

Transcript: UNC Project CLIMB webinar, 'Avenues of Entry into the Legal System for Deaf VR Consumers'

00:00-00:09 [Visual description: 'Color ASL,' a painting by Deaf artist Nancy Rourke, depicts an artist climbing a ladder and painting on a large abstract canvas. The painting consists of primary colors (red, blue, yellow), and the bottom of the ladder sits in a black hole. Slide text: University of Northern Colorado Project CLIMB- Cultivating Legal Interpreters from Minority Backgrounds. What are the avenues of entry into the legal system for Deaf, DeafDisabled, DeafBlind and Hard of Hearing individuals and how does it impact my VR work?]

00:09-00:13 [What's the Plan? Introduction to Project CLIMB; Avenues of entry to the legal system; Case Studies]

00:13-00:17 [Slide text: What is Project CLIMB? Visual description: a gold scale of justice]

00:17 [Visual description: a woman wearing a dark blue shirt signing in ASL in front of a black backdrop. Text: Schawn Hardesty, UNC- Project CLIMB Director of Operations]

00:17-00:19 Schawn Hardesty>> Hello, everyone!

00:19-00:24 My name is Schawn Hardesty,

00:24-30 University of Northern Colorado Project CLIMB's Director of Operations.

00:31-00:38 We are thrilled to offer this new webinar series that highlights legal interpreting.

00:39-00:46 Before we move on, I'd like to describe our program, introduce our team and share our project goals.

00:48-00:50 [Visual description: 'Color ASL' a painting by Deaf artist Nancy Rourke, which depicts an artist climbing a ladder and painting on a large abstract canvas. The painting consists of primary colors (red, blue, yellow), and the bottom of the ladder sits in a black hole. Slide text: Interpreter Training Grants, US Department of Education, Rehabilitation Services Administration]

00:52-00:57 Schawn Hardesty>> Project CLIMB was established through an interpreter education grant

00:58-1:04 awarded by the U.S. Department of Education's Rehabilitation Services Administration (RSA).

1:06-1:13 RSA provides financial support and technical assistance to interpreter education projects like ours.

1:13-1:19 Here are other RSA-funded interpreter education projects.

1:19-1:23 [Visual description: three university program names, logos and email addresses. Slide text: Interpreter Training Grants, US Department of Education, Rehabilitation Services Administration

St. Catherine University, CATIE Center - Advancing Interpreting Excellence
grad2cert.org

healthcareinterpreting.org

DeafBlind Interpreting National Training & Resource Center
dbinterpreting.org/

Northeastern University, CALI- Center for Atypical Language Interpreting
northeastern.edu/cali/

1:24-1:28 Schawn Hardesty>> Next, I'd like to introduce Project CLIMB's team.

1:29-1:38 [Visual description: three women's headshots with names and titles: Project CLIMB Co-Directors: Erica West Oyedele, Director of Instruction; Schawn Hardesty, Director of Operations; Amy Williamson, Director of Administration. Visual description: three women's headshots with names and titles: Leilani Johnson, Principal Investigator; Kelly Decker, Instructional Coordinator; Barbara Garrett, Director, Department of ASL & Interpreting Studies]

1:38-1:46 Schawn Hardesty>> Project CLIMB's goal is to provide direct training opportunities and resources to increase the number and quality of legal interpreters nation-wide,

1:46-1:59 in particular, interpreters of color and those with heritage language backgrounds (Deaf and Coda interpreters).

1:59-2:04 [Slide text: Why Are We Unique: focus on training and supporting interpreters of color, Coda interpreters, and Deaf interpreters entering the legal specialty; Communities of learning will be primarily composed of interpreters of color, Coda interpreters, and Deaf interpreters]

2:04-2:09 [Slide text: Project CLIMB: 5-year plan Year 1 (2017) Develop 30 online modules, credentialing roundtable, webinars, recruiting; Year 2 (2018) develop media, webinars, recruiting, barriers roundtable, train 20-25 mentor supervisors, Years 3-5 webinars, recruiting, 20-25 communities of practice]

2:09-2:13 Schawn Hardesty>> We hope you enjoy and benefit from this webinar series.

2:15-2:21 After the main presentation, watch for additional information about UNC – Project CLIMB. Thank you!

2:23-2:26 [Visual description: a gold scale of justice. Slide text: “Legal Setting” What comes to mind?]

2:27 [Visual description: a woman wearing a black shirt signing in ASL in front of a dark grey backdrop. Text: Erica West Oyedele, UNC- Project CLIMB Director of Instruction]

2:29-2:31 Erica West Oyedele>> What comes to mind when you see the phrase, ‘legal setting’?

02:34-02:36 What does this term bring up for you?

