

John Caher: Welcome to Amici, News and Insight from the New York Judiciary and the Unified Court System. Today, we are fortunate to have, as our guest, Joanne Macri.

Joanne is Director of Regional Initiatives for the New York State Office of Indigent Legal Services, where she is engaged in the agency's development and implementation of a network of statewide regional immigration assistance centers.

Prior to joining ILS, Ms. Macri served as the director of Criminal Defense Immigration Project and the Immigration Defense Project of the New York State Defenders Association, where she also provided immigration support to criminal and family law attorneys across New York State, and conducted numerous continuing legal education trainings on the immigration consequences of New York criminal convictions and family-court dispositions.

Joanne is also a member of the Gender Fairness Committee of the Third Judicial District. On November 15th, the Gender Fairness Committee is hosting a continuing legal education program entitled "Speaking the Victim's Language." The focus of this CLE is the challenge of ensuring that domestic-violence victims who are of Limited English Proficiency are able to communicate with those who may be their only hope of salvation and, indeed, survival. The CLE will take place from 12:45 PM to 4 PM at the 3rd Judicial District Training Room in Castleton on the Hudson. To register, please contact Lisa Frisch at [lfrisch@legalproject.org](mailto:lfrisch@legalproject.org).

Joanne, thanks for taking the time to chat with me today. First, could you please just outline the issue that will be addressed at the CLE on November 15th?

Joanne Macri: Sure. What we're going to be focusing on is the idea of speaking to victims of domestic violence in their own language. What that means is addressing the needs of victims of domestic violence who basically face many different barriers—not withstanding the most important one— the ability to communicate, to no longer be "silenced" – including those victims who may be of Limited English Proficiency, as well as those who just have no ability to communicate in the English language.

John Caher: Is there a link between language access and domestic violence?

Joanne Macri: Certainly, there is. To answer that question, I wanted to provide a little context to the population we're dealing with.

It is important to consider the fact that, since 1990, the population of individuals residing in the US with Limited English Proficiency has grown about 80 percent. About 25.2 million, or at least 10 percent of the US population, are individuals who have Limited English Proficiency. Those numbers are expected to continue to grow, particularly in New York State, which is one of the most diverse states in the nation. We have residents from over 200 different countries. In New York, our foreign-born population of residents rose from about 20 percent to over 22 percent since 2000. It makes New York State the home of over 4.4 million foreign-born individuals—again, keeping in mind that over 2.5 million of these individuals, 10 percent of our population, are estimated to have Limited English Proficiency.

For those New York State residents, especially those who need to interact with local and state agencies and non-profits, especially those who are victims of domestic violence, it becomes an insurmountable challenge to communicate the need for assistance they require. This is a particularly important barrier for those who might be suffering from domestic violence who we have often referred to as a vulnerable and “silenced” population. Silence based on their own fear that reporting the abuse might result in additional violence against them, fear of shame, fear of lacking the personal resources and ability to provide for themselves. Now, add the inability to communicate accurately, from their own voice, what they're suffering from.

I think that's the essence of why this program is so vital right now. We've had a lot of situations where immigrants or newly-arrived refugees are afraid to communicate, or might not know how to communicate. If they are victims of domestic violence, that inability to communicate may prevent them from addressing their needs and receiving the services and protection they deserve.

John Caher: It sounds like we've got a new twist on an old problem. The old problem is that domestic violence victims were silenced or unheard, maybe traditionally and historically because no one wanted to listen, or they were afraid to come forward. Now, we've got a somewhat different problem where they're willing to come forward and people are willing to listen, but maybe they can't hear it because of the language. Is that what's going on?

Joanne Macri: That's exactly what's going on. Providing access to languages requires resources. Even with the best of intentions and the resources that

currently exist, with so many different dialects and languages that must be served, the problem still exists that barriers of language prevent delivery of available resources. As I said, we have individuals residing in New York State from over 200 different countries. Accommodating their needs becomes a huge obstacle if we can't accommodate services that are accompanied by a plan to provide appropriate access to languages. One of the things that this program highlights is what's currently available in order to address the needs of victims of domestic violence, and what's required in order to meet those unmet needs, not just at a minimum requirement level, but what we hope to achieve in the years to come.

