

Using Attorney Admission Funds for Interpreter Services in Bankruptcy Court

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A basic tenet of our judicial system is that litigants have a right to be heard and to present their side of the story. What happens when a litigant does not speak the same language as the judge and the other litigants? In a criminal case, the defendant has the right to an interpreter—problem solved. However, in bankruptcy court, there is no such right, and the problem remains. The lack of interpreting services poses significant barriers to the administration of justice.

While the problem is well recognized, there is no easy fix. At its June 2015 meeting, the Committee on the Administration of the Bankruptcy System of the U.S. Judicial Conference reviewed the growing need for language interpreters in bankruptcy courts. Possible solutions proposed were: (1) exploring legislative changes; (2) finding ways to help the parties pay for interpretation services; (3) using attorney admission funds to pay for interpreters; and (4) trying the use of automated translating services. This article focuses on the third alternative and also discusses the use of telephonic interpretation services.

Attorney admission funds, also known as non-appropriated funds, are monies paid by new attorneys when they are admitted to district courts. The attorney admission funds are kept separate and are to be used “only for purposes that benefit the members of the bench and the bar in the administration of justice.”¹ Attorney admission funds may not be used for appropriated services, even if the appropriation cannot pay for the service.² The only funds appropriated for interpreters in bankruptcy court are for the rare instance when a proceeding is instituted by the United States.³

The United States Bankruptcy Court for the Middle District of Florida requested and received approval to provide attorney admission funds to the Central Florida Bankruptcy Law Association (CFBLA). CFBLA will now be the administrator for telephonic interpreter services provided by Language Line Services. Use of Language Line Services is straightforward, effective, and efficient. The courtroom deputy phones Language Line Services (just as they would a party appearing by telephone), enters a code, requests the language needed, and then a qualified interpreter will be on the line to interpret the proceeding.

¹ Administrative Office of the U.S. Courts, Guide to Judiciary Policy, Vol. 13, Ch. 6, § 670.20(a).

² *Id.* § 670.30.10.

³ 28 U.S.C. § 1827(d)(1) (2012).

In bankruptcy court, interpreters are needed most often in short hearings on matters such as reaffirmation agreements and motions for relief from stay. It is impossible to know that an interpreter is needed until the litigant shows up and says they do not speak English. Most services offer translation in over 240 languages. The Court will provide this service for non-evidentiary hearings, status conferences, and reaffirmation agreements. For trials and evidentiary hearings, it will be the party's responsibility to obtain and pay for an interpreter.

The District of Nevada, District of Arizona, Northern District of Illinois, Eastern District of California, and Eastern District of New York have all used Language Line Services for a year or more. The U.S. Trustee uses Language Line Services to interpret for non-English speaking debtors during 341 meetings of creditors. All had positive feedback to report about the service.

With our large pro se and Spanish-speaking population, the United States Bankruptcy Court for the Middle District of Florida is piloting this service. If it goes well, the Court hopes that the District Court will also consider using the service. The cost to the admission funds will not be great, but the benefit to our bench, the bar, and the public will be tremendous.