

Culture, Trauma, and Context



Strategies for Successful Case Outcomes

Presented by Orchid Pusey, Asian Women's Shelter
Beyond the Bench, December 18, 2017

Learning Objectives

1. Integrate the cultural demographics of California into an overall approach to court services;
 2. Understand how culture affects our behavior and decision-making—in our daily lives and in the courtroom;
 3. Identify how culture can be manipulated to justify domestic, sexual, and family violence;
 4. Practice culturally responsive situational assessment;
 5. Connect cultural responsiveness to trauma-informed practice;
 6. Apply hands-on trauma-informed and culturally responsive strategies to support children and families in crisis; and
 7. Explore standards of practice that institutionalize culturally responsive and trauma-informed practice to reduce revictimization and strengthen court engagement for families and children trying to overcome domestic violence.
-

For further learning

PRACTICING CULTURALLY COMPETENT THERAPEUTIC JURISPRUDENCE:
A COLLABORATION BETWEEN SOCIAL WORK AND LAW

Citation: 14 Wash. U. J.L. & Pol'y 133

[http://openscholarship.wustl.edu/cgi/viewcontent.cgi?
article=1409&context=law_journal_law_policy](http://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1409&context=law_journal_law_policy)

Framework of TJ

- Legal actors can impact therapeutic or anti-therapeutic outcomes for individuals involved in the legal process.
- Lawyers have to consider how their role as lawyers can impact the emotional and psychological well-being of their clients.
- Lawyer practices law proactively through legal planning, legal check-ups, and anticipation of psycho-legal soft spots. Law-related psychological well being is important for the lawyer to address.

Framework of TJ

- Client-centered counseling. Lawyer is the agent of the client. Provides information but allows the client to make the critical decisions about the case. Avoids paternalism and coercion.
- Lawyer-client relationships is seen as an integral part of the client's ability to reach self-actualization when the lawyer acts as a helping professional and is genuine, empathetic, and nonjudgmental.
- Clients will emerge empowered and with a greater level of satisfaction. Attorneys will emerge with fewer emotional conflicts and with a personally and professionally satisfying experience.

TJ and Cultural Responsiveness

A Therapeutic Jurisprudence (TJ) approach to lawyering implicitly assumes the presence of a lawyer-client relationship, advocates a client-centered approach, and integrates existing interdisciplinary theories and techniques to achieve therapeutic outcomes for clients and their lawyers.

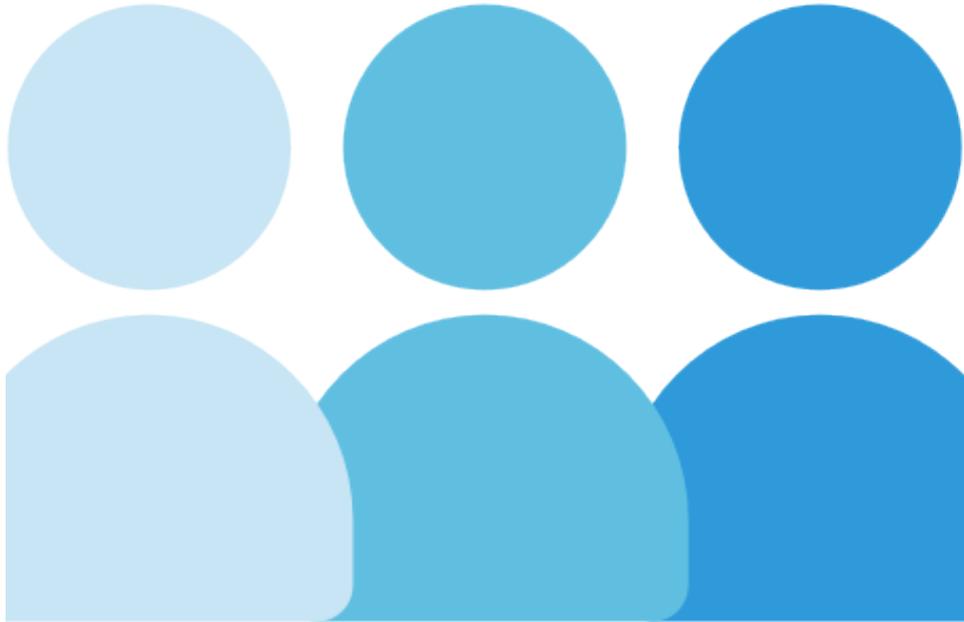
It is also clear that, from practice and research perspectives, it very easily could integrate a cultural competency emphasis. (p. 155)

(but has not yet)

1.

Introductions





“

-*Name

-*Affiliation

-*Job

***-A case that brings
you here***

—



“

Asian Women's Shelter

-Mission

-MLAM, VAWA, TA, QAWTS

-Today

—



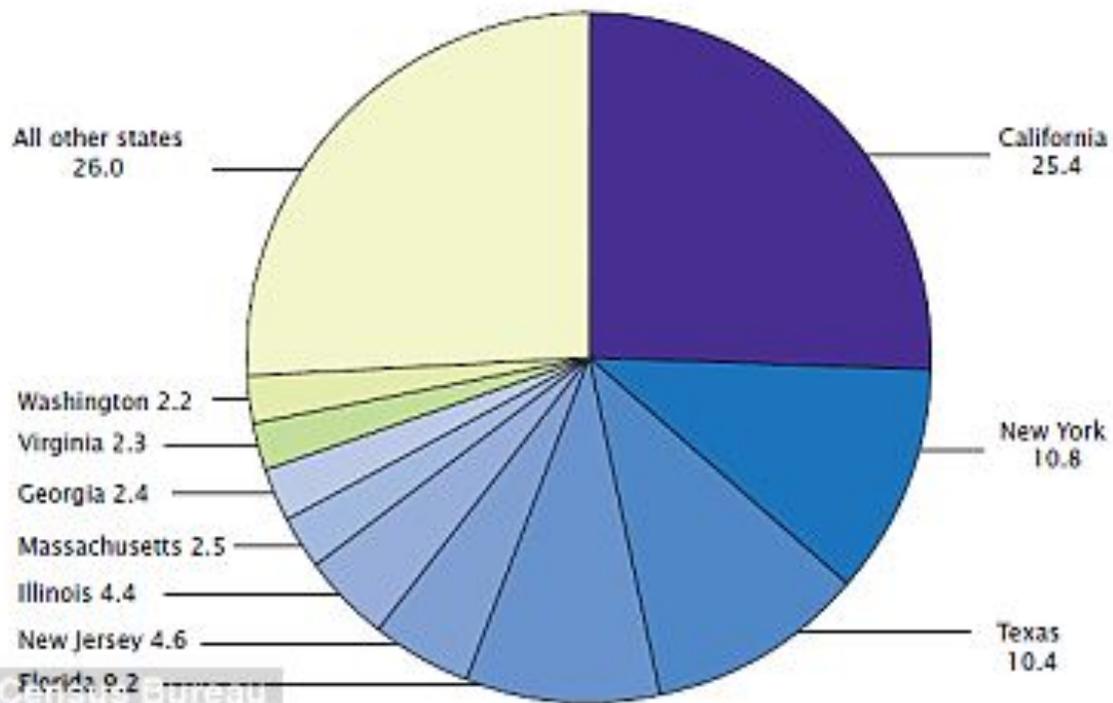
“

California

*How would CA introduce
itself to New York?
To Kentucky?*

Figure 2.
Foreign-Born Population by State: 2010

(Percent distribution. Data based on sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/acs/www/)



National Origin in California

poll

What is your national origin?

Language in California

- Over **220** languages spoken in California
- 40% of the population speaks a language other than English at home.

-U.S. Census Bureau, California Quick Facts, *available at* <http://quickfacts.census.gov/qfd/states/06000.html> (*hereinafter* 2000 Census).

- **Roughly 20 percent of Californians (almost seven million people) speak English less than “very well,”** which effectively precludes meaningful participation in a judicial proceeding without substantial language assistance.

-U.S. Census Bureau, American FactFinder, *available at* <http://factfinder.census.gov/servlet/BasicFactsTable?_lang=en&vt_name=DEC_2000_SF3_U_DP2&_geo_id=04000US06> (*hereinafter* 2000 Census, American Fact Finder).

