

*Expanding Legal Services:
Serving Limited English
Proficient Asians and
Pacific Islanders*

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**ASIAN PACIFIC
AMERICAN
LEGAL CENTER
OF
SOUTHERN CALIFORNIA**

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November 2003

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ABOUT THE AUTHOR

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TABLE OF CONTENTS

Acknowledgements	5
About the Author	5
Purpose of Report	9
Methodology	10
Section I: Rapid Growth of API Communities	11
Section II: Bridging Cultural Divides — Challenges in Serving API Communities	13
Section III: A Report on Findings — Successful Approaches from Forerunners	16
Section IV: Ongoing Challenges in Serving API Clients	19
Section V: Asian Legal Language Intake Project (ALLIP)	21
Section VI: Profiles of Other Model Programs	24
Section VII: Conclusion	28
Appendix A: Background on Asian Pacific American Legal Center	30
Appendix B: Programs and Contact Information	31
Appendix C: Programs and Contact Information (Profiled Programs Only)	33
Appendix D: ALLIP Sample Scripts, Questionnaires, Case Acceptance Criteria	34
Appendix E: The Potential and Pitfalls of Technology and API Clients	45

PURPOSE OF REPORT

The cultural and linguistic diversity of Asian and Pacific Islander (API) communities presents a tremendous challenge to legal service providers that are tasked with serving this population.

While the challenges are great, the consequences of failing to effectively serve API clients can be dire. According to Census 2000, 13% of all APIs live in poverty, and certain API subgroups have poverty rates over 50%. Like many other low-income persons, poor APIs are prone to being exploited and failing to assert their rights.

Programs unable to provide services to API communities are at great risk of further disenfranchising and ignoring thousands of potential legal services clients. Additionally, programs unable to respond to the demographic changes now occurring are at risk of serving only a narrow population segment and not responding to the needs of clients they were created to serve.

By overcoming the challenges inherent in serving these populations, legal services programs will not only be better positioned to help one of the nation's fastest growing racial/ethnic populations, but will also be able to act as an ambassador for these communities to other services and systems that can help lift these communities from poverty. Additionally, by creating systems that better serve API communities, legal services programs will be able to serve other non-English speaking immigrants, who face challenges similar to API clients and whose numbers are also growing steadily.

Across legal service agencies nationally, few programs serve API populations comprehensively. As such, no evaluated "models" exist which have been shown to fully address the complexities and challenges of effectively meeting the API communities' legal needs. In recent years, however, a handful of forerunners have been developing or refining delivery systems that, while still in early stages of design and informal evaluation, offer useful guidance on building and maintaining a successful program.

As demonstrated by the Asian Pacific American Legal Center's Asian Language Legal Intake Project (ALLIP), a strong partnership between mainstream legal service organizations and an API community-based organization is often at the core of these efforts. Similar partnerships are being formed in different parts of the country (initiated either by a legal services organization or by local API community-based organizations) to develop projects that provide legal assistance to disenfranchised

API communities. While there are many other legal service models being developed by local bar associations, student groups, API legal organizations, and others, this report focuses on collaborations between API and mainstream legal services organizations as a means of maximizing limited resources and expertise.

The purpose of this report is to provide information for the leadership of both legal services and API community organizations, to help design and/or strengthen systems and approaches that make legal services accessible to API and other limited English speaking clients. However, the report should also provide useful information to anyone seeking to improve the delivery of legal services to API communities.

After reviewing the distinct issues that can impede an agency's ability to meet the legal needs of API clients, this report outlines key themes and factors common to successful programs and efforts. Additionally, this report provides details on five model programs, with special emphasis on APALC's Asian Language Legal Intake Project, to showcase working examples and lessons learned.¹ These programs include:

- Asian Language Legal Intake Project, APALC, *Los Angeles, CA*
- Asian Pacific American Legal Resource Center, *Washington, D.C.*
- Greater Boston Legal Services, *Boston, MA*
- Legal Aid Foundation of Los Angeles' API Unit, *Los Angeles, CA*
- Legal Language Access Project, *Oakland, CA*

This report neither recommends a specific delivery system, nor draws comparisons among existing approaches, since all of these efforts are relatively new and all reflect to a large extent the needs and resources of their specific urban community.

¹ Note that while five programs are showcased, themes and lessons learned were derived from interviews with 14 programs. (See *Appendix B: Programs Interviewed*). Many of these 14 programs either are involved with API-specific efforts or, more commonly, developed approaches to handling limited English proficient clients within general legal services.

METHODOLOGY

Identifying Programs Three individuals from two of the nation's most established programs serving APIs were consulted on programs that provide model services to API communities. A list of potential programs to interview was collected.

The author also queried two e-mail lists that target legal services: one that solely discusses language access and limited English proficiency (LEP) issues and another that reaches project managers and directors in legal services. A description of the report was sent out on these lists inviting recipients to respond in writing to the questions posed or to indicate their interest for follow-up. Through this process, additional programs and individuals were identified and interviewed, who either offer services to LEP clients generally (both API and non-API) or who have created systems for delivering legal services specifically to API communities.

Interviewing Programs Initial interviews were limited to a simple assessment of the following: a description of the project, the population served; length of time in operation; sources of funding; and strengths and weaknesses in addressing the target client base.

Based on these short interviews, programs were selected for in-depth interviews and/or participation in an edit exchange to accurately describe their project and to report on themes or challenges identified in implementing services for API clients.

SECTION I: RAPID GROWTH OF API COMMUNITIES

According to the U.S. Census 2000, the Asian and Pacific Islander (API) population in the United States represents more than 45 ethnic groups and 28 distinct languages (not including dialects). APIs are defined as persons who have origins in any of the original peoples of countries such as Bangladesh, Cambodia, China, Guam, India, Indonesia, Japan, Korea, Laos, Malaysia, Micronesia, Pakistan, Philippines, Thailand, and Vietnam.

The API population as a category has increased rapidly in the last 30 years. According to U.S. Census figures, the Asian and Pacific Islander population doubled from 1.5 million in 1970 to 3.7 million in 1980, and again to 7.3 million in 1990. Surpassing the 10 million mark in 2000, APIs continue to be one of the fastest growing racial/ethnic groups.

Table 1: Growth of API and Other Racial and Ethnic Groups in the U.S. from 1990 to 2000 (Source: U.S. Census) ²

Racial & Ethnic Groups	1990		Alone*		Inclusive*	
	Number	%Total	Number	%Total	Number	%Total
White, Non-Hispanic	188,128,296	76%	194,552,774	69%	198,177,900	70%
African American	29,986,060	12%	34,658,190	12%	36,419,434	13%
Latino / Hispanic	22,354,059	9%	33,081,736	12%	35,305,818	13%
Asian	6,908,638	3%	10,242,998	4%	11,898,828	4%
American Indian	1,959,234	1%	2,475,956	1%	4,119,301	1%
Pacific Islander	365,024	0.1%	398,835	0.1%	874,414	0.3%
Total	248,709,873	100%	281,421,906	100%	281,421,906	100%

Table 2: Growth in Asian and Pacific Islander Ethnic Groups in the U.S. from 1990 to 2000 (Source: U.S. Census)

Asian Ethnic Groups	1990		Alone*		Inclusive*	
	Number	% Asian	Number	% Asian	Number	% Asian
Chinese	1,648,696	23%	2,432,585	24%	2,879,636	24%
-Chinese, except Taiwanese	1,574,918	23%	2,314,537	23%	2,734,841	23%
-Taiwanese	73,778	1%	118,048	1%	144,795	1%
Filipino	1,406,770	19%	1,850,314	18%	2,364,815	20%
Asian Indian	815,447	11%	1,678,765	17%	1,899,599	16%
Korean	798,849	11%	1,076,872	11%	1,228,427	10%
Vietnamese	614,547	8%	1,122,528	11%	1,223,736	10%
Japanese	847,562	12%	796,700	8%	1,148,932	10%
Cambodian	147,411	2%	171,937	2%	206,052	2%
Pakistani	81,371	1%	153,533	2%	204,309	2%
Laotian	149,014	2%	168,707	2%	198,203	2%
Hmong	90,082	1%	169,428	2%	186,310	2%
Thai	91,275	1%	112,989	1%	150,283	1%
Indonesian	29,252	0.4%	39,757	0.4%	63,073	1%
Bangladeshi	11,838	0.2%	41,280	0.4%	57,412	0.5%
Sri Lankan	10,970	0.2%	20,145	0.2%	24,587	0.2%
Malaysian	12,243	0.2%	10,690	0.1%	18,566	0.2%
Other Asian	156,535	2%	1,235,517	12%	1,374,019	12%
Total Asian Population	6,908,638	100%	10,019,410	100%	11,898,828	100%

² The analysis of Census 2000 data in this report is taken from APALC's *Demographic Profile of Asian and Pacific Islanders in Southern California: Census 2000*, which compiles Census 2000 data on Asians and Pacific Islanders in the United States, California, and three counties in Southern California: Los Angeles, Orange, and San Diego. The *Demographic Profile* is intended to assist grant writers, program planners, advocates, legislative staff, and elected officials in better describing and understanding the growing API population and its needs. This report is available for download on APALC's website at <http://www.apalc.org>.

Pacific Islander Ethnic Groups	1990		2000			
			Alone*		Inclusive*	
	Number	% P.I.	Number	% P.I.	Number	% P.I.
Native Hawaiian	211,014	58%	140,652	36%	401,162	46%
Samoaan	62,964	17%	91,029	23%	133,281	15%
Guamanian or Chamorro	49,345	14%	58,240	15%	92,611	11%
Tongan	17,606	5%	27,713	7%	36,840	4%
Melanesian	7,195	2%	10,100	3%	14,156	2%
Other Pacific Islander	16,900	5%	62,183	16%	222,661	25%
Total Pacific Islander Population	365,024	100%	389,917	100%	874,414	100%

* The *Demographic Profile* reports racial and ethnic background for Census 2000 as two figures, Alone and Inclusive. Alone numbers represent single race responses. Inclusive (also referred to as 'in combination') numbers represent single race and multiracial responses. Because the 1990 Census reported racial and ethnic background as a single figure, two measures of population growth from 1990 to 2000 are possible: one measuring growth using Alone numbers (single race responses) and another measuring growth using Inclusive numbers (single race and multiracial responses). Given these differences, growth rates for racial and ethnic groups with significant multiracial populations (e.g. Pacific Islanders, Japanese, etc.) may differ dramatically depending on which measurement is used.

Among specific API communities, growth patterns vary. The API population is increasing in states with established communities and emerging in others that typically had nominal or no API presence. For example, the proportion of APIs nationally that live in California is dropping—from 40% in 1990 to 35% in 2000 (although California still has the most APIs overall — 3.8 to 4.4 million according to Census 2000). This indicates a greater distribution across other states. In Maine, for example, a state not historically reported as ethnically diverse, the Census 2000 numbers reported a 43% increase in APIs, mostly from an influx of Cambodian and Vietnamese refugees. The API population is growing fastest in central and southern states like Nevada, Georgia, North Carolina, Minnesota, and Nebraska.

Table 3: U.S. States with Highest API Percent Change from 1990 to 2000 (Source: U.S. Census)

U.S. States ranked from highest to lowest for percent change 90-00 API Alone	Population Numbers			Percent Change	
	1990 API	2000 API Alone	2000 API Inclusive Estimate	90-00 API Alone	90-00 API Inclusive Estimate
1. Nevada	38,127	98,692	128,690	159%	238%
2. Georgia	75,781	177,416	209,501	134%	176%
3. North Carolina	52,166	117,672	144,786	126%	178%
4. Tennessee	31,839	58,867	73,505	85%	131%
5. Minnesota	77,886	143,947	168,281	85%	116%
6. Nebraska	12,422	22,767	28,542	83%	130%
7. Delaware	9,057	16,542	19,615	83%	117%
8. Texas	319,459	576,753	673,287	81%	111%
9. Arizona	55,206	98,969	132,087	79%	139%
10. Florida	154,302	274,881	357,011	78%	131%

SECTION II: BRIDGING CULTURAL DIVIDES — CHALLENGES IN SERVING API COMMUNITIES

Nationally, legal aid programs are struggling with how to deliver services to API communities. While API communities continue to grow at record speeds, the percentage of this population served by the legal services community has never kept pace with the need. For example, according to a 1990 baseline survey of local legal aid programs in the Los Angeles area, fewer than three percent of low-income clients served were API; yet, at that time, thirteen percent of Los Angeles County's poverty-level population was API.

The challenges inherent in assisting this culturally and linguistically diverse group are several and significant. Deep cultural differences, a general fear by many API communities of government agencies, and a high rate of limited English proficiency are all factors that separate API individuals from existing social or legal services.

Cultural Divides that Separate API Communities from Existing Services

As noted above, the API category encompasses numerous and diverse cultures and countries of origin. Each of these communities has distinct cultural patterns and practices, sometimes contrary to mainstream American cultural assumptions and expectations. For example, many non-Western cultures place greater importance on families or groups over individuals; such a cultural belief may significantly impede an immigrant or refugee from seeking services for herself that would jeopardize relationships with other family members (e.g., seeking assistance with domestic violence).

