

Strategies to Mitigate Bias in Legal and Aging Services

Sahar Takshi, Staff Attorney, Justice in Aging
Archie Roundtree, Jr., Staff Attorney, Justice in Aging

January 24, 2024

Housekeeping

- All on mute. Use Questions function for substantive questions and for technical concerns.
- Problems getting on the webinar? Send an e-mail to NCLER@acl.hhs.gov.
- Written materials and a recording will be available at NCLER.acl.gov. See also the chat box for this web address.

About NCLER

The National Center on Law and Elder Rights (NCLER) provides the legal services and aging and disability communities with the tools and resources they need to serve older adults with the greatest economic and social needs. A centralized, one-stop shop for legal assistance, NCLER provides Legal Training, Case Consultations, and Technical Assistance on Legal Systems Development. Justice in Aging administers the NCLER through a contract with the Administration for Community Living's Administration on Aging.

About Justice in Aging

Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources.

Since 1972 we've focused our efforts primarily on fighting for people who have been marginalized and excluded from justice, such as women, people of color, LGBTQ individuals, and people with limited English proficiency.

Agenda

- Equity Principles
- Concept Discussion: Service Rationing
- Promising Practices: Asset Mapping
- Takeaways/Next Steps
- Q&A

Equity Principles

Why Equity Matters

- [Aging](#) does not protect from discrimination or related disparities. In fact, discrimination based on other identities can be exacerbated over a lifetime
 - **Ageism** is discrimination on the basis of age (e.g., employment)
 - The intersection of age and other identities can result in increased or different forms of oppression
- Older Americans Act (OAA)
- Race as a social construct and structural racialization
- Learn More: [Advancing Equity for Older Adults, Part 1: An Introduction to Advancing Equity in Legal and Aging Services](#)

Intersectionality

- **Intersectionality** describes how individual characteristics overlap, such as
 - Race and ethnicity
 - Sexual orientation and gender
 - Disability
 - Age
 - Nationality and immigration status
 - Multiple languages and Limited English Proficiency (LEP)

Inequities for Older Adults

- Examples of inequities impacting older adults
 - Example 1: Tribal elders experience significant health disparities as a result of systemic inequities in health care systems and in social determinants of health (e.g., affordable health care, nutrition, housing security). These inequities persist in older age and are exacerbated
 - Example 2: Older women—particularly older women of color—experience inequitable economic insecurity, as a result of wage gaps and consequences of caregiving responsibilities, which leads to lower retirement wealth.

Concept Discussion: Service Rationing

Sahar Takshi
Staff Attorney
Justice in Aging

Service Rationing

- **Service rationing** surfaces when a service provider is more sympathetic to or prioritizes certain clients, at the expense of others
 - Example 1: A legal aid attorney is more sympathetic to a compliant client who seems more willing to take direction, over a client who the attorney deems as belligerent
 - Example 2: A social worker in a nursing facility prioritizes a resident talking loudly about suicidal fantasies over the resident who is morose, but equally severely depressed

