

ABA/ NLADA 2004 Equal Justice Conference

Assisting Special Populations Through Partnerships

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WORKSHOP DESCRIPTION: The purpose of the workshop is to discuss and analyze ways to assist "special" or new populations of clients – immigrants, blind or deaf clients, HIV/AIDs clients, the elderly – including forming partnerships that will maximize our resources and our cultural competency in dealing with our clients. Much of the workshop will involve identifying the obstacles you face as legal services providers to assisting "special" populations, and developing strategies to overcome those obstacles through creative models of assistance, through partnering with other organizations and communities, and through other strategic alliances. The workshop will also include the presenters sharing their own projects that address the legal needs of "special" populations, and the lessons they've learned.

WORKSHOP GOAL: To provide under-resourced legal services organizations with tools and strategies to adequately assist new or special populations of clients, through model programs and strategic partnerships.

WORKSHOP OUTLINE:

I. Introductions (your name, your org., whether rural or urban, other languages you speak)

II. Hypothetical—Framing device for discussion

You work in a community (Midwestern or southern for example) where your client base has been traditionally low-income Anglos and African Americans. In the past year or 2, there's been a significant influx of immigrant workers to this community who are working in a prominent industry (like poultry processing). These workers are monolingual Spanish-speakers from Mexico and Central America. They are now coming to your program and requesting assistance with problems they're having in the workplace: predominantly health and safety and wage and hour violations by their employer. You don't have Spanish speakers on your staff. What do you do?

BREAK OUT GROUPS

Sections III, IV, V and VI below are the results of breakout group "brain storm" sessions

III. WHO ARE YOUR "special populations"?

Incarcerated women

Limited English proficiency

Refugees

Immigrants

Elderly

Ex-offenders

Disabled

 Physically

 Mentally

Detainees

HIV/AIDs

Former welfare recipients

Homeless

Public housing residents

Taxpayers (low-income)

Undocumented

Transient workers

 Farm workers

 Day laborers

Nursing home residents

Rural elderly – isolated w/o technology (no phones/computers)

Native Americans

DV population

Diverse – many cultures/languages in 1 community

IV. What are the obstacles to assisting them?

A. External – obstacles clients face

 Despair

 Fear of legal system

 Illiteracy

 Cultural stigmas (external + internalized)

 Cultural differences

 Lack of political clout

 Use of poverty predators to address legal probs.

Obstacles Clients Face, cont'd

- Lack of knowledge of rights
- Isolation
- Transportation
- Telephones
- Don't trust system
- Don't have faith in our services
- Ethical issues w/interpreters
- Cultural isolation
- Linguistic isolation
- Lack of knowledge of available resources
- Economy
- State of law
- Immigration status
- Time
- Employers
- Court system
- Health status
- Physical barriers
- Lack of childcare
- Other agencies' priorities/funding
- Lack of affordable housing

B. Internal – obstacles we face

- Lack of cultural competency
- Not enough funding
- LSC restrictions
 - Actual
 - How programs interpret
- Lack of language capacity
- Lack of linkages w/other groups
- Work culture
- Accessibility of office
- Lack of technology
- Inter-institutional conflicts
- Lack of expertise

Obstacles we face as programs, cont'd

- Fear
- Current office priorities
- Insufficient outreach
- Inadequate translation services
- Lack of commitment
- Lack of cultural sensitivity
- Attorneys turning in undoc'd CL's
- Prejudice/bias/racism
- Program favoritism
- Sustaining bilingual staff
- Lack of cultural competency w/mentally disabled
- Lack of cultural sensitivity
- Failure to network w/other groups to solve legal and non-legal probs.
- Lack of coordination between churches that deal w/refugees
- Courts – lack of language access

V. What assets exist in your local community to help overcome the obstacles?

- Faith community/interfaith orgs.
- Community groups
 - Aging
 - Cultural
 - Neighborhood
 - Social
 - Non-profit service providers
 - Community orgs
- Pro bono programs
- Government agencies
- Schools
 - As place for community ed.
 - As place to recruit volunteers w/cultural competency
- Political leadership
 - Judges
 - Elected representatives
- Activists
- Media

Community Assets, cont'd

Community of the special population

Legal services providers

Law firms

Bar assn's

Local corps.

Law schools/law students

Local foundations/funders

Court system

Interpreters

Language lines

Consulates

Public libraries (free access to technology)

Immigrants' rights orgs/coalitions

Hometown federations

Best practices of other programs

Family members (w/limitations)

Business community/chambers of commerce

Law enforcement

Fraternal orgs.