In addition, statistics from Census 2000 suggest that a very high proportion of APIs are foreign-born (67% overall) and recent immigrants or refugees, suggesting that they are probably not acculturated or may find acculturation a difficult process, especially if they are adults. Such recently-arrived APIs may not reach out for unfamiliar services or may not respond immediately to encouragement to do so. These deep cultural differences also present a challenge for programs attempting to design services appropriately to more than one group.

Political Refugees and Fear of Government Agencies

Many API immigrants and refugees came to the United States from countries with different — and often much harsher — political systems. Often suffering injustices in their home countries, these individuals lack trust in government services and/or have a different value

system about interaction with government-funded agencies. According to programs experienced in working with newly-arrived client groups, new communities often purposely distance themselves from mainstream support networks because these services are perceived as being aligned with the government. As a result, many API communities congregate near urban and city centers³, and rely almost entirely on formal or informal community-based programs for support, which usually are segregated from other mainstream services such as legal aid. This phenomenon keeps many of these communities isolated from existing social or legal support systems.

Limited English Proficiency and High Poverty Rates

The third factor that presents significant challenges to serving API communities is limited English proficiency. According to the U.S. Census, 79% of the API population in Los Angeles County speaks a language other than English at home; of this group, more than 40% speak English less than “very well” and 29% live in linguistically isolated households (defined as a household where no one over the age of 14 speaks English very well). Other data beyond Census 2000 also confirm the significant presence of language barriers in API communities. For example, the Los Angeles Unified School District estimates that more than 30 different languages are spoken by more than 11,000 LEP students of API heritage.

Table 4: Limited English Proficiency for Ethnic Groups in Los Angeles County, 2000 (Source: U.S. Census)

Speak English less than very well	
Latino	48%
Asian	43%
Am. Indian	21%
Pac. Islander	18%
White	7%
Black	3%

³According to Census 2000, more than 95% of API communities live in proximity to a central city in metropolitan areas.

Table 5: Limited English Proficiency for API Ethnic Groups in Los Angeles County, 2000 (Source: U.S. Census)

Speak English less than very well	
Vietnamese	63%
Taiwanese	63%
Korean	59%
Hmong	58%
Cambodian	57%
Thai	54%
Chinese	54%
Laotian	53%
Chinese excl	53%
Bangladeshi	52%
Indonesian	38%
Malaysian	36%
Tongan	33%
Japanese	25%
Pakistani	25%
Filipino	23%
Samoan	19%
Sri Lankan	18%
Guamanian	16%
Asian Indian	15%
Nat. Hawaiian	5%

The significance of limited English proficiency is further underscored by the strong correlation between poverty and LEP status. Los Angeles County data from Census 2000 shows that the poorest communities in the county include several API communities, such as Cambodian (68%), Vietnamese (44%) and Lao (51%). These communities also include some of the highest proportions of LEP individuals in any ethnic or racial group; for example, Cambodians have a 57% LEP rate, Vietnamese 63% and Lao 53%. Not surprisingly, these communities also include fairly low education levels, with 56% of Cambodian, 39% of Vietnamese, and 36% of Lao having less than a high school degree. Other API groups with significantly high LEP rates include Chinese (54%) and Korean (59%). These are the populations that are most likely to need legal aid assistance, but probably the least likely to successfully access existing programs.

Table 6: Poverty and Low-Income for API Ethnic Groups in Los Angeles County, 2000 (Source: U.S. Census)

Below Federal Poverty Line		200% of Federal Poverty Line	
Hmong	51%	Hmong	76%
Cambodian	38%	Cambodian	68%
Tongan	28%	Tongan	58%
Samoan	26%	Bangladeshi	53%
Bangladeshi	25%	Laotian	51%
Laotian	23%	Samoan	51%
Pakistani	22%	Vietnamese	44%
Vietnamese	21%	Pakistani	42%
Indonesian	19%	Guamanian	37%
Thai	17%	Korean	36%
Malaysian	16%	Thai	35%
Korean	16%	Indonesian	35%
Guamanian	15%	Chinese excl	33%
Taiwanese	15%	Chinese	32%
Chinese	15%	Nat. Hawaiian	31%
Chinese excl	15%	Taiwanese	29%
Nat. Hawaiian	13%	Malaysian	27%
Asian Indian	12%	Asian Indian	25%
Japanese	9%	Sri Lankan	22%
Filipino	7%	Filipino	20%
Sri Lankan	7%	Japanese	17%

These factors prevent many APIs from understanding their legal rights and responsibilities, and also present significant challenges to legal aid programs trying to reach out to and serve these communities.

The Gap between Traditional Legal Aid Efforts and Needs of API Communities

Traditional Intake Systems Preclude API Client Access

Across the nation, traditional delivery systems that handle low-income legal clients are based on two assumptions: (1) people generally know about the existence of legal services, and (2) people will (or want to) access them for assistance in resolving their matter. Legal aid programs rely on telephone intake systems and/or walk-in appointments to handle clients on a first-come, first-served basis. Because most programs cannot handle the volume of existing clients in need, outreach or marketing is usually project-specific (e.g. to notify a specific population like seniors about a recently-funded project that affects them), and relies on written brochures, fliers, and understaffed or sporadic general community presentations.

These two assumptions that predicate these traditional delivery systems do not apply to API communities, and have undermined many legal aid programs' efforts to serve API clients. As discussed above, API communities are typically insulated from services outside of their communities. Like many others who are new to the culture and society of the United States, most API immigrants and refugees are unfamiliar with legal aid programs and the U.S. justice system. More importantly, API communities that are newer to the United States or are largely comprised of refugees, distrust and may refuse to access services associated with or perceived to be associated with the government. Thus, traditional intake systems that rely on the client to initiate contact with the legal aid office will remain underutilized by — and thus underserve — low-income API communities, especially the disproportionately poor refugee communities.

Lack of Language-Appropriate Staff and Materials Impede API Access to Services

Many legal service providers are focused primarily on meeting the needs of those clients who come through their doors. Because the language barrier is a significant bar to opening the door for most low-income API communities, thousands of APIs who may be in need of legal assistance may not be aware of legal aid assistance and may not even approach legal aid agencies for help. Even for API clients who overcome that roadblock and enter a legal aid agency, language barriers often prevent API individuals from fully accessing services and also limit the ability of a legal aid program to effectively serve or represent LEP APIs. Across the country, a majority of legal aid programs offer services exclusively in English. Many programs now offer some services, especially intake, in Spanish. Despite these efforts, legal aid programs are ill-equipped to provide regular and comparable services for LEP clients, especially LEP API clients, due to the diversity of API languages, the lack of availability of a competent language pool, and/or the lack of legal interpreters.

Diversity of API languages: Serving the diverse language needs of API communities is not as simple as hiring one interpreter or bilingual staff person. Because the term "API" encompasses 28 different languages, programs are hard-pressed to effectively staff the need. Legal services' budgets cannot accommodate hiring enough bilingual advocates to serve all the language needs of increasingly diverse API communities.

Lack of availability of a competent language pool: Some API communities — the Cambodian community, for example — are not established enough in the United States to have sufficient numbers of fully bilingual individuals who can serve as competent interpreters or bilingual staff. Additionally, some populations who have individuals with bilingual capacity also have a small population pool from which to recruit interpreters (e.g., Thai). Regardless of how established or how large a community is, most API communities do not have a sufficiently large pool of

bilingual individuals to serve as interpreters or staff, since the high demand for such individuals makes it more difficult to attract them to public interest or legal services work.

Lack of legal interpreters: Like interpreters in the medical field, it is critical that interpreters in legal settings have an understanding of the law and legal concepts. However, members of newer API communities, including refugee communities like Cambodians, are disproportionately deprived of opportunities to pursue law degrees or legal careers. Even for API communities that now include a large number of attorneys, many may not be bilingual or their language skills may not be sufficient to engage in legal interpretation which can be very difficult. Interpreting from another language into English is one skill set, and translating complex legal matters into simplified concepts is another. Within API communities, this becomes even more important because the legal concepts that need translation are foreign not only in language, but also in concept. While some legal services programs have been able to hire receptionists and clerical staff who have proficiency in an API language, these individuals may not be able to meet the needs of API clients because they do not have training in the legal field or understanding of complex legal concepts which s/he will be asked to interpret. As a result, while individual words themselves can be translated, legal concepts and cultural differences between justice systems are more difficult to interpret and are often interpreted inaccurately.

SECTION III: A REPORT ON FINDINGS — SUCCESSFUL APPROACHES FROM FORERUNNERS

Programs targeting or significantly serving API clients are relatively new and as result have not been fully evaluated at the time of this report. In the next couple years, many of the projects featured here will be the first to be evaluated officially. A handful of programs, however, are leading the way in developing useful approaches that other organizations may want to employ or adapt. Of the fourteen programs interviewed (*see Appendix B: Programs Interviewed*), several common themes emerged that underlie the successful programs; these lessons can provide useful guidance to organizations in the process of designing or re-designing their own programs for API clients.

1. Establish Clear Vision from the Top

A key factor for success is clear direction and vision at the Executive Director or leadership level of the organization. In all programs interviewed, the leadership of the organization identified the need for serving API clients and prioritized the implementation of a project that would meet API legal needs. Good leadership meant that the Executive Directors saw the API project as important and as a future part of the organization. Leadership articulated the goals of the project, backed the vision with funding, and committed staff to the project. In many cases, this vision went beyond the initiation of a new project. Approaches that affected hiring decisions, management systems, and reinvention of delivery models were considered as well. In one program, for example, API bilingual ability was considered as part of every new hire, regardless of whether or not that staff person would be working within the API project specifically. This was based on a vision that, in the long-term, the legal services program would have to consider API bilingual abilities with each new hire in order to develop and sustain capacity over time to meet the ongoing needs of API clients.

Consistently, leadership in these programs defined the solution as above and beyond merely creating an API project within their organization that enabled more APIs to be represented by its attorneys. Rather, programs recognized the need to develop a well-rounded approach that included outreach with community-based organizations, partnerships with API groups or other legal services, additional training for staff, and/or alternate delivery systems to accommodate API clients who were trying to access services. Given these goals, most programs interviewed noted that a successful project could not be built by simply assigning one staff person the responsibility to represent all API clients. Either alternate staffing had to be considered (*see below*) or the project had to be better integrated within the larger organization.

Lastly, it was critical that leadership was willing to reinvent delivery systems. Instead of offering to API communities a legal services system that had already been developed for English or Spanish speaking clients, successful approaches included a willingness to see in what legal areas API communities needed help, and to design systems responsive to those needs. For example, legal needs vary by API sub-group. Also, legal services for API clients might not fit into traditional priority areas, and time and resources must be allocated to gauge the needs of certain API sub-groups in order to create relevant services.

2. Initiate Strong Partnerships between Legal Aid and API Organizations

Because the current legal system provides little to no services for LEP API communities, the resources needed to provide these services are substantial, and furthermore, too great for any one program to shoulder. Therefore, partnerships were noted as critical, not optional. Providing services to API communities involves not only representing a client, but also providing a single point of entry, developing a relationship with essential community-based groups, performing outreach and community education, providing interpretive services, and potentially developing an interpretive pool through trainings and/or advocating for improved access to the courts on behalf of API clients. Partnerships that cut across legal aid programs, API community-based organizations, and the justice community are critical to successfully implementing these services for API clients.

Each program that was interviewed underscored the importance of developing strong referral networks with other legal aid programs. Coordination of outreach and accurate referrals for representation, both of which are built on these partnerships and networks, are essential to a project's success. Programs that operated outside of a general legal aid program saw the need to offer some form of language and interpreter assistance to the referred programs to ensure the client would not face further barriers at the legal aid partner program. Building relationships with service providers and community-based organizations that provided other social services was also important, since clients often needed referrals for non-legal issues.

Successful programs cited their role as either a leader or catalyst in establishing active partnerships or collaboratives to share in the responsibility to serve API clients. Many API organizations targeted legal services programs, and API projects within legal aid programs targeted social service and unique partnerships with the courts to expand services. Without these partnerships to expand the services and create a broader support network for API communities, services remained unsuccessful or underused.

One program, for example, noted that while it could invest its resources to create and implement a program that translated materials or services in multiple languages, the program was more successful when the courts also offered services for the same API client group.

Similarly, another program cited the need to mobilize its neighborhood legal aid programs around API issues, rather than wait for the legal aid programs themselves to initiate and prioritize them. This effort resulted in partnerships whereby legal aid programs receive referrals from a hotline that acts as a single point of entry for API clients.

3. Perform Active Outreach with Community-Based Organizations and Incorporate Community Education

One of the most important themes that arose from all interviews was the need for outreach and relationship development with community-based organizations. Without relationships that are cultivated with API community-based organizations through in-person outreach and relationship development, a newly-developed API initiative will be hard-pressed to have access to API clients.

