

**THE SEARCH FOR EQUAL ACCESS TO JUSTICE:  
ASIAN AMERICAN ACCESS TO JUSTICE PROJECT  
REPORT**

**National Asian Pacific American Legal Consortium  
Supported by a grant from the Open Society Institute**

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***Helplessness does not stem from the absence of theoretical rights. It can stem from an inability to assert real rights. The tenants of slums, and public housing projects, the purchasers from disreputable finance companies, the minority group member who is discriminated against – all these may have legal rights which – if we are candid remain in the limbo of the law.***

***Robert F. Kennedy  
Chicago, 1964***

This is a report of the National Asian Pacific American Legal Consortium, which is affiliated with the Asian Law Caucus in San Francisco and the Asian Pacific American Legal Center of Southern California.

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**THE SEARCH FOR EQUAL ACCESS TO JUSTICE:  
ASIAN AMERICAN ACCESS TO JUSTICE PROJECT REPORT  
BY THE NATIONAL ASIAN PACIFIC AMERICAN LEGAL CONSORTIUM  
EXECUTIVE SUMMARY**

*Findings*

1. Asian Americans do not have equal access to justice. Asian immigrants face language, knowledge and cultural barriers to accessing appropriate legal assistance. Lack of language assistance and culturally competent assistance are among the most significant barriers for Asian Americans seeking to access the legal process.
  - 1.1 Two-thirds of the community are foreign born with more than one-third having arrived as immigrants within the past ten years. As a result, many face language barriers as more than 1 in 10 Asian households lack anyone over the age of 14 who is able to speak English well. Some refugees and immigrants are illiterate even in their own languages. Many come from countries with vastly different legal systems and few laws protecting the rights of the individual.
  - 1.2 While some segments of the Asian community are doing well, most of the ethnic groups within the community have a poverty rate that is at least 50% higher than that of nonHispanic whites. Southeast Asians face a poverty rate of 25% to 50% in many refugee communities. Many are unaware that there are agencies in their communities that provide low-cost or free legal services, or even if they know, do not try to access the services because of language barriers.
  - 1.3 Asian Americans are having trouble accessing basic legal services and have the most problems accessing legal assistance with immigration, labor, and employment discrimination matters.
  - 1.4 There appears to be no uniform requirement for Asian language assistance in most courts, administrative processes, state and local government agencies.
  - 1.5 Except for California, Massachusetts, and Washington there appears to be no mandated system for certifying Asian language interpreters in any state. Washington is one of the few states which have actual Asian language competency certifications based on verbal and written tests. Only 21 states appear to have any kind of certification process available. The federal courts certification program has begun to develop testing protocols for Mandarin, Cantonese, Korean and Vietnamese. Each language protocol is estimated to cost one million dollars to develop.

- 1.6 There appears to be few, if any court systems that have a system for training, requiring or assigning trained interpreters.
  - 1.7 Many attorneys, judges and other relevant staff lack training in how to use interpreters effectively, as well as in cultural awareness issues.
2. Many legal service programs, already overcome with more demand than they have resources to address, have not adequately adjusted their programs as demographics in their communities have dramatically shifted to ensure that Asian Americans are being adequately, or at least equally, served.
- 2.1 Legal Service Corporation (LSC) restrictions mean that LSC funded programs cannot provide assistance to undocumented immigrants or bring class action cases. State and local government funding also create political pressures to limit the kinds of work done by legal service agencies. Moreover, tight income restrictions mean that otherwise low income individuals facing discrimination or other legal issues cannot be assisted.
  - 2.2 Legal services and legal aid programs do not appear to reflect the diversity of the communities they should be serving and have not adequately recruited Asian American attorneys or staff for their programs. According to 1997 LSC data, only 82 of 4000 attorneys were Asian American and only 2 of the 271 LSC funded programs had Executive Directors who are Asian American -- the Legal Aid Foundation of Los Angeles and the Legal Aid Society of Northeastern New York in Albany. No similar survey has been done for agencies funded by IOLTA programs.
  - 2.3 Asian American attorneys may experience a higher turnover rate in legal services and legal aid programs due to isolation, frustration, and inadequate systems of support.
  - 2.4 The anecdotal evidence suggests that boards of legal services and legal aid programs do not appear to reflect fully the diversity of the communities they should be serving. If an agency does not have a boardmember or management who is familiar with the community, and Asian American attorneys with sufficient seniority to be influential, its program is unlikely to be able to create an effective outreach and service strategy for the Asian American community.
  - 2.5 The lack of resources pushing legal services programs towards centralized telephone intake, hotlines, pro se representation and staff specialization is potentially at odds with addressing problems of limited English proficient Asian American clients. The development of hotline programs will not help Asian immigrants unless they are linguistically and culturally appropriate, and unless Asian immigrants are aware of their basic rights. The development of pro-se programs will not help Asian immigrants who are linguistically isolated and who lack knowledge of their basic rights.

- 2.6 The limitations placed by Congress on LSC funded programs also create confusion, causing even eligible immigrants to be denied services. Some IOLTA programs appear to have similar restrictions. Attorneys report confusion over what documentation is sufficient to determine that a potential client is eligible for services.
  - 2.7 There appears to be no uniform requirement for Asian language assistance in most LSC- or IOLTA- funded programs.
  - 2.8 There appears to be a shortage of fully bilingual attorneys, paralegals and other staff available at most legal services agencies to represent Asian immigrant clients.
  - 2.9 Many legal service agencies appear to assess local legal needs based on current actual demand for their services and as a result, do not see the needs in the Asian immigrant community since these communities are likely to be unaware of the availability of the services or hesitant to try to access them.
3. Not enough Asian American attorneys are choosing to work or volunteer at legal services agencies and with other public interest groups.
    - 3.1 There is an insufficient number of Asian American attorneys participating in pro bono work and serving on the boards of legal service agencies.
    - 3.2 Asian American attorneys with the requisite language skills and cultural knowledge are often from immigrant families and graduate from law schools with large debt loads and the need to help support their families.
    - 3.3 Programs like the NAPIL Fellowship are important to increasing the pool of trained public interest attorneys and the loan forgiveness feature of such programs is key to making it possible for Asian American and other attorneys to pursue a career in public interest law.
    - 3.4 NAPABA and its affiliates and member chapters raise thousands of dollars for law school scholarships. The criteria used by the NAPABA Law Foundation in awarding scholarships includes “a demonstrated commitment to and interest in pro bono, public interest, and/or other public service work”, and “a commitment to serving the needs of the Asian Pacific American community”. However, the scholarships are not contingent upon the recipient ultimately choosing public interest upon graduation from law school, so it is unclear how much of an incentive the scholarships provide to encourage Asian American law students to work in the public interest. In addition, NAPABA recently launched a short term public interest legal fellow program.

The NAPABA Law Foundation also operated the annual Thomas Tang Moot Court Competition, and tries to encourage interest in public service by selecting problems that

focus on the Asian Pacific American community.

- 3.5 NAPABA's annual conventions have historically offered few programs and workshops relevant to attorneys working in public interest organizations.
  - 3.6 NAPABA has not yet identified an effective strategy for encouraging more Asian American attorneys to become involved in pro bono legal services projects.
  - 3.7 There is no current formal support network for Asian American attorneys working in legal services or in public interest programs. Aside from the ABA, there are few if any Asian American caucuses or networks in professional associations covering relevant areas of specialization.
4. The Asian American community is striving to fill the gap in access, but in most regions of the country there are few resources.
    - 4.1 There are staffed Asian American legal organizations only in California and New York, and even they lack sufficient resources.
    - 4.2 Legal clinics and referral networks are important supplementary resources, but are too sporadic in nature to be the main resource for legal services
5. Mainstream civil rights organizations like the ACLU and the Lawyer's Committee on Civil Rights Under Law, as well as traditional bar association pro bono projects, have not consistently included Asian Americans as a client population.
  6. It is unclear how many law school clinical programs target and effectively serve Asian Americans as a client population.

## ***Recommendations***

1. Research
  - 1.1 The American Bar Association (ABA), National Legal Aid and Defender Association (NLADA), National Association of IOLTA Programs (NAIP), and/or the Legal Services Corporation (LSC) should work with the National Asian Pacific American Bar Association (NAPABA) to fund and commission a study to determine the extent to which legal aid programs are serving eligible Asian Americans, including the extent to which language assistance is being provided.
  - 1.2 The American Association of Law Schools should produce a study covering the extent to which law school clinics are serving the Asian American and other immigrant and minority communities. Such a study could also help to identify model programs. NAPABA chapters and affiliates should work with local law schools to do individual assessments.
  - 1.3 Because Title VI of the Civil Rights Act bars discrimination based on race and national origin by entities receiving federal funding, the Legal Services Corporation should include “the level of language access and assistance being made available to limited English proficient people eligible for services” as a criteria in the competitive funding application required by LSC from parties interested in applying for and obtaining federal funds for the provision of civil legal services to low-income people.
  - 1.4 NLADA should work with agencies to review their structures and develop alternative models where a structure of specialization is limiting the ability to provide direct services to limited English proficient Asian immigrants when they have an insufficient number of bilingual attorneys and staff.
  - 1.5 LSC and state IOLTA programs should ensure that in implementing innovative methods of service delivery, such as providing advice and counsel or brief service through the use of telephone hotlines, as well as developing pro se materials, funded agencies are sensitive, attentive and responsive to the language barriers of limited English proficient eligible clients in their service areas.
  - 1.6 Public interest legal service providers, including organizations such as the ACLU and the Lawyers’ Committee for Civil Rights Under Law should assess their outreach and support of Asian Americans within their service areas.
  - 1.7 A research project which includes a convening of Pacific Islander leaders should be funded to assess the access of Native Hawaiians and other Pacific Islanders to legal services and other public interest law support.

1.8 Research should be done to assess the access of Asian Americans to justice in the criminal legal system.

2. Technical Assistance, Standards and Policies

2.1 The American Association of Law Schools should develop and disseminate a handbook on how to create and maintain law school clinics that provide appropriate services to Asian Americans and other immigrant and minority communities.

2.2 The Legal Services Corporation should develop and issue a “best practices” handbook to LSC funded agencies that include and emphasize those best practices that focus on providing language assistance to clients who are limited English proficient. LSC may want to develop the handbook jointly with NAIP and share with IOLTA funded programs.

2.3 The Legal Services Corporation and organizations such as the NLADA and ABA should sponsor trainings for attorneys and other relevant legal personnel on the effective use of interpreters.

