

Conversations on “Community Lawyering”: The Newest (Oldest) Wave in Clinical Legal Education

Karen Tokarz
Nancy L. Cook
Susan Brooks
Brenda Bratton Blom^{*}

INTRODUCTION

As clinical legal educators, we have become keenly aware in recent years of a resurgence of interest in community lawyering among ourselves and many of our clinical colleagues. Community lawyering is increasingly identified as a goal in clinical legal education, and community lawyering clinics are growing in number across the country. We refer to this movement as a *resurgence* of interest, because community lawyering and community lawyering clinics are certainly not entirely new, though their form and content may be shifting to respond to changing economic and social conditions.

Indeed, the mention of this movement conjures thoughts of longstanding community-based law school clinics started three or

^{*} Karen Tokarz is the Charles Nagel Professor of Public Interest Law and Public Service, Director of the Civil Rights & Community Justice Clinic, and Director of the Dispute Resolution Program at Washington University in St. Louis School of Law. Nancy Cook is Clinical Professor of Law and Director of the Lawyering Program at University of Minnesota School of Law, and former Professor of Law and Director of the Community Justice & Legal Assistance Clinic at Rogers Williams University School of Law. Susan Brooks is Associate Professor of Law and Associate Dean of Experiential Learning at Drexel University School of Law, and former Clinical Professor of Law and Director of the Child and Family Policy Clinic at Vanderbilt University Law School. Brenda Bratton Blom is Law School Professor, Director of the Community Justice Clinic, and Director of the Clinical Law Program at Maryland University School of Law.

more decades ago in this country and around the world.¹ Like the legal services programs from which a host of early clinical law teachers came, several law school clinics were initially located on urban streets in client communities. Ghettoized urban neighborhoods, the focus of many anti-poverty initiatives, became home to storefront legal services offices which served as partners and models for the law school clinical programs that proliferated in their wake.² In this era, the concept of a community lawyer as someone who works for the poor and disempowered in the context of broader community goals came into its own.³

In this Article, we will explore the pedagogical and professional challenges and rewards of community lawyering and clinical legal education. The authors are clinical law faculty who self-identify as community lawyers and teachers of community lawyering clinics. We have gathered in recent years with a larger group of similarly engaged colleagues to discuss what we mean by community lawyering, how we teach it, and how we practice it. This Article seeks to capture some of those conversations, crystallize some of the ideas that have arisen out of the discussions, and examine the implications of these ruminations for future directions in clinical legal education.

The Article builds upon a series of conferences over the past decade, beginning with three workshops on “Community Lawyering”

1. For example, Parkdale Community Legal Services opened its doors in conjunction with Osgoode Hall Law School in the Parkdale community of Toronto in 1971 with the mandate to establish a clinical training center in a community law office to be run by the law school to serve the community and educate law students. The Washington University in St. Louis Legal Clinic began in 1973 as a storefront law office in the University City neighborhood, approximately six blocks from the law school. Jointly funded and staffed with Legal Services of Eastern Missouri, it provided legal services to indigent clients from the St. Louis metro community. The University of Maryland legal clinics started with a neighborhood law office in 1973, with funding from DLA Piper (then Piper and Marbury) and operating on a legal services model. The Harvard University Legal Services Center originated in 1979 in Jamaica Plain, ten miles from the law school. Funded by Wilmer Hale (then Hale & Dorr), it was designed to educate students for practice in a fully functioning legal services office located in the client community.

2. For a brief history of legal services, see Tigren W. Eldred & Thomas Schoenherr, *The Lawyer's Duty of Public Service: More than Charity?*, 96 W. VA. L. REV. 367 (1993).

3. Michael Diamond, *Community Lawyering: Revisiting the Old Neighborhood*, 32 COLUM. HUM. RTS. L. REV. 67, 75 (2000).

that occurred in 1996, 1997, and 1998.⁴ Between 2002 and 2007, the Washington University in St. Louis School of Law Clinical Education Program and Center for Interdisciplinary Studies hosted five interdisciplinary clinical conferences⁵ that morphed into a focus on community lawyering and generated three volumes of clinical scholarship published by the *Washington University Journal of Law & Policy*.⁶ The last of these volumes, published in 2006, which focuses on “Poverty, Justice, and Community Lawyering” and features authors from law and social science,⁷ is one of the key jumping-off points for this Article. In addition, there have been working groups on community lawyering at the American Association of Law Schools annual clinical conferences and workshops for the past several years.

While defining and refining some of the essential core elements of community lawyering in this Article, we weave in insights from our and other community lawyering clinics across the country, and discuss how the work in these clinics demonstrates core principles and central challenges and benefits of community lawyering for clinical education. One of our goals is to extrapolate common threads from clinics that use community lawyering in their work or teach community lawyering specifically as a way of practice.

This Article addresses the challenges of translating community lawyering aspirations into the context of clinical law teaching and learning. These include the pedagogical and professional challenges

4. The workshops were coordinated by Nancy Cook at Cornell Law School, Yale Law School (with Kathleen Sullivan), and Osgoode Hall School of Law (with Shin Imai and Shelley Gavigan), respectively.

5. The first of these conferences was fostered by Susan Brooks, then chair of the Committee on Interdisciplinary Clinical Education of the American Association of Law Schools Section on Clinical Education. She served as a member of the national planning committee for the conference, co-chaired by Michelle Geller, Randi Mandelbaum, and Karen Tokarz. The subsequent conferences were coordinated by Karen Tokarz and the Washington University clinical faculty.

6. See 11 WASH. U. J.L. & POL’Y 1 (2003) (focusing on Promoting Justice Through Interdisciplinary Teaching, Practice, and Scholarship); 14 WASH. U. J.L. & POL’Y 1 (2004) (focusing on Justice, Ethics, and Interdisciplinary Teaching and Practice); 20 WASH. U. J.L. & POL’Y 1 (2006) (focusing on Poverty, Justice, and Community Lawyering: Clinical and Interdisciplinary Perspectives).

7. See 20 WASH. U. J.L. & POL’Y 1 (2006) (including articles by Ronald Angel & Laura Lein, Juliet Brodie, Nancy Cook, Luke Cole & Caroline Farrel, Bill Quigley, Mark Rank, and Tom Shapiro).

of how best to teach this approach to law students and involve them in a meaningful way in the work. We also highlight the rewards of community lawyering clinics, as we believe that community lawyering has much to offer clinical legal education.

The practice of law, including the practice of public interest law, is changing in this new century. It is more problem solving and more dispute resolution focused, more collaborative and more interdisciplinary, and more global in its reach. Community lawyering clinics provide a wonderful venue for exploring these forms of lawyering. Our hope is that this Article will spark new conversations about the future of public interest lawyering and the pedagogical and professional challenges and rewards of community lawyering and clinical legal education.

I. COMMUNITY LAWYERING AND CLINICAL LEGAL EDUCATION

A. *Core Principles of Community Lawyering and Community Lawyering Clinics*

How then do we define “community lawyering” and “community lawyering clinics”? Clinical faculty who identify themselves as community lawyers, their clinics as community lawyering clinics, or community lawyering as an aspect of their clinics, engage in a range of different practice areas, including workers’ rights, immigration, children’s rights, public benefits, environmental rights, community economic development, and intellectual property.⁸ Community lawyering clinicians also engage in multi-pronged and widely varying types of work, ranging from litigation to administrative practice,

8. See, e.g., Sameer M. Ashar, *Public Interest Lawyers and Resistance Movements*, 95 CAL. L. REV. 1879 (2007) (immigrant workers); Susan Bryant & Maria Arias, *A Battered Women’s Rights Clinic: Designing a Clinical Program Which Encourages a Problem-Solving Vision of Lawyering that Empowers Clients and Community*, 42 WASH. U. J. URB. & CONTEMP. L. 207 (1992) (battered women); Bill Ong Hing, *Legal Services Support Centers and Rebellious Advocacy: A Case Study of the Immigrant Legal Resource Center*, 28 WASH. U. J.L. & POL’Y ____ (2008) (immigrants); Dean Hill Rivkin, *Reflections on Lawyering Reform: Is the Highway Alive Tonight?*, 64 TENN. L. REV. 1065 (1997) (environmental); Jeffrey Selbin & Mark Del Monte, *A Waiting Room of Their Own: The Family Care Network as a Model for Providing Gender-Specific Services to Women with HIV*, 5 DUKE J. GENDER L. & POL’Y 103 (1998) (HIV/women).

mediation and dispute resolution⁹ to community education and legislative advocacy¹⁰ to transactional work and community economic development.¹¹ Community lawyering clinicians also tend to collaborate regularly with other professionals from disciplines that run the gamut from archeology to architecture to business to engineering to psychiatry to social work to urban planning.¹²

It is reasonable, thus, to ask what binds this group together: what are the core principles that self-identified community lawyers and community lawyering clinics have in common? First, community lawyering involves formal or informal collaborations with client communities and community groups to identify and address client community issues. It assumes a community perspective in the consideration of legal problems.¹³ Many community lawyering clinicians focus their clinics within a specific geographical community, define their work based upon the needs of a particular

9. See, e.g., Suzanne J. Schmitz, *The Role of Law Schools in Improving Access to Justice: The Story of the Southern Illinois University School of Law and the Family Mediation Program*, 28 S. ILL. U. L.J. 1 (2003).

10. See, e.g., Juliet M. Brodie, *Post-Welfare Lawyering: Clinical Legal Education and a New Poverty Law Agenda*, 20 WASH. U. J.L. & POL'Y 201 (2006) (neighborhood improvement campaigns, legislative initiatives); Nancy Cook, *Looking for Justice on a Two-Way Street*, 20 WASH. U. J.L. & POL'Y 169 (2006) (in-service workshops, informational pamphlets and videos); Stephen Loffredo, *Poverty Law and Community Activism: Notes from a Law School Clinic*, 150 U. PA. L. REV. 173 (2001) (staff/lay advocate training and support, community education, technical support, drafting); Margaret Martin Barry, *A Question of Mission: Catholic Law School's Domestic Violence Clinic*, 38 HOW. L.J. 135 (1994) (organizing, outreach education, legislative advocacy); Stacy Brustin, *Expanding Our Vision of Legal Services Representation—The Hermanas Unidas Project*, 1 AM. U.J. GENDER & L. 39 (1993) (support group and leadership training).