The most successful way to build trust between legal service organizations and API communities is by working with API community-based organizations to reach out to API individuals. Community-based organizations act as natural hubs for many communities. In API communities, social service, volunteer and faith-based groups provide critical services and programs to as well as create a safe space for community members. Since they have established a position of trust with community members, these community-based organizations are key to conveying information, advice and resources to new immigrants and refugees. This trust can extend to legal aid organizations that build strong relationships with API community groups.

Experience consistently revealed that while a program could create an API unit, hotline, or full representation program, all services remain underutilized until a concerted effort was made to develop a relationship with community-based organizations. Unlike other models of outreach, successful outreach to the API community requires face-to-face meetings to establish a trusted and personal relationship from which to build a referral network. Programs that experienced the most success in receiving active referrals consistently cited the need for regular, established on-site intakes or clinics at community-based organizations.

4. Provide Sufficient and Effective Staffing for an API Project

Utilize Mixed Staffing to Effectively Meet Language Needs
Ideally, LEP legal services clients would be assisted by bilingual attorneys, advocates and paralegals. However,

the reality is that there are far more LEP clients and languages than there are bilingual persons able and willing to serve them; also, few legal aid programs have the resources to hire staff in all needed languages. All successful projects interviewed for this report relied on a combination of paid and volunteer bilingual persons, such as: paid staff; volunteer law students; other volunteers; pro bono attorneys; volunteer community interpreters; and/or paid professional interpreters. These staffing options were necessary to meet diverse language needs, and also to maximize resources and minimize costs.

Avoid Expecting Community Groups to Provide Volunteer Interpreters
One common tension between legal aid (and other mainstream) agencies and API community-based organizations is the expectation — often unstated — that the API group will provide interpreters on demand and without compensation. This expectation places significant burdens on API organizations, which are often small and under resourced, by drawing staff away from existing job duties and responsibilities. Successful programs have avoided this situation by providing sub-contracts for interpretation, working out an exchange of in-kind services, and/or establishing a system to keep interpreter requests reasonable. Many community-based organizations are willing and able to work with legal aid organizations to find a solution, and many will provide training and technical assistance on meeting the language needs of LEP APIs.

Establish Fall-back or Transitional Approaches for Meeting Language Needs
While potentially prohibitively expensive as a long-term strategy, one solution to offering immediate language services is the utilization of paid telephone interpreters, which offer a per-minute rate for interpreter services in upwards of 150 languages. Some programs that were newer to serving API communities noted that without sustained resources to hire appropriate staff, a telephone interpreting service was their program's best short-term option. While per-minute rates can be high, these programs noted this was an adequate and temporary solution to provide services in needed languages when hiring was not an option. Additionally, programs more experienced in providing services to API communities commonly relied on telephone interpreters as a back-up plan, e.g., offering finite minutes of this service to staff to supplement existing staff language capacities.

Dedicate Staff or Teams to API Issues Exclusively
Whether the program operated within a legal aid organization or was a stand-alone organization acting as a single point of entry and referral for API clients, all programs underscored the importance of dedicating bilingual staff to any successful API effort. A staff person expected to handle the needs of diverse API communities in addition to other cases, priorities, or projects will be unable to devote the time needed to effectively implement and sustain services to API clients.

As mentioned above, a successful and comprehensive API project involves much more than simply representing a client in a legal matter. It also involves relationship building with community-based organizations, individualized education to community members, working with a potentially large group of volunteers and staff, among other responsibilities. To effectively establish legal services for API clients, especially those who are LEP, it is important that staff assigned to such a project be relieved of competing priorities.

5. Provide a Single Point of Entry for API Clients

One key to successfully serving API clients is the creation of a single point of entry for API clients, such as a dedicated telephone number for all API clients or, even better, dedicated numbers for each API language served. Experience from programs that employed this strategy indicated that without this option of having a dedicated telephone number staffed with bilingual advocates or providing a recorded message in API languages, many API clients would hang up before they were helped. Furthermore, community-based organizations would be reluctant to refer their clients for services to organizations without a single point of entry for API clients because invariably the client could not get through or would get frustrated by the difficulty of reaching someone who understood them. To address this issue, some legal aid programs have set up dedicated telephone numbers focused on specific communities (e.g., a Korean hotline or dedicated number for the Korean community). The key to the success of these lines is that they are answered by a live person who performs an intake (such as a staff person, law student, or other volunteer). Alternately, the client listens to a recorded message in their language, leaves a voicemail message, and is called back by a bilingual staff person or volunteer. A single point of entry in the native language of the clients also helps establish trust and mitigate cultural divides.

6. Expand *Pro Se* and Self-Help Services to Complement Other Services for API Clients

Services for *pro se* (unrepresented) clients are important because despite all efforts, limited resources dictate that the needs of low-income API communities cannot be wholly met through a staffed or volunteer-driven program. For English-speaking legal services clients, *pro se* and self-help options are increasingly being provided to help larger numbers of clients navigate the legal system. These options must also be provided for API clients, so that if there is no available advocate, they can still proceed unrepresented. However, such self-help services should not replace direct assistance and representation, as no successful program is based on a purely self-help model.

One legal aid organization in Southern California, for example, offers a self-help center at courthouses, which is staffed by a bilingual Mandarin-speaking advocate. This advocate can provide LEP Mandarin-speaking users of the court with counseling and limited assistance in their legal matter. Another Southern California legal aid organization staffs a courthouse clinic with a Korean-speaking attorney, who helps victims of domestic violence complete restraining orders on-site.

7. Utilize Technology Solutions Effectively⁴

Many programs take advantage of technology to help coordinate, deliver, or create new approaches to meeting the needs of API communities. An internal website (i.e., an “intranet”) that refers staff to translated materials, bilingual resources, API cultural issues and other services available is one example of how technology can be harnessed to more effectively serve API clients, especially by staff who typically do not handle API clients. Other technology innovations include courthouse kiosks that help LEP clients complete court pleadings and websites that provide translated self-help material. As noted by the programs interviewed, these technology applications — like the *pro se* and self-help options — are not meant to singlehandedly meet the legal needs of API communities, but are most effective when integrated with adequate staffing, strong partnerships and clear commitment to serving the community.

⁴ This report does not discuss in-depth programs that have significantly explored technology solutions. The Appendices outline some options that are being explored across the field, and provides a resource page with additional information about these projects.

SECTION IV: ONGOING CHALLENGES IN SERVING API CLIENTS

In addition to common strengths, there are also issues or challenges identified across all programs that affected design, implementation and delivery of services to API communities.

1. Meeting Staffing and Management Challenges

Unavailability of Persons with Relevant Expertise and Linguistic Ability Staffing remains one of the biggest challenges for all programs, as funding for salaries fluctuates or is hard to sustain. Even when sufficient funds were available to hire bilingual staff in the targeted languages, programs faced a hard reality: Bilingual persons with legal skills and/or experience are rare or non-existent in some languages (e.g., Cambodian), and even in languages with many trained attorneys and paralegals (e.g., Chinese), competition from the (better-paying) private sector for fluent bilingual speakers means a relatively scarce pool of potential staff and volunteers. To the extent a more experienced individual was required, e.g., to start up and manage a new API Project, the pool of possibilities shrinks even further.

Difficulty Integrating API Priorities into Every Hiring Decision Senior management of several interviewed programs noted that one large challenge was how to integrate the need for API staffing into every hiring opportunity. If an organization commits to serving API communities, then all hiring decisions throughout the entire organization should consider the candidate's bilingual ability as well as their legal experience. If successfully adopted, this strategy can lead over time, as shown by some of the interviewed programs, to a more integrated approach to delivering services to LEP API communities, with API speaking staff spread throughout an organization. This strategy, however, remains difficult to implement because of divergent opinions about which API languages or communities to prioritize and the unfortunately competing demands for limited resources (e.g., other language communities, new equipment, etc.).

Long-Term Sustainability of API-Specific Projects While some legal aid programs have found it useful to create a separate API unit to serve API clients, these units presented clear management challenges. In contrast to traditional legal aid programs where attorneys and other legal staff usually base their professional development on the depth of their expertise in a particular legal issue (e.g., housing), attorneys in API-specific projects are often required to be generalists. These attorneys, unlike their monolingual English-speaking counterparts, must cater to the broad range of problems in API communities, especially if they are fluent in an API

language. Managers of API-specific projects continue to wrestle with the balancing the professional development of their staff with the conflicting need to have API staff serve the needs of the API clients. Several programs noted that expectations should be clarified for both bilingual and monolingual English-speaking staff, especially the availability of interpreters for staff use and the role of bilingual attorneys and other staff in providing interpretation. Other expectations regarding control over cases, ability to develop expertise in one area, etc. should also be clarified for bilingual attorneys.

Additional Supervision and Time Required for Unpaid or Alternate Staffing Patterns Unpaid or alternate staffing patterns, such as those using volunteer or paid law students, come with their own set of challenges. Law and other students may not be able to prioritize the API project over school commitments. Volunteers also often stay for only limited periods of time. The projects that use students indicated a need to budget significant time for constant recruitment; coping with exams or other schedule conflicts; developing an effective system of training students on a continual basis; and ensuring proper supervision.

2. Lack of Funding

Across all projects, funding remains the biggest challenge. While start-up funding can be found for discrete projects or goals, successful programs have had to devote operational funds to these initiatives in order to sustain them. In order to sustain API-specific projects in the long-term, several programs profiled in this report are considering developing and implementing a fee-for-service project, where interpretation is provided for a reasonable fee.

One program, however, noted that relationships with community-based organizations can lead to funding opportunities (e.g., in one Chinese community, Chinese professionals collected funds that were made available to the legal aid program to fund their API-specific effort.

3. Need for Referral Networks

Referral networks are necessary to promote full services to API clients, since many projects can only successfully tackle one community or set of issues. For example, a multilingual stand-alone hotline cited a need for a network of experienced legal aid programs and attorneys to receive referrals and represent screened clients. Similarly, even within a traditional legal aid program, an API unit that is often under-staffed needs to be able to refer its cases within other units of the program — and sometimes outside the organization — for assistance and representation. While every program has developed these networks, successful referrals remain a challenge for most programs interviewed. Oftentimes, unless an API community-based organization or unit offers assistance with interpretation, their client will be rejected for extended representation due to the language barrier.

Additionally, programs that coordinate with other legal aid programs often find it challenging to successfully refer many cases to partner legal aid programs, due to limited staff assigned to the project or other competing priorities.

4. Establishing Quality Control for Bilingual Staff and Interpreters

Increasingly, mistakes in interpreting and incidents where client rights are compromised are spurring calls for quality control in interpreting. To maintain quality control over bilingual staff and volunteers, it is imperative that legal aid organizations train all persons who will directly communicate with LEP clients. Ideally, training should include the specifics of legal interpretation, interpreter ethics, and interpreter protocols. Additionally, there should be standards regarding who is eligible to act as an interpreter, in order to avoid conflict of interest issues. For instance, using staff from community-based organizations, former clients, or family members as interpreters often presents ethical issues (e.g., disclosure of personal information to other members of a small community) and potential conflicts of interest in certain legal matters (e.g., family members who are opposing parties). These issues remain challenges for most programs. Limited resources often force efforts to implement such quality control measures onto the backburner. Additionally, in areas where interpreters are limited, programs are less likely to invoke standards of interpreting that might further reduce the pool available to assist a client. In addition to training, most legal aid organizations have very informal methods of assessing language ability — without formal evaluation of skills and knowledge, legal aid organizations run the great risk of hiring staff or relying on volunteers whose language skills are not sufficient for their duties.

5. Effectively Responding to Ongoing Demographic Changes

While the programs profiled in this report are located in Los Angeles, Boston, and Washington, D.C. — all urban centers that have a history of API communities — other programs interviewed represent states or areas that have traditionally served only English-speaking clients and have only in the last several years experienced the explosive growth of API and other LEP populations. These recent demographic changes represent a unique series of challenges.

Two issues were noted by programs under this rubric: (1) programs located in demographically and linguistically diverse neighborhoods that had a history of providing services to API or LEP clients continue to struggle with how to create systems for and respond to a dynamic community with new populations arriving; and (2) programs located in traditionally English-speaking neighborhoods or in rural areas without much exposure to LEP communities were experiencing a high influx of API and other LEP clients but without resources or

programs to help meet the need. A challenge faced by both types of programs was: how to prioritize languages, and once certain languages are offered, how to serve new communities that may arrive over time?

Although no universal consensus exists, existing solutions are helpful to examine. Pine Tree Legal Assistance (PTLA) in Maine has witnessed a record influx of immigrant populations. The state's Department of Education reports that more than 72 languages are now spoken in Maine. Spanish is no longer the clear second language behind English, but instead competes with seven other languages. Because each population ranges between 200 – 500 persons, this situation has challenged PTLA to design services for several language groups simultaneously in a place with no history of existing services for LEP communities.