2.4 Congress should provide sufficient funding for the Administrative Office of the U.S. Courts to develop federal certification standards and exams for translators for the 20 most needed Asian languages and dialects, based on the number and percentage of limited English proficient individuals and linguistically isolated households.

2.5 Agencies providing legal services need to provide their staff with training to better understand how to work with Asian, limited English proficient and other minority clients.

2.6 Agencies must develop and maintain intake systems that are accessible to Asian and other immigrant communities. NLADA and NAIP should examine the model being developed by the Asian Pacific American Legal Center in partnership with the Legal Aid Foundation of Los Angeles and the San Fernando Valley Neighborhood Legal Services.

2.7 Bilingual staff members must be given appropriate reductions in workload when asked to translate outside of their regular duties or be provided additional compensation for the additional workload.

2.8 Forms or language guides should be made available for non-English speakers to make it easier for Asian immigrant and other limited English proficient clients to complete them.

2.9 Model programs for the recruitment and training of legal translators of Asian languages should be identified or created, partnerships with universities, community colleges and community based organizations to develop interpreter bureaus with trained volunteers

and professionals should be explored.

- 2.10 NLADA should develop a clearinghouse for Asian and other language materials, forms and projects. Translated community education pieces and forms should be made available on the Internet.
- 2.11 NAPABA should create and maintain a network of legal aid and other community based attorneys who are Asian American or who serve a significant number of Asian American clients so that issues, models and materials can be shared and moral support provided.
- 2.12 The NAPABA website should feature a section similar to that on law firm partners that provides an on-line directory of Asian American legal aid and public interest law attorneys with their areas of specialization and contact information. This site should be cross-linked with other relevant sites.
- 2.13 The ABA should develop a handbook for communities seeking to create a community based public interest law program.
- 2.14 NAPABA should develop a needs assessment tool to provide to its chapters and other community based organizations to assess the access of Asian Americans to legal services in their local communities. NAPABA or its Education Fund should consider seeking funds that it could regrant to local chapters seeking to survey their communities or to implement other projects that would improve access.
- 2.15 NLADA should encourage the development of partnerships between community based organizations and legal service agencies.
- 2.16 Federal, state and local courts and agencies should provide mandatory training for judges, prosecutors, public defenders, administrative law judges, and all other relevant court personnel on working with translators and with minority communities.
- 2.17 NLADA should work with LSC and community based organizations in developing community education pieces, including written, audio and video versions, about legal services and relevant court processes that are culturally appropriate and translated into Asian and other ethnic languages.
- 2.18 LSC should work with the National Immigration Law Center in developing an information sheet for LSC funded agency intake staff and for community members that depicts and describes the different immigration documents necessary to prove that a client is eligible for LSC funded services.
- 2.19 NAPABA chapters should contact their local IOLTA programs and assess the extent

to which they are strategically targeting their funding to help cover areas of immigration legal services that are no longer permitted for LSC funded agencies. NAPABA chapters to work with their local programs to assess the level of IOLTA support for agencies seeking to better serve that Asian American community.

- 2.20 The ABA should work with other relevant organizations in evaluating the availability of trained court interpreters and, if appropriate, develop recommendations for recruitment and training programs.
3. Diversifying Workforces and Policymaking Bodies
    - 3.1 Agencies providing legal services need to recruit, and provide an environment in which they can retain, an adequate number of staff and attorneys with relevant Asian language capabilities, as well as attorneys and staff who have supervisory or decision-making responsibilities and a commitment to providing effective outreach and services to the Asian American community. Agencies should also actively recruit pro bono Asian American attorneys in the delivery of legal assistance in their service areas, as well as Asian American attorneys and clients to serve on their boards.
    - 3.2 Agencies should consider developing community advisory groups who can work with them in developing cultural awareness training. When developing strategic plans, agencies should consider soliciting information from community service agencies in the Asian and other immigrant and minority communities about the legal needs they are seeing in their respective communities.
    - 3.3 Law schools need to increase their efforts to recruit and train students from underserved Asian communities, and should consider developing, or increasing their commitment to, loan forgiveness programs for students who commit to serve underserved Asian and other minority communities.
    - 3.4 Organizations such as the ABA, Legal Services Corporation, NLADA, NAIP, state and local bar organizations, local legal aid and legal services agencies whose leaders shape policies that determine access to the legal assistance should ensure that their boards, officers, management and staff fully reflect the diversity of their communities.
    - 3.5 Local bar associations and other referral and pro bono programs should review their outreach and networks and ensure their programs include an adequate representation of bilingual attorneys and firms with bilingual staff, and that such information is readily available.
    - 3.6 The NLADA should ensure that its Equal Justice website is linked to affinity bars such as NAPABA and to other public interest legal organizations such as the Consortium. NAPABA should promote the new Equal Justice website's job posting service among

its members and to Asian Pacific American law student associations.

- 3.7 The NAPABA Law Foundation should consider raising money for loan forgiveness support to attorneys and paralegals who commit to work in legal services or at a public interest law group serving the Asian American or other underserved community.
  - 3.8 The NAPABA Law Foundation should encourage and assist NAPABA affiliates to create more summer internship scholarship programs to enable more law students to be able to work for legal services and for public interest law groups serving the Asian American community.
  - 3.8 Firms and other funders should continue to invest in programs like the NAPIL Fellowship and the Skadden Fellowship, or alternatively, should increase their support of public interest law organizations to enable them to maintain salaries and fellowship programs to help graduating law students with their heavy debt burdens.
  - 3.9 NAPABA should work with Asian American community service providers and legal organizations, court systems, NLADA, and other appropriate organizations to develop a glossary of commonly used legal terminology in all of the relevant Asian languages and dialects.
  - 3.10 Funders, including state IOLTA programs, should support the development of regional community based Asian American legal centers who can help to cover the work that cannot be covered by LSC and other government funded agencies, and that can serve as regional technical support centers for community education and outreach to the Asian American community.
  - 3.11 NAPABA should develop projects to help encourage more Asian American law students and attorneys to work in the public interest, to help connect interested attorneys and students to job opportunities, and to help interested members organize Asian American caucuses in the various national legal associations and networks that exist for various relevant areas of the law.
  - 3.12 NLADA, National Association of Consumer Advocates, and other professional associations should support Asian American and other minority attorneys in building support networks. Funds should be budgeted to provide travel and registration scholarships to less senior attorneys to enable more minority attorneys (who are more likely not to be in the senior ranks) to attend.
4. Public and Community Education
- 4.1 Agencies providing legal services need to work with community based organizations

and ethnic media to create and support legal outreach and education materials and programs that are culturally and linguistically appropriate for underserved Asian American populations.

- 4.2 Law school clinics, local bar associations, NAPABA affiliates and legal service agencies should consider working with Asian ethnic media to add regular and special programming that will help Asian Americans understand their rights and the legal system process.
- 4.3 The American Association of Law Schools should urge law schools to consider providing credit for externship programs and independent study projects that incorporate work with community based organizations in developing and implementing community outreach and education materials and programs. AALS could also provide technical assistance to law schools seeking to create or expand such programs.
- 4.4 To encourage more Asian American attorneys to assist in providing access to legal services, NAPABA should create a group of awards to inspire more attorneys and affiliates and chapters by recognizing outstanding affiliate pro bono programs as well as firms or individuals. NAPABA should also consider developing a mechanism to connect attorneys and firms interested in particular forms of pro bono work with programs seeking help.

## 5. Partnerships

- 5.1 Agencies that target Asian American communities and can cover cases and clients not eligible for LSC funded programs or who can partner with LSC funded programs to better serve the Asian American community should be provided increased support.
- 5.2 Funders should support demonstration projects in two or three cities that would provide models for assessing local Asian American community legal needs, and perhaps develop a handbook that can be shared and adapted by others.
- 5.3 Regional funders should support efforts by communities to convene representatives from Asian American community based organizations, community service providers with service areas that include Asian Americans, relevant professional associations, religious institutions, labor unions, academic institutions (universities, law schools, community colleges), bar associations and court personnel to construct a local needs assessment and develop strategies for improving access, including the increase of voluntary efforts and the provision of translated materials and services.
- 5.4 Funders should work with NAPABA and NAPALC to help build regional Asian American legal organizations to work with legal services agencies who can become regional centers in areas of growing population in the Mid west, South, Mid-Atlantic

regions.

- 5.5 Legal Service agencies should work with NAPABA and other Asian American community based organizations to create targeted programs.
- 5.6 NAPABA and the Consortium should create an Internet network for legal service providers and other public interest attorneys serving the Asian American community where program ideas, materials, training and technical assistance can be shared, and where new attorneys can provide each other with support.
- 5.7 NAPABA should work with the ABA and other appropriate organizations to develop a national pro bono referral network for discrimination cases.
- 5.8 NAPABA should work with the ABA, NLADA and other appropriate organizations to develop an on-line directory by state and area of practice of attorneys with specific Asian language abilities.
- 5.9 Legal services agencies and other public interest law groups should seek out creative partnerships such as working with colleges on undergraduate internship programs or individual study projects and with foreign student groups at universities.

## **Introduction**

The National Asian Pacific American Legal Consortium, was incorporated in 1991 and opened its Washington, D.C. office in 1993. The Consortium works to advance the legal and civil rights of Asian Pacific Americans through litigation, public education and public policy. A nationally recognized voice on behalf of Asian Pacific Americans, the Consortium focuses its expertise on anti-Asian violence and race relations, voting rights, immigration and immigrant rights, affirmative action, language rights and the census.

Serving the nation from its capital, the Consortium was founded by, and is affiliated with, the Asian Pacific American Legal Center of Southern California in Los Angeles, Asian Law Caucus in San Francisco and the Asian American Legal Defense and Education Fund in New York City. Working closely with its Affiliates, the Consortium is committed to increasing community education and participation on public policy and civil rights issues affecting all Asian Pacific Americans.

Through the Consortium's leadership capacity building program, the Consortium develops and maintains relationships with local community-based organizations through which it delivers technical assistance on projects ranging from anti-Asian violence to immigration, naturalization and welfare reform. This assistance includes training on advocacy, working with the media, working with government agencies, building coalitions, monitoring hate crimes, and explaining important new laws.

The Asian American community has experienced an extraordinary population growth having doubled in size in each decade between 1970 and 1990, with an estimated growth of 7 million to 12 million between 1990 and 2000. The legal community has not kept pace. Little infrastructure exists to meet the civil legal needs of the community in most areas of the country.

