A New Vocabulary for a New Paradigm: Race, Gender, Language, Inclusion, Identity & More

Thursday, September 15, 2016

Albany Marriott Albany, NY

CLE Course Materials and NotePad[®]

Complete course materials distributed in electronic format online in advance of the program.

Sponsored by the

New York State Bar Association and The Committee on Legal Aid

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Lawyer Assistance Program 800.255.0569

Q. What is LAP?

A. The Lawyer Assistance Program is a program of the New York State Bar Association established to help attorneys, judges, and law students in New York State (NYSBA members and non-members) who are affected by alcoholism, drug abuse, gambling, depression, other mental health issues, or debilitating stress.

Q. What services does LAP provide?

A. Services are **free** and include:

- Early identification of impairment
- Intervention and motivation to seek help
- Assessment, evaluation and development of an appropriate treatment plan
- Referral to community resources, self-help groups, inpatient treatment, outpatient counseling, and rehabilitation services
- Referral to a trained peer assistant attorneys who have faced their own difficulties and volunteer to assist a struggling colleague by providing support, understanding, guidance, and good listening
- Information and consultation for those (family, firm, and judges) concerned about an attorney
- Training programs on recognizing, preventing, and dealing with addiction, stress, depression, and other mental health issues

Q. Are LAP services confidential?

A. Absolutely, this wouldn't work any other way. In fact your confidentiality is guaranteed and protected under Section 499 of the Judiciary Law. Confidentiality is the hallmark of the program and the reason it has remained viable for almost 20 years.

Judiciary Law Section 499 Lawyer Assistance Committees Chapter 327 of the Laws of 1993

Confidential information privileged. The confidential relations and communications between a member or authorized agent of a lawyer assistance committee sponsored by a state or local bar association and any person, firm or corporation communicating with such a committee, its members or authorized agents shall be deemed to be privileged on the same basis as those provided by law between attorney and client. Such privileges may be waived only by the person, firm or corporation who has furnished information to the committee.

Q. How do I access LAP services?

A. LAP services are accessed voluntarily by calling 800.255.0569 or connecting to our website www.nysba.org/lap

Q. What can I expect when I contact LAP?

A. You can expect to speak to a Lawyer Assistance professional who has extensive experience with the issues and with the lawyer population. You can expect the undivided attention you deserve to share what's on your mind and to explore options for addressing your concerns. You will receive referrals, suggestions, and support. The LAP professional will ask your permission to check in with you in the weeks following your initial call to the LAP office.

Q. Can I expect resolution of my problem?

A. The LAP instills hope through the peer assistant volunteers, many of whom have triumphed over their own significant personal problems. Also there is evidence that appropriate treatment and support is effective in most cases of mental health problems. For example, a combination of medication and therapy effectively treats depression in 85% of the cases.

Personal Inventory

Personal problems such as alcoholism, substance abuse, depression and stress affect one's ability to practice law. Take time to review the following questions and consider whether you or a colleague would benefit from the available Lawyer Assistance Program services. If you answer "yes" to any of these questions, you may need help.

- 1. Are my associates, clients or family saying that my behavior has changed or that I don't seem myself?
- 2. Is it difficult for me to maintain a routine and stay on top of responsibilities?
- 3. Have I experienced memory problems or an inability to concentrate?
- 4. Am I having difficulty managing emotions such as anger and sadness?
- 5. Have I missed appointments or appearances or failed to return phone calls? Am I keeping up with correspondence?
- 6. Have my sleeping and eating habits changed?
- 7. Am I experiencing a pattern of relationship problems with significant people in my life (spouse/parent, children, partners/associates)?
- 8. Does my family have a history of alcoholism, substance abuse or depression?
- 9. Do I drink or take drugs to deal with my problems?
- 10. In the last few months, have I had more drinks or drugs than I intended, or felt that I should cut back or quit, but could not?
- 11. Is gambling making me careless of my financial responsibilities?
- 12. Do I feel so stressed, burned out and depressed that I have thoughts of suicide?

There Is Hope

CONTACT LAP TODAY FOR FREE CONFIDENTIAL ASSISTANCE AND SUPPORT

The sooner the better!

Patricia Spataro, LAP Director 1.800.255.0569

New York State Bar Association

FORM FOR VERIFICATION OF PRESENCE AT THIS PROGRAM

Pursuant to the Rules pertaining to the Mandatory Continuing Legal Education Program for Attorneys in the State of New York, as an Accredited Provider of CLE programs, we are required to carefully monitor attendance at our programs to ensure that certificates of attendance are issued for the correct number of credit hours in relation to each attendee's actual presence during the program. Each person may only turn in his or her form-you may not turn in a form for someone else. Also, if you leave the program at some point prior to its conclusion, you should check out at the registration desk. Unless you do so, we may have to assume that you were absent for a longer period than you may have been, and you will not receive the proper number of credits.