A short-term response used by PTLA focused on translating client materials and brochures into the appropriate languages, and using a telephone interpreting service to interpret for LEP clients. PTLA noted that while it could invest in more effective services over time, assuming more funding could be secured, however, a larger challenge remained: PTLA is only one piece of the justice system in Maine. The courts in communities like this are also overwhelmed by the demand and are unable to process claims or clients who do not speak English or Spanish. The challenge represented by PTLA indicates a strong need for programs to work with other partners in the legal system to ensure client needs are not compromised due to language and cultural barriers.

6. Expanding Beyond *Pro Se* and Self-Help Services

While also mentioned as a strength because of the ability to serve a greater number of clients, programs that simply provide counsel and advice or limited services cannot adequately meet the needs of low-income API communities. As more and more API clients come into contact with the legal system, the weaknesses of the system as it affects LEP persons become more evident. Many programs cited that technology and *pro se* services will be un- or under-utilized if they are not integrated into a fuller approach to deliver services to API communities (e.g. including staff to provide representation). Additionally, programs pursuing *pro se* initiatives and self help services should also engage in courthouse advocacy that encourages the courts to accommodate the API client base equally. For example, court interpreters are frequently not available in API languages. Therefore, even if a *pro se* initiative can empower a client to complete necessary forms, this client may still be denied justice because they will neither understand nor be understood in the courthouse at her hearing.

SECTION V: ASIAN LEGAL LANGUAGE INTAKE PROJECT (ALLIP)

The Asian Legal Language Intake Project (ALLIP) is a project of the Asian Pacific American Legal Center (APALC), the largest organization in the country focused on meeting the legal needs of APIs. APALC is a unique organization that merges both the work of a traditional legal service provider and a civil rights organization. As a prominent leader in the country and the region, APALC is dedicated to providing the growing Asian Pacific American community with multilingual, culturally sensitive legal services, education, and civil rights support.

The concept of the ALLIP project was born more ten years ago by APALC and its community-based partners, and was finally brought to fruition in May 2002. The impetus for ALLIP was rooted in the visible need in the Southern California area to increase services to low-income and largely limited English proficient Asian Pacific Islanders.

In the early 1990's, the Asian Pacific American Legal Center (APALC) and the Asian Law Caucus in San Francisco conducted an informal survey of legal service providers throughout California. The survey found that while APIs were the most rapid growing population, they remained severely underserved. Specifically, the survey found the following:

- Ten percent of the state's population were classified as API; yet APIs made up fewer than 3% of the clients served by any surveyed organizations;
- Fewer than 10% of the groups surveyed maintained at least one bilingual staff person in any API language. More than 60% of the agencies surveyed had no mechanism in place to communicate with API clients;
- Fewer than 25% of agencies surveyed used bilingual volunteers;
- While all of the agencies acknowledged the need to bridge these gaps, they simply did not have the financial resources or expertise to make it happen.

APALC recognized that it offered unique resources — diverse language capacity and legal services targeting API communities — but that it would be extremely difficult to find the resources necessary to assist everyone in the API community. Instead, it would be critical to engage mainstream legal services providers and get them more involved in meeting the legal needs of the growing API community. Furthermore, APALC recognized that

these partnerships would be essential in minimizing competition and maximizing the resources that could be devoted to this community.

Throughout its history, APALC had engaged in significant collaborations with other organizations. While APALC had been working with each of the legal aid organizations individually, the ALLIP effort was further promoted due to separate planning efforts that had been undertaken by Southern California's legal aid programs (that all received funding from the Legal Services Corporation). Concurrently with APALC's planning, these legal aid providers were meeting to assess how to better to coordinate their own efforts. They made the decision to include APALC in their discussions, and these conversations coalesced into what became the Asian Language Legal Intake Project. The partners in the ALLIP effort include:

- Asian Pacific American Legal Center (APALC);
- Legal Aid Foundation of Los Angeles (LAFLA);
- Neighborhood Legal Services of Los Angeles County (NLS); and
- Legal Aid Society of Orange County (LASOC).

Goals of the ALLIP Effort

APALC received funding from the Open Society Institute in 2001⁵ to plan and implement this project. ALLIP's goals were to provide legal assistance to Southern California's non-English speaking Asian clients. Specifically, ALLIP aimed to achieve the following:

- Eliminate language as an initial barrier to access legal help;
- Provide a single point of entry for legal assistance that would allow limited English proficient API clients in Los Angeles and Orange counties to receive immediate, free basic legal information and brief consultation on their legal matter — in their language and with consideration to cultural differences;
- Expand the capacity of existing legal aid programs to represent API clients for regular substantive cases by increasing staff numbers devoted to serving the API population and by expanding the case acceptance criteria and referral mechanisms for API cases;
- Develop a coordinated approach among the partner programs to conduct outreach in the API community and develop trusted relationships to promote ALLIP and the services of legal aid partner agencies.

A Centralized Hotline for APIs in Their Language

ALLIP's delivery model is centered on a coordinated, centralized intake hotline system that delivers services

⁵ Subsequent funding was also provided by the Community Technology Foundation of California, The California Consumer Protection Foundation, The California Endowment, and the Verizon Foundation.

wholly in the native languages of the client population. The languages for the pilot phase of the project were Mandarin, Cantonese, and Vietnamese. The project has since expanded to two additional languages in 2002 — Korean and Khmer (Cambodian). The Chinese dialects of Mandarin and Cantonese were chosen initially because this API group comprised 26% of the API population in Los Angeles County. Vietnamese was selected because the largest Vietnamese population in the nation resides within Orange County, and it experiences a record poverty rate of 27%. These two API communities also signified two different immigrant communities. The Chinese community had a longer and more established community infrastructure, while the Vietnamese community represented a newer community with a growing community infrastructure. Both communities provided the opportunity for ALLIP to tailor different outreach methods to effectively reach these groups.

ALLIP Hotline Design and Operations: A Single Point of Entry

ALLIP's hotline is a single point of entry for monolingual Cantonese, Mandarin, and Vietnamese speaking clients who need legal assistance. Clients calling for legal help can expect to have the call answered in their native language and to speak with legal advocates or attorneys about their legal matter. Additionally, the ALLIP Hotline will also screen the caller's issue for extended services (beyond initial consultation) based on whether or not the caller is income-eligible by partner agencies, and based on whether the caller's legal matter is appropriate for referral based on the partner agencies' case acceptance criteria. Without being bounced from agency to agency, or forced to revisit their legal matter across cultural and language divides, the ALLIP hotline allows callers to access free immediate help and to access services of four legal services programs seamlessly.

The ALLIP hotline is staffed with full and part-time community legal advocates, attorneys, and law students. The hotline answers calls five days a week. An initial call averages 30 – 45 minutes. In this call, the caller is screened for income eligibility and for a conflict of interest. While many English-speaking hotlines or centralized intake systems speak to the caller only once and then refer the case, the ALLIP hotline has noticed that an advocate generally needs two or three calls with the client to times gather additional information, review documents that have been sent in by the client, and establish trust before the case is closed or making a referral for extended services.

Following an extensive planning and implementation process, the hotline began serving clients in May 2002 and was fully operational by July 2002 for Mandarin, Cantonese, and Vietnamese callers. In the spring of 2003, the project added Korean and Khmer (Cambodian)-speaking advocates. As of September 2003, 2,146 client intakes had been completed and at least 4,000 clients had received services⁶ B approximately 14 percent Cantonese-speakers, 31 percent Mandarin, 30 percent Vietnamese, 22 percent Korean, and 3% Cambodian. During this period from May 2002 to September 2003, the Project's toll-free telephone lines received approximately 15,000 calls.

Expanding Capacity of Staff throughout Legal Aid Programs

While the ALLIP hotline is a critical piece in the delivery system for the API community, it is only one component of the larger vision. As part of the project, each partner legal aid program made a commitment to hire staff to be able to receive the referrals from the hotline and represent clients. In determining the staff each program would hire, the collaborative programs did an inventory of their existing language capacity within the programs currently. All programs articulated not only how many languages and which languages could be brokered by existing resources, but also indicated the titles of staff that had the bilingual abilities. The programs found that while some staff technically spoke Cantonese, Mandarin, or Vietnamese, the skill set was held largely by clerical staff who possessed neither a working understanding of legal issues that would need to be translated, nor had room within existing job descriptions to be available for the level of interpretation that was needed to meet the needs of the clients.

Each program had to assess the best way to integrate dedicated legal staff into existing management and delivery structures. For example, in Orange County where the Vietnamese population is the largest minority, LASOC elected to hire a Vietnamese attorney who was responsible for working on the development team for the hotline materials and representing Vietnamese clients who were referred from ALLIP or their own intake system.

NLS covered an area that has a large and growing Chinese population. They elected to hire a Mandarin and Cantonese speaking paralegal, and re-allocate the time of an existing Chinese-speaking family law attorney to handle the cases referred internally and from the hotline.

⁶ Data are for the period May 1, 2002 through September 30, 2003 (source: ALLIP intake database). Of the approximately 15,000 calls handled, 2,180 resulted in formal intakes, while another 6,500 calls constituted subsequent phone calls with existing clients who did not get their issue resolved in the first call. Not all calls to the hotline result in a formal intake; 2,000 callers were assisted in addition to the formal intake since some callers have very simple questions that do not lead to an intake or will not provide demographic information. The remaining 4,400 calls received during this period were from callers who hung up, with many of them eventually calling back to receive service.

LAFLA runs its own Asian Pacific Islander unit (described below) that was staffed by 1.5 attorneys and a paid law student pool of 12 law students. This program elected to revamp the API unit by assigning a directing attorney to the project, allocating more attorney time to help staff it (2 FTE plus 1 paralegal), and use resources to hire more law students in the languages aligned with the ALLIP project. Additionally, LAFLA focused on integrating the API unit's work within the rest of the traditional legal aid program. This entailed meeting with all directing attorneys of specific legal matters (e.g. family, public benefits, consumer, housing, employment, immigration, etc.) and defining a mechanism by which these units accepted referrals from the API unit for representation of these clients using API unit and/or other program resources.

Expanding and Refining Case Acceptance Criteria of API Legal Cases

Another key component of the ALLIP project is the referral mechanism itself. As part of the ALLIP hotline, each program needed to articulate the components of a case that would render it appropriate for consideration for representation. ALLIP did not want to refer cases that would be rejected for representation because they were outside of the program's priorities and/or because they were not consistent with service goals of that program. The goal of ALLIP's referrals is to route cases to programs that would most likely be considered for representation if resources sufficed. ALLIP worked with attorneys and staff in each subject matter to articulate general and specific case considerations by legal topic. Then, ALLIP worked with these staff in teams across the programs to create simple questionnaires that would be used by ALLIP staff to (1) ask the necessary questions of the client to assess the legal matter so as to provide accurate counsel and advice and (2) screen callers' cases for criteria that might render it appropriate for a referral for representation by a partner program.

Each program met collectively to establish criteria for referrals, which included the geographic location of caller relative to a program's service area, legal matters that each program wanted to receive direct referrals to for counsel and advice (i.e. specifically funded efforts that serve a client base beyond a geographic service area, e.g. a county-wide health hotline), and priorities for service. Most importantly the teams of staff determining case referrals recognized that in "courting" the API community and developing lines of trust and new relationships, they could not apply the same case acceptance guidelines across the board to API callers. Instead, initially, there was a determination that the legal services staff needed to initially open up their case acceptance criteria for this population in order to receive enough appropriate information about the needs of this client base to better shape case acceptance criteria and/or apply existing case acceptance criteria to this population and (2) help establish a relationship with the community.

Coordinated Outreach

The last component of the ALLIP hotline project is a coordinated outreach effort. Without developing and maximizing existing relationships with key community-based organizations and their leaders, APALC's experience had shown that the service would be underused. Each specific API ethnic community responds somewhat differently to marketing and outreach. The Chinese community, for example, is responsive to public service announcements and radio advertisements. The Cambodian population, on the other hand, is courted almost entirely through personal networks and relationships. The Vietnamese community responds to advertising efforts after personal networks have been established.

One of the most challenging aspects of the program has been the coordination of outreach efforts among the four partner agencies. The joint outreach had originally been conceived as each partner agency helping to publicize the ALLIP hotline numbers as they did their own outreach. However, it has been difficult for partner agencies to publicize the ALLIP hotline information while also working to establish their own presence and publicize their own programs in the communities that all of the agencies serve. Because the coordinated outreach has not been as extensive as originally anticipated, ALLIP staff have concentrated on building APALC's relationships with community-based organizations and conducting outreach in all target communities so that clients are aware of the availability of ALLIP as a resource.

However, there have been some successful joint efforts utilizing the staff of more than one partner agency. For instance, three of the partners and a local ethnic bar association worked together to sponsor a community clinic.

While still too early to evaluate, the ALLIP effort represents a model approach to bridging cultural and language divides, overcoming some of the challenges posed to the legal aid communities, and building on strong networks and collaborations to better meet the needs of the API community. This approach recognizes the strength of partnerships — within legal aid agencies and beyond them with community-based organizations to reach the client community and best serve them. As with any collaboration, there are inherent challenges and difficulties in managing a complex collaborative effort; however, all of the partner agencies have committed to the success of the project.