John Caher: You mentioned services. What services are available, and where are we lacking in services?

Joanne Macri: Interestingly enough, in New York State, we've been fortunate to have had Governor Cuomo sign an Executive Order back on October 6, 2011 that directs state agencies to provide direct public services that includes language-assistance services in their direct services provided to the community. As a result of that, we have a number of state agencies within New York that, as of 2015, have developed and are implementing plans to provide access to language services.

Now, at minimum, there are at least seven identified languages that populate the majority of our New York State residents. They include Spanish, traditional Chinese, Russian, Haitian, Creole, Korean, and Italian. These traditional languages have changed over time. Ten or fifteen years ago, it might have been Spanish, German, Italian, and now we've gone into more complex languages. As a result, many state agencies, if not all state agencies, have a language-access plans to provide services in those identified languages to the communities they serve.

Unfortunately, where we are lacking in language access services, I think, is in some of the more local communities, local services that might be available, where funds, resources, as well as the existence of individuals who can provide certified translation or interpretation services might not exist. That's been a struggle that we continue to try to address.

Going back to victims of domestic violence. We often know that victims of domestic violence are encountered in places and situations that we might not always expect: individuals who might seek assistance at hospitals or in medical facilities; they might be dealing with social service agencies; they might be involved in a family or criminal court matter. Understanding that these agencies have to consider how to communicate with the

communities they serve might, in fact, allow these individuals (those who are identified as victims of domestic violence) to be able to communicate what their needs are with respect to their particular situations of abuse.

John Caher: It sounds like we're not only talking about the language but the culture. For instance, it may be an entirely different dynamic for a woman from Syria to complain about domestic violence by her husband than one from Italy, or Albany, or whatever. Is that the case?

Joanne Macri: That's completely accurate. When I talk about language, access to languages, I also include the need to understand the cultural complexities of each individual. In the communities that I work with, which happens to be the defender community, we will often remind attorneys to look beyond the words spoken to them and to consider the context of those words, and part of that context requires attorneys to develop cultural competency, to really understand the individual from their cultural perspective. When they receive information communicated to them by their clients, it's not just the words that they receive but the cultural context of those words, that should be analyzed and better understood.

What do we understand about that individual when they explain certain things? Many cultures have many different perspectives on how to address domestic violence within their homes. We've had circumstances, for instance, in my prior experience as an immigration attorney, I have spoken with individuals who have grown up with the belief that certain acts of abuse are acceptable within the family. We should make all efforts to bridge that cultural gap to help individuals understand that, when they come to reside within New York State, to live in the U.S., these are things that are not necessarily tolerated, and no longer need to be tolerated, by that individual.

John Caher: That's interesting, and complicated. So, there are lines that you need to get past, because the person from another country where domestic violence is considered tolerable may, in her own mind, think that it is tolerable.

Joanne Macri: Exactly. Also, an individual's cultural background may limit how directly they may communicate with others. They might be providing very limited information regarding their personal abusive situations at home – their cultural background may limit how they express and communicate their fears, any feeling of shame or isolation and other problems related to their encountering abuse as a victim of domestic violence.

In fact, having individuals who really understand how to address the needs of these folks who may be suffering from an abusive relationship but unable to fully communicate their needs is a real challenge but one that is worth addressing particularly because of our changing population of foreign-born individuals who are coming to reside in New York State.

Really, it's been, for myself personally, a wonderful opportunity to work with folks from so many different countries and cultures, because it enriches what "we", as a community, have to offer.

John Caher: It must be fascinating. You spoke of community. The Third Judicial District is a geographically diverse district. We've got a whole lot of rural communities and a handful of medium-size cities. What are we seeing in this region, in this area as a whole?

