

SIGN-UP FUND

Basic Guidelines for Use

What is Sign-Up? The Sign-Up Fund was established with a grant from the Texas Bar Foundation in order to assist attorneys in meeting their obligations under Title III of the Americans with Disabilities Act. The Fund will be administered by Texas Lawyers Care and the Disability Issues Committee of the State Bar. Advocacy, Inc., a federally-funded, non-profit organization that provides legal services to people who are deaf or have other disabilities, will provide training on the application of the Americans with Disabilities Act to lawyers.

What Specifically Will the Fund Cover? The Fund will provide money for lawyers to pay for qualified sign language interpreters and other auxiliary aids, such as CART, to facilitate attorney-client communications.

What Will Be/Not Be Covered? During the one year pilot project for Sign-Up, monies will not be made for interpreting needs for which there may be alternative sources of funds. Funds are only available for the circumstances listed below:

1. Sign-Up may not be used to cover expenses for sign language interpretation or auxiliary aids of court room proceedings or deposition proceedings themselves, but may be used for attorney-client communications during these proceedings.
2. Sign-Up may be used to cover expenses for sign language interpreters and auxiliary aids incurred by court-appointed lawyers, including but not limited to those court-appointed in family or probate matters, but only after the attorney has made application to the court for such funding.
3. Sign-Up may be used to cover expenses for sign language interpreters and auxiliary aids in criminal cases, but only after the attorney has first made application to the court for coverage under the Code of Criminal Procedure.

While Advocacy, Inc. and Texas Lawyers Care cannot provide legal advice to attorneys, attorneys may contact Advocacy about the legal obligations of various entities that may be responsible for sign language costs in these circumstances.

How Can I Use Sign-Up? To use the Fund, a lawyer must email Texas Lawyers Care, at tlcmail@texasbar.com. The request should include the name, telephone, and working address of the lawyer requesting the fund, but should not include the name or identifying information of the deaf person. The request should also make clear for what kind of case interpreter services will be needed (e.g. “social security matter” or “divorce case”) so that Sign-Up can determine whether interpreter services would or should be available through another source. The request should include the estimated number of hours for which interpreter services will be needed throughout the life of the case. (For example, a typical request might indicate that Sign-Up funds are requested in order to serve a deaf client wanting a will. The attorney might request that two hours of interpreter services be funded.) The request should also include the estimated dollar amount of funds sought. A **Sign-Up Fund Request Form** is available to request funds, and may be sent via email as an attachment to tlcmail@texasbar.com. Sign-Up will work as quickly as possible to process your request and send you an email confirming the availability of a specific dollar amount of available funding based on the hourly request, the dollar amount requested, and the standard interpreter rates in the area from which the request originated. Sign-Up will consider each request on a case-by-case basis and will work to cover your costs, subject to the availability of funding and the number and size of other requests.

Participation in Sign-up is contingent upon the availability of funds. Decisions as to recipients and amount reimbursed are within the sole discretion of the Disability Issues Committee and Texas Lawyers Care staff.

The reimbursement of interpreter costs by Sign-Up does not in any way, expressed, or implied, make the State Bar of Texas liable in any way for any claims, or for the provision of additional funds for interpreter services.

How Will I Get Reimbursed? Invoices demonstrating the lawyer’s payment for interpreter services, the number of hours, and the rate charged, along with the email from Sign-Up specifically approving the dollar for which reimbursement is sought, should be sent to Texas Lawyers Care within 30 days of the date on which interpreter services were provided. Late invoices are not guaranteed payment. You should receive your reimbursement within 30 days of the date on which your invoice is received.

What if I'm in a Hurry? If interpretation is needed on short notice, it is recommended that the attorney begin contacting local interpreter agencies, so as not to lose time in securing an available interpreter while Sign-Up is considering the request. A list of agencies can be found at <http://www.dars.state.tx.us/dhhs/beiterpsearch.shtml>. Sign-Up may not cover costs for interpreter services incurred or contracted prior to obtaining Sign-Up approval.

What If I'm Not Sure Sign-Up Will Cover What I Need? Even if you are concerned that Sign-Up doesn't cover your specific kind of interpreting need, please contact Sign-Up! Sign-Up needs to hear from you *anytime* you would benefit from interpreter dollars. Sign-Up will keep these requests and use the data to demonstrate need to future funders. We hope to expand Sign-Up and make it a permanent tool for lawyers serving the deaf.

How Can I Reduce These Costs? Complex litigation may involve many office visits over a long period of time. A lawyer representing a deaf client in such a case may need to perform numerous tasks and may, for example, want his or her deaf client to attend multiple depositions of a defendant's key witnesses. In such a case, it is recommended that the lawyer email in his or her request for the desired interpreter dollars that he or she can then anticipate and later supplement with additional requests.

Sign-Up may in such a case or in other cases where interpreter costs are high make recommendations to the lawyer handling the case about how to reduce interpreter costs. For example, having a deaf client come in for less than one hour on several occasions may generate higher costs than pooling tasks in a single meeting because interpreters often bill using a one-hour minimum. Similarly, keeping meetings to less than one hour where possible may make sense, since two interpreters are often required when the meeting time exceeds one hour.

These and other tips may be given the lawyer upon receipt of a request for a high dollar amount from Sign-Up in order to conserve funds. These recommendations are not binding and should not be considered legal advice. Nor should an attorney ever choose to consolidate tasks or take other steps toward savings where the client would be disadvantaged in any way or where the client would receive treatment different than what would be offered a similarly-situated hearing person.

Can a Client Get Money From the Fund? No. The fund is for lawyers to meet the legal needs of the deaf. A person who is deaf may obtain from Sign-Up a version of these guidelines to take with them to court or to a law office to tell lawyers about the fund's existence. Deaf consumers who want additional information about Sign-Up or the Americans with Disabilities Act may email Advocacy at fkuo@advocacyinc.org.

What if the Money Runs Out? Sign-Up will likely be depleted at some point during its first year of operation. If this happens, all lawyers who have requested money at any time from the fund will receive notice as soon as is practicable that no additional requests will be accepted. We will operate the fund in such a way so as not to approve requests unless we are certain funds remain to cover those requests.

Can I Count On Sign-Up to Make Me ADA-Compliant? Contacting Sign-Up about a need for interpreter dollars will not mean that you have complied with the Americans with Disabilities Act (ADA), although money from the fund, if made available to you, will go a long way toward ensuring your compliance with the ADA. For example, under the Act, lawyers are required to pay for sign language interpretation for a deaf client or applicant for services who needs an interpreter to communicate effectively. However, the Fund does not currently make monies available to lawyers for providing other services or accommodations that may be legally required where necessary for effective communication or access. Coverage of your sign language interpreter costs is dependent upon the availability of funds. Sign-Up in no way assumes your ADA obligations or removes them.

Where Can I Learn More? Advocacy, Inc. has in conjunction with this grant donated considerable time toward educating attorneys about their obligations under the ADA. Because Advocacy receives federal dollars to advise deaf people about their ADA rights against entities who are not in compliance, Advocacy cannot advise you about complying with the ADA in the context of a specific case. However, Advocacy can provide general information about the ADA and best practices for lawyers in complying with it.