11. See, e.g., Susan D. Bennett, *Embracing the Ill-Structured Problem in a Community Economic Development Clinic*, 9 CLINICAL L. REV. 45 (2002); Brian Glick & Matthew J. Rossman, *Neighborhood Legal Services as House Counsel to Community-Based Efforts to Achieve Economic Justice: The East Brooklyn Experience*, 23 N.Y.U. REV. L. & SOC. CHANGE (1997); Susan R. Jones, *Promoting Social and Economic Justice Through Interdisciplinary Work in Transactional Law*, 14 WASH. U. J.L. & POL'Y 249 (2004); Daniel S. Shah, *Lawyering for Empowerment: Community Development and Social Change*, 6 CLINICAL L. REV. 217 (1999); Dina Schlossberg, *An Examination of Transactional Law Clinics and Interdisciplinary Education*, 11 WASH. U. J.L. & POL'Y 195 (2003).

12. See, e.g., Glick & Rossman, *supra* note 11 (collaborations involving legal services, clinic, and grassroots entities); Schlossberg, *supra* note 11 (interdisciplinary collaboration involving law, business and local community groups); Loffredo, *supra* note 10 (clinic and welfare rights community group collaboration); Jones, *supra* note 11 (collaborations involving law, engineering, and business students).

13. See *infra* Part II.

community group, and organize their clinics in partnership with local community organizations or larger social movements.¹⁴

Second, community lawyering clinics are focused on empowering communities, promoting economic and social justice, and fostering systemic change.¹⁵ As Muneer Ahmad posits in his recent article, community lawyering is “a mode of lawyering that envisions communities and not merely individuals as vital in problem-solving for poor people, and that is committed to partnerships between lawyers, clients, and communities as a means of transcending individualized claims and achieving structural change.”¹⁶ Implicitly, then, if not explicitly, community lawyers are invested in long-term community commitments to advance these goals.¹⁷ Third, the work of community lawyering clinics involves collaborative, and frequently interdisciplinary, practice.¹⁸

In sum, community lawyering is an *approach* to the practice of law and to clinical legal education that centers on building and sustaining relationships with clients, over time, *in context*, as a part of and in conjunction *with* communities. It incorporates a respect for clients that empowers them and assists them in the larger economic, political, and social contexts of their lives, beyond their immediate legal problems.¹⁹ This approach contemplates a significantly different

14. See, e.g., Sameer M. Ashar, *Law Clinics and Collective Mobilization*, 14 CLINICAL L. REV. 355 (2008); Scott Cummings, *Law in the Labor Movement's Challenge to Wal-Mart*, 95 CAL. L. REV. 1927 (2007).

15. See *infra* Part III. See also Rose Voyvodic & Mary Medcalf, *Advancing Social Justice Through an Interdisciplinary Approach to Clinical Legal Education: The Case of Legal Assistance in Windsor*, 14 WASH. U. J.L. & POL'Y 101, 103 (2004) (asserting that service to low-income or disadvantaged communities includes a commitment both to access to justice and social justice, utilizing a range of services beyond traditional casework, including community education, public policymaking, and community development).

16. Muneer Ahmad, *Interpreting Communities: Lawyering Across Language Difference*, 54 UCLA L. REV. 999, 1079 (2007).

17. See, e.g., Susan D. Bennett, *On Long-Haul Lawyering*, 25 FORDHAM URB. L.J. 771 (1998).

18. This viewpoint contemplates a broad and inclusive definition of “interdisciplinary” work. See *infra* Part IV.

19. See, e.g., Raymond H. Brescia et al., *Who's in Charge, Anyway? A Proposal for Community-Based Legal Services*, 25 FORDHAM URB. L.J. 831, 858 (1998); Michael Diamond & Aaron O'Toole, *Leaders, Followers, and Free Riders: The Community Lawyer's Dilemma when Representing Non-Democratic Client Organizations*, 31 FORDHAM URB. L.J. 481 (2004); Shauna I. Marshall, *Mission Impossible? Ethical Community Lawyering*, 7 CLINICAL L. REV. 147 (2000); Andrea M. Seilstad, *Community Building as a Means of Teaching Creative*,

role for lawyers and clients than that in traditional law practice (and, perhaps, in traditional clinical law practice)—one in which the client community or community groups are the protagonists²⁰ in framing and resolving their concerns, and lawyers act as team members, working both for and with clients.

Community lawyering requires that lawyers, law students, and clients engage the policy choices of society together, and that they be "big thinkers," taking on together society's "wicked" economic, social, and political problems. "We use the term 'wicked' in a meaning akin to that of 'malignant' (in contrast to benign) or 'vicious' (like a circle) or 'tricky' (like a leprechaun) or 'aggressive' (like a lion, in contrast to a lamb)."²¹ To address such wicked problems, one must comprehend their contexts from multiple perspectives. Problem solving such as this is an interactive "[p]rocess in which an image of the problem and the solution emerges gradually among the participants, as a product of [incessant] judgment subjected to critical argument."²²

B. The Roots of Community Lawyering in Clinical Legal Scholarship

Community lawyering scholarship is rooted in the pioneering work of Gary Bellow and the later writing on progressive lawyering of Gerald López and Lucie White. Bellow spoke of "political lawyering."²³ López termed it "rebellious lawyering."²⁴ White called

Cooperative, and Complex Problem Solving in Clinical Legal Education, 8 CLINICAL L. REV. 445 (2002); Christine Zuni Cruz, *[On The] Road Back in: Community Lawyering in Indigenous Communities*, 5 CLINICAL L. REV. 557, 568 (1999).

20. See Jennifer Gordon, *The Lawyer Is Not the Protagonist: Community Campaigns, Law, and Social Change*, 95 CAL. L. REV. 2133, 2135 (2007).

21. Horst Rittel & Melvin Webber, *Dilemmas in a General Theory of Planning*, 4 POL'Y SCI. 155, 162 (1973).

22. *Id.*

23. Gary Bellow, *Steady Work: A Practitioner's Reflection on Political Lawyering*, 31 HARV. C.R.-C.L. L. REV. 297, 297 (1996); Gary Bellow, *Legal Aid in the United States*, 14 CLEARINGHOUSE REV. 337 (1980); Gary Bellow, *On Teaching the Teachers: Some Preliminary Reflections on Clinical Education as Methodology*, in CLINICAL EDUCATION FOR THE LAW STUDENT: LEGAL EDUCATION IN A SERVICE SETTING (1973).

24. GERALD P. LÓPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* (1992); Gerald P. López, *Reconceiving Civil Rights Practice: Seven Weeks in the Life of a Rebellious Collaboration*, 77 GEO. L.J. 1603 (1989); Gerald P. López, *Training Future Lawyers to Work with the Politically and Socially Subordinated: Anti-*

it “collaborative lawyering,”²⁵ a term also embraced by others.²⁶

Community lawyering goes by different names and takes different forms. Some call it “poverty lawyering” or “reconstructive poverty lawyering” and emphasize its goal of addressing ongoing and pervasive economic marginalization.²⁷ Others call it “facilitative lawyering” and emphasize the importance of the authenticity of the engagement with the community,²⁸ while others highlight its “holistic” or “multi-disciplinary” lawyering aspects.²⁹ Some focus on “co-production,” suggesting an essential synergy between the client community and the lawyer, such that the outcome is truly a product of their joint efforts.³⁰ Others assert the need for the lawyer to recognize the connection with the community, viewing community lawyering as a “two-way street.”³¹ Some describe this approach as

Generic Legal Education, 91 W. VA. L. REV. 305, 356 (1989).

25. Lucie E. White, *Collaborative Lawyering in the Field? On Mapping the Paths From Rhetoric to Practice*, 1 CLINICAL L. REV. 157 (1994).

26. Ascanio Piomelli, *Appreciating Collaborative Lawyering*, 6 CLINICAL L. REV. 427, 441 (2000) (highlighting the parallels among “critical lawyering theory,” “new poverty law scholarship,” “representational narrative scholarship,” “reconstructive poverty law,” “the theoretics of practice movement,” “political lawyering,” “community lawyering,” and “collaborative lawyering,” the term he prefers because of its emphasis on a problem-solving partnership with clients); Ascanio Piomelli, *Foucault’s Approach to Power: Its Allure and Limits for Collaborative Lawyering*, 2004 UTAH L. REV. 395, 399; Ascanio Piomelli, *The Democratic Roots of Collaborative Lawyering*, 12 CLINICAL L. REV. 541, 541 (2006).

27. See, e.g., Anthony V. Alfieri, *Reconstructive Poverty Law Practice: Learning Lessons of Client Narrative*, 100 YALE L.J. 2107 (1991); Louise G. Trubek, *Poverty Lawyering in a New Millennium*, 17 YALE L. & POL’Y. REV. 461, 461 (1998).

28. See, e.g., Richard D. Marsico, *Working for Social Change and Preserving Client Autonomy: Is There a Role for Facilitative Lawyering?*, 1 CLINICAL L. REV. 639, 639 (1995) (proposing “facilitative lawyering” as an alternative to collaborative lawyering that is less involved, but retains grassroots level engagement).

29. See, e.g., Stacy L. Brustin, *Legal Services Provision Through Multidisciplinary Practice—Encouraging Holistic Advocacy While Protecting Ethical Interests*, 73 U. COLO. L. REV. 787 (2002); Cait Clarke, *Problem-Solving Defenders in the Community: Expanding the Conceptual and Institutional Boundaries of Providing Counsel to the Poor*, 14 GEO. J. LEGAL ETHICS 401, 429–38 (2001).

