

The Advocate

KENTUCKY JUSTICE ASSOCIATION



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By Michael L. Cannon

More Than An Interpreter

The People

Like the rest of the country, the population of Kentucky is becoming increasingly more diverse. In 1990, 86,482, or 2.5 percent of Kentuckians over the age of five, spoke a language other than English at home.¹ By 2000, this number nearly doubled to 148,473 (3.9 percent).² The most recent data shows that the number of non-English speakers in Kentucky continues to grow steadily—there are now approximately 210,974 (4.8 percent) Kentuckians over the age of five who speak a language other than English at home.³ Non-English speakers are found in higher concentrations in and around Kentucky's population centers of Jefferson and Fayette counties, where 8.1 percent⁴ and 11.4 percent⁵ respectively speak a language other than English at home.

The Issue

Like English-speaking Kentuckians, non-English speakers need legal services. Many realize what may seem to be an obvious need for immigration related legal services. Beside the need for immigration related legal services, non-English speakers also need legal services for issues related to housing, employment, estate and probate matters and any other matters in which an English speaker may require the help of a lawyer.

In my practice, I have had the opportunity to represent non-English speaking clients in personal injury matters. In doing so, I have learned that non-English speakers are at an even greater disadvantage when it comes to navigating the course of a claim. Essentially, none of the documents or written resources related to a personal injury claim are available in a language other than English.

The laws themselves are available only in English. In 1984, English was designated as the official state language of Kentucky.⁶ The entire body of the Kentucky Revised Statutes and Kentucky Administrative Regulations is English. The entire body of the case law interpreting the statutes and regulations is English. In addition to the statutes, regulations and case law, the many legal forms provided by the

Kentucky Administrative Office of the Courts are available only in English.⁷

In motor vehicle related injury claims, one of the many essential documents is the insurance policy. In order to know what coverage is available and determine the benefits to which a person is entitled, it is necessary to read the applicable insurance policies. I contacted my own insurance company to if it was possible to get a copy of my own policy in a language other than English. The response was that it was not possible, because the policies filed with the Department of Insurance were in English only.⁸

In addition to the insurance policy, the police traffic collision report, application for PIP benefits and typically any correspondence from any insurance company are in English only. The consequence is that non-English speakers who are injured in a car crash face myriad hurdles that their English speaking counterparts do not.

Available Services

Although Kentucky has adopted English as its official language, trial courts are required to provide interpreters in both criminal and civil matters to those persons who cannot communicate in English.⁹ For court appearances, the Court of Justice is responsible for payment of the interpretive services.¹⁰ However, for any out of court services, the agency requiring the interpretive service is responsible for payment.¹¹

The duties of an interpreter are limited but useful. An interpreter may:

1. Interpret during court and court-related proceedings, including any and all meetings and conferences between client and his attorney;
2. Translate documents;
3. Assist at depositions;
4. Assist in administering oaths; and
5. Any other duties as required by the court.¹²

In addition to Court appointed interpreters, private organizations offer programs to assist non-English speakers

with legal issues. While I was in law school, I participated in the Louisville Bar Association's Latino Legal Clinic. This occurs several times a year at various locations in Jefferson County. During my experience, a handful of attorneys volunteered. Each attorney was provided with an interpreter. The issues for which people were seeking advice were fairly broad. A few had immigration related questions, others had housing related questions and some had questions about divorce and other family law issues. The program, although limited to assisting Spanish-speakers, was open to everyone, and did not limit the area of law in which services were provided.

In Fayette County, the Maxwell Street Legal Clinic offers low cost legal services to the area's immigrant and refugee community.¹³ The Maxwell Street Legal Clinic also offers assistance to non-English speakers as well. Although more formal than the Louisville Bar Association's Latino Legal Clinic, the services offered by the Maxwell Street Legal Clinic are limited in scope, offering assistance primarily in immigration, employment and healthcare related matters.¹⁴

What We Can Do

Non-English speakers and their families live, work and go to school in our communities just like all Kentuckians. They are a growing segment of our population, and, just like English-speakers, they require the help of a lawyer from time to time.

The Louisville Bar Association's Latino Legal Clinic and Fayette County's Maxwell Street Legal Clinic always need volunteers. In my experience with the Latino Legal Clinic, I found that a couple of hours sacrificed on a Sunday afternoon can greatly impact a person's life. What may appear to be a minor issue that is easily resolved can become

a daunting and demoralizing burden when you don't understand what is written or said. It is not necessary to be able to speak another language to volunteer at the Latino Legal Clinic. Attendees will bring documents, and ask questions through an interpreter. The English-speaking lawyer will answer the questions through the interpreter. Many times the answers needed to help resolve the problem were answered during the session. However, some issues were more complex and required additional consultation and review outside of the session.

Even if you do not speak another language, like most of us, do not be afraid to represent a non-English speaker. Interpretive and translation services are available, both through the courts and through private agencies. In some cases, the client will have a relative who speaks English who can assist with communication and information gathering. Although it may be a challenge, it is worth it to make the extra effort to assist someone in the extreme situation of needing legal help while at the same time not possessing the ability to read, write and speak English.

Remember the saying, "nothing worthwhile is easy." It will be challenging, but it is worth offering your services to those who do not speak English.



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- 1 Language Use and English Speaking Ability: 2000, *Census 2000 Brief*, October 2003 (<http://www.census.gov/prod/2003pubs/c2kbr-29.pdf>).
- 2 *Id.*
- 3 United States Census Bureau: State & County QuickFacts (<http://quickfacts.census.gov/qfd/states/21000.html>).
- 4 United States Census Bureau: State & County QuickFacts (<http://quickfacts.census.gov/qfd/states/21/21111.html>).
- 5 United States Census Bureau: State & County QuickFacts (<http://quickfacts.census.gov/qfd/states/21/21067.html>).
- 6 KRS 2.013
- 7 Kentucky Court of Justice Legal Forms Library (<http://courts.ky.gov/resources/legalforms/Pages/legalformlibrary.aspx>).
- 8 This is based only on information from one insurance company.
- 9 KRS 30A.410
- 10 KRS 30A.415(1)
- 11 KRS 30A.415(2)
- 12 KRS 30A.425
- 13 Maxwell Street Legal Clinic: Our Services (<http://maxlegalaid.kyequaljustice.org/Our+Services>).
- 14 *Id.*

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