Presentation of
Randi Youells, LSC Vice President for Programs

Vermont Legal Aid and Legal Services LawLine of Vermont
Staff Retreat
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Good afternoon and thank you for inviting me to your beautiful state. I am glad to be here today and to participate in your retreat. In fact, it is a delight for me on two counts. Although I have heard wonderful and regular reports on your achievements from former LSC Board member Edna Fairbanks, this is my first chance to meet many of you and learn firsthand about your efforts on behalf of clients. I also must say that if Edna's dedication to disenfranchised people and to making the world a fairer one is any indication of the attitude of legal services staff in this state, then I hope I am here when trouble finds me! She has been a treasure for LSC and our programs across the country in her insistence that poor people's concerns are at the core of our discussions, our conclusions, and our actions.

It is also a special pleasure for me to join you because of the topics that you will examine in this retreat – diversity in Vermont and how it affects your services to clients. The challenges and benefits of emphasizing diversity in the work of legal services programs – on all levels – resonate deeply for me, and I particularly enjoy the opportunity to talk with program staff about them. So, I am honored that you asked me to share LSC's experiences and my thoughts with you as you discuss *"the changing face of our clients."*

Eric Avildsen was kind enough to spend some time talking with me about why diversity is the focus of your retreat. I am grateful that he did, and was reminded of my experiences as an Executive Director of Legal Services Corporation of Iowa and Camden Regional Legal Services in New Jersey. An executive director always has to be a couple of steps ahead of the curve, anticipating the next hurdle that staff, board and clients will face. I commend Eric and Tom Garrett and the management team for selecting this theme and creating an atmosphere conducive to candid talks about how diversity affects the work of Vermont Legal Aid and Legal Services Law Line of Vermont. Truly, it is a compelling issue and merits your thoughtful attention. I know that your programs, your staff, and your clients will benefit from this contemplative hiatus you have quite correctly built into your annual strategic planning.

Examinations of a program's diversity work often are prompted by a realization that the client community has significantly expanded in part due to an influx of immigrants and refugees. Staff receive more requests for services from

individuals who do not speak English fluently or speak it not at all, who are uninformed about our justice system and have little understanding of their basic legal rights in a democracy. Until Eric's call, though, I did not associate this phenomenon with your corner of the world.

Eric's invitation to join your "staff college" prompted me to undertake a little research on the topic, and I learned that yes, indeed, the Green Mountain State is seeing a relatively large change in population demographics. According to the 2000 Census figures and analyses by demographers, Vermont's total population is on the increase, with 3.8 percent of the state's residents described as 'foreign-born,' a 32.5 percent rise over the 1990 Census. Including the U.S. born children of foreign-born parents in the calculation would obviously increase the percentage of individuals with cultural experiences unlike the traditional Vermonter resident's.

These are big changes for a state where in the past "foreign-born" meant "flat-lander" or just about anyone outside of Vermont. And, while they are miniscule compared to the sea-change immigration has brought to some jurisdictions, they are extraordinary given Vermont's history. The African American community in Vermont is likewise quite small, as is the Native American. In fact, Asians constitute the largest group of people of color here. Now that is something I would not have predicted had I been asked a decade or so ago to prognosticate on demographics in your state. Diversity in Vermont implicates not only 'different' but 'unexpected.'

What I propose now is that we unpack the word 'diversity' in the context of legal services, and consider what ideas it contains. I suggest that diversity involves much more than accommodating the needs and concerns of a low-income foreign-born client population and their US citizen children, although it certainly does include that. It is broader than reaching out to the needy Native American and African American populations, although that too is most definitely within its scope. In the context of legal services providers, diversity contemplates embracing groups and individuals who require our services and yet do not fit within the parameters of the usual client, the one with whom we are familiar and comfortable and have experience helping. True acceptance of diversity's goals requires that our service to clients accommodate all of those who are 'differently-abled.' And in my lexicon, it also means providing these individuals with the highest quality and most appropriate services.

Because of changes in the law, changes in our culture, and circumstances that we could hardly have envisioned 30 years ago when legal services programs began, there are now many more eligible clients who are older people with unique needs, fears and concerns. Similarly, we now see an ever-expanding

community of children with rights and responsibilities that require a lawyer's assistance to address. Many more people who suffer from mental illness live outside of institutions; the number of them in need of legal representation is growing. Poor people who are gay and lesbian, and experience illegal discrimination because of that, need us. Homelessness has not gone away and there are individuals on the street and many more hidden away in rural environments who are desperate for assistance. As you move through this retreat's conversations and exercises, I hope that you will ask yourselves how best to design outreach, intake and services systems that include these groups and provide greater access to our justice system for them.