30. See, e.g., Anne Blumenberg et al., *A Co-Production Model of Code Enforcement and Nuisance Studies*, in 9 CRIME PREVENTION STUDIES 261, 262 (1998); Edgar S. Cahn, *Co-Producing Justice: The New Imperative*, 5 D.C. L. REV. 105, 105 (2000); Edgar S. Cahn & Joan Camper Cahn, *Power to the People or the Profession?—The Public Interest in Public Interest Law*, 79 YALE L.J. 1005 (1970).

31. See, e.g., Cook, *supra* note 10.

“law in the service of organizing,”³² while others refer to it as “campaign-based lawyering”³³ or “integrative lawyering.”³⁴

II. PARTNERING WITH COMMUNITY IN COMMUNITY LAWYERING CLINICS

Out of this history has emerged some common understandings of purpose, shared values, and parallel developments in clinical legal education, all having an affinity for community at the core. Much of what self-identified community lawyers and community lawyering clinics have in common can be located in notions of place, engagement, and connectivity.

A. *The Significance of Place*

Working with a community requires an understanding of that client community. Defining a community brings to the forefront issues of identity and communication. Who is the community that is the focus of the community building? Who are the stakeholders, the spokespersons, the decision-makers? Community lawyers must be vigilant to the “dangers of assuming that people who live near each other and share markers of race or ethnicity are bound by a common conception of their interests.”³⁵

Community is a multidimensional concept that can include geography, culture, politics, and power as elementary aspects. At the most concrete level, community can be analyzed by looking at physical and demographic boundaries or at the division and allocation of space within certain confines. The less tangible, but still measurable, characteristics of a neighborhood also provide a basis for understanding community.

Many community economic development programs and asset-building approaches to changing neighborhoods, as well as some

32. See, e.g., JENNIFER GORDON, *SUBURBAN SWEATSHOP: THE FIGHT FOR IMMIGRANT RIGHTS* 294–302 (2005).

33. See, e.g., Gordon, *supra* note 20, at 2141.

34. See, e.g., Sheila R. Foster & Brian Glick, *Integrative Lawyering: Navigating the Political Economy of Urban Redevelopment*, 95 CAL. L. REV. 1999, 2005 (2007).

35. See Gordon, *supra* note 20, at 2135.

community lawyering clinics, assume some geographical boundaries to the community.³⁶ However, the relationship between geography and poverty, and between racial bias and market forces, is complex, and community initiatives that define community solely in terms of geography (or race or ethnicity) have not always been successful. Despite legislated and court-ordered anti-discrimination policies, a growing tendency toward community segregation and homogeneity through legitimate market forces is notable.³⁷ These trends, rooted in power and politics, not in geography *per se*, are unquestionably concerns for community lawyers.

There are many possible explanations for the geographically uncertain, yet non-integrative, demographics of today's communities. They include the symbiosis of race, ethnicity, space, and poverty,³⁸ and the idealization of the white, middle class neighborhood.³⁹ Multiple factors contribute to the concentration of ghetto development along racial and ethnic lines, and make possible a white "meta-market" that transcends, as well as enforces, geographical lines.⁴⁰ Consequently, community lawyering, while finding a "home" in a geographically significant place, is not necessarily confined or defined by that space.

36. Community economic development ("CED") clinic teachers particularly understand community lawyering as a place-based initiative. Scott Cummings suggests that the "circumscribed geographic focus of CED is not accidental; rather it is critical to the realization of local economic self-sufficiency and a form of direct political participation rooted in civic republican ideals." Scott L. Cummings, *The Paradox of Community: A View from the Prismatic Metropolis*, 13 J. AFFORDABLE HOUSING & COMMUNITY DEV. 8, 8 (2003) (citing WILLIAM H. SIMON, *THE COMMUNITY ECONOMIC DEVELOPMENT MOVEMENT: LAW, BUSINESS & THE NEW SOCIAL POLICY* 62-64 (2001)).

37. Scott L. Cummings, *Community Economic Development as Progressive Politics: Towards a Grassroots Movement for Economic Justice*, 54 STAN. L. REV. 399, 457 (1999); Mona Lynch, *From Punitive City to Gated Community: Security and Segregation Across the Social and Penal Landscape*, 56 U. MIAMI L. REV. 89, 91-92 (2001) (noting the intractability of race and class segregation).

38. See John O. Calmore, *A Call to Context: the Professional Challenges of Cause Lawyering at the Intersection of Race, Space, and Poverty*, 67 FORDHAM L. REV. 1927 (1999); John O. Calmore, *Exploring the Significance of Race and Class in Representing the Black Poor*, 61 OR. L. REV. 201 (1982).

39. David Dante Troutt, *Ghettoes Made Easy: The Metamarket/Antimarket Dichotomy and the Legal Challenges of Inner-City Economic Development*, 35 HARV. C.R.-C.L. L. REV. 427, 429 (2000).

40. *Id.*

From another perspective, one could look at community as a coming together occasioned by common experience or culture. Such factors as shared language, beliefs, or history, or similarity of interests, lifestyle, or values could be the bases on which people self-identify and organize their lives. Indeed, this is a common assumption of modern clinical law curricula that builds on shared and divergent experiences and identities.⁴¹ This model has been explicitly incorporated into the community lawyering context.⁴² Advocating a "community empowerment paradigm" in the economic development area, Anthony Taibi notes that such models build on a "desire most people have to bond with others with whom they feel a common link of family, language, history, religion, and tradition."⁴³

Looking at it from yet another perspective, community might be seen as externally imposed by circumstance. The ways in which economics define and divide the population or the ways in which prejudice and politics define and divide people can be essential to definitions of community. Dorothy Roberts, for example, has tracked the impact of criminalization and incarceration on black families, exposing a systemic constitution of a social underclass.⁴⁴ Political decisions and practices also have been shown to create lifestyle communities distinct from populations at large.⁴⁵ Hence, community might involve assigned social role or status as much as, or more than, self-identifying factors.

41. See, e.g., Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLINICAL L. REV. 33 (2001); Leslie G. Espinoza, *Legal Narratives: The Invisibility and Omnipresence of Race and Gender*, 95 MICH. L. REV. 901 (1997).

42. See, e.g., Bill Ong Hing, *Raising Personal Identification Issues of Class, Race, Ethnicity, Gender, Sexual Orientation, Physical Disability, and Age in Lawyering Courses*, 45 STAN. L. REV. 1807, 1811 (1993) ("understanding personal identification differences and how to manage them is integral to my vision of good community lawyering"); Zuni Cruz, *supra* note 19, at 569 (contrasting this aspect of community law practice with traditional client-centered models).

43. Anthony D. Taibi, *Banking, Finance, and Community Economic Empowerment: Structural Economic Theory, Procedural Civil Rights and Substantive Racial Justice*, 107 HARV. L. REV. 1465, 1516 (1994).

44. Dorothy E. Roberts, *Criminal Justice and Black Families: The Collateral Damage of Over-Enforcement*, 34 U.C. DAVIS L. REV. 1005 (2001).

45. See, e.g., VICKY N. ALBERT, *WELFARE DEPENDENCE AND WELFARE POLICY: A STATISTICAL STUDY 1* (1998).

Community lawyering demands an awareness of these multidimensional aspects of community group identity. On one hand, community lawyering is about recognizing the divisions that instill a sense of togetherness, whether those divisions are geographical, cultural, political, or economic. Community lawyering uses those boundaries to maximize the strengths of the poor and disenfranchised.⁴⁶ Community lawyering is also about respecting those same divisions.⁴⁷ On the other hand, community lawyering is about challenging the boundaries that have been used to maintain power and privilege.

In essence, then, community lawyering is about both recognizing and setting boundaries, and acknowledging their permeability and impermanence. In small rural towns of the past, urban neighborhoods bound by invisible racial lines, or suburbs where a church or school was the center of activity, it may have been relatively easy to draw lines and to think of community in terms of geography. But conditions have changed. Commercial globalization and transportation mobility have led to a reconfiguring of our geographical and cultural community bases.⁴⁸ While geography is still highly relevant, it often requires expert mapping to understand the fundamental aspects of any particular community. Understanding the way in which boundaries may be constructed and deconstructed informs the ways community practitioners must approach their work.

There are other factors at work today that contribute to adaptations in the cultural, role, and status aspects of definitions of

46. See Cook, *supra* note 10, at 193 (discussing use of social capital).

47. See Paul R. Tremblay, *Interviewing and Counseling Across Cultures: Heuristics and Biases*, 9 CLINICAL L. REV. 373, 407 (2002) (discussing a need for hyper-awareness of differences, which he terms an "informed not knowing," in the context of intercultural interviewing and counseling).

48. See Arturo B. Carrillo, *Bringing International Law Home: The Innovative Role of Human Rights Clinics in the Transnational Legal Process*, 35 COLUM. HUM. RTS. L. REV. 527 (2004) (looking at the relationship between traditional transnational legal process and contemporary, innovative human rights clinics); Claudio Grossman, *Building a World Community: Challenges to Legal Education and the WCL Experience*, 17 AM. U. INT'L L. REV. 815 (2002) (analyzing the impact of foreign investment, the rise in multinational corporations and NGOs, and international trade on law school pedagogy); Laurel S. Terry, *U.S. Legal Ethics: The Coming of Age of Global and Comparative Perspectives*, 4 WASH. U. GLOBAL STUD. L. REV. 463 (2005) (discussing the impact of international trade and the increasing number of foreign born residents in the United States on legal ethics).

community. Modern technology has radically changed communications, even at the most personal levels, creating intimacy with no physical presence,⁴⁹ but also allowing for spatial and temporal distance in circumstances that once would have permitted no such detachment.⁵⁰ These factors have even prompted calls to a cosmopolitan ideal, where the individual might conceptualize the self as a "citizen of the world," rather than as someone tied to others by national or geographic boundaries.⁵¹ At the same time, efforts to humanize law and other professional services are stretching, or even breaking through, the confines of role expectations.⁵² Grassroots campaigns are taking place via the Internet and having an impact in the "real" world.⁵³

B. The Significance of Engagement and Connectivity

In analyzing the importance of partnerships in the community, our interest is not only in identifying where or what the community is, but in understanding how progress is made, problems get solved, and changes occur. Engaging and connecting with communities does not just happen. The lawyer's "presence" is not accomplished merely by hanging out a shingle; clinic faculty and students do not simply plop themselves down in a community meeting and suddenly become relevant. Partnering with a community begins with presence, but to be effective, lawyers have to strive for an *engaged* presence. The question then becomes, how are we to add or insure this element of engagement? The answer to this question is not necessarily

49. See Robert M. Bastress & Joseph D. Harbaugh, *Taking the Lawyer's Craft into Virtual Space: Computer-Mediated Interviewing, Counseling, and Negotiating*, 10 CLINICAL L. REV. 115 (2003) (analyzing negotiations and client-attorney interactions in computer-mediated communications).