poll

**What language do you speak
at home every day?**

Ethnicity in California

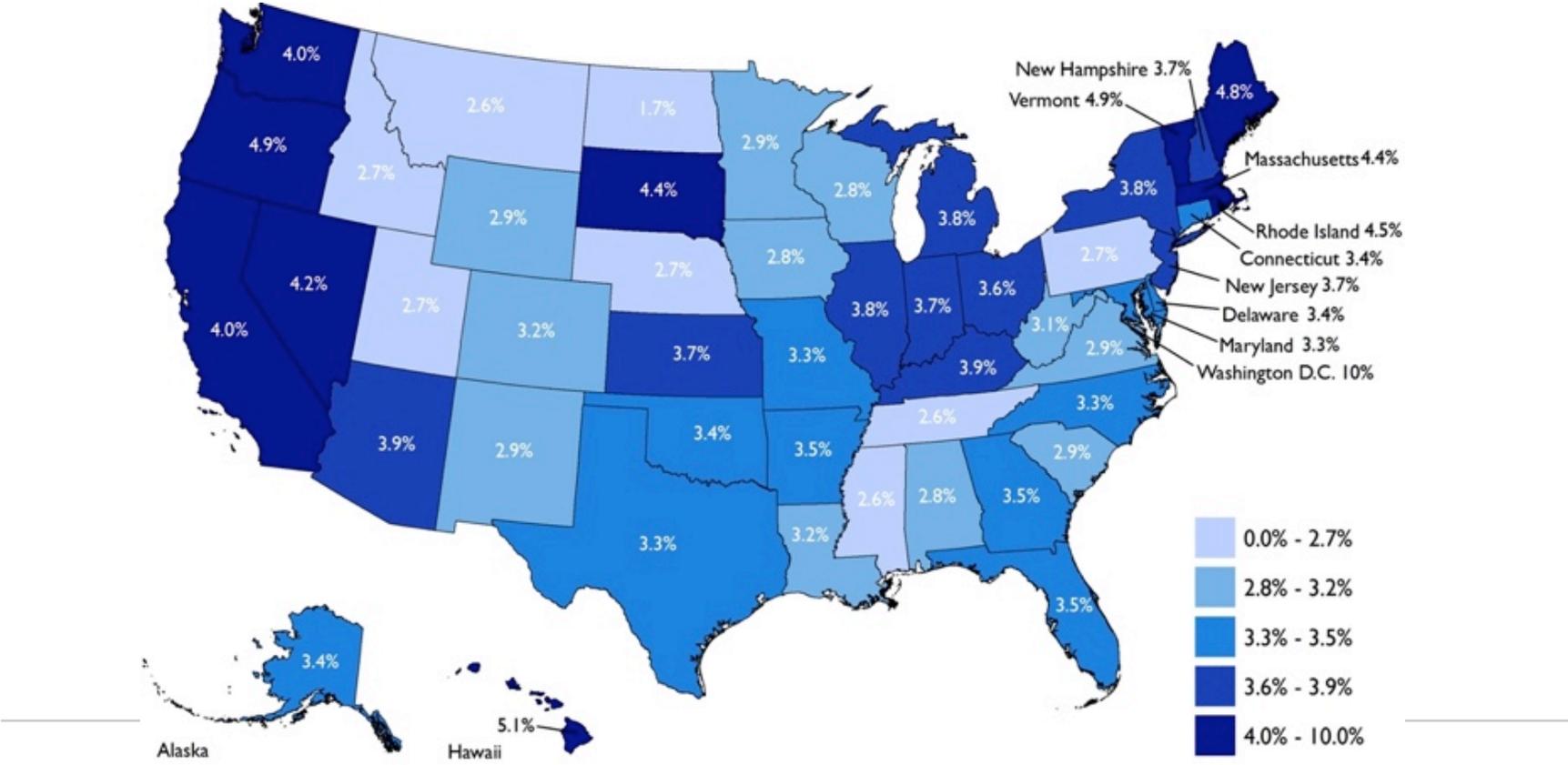
- 5th largest black population in the U.S., 8% of state. (2014)
 - Highest Cambodian population outside of Cambodia
 - Highest Mien population outside of Laos and China
(first U.S. Iu-Mien temple in Oakland)
 - Highest Afghani population in the United States (Little Kabul in Fremont)
 - Largest Hmong population in the United States
 - Largest Armenian population in the United States
 - Largest Chinese population in the United States
 - Home to 43% of all Filipino immigrants in the United States
-

Religion in California

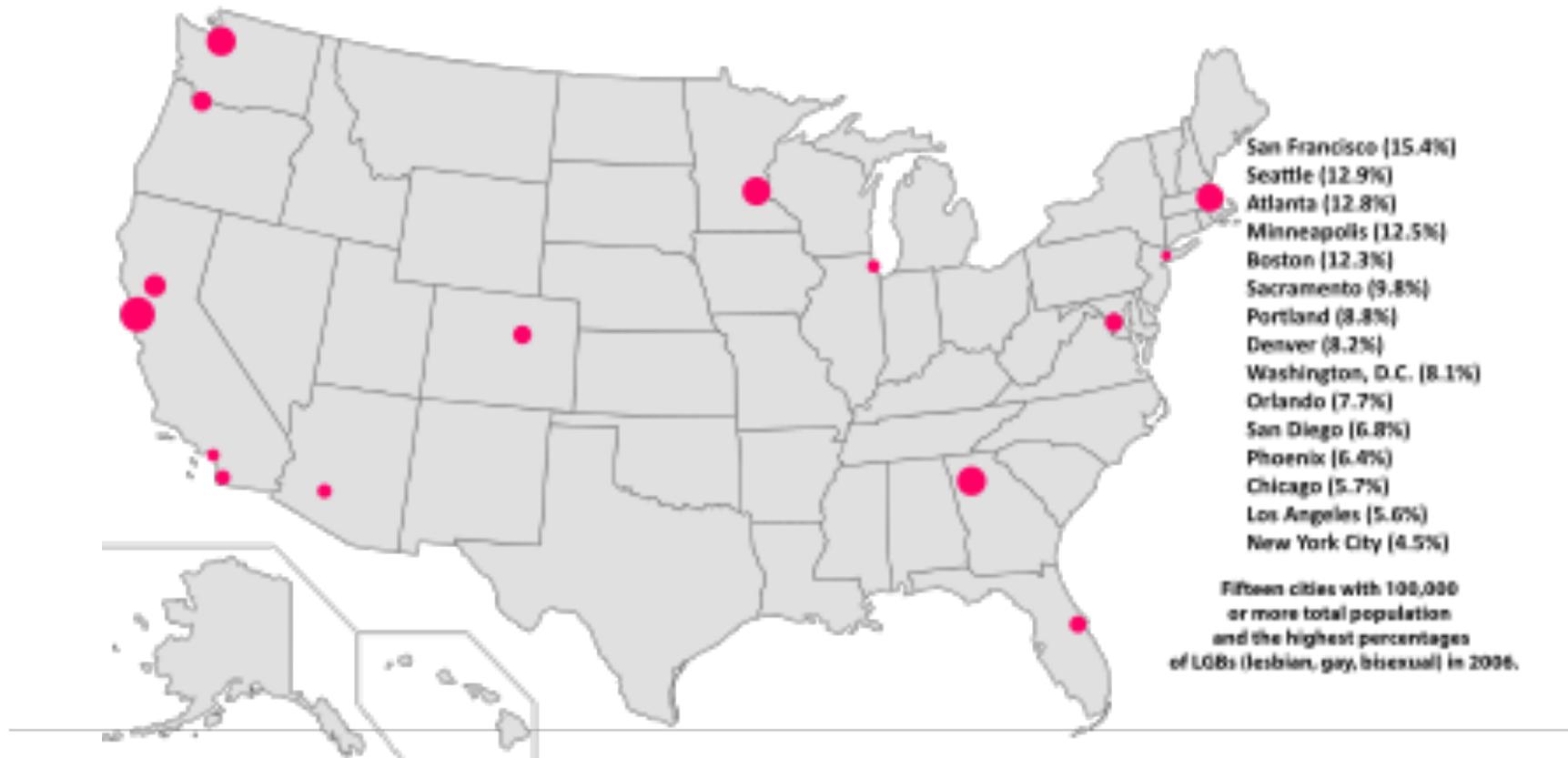
- Largest Muslim community in the United States
- Highest Hindu population in the United States
- Most Roman Catholics in the US
- Highest number of Jews of any state but NY
- City of highest concentration of Buddhist congregations: San Jose, CA
- City of highest adherents to Buddhism: Los Angeles, CA
- More Mormons and Mormon temples than any state but UT
- Non-religious (atheists, agnostics, non-affiliated theists) is one of the fastest-growing groups in CA

2010 U.S. Religious Census: Religious Congregations & Membership Study (RCMS)” released by the Association of Statisticians of American Religious Bodies (ASARB).