Of course, no delivery system is better than it staff, and diversity principles must be applied to staff, management and board cultures, too. In 2001, LSC and NLADA held conversations on diversity in the legal services community with our peers across the country. We had discussions that focused primarily on gender and justice, looking at how women clients and staff fared in the legal services system. There was a conversation that engaged young professional staff and one that involved clients and client board members. Then, at the end of May 2001, we brought together leaders and emerging leaders in the legal services community, followed by a regional conversation in October with project directors from my old Region VII, in the great Midwest.

The results were fascinating and unexpected. Most of our programs are seeing an increase in immigrant clients, and many are taking steps to reach out to them. Some are supporting staff efforts to acquire or improve bi-linguality and recruiting staff that is multi-culturally competent; they are forming alliances with organizations that serve newcomers; and they are initiating activities that will integrate services to immigrant communities into their ongoing roster of legal work.

These successes were balanced by descriptions of challenges unmet as we heard about programs that are failing to include women and staff of color in leadership positions, that are consistently sidelining staff that do not fit the traditional profile of 'manager,' and 'director.' We learned about programs lacking formal mentorship systems that ensure an equal opportunity for all to be guided through rookie experiences into professional maturity. Participants in our conversations talked about programs where power is firmly embedded at the top and no effort is made to share information and authority, to diversify responsibilities so that others have the opportunity to lead.

It was distressing to learn that client board members also feel shut out of their programs by fellow board members and program managers who overlook them when non-client tasks need attention. Client board members often are not

appointed to substantive board committees or included in serious discussions. Program leaders (staff and board) do not make the extra effort to hold pre-meeting sessions with client board members (and new attorney and other community members also) to explain the agenda and its context, to create an atmosphere conducive to allaying confusion and anxiety. Board documents and meeting materials are not necessarily written so that they are accessible by all board members. And board membership does not always keep pace with the immigrant community in terms of representation and sensitivity to new issues.

Yet, inclusion of all staff and board members in the core functions of a program is a central tenet of diversity. Clients do not benefit from the best your program has to offer if some of your optimal resources are marginalized. When you consider how to achieve goals of quality and inclusion, think not only of ways to reach out to new clients, but how you will embrace the wealth of differences that your staff and board contain.

Recent census publications indicate that while poverty in Vermont dropped a bit, that decline is uneven. Residents of some counties in Vermont face extraordinary poverty. Educational achievements are also uneven throughout the state, with fewer people with high school diplomas in the Northeast Kingdom and in the southwest, for example. In contemplating how best to reach these clients, we need to consider our responsibilities under the Limited English Proficiency or LEP requirements of federal agencies.

It is true that, as part of their obligation to refrain from national origin discrimination, LSC grantees must ensure they are providing proper service to persons with limited English proficiency. But I submit that it is not only the individuals who have recently arrived on our shores, but additionally people whose families have lived in the U.S. for many years, generations even, who have a hard time reading English, and for whom complex sentences and legal terms are confounding and frightening rather than reassuring. When we consider how to best reach clients with limited English proficiency, let us not forget them.

So, too, when we examine diversity's requirements of our delivery systems, think about the lives of our clients. Unlike earlier in our history, many of today's clients are employed full time or work at more than one job. Our inquiry should consider whether the program's office hours and culture accommodate such clients. In Vermont, you are fortunate to have a statewide telephone intake system. But even where there is telephone access, you need to question whether clients can get to the office easily when a visit is imperative. Have you considered keeping offices open beyond the usual 5:00 'quitting time?' Is it time to consider a second shift of staff that works into the evening on a

regular basis? What steps have you taken to accommodate clients whose small children must accompany them on an office visit? And have you affirmatively made adjustments in your methods of operation to accommodate the changing needs of clients or must clients make special requests?

Notions raised by your theme – the changing face of clients – include the new legal issues raised by raised by immigrants. But they also reflect the new concerns of clients we have served for years. Today's poor Vermonters may need legal representation with unfair labor issues or with illnesses not contemplated in the infancy of legal services, such as AIDS and Alzheimer's disease. Children on their own in Vermont must cope with grownup problems like homelessness, rape, mental illness, and discrimination. How can we reach these Vermonters and provide necessary assistance for them in a way that will benefit them the most?