The Consortium joined with the National Asian Pacific American Bar Association (NAPABA) to seek ideas for addressing this mounting problem. With support from the Open Society Institute, the Consortium and NAPABA brought together key leaders interested in the issue of Asian American legal access on civil matters from across the country to share their experiences, assess the problems, formulate strategies, identify potential partners and create networks.

The conference was a one-day meeting of community leaders, bar leaders, law professors, public interest legal organization staff, legal aid attorneys and other Asian American attorneys involved in the various levels of public interest law and legal services. [See Attachment 2 for participant list]. It was held in Los Angeles on Saturday, November 13, 1999 in conjunction with NAPABA's annual convention. [See Attachment 1 for agenda].

This summit was the first step in a project to develop a systemic work plan to improve access to the legal system for Asian Americans. Participants in the summit identified current resources and structures; identified potential strategies for increasing the access to the civil legal system by the Asian American community; and began developing a plan for follow-up. Since the planning conference, the

Consortium has also reviewed existing studies and spoken with additional advisers.

The long term objective of the project is to increase effective legal access by the Asian American community by implementing strategies to leverage existing resources and to increase community capacity. The goals include improving the Asian American community's understanding of the role of lawyers' in ensuring access to justice; increasing the level of resources being provided to ensure access, particularly to the low income segment of the community; and institutionalizing networks where information, strategy and materials can be more effectively shared among those working to serve the Asian American community.

The project does not attempt to address the legal needs of Pacific Islanders, which merits a separate discussion because of the particularly unique historical and current relationship that the Pacific Islands have with the United States and the particular needs of the people who are indigenous to that region. Nor does it attempt to cover the issue of access to criminal legal services. Both inquiries are deserving of projects specifically focused on these needs.

## **Barriers to Asian American Access to Justice**

The strength of American democracy depends on the ability of its legal system to function effectively and deliver justice. As America becomes ever more diverse, it is imperative that our legal system be able to serve all communities. Yet Asian Americans face many barriers in accessing the current system.

- Two-thirds of the community are foreign born with more than one-third having arrived as immigrants within the past ten years.
- Many face language barriers as more than 1 in 10 Asian households lack anyone over the age of 14 who is able to speak English well.
- Some refugees and immigrants are illiterate even in their own languages.
- Many come from countries with vastly different legal systems and few laws protecting the rights of the individual.
- Because they are immigrants they are unlikely to know their rights and their responsibilities under the law.
- Even if they know their rights, many Asian immigrants fear exercising them because of concerns about how it might affect their immigration status and their jobs and families. Some come from countries without reliable systems of justice.
- While some segments of the Asian community are doing well, most of the ethnic groups within

the community have a poverty rate that is at least 50% higher than that of nonHispanic whites. Southeast Asians face a poverty rate of 25% to 50% in many refugee communities. Many are unaware that there are agencies in their communities that provide low-cost or free legal services, or even if they know, do not try to access the services because of language barriers.

Historically, few legal services programs have served the Asian American community very effectively. The community has grown at a rapid pace and become more dispersed with significant communities in areas like Houston, Miami and Atlanta, as well as Minneapolis, Wisconsin and pockets of Nebraska and North Carolina. Legal service agencies who assess local legal needs based on current actual demand for their services will not see the needs in the Asian immigrant community since these communities are likely to be unaware of the availability of the services or hesitant to try to access them. For example, the Washington, D.C. metropolitan area is now home to the ninth largest Asian American community. Yet most of the legal service agencies in the area see few Asian American clients.

Experience has shown that when an agency hires someone from the Asian community with appropriate language skills, often demand for services from that community will increase. However, even for those agencies who understand the need to serve Asian American clients, the diversity of the community and the language needs generally cannot be met with just one or two hires.

- Law students with the requisite language skills and cultural sensitivity to serve the needs of refugee communities have begun to graduate, but too few of them go into legal services or other public interest law firms.
- Some Asian Americans who have worked at legal services agencies have reported feeling isolated and overwhelmed by the unmet need, and unsupported by agency leadership when they suggest different alternatives for providing more accessible services.
- The various budget cutbacks in legal services funding came during a period when agencies should have been expanding to serve the Asian American community given the growing population. This is particularly true of the 1995-96 cutbacks which Congress forced at the same time that Congress made changes in the immigration and welfare law with a disproportionate impact on immigrant communities. State IOLTA programs have not always sought to fill the gap. In New York City, a legal services agency actually closed its office in Chinatown despite the continued growth in population.

As a result, there is a void and a growing number of communities around the country are struggling to respond to the need.

Cutbacks in federal funding of legal services have also pushed agencies to provide services through more limited measures such as telephone hotlines and the development of pro se materials. In addition, agencies are being pushed to focus on more specialized areas with larger agencies being pushed to place attorneys in departments focusing on more narrow areas of the law. These trends

exacerbate the problem of addressing the needs of immigrant clients who may not be able to accurately identify their needs and will not be able to use hotlines or pro se materials provided only in English.

## **Current Resources**

The Consortium's mission is to advance and defend the civil and legal rights of Asian Pacific Americans. This cannot be effectively done if Asian Americans have only limited access to the legal system. Discriminatory trends cannot be identified and addressed if most Asian Americans have no entry point into the system. In addition, civil rights and other such education in the community will generate frustration and cynicism if there are no corresponding resources available to assist communities to exercise those rights.

The Consortium's Affiliates are regionally based, providing legal services, education or referral services for various program areas. The Asian Pacific American Legal Center in Los Angeles has worked in partnership with the Legal Aid Foundation of Los Angeles to bolster its legal services program. The Asian Law Caucus in San Francisco provides direct services in targeted areas. The Asian American Legal Defense and Education Fund partners with community service agencies to provide legal clinics on many issues.

The Consortium has worked with existing Asian American public interest law groups and with public interest attorneys throughout the country. Many communities are striving to respond to growing Asian American populations. The Consortium works closely with NAPABA who has members engaged in local legal aid or other public interest efforts.

- The Asian Bar Association of Washington has held successful community law education programs, and Columbia Legal Services has been cited as one of the more responsive legal services programs, but there has been periodic interest in building a local Asian American civil rights public interest law firm in Washington State to cover cases not eligible for legal services.
- Chicago has maintained a limited referral program in partnership between the local Asian American Bar Association and one of the local law firms, but the community remains underserved and there has been interest in building an APA civil rights public interest law firm with Midwest capacity.
- Named after the first Asian American attorney in Massachusetts, the Harry H. Dow Memorial Legal Assistance Fund was established in 1985 to fund projects at the Greater Boston Legal Services focused on assisting the Asian American community.
- Law students at Georgetown University Law school worked with the local Asian American bar in Washington, D.C. to start a referral service in 1998.
- In Houston, Asian American leaders have identified community education and legal assistance

as a priority and have been struggling to find funding to launch an Asian American legal assistance organization.

- The Southern Minnesota Regional Legal Services hired one Hmong attorney over a year ago and added a second Hmong attorney last Fall in a plan to address the staggering demographic shifts in the Minneapolis/St. Paul Region which now has one of the largest population of Hmong Americans. One in five school age children is estimated to be Hmong.

The American Bar Association has a commission on minorities, but its focus has been on minorities in the profession. It also has a pro bono committee, but few of the projects supported by the ABA have provided assistance directly targeted at Asian American communities or communities in which there are significant populations of Asian Americans. Programs targeting immigrants tend to focus on Latino immigrants. The ABA Immigration Pro Bono Development Project has funded few projects targeting Asians or Pacific Islanders.<sup>1</sup>

There is no current formal support network for Asian American attorneys working in legal services or in public interest programs. Aside from the ABA, there are few if any Asian American caucuses or networks in professional associations covering relevant areas of specialization. Moreover, not enough Asian American attorneys are choosing to work or volunteer at legal services agencies and with other public interest groups.

NAPABA is a relatively young organization with extremely limited resources. It has a sister organization called the NAPABA Law Foundation which is a 501(c)(3) organization. NAPABA and its affiliates and member chapters raise thousands of dollars for law school scholarships. The criteria used by the NAPABA Law Foundation in awarding scholarships includes “a demonstrated commitment to and interest in pro bono, public interest, and/or other public service work”, and “a commitment to serving the needs of the Asian Pacific American community”. However, the scholarships are not contingent upon the recipient ultimately choosing public interest upon graduation from law school, so it is unclear how much of an incentive the scholarships provide to encourage Asian American law students to work in the public interest. In addition, NAPABA recently launched a short term public interest legal fellow program.

The NAPABA Law Foundation also operated the annual Thomas Tang Moot Court Competition, and tries to encourage interest in public service by selecting problems that focus on the Asian Pacific American community.

NAPABA organizes an annual convention that historically has offered few programs and workshops relevant to attorneys working in public interest organizations. Almost all of its operating funding comes from the money raised for its annual convention. In 1999, NAPABA took its first steps

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<sup>1</sup> *E.g.* American Bar Association Press Release, “American Bar Association Launches Program to Provide Indigent Refugees and Immigrants Free Legal Services,” 1993.

in focusing attention on this issue and formed a committee focused on public interest attorneys that includes attorneys working at government agencies. Although it has a pro bono committee, NAPABA has struggled to identify an effective strategy for encouraging more Asian American attorneys to become involved in pro bono legal services projects.

The Lawyers' Committee for Civil Rights Under the Law was formed in 1965 originally to address the civil rights atrocities occurring in the South. Their program primarily covers employment discrimination, voting rights, environmental justice and housing. Although affiliate organizations across the country with significant Asian communities such as San Francisco and Chicago, have hired Asian Americans and focused attention on issues of concern such as immigration, language rights and hate crimes, the national organization has not. LCCRUL Deputy Director Tom Henderson discussed his organization's work at the Summit and noted his interest in expanding the work to include more Asian American clients.

The American Civil Liberties Union (ACLU) has longstanding work in the area of immigrant rights and civil liberties. Chapters in areas of significant Asian American population, such as California, have reached out to the Asian American community. Overall, however, the ACLU has not litigated a significant number of cases with Asian American plaintiffs nor hired many Asian American attorneys.

## **Legal Needs**

Participants discussed the particular legal needs they see in the community and what is not being met by the existing legal structures. First they discussed cross-cutting issues. Then they discussed issues specific to particular legal areas.

### **A. Cross Cutting Issues**

#### **1. Communication Barriers**

The relatively high percentage of people in the Asian American community who are immigrants and whose first language is not English creates a number of challenges in their ability to obtain access to equal justice. It makes it more difficult for Asian Americans to know and understand our laws and our system of justice. It makes it more difficult for Asian Americans to obtain the help of attorneys and other trained professionals.

