Language Justice During COVID-19

Sponsors:
Young Lawyers Division Member Resources Team
Young Lawyers Division Disaster Legal Services Team
Standing Committee on Disaster Response and Preparedness
Faculty

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Speakers:
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Alena Uliasz, Language Justice Manager at California Rural Legal Assistance, Inc.

Language Justice During COVID-19
Language Access as a Right
Title VI, Civil Rights Act of 1964

§2000d Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color or national origin

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
Other Federal Mandates

★ Omnibus Crime Control and Safe Streets Act of 1968
★ Section 504 of the 1973 Rehabilitation Act
★ Americans with Disabilities Act (ADA)
★ Other federal statutes, such as the Affordable Care Act & Fair Housing Act have anti-discrimination clauses
Examples of State Laws, Standards & Guidance

★ California
  o Strategic Plan for Language Access in CA Courts
  o Evid Code 756
  o Gov’t Code 68092.1
  o Gov’t Code 11135
  o Dymally-Alatorre Bilingual Services Act

★ ABA – Language Access Standards for Courts & Civil Legal Aid; Model Rules

★ LSC - Legal Services Corporation Program Letter 04-2 | Services to Client Eligible Individuals with Limited English Proficiency
  https://www.lsc.gov/sites/default/files/Grants/pdfs/ProgLtr04-2.pdf
Examples in Administrative Hearings

- **Social Security** | HALLEX I-2-6-10: “ALJ will ensure that a qualified interpreter is present throughout the hearing”

- **CA Department of Social Services** (Medi-Cal, CalWORKs, CalFresh, etc.) CDSS Manual of Policies & Procedures 22-049.6: “an interpreter shall be provided”

- **CA Employment Development Department** | 22 C.C.R. § 5063(b): the agency shall provide an interpreter at the expense of the agency
Language Access in Times of Emergency
What We’ve Learned from Natural Disasters

- Language access needs are important to assess for an effective and meaningful response

- **Language barriers** exacerbate the reality of individuals and communities disproportionately affected by emergencies

- Examples of **common challenges** in times of emergency:
  - Alerts, warnings, and signage in only one language
  - Receiving an agency’s determination letter in English
  - Not having interpreters readily available
  - Inaccurate legal translations

  “The lines of communication must be accessible to all disaster survivors, including those with disabilities who might require reasonable accommodations to access legal services.” – Legal Services Corporation’s Disaster Task Force Report, 2019
Example #1

“Asistencia Legal con Aplicaciones de FEMA”

Legal Assistance with FEMA Applications

“Asistencia Legal con Apelaciones de FEMA”

Legal Assistance with FEMA Appeals

FEMA = Federal Emergency Management Agency
Example #2

“Legales de Nueva Jersey”

Legal people of New Jersey?

“Antecedentes”

Criminal records?
Language access must be meaningful for a just recovery.
Advocacy & Recovery Strategies

Hospitals Have Left Many COVID-19 Patients Who Don’t Speak English Alone, Confused and Without Proper Care

One medical worker told us: “It takes 10 minutes of sitting on the phone to get an interpreter, and that’s valuable kicks in. And the patients that

Non-English speakers struggle to have their voices heard in housing court

First They Fought the Storm; Now, They Fight Their Landlord
Tech-based Strategies for Language Access
Self-help online forms in non-English languages

- Allows programs (e.g., courts, legal service providers) to create interactive self-help forms like a petition for a protection order
- Q&A format where answers are input into a form the self-represented litigant can then file
- Flexible for use in multiple languages
- Examples
  - Washington, D.C. domestic violence court forms
  - Puerto Rico self-help forms
- Powered by LawHelpInteractive
Using technology to make legal help information accessible

Getting legal help in your language
Author By: LASNNY in collaboration with LawHelpNY
Read this in: Spanish / Español
Tagalog / Pılıpin
Vietnamese / Tiếng Việt
Chinese / 中文

Preguntas más frecuentes

¿Qué son servicios de acceso al idioma?
¿Qué es un intérprete?
¿Qué es la traducción de documentos?
Using technology to make legal help information accessible

North Carolina Videos in ASL with Captions

Get COVID-19 information from 2-1-1
Guidance on how to get COVID-19 resources by calling 2-1-1. (April 1, 2020)

Unemployment Benefits during COVID-19
Guidance on how to get unemployment benefits during Coronavirus (COVID-19) outbreak. (April 7, 2020)

Source: https://covid19.ncdhhs.gov/materials-resources/videos-asl-captions
Technology Tools & Tips

- **Hotlines** | One of the most popular ways to reach people in times of emergency

- **Plain writing** | **WriteClearly**: Get specific suggestions on how to improve web pages with simpler, more effective writing using plain language.

