












THIRD-PARTY INTERRUPTER

Guide to Interrupting Microaggressions in the Legal System

WHAT YOU HEAR...	THIRD PARTY INTERVENTION EXAMPLE
<p>(1) When the courtroom clerk calls “<i>In the matter of Yousef Yousef... 2021 FEL 25,</i>” the courtroom staff, including the judge, erupt in laughter after hearing the name.</p> <p>OR: The courtroom clerk calls out “<i>In the matter of Bich Chan...</i>” mispronouncing your clients name so that it sounds like an offensive English word, and then laughing, she says “<i>Hmm... that’s an unusual name.</i>”</p>	<p>✊ INTERRUPT</p> <p>“Your honor, Yousef is from Egypt. In his culture it is customary to have repeated first and last names. I am learning so much from working on this case.”</p> <p>“Madam clerk, thank you for calling this case. Ms. Chan’s first name is pronounced like ‘Bic.’ The name is quite common in Vietnam. Did you know that there are videos on YouTube explaining how to pronounce names? Whenever I have a new case with a name that’s unfamiliar to me, I find it very helpful to search for a video explaining the pronunciation. That’s also how I learned that Ms. Chan’s first name means ‘jade.’ Isn’t that lovely?”</p>
<p>(2) Attorney: “<i>Is my client in the back yet?</i>” Court Officer: “<i>We are moving the bodies now.</i>”</p>	<p>✊ INTERRUPT</p> <p>“We were talking last week, and we made a pledge in our office that we would stop referring to the folks in lock up as ‘bodies.’ I know it really bothers their families and it sounds so dehumanizing. We should all commit to changing our language across the courthouse.”</p>
<p>(3) The courtroom clerk tells counsel: “<i>Counsel, we will call that case at the end of the list. We are waiting for an interpreter to arrive before we call that case.</i>” Assumes the youth or parent, who is Latino, needs a translator without asking. (Actually, their first language is English.)</p>	<p>✊ INTERRUPT</p> <p>“Madam Clerk, thank you for requesting the services of an interpreter; however, I don’t think anyone has asked Eduardo if he or anyone in his family needs one. I believe his first language may be English. Let me check.”</p> <p>“As a general matter, we should ensure that interpreters are available earlier in the day so our Spanish-speaking residents don’t have to wait longer than others.”</p>
<p>(4) While sitting in a multi-stakeholder team meeting, one of the leaders says “<i>Most of the crime that happens in San Diego is committed by young people who live in the #zipcode.</i>” (You know that the #zipcode has a high percentage of Hispanic and/or Black residents.)</p>	<p>✊ INTERRUPT</p> <p>“We certainly work with a number of youth and young adults who live in the #zipcode, but I would love for us to unpack what that really means. First, we should start tracking data that not only captures the youth’s place of residence, but that also captures their race and gender. I would also like us to talk about what assumptions we are making as a team about people in #zipcode and whether those assumptions affect our decisions and attitudes about them when they get arrested. I just want to make sure we are serving all young people with the same grace and effort as we do with our own children.”</p>

<p>(5) While in the courtroom, waiting for the first case to be called, the judge asks a new attorney “Which case are you interpreting for today?”</p>	<p> INTERRUPT</p> <p>The supervisor/trainer accompanying the new attorney on his first day in court says: “You Honor, please allow me to introduce Mr. Lopez, a new attorney in our office. Mr. Lopez has seven years of experience in Boston and has recently joined our office. We are very excited to have him on the team.”</p> <p>Later, the supervisor apologizes to Mr. Lopez for not having introduced him to the judge before court began and works to ensure an office policy is added, requiring supervisors to introduce new attorney hires to judges in chambers before court begins.</p>
<p>(6)) During an office-wide training on implicit racial bias, the trainer shows a photo of Trayvon Martin without a hoodie on. A white colleague asks the trainer: “<i>Why are you showing that photo? He was walking around the neighborhood with a hoodie on! He looked scary. That’s why Zimmerman was scared of him.</i>” The office is predominately white, but there are several Black staff and attorneys, a few of whom have Black sons.</p>	<p> INTERRUPT</p> <p>“We have to be careful not to buy into the assumptions that are made about Black youth who wear hoodies. I wear a hoodie and I suspect that you would not think I was dangerous if you saw me on the street. White youth wear hoodies all the time and we don’t make the same assumptions we make about black youth.”</p>
<p>(7) A member of the court staff says: “<i>This is why these kids are in such bad shape. Look at the way her mother is dressed.</i>”</p>	<p> INTERRUPT</p> <p>“I really want to get to know Ms. Jones a little better. I was chatting with her briefly and she was really concerned about her daughter. I think her attire is deceptive. I have been trying hard myself to be better about giving everyone a chance, even when they don’t present the way I would present myself in court.”</p>
<p>(8) During plea negotiations, a prosecutor repeatedly refers to a 17-year-old African American male respondent as “<i>a young man</i>” or as “<i>the juvenile.</i>”</p>	<p> INTERRUPT</p> <p>“In light of the recent adultification and implicit bias research, we should probably be more careful about how we talk about the young people who appear in our court. We should not think of a 17-year-old boy of any race as a man. And I have also been thinking a lot lately about the label ‘juvenile.’ It carries such a negative, and racially-loaded connotation now... We don’t talk about our own children as ‘juveniles.’ We should use people’s names wherever possible and not use shortcuts. Using names is more humanizing and inclusive.”</p>