The communication barrier, however, is more than just one of language. Communication also involves the ability to understand and explain body language, cultural contexts, and cultural concepts.

Attorneys assisting Asian Americans must be able to prepare finders of fact to understand, for example, that an Asian immigrant who is not looking them in the eye when they speak is showing respect rather than untrustworthiness.

a. Knowing and Understanding the Laws

The many laws, rules and regulations that govern American society can be intimidating to even trained lawyers. For individuals who grew up in different societies and for whom English is not their first language, it can be completely bewildering.

From small business owners to employees and consumers, to landlords and tenants, to schools and health agencies, many Asian Americans do not have a consistent source of learning and understanding their legal rights or their legal responsibilities.

Workers are exploited because they do not know wage and hour laws or safety protections. Poor families do not receive housing, food stamps, health care, job training and other assistance for which they qualify because they do not know they are eligible and cannot understand and complete the forms in English.<sup>2</sup>

In Washington, D.C., after a series of fatal shootings of Asian American merchants, the local NAPABA affiliate developed a video targeting these merchants, explaining the law enforcement and legal system to them so that the merchants could better work with police and prosecutors. The video was translated into Korean and a few other Asian languages.

Generally, however, very few states or local governments have addressed this issue. They do not produce television or audio tapes, or hire and train bilingual staff or use trained and experienced interpreters. Welfare notices, health and safety notices, wage and hour notices, regulatory information, and other government information are generally produced only in English. In fact, many states have passed English-only laws to limit government's ability to provide translated materials.

Despite the fact that communication is one of the most significant barriers for Asian Americans seeking to access the legal process, there appears to be no uniform requirement for Asian language assistance in most courts, administrative processes, state and local government agencies or LSC or IOLTA funded programs. Summit participants believe that there is a critical shortage of fully bilingual attorneys, paralegals and other staff available to represent Asian immigrant clients.

Many Americans who have grown up here have, understandably, a difficult time identifying their

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<sup>2</sup> CalWORKs Title VI Language Access Complaint filed with the U.S. Dept. of Health and Human Services, Office of Civil Rights against Los Angeles County Dept. of Public Social Services for complainants Jane Doe, Sandra Garcia, Hong Tran and Asian Pacific American Legal Center (Dec. 16, 1999).

precise legal problem or sets of problems. This difficulty is exacerbated in the Asian American community. The lack of language facility, tied with the lack of knowledge of our laws and the legal system, makes serving an immigrant population even more challenging.

#### b. The Judicial System

Whether it is a civil, criminal or administrative proceeding, immigrants who are limited English proficient are likely to be at an enormous disadvantage. Few, if any, courts provide adequate access and assistance. All too often there are reports of family members and other untrained bilingual speakers being pressed into service who may not even be aware of their ethical obligations or understand the legal terms being used in the courtroom.<sup>3</sup> In some cases, because of the limited availability of interpreters and the absence of a uniform system for training and assigning interpreters, judges end up asking husbands to act as interpreters for their battered spouses or untrained court house staff to act as interpreters.

Summit participants noted that even if interpreters are available, they may present themselves as qualified but may in fact not be able to translate legal terms and concepts or may not understand their ethical obligations of confidentiality.

Even in criminal courts, where there are clear constitutional rights being implicated, there appears to be little accommodation by courts for plaintiffs who are not literate in English. A judge in Virginia recently stated his refusal to order interpreters to be made available in cases involving misdemeanors. Summit participants noted that in family courts, there appear to be even less accommodation for limited English proficient parents.

Except for California, Massachusetts, and Washington there are few states that require the certification of Asian language interpreters by law. Washington state is one of the few states which has actual Asian language competency certifications based on verbal and written tests.

Various attempts have been made to address the language policy issues on a state level, but most have failed. Translator certification legislation was proposed four years ago in Texas, but it died in committee. Comprehensive legislation was recently introduced in Maryland, but is unlikely to become law this year.

Few courts appear to have a system for training, requiring or assigning trained interpreters. According to Joanne Moore, who formerly worked with the Washington State Office of the Administrator for the Courts, only 22 states use an interpreter certification exam. Moreover, summit participants noted that attorneys, judges and other relevant staff lack training in how to use interpreters

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<sup>3</sup> See Equal Justice: Eliminating the Barriers, Massachusetts Supreme Judicial Court commission to Study Racial and Ethnic Bias in the Courts, Final Report, pp. 18-19 (Sept. 1994).

effectively, as well as in cultural awareness issues.

In addition to technical fluency, a qualified interpreter must be able to effectively explain legal concepts since literal translations may not have much meaning. Moreover, interpreters must understand their ethical obligations in the legal system. There are several dozen Asian languages and dialects. The federal certification program has begun to develop testing protocols for Mandarin, Cantonese, Korean and Vietnamese. Each language protocol is estimated to cost one million dollars to develop. Congress needs to provide more funding to the Administrative Office of the United States Courts to develop more languages. Once protocols are developed, states can then adopt them.

The lack of access to accurate translation services can have tragic consequences. In a recent California case, Hongkham Souvannarath, a 51-year-old mother of seven was imprisoned for 10 months in Fresno, California without a hearing, a lawyer's counsel or charges filed against her.<sup>4</sup>

The Laotian refugee was accused of failing to take all of her tuberculosis medication. Souvannarath had stopped because of severe side effects and because she thought the medicine could kill her after talking to county health interpreters who spoke Hmong and Thai, but not Lao. She was arrested by police with guns drawn. The police told her children they were taking her to a hospital, but instead took her to jail. There a translator mistranslated and told jail officials that she was suicidal, so she was held in a cell with no light, water, heat or food for three days. After she became acutely ill because other inmates stole her food and she was confined to a dirty infirmary ward, she was taken to a hospital where she was chained by her ankles to the bed. After six months, the doctor diagnosed her as being noncontagious, yet she was held in a general population cell for another four months. Her family did not know where to turn. Her children began to fail at school. Finally, they were able to reach the people in Ohio who had sponsored their entry into the U.S.; their sponsors finally got legal aid attorneys in Fresno to convince a judge that she was being illegally detained.

## 2. Immigration Issues

With over 60% or more of the Asian American community being foreign born and at least half of that group not yet citizens, the complex and harsh laws that control adjustment of status, deportation and naturalization make access to expert legal advice even more important than for citizens. Attorneys giving advice on criminal matters, for example, must understand this additional overlay or risk before recommending plea agreements that make immigrants subject to deportation for even the most minor of offenses.

The 1996 changes in U.S. immigration and welfare laws increased the demands on immigrant legal service providers. It made the laws even more complex with harsh consequences for the smallest

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<sup>4</sup> *No Jail, No Bail: Lawyers say translation problems lead to Fresno mother's imprisonment*, AsianWeek, pp. 13 - 15, June 10, 1999. See also, *Woman Jailed 10 Months for Refusing TB Medicine*, Los Angeles Times, May 31, 1999.

of missteps. It also created a tidal wave of demand for naturalization assistance and raised complicated legal issues for immigrants with disabilities seeking to naturalize. Finally, it resulted in thousands of immigrants seeking asylum being held in detention in county and other jails, as well as legal permanent residents who had been convicted of minor crimes being held in extended detention.

Attorneys advising immigrants on access to government benefits, domestic violence and family laws and criminal matters must also be expert on the harsh laws that distinguish even the majority of those who are legal permanent residents from citizens, as well as the laws that put undocumented immigrants at risk.

Immigration experts believe that this year's census numbers are likely to reveal that the percentage of the American population who are immigrants is likely to reach the highest level it has been since the 1900's. Yet it appears that serving immigrants is not a priority at many legal service agencies. One summit participant reported that when the American Bar Association sponsored a workshop in Los Angeles on how to serve the legal needs of immigrant women in 1999, less than a handful of legal service providers attended. At a recent conference in Houston cosponsored by the ABA and NLADA, only about 20 attorneys attended a panel on immigrant needs and many of them were from agencies who were already seeking to do so.

The limitations placed by Congress on LSC funded programs create confusion, causing even eligible immigrants to be denied services. Attorneys report confusion over what documentation is sufficient to determine that a potential client is eligible for services. Little education has been done for community service agencies and others who refer clients to legal service agencies about what kind of documentation is required to obtain service.

Of course, undocumented immigrants find it almost impossible to get legal advice. LSC funded agencies are prohibited from assisting them and many others simply choose not to. Moreover, state IOLTA programs have not uniformly sought to fill the gaps left by LSC restrictions and sometimes have adopted the same restrictions. Undocumented immigrants are extremely vulnerable to the worst forms of exploitation. It is not uncommon for them to face employers who do not pay them minimum wage or refuse to pay them at all after a job is completed.

## **B. Specialized Areas**

Language barriers combined with cultural barriers and ignorance of the legal system can result in legal aid agencies drawing the erroneous conclusion that Asian Americans are not seeking their services because they do not have legal issues or do not want legal assistance. One study found that immigrants are in fact more likely to face social problems, even apart from immigration related issues,

than other low-income Americans.<sup>5</sup> For example, nearly a third of the low-income immigrants reported a housing problem within a year of the survey taken. They also frequently encountered consumer issues, discrimination, employment and access to health care than their native-born, low-income counterparts. Family law and domestic violence present other areas of concern. Another growing area of concern is that of criminal law, although, this report focuses primarily on civil issues.

## 1. Family Law and Related Issues

Contrary to the Asian American model minority myth, domestic violence (including spouse, child and elder abuse), mental illness, substance abuse and other problems that impact on the family are a hidden but growing problem. In some cultures, the social traditions around these issues are at odds with that of the legal system in the U.S. In some cases, it is difficult to even translate the concepts, much less the legal ramifications of these issues. In addition, there are cultural barriers in some Asian communities where women face being stigmatized for going outside the family to seek help for incidents of domestic violence.

While there are a growing number of organizations in communities trying to address these issues, there is an insufficient network to provide social service and support. Social workers and others in the legal system are often not adequately trained to understand the culture and accurately identify problems.

Add to the fact that eligibility for government assistance and immigration consequences further complicate these problems, particularly since too few attorneys working in this area may have sufficient training to even be aware of these added issues.

Finally, there is an enormous need for outreach and education. In Hawaii, as in many other states, immigrant women access domestic abuse shelters at a rate far lower than their citizen counterparts because they are threatened with deportation by their abusers and are unaware of remedies that exist that may assist them in remaining in the United States with their citizen children.

