

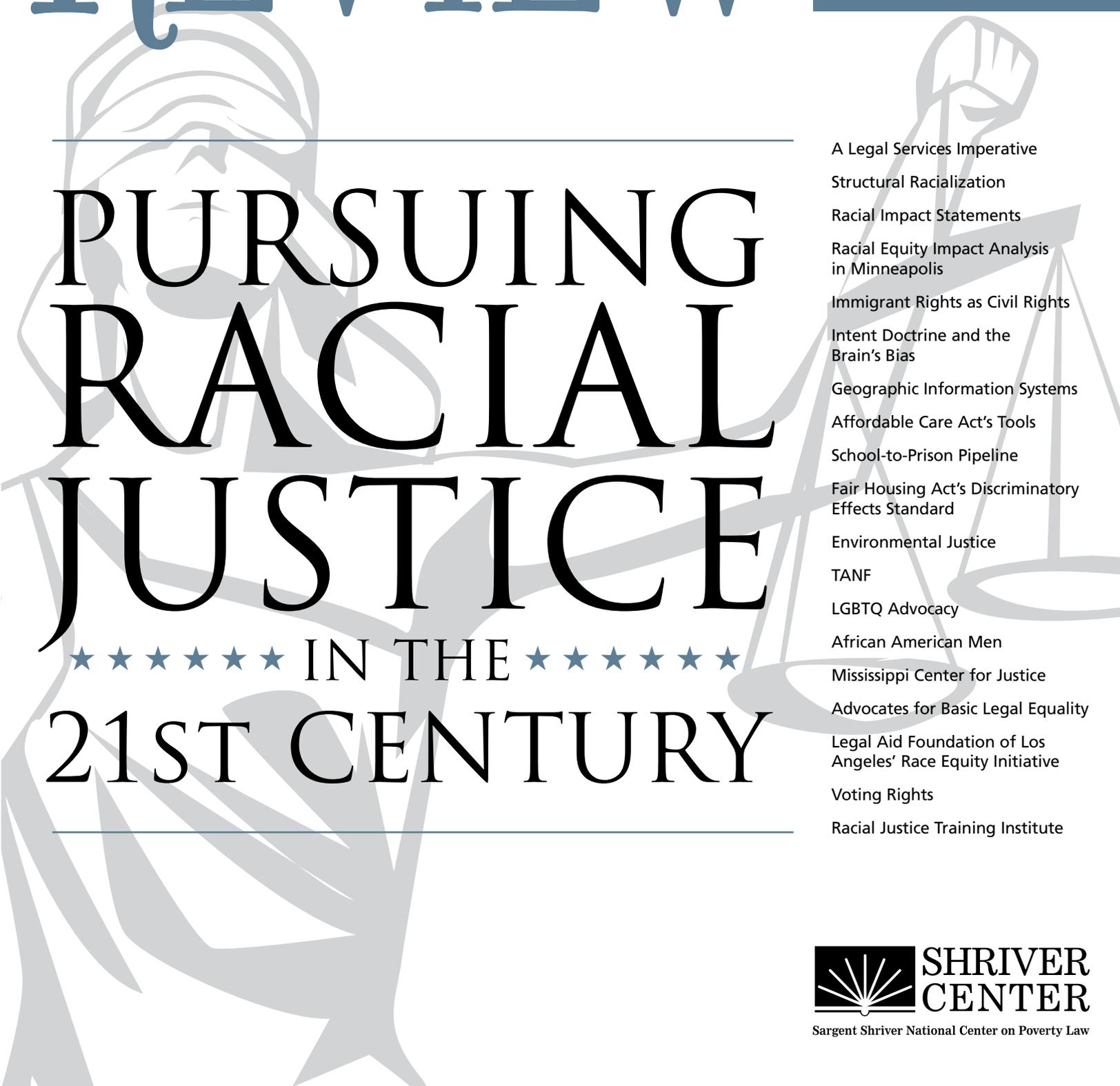
Clearinghouse REVIEW

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PURSUING RACIAL JUSTICE

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21ST CENTURY



A Legal Services Imperative
Structural Racialization
Racial Impact Statements
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in Minneapolis
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Voting Rights
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Sargent Shriver National Center on Poverty Law



Launching a Race Equity Project in the *City of Angels*

By Nicole M. Perez, Sotivear Sim, Angela Turner, and Silvia Argueta

You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, “you are free to compete with all the others,” and still justly believe that you have been completely fair. Thus it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates.