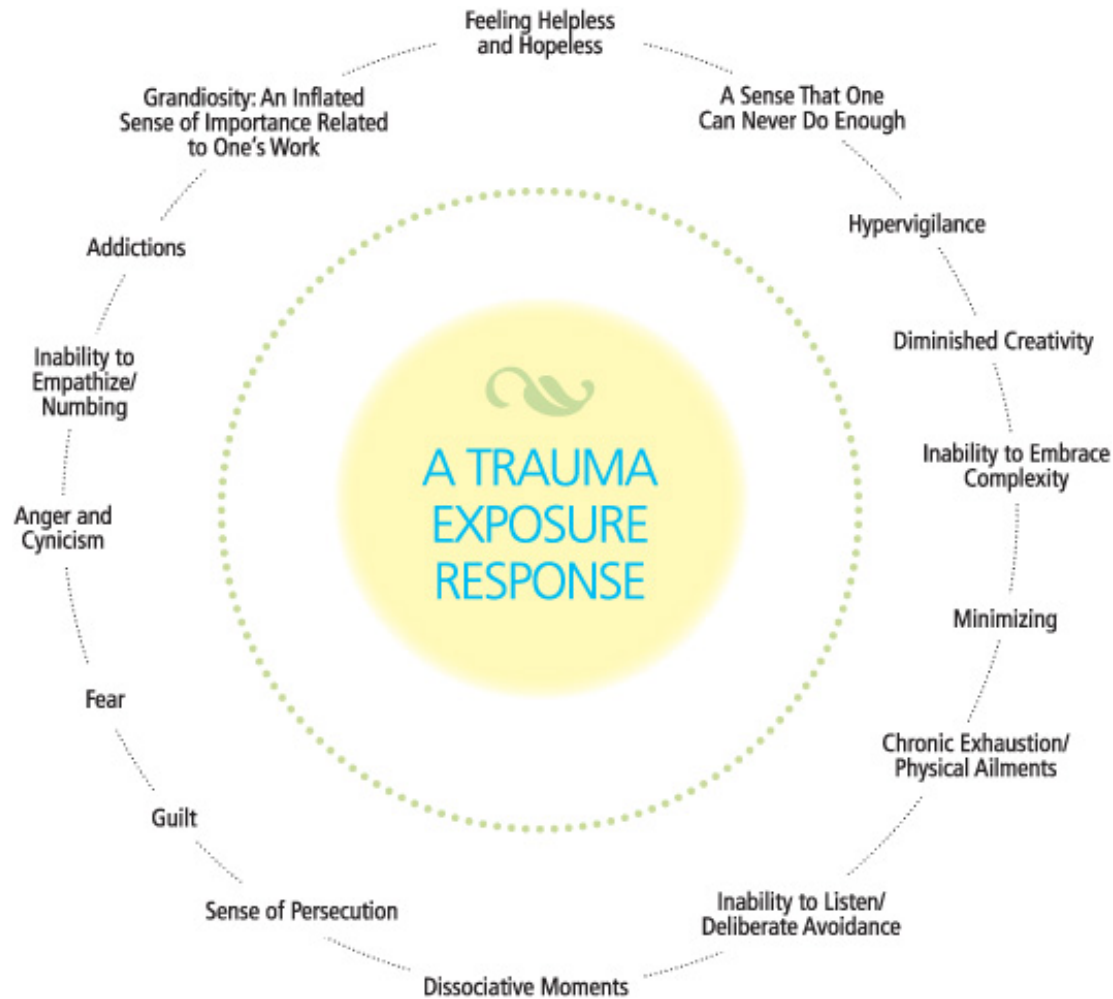
Service Rationing Cont.

- Service rationing is a subconscious way of making choices, often occurring when we cannot attend to all of our clients equally or in the way we want to
- It can result in inequitable outcomes for clients in terms of implicit biases, stereotypes, and judgments

Trauma Responses

- **Trauma** refers to the mental and emotional response after disturbing events, included isolated events (e.g., natural disaster) or persistent experiences (e.g., poverty, racial discrimination).
 - Older adults have higher rates of trauma, including trauma related to race, intersectional identities, and intergenerational traumas.
- **Secondary trauma**, also known as vicarious trauma or compassionate fatigue, is the emotional toll we experience when exposed to another person's trauma.

A Trauma Exposure Response



Lipsky & Burk, *Trauma Stewardship: An Everyday Guide to Caring for Self While Caring for Others* (2009)

Effects of Secondary Trauma on Service Providers

- **Feelings of helplessness or hopelessness**
- **Guilt/feeling like we can never do enough**
- **Hypervigilance**
- **Minimizing**
- **Anger/cynicism**
- **Exhaustion/physical symptoms**
- **Disassociation**
- **Diminished creativity**
- **Inability to embrace complexity and nuance**
- **Inability to listen**
- **Inability to empathize**
- **Grandiosity**

How Inequities Arise

- When we are impacted by secondary trauma or feeling overwhelmed, our body and mind will find a way to cope
 - These symptoms—reduced attentiveness and empathy, exhaustion, dissociation—can lead to us relying on the unconscious part of our brains more
- We may inadvertently rely on our implicit biases to make decisions and prioritize our work

Implicit Biases

- **Implicit bias** refers to the attitudes we have or stereotypes we associate with people without our conscious knowledge
- Everyone has implicit biases
 - Implicit biases may even run counter to our conscious beliefs
 - We must work to interrupt and uproot our biases

