



40 WORTH STREET, SUITE 605 89-14 PARSONS BLVD, 2<sup>ND</sup> FLOOR  
NEW YORK, NY 10013 JAMAICA, NY 11432  
MAIN NUMBER: (212) 691-0950 MAIN NUMBER: (212) 691-0950  
FAX NUMBER: (212) 691-0951 FAX NUMBER: (718) 291-4360

### **The court clerk asked me if I was the caseworker on the case. I replied, “ no, I am an attorney”**

In mid-January 2021, I appeared in virtual court to supervise one of our attorneys. I arrived a few minutes early, as did the assigned agency attorney. I was on video. The clerk asked me if I was the caseworker on the case. I answered, “no, I am an attorney.” He then asked if I was on the right case. I said yes - I am supervising the assigned attorney. His response was "Oh, I'm sorry." The agency attorney emailed me to say that she was sorry that this keeps happening to me!

### **The facilitator began asking the client unrelated questions about her background, upbringing and when she planned to learn English**

I was covering a final discharge conference for a colleague and the client was Arabic speaking. About half way through the conference, the facilitator began asking the client unrelated questions about her background, upbringing and, when she planned to learn English. I could tell that the client was uncomfortable with these questions (and I was too) so I interjected stating that I did not think these questions were relevant to the case. The facilitator immediately became defensive and said that he does not have to explain himself and that he was asking because he thought our client was isolated. The client then explained (in English) that she does speak a little English yet she feels much more comfortable with Arabic and that is why she had requested an interpreter for the conference. The facilitator seemed shocked. This whole exchange made our client extremely uncomfortable and upset.

### **He slowly went to reach for his phone from his pocket and one of the cops went for his gun**

Mr. J. was walking down the street with Miss L., who was also walking, when two cops stopped him for no reason and began asking him if Miss L. was his daughter – challenging whether she was. He slowly went to reach for his phone from his pocket and one of the cops went for his gun. He said, “Whoa, whoa, you asked me if this is my daughter and I am just getting my phone so I can show you a copy of her birth certificate as well as her mother’s death certificate if you don’t believe me, you need to relax with that gun!” He actually likes the pandemic because it keeps him inside where he does not have to deal with “crazy people who have no business being police officers.”

Mr. J. is a Black man. His daughter is as cute and chatty as can be. Hopefully she is still young enough that she will remember none of what transpired.

### **I just left a settlement conference where counsel for the Non Respondent father essentially apologized to the court that her client is a Spanish language speaker**

I just left a settlement conference where LM, counsel for the non-respondent father, essentially apologized to the court that her client is a Spanish language speaker. She said to the Court, "Your honor, I am sorry my client only speaks Spanish." She then seemed to further apologize, as if another party in the court expressed annoyance at this "inconvenience" through their facial expression (no one did), saying "Yeah, I know" and then shrugged her shoulders. My client, who I believe is a native English speaker, was not present. I chose not to engage with LM on this issue as I need to negotiate a

custody agreement with her where her client has all the advantage and I do not want to harm my client's case. This is just another example of why it is so hard to get the Court to take language access issues seriously. The fact that a litigant's OWN counsel sees finding an interpreter to be such an inconvenience she must apologize to the Court for it shows just how racist and discriminatory the Court and the attorneys that practice in that court can be.

### **It is always extra concerning when a court interpreter does not recognize the importance of precision in his line of work**

I am assisting on a Mandarin speaking case. There have been numerous interpretation related misunderstandings so far and we are currently in the middle of an emergency hearing where we are trying to give our client a platform to deliver her very persuasive testimony. We have had several adjourned dates already, thanks to an actually understanding and culturally competent judge, but we continue to get inaccurate and unprofessional interpreters whose less than competent skills compromise the integrity of our client's testimony.

