

Indigent Deaf Find Fierce Advocates in Husband-Wife Legal Team

BY REBECCA BAKER

REPRESENTING the indigent deaf poses a host of legal challenges for Bruce and Liz Gitlin, a husband-and-wife team who run a public interest law firm in Manhattan.

Among them is making lawyers, judges and other officials understand that some deaf people can't just "write it down."

"Just because you speak American Sign Language doesn't necessarily mean that you also read English," Bruce Gitlin said.

"There are things you don't think of in the hearing world," Liz Gitlin added. "It's not unusual for people to say, 'Well, I'll just write and explain what I need.' People just don't know that a deaf person may not read English totally."

Educating the legal community about the needs of the indigent deaf has been the life's work of the Gitlins, who themselves are not deaf, and their Upper West Side firm, the New York Center for Law and Justice.

The center, which the Gitlins opened in 2001, has represented the deaf for more than a decade, particularly low-income deaf clients facing eviction, loss of benefits, domestic violence and other poverty-related issues. The firm also has taken political asylum cases for deaf clients from Jamaica, Gambia and the Middle East with help from large firms such as Kirkland & Ellis, Kramer Levin Nafalis & Frankel and Bracewell & Giuliani.

What makes it particularly difficult for indigent deaf clients is the absence of language access that would allow them to represent themselves pro se, Bruce Gitlin said.

The Gitlins recently scored their biggest legal victory—a settlement with New York City that requires it to provide deaf interpreters in the city's homeless shelters, to train shelter employees on how best to interact with the deaf and

to install safety features for the deaf such as visual fire alarms and doorbells.

The stipulation in *Ihetu v. City of New York*, 13-1732, was made alongside a consent decree in *United States v. City of New York*, 15-5986, a civil rights case brought by the Eastern District U.S. Attorney's Office, which had been investigating the city shelter system for violations of the Americans With Disabilities Act. Federal prosecutors cited one case in which a 4-year-old girl was forced to act as an interpreter between her deaf mother and shelter employees.

The city agreed to pay the girl's mother \$2,500 and pay the plaintiff in the Gitlin's case, Grace Ihetu, \$47,000 and each of her three children \$23,500. The New York Center for Law and Justice will receive \$140,000 in attorney fees.

The Gitlins learned of Grace Ihetu's struggles in the city's shelter system in December 2010, three months after she was separated from her three teenaged children because she could not communicate her need for a family shelter due to a lack of interpreters.

As a result of the center's advocacy, Ihetu and her children were placed in a family shelter in February 2011 and received permanent housing in September 2011.

The Gitlins came to Ihetu's aid again in December 2012 to save her family housing voucher so she and her children could stay in their Brooklyn apartment.

"She didn't know she had to go through certain steps to recertify because there was still an absence of ASL interpreters," Bruce Gitlin said. "We realized there was a need to try to change the policy in the city."

The Gitlins filed suit in the Eastern District in April 2013 and tapped a pro bono team from Kaye Scholer, led by partner Jeffrey Horowitz.

Horowitz, who is chair of the board of The New York Center for Law and Justice and has been friends with the Gitlins for years, said Ihetu had a "great case."



Liz and Bruce Gitlin

NYLJ / RICK KOPSTEIN

It had the potential to help an individual family at a personal level but team also recognized the potential for it to be an impact case, he said.

After working with the Gitlins, Horowitz said he understands their "passion" for the indigent deaf.

"There's such a misconception and misunderstanding to what it means to be a deaf person living in the city," he said. "It's hard for me to put into words what they bring to the table. They really think of others before themselves."

A Holistic Approach

The Gitlins said they handle 50 to 100 matters at any given time and use a holistic approach with their clients, who often have multiple needs that involve different agencies and courts.

They recalled one case in which a client was being evicted because he didn't know his Social Security income wasn't being deposited and his rent checks were bouncing. The client, like others the center represents, was deaf and had literacy challenges.

"He just didn't have the skill set to understand about his check, and then he gets an eviction notice from the landlord and he doesn't know what that piece of paper was that was pushed under his door," Bruce Gitlin said.

The Gitlins say many of their clients simply don't know how to navigate the public benefits system or that they can ask for specialized safety accommodations from their landlords.

"Sometimes it's a simple phone call that our clients can't do themselves," Liz said.

The couple has stopped litigation proceedings by pointing out, in many cases, the person or entity bringing the action may have violated the law themselves.

"We're able in some instances to explain to that party that an American Sign Language interpreter should've been present and our opinion that it appears to be an ADA violation," Bruce Gitlin said. "It helps the party who's trying to create this legal proceeding to work out a remedy for us."

"And we avoid further litigation," Liz added.