Speakers, moderators, panelists and attendees are required to complete attendance verification forms in order to receive MCLE credit for programs. Faculty members and attendees: please complete, sign and return this form along with your evaluation, to the registration staff **before you leave** the program.

You MUST turn in this form at the end of the program for your MCLE credit.

A New Vocabulary for a New Paradigm: Race, Gender, Language, Inclusion, Identity & More, Thursday, September 15, 2016 | New York State Bar Association's Committee on Legal Aid, Albany Marriott, Albany, NY

Name:

(Please print)

Icertify that I was present for the entire presentation of this program

Signature:

Date:

Speaking Credit: In order to obtain MCLE credit for speaking at today's program, please complete and return this form to the registration staff before you leave. **Speakers** and **Panelists** receive three (3) MCLE credits for each 50 minutes of presenting or participating on a panel. **Moderators** earn one (1) MCLE credit for each 50 minutes moderating a panel segment. Faculty members receive regular MCLE credit for attending other portions of the program.

NEW YORK STATE BAR ASSOCIATION

Live Program Evaluation (Attending In Person)

Please complete the following program evaluation. We rely on your assessment to strengthen teaching methods and improve the programs we provide. The New York State Bar Association is committed to providing high quality continuing legal education courses and your feedback is important to us.

Program Name:

Program Code:

Program Location:

Program Date:

1. What is your overall evaluation of this program? Please include any additional comments.

□ Excellent □ Good □ Fair □ Poor

Additional Comments_

2. Please rate each Speaker's Presentation based on **CONTENT** and **ABILITY** and include any additional comments.

CONTENT				ABILITY			
Excellent	Good	Fair	Poor	Excellent	Good	Fair	Poor

Additional comments (ABILITY)

3. Please rate the program materials and include any additional comments. \Box Excellent \Box Good \Box Fair \Box Poor

Additional comments

4. Do you think any portions of the program should be **EXPANDED** or **SHORTENED**? Please include any additional comments. \Box Yes – Expanded \Box Yes – Shortened \Box No – Fine as is

Additional comments

5. Please rate the following aspects of the program: **REGISTRATION**; **ORGANIZATION**; **ADMINISTRATION**; MEETING SITE (if applicable), and include any additional comments.

	Please rate the following:							
	Excellent	Good	Fair	Poor	N/A			
Registration								
Organization								
Administration								
Meeting Site (if applicable)								

Additional comments

6. How did you learn about this program? \Box Ad in legal publication □ NYSBA web site Social Media (Facebook / Google) 🗌 Email

Brochure or Postcard □ Word of mouth

7. Please give us your suggestions for new programs or topics you would like to see offered



A New Vocabulary for a New Paradigm: Race, Gender, Language, Inclusion, Identity & More

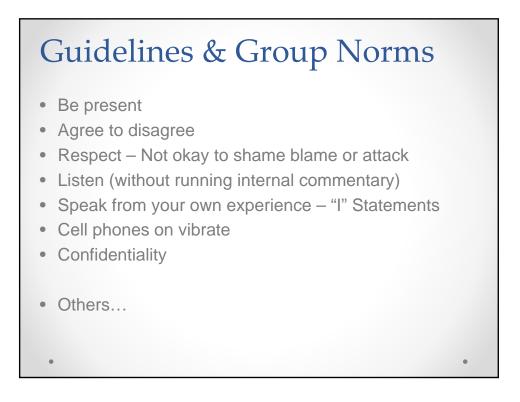
The Legal Services NYC Diversity Committee has drafted a working definition as guidance in its work:

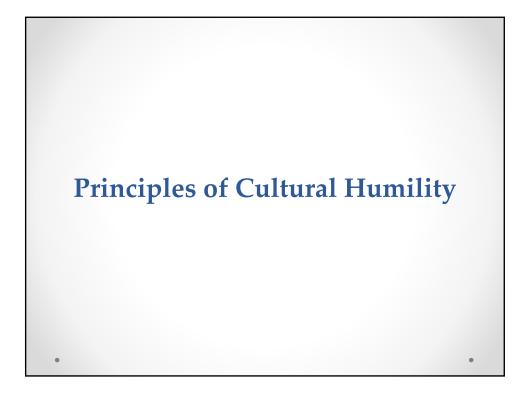
DIVERSITY IS AN INCLUSIVE CONCEPT AND ENCOMPASSES, WITHOUT LIMITATION, RACE, COLOR, ETHNICITY, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION, RELIGION, CREED, NATIONALITY, AGE, SOCIOECONOMIC STATUS, PHYSICAL APPEARANCE, DISABILITY AND MARITAL AND PARENTAL STATUS. WITH GREATER DIVERSITY, WE CAN BE MORE CREATIVE, EFFECTIVE AND JUST, BRINGING MORE VARIED PERSPECTIVES, EXPERIENCES, BACKGROUNDS, TALENTS AND INTERESTS TO THE PRACTICE OF LAW AND THE ADMINISTRATION OF JUSTICE.







