

Serving Spanish-speaking Clients When You Only Speak English

Hola Firm.

I'm a true solo (no staff, just me) interested in serving a Spanish-speaking consumer bankruptcy clientele, but I speak muy poco (very little) Spanish.

I know that there are telephone interpretation services available, but that seems unwieldy (and I'm guessing expensive) for initial intake, follow-up questions, bankruptcy signing appointment, and possible post filing communications. I'm concerned about both practicality and my professional responsibility obligations, especially client communication and confidentiality/privilege. Seems daunting. Is this even possible?

On the other hand, I have to imagine that practitioners in practice areas that attract non-English speaking clients must have figured out ways to crack this nut (immigration law comes to mind).

If this is do-able, I'm looking for examples/best practices on how to best serve a non-English speaking clientele.

I'm interested in the same. I've tried retaining native-language speakers on a contract basis to translate, but it is difficult and or expensive for extended litigation (employment discrimination).

David Truman, Ohio

David, how much do you pay your translators and how do you find them? Do you mind sharing your translator contract?

I'm more concerned about finding interpreters than translators, but I would also need to have my written communications translated.

Alvin Foreman, Illinois

Dare I suggest that you hire a Spanish-speaking paralegal or legal assistant? There are a bunch on LinkedIn advertising that they are looking for work, and I'm sure you both can find geographically desirable candidates. Go on any paralegal LinkedIn group and post a job stressing that the person needs to be bilingual. You will get a bunch of resumes, and with the added business, you won't have that much difficulty paying the paralegal/assistant. You might have to do some legal training of the person but newly graduated paralegals are dying for work but and should work cheaper than the experienced. Good luck.

Lyza L. Sandgren, paralegal, Georgia

As a non-Hispanic Spanish speaking attorney, who has a majority of Hispanic clients, I can tell you that nothing substitute for speaking the language directly with the clients. I have had to correct many interpreters as well as family members who made errors in translations.

The next best thing would be to hire a bilingual assistant who would do the translation for you. The other idea that comes to mind is that many have children, relatives or friends who can translate. The family members many time can translate every day ideas but may not have the vocabulary for legal terminology. I once had a family member translating on a case where she understood the word 'swear' as using curse words not taking an oath to tell the truth.

Family members would not always be available but it would be a convenient way to start. Another issue would be whether you would send letters in Spanish or English. I have had several Spanish speaking clients over the years who fired their English speaking free attorney and paid me to represent them because the attorneys sent them letters in English which they were able to read.

You will get some Spanish speaking clients with poquito español but not many until you get a bilingual assistant or some how improved your Spanish both oral and written.

Joseph Hughes

I agree with what Joseph says. A large portion of our client base prefers to speak in Spanish. While my legal assistant is a native Spanish speaker from Ecuador, the clients want to speak with the jefe in Spanish. A client explained it to me this way, the relationship between a client and the lawyer is like the relationship between the doctor and the patient. It is a relationship "de confianza", of trust, and when the client deals with important issues, the client may well be more comfortable in his or her first language.

Craig A. Stokes, Texas

Craig's on target. There is another problem addressed frequently before. You can never be sure a translator says what you want. Or accurately translates legal terms.

Larry Frost, Minnesota

Thanks everybody.

I am currently self-studying Spanish and my goal is to be able to effectively communicate with my clientes hispanohablantes (Spanish-speaking clients) without an interpreter or translator. But I think that it will

take me a couple of years to improve my Spanish to that level of oral and written fluency.

In the meantime, it seems that my best bet would be to hire a bilingual paralegal. For those of you who go this route, how do you make this work?

For example, do you have your bilingual paralegal handle most of the initial intake and then interpret during your subsequent client consultations (ala nurse prep before doctor consult)? Does your paralegal handle the telephone calls (with a promise to call back after consulting with you for legal advice questions) and you only speak with the clients face-to-face? Do you require your paralegal to be a certified legal interpreter and translator?

Alvin Foreman

By the way, if you **do** need an interpreter or translator, please keep in mind that my beautiful wife, Norma, is a lawyer from Bolivia. She will be happy to help you! She knows the jargon and the concepts.

Thank you!

David A. Rubin, Missouri

Thanks David! Sounds like you're a lucky guy.

Alvin Foreman

I am - but right now, I'm just talking about translator/interpreter work!

David A. Rubin

Make sure you that if you hire a Spanish-speaking paralegal you hire one from the Western hemisphere (Mexico, South America, Central America, U.S.) and not from Spain.

Perhaps I am speaking in broad generalities, but this was my experience.

I worked for a small law firm that hired a Spanish speaking paralegal from Spain. She was a college graduate and licensed to practice law in Spain. For some strange reason she did not understand Spanish as spoken or written in Mexico or Argentina.