SECTION VI: PROFILES OF OTHER MODEL PROGRAMS

Asian Pacific American Legal Resource Center

Washington D.C.

Project Description The *Asian Pacific American Legal Resource Center (APALRC)* was started in 1998, and remains primarily a volunteer-based organization. It serves the growing Asian Pacific American community in the Washington D.C. metropolitan area. APALRC uses three approaches to improve access to legal services and remove language barriers that prevent the API community from obtaining legal assistance: (1) a multilingual legal referral hotline that provides legal referrals to other legal aid programs and pro bono attorneys; (2) language interpretive services to other legal and social service programs representing LEP API clients; and (3) outreach and education initiatives.

Multilingual Legal Hotline APALRC's multilingual legal referral hotline serves as a point of entry for many APIs in the D.C. metropolitan area. Approximately approximately 40 volunteer law students from George Washington University, Georgetown University, and American University staff the hotline each semester. The volunteers speak a variety of languages including Mandarin, Korean, Hindi, Urdu, Cantonese, and Bengali. These students, recruited every semester, conduct intake over the phone and, depending on capability, are used in varying degrees to manage the hotline as well.

APALRC has formed partnerships with other legal service agencies and pro bono attorneys in the District of Columbia, Maryland, and Northern Virginia, including jointly funded projects with six different legal service organizations. APALRC is able to refer cases to these local legal aid programs and offer on-going language assistance or interpretive services to the referral programs to ensure that the client does not encounter further language barriers while receiving assistance.

The Hotline handles 350-400 intakes a year and refers approximately 75% to other legal service programs for representation.

Legal Interpreter Project (LIP) To supplement its legal referral hotline, the APALRC developed a Legal Interpreter Project (LIP) to train 14 – 15 community members as legal interpreters twice a year. Selected participants from this training are then used on a contract basis to provide additional interpretation or translation services to clients. APALRC sees the LIP project as a crucial component as it ensures that clients will continue to receive legal assistance in their own language through trained interpreters even after the actual referral is complete.

Outreach and Clinics The APALRC conducts outreach to targeted community centers and places of worship to inform the community about the legal referral hotline. The APALRC also develops and implements issue-specific legal rights workshops and walk-in clinics in different communities in the DC metropolitan area. For the clinics, the APALRC coordinates pro bono attorneys and legal aid partner program staff to provide legal advice to clients who participate in the clinics, while APALRC's volunteers and trained interpreters conduct intake and interpret on their behalf.

Partnerships and Community Resources The APALRC works closely with community based organizations in the Asian Pacific American (APA) community, from whom it receives client referrals. In addition, the APALRC partners with community organizations for its workshops and clinics.

As for partnerships with legal service providers, the APALRC has had to take an educational approach to emphasize the importance of serving the local APA community, which has traditionally been underserved. The APALRC has found that once legal service providers in the area understand the demographics and need of the APA community, they have been receptive to collaboration to address the legal needs of low-income APAs, including a willingness to work on collaborative fundraising efforts. The APALRC currently has three jointly funded projects with six legal organizations to address the legal needs of Asian seniors, domestic violence victims, and low-income Asian immigrants residing in Northern Virginia.

Greater Boston Legal Services

Boston, Massachusetts

Project Description The *Greater Boston Legal Services (GBLS)* created their Asian Outreach Unit (AOU) in 1972 (then known as their Chinatown Outreach Unit). While initially designed to serve Chinese clients with limited English proficiency, GBLS changed the project's name, scope, and location in 1990 to serve Boston's API communities more generally. The Asian Outreach Unit uses three approaches to improve access to justice and remove language barriers for its API clients: (1) a multilingual staff that works for a distinct unit of GBLS to perform intake, counsel and advice and representation of API clients; (2) an internal website for all staff at GBLS that addresses bilingual issues and services for the API client; and (3) targeted outreach and education initiatives.

The Asian Outreach Unit (AOU) While the AOU began as a part-time, student-run legal clinic in a community health center in Chinatown, today it is a fully staffed program of GBLS's downtown headquarters office in Boston. All staff in the AOU program are bilingual in different languages that include Mandarin, Cantonese, Vietnamese, and Khmer. Current staffing consists of 2.5 FTE attorneys, one secretary, and various number of student interns. The AOU is a general practice unit, which means that attorneys and paralegals handle cases from a variety of legal issues, rather than specializing in one area of law (a more traditional staffing style across legal services programs). Substantive areas covered include consumer, employment, family, health, disability, housing, immigration, and public benefits. In addition, AOU has also represented community groups, parents and residents on impact work on land use, environmental justice, zoning, development review and education matters.

The AOU staff and its interns perform all parts of service, including intake, counsel and advice, and full representation. A majority of clients however are served directly at intake centers located at community centers. AOU also advertises three separate telephone numbers to Chinese, Cambodian, and Vietnamese communities.

Approximately 1000 clients are handled annually by the AOU staff.

Internal Advocate Website on API Issues Recognizing that one specialized unit is insufficient to provide services to limited English proficient clients, GBLS created an internal website for all staff that addresses bilingual issues, outlines available services within the staff and outside of the program, and lists bilingual programs that can be accessed by their clients. This internal site helps staff who do not work with these clients on a daily basis by providing them with a point of reference to use when they intersect with the AOU's or their own API clients.

Outreach and Community Intakes The AOU's effectiveness at serving the API community is seen by GBLS to be directly correlated with AOU's outreach efforts and its ability to establish strong relationships (often via face-to-face meetings) within the Asian communities it serves. The AOU conducts weekly outreach in community-based organizations where staff perform intakes. Additionally, the AOU advertises its services through community cable access television, community events, and legal education sessions in communities with high concentrations of API clients.

Partnerships and Community Resources The mission of the AOU is to make legal services linguistically and culturally accessible to the API population in Greater Boston. To do so, it places great importance in collaboration and partnership with a variety of community groups that serve as the front-line service providers to the mostly immigrant Asian population. For example, AOU is the base of operation for the volunteer-driven Harry H. Dow Memorial Legal Assistance Fund (a 501(c) (3) charitable trust formed in memory of Massachusetts' first Asian American lawyer) that raises funds to support legal interns and law fellows to start new projects to meet emerging needs in the diverse API population in Massachusetts. These interns and fellows are placed at AOU to expand the unit's capacity to serve the community; AOU in turn provides the training and mentoring to nurture the next generation of activists and public interest lawyers.

AOU also works closely with community-based organizations in many ways: (1) establishing intake sites located at community based organizations (CBOs) in the Chinese and Vietnamese community to facilitate access to legal services; (2) collaborating with CBOs and the Asian American Lawyers of Massachusetts in designing and implementing community legal education; (3) working closely with CBOs in major litigation and legislative advocacy work, to supplement community organizing and advocacy work with legal expertise; and (4) establishing a referral system with local battered women services serving Asian battered women, to ensure a continuum of service in both social service and legal settings. These partnerships and collaborations inform the substantive priority of the unit, and establish a network among social services, advocacy groups, healthcare providers, and legal aid programs to better serve the API community.

Legal Aid Foundation of Los Angeles API Unit

Los Angeles, California

Project Description The Legal Aid Foundation of Los Angeles (LAFLA) created their **Asian Pacific Islander Unit (API Unit)** in 1998 to provide services to one of the nation's largest API communities located throughout Los Angeles County. The Asian Pacific Islander Unit uses three approaches to improve justice and remove language barriers for its API clients: (1) a multilingual hotline and intake system designed for API clients; (2) API courthouse and community-based clinics and outreach program; and (3) full-time staff who can represent API clients in their legal matters.

API Hotline and Intake System The API Unit operates a hotline staffed by 8 – 10 paid bilingual law student interns who perform an intake for Korean, Chinese, Cambodian, Vietnamese, and Japanese clients in Los Angeles. These cases are referred to the API Unit's Directing Attorney who then either accepts cases for representation by the Unit, or refers the case to a specialty legal unit (e.g. Public Benefits or Housing Unit) for consideration for representation.

The hotline receives approximately 2,500 calls annually. Many of the callers are ineligible for LAFLA's services and are referred to appropriate agencies or private attorneys for further assistance. See below for more specific numbers.

API Courthouse and Community-Based Clinics and Outreach Program The API Clinic Program uses the API Unit's staff to go on-site at two courthouses and seven community-based organizations to provide immediate assistance and limited representation to API clients who are limited English proficient. These clinics assist clients with filling out necessary court paperwork and forms, and help clients understand how to proceed through the court process unrepresented.

The API Unit performs monthly intake and outreach on-site at community based organizations or centers. The API Unit sees approximately 500-600 potential clients at these clinics annually.

The hotlines and the clinic programs below result in a caseload of approximately 600 - 700 LAFLA cases per year. This includes consultation and advice, brief services (preparation of paperwork, negotiation, etc.), and full legal representation including litigation.

The API Unit relies upon its outreach efforts, and views outreach as essential to developing a strong, respected relationship with the API communities that supports their calling the hotline for assistance.

Full-time Staff for Representation The API Unit is staffed and managed by a full-time directing attorney, one full-time and one half-time staff attorney, and two full-time research assistants and interns. These staff members, in addition to performing outreach and supervising the hotline, have their own caseload to represent eligible API clients.

Partnerships and Community Resources The API Unit has entered into various partnerships with other legal aid programs and social service groups in order to efficiently provide quality services to API communities. The API Unit holds many of its intake clinics at community-based organizations. These organizations refer their clients directly to these clinics. These partnerships have been extremely important because clients have a trust and reliance on these organizations that they may not have had with LAFLA.

The API Unit also works closely with professional ethnic bar associations to provide pro bono assistance and consultation for monolingual API clients. For example, the API Unit started a monthly evening pro bono clinic with the Korean American Bar Association (KABA) and the Asian Pacific American Legal Center. The response from KABA volunteer attorneys has been overwhelming because they are given an opportunity to serve the Korean community.

The API Unit is also involved in the Asian Language Legal Intake Project (ALLIP), and participates in extensive meetings to discuss case acceptance criteria within the four different agencies. As a result, callers can call the language hotline and be appropriately referred to the proper agency based on type of legal problem, geography, and language. This program has not only helped the API Unit serve more clients, but it has also created a close relationship and deeper understanding of the work within the four agencies participating in ALLIP.

The API Unit also works on a case-by-case basis with other legal groups that have no or limited API capacity. In limited circumstances, the API Unit may partner with that agency to provide interpretation for services in a substantive area of law that LAFLA does not handle in order to ensure that the clients are served. These partnerships serve to educate that particular legal agency about the needs in the API community that they may not have otherwise addressed, with the hope that the agency will develop its own capacity to serve API communities in the future.

Legal Language Access Project

Oakland, California

Project Description The Legal Language Access Project (LLAP) has its roots as a collaborative that began in the mid-1990s, and secured funding for operation in 2000. It targets its assistance to local legal aid and social service programs to improve their abilities to represent limited-English proficient clients in Alameda County and West Contra Costa County. While API-language and Spanish-speaking clients are the largest number of requests, LLAP also serves other LEP communities, including Middle Eastern, Eastern European, and African languages.

The Legal Language Access Project uses three approaches to improve justice and remove language barriers in the community: (1) trainings for community-based organization staff and multilingual individuals on basic legal terminology, concepts, ethics and practices related to community interpretation and translation work; (2) provision of affordable interpretation and translation services for legal aid and social services organizations; and (3) advocacy on language access issues.

Trainings for Community-Based Organizations and Individuals LLAP offers an in-depth training (36 – 40 hours) on community interpreting in legal settings for staff representatives from community based organizations, social service organizations and legal aid programs. Individuals who act as interpreters within their own communities or who express an interest are also invited to attend. The training educates these community members on the role and responsibilities of the interpreter, basic legal terminology, concepts, ethics and practices related to community interpretation as a means to improve interpretation skills for all social services, legal service, and the general public. LLAP also does a 12-hour training on the fundamentals of translation. These sessions cover translation processes and theory, the translator's approach to texts (versus the interpreter's approach), techniques, types of translation, legal translation, ethics, roles and responsibilities, as well as expectations and skills of the community legal translator. The workshops provide opportunities for practice through focused exercises and use of real documents.

Legal Language Resources and Services In efforts to improve access by LEP individuals to services in their language, LLAP recruits interpreters and translators to provide services to collaborating legal aid programs and community-based organizations and their clients. Interpreters and translators work mostly on a paid basis since volunteers are not usually available during normal business hours; all have completed their training in legal interpretation and have been formally assessed as proficient in both oral and written skills of the language. Services provided by these interpreters include: interpreting during client intakes, attorney-client meetings, pro per hearings, legal clinics, community

education meetings, and translating written outreach materials. To date, there are 60 interpreters who represent 25 different languages and dialects, providing about 135 hours of service a month to collaborating agencies.

