A Case Study: Lawyering to Meet the Needs of Monolingual Asian and Pacific Islander Communities in Los Angeles

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Ji Hyun met her husband, a U.S. citizen, in Korea; they got married in 1996.[1] *They met through mutual acquaintances when he was in Korea on business. Hoping to start a new life, Ji Hyun moved to the United States. She came on a visitor's visa because getting one was faster than waiting for a green card. Her husband promised to fill out the paperwork so she could get her green card.*

Upon arriving, Ji Hyun felt isolated, even though she and her husband lived in Los Angeles' Koreatown. Furthermore, her husband's business was not doing very well. Ji Hyun started working at a restaurant in Koreatown, getting cash under the table, to make some extra money. She started feeling more comfortable and made a few friends.

Ji Hyun's husband, a heavy drinker, began drinking more because of their financial hardships. He did not like Ji Hyun making friends and starting to become independent. He would get angry with her for no reason. One night he got angry and pushed her down onto the couch. He put his hands on her throat and told her that she had to obey him. He told her she was not to go out with her work friends anymore.

Ji Hyun became scared but did not know what to do. She thought about leaving him and called her family in Korea. They told her that men were just like that and that she should try harder. Soon after this incident, Ji Hyun found out that she was pregnant. She decided to stay and try to make it work for the family.

Things did not change—in fact the abuse worsened. Ji Hyun's husband began monitoring all her actions. He once found her with her friends, pushed her down on the ground, and dragged her by the hair to take her home. That she was pregnant did not matter; he pushed her and hit her on the head and other areas where bruises would not be apparent. Sometimes, however, he was very loving, and these moments sustained her and gave her hope that he might change.

Ji Hyun had a son in 1998 and stayed home with the baby to take care of him and her husband. However, the abuse continued. Whenever Ji Hyun asked her husband whether he had prepared the paperwork for her green card, he would get angry and tell her that she just should be grateful to be here. When he hit her, he almost always threatened to send her back, without the baby, to Korea. Ji Hyun felt trapped, with no outlet, and continued living in fear of the next time her husband would explode.

What options are available to women like Ji Hyun? On a number of different levels, Ji Hyun will face roadblocks everywhere she turns due to linguistic and cultural

[1] Pseudonym used.

barriers. How is she to know that shelters are available where she can go with her son? Even if she finds one, she most likely will have difficulty communicating with the shelter staff. If she wants to get government benefits, how will she know how to fill out the forms? How will she be able to communicate with the eligibility workers at the welfare office? When she tries to navigate the court system, who will help her fill out the paperwork needed for a restraining order? For custody and child support? For her green card? Will anyone explain the American adversarial legal system to her? Will anyone quell her fears of deportation?

Most mainstream legal services organizations are not equipped to assist Ji Hyun and address the myriad of cultural, emotional, and legal issues she brings.[2] Many organizations have intake procedures setup based on English-speaking, and sometimes Spanish-speaking, populations. Some have automated telephone lines, usually in English and Spanish, with prompts for the type of legal problem. Others have face-to-face intake clinics, but rarely do the organizations have the language capacity to accommodate all the different Asian and Pacific Islander, or API, languages and dialects.[3]

In this article I present a case study of how the Legal Aid Foundation of Los Angeles, or LAFLA, has approached the challenges of serving monolingual API clients through a closer examination of community needs and establishing partnerships with community and legal services groups. I focus on LAFLA because it is one of the largest legal services programs in the country and is located in a geographic area that is home to one of the nation's largest API immigrant populations. As a result, the strategies, gains, and challenges found in LAFLA's experiences may prove helpful for other organizations that serve API communities.

I present this case study through the interweaving of an actual client story (with a few facts changed to preserve her anonymity), background information on LAFLA, a historical overview of experiences that API communities have faced, theoretical approaches to providing legal services to low-income API immigrant communities, and strategies for putting theories into practice. By presenting discussions on these topics, I do not intend to propose one single method for effectively serving API communities. I hope only to memorialize and share some of LAFLA's efforts in Los Angeles so that legal services advocates can proceed with an understanding of how LAFLA went about learning and responding to the needs of monolingual API communities and an understanding of the goals that LAFLA hopes to achieve for these communities.

I. Background on the Legal Aid Foundation of Los Angeles

LAFLA, founded in 1929, has been providing civil legal services to low-income people in metropolitan Los Angeles for more than seventy years. With six neighborhood offices and four courthouse clinics serving communities as diverse as East Los Angeles, the Westside, South Central, Pico-Union, Koreatown, and Long Beach, LAFLA is the first place thousands of poor people turn when they need legal help with crises that threaten their shelter,

[2] In this article the term "mainstream legal services organization" refers to well-established, somewhat larger legal services organizations, many of which receive Legal Services Corporation funding. This term does not include organizations whose mission is founded and based on serving monolingual Asian and Pacific Islander communities. For a list of some of the well-established organizations affording legal services to this community, see *infra* note 48.

