Strategies to Mitigate Bias in Legal and Aging Services

NATIONAL CENTER ON LAW & ELDER RIGHTS

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Introduction

Older adults may face inequities at the intersection of age and other identities, including race and ethnicity, disability, sexual orientation and gender identity, and language. Legal services programs, aging services providers, and other advocates play a critical role in ensuring that underserved and marginalized older adults have access to the services they need to age with dignity. This tip sheet outlines two promising strategies—asset mapping and bias mitigation—that advocates can implement in their service delivery to advance equity for older adults.

Service Rationing

Service rationing refers to the, often unconcious, process that overwhelmed service providers go through to prioritize and assist clients when they are unable to support all their clients equally. Service rationing behaviors often occur when the service provider is persistently exposed to their clients' traumas, leading to symptoms like exhaustion, inability to empathize with their clients, and diminished appreciation for complexity, nuance, and creativity. Without adequate supports at work, service providers may engage in service rationing behaviors in order to preserve a sense of satisfaction and sustainability in their work.

When service providers engage in service rationing behaviors, they may also inadvertently rely on their implicit biases to guide decisions about which clients to work with and prioritize, and the level of attention to provide to each case. Implicit biases are the attitudes we have or stereotypes we associate with people without our conscious knowledge. As a result, service providers may perpetuate inequities in their work as they attempt to cope with their vicarious trauma and workload, such as by inadvertently relying on their implicit biases to make case-related decisions and prioritize clients.

Some methods to mitigate inequities arising out of service rationing behaviors include:

- Addressing vicarious trauma
    - » Practice centering and grounding yourself.
    - » Build community and practice compassion with loved ones, friends, and colleagues that support you and hold you accountable.
    - » Engage in healthy habits, for example relating to sleep, nutrition, and activity.
- Addressing implicit biases
    - » Identify your implicit biases, such as by taking the Harvard Implicit Associations Test.
    - » Self-reflect on your relationship with your clients, look to identify the power dynamics, similarities, and differences between yourself and others.

» Look to history to provide context for disparities and inequities for clients, including those who are older adults of color, older women, older adults with disabilities, older adults with limited English proficiency and older immigrants. Seek to not only learn about national history, but also the specific history of your locality and the systems that you work in.

» Engage with the communities that your clients belong, focusing on listening to and learning from them.

» Regularly seek trainings on cultural competence, humility, and responsiveness.

» Develop meaningful partnerships with marginalized groups in your community, for example by inviting and responding to feedback on your outreach practices.

» Practice person-centered advocacy, where the client plays an active role in decisions that impact their lives.

Asset Mapping

Asset Mapping is a system that allows a program or team to understand community development through highlighting and encouraging community growth. The process of asset mapping involves gathering information about existing community resources and support in a locality of interest.

The benefit of asset mapping is to identify the community strengths and weaknesses amongst a variety of entities, such as organizations, corporations, individuals, and government institutions. It serves as a critical first step when looking to introduce new programs or additional support in a community, because it highlights existing assets and opportunities for partnership and trust-building. Asset mapping also promotes a community-driven approach to legal and aging services delivery, which is particularly important for reaching marginalized and underserved communities.

Checklist for legal and aging services programs to begin the asset mapping process:

- Getting started: Identify four people from your organization, two general staff, one manager and one director to assist with asset mapping exploration. If you have a smaller team, garner input from all team members. It can be helpful to have colleagues with a variety of perspectives and experiences to review the asset mapping findings.
- Brainstorm with internal colleagues from different departments on the target audience you wish to support (e.g. older adults of color, LGBTQ+ older adults).
- Pick one zip code locality you want to examine to start. Selecting a service area by zip code is preferred because in this geographic scope, you can better track area resources, pinpoint funding segments for legal services, and reach a population accurately. As you expand, it can also help with locating resource gaps properly within neighboring areas.
- Set an organizational team meeting to discuss the zip code chosen. Use this meeting to brainstorm the types of information you want to collect about the strengths and needs in that zip code.
- Discuss the timeframe to collect information. Allow yourself a quarterly timeline of execution to manage expectations. Give the team a minimum of 6 to 8 months to conduct research on contacts of interest and time to reach out to potential stakeholders.
- Create an excel/numbers spreadsheet for tracking purposes. The spreadsheet may include the following:

  » Category – subgroups: Business, Government, Medical, Nonprofit Organization, Religious

Organization, Resources/ Education, Service Provider, Entertainment

  - » Resource – Name of program or company
  - » Information – Address
  - » Contact Info – Phone number and email
  - » Additional Comments
  - » Contact Status – Contains the date of each action: email, phone call, meeting in person/virtual. (The box should be constantly tracking each individual actions and points of contact. It will eventually consist of several records of dates of contact points.)
  - » Outreach contact – The employee from your organization designated to speak to person.
  - » How contact was referred to organization – ex. coworker, organization partner, board member, or found online
  - » Manage relationship – Person who plans to maintain relationship. (Depending on the size of the organization, do they have a department that manages partnerships, or will an attorney/staff member check in quarterly?)

- This process of filling out each part will take time. Please give yourself realistic goals in acquiring information and reviewing the assets in the selected locality. After gathering information, review the resources in community with your team. Now you can efficiently organize legal services resources, restructure partnerships, and address gaps in services.

Additional Resources

- NCLER Training: Advancing Equity for Older Adults, Part 1: An Introduction to Advancing Equity in Legal and Aging Services
- NCLER Training: Advancing Equity for Older Adults, Part 2: Putting Strategies into Practice
- Justice in Aging Equity Toolkit

Please contact ConsultNCLER@acl.hhs.gov for free case consultation assistance. Sign up for our email list and access more resources at NCLER.acl.gov.

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