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A New Imperative: Improving Access to Private Mediation for Limited English Proficient Persons

In the past U.S. election and in recent European elections, immigration has proven a key issue of contention. Putting aside politics, we must deal with the reality that this wave of immigration has diversified America and created a population of persons who have limited English proficiency ("LEP"). In the Philadelphia metropolitan area alone, in 2015, the U.S. Census reports that 146 languages are spoken in the Philadelphia metropolitan area. Census Bureau Reports at Least 350 Languages Spoken in U.S. Homes, Press Release CB 15-185,

<http://www.census.gov/newsroom/press-releases/2015/cb15-185.html> (November 3, 2015).



*Hon. Stephanie H. Klein
(Ret.)*

Resolving disputes when people fail to understand the same language poses a tremendous challenge for private mediators. To serve this population and divert their cases from litigation to mediation, mediators must comprehend their barriers to participation and devise methods to surmount them.

In 2003, the Pennsylvania Supreme Court's Committee on Racial and Gender Bias in the Justice system addressed these issues for judges and stated:

"Due process is a core value of the American judicial system, ensuring that every litigant and criminal defendant receives a fair hearing that is based on the merits of his or her case and presided over by an impartial judge. No one should be put at a disadvantage in court by reason of race, ethnicity, or gender. The basic fairness of the Pennsylvania court system is jeopardized if

litigants with limited English proficiency (LEP) are unable to have access to competent interpreters and other language assistance."

Final Report of the Pennsylvania Supreme Court, Committee on Racial and Gender Bias in the Justice System, p.18 available at <http://www.pa-interbranchcommission.com/pdfs/FinalReport.pdf> (March 2003). ("Supreme Court Report").

As a result of this report and Act 172 of 2006 enacted by the state legislature, in 2010 the Pennsylvania Supreme Court promulgated comprehensive guidelines regarding interpretation in all court proceedings. Administrative Regulations Governing Court Interpretation for Persons with Limited English Proficiency and for Persons who are Deaf or Hard of Hearing, <http://www.pacourts.us/assets/files/setting-2936/file-231.pdf?cb=983fe1> (May 1, 2010)("Administrative Regulations") and Guidelines for Procurement and Appointment of Interpreters, <http://www.pacourts.us/assets/files/setting-1700/file-229.pdf?cb=942e36> ("Interpreter Guidelines")(last visited January 1, 2017).

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To schedule a mediation or arbitration with [Judge Klein](#) or any of our [neutrals](#), please email mcarney@adroptions.com or click below:

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The banner features the ADROPTIONS logo in the center, with the tagline "Settling Cases Since 1993 - Decades of Experience" below it. To the left is a "Best Lawyers BEST LAW FIRMS USNews 2015" award logo. To the right are three service boxes: "MEDIATION", "ARBITRATION", and "MOCK TRIALS"; "DISCOVERY MASTERS"; and "NEUTRAL CASE EVALUATIONS". On the far right is a "BEST of 2016" award logo. At the bottom of the banner, the address "2001 Market Street, Suite 1100, Two Commerce Square Philadelphia, PA 19103-7044" and phone numbers "215-564-1775 | 800-364-6098" are listed along with the website "adroptions.com".

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