[3] The 1990 U.S. census reported that 224 languages, not including various dialects, were spoken in California. *See* Walter R. McDonald & Assocs., 2000 Language Need and Interpreter Use Study 1.2 (2000), www.courtinfo.ca.gov/programs/courtinterpreters/documents/needusestudy.pdf. According to a *Los Angeles Times* editorial by researchers at the University of California–Los Angeles Asian American Education Research Project, more than 300 Asian languages and dialects are spoken among 34 Asian ethnic groups. Victoria Lee-Jerrems & Ellen Wu, *A Crude Way to Teach Asian Pacific Americans English*, L.A. Times, Apr. 19, 1998, www.humnet.ucla.edu/humnet/linguistics/people/grads/macswan/LAT61.htm.

health, and livelihood. LAFLA has a staff of 140, including 50 attorneys, and has an annual operating budget of $11 million. LAFLA provides services in the areas of consumer law, employment law, family law, government benefits, housing law and eviction defense, immigration law, and community economic development. In 2001 LAFLA gave legal assistance to more than 14,000 clients. LAFLA also provided community education and referral information to thousands of others. In total, LAFLA reaches at least an estimated 22,000 people every year.

According to recently released 2000 census numbers, approximately 1.2 million Asians and Pacific Islanders live in Los Angeles County; they constitute more than 13 percent of the total population.[4] The vast majority of this population is foreign-born and limited-English proficient.[5] Despite the resources and expertise available at LAFLA, the diversity and complexity of the API community have posed tremendous challenges to LAFLA's ability to serve monolingual APIs. For many decades, LAFLA's client population did not include large numbers of APIs. That intake procedures were based on methods that were effective for serving mostly English-speaking and Spanish-speaking populations is not surprising.

In the 1980s LAFLA realized that navigating these intake procedures was difficult, if not impossible, for monolingual API speakers. The percentage of APIs in LAFLA's client population was conspicuously low compared to the overall API population in Los Angeles County.[6] As a result, LAFLA formed a task force to study the community's needs and propose changes in LAFLA's service delivery for and outreach to API communities. Task-force members included members of various community organizations serving API populations, representatives of ethnic bar associations, other prominent members of the API community, and key LAFLA staff. This task force recognized that LAFLA's service delivery was based on the needs of current clients and excluded APIs for the most part. As a result, LAFLA was forced to be open to learning about the histories, cultures, and needs of the different API communities in order to change delivery methods to serve these clients effectively.

II. Historical Overview of API Experiences

Because API history largely has been excluded from school textbooks and history lessons, many people in mainstream society, including those who work in legal services, are completely unaware of the struggles and experiences that API immigrant communities have faced. To help advocates understand the complexity and diversity of API communities, in this section I give an overview of API experiences in the United States. This information should help enable readers unfamiliar with API history to begin to understand why these communities continue to face barriers in accessing the justice system.

A. Legal Discrimination

Since their arrival in the United States, APIs have suffered tremendous discrimi-

[4] *See* U.S. Census Bureau, U.S. Dep't of Commerce, Profile of General Demographic Characteristics: 2000 Census of Population and Housing 22 (2001), www.census.gov/prod/cen2000/dp1/2kh06.pdf.

[5] *See* U.S. Census Bureau, Census 2000 Supplementary Survey Profile, Los Angeles County (last modified Mar. 29, 2002), *at* www.census.gov/c2ss/www/Products/Profiles/2000/Tabular/050/05000US060372.htm.

[6] Due to criticism in the late 1980s from the Legal Services Corporation for its low numbers of Asian and Pacific Islander clients, the Legal Aid Foundation of Los Angeles (LAFLA) conducted a one-year needs assessment of its services. Debra Suh, former LAFLA attorney involved in efforts to increase services to API clients, reported that the assessment revealed that about 1 percent of LAFLA's client population was Asian and Pacific Islander. Telephone interview with Debra Suh, executive director of the Center for the Pacific-Asian Family (former LAFLA attorney, 1993–2000) (May 8, 2002). According to the U.S. Census Bureau, Asians and Pacific Islanders made up almost 11 percent of the Los Angeles County population in 1990. *See* U.S. Census Bureau, American FactFinder (last visited May 8, 2002), *at* http://factfinder.census.gov/home/en/decennialdata.html#1990 (go to "Quick Tables" and change geographic selections to specify data for Los Angeles county).

nation. The first group to arrive in the United States in any substantial number was the Chinese Americans in the 1850s.[7] Looking for cheap labor as legalized slavery was ending, the American economy initially encouraged Asians to travel across the Pacific Ocean to work in the United States.[8] Asians were recruited to work in railroad construction, in laundries, as domestic servants, and as sugar cane farmworkers mostly in the American West and what were then the Hawaiian Islands.[9]

Due to white American resistance to the Asian presence, Congress, in the late nineteenth and early twentieth centuries, enacted a series of exclusion laws that regulated, limited, and suspended Asian immigration to the United States.[10] Excluding and deporting Asian immigrants, these laws also forbade Asian immigrants to naturalize as U.S. citizens.[11] Slowly Asian immigrant groups won the right to naturalize; however, not until 1952, with the McCarran-Walter Act (also known as the Immigration and Nationality Act), were all groups of Asian immigrants allowed to naturalize.[12]

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APIs were victims not only of discrimination in immigration and naturalization but also of laws that interfered with their right to work, own property, testify in

[7] *See* SUCHENG CHAN, ASIAN AMERICANS: AN INTERPRETIVE HISTORY 26 (1991).

[8] *See* BILL ONG HING, MAKING AND REMAKING ASIAN AMERICA THROUGH IMMIGRATION POLICY, 1850–1990, at 20 (1993).

[9] *See id.*; CHAN, *supra* note 7, at 27.