02:37-02:50 Through our professional dialog with other interpreters, we know that often the term ‘legal setting’ automatically evokes court.

02:53-3:07 The reality is, legal settings certainly can include court and as well as numerous other avenues by which an individual can become involved in or is placed into the legal system.

03:11-3:34 Now, we'll share a video excerpt from Project CLIMB's Legal Interpreter Training curriculum. This video clip is taken from its first module, 'The American Judicial System.'

3:36-3:51 It features a Deaf interpreter providing an in-depth discussion of what's encompassed in the legal system, and the many different ways individuals may become involved in or placed within that system.

03:51-03:53 Happy viewing!

03:54-03:57 [Visual description: a series of still images including a male and female standing side-by-side in a courtroom holding a toddler between them and smiling toward the camera; a gavel; a woman wearing a judge's robe smiling toward the camera; a group of 12 people sitting in four rows signing 'AMERICA' and smiling toward the camera. Text: Overview of the American Judicial System]

03:58 [Visual description: a man wearing a light grey button down shirt signing in ASL in front of a darker grey backdrop. Text: Lamar Ray, UNC-Project CLIMB, LIT ASL Lecturer]

03:58- 4:23 Lamar Ray>> Legal interpreting goes well beyond interpreting for Deaf individuals in court, post-arrest. Rather, there are many avenues of entry into the legal system. Some examples include administrative processes (e.g., a hearing with a Social Security Administration administrative law

judge), the arrest of a Deaf person, or Deaf individuals called in to serve as jurors during jury duty.

04:23-04:44 There's civil litigation including small claims court, landlord/tenant issues in which the Deaf person is a renter and has a hearing landlord (or vice versa), or discrimination suits.

04:47-04:53 Another category of legal interpreting involves Deaf individuals who are involuntarily hospitalized via civil commitment.

04:55-05:14 Legal settings also include criminal complaints. For example, a Deaf person may be a car accident victim, resulting in a criminal complaint that leads to the filing of a police report and a show-cause hearing before a clerk-magistrate.

05:15-05:43 Other, more serious criminal complaints may go before a grand jury. In such cases, a prosecuting attorney presents evidence before the grand jury which then decides whether there is sufficient evidence to charge an individual, which is called an indictment.

05:43-05:56 Other settings include juvenile court in the case of truancy by a Deaf student or sexual and/ or physical abuse of Deaf youth by adults, etc.

05:57-06:08 Probate is a legal process of administering a person's will after their death. For example, in a case where a Deaf couple divorces, the death of a Deaf person may necessitate legal determinations regarding the handling of their will.

06:09-06:11 Other legal processes involve child custody or guardianship.

06:12-06:27 Restraining or protection orders can be filed in probate, criminal, juvenile or housing court. Finally, legal situations may involve victims of crime (e.g., rape) or witnesses to crime.

06:28-06:31 Again, there are many different situations that fall under the term 'legal settings.'

06:31-06:40 [Slide text: What the research says. According to the American Bar Association, a survey by the World Justice Project found that: "...49% of people experienced at least one legal problem in the past two years..."]

06:41-06:50 [Slide text: ... Only 29% of those with legal problems recognized that their issue was legal in nature...]

06:51-07:00 [Slide text: ...Twenty-nine percent said they experienced physical or stress-related ill health as a result of the legal problem...]

07:01-07:10 [Slide text: ...23% said they lost their job or had to relocate." (ABA Journal)]

07:11-07:20 [Slide text: When Deaf, DeafDisabled, DeafBlind, or Hard of Hearing VR consumers experience legal issues, access to effective communication adds an additional layer of complication.]

07:21-06:42 [Slide text: The Importance of Competence in Legal Interpreting. "Working in the legal setting requires advanced interpreting competence, including the ability to fluently execute consecutive and simultaneous interpreting of complex texts, work effectively in teams

(particularly the ability to work collaboratively with Deaf Interpreters), and to adapt language use to a wide range of sign language users.

Further, it requires an in-depth understanding of law enforcement and the legal system... Highly qualified interpreters are needed to work in legal settings- particularly in court and law enforcement proceedings where matters are high-risk and personal freedoms are often the focus." (Project CLIMB, 2020)]

07:43-07:47 [Visual description: a gold scale of justice. Slide text: Case Studies]

07:48-07:56 [Visual description: two images: a small chalkboard with the words BANKRUPTCY COURT written on it in white chalk next to a pair of glasses and a journal with a pen sitting on it, and a car windshield with a parking ticket tucked under its driver side windshield wiper. Text: Case Studies- Financial Situations: bankruptcy, unpaid parking tickets]

07:57 [Visual description:a woman wearing a purple collared shirt and a black suit jacket signing in ASL in front of a mottled blue backdrop. Text: Kelly Decker, UNC- Project CLIMB Instructional Coordinator]

07:57-08-14 Kelly Decker>> We'll now explore several case studies that illustrate ways in which involvement in the legal system may impact the ability of a Deaf VR consumer to obtain or maintain competitive employment.

