GARDEN STATE CLE LESSON PLAN

A 1.0 credit course

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LESSON PLAN AND EVALUATION

COURTROOM SPANISH FOR GRINGOS

With

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And featuring

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Program description

Hey! This is America! Speak Spanish, but if you cannot this CLE will teach you some key phrases that will come in handy when you are in court with a Hispanic client.

I. Introduction

- **Miguel Ortiz, Esq.**
- **Born and raised in San Juan, PR – practiced law in Puerto Rico for 11 years, member of federal panel of public defender attorneys; moved to US and practice here**
- **99% of clients from Central and South America – all different types of cases**
- **The purpose of this program is to sensitize attorneys who do not speak Spanish to understand nuances of ways things come up in court and appreciate the culture and differences in various cultures in Central and South America**
- **Clients have a variety of legal issues, ranging from criminal to real estate, etc.**

II. Relating to clients:

- **"usted" – you (formal)**
- **Most important thing between attorney client relationship is a communication that entails friendship or trust – client must trust you**
- **Relationship where the client understands that you are a person just like him – not looking at client "from over your shoulder" or "better than him"**
- **Get to know client – about family, children, where are they from – create a bond between client and attorney so that clients feel that they are friends and not just a lawyer**
- **You can be friends and establish that rapport to a certain degree but at the same time also have to respect or command respect**
- **In the office or before court may have rapport wherein talk to clients more friendly but still treat with respect by using "usted" most of the time – a more "official" means to talk to client to denote something is important**
- **Office staff is instructed to use "usted" as opposed to "tu", which is more informal – shows more respect to use "usted"**

- **Some cultures use "usted" amongst spouses – even though this is a more informal relationship – this denotes a respect between spouses**
- **Use of the word "you" varies and will connote formal, respectful type of conversation, i.e. "tu" vs. "usted"**
- **People from Central and South America come to a professional's office expect to use the "usted" form of you because of the respect given to the relationship**
- **In many countries a lawyer is called "doctor" because of the "JD" degree**
- **Instead of using the "you" terminology, i.e. "tu" or "usted" consider using "mi amigo" (my friend)**
    - **For example: ¿Cómo está mi amigo? = How are you my friend?**
    - **Using this phrasing eliminates the issue of whether to use "tu" or "usted" by placing "mi amigo" in its place**
    - **This phrasing will also make the client more comfortable and break the ice when greeting a new client**
    - **You can still use the "usted" form of "you" but it is somewhat aloof**
- **Use "usted" form until you feel that you can change to a more informal approach – it may take time, it depends on the client**
- **Want to create a bond with the client so that he knows that attorney is there for him now and in the future – have to create friendly bond by eventually using "tu"**
- **Treat clients with respect and create relationship**
- **Some clients want to take the friendship part too far – then need to advise client that they are misinformed**
    - **"soy un abogado privado" – I am a private attorney**
    - **"no soy un defensor publico" – I am not a public defender.**
    - **"yo cobro por mi trabajo" – I have to get paid for my work**
    - **"yo voy a trabajar con usted" – I will work with you**

    - **"por favor me trata de usted" – Please refer to me as "usted"**
    - **"yo lo estoy tratando a usted por respecto, usted me tiene que trata a mi con respecto" – I am treating you with respect and I would like you to treat me with respect.**
- **Some individuals are not sophisticated and not educated – never really dealt in their countries with professionals in a suit and tie – and you must be sensitive to that – clients must be scared**
- **Sometimes the use of "tu" instead of "usted" may be from lack of contact with professionals or just disrespectful**
- **Remember that some people are very afraid of dealing with professionals**
- **"tranquilo" – relax; calm down**
- **"Yo voy a ayudar, no se preocupe, que yo lo voy a ayudar, yo voy hacer todo lo que puedo ayudarle" – I am going to help you, do not worry, I am going to help you, I am going to do everything I can to help you.**
- **"Voy a hacer todo lo posible para ayudarle" – I will do all I can to help you.**
- **Many times people with lack of education will not sit down in the chair in the office because they are intimidated – must tell them to sit down – intimidation is shown through the respect of not sitting down until asked to sit down**
- **Sometimes in Central and South America people are used to not making appointments and will just come to your office and want to see you – you will have to be ready to accept this if this is the type of practice/clients you have**
- **Advise your staff to be sensitive to cultural differences regarding appointments and having Hispanic clients**
- **Three words for attorney:**
    - **"abogado" – lawyer**
    - **"licenciado" ("lic.") – lawyer, someone who holds a license, commonly used in Puerto Rico and in Caribbean**

    - **"doctor" – commonly used in Colombia and Ecuador for attorney**
- **When referring to self – don't represent yourself as "doctor" – use "abogado" because it is a more general term**
- **If someone comes in and they use "licenciado" then you may say "hola yo soy licenciado Ortiz por favor se presentar" – Hello, I am attorney Ortiz, pleased to meet you**
- **"favor tome asiento" – please take a seat**
- **"culpable" = guilty – use the verb "ser" with this adjective – you would not use "estar" as "ser" is a permanent situation, as opposed to "estar" – for example, "soy culpable" – I am guilty**
- **"culpable" does not have any variation – there is no gender – either "culpable" or "no culpable"**
    - **"¿Usted se declara culpable?" – Are you pleading guilty?**
    - **"¿Usted declararse culpable o no culpable?" – Say to a client – are you pleading guilty or not guilty?**
    - **"¿Usted es culpable or innocente?" – Are you guilty or innocent?**
- **"innocente" is used in the context of a discussion with the client about what happened and the charges**
    - **"Usted se considera que usted es innocente de estos cargos?" – Do you consider yourself innocent of these charges?**
    - **A more detailed conversation as opposed to merely guilty or not guilty**
    - **A term to use when talking in the office**
- **"no culpable" is more of a legal conclusion – use this term when in court**
    - **"Usted tiene la culpa" – you are at fault**
    - **"Fue tu culpa" – it was your fault**
    - **"Usted tuvo la culpa porque usted no hico el alto" – it is your fault because you did not make the stop sign**
- **Traffic terms:**
    - **"exceso de velocidad" – speeding**