[10] Among the many statutes that modified and expanded deportation and exclusion of Asians from the United States were the following: The Page Act of 1875 forbade Chinese, Japanese, and any "Oriental" contract laborers, prostitutes, and criminals from entering the United States. Page Act of 1875, ch. 141, 18 Stat. 477, 477, *superseded in part by and incorporated into* Immigration Act of 1917, ch. 29, 39 Stat. 874, *repealed in part by* Act of October 20, 1974, 88 Stat. 1387. The Page Act, enacted because of fears that all Chinese women were lewd and prostitutes, was overly enforced and effectively precluded all Asian women from entering the United States. *See* HING, *supra* note 8, at 23; JUDY YUNG, UNBOUND FEET 23–24 (1995). The Chinese Exclusion Act of 1882 excluded laborers from entering the United States for ten years. Chinese Exclusion Act of 1882, ch. 126, 22 Stat. 58, 59, *repealed by* Act of December 17, 1943, ch. 344, 57 Stat. 600, 600. A series of laws expanded and extended the Chinese Exclusion Act: the Scott Act of 1888 (among other purposes, prohibiting entry of all Chinese laborers, including barring reentry into the United States of those who had left the United States temporarily), the Geary Act of 1892 (extending the Chinese Exclusion Law of 1882 for another ten years, requiring all Chinese laborers to register with immigration officials, and making those who failed to register within one year of the Act's enactment deportable), the Chinese Exclusion Law of 1904 (making Chinese exclusion permanent), and the Immigration Act of 1924 (effectively barring all Asian immigration until Congress repealed many of these provisions in 1943). Scott Act of 1888, ch. 1064, 25 Stat. 504 (repealed 1943); Geary Act of 1892, ch. 60, 27 Stat. 25 (repealed 1943); Chinese Exclusion Law of 1904, ch. 1630, 33 Stat. 428 (repealed 1943); Immigration Act of 1924, ch. 190, 43 Stat. 152 (repealed 1943); Act of Dec. 17, 1943, ch. 344, 57 Stat. 600 (repealing Scott Act of 1888, Geary Act of 1892, Chinese Exclusion Law of 1904, and Immigration Act of 1924).

[11] In 1870 Congress expanded the Nationality Act of 1790, which afforded the right of naturalization only to "free white persons," to include "aliens of African nativity and to persons of African descent," purposely denying this right to Chinese immigrants. Act of July 14, 1870, ch. 254, 16 Stat. 254, 256; *see* HING, *supra* note 8, at 23. The U.S. Supreme Court held that Asian immigrants were not included within the term "free white persons." *See* United States v. Thind, 261 U.S. 204 (1923); Ozawa v. United States, 260 U.S. 178 (1922).

[12] Immigration and Nationality Act, ch. 477, 66 Stat. 163 (1952) (codified as amended at 8 U.S.C. §§ 1101 *et seq.* (2000)); *see* Robert Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space*, 81 CAL. L. REV. 1243, 1293 (1994).

court, and receive an education.[13] Perhaps the most egregious act of the U.S. government against APIs was the issuance of Executive Order 9066, which relocated and interned more than 110,000 persons of Japanese ancestry during World War II.[14] The civil rights movement of the 1960s and its resulting legislation created an increase in civil rights for APIs as well as other oppressed groups, and the loosening of immigration restrictions in 1965 resulted in an increase in the API population.[15]

B. Stereotypes and the Model Minority Myth

In the 1960s mainstream American attitudes toward APIs changed somewhat. The perceived phenomenal success of APIs for several decades was credited to an Asian culture that breeds hard work, perseverance, strong values, and a strong commitment to education.[16] *U.S. News and World Report* published an article during this time that read:

> [A]t a time when it is being proposed that hundreds of billions be spent to uplift Negroes and other minorities, the nation's 30,000 Chinese are moving ahead on their own . . . with no help from anyone else . . . . Still being taught in Chinatown is the old idea that people should depend on their own efforts . . . not a welfare check.[17]

Many progressives and liberals labeled the praise given to APIs a political tool to combat claims by African Americans and Latinos during the height of the civil rights movement of unequal opportunities and conditions for people of color in the United States.[18] This political maneuver caused much animosity between ethnic and racial groups and has hidden the reality of the poverty and needs of many APIs.[19] In actuality, some characteristics of the Chinatowns of 1960 were a 12.8 percent unemployment rate, a 37 percent poverty rate, and Chinese males making 68 percent of the income of white males.[20]

To fuel the model minority myth, the federal government released census figures in the 1970s that the median family incomes of Chinese and Japanese families were higher than that of non-Hispanic

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[13] *See* Yick Wo v. Hopkins, 118 U.S. 356 (1886) (finding that a prohibition on the operation of laundry businesses violated the Fourteenth Amendment because the law was applied unequally against Chinese-owned businesses); Terrance v. Thompson, 263 U.S. 197 (1923) (upholding a state law forbidding the lease of land to Japanese immigrants); People v. Hall, 4 Cal. 399 (1854) (overturning a conviction because evidence that Chinese witnesses gave was inadmissible under a statute that did not allow "Indians" and "Negroes" to testify against white people); Gong Lum v. Rice, 275 U.S. 78 (1927) (holding that the segregation of Chinese American students was constitutional under the "separate but equal" doctrine).