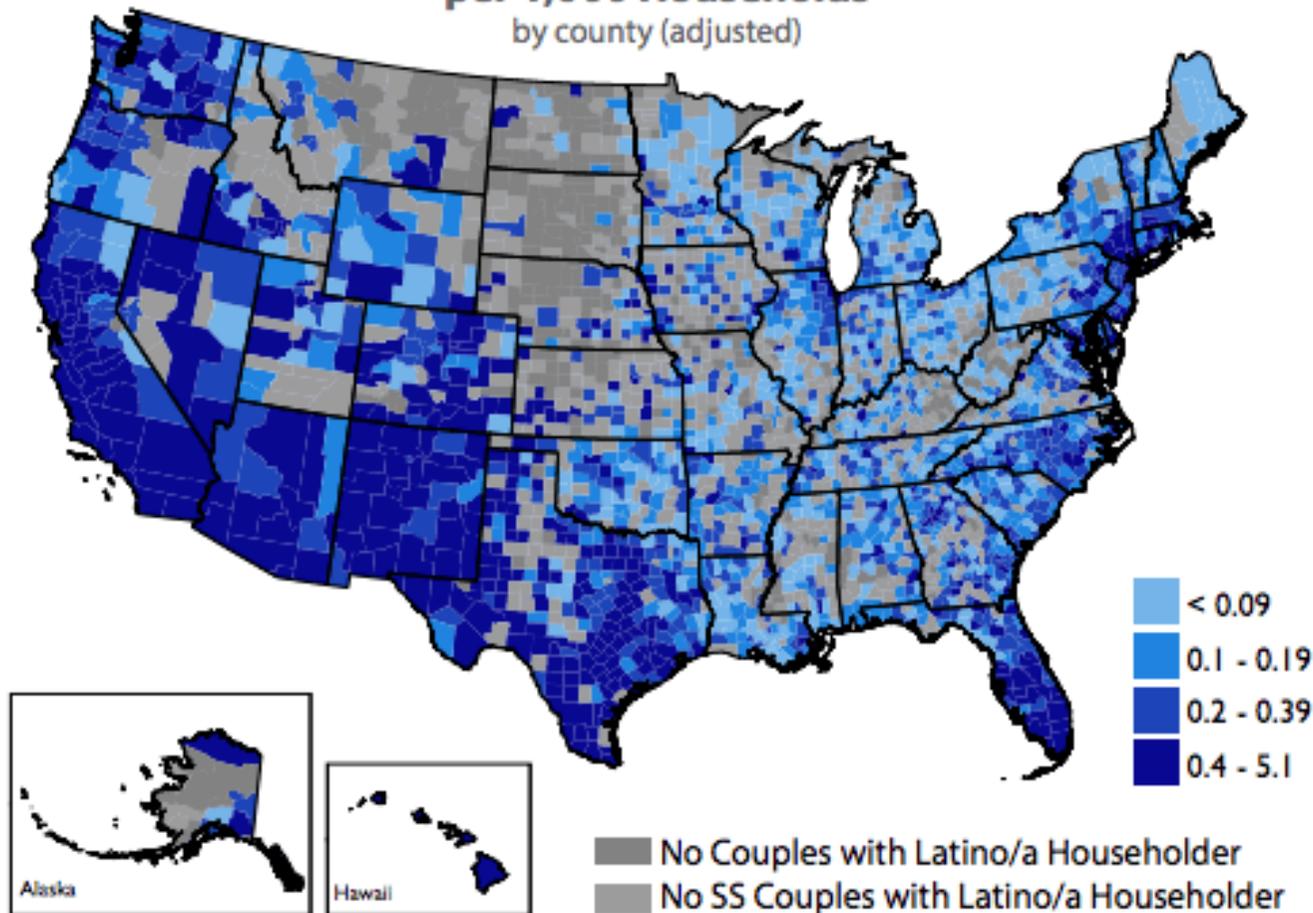
LGBTQ in California



LGBTQ in California

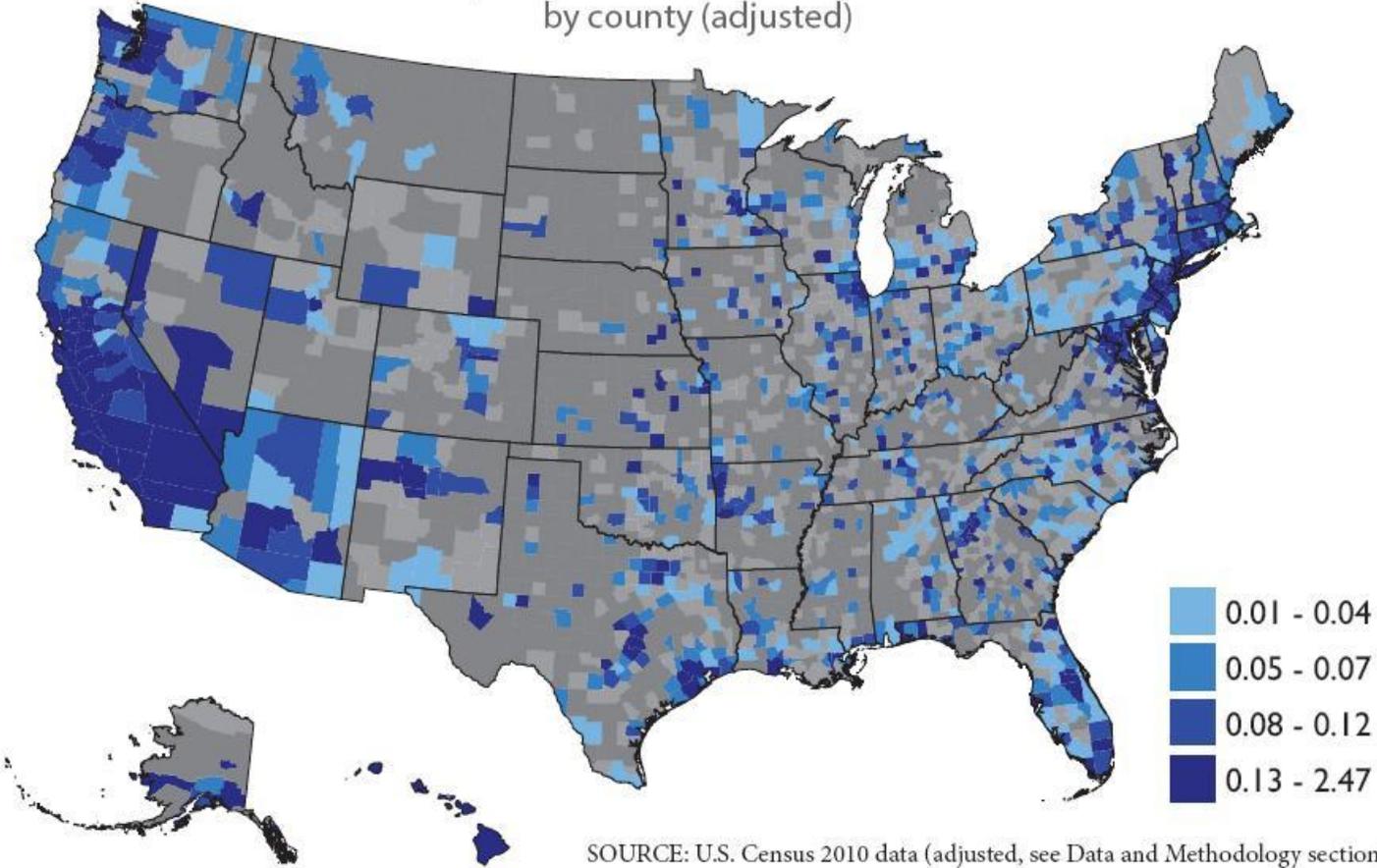


**Same-sex Couples with a Latino/a Householder
per 1,000 Households**
by county (adjusted)



LGBTQ
people of
color in
California

**Same-sex Couples with an API Householder
per 1,000 Households
by county (adjusted)**



SOURCE: U.S. Census 2010 data (adjusted, see Data and Methodology section)

**LGBTQ
people of
color in
California**

2

Culture

Definition, dynamics, response



Culture is everywhere (and nowhere).



Be the fish that notices the water.

Asian Women's Shelter (AWS), 2017



Why?



“With great power comes great responsibility.”

--Spiderman's Uncle

- Skillful handling of cultural dynamics makes successful cases more possible.
- Systematized cultural responsiveness increases fair and equal participation in courts and court-related services for the public.

In other words: Why culture?

- Culture is active everywhere. It's a central consideration, not an afterthought.
 - Culture impacts how people perceive their choices, responsibilities, and their entitlement to feelings, rights, and resources.
 - Culture impacts what tools abusers and perpetrators use against victims, and the efficacy of those tools.
 - Culture impacts victims' experiences of isolation and violence, and the efficacy of safety systems and resources.
 - Culture impacts the fit between minority communities and public systems trying to achieve full participation for all.
-

Barriers to communication

Linguistic



Participant and provider do not speak the same language.

Register



Words or concepts are too complex or contextual to understand.

Culture



Differences in values, beliefs, norms, family practices, fears, expectations, heavily impact comprehension.

System



Systemic barriers from attitudes to structure and policy limit the possibility of successful communication.

And...

Interpreters are bound to cultural responsiveness, but legal interpreters cannot alert you to cultural breakdowns

Quick terms

Cultural awareness

- Recognition of the importance of cultural differences

Cultural sensitivity

- Attunement to differences and possible dynamics related to culture

Cultural responsiveness

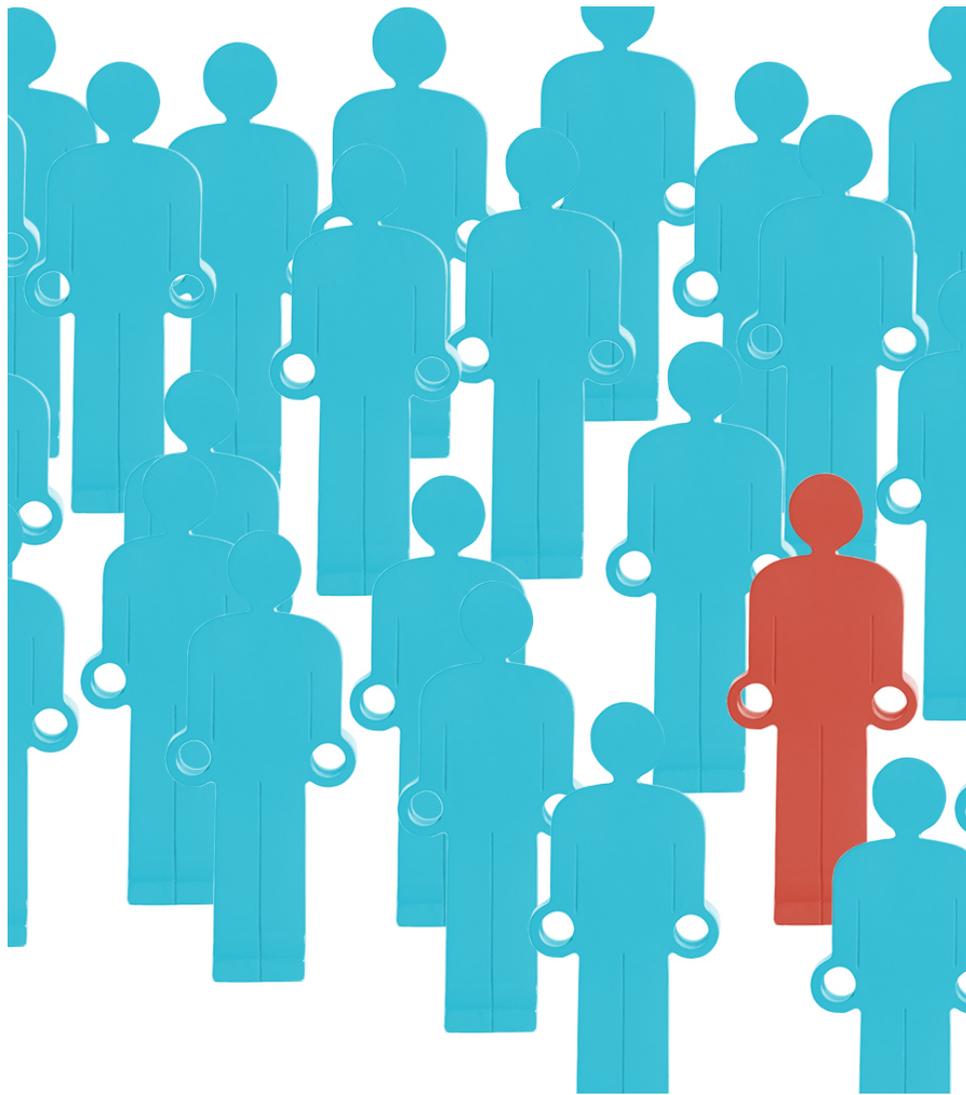
- Ability to provide services and programs effectively across cultural differences
-

culture

What is it?

Activity 1: Are you Chinese?

- Chinese boy trafficked from Vietnam
 - Chinese lesbian health practitioner living in a studio in Toronto
 - Chinese garment worker arrived to New York from Jamaica in 1994
 - Chinese-Taiwanese college student in Fresno
 - Chinese father in immigration detention waiting to be deported back to Peru
 - 14 year old Chinese teen adopted by Jewish parents in Des Moines, Iowa
 - Chinese transgender woman escaping DV in San Francisco
 - Newscaster Connie Chung
 - Chinese Muslim farmer in Gansu Province, PRC
 - Director Zhang Yimou
-



***Culture...
More than just
food and
festivals.***

-Orchid

Activity 2: Individual Writing

- A food from your childhood that is a comfort food for you as an adult
 - Something you do in the morning that makes you feel able to continue through your day
 - Something you do at the end of your day when you are exhausted, overwhelmed, or dejected
 - Something you do with others when you feel lonely, depressed, or anxious.
 - Judgment from your work community that you are sensitive to
 - Judgment from your race and ethnic groups that you are sensitive to
 - One behavioral norm in your work community that you would like to see change; one from your racial/ethnic community
 - One cultural difference between yourself and others who look like you
-

What is Culture (the old definition)?

