



Striving to Center Dignity Through Language Justice

By Chi-Ser Tran, Supervising Attorney,¹ Community Legal Services (Philadelphia)

In 2022, my father was diagnosed with an aggressive brain tumor and underwent a craniotomy. Two weeks after the surgery, he was accepted into



a clinical trial for treatment. Before treatment could commence, the trial's research coordinator was required to provide informed consent to my father. I asked if there was a translated version of the consent document that my parents could read along to in Chinese, but

there was not. I asked if it was possible for the research team to get it translated so that my parents could read it on their own, and I was told no. Instead, the research coordinator sat down with my family and read the entire document to my father through a Mandarin speaking phone interpreter.

Every single word.

All 29 pages.

And it took more than three hours.

Through the phone interpreter, the research coordinator read aloud every “common,” “occasional,” and “rare” side effect that was possible from the treatment. It was an excruciating three hours, adding to the overwhelming fear my family was already experiencing since learning about this devastating diagnosis.

The arduous process that my family was forced to endure to begin the trial treatment was far from efficient. It certainly did not ease anyone's anxiety, especially not my father's, whose wounds were still healing from surgery.

As the daughter of two former refugees who escaped genocide in Cambodia, I am intimately familiar with the linguistic, cultural, and systemic barriers that people with limited English proficiency, such as my parents, face in the United States. As the

eldest child, from a young age, I have had to help my parents and their friends navigate countless legal and financial issues.

Although my family is enormously grateful for the care that my father's medical team has been providing to him over the years, our frequent encounters with the medical system have provided me with even greater insight into the emotional and psychological effects connected to language barriers. Lately, I have been increasingly reflecting on the concept that language justice goes beyond simply providing interpretation or translation. Language justice is about centering the dignity of those impacted.

For over 16 years, I have worked with limited English proficient (LEP) communities in a variety of legal settings involving disability, employment, voting, education, and immigration issues. Since 2019, I have led the Language Access Project at Community Legal Services (CLS) of Philadelphia, where I work to address systemic challenges that LEP communities face through legal advocacy and client representation. The Language Access Project serves as a critical resource within CLS and the broader public interest community by advancing language access within courts and governmental agencies, as well as CLS's own legal services. I provide technical assistance to staff and other service providers on effective client representation, including best practices when working with interpreters and clients with limited English proficiency.

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individual in their language of choice. For example, in 2015, I conducted a Know-Your-Rights training on workers' rights to an audience of community members who spoke Burmese, Chin, and Karen. We partnered with bilingual outreach workers who were familiar with the participants because they assisted them regularly with navigating public benefits, jobs, healthcare, and more. The bilingual outreach workers provided interpretation during the training, which covered topics like wages, health and safety, earned sick leave, discrimination, human trafficking, anti-retaliation protections, and organizing. During the presentation, multiple attendees expressed appreciation for this shared knowledge and said that they looked forward to sharing the information with a relative or friend. After the training, one of the staff members from the community organization told my co-presenter and me that this was the first time that these community members — newly arrived refugees — received this important information in-language.

Centering dignity also includes taking steps to ensure that a translation is accurate and understandable. Receiving a translation that is carefully reviewed and accurate allows the reader to trust in the information; it also conveys to the reader that their ability to understand matters. Advocating for government or government-funded agencies to provide meaningful access to LEP individuals through translated materials means that it is especially vital that legal aid organizations do the same with our own materials. At CLS, we aim to provide community education materials, such as know-your-rights flyers, in multiple languages that the communities we serve speak.

It is imperative that we partner with a human translator, not rely on machine translation. This is because machine translations are imperfect and can lead to inaccurate and potentially harmful results if there is no person reviewing for accuracy and understandability. The sole reliance on machine translation can range from confusing to even fatal.

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When I did voting rights organizing work, I reviewed the board of elections websites of multiple voting jurisdictions around the country and encountered several absurd results, including one machine-generated translation that instructed individuals to enter their “last 4 nuclear submarines” instead of the last 4 digits of their Social Security number, or another website that translated the word “primary” (as in “primary election”) into the context of “primary school.” It can be difficult for machine translations to capture cultural nuances. Furthermore, machine translations do not comply with civil rights mandates to provide meaningful language access. Hence, it is important to have a human being do a review.

This process does not end with translation. This process involves partnering with native speakers to proofread a document that has been professionally translated before distributing the document to the community. The proofreading process has proven to be a vital step, as it has led to the discovery of some troubling mistakes at times. For example, our proofreaders have been able to identify spelling or grammatical errors or inconsistent usage of terms while reviewing a “professionally translated” document. The review by a native speaker or someone who is fluent in both English and the target language is a step that cannot be overlooked.

This intentional process to ensure high quality translations is a best practice, but it can also be a time- and resource-intensive practice. For years, individual CLS staff members have reached out to our own group of contacts to proofread a translated community education document. Many staff members have tried to spread out these proofreading favors among different personal contacts to avoid imposing too much of a burden on any individual, who was already graciously volunteering their time and skills to CLS. However, we quickly realized that there was a limited number of people each staff member could turn to for these favors, especially as CLS continued to expand our communication efforts to a growing number of immigrant communities. Sometimes, staff followed up with a proofreader multiple times because the proofreader was busy. Sometimes, staff emails seeking a proofreader went into the abyss. As a result, some translated materials were not reviewed by a native speaker. Frequently, it required a significant amount of coordination and time to get things translated and proofread, especially if one staff member was coordinating the translation and proofreading of documents in multiple languages. CLS recognized the

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need to streamline this process for staff so that staff members did not become discouraged from providing multilingual materials and so that we could continue to provide important information to linguistically marginalized communities in Philadelphia.

Two years ago, CLS began implementing a pilot project to create a pool of native speakers to turn to when we need someone to proofread translated community education materials, as well as to financially compensate that community partner for their time and skills. In turn, providing a stipend has incentivized a speedier turnaround time for the proofreading, requiring less follow-up efforts from staff members. To determine the rate of pay for the proofreaders, we researched going rates of a few commercial vendors and asked several community partners who serve as interpreters, translators, or proofreaders about what they would determine to be a fair rate. We then estimated the monthly costs to translate and proofread community education materials. Fortunately, we were able to cover the costs within our budget, so this did not require CLS to find a separate pool of money to pay proofreaders. We also did not need to include the cost of proofreading for languages that our current staff had capacity to handle, as some staff members already receive a bilingual stipend. Once we began compiling a pool of proofreaders we could consistently rely upon, and who entered a short-term contract with CLS, it became easier and faster to develop high quality multilingual materials for CLS. This has been a large task to manage, but is incredibly valuable to CLS's advocacy, outreach, and community education efforts. Partnering with native speakers to facilitate language access and language justice is vital, and it is also important to recognize their time and skills.

Language access is an access to justice issue. Communities that are linguistically marginalized are often the most isolated and at risk, as they have difficulty accessing services and benefits. Thus, improving and being intentional about providing language services helps to ensure that linguistically marginalized communities have equal access to vital systems and resources. Remembering to center human dignity would have made a world of difference to my family, especially my father, as we went through such a scary and emotionally taxing time.

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