The interpreters have taken it very personally when we screen them at the beginning of appearances by asking them if they speak Mandarin natively or fluently. We mostly get native Cantonese speakers who speak Mandarin with a VERY heavy accent, don't know certain Mandarin words, and are not familiar with Mandarin sentence structure (so they end up speaking like Yoda: "Confusing, it is, much!"). In response to our voir dire, one interpreter even said, "Uh, this issue, it's -- it's not very reasonable. Uh, the reason why I have to say that is because, uh, as long as the, uh, party, in this case, [the client], understands and is able to respond, --the interpretation is the interpretation." It is always extra concerning when a court interpreter does not recognize the importance of precision in his line of work.

ACS also objected to our requests for adjournments. The agency attorney stated verbatim, "It's akin to asking for an interpreter for anyone that comes before this Court with an accent. Um, there are many different people across this country with many different accents and vernaculars that speak the English language. And -- and we don't ask for interpretation for those parties to come before the Court. Somebody with a Texas accent does not get a Texas interpreter in court. People who are Jamaican who come before the Court do not get a Jamaican interpreter before the Court."

This is wholly inaccurate, and a better comparison would be asking someone who is a native German speaker and only started learning English very recently to interpret for someone who speaks English with a Texan accent. A HUGE thank you to the team for continuing to push through and fight this uphill battle. Change never happens overnight, but if we continue to advocate fiercely for our clients' basic rights to interpretation, then I believe that we will be able to take small steps towards a very different future!

### **"He's just asking to move to Maryland, it's not like he's asking to go somewhere dangerous like the Dominican Republic!"**

We were in a court appearance and assigned co-counsel was arguing that her client, the father, be allowed to move out of state with the child. Counsel said essentially, "He's just asking to move to Maryland, it's not like he's asking to go somewhere dangerous like the Dominican Republic!" We were horrified that she would portray the DR as "dangerous" in trying to make her point.

### **The agency attorney's next question was whether she was sure he was the child's father**

I was with the team a 1027 hearing in the citywide Emergency Hearing Part. Our client is a 17-year old child in care placed on a PINS petition since 2018. On cross-examination, the agency attorney asked her to name the child's father, which our client did. The agency attorney's next question was whether she was sure he was the child's father. The paternal grandmother is the kinship resource and was present in the hearing. The judge sustained our objection that "[that] question is both not relevant

and frankly, very offensive."

**The interpreter explains there are many languages in Guatemala each one different. He mentions he is not a certified Spanish interpreter. This seems to go over the head of the facilitator repeatedly and she thinks she can proceed with him speaking Spanish.**

We have a client whose primary language is Ch'orti and he speaks some Spanish. Throughout the life of this case, the language access has been an issue since Ch'orti interpreters are hard to find and when identified, they cost extra. Today there was a Family Team Conference for this client. I join the call and the facilitator was on there with an interpreter. He says he is certified in Mam, not Ch'orti. The facilitator says something about he speaks the language from Guatemala. I try to explain that our client speaks a different language and some Spanish. The interpreter explains there are many languages in Guatemala each one different. He mentions he is not a certified Spanish interpreter. This seems to go over the head of the facilitator repeatedly and she thinks she can proceed with him speaking Spanish. The case planner gets on the call. She is upset since she said she never asked for Mam, and that getting a Ch'orti interpreter is not an option. This goes on for 15 minutes or so. I have to insist that they get a certified interpreter. Then there is a discussion around cancelling the conference or not. Finally, 30 minutes in they get a certified Spanish interpreter on the phone. However, even in Spanish, there are comprehension issues and on top of it, our client is illiterate. The agency gives the client everything in Spanish and then they repeat how he is not making an effort in services in order to get his son back. At the end of the conference, the CFS mentions something in English, he says, "Ok, ok", and she says, "Oh he understands". I had to ask the interpreter to interpret since it was not clear that he actually understood everything that the facilitator said to him.