## 2. Employment

Household income is also a barrier to obtaining legal assistance. The households who comprise the working poor have a difficult time because they may not qualify for legal services. Even middle-income families seldom have the resources to challenge a corporate or other institutional employer with much more means.

Asian Americans face job discrimination in many segments of the economy. Various trade

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<sup>5</sup> *Becoming American, Seeking Justice: The Immigrants' Legal Needs Study*, Robert L. Bach, Institute for Research on Multiculturalism and International Labor, Binghamton University, New York (April 1996).

unions, such as those that govern the entertainment industry and construction, are notorious for their nepotism and old boys network that prevent Asian Americans from qualifying to enter into those jobs. Asian Americans also face accent discrimination, English-only policies and other national origin based challenges. Finally, even well educated Asian Americans face glass ceiling issues. Asian Americans face difficulties in identifying attorneys who understand the forms that discrimination may take against them.

In one study of low-income immigrants in New York City, Chinese immigrants surveyed experienced problems at a much higher rate than other ethnic groups. Almost one in four reported experiencing at least one nonimmigration related legal problem during the survey year. They reported problems with employment and discrimination well above the average for all low income immigrants.<sup>6</sup> Yet New York's Legal Services agency closed its office in Chinatown as part of its budget cutbacks, placing a low priority on serving this population.

Immigration status concerns play a role in this area as noncitizens may feel in more peril for their jobs if they complain. Undocumented immigrants face unscrupulous employers who play the immigration laws to deport those who are not willing to work in exploitative conditions. A survey of immigrants found that low income immigrants typically have short-term jobs and face everything from discrimination to nonpayment of earned wages. Of those who said they had been treated unfairly at the workplace because of discrimination, less than 6% were able to obtain legal help<sup>7</sup>

For low wage workers in the Asian community, there is the additional challenge that the employer exploiting them may also be Asian. Legal Services are viewed as outsiders and the business owner is often able to cast themselves as the victim. The additional dynamic this raises is the people in the community with relative wealth are less likely to support legal services for low income community members if the agency is likely to be advocating on behalf of the workers.

### 3. Small Business

A high percentage of Asian immigrants start small businesses. For example, over one-quarter of the small business licenses in the District of Columbia. Yet there are reports where restaurant owners have been shut down by health inspectors because the owners and their employees do not know the codes and cannot communicate with the inspectors. Well over half of the small business owners in the District are Asian American, yet government agencies generally have not provided translated information and do not have provide interpreter assistance.

These small business owners often operate with very small profit margins, no health care or other forms of insurance. They are vulnerable to selective prosecution and other forms of discriminatory harassment. For example, the Palisades Park City Council responded to the rapid rise of Asian immigrants in their New Jersey community, by passing facially neutral ordinances clearly aimed

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<sup>6</sup> *Id.* at 17.

at limiting businesses owned by Asian immigrants and exempting nonAsian owned businesses. After the ordinance was struck down in court as being unconstitutionally vague, the mayor and city council who passed the ordinance joined in laughing at citizen comments that Koreans should go back home.

#### 4. Government Benefits and Services

Asian Americans also face additional challenges in accessing government benefits and services. The 1996 legislation on welfare reform and immigration has made eligibility criteria extremely complicated for noncitizens and households with noncitizens, whether they be legal permanent residents or undocumented.

Even without the layer of complication that arises from noncitizenship status, the lack of language appropriate materials and bilingual personnel at agencies means that immigrant families face significant barriers to knowing their rights and working through the system. The 1996 changes to the Temporary Assistance to Needy Families (TANF) program stresses times limits for welfare and welfare-to-work requirements. Recent studies in Minnesota<sup>8</sup> and California show that Asian Americans on TANF programs are being unfairly terminated in part because they could not understand the notices they received and were not getting the language training they needed to make training programs accessible so they can earn a living wage.

Too many communities are unaware of the legal requirements that exist under their state laws, as well as Title VI of the Civil Rights Act, that obligate agencies to provide meaningful access, including language assistance. For example, in Hawaii, the Department of Human Services sends all of its notices out in English even when the Department knows that no one in the household reads or understands English. California has relatively strong laws requiring language assistance, yet at a recent training conducted by the National Asian Pacific American Legal Consortium in Orange County for over 100 community leaders and health workers, very few were aware of the state law.

## **Models for Increasing Access to Legal Services**

### A. Hiring attorneys and other staff with language and other appropriate expertise

Many legal services and legal aid programs do not appear to reflect the diversity of the communities they should be serving and have not adequately recruited Asian American attorneys or staff for their programs. A 1994 survey conducted by APALC and the Asian Law Caucus of legal service providers throughout California found that only a handful of the agencies specifically target the Asian American community. Despite the fact that at the time Asian Americans made up over 10% of California's population, they were less than 3% of the client population of the agencies. Almost two-

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<sup>8</sup> Hollister, David, et. Al., Findings from the Second Phase of a Study of the Transition from Welfare to Work in Hennipin County, Minnesota (December 1, 1999).

thirds of the agencies had no mechanism for communicating with Asian American clients, and only one in ten had even one bilingual Asian staff person.

According to 1997 LSC data, only 82 of 4000 attorneys were Asian American and only 2 of the 271 LSC funded programs had Executive Directors who are Asian American. There appears to be no comparable IOLTA program data on a national level.

Some legal services and public interest legal groups have sought to overcome some of the access barriers for Asian Americans by diversifying their board and staff and hiring Asian American attorneys and paralegals who understand cultural issues, speak an Asian language, know the community or whose presence will help to put Asian American clients at ease.

- 1) Examples

- a. Philadelphia

In Philadelphia, 3 of the 60 attorneys in the two legal service agencies are Asian American, although none are bilingual. There are two Asian American attorneys at Community Legal Services and one at the Philadelphia Legal Assistance agencies, as well as an Asian American on each of their boards. At least two of the attorneys have been with legal services for a significant amount of time and are relatively senior.

There are also at least three Asian American paralegals and one administrative assistant. At least two of the paralegals are bilingual – one in Khmer and one in Vietnamese and Chinese. They have been assigned tasks specifically to work with Asian American clients. Some of these are staffing a new project launched by Community Legal Services called the Language Access Project, the goal of which is to improve access in both legal services as well as advocacy for institutional change. Particularly at a time when many legal service agencies are finding it difficult to add attorneys, the recruitment of bilingual paralegals is an important strategy. While the number of Asian attorneys and paralegals is not large in these two agencies, there is a critical mass which helps to create an opportunity for internal support.

The Language Access Project is a three-year program supported with foundation funding. It's goal is to create an infrastructure to work with communities with limited or no English ability. CLS hopes to ensure that low income Philadelphians with limited or no English speaking ability have access to its civil legal services in the Philadelphia region. One part of this effort includes bridging the language barrier between attorney and client by providing interpretation during the interview and translation of correspondence. The other part is creating long term relationships with organizations serving different language groups in the region and establishing a referral network for persons seeking civil legal representation.

CLS has existing relationships with multiple organizations serving these communities but is working to reinforce these relationships and develop new ones. The effort will be implemented in three stages focusing on a discrete number of organizations in each phase. Over a period of three years the

project has the following goals:

- 1) Make CLS a household name among limited and non-English speaking communities
- 2) Provide excellent individual representation to limited and non-English speaking clients who qualify for our services
- 3) Address systemic issues facing non-English speaking communities
- 4) Assist persons with limited or no English speaking ability voice their concerns at state, city, federal policy making forums
- 5) Expand CLS' capacity to provide services specific to non-English speaking communities relate to civil matters

One-year into the project, CLS reports seeing increased numbers of cases from Asian communities as a direct result of our increased outreach, and creation of communication, partnerships, and contact with different ethnic community groups.

CLS has also initiated, via a separate grant, outreach to the elderly in the Asian communities by expanding upon a similar earlier effort to the elderly in the Spanish speaking community. This expansion of services to the Asian community comes from the Elderly Law Project of CLS and began early 1999. An attorney and paralegal do on site intake for legal problems at an Asian community center that is a part of the Philadelphia Senior Center.

b. Southern Minnesota

The Southern Minnesota Regional Legal Services (SMRLS) is an example of a legal services group that has sought to increase its assistance to the Asian American community by working to ensure that its staff is more reflective of the community it is seeking to serve. According to the 1990 census, the Minneapolis/St. Paul region is home to one of the largest population of Hmong in the United States. An estimated one in five children in the public schools in the region are Hmong.

The Hmong came to the U.S. primarily as refugees and former political prisoners from the Vietnam War. A rural tribal community, the Hmong had worked for the CIA in Laos saving American pilots and providing a secret base of operations for the U.S. The Hmong followed an oral tradition and many came to the U.S. illiterate in their own language which was not a written language until modern times. Young adults and youth had their education interrupted because of the war. Older Hmong often suffer from Post Traumatic Stress Syndrome or other disabilities. As a result, the Hmong are among the most impoverished ethnic groups in the U.S. According to the 1990 Census, the Hmong had a 50% poverty rate.

It is only relatively recently that Hmong have begun completing law school. SMRLS hired its

first Hmong attorney in 1998 and a second Hmong attorney in 1999. This has significantly increased the ability of the agency to provide assistance to the Hmong in their community.

c. Washington

At Columbia Legal Services, which is funded by the state, the Executive Director and three of the 50 attorneys on staff are Asian American. The LSC funded agency, Northwest Justice Project has approximately 3 Asian American attorneys out of about 35 total. According to the 1990 Census, the Seattle metropolitan area has the 11<sup>th</sup> largest concentration of Asian Americans. It is also one of the regions in the country with a strong infrastructure of Asian American led service agencies and politically active Asian American community. Columbia is viewed by many Asian Americans as having done more in the area of outreach and access for Asian Americans in the Seattle area than many other such agencies.

Yet it has been necessary and important for the Asian Bar Association of Washington to conduct community legal education workshops on a full range of topics. ABAW leaders have also raised, from time to time, the need to have a civil rights oriented Asian American public interest law agency to take on cases that Columbia and the Northwest Justice Project cannot.

d. Texas

Gulf Coast Legal Foundation in Houston has had an Asian American board chairperson and has hired three Asian American attorneys over the past several years, but has been unable to keep the attorneys from burning out and leaving. A clinic in one of the Chinese Community Centers had been closed.

One summit participant noted that Gulf Coast is having trouble recruiting Asian American attorneys. Many Asian American students carry heavy debt loads which makes it difficult for them to even consider working in public interest jobs. Others are not encouraged by their families and communities to seek a career in legal services.