Sports teams

Assets from "national" community (vs. local)

A. Jesuit vols.

B. Americorp vols.

C. Other fellowship programs (PILF's, EJW, etc.)

VI. What is OUR role in overcoming obstacles?

- Help build community networks to serve CL's
- Form coalitions/partnerships w/the right people – including clients
- Help clients to "self-empower"
 - Teach advocacy/negotiating skills
 - Education
- Hire and train culturally competent staff
- Problem solve beyond legal (policy issues, etc.)
- Act as "translators" of community issues between CL community and "professional" community

- Spot issues – bring to community and educate BUT non-paternalistic
- Compile and provide statistical data as evidence of need

VII. Strategies to Overcome the Obstacles –

A. Cultural competence - Leonor

- 1. What is culture?**
 - a) Culture and Stereotype**
 - b) Definition of Cultural Competence**
 - Integration and transformation of knowledge about individual/groups
 - Into specific standards and policies, practices, attitudes
 - Used in appropriate cultural setting
 - To increase quality of services

- 2. - Using participant's lists of barriers: language, literacy, fear of authority, internal barriers, etc**
 - a) Individual barriers :our own limitations, lack of information, oversimplification of ethnic groups etc**
 - b) Institutional barriers: LSC funding restrictions, traditional ways to provide services, resistance to change, resources**
 - c) Assess your own culture: values customs, way of communication**

- 3. - Develop a “culturally” competent model of service delivery:**
 - a) Face to face v. phone system/hot line**
 - b) Partnerships w/ CBO's**
 - c) Know your client base**

- 4. - Where does change begin? : 3 concentric circles diagram**
 - a) Inner circle represents: our area of influence and control**
 - b) Second circle: area of influence and some control**
 - c) Third outer circle: area of no influence and no control**

B. Community clinics

1. Self Help Workers Rights Centers – Nancy

NLS' Workers' Rights Self Help Center serve Spanish and Chinese (Mandarin and Cantonese) low-income workers. The main issues we deal with are wage claims, criminal records clean up, and unemployment benefits appeals. The Centers are staffed by college and law student volunteers who are recruited, trained and supervised by NLS Staff Attorney Jose Tello. Litigants are seen on a one-on-one basis and may return to the Center with questions, as needed. 55 Litigants have returned to the Centers to inform us of their wage claim victories, for a total of \$210,000.

a) What obstacles does it help us overcome and how do we overcome the barriers?

- Literacy barriers: We use very simple language materials (6th grade reading level) and because we operate on a one-on-one basis, we are able to help people who are not literate to fill out forms and to orally explain to them their rights, remedies, etc.
- Language barriers: NLS had been a traditionally Spanish-speaking organization because our service area was largely populated by Latino client communities. Our service area expanded and we now have a large API low-income community, primarily made up of Mandarin speakers. For our Workers' Rights Center, we recruited college and law students who speak Mandarin and Cantonese, most of whom live in the community and want to serve their community.
- Program restrictions: The Self-Help centers provide legal information and orientation, not legal advice nor legal representation, and are handled as matters, not cases. As a result, they are not subject to the LSC alienage restrictions and we do not need to query litigants as to their immigration status.
- Community lack of knowledge of rights: The community legal education materials and workshops, in concert with one-on-one sessions about individual matters go a long way to ensure that litigants are aware of their rights, their remedies, and their options.

b) How do we operate to provide meaningful assistance w/o having attorney representation?

(1) Our belief that community folks have the capacity to understand their rights and remedies and represent themselves in their wage claims

(2) Use of volunteers who are culturally competent

(3) Recruit, train, supervise volunteers - partnerships w/schools (going to classes and doing a pitch to students)

(4) Outreach to community - partnerships w/local organizations, schools, and electeds who come from the community

(5) Education of community through community presentations

(6) Location of clinics - in the community – places people know and trust

(7) Time of clinics - evenings/weekends to accommodate workers' schedules

(8) Cultural competence - mostly by having volunteers FROM the community (not just folks who speak the language) - outreach-wise it means doing things differently in different communities

(9) User friendly materials (not text heavy; lots of graphics; 6th grade reading level; well-translated)

(10) Step by step assistance- litigants return if there is a next step

(11) Practice (including role plays) for settlement conference and hearing

(12) Face to face orientation and workshops vs. reliance on written materials

(13) Feedback from litigants - evaluations/focus groups

2. Pro bono/Community legal clinics – Doug

- Describe clinics
- Which obstacles do they help overcome and how?

C. Creating Opportunities – developing partnerships to help overcome the obstacles and meet client needs

- 1. What kinds of partners do we need?**
- 2. How do we find partners in our local communities?**
- 3. Who are potential partners outside of our local communities?**

Unfortunately - we ran out of time in the workshop and did not get to this last item. See Section V above for list of Community Assets identified by workshop participants.