[14] *See* Angelo Ancheta, Race, Rights, and the Asian American Experience 30–31 (1998). President Roosevelt issued Executive Order 9066 on February 19, 1942, to relocate Japanese Americans from the West Coast into internment camps in the interest of national security. Exec. Order No. 9066, 3 C.F.R. 1092 (1938–1943). The government gave the 110,000 internees only a few days to pack a few personal belongings and placed them in internment camps in the United States for the duration of the war. *See* Ancheta, *supra*, at 30–31. Several Japanese Americans challenged the government action, but the courts never found the relocation to be unconstitutional. *See* Korematsu v. United States, 323 U.S. 214 (1944); Yasui v. United States, 320 U.S. 115 (1943); Hirabayashi v. United States, 320 U.S. 81 (1943).

[15] *See* Ancheta, *supra* note 14, at 34–35 (referring to civil rights legislation barring "discrimination in employment, education, housing, public accommodations, business, and immigration" and citing Immigration Act of 1965, Pub. L. No. 89-236, 79 Stat. 911).

[16] *See* Chan, *supra* note 7, at 167.

[17] David Lawrence, *Success Story of One Minority Group*, U.S. News & World Rep., Dec. 26, 1966, at 73.

[18] *See* Chan, *supra* note 7, at 167.

[19] *See id.*; Ronald Takaki, Strangers from a Different Shore 474 (1989).

[20] *See* Elaine Kim, Asian American Literature: An Introduction to the Writings and Their Social Context 109 (1982).

white families.[21] However, these figures failed to consider that Chinese and Japanese American families had many more workers per family than had non-Hispanic white families.[22] Thus the per-capita income of API families was considerably less than the national average.[23] Moreover, the low unemployment rates for APIs and high employment rates for API women indicated not equal opportunity for APIs but a willingness, due to the reluctance to seek public assistance, to take jobs that were less desirable.[24]

C. Continuing Poverty

Approximately twelve million APIs live in the United States.[25] The U.S. Census Bureau projects that, by the year 2020, twenty million APIs will live in the United States.[26] Unlike the API groups who immigrated to the United States in the 1960s and 1970s for education and employment opportunities, many recent immigrants have come to the United States as refugees, fleeing war-torn conditions in Southeast Asian countries.[27]

APIs living in the United States have a poverty rate of almost 11 percent.[28] Among those who entered the country between 1985 and 1990, the poverty rate is 26 percent.[29] Today the majority of the API poor live in ethnic enclaves.[30] In Los Angeles' Koreatown, the poverty rates are 26 percent for APIs and 67 percent for recent immigrants.[31] In Long Beach's Cambodian community, the poverty rates are 50 percent for APIs and 71 percent for recent immigrants.[32]

The increasing poverty rate of APIs can be attributed to growth and overcrowding driven by immigration, difficulty of cultural adjustment, deteriorating housing conditions, and fierce economic competition.[33] These data show that an inaccurate portrayal of APIs as model minorities has glossed over the API community's needs.

D. Lifestyle and Working Conditions

In the Los Angeles metropolitan area, many API immigrants work within ethnic enclaves in nonmainstream job markets. In Los Angeles County, APIs own approximately 114,462 small businesses—this number comprises about 20 percent of all small businesses in the county and almost

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[21] *See* CHAN, *supra* note 7, at 168 (citing U.S. DEP'T OF HEALTH, EDUC. & WELFARE, A STUDY OF SELECTED SOCIO-ECONOMIC CHARACTERISTICS OF ETHNIC MINORITIES BASED ON THE 1970 CENSUS: VOL. 2—ASIAN AMERICANS 112 (1974)).

[22] *See id.*

[23] *See id.*

[24] *See id.*

[25] *See* JOSEPH DALAKER, U.S. DEP'T OF COMMERCE, POVERTY IN THE UNITED STATES: 2000, at 22 (2001). When I wrote this article, the Census Bureau and other organizations still were analyzing the 2000 census data. As a result, some of the numbers in this section are based on the 2000 data, but most are based on the 1990 census and the 1997 economic census. For updated information, see the Census Bureau's Web site, www.census.gov/main/www/cen2000.html.

[26] *See* Paul Ong & Suzanne J. Hee, *The Growth of the Asian Pacific American Population: Twenty Million in 2020*, *in* THE STATE OF ASIAN PACIFIC AMERICA: POLICY ISSUES TO THE YEAR 2020, at 11, 17 (1993).

[27] *See* CHAN, *supra* note 7, at 151–52.

[28] *See* DALAKER, *supra* note 25, at 22.

[29] *See* Paul Ong & Suzanne J. Hee, *Economic Diversity*, *in* THE STATE OF ASIAN PACIFIC AMERICA: ECONOMIC DIVERSITY, ISSUES AND POLICIES 31, 37 (Paul Ong ed., 1994).

[30] *See* Paul Ong & Karen Umemoto, *Life and Work in the Inner-City*, *in* THE STATE OF ASIAN PACIFIC AMERICA: ECONOMIC DIVERSITY, ISSUES & POLICIES, *supra* note 29, at 94–95.

[31] *See id.*

[32] *See id.* at 95. "Recent immigrants" are those who entered the United States between 1980 and 1990. *See id.*

[33] *See id.* at 96.