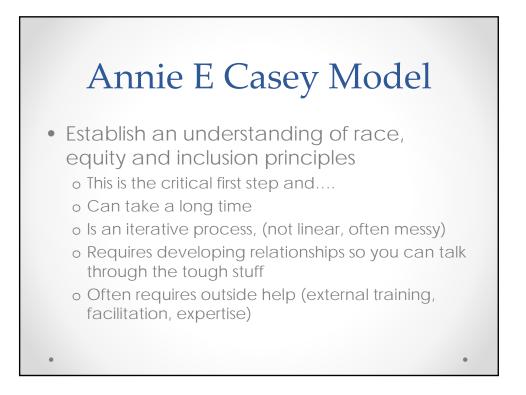




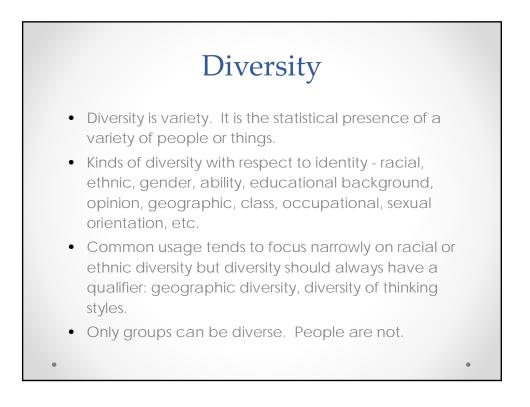


Annie E Casey Model

- Establish an understanding of race, equity and inclusion principles
- Engage affected populations and stakeholders
- Gather and analyze disaggregated data
- Conduct systems analysis of root causes and inequities
- Identify strategies and target resources to address root causes and inequities
- Conduct race equity impact assessments for all policies and decision-making
- Constantly evaluate effectiveness and adopt strategies
 Source: Race Equity and Inclusion Action Guide: 7 Steps to Advance and Embed Race Equity and Inclusion Within Your Organization, Copyright 2014. The Annie E. Casey Foundation. Permission to copy, disseminate or otherwise use information from this report is granted as Joing as appropriate acknowledgment is given.

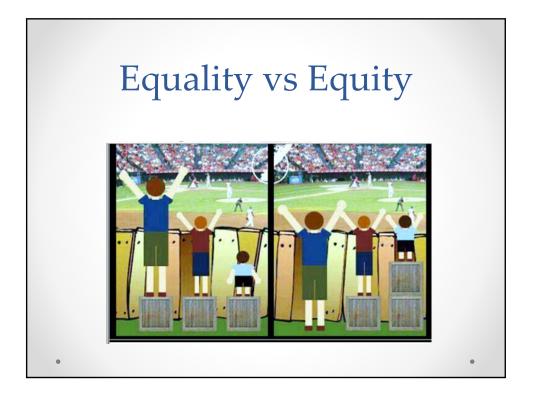


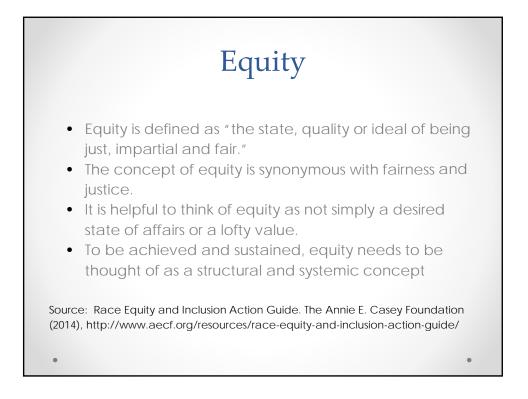




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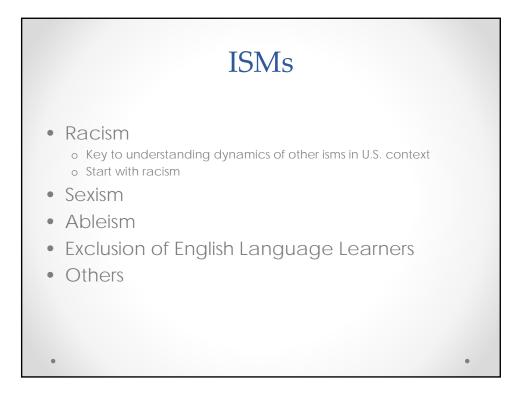