—Lyndon B. Johnson¹

Nicole M. Perez
Staff Attorney

Sotivear Sim
Staff Attorney

Angela Turner
Staff Attorney

Silvia Argueta
Executive Director

Legal Aid Foundation of Los Angeles
1102 S. Crenshaw Blvd.
Los Angeles, CA 90019
800.399.4529
Nperez@lafila.org
Ssim@lafila.org
Aturner@lafila.org
Sargueta@lafila.org

This is a case study about Legal Aid Foundation of Los Angeles launching a racial justice project. Dubbed the “Race Equity Initiative,” the project was created so that we, a large and diverse legal services organization, could become more fluent in the changing conversation about racial inequality.

Legal Aid Foundation of Los Angeles’ Race Equity Initiative held its first meeting in March 2013 and is still in its infancy. While the initiative adopted many of the tenets set forth by Legal Services of Northern California’s Race Equity Project, we have devoted considerable attention to adapting the initiative to the foundation’s structure, culture, and highly diverse service area.² The following are the very first steps that we have taken to become a more race-conscious law firm. We hope that other poverty law organizations will find these steps useful as these organizations, too, put the issue of race back on the table.

About Legal Aid Foundation of Los Angeles and Our County

For nearly eighty-five years, the Legal Aid Foundation of Los Angeles has been providing free civil legal services to low-income people in Los Angeles County.³ Now with

¹Pres. Lyndon B. Johnson, Commencement Address at Howard University (June 4, 1965), <http://goo.gl/2bGef> (“To Fulfill These Rights”).

²Mona Tawatao et al., *Instituting a Race-Conscious Practice in Legal Aid: One Program’s Effort*, 42 CLEARINGHOUSE REVIEW 48 (May–June 2008).

³Legal Aid Foundation of Los Angeles is the first place where thousands of poor people turn to when they need legal assistance in a crisis that threatens their shelter, health, and livelihood. For more information about Legal Aid Foundation of Los Angeles’ mission and priorities, visit our website, <http://www.lafila.org>.

six neighborhood offices, three domestic violence clinics, and four self-help legal access centers, the foundation is one of the largest legal aid organizations in the country. Our staff of 145, including 56 attorneys, provide legal services in housing and eviction defense, government benefits, family law and domestic violence, consumer, employment, immigration law, and community economic development; we also provide services through the Asian Pacific Islander Community Outreach Unit. We also have three special outreach projects: the Veterans Justice Center, the Greater Long Beach Community Medical-Legal Partnership, and the Torture Survivors Project.

The foundation's service area covers a large swath of Los Angeles County, including the cities of Los Angeles, Long Beach, and Santa Monica. Los Angeles County is the most populous in the country, with an estimated ten million people.⁴ It is also one of the most racially and ethnically diverse. As of the 2010 census, the foundation's service area is Latino/Hispanic (48.4 percent), white (26.2 percent), Asian/Pacific Islander (11.7 percent), black (11.1 percent), other (2.4 percent), and Native American (0.2 percent).⁵

Despite its rich diversity, Los Angeles is hardly a melting pot. Ethnic enclaves, both large and small, are ubiquitous. Some of the largest and most well-known enclaves in our service area include La-

tininos on the east side, whites on the west side, blacks in south Los Angeles, and Koreans in Koreatown.⁶ Smaller niches, aptly named, include Little Armenia, Little Tokyo, and Little Ethiopia.⁷ The foundation has a sustained presence in our varied communities and well-developed collaborations with community stakeholders and is positioned to institute a race equity practice.

Why and How the Race Equity Initiative Began

In February 2013 Legal Aid Foundation of Los Angeles held its semiannual all-attorney meeting near Dodgers Stadium. Keynote speaker and presenter William Kennedy, managing attorney of Legal Services of Northern California's Sacramento Office, shared information about his organization's efforts to implement a race-conscious legal practice. Kennedy relayed compelling statistics, scholarship, and stories to demonstrate that racial inequality persists, despite significant advances made by the civil rights movement and its legacy.⁸ Kennedy also gave a broad overview of the application of race equity tools in combating racial inequality, with special presentations on social cognition, implicit bias, and framing.⁹

The energy at the meeting was palpable, and many attorneys expressed a sincere desire to implement a programwide race-conscious practice at our foundation. To gain momentum, the founda-

⁴U.S. Census Bureau, Los Angeles County, California, People Quick Facts (June 27, 2013), <http://goo.gl/Cys4hV>.