50. See Scott A. Taylor, *Computer and Internet Applications in a Clinical Law Program at the University of New Mexico*, 6 J.L. & INFO. SCI. 35 (1995) (describing the skills and applications involved in an on-line tax clinic).

51. Martha Nussbaum, *Patriotism and Cosmopolitanism*, THE BOSTON REV., Oct.-Nov. 1994.

52. See, e.g., Maria A. Failing, *A Home of Its Own: The Role of Poverty Law in Furthering Law Schools' Mission*, 34 FORDHAM URB. L.J. 1173 (2007).

53. See, e.g., Loffredo, *supra* note 10, at 178; Piomelli, *Democratic Roots*, *supra* note 26, at 607 (2006).

discovered by defining community, but may be found by identifying or locating the borders that separate one community from another.

A significant body of work supports the idea that momentous engagement—and, therefore, the greatest impetus for change—takes place in the spaces where two cultures come into contact. Within these border spaces, conflict can be either constructive or destructive. Positive results from “borderland” interactions may include socialization—the process by which one group absorbs the normative values and integral codes of another group—and the sharing of social capital, such as operational skills and networking resources. Borderland interactions also provide opportunities for relationship building, engendering trust, sympathy, and commitment. As Margaret Montoya observes, in discussing writer Gloria Anzaldúa’s work on this subject, border areas are “sites of creative cultural production.”⁵⁴ Thus, the places between communities, where cultures touch or come in contact, are loci as important as, if not more important than, the community itself.

This shift in perspective, from looking at what composes the center to looking at points of contact, is essential to the work of community lawyering. For outsiders or newcomers to a particular community, understanding the potential for both constructive and destructive engagement at the place of contact is critical. When lawyers and law students come into communities, there often is a meeting—or a collision—of cultures. Too often, these encounters may be destructive. Complaints from clients and communities frequently relate to power struggles that leave everyone but the lawyers disempowered. This disconnect in the lawyer/community relationship may stem from the misguided notion that lawyers are not a community bringing a culture into the engagement. The notion that we are “professionals” above the cultural fray, using skills to solve problems wherever they arise, leaves lawyers (and law students in practice) vulnerable either to never seeing the collision or to hearing the invitation to participate in the engagement in a different manner.

54. Margaret E. Montoya, *Border Crossings in an Age of Border Patrols: Cruzando Fronteras Metaforicas*, 26 N.M. L. REV. 1, 4 (1996). See also Melissa Harrison & Margaret E. Montoya, *Voices/Voces in the Borderlands: A Colloquy on Re/Constructing Identities in Re/Reconstructed Legal Spaces*, 6 COLUM. J. GENDER & L. 387 (1996).

For this reason, establishing a presence, a condition of successful engagement and relationship building, is often dependent on finding a “hospitality zone” where allies are welcomed.⁵⁵ This hospitality zone is space within the community where, by invitation, outsiders are given an orientation and entrée to the community. It is much like a borderland, but with a notable difference: the hospitality zone is structured with conflict facilitators in place or hosted by those who have already signaled their conditional acceptance of the newcomers.

Consistent with these notions of borderlands and hospitality zones, community lawyering clinics embrace an idea of operational space within a fluid context. Successful community lawyering involves challenging the boundaries of communities that have been used to maintain the power and privilege of some, while relegating others to their “place.” The process is one of acquiring language, knowledge, and shared experience. The process, however, is always in motion. We know that boundaries inevitably shift. Accordingly, the ability to judge when to respect and when to challenge boundaries is essential to community-oriented work.

At an even more basic level, community lawyers are questioning and analyzing anew their assumptions about what is at the core of public interest community lawyering. What, for example, are the essentials of meeting and interacting with a client community? How are relationships formed, nurtured, and maintained, within and across boundaries? In this way, community lawyering resists some of the conventional wisdom about the role and status of lawyers,⁵⁶ the nature of client conflicts,⁵⁷ and the very efficacy of the adversary system to solve systemic community problems.⁵⁸

Community lawyering, as we suggest earlier, is an *approach* to the practice of law and, therefore, to clinical legal education that centers on building and sustaining relationships with clients, over time, in context, as a part of and in conjunction with their

55. See Cook, *supra* note 10, at 188–90.

56. Alfieri, *supra* note 27, at 2140 (discussing the importance of client narrative which, by necessity, intrudes on lawyer dominated space).

57. See Marshall, *supra* note 19 (discussing the failure of existing professional codes of conduct to address ethical problems arising in the context of community law practice).

58. See White, *supra* note 25 (discussing the deficiencies of 1970s-style impact litigation for producing systemic reform in today’s climate).

communities. It requires an honesty of identity on the part of the lawyers who walk into the community. Once the fundamentals of presence and engagement are established, the community lawyering focus shifts to a method of practice based in a collaborative, strategic vision of building community and improving community economic resources. Such practice involves interactive, iterative, and long-term thinking, in which the legal team participates as one of many community players. The legal team is a participant in the decision of when and how to assert legal rights and responsibilities, but that decision is embedded in the community process in much the same way that a legal team of corporate counsel is imbedded in a large corporation.

For example, a community lawyering clinic can protect a community organization, but that is likely not the ultimate goal of the organization; that is only what is necessary for the organization's survival. The goal of community lawyering is something larger: to empower clients and assist them in the economic, political, and social contexts of their lives, beyond the immediate legal problems. Reaching that goal inevitably requires many different kinds of skills: interpreting the law, changing the law, creating law, interpreting public opinion, changing public opinion, creating public opinion, building alliances, breaking alliances, capturing resources, and releasing resources. The legal team brings skills to the table, but it does not drive the process, which is highly political, sophisticated, structural, and community-led.

Community lawyers share a commitment to creative, cooperative, collaborative, and complex problem solving with communities and other professionals.⁵⁹ Progressive community lawyering requires lawyers and law students to confront the legitimate fear of communities that attorneys will dominate and replicate systems of subordination, and possibly derail community efforts.⁶⁰ "These groups still must face concerns about law and lawyers usurping community power. It is a reality that lawyers, with our privilege, our

59. See, e.g., Brescia, *supra* note 19; Diamond, *supra* note 3; Diamond & O'Toole, *supra* note 19; Marshall, *supra* note 19; Seilstad, *supra* note 19; Zuni Cruz, *supra* note 19.

60. Cook, *supra* note 10, at 174 (discussing lawyers' replication of systems of subordination).

access to power, and our closely held set of tools, all too often have negative effects when we intervene in community processes.”⁶¹ As partners in a long-term problem-solving process, community lawyers seek to guard against the hierarchy of roles that can undermine the community’s power and interfere with conflict resolution. Community lawyers aspire, instead, to create connections through shared experiences and goals that will strengthen and empower the community, ultimately producing systemic change and greater social and economic equality.

III. PROMOTING ECONOMIC JUSTICE IN COMMUNITY LAWYERING CLINICS

Community lawyering and community lawyering clinics focus on breaking cycles of poverty, empowering communities, and promoting social and economic justice. Community economic development clinics, with their missions to ameliorate the economic oppression and exploitation of the communities with whom they work, vividly highlight this underlying social and economic justice imperative.

For over eighty years, a debate has ensued among community economic development theorists as to the best approach for achieving economic justice. One view suggests that if safe and sanitary housing is built and maintained, the community would thrive economically. The other view insists that successful economic development depends primarily on increasing the skills and resources of a community’s residents. “This place-based versus people-based debate has been at the heart of many government programs designed to transform blighted communities.”⁶²

The place-based theory was rooted in the Great Depression era when entities, such as the Public Works Administration, were designed to clear slums and construct low cost housing projects.⁶³

61. Gordon, *supra* note 20, at 2144.

62. Brenda Blom et al., *Creating a Problem Solving and Restoring Community Using Lessons Lost in the Merger of the Courts of Law and Equity: Justice as a Critical Element of Community Development*, in RE-ENGINEERING COMMUNITY DEVELOPMENT FOR THE 21ST CENTURY 1 (forthcoming May 2008).

63. President Franklin D. Roosevelt, 1935 Statement Fixing Jurisdiction of the P.W.A. and W.P.A. (July 3, 1935), available at <http://www.presidency.ucsb.edu/ws/index.php?pid=>

This approach operated as the primary strategy through the years of “urban renewal,” often leaving residents with no place to live or forcing them to move long distances from friends and family. Buildings were improved, but often long-existing communities were destroyed. Forty years ago in Baltimore, Maryland, for example, the great highway “west to nowhere” dislocated several stable and viable African-American communities, but resulted in the construction of only one and a half miles of a six-lane interstate highway project that was eventually abandoned in the face of opposition from more successfully organized white middle-class communities.⁶⁴ This highway was not, as advertised, a connector to prosperity; rather, it was a connector to loss and poverty.

When President John F. Kennedy was elected and the 1964 Anti-Poverty Bill was passed, the focus of community economic renewal efforts began to shift. Kennedy believed that “the government should take a more active role in helping people get on their feet.”⁶⁵ Momentum built around using urban redevelopment as a tool to allow community residents to prosper by creating the resources to improve the neighborhood.⁶⁶ But this strategy, implemented simultaneously with desegregation, had unintended consequences. Low-income African-American families could now afford to move to communities with better opportunities. With job training and education more open through targeted programming, residents of concentrated communities of color made what was often the rational individual choice: to move away from inner cities. But, with only bricks and mortar left behind, the concentration of poverty in the urban communities often increased.

