One law school participant suggested that law schools provide training. She noted that law schools were well positioned to develop the trainings and offer them on a regular schedule at no cost.

Thinking Point: Where – and in what type of entity – should the interpreter bank be housed?

A number of participants agreed that the interpreter bank should be housed in an existing legal services organization that has an immigration component. An organization that serves the immigrant community may be best situated to reach out to the community for potential interpreters and translators, to circulate information about the interpreter bank, and to work with community-based organization to do outreach. One participant noted that although the interpreter bank should be based in one organization, it should also have a “steering committee” of leaders from other organizations who would be involved in big picture policy decisions.

Some participants noted that three language banks already exist – at La Clínica del Pueblo, the Asian Pacific American Legal Resource Center, and Multicultural Community Services – and questioned whether we should start a new bank rather than tying into existing structures. Other participants pointed out that the funding must by statute be granted to a nonprofit legal services organization and that those banks might not necessarily qualify. It might be useful however to consider a collaboration with an existing bank.

A number of participants agreed that the administrative, coordination, and training functions should be centralized in an existing legal services organization but there was no consensus on where the interpreters themselves would be housed. Some participants stated that interpreters should be in decentralized locations; they could be housed in the community, or work from home or other locations. Some argued that it was best to house interpreters in the communities so that they could assist with outreach. Other participants advocated that interpreters be housed at the court house or at other locations where attorneys practice. Some participants favor housing interpreters at legal services organizations so they can assist attorneys with all client contacts. Another participant pointed out that qualified interpreters and translators are in such high demand that we will need to think about what will make the job attractive to them.

Thinking Point: What are priority tasks for interpreters and translators?

Participants agree that there is a wide continuum of needs and potential services. To avoid overwhelming the interpreter bank, we will need to narrow the scope, at least until considerably more resources are available. Participants identified the following potential services, all of which require different levels of skill:

- Oral, in-person, one-on-one communication (for example, helping attorneys to communicate with their clients at all stages of the case);
- Telephone communications (for example, providing brief interpretation assistance when attorneys need to communicate with clients by phone rather than meeting in person); one participant pointed out that this could also be accomplished by providing funding for legal services organizations to use “language line” or other analogous service rather than making it an interpreter bank function;

- Simultaneous interpretation for a group (for example, interpreting during outreach presentations and trainings);
- “Sight translation” – that is, reading a document in one language and simultaneously translating it into another; and
- Translation of documents.

There was no consensus on which of these potential services were of highest priority, although most participants seemed to think that assisting attorneys outside of the courtroom and facilitating phone contact were pressing, immediate needs. Participants talked at some length about the importance of interpreters for phone contacts and suggested that the interpreter bank could have dedicated interpreters to coordinate and assist with these brief interactions.

Thinking Point: Who should be recruited to staff the interpreter bank?

As is discussed above, many participants favor recruiting and training bilingual individuals in the community to provide these services. Some participants also suggested using graduate students and college students. Some organizations have successfully used students and the rates are reasonable. Other participants strongly preferred to recruit individuals from the community rather than utilize students so that the interpreter bank has the added effect of creating career opportunities. One participant noted that using interpreters from the community is problematic when the particular ethnic community is small or insular, and interpreters are likely to know the client or members of the client’s family. Although this could be addressed in part by confidentiality training, this participant felt that, with particularly sensitive or personal information, it would be very problematic to use interpreters that are part of the same community as the clients they would serve.

Some participants suggested that we capitalize on some of the unique populations that reside in the region – for example, returning Peace Corps volunteers or retired Foreign Service officers. They might be helpful as interpreters or as trainers. They may also have valuable ideas about program design. Other participants suggested that, regardless of whether we recruit students to staff the interpreter bank, we reach out to universities and schools with language programs for training. Participants also suggested that we look at the language capacity in law firms; although there may not be language capacity among attorneys, that capacity may exist in the non-legal staff. Another participant stated that some law firms have contracts with companies that provide language services and that those companies might be willing to provide some volunteer work if the firm generates a certain volume of business. Another participant noted that the DC Bar has a small base of volunteers that could be tapped into.

Thinking Point: What can realistically be accomplished with this funding?

Participants agreed that, although they are thrilled that \$250,000 is available for an interpreter bank, it is not enough to tackle the range of tasks outlined above. A number of participants noted that other jurisdictions that have created interpreter banks have found it to be a “huge enterprise.” Given that funding is necessary for both sides of the equation – both to set up the interpreter bank and to subsidize costs for the providers that use it – careful thought must be given to how these resources can be stretched. They agreed that the first step should be to lay the groundwork in the hope that more resources become available. Even after laying the groundwork, it will still be challenging to deal with the huge volume of calls that will come in. Some participants suggested limiting the scope of available services, either by substantive area or by type of service, at least at the inception. They agreed that “first come first served” is not a good strategy.

Participants had the following ideas for sustainability:

Don’t duplicate services: Participants agreed that we should capitalize on any trainings and other resources that already exist in the community.

Balance high standards against limited resources: One participant noted that, although it is important to talk about best practices, we may need to balance our high standards against what can realistically be accomplished with the funding. She noted in particular that we have outlined a very ambitious training regimen that might not be realistic if we want to have sufficient funds to provide a volume of services.

Proposals should include a sustainability component: Participants agreed that any proposals should include a sustainability plan. A few participants thought that this initial grant should be a “planning grant” only to lay the groundwork for the interpreter bank. It was noted that the proposal to the City Council included a planning grant component for the interpreter bank.

Consider sliding scale services: A number of participants favored a sliding fee scale for the interpreter bank. Under this model, organizations that are able to pay some fee for the services would do so. Participants also suggested that services be available at non-subsidized rates to law firms. They noted that firms often don’t take cases because of language capacity issues and that they would pay for the interpreter services if they were available. One law firm participant stated that the firms would not object to paying full price for the services. The participant also noted that firms have trouble finding interpreters in non-pro bono cases too.

Avoid software interpretation and translation programs: Although they are cost-effective, the several participants who have used translation software programs did not favor them. These participants noted that their translators typically prefer to start from scratch, rather than work with a document that has first been translated by software.

Consider how other initiatives would complement the interpreter bank: Participants noted that all of the funded initiatives will be intertwined and that we should consider how to create synergies between them. For example, intake is an area where

language capacity is critical; anyone working on changes to intake practice should be thinking about how to integrate interpreter bank issues from the inception.