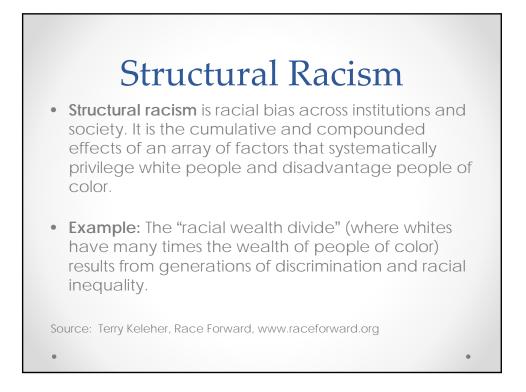


- The normalization and legitimization of an array of dynamics – historical, cultural, educational, institutional and interpersonal – that routinely advantage privileged groups while producing cumulative and chronic adverse outcomes for oppressed groups.
- It is a system of hierarchy and inequity. Structural oppression lies underneath and across society, permeating its entire history, culture and institutions.

Source: Baltimore Racial Justice Action, http://bmoreantiracist.org/







Cultural Humility v. Competence

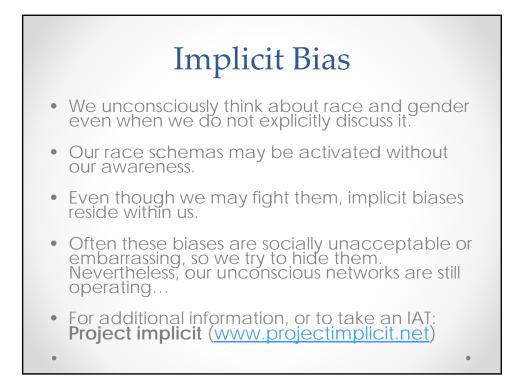
- Cultural humility is the "ability to maintain an interpersonal stance that is other-oriented (or open to the other) in relation to aspects of cultural identity that are most important to the [person]."
- Cultural humility is different from other culturally-based training ideals because it focuses on self-humility rather than achieving a state of knowledge or awareness, particularly of a culture to which one does not belong.

Source: http://en.wikipedia.org/wiki/Cultural_humility, citing Hook, J.N. (2013). Cultural Humility: Measuring openness to culturally diverse clients. Journal of Counseling Psychology.

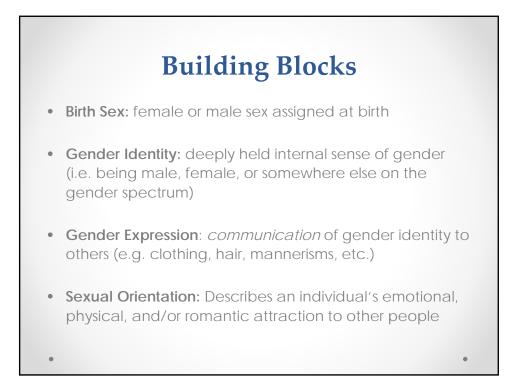
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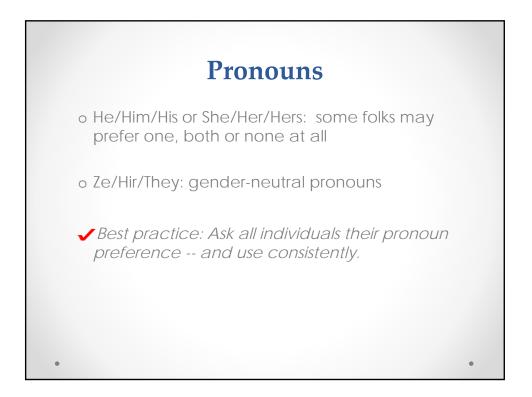
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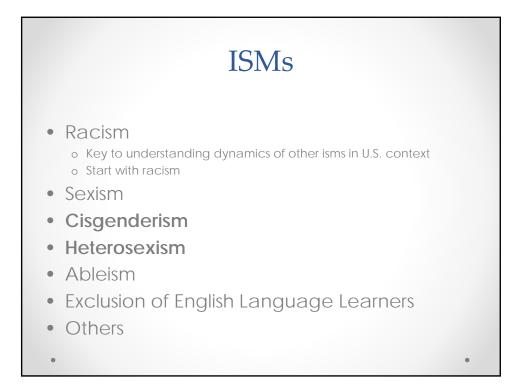