⁵U.S. CENSUS BUREAU, DECENNIAL CENSUS (2010). This information is based on a map created by using data and mapping tools found on the Healthy City website, <http://www.healthycity.org/>.

⁶James P. Allen & Eugene Turner, Association of American Geographers, Ethnic Change and Enclaves in Los Angeles (March 8, 2013), <http://goo.gl/JfokGX>.

⁷Disparate racial outcomes are common in Los Angeles' highly segregated communities. Within the schools, for example, minority students are more likely to attend schools that are both majority-minority and majority-free, and this leads to unequal educational opportunities and outcomes (Gary Orfield et al., The Civil Rights Project/Proyecto Derechos Civiles, *Divided We Fail: Segregation and Inequality in the Southland's Schools* (March 18, 2011), <http://goo.gl/Ze5p2T>).

⁸William Kennedy, Managing Attorney, Legal Services of Northern California Sacramento, Keynote Address and Presentations at the Legal Aid Foundation of Los Angeles All-Attorney Staff Meeting: Cognitive Science and the Law and Race-Conscious Framing (Feb. 8, 2013).

⁹Poverty law advocates may employ a wide array of theoretical and practical tools in advancing race equity work. Theoretical tools help us understand how our brains create and understand race; theoretical tools include social cognition, implicit bias, and structural and institutional racism. Practical tools include mapping and the graphical representation of data, framing, community lawyering, and litigation. For a detailed description of race equity tools, see Tawatao et al., *supra* note 2, at 52–56; see also Colin Bailey, Legal Services of Northern California Race Equity Project, Race Equity Tools from the Center for Assessment and Policy Development (Jan. 21, 2010), <http://bit.ly/15MtZlr>, and Bill Kennedy et al., *Framing in Race-Conscious, Antipoverty Advocacy: A Science-Based Guide to Delivering Your Most Persuasive Message*, 43 CLEARINGHOUSE REVIEW 408 (Jan.–Feb. 2010).

tion's executive director, Silvia Argueta, invited a small group of attorneys and paralegals, representing most of our substantive legal areas, to form a racial justice committee. The ad hoc committee held its first meeting in March 2013. At that meeting the committee dubbed itself the Race Equity Initiative and set about to define its mission, objectives, and work plan, described below.

Subsequent Race Equity Initiative meetings, held monthly, finalized specific action items and conducted "train the trainer" presentations on race equity tools, among other activities. As the initiative continues to complete its initial short-term work plan, future meetings will involve reflections on its progress in furthering racial justice in client advocacy and community engagement. The initiative is anticipated to develop a more robust and informed strategic plan to direct its work.

The Race Equity Initiative's First Strategic Plan

Legal Aid Foundation of Los Angeles' Race Equity Initiative was established with the understanding that racial justice could not be achieved by avoiding discussions about race and that the foundation would need to tackle racial inequality head-on. These underlying principles guided the initiative's first strategic plan, which consists of intentionally broad long-term goals and discrete action items.

Goal 1: Enhance Legal Aid Foundation of Los Angeles' Organizational Competency in Working with and on Behalf of Communities of Color. Initial action items included surveying staff members to gauge their impressions of organizational cultural competency and creating and analyzing detailed maps of the foundation's service area, caseloads, and race equity work.

Goal 2: Train All Staff, Including Administrative, Support, and Advocacy Staff, on Race Equity Tools. Initial action items were surveying staff members to determine familiarity with race equity tools; conducting social cognition and

implicit bias training for staff members who did not attend the all-attorney meeting; holding "train the trainer" presentations for Race Equity Initiative members; and facilitating a presentation at the foundation's next all-staff meeting.

Goal 3: Provide Technical Support to Staff Engaged in Race Equity Work. Initial action items included surveying staff to identify implicit and explicit programwide race-based work, and reviewing critical race theory scholarship to expand the Race Equity Initiative's knowledge base.

Goal 4: Engage in Community Education Around Racial Justice. Initial action items included identifying opportunities for community-based collaborations, policy advocacy, and publication.

The Race Equity Initiative All-Staff Survey

The Race Equity Initiative decided at its first meeting that an all-staff survey would be an appropriate first step to guide and inform its work. A subcommittee was formed to draft, disseminate, and evaluate the survey and its responses.