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one-half of the minority-owned businesses in Los Angeles County.[34] However, contrary to the popular belief that most API immigrants are business owners, many more are workers.[35]

Although the large number of API business owners often is portrayed as an example of achieving the American Dream, the involvement of APIs—both as owners and as employees—in the entrepreneurship phenomenon is the result of several factors. Many APIs have been shut out of mainstream markets due to language and cultural barriers, inadequate education, and discrimination.[36] Rejected by mainstream American markets, APIs chose other routes for financial stability.

Of Koreans who entered the United States in 1966–1968 through occupational or work-related categories, 71 percent were professional and technical workers in Korea.[37] A survey conducted in 1978 showed that only 35 percent of all those who had such jobs in Korea were working in those fields in the United States.[38] Some had been refused licenses, many had trouble acquiring English skills, and others simply were closed out of white-dominated establishments.[39] Many instead found jobs working in small businesses. These business owners and workers toiled fourteen hours a day, seven days a week, to achieve the American Dream.[40] In the Korean American community, 60 percent of all adult immigrants in Los Angeles work in the small-business sector.[41] The sociologist William Julius Wilson describes these immigrants as living a "bittersweet livelihood," as they sacrifice physical, psychological, family, and social costs for what is at best a modest income.[42]

As a result, many immigrants now are working in businesses in a highly competitive entrepreneurial economy characterized by involvement in service and retail industries, locations in marginal economic sectors, high threats of bankruptcy and low profit margins, few benefits for employees, reliance on unpaid labor of family members, and poor safety nets, such as proper insurance.[43] Further, these businesses often survive on the use of cheap and exploited labor of other API immigrants.[44] Many API immigrants are willing to accept such wages not only for survival but also "to avoid bringing shame upon

[34] *See* U.S. Census Bureau, 1997 Economic Census: Minority- and Women-Owned Businesses, Los Angeles–Long Beach, CA PMSA [Primary Metropolitan Statistical Area] (last modified July 12, 2001), *at* www.census.gov/epcd/mwb97/metro/p4480.html.

[35] *See* Miriam Ching Yoon Louie, Sweatshop Warriors 141 (2001).

[36] *See* Leadership Educ. for Asian Pacifics, Beyond Asian American Poverty 75 (1993).

[37] *See* Takaki, *supra* note 19, at 440.

[38] *See id.*

[39] *See id.*

[40] *See id.* at 439–42.

[41] William Julius Wilson, When Work Disappears: The World of the New Urban Poor 190 (1996).

[42] *Id.*

[43] *See* Leadership Educ. for Asian Pacifics, *supra* note 36, at 77.

[44] Ong & Umemoto, *supra* note 30, at 97.

the family" for being unemployed.[45] Many of these businesses often operate without regard to labor laws and safety standards and are "beyond the control of government regulation in terms of taxes."[46] Thus this hidden and underground economy thrives on tax evasion and exploitation of workers and thereby leaves little room for growth and industry diversification.[47]

III. Theoretical Approaches to Providing Legal Services to Low-Income API Immigrants

The diversity, growth, and development of API communities present numerous challenges for organizations in providing effective legal services. Various factors, such as language barriers, lack of awareness of legal remedies, unwillingness to share personal problems with the outside world, and distrust of government, have prevented many low-income monolingual APIs from seeking legal assistance. The courts, administrative processes, and dispute-resolution services are not equipped to accommodate limited-English-proficient litigants. Furthermore, legal services organizations have failed to conduct appropriate outreach to and education of these API communities. Advocates need to recognize the problems with applying their current service-delivery methods to API communities. Critical race theory offers advocates one framework for analyzing how they can better serve API communities.

A. Common Mistakes

Adapting service-delivery methods to meet the needs of emerging immigrant communities is not an easy task. Many organizations make the mistake of simply trying to fit these new communities into already existing procedures of intake and provision of legal services. Consider the following scenarios:

Ji Hyun calls a legal services intake line and attempts to communicate with the screener in English. The screener does not understand Ji Hyun and starts speaking very loudly into the telephone. Ji Hyun gets startled and hangs up.

Ji Hyun calls another organization that uses a language interpretation service to answer some initial questions. An advocate tells her to go to a courthouse clinic to meet with an attorney and to bring a friend who can translate for her. However, Ji Hyun does not have any friends who are bilingual.

Ji Hyun goes to the courthouse clinic to apply for a restraining order. She does not understand all the different signs, and no one at the various kiosks speaks Korean. All the people and the courtrooms intimidate her. She manages to get the paperwork for a temporary restraining order but cannot fill it out. She goes home. Later she gets some help filling out the paperwork and files it with the court. She does not know how to get her husband served, and there are numerous procedural errors with how the paperwork was filled out and filed. At the hearing, she is unable to get any relief. Afraid of jeopardizing her immigration status and losing custody of her son, Ji Hyun decides not to try again.

Some mainstream legal services organizations simply do not see service to API communities as their responsibility, instead relying on other smaller API-specific organizations.[48] For reasons such as the model minority myth, many organizations do not view API communities as having problems. Although smaller API-

[45] *Id.*

[46] Milyoung Cho, *Overcoming Our Legacy as Cheap Labor, Scabs, and Model Minorities*, *in* THE STATE OF ASIAN AMERICA: ACTIVISM AND RESISTANCE IN THE 1990S 253, 255 (Karen Aguilar-San Juan ed., 1994).