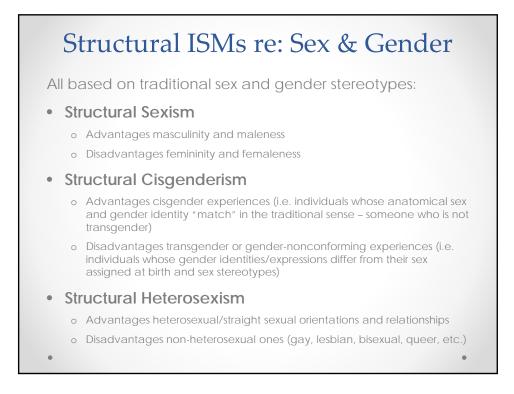


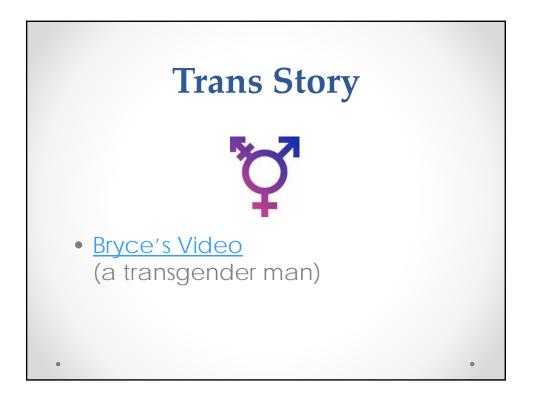


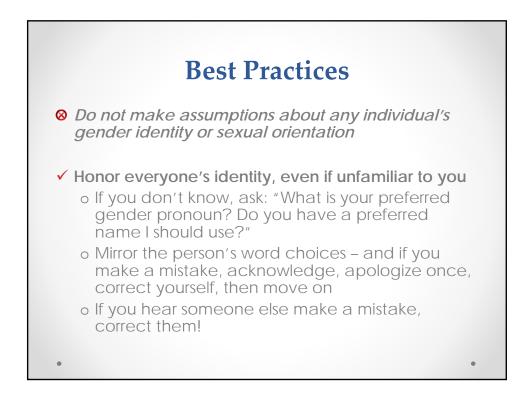


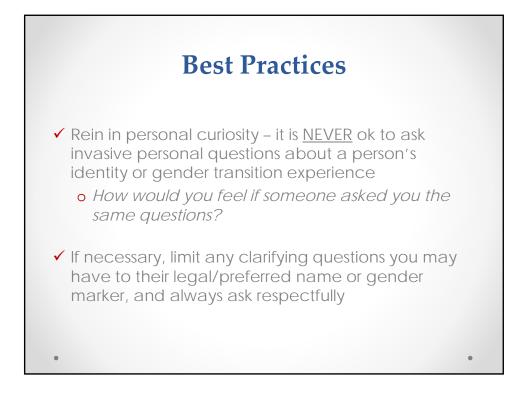


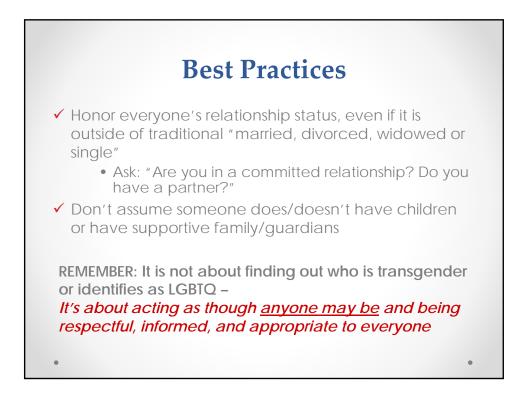








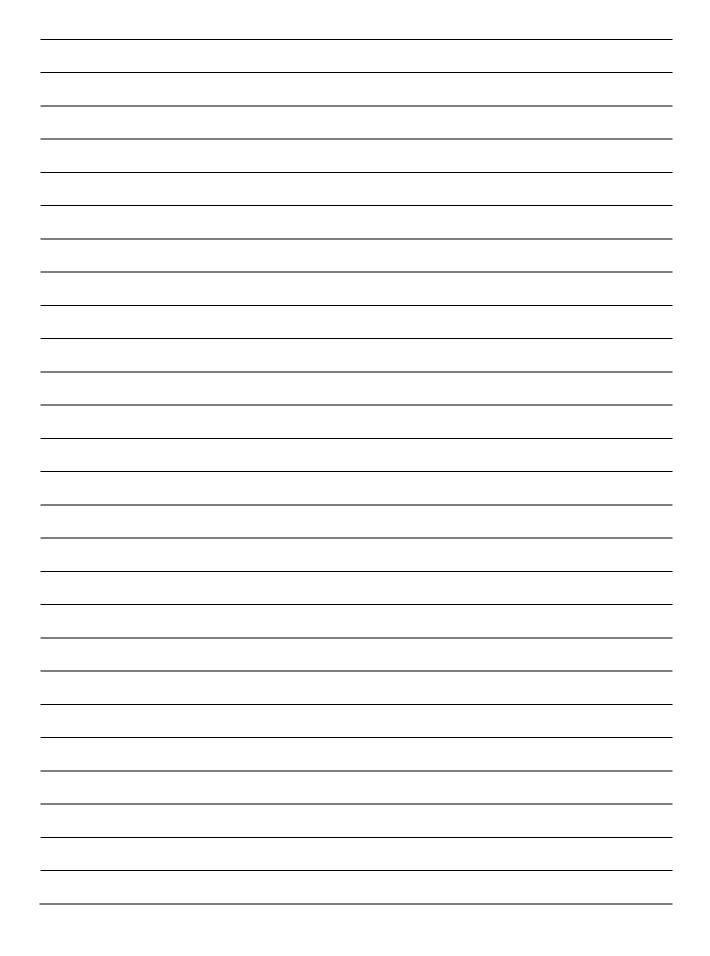


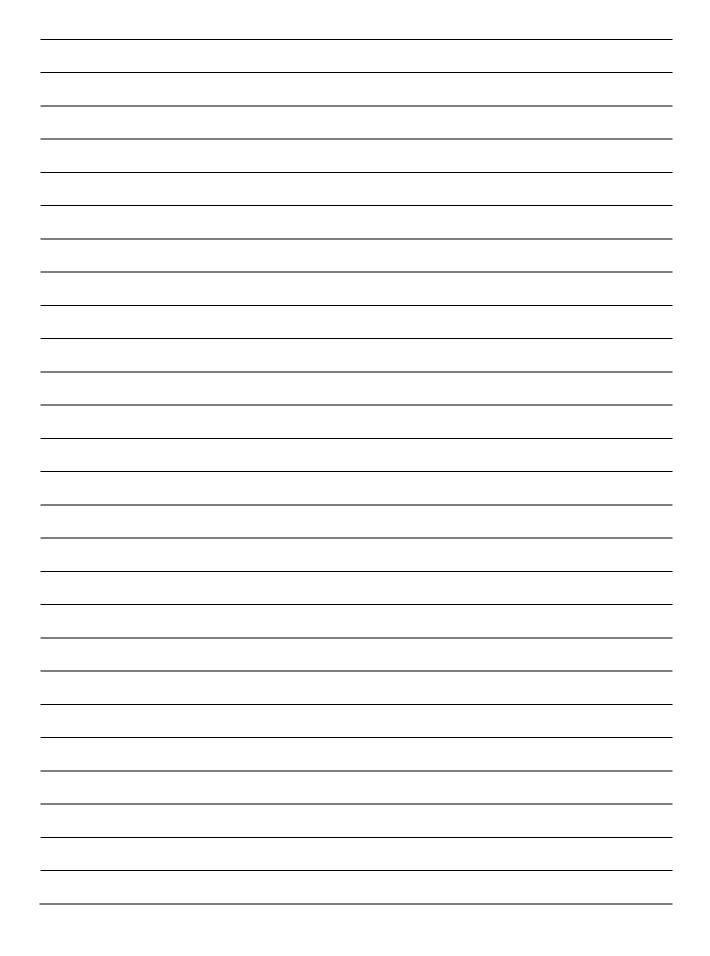


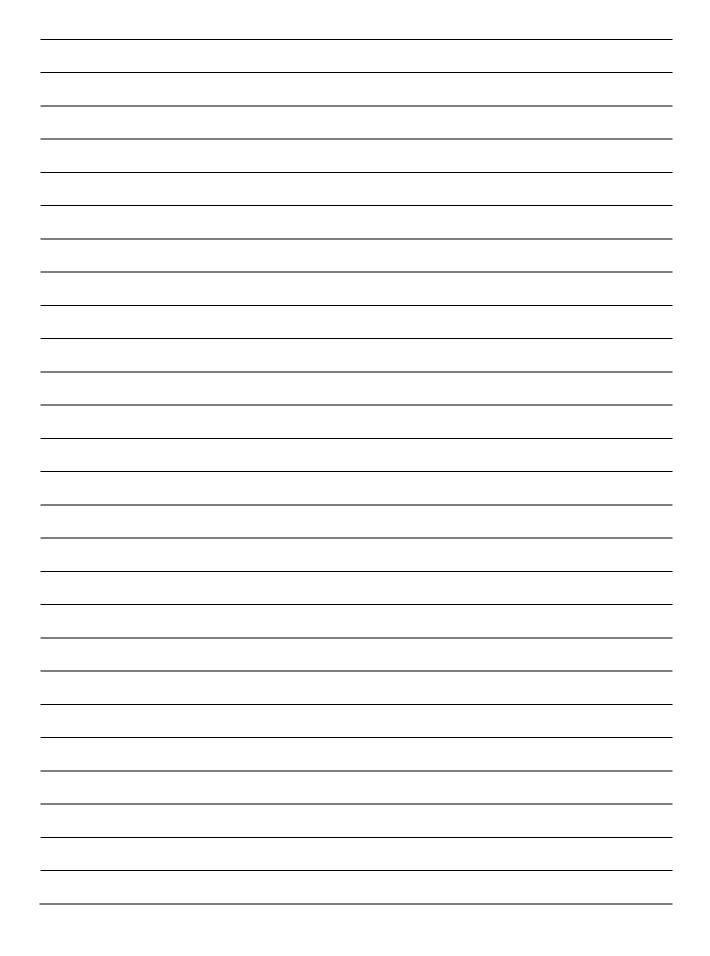


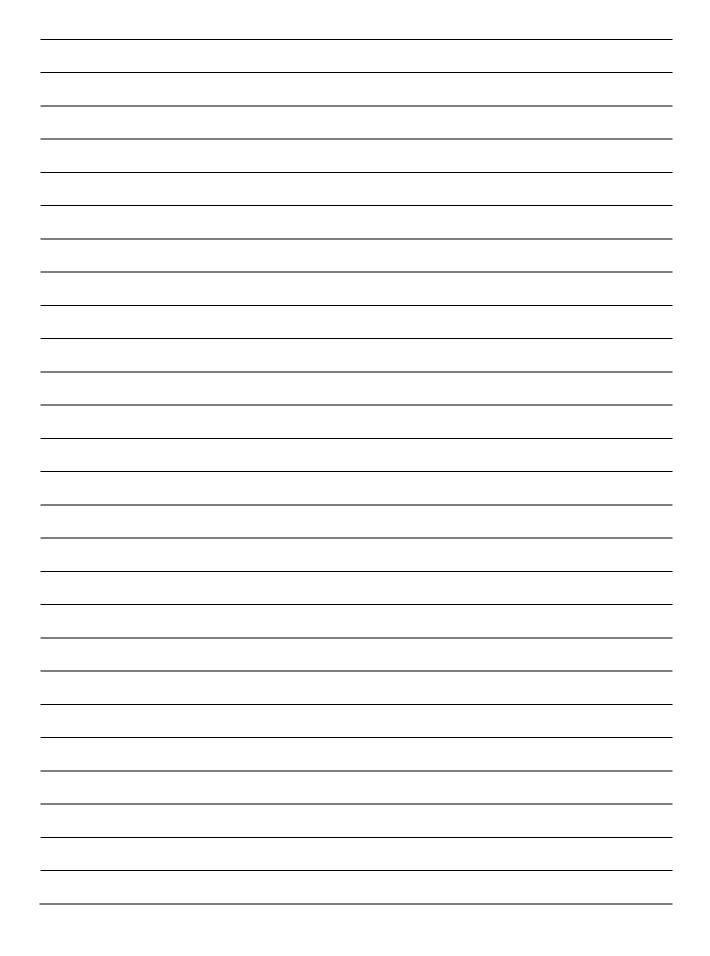












ACTIVITY HANDOUT: INTAKE AND INTERVIEWING SCENARIO 1

Instructions for Role Plays:

Divide up in pairs. One person will play the role of a staff member and will conduct the intake. The other person will play the role of a new client, using the facts in Client Scenario 1. After 5 minutes, we will switch roles. For the second round, the person playing the client will use facts in Client Scenario 2. The person playing the staff member should treat the new client like someone who has just come in to your office. You will be trying to assess