The all-staff survey had two primary objectives: to gauge staff and organizational cultural competency and to identify specific ways in which the Race Equity Initiative might enhance Legal Aid Foundation of Los Angeles' race equity work. The survey was also the second all-staff introduction to the initiative, the first being an e-mail introduction sent just days prior by the foundation's executive director. Initiative members sought to draft a brief and accessible instrument that adopted a nonjudgmental tone while eliciting useful information. Drafting a survey that met these goals proved challenging, and several revisions were completed before staff dissemination.

The ten-question survey was administered through a free online survey website. All responses were anonymous and reviewed only by members of the subcommittee. Sixty-six percent of staff responded to the survey.

Key Findings and Implications for the Race Equity Initiative

The survey's findings were telling.

1. As an Organization, We Are Not Talking About Race. Discussions regarding race and ethnicity are conspicuously absent in our work, survey responses confirmed. Generally administrative staff members—development, human resources, accounting, and information technology—discuss race only when reporting data for grant writing and auditing purposes. Support staff members—receptionists and secretaries—rarely, if ever, discuss race. And a majority of advocates—paralegals and attorneys—discuss race only when it is relevant to a client's legal issue or when the paralegal or attorney is engaged in community or policy advocacy. A subset of attorneys report, however, that they often consider race in their casework and advocacy, although many were unable to articulate specific examples.

The absence of race-based discourse has major implications for the Race Equity Initiative. First, the initiative must begin the conversation and assist staff in identifying race-based work. Second, the initiative must create space within the organization and facilitate the conversation. And, third, the initiative must provide staff with race-equity tools in order to keep the conversation flowing.

2. Language Access Is Too Often Conflated with Race Equity. When asked which of the foundation's policies and behavior promote race equity, staff almost exclusively listed the foundation's language access policies. When asked which of the foundation's policies and behavior could be improved, staff again suggested expanding our already comprehensive language equity system. This conflation with language and race makes sense given the foundation's structure and culture.

The foundation's Asian Pacific Islander Community Outreach Unit is unique among legal services and provides monolingual and limited-English-proficient Asian Pacific Islander clients access to our services through bilingual and bicultural staff, dedicated language lines, and regular legal clinics at community-based organizations. The unit regularly trains staff on language access issues, and advocates foundationwide are engaged in language-based litigation and policy work.

Nonetheless eliminating language barriers is but one component of race equity work. The Race Equity Initiative is challenged, then, to promote that race, in and of itself, still matters. To do so, the initiative will infuse what is called an intersectionalist understanding of oppression in staff training sessions, meetings, and case reviews.¹⁰

3. Debunking the Myth of Color Blindness Is a Starting Point. Fifty percent of survey responders believe they are "almost always" or "often" color-blind with clients. Color blindness, in this context, means that staff members believe that they do not see or think of clients in terms of their race or ethnicity.

That half of respondents adopt a color-blind framework is hardly surprising. In California the repeal of affirmative action signaled a resurgence in meritocracy—a system in which persons are judged exclusively by their individual ability and achievements. But a growing body of literature finds that this color-blind system, even when well intentioned, actually perpetuates racism.¹¹

To begin debunking the idea that we can see others without seeing them in terms of race and ethnicity, all staff members were trained on social cognition and implicit bias. The training, discussed below, uses psychology to delve into the subtle and perhaps even unconscious bi-

¹⁰Intersectionality is the concept that multiple biological, social, and cultural categories, such as race, gender, class, language, ability, and sexual orientation, interrelate to create and sustain various systems of oppression (see generally Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color*, 43 *STANFORD LAW REVIEW* 1241 (1991)). See also Natalíe Lorraine Ortega & Dominique Apollon, *Racial Justice and LGBTQ Advocacy: Evolving Intersectionally*, in this issue, for a discussion of the intersectionality of race, sexual orientation, gender identity, and gender expression.

¹¹See generally TIM WISE, *COLORBLIND: THE RISE OF POST-RACIAL POLITICS AND THE RETREAT FROM RACIAL EQUITY* (2010); Evan P. Apfelbaum et al., *Racial Color Blindness: Emergence, Practice, and Implications*, 21 *CURRENT DIRECTIONS IN PSYCHOLOGICAL SCIENCE* 205 (2012).

ases that everyone has toward particular groups of people. Subsequent Race Equity Initiative training on structural racism and community lawyering will allow staff members to discuss the political and cultural consequences of color blindness.