Joanne Macri: I think the biggest thing that I want to say about this particular judicial district is that the populations are changing. Communities that might not necessarily have been concerned, in the past, with addressing the needs of a community that consists of individuals who speak a variety of different languages are now having to address this problem. Particularly in rural communities where language access may be required to support the needs of victims of domestic violence.

Why is that? Again, because populations are changing. We see a lot of folks from urban cities moving out to areas in the North Country as well as around the Capital District. Why? Because cost of living might be a little bit more accommodating. We also continue to see communities that benefit from refugee relocations such as Schenectady which, several years ago, took up the opportunity to relocate refugees in that county.

As a result, many agencies, non-profit organizations and entities providing services are now having to address this need of providing access to a variety of different languages that they might not have had to accommodate several years ago. There are agencies, for example the Legal Project here in Albany, which addresses the needs of victims of domestic violence, and do an incredible job at providing services. They have found a way to accommodate and to overcome the access-to-languages obstacle by making sure that they have access to language assistance for those whom they serve. I think that we will see more of this happening as a result of the changes taking place within our communities.

John Caher: Okay. Let's talk about the CLE a little bit. What is it that you hope to achieve on November 15th?

Joanne Macri: I think one of the things we hope to achieve is to make sure that we identify language access as an issue that needs to be fully addressed. That the issue is no longer just an acknowledgment that, yes, the need for access language exists, but that steps need to be taken to implement a plan - really to bring home what it means to provide support and services to victims of domestic violence with language access as a priority based on our changing populations. As a result, we have invited, for example, a representative from the Office of Prevention of Domestic Violence. We've invited the courts to speak on this issue. We really want to hit home the necessity of developing programs that will serve the needs of victims of domestic violence, with respect to making sure that they can, first and foremost, communicate those needs and their concerns to those individuals who serve them.

John Caher: Those needs seem to be evolving—dynamic rather than static. It seems like they would be changing all the time based on immigration trends and population trends, both moving in, moving out, very much a moving target.

Joanne Macri: I think so. I think, again, we also want to encourage the need to not only provide the minimum of interpretation and translation services, but also to start developing the cultural competency that's necessary. As I mentioned, words mean nothing unless those words are placed within their context, and I think that this is also something that we hope to address in this particular CLE. To unravel the complexity of what it means to provide access to languages. It's not just having an interpreter or translator available, but to really make folks aware of the cultural competency that's also necessary in the support they provide.

This is, in my opinion, particularly important when we're dealing with our court system, as well as our law enforcement—folks that often will come directly, that come into direct contact with victims of domestic violence. I think that this is a necessity, where access to languages includes not just having someone who translates or interprets, but also someone who can provide some context to that individual's cultural background, to really understand what their needs happen to be, and how to communicate with them in a way that they can communicate those needs back.

John Caher: How exactly does the Office of Indigent Legal Services fit into this equation?

Joanne Macri: That's a great question. Most recently, our agency developed a network of regional immigration assistance centers. This network includes six centers across New York State, and these centers have jurisdiction to serve a certain set of counties within their region, so that every single county in New York State has this service available to them.

These centers are primarily responsible for supporting the needs of the clients, who are served by any attorney who's assigned by the courts to represent them in either a family or criminal court proceeding. With any 18-b assignment of counsel, which includes public defenders, Legal Aid Society attorneys, assigned counsel panels of private lawyers, conflict defenders, these centers are there to ensure that, if their client is someone who is not a US citizen, or if their client has certain needs for access to languages, those centers will work effectively with the attorneys to ensure that the clients can receive adequate representation by the lawyers, which includes, in this instance, to make sure that access to language services are available to them, particularly when those individuals are communicating with their lawyers in family and criminal-court proceedings.

It's one thing when an individual walks into court, and we know that the courts do an incredible job of trying to make sure that they have an interpreter and/or translator available in that court proceeding. It's another thing, however, to ensure that that individual, when they leave the court room, also has the ability to communicate with their attorney regarding a family or criminal-court matter. That's an area that we struggle with across the state because of resources, making sure that the resources are made available to the lawyer, so that they can communicate with their clients both inside the court room as well as outside the court room.