whether your organization can represent the client, and what basic issues they will need representation for. Do not worry about screening to make sure they are income-qualified.

Take notes of any questions that come up while you are doing this, and please share your experience in the large group discussion.

Client Scenario 1

Start your story: "My name is Julio. I worked in a chicken processing plant, but I got fired yesterday. I want to know if I can get unemployment benefits." Details for you to share in the interview:

-You taped a picture of your boyfriend in your locker at work. Lots of your male coworkers have pictures of women taped in their lockers.

-You have a rainbow sticker on your car.

-The manager has repeatedly called you "joto" (fag), used an ethnic slur, and made fun of your accent.

-When the manager fired you, he told you it was because you were causing a workplace disruption. You asked him how, and he said that you walk and talk like a girl and it distracts other workers from doing their job.

ACTIVITY HANDOUT: INTAKE AND INTERVIEWING SCENARIO 2

Instructions for Role Plays:

Divide up in pairs. One person will play the role of a staff member and will conduct the intake. The other person will play the role of a new client, using the facts in Client Scenario 1. After 5 minutes, we will switch roles. For the second round, the person playing the client will use facts in Client Scenario 2. The person playing the staff member should treat the new client like someone who has just come in to your office. You will be trying to assess whether your organization can represent the client, and what basic issues they will need representation for. Do not worry about screening to make sure they are income-qualified.

Take notes of any questions that come up while you are doing this, and please share your experience in the large group discussion.