Vermont remains predominately a rural state, with only one-third of the population living in urban areas, a figure that has remained consistent over the past 100 years. Yet, the legal needs of farmers and rural residents have changed considerably over the last two decades as rural isolation increases, federal programs dwindle and technological capacities become part of farm management. This is also the challenge of the diversity in our client community.

Even as we improve our existing services, we must remain cognizant of the unexpected and unanticipated needs that accompany immigrant newcomers. It is critical that our staff and board show how we respect their culture, language, and history. A staff that includes individuals who are bi-lingual and understand immigrant experiences will reflect the extent to which we have incorporated diversity standards into our legal services environment. Today's diversity in our communities and within our client communities offers us an opportunity to design a delivery system that illustrates the depth of our respect for each individual we help and belief that each is a valued member of our shared community. The success with which we do this is a good determiner of the quality of the services we offer clients.

As you mull over various ways to strengthen client services, be bold and challenge one another. Consider a range of ideas and remain open to innovations; decide on an action agenda and pledge to quickly launch it. Remember the Will Rogers' admonishment*: Even if you're on the right track, you'll get run over if you just sit there.* It is important that you move forward, that you take steps to become better tomorrow than you are today, that you learn from your mistakes, that you be pro-active and continuously review what you are doing, throwing out the ideas that didn't work.

I would like to close today by sharing a personal story of a recent experience that has enhanced my journey down the road to a place where the concepts of diversity, inclusion, and multi-cultural competencies will hopefully become seamlessly woven into the fabric of my day-to-day life. Some of you may know that I do not live in Washington, D.C, as a "permanent resident". For the last three years, I have commuted to Washington, D.C. from my home in Pennsylvania. There are only really three or four commuting routes between my two homes. All of them take me over a road that, for years, I identified — when I thought of it at all — as "Freeland Road." It was only recently as I was making the trip back and forth that I came to the sudden realization that "Freeland Road" was indeed more accurately pronounced "FREE LAND ROAD" — the point just beyond the Mason-Dixon Line where people of color trying to escape the chains of slavery crossed over from Maryland to Pennsylvania in the hopes that they would then be free. That was a profound moment for me as I thought about what it must have been like to have hoped, prayed, struggled, and persevered to cross "Free Land Road". I ask you to join with me in thinking about the hundreds of enslaved Americans fleeing plantations or cities in Delaware, the District of Columbia, Maryland, and Virginia — forced to take the most difficult and dangerous journey of their lives in order to cross over a sliver of land called "Free Land Road". Imagine their fear and desperation as they traveled at night in order to avoid detection during the day. Think about whether you could endure a journey of a thousand miles guided often only by the stars not at all confident that you would ever complete your journey alive and free. But despite the risks and despite the challenges, hundreds of them moved ever forward on their journey into Pennsylvania because they sought freedom. Because they sought justice. And because they were prepared to risk ***everything*** to pass over Free Land Road.

Those Americans have much in common today with the hundreds of thousands of immigrants who flood our shores. Whether they come from Bosnia or Iraq or Viet Nam or Mexico, they come to America seeking freedom and they come seeking justice. And we in legal services are in a unique and enviable position to help them in their journey because for many of them their "Free Land Road" may indeed be the point in which they are able to make full use of our legal system to address and redress their problems. Perhaps they need the legal system in order to obtain safe and habitable housing. Perhaps they need it to ensure that they have needed financial support for their children. Perhaps they are fleeing a dangerous home. It really doesn't matter today why they may need to access of our justice system. What does matter is that — just as African-Americans in the 18th and 19th centuries often needed the help of the Underground Railroad in order to cross over "Free Land Road" and get to a place of justice — so do low-income people today need our help to get to a place of justice. And just like the Underground Railroad, we must be there to help them

when they need our help. We must be equipped to serve them despite language barriers, cultural barriers, or other barriers that may stand between them and us. We must do so willingly, gladly, affirmatively, energetically and creatively. To paraphrase Oliver Wendell Holmes, justice is not a "brooding omnipresence in the sky." It is embodied in flesh and blood human beings. It is embodied in all of us in this room today. For our clients and their communities — for the ones in our offices today and the ones we will see tomorrow and next week and next month and next year — justice is us. It will be no better than what we make it. And while that is an awesome and humbling responsibility, it is also a wonderful gift.

Thank you for letting me be with you today. You make me proud to be a legal services lawyer.