Advocacy on Language Access Issues LLAP works with governmental agencies to advocate on language access issues, and informs the collaborative agencies on these topics.

Partnerships and Community Resources LLAP was created by legal aid programs and social service groups who were part of the Alameda County Bar Association's Community Projects Committee and the East Bay Asian Consortium. These collaborating organizations continue to play a role in recruitment, training, and program development.

SECTION VII: CONCLUSION

API communities represent a diverse mix of cultures, languages, and peoples. Serving API clients is no longer simply an issue just for programs located in urban centers; with a dramatic increase of API populations in new areas during the last decade, more legal services programs across the country are recognizing the need to provide services to this growing and under served population. Cultural and language differences render many API communities unfamiliar with the American legal system as well as ignorant of their rights and responsibilities. Specifically, many APIs fear services that are perceived to be associated with the government, and are resistant to seeking services beyond a tight-knit social system built within the immigrant community itself. Additionally, language barriers and the prioritization of personal relationships often isolate these communities from services designed to reach English-speaking clients.

While developing services for this population group is fraught with new challenges, many programs around the country have recognized the need to redesign delivery systems to protect the rights of this growing client population. As such, legal services and API community groups face a watershed time. In addition to reinventing and refining delivery systems to meet complex needs of API communities, the models and projects being developed by these pioneering legal aid programs and API community groups will also pave the way for better services for other limited English proficient groups. Many of the themes applicable to serving API communities also apply to growing immigrant and refugee communities from Africa, the Middle East, Eastern Europe and other regions of the world.

While many different specific strategies may be employed to provide services, the road to success in developing working systems is based on several key points. The project must have support and a clear vision at the Executive Director level. Partnerships between legal aid and API organizations are essential to create an effective infrastructure. Often an API community-based organization, which may not be directly involved with legal services specifically, will act as a catalyst for local legal aid programs to prioritize services for API clients. Additionally, partnerships with API community-based organizations are critical to ensuring API clients know about and use the services offered. Programs clearly need to remain open to evolving based on the demands and the needs of the API communities targeted. Case acceptance priorities might be different depending on the community being served, and these priorities might look different than those created to serve English-speaking clients.

Ultimately, while these issues pose distinct challenges, the road to success is a matter of time. With a growing number of programs experimenting with models of legal service delivery for API clients and sharing their

experiences with other nonprofit legal services programs, the legal aid community can more effectively reach out and LEP API communities, and thus more effectively accomplish the mission of serving *all* low-income persons needing assistance with the legal system.

Appendices Table of Contents

Appendix A: Background on Asian Pacific American Legal Center	30
Appendix B: Programs and Contact Information	31
Appendix C: Programs and Contact Information (Profiled Programs Only)	33
Appendix D: ALLIP Sample Scripts, Questionnaires, Case Acceptance Criteria	34
Appendix E: The Potential and Pitfalls of Technology and API Clients.	45

APPENDIX A: BACKGROUND ON ASIAN PACIFIC AMERICAN LEGAL CENTER

The mission of the Asian Pacific American Legal Center of Southern California is to advocate for civil rights, provide legal services and education, and build coalitions to positively influence and impact Asian Pacific Americans and to create a more equitable and harmonious society.

APALC is the region's leading organization dedicated to providing the growing Asian Pacific American community with multilingual, culturally sensitive legal services, education, and civil rights support. It was founded in 1983 with broad community based support and is now the largest organization in the country focused on meeting the legal needs of one of the nation's fastest growing populations.

APALC is a unique organization that merges both the work of a traditional legal service provider and a civil rights organization. It uses four main strategies — direct services, policy advocacy, impact litigation, and interethnic relations and leadership development — in its substantive program areas, which include Legal Services, Asian Language Legal Intake Project, Citizenship and Immigration, Workers' Rights, Demographic Research, Immigrant Welfare, Voting Rights, Hate Crimes/Youth Leadership Development, and Leadership Development in Interethnic Relations.

As a direct legal services provider, APALC serves the diverse Asian Pacific Islander community with intake, legal counseling, education, and representation in the areas of family law and domestic violence, employment, consumer, immigration, government benefits and housing. Through its staff and volunteers, it has the capacity to facilitate numerous Asian Pacific languages including Hindi, Korean, Mandarin, Cantonese, Khmer, Indonesian, Malayalam, and Vietnamese. APALC is the only legal service provider in Los Angeles County that maintains this type of language capacity, and thus is an important resource for indigent monolingual or limited English speaking Asian Pacific Americans who are in need of legal assistance.

At the same time, as a civil rights advocacy organization APALC has been involved with a wide range of civil rights issues, including hate crimes monitoring, police-community relations, voting rights, and immigrant rights. In addition, APALC takes a leadership role in promoting collaboration with other ethnic groups, advocacy groups, and social service providers on a range of issues concerning the Los Angeles community at large.

In the area of impact litigation, APALC, along with other advocates, led the groundbreaking workers' rights

lawsuit, *Bureerong v. Uvawas*, and worked with Thai and Latino garment workers to hold manufacturers and retailers accountable for sweatshop conditions. APALC's Workers' Rights Project continues to use a grassroots model of litigation that includes casework, outreach, education, and policy advocacy, to empower garment workers to engage in a broader movement for social justice.

Finally, APALC's focus on interethnic relations and multiracial coalition building is evident in its leadership development program, as well as its work in garment workers' rights, hate crimes prevention, and coalition building within the API community. In all of these areas, APALC is explicitly multi- and cross-racial in its approach and seeks to develop both youth and adult advocates and leaders whose work can cross racial, ethnic, geographic, and other boundaries. APALC's Leadership Development in Interethnic Relations (LDIR) Program works to equip both school- and community-based advocates with these critical skills, and is currently piloting its community-based program in Flint, Michigan and Philadelphia, Pennsylvania. LDIR's school-based program is active in four high schools throughout the Los Angeles area, and is working to expand to additional schools in the region.

APPENDIX B: PROGRAMS AND CONTACT INFORMATION

Programs Interviewed Via E-mail or Telephone:

Advocates for Basic Legal Equality, Inc.
740 Spitzer Building
Toledo, OH 43604
Phone: (419) 255-0814
Fax: (419) 259-2880
Contact: Flowers Phyllis

Asian Pacific American Legal Center
1145 Wilshire Blvd., 2nd Floor
Los Angeles, CA 90017
Phone: (213) 977-7500
Fax: (213) 977-7595
<http://www.apalc.org>
Contact: Juliet Stone or Karin Wang

Asian Pacific American Legal Resource Center
733 15th Street, NW
Suite 315
Washington, D.C. 20005
Phone: (202) 393-3572
Fax: (202) 393-0995
E-mail: info@apalrc.org
<http://www.apalrc.org>
Contact: Jayne Park

Eastside Legal Assistance Program
P.O. Box 7165
Bellevue, WA 98008-1165
Phone: (425) 747-7274
Fax: (425) 747-7504
<http://www.elap.org/>
Contact: Pam Feinstein

Greater Boston Legal Services, Massachusetts
197 Friend St.
Boston, MA 02114
Phone: (617) 371-1234
TDD: (617) 371-1228
Fax: (617) 371-1222
Toll-Free: (800) 323-3205
<http://www.gbls.org>
Contact: Robert Sable, Zenobia Lai

Legal Aid Foundation of Los Angeles
Main Office
1102 S. Crenshaw Blvd.
Los Angeles, CA 90019
Phone: (323) 801-7989
Fax: (323) 801-7921
<http://www.lafla.org>
Contact: Joanne Lee, API Unit

Legal Aid Society of Orange County
Main Office
902 N Main St.
Santa Ana, CA 92701
Phone: (714) 571-5200
Toll-Free: (800) 834-5001
Contact: Robert Cohen

Legal Language Access Project,
c/o Family Bridges, Inc.
168 11th Street
Oakland, CA 94607
Phone: (510) 839-2270 ext. 306
Fax: (510) 839-2435
E-mail: llap@fambridges.org
Contact: Karen Hoy, Project Manager

Legal Services of Greater Miami
3000 Biscayne Boulevard Suite 500
Miami, FL 33137
Phone: (305) 576-0080
TDD: (305) 573-1578
<http://www.floridacdc.org/lsgmi/>
Contact: Margaret Zehran

New York Legal Aid Society:
Bronx Neighborhood Office
953 Southern Blvd.
Bronx, NY 10451
Phone: (718) 991-4758
Fax: (718) 842-2867 fax
Contact: Marshall Green

Northwest Justice Project
401 Second Avenue S, Suite 407
Seattle, WA 98104
Phone: (206) 464-1519
Toll-Free: (888) 201-1012
Toll-Free TDD: (888) 201-9737
Fax: (206) 624-7501
E-mail: njp@nwjustice.org
<http://www.nwjustice.org/>
Contact: Joan Kleinberg

Pine Tree Legal Assistance
88 Federal Street
P.O. Box 547
Portland ME 04112
Phone: (207) 774-8211
TDD: (207) 828-2308
Fax: (207) 828-2300
<http://www.ptla.org>
Contact: Kathleen Caldwell, Nan Heald

South Brooklyn Legal Services
105 Court Street, 3rd Floor
Brooklyn, NY 11201
Phone: (718) 237-5500
Fax: (718) 855-0733
<http://www.sbls.org>
Contact: Chip Gray

Statewide Parent Advocacy Network of New Jersey
35 Halsey Street, 4th Floor
Newark, NJ 07102
Phone: (973) 642-8100
Fax: (973) 642-8080
E-mail: span@spannj.org
<http://www.spannj.org/>
Contact: Diana Autin

APPENDIX C: PROGRAMS AND CONTACT INFORMATION (PROFILED PROGRAMS ONLY)

Asian Pacific American Legal Center
1145 Wilshire Blvd., 2nd Floor
Los Angeles, CA 90017
Phone: (213) 977-7500
Fax: (213) 977-7595
<http://www.apalc.org>
Contact: Juliet Stone or Karin Wang

Asian Pacific American Legal Resource Center
733 15th Street, NW
Suite 315
Washington, D.C. 20005
Phone: (202) 393-3572
Fax: (202) 393-0995
E-mail: info@apalrc.org
<http://www.apalrc.org>
Contact: Jayne Park

Legal Aid Foundation of Los Angeles
Main Office
1102 S. Crenshaw Blvd.
Los Angeles, CA 90019
Phone: (323) 801-7989
Fax: (323) 801-7921
<http://www.lafla.org>
Contact: Joanne Lee, API Unit

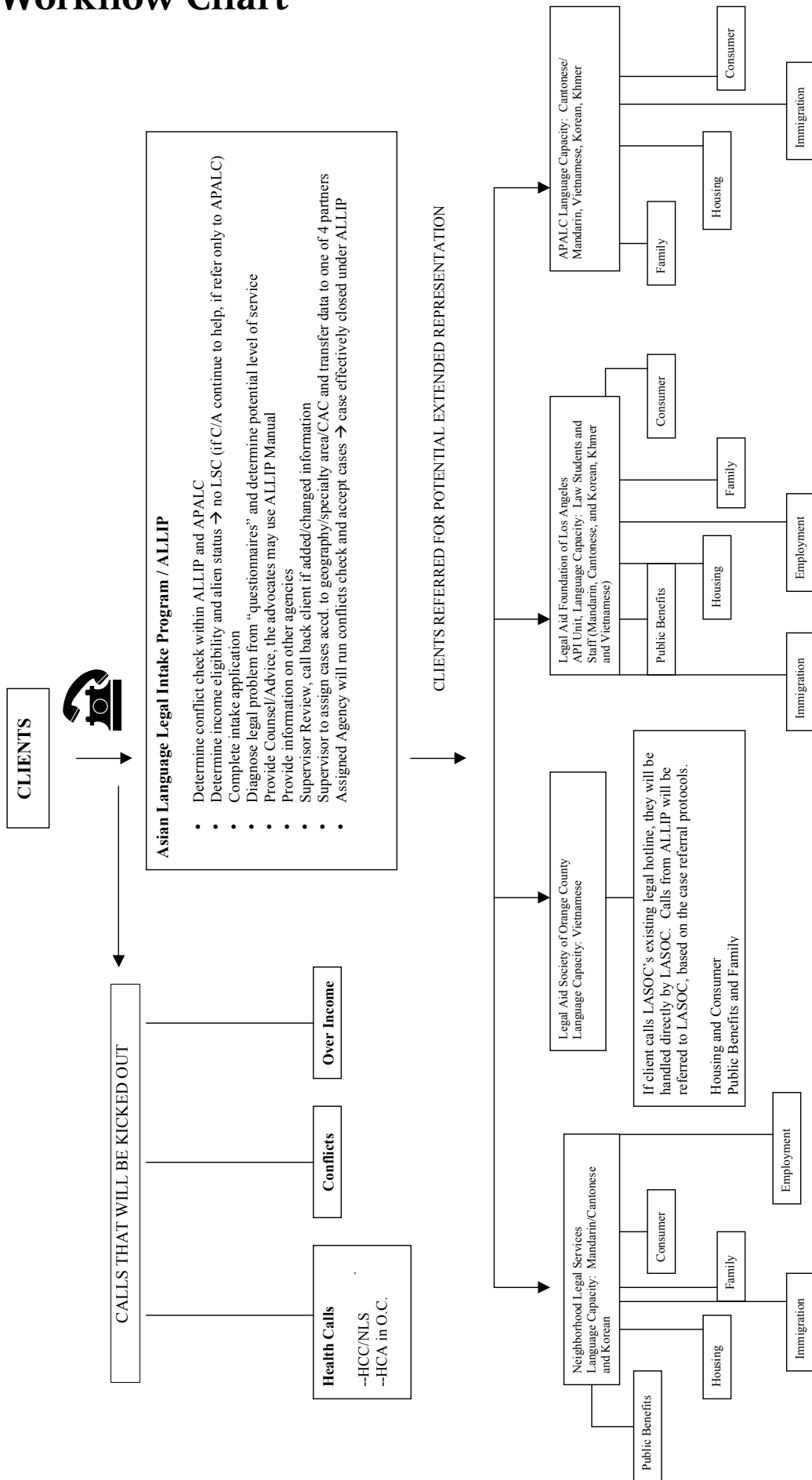
Legal Language Access Project,
c/o Family Bridges, Inc.
168 11th Street
Oakland, CA 94607
Phone: (510) 839-2270 ext. 306
Fax: (510) 839-2435
llap@fambridges.org
Contact: Karen Hoy, Project Manager