The center also sponsors an advocacy and outreach project, where the Gitlins hold off-site seminars for attorneys, social workers and members of the deaf and hard of hearing communities to inform them of legal rights for the deaf and show how to practice "preventative law" to avoid legal problems.

Neither Bruce nor Liz Gitlin is fluent in American Sign Language and use freelance ASL interpreters to learn about their clients' needs. If the client isn't fluent in ASL, they will bring in a certified deaf interpreter who can further break down the sign language to communicate the message.

The center gets referrals largely by word of mouth, but also takes referrals from the legal assistance agencies, social service agencies and other public interest firms. Earlier this year, the Office of Court Administration gave the center an \$18,775 grant to pursue ADA violations through March 31, 2016.

"What we're starting to do now is investigate a number of cases where we believe injunctive relief is appropriate, just as we were able to secure in Grace's case," Bruce Gitlin said. "If there isn't ongoing harm, it's more difficult legally to fulfill the predicate, the legal foundation needed to seek equitable relief."

While the Gitlins run the center, they have about five law school student interns each year who gain pro bono experience.

The center receives funding through settlements such as in the *Ihetu* case, and from donations and foundation grants. An annual fundraising benefit is the center's largest source of income.

Liz Gitlin works at the center for no pay, while Bruce Gitlin maintains a personal injury practice to cover expenses and said he makes roughly \$100,000 a year, which he described as "a public interest salary of a younger lawyer."

"Much younger," Liz noted.

A Call to Service

The Gitlins said their dedication to public interest law stems from their Jewish faith and examples set by their family.

Bruce, 60, and Liz, 58, grew up on Long Island and were high school sweethearts. Bruce got his law degree from Fordham University School of Law before joining his father at the personal injury firm of Gitlin and Greenberg.

Bruce Gitlin's interest in the deaf community started with a random bulletin in 1981 from deaf educator and activist Huberta Schroedel, who was looking for pro bono attorneys to help her nonprofit organization.

"From the very moment I walked into the room I was fascinated, and I felt this tremendous opportunity to serve," he said.

Liz Gitlin got a master's degree in social work from Columbia University and enrolled in Fordham Law in 1984, a year after she and Bruce married. "I wanted to be the lawyer representing the clients," she said.

Bruce Gitlin eventually left his father's firm for Rosenman & Colin, which later became Katten Muchin Rosenman, and eventually opened his own personal injury practice in 1986, while volunteering for Schroedel, who now serves on the board of directors of the New York Center for Law and Justice.

In the late 1980s, the Gitlins met Rabbi Marshall Meyer, who had taken over Congregation B'nai Jeshurun in Manhattan. The Gitlins said they were inspired by Meyer's experiences fighting for human rights in Argentina and by the teachings of his mentor, human rights activist Abraham Joshua Heschel.

"He left this indelible mark on our souls," Bruce Gitlin said, and that enrolled in a part-time rabbinical program while continuing his personal injury practice.

In 2000, the couple and their three children moved to Israel for a year and returned with "this tremendous inexorable feeling

that we had to make [public service] our full-time focus," Bruce Gitlin said.

That meant doing more than what a full-time personal injury practice allowed. "As fulfilling as it was, it didn't quite have the resonance that I was seeking in terms of looking for the most marginalized individuals."

For Liz, the call to public interest law was simple: "I just always wanted to help people."

The Gitlins have convinced other lawyers to take pro bono work for the deaf and hard of hearing. Bruce Gitlin introduced Jerry Bergman, president of the Hearing Loss Association of America, to Deborah Skakel, managing partner at Dickstein Shapiro, whose children attended school with the Gitlins' children. Soon Skakel and her firm were working with small-chain and independent Manhattan movie theaters to provide closed captioning devices upon request.

"The public tends not to fully appreciate the impact of what that impairment is and how it affects one's day-to-day existence," Shapiro said. "There's a bigger bump in getting people to recognize the problem. There's a higher burden almost to establish the negative impact."

Bergman, who started the Hearing Loss Association in Manhattan after losing most of his hearing about a decade ago, said he has been "tremendously impressed" with the Gitlins' work.

"These people are amazing," he said. "They are invaluable to people in crisis who have no where else to turn. They work with interns and put in long hours. I have great respect for them."

The New York Center for Law and Justice is dedicated to the Liz's father, Raymond Kurshan, and Bruce's parents, Gloria and Martin Gitlin. The couple's fathers served in World War II and "put their lives on the line" for their children and their futures. Bruce Gitlin said that sacrifice helps fuel their commitment to public interest law.

"What values would they want us to support? What kind of country would they want us to have? They'd want a country where there's fairness and equal opportunity and access to justice."

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