This is particularly important in matters involving Family Court proceedings, where things like termination of parental rights, child custody, some of the most basic necessities of families may be addressed. How could we not provide the language access support when these really important issues are being addressed?

From our standpoint, our agency's standpoint, we're trying to do all that we can to support these criminal and family law attorneys, who are assigned by the courts to represent those who cannot afford private counsel. When they're assigned, we want to help to make sure that language access is a priority, as well as assisting in developing means to

address cultural competency throughout the state for attorneys who serve the under-served.

John Caher: That's a lot on your plate. You mentioned, I think, six centers?

Joanne Macri: Yes.

John Caher: Are there any in or near the Third Judicial District?

Joanne Macri: There is. I'm happy to mention that there are different counties that have received the grants to develop these centers. Erie County is one of the centers, which has an actual office location in both Buffalo and Rochester.

We have one in Central New York that's located in Rome, New York, after Oneida County was granted that opportunity to develop that center. And here in Albany, we have a center that covers the Capital Region, as well as most of the counties, if not all, in the North Country up to St. Lawrence. Our center here in Albany covers all of those counties in making sure that these are services are provided.

Then we have one located in Westchester County, specifically located in White Plains, New York, one in New York City, to cover all the boroughs in New York City, and then one in Long Island, where offices are located in both Nassau and Suffolk Counties.

John Caher: So the state is well covered.

Joanne Macri: We hope so. That's our intention.

John Caher: I suppose you could always use more, but at least, geographically, every section of the state has something nearby.

Joanne Macri: Funding, particularly in this area, is always a challenge. Again, because of the changing population, the needs of that changing population, I think this needs to become a necessity.

We've had situations where a defender community, as well as our court system, have encountered situations involving domestic violence victims or victims of human trafficking where language barriers may exist. That inability to communicate just adds that additional barrier that might not exist for individuals who are proficient in speaking English.

John Caher: We've talked about the program and the process. Let's talk about you a little bit. How did you get into this line of work?

Joanne Macri: I've been an immigration attorney for many years. I think, in practicing immigration law, you really sense the true appreciation of the need to be able to communicate with your clients regarding matters of immigration, where some of the most important decisions are made with respect to what happens to yourself or your family if you're trying to remain in the US, or if you're trying to enter the US for better lives, for employment opportunities, education opportunities, etc. One of the biggest struggles I had, as an attorney, was really making sure that I could communicate effectively to represent my clients' needs zealously. That included not just understanding their language, but understanding their culture.

For myself, in order to best serve their needs, I realized very early on in my practice that, without that education, without the willingness to learn about these issues and to develop strategies in these areas, the resources that were necessary to represent my clients, I could not be an effective lawyer. I could not represent them to the immigration court or before the immigration authorities.

My expectation was, as we saw a lot of folks coming in on different types of employment visas in the 1990s, that our communities would change, and that this would be a necessity. But, truth be told, I think it's always been a challenge in the US, because we are a nation of immigrants, and particularly a "state" of immigrants. I think that this is something that we need to further develop as we go on, as our populations continue to grow. Early on, I realized that, without those skills and resources, I could not serve my clients well.

I think that any agency or any individual who encounters someone who is in need of assistance because they are a victim of domestic violence, across the board, you can expect that they want to help those individuals in any way possible. In order to be able to help them in the way that's necessary, I think language access is an aspect that needs to be addressed, and I hope that with our CLE program, we can offer, we can provide some strategies, some tips, some suggestions, some examples of how this particular problem is being addressed. Again, it's an ongoing challenge, but I think it's one that, if we can stick to it, we can move mountains as we already have in this area.

John Caher: That's great. I hope the CLE is a terrific success, and I thank you for your time today.

Joanne Macri: Thank you, John. I appreciate the opportunity to talk with you.

John Caher: Thank you for listening to this edition of Amici. If you have a suggestion for a topic on Amici, call John Caher at 518-453-8669, or send him a note at [jcaher@nycourts.gov](mailto:jcaher@nycourts.gov). In the meantime, stay tuned.