[47] *See id.*

[48] This conclusion is based on referrals I have received from other organizations and clients who indicated that they attempted to receive services from other organizations. Several well-established organizations have a mission to provide legal services to the Asian and Pacific Islander community; they include the Asian Law Caucus (San Francisco, Cal.), founded in 1972; the Asian American Legal Defense and Education Fund (New York, N.Y.), founded in 1974; the Asian Pacific Islander Legal Outreach (formerly Nihonmachi Legal Outreach) (San Francisco, Cal.), founded in 1975; the Asian Law Alliance (San Jose, Cal.), founded in 1977; and the Asian Pacific American Legal Center (Los Angeles, Cal.), founded in 1983.

specific organizations are important and provide a tremendous service to API communities, their existence is not an excuse for other organizations to absolve themselves of their responsibility to serve these communities. These smaller organizations often do not have the same resources and access to funding as mainstream legal services organizations receiving funds from the Legal Services Corporation. Here is another possible scenario:

Ji Hyun contacts a legal services organization. No one speaks Korean, and the legal services worker manages to give her a referral to an API-specific organization that has only three attorneys and a few support staff. Ji Hyun contacts that organization, but its staff are so backed up with cases that they are not able to respond to her right away. When they do contact her, they inform her that they can prepare her paperwork but that they do not have the resources to represent her in court. Ji Hyun becomes discouraged and decides not to proceed.

B. Critical Race Theory

The concept of critical race theory is one framework for analyzing how organizations can focus their efforts on serving API communities. A form of legal scholarship that emerged in the mid-1980s, critical race theory attempts to articulate the perspectives of people of color.[49] Although critical race theory is a complex form of legal scholarship and has no singular definition, many critical race theorists share a few basic tenets.[50] In order to "uncover racist structures in the legal system and ask[] how and whether law is a means to obtain justice," critical race theorists use nontraditional forms of analysis, such as stories, oral histories, journals, and poems, to place race at the center of legal scholarship.[51]

Finding that people of color in particular have had similar experiences in the way the law is applied to them, critical race scholars have coined the term "outsider jurisprudence" to refer to this perspective.[52] Outsider jurisprudence creates a sense of multiple consciousness and invites the listener or reader to see a different point of view. It is "not a random ability to see all points of view, but a deliberate choice to see the world from the standpoint of the oppressed."[53] Outsider jurisprudence seeks to understand how the law has affected people of color differently, argues that current "objective" standards are truly a subjective viewpoint based on the dominant narrative, and advocates more subjectivity in the law.[54]

Because the law was not written for or based on the experiences of outsiders, critical race theorists find it necessary for outsiders to use the law as a tool to fight for equality in the courtroom as well as to fight against the law itself.[55] This duality and seeming contradiction are part of achieving multiple consciousness.[56] Critical race theory is a movement that responds to the failure of law to deal with race-conscious subordination and incorporates nontraditional forms of legal expression to voice outsider jurisprudence.[57] This movement believes that subordinated people speak in a different voice and attempts to explain how the

[49] *See* MARI MATSUDA, *Critical Race Theory*, *in* WHERE IS YOUR BODY? 47 (1996).

[50] *See generally* CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT (Kimberlé Crenshaw et al. eds., 1995).

[51] MATSUDA, *supra* note 49, at 47–51.

[52] *See* Mari Matsuda, *We the People: Jurisprudence in Color*, *in* WHERE IS YOUR BODY?, *supra* note 49, at 21, 22. Outsider jurisprudence recognizes internal struggles and uses contradiction, duality, and ambiguity. Its key elements are "historical memory, duality, criticism, race consciousness, pragmatism, and utopianism." *Id.*

[53] Mari Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 14 WOMEN'S RTS. L. REP. 297, 299 (1992).

[54] *See* Mari J. Matsuda, *Legal Storytelling: Public Response to Racist Speech: Considering the Victim's Story*, 87 MICH. L. REV. 2320, 2323–25 (1989).

[55] *See* Matsuda, *supra* note 53, at 299.

[56] *See id.* at 298–99.

[57] *See* Matsuda, *supra* note 54, at 2324.

law is both a promoter and a result of racism.[58]

1. Critical Race Theory and Legal Services for APIs

Acknowledging the existence of and recognizing the need for an API outsider jurisprudence calls for legal services organizations to reinterpret old legal theories and discover silenced API voices and experiences.[59] In light of the current growing multiculturalism and the unknown and often silenced history of API experiences, that race issues surrounding APIs often are discussed in the context of other minority groups is not surprising. Racist structures may exist in many mainstream legal services organizations because most of them were not founded by or for APIs and other outsider groups. For example, LAFLA, founded in 1929, did not have APIs in mind when structuring a system to serve best the needs of low-income residents of Los Angeles County. The scenarios detailed in section III.A above regarding Ji Hyun's attempts to obtain legal assistance illustrate the failure of organizations to create structures and procedures to provide legal services to API clients. Organizations, upon recognizing their own institutional barriers to serving monolingual API communities, must reinterpret their approach to serving low-income clients and explore new methods that are relevant to communities other than those that they have historically served.

