

## GLSP Helps People with Limited English Proficiency Seek Justice

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"He hit me. He tried to choke me. Last week, he raped me twice in one night while my kids were at home," Maria (pseudonym) told me. He was the father of her children and the adverse party in one of my first domestic violence cases.

Having practiced law for less than six months, I was representing a client who had endured severe and escalating violence with her minor children present. My client faced many barriers that impeded her ability to escape, including her limited ability to communicate in English. Maria was limited English proficient (LEP). Her abuser convinced her she had no legal rights, that no one would ever believe her story, and that if she tried to report the abuse, he would make sure the kids were taken away from her and she would be deported.

Maria finally reached out and was referred to Georgia Legal Services Program. As a bilingual attorney, I could communicate with Maria. However, I knew she would need a court-certified interpreter to help her during her hearing. I arranged for an interpreter to meet us at court.

When we arrived, the judge stated that the abuser, appearing pro se, also needed an interpreter. In the blink of an eye, the interpreter I had arranged for my client was assigned to the abuser, and it was suggested I interpret for my client myself.

My stomach dropped; this did not feel right. Though I had worked as an interpreter in legal proceedings prior to going to law school, something in my gut told me that I should not be my client's attorney *and* interpreter. However, due to my inexperience, I did not know of any legal authority to support my position.

Although I won the case and obtained a protective order for Maria, my baptism by fire taught me that I should have requested the court grant a continuance until a second interpreter could be assigned to the case.

I learned later that it is inappropriate for a judge to require a bilingual attorney to serve as an interpreter in a judicial proceeding if the attorney is representing a client in that proceeding, first, because the attorney is not a certified or licensed interpreter, and second, because it raises serious conflict-of-interest concerns.

In 2003, GLSP launched its Latino Outreach and Education Initiative to address the sociocultural and language barriers that prevent full access to justice and opportunities out of poverty for Latinos with low incomes.<sup>1</sup>

Ten years later, our advocacy has assisted more than 16,000 Latino individuals and families. We have helped domestic violence victims successfully escape their abusers. With our help, low-income LEP families are able to keep food on the table and access to adequate health care. Our advocacy has also ensured the children of LEP families receive the public school education to which other children are entitled. And GLSP has worked to become the authority on access to justice through use of court-appointed interpreters and to develop best practices in that area.

GLSP also has developed extensive materials for lawyers representing LEP clients, including a Motion for Certified Interpreter and Supporting Brief. Private attorneys can use their smartphones to text INTERPRETER to 99699 to access these resources. GLSP also has developed CLE-approved webinars, educational sessions for the public and audio clips on pertinent language access issues. Several of our attorneys have authored articles that have been helpful in educating members of the bench, bar and community.

GLSP's continued focus on language access as a "justice for all" issue is increasingly important as our national and state LEP populations continue to grow. From 1990 to 2000 the United States' LEP population grew 80 percent, with the Southeastern states witnessing some of the highest growth rates.<sup>2</sup>

In 2011, 47.2 percent of immigrants age 5 and older in Georgia were LEP.<sup>3</sup> As the LEP population grows, it is imperative that members of the bench and bar are knowledgeable of state/federal laws and policies<sup>4</sup> that help give LEP individuals meaningful access to our legal system.

1 Civil Justice: Newsletter of Georgia Legal Services Program (Spring 2013), p.3, available at [www.glsps.org/wp-content/uploads/2013/08/GLSP-Spring-Newsletter.pdf](http://www.glsps.org/wp-content/uploads/2013/08/GLSP-Spring-Newsletter.pdf)

2 Pandya, Chhandasi, Jeanne Batalova, and Margie McHugh. 2011. "Limited English Proficient Individuals in the United States: Number, Share, Growth, and Linguistic Diversity." Washington, D.C.: Migration Policy Institute. Available at [www.migrationinformation.org/integration/LEPatabrief.pdf](http://www.migrationinformation.org/integration/LEPatabrief.pdf)

3 Georgia: Language and Education, Migration Policy Institute (2011), available at [www.migrationinformation.org/datahub/state2.cfm?ID=GA](http://www.migrationinformation.org/datahub/state2.cfm?ID=GA)

4 See, Title VI of the Civil Rights Act of 1964; See also, Supreme Court of Georgia Rules on Use of Interpreters for Non-English Speaking and Hearing Impaired Persons (July 3, 2012), available at [w2.georgiacourts.org/coi/files/Rule\\_on\\_Interpreter\\_-\\_FINAL\\_JULY.pdf](http://w2.georgiacourts.org/coi/files/Rule_on_Interpreter_-_FINAL_JULY.pdf); See also, ABA Standards for Language Access in Courts (February 2012) available at [www.americanbar.org/content/dam/aba/administrative/legal\\_aid\\_indigent\\_defendants/ls\\_sclaid\\_standards\\_for\\_language\\_access\\_proposal.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_standards_for_language_access_proposal.authcheckdam.pdf)