- Thought to be a stable pattern of beliefs, values, thoughts, norms, etc. that are transmitted from generation to generation.
- Usually over – simplified to focus only on race and ethnicity
- Usually packaged as a caricature of people who are not the dominant majority (the ‘ethnics’)
- Active, ineffective, and risky when used in service delivery and as justification for inequality or injustice.
- We are going to make this definition more up-to-date, reliable, and useful.

culture: a new working definition

Shared experiences and/or commonalities related to beliefs, norms, referents, etc., that have developed and continue to evolve in relation to changing social and political contexts, based on:

- class
- sex
- education
- religion
- race
- tribe/clan
- industry, field
- institutional and/or political system
- any other axes of identification within historical and current sociopolitical and socioeconomic contexts.
- gender
- national origin
- sexuality
- age
- ethnicity
- time
- health status
- ability status
- immigration status
- language, dialect, accent
- geographic location
- rural, urban, suburban
- majority/minority experience
- refugee experience

whoah.

So are they all equal?

**We're just all individually
complicated?**

Which cultural factors matter more?



“There are no Asians in Asia.”

Asian Women's Shelter (AWS), 2017

Elements of Culture

PERSONAL

- Religion/faith
 - Education
 - Values
 - Sexual
 - orientation
 - Beliefs
 - Occupation
 - Health
-

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FAMILY

- Gender roles
 - Generational roles
 - Socioeconomic status/norms
 - Acceptance/rejection
 - Conflict norms
-

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SOCIAL

- “right & wrong”
 - Marriage/family
 - Laws
 - Systems
 - Help seeking
 - Traditions
 - Taboos
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PHYSICAL

- Food
 - Dress
 - Gender
 - Appearance
 - Activities
 - Music
 - Art, Books
-

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The Culture Iceberg



Dress
Skin color
Gesture
Physical behavior
Language
Accent
Laws

Historical impact
Values
Beliefs
Interpretations
Conditioning
Assumptions
Worldview
Organizational culture
Systems culture

Where/how do cultural differences show up?

- who is normalized and who is marginalized
 - presence of entitlement; lack of entitlement
 - what to hide, when, from whom
 - relationship to community-based authority
 - relationship to systems or government authority
 - what to celebrate, what to be ashamed of
 - what to admit to, what never to admit to
 - what shames just me; my family, my community
 - what earns me credibility in my community
 - who has more or less credibility
 - who is allowed to show what types of emotions, when
-

Where/how do cultural differences show up?

- individual belief systems
 - gender norms
 - relationship to time or timeliness
 - who should talk when; who gets to ask questions
 - how to greet appropriately depending on status
 - 'normal' gesture, facial expression, eye contact
 - what conveys politeness, when, to whom
 - what information to reveal, when, to whom
 - sense of family and relationship norms
 - infant care-giving, child rearing, discipline, levels of privacy
 - birth, disability, sickness, chronic illness, aging, death
-

Where/how do cultural differences show up?

- “I represent myself / my family / my entire race or nation of origin,” etc.
 - Major social stressors or social hyper-vigilance
 - Stereotype pre-occupation (avoidance or enactment)
 - Intra-community dynamics, Inter-community dynamics
 - School/academic systems
 - **Legal, economic, medical, mental health systems**
 - **Public safety & law enforcement systems**
 - **Government & social systems**
 - Formal media, social media, pop culture
 - Relationship between mainstream and subcultures; and
 - Relationship between civilians and state authority and/or military
-



Critical Cultural Interactions

What you see (I'll describe it for you) 

The cultural meaning you assign to it 

Your resulting emotional response 

Its impact on your future interpretation and decision-making

More on these interactions later.

Take a break! (10 minutes)

Next up: Culture in contexts of violence

1. Culture as a tool in domestic, sexual, and family violence
2. Culture as a tool for justification of violence against women, children, and LGBTQ people

3

Culture and Violence

Key to advanced understanding of domestic, sexual, and family violence



Agenda

1

Introductions



2

Culture & California



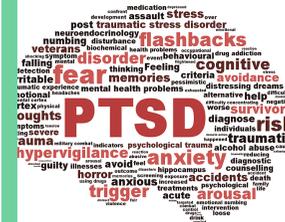
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Culture, Violence & Our Response



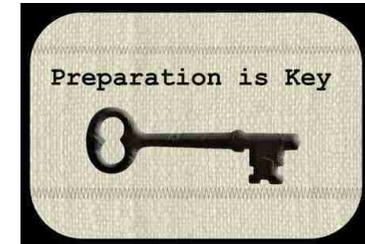
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Culture & Trauma



5

Doing it Better

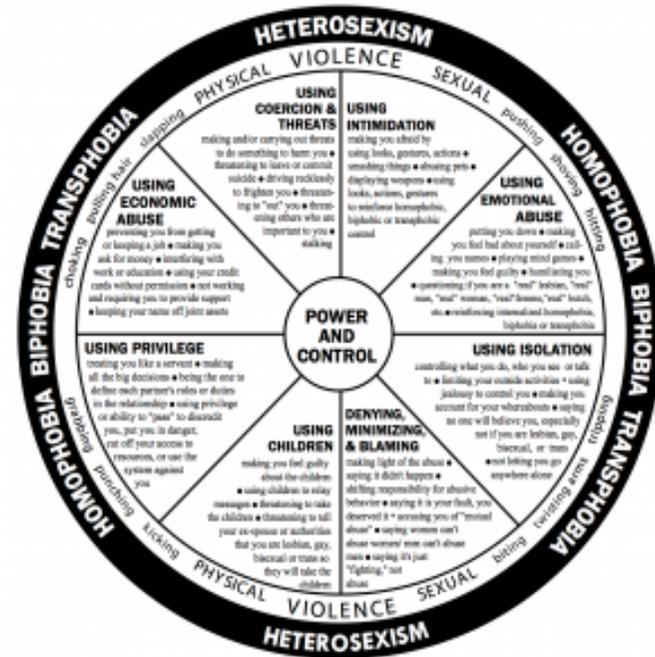


Remember: Culture is everywhere.

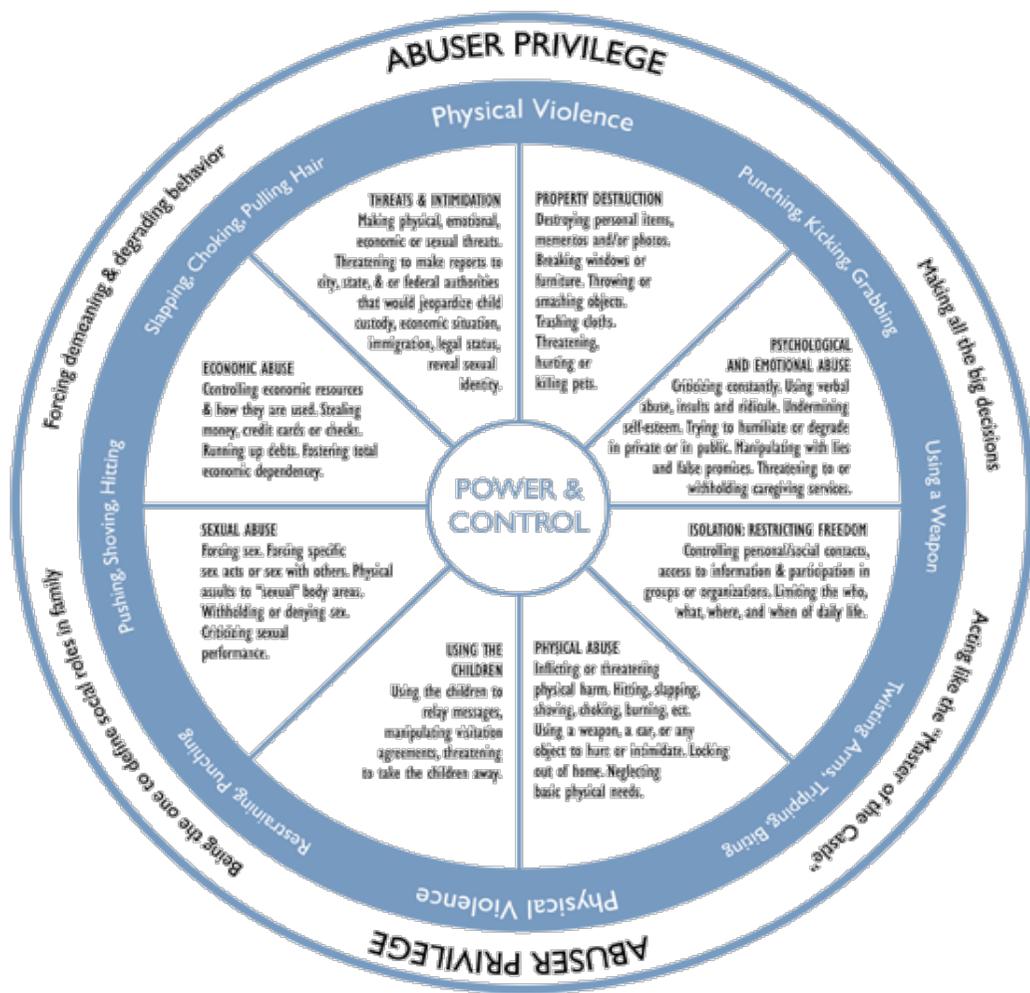


It's at play all the time.

How can cultural differences play out in patterns of power and control in domestic violence?



Asian Women's Shelter (AWS), 2017



Not just:
How does mainstream cultural privilege gets used as tools of abuse?

But also:
How do cultural vulnerabilities get used as tools of abuse?



Cultural differences can be used to

- Victim blame and shame
- Intensify isolation
- Threaten expulsion from marginalized community
- Ensure lack of acculturation for foreign born victim
- Damage relationships of children and non-abusing parent
- Create or intensify immigration vulnerabilities
- Decrease victim awareness about systems and rights
- Intimidate people from participation in public systems
- Ensure that victims not make necessary reports (e.g. Good Cause Report) in ways that later criminalize victims' actions



How does culture **get misused** to:

- Justify violence against women, LGBTQ people and children in court system and services
- Define the story to first responders
- Intentionally mislead other responders and systems personnel with red herrings based in the manipulation of cultural differences
- Ensure that victims not make necessary reports (e.g. Good Cause Report) in ways that later criminalize victims' actions



Brooklyn homicide, 1989

“Defense of traditional Chinese values”

家



Defense strategy

Chen's cultural background negated his culpability.