During this period, legal aid offices developed in low-income, urban communities and some clinical law programs opened community-based clinics. These neighborhood offices and clinics gave lawyers an important connection to their clients. Relationships were built by addressing the day-to-day needs of the community as

14892.

64. See Jean Marbella, *He Has a Plan for the Road to Nowhere*, THE BALTIMORE SUN, Dec. 28, 2007, at 18.

65. *Id.* (citing CHARLES MURRAY, *LOSING GROUND: AMERICAN SOCIAL POLICY 1950–1980* 25 (1984)).

66. *Id.*

presented by the residents. Some attorneys in community-based offices lived in the community, walking the same streets as their clients and perceiving directly the actual economic and social conditions of their clients' lives.

In the 1980s, clinical law programs began moving “in house” at the same time as legal aid programs were forced to centralize their services into larger downtown offices. Meanwhile, a growing consensus emerged among government and policy-makers that a combination of place-based and person-based development strategies was necessary for true revitalization. Residents of the Fillmore district of San Francisco, for example, won the right to be included in planning the redevelopment of housing and commercial districts through court action.⁶⁷ This right to have input in “bricks and mortar” redevelopment set the stage for new programs that invested in the residents themselves so that they might participate in redevelopment, maintain a strong sense of community, and build momentum for new visions of economic development. A new entity developed—the Community Development Corporation (“CDC”),⁶⁸ structured in such a way that the community might control development.

Gradually, public interest attorneys began to engage in community economic development lawyering and began to represent CDCs. But, it would take some time before law schools included this work as part of clinical course offerings. The reasons for this are varied and complex. First, while the bulk of community economic development lawyering is transactional, most early clinicians came to the academy from either public defender offices or local legal aid offices, where attorneys primarily worked as litigators. Second, the anti-poverty legal strategies of the 1960s and 1970s were largely grounded in individual and personal civil rights. Clinics also embraced this litigation-based strategy and achieved some success, advancing welfare reform and enforcing newly adopted federal civil rights and anti-discrimination legislation.⁶⁹

67. *Neighborhoods: the Hidden Cities of San Francisco: The Fillmore* (PBS television broadcast, June 11, 2001).

68. See Blom, *supra* note 62.

69. See White, *supra* note 25.

However, poverty increased and wholesale economic injustice became even more evident during the Reagan years and into the Clinton administration, requiring new solutions and approaches. By the 1990s, economic trends toward community disinvestment, de-unionization, and globalization became increasingly apparent. "The relative collapse of manufacturing in U.S. cities in the context of globalization and sectoral shifts produced increased poverty by the 1990s, lower incomes for the working poor, and worse outcomes for children and families. Poverty was rediscovered as persistent poverty, concentrated poverty, and hyper segregated poverty."⁷⁰

The long-standing strategy debate among community economic development practitioners shifted to a new understanding that any successful anti-poverty strategy needs to combine a plan for physical redevelopment of a community with increased opportunities for education, job training, and employment. Residents must be full participants and leaders in the planning and implementation of any such plans, and racial and economic justice must be pursued in tandem. From this new understanding, movements for new local economic structures began to develop, including movements for local credit unions, low-cost health clinics, land trusts, food cooperatives, workers' rights projects, and environmental coalitions.

Community lawyering clinics (some, but not all, of which focused on community economic development) evolved to foster these movements and to address the diminishing economic viability in poor, urban communities. Clinical programs are better suited today than in the early years to provide legal resources in partnership with community organizations and coalitions.⁷¹ Law school clinics, now in their second generation, have more diversity, more breadth, more

70. Robert Giloth, *Social Investment in Jobs: Foundation Perspectives on Targeted Economic Development During the 1990s*, 9 ECON. DEV. Q., Aug. 1995, at 279.

71. Jeff Selbin, Faculty Director, East Bay Community Law Center, University of California, Berkeley School of Law, suggests that law school clinics today are particularly well suited for community lawyering projects because of their institutional "access to resources, their relative independence, the way their pedagogical function both demands and provides time for active reflection, and the emergence of a 'new generation' of clinicians who are dedicated to this mode of lawyering." See Gordon, *supra* note 19, at 2143 n.40 (paraphrasing Jeff Selbin). See also Juliet M. Brodie, *supra* note 10, at 236–37.

permanent faculties, and more opportunities for specialization to undertake this type of work.

Solving the problems of ongoing and pervasive economic marginalization, particularly for women and people of color, is a goal of community lawyering and community lawyering clinics. However, breaking the cycles of concentrated poverty and building healthy communities are not things that any one project or clinic might accomplish—certainly not in a semester or a school year. The process is not linear. It is not quick. It takes a long-term commitment of people and organizational resources.

Even as lawyers find themselves working in the hospitality zones of communities through collaborative work, community members find themselves invited within the parameters of the legal world. If all goes well, language begins to blend, communication improves, and problem solving is enhanced. Communities begin to construct and test their own visions of justice and assess how lawyers, who are learning and teaching within that world, may be able to help them create and foster their goals.

IV. INTERDISCIPLINARY COLLABORATIONS IN COMMUNITY LAWYERING CLINICS

The multiple consciousnesses that clinic faculty and clinic students must cultivate in order to be effective community lawyers highlight the inherent interdisciplinary⁷² nature of community lawyering. Community lawyers often must assume roles that fall outside their conventional legal training—serving as community organizers, lobbyists, sociologists, anthropologists, or social workers. And, achieving effective social and economic change in partnership with community members almost always requires collaboration with

72. Scholars have debated the use of terms such as “interdisciplinary,” “multidisciplinary,” and “transdisciplinary” in recent years. See, e.g., Mary C. Daly, *What the MDP Debate Can Teach Us About Law Practice in the New Millennium and the Need for Curricular Reform*, 50 J. LEGAL EDUC. 521, 522 n.3 (2002); Anita Weinberg & Carol Harding, *Interdisciplinary Teaching and Collaboration in Higher Education: A Concept Whose Time Has Come*, 14 WASH. U. J.L. & POL’Y 15, 15 n.2 (2004). For purposes of this Article, we use the term “interdisciplinary” broadly to describe several different approaches, all of which involve work that encompasses the approaches of two or more different educational fields or disciplines.

individuals of different educational backgrounds who share a common purpose. Interdisciplinary work deepens the ability of lawyers and law students to speak languages outside their comfort zones and enhances their ability to identify and cultivate additional resources and partners.

The current resurgence of community lawyering clinics dovetails with the development of interdisciplinary clinical education.⁷³ There is a significant synergy between the pursuits and goals of community lawyering and interdisciplinary clinical legal education, and many clinical law teachers and scholars are engaged in both on some level.

A. Developmental Perspective on Interdisciplinary Clinical Education

The beginnings of interdisciplinary clinical programs can be traced to law schools such as the University of Chicago, the University of Maryland, and Boston College, which have had professional social workers as part of their clinic staffs for many decades. The Chicago Law School Mandel Legal Aid Clinic, begun in 1958, has for many years included a professional social worker and graduate social work students from the University's School of Social Service Administration, who function as core members of the clinical team. The University of Maryland School of Law and Social Work Services Program, begun in 1988, is located in the Clinical Law Program where the faculty includes a social work professor. Social work and law students determine the services that are needed to

73. These two movements share a number of structural elements. From a temporal standpoint, the two have developed more or less simultaneously and have flowed together over time. The AALS Section on Clinical Education formed the Committee on Interdisciplinary Clinical Education in 2001. Together with the Committee on Ethics and Professionalism, this committee began working on an ambitious agenda, including the planning of a working conference that would incorporate discussion of interdisciplinary concerns as well as issues related to ethics and professionalism. In 2002, the first of what turned out to be a series of five conferences took place at Washington University in St. Louis School of Law. As the conferences evolved, the topics under consideration morphed from a broad examination of interdisciplinary teaching, practice, and scholarship, to a more focused discussion of concerns surrounding poverty and community lawyering using interdisciplinary perspectives, to a specific exploration of ethical and interdisciplinary dimensions of community lawyering. Another important structural element to note is that many of the same clinical law teachers and scholars have been identified with both movements within clinical legal education.

address the clients’ legal and non-legal needs, and together they design plans to support the clients. At Boston College Law School, a professional social worker is a member of the clinical legal team and is available to consult with clinic faculty and law students on a regular basis.

From this early phase onward, clinical programs have struggled with the potential ethical challenges of bringing together professionals of different disciplines bound by different sets of ethical rules.⁷⁴ Many clinical programs have resolved this issue by hiring social workers who have been willing to serve as part of the legal team, which allows them to be covered by the attorneys’ professional rules. A few programs, however, have established their own, often complicated, policies to allow each profession to serve its own ethical rules.

The second phase involved branching out to more group representation, often in newly emerging subject areas in clinical legal education, such as environmental and community economic development clinics. In this phase, interdisciplinary clinical education began to incorporate a more intentional community lawyering orientation through the community-based focus of many of the group clients involved in these interdisciplinary collaborations.