Until that point, I had always assumed that the difference between Spanish as spoken in Spain and anywhere else was just a difference in dialects. Or maybe for some reasons she decided she did not want to be a translator, I don't know.

She was not really helpful.

Sincerely,

Gerald L. Gilliard, Washington, D.C.

Thanks for the tip Gerald.

I'm surprised to hear that your paralegal had such a hard time, although I'd probably have a difficult time interpreting English spoken by someone with a strong Scottish brogue. I have heard that Argentinean Spanish has a distinctive dialect, but I thought that Mexican Spanish was considered rather neutral. Then again, peninsular Spanish is pretty distinctive too.

Alvin Foreman

Every country has its own dialect. The citizens of each, are proud of their own. My wife says she has no trouble with Spanish from Spain - in fact, many people from Bolivia go back and forth to Spain without a problem. I wonder if there wasn't just a bigger problem with that paralegal...

David A. Rubin

I agree there is quite a difference between the Spanish spoken among those who did not have formal education in Spanish and those who did have such education. Years ago a client kindly suggested that I provide access to formal education in Spanish for my then assistant because her vocabulary and speech revealed that she lacked formal education in Spanish. OTOH once she completed her additional coursework, her family hinted that she was attempting to act superior to them through her speech.

Much of this depends on the characteristics of your potential client base. Our Spanish speaking client base tends to be owners and employees of foreign businesses, all of whom have had formal education in Spanish.

Craig A. Stokes

I was a born, raised and law-degreed Argentina. I have also done quite a bit of translation of legal documents (Spanish/English) for speakers of Spanish from various countries. I've been to Mexico, Spain, Bolivia, and I employed a Colombian and a Venezuelan native. I also had Cuban teachers and friends, and an Ecuadorian landlord.

About the paralegal from Spain I would guess she/he was either BSing about not understanding, or she could have actually spoken Catalan and not Spanish (which is really hard to understand, even for people from Spain if you haven't learned it).

Yes, Argentine Spanish is easily detected among other Spanish speakers because we do have a SLIGHT different way of speaking Spanish. For the second person we use "vos" instead of "tu" which modifies a bit the verb conjugation. But while other hispanic people can easily spot an Argentine, it is not hard to understand us at all (at least 90% of Argentine - only if the person is from Cordoba and you are not from Argentina, it may take you a few minutes to a couple of days to get used to the way Cordobeses (people from Cordoba) speak. They are almost signing when they speak. It's odd). Likewise, it is not hard for Argentines to understand Mexico's Spanish, or Colombian Spanish, or even Cuban. I suspect Cubans can also understand

Mexican Spanish and that spoken in other countries.

Australian English, British English, American English...same degree of differences as Spanish from different countries. Yes, at first it may take a little to adjust the ear, but it is the same language, give or take some words here and there. It's not impossible to understand, particularly if you working as an interpreter and even more so if you are translating written language. Differences are even less noticeable.

Veronica Silva, Illinois

Sounds like a tall order for an interpreter/translator. They need to be formally educated so as to communicate with proper Spanish, they need to be familiar with various slang terms that vary by region, and they need to understand legal terminology.

I suppose that I could ask the cliente hispanohablante (hispanoparlante, per Larry) to refrain from using slang, but that might not be possible if they lack formal education.

Veronica, I'm envious of your cross-cultural experiences. Traveling across Am rica Latina and visiting Espa a is on my bucket list. I agree that Argentinean Spanish is distinctive, but not dif cil. I somehow have learned to pronounce my Spanish y/ll with a sort of Argentinean "sh".

As an aside, how do you Spanish-speaking abogados anglos keep up with your Spanish?

Alvin Foreman

Craig is dead on with his brief summary of differences. Glad Alvin got the y/ll the proper way, with a "sh" sound. Now I like you ;-)

My kids have a Peruvian stepmother and you can imagine the horror in my face when they started speaking Spanish to me with a different sound of y/ll more a la peruvian style than Argentine. That was immediately corrected, though. ;-)

When speaking of legal spanish differences, they are not as significant as spoken day-to-day spanish. South America's legal systems are one of the most unified as all countries can be categorized under the civil law system, rooted in the same origin.

One funny difference between Mexican/Argentine Spanish about the english equivalent of Dishwasher which I discovered while at a party with some Mexican students.

Mexico "lavatrastes" (lava=washes and trastes=dishes)

Argentine "lavavajilla" (lava=washes and vajilla=dishes)

I don't know what vajilla means for Mexicans, but traste means "butt" in Argentina. So what for Mexicans is a dishwasher, for Argentines it could be interpreted as the device popular in Argentine households bathrooms used to wash your private parts (videt)

Another one, not as funny, but which may be a restaurant order misstep.