1. any reasonable or ordinary Chinese man would have reacted the way Chen did when he learned of his wife's infidelity.
2. If Chen had been in China when he found out about his wife's infidelity, his family would have stopped him from killing his wife. Because he was here in America, without his usual base of familial support, Chen had no one to hold him back when he lost his self-control.



Defense attorney

After sentencing of 5 months probation instead of 5-15 years in prison:

"The judge was quite aware that my client would suffer every day of his life. He would weep openly in court at every appearance. He would bow to the judge, bow to the prosecutor and bow to me with tears streaming down his face. Remember, the son found his mother in the bedroom with blood all over the place, yet he felt quite strongly that he did not want to see his father in jail."



Expert testimony

Chen's attorney relied primarily upon the testimony of Burton Pasternak, an American anthropologist who had studied Chinese culture..

According to Pasternak, Chen's behavior "would not be unusual at all for [a] Chinese in that situation , for a normal Chinese in that situation. . . . If it [sic] was a normal person, it's not the United States, they would react very violently. . . . I've witnessed such situations myself. In general terms, I think that one could expect a Chinese [man] to react in a much more volatile, violent way to those circumstances than someone from our own society."



Expert testimony

While Pasternak testified on direct examination that he had witnessed similar incidents in China, suggesting personal knowledge of incidents in which other Chinese men had killed their adulterous wives, he later admitted on cross-examination that he could not recall a single instance during the six years in which he had lived in China where a Chinese man had killed his wife for being unfaithful.



Judge

“But, this Court cannot ignore . . . the very cogent forceful testimony of Doctor Pasternak, who is, perhaps, the greatest expert in America on China and interfamilial relationships.”



2. Defense of Vietnamese sex with minors, 1996

- Criminal trial of Hmong immigrant Sia Ye Vang.
- Convicted of habitually sexually molesting his stepdaughters, aged ten and eleven,
- Vang faced up to eighty years in prison.
- Instead, Judge sentenced him to 24 months probation, community service, and ongoing English lessons.
- Vang's attorney used a cultural defense that sex with minors is accepted in Vietnam, where Vang had lived.



3. Attempted cover-ups

- An Iraqi immigrant was sentenced Monday to 26 years to life in prison for the 2012 bludgeon slaying of his wife in their El Cajon home.
- The victim, Alawadi, had planned to divorce her husband and move to Texas to be with relatives.
- Kassim Al-Himidi, 50, left a note near the body to mislead investigators into thinking that the fatal beating of his wife, Shaima Alawadi, 32, was an anti-immigrant hate crime.
- The note found near Alawadi's body, referring to the family as terrorists and containing the warning "This is my country. Go back to yours terrorists," was found by the couple's teenage daughter Fatima.



4. Common Red Herrings

- “She doesn’t need an interpreter. Her English is fine.”
- Bringing up anything about immigration.
- Outing anything about gender identity, sexuality or sexual orientation
- Chummy/insider “hey buddy” behavior with U.S. authorities
- Exposing parenting or family practices that not associated with American norms (e.g. room sharing, bed sharing, not sleeping on a bed, etc.)
- Signaling behaviors common in children of immigrant parents as examples of over-parentifying due to sub-par parenting.
- Pathologizing panic of being internationally separated from children
- Using cultural defenses for patterns of abuse



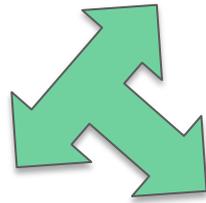
When manipulations work

- She doesn't get an interpreter.
- Culture is treated as monolithic.
- Cultural experts are either seen as outside of the community, or representative of community power holders (i.e. those most invested in colluding with violence)
- Cultural context is not analyzed.
- Cultural defenses of violence are accepted.
- First responders confer culturally-based trustworthiness onto the more mainstream-behaving person in the family or work place and do not follow-through with complete investigative protocol.

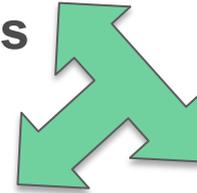
**How can we handle
culture better?**



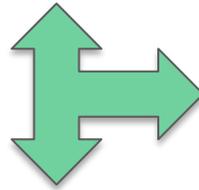
**Information provided
by the client**



**Dominant culture of
society and systems**

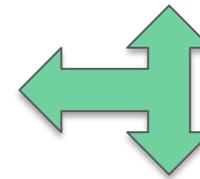


**General cultural
knowledge**

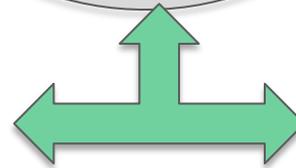


**Your own cultural
identity, awareness,
biases, and
containment of
assumptions**

**Build
cultural
navigational
skill**



**Culture of your
group / system/
organization**





Navigational Stories

1. Not just building general cultural knowledge
2. Not just being aware of our own biases
3. Not just listening to individual information provided by the client
4. Includes those PLUS functional interpretation of culture of your system/agency/court, and of the mainstream cultural context of dominant systems and society and the client's experience in it.



Navigational Assessment

1. Context: Public elementary school parent-teacher conferences; family svcs worker is observing and interacting with child
2. Worker observes: Child shows big differential in behavior when mother goes through conference compared to when father goes through conference.
3. What could be going on?



LEWISBURG, PA

 ADD COMPARISON

POPULATION

5,781

MEDIAN AGE

24.6

POVERTY RATE

26.8%

MEDIAN HOUSEHOLD INCOME

\$44,235

NUMBER OF EMPLOYEES

2,377

3.53% GROWTH

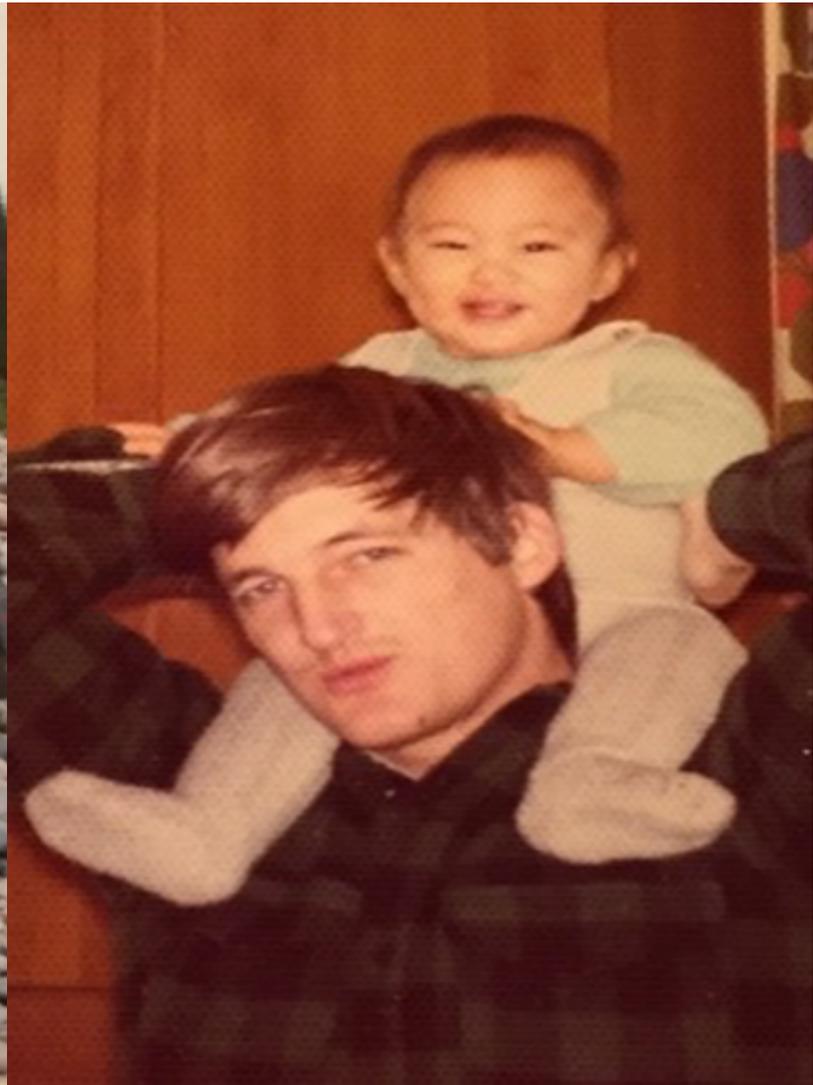
MEDIAN PROPERTY VALUE

\$158,400

-1.19% DECLINE



Asia





Navigational Assessment

1. Cultural context is an essential aspect of assessment
2. Focus is not just on the culture of the client, but on the cultural context within which provider and client interact
3. Cultural context influences thought, behavior and emotion.
4. Awareness and attunement to context makes trusting relationships more possible.



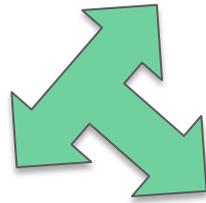
Node-Specific Skills-Building

Advance your agency / system.

