

**U.S. Trustee Program Announces
Free Telephonic Interpreter Services
for Meetings of Creditors**

By:

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There are few experiences in the bankruptcy process more daunting for a debtor than the section 341 meeting of creditors. This is especially the case for those debtors who have limited proficiency in the English language. In April of this year, the United States Trustee Program began offering, free of charge, telephonic interpreter services for persons with limited English proficiency at nearly 250 of its section 341 meeting sites. Interpreter services are available in as many as 196 languages, and early reports from those using the services have been favorable. This article discusses the implementation of telephonic interpreter services, describes how the services work, and enlists the aid of the bankruptcy community to ensure that debtors and their counsel are aware that the services are available.

Implementation

The Program conducts meetings of creditors in nearly 500 locations nationwide. About 44 percent of those locations are in space leased through the General Services Administration, and the remainder of the locations are in commercial space secured via purchase order (14 percent), obtained free of charge (37 percent), or rented by a chapter 13 trustee (5 percent). As a result, the equipment and technology available at each of these locations varies, as does the extent to which the Program can exercise control over the space. In order to optimize the connection with the telephonic interpreter services, the Program purchased conference-quality speakerphones and conducted a survey to determine which meeting locations required phone lines to be installed. To date, the service is readily available in nearly 250 meeting room locations. In those locations where permanent phone line and equipment installation is not feasible, the Program continues to research the option of using wireless technology to access the interpreter service.

The Program also contracted with three telephonic interpreter service providers, each of which is assigned to cover seven of the Program's 21 regions.¹ Under the terms of the contract, the interpreters are required to have expertise in the interpretation of legal terminology. In addition, the Program provided a list of common bankruptcy terms to assist the interpreter services in understanding terms that may need to be explained to debtors. The Program will continue to monitor the services to determine if additional guidance is needed, and the private

¹ Language Services Associates provides service to Regions 1, 2, 3, 4, 5, 6, and 21; Avalon Language Services provides service to Regions 7, 8, 9, 10, 11, 12, and 13; and Language Line Services provides service to Regions 14, 15, 16, 17, 18, 19, and 20.

trustees have been asked to track and report on use of the services for, among other things, quality control purposes.

How It Works

Each trustee has been provided with the call-in information for the service provider assigned to his or her region. Meeting rooms are equipped with “Point to Your Language” signs that enable the debtor to help the trustee identify the language in which assistance is needed. When a debtor or debtor’s counsel advises a trustee that interpreter assistance is required, the trustee can call the provider using the new conference-quality phone. After a billing code is provided, an interpreter is generally able to join the call within minutes. Once the interpreter is on the line, the trustee places the interpreter under oath and proceeds with the meeting.

Although debtors are not required to give trustees advance notice that they need the services of a telephonic interpreter, they are encouraged to do so as a courtesy to the trustee. Trustees have been advised, however, that they should not use this information for the purpose of scheduling cases with interpreters at the end of their dockets. Debtors should not be treated differently based upon their need for an interpreter.

Training and Outreach

In an effort to train Program personnel, trustees, and their staffs, the Program developed a training video entitled “Access to Services for Persons with Limited English Proficiency.” Copies of the video were distributed to employees involved in the implementation of the service and to every private trustee. The video provides an overview of the Program’s efforts to accommodate persons with limited English proficiency and includes specific information regarding the use of the telephonic interpreter services.

Additionally, Program offices have undertaken outreach efforts to inform their local courts and members of the bar of the availability of the service. A number of bankruptcy courts have assisted in these efforts by providing a link to the Program’s Web page titled “Information for Individuals with Limited English Proficiency” (http://www.usdoj.gov/ust/eo/public_affairs/lep/index.htm). Moreover, some courts have modified the notice of the meeting of creditors to advise debtors of the availability of the service, and many have posted notices in the bankruptcy clerk’s office.

Feedback

Early reports by those who have used the telephonic interpreter service have generally been favorable. Interpreters are readily available and meetings are able to proceed efficiently. From October 1, 2008, through July 31, 2009, the services were used 5,717 times. Based on data from the companies, nearly 77 percent of the services requested so far have been in Spanish, followed by Korean (3.3 percent), Russian (3.2 percent), Vietnamese (3.1 percent) Arabic (1.4

percent), and Mandarin (1.3 percent), with the remaining 9 percent divided among 29 other languages.

The use of this new service requires the modification of existing practices, and the Program has attempted to minimize the burden on the trustees as much as possible. In addition, each region has designated an individual to act as the Language Assistance Liaison. Those who use the service, including trustees, are encouraged to share their concerns and observations with their designated liaison.

Conclusion

The Program has developed a comprehensive Language Assistance Plan, and the free telephonic interpreter service is just one, albeit an important, part of the Program's ongoing effort to accommodate individuals with limited English proficiency. Over the coming months, we hope to expand the number of meeting rooms where the service is available, and we will continue our efforts to assess the needs of the various populations to determine ways in which we can refine and improve upon available services. We will also proceed with our efforts to increase awareness of these services, and we ask for your continued assistance in getting the information out to those who need it. Through our combined efforts we can help improve the quality of the process for all participants in the bankruptcy system.