2. Rebellious and Community Lawyering

Within the framework of critical race theory, critical race theorists and practitioners have proposed specific concepts to address the needs of particular communities. The notion of "rebellious lawyering" calls on attorneys to work with subordinated clients, not just on behalf of them.[60] Rebellious lawyering calls on attorneys to work with other professionals and lay allies; to educate those with whom they work—clients and other advocates alike—about legal procedures and lawyering; and to be open to learning from others, "particularly about the traditions and experience of life on the bottom and at the margins."[61]

Gerald P. Lopez's concept of rebellious lawyering is a direct response to what he terms "regnant lawyering." (A Chicano, Lopez is a law professor currently teaching a community outreach, education, and organizing clinic at New York University School of Law.) Regnant lawyering, a traditional liberal approach to lawyering, draws formal and strict distinctions between lawyer and client.[62] Regnant lawyers consider themselves to be the primary problem solvers and honorable heroes in bringing about social justice.[63] Regnant lawyers do not view nontraditional alternatives, such as self-help, organizing, or community education, as important in the legal context.[64] The lawyer proceeds with the case without educating the client about or involving the client in the case.[65] Regnant lawyering fails to take into account the experiences of outsiders and does not define needs from the viewpoint of the outsider community.[66]

In analyzing Lopez's theories of lawyering, Angelo Ancheta, who is an API attorney and community leader, expands Lopez's concept of rebellious lawyering

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[58] *See id.* at 2325 (citing Derrick Bell, And We Are Not Saved (1987)).

[59] *See* Chang, *supra* note 12, at 1246–49; Margaret Chon, *On the Need for Asian American Narratives in Law: Ethnic Specimens, Native Informants, Storytelling and Silences*, 3 Asian Pac. Am. L.J. 4, 11–12 (1995).

[60] *See* Gerald P. Lopez, Rebellious Lawyering: One Chicano's Vision of Progressive Law Practice 37 (1992).

[61] *Id.*

[62] *See id.* at 24.

[63] *See id.*

[64] *See id.*

[65] *See id.*

[66] *See id.*

to "community lawyering."[67] In doing so, Ancheta broadens the concept of "client" to involve all those in the subordinated community.[68] Ancheta argues that this approach brings about institutional social change rather than a single remedy for one client.[69] Community lawyering calls on lawyers constantly to find opportunities to supply narratives of API experiences, whether through individual client representation or in broader community organizing and education efforts.[70] Community lawyers also can collaborate with client communities to combat racial subordination.[71] Community lawyering thereby achieves both a legal remedy for the individual client and empowerment for the community as a whole.[72]

IV. Putting Theories into Practice: LAFLA's Lessons from the Field

LAFLA, engaged in rebellious and community lawyering, began to learn and recognize the needs of API communities. LAFLA recognized that it could not assume that its procedures and priorities were "objective" or at all relevant to API communities. Based on these efforts, LAFLA has made great progress in developing procedures to serve monolingual API communities through partnerships with community-based and other legal services organizations and targeted outreach to API communities.

A. Challenges of Developing Procedures to Serve the API Community

In the 1990s LAFLA launched a pilot project in which it operated language lines in several API languages and started clinics at several community-based organizations. Because LAFLA had no practical entry point for monolingual clients, it designed procedures to give monolingual API clients direct access to LAFLA advocates through telephones and legal clinics in the communities where API clients live and work. In the spirit of rebellious and community lawyering, LAFLA had to learn from the community how to gain its trust, listen to its needs, and provide services in a meaningful and effective way. This project eventually became the Asian and Pacific Islander Community Outreach Unit, a full-fledged unit within LAFLA.

In the API unit's current form, monolingual API clients call language lines and speak with an advocate in Korean, Mandarin, Cantonese, Vietnamese, or Khmer (Cambodian). After the initial intake and consultation, those needing extended service and representation can make appointments to meet with LAFLA attorneys, some of whom are bilingual and others who rely on bilingual staff to interpret. Bilingual volunteers from a language bank interpret in other API languages as needed. To attract bilingual staff, LAFLA offers a monetary bilingual supplement and trains those who are called upon to interpret. LAFLA also recruits heavily at law schools to find dedicated students to staff the language lines and interpret between attorneys and clients.

In developing these new service-delivery methods, LAFLA's API unit has had to address numerous challenges. The API unit discovered that telephone communication was not a preferred method of communication for many clients, particularly the elderly who do not know how to or do not like to leave messages. Many API clients were hesitant to go to LAFLA's existing courthouse clinics because of the daunting nature of the courts, distrust of government generally, and, for some, the inconvenience of the location. The biggest challenge was a lack of resources. How can every organization be called upon to provide services in the many API languages and dialects? Thus having the right theories and approaches to serving API

[67] *See* Angelo Ancheta, *Community Lawyering: Rebellious Lawyering: One Chicano's Vision of Progressive Law Practice*, 81 Cal. L. Rev. 1363, 1389 (1993).

[68] *See id.*

[69] *See id.* at 1391.

[70] *See id.* at 1392–93.

[71] *See id.* at 1393.

[72] *See id.* at 1389.

communities *and* finding funding and staff proved to be major obstacles.

B. Partnerships with Community-Based Organizations and Targeted Outreach

To address these challenges, the API unit sought out partnerships with community-based organizations not only to empower the community but also to make the most efficient use of limited resources. The API unit decided to hold regular legal clinics at community-based organizations to serve clients in a more familiar setting and to leverage resources. After many meetings to map out plans with community-based organizations, the API unit started regular legal clinics. Currently LAFLA's API unit holds eight regular clinics per month at five community-based organizations throughout Los Angeles County. LAFLA's partner organizations provide translation, office space for client interviews, and outreach.[73] API unit staff go to shelters and community-based organizations on an as-needed basis to conduct intake and community education seminars. The API unit staff also meet regularly with these organizations to evaluate whether they are serving the communities' and clients' needs.