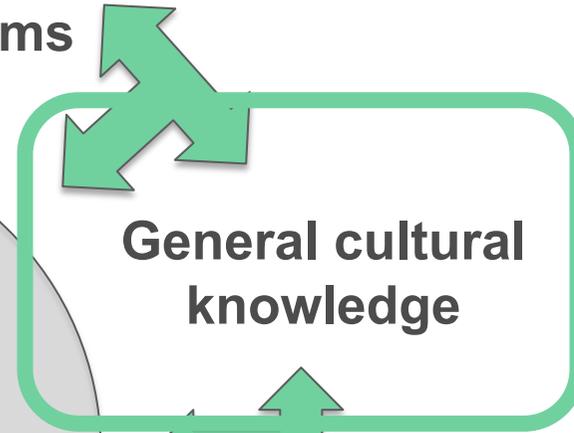
1. Start with yourself
2. Build to organizational/agency/court room practice
3. Expand to institutional improvements



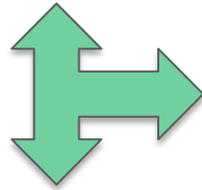
**Information provided
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**Dominant culture of
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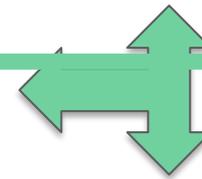


**General cultural
knowledge**

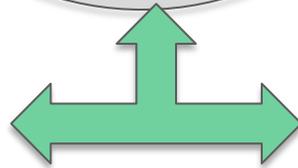


**Your own cultural
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**Build
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**Culture of your
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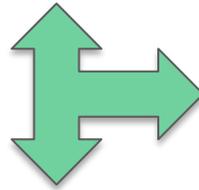


Activity: Build General Knowledge

- Identify three aspects of court culture in the U.S.
 - Pick Asia, Africa, South & Central America, or Europe. In three minutes, name 12 countries on that continent.
 - Name a language spoken in each of those countries. If possible, name the official language and a minority language, or a colonial, immigrant, and indigenous language.
 - Name three possible fears in immigrant communities in 2017-2018.
-

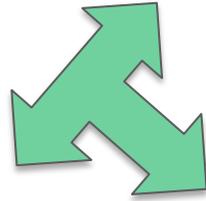


**Information provided
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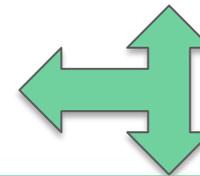


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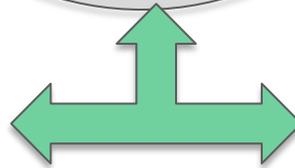


**General cultural
knowledge**



**Build
cultural
navigational
skill**

**Culture of your
group / system/
organization**



Activity: Culture in your system

- Do it, dissect it, re-understand it, improve it
 - Pick a court, a court service, or a legal service organization.
 - Name 3-5 cultural norms for workers in that office / courtroom.
 - Name 3-5 cultural “shoulds” expected of people accessing that program or system.
-



Wise words from IMIA

International Medical Interpreters Association

www.imiaweb.org IMIA Standards of Practice, pp15f

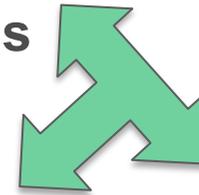
Interpreters must keep in mind that no matter how much ‘factual’ information they have about the dominant beliefs, values, norms, and customs of a particular cultural background, they have no way of knowing where the individual facing them in that specific situation stands along a continuum from close adherence to the norms of a culture to acculturation into a new culture.

(Better version: We don’t know if they closely adhere to or deeply reject of dominant norms in their mainstream culture. It’s helpful to know the norms, and ask them about themselves).

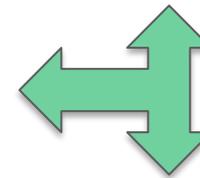


**Information provided
by the survivor**

**Dominant culture of
society and systems**

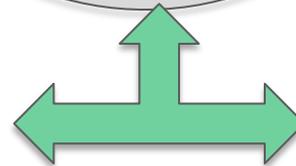


**General cultural
knowledge**

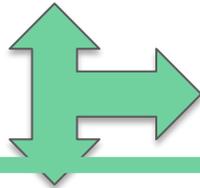


**Culture of your
group / system/
organization**

**Build
cultural
navigational
skill**



**Your own cultural
identity, awareness,
biases, and
containment of
assumptions**

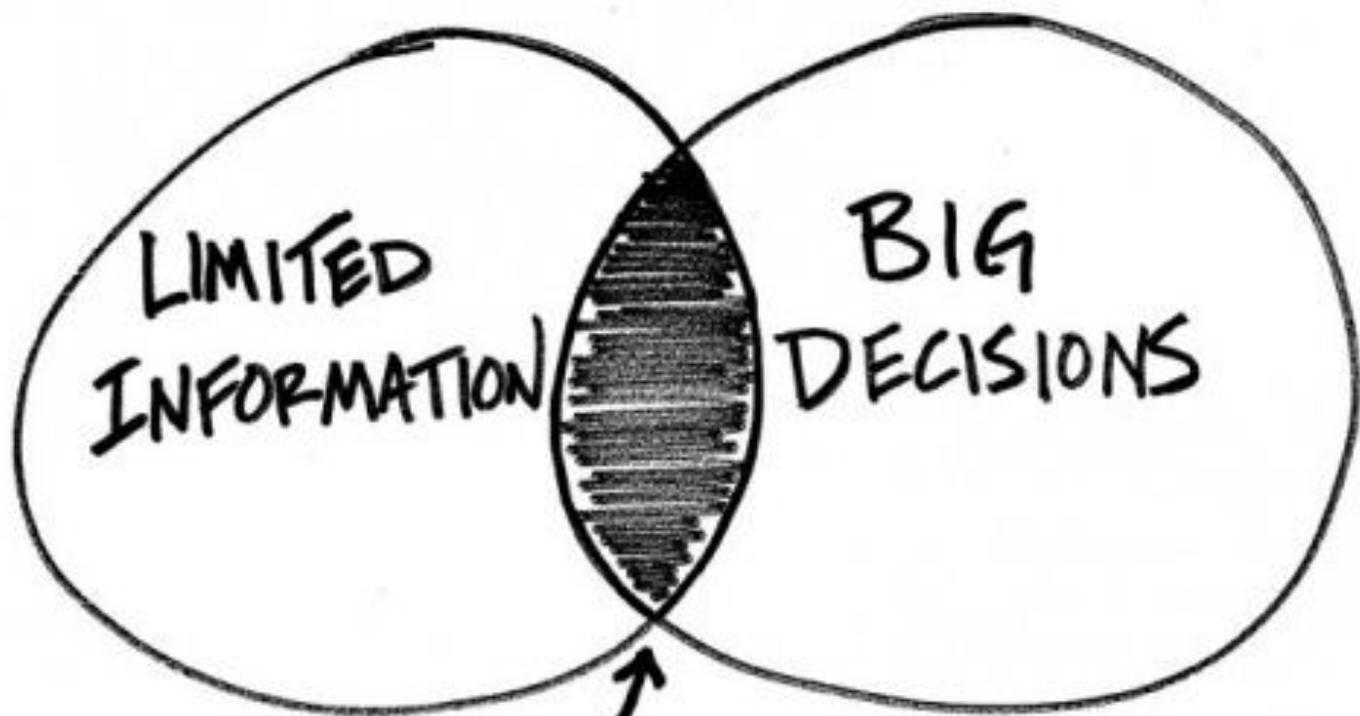




Become Experts

NOT on others' cultural identities, but on how cultural dynamics impact you and your service / system, including:

- How your system looks and works in your clients' eyes
- How you behave (as well as how they behave);
- The meaning you and/or your office attach to their behavior;
- How the meaning you attach is related to the meaning expected by your institution; and
- The decision-making power of your interpretation.



LOTS OF EXPLAINING TO DO

An arrow points from the text "LOTS OF EXPLAINING TO DO" to the shaded intersection of the two circles in the Venn diagram above.

Why trauma-informed?

- Trauma often works behind the scenes
 - Trauma impacts our state of mind, behavior, & relationships
 - Unattended, trauma responses wreak havoc over time
 - Trauma responses are often surprising, off-putting, and easy to misunderstand and judge
 - Trauma-informed work builds trust and efficacy
-

Why trauma-informed?

- Therapeutic jurisprudence asks how the law itself might serve as a therapeutic agent without displacing due process. It emphasizes how legal actors, legal rules, and legal procedures can produce therapeutic or anti-therapeutic consequences in legal practice. (p.137)
 - While it is *not* being suggested that lawyers become therapists, it is recommended that lawyers become familiar with the psychological dimensions of behavior in a manner that is similar to that of a generalist social worker.
-

Trauma is more than discomfort.

Watch out for semantic bleaching: Uses of 'trauma' that lighten its meaning and lessen its seriousness.

What actually is it?

- Contraction held within the body that becomes nonresponsive to our current time experience
 - Single experience as well as recurring or ongoing
 - Individual as well as social experience
-

Recap of Trauma 101

- Primary
 - Secondary
 - Vicarious
 - Post-Traumatic
 - Community / Social
 - Intergenerational / Historical
-

Recap of Trauma 101

- Primary
- Secondary
- Vicarious
- **Post-Traumatic**
- **Community / Social**
- **Intergenerational / Historical**

Neuroscience helps us: We are designed for survival. But in the face of trauma that happens about twice a year. Not every day when we get home. Or every night when we get in bed with our spouse.





Immediate responses are helpful. Part of a great design.

#1. RAWWWRR!