Inequities in Legal and Aging Services

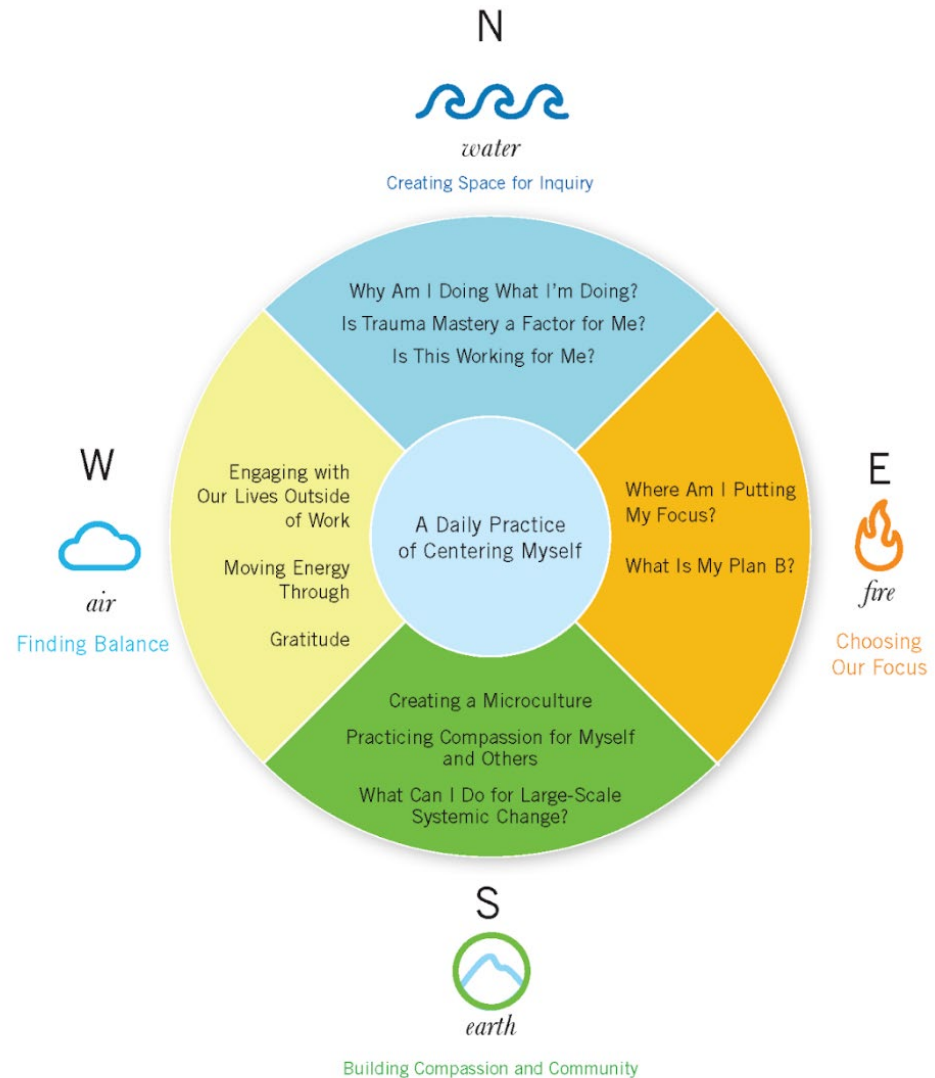
- When we are overwhelmed with work or exposure to trauma, our implicit thoughts and biases may lead our choices
 - Example 1: Targeting outreach only to communities we are already familiar with or belong to.
 - Example 2: Applying one-size fits all approaches to clients' issues.

Strategies to Mitigate Implicit Bias

- Identification
 - Harvard Implicit Association Test
 - Self-Reflection and conversations
- Learning
 - History of marginalized communities in the U.S. and in your locality
 - Listen to community members
 - Train on cultural competence
- Accountability
 - Meaningful partnerships
 - Clients play an active role in decisions

Strategies to Mitigate Trauma Response

- Self care
 - Sleep, health, nutrition
 - Centering practices
- Build community
 - Connect with colleagues
 - Connections with loved ones



Promising Practices: Asset Mapping

Archie Roundtree, Jr.
Staff Attorney
Justice in Aging

Strategies to Advance Equity in the Delivery of Services

- Evaluate
- Collect data that may be missing
- Address service gaps
- Review representation and assistance strategies

What is Asset Mapping? 1 of 2

- Asset Mapping can take many forms
- Understand community development
- Identify strengths and weaknesses
- Better assess resources for community



Community Asset Mapping with NCFH ...
youtube.com



Asset Mapping | Community Asset Mapping ...
edrawsoft.com



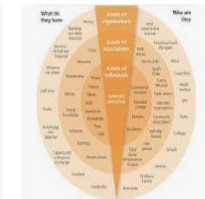
Mapping Software for Community Asset Mapping ...
maptive.com



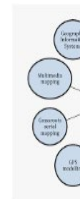
Sample community asset map. 23 This ...
researchgate.net



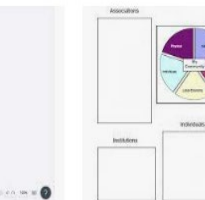
Identify Assets and Resources Available
ruralhealthinfo.org



