

THE UNBEATABLE ADVOCATE

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"Our mission is to educate and inform the clients of the Massachusetts legal services community"

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Legal Aid Board Member Shares Her NLADA Conference Experience

By Salea Perry

I sit on the Board of Greater Boston Legal Services and Massachusetts Legal Assistance Corporation as a client board member and advocate. I had the opportunity to attend the NLADA Conference in Los Angeles in November 2013.

The purpose of attending a conference and participating in its sessions is to become knowledgeable, powerful, and ready to assist clients and communities with the tools that were presented. It is to advocate for people who don't have a voice, lack resources, or have economic or health issues.

I greatly enjoyed and learned a lot from the sessions I attended. I was especially encouraged and impressed by "Defenders Caucus," "Building a Clients Bill of Rights," "Representing Clients with Behavioral Issues," "Telling our Collective Stories," "Putting Race Back on The Table," "Avoiding Deportation," "The Client Voice and LSC," "Expungement For Lay People," "Approaching Juvenile Delinquency," and "Improving



Legal services advocates and clients attended the annual NLADA conference in Los Angeles last November

Support for Kinship."

During the conference I appreciated the opportunity to network and share tools, information and accomplishments with people from different cities.

Inaugural Client Leadership Awards Now Accepting Nominations

By Tom Brant

The National Legal Aid and Defender Association (NLADA) and TimeBanks USA are seeking nominations for three new awards to be presented to legal aid clients. Each \$500 award celebrates individuals or groups who have shown extraordinary commitment to legal aid.

"Clients are more than people with a legal problem," NLADA said in a statement. "A celebration is long overdue of the contribution that clients have made to addressing injustice, transforming the lives of others in their community, restoring faith in the rule of law and battling for [legal aid] programs' survival, integrity and growth."

One of the three awards will be in recognition of efforts that have successfully supported and promoted civil or criminal legal services undertaken by organizations serving the indigent. A second will be for contributions by a client or clients that have changed the lives of others in the community. The third will be for promoting client involvement and leadership.

The awards will be given each year through 2016, though the sponsors hope to extend them into the future. This year's recipients will be announced at the NLADA Annual Conference, held in Washington, D.C. in November. Nominations must be received by Sept. 8, and should indicate which of the three awards they are seeking. Submissions for more than one award will be considered, but in each case there should be an explanation as to why that particular award is a good fit. Send nominations, with at least two references and photos of the individual or group, to: Edgar Cahn, Time Banks USA, NOMINATIONS, 5500 39th St. NW, Washington, DC 20015.



TimeBanks USA will sponsor the new awards. Above, TimeBanks founder Edgar Cahn, a longtime champion of client involvement in legal services

Domestic Workers Secure Rights, Benefits From State

By Adrian Baker and Jaime Bennis, Boston University Daily Free Press

Massachusetts Gov. Deval Patrick signed a bill into law July 2 guaranteeing members of the domestic workforce rights and benefits previously unenforced by the state government, putting weight behind domestic employees' four-year push to secure better working conditions.

Read more from the [Boston University Daily Free Press](#).

Reflections and Observations on Poverty

By Tim Lee

Poverty and poverty policy can be complicated and involved topics. I've been reading about these, and found an old book helpful. It starts out with an analysis of values, and conundrums that arise, that I've found are still illuminating and relevant to today's antipoverty efforts. The book is "Poor Support: Poverty in the American Family," by David T. Ellwood (1988).

From the point of view of American society, four desirable values are noted.

Autonomy: People can control their own destiny. This is the idea of individualism; perhaps, rugged individualism. People are, or ought to be held, responsible for their actions.

Work: Being lazy and idle is looked down on. It's considered weak moral character not to work.

Family: Family values. The family should provide be the primary source of support to its members.

Community: Compassion, sympathy for others (religion, neighborhood) is a good thing. People should be treated with dignity and fairness.

Mr. Ellwood then discusses how programs to help the poor run up against some or all of these American values in ways that often conflict. He lists three conundrums that make it difficult to avoid compromising on one or more of these four values, when helping poor people with poverty policies.

Security-work: In giving people money, food or housing, you reduce the necessity for them to work; work is discouraged.

Assistance-family: Giving assistance induces changes in family structure. One concern, for example, might be that a policy encourages single motherhood.

Targeting-isolation: The more effectively people in need are targeted, the more they are isolated from the mainstream. Poor people are somehow different, deficient, and stigmatized. And, then, poor people themselves can internalize this stigma toward them from society generally, feeling ashamed of being poor.

With these points, Mr. Ellwood laid a foundation in the first chapter for the rest of the book. I haven't finished it completely, as I'm reading a little at a time, along with a number of other books about poverty. In addition, I have some thoughts and comments of my own that I thought I'd share here.

Research from the implicit bias field has shown that, in the US, people don't have much sympathy for poor people. There's some speculation that this is because many poor people are of different race or ethnicity, and that this attitude toward poor people is a proxy for racism, and a reason why social welfare policies in the US are less generous than those in other Western countries.

From the point of view of being poor, it's not easy. It can be a job, in and of itself. There can be paperwork to fill out for bureaucracies, deadlines to meet, and people to hold yourself accountable to.

Transportation can be a challenge. If you use public transportation, you may need to plan way in advance, and navigate a system with lots of details. This can require a fair amount of patience and mental effort. It's easier with today's technology, but not if you don't have a computer or other device to access the Internet. I know someone who takes taxis rather than deal with public transportation because of the effort involved, and it's

costly for him. And if you have a car, it may not be too reliable, and may be in need of frequent repairs.

