



Kiosks at 201 Poplar to Help Non-English Speakers

Thursday, March 16, 2006, Vol. 121, No. 60
ANDREW ASHBY | The Daily News

The Memphis Bar Association and the Shelby County court system are working together to help non-English speakers navigate the area legal system by funding two informational stations at the entry level and lower level of the criminal justice center at 201 Poplar Ave.

Starting in late March, a Spanish interpreter and a deputy sheriff will run the kiosks, which will have informational pamphlets in English, Spanish, French, Vietnamese and Arabic.

Ray Babaoglu, chair of the Memphis Bar Association's Task Force on Disadvantaged Persons and a partner with Thomason, Hendrix, Harvey, Johnson and Mitchell PLLC, said the kiosks are a response to people who would prey on non-English speakers at the courthouse.

"A lot of these people were being victimized by unscrupulous notarios (or Spanish-speaking notaries) and unofficial interpreters who would act as middlemen for lawyers and try to make money off the ignorance and unfamiliarity these people had with the legal system," Babaoglu said.

"It got so bad that there were literally Hispanic women in cocktail dresses that were soliciting Hispanic-looking men, saying 'Do you need a lawyer? Come on, I work for a lawyer and he'll take care of you.'"



"In many countries, they do not have the same rights as we have in the United States. ... However, for others who are new to the United States, it's important to understand that we are innocent until proven guilty and that part of our process is to have a fair hearing where you have a right to answer charges against you."
- Barry L. Frager
Managing partner of The Frager Law Firm PC and longtime immigration attorney

Cultural divide

In America, notarios are able to certify the identification of someone signing a document. However, in other countries, a notario has more legal power.

"People from other countries think they're an important judicial officer," Babaoglu said. "In a lot of Central and South American countries, a notario is actually a highly respected judicial officer, somewhere above a lawyer but below a

judge. The people are duped into thinking this is a lawyer or better who can help them with paperwork and get them through the immigration process and deal with American bureaucracy in the courts."

Barry L. Frager, managing partner of The Frager Law Firm PC and a longtime immigration attorney, said the kiosks can help prevent cultural confusion.

"To fight the problem of unauthorized practice of notary publics, anything we do that gives non-U.S. citizens more information on how to avoid people preying on them in their time of need is a positive step," he said.

Stopping hustlers cold

Although the situation isn't as bad as it once was, Babaoglu said members of the local bar association felt they had to do something about it.



CROSSING THE LANGUAGE BARRIER: Two kiosks are being set up this month at 201 Poplar to help non-English speakers navigate the justice system. -- Photograph By Andrew Ashby

"The judges couldn't do anything because they couldn't take sides," Babaoglu said. "The deputies couldn't do anything because it's a public place."

So the bar association set up the Task Force for Disadvantaged Persons to advise non-English speakers of their rights. The task force is comprised of judges, prosecutors, public defenders, civil lawyers, criminal lawyers and court clerks.

"We have a good mix and cross-section of the legal community involved in this," Babaoglu said.

The kiosk system is the group's latest initiative, providing information on the court system and on resources available for non-English speakers. Information also is available on social security and taxes, as well as referrals to social service agencies.

However, the main purpose is to provide information on how to hire an attorney or how to make a complaint against a lawyer.

"In many countries, they do not have the same rights as we have in the United States," Frager said. "We may take these rights for granted. However, for others who are new to the United States, it's important to understand that we are innocent until proven guilty and that part of our process is to have a fair hearing where you have a right to answer charges against you."

Working the angle

Frager, who previously worked for the Immigration and Naturalization Service in Los Angeles, said people taking advantage of non-English speakers is a huge problem overall. He said runners will bring people to lawyers who plead them out quickly without thinking about the immigration consequences of a criminal conviction.

"You can serve your criminal penalty, but many criminal lawyers aren't fully aware that you can also have a separate immigration consequence which could lead to your deportation," Frager said. "If runners get you to people who are just trying to get you through the system, they're likely not going to evaluate the immigration consequences of those convictions. This means, on the cheap, they're buying double trouble, because many times, Immigration (and Naturalization Service) is waiting in the wings after they've served their criminal penalty."

Babaoglu is no stranger to these types of violations, either.

"We get reports of people who pay thousands of dollars to an interpreter or a notario and no papers get filed," he said. "Then a warrant is out for their arrest because they failed to appear in court. That's sheer victimization. Those criminals need to be referred to the attorney general for prosecution. It's not a civil matter; it's a criminal matter when it rises to that level."

Babaoglu said notarios often take advantage of their own people.

"If you have a Hispanic notary, you've got a Hispanic victim," Babaoglu said. "You get a Vietnamese notary, you've got a Vietnamese victim. They're being lulled into a false sense of security because this is a kinsman, this is a countryman. That's the angle these notarios use."