

# APA Asian Pacific American Legal Resource Center

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## MEDIA RELEASE

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### APALRC Files Brief in Maryland Court of Appeals to Ensure Legal Rights of Limited English Proficient Litigants

(Montgomery County, Maryland) The Asian Pacific American Legal Resource Center (APALRC), joined by CASA de Maryland and the Maryland Legal Aid Bureau, filed a friend-of-the-court brief in support of Ms. Nonceeya, a Thai speaking and limited English proficient immigrant, in the matter of *Nonceeya v. Lone Star Steakhouse*. The Public Justice Center is acting as co-counsel in this appeal. The APALRC's brief, drafted by APALRC Staff Attorneys, Nadia Firozvi and Parag Khandhar, serves as an important opportunity to provide the necessary contextual information about the limited English proficient community and the Maryland judiciary's responsibilities under the law as language barriers continue to prevent limited English proficient (LEP) litigants from accessing courts.

Ms. Nonceeya had worked at Lone Star Steakhouse for just over two years and filed a national-origin employment discrimination complaint against Lone Star's managers and staff. She filed this complaint in the Montgomery County Circuit Court against her former employer without the assistance of an attorney, and requested the assistance of an interpreter at all court proceedings, which was granted by the Circuit Court. Lone Star Steakhouse, however, failed to provide an interpreter during a deposition that lasted for three days in English. The deposition later served as a basis for the Circuit Court's decision as the court granted Lone Star's motion for summary judgment.

Myron Dean Quon, APALRC Executive Director, stated, "We urge the Court of Appeals to ensure access to justice for all Maryland residents, regardless of language ability. The APALRC's experience with advancing the legal and civil rights of hundreds of limited English proficient Asian immigrants underscores the need to provide interpretation in court proceedings. When the LEP civil litigant proceeds without language access, she might as well be barred from the court house, deprived of any due process."

The brief clarifies the concept of limited English proficiency with a focus on the differences between written and oral English proficiency, and highlights the impact of limited English proficiency of individuals on full participation in court proceedings, including deposition hearings. APALRC—along with CASA de Maryland and the Maryland Legal Aid Bureau—clarifies the statutorily required presence of an interpreter at depositions unless a waiver of an interpreter is ascertained with the presence of an interpreter.

"We believe that having interpreters at all stages of legal proceedings is essential to achieving the full participation of Maryland's immigrant community in the justice system, and that immigrant voices must be heard throughout the justice system to prevent further abuse and exploitation," said Kerry O'Brien, Senior Manager of the Legal Program at CASA de Maryland, an organization dedicated to improving the quality of life and social and economic well-being of the Latino and immigrant communities living in Maryland.

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Daniela Dwyer, Supervising Attorney of the Farmworker Division at the Maryland Legal Aid Bureau, Inc. added, “Ensuring equal access to all stages of the legal process is critical to all of Legal Aid’s clients. Legal Aid frequently represents individuals at all stages of Maryland court and administrative processes, including those who—regardless of citizenship or other immigration status—encounter barriers to justice such as inadequate language access.” The Maryland Legal Aid Bureau, Inc. is a non-profit law firm that provides legal services to low-income Maryland residents.

The APALRC will continue to monitor the case as it progresses to oral argument in October of 2009. The brief can be found at: [www.apalrc.org](http://www.apalrc.org).

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