It can be difficult to plan very far in advance when it's a challenge to meet basic needs. Instead of a time horizon of weeks and months, it may be days and weeks or even shorter. Not being able to plan in advance very well means you don't have a sense of being in control of what happens to you in your life, which has been shown to be a big factor in one's stress level.

Fewer resources (less income, smaller living quarters, no car, and others) can mean one can't take advantage as much of things that depend on scale, including buying things in bulk, avoiding overdraft and other fees, and taking advantage of sales.

But skills and education can make a difference, and they need not be formal, or through a formal program. For some time, I puzzled about a difference between low-income, not having very much money, and being poor. A businessman starting out, or a grad student with low income, are not typically thought of as poor.

I concluded that education and know-how can make a difference. These do not have to be formal, and can be done or picked up on one's own. I personally know people who've dropped out of high school, and then gone on to make something of themselves. Also, you can search online for famous high school dropouts.

I would encourage people to keep learning, even if it's not formal. I started reading books out of the library, for something constructive to do when I was experiencing some mental illness, and when I wasn't satisfied with answers provided by my caregivers at a social service agency. I wanted to dig deeper, find my own answers, and come to my own conclusions. Gradually, in time, I was asked for my opinions, and joined community groups. Today, I'm still doing my own reading and studying -- not in a degree program, but still learning nevertheless. My experience has been that being poor, or low-income, need not be too hard.

Article Review: Exploring Language and Linguistic Barriers Between Lawyers and Clients

By Tim Lee

An inexpensive, one-day conference that I recommend is the Annual Legal Services Conference, sponsored by Massachusetts Continuing Legal Education (MCLE), 10 Winter Place, Boston. Last year (2013), they had the First; this year, the Second. For legal aid and pro bono advocates, and other members of the legal aid community, including client Board members, the conference also has break-out sessions for deeper discussion and focus on specific topics.

The program book supplied with registration contains many good reference articles. Here, I'm going to review one article from the 2013 Conference book that I feel discusses, analyzes, and illustrates well many factors that make for good interpreting practice between lawyer and client. The article is "Interpreting Communities: Lawyering Across Language Difference," by Muneer I. Ahmad. A copy of the article can be found online, here: <http://www.masslegalservices.org/content/interpreting-communities>. Finally, for more information generally, you can enter "interpreting communities ahmad" into a search engine.

The introduction describes how the interpreter's role should be seen as more than a

word-for-word, machine-like, transmission of information, and that there is linguistic and cultural complexity that ought not be repressed. Interpreting is not that exact; there are elements of subjectivity involved. This "third person in the room" disrupts the lawyer-client relationship with his/her own thoughts, attitudes, and personality. Ahmad's thesis is that we should not try to muffle these things, but instead, embrace them so as to enhance the Limited English Proficiency (LEP) client's voice and autonomy.

Section I discusses how the need for interpretation in the courtroom has received a lot of attention, but the growth of LEP immigrant communities in the US is driving a greater need for interpretation outside of the courtroom, with similarly high stakes involved. Title VI of the Civil Rights Act of 1964 prohibits recipients of federal funding from discrimination on the basis of national origin, for which language is frequently a proxy. Federally funded poverty lawyers must provide meaningful access to legal services for LEP persons. Ahmad discusses lawyers' duties and the intent of ethics and rules, and believes that these imply good, effective interpreting for the LEP client.

Language is a fundamental aspect of identity, and even with no language difference, there is a distinct difference in the language of the lawyer and the law, and the language of the poor client. The client's voice can be, and is often, lessened --- and the effect is multiplied when there is a language difference. "Language difference is not merely a procedural matter in lawyering, but a substantive dimension of systems of inequality and marginalization," Ahmad writes. "Lawyers (should) grapple with the challenges posed by language difference."

Section II grapples with the idea of ambiguous language. There isn't always a clear, single meaning of a word in a language - and that's before it's interpreted into another language. Shared cultural context is important. Ahmad uses diagrams to illustrate how intentions, utterances, and understandings are transmitted and processed: first, without an interpreter present; and second, with an interpreter participating.

Sections III-V discuss how interpreters challenge the nature and structure of a traditional lawyer-client relationship. Role disruptions, Ahmad feels, call for a more active, third-party role. He focuses on nonprofessional, volunteer interpreters, some of which he calls "community interpreters," as valuable collaborators with lawyers and LEP clients. Instead of an interpreter merely transmitting information in a dyadic, lawyer-client relationship, a triad of lawyer-interpreter-client is presented. Three relationships exist: lawyer-client, interpreter-lawyer, and interpreter-client. Although the presence of an interpreter is disruptive, it can be something good, desirable and productive, not destructive.

Whereas the lawyer is very specialized, the client is not, and often has many other things going on in his or her life. This means the lawyer-client relationship does not figure as prominently for the client as it does for the lawyer.

The concept of a "third person in the room", even if an interpreter is not, is examined. This means the idea of additional people influencing and mediating the lawyer-client interaction. Specific factors about how community lawyering can help follow.

The article concludes with remarks about how interpreting is a useful metaphor for lawyer-client relations generally, and how the presence of an interpreter complicates things. But this is a good thing.

The detail and rigor with which the topics are discussed and analyzed are very good, and have been helpful to me in my own study of languages, language access, and understanding some aspects of law and legal practice. I feel this article would be useful, helpful and valuable to speakers of other languages, interpreters, and others in the legal

services field. The author makes explicit and puts into words many nuances, practices and observations about interpreting, exploring how they fit into some theory of legal practice, and how improvements can be made. The material is dense, and can be slow-going and time-consuming to understand well, but is worth the read.

Something to Share?

Then send it in for the next *The Unbeatable Advocate!*

All photos, submissions, comments, and news tips can be sent to advocate@mlac.org.

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