

Protecting the Rights of Louisiana Deaf Probationers and Parolees

Proskauer For Good on June 6, 2019

In 2016, Proskauer, together with the [Advocacy Center of Louisiana](#) and the [Washington Lawyers Committee for Civil Rights and Urban Affairs](#), filed a [pro bono litigation](#) in Louisiana federal court with the goal of securing qualified and certified American Sign Language (ASL) interpreters for deaf and hard of hearing probationers and parolees under the supervision of the Louisiana Department of Public Safety and Corrections (LDPSC) who needed ASL interpreters to communicate effectively with their probation and parole officers.

In this case of first impression, the stakes were high—without qualified and certified ASL interpreters, our clients and other affected individuals were at significant risk of not being able to comply with their probation or parole because they simply could not understand what they were being told. In fact, individuals have been re-incarcerated in some cases for failing to comply with their probation due to the language barrier caused by hearing loss or deafness.

Over the course of approximately three years of litigation, the team interviewed countless witnesses, reviewed thousands of pages of documents, and conducted more than 10 depositions of LDPSC employees and contractors, and engaged in expert discovery.

We are pleased to announce that while preparing for an August trial date, the parties reached a favorable [settlement](#) that provides meaningful protections for our clients and all affected individuals under the LDPSC's supervision. The settlement agreement requires the LDPSC to conduct communication assessments on an annual basis to determine whether an affected individual requires a qualified, certified ASL interpreter (or auxiliary aid) to communicate effectively, and, if required, to provide one at intake meetings, interactions that impact the freedom or sentence of an affected individual, and at all classes or treatment programs required as a condition of supervision.

Through this settlement, deaf and hard of hearing individuals under supervision of LDPSC who need assistance to communicate effectively will receive equal access to justice.

The Proskauer team was led by partner [Russell Hirschhorn](#), and included associates [Russell Gorkin](#), [Om Alladi](#), [Rachel Gulotta](#), [Samantha Shear](#), [David Munkittrick](#), and [Lindsey Chopin](#).

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