# TIPS FOR BREAKING POVERTY BARRIERS TO EQUAL JUSTICE

1. **Watch for the human tendency to judge what is different or what we don't understand because judgment prevents connection and communication.** Understanding that it's human to judge when we see differences, be diligent about looking for cues of bias, such as frustration or other internal feelings of discomfort around differences. Unless we see this, we'll lose our ability to help someone different from us or to act on our values.
2. **To overcome judgment, become curious and seek more information.** While many attorneys have had experiences of "situational" poverty (or see how poverty is misportrayed in the media), many pro bono clients come from "generational," "working class" or "immigrant" poverty, with very different experiences and skills. Learn about the context of poverty to help understand your client's decisions, common logistical barriers to participating in legal processes, and ways he might communicate and organize organization differently. Unless we understand the context, we may make faulty assumptions about motives and be less wholehearted in our efforts.
3. **Understand the different types of poverty.** While poverty is defined as a lack of financial resources, there are many different types of poverty, including situational, immigrant, working class, and generational. Knowing which type of poverty your client comes from will help you tailor your services accordingly. For more information, see http://wpbc.wikispaces.com/Types.
4. **Build trust.** Be friendly and make sure your body language and nonverbal communication support your words as you start to get to know each other. Build common ground by identifying and sharing some things you might have in common. Do you both have children a certain age, have a pet, enjoy a certain sport? Identifying these will help you both get beyond stereotypes you might have about the other. And personal connection will show your client you're a real human being who cares about him or her.
5. **Build in a little extra time for meetings.** People in poverty may be late to meetings based on unexpected crises or lack of familiarity with the meeting place. Consider unilaterally giving your client a 15-20 minute grace period, as well as sending reminder emails or texts. It can also support trust and focus to let him know up front how much time you have for the meeting and provide an agenda of what you need to cover.
6. **Determine the specific circumstances of your client's life that may impact the ability to participate in the legal process.** To identify any logistical barriers, have a checklist of questions to ask, including numerous contact information, job hours, transportation issues, day care, etc. (See sample Attorney Client Understanding.)
7. **In communications, ensure you are understanding your client.** For example:
    a. Use common active listening techniques. Suspend your thoughts about what you are doing to say (jot them down if it would help you remember). Avoid focusing on non-related subjects. Repeat back every so often what you hear to make sure you are understanding correctly and understanding the other's perspective, explanations and rationale.

b. If a client is sharing information in a way that is more circular than linear, feel free to interrupt after a while to gently guide the conversation back. (The meeting agenda can help too.) But in the meantime, listening to the story can help you identify more ways to build identification with him.

c. Ask open-ended questions and try to stay away from questions that ask "why," which can put people on the defense. Instead, use statements such as, "Help me understand," or "Tell me a little more about..." If a question seems invasive, preface it by letting your client know why you are asking it.

d. When determining the facts of the case, you might first put your pen down and ask your client to tell you what happened. (This also supports trust.) Next, ask her to repeat the story, while you take notes, Finally, repeat back the story to see if you have understood. (Even your notes were accurate and complete, you may find out additional information in this third step.)

e. As clarifying questions.

f. Do not expect people to know what may be obvious to you. Use your expertise to coach and navigate people through the legal process.

8. **Ensure your client is understanding you.** For example:

a. Use multiple approaches until you are assured of shared meaning.

b. Use visuals as much as possible (including drawing out next steps).

c. Make sure your body language supports your verbal communication.

d. Use stories as a way to explain ("Here is what worked for my client Julie.").

e. Summarize every so often.

f. Ask her to summarize. "I'd like to make sure I'm being clear. Could you tell me what you are understanding the next steps are?"

g. Use familiar words and examples that laypeople can relate to.

h. Use a variety of examples to convey difficult points (trying to draw from the context of poverty rather than that of middle class).

i. Minimize the chance of losing your client through legalese, e.g., "I'm used to being around lawyers all day and can sometimes forget how to talk in plain English. If I slip up and use words you're not sure about, please let me know." (This phrasing owns our responsibility as the professional to be clear, rather than asking clients to let us know if "they don't understand.")

j. Review written communication orally and use a third grade level and clearly organized bullet points and graphs (whether or not your client is literate).

k. Repeat information that is new.

l. Break information into smaller, doable steps.

m. Follow up – poverty is constant crisis.

9. **Customize your services to what the client wants.** One solution does not fit everyone. Make sure you ask for your client's goal after you have provided your assessment of the case and the available options. Understand that she may not want to pursue legal action. (For example, if it's going to take five months to get the security deposit back, the case may take a lower priority in her life given other crises going on.)
10. **Be aware of the power differential.** Many pro bono clients feel intimidated or shame around lawyers. Pay attention to ways in which you can make her feel more comfortable (such as sitting at a conference table rather than an imposing desk).
11. **Consider the difference between empowerment and overwhelm.** Clients whose basic needs are not met are not in a position to be empowered. For others, teaching them how to do things for themselves is a deep service. It's critical to know the difference.
12. **When giving instructions, give context (explain why), break them down into manageable steps, and ask whether the client is able to do them.** Because it's second nature for us to schedule and keep appointments, keep a calendar, plan for future events, and organize paperwork, it's hard not to assume that everyone has those skills. However, the skills it takes to succeed in middle class or wealth are quite different from the skills it takes to survive in poverty. Find out whether your client has the ability to follow the instructions, given skills and other things happening in his or her life. If appropriate, offer supports.