



# LEGAL AID FOUNDATION OF LOS ANGELES POLICY & PROCEDURES ON PROVIDING LEGAL SERVICES TO LIMITED ENGLISH PROFICIENT CLIENTS

## LAFLA'S MISSION STATEMENT

The Legal Aid Foundation of Los Angeles (LAFLA) is the frontline law firm for low-income people in Los Angeles. LAFLA is committed to promoting access to justice, strengthening communities, combating discrimination and effecting systemic change through representation, advocacy, and community education.

## VALUES

**Justice.** Justice must be equal. We fight poverty, discrimination, and other barriers to justice.

**Dignity.** Dignity is the right of everyone. We are respectful, compassionate, and accountable toward the communities we serve.

**Results.** Actions and results are what count. We act on our beliefs. We improve lives and strengthen communities with dedication and professionalism.

**Client driven.** Client needs drive our work. The needs of low-income communities define and inspire what we do.

## GUIDING PRINCIPLES

LAFLA's commitment to equal justice and opportunity demands that we address and remove barriers to equal and meaningful access for our clients. To this end, LAFLA adopts the following guiding principles in providing services to clients with limited English proficiency.

1. LEP clients shall not be denied timely services at LAFLA.
2. LEP clients shall receive appropriate and meaningful services at LAFLA.
3. LAFLA staff shall collaborate and cooperate to provide quality services to LEP clients.
4. Staff members who receive the bilingual supplement shall use their language skills, in accordance with their supplement level, to assist LAFLA staff and LEP clients. This will include, at times, assisting staff outside bilingual staff member's office and unit.

## ASSESSMENT OF NEEDS

LAFLA's LEP Policy & Procedures is based on Census 2000 data, information from state and local entities, and information received from various community based organizations and social service agencies serving non-English speaking monolingual populations in Los Angeles County. The assessment of Census 2000 data includes looking at the following categories: persons who speak a language other than English at home, persons who are linguistically isolated, and poverty rates.

Based on this information, LAFLA has identified and prioritized the following languages to be the most needed in the LAFLA service area: Spanish, Korean, Cantonese, Mandarin, Japanese, Vietnamese, and Khmer. As a result, LAFLA has bilingual staff who speak each of these languages. LAFLA does not limit its services to these languages and is committed to providing access and services to all LEP clients. LAFLA will continue to monitor and assess language needs in its service area and make changes as needed.

### LAFLA'S ASIAN/PACIFIC ISLANDER (API) INTAKE NUMBERS

Cambodian (Khmer – pronounced KAMAI)	(213) 640-3887 (562) 304-2523
Chinese (Cantonese & Mandarin)	(323) 801-7912
Japanese	(323) 801-7913
Korean	(323) 801-7987
Vietnamese	(323) 801-7923

### PROCEDURES REGARDING ACCESS TO LAFLA SERVICES

#### Walk-Ins

1. All lobby areas must have the large language poster hanging in clear view.
2. All receptionists must have readily available LAFLA brochures and intakes in all available languages (Spanish, Korean, Chinese, Vietnamese, Japanese, Khmer).
3. All receptionists must have a list of staff and their languages.
4. If a limited-English proficient (LEP) applicant walks into a LAFLA lobby, the receptionist must:
  - a. Identify the language and ask the applicant to wait while an interpreter is called.
  - b. Refer to the list of staff and their languages and get a person on the line who speaks that language.
  - c. If no one is available, use Language Line (see below).
  - d. With the interpreter, assess the client's needs.
5. What is done next will depend on how each office handles walk-ins. With the interpreter present or available by phone, the receptionist must give the LEP individual the same level of service given to other walk-ins. Here are some sample scenarios:
  - a. If the case is LAFLA eligible, and there is no immediate emergency:
    - i. Refer the client to the appropriate unit (if the client speaks Spanish) or the appropriate LAFLA API intake number (see above) if the client speaks one of the API languages listed (which is written on the LAFLA brochure

in that language). Allow the client to call the number and leave a message if no one picks up and let them know that this is the proper way that LAFLA conducts intake.

- ii. If the client does not speak Spanish or one of the API languages listed, take down the client's contact information and give it to the appropriate unit's intake screener indicating that language assistance is required.
- b. If the case is LAFLA eligible, and there is an emergency, fill out the intake form. If there is no one available to provide immediate assistance, give or fax the intake form to the appropriate unit with clear indication that language assistance is required.
- c. If the case is not LAFLA eligible, give the client the appropriate referral information.

### **Phone Calls**

1. If a limited-English proficient (LEP) applicant calls an intake line or the receptionist, the intake screener or receptionist must:
  - a. Identify the language and ask the applicant to wait while an interpreter is called. If you cannot identify the language, call Language Line immediately.
  - b. Refer to the API intake numbers (see above) and/or the list of staff and their languages and get a person on the line who speaks that language.
  - c. If no one is available, use Language Line (see below).
  - d. With the interpreter, assess the client's needs.
2. With the interpreter on the line, the intake screener or receptionist shall conduct an intake as s/he would do with an English speaking caller. The LEP caller must receive the same level of service given to other callers.
3. If the caller needs follow-up and/or it is a case that LAFLA would retain, the intake screener, receptionist, or the LAFLA advocate assigned to the case should refer to the policies on using LAFLA bilingual staff for future interpretative needs (see below).
4. If the caller has a problem that is appropriate for a different LAFLA unit, refer the caller to the appropriate unit and/or the appropriate language line.
5. If the caller does not have a case with which LAFLA can assist, make the appropriate referral.