Over time, a number of these interdisciplinary collaborations evolved into more fully developed partnerships. This third phase of evolution in interdisciplinary clinical legal education reflects a shift in emphasis away from collaborations that provide primarily legal assistance to individual and group clients, towards full partnerships with communities that provide broad-based services to achieve the

74. How interdisciplinary relationships are structured within legal clinics may have significant repercussions from an ethical standpoint. A detailed exploration of the possible arrangements and their ethical implications is beyond the scope of this Article, but has been explored in depth elsewhere. See, e.g., Alexis Anderson, Lynn Barenberg & Paul R. Tremblay, *Professional Ethics in Interdisciplinary Collaboratives: Zeal, Paternalism and Mandated Reporting*, 13 CLINICAL L. REV. 659 (2007); Paula Galowitz, *Collaboration Between Lawyers and Social Workers: Re-examining the Nature and Potential of Their Relationship*, 67 FORDHAM L. REV. 2123, 2135–40, 2147–50 (1999); Frank P. Cervone & Linda M. Mauro, *Ethics, Cultures, and Professions in the Representation of Children*, 64 FORDHAM L. REV. 1975 (1996); Laura R. Bronstein, *A Model for Interdisciplinary Collaboration*, 48 SOC. WORK 297 (2003); Jacqueline St. Joan, *Building Bridges, Building Walls: Collaboration Between Lawyers and Social Workers in a Domestic Violence Clinic and Issues of Client Confidentiality*, 7 CLINICAL L. REV. 403 (2001).

communities' multi-faceted goals. This third phase also incorporates a significant change in emphasis from micro-level clinical efforts—that is, the direct representation of individual clients—to macro-level efforts, in which the clinic operates in multi-faceted ways conjunction with a number of community partners to advance the long-term goals and strategies of the community.

B. Models of Interdisciplinary Community Lawyering Clinics

There are various models of interdisciplinary collaborations in higher education.⁷⁵ They provide a jumping-off point for understanding different ways in which community lawyering clinics may be interdisciplinary, and also for appreciating the challenges inherent in such efforts.⁷⁶

In the first model, the “in-house” model, the clinic instructor develops non-legal knowledge so that she can teach, write about, and/or practice another discipline in a manner that is relevant to her own discipline.⁷⁷ Some law school clinical faculty and public interest lawyers who engage in this model may identify their work as interdisciplinary community lawyering. Other clinicians may not identify their work as interdisciplinary because they lack formal training in any discipline other than the law, and because the work does not formally involve professionals trained in a different discipline working together with the lawyers under one roof. However, there is little question that the non-traditional legal skills essential to the work of community lawyering, including skills such as community organizing, community education, and lobbying, fit within this in-house definition. From this perspective, most, if not all, community lawyering might be viewed as interdisciplinary.⁷⁸

75. See Weinberg & Harding, *supra* note 72 (discussing three models in depth and illuminating the challenges inherent in each of the models). These co-authors themselves represent collaboration across disciplines. Weinberg is a Clinical Professor of Law and Harding is a Professor of Human Development with expertise related to education and developmental psychology.

76. *Id.* at 33–34.

77. *Id.* at 33–35.

78. It is also worth noting that the in-house model is reflected in the work of a large number of legal scholars, both within and without the clinical legal education field.

Jane Aiken and Stephen Wizner champion the idea that poverty lawyers and clinic faculty should embrace their ability to practice social work.⁷⁹ They recommend that as “social working lawyers,” our clinic students should be trained to be effective organizers, to recognize the strength in numbers, and to see law merely as one of many tools but not the “answer.”⁸⁰ They advocate that poverty lawyers and clinical law teachers adopt the principles stated in the social worker’s code of ethics, which include helping people in need to address social problems, challenging injustice, respecting the inherent dignity and worth of the person, and recognizing the central importance of human relationships.⁸¹

In the second, even more complex, interdisciplinary clinic model—the “professional consulting/collaboration” model—clinicians include educators and professionals of other disciplines in the work of the law clinics on a consulting basis. Many community lawyering clinics involve this type of formal interdisciplinary collaboration. In the context of community economic development clinics, for instance, clinical teachers who work with communities on the formation of non-profit organizations or small businesses often consult and collaborate with tax or business professionals, such as certified public accountants, for assistance with their clients.

These ambitious interdisciplinary efforts to incorporate professionals of other disciplines into the clinic setting may raise challenges for clinical law faculty and clinic students such as scheduling logistics, language and culture differences, communication difficulties, or ethical conflicts. Clinical law faculty and clinic students may discount the importance of the non-law focus or approach due to ignorance or bias, and non-law professionals may experience discomfort if their contributions are not understood or their work is perceived as being devalued.⁸²

Notwithstanding the complications, most community lawyering clinic faculty probably agree that both clinic teaching and clinic

79. Jane Aiken & Stephen Wizner, *Law as Social Work*, 11 WASH. U. J.L. & POL’Y 63, 64 (2003).

80. *Id.* at 82.

81. See Katherine R. Kruse, *Lawyers Should Be Lawyers, But What Does That Mean?: A Response to Aiken & Wizner and Smith*, 14 WASH. U. J.L. & POL’Y 49 (2004).

82. Weinberg & Harding, *supra* note 72.

services are greatly enhanced by the incorporation of professionals from other targeted disciplines, such as social work, business, architecture, accounting, and urban planning. Most legal dilemmas faced by communities have important dimensions that lie outside the expertise of lawyers. The ability to engage professionals from the particular disciplines possessing the necessary extra-legal knowledge and skills may be critical to achieving the community's goals.

The third interdisciplinary clinic model involves integrated, interdisciplinary teams of faculty or administrators from diverse disciplines collaborating to co-teach a clinical course enrolled in by students from diverse disciplines and professions.⁸³ In this "integrated partnership model," professionals from different disciplines work together to plan, develop, and co-teach the clinical course to students from different disciplines who jointly provide legal and technical services to the clients of the clinic. While inevitably challenging, this highly complex model may reap the greatest rewards for faculty, students, and clients. Moreover, this may be the model that provides for the richest community collaborations.

Several highly regarded community lawyering clinical programs reflect this higher level of integration. For instance, Washington University School of Law's Interdisciplinary Environmental Clinic, begun in the fall of 1999, is co-taught by law faculty and engineering faculty. The class includes law students and engineering/environmental studies students who work in interdisciplinary teams to provide legal and technical services to their clients, community environmental groups in need of representation.

It is important to note that interdisciplinary lawyering and community lawyering often occur across a continuum, rather than in such discrete models as described above. Some aspects of all three models may be operating within any particular community initiative.⁸⁴ Nevertheless, discussing the different types of interdisciplinary models within the context of community lawyering is instructive in at least two ways. First, it helps demonstrate the interconnection between interdisciplinary clinical education and community lawyering. Second, it outlines some different choices for

83. *Id.* at 37 (capitalization omitted).

84. *Id.* at 34.

community lawyering clinicians, with the understanding that each model presents distinct strengths and also challenges.

V. CHALLENGES OF COMMUNITY LAWYERING FOR CLINICAL LEGAL EDUCATION AND CLIENT COMMUNITIES

I can remember the first time a student said to me “I don’t really understand this thing you keep referring to as community.” As a community economic development lawyer and community economic development clinic teacher, and a person who has lived in the same neighborhood for over 25 years, I was taken aback that the concept of a place-based community was a foreign concept to anyone. But, it also brought into perspective the challenges we face in our community lawyering clinics (and in our country). This was a “suburban kid.” Her parents were divorced and lived in different states; each commuted to his/her jobs, and the kids were shuttled between two homes. Her primary mode of communication with her family was not in-person, but by phone, email, and text message. As the discussion deepened, and she was pushed to think about where there was a network of relationships that supported her family, she finally was able to identify those relationships through her school, and maybe a little through her church. This conversation illuminated for me that today’s employment, economic, technological, and transportation structures result in an atomized and deconstructed pattern of living, not only for many of our clients, but also for our students—a pattern of living that is individualized, sometimes adrift, and not inherently linked to an in-person community. What we used to think of as ‘community’ has changed radically over the past generation.”⁸⁵

Translating community lawyering aspirations into the context of clinical law practice and teaching raises professional and pedagogical challenges. These challenges occur on a number of levels, including

85. Musing of author Brenda Bratton Blom, a veteran community lawyering teacher (on file with author).

defining community and identifying who the client is. They also include reassessing our own roles as lawyers in problem solving and coming to grips with a multiplicity of roles. The complexity of the legal and non-legal issues, taking place at both a macro and micro level, and the need to work with professionals from other disciplines present more challenges. The length of commitment required in community-based work and the fact that situational factors are in constant flux also demand special consideration.

Clinical law teachers face the corresponding pedagogical challenges of determining how best to teach this approach to clinic students and involve them meaningfully in the work. Questions arise concerning the applicability of commonly taught skills in the community context and the need for expanded or enhanced skills. This, in turn, raises questions about the capacity of students to absorb the requisite lessons in a limited time frame. Perhaps the most striking difference between community lawyering clinics and the law practice models commonly taught in other law school courses and clinics is in the nature of the lawyer's role. Teaching community lawyering requires special attention to disassembling prior assumptions about leadership. Community lawyering clinic faculty, as well as clinic students, must begin to reconceptualize their professional roles.

A. Defining "Community" and Identifying the "Client"

Community collaborations inevitably lead those involved to raise questions about what assumptions might be embedded in their notions of community. Clarifying who is the client and getting a clear view of the client's wishes is a first level concern for those working in community settings. What is this community that is receiving the benefits of community building? Who are the spokespersons, the decision-makers, the stakeholders? Who are insiders, outsiders? In community economic development clinics, clients range from large community development corporations with fairly complete strategic plans for their neighborhoods,⁸⁶ to small, single focused, non-profits

86. For example, Georgetown University Law Center's Harrison Institute handles multi-million dollar housing development projects on behalf of an array of clients. See Harrison Institute for Public Law-Housing Clinic, <http://www.law.georgetown.edu/clinics/hi/housing>.

or community-based businesses with little or no plan in hand.⁸⁷ The questions that must be answered in all of these cases include, who is “the” client?

With much potentially at stake in terms of setting goals and priorities, and in terms of power and resource allocation, community lawyering clinic faculty and clinic students must also wrestle with the meaning of community. They must struggle with questions of roles, process, and infrastructure that flow from the central task of defining community. It can be fairly said that an essential aspect of community lawyering is defining community and locating the boundaries within and between communities. The scale and complexity of the work, and the capacity of the lawyers and clinics to handle the work must also be identified.