2) Challenges

The challenges for legal services and other predominantly white institutions seeking to diversify their staff are many. A 1997 National Association of Law Placement report found that Asian American law students graduates are the least likely to go to work in the public interest sector, whether it be government or nonprofit.<sup>98</sup>

Crushing debt was one of the reasons cited. Another is lack of family and community support because of the lack of prestige such jobs hold in the community. Unlike in the African American,

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<sup>9</sup> “Why Most APA Lawyers Go Corporate,” AsianWeek at 18 (April 22, 1999)

Native American and Latino communities, where civil rights attorneys have long been seen as national leaders and held in high regard, the Asian American community did not have a well-known national legal presence until relatively recently. There are a limited number of attorneys who can act as role models in the community. Legal services and public interest law are not known as careers, much less viewed as a noble calling by many Asian families.

Finally, public interest jobs are more difficult to get than law firm jobs. There are fewer openings and the recruitment generally does not fit the hiring processes at law schools and depends much more on being part of a word-of-mouth network. Because there are few Asian Americans established at legal services, an informal network has not yet developed.

In addition to recruitment, summit participants reported that legal aid and legal service agencies have found it difficult to retain Asian American attorneys. A newly hired Asian American attorney in an agency with few, if any other Asian staff can find the demands to be overwhelming.

Asian American clients intimidated by the legal system and, by the time they find legal services, in crisis, often seek to out the sole Asian American attorney as someone whom they feel will be more quickly able to accurately understand them and their issue. This demand is further exacerbated when language, a heavy accent or culture is an issue. Immigrants are often less embarrassed to speak with an accent when speaking to someone whom they feel are more likely to understand and be sympathetic. Legal services program managers whose programs are already short of resources are often unwilling or unable to respond to the new demand by investing sufficient resources in developing community education and alternative intake projects, leaving new attorneys feeling frustrated and unsupported.

Asian American attorneys working on labor rights or on domestic violence issues may also find themselves the target of community leaders who are business owners or who cling to traditional patriarchal notions of society. Without supportive management or a supportive network, summit participants and other observers have reported that a new attorney who finds himself or herself as the first or one of a few ethnic minorities in an office can feel further isolated and overwhelmed.

The structure of some legal services agencies can further complicate the problem. Some agencies are organized into sections or departments, requiring attorneys to specialize in narrow areas. As a result, an Asian American attorney hired to work in one area gets pulled in many directions. She must carry her share of cases in her department, but she may also get pulled in to help attorneys in other sections with Asian American clients. The Asian American community, once they discover her presence, also puts additional demands on the attorney to attend community functions and lend her expertise to community issues. The isolation and additional demands can lead to burn out.

Agencies who have only one Asian American attorney are unlikely to have provided sufficient support for that attorney or sufficient resources to serve the Asian American community, resulting in relatively high turnover. This has been the result in agencies like Gulf Coast Legal Services in Texas, for example.

Moreover, most public interest law agencies do not have sufficient resources to have formal training programs and seek attorneys who already have experience. Asian Americans are one of the fastest growing admissions categories in law schools today, but that is a relatively recent trend. The age demographic for Asian attorneys are among the youngest of the different racial groups. For example, in Texas, the median number of years licensed for Asian American attorneys is three years, compared to 14 years for whites and 7-8 years for Native American, Latino and African American attorneys.<sup>10</sup> The median age for Asian American attorneys is 32 compared to 43 for white and 37 for Latino.

Finally, many legal services programs are not able to expand their hiring. The continued pressure on legal services funding has meant that most legal services programs have had to shrink rather than to grow since the 1970's. When cutbacks are made, seniority is protected and the last hired are generally the first fired. As in many employment sectors, minorities tend to have less seniority making them particularly vulnerable to cutbacks. Legal services watchers have noted that many agencies face aging staffs who are less likely to seek out new jobs, further reducing openings for new hires. This phenomena makes it more difficult for legal service agencies to respond to the growing needs of emerging populations.

Legal service agencies who are already facing enormous pressure on their ability to provide full services to their existing client base have little or no incentive to hire staff or allocate resources to initiate outreach to even harder to serve communities. For these reasons, fellowship programs such as the Skadden fellowship program and the NAPIL fellowship program run by the National Association for Public Interest Law, are important to providing the next generation of public interest attorneys. At the summit, NAPIL Deputy Director Karen Sarjeant outlined the NAPIL program.

The NAPIL fellowship program enables nonprofit agencies to supplement their staffs. This means greater public interest opportunities for attorneys. The NAPIL program also helps interested law students and attorneys identify public interest opportunities and provides training, which enables nonprofit agencies to hire more entry level attorneys who get the opportunity to see how rewarding public interest service can be. These new law school graduates might otherwise have to start their careers at law firms and then be unable to accept the pay cut that is inevitable if they seek to subsequently join the public interest sector. The student loan assistance offered in some programs also enable many attorneys to work in public interest jobs, who could otherwise not afford to do so because of their incredible debt loads. The training offered by different fellowship programs also provides these new attorneys with an opportunity to network with others and build a support system that can help sustain them.

## B. Building a Special Asian American Community Program

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<sup>10</sup> See Annual Report on the Status of Racial/Ethnic Minorities in the State Bar of Texas (1998-99) by C.L. Spanhel & J.A. Prince, State Bar of Texas Dept of Research & Analysis (April 1999).

In most cases, it would not be possible to hire bilingual attorneys and staff to cover all of the needed Asian languages. A legal services or public interest law group must have additional strategies for increasing its ability to serve Asian American clients.

Greater Boston Legal Services (GBLS) maintains a special Asian American community outreach program in partnership with the Harry H. Dow Memorial Legal Assistance Fund. The Dow Fund was launched in 1985 and is named after the first Asian American attorney in Massachusetts. The Fund sponsors an annual dinner to raise funds to create an endowment to sustain future programs. The Fund also seeks project grants in partnership with GBLS to supplement GBLS's current Asian American outreach programs. However, the grants typically cover fellowships and internships in only one to two year time periods, making it difficult to sustain consistent program offerings.

The outreach program is a GBLS program. The current manager is also a trustee of the Dow Fund and a GBLS employee. Not all of the program staff are funded by the Dow Fund. It has been effective in securing some focused attention on Asian American clients for GBLS. Without the fund, the Asian American outreach would be far more limited.

However, there are challenges in a service delivery model where the outreach is a special project and not integrated throughout each of the agency's program areas. The agency must develop effective systems to ensure that legal services to the Asian American community are not being marginalized within the institution.

The advantage of the partnership is that the Asian American community is invested in the support of the program, in its funding and its leadership. While it might be difficult for legal services to raise money for its general programs in the largely immigrant Asian community, some Asian donors may be more likely to give knowing that the money is going directly to help their community and community leaders may be more willing to invest their time as well.

#### C. Building an Asian American or Other Special Public Interest Law Group

Federal restrictions imposed by Congress in 1995 on LSC funded agencies have restricted their ability to do impact litigation. Increasingly dependent on state and local funding, these agencies face political limitations on their litigation as well. Finally, LSC funded agencies are also limited to assisting the extreme poor and are not available to assist many of the working poor or middle class. As a result, there is a need to build a network of agencies in addition to those serving exclusively low-income clients.

There are only five established regionally based Asian American public interest legal groups in the United States with full-time paid staff, the Asian Law Caucus in San Francisco, Asian Pacific American Legal Center in Los Angeles, Asian American Legal Defense and Education Fund in New York, Nihonmachi Legal Outreach in San Francisco, and the Asian Law Alliance in San Jose. All were

formed in the 1970's and early 1980's.

There have been recent efforts to establish Asian American public interest law groups in cities with growing Asian American communities. In 1999, the Houston chapter of the Organization of Chinese Americans and the Asian American Bar Association of Houston teamed up with an alumna of Gulf Coast Legal Services to launch a new organization. Similar efforts in Seattle and Chicago to launch APA civil rights focused agencies in the mid-1990's failed. A Sacramento based agency dissolved in the 1980's.

#### 1. Asian American Public Interest Law Groups

Asian American focused public interest law groups help to fill many gaps. As community based organizations, they are better known in the Asian American community and are more likely to be able to attract and maintain staff and volunteers with bilingual abilities. They often can take on issues and clients that federally funded LSC funded organizations cannot, such as undocumented immigrants and class actions. They may also be able to help the middle class and working poor who may have too much income to qualify for legal services or legal aid. They are often better networked with other Asian American community based organizations, who both refer clients and identify emerging issues for potential class actions.

Lawyers play a particularly unique leadership role in communities with large immigrant populations. Because of their language skills and the legitimacy conferred on them through their professional status, they can be an important bridge between the established mainstream power elite and the community. They are also a bridge to other minority communities.

However, these organizations also struggle for funding. Because they generally do not access LSC funds and because their client-base is more narrowly focused, their budgets tend to be relatively limited. For most major litigation, they need to find law firm co-counsel or other partners to help cover the costs and provide additional staffing. Also, with relatively small staffs, it is difficult for them to have all of the relevant Asian languages covered by bilingual staff.

It has been difficult for these organizations to attract funding from the wealthier individuals in the Asian American community who come from immigrant backgrounds themselves and do not understand the role legal services plays in this country, or who may be litigation targets themselves because they are landlords or employers. Class differences can be a significant barrier.

Asian American public interest law groups rely in part on outside funded public interest legal fellows, interns and volunteers from colleges, law schools, pro bono networks and partnerships with community service agencies and other community based organizations. In one example, the Asian Law Caucus partnered with senior citizen organizations who provided senior citizen volunteers to be trained by and placed at ALC to provide assistance to other senior citizens.

#### A. Asian Law Caucus

Joe Lucero, Executive Director of the Asian Law Caucus, discussed the issues ALC faces. At 28 years, ALC is the oldest of the Asian American public interest law groups. With a budget of approximately \$1.2 million and a staff of 20, ALC focuses on immigration and immigrant rights, voting rights, senior citizen issues, employment rights, housing, hate crimes and police misconduct. ALC serves the San Francisco region which has the fourth largest concentration of Asian Americans outside of Los Angeles, New York and Honolulu. As of 1990, 25% of San Francisco's population was Asian American. If Oakland is added, the population in the area exceeds that of New York.

ALC also has a special project with the Hmong and Lao community in Sacramento where one of their attorneys provides assistance at one of the Asian American community service agencies. ALC provides some targeted direct legal services, but does not have a formal relationship with legal aid or legal services. ALC has partnered with legal service agencies on cases involving eligibility of Asian immigrants for government benefits, but generally tend to focus resources on the kind of cases the legal service agencies could not take or would not be positioned to do as effectively.