—

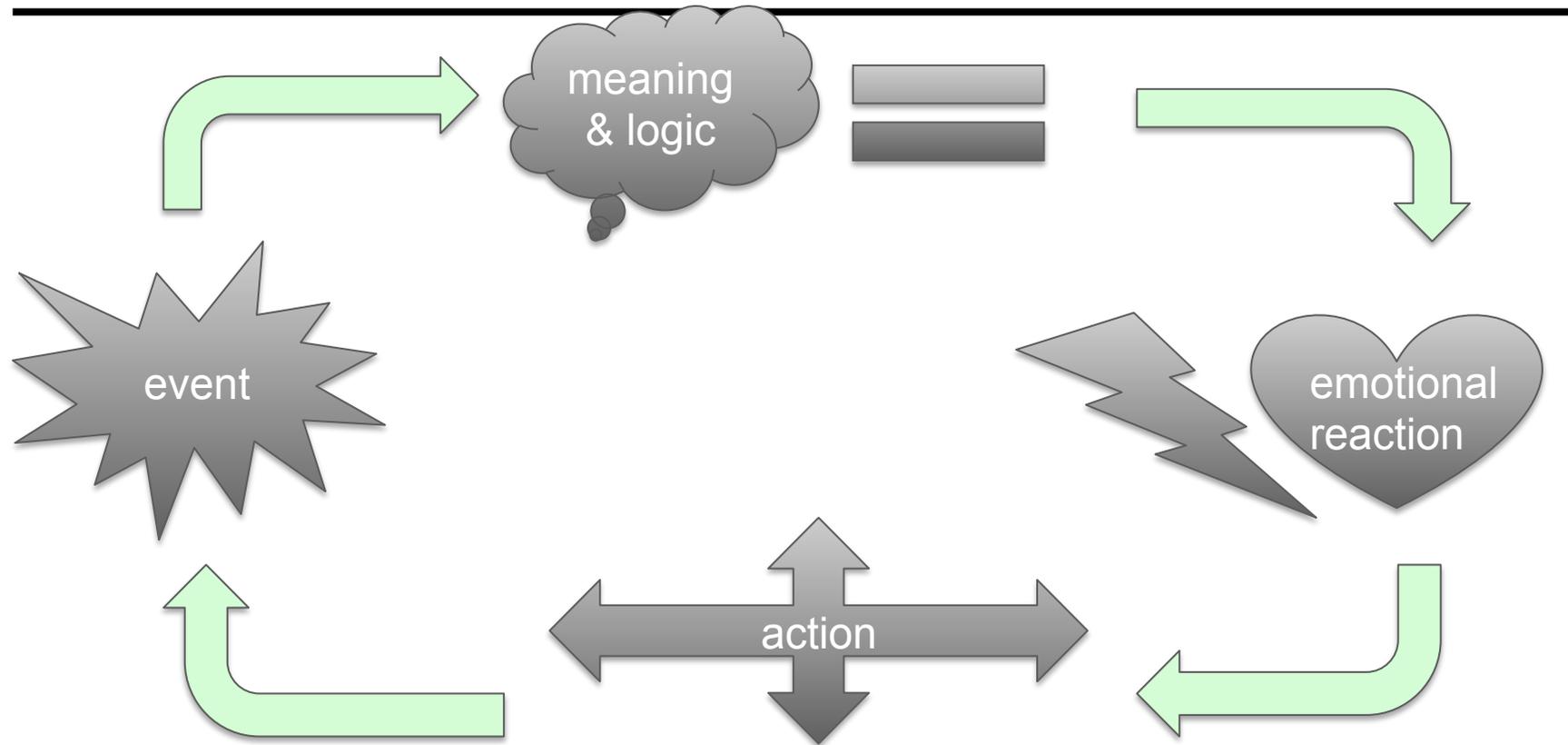
#2. shhhhhhhhhh



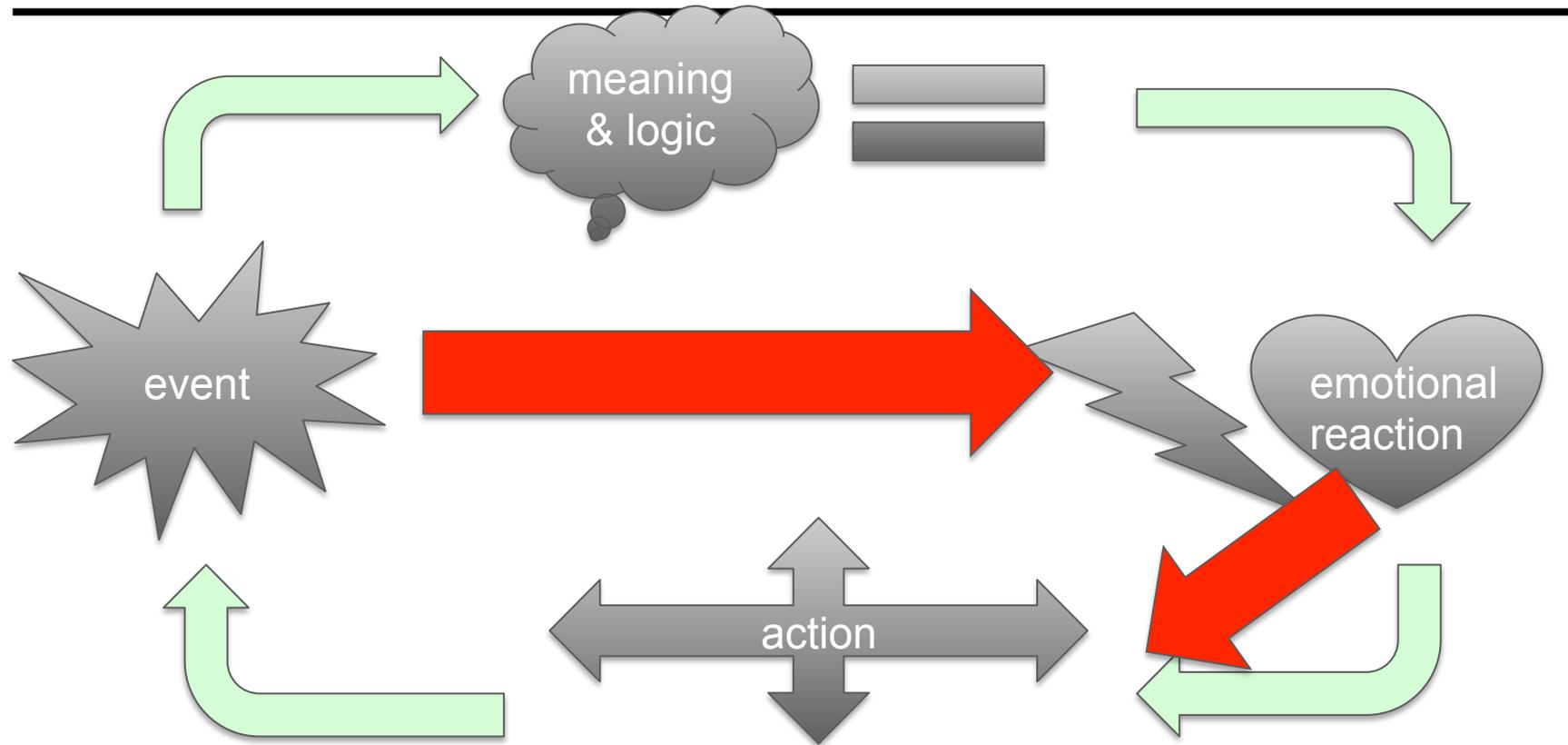


#3.
Buh-Bye!

Trauma Response Review



Trauma Response Review



**What can a trauma response
look like in a client?
What does it feel like in ourselves?**

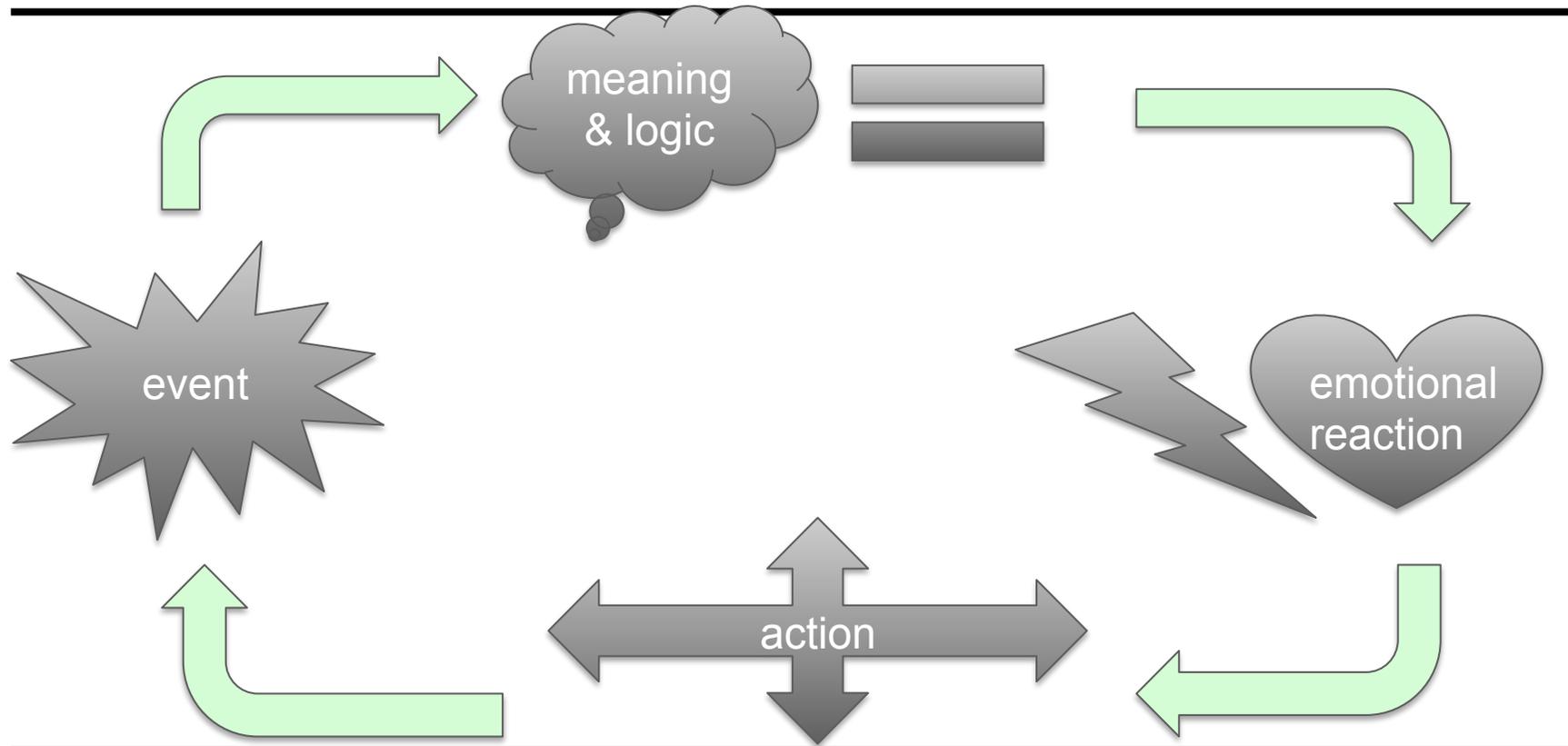
Group brainstorm

What should happen after trauma?

Our brains and bodies are designed to return to balance (non-hyper alert state). Contractions release, resulting in few symptoms of PTSD.

1. Sudden awareness of exhaustion, hunger, physical pain, often includes shaking and trembling, sweating, crying, yawning.
 2. Release of increased chemicals, return breathing to normal, relax muscles; if dissociated, return to self awareness.
 3. Return to coherent, calmed state. Can usually see more choices and possibilities that are positive.
-

Return to self.