**NYC court clerk allegedly caught calling defendant 'N-word' on hot mic (New York Post)**

**Service provider stated that your clients lie to you, because they come to my program with the latest I-phone in their hands all the time**

Just because a client has an I-phone, does not mean they can afford services. Called a service provider to request an updated letter of progress. Provider recognized me and asked why I have not made referrals to him in a very long time. Informed him that I try hard to make sure the clients are not sacrificing to pay for a service when there are free ones that can also help them. Service provider stated, "Your clients lie to you, because they come to my program with the latest I-phone in their hands all the time." I informed him that many phone providers offer a variety of monthly payment plans to everyone. He stated that our clients pay for them outright. I stated to him that it seems that the years have jaded him some and that at the end of the day we are here to service our clients and that means meeting them where they are at, be it emotionally, and financially. He then asked if I wanted to be a part of his 18-month Holistic healing certification program. It only costs \$12000. I informed him that I too am on a phone payment plan.

**The court attorney even said something like, "you can't hold anyone anymore if it's not murder!"**

This is something that happened a while ago, pre-Covid. I was at a court conference where our client and her husband were both unable to attend. The topic of the father being out on bail came up, and both the court attorney \*and father's attorney\* (!) made snide comments about the bail reform law that had recently passed. The court attorney even said something like, "you can't hold anyone anymore if it's not murder!"

During that same conference, the court attorney told a story about something in the neighborhood near the courthouse and, in referencing a homeless encampment in the area, she made condescending and sort of joke-y comments calling it a "shantytown" because of how built up it was.

## **All of this trauma could have been easily avoided had they not assumed that our client was "hysterical."**

On intake, I picked up an Arabic-speaking client, who is a former DV victim. She had separated from her abusive husband and moved to NY from NJ with her son, who is autistic. She went to the hospital after her son injured her. She used common (metaphoric) Arabic phrases to express her pain and desire for someone to help her- that when translated poorly into English with no understanding of any cultural context, sound alarming.

Though she was expressing herself in a culturally appropriate manner, ACS believed she had a mental health condition and emergency removed her child. They placed her autistic son in the Children's Center overnight- the first time ever he was separated from his mother. In court, they asked for a remand of her son. We immediately opposed and asked for a 1027. After I was able to get medical documents that she had from the hospital that indicated that the only medical follow-up was rest to provide to the agency attorney, they withdrew their application for a remand. All of this trauma could have been easily avoided had they not assumed that our client was "hysterical."

## **The thought that she had grown used to being treated so inhumanely still sticks with me all these years later**

This happened sometime in 2008-2009, while I was a paralegal. It was a hectic intake day where we were able to meet our client about five minutes before we were called into court. The intake team was being pulled in different directions, so only I was able to chat with our client before we went in. As I was going over what was about to happen, asking if she had questions, and getting to the forms, I realized that our client's hands were deformed.

Once we got in front of the judge, one of the allegations was that our client failed to learn sign language to communicate with her daughter who is hearing impaired. The judge immediately turned to our client and asked if it was true that she did not know sign language. Our client, whose hands were out of view on her lap, replied, "Yes". The judge lit into our client, scolding her, and ordering her to learn sign language. I immediately passed a note to our attorney, telling her to intervene because our client was disabled. Our attorney interjected. The judge paused, and moved on to the rest of the allegations.

There was no acknowledgement or apology from the judge, the caseworker, or the agency attorney. I think that is the angriest and most frustrated that I have ever been at CFR. The judge, the caseworker, and the agency attorney saw in our client another Black woman who deserved to be berated and talked down to. When forced to look at our client and take back what they said, they refused to acknowledge their behavior and dignify our client with an apology. Our client, who had been involved with the child welfare system previously, was not outwardly angry. In fact, she was congenial. The thought that she had grown used to being treated so inhumanely still sticks with me all these years later.

## **She assumed that I was the delivery person**

This happened back when I was a paralegal. I was delivering legal papers to the ACS office in the Manhattan Family Courthouse. The woman who answered the door looked at me quizzically and said, "I didn't order food." She did apologize, and I laughed it off, more so to break the tension than because I actually thought it was funny.

This had happened to me a lot, so much so that I made a t-shirt that says, "I am NOT the Chinese food delivery boy." It had never happened to me inside of a courthouse.