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said. "Sometimes I feel like I'm hitting my head up against a brick wall. I wish that my father was alive to see what was happening, how things were changing. I think it really would have made him happy."

Relying on federal anti-discrimination laws, Smit has filed 22

112-member New Jersey Hospital Association, said he finds it hard to believe any hospital would be derelict in its duty to communicate with patients.

"They do their best to communicate with whoever comes through their doors.

whether the person is deaf or speaks Portuguese," Czajkowski said. "Not to minimize this, but I guess this all boils down to whether they are doing enough, based on one lawyer's opinion."

Smit is scheduled to argue her case against St. Joseph's today in state Superior Court in Paterson, at a hearing on a motion for summary judgment based on the hospital's claim that the case lacks sufficient merit to go to trial.

In the lawsuit itself, the family of Leon Potoczak claims that over nine years, their father was admitted some 10 times to the Paterson facility — twice for open-heart surgery. Despite frequent requests, family members say Potoczak was not given an interpreter and they were required to translate. If the case gets to a jury, Smit said, it will be the first time the issue is decided in the state and one of a few times nationwide.

Though they say their father got excellent medical care, Potoczak's daughters remember terror-filled moments during his hospitalization when he didn't understand what was happening to him.

Shirley Hall still shudders when she thinks of the time doctors were trying to place tubes down his nose and throat. With one hand, she was trying to comfort him. With the other, she said, she was trying frantically to explain what was happening. Priscilla Skyta said that several times her father scrawled a note, pleading for an interpreter.

"I never really realized how much he trusted us to let him know what was going on."

Clara Smit
Talking about her father

"I never really realized how much he trusted us to let him know what was going on," she said. "I don't think I really understood until he died how much we did — or didn't do — for him."

The attorney for the hospital declined to comment, but according to court documents, St. Joseph's argues that medical records show no requests for an interpreter and that it was the family's wish to translate.

The papers also say there is no need for the court to order policy changes because the hospital has "undertaken a comprehensive program to provide proper accommodation for all deaf patients" in the time since the suit was filed.

Advocates for the deaf say it is not appropriate for hearing children to translate in medical settings. Sarah Geer, an attorney with the law center at the National Association of the Deaf, said problems like those cited by the Potoczaks often come from misunderstandings about communication.

Many people mistakenly believe all deaf people can read lips, she said. Or people think anyone with sign-language ability can translate

effectively.

"Family members are emotionally involved in the health of their loved one," Geer said. "They are not trained as interpreters, even if they can communicate in sign language."

Smit said there are dozens of issues people don't consider when family members are required to translate: Should a family member be the one to reveal that a person has terminal cancer? What happens to care when children decide to shield their parents from bad news? What role do family squabbles and feuds play in hindering effective communication?

Smit's lawsuits against hospitals rely on a 25-year-old federal law that bans discrimination by institutions receiving federal funding. The Americans with Disabilities Act, passed in 1990, broadened and strengthened that responsibility, she said.

Joan and John Keegan, a Middlesex County couple who retained Smit, have suits pending against Rahway Hospital and St. James and St. Michael's hospitals in Newark. Both of the Keegans were treated in 1998 for heart problems, and Joan, 58, had open-heart surgery. She said that after one request for an interpreter, she was told it cost too much.

"Well, deaf do need them," Keegan said, speaking through a phone relay system called TDD — Telecommunication Device for the Deaf. "I need to know what's going on with my problems. My [hearing] son can't tell me everything the doctors say, so I prefer that the interpreter be there."