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DON'T GET LOST IN TRANSLATION!

Knoxville's non-English speaking population is growing at a fast rate,¹ and thus developing a Language Access Plan can help us better serve our diverse community. Providing language services, however, is much more than just relying on a staff member who speaks another language or asking clients to bring English-speaking family members to a meeting. Instead, language interpretation and translation are skills that require training, highly technical language skills, and an understanding of cultural nuances. For anyone receiving even a small amount of federal funds, Language Access Plans are not just part of good customer service, they are mandatory.²

Here are four tips for developing a Language Access Plan and working with interpreters and translators:

Know the Vocabulary. Request an *interpreter* for assistance with oral communication and request a *translator* for assistance with written communication. There are generally two styles of interpretation: simultaneous and consecutive. *Simultaneous interpretation* is when an individual interprets simultaneously as someone is speaking another language, and it typically requires audio equipment and headphones for individuals to “channel in” to the appropriate language. This type of interpretation is good for listening and participating in group meetings. *Consecutive interpretation* is when an individual waits for a person to finish speaking before the individual then interprets the information in another language. Consecutive interpretation is preferred for interviews or when a transcript of the conversation might be required. It allows the information to be recorded in each language separately, which facilitates the creation of a bilingual transcript.

It Takes Time. Give yourself extra time when working with an interpreter. Consecutive interpretation is the best way to conduct an interview, but it takes twice as long because everything is repeated. It is also important to speak slowly and in shorter sentences to allow time for the interpreter to process and interpret the information. Interpreters should not summarize or condense conversations to save time or make things easier. The details, dates, and technicalities are too important in legal proceedings to paraphrase. Take the time to provide the interpreter with context about the subject matter and topics to be covered in the meeting. If possible, share notes or documents that will be reviewed with the interpreter before the meeting to allow the interpreter time to research terms of art.

It is a Specialized Skill. It is never a good idea to allow someone who is not trained in interpretation and translation skills to serve as an interpreter, even if they speak both languages. Precision and accurate interpretation are necessary when words and actions have legal significance. Just because a person speaks another language or is bilingual does not mean that he or she has the technical vocabulary or the skills to interpret a legal interview. An employee who is bilingual might be embarrassed or afraid to admit to their employer that he or she is not proficient enough to assist with the interpretation or he or she simply may not have the skills to be able to listen to a conversation and provide

precise interpretation. Additionally, there may be regional variations in the language that greatly impact the meaning of words and phrases. The person might not speak the same dialect or use the same vocabulary as someone who speaks the same language but is from a different country, state, or city.³ Poor interpretation can have serious consequences, negatively impacting fact investigation, due process, and fairness throughout the legal process. Tennessee Courts recognize three levels of interpreter skills: certified, registered interpreters, and non-credentialed.⁴ You should ask your interpreter about his or her certifications and understand how the credentials differ.

Create a Language Access Plan. It makes good business sense and demonstrates a commitment to client-centered lawyering to have a plan for serving diverse clients. For federally funded entities, having a Language Access Plan is a requirement even if they only receive a small amount of funding. The entire program needs to provide meaningful language access to participants. A good plan may include identifying trained interpreters, providing translated written materials, and posting signs and instructions in multiple languages. It is also important that the plan reflects the language needs within your service area and that it is reviewed regularly to ensure that the plan is meeting the needs of ever-changing demographics.

Don't get lost in translation by not having a plan to serve your non-English speaking clients. Language access is critical to providing client-centered services, good attorney-client communication, and meaningful participation in the legal process. For more information about Language Access Plans visit the Department of Justice's Lep.gov website.⁵

¹ For a glimpse of some of the demographics of Tennessee's immigrant community (actual numbers are hard to determine due to the number of undocumented immigrants who live and work in the shadows of data collection processes), visit the American Immigration Council's Factsheet on Immigrants in Tennessee, available at: <https://www.americanimmigrationcouncil.org/research/immigrants-in-tennessee>. The number of English Language Learners (students whose primary language is not English) in Knox County Schools has almost doubled from 4.6% in 2018 to 7.9% in 2021. See Tennessee Department of Education, Report Card Data for 2018 and 2021, available at: <https://www.tn.gov/education/data/data-downloads.html>.

² Title VI, 42 U.S.C. § 2000d et seq., prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. For a comprehensive list of Frequently Asked Questions regarding Language Access Plans, visit the Migration Policy Institute FAQs, available at: <https://www.migrationpolicy.org/programs/language%2%A0access-translation-and-interpretation-policies-and-practices/frequently-asked>.

³ Spanish and Arabic are examples of languages that vary greatly regionally and internationally.

⁴ Tennessee Standards for Court Interpreters, Rule 42, available at: <https://www.tncourts.gov/rules/supreme-court/42>. For information about Tennessee Court Interpreters visit the TN Court's Court Interpreter website, available at <https://www.tncourts.gov/programs/court-interpreters>.

⁵ For an assessment of your language access needs visit the Department of Justice's Language Access Assessment and Planning Tool, available at: https://www.lep.gov/sites/lep/files/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf help creating a Language Access Plan visit For a Tennessee Language Access Plan Template visit: https://www.tncourts.gov/sites/default/files/docs/final_template_local_lap_july_2018.pdf.

About this column: “The cobbler’s children have no shoes.” This old expression refers to the fact that a busy cobbler will be so busy making shoes for his customers that he has no time to make some for his own children. This syndrome can also apply to lawyers who are so busy providing good service to their clients that they neglect management issues in their own offices. The goal of this column is to provide timely information on management issues. If you have an idea for a future column, please contact Caitlyn Elam at 546-4646.