community asset map ...
connectedlib.github.io



Asset Mapping
semanticsof.com

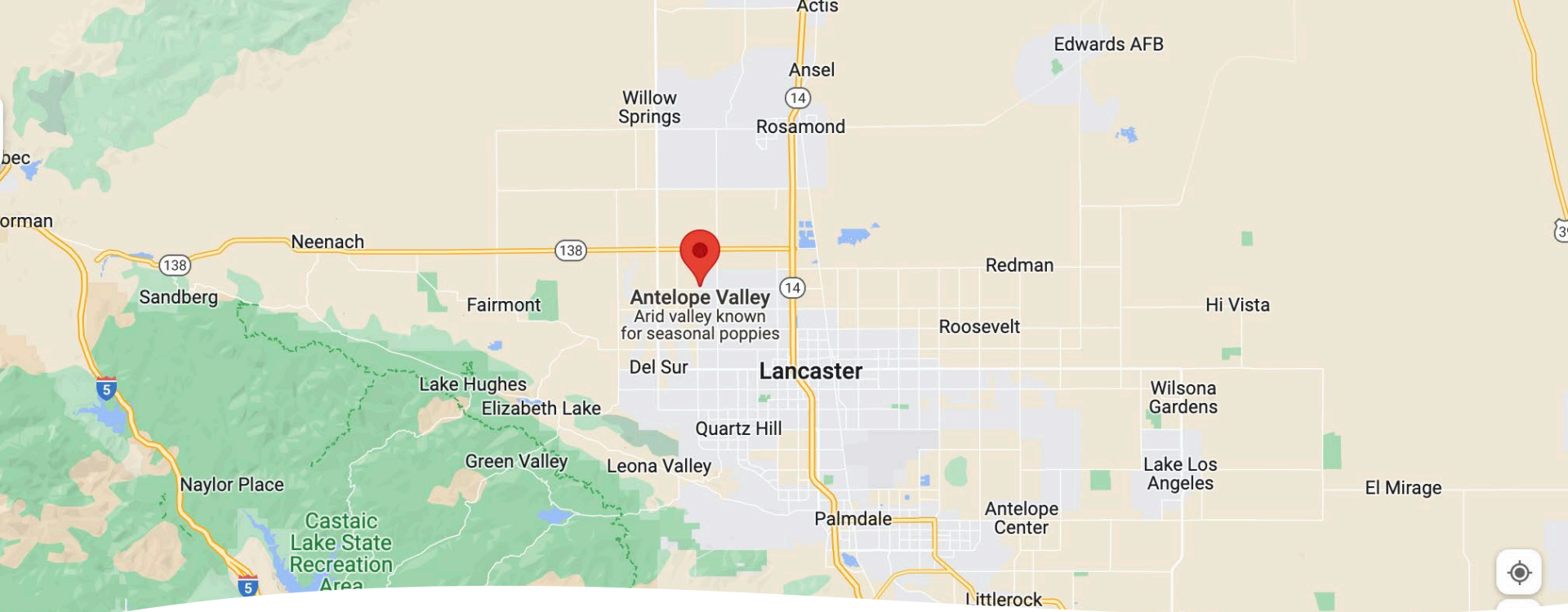


From Google image search for community asset mapping

What is Asset Mapping? 2 of 2

- Ask yourself questions
- Review outreach
- Review communication
- Review intake procedure





Antelope Valley Map

Willow Springs- Kern County	Littlerock- Los Angeles County
California City - Kern County	Lancaster- Los Angeles County
Rosamond - Kern County	Palmdale- Los Angeles County
Randsburg- Kern County	Lake Los Angeles- Los Angeles County
Saltdale- Kern County	Quartz Hill- Los Angeles County
Boron- Kern County	Sun Village- Los Angeles County
Cantil- Kern County	Acton- Los Angeles County
North Edwards- Kern County	Agua Dulce- Los Angeles County
Mojave- Kern County	Del Sur- Los Angeles County
Monolith- Kern County	Antelope Acres- Los Angeles County
Inyokern- Kern County	Desert View Highlands- Los Angeles County
Johannesburg- Kern County	Elizabeth Lake- Los Angeles County
Lake Hughes- Los Angeles County	Hi Vista- Los Angeles County
Pinon Hills- San Bernardino County	Juniper Hills- Los Angeles County
Llano- Los Angeles County	Neenach- Los Angeles County
Neenach- Los Angeles County	Pearblossom- Los Angeles County
Wilsona Gardens- Los Angeles County	Valyermo- Los Angeles County

Impact of Asset Mapping

- Developed strategic partnerships
- Amplify communications and increase opportunities
- Understand gaps in services
- Targeted presentations and intentional delivery of services
- Better implementation for gradual growth during the pandemic and rapid growth post pandemic

Asset Mapping Reminder

- Take your time
- Set realistic goals
- Review resources
- Augment day to day work based on information



Questions?

Visit Our Website: ncler.acl.gov

NATIONAL
CENTER ON
**LAW &
ELDER
RIGHTS**

Search for resources

Read practice tips

Sign up for the email list

Request a case consultation

Learn about upcoming trainings

ncler.acl.gov



Case Consultations

Case consultation assistance is available for attorneys and professionals seeking more information to help older adults. Contact NCLER at ConsultNCLER@acl.hhs.gov.