Pine Tree Legal Assistance
88 Federal Street
P.O. Box 547
Portland ME 04112
Phone: (207) 774-8211
TDD: (207) 828-2308
Fax: (207) 828-2300
<http://www.ptla.org>
Contact: Kathleen Caldwell, Nan Heald

APPENDIX D: ALLIP SAMPLE SCRIPTS, QUESTIONNAIRES, CASE ACCEPTANCE CRITERIA

ALLIP Workflow Chart	35
Contested Divorce Questionnaire	36
Basic Employment Questionnaire	38
Housing Case Acceptance Criteria	39
Consumer Case Acceptance Criteria	40
SSI Overpayment/Appeals Script	41

ALLIP Workflow Chart



9. Retirement
- a. Did either of you have a pension plan thru your employer? Yes No Don't Know
 If DON'T KNOW: While you were married, did either you or your spouse work? Yes No
 For how long and in what occupation?
- b. Have either of you served in the military at any time? Yes No
- i. Served during the marriage? Yes No
- ii. Currently enlisted? Yes No

For LASOC, if YES, complete checklist and provide advice. No referral to LASOC. If currently enlisted or served more than 20 years, no referral to LASOC.

10. Business Do either of you own a business, or did you run a family business, while married?
 Yes No **(OK, If sole practitioner or with no assets.)**

11. Service
- a. Do you have an address to serve your spouse / know where your spouse is? Yes No
- b. If no, can you find out, or do you have someone who will find out Yes No

12. Contested Matters
- a. Have you and your spouse discussed getting a divorce? Yes No
- b. Will you or your spouse disagree on who gets CUSTODY? Yes No
- c. Will you or your spouse disagree on VISITATION? Yes No
- d. Will you or your spouse disagree on CHILD SUPPORT? Yes No
- e. Will you or your spouse disagree on SPOUSAL SUPPORT Yes No
- f. Will you or your spouse disagree on how to divide what you own and what you owe? (DEBTS and ASSETS)
 Yes No
- g. Is there anything else that you or your spouse will disagree on in the divorce? Yes No

13. Jurisdiction
- a. Have you or your spouse been living in the State of CA for at least 6 months and in the county of LA or Orange County for at least 3 months? Yes No

14. Best times to Reach: (M - F, 8am - 5 pm): _____

Advocate: (note in docket)

1. Review CAC for services.
2. "All of the information you have given us is confidential. Can we have your permission to fax or e-mail this information to another legal services program that may be able to help you? The information will still be confidential with them.
 Yes No

I am referring your application for consideration for representation by a legal services program. There is no guarantee that they will be able to represent you. However, the agency will contact you by phone to schedule a follow-up appointment with you to better assess your situation and make a more final determination."

3. Advice Given:
- Safety Plan
- Temporary Restraining Order
- Jurisdiction
- How to Answer Complaint
- Paternity
- Child Custody (Physical/Legal; Joint/Sole)
- Child Support (Court-ordered formula; cannot negotiate)
- Visitation (Supervised visitation of spouse drinks/drugs around kids)
- Assets and Debts (Creditors are not bound to divorce decree)
- Uncontested Divorce v. Contested Divorce Process
- Income Maintenance, Gov Benefits

4. Referral Numbers: Counseling Shelter Police (911) Other _____ resource/referral info

ALLIP Basic Employment Questionnaire

1. Do you believe your present or former employer owes you money?
 - a. If yes, why do you think you are owed money?
 - i. Were you promised wages or vacation that you were not paid?
 - ii. Were you paid the minimum wage? What was it, for what period? When did you work there?
 - iii. Were you paid overtime for all extra hours you worked?
 - b. Have you filed a wage claim form? If so,
 - i. Were you denied? If so,
 - ii. Did you appeal? If so,
 - iii. What is the basis of appeal?
 - iv. Do you have an upcoming court date?
 - c. Are you still working for the same employer?
 - d. Are there other employees with the same problem?
2. What type of work do you do?
 - a. What is the name of your employer?
 - b. How long did you work there? What are the dates of employment?
3. When were you fired?
 - a. Why do you believe your employer fired you?
 - b. Were you fired unfairly?
4. Were there other abuses on the job?
5. Were you injured on the job?
 - a. Did you file a claim with workers' compensation?
 - b. Have you hired an attorney?
6. Have you applied for Unemployment Insurance Benefits?
 - a. Do you have questions about applying for unemployment benefits?
 - b. Were you denied? When?
 - c. Did you appeal? When?
 - d. What is the basis of appeal?
 - e. Do you have an upcoming court date?

ALLIP Housing Case Acceptance Criteria

SERVICES	NLS	LAFLA	LASOC	APALC
PRIVATE LANDLORD – TENANT				
3 DAY NOTICE: Evictions when back rent is due*	YES if pass checklist See, e.g., APALC	YES	YES for LL-T Clinic (every M in Santa Ana ofc) if – clt has money to pay and legitimate defense. Otherwise, refer to pick up self help packet and file by 4 pm.	NO, if you can't afford the rent or minor habitability or Non-Meritorious UD's YES, if code enforcement, or major habitability issues
3 or 30 DAY NOTICE: Evictions when no back rent is due*	YES if pass checklist See, e.g., APALC	YES – if special issue go to Housing Unit	YES for LL-T clinic, if: – legitimate defense – received Summons and Complaint – <u>not last</u> day to file Otherwise, refer to pick up self help packet (LL-T Clinic every Monday in Santa Ana ofc.)	YES for brief service if: claim of discrimination OR retaliation OR bldg being sold to new person OR habitability issue AND/OR has money to pay
Habitability Issues	YES, if major issues like utility shutoff OR summons /complaint and 3 day – usually not affirmative work	YES – Housing Unit wants	NO, unless: – pending evictions proceeding AND / OR – habitability problems present severe and imminent danger to health of client	YES for brief service – do answer – write letters
Disputes over money damages	NO	YES if cultural issue	NO	YES if cultural issue
Late fees	NO	NO	NO	NO
Relocation Costs	YES	YES	YES	YES
Security Deposits: T left apt wants \$	NO	YES	?	YES for brief service (write letter, small claims, refer for mediation)
Repairs/Health and Safety	YES, affirmative action if egregious	YES	NO, unless habitability issue presents severe and imminent danger to family	YES
Illegal Lockouts	YES	YES	?	YES
Illegal Utility cut offs	YES	YES	?	YES
Conversion to Condo	NO	NO	YES, REFER TO LASOC HOTLINE	NO
Illegal rent increases	YES	YES	NO	YES
FORECLOSURE	YES, is predatory lending issues, if can realistically make payments in the future	YES	NO, Refer to LASOC HOTLINE	YES (for in-depth C&A only), for referral to private atty
PUBLIC HOUSING, SECTION 8, HUD BUILDINGS				
Evictions	YES	YES	YES	YES
Termination	YES	YES	YES	YES
Denial of Application	YES	YES	NO	YES
Change in rent amount	YES	YES	YES, if involving eviction or pending eviction	YES
Notices other than eviction	YES	YES	NO	YES
Agency appeals	YES	YES	YES	YES
Conversion to Private (affordable to non-affordable)	YES	YES	YES	YES

*actually served with summons/complaint OR will be served

ALLIP Consumer Case Acceptance Criteria

SERVICES	NLS	LAFLA	LASOC	APALC
Bankruptcy/ Debt Collection	YES, if pass checklist – fixed income – undue hardship – loss of home – student loan discharge	Do checklist For debt collection or unsure whether bk is appropriate: YES (LAFLA to refer / schedule with Debt Crisis Clinic which meets monthly. The Debt Crisis clinic determines whether appropriate for bk.) For bk: refer to Public Counsel or Bet Tzedek For collections: YES, if unfair bank practices, levies on bank accounts, and unfair debt collection practices. Also send pro per packet.	YES, if have not used credit cards for 6 months; have garnished income; high debt (do CHECKLIST) Refer to Bk clinic (every other month) or to Public Counsel (SE LA) or Public Law Center (O.C. residents)	YES for in-depth C&A only
Garnishment	YES, if pass checklist	YES, do checklist (Refer for Brief Service)	YES	NO, unless child support
Foreclosure	SEE HOUSING CAC			
Survivor's Benefits or Pensions	YES	NO, Refer to Public Counsel	?	YES, for in-depth C&A only
Student Loan Problems	YES	YES if: vocational school no longer in operation, tax set off notice	?	YES for C/A only
Used and New Car Disputes	NO	NO, see Contracts for car breach of warranty	?	YES
Repossession	NO	NO, send Repo pro se packet	?	NO
Contracts	NO	YES if passes checklist: – salvaged vehicle – cannot register bought car and / or breach of warranty or contract YES if contract for home improvement	NO	YES for C&A only Possible referral to APADRC
Disputes Between Private Parties	NO	YES, if forgery involved Otherwise, refer to Dispute Resolution	NO	YES for C&A only Possible referral to APADRC
Tort Defense	NO	NO	NO	YES for C&A only Possible referral to APADRC

Social Security, Supplemental Security Income (SSI) Sample Script

A. You've Received Written Notice and Have Not Appealed

File a Request for Reconsideration within 60 calendar days from the date on the notice. Generally, it takes about 2 to 5 months (sometimes longer) to process your appeal. Get the Request for Reconsideration form from the SSA office: You can ask the SSA office to help you fill out the form. If the SSA office has refused to help you fill out the form, call us back and we may be able to arrange for staff from a legal aid office to help you fill out the form.

If Your Benefits Were Reduced or Stopped and You Want to Continue Getting Aid while you wait for your appeal to be heard, you must request a reconsideration within 10 days of the date on the notice. For Social Security Disability cases, you have to file a special form that says that you want your benefits to continue while you appeal and this form has to be filed with SSA within 10 days from the date on the notice. If you are an applicant and your application was denied, you cannot get aid while waiting for your hearing.

There Are Three Types of Reviews You Can Choose From When You Request a Reconsideration. A case review is a "paper review" which means a Social Security claims representative reviews the paperwork in your file again to see if you qualify. If you ask for an informal conference or a formal conference, you will have the chance to talk face to face to a Social Security claims representative and explain your case in person. It is usually best to ask for an informal conference when you fill out your Request for Reconsideration form.

If Your SSI or SSDI Application was Denied For Medical Reasons, you will usually only be able to get a case review from SSA at the reconsideration level. If you have other information or doctor's reports that you didn't have when you first applied, you can turn them in with your Request for Reconsideration. We usually do not take cases involving applications denied for medical reasons. We will give you a list of names and telephone numbers of attorneys who may be able to help you if you have this type of problem.

If Your Benefits Were Reduced or Stopped or You were Overpaid you should ask for an informal conference when you fill out your Request for Reconsideration form. We may be able to provide you with legal help if you have one of these types of problems.

You May Lose This Appeal. But remember the Reconsideration is only the first level of appeal available to you. If you lose at the Reconsideration level, you can appeal again by asking for a hearing with an Administrative Law Judge (ALJ).