- **“signo de alto” – “usted no hico el alto” – you did not stop**
- **“manejar negligentemente” – careless driving**
- **“fue negligente” – you were negligent**
- **“conduciendo atolondradamente” – reckless driving**
- **“no mantiene el carril” – failure to maintain a lane**
- **“no se mantuvo en el carril” – you did not stay in the lane**
- **“no puso la senal” – you did not use your turn signal**
- **“manejar con la licensia suspendida” – driving on the revoked list, with a suspended license**
- **“privilegios suspendidos” – privileges suspended – since many clients do not have a license and their privileges to get a license are suspended by DMV**
- **“lo esta cusando de manejar con licencia suspendida” – you are charged with driving with a suspended license**
- **“me pusieran tickets” – they gave me tickets – the word “ticket” is accepted and understood as a word in Spanish**
- **“Una boleta” – ticket**
- **“una multa” – fine**
- **“un infraccion de la ley de transito” – breaking traffic laws**
- **“un orden de arresto” – arrest warrant**
- **“warrante” – slang term for warrant, or “they” are looping for you – more predominant among Spanish kids/people who have been born in US but are from Spanish extraction – not a word that should be used by an attorney**
- **“manejar en estado de embriaguez” – drunk driving**
- **“manejar ebrio” – drunk driving**
- **“borracho/borracha” – is a more demeaning form of the term, connotes not a good person, someone**

that does not care, someone that does not have morals
    - **"esta bolo" – drunk – this is similar to borracho/borracha and is a demeaning term**
- **Criminal offenses:**
    - **"apropiación ilegal" – shoplifting, theft – no matter what it is**
    - **"ladrón" – don't use this term to refer to a thief, it is derogatory in nature**
    - **"robo" – robbery**
    - **"lo acusaron de robo" – "he is accused of robbery", but clients do not distinguish between robbery and shoplifting – so be sure to review complaints and clarify to clients**
    - **"aggressión" – assault**
    - **"aggressión simple" – simple assault**
    - **"aggressión agravada" – aggravated assault**
    - **"violencia doméstica" – domestic violence**
    - **"la víctima" – victim – word does not change whether male or female victim**
    - **"acusado/acusada" – defendant in criminal court**
- **General terminology:**
    - **"demandante" – plaintiff in civil matter**
    - **"demandado" – defendant in civil matter**
    - **"un caso civil" – a civil case**
    - **"una demanda civil" – civil lawsuit**
    - **"asunto" – issue, something to discuss, a general term that can encompass anything (criminal, civil, neighbor problem, etc) – "que clase de asunto" – what type of issue**
    - **"de que se trata su caso" – what type of case do you have**
    - **"yo quiero hacer una banca rota" – I want to file a bankruptcy**
    - **"yo quiero saber si usted hace casos de banca rota" – I wanted to see if you handle bankruptcy cases.**
    - **"quiero saber si puede radicar una banca rota para mí" – I want to know if you would file a bankruptcy for me**

- **More Criminal terms:**
  - **"va a poner en probatoria" – he is going to put/place you on probation**
  - **"con cierta condiciones" – with certain conditions**
  - **"que tiene que seguir" – that you have to follow**
  - **"y si no" – and if you don't**
  - **"va para el carcel" – going to put you in jail**
  - **"la cárcel" – jail**
  - **"vaya a la cárcel" – you are going to jail**
  - **"te van a ir al bote" – you are going to go to jail – use this phrase to stress the point**
  - **"tú vas a ir preso" – you are going to jail (keep in mind the use of "tú vas" is an informal form of "you" – refer back to earlier in the outline regarding the use of "tú" vs. "usted")**
  - **"vaya preso" – going to jail**
  - **"preso" conveys more the idea of being locked up**
  - **"presos" – prisoners**
- **Appellate terms:**
  - **"una apelación" – appeal**
  - **"tú tienes derecho de apelar" – you have the right to appeal**
- **And even more criminal terms:**
  - **"derechos" – rights**
  - **"tiene derecho a permanecer callado" – you have the right to remain silent**
  - **"tiene derecho para mantener silencio" – you have the right to remain silent**
  - **"permanecer callado" – remain silent**
  - **Sometimes the difference between a particular term is just what best communicates the idea to the client**
  - **"tiene que permanecer callado – no digas nada" – you have to remain silent, don't say anything**
  - **You should advise clients that they have a constitutional right to remain silent – many people don't understand this concept**
  - **"todo que digas lo van a usar en tú contro" – everything you say can be used against you**
  - **"policía" - police**

- **"sobre cargos" – surcharges**
- **"consequencias de imigración" – immigration consequences**
- **"te pueden deportar" – they are able to deport you**
- **"comitar un delito" – committing a crime**
- **"una convicion" – a conviction**
- **"convicto" – they found you guilty**
- **"te pueden deportar del país" – they will deport you from the country**

III. Best way to learn Spanish

- **Take classes**
- **Be sensitive to vocabulary and culture, including what countries the people are from**
- **Need to meet or exceed expectations of clients**
- **You should want to learn the language because you like the people, you feel that they are people just like you- you are willing to learn more about people and accomplish that through learning the language**
- **Be sensitive to cultural differences for people who have come from countries with different legal systems and political systems in what we have here**
- **Clients must understand that they need to maintain habits that are consistent with our country's laws – they must respect our culture as well**