  For additional trackers, visit NCLC’s COVID-19 page.

  Replace complex words with simpler alternatives.

- **Virtual Clinics** | Using Zoom’s **breakout rooms** feature for interpretation and live captioning

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The Center for Urban Pedagogy - Figuring Out FEMA
Technology Tools & Tips

- **Language services** | Video Remote Interpreting (VRI) Services, phone interpreting, website translation services, etc.

- **Assistive Technology** | Providing Accessible Services by Techsafety.org

- **Video Conferencing & Digital Communication Platforms: Comparison Chart** (accessibility and security analysis) by the National Network to End Domestic Violence
  - Gruveo
  - Legaler
  - Jitsi
  - ResourceConnect

- **Social Media** | Virtual town halls and Know-Your-Rights community events
  - Clipomatic - Turns speech into captions ~40 languages

- **Community listservs** and **groups** are helpful to locate native speakers

- Other tools and/or tips?
Best Practices
Working with Interpreters

- Focus and concentration
- Good short term memory (called a Cache) and recall (strengthen with memory exercises)
- Ability to convey emotions and emphases (in addition to words) of person talking
- Commitment to learning: willing to practice skills, increase vocabulary
- Respect for different kinds of discourses (that is, different ways people express themselves)
- Remains composed despite pressure or stress

Best Practices for Programs & Attorneys

- Evaluate the resources and capacity to keep translated information updated, especially when it’s related to time-sensitive issues and information that is constantly changing.

- Consider the impact of translations from machine translation services (e.g., Google Translate).

- Note the importance of dialects, nuances of language, and culture.

- Seek and work with plain language experts and qualified interpreters.

- Consider accessibility needs when using technology.


- Other best practices?
Language Justice During COVID-19
June 3, 2020

Alena Uliasz, Language Justice Manager
California Rural Legal Assistance, Inc.
Inequity based on language

Linguicism:
A system of oppression based on language that results in structural advantages for dominant language (English) speakers and disadvantages for people who use non-dominant spoken and sign languages.
The Big Picture

1. 63 million people in the U.S. speak a non-English language, and 25 million people are not fully proficient in English, or 8% of the U.S. population (Batalova & Zong, 2015).

2. 37 million adults in the U.S. are Deaf or Hard of Hearing (Pleis & Lethbridge-Cejku, 2006).

3. Nearly 2x as many people with limited English live in poverty than people who are English proficient (Batalova & Zong, 2015).

4. Nearly half of adults with limited English do not have a high school diploma (Batalova & Zong, 2015).

5. 33% of English Learner students don’t graduate from high school on time (U.S Dept. of Education).

6. Immigrants with limited English are more likely to report poor health than English speaking immigrants (Ding & Hargraves, 2009).
• Respect for Language Rights
• Equitable Communication
• Communicative Autonomy
Language Rights Include...

- The right to be **free from discrimination** based on language
- The right to have **meaningful access** to public services and civic participation -- often via interpreting and translation
- The right to **maintain non-dominant languages** and pass them on to future generations
- The right for everyone’s languages to be **valued and respected**
• If your last name starts with A-M: answer only questions 1-4. Click “no response” for questions 5-8.

• If your last name starts with N-Z: answer only questions 5-8. Click “no response” for questions 1-4.

• Scroll down to see all 8 poll questions.
WA state launches COVID-19 language support plan w/translation in 37 languages and phone interpreting.

CRLA online board meetings with Remote Simultaneous Interpreting.

CA unemployment claims only available in Spanish and English.

CA Punjabi speaking patient not given an interpreter; whole family infected.

CA school district director promotes Google Translate as distance learning solution.

L.A. Tenants Union Mutual Aid Network with volunteer interpreters to enable in-language support.

NYC healthcare workers report that COVID-19 patients with LEP are left “alone, confused and without the appropriate care.”