In conducting targeted outreach, the API unit finds that different API communities rely on various ethnic press entities for information. Some rely heavily on newspapers; the Los Angeles area Korean community has two daily high-circulation newspapers and numerous other written publications. As a result, LAFLA conducts much of its outreach to this community by writing columns for the newspapers and contacting reporters to publish success stories on LAFLA clients. Other more historically agrarian cultures are less literate, and thus communities comprising such cultures rely more on radio and television for information. LAFLA has worked on public service announcements and has been interviewed on radio shows to conduct outreach. Being sensitive to the diversity within the API community, LAFLA continually seeks to adapt its approaches to conduct effective and culturally appropriate outreach.

C. Partnerships with Legal Services Organizations

Recognizing the importance of coordinating efforts with other legal services organizations, LAFLA is planning a project with three other organizations to serve monolingual API communities better. Called the Asian Language Legal Intake Program, the project brings together staff from LAFLA, the Asian Pacific American Legal Center, the Legal Aid Society of Orange County, and Neighborhood Legal Services of Los Angeles County to conduct joint intake in Asian languages. The project will help enhance and expand LAFLA's existing efforts to serve API communities. The project's goals are to increase capacity to serve monolingual API clients within each organization and collaboratively to provide coordinated and comprehensive access to legal services for monolingual APIs. The four organizations applied jointly for funding. Much of the funding is for staffing and to build a technological infrastructure to connect the four organizations.

The duty of legal services groups to think and act critically to bring about social justice includes the recognition and eradication of existing organizational structures that have the effect of excluding services to Asian and Pacific Islanders and other outsider groups.

The Asian Language Legal Intake Program will begin with two languages, Mandarin and Vietnamese, and has plans to expand to other languages. Through this program, clients will be able to call a central toll-free number, receive extensive counsel and advice in their language, and receive a placement within the appropri-

[73] Our partner organizations include the Chinatown Service Center, Chinatown Senior Citizen Service Center, Korean American Coalition, Korean American Family Service Center, Korean Immigrant Worker Advocates, Little Tokyo Service Center, Thai Community Development Center, United Cambodian Community, and Center for the Pacific-Asian Family.

ate organization for extended service and representation. The four organizations will be linked to a common database for retrieving and sending client information. The program hopes later to incorporate videoconferencing into its procedures.

The collaboration among the four organizations is another example of rebellious and community lawyering. During discussions over the course of a year about procedures for the intake lines, advocates from the four organizations shared ideas about how best to serve the API community. Advocates from the various substantive poverty law areas met to develop joint intake materials and shared their own knowledge of target client communities. Those less familiar with serving API communities learned from those with more experience.

The collaboration resulted in the creation of a system that uses and adapts each organization's strengths to fit the needs of the community. Each organization has agreed to be open to cases and issues that may not necessarily fit within the organization's "priority areas" in order to study and adapt its services to address the legal needs of API communities. Scheduled to be launched in June 2002, the Asian Language Legal Intake Program promises to expand the provision of quality legal services to many more monolingual API clients.

V. Conclusion

Recognizing that traditional methods of legal services delivery have failed to account for the unique needs of APIs, legal services lawyers must expand the definition of lawyering if they are serious about helping all low-income communities become self-sufficient and free from violence and exploitation. As an attorney who is part of the API community, I feel that I have a duty to assist my API clients in overcoming the barriers that they face daily. These barriers serve as a continual reminder that "advocates" like myself, with the necessary language capabilities, social consciousness, and legal tools, have much work to do.

Implementing the principles of rebellious and community lawyering, LAFLA's API unit gave Ji Hyun the following services:

Ji Hyun called LAFLA's Korean language line and spoke in her own language to an advocate who gave her basic information about her legal rights—that she could get a restraining order, custody, support, and even a divorce. The advocate helped clear up some of Ji Hyun's many misconceptions about the legal system, such as that both parties had to agree to get a divorce and that the parties needed a good reason for a divorce, as is the case in Korea. The advocate explained to Ji Hyun the concept of "visitation," including that California family law encourages frequent and continuing contact between the child and both parents. This concept was unfamiliar to Ji Hyun because in Korea, after a divorce, custody usually goes to the father, and the mother is cut off from contacting the children.

The LAFLA advocate encouraged Ji Hyun to call the police to report the abuse and assured her that she would not be deported for doing so. The advocate assured Ji Hyun that she could apply for her own green card and informed her of what types of documents she might need. The advocate helped get Ji Hyun into an API battered women's shelter. A LAFLA attorney met with Ji Hyun at the shelter and began all the court procedures for her. The LAFLA attorney, the shelter advocate, and the client worked together to collect the documents needed to prepare the necessary pleadings and paperwork. Ji Hyun was able to get a restraining order, custody, and child support and apply for her green card; she is awaiting her final divorce trial. Looking forward to a new start in life, Ji Hyun is now in a transitional shelter, where she is learning English and job skills.

How many other Ji Hyuns are out there who do not have any access to legal services organizations or legal remedies? The duty of legal services groups to think and act critically to bring about social justice includes the recognition and eradication of existing organizational structures that have the effect of excluding services to APIs and other outsider groups. I hope that LAFLA and other mainstream legal services organizations will continue to do their part in this struggle by exploring and implementing nontraditional strategies to ensure that all communities have access to justice.