How to Fill Out a Reconsideration Form:

1. Fill out the top portion of the form. In the middle of the page you must write why you want to appeal. You can simply write: "I disagree with Social Security's determination."
2. You can choose from three types of review: Case Review, Informal Conference and Formal Conference. The back of the form explains these options.
 - **Case Review** – select when you are contesting that you are disabled *and* you are not currently receiving SSI; *USE THIS WHEN YOU ARE TRYING TO GET BENEFITS.*
 - **Informal Conference** – select when you are appealing an issue other than your disability or date of disability. *USE THIS CHOICE WHEN YOU ARE ALREADY GETTING BENEFITS*
 - **Formal Conference** – select when you receive a notice stopping or reducing your checks. *USE THIS CHOICE WHEN YOU ARE ALREADY GETTING BENEFITS.*

B. You Filed a Request for Reconsideration; No Written Decision Received Yet

- Wait for a decision. It usually takes several months for Social Security to process your appeal. Sometimes it can take longer. You can call the Social Security office where you filed your Request for Reconsideration to find out what is happening with your case if you think SSA is taking too long to make a decision.
- If you appealed because your benefits were stopped because Social Security says you are not disabled, your file is at the Disability and Adult Programs Division (DAPD) during the Reconsideration stage. You can look at the file at this stage but it will be very difficult if you do not have a representative. You can add information to your file at any time. You can call DAPD and ask to speak to the person handling your case review. You may ask them about the status and if they need more medical reports.
- Social Security may deny you. Many Requests for Reconsideration are denied. However, over 50% of the cases are overturned when appealed to the next level, which is a hearing with an administrative law judge.
- If you were already receiving benefits and they were stopped or reduced and your reconsideration is denied, call us back. We may be able to help you. If your *application* was denied *based on medical reasons*, we will not be able to help you but we will give you a list of names and telephone numbers of people who may be able to help you.

C. You Received a Written Denial of Your Request for Reconsideration.

[**Advocate:** Check case acceptance list to see if case is referred to local office for representation.]

1. If you have NOT asked for an administrative hearing.

- **File an appeal in writing.** You have 60 calendar days from the date on the notice to complete a Request for Hearing form that is available at the Social Security Office.
- **If you want benefits to continue while you wait for your hearing,** you must file your hearing request within 10 days from the date on the notice. If your case is for Social Security Disability benefits, you have to fill out a special form asking that your benefits continue while you wait for your hearing.

2. If you HAVE filed for an administrative hearing: Begin preparing for your hearing.

[**Advocate:** Mail out SSI/SSDI: How to Prepare for Administrative Hearing. Also read Text Box on page 3, “How to Prepare for an Administrative Hearing.”]

- At this point, your file is at the Office of Hearings and Appeals. There are several locations. You will soon receive a notice telling which location of the Office of Hearings and Appeals your file is at or is being sent to.
- Once your hearing is set, you can look at your file. You will be able to make copies of your records without charge.

How to Prepare for Your Administrative Hearing:

If you need more time to prepare for your hearing: write the SSA office and request a “continuance”. You must request this in writing, and you should explain why you need more time. It is up to the SSA office as to whether they will grant the extension.

- **Anyone can represent you at the hearing:** a friend, lawyer, or you could represent yourself. It is not a good idea to have a friend represent you if he/she is not knowledgeable about Social Security. Keep in mind that private attorneys can request up to 25% of any retroactive benefits you receive. You can call the Los Angeles County Lawyer Referral Service or look in the yellow pages of the telephone book.
- **The hearing is non-adversarial.** No one will be against you. You tell the judge your side of the story. The judge will ask you questions. If your case is about whether you are disabled or not, there may be a vocational expert present at the hearing who will give an opinion about whether there is a job in the national economy that you can do.
- **Look at the denial notice.** The notice should state the reasons why you were denied or lost benefits. You should be prepared to tell the judge why the reasons in the notice are wrong. You can bring in additional doctors reports or other information to show why the reasons are wrong.
- **Call the Social Security Administration to look at your file.** If you are at the hearing stage (after your request for reconsideration has been denied), you may make copies of your medical records.
- **Make sure your file is complete.** If any doctors who have treated you submitted inaccurate reports, or if any reports are missing, call the doctors to get new reports. You are able to submit evidence all the way up until the date of the hearing.

How to Prepare for Your Administrative Hearing, continued

1. Testifying

- Your testimony, such as how severe your condition is, how much pain you are in, why are not able to work or go back to your past relevant work, will be critical. The judge will decide how important what you are saying is and whether he believes you.
- The judge must first determine that your disability is severe and then that you cannot return to past relevant work.
- The judge will ask you questions about what you are and are not able to do. You should listen to the questions carefully and answer only the question that was asked.

2. Witnesses and Proof

- You have the right to have witnesses come to testify for you. If a witness cannot be present, s/he can submit a written statement. An example of a possible witness is a former employer or a friend.
- If your case is about whether or not you are disabled, the Social Security Administration must prove that there is other work you can perform. A vocational expert will be at the hearing to tell the judge based on your file whether there is any job in the national economy you could do given your education and history.

3. More Evidence

- The judge may ask for more tests or other types of evidence to be brought in even after the hearing is over. If you want to bring in something after the hearing, you have to ask the judge to “keep the record open” so that you have time to bring in the other documents that you want on the record.

D. After the Administrative Hearing.

- There is no time limit for the judge to send you a decision notice, but it is usually sent in six to eight weeks.

If You Missed a Deadline or Appeal Hearing

Contact the Social Security Office immediately.

- **If you missed the deadline to file an appeal** - the Social Security office must let you file your appeal late if you had a good reason for missing the deadline. Social Security considers whether any SSA action misled you and whether you understood the requirements of the Social Security Act
- **If you missed your hearing**, contact the Office of Hearings and Appeals and ask to speak to the judge who was handling your case. If you had a good reason for missing your hearing, explain it to the judge to see if he will give you another chance. You should also put your explanation in a letter and send it to the judge so it will be in your record.

Examples of “good cause” for missing a deadline include: serious illness, severe weather, improper notice, death or serious illness in the family.

E. You Lost Your Administrative Appeal

- You have 60 calendar days from the date on the decision to file an appeal with the Social Security Appeals Council in Arlington, Virginia. Call or go to a Social Security office to request the form you need to appeal, or you can write a letter to request an appeal.
- The Appeals Council decides whether or not it will grant you a review of the administrative law judge’s decision. If the Appeals Council decides *not* to review the judge’s decision, then it becomes final you must appeal the claim in federal court. If the Appeals Council agrees to review the judge’s decision, they will most likely review the record only. However, you or your representative may petition to appear before the Appeals Council in Virginia.
- Legal Aid will most likely *not* be able to represent you in this appeal. You can get a private attorney to help you on a contingency fee.

F. You Lost an Appeal with the Appeals Review Council.

- If you disagree with the decision of the Appeals Council, you must take this matter to the Federal District Court. You have 60 calendar days from the date on the decision to file your appeal with the Federal District Court for your area. There is no self-help packet available for this effort.
- Legal Aid will most likely *not* be able to represent you in this case. Ask the Federal District Court Clerk’s office for assistance. Try to get a private attorney through the Los Angeles County Bar Lawyer Referral Service.

Appealing an Overpayment

There are two ways to appeal an overpayment: a Waiver and a Request for Reconsideration. You can file a waiver if you think you may have been overpaid but it was not your fault and you can't afford to pay it back. You can file a Request for Reconsideration if you think that you were not overpaid or the amount of the overpayment is wrong. You can do both if you are not sure which one to file or if both seem to be correct.

A. Requesting a Waiver (fill out the form at SSA)

- If Social Security grants a waiver request, then the overpayment will not have to be paid back. You can request a waiver at any time.
- A waiver is granted if you can show that you did not cause the overpayment (the overpayment was not your fault) *and* paying the money back would cause you financial hardship or be against good conscience (you cannot afford to pay the money back or it would be unfair for you to have to pay the overpayment back).
- If your request for waiver is denied, you can appeal the denial of the waiver by requesting a reconsideration within 60 calendar days from the date on the denial notice.

B. Appeal the Overpayment (Request a Reconsideration)

- You have 60 calendar days from the date on the notice to appeal.
- You should request a Reconsideration appeal if you (1) believe you were not overpaid or (2) the amount of the overpayment is not correct.
- If you appeal, you must show that (1) there was no overpayment, (2) the amount of the overpayment is wrong, OR (3) you are not liable for the overpayment (someone else is).
- If you lose the request for reconsideration, you can appeal the decision within 60 days of the date on the notice by requesting an administrative hearing. (See section, "Preparing for Administrative Hearing", p. __)

C. Reducing the Amount Social Security is Taking from Your Check

- If you file a waiver or a reconsideration request in time, SSA should stop reducing your check to collect the overpayment until your appeal is completed.
- Even if you cannot stop SSA from reducing your check altogether, often you can get them to take less each month by calling your local SSA office and asking them to take less.

D. How SSA Collects an Overpayment

- Deduction from future Social Security checks
- Lawsuit
- Collection from an estate of a deceased person, or enforced refund from heirs of the estate.
- Voluntary cash refund from you (in lump-sum or monthly installments).

APPENDIX E: THE POTENTIAL AND PITFALLS OF TECHNOLOGY AND API CLIENTS

In the last decade, a technology revolution has changed how consumers participate in society and the market. While advancements have the potential to bridge cultural and economic divides, unless considered, technology more often than not poses another barrier to lower income and/or special populations, including API clients. As more and more services, applications, and information are found on-line as an integral part of our economy, the more critical it becomes when a population group is dissuaded or unable to access technology services that link them to those opportunities and the economy.

While the report does not focus on technology, this appendix spotlights efforts experimented with by several programs which are using technology to try to expand services to all clients. While none of these models were developed in conjunction with an API program specifically, they are spotlighted because they offer a look at possibilities of systems that existing programs could use, and pitfalls to avoid. Across all these projects, it remains clear that technology solutions remain impotent to helping clients of any sort if the technology application is not used, promoted, and supported by a delivery system and partnership network. As such, these profiles aim to inspire possibilities and offer the opportunity for readers to learn from these successors to apply some models to the API community in a way that may be feasible and helpful.

Pine Tree Legal Assistance Maine Website Services

Project Description Pine Tree Legal Assistance (PTLA) is a full service legal aid program that represents clients. As mentioned earlier in the report, Maine has experienced an explosion of LEP clients generally, many of whom are API. In response to these growing numbers, PTLA has dedicated time and efforts to, among other strategies, converting all existing materials on their client website into some of the major languages. PTLA has discovered many issues with posting content in languages that do not use the Roman alphabet. Information is available to programs considering converting content into other languages about best practices and standards to ensure readability of the content and how to avoid potential pitfalls. PTLA notes that the website should not act in isolation as a service delivery system. Offering content in other languages will only benefit the client community when (1) PTLA is able to better offer full range of service to this client community in-house, (2)

the courts can process claims and requests for claims by the API community, which may result from using the website, and (3) the client community is exposed to, and supported in, using these technology solutions through a larger social network.

Northwest Justice Project Washington State Telephone Technology

Project Description The Northwest Justice Project is a full service legal aid program that represents clients. Their intake and hotline system, called CLEAR, is known throughout the country as a model hotline to provide services to low-income clients. Two years ago, NWJP received funding to implement telephone technologies that enable them to offer more services to LEP clients. *Skills-based routing*, a telephone technology integrated with their phone system, enables callers to self-select their language preference from the voice menu prompts. Advocates and pro bono lawyers log into the system using a code that is specific to their expertise and/or language capabilities. This telephone feature has allowed NWJP to experiment with recruiting bilingual volunteer attorneys to staff the hotline and routing all appropriate LEP callers to that assigned advocate, automatically using the telephone technology available. While this system is not a full service system for API clients, it offers an opportunity to integrate some or several API languages into a model delivery system. If developed in conjunction with other successful strategies profiled by other experienced API programs, such a technology could dramatically help deliver resources to the API clients.

Legal Aid Society of Orange County California Self-Help Technology: I-CAN![™] (Interactive Community Action Network)

Project Description The Legal Aid Society of Orange County developed a technology application in 2000 called I-CAN![™] (Interactive Community Action Network). This initiative was developed to help clients who may not know about legal services programs or who may not be afforded representation by a staff or pro bono attorney. I-CAN![™] is a software application written at a fifth grade literacy level that allows users to complete necessary legal forms. The application shows a woman (video guide) reading simple questions to the user on the screen. After entering in requested information on the keyboard, the I-CAN![™] software generates completed court forms ready to file with the court. I-CAN![™] has been developed for fifteen different legal proceedings in domestic violence, paternity, housing defense, and other issues.

In 2002, the Legal Aid Society of Orange County expanded I-CAN!™ to complete federal tax forms for individuals who were eligible for the Earned Income Tax Credit. The tax application (known as I-CAN!™ EIC) can be accessed through the Internet.

I-CAN!™ has been developed in English, Spanish, and Vietnamese. To date, 18,000 clients have used I-CAN!™ to complete their legal proceedings, 88 of which were done so using the Vietnamese language module. Additionally, of the 236 clients who used I-CAN!™ EIC to complete their federal tax forms in 2002, only one of which was a Vietnamese user. These numbers are obviously low. It reiterates that while this technology offers the potential to reach API clients directly, it must be integrated within a larger delivery system — based on the same tenets described in the report — that build relationships with local community based organizations and provide larger services to the API community. With those systems in place, these technology solutions could be viable alternatives that help clients receive similar services regardless of English proficiency.