CIELO makes a video series in Indigenous languages of Latin America.
Language Justice During COVID-19
Services & Advocacy

Joann Lee
Special Counsel

LEGAL AID FOUNDATION OF LOS ANGELES
Justice • Equity • Hope
Language Barriers During COVID-19

**Tech Access:** unstable or no internet connections, limits on phone data and minutes, lack of home computers and printers, and unfamiliarity with using email and texting for reliable communication and accessing needed benefits; increased risk in cases of domestic violence.

**Access to Info:** lack of in-language, plain language, accurate, *updated* materials from government agencies, courts, schools, media, etc., especially true for languages other than Spanish. Includes print materials, websites, signage, videos, etc. Inappropriate use of Google Translate.
Language Barriers During COVID-19

**Access to Benefits & Services:** in addition to language and tech barriers, other barriers include limited literacy; fear based on immigration status (esp. *public charge*); being uninsured; ineligibility for unemployment insurance or stimulus checks.

**Access to Interpreters:** lack of access to trained, qualified, professional interpreters in all the languages and variants needed (for nonprofits and government agencies). Some hospitals, clinics, and schools not providing interpreters.
Approaches to Address Barriers

Let communities know we are still operating: use proactive outreach to non-dominant language users by utilizing written translations, trained bilingual staff, and interpreting services; build in extra time to explain how to navigate various programs, download apps, utilize online portals, create email addresses & demonstrate usage.

Translate Documents, Fact Sheets, Websites: plain language, review by native speakers; send mail to people who lack email.

Great resource = Transcend: https://transcend.net/index.html

Collaboration: local orgs + coalitions working together.
Approaches to Address Barriers

**Work with Remote Interpreters:** telephonic, video remote, remote simultaneous through private vendors and local community interpreters.

**Provide equipment, training and technical assistance:**
- provide equipment, wi-fi access, training, & technical assistance to staff on using technology, such as various video platforms and electronic signature programs, as well as specific guidance on working with remote interpreters;
- interpreters learning to work remotely by receiving training on privacy concerns, equipment, and protocols;
- in courts, especially critical to consider appropriate safeguards in utilizing technology and remote interpreting, such as having the required high-speed bandwidth connections, as well as proper physical positioning to ensure all parties can participate fully.
Approaches to Address Barriers

**Multilingual Videos, Facebook Live, YouTube Broadcasts** in-language by community groups on various topics - housing and homelessness programs, eviction protections, unemployment insurance, small business loans, stimulus checks, obtaining restraining orders and other domestic violence resources, and rights to access to healthcare, testing.

**Promote Self-Advocacy:** educating clients about language rights!

**Government entities working with local stakeholders:** provide contracts or stipends to assist with outreach, education & services; cannot place entire burden on legal services/community groups

**Advocacy Targeting Government Agencies:** push for sign & spoken language interpreting & services, plain language materials, translations.
Engage Pro Bono Community
Assist individuals understand their options & apply for pandemic-related benefits

Language Rights Advocacy
Sample Advocacy Letters - modifiable & sector-specific in various areas:
  • Courts
  • Health
  • Education
  • Housing
  • Unemployment
  • Other pandemic-related benefits/relief

Advocacy Letters:
  o Explain legal mandates
  o Provide data, diversity of local populations, & language needs
  o Offer recommendations/demands:
    ■ qualified/professional interpreting in real-time & translations (no family/friends or other ad hoc interpreters!)
    ■ staff training
    ■ multilingual information on physical buildings, websites, audio recordings
    ■ collaborate with community groups
    ■ no Google Translate
    ■ collect data & monitor

Advocacy Action Steps
• Courts
• Health
• Education
• Housing
• Unemployment
• Other pandemic-related benefits/relief
Templates for Sample Advocacy Letters

Documents are “view only” & can be downloaded to adapt as appropriate.

**General Advocacy Letter Template** – general language that can be modified for advocacy:

https://drive.google.com/file/d/1cQrsHqRQropnLfQBQh4qb_tdv80V3SwF/view?usp=sharing

**General & Specific Recommendations/Research** – some very general requests, as well as those tied to specific sectors; can be modified, cut and pasted into advocacy letters; contains some background research if needed to do a stronger advocacy push; currently, has general recommendations & specific language on courts, healthcare, labor/employment, education, & housing:

https://drive.google.com/file/d/1NRTbHZaANQzgbFWt_EGHWVrcinaQTFnU/view?usp=sharing
From Gov. Inslee’s Press Release:

The plan, which was developed in coordination with the state’s COVID-19 Joint Information Center (JIC), provides a streamlined new process for agencies to translate vital information related to COVID-19 into the top 37 languages spoken in Washington state. These top languages are spoken by at least 5% of the state population or 1,000 people based on 2016 Office of Financial Management (OFM) data. The plan also provides guidance for state agencies to establish telephonic interpretation services which allows real-time translation over the phone.
CA Department of Social Services Disaster Relief Program for Immigrants (DRAI)

- Contracted with 12 nonprofit organizations to administer program
- FAQs provided in 17 languages before rollout
Office on Equality and Access to the Courts
426 Queen St. #B-17,
Honolulu, HI 96813
Phone: (808) 539-4960
Email: oeac@courts.hawaii.gov
www.courts.state.hi.us/services/language_assistance

Language Access Services Home

Hawai'i State Judiciary & Office of Language Access

https://www.courts.state.hi.us/covid-19-information-page

https://health.hawaii.gov/ola/covid19-multilingual/
Helpful Resources
National Resources

- Harvard Medical School’s Covid-19 Health Literacy Project provides fact sheets and other materials reviewed and vetted by physicians and medical school faculty members at the Harvard hospitals. Materials, currently in 35 languages, are free and can be downloaded and distributed without copyright restrictions: https://covid19healthliteracyproject.com/#languages

- Asian & Pacific Islander American Health Forum has created a community library of Asian American, Native Hawaiian, and Pacific Islander (AA and NHPI) in-language Covid-19 resources. The resource links have been provided by various AA and NHPI community members, leaders and national and community-based organizations: http://bit.ly/AANHPI-COVID19-Resources

- National Center for State Courts is tracking state court COVID-19 websites, monitoring jury trial restrictions, public entrance restrictions, suspension of in-person proceedings, and virtual hearing software used in different states: https://www.ncsc.org/; Language Access Services Section

- National Disaster Legal Aid Advocacy Center has a COVID 19 Legal Response Resource center. It is hosting calls and sharing resources: https://www.disasterlegalaid.org/advocates/covid-19/

- American Bar Association’s Standing Committee on Legal Aid and Indigent Defendants (SCLAID) has launched a web page that consolidates resources from across the country to assist the access to justice community in addressing the many challenges resulting from the COVID-19 pandemic: ambar.org/SCLAIDCOVID19
National Resources

- National Legal Aid and Defender Association: http://www.nlada.org/COVID-19
- National Low-Income Housing Coalition: https://nlihc.org/coronavirus-and-housing-homelessness
- Self-Represented Litigation Network: https://www.srln.org/node/1427/covid-19-resources
- Management Information Exchange: https://mielegalaid.org/library/covid-19-resources
- HHS.gov Civil Rights - Limited English Proficiency (LEP) Resources
- Legal Services Corporation – Language Access & Cultural Sensitivity
- Federal Clearinghouse for information and resources - www.lep.gov
National Resources

- Coronavirus Has Made Courts Go Remote. Will This Lay The Groundwork For Using Technology To Expand Access To Justice In The Future? By Jake Hofstetter | Center for Law & Justice Massachusetts Appleseed
- Creating Puentes - FREE Covid-19 Language Access Response
- Interpreting Justice | Progress & Challenges on Language Access An Asian Pacific American Perspective 2017
- National Association of the Deaf | Coronavirus Resources
- Asian Pacific Institute on Gender-Based Violence Resources, including a Resource Guide for Advocates & Attorneys on Interpretation Services for Domestic Violence Victims
- Free Webinar Series: The Remote Interpreter (TRI) Webinar Series by Blue Horizon
Advocacy Resources

- National Language Access Advocates Network (N-LAAN) - https://www.probono.net/nlaan/
- Language Justice Network
- The Legal Aid Association of California - COVID-19 CA Legal Aid & California Language Access Group Listservs
- Others?

Natural Disasters/Emergencies & Language Justice

- Lewis, Melinda L. PhD; Rappe, Paula T. MSW, LCSW; Tierney, Linda K. MSW; and Albury, Janet D. MSW (2019) "Stay or Go! Challenges for Hispanic Families Preceding Hurricanes: Lessons Learned," Journal of Family Strengths: Vol. 19 : Iss. 1 , Article 3. Available at: https://digitalcommons.library.tmc.edu/jfs/vol19/iss1/3

Questions?
Faculty Contact Information

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Thank You