Ethical dilemmas sometimes arise with respect to identifying the client community. Sometimes we approach a community or an issue believing that there is a shared view among the community members as we have identified them, only to learn that there may be factions within the community that may have conflicting interests, or at least interests that are in some tension with each other. Sometimes, the composition of the community changes. In such situations, the clinical law teacher may have to make difficult decisions about how to navigate these very risky waters. The clinic instructor may be challenged to come up with a way to frame the issues and the representation such that she and her clinic students can realistically continue doing community lawyering. In the worst case scenario, the clinic may have to withdraw the clinic from the representation if genuine conflicts of interest arise that cannot be resolved.

As a way of addressing the definitional issues, in the University of Maryland community development and community justice clinics, the semester begins with a tour of “the other Baltimore.” Clinic

html (last visited Apr. 8, 2008).

87. For example, the American Bar Association Forum on Affordable Housing and Community Development Law now has a Legal Educator’s Section; the American Association of Law Schools has a Community and Economic Development working group of clinicians; there is a listserv for Law and Business clinicians, many of whom are community development clinicians as well; and there is a Community Development Banking listserv out of Cornell University, focused on the work of practitioners and clinicians who are doing economic development and innovative finance activities.

students and faculty spend a day on a bus, touring the city's most disinvested neighborhoods, along with a tour guide who talks about the history of these communities, community development efforts, and current statistics on challenges and opportunities. This exercise is designed to introduce students to the complex web of social and economic forces in their clients' lives. The tour also includes some of the "power neighborhoods" and gentrified neighborhoods to help students identify the differences that come with the investment of resources, both private and public. The clinic faculty underscore the importance of understanding the neighborhoods by hanging large maps of neighborhoods in the hallways of the clinical offices, with designated client neighborhoods and functioning community associations identified. For most clinic students, this clinic is the first time they have been exposed to the full scope of the city—from the docks to the entertainment district, from the open air drug markets to the mansions of our oldest and most wealthy communities.

An introductory exercise used by the Rogers Williams Community Justice & Legal Assistance Clinic and the Washington University Civil Rights & Community Justice Clinic requires students in the first two weeks of the semester to conduct in depth "on the street" investigations of their client communities, their partnership sites, and related community organizations, and to develop an initial definition of the "community" with whom they will be working. In addition to meeting with and interviewing selected individuals, students are encouraged to do research online, at the library, and in local publications. Students also are encouraged to visit schools, shelters, community centers, shopping areas, and neighborhoods. Students are pushed to explore various questions about their client communities: where do their clients live, work, eat, shop, and go to school? What community groups are active with the community? In the process of their investigations, students are urged to inquire about community organizations: what is the nature of the organization? what kind of work do they engage in? How do they define the community they work in or with? What is their philosophy about community empowerment, community building, community engagement, or similar things? What, if any, role do they see for lawyers in this work?

Through these pedagogies, clinic faculty hope that clinic students will see themselves and their clients in a different context and begin to understand better the interconnections among themselves and their clients.

B. Building Community Relationships

A central precept of community lawyering is partnership, meaning that lawyers are part of a larger problem-solving team. While much of lawyering is rooted in developing good client relationships, community lawyering requires clinic faculty and students to have the ability to understand and analyze many complex relationships as well. To solve problems at the community level in partnership with a community, lawyers and law students must often work with non-lawyers, typically in non-profit settings. These relationships are complex because they can include various stakeholders, volunteer boards, and over-committed staff. The client may be an organization with a community-based board, with which the clinic must develop a relationship, so as to give advice that will help the organization move forward. Clinic faculty and students must also be able to make an independent assessment of the organization within the community.

Because the work often is interdisciplinary and multi-pronged, problem solving is complex and necessitates collaboration. The delivery of legal services often is intertwined with the delivery of services from social workers, health care workers, planners, or architects. Thus, for example, if clients determine that an organizing campaign is their needed strategy, this may well require hiring and collaborating with community organizers, media consultants, and others. Understanding the importance of relationship building on such a broad scale and engaging in it with a clear recognition of role equality can be a serious challenge for lawyers who have been trained to take charge. Fitting students into this multifaceted process raises numerous challenges, and managing that task precipitates significant work for the teacher and the client.

Relationship building between students and clients can be facilitated by mandating educational collaborations. For example, the Roger Williams Community Justice & Legal Assistance Clinic and the Washington University Civil Rights & Community Justice Clinic

students are responsible for a class early in the semester, in which they share the results of their community investigation and are encouraged to co-teach the class with members of the local service provider community. Similarly, students are required to offer some form of community education during the semester in collaboration with their community partners, such as in-service workshops for clients or service providers.

At the University of Maryland, clinic students have worked with clients on HOPE VI projects and affordable housing. In the process, the clinic has represented tenant groups, CDC investors, and CDC partners who actually became part of the development team. Hot housing markets precipitate both opportunities for client community housing development and a minefield of trouble regarding displacement of the poor and gentrification of communities. Clients often host the students at workshops at the beginning of the semester to introduce them to a variety of challenges the clients face as residents of public Section 8 housing, and the challenges of “working with” the Housing Authority to solve problems or build new housing. Clients also give the students tours of the projects, as well as introduce them to successful community projects that they have undertaken.

C. Clarifying the Lawyering Role

Community lawyering calls into question our understanding of the roles of lawyer and clinical law teacher.⁸⁸ Essential to the community lawyering approach is viewing clients over time and in the larger context of their communities, recognizing their connections to each other, and re-visioning the role of lawyers in community problem solving. Overcoming role assumptions can be a potential issue with clinic students and community members. Clients may feel the pull of the immediate crisis, raising a debate for the clinic about whether to provide direct service to clients with immediate, concrete legal needs,

88. Beverly Balos reflects on the inadequacies of the traditional law school curriculum in preparing students to meet such challenges, asserting that predominant legal education norms are at odds with a professional ethic of “responsibility to and relationships with others.” Beverly Balos, *The Bounds of Professionalism: Challenging Our Students; Challenging Ourselves*, 4 CLINICAL L. REV. 129, 140 (1997).

or to focus on longer term systemic problem solving, or both. For students, whose time and experience is limited, the pull toward litigation is often strong.

But, the needs of a community may require lawyers and law students to play multiple roles as mediator, community educator, and legislative advocate, as well as, or instead of, provider of direct representation. This leadership/team player/community partner model harkens back to the “small town lawyer” praxis, where the lawyer was deeply embedded in a community, and the lawyer’s skills were utilized and nuanced in many ways. In some respects, this type of practice is not dissimilar from the lawyering provided by large law firms on behalf of corporate clients with complex interests who require strategic plans to accomplish multiple goals. Both community client and business client may benefit from training and education, lobbying and legislative advocacy, public relations and deal making, and transactional work, as well as day-to-day counseling and litigation.⁸⁹

Community lawyering clinics therefore strive to support students as leaders, team players, and community partners, and broaden their view of lawyering. Film excerpts are an effective method of engaging clinic students in discussions about lawyering skills, legal issues, and non-traditional community lawyering roles. Among the movies that show lawyers engaging with communities are *Gandhi*, *The Milagro Beanfield War*, and *A Civil Action*. Excerpts from these films can be contrasted with excerpts from other movies showing lawyers engaged in more conventional litigation law practice.

Because of the complexities of the issues and the potential complications from multi-level interactions, every community lawyering clinic scenario may demand a refinement or re-definition of the lawyer’s role, a process that needs to be made consciously and deliberately. In certain circumstances, the student-teacher role also may have to be adjusted to fit the community lawyering paradigm.

89. In this way, community lawyering challenges us to reassess what we mean by poverty lawyering or public interest lawyering. While the saying goes that “rich clients get problem solvers and low income clients get litigators,” community lawyering endeavors to bring the multi-pronged, pro-active, problem solving lawyering approach to low-income clients. Some believe that a goal of community lawyering clinics focused on collective mobilization is to re-configure public interest lawyering. See Ashar, *supra* note 14.

Sometimes only the clinic instructor is the “partner” in this firm, and her bond with the client is what stakes out the attorney-client relationship. This may be hard to avoid, given that the clinic instructor professor maintains the relationship over years. In such situations, it is important for the professor to use her experience and skill as the primary member of the long-term partnership to bring her clinic students into the process as “first year associates.” Typically, the clinic instructor needs to be in the mix deeply enough both to help define the tasks for students, and to oversee the production of the outputs for the client, all the while engaging the client and the students in developing and regularly reviewing the work plan.

D. Managing the Complexity of the Work

Like all law practice and clinical teaching, community lawyering calls for a balance of the concrete and the conceptual. Unlike some other approaches to legal practice, however, community lawyers often operate from the experiential center, where they must maintain an awareness of the meta-context. In most community law settings therefore, practitioners must be involved at the macro-level, focusing on the broader, long-term goals of the community through modalities such as community organizing or legislative advocacy, as well as at the micro-level, working on legal matters for individual clients in the community.⁹⁰ The landscape is always changing. Outcome predictability is at the low end of any measurable scale. For lawyers and law students, a skill that serves well in one context may not work at all in another.

The shifting dimensions of community work understandably challenge those teaching and learning in community lawyering clinics. For clinic students who are engaged in daily interactions with clients, service providers, community leaders, neighborhood associations, courts, and government representatives—as well as formally and informally negotiating conflicts in political, interpersonal, and legal terms—learning to practice law in a community is like learning how to kayak on a moving river.

90. See Barry, *supra* note 10; Brodie, *supra* note 10; Bryant & Arias, *supra* note 8; Cook, *supra* note 10.

Consequently, this model of lawyering demands reassessment of assumptions we make about the capacity of law students.