08:15-08:56 The first focuses on the impact of financial situations on employment, such as bankruptcy court. Even after a person has gone through the process filing for bankruptcy, there can be lasting negative impacts. A person may realize that their previous bankruptcy filing can interfere with future job searches, especially if the job candidate applies for

a finance-related position (e.g., accounting, banking, or payroll). These jobs might require a credit check and/ or financial history as part of the application process.

08:58-09:10 While a potential employer must ask permission to run a credit check and an applicant has the ability to refuse, employers may decline to hire such applicants. Thus, financial situations can have an impact on VR consumers.

09:11-9:22 Another example of a financial situation that falls under legal settings: unpaid parking tickets. While this may seem like a relatively benign situation that can be easily resolved with a quick trip to the courthouse, but on the contrary, for many Deaf people this can be a lengthy and frustrating legal process fraught with delays and a lack of qualified legal interpreters.

09:25-09:40 These barriers can lead to increased fines, confusing repayment schedules, and a complicated procedure in a system that can be challenging to navigate. Access to clear communication is imperative so the Deaf person has a full and nuanced understanding of everything that needs to happen in order to satisfy the requirements of the court.

09:40-10:06 A single missed payment or inability to pay the citation or late fees due to indigence may result in the suspension or revocation of one's driver's license. One can also have their vehicle towed away or booted. For many, lack of a driver's license or reliable transportation can make obtaining or maintaining a job difficult.

10:07-10:16 [Visual description: two images: a gavel and a metal desk name plate with the words COURT ORDER engraved on it. Text: Case Studies-Court Orders, Protection orders, SA Treatment]

10:17-10:27 Kelly Decker>> The next case study examines the impact of court orders on VR consumers. Specifically, protection orders (POs).

10:29-10:33 [Slide text: According a national resource center known as Workplaces Respond to Domestic and Sexual Violence, “An employee who has obtained – or is considering obtaining – a Protection Order may become increasingly distracted or absent from work because of their personal safety concerns...”]

10:33-10:38 [Slide text: ...obtaining and enforcing a Protection Order may necessitate several court visits that require the employee to be absent from work...

10:38-10:47 [Slide text:... A Protection Order may include a “stay-away” provision requiring that the parties maintain a certain distance away from each other, or may specifically prohibit the alleged perpetrator of violence from entering the workplace. Such provisions are particularly complicated when the parties to a Protection Order are co-workers.”]

10:47-11:07 Kelly Decker>> The previous quotes describe the many challenges a person may face related to a PO. If a person is in need of protection due to threats made by another individual, they may feel afraid for their safety and wish to legally prevent the harassment. This requires the petitioner to file paperwork in court to request a formal protection order by the judge.

11:09-11:39 This is a complex legal process that can be both traumatic and triggering, as the petitioner must recount instances of violence, threats or

harassment again and again. The process requires considerable time spent on filing paperwork and multiple court appearances, all of which can impact the ability to obtain and maintain employment, not only due to the burden of its emotional and psychological toll but also the onerous time spent away from work to go to the courthouse, sitting for hours waiting to be called by the judge, and engaging in the time consuming legal process of the PO petition.

11:39-11:58 Not only does the process itself impact a VR consumer's ability to work, but the judge's decision can also affect the VR consumer's workplace. The judge's decision is a legal document that lays out the rules of a 'stay away' order. It is crucial that the rules of the order are clearly communicated to the Deaf individual (by a qualified legal interpreter), and very important that each and every stipulation of the order is clearly understood.

11:59-12:07 If the petitioner and the person who received the PO are co-workers, this is especially impactful on a consumer's work environment. Protocols must be in place to avoid violation of the order.

12:08-12:23 In cases where they do not work together, the 'stay away' order still applies at the workplace and an alleged perpetrator is still prohibited from approaching an employee at work.

12:23-12:30 This underscores the importance of clear communication of the rules of the protection order and a thorough understanding of the distance that shall be maintained between the individuals involved.

12:30-12:37 Court-ordered substance abuse treatment can also impact a consumer's ability to obtain and maintain employment.

12:37-12:47 A judge may commit a person to months-long inpatient treatment (hospitalization), weekly outpatient treatment including both group and individual counseling, or other types of rehabilitation treatment, all of which can impact a person's employment.

12:53-13:09 Treatment may cause an employee to miss work, may include suspension of one's driver's license, and incur costly fines.

13:09-13:14 Again, these sanctions can impact a person's ability to obtain or maintain employment.