#### B. Asian Pacific American Legal Center of Southern California (APALC)

Stewart Kwoh, Executive Director of the Asian Pacific American Legal Center discussed APALC's program. The largest of the Asian American legal groups, APALC is 16 years old and has 45 full and part time staff and a \$3.5 million budget. APALC serves a county with over 10% of the nation's Asian American population. Its three primary areas of focus are legal services, civil rights (which includes hate crimes, low wage worker exploitation, voting rights, language rights and immigration policy), and leadership/race relations. APALC previously had a subcontract from the Legal Aid Foundation of Los Angeles (LAFLA) that covered part of APALC's legal services project which includes immigration, naturalization, family law, domestic violence, housing, consumer, elder law and government benefits appeals.

By the 2000 Census, the Asian American population is expected to be 14% of Los Angeles County's population. Although LAFLA provides all of its services and materials in Spanish as well as English, it has found it much more difficult to serve the Asian American community equally as well.

#### C. Asian American Legal Defense and Education Fund (AALDEF)

Since 1977, AALDEF has conducted free legal advice clinics in partnership with community organizations based at different sites throughout New York City. These clinics are staffed by pro bono attorneys who provide counseling and representation in the areas of immigrant rights, family law, police brutality and anti-Asian violence, employment law and labor rights. By partnering with community service agencies that provide free language assistance and social services, AALDEF clinics are able to reach Asian Americans who are not otherwise able to access traditional legal aid services.

AALDEF also conducts training sessions and workshops to update social service providers

and community activists about recent legal developments or changes in regulations or procedures. With an annual budget of approximately \$800,000 and a staff of 12, AALDEF does not receive federal funds from the Legal Services Corporation.

#### D. Asian Law Alliance (ALA)

ALA was founded in 1977 and has a current budget of \$500,000 with a staff of nine. ALA focuses on domestic violence, housing rights, public benefits, immigration, employment law and civil rights through legal services, community education and community organizing activities. Located in San Jose, California, ALA serves Santa Clara County, which is home to more than 260,000 Asian and Pacific Islanders according to the 1990 Census.

ALA does not receive any LSC funding, but has a partnership with the local LSC funded legal aid program on a collaborative grant funded through a local social services agency. Members of the collaborative will be presenting employment law - know your rights information to CalWorks (TANF) recipients.

Historically, the local legal aid agency has not served many Asian clients, although it recently hired a bilingual Vietnamese speaking legal assistant. ALA's income guidelines are higher than legal aid's guidelines. This allows ALA to assist low income working clients. Although the vast majority of ALA's clients are indigent and eligible for legal aid, probably 15% of the clients above the legal aid income guideline.

ALA has a significant number of bilingual staff and volunteers, currently including Vietnamese, Lao, Cantonese, Mandarin, Chau-Chow, Cambodian and Thai, to assist limited English speaking clients. Moreover, the local legal aid agency does not represent victims of domestic violence. Instead they use the self help clinic approach, which does not serve the needs of limited English speaking clients. ALA provides representation for clients seeking temporary restraining orders in court and assists with any immigration related complications, such as the Violence Against Women Act provisions that permit an abused spouse to remain in the country even though her abusive spouse was the person originally petitioning to provide her with legal status.

#### E. Nihonmachi Legal Outreach (NLO)

NLO is based in San Francisco. It also is a partner in an Asian domestic violence clinic in Oakland. It was founded in 1975 to serve the local Japanese American community, but now serves a wide diversity of Asian and Pacific Islander clients. NLO provides direct legal services on consumer, elder, family, domestic violence and immigration matters. NLO services are free to low-income clients. It also offers assistance on a sliding fee scale.

## 2. Multicultural Public Interest Law Groups

In regions with different demographics, there have been efforts to form multicultural public

interest law groups serving a range of minority communities, including Asian Americans.

#### A. Multicultural Legal Center

For example, in Utah, there is the Multicultural Legal Center (MLC). Judge Michael Kwan, one of the founders of MLC, reported on its development. Formerly a prosecutor, he became frustrated because he saw minorities being penalized in the judicial system because they could not afford counsel and did not understand how the system worked.

MLC began its work by trying to increase the number of minority attorneys with exam writing workshops, bar exam support grants and other assistance. Currently, with only part-time staff, MLC partners with a disability law center and a legal services agency to provide cultural sensitivity training and identify minority attorneys to provide assistance. MLC also partners with local colleges to obtain interpreters and translation services. Because Utah has a significant number of Mormons who acquired language skills as missionaries, MLC is able to identify a significant pool of potential volunteer help.

#### B. Na Loio – Immigrant Rights and Public Interest Law Center

Na Loio – Immigrant Rights and Public Interest Legal Center is based in Honolulu, Hawaii. Founded in 1983, Na Loio offers immigration legal services, community education and public interest advocacy with a particular emphasis on serving poor and low-income immigrants and their families. Na Loio is an example of a community response to inadequate services provided by the more traditional legal aid to the immigrant community.

With its modest budget, Na Loio employs two full-time attorneys who focus on immigration law matters and immigrant rights serving primarily the Asian and Pacific Islander communities. As funding permits, Na Loio also engages in litigation in selected civil rights matters, including language and employment discrimination.

#### D. Attorney Referral Services

The National Asian Pacific American Bar Association was founded in 1988. It currently has 39 chapters and affiliates. Some of the local organizations provide community programs.

Referral services programs help communities to meet some needs, but generally are extremely limited because they depend largely on the ability to maintain a diverse volunteer base. Pro-bono clinics that meet only monthly aren't able to adequately address crisis situations. They are not a substitute for professionally trained legal services.

##### 1. Chicago: Asian American Legal Services Clinic

Sharon Legenza, past president of the Asian American Bar Association of Greater Chicago

("AABA Greater Chicago"), reported on their referral service. The pro bono service is called the Asian American Legal Services Clinic. It was formed over a decade ago by AABA Greater Chicago, in partnership with Chicago Volunteer Legal Services ("CVLS") and Asian Human Services. It is targeted at serving Chicago's lower income Asian American community. Shortly after its founding, the law firm of Rudnick & Wolfe (now Piper, Marbury, Rudnick & Wolfe) joined as a clinic partner.

The clinic meets once a month, in the evening, at Asian Human Services, which is in an area of Chicago with a large Asian population. The clinic serves lower income Asian Americans and Asian immigrants who have civil legal matters. The income criteria is slightly higher than that used by organizations receiving LSC funding.

Legenza believes that the clinic would not have been successful without this four-part partnership because each partner brings something unique to the endeavor.

- ▶ CVLS is a not-for-profit legal organization that assists groups, like AABA, who want to sponsor neighborhood clinics. CVLS staff attorneys help train volunteer attorneys about the law and procedures for various types of cases, i.e. evictions or uncontested guardianships, that the volunteer attorney may not have previous experience with. CVLS also provides malpractice insurance coverage for all clinic volunteers. Finally, CVLS assists with client referrals and intake. Without these support mechanisms, small bar associations with little funds and no paid staff of their own would not be able to sustain a clinic referral service.
- ▶ Asian Human Services is a not-for-profit social services agency that provides the space for the clinic, language expertise, and client referral services. It is important to have a community based agency as a partner because they can help screen and direct clients. They also can provide critical interpreter services and make it easier for individuals to access the clinic.
- ▶ AABA Greater Chicago and Piper Marbury provide the pro bono attorneys. The support of a major law firm such as Piper Marbury to provide a reliable source of pro bono attorneys and resources is helpful, but care has to be taken that other attorneys remain encouraged to participate. A constant issue in Chicago has been finding enough volunteer attorneys to cover the large need for legal help in the Asian community while, at the same time, not overwhelming the attorneys who have already dedicated a great deal of time to the clinic.
- ▶ Law students are also an important source of support. AABA recruits law students to conduct intake, help interview clients, and otherwise assist the volunteer attorneys with cases. The clinic also provides the law students with important legal experience.

## 2. Washington, D.C.

The Washington, D.C. metropolitan area has the ninth largest concentration of Asian Americans in the United States. The Asian American population has grown rapidly, mainly through immigration.

To help meet the legal needs of this growing community, the Asian Pacific American Legal Resource Center was founded in 1998, and has been operating as a legal referral hotline, staffed by law students and supervised by attorneys. The project was started by the Asian Pacific American and South Asian law student organizations from Georgetown, George Washington, American and Howard, together with attorneys from the Asian Pacific American Bar Association of Greater Washington, D.C., and the Indian American Bar Association.

However, with most attorneys in Washington attached to federal agencies and large corporate law firms, it has been difficult to find attorneys trained to address the basic legal needs of the community. There is no firm committed to provide pro bono back up and no legal services technical assistance infrastructure as there is in Chicago or in California with the Public Interest Clearinghouse. The one immigration clinic that exists serves primarily Latino clients and the traditional LSC funded legal services is viewed as largely serving the African American community. The Consortium's outreach efforts in the area found that local government agencies and attorneys at the legal services providers in the area were largely unaware of the size and needs of the local Asian American community.

### C. Law School Programs

At the Summit, Seattle University School of Law Professor Margaret Chon provided a briefing on law school support for access. She had conducted an informal survey of other Asian American law professors and reported that several law schools have stand-alone clinics that cover some Asian American clients.

For example, the immigration refugee rights clinic at CUNY, which is supervised by Professor Sharon Hom, handles asylum, adjustment, citizenship, Violence Against Women Act claims and other immigrant related issues. Law students staff the project and receive course credit. CUNY also received funding from the Open Society Institute to develop an Immigrant Initiatives Project, headed by Liz Newman, to develop service models for law schools to reach out and serve immigrant communities.

Northeastern Law School in Boston, under the leadership of Professor Margaret Woo, established an Immigrant Rights Initiative, in conjunction with the Greater Boston Legal Services. The Northeastern clinic is also staffed by law students who receive course credit. Boston College had a Chinatown Clinical Program, which is now discontinued.

Other law schools, such as the one at Seattle University, have one credit clinics (e.g., administrative law clinic) or direct service pro bono programs. Seattle University Law School has placed many students at the International District Legal Clinic, which is jointly sponsored by the King County Bar Association, and which meets once a month in a location that serves a largely Asian Pacific American clientele. Students are also recruited to serve as interpreters.

In addition to providing clinical programs, law schools can also help increase access by

providing credit to students who work with Asian American community based legal organizations or participate in projects conducting needs assessments, demographic research, outreach and community education.

