



Language Access Fund FAQ's

What is the Language Access Fund? The Language Access Fund was created by the State Bar of Texas to help legal aid and pro bono programs address the growing population of limited English proficient (LEP) clients by providing financial assistance for interpretation and translation services in civil matters. The State Bar of Texas recognizes that legal aid and pro bono providers have limited funds for these services and that LEP clients wait significantly longer to get a pro bono attorney, if they get one at all.

The State Bar met with representatives of legal aid and pro bono programs to determine how best to implement the Language Access Fund and established the following policies and guidelines. The State Bar of Texas reserves the right to change the policies and guidelines as needed. **Providers are responsible for paying for any services used once the funds are depleted or for any services used in any manner that is inconsistent with the policies of the program.**

Who administers the Language Access Fund? The Legal Access Division (LAD) of the State Bar of Texas administers the Fund. Language Access Fund documents and forms are here: <http://bit.ly/LanguageAccessFund>. Your organization's Language Access Fund liaison can also answer questions and provide you with any necessary forms. If you don't know who the Language Access Fund liaison for your organization is, please contact LAF@TexasBar.com or (512) 427-1857.

What organizations are eligible to benefit from the Language Access Fund? Any organization that currently receives funding from the Texas Access to Justice Foundation or that is a current participant of the State Bar of Texas Malpractice Insurance Network Exchange.

What is a Language Access Fund Liaison? To qualify to use the Fund, **each organization must designate a contact person within the organization** to act as a liaison between the LAD and the organization. The liaison will receive information and updates regarding the status of the Fund or changes in policies, and is responsible for disseminating the information to staff and volunteers that may use the Fund. The liaison is responsible for ensuring that staff and volunteers are trained and can access any necessary forms or other documents. The liaison is the first person staff and volunteers should contact with questions about the Fund. **Each organization is responsible for updating LAD within 3 business days if the liaison changes due to staffing changes or the contact information for the liaison changes.** The liaison must also keep LAD updated about the name and contact info for the Executive Director or the appropriate manager who is responsible for the civil legal services provided by the organization, and must update LAD within 3 business days if that information changes. If LAD cannot reach the liaison or Executive Director/manager contact due to staffing changes or contact information change that has not been updated in a timely manner, your organization's 3-digit access code will be temporarily suspended. If you don't know who the Language Access Fund liaison for your organization is, please contact LAF@TexasBar.com or (512) 427-1857.

In what kinds of cases may we use the Fund? You may use the Fund to provide free civil legal services to a low income client of a participating organization. The Fund may be used on cases handled by the organization's staff or by a pro bono attorney donating his or her services to the organization. The Fund **may not** be used on reduced fee or "low bono" cases.

What will the Fund pay for? The Fund will pay for telephonic and video remote interpretation, on-site interpreters that providers identify and contract with on their own, and document translation. See "How it Works" or contact your liaison for more information. If you don't know who the Language Access Fund liaison for your

organization is, please contact LAF@TexasBar.com or (512) 427-1857. Language Access Fund documents and forms are here: <http://bit.ly/LanguageAccessFund>.

What if I'm not sure if the Fund will cover what I need? Please contact LAF@TexasBar.com or (512) 427-1857 to discuss your request. Even if it cannot be covered, the information may be used as data to demonstrate need to future funders.

What if I'm in a hurry? If interpretation or translation requiring pre-approval is needed on short notice, we recommend that providers contact local interpreter and translation services, so as not to delay securing an available interpreter or translator. However, there is no guarantee that the Fund will cover costs for interpreter or translator services incurred or contracted prior to obtaining approval.

What about training? Each organization's liaison is responsible for providing training and information to the staff and volunteers who will use the services provided through the Fund. If additional training or support materials are needed or desired, please contact LAF@TexasBar.com or (512) 427-1857. You can also order LanguageLine language identification posters and other resources here: <https://www.language.com/client-services/support-materials/order-support-materials>.

How is the Fund divided between Providers? Each staff person or volunteer who is authorized to use the telephonic interpretation services may make up to 5 calls each month. Funds for translation and on-site or video interpretation are also closely monitored. If the Legal Access Division determines that the Fund is being used too rapidly or that a particular provider is using a disproportionate amount of the Fund, the Legal Access Division may institute temporary or permanent limits to preserve the Fund.

Is there a form to track the calls we make to make sure we don't go over 5? No, we have not created a form. Each user is responsible for tracking their individual usage (up to 5 calls per month), and each organization is responsible for making sure they are complying overall. LanguageLine is able to give the LAD the phone number where calls originate, which will help us monitor compliance from our end as well. So far, we have heard about organizations that are logging calls on a Google sheet and others that are asking each user to keep a post-it next to their phone to track calls using tick marks to make sure they don't exceed their allotted calls. Each organization may implement the policy in any way that makes sense for its staff and volunteers as long as it is effective.

Can users "share" or "transfer" calls? For example, if Taylor has only made 2 calls and Logan has already made 5, can Taylor "transfer" their remaining 3 calls to Logan? No, each user may make **up to** 5 calls per month. In this hypothetical, Taylor can make up to 3 additional calls this month. Logan will need to access language services from outside the Language Access Fund until next month. Calls are not transferable.

What if the money runs out? The Legal Access Division will not approve requests unless we are certain funds remain to cover those requests. However, the Fund will likely be depleted at some point during the fiscal year. If this happens, all programs that have pending requests will receive notice as soon as possible that the Fund is depleted and cannot cover their request. Likewise, as soon as practicable, all programs will receive notice that the Fund has been depleted and no additional requests will be accepted.