13:16-13:22 Clear communication (qualified legal interpreters) is paramount so the Deaf person knows what is expected and required of them.

13:22-13:28 This two-way communication must be clear both from the judge to the Deaf person, and from the Deaf person to the judge.

13:29-13:39 [Slide text: U.S. Department of Justice, Civil Rights Section *ADA requirements Effective Communication*: "The purpose of the effective communication rules is to ensure that the person with a vision, hearing, or speech disability can communicate with, receive information from, and convey information to the covered entity."]

13:39-13:56 Kelly Decker>> All parties must have a clear understanding of the court order so justice is fairly administered. Misunderstandings, lack of clarity or unanswered questions hinder the judicial process and will further impact the VR consumer.

13:56-14:05 [Visual description: two images: a tablet with the definition of divorce on the screen next to a pair of glasses, a fountain pen, and a calculator; and gavel next to a metal desk name plate with the words CHILD CUSTODY engraved on it. Text: Case Studies- Family law: Divorce, Custody]

14:05-14:15 Kelly Decker>> A VR consumer's involvement with family court can also negatively impact their employment. Two examples include divorce and child custody/ visitation.

14:15-14:29 Divorce can result in several negative impacts on the consumer, including relocation, life disruptions, and financial impacts.

14:29-14:32 Divorce may incur additional expenses and create an unsettled financial situation for those involved.

14:32-14:50 There may be issues related to child custody that require a person's attention, such as visitation scheduling and navigating new family dynamics. It may be difficult to balance work and child care, and one's life may seem upended as they figure out how to rebuild and reorganize their life in a new way.

14:51-15:02 It is imperative to consider how such systemic and communication barriers affect employment when working with Deaf VR consumers.

15:03-15:11 [Visual description: two images: a tablet with the definition of appeal on the screen next to a pair of glasses, a fountain pen, and a calculator. Text: Case Studies- VR-related appeal processes]

15:12-15:20 Kelly Decker>> VR has its own appeal process to address consumer grievances.

15:20-15:40 This provides a systemic approach to honoring a VR consumer's complaint while at the same time, honoring the VR process. This can be a lengthy process and access to effective communication is important throughout.

15:40-15:43 The process itself can impact a Deaf consumer's ability to obtain and maintain employment.

15:44-20:44 [Slide text: Discussion Break (5 minutes) What other legal settings might DeafDisabled, DeafBlind or Hard of Hearing VR consumers encounter? How might these legal settings impact the ability of Deaf, DeafDisabled, DeafBlind or Hard of Hearing VR consumers to obtain or maintain competitive employment?]

20:45-20:48 [Visual description: gold scale of justice. Slide text: Legal Interpreting- Resources]

20:48-20:55 [Slide text: Resources about Legal Interpreting

- UNC - Project CLIMB: <https://www.unco.edu/project-climb/>
- National Consortium of State Courts
<https://www.ncsc.org/information-and-resources/state-court-websites>
- NAJIT <https://najit.org/resources/the-profession/#faq>
- Future Project CLIMB webinars!]

20:55-20:59 [Slide text: Other resources. 'Few people seek legal solutions to their justice problems, worldwide survey finds' (ABA Journal)

<https://www.abajournal.com/news/article/few-people-seek-legal-solutions-to-their-legal-problems-worldwide-survey-finds>; Protection Order Guide (Workplaces Respond)

<https://www.workplacesrespond.org/resource-library/protection-orders/>; ‘ADA Requirements: Effective Communication’ (U.S. Department of Justice Civil Rights Division) <https://www.ada.gov/effective-comm.htm>]

21:00-21:07 [Thank you- **Kristen Rhinehart-Fernandez, Project Officer** Department of Education, Rehabilitation Services Administration; **Josh Mendelsohn, Assistant Commissioner**, Massachusetts Rehabilitation Commission; Coordination & Technical support from University of Northern Colorado - Department of ASL & Interpreting Studies]

21:07-21:16 [Slide text: Join our mailing list; Connect with us by email at projectclimb@unco.edu; unco.edu/project-climb; National Clearinghouse of Rehabilitation Training Materials (logo) for additional interpreting resources, visit ncrtm.ed.gov]

21:17-21:28 [Visual description: ‘Color ASL,’ a painting by Deaf artist Nancy Rourke. Slide text: University of Northern Colorado Project CLIMB- Cultivating Legal Interpreters from Minority Backgrounds. The contents of this communication were developed under a grant (#H160D160001) from the US Department of Education, Rehabilitation Services Administration. The contents do not necessarily represent the policy of the Department of Education and you should not assume endorsement by the Federal government. Email projectclimb@unco.edu or visit unco.edu/project-climb/]