At U.C. Davis King Hall School of Law, Asian American law students have received credit working with community based organizations in setting up naturalization workshops, small claims court counseling, needs surveys and demographic research. According the U.C. Davis Law Professor Bill Ong Hing, the law school also provides an immigration clinic and domestic violence clinic, and is developing a broad community outreach and education program targeting Latino and Asian communities throughout the Sacramento Valley.

Other ways law schools and law faculty can provide support include: identifying students interested in doing independent studies under the supervision of a law professor on a relevant research topic; providing externs who work for academic credit; distributing information about volunteer opportunities.

Professor Chon pointed out several challenges in engaging the support of law schools. Many of them do not believe in clinical programs, which can be resource intensive relative to extremely large lecture courses. Moreover, even interested law professors may not be able to encourage their schools to provide assistance because the professional rewards for professors are not in the area of community development and outreach. Tenure is given on the basis of teaching and research and, only incidentally, service. In addition, law students are energetic and interested, but also fall prey to the cycles of the school year. Finally, community based programs must have sufficient capacity to closely supervise students and give them a sufficient amount of meaningful work.

#### D. Other Partnerships

##### 1. Interpreter Services

The National Legal Aid & Defender Association has stated that in order to fulfill the commitment to ensuring equal access to justice for all, legal service providers must find innovative solutions to the problem of serving clients not fluent in English.<sup>11</sup> NLADA is certainly correct that the ability of most legal services organizations to hire bilingual or multilingual staff is limited and that innovation is urgently needed. It has recently entered into a partnership with the AT&T Language Lines to provide service to NLADA's member agencies at a discount. However, the service is still expensive and its interpreters may not be experienced in translating legal terms or concepts.

Additional partnership models must be explored. For example, the Asian Pacific American

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<sup>11</sup> NLADA Cornerstone, "NLADA, Language Line Services: Partners in Interpreting Justice," N. Patel at 8 (Winter 2000).

Legal Center is working to build a centralized Asian language intake system which will be operated jointly by APALC, Legal Aid Foundation of Los Angeles and San Fernando Valley Neighborhood Legal Services. In addition, LAFLA and SFVNLS will pool and share bilingual staff and volunteer resources so that each partner will be able to take more Asian American cases than they can currently handle.

Whatever model is used, it is important that interpreters be tested and certified as fully bilingual and able to translate legal terms. Moreover, it is important that nonbilingual attorneys and staff, as well as court and government agency judges and staff, are trained in how to work with interpreters.

A number of audits by courts and news agency reports of interpreting in legal proceeds has found significant interpreting distortions where uncertified and untrained court interpreters are used.<sup>12</sup> “For example, the *Grand Rapids Press* audited Michigan courts over six months in 1992 and 1993, finding cases in which “shoot” became “kill” and “car” became “couch.” The paper found that these uncertified interpreters routinely left out phrases and changed key words. A 1989 study of California courts by the *San Jose Mercury News* and a 1988 study by the Washington State Court Interpreter Task Force found similar results.<sup>13</sup>

## 2. Legal Services, Community Based Organizations and Foundations

Foundations have traditionally ignored the funding of legal services. Philanthropy affinity groups who care about immigrant communities and other minorities need to focus attention on the critical role this work plays in helping vulnerable communities meet basic needs. NAPABA and other community based organizations could work in partnership with legal service agencies and funder affinity groups to educate funders on this issue.

## 3. Federal and State Civil Rights Enforcement Agencies

Federal and state civil rights enforcement agencies have historically not focused adequate attention on outreach and litigation on behalf of Asian American discrimination victims. Few cases are identified or brought, in part because of the lack of knowledge of these laws in the Asian American community and in part because of the lack of legal assistance available.

Where there is some infrastructure, however, thought should be given to developing partnerships or networks with these agencies. For example, Bill Tamayo, the San Francisco Regional Counsel for the Equal Employment Opportunity Commission noted at the Summit that EEOC has resources to do discovery that legal services or other community based legal groups may not have.

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<sup>12</sup> Moore, Joanne (ed), *Immigrants in Courts*, at 39 (1999).

<sup>13</sup> *Id.*



**Asian Pacific American Access To Justice Summit**  
**November 13, 1999**  
**Agenda**

8:00 a.m. Registration and continental breakfast

8:15 a.m. Welcome and participant introductions

*Karen Narasaki, NAPALC Executive Director*  
*Nancy Choy, NAPABA Executive Director*

8:45 a.m. How are legal services groups meeting the needs of the Asian Pacific American community? What are the opportunities and constraints?

*Connie Liem, formerly Gulf Coast Legal Foundation*  
*Zenobia Lai, Greater Boston Legal Services*  
*Grace Huang, Columbia Legal Services*

9:45 a.m. Break out group session I

Assess the legal needs of local APA communities, delivery models in place for each community and gaps in local resources

10:45 a.m. Break

11:00 a.m. Report from break out groups

11:30 a.m. Public Interest Law Firm Models: Can they be replicated?

*Stewart Kwoh, APALC Executive Director*  
*Joe Lucero, ALC Executive Director*  
*Hon. Michael Kwan, MLC Founder*

12:30 p.m. Lunch

1:00 p.m. Alternative models and successful community partnerships: What are other models and what are the ingredients to successful community partnerships?

*Sally Kinoshita, ALC Legal Fellow*  
*Tom Henderson, Lawyers' Comm. for Civil Rights Dep. Dir.*  
*Margaret Chon, Seattle Univ. Law School Professor*  
*Sharon Legenza, AABA of Greater Chicago*

1:45 p.m. Break out session II: Identifying strategies to improve access

Legal Services Support  
Law School Clinics  
ABA and Other Bar Projects  
Public Interest Law Groups

2:45 p.m. Break

3:00 p.m. Report from breakout groups

3:30 p.m. National resources for improving access to justice

*Karen J. Sarjeant, NAPIL Deputy Director*  
*Nisha Patel, NLADA Program Coordinator*  
*Stephanie Choy, Public Interest Clearinghouse Director*

4:30 p.m. Next steps: developing a work plan

5:00 p.m. Wrap up

**Asian American Access to Justice Summit  
Participant List**

Edward M. Chen  
Sr. Staff Attorney  
ACLU of Northern California  
San Francisco, CA

Margaret Chon  
Professor  
Seattle University School of Law  
Seattle, WA

Nancy Choy  
Executive Director  
NAPABA  
Washington, DC

Stephanie Choy  
Executive Director  
Public Interest Clearinghouse  
San Francisco, CA

Estelle Chun  
Program Director  
Asian Pacific American Legal  
Center of S. California  
Los Angeles, CA

Deven Desah  
Law Student  
University of Houston  
Houston, TX

Vu Dinh  
Law Student  
University of Houston  
Houston, TX

Tom Henderson  
Deputy Director  
Lawyers' Committee for  
Civil Rights Under Law  
Washington, DC

Bill Ong Hing  
Law Professor  
U.C. Davis  
Sacramento, CA

Daniel D. Hu  
Past President  
Asian American Bar Association  
of Houston  
Houston, TX

Grace Huang  
Staff Attorney  
Columbia Legal Services  
Olympia, WA

Bruce Iwasaki  
Executive Director  
Legal Aid Foundation of  
Los Angeles  
Los Angeles, CA

Sally Kinoshita  
Staff Attorney  
Asian Law Caucus  
San Francisco, CA

Hon. Michael Kwan  
Former Executive Director  
Multi-Cultural Legal Center  
Salt Lake City, UT

Stewart Kwoh  
Executive Director  
Asian Pacific American Legal  
Center of S. California  
Los Angeles, CA

Zenobia Lai  
Director  
Asian Outreach Program  
Greater Boston Legal Services

Boston, MA

Daniel Le  
Staff Attorney  
Southern Minnesota Regional  
Legal Services  
St. Paul, MN

Sharon Legenza  
Staff Attorney  
Chicago Lawyers' Committee  
Chicago, IL

Connie Liem  
Trial Attorney  
EEOC  
San Antonio, TX

Lillian Ling  
Deputy Director  
AALDEF  
New York, NY

Joe Lucero  
Executive Director  
Asian Law Caucus  
San Francisco, CA

Patricia McManaman  
Executive Director  
Na Loio – Immigrant Rights  
and Public Interest Law Center  
Honolulu, HI

Karen K. Narasaki  
Executive Director  
NAPALC  
Washington, DC

Lisa Nguyen  
Law Student  
University of Houston  
Houston, TX

Chan Park  
Co-Founder

Asian Pacific American  
Legal Resource Center  
Washington, DC

Jayne Park  
Senior Staff Attorney  
National Asian Pacific American  
Legal Consortium  
Washington, DC

Sothea Poch  
Staff Attorney  
S. Minnesota Reg. Legal Services  
St. Paul, MN

Leland T. Saito  
Professor  
UC San Diego  
San Diego, CA

Jesse P.M. Santos  
Past President  
Filipino American Bar Assn  
of San Diego  
San Diego, CA

Karen J. Sarjeant  
Deputy Director  
National Assn for Public Interest  
Washington, DC

Joon Sung  
Staff Attorney  
Legal Aid & Defenders Assn  
Detroit, MI

Dean Ito Taylor  
Executive Director  
Nihonmachi Legal Outreach  
San Francisco, CA

Anh Tu  
Program Counsel  
Legal Services Corporation  
Washington, DC

Paul Uyehara

Staff Attorney  
Philadelphia Legal Assistance  
Philadelphia, PA

Paula Yang Vang  
Board Member  
Hmong National Development  
San Francisco, CA

Karin Wang  
Staff Attorney  
Asian Pacific American Legal  
Center of S. California  
Los Angeles, CA

Ted Wang  
Deputy Dir.  
Chinese for Affirmative Action  
San Francisco, CA

Susan Chong Wong  
Board Member  
Na Loio – Immigrant Rights and Public Interest  
Law Center  
Honolulu, HI

Margaret Woo  
Professor of Law

Northeastern Univ. School of Law  
Boston, MA

Sandra S. Yamate  
Director  
ABA Commission on Minorities  
Chicago, IL

Anders C. Yang  
Admissions  
Harvard Law School  
Cambridge, MA

John Yang  
Past President  
Asian Pacific American Bar Assn  
Of Greater Washington, D.C.  
Washington, DC

LuNhia Vang Yang  
Staff Attorney  
S. Minnesota Legal Services  
St. Paul, MN

Suzanne Young  
Staff Attorney  
Community Legal Services  
Philadelphia, PA