### **Using Language Line**

Be aware that the cost is over \$2 a minute, so this service is not for lengthy interviews. But it is a perfectly appropriate way to get basic information and make other interpreter arrangements. Here are the instructions:

1. With your client there or on the phone (if on the phone, ask her/him to hold, press Transfer), dial: 1 (800) 874-9426.
2. You will then be asked to enter LAFLA's account number (or client ID): \*\*\*\*\*
3. Choose the needed language.
4. You will then be asked for your personal code, which is your four digit telephone long distance code. (If you do not have this code, please enter your four digit extension.)
5. If the client is on the phone, hit the Conference button to bring back the client into the three-way conference call.

# PROVIDING ONGOING SERVICES TO LEP CLIENTS

## Determining and Documenting Language Needs

1. Ongoing language services shall be provided to any client upon reasonable request at no cost.
2. All staff who open files or receive open files from other staff must insure that the intake sheet and the data in KEMP correctly identifies the client's primary language and need for an interpreter.
3. The file should also contain information regarding whether the client can *read* English and in which language the client prefers to receive written materials.
4. All case files must contain continuous documentation of how the client's language needs were met.

## Choosing the Appropriate Advocate and Interpretation/Translation Services

1. Use of Family and Friends
  - a. Adult Family and Friends. LAFLA discourages the use of adult family or friends to serve as interpreters. Family and friends are not trained interpreters, may not be proficient in English or the other language, and may not understand legal terminology or situations. It also carries the risk of bias in the translation process, inadvertently through choice of word or emphasis, or through intentional omission of facts. It may also diminish the client's willingness to be candid. Therefore, use of adult relatives and friends are only permissible after notice of LAFLA's willingness to provide free language assistance and at the client's insistence and signing of the LAFLA form "Statement Regarding Own Interpreter". This must be documented in the client's file.
  - b. Child or Other Client Interpreters Prohibited. The use of minor children or other clients to interpret is prohibited absent exceptional or emergency circumstances, which must be documented in the file and reported to the Directing/Managing Attorney.
2. The preferred method of providing services to LEP clients is to use bilingual advocates who are proficient in the client's preferred language. Bilingual staff, however, should not be overburdened with cases, nor should LEP clients experience delays in service due to the unavailability of bilingual staff.
3. When a LAFLA staff member needs assistance with oral interpretation or written translation to assist an LEP client, the staff member should:
  - a. First, ask her/his secretary or assigned support person if s/he can do the interpretation or translation. If not, then:
  - b. Ask her/his office manager for help. When requesting interpretation by a LAFLA staff member, every effort shall be made to make the request at least 48 hours in advance. The office manager shall take the following steps to help the staff member:
    - i. Ask support staff in the staff member's office to assist;
    - ii. Ask support staff in another office to assist;
    - iii. Ask the API Unit to assist (if applicable);
    - iv. Explore whether there may be any trained volunteers who can assist;

- v. Ask the staff member's Directing/Managing Attorney for help from other advocates in the unit;
  - vi. At their discretion, Office Managers or Directing/Managing Attorneys may approve overtime for non-exempt staff to be used for interpretation or translation.
  - vii. If none of the above options are feasible, staff members can seek approval from Office Managers or Directing/Managing Attorneys for requests to get outside assistance with interpretation or translation. Upon approval, staff members can arrange the interpretation or translation on their own or request assistance from Office Managers or Directing/Managing Attorneys. All efforts shall be made to find the most cost-efficient and highest quality services.
- c. If a LAFLA staff member needs immediate assistance with oral interpretation and there are no other resources immediately available, staff may use the Language Line at their discretion.
  - d. Translation of letters, other documents, and community education materials by LAFLA staff should be reviewed by at least one other staff member receiving the Bilingual Written II Supplement. This is required for all public materials and letters containing substantive legal content.
4. Staff members who receive the bilingual supplement shall use their language skills, in accordance with their supplement level, to assist LAFLA staff and LEP clients. This will include, at times, assisting staff outside bilingual staff member's office and unit.

### **Translation of Vital LAFLA Documents**

LAFLA shall provide written versions of all vital documents in English and Spanish. Other languages shall be determined based on demographic, intake, and other data and shall be reviewed periodically. Examples of vital documents are: intake sheet, retainer agreement, release forms, and closing letters. For other documents and languages, staff shall ensure that thorough oral interpretation of the document is provided in the client's preferred language.

All vital documents of each unit shall be translated in the manner prescribed in paragraphs 3, 4 and 5 of "Choosing the Appropriate Advocate and Interpretation/ Translation Services." Office Managers shall ensure that any newly created vital documents be translated in a prompt manner.

### **Supervision/Evaluation**

At the time of case closure, all staff and supervisors shall review each case to determine if the need for language services was addressed.

## **TRAINING**

LAFLA shall provide appropriate training to staff on working with interpreters, language resources, and other issues pertaining to LEP clients. LAFLA shall also provide trainings for bilingual staff on appropriate techniques and ethics on interpretation and

translation. LAFLA shall ensure that all new staff, as well as “temps”, are made aware of these procedures.

## **REVIEW OF POLICY**

LAFLA’s LEP Task Force shall review its LEP policy on an annual basis and shall be amended as needed to ensure compliance and effectiveness.