Mexico - Torta=Sandwich

Argentina - Torta=Cake

Veronica Silva

A friend is a federally certified interpreter for the WDTX. She told me that the interpreter test is quite difficult because the examiners test for interpretation of speakers from all over Latin America as well as speakers of the Spanish spoken by multi-generational residents of the US. There are differences between the Spanish spoken in South Florida, New Mexico, Texas and California, depending on origin, education levels and the time that a family has lived in this country. In New Mexico and South Texas there are Spanish speaking families who have lived in the area longer than the families of many Anglos have resided here. Knowing the speaker and the slang can have life and death consequences in the courts.

I am fortunate to have a practice in which I use Spanish nearly every working day, which makes it easier to maintain my skills. My legal assistant also reviews my formal correspondence, at my insistence.

When I was learning Spanish 20 years ago, I found two other activities helped the formal study to stick. I sought out native speakers and went out for coffee and insisted that we speak Spanish. We would speak about sports, politics, families, the speaker's native country, any topic that might come up in any other conversation. The other supplement was to listen to the news every day in Spanish. This helped to acquire the "ear" for the language. While I might not immediately know the entire content of the report, the act of hearing words that were in English or English cognates, e.g., Putin, Ucraina, etc., would provide context to build vocabulary and structure. These activities helped me build the confidence to converse without getting tongue tied or stammering with English interspersed. Living in San Antonio helped as well.

I agree with Veronica that there are small differences in written, legal Spanish. There are some legal terms, like arraigo, that are used in one country but not found in others. (In Ecuador, it is a detention order that prevents a foreigner from leaving the country while a civil dispute with an Ecuadoran is pending.) The Robb Spanish / English Legal Dictionary is still my friend.

Craig A. Stokes

[Re-post. First post got rejected by the listserv as too long.]

Veronica, I'm glad that I learned the "correct" way to pronounce y/ll.

:-) I also think it sounds better as "sh".

Too funny about lavavajillas! Thanks for the tip. And I got really confused when I first learned torta. I used various learning materials with speakers from different regions, so my (limited) Spanish vocabulary and accent are probably very eclectic.

Continuing on the same vein, is the use of the verb "coger" which the dictionary defines as "to take". Puerto Rican use it in the dictionary way eg coger el autobus but for Mexicans it means to have "sexual relations" Imagine the grimaces when a Puerto Rican uses the word in a conversation with a Mexican.

Joseph Hughes, Michigan

LOL! Argentina stands with Mexico on this one - yes, coger means just that!

Veronica Silva

I know a Cuban-American lawyer who used the verb coger in what he thought was a perfectly acceptable usage in Mexico City. He asked where he could "coger" a taxi, believing he was asking for a taxi stand. The response from the person on the street was a vulgar reference to an automobile exhaust pipe.

Craig A. Stokes

We obtain easily 30%+ of our clients because we speak Spanish in our niche practice. Our practice has a number of terms that are unique to the industry, agriculture, and there are clients that are referred to us by our colleagues and governmental agencies because of this ability. To constantly work through an interpreter to prepare pleadings, prepare for depositions and hearings would substantially limit our practice. We provide information in Spanish on our site. Moreover, the ability to work without an interpreter seems to increase client confidence in our services.

Perhaps YMMV in other practice areas, but in ours, command of Spanish is a key point of differentiation on which we compete for clients. But I can perceive the difference in client reaction even in a pro bono case that I am handling right now. The client became more and more open and comfortable when he realized that he could speak to his lawyer in Spanish, without all the interpreters with whom he has dealt in the past. I know that given my choice, I would prefer to consult with a doctor or dentist directly in English, rather than speaking to an interpreter for the benefit of a non-English speaking doctor.

Craig A. Stokes

Points well taken Craig. I don't practice in your area, but I suspect that Spanish fluency would make a similar positive impact on my consumer bankruptcy practice.

I have been self-studying Spanish on and off for about 2 years now, but lately it's been more off than on. You've helped inspire me to get back on it.

Alvin Foreman

In terms of learning Spanish, is it really helpful given all the aids available nowadays? Ten, twenty years ago it really mattered to learn/understand Spanish. However, nowadays, people have access to so much info on the web as well as off. Therefore, I would guess that a really basic understanding is all you really need --- as an attorney.

Naturally you are going to double-check the legal terms and legal statutes yourself. An interpreter is necessary for the "facts" and verifying the "facts" with witnesses and clients.

But is much more really necessary? I know that the cultural touchstones in different Spanish-speaking countries are radically different. Yet lawyers who are Mexican-American, Filipino, Argentine, Bolivian, Costa Rican, North African, Spanish, etc. --- all and each of them think that they are speaking Spanish. In other words, lawyers from one country want clients from another country --- that is Spanish-speaking. Therefore, it really can't matter.

Roberta Fay, California