<p>(9) In deciding what plea would be appropriate, the judge advises you that she wants the youth (a Black child) to read a book of his choosing and prepare some artistic expression that reflects the content of that book – for example, “a rap” or some “slam poetry.” Not a traditional book report, but an artistic expression instead.</p>	<p> INTERRUPT</p> <p>“I appreciate your creativity and willingness to offer this plea, but can we give Andre an option to choose between a traditional book report <u>or</u> an artistic expression? Andre is smart and loves to read and write, but he has never written a rap song. He has already started applying to colleges, and I am fairly confident his father will be offended by the request that his son prepare rap lyrics for the court.”</p>
<p>(10) While investigating the facts of a case, you speak to a witness (a store security officer), who says: “<i>People in this neighborhood are always stealing, I knew he would steal from the moment he walked into my store.</i>”</p>	<p> INTERRUPT</p> <p>“Tell me a bit more about that neighborhood and your perception of the people who live there?” “What exactly did the youth do when he entered the store? And what did he do while he was in the store? Did the youth who entered the store do something specific that made you think he would steal?” “We should be careful not to generalize everyone in the neighborhood.”</p>
<p>(11) An attorney is overheard meeting with an African American client when he says: “<i>I’m not going to get us back in front of the judge to ask for relief until you cut your hair. You look wild with that afro, and you know it’s going to make our chances with the judge even worse.</i>”</p>	<p> INTERRUPT</p> <p>Later, one-on-one with the defender: “Matt, saying that an African American person’s hair makes him look ‘wild’ is dehumanizing, implying that he is akin to a wild animal. Furthermore, some African Americans believe that criticism of their natural hair is a manifestation of white supremacy. If you have reason to think that the judge may have a racial bias against afros that could impact Ty’s case, you can share that information with him and maybe even encourage him to pull his hair into a neat style, but you should be careful how you say it and be sure to tell him that you will honor whatever decision he makes about his hair.”</p>
<p>(12) During sentencing, a judge orders an Indigenous youth to report for drug screening, despite no history of drug abuse or usage.</p>	<p> INTERRUPT</p> <p>“Your honor, I know this is one of the standard conditions you like to impose, but he has never tested positive for drugs and there have never been any allegations to the contrary. I think we can learn a bit more about Eric and identify conditions that are ‘reasonably related’ and more appropriately tailored.”</p>
<p>(13) When an African American mother becomes agitated, loud, and a little rude in a court hearing, the judge says: “<i>Ma’am, I find that you are being extremely rude to the Court. If you keep being loud, I will have to remove you from the courtroom.</i>”</p>	<p> INTERRUPT</p> <p>“Your honor, I am sure Ms. Scott does not intend to disrespect the court. What she is trying to express is her concern and anxiety about the possible removal of her child. This is a very personal and painful issue for her.”</p>

(14) In every case involving an Hispanic youth, the local probation officer asks the court to order “no gang involvement” as a condition of release, even when no facts specifically indicate gang involvement.



INTERRUPT

“Your honor, I do not think that condition is necessary. I’d like to learn a bit more about Jose. Maybe his mother can provide us with more information before we decide whether such a condition is warranted. I want to make sure our pre-trial conditions are individually tailored to each youth, and I don’t want to make any presumptions about him based solely on his ethnicity or neighborhood.”