Shouldn't the court provide interpreters? For court proceedings, the answer is usually **YES**. The Americans with Disabilities Act requires that people with hearing impairments have meaningful access to the courts including interpreters and other auxiliary aids, and state law requires courts to provide sign language interpreters free of charge. Likewise, Title VI prohibits recipients of federal funds from discriminating based on national origin or administering a program in such a way that it has the effect of discriminating based on national origin. Title VI has been interpreted to require courts receiving direct or indirect federal assistance to provide qualified interpreters in the courtroom and in a variety of other contexts at no charge. There are also state statutes and court rules that govern access to interpreters in state courts. Interpreters are one of the "costs" that should be waived if you have filed a Statement of Inability to Afford Payment of Court Costs pursuant to Tex. R. Civ. P. 145. You can find more

information about state and federal law on this topic in the “Language Access Advocacy” folder here: <http://bit.ly/LanguageAccessFund>. **If you are having difficulty obtaining interpreter services in court or with associated costs pursuant to an Affidavit of Inability to Afford Payment of Court Costs or you have questions or would like more training, please contact Briana Stone at bstone@TexasATJ.org or (512) 427-1857.**

The Office of Court Administration (OCA)’s Texas Court Remote Interpreter Service (TCRIS) provides **free** Spanish interpretation by licensed court interpreters via phone or video for any proceeding that is uncontested, non-evidentiary and expected to last approximately 30 minutes or less. TCRIS interpreters are available by appointment or on demand (if available), but must be requested by the court (not lawyers or litigants). If you have a proceeding that would qualify and you need a Spanish interpreter, ask your court to request a TCRIS interpreter here: <https://www.txcourts.gov/tcris/>.

What about MY organization? Language access—or, better yet, language justice—is crucial for organizations that want to welcome and serve all members of their diverse communities. Organizations that receive federal support directly or indirectly are also legally obligated to provide meaningful access to people with limited English proficiency, just like courts and government agencies. The Language Access Fund will not be able to meet all the language assistance needs at your organization. Your organization may benefit from creating a language access plan if you don’t already have one. As a part of that plan, your organization should have its own contracts or other relationships in place to provide language assistance services that the Language Access Fund doesn’t cover.

For example, if your organization would like to have its own LanguageLine contract, you can probably qualify to take advantage of the same discounted rates we get. We get the lowest rates through a state agency called [Department of Information Resources](#). Law school clinics have access to the same contract because they are a part of higher education institutions. There are 2 ways most legal aid organizations can qualify as an eligible “assistance organization” to access the contract:

- (1) The [Texas Facilities Commission Surplus Purchasing Program](#)
- (2) The [Texas Comptroller SmartBuy Program](#)

Once an organization is approved by either the Comptroller or TFC, it is eligible to access this contract as an “assistance organization.” If your organization is already participating in one or both of these programs, you should already be able to access the DIR contract. You can review the contract here: <https://dir.texas.gov/View-Search/Contracts-Detail.aspx?contractnumber=DIR-TSO-4151&keyword=language>. The rates and other info are included there as well as the contact info for [Kelly Mistry](#), who is the account rep for that contract. She can answer your questions and get you set up with everything you need.

You can find more information about fostering language justice in your organization in the “Language Access Advocacy” folder here: <http://bit.ly/LanguageAccessFund>. **If you would like assistance or training on this topic, please contact Briana Stone at bstone@TexasATJ.org or (512) 427-1857.**

How do I find a qualified interpreter? You can find a list of licensed court interpreters (interpreters for LEP individuals) at <http://www.txcourts.gov/jbcc/licensed-court-interpreters.aspx>. The search function on this database can be difficult, so it may be more efficient to save your search results as an Excel file and use the search and filter functions on Excel to narrow your results. Other places to search for qualified interpreters and translators are:

- [Texas Association of Judiciary Interpreters and Translators](#)
- [Metroplex Interpreters and Translators Association](#)
- [Houston Interpreters and Translators Association](#)
- [El Paso Interpreters and Translators Association](#)
- [Austin Area Translators and Interpreters Association](#)
- [National Association of Judiciary Interpreters and Translators](#)
- [American Translators Association](#)

You can find a list of certified interpreters (interpreters for deaf and hard of hearing) at <https://bei.hhsc.state.tx.us/PublicInterpreterSearch/Search>. Please note that interpreters for the deaf and hard of hearing must hold either a Board for Evaluation of Interpreters (BEI) Court Interpreter Certification (CIC) or Registry for Interpreters for the Deaf (RID) Specialist Certificate: Legal (SC:L) in order to interpret in Texas courts. However, often the best way to find a good interpreter is to seek a referral from a colleague and simply verify the interpreter's licensing and certifications. You can also use the [LS TEXAS listserv](#) to get referrals. If you are having difficulty locating a qualified interpreter, please contact LAF@TexasBar.com or (512) 427-1857.

Is there anything we can do to support the Language Access Fund? Yes, whenever the Language Access Fund makes a meaningful difference for you, your organization, or your client, please send us a quick email to let us know what happened and how the Fund made a difference in your case. These stories are impactful and persuasive to decision-makers.

Share your thoughts: The LAD is not responsible for technological failures, dropped calls, or any other mishaps related to the use of LanguageLine services. That said, please share your feedback regarding LanguageLine and the Language Access Fund with LAF@TexasBar.com or (512) 427-1857. We are always looking to collect information about providers' needs and experiences so we can ensure our programs are appropriately tailored to you and your clients.