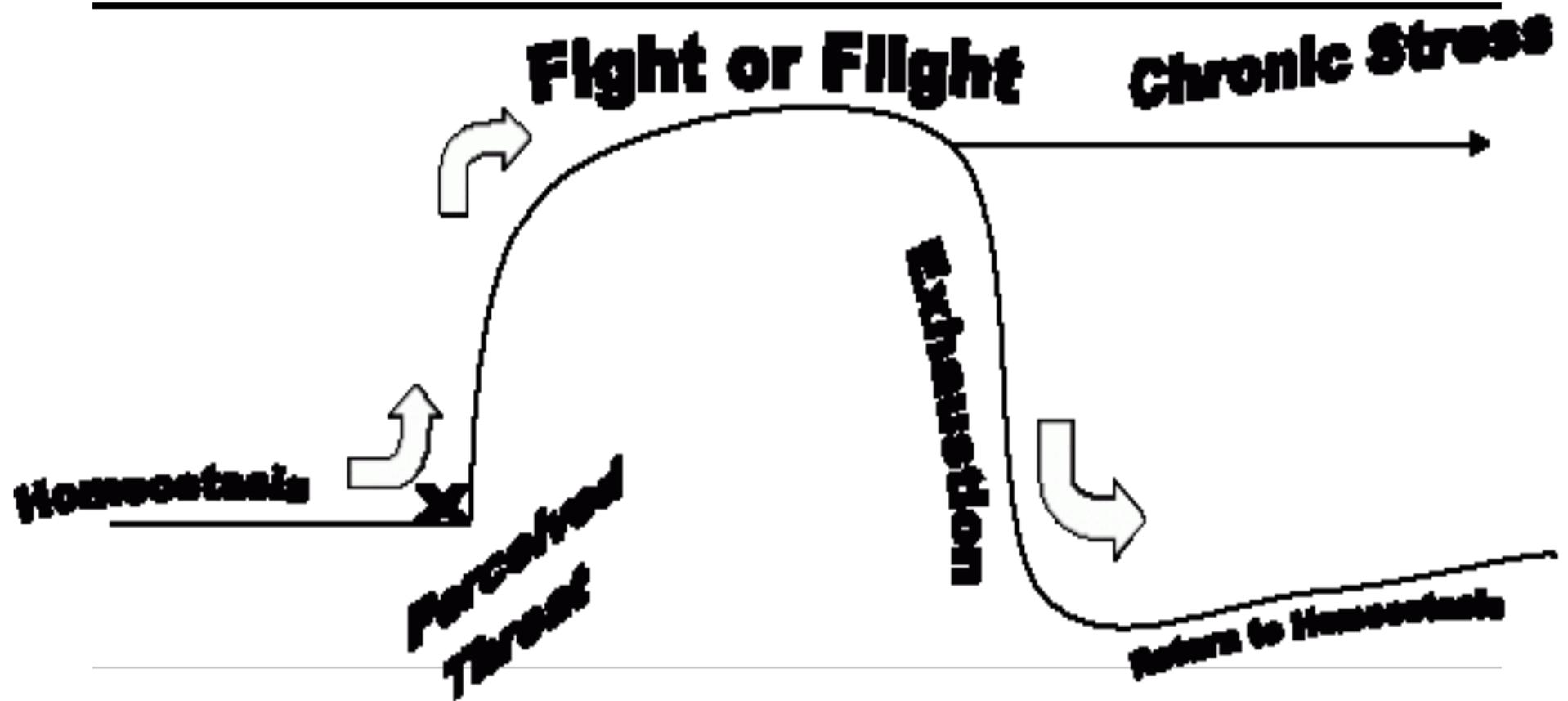
But

Many things prevent natural process
of discharging trauma responses

And we see trauma responses later.

- When natural process is not viable, people contract body more to prevent natural emotional and physical processes
 - Adult to child: “Quit shaking, it’s over. Stop being a baby.”
 - Adult to adult: “Why are you freaking out? Nothing bad’s happening.”
 - Prevents healthy release and equilibrium, ensures future challenges
-

Mapping it out.



5

Doing it better.

The bedrock of a smart field.



Culture & Trauma in Systems

Considerations

1. Some communities live in conditions of chronic stress
2. Some communities are historically primed to experience trauma symptoms when accessing U.S. criminal and legal systems
3. Legal disempowerment can re-traumatize people escaping power and control in domestic and family violence
4. Culturally relevant trauma inhibits equal access to justice

essential

Trauma-awareness, self-regulation, and interactional response are essential skills for the legal professional

How can the legal professional mediate with therapeutic legal responses rather than anti-therapeutic ones?

How does awareness of culture and social / cultural trauma factor into that therapeutic legal response?

A teenager is about to go into the courtroom to testify against his mother's ex-boyfriend who had killed the teen's mother while he and his sister watched. He is fiddling with his iPhone and his hands are shaking.

A woman is about to go into a divorce-related deposition with her husband, her husband's attorney, her attorney, and a court-appointed interpreter. She has not seen her husband since she moved into a domestic violence shelter three months ago.

An undocumented immigrant parent is waiting for supervised visitation with their child for the first time in nine months. Interpretation has not been arranged and they are being forced to use English with each other. They have never spoken in English with each other before.

A seven year old is about to go into court to testify against her father. Law enforcement first responders had used her as an interpreter for her mother, and the court has requested that she testify (against her and her advocates' wishes) as the only witness to the incident. She is breathing fast and turning pale.

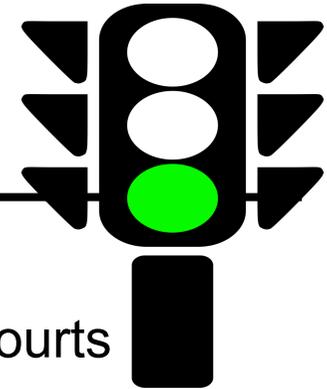
1. Center the sidelined.



- Commit time to building skill around culture. Creating equality involves addressing inequality. Addressing inequality is not the same as abandoning neutrality.
- The historical conditions and felt experience of inequality can be too easily reproduced, albeit unintentionally, if the link between organizational structures (policies, guidelines, codes of ethics, etc.) and actual hands on implementation is not considered in a careful and deliberate manner. (Kent, p. 194)

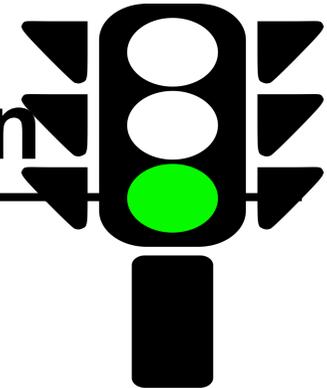
Kent, Stephanie Jo. "Why bother?" Institutionalization, interpreter decisions, and power relations. In *Wadensjo, Cecilia, Birgitta Englund Dimitrova and Anna-Leena Nilsson (ed.) The Critical Link 4: Professionalisation of Interpreting in the Community*, John Benjamins, Amsterdam, Netherlands, pp. 193-204.

2. Foster attunement to communities served



- Study the threat of Department of Homeland Security.
- Watch out for immigration issues as red herrings in civil courts and court services
- Build familiarity with economic barriers to public benefits for noncitizens
- Foster a trauma-informed and culture-informed lens through which to assess credibility
- Assess and secure dependable and accurate interpretation for LEP participants
- Train English speaking judges and staff to lead successful interpretation
- Conduct responsible translation of materials
- Identify and demystify courtroom culture to noncitizen participants
- Commit to changing unconscious bias at individual and institutional levels

3. Plan high quality interpretation



- Audibility
- Visibility
- Time allocation
- Planning around interpretation fatigue and quality descent
- Communication speed norms
- Allowance for everything to be interpreted
- Consciousness with regard to use of direct, literal as opposed to figurative language (metaphor, metonym, idioms, etc.)
- Culture of recognizing interpretation as a highly challenging skill, professional identity, and occupation
- Consciousness with regard to syntax-related pacing

word-for-word = failure

The interpreter's / translator's task has been compared to that of an artist, e.g., a musician or actor, who interprets a work of art.

Translation, like other arts, inescapably involves choice, and choice implies interpretation.

	Language in its many versions	Impact
Source Language	我 昨天 看见了一只好可爱的狗啊！	Natural for general Mandarin speaker.
Analysis	1SG.NOM. past day see.PST one MW good cute MOD.PRT dog excl.	Great for an analyst and no one else
Literal	I past day look appear change-of-state one animate-measure-word good lovable modifier dog exclamation!	Word for word
Faithful	I yesterday saw a very lovable dog!	Awkward
Target Language	Yesterday I saw such a cute dog!	Natural for general English speaker.
Idiomatic	That dog yesterday—hella cute!	Free to the point of confusion for some
Free	That dog was to die for!	Works for very specific audience

Contextual Meaning

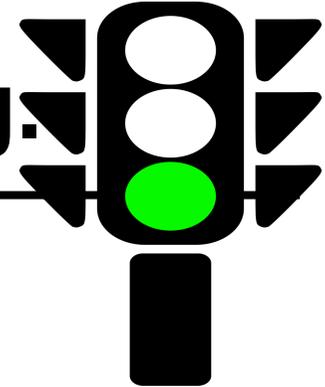
‘Marvelous weather you’ve got here in Ireland.’

- It’s pouring rain for the fourth day in a row.
- It’s sunny and bright on your first day of vacation.

‘He’s dying.’

- Terminally ill patient is the focus.
 - A man is laughing extremely hard.
 - A comedian is not getting any laughs during his entire set.
-

4. Manage the small stuff. It's big.



- Humor doesn't translate
- Body language 'means more'
- Facial expressions mean more
- Silence means more
- Laughter means more
- Gestures mean more
- Physical expressions of communication intent are very important.

Key techniques are critical, and can be articulated, taught, and expected.

5. Train on this.





Cultural responsiveness, ongoing learning

Culturally informed practice \neq a competency certificate;

It's a lifelong process of learning and negotiation that is applied to ensure:

1. an opportunity to open communication and build trust;
2. an understanding of the context of what's going on;
3. a sense of good questions to ask,
4. a sense of where to notice implicit bias;
5. a contextual analysis of the facts and circumstances of a particular case; and
6. equal access to public systems of health, safety and justice.

Learning Objectives

1. Integrate the cultural demographics of California into an overall approach to court services;
 2. Understand how culture affects our behavior and decision-making—in our daily lives and in the courtroom;
 3. Identify how culture can be manipulated to justify domestic, sexual, and family violence;
 4. Practice culturally responsive situational assessment;
 5. Connect cultural responsiveness to trauma-informed practice;
 6. Apply hands-on trauma-informed and culturally responsive strategies to support children and families in crisis; and
 7. Explore standards of practice that institutionalize culturally responsive and trauma-informed practice to reduce revictimization and strengthen court engagement for families and children trying to overcome domestic violence.
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