Client Scenario 2

Start your story: "My name is Jasmine. Medicaid won't cover an exam my doctor says I need." Details for you to share in the interview:

-You are 65 years old

-You are supposed to get prostate cancer screening

-You were born male, but you are a woman. You have been living as a woman for the last 20 years.

-You have a court order changing your name. Your driver's license and SSA records list your sex as Female, but your birth certificate lists you as Male.

-Your doctor says you need to have prostate cancer screenings, but Medicaid refused to cover it because you are listed as Female in its database.

<u>A New Vocabulary for a New Paradigm:</u> <u>Race, Gender, Language, Inclusion, Identity & More</u>

Partnership Conference September 15, 2016

POP QUIZ: TRANSGENDER "101" TRAINING FOR ATTORNEYS

True (T) or False (F):

differently, etc.].

 When you first meet the client, you should assume their gender identity by their physical appearance.
 All transgender people are also lesbian, gay, bisexual or queer – it is "LGBTQ," after all.
 Because you are providing legal services, and you are a professional, you should only use a client's legal name at all times.
 Because a client's preferred name isn't their legal name, it's appropriate to make sure you know what their real name is so you can help them.
 If you mess up with a client's name or pronouns, it's best to apologize once and move on.
 With only the very best intentions, it's OK to tell a client that they might look more like a [man/woman] if only they [tried wearing different clothes, used different make-up, walked

- If the client tells you that they are not interested in taking hormone therapy or having surgery as
 - part of their personal gender transition, it is definitely ok for you to ask why after all, they opened the door to questioning!

A New Vocabulary for a New Paradigm: Race, Gender, Language, Inclusion, Identity & More

Biographies

Panelist Biographies

MILO PRIMEAUX, ESQ.

Milo Primeaux, Esq. (he/him/his) is a queer transgender man and long-time transgender rights advocate. As the LGBT Rights Staff Attorney at Empire Justice Center in Rochester, Milo provides direct legal services, cultural competency and legal trainings, and policy advocacy to advance the rights of low-income LGBTQ people across upstate New York. His Project focuses primarily on anti-LGBTQ discrimination occurring in employment, education, public accommodations, and access to health care and health insurance. Previously he served as an Equal Justice Works AmeriCorps Legal Fellow at Whitman-Walker Health in Washington, DC, where he managed a free monthly Name & Gender Change Legal Clinic and reduced legal barriers to employment for over 250 transgender residents of DC, Maryland, and Virginia. He is a graduate of CUNY School of Law.

LILLIAN M. MOY

Lillian M. Moy became the Executive Director of the Legal Aid Society of Northeastern New York, Inc. in 1995. She is a 1981 graduate of Boston University School of Law. She is a former member of the Board of the National Legal Aid & Defender Association and past Chair of NLADA's Civil Policy Group. Ms. Moy is a member of the ABA's Standing Committee on Pro Bono and Public Service and the Legal Access Job Corps Task Force. She is the chair of the New York State Bar Association's Committee on Attorney Professionalism and serves on the Board of Directors for the Albany Medical Center.

TANYA DOUGLAS

Tanya Douglas is the Director of the Disability Advocacy Project (DAP) at Manhattan Legal Services (MLS) and coordinates the Veterans Justice Project at MLS which is a program of Legal Services NYC. Tanya is a graduate of Cornell University and Cornell Law School. Tanya is admitted to the Southern District of New York and the Eastern District of New York. Tanya has spent her entire 24 year legal career as a public interest attorney with Legal Services NYC. Tanya has been a DAP advocate for 24 years. During her legal career, Tanya has represented clients primarily in Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) and education cases. Tanya has represented hundreds of clients in their claims for SSI/SSDI benefits at the Administrative Law Judge (ALJ) hearing and Appeals Council levels. Additionally, she has represented clients in their SSI/SSDI claims at the Federal Court level. She has handled a significant of SSI/SSDI benefit cases for children. She has offered trainings on a

variety of substantive legal issues (SSI/SSDI and education) as well as conducted trainings for public interest managers.

Tanya has spent a significant amount of her legal career focused on diversity and cultural competency matters for legal services/legal aid programs. She is the first chair of the Legal Services NYC's Diversity Committee. The Committee has focused on recruitment and retention issues, drafted an exit interview policy and offered trainings on cultural competency.

Tanya is the co-facilitator of the New York State Legal Services/Legal Aid Diversity Coalition whose mission is to increase diversity in the legal services/legal aid and increase cultural competency of legal services/legal aid staff. The coalition, has offered trainings on cultural competency, diversity, language access issues at local and national conferences as well as provided professional development opportunities

She is a member of the design team for Management Information Exchange (MIE). As a MIE trainer, Tanya has done trainings for managers on such topics as culturally competency and supervision across racial and gender differences, basic management tools, etc