4. When Asked, Staff Members Overwhelmingly Want to Put Race on the Table.

The final question of the survey asked staff members how the Race Equity Initiative could support their work and enhance Legal Aid Foundation of Los Angeles' advocacy with and on behalf of communities of color. A vast majority requested cultural competency training, and a majority of attorney and paralegal responders requested training on race equity tools such as mapping and community lawyering. Staff members also encouraged the initiative to look at the foundation's structure to ensure that we are fully accessible to the diverse communities within our service area. Per staff recommendations, the initiative will revise its action plan to include individual and organizational cultural competency training. Through such training and critical race-based analysis, the initiative will foster a more open environment for staff, clients, and community partners to discuss and achieve race equity.

Training Support Staff on Social Cognition and Implicit Bias

Few ideas are as easy to learn and difficult to forget as race. Few aspects of our social world are as attention-demanding or difficult to ignore as race. Few beliefs are as systematically distorted and distorting as race. Few ideas are as mundane and as powerful as race.

—Lawrence A. Hirschfeld¹²

At Legal Aid Foundation of Los Angeles' all-attorney meeting, staff attorneys learned about social cognition and implicit bias as race equity tools to handle racial inequality. Social cognition is the

science of how our brain receives, processes, retrieves, and sorts information. One branch of social cognition finds that people use unconscious mental processes to categorize information. These implicit biases influence people's decision making and their behavior and can unwittingly lead to prejudice and negative disparate treatment.¹³

At the Race Equity Initiative's first meeting, a subcommittee was formed to share the race equity tools with, among others, frontline support staff members, who are often the first point of contact for clients and the community. Our hope was that having discussions about racism would no longer be considered taboo and that such taboo would instead be replaced by a foundational understanding of implicit bias, an understanding that would equip staff with a new lens to discuss and analyze racism and result in productive conversations on racial inequality.

Legal Aid Foundation of Los Angeles is a large organization, and over fifty support staff members, administrators, and paralegals were encouraged to attend. Coordinating a training of this size took several weeks and considerable thought. One early scenario was to close the organization for a day and train the entire staff. This was quickly dismissed because it would have led to a major disruption of client services. The second plan was to have a Race Equity Initiative "road show" that would present at each of the foundation's six community offices. This would have required coordinating coverage of our reception, hotlines, and clinics. Although this option would have caused the least amount of disruption to client services, it became unreasonable due to scheduling conflicts. Ultimately, in order to accommodate multiple schedules while minimizing client disruption, two identical ninety-minute presentations were delivered at two office locations on two separate days. The first presentation was during the foundation's quarterly intake screener and receptionist meet-

¹²Lawrence A. Hirschfeld, *Children's Developing Conceptions of Race*, in *HANDBOOK OF RACE, RACISM, AND THE DEVELOPING CHILD* (Stephen M. Quintana & Clark McKown eds., 2008).

¹³Eva Paterson et al., *The Id, the Ego, and Equal Protection in the 21st Century*, 40 *CONNECTICUT LAW REVIEW* 1175 (2008).

ing. The second presentation was on the following day in our main office, which houses all administrative and many support staff members. Forty-two staff members participated.

Besides coordinating training logistics, the subcommittee was responsible for modifying the training to be more relevant to support staff. The subcommittee had to condense Kennedy's four-hour training to ninety minutes and remove and modify overly technical slides such as those on the intent doctrine.

The second presentation used a series of visual exercises to demonstrate the concepts of social cognition and implicit bias. The trainers gave examples of implicit bias that may play out in an office setting and in the outside world. At the end of each presentation, fifteen minutes were left for discussion, and participants were asked to complete an evaluation form. The purpose of the form was to gauge participants' thoughts on the importance and usefulness of social cognition and implicit bias to their work.

The evaluation responses were overwhelmingly positive. Participants commented that being aware of their implicit biases and countering those biases will

help them in their work. Participants also requested additional examples of how social cognition and implicit bias can be applied to the foundation's offices and their specific duties. Given this feedback, the initiative will draft a series of specific examples to be discussed at staff meetings and case reviews.



Legal Aid Foundation of Los Angeles, a large civil legal services organization in diverse Los Angeles County, cemented its commitment to racial justice with the establishment of its Race Equity Initiative in March 2013. In a few short months, the nascent initiative has drafted a strategic plan, assessed staff and organizational race equity competency, and trained support staff on social cognition and implicit bias. While the foundation has significant race equity work ahead, these first steps planted the seed for further conversation about the role of race in our client advocacy and community engagement. We hope other organizations find the description of these first steps useful when developing a race-conscious practice in the fight for social justice.



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