To some extent, community lawyering clinic faculty are teaching the same skills that are being taught in other clinics: communication, relationship building, problem solving, and decision-making, for example. But the typical context of a community lawyering clinic is not solely—nor even predominantly—one of individual client representation in litigation. Community lawyering clinic faculty and students frequently find themselves acting in many places outside of the courts: at local community education events, in government buildings, in the workplace, in institutional settings, or even on the streets. Students in community lawyering clinics must also, therefore, develop skills they can exercise in large groups composed of non-lawyers, in concentrations of non-English speaking individuals, or in community centers populated by families, young adults, and children. Consistent with this notion, Shin Imai has identified as core community lawyering skills: collaboration with community members; acknowledgment of personal identification, race, and emotion factors; and assumption of a community perspective in the consideration of legal problems.⁹¹

Community lawyering clinic students, in other words, need to understand the importance of context. In the classroom and in supervision, a consistent focus on context consciousness and role assessment is essential. Because there are no blueprints for the infinite variations in context or the broad range of roles, the pedagogical emphasis in community lawyering clinics is on creative problem solving and dispute resolution.⁹² Teaching students to engage in problem solving and dispute resolution from multiple approaches, and helping students to find a balance between the micro- and macro-levels, as well as to appreciate how they fit together, adds complicating layers to these clinical courses.

91. Shin Imai, *A Counter-Pedagogy for Social Justice: Core Skills for Community-Based Lawyering*, 9 CLINICAL L. REV. 195, 195 (2002).

92. Seilstad, *supra* note 19, at 481–83.

E. Managing the Academic Time Frames

The academic calendar raises challenges for clinic students, clinic faculty, and community groups. Like other clinics, community lawyering clinics must confront the case coverage issue. It can be especially difficult to find a clinic faculty member who has experience in community lawyering *and* ties with the specific community to which the clinic is connected. There is the need for on-going faculty coverage to maintain the continuity of relationships not only with clients, but with community partners as well. This requires a commitment from the institution and from the clinical professors. It also requires that clients accept a level of flexibility in their representation, which can be stressful. There is no single manner that is “correct” to meet coverage needs; summer clinics, advanced students, fellows, and other models are all viable in some circumstances.

Determining whether the task at hand is manageable for clinic students in a given semester or year and whether it constitutes an appropriate case for student learning is a challenge in all clinics. However, given the time frames in which students are participating in a clinic, which frequently are as short as one semester, involving students in a meaningful way in community lawyering projects presents unique hurdles. The scope and scale of community lawyering clinic projects can overwhelm the students and the course. Faculty and students must work with the clients to make sure that the legal work is unraveled, so that the tangible and concrete tasks are evident and are approached in a collaborative and systematic way.⁹³

The experience for clinic students in the community lawyering context will never be the same year-to-year or semester-to-semester, because the needs of the clients change over time. This may create marketing issues. Clinic faculty must identify the range of possible types of clinic work in which students are likely to engage, while not promising any particular experience outside the community lawyering context. The clinic work must be presented as a multi-year

93. This challenge is addressed at some length in Katherine R. Kruse, *Biting Off What They Can Chew: Strategies for Involving Students in Problem-Solving Beyond Individual Client Representation*, 8 CLINICAL L. REV. 405 (2002).

commitment in a way that students are able to perceive and comprehend their piece of the work in the greater whole.

Even as community lawyering clinic faculty struggle with skill building in the classroom and clinic, they must concern themselves with the ramifications of their commitments to the community. The bottom line is that community work is always long term. The commitment will never be for a single semester or a single year. In most instances, community lawyering clinics must make year-round, multi-year commitments to the client community and community partnerships.

Each semester, community lawyering clinic faculty must educate new students about the community, introduce them to the community, and immerse them in the on-going contextual matters of the community. The transitory situation of students, often an issue in client representation, creates a particular problem when the nature of the work inherently requires long-term commitment, trust building over time, and an appreciation for community and partnership history.

One of the most helpful tools for clinics with cases that extend over time with multiple participants is a good client information database and a disciplined approach that ensures clinic students and faculty use the system in a robust manner. Programs such as “Time Matters,” adopted by the University of Maryland clinics in 2004, allow all who are working on the matter to file notes, phone messages, and documents in a manner that all team members have access to them. In this way, the team can keep up with the development of the matter, access contacts and documents that are being developed, and understand schedules and deadlines. This can make the difference between an effective team of cohesive students and a team of lost students wandering the halls wondering what is happening next. Although challenging for faculty and students not used to using technology or being accountable to the case file, the benefits far outweigh the burdens.

F. Unlearning Law School Lessons

Community lawyering clinics must address the fact that law students all too quickly become acculturated in law school to view

themselves as having superior knowledge to "lay persons" and to other professionals.⁹⁴ While not unique to community lawyering clinic students, such attitudes may create significant impediments to effective community relationships, the building blocks for any legal work in the community.⁹⁵ Because community lawyering generally involves coalitions in which the clinic student are simply one team of participant/collaborators with a particular type of knowledge and skill set, the work requires the clinic teacher not only to be a mentor/teacher, but also to teach leadership and collaboration skill. Community lawyering requires leadership and service of clinic students in a very complex manner, and perhaps with greater humility, than in typical clinical courses.

The challenge of unlearning law school lessons can perhaps best be understood in the context of a specific illustration. The Vanderbilt Child and Family Policy Clinic participated in a collaborative project with the Tennessee Youth Advisory Council ("TYAC"), a community-based non-profit organization. The aim of the project was to help identify and advance the needs of older and former foster youth who were in the process of transitioning to adulthood, both individually and collectively. The clinic provided legal representation to a number of the youth on the Council, and developed several informational/advocacy-oriented brochures. Together, the groups also developed several community education workshops that became a template that the Council is now using on its own across the State of Tennessee.

94. For a discussion of professional roles based on George Orwell's essay "Shooting an Elephant," see Joseph Allegritti, *Shooting Elephants, Serving Clients: An Essay on George Orwell and the Lawyer-Client Relationship*, 27 CREIGHTON L. REV. 1 (1993). Orwell's essay, a staple in clinical classrooms since its inclusion as an appendix in Gary Bellow and Bea Moulton's clinical text, *THE LAWYERING PROCESS: MATERIALS FOR CLINICAL INSTRUCTION IN ADVOCACY* (1978), can be analyzed to demonstrate how lawyers assume a professional mask, in the process risking loss of self as well as access to client experience.

95. See Anthony A. Alfieri, *The Antinomies of Poverty Law and a Theory of Dialogic Empowerment*, 16 N.Y.U. REV. L. & SOC. CHANGE 659 (1987) (assailing traditional law practice's tendency to reproduce oppressive power imbalances and calling for efforts to challenge hegemony through, among other things, consciousness raising dialogues); Rivkin, *supra* note 8, at 1067-69 (identifying as one tension between lawyers and clients the struggle over "voice," which he notes is central to relationship, and calling for an "ethic of connections").

One of the first issues to arise involved a “pilot” community workshop in which the law students ended up doing the entire presentation while the foster youth observed. Although observation can be a useful teaching tool, in this case, the format was not intentional, but was simply the result of a failure of the clinic students to recognize their roles in the community partnership and how best to empower their clients. Both on their own and with help from the foster youth, the clinic students recognized the error of their ways and were able to integrate that particular lesson from that point forward.

Community lawyering clinic faculty also may need to shift their pedagogical goals and expectations to work more collaboratively both within and outside the law school. For example, the clinic instructor may need to draw in a professor with strong legislative or dispute resolution skills to support the community lawyering work. Or, the clinic instructor may need the assistance of a professor who knows nonprofit or immigration law as part of the larger community lawyering clinic effort. The clinic instructor may need to co-teach with faculty from social work or business or other disciplines. This collaborative structure is complicated and cuts against the grain of the atomistic professional lives and stove pipe/solo teaching and practice mentality that exists in many of our law school and university communities, including many of our clinics.

VI. BENEFITS OF COMMUNITY LAWYERING FOR CLINICAL LEGAL EDUCATION AND CLIENT COMMUNITIES

Translating community lawyering aspirations into clinical practice and teaching provides unique rewards. It enhances our law teaching and learning, the competency and social justice consciousness of our law graduates, the quality of legal services we provide in our clinics, and, ultimately, the role of law and lawyers in society.⁹⁶

96. See Angela P. Harris, Jeffrey Selbin & Margaretta Lin, From ‘The Art of War’ to ‘Being Peace’: Mindfulness and Community Lawyering in a Neoliberal Age, 95 CAL. L. REV. 101 (2007).

A. Advancing Social Justice and Addressing Poverty

Society is a complex web of relationships. These relationships help us to know ourselves, because we are inevitably in relation to others. The accountability of our decisions is seen in the concrete choices that we make—where to live, where to raise our children, which schools to attend, which doctors to use, where to work, what sports events to attend, where to eat out. Each of these choices is an allocation of our own resources. And whether or not we are paying attention, we are affecting the lives of others by our choices of resource allocation.

Our society has been working to isolate the poor for a long time. The choice to concentrate poverty was reflected in the public housing models of the mid 20th century—the high-rise structures that were justified as a way to concentrate the delivery of services to the poor but, in fact, allowed the concentration of poverty, so that the poor no longer lived scattered out into neighborhoods around our cities and towns. This concentration also bore the consequence of creating centers of deep urban poverty.

Through housing patterns, traffic patterns, and increasingly, over the last twenty years, incarceration, we have chosen, as a public policy matter, to respond to poverty by concentrating it and placing it so that those of us who do not suffer the burdens of poverty do not have to see it. Law has been an essential element in creating and maintaining policy choices relating to poverty and law must be an essential element in remedying the situation. Community lawyering clinics help better prepare new law graduates to develop their social justice consciousness and take on the challenges of addressing poverty in our society in systematic ways.

B. Engaging in Public Policy-Making and Democracy

Co-producing outcomes with clients who are living in communities facing wicked problems challenges clinic faculty and students to be participants in the most difficult tasks that democracy asks of our legal professionals. We are asked to sink deep roots into complex social and economic problems, and bring a special set of skills to bear in the problem solving process where the problem and

the solution emerge simultaneously and iteratively. These analytical skills challenge a narrow view of lawyering, and invite students into society as skilled in a specific way, but not apart from the most basic challenges of the communities in which they live.

C. Learning Collaborative, Context Based, Complex Problem Solving, and Leadership Skills

The skills that students learn in community lawyering clinics are varied: they learn to tolerate chaos and disorder; they learn to be part of a team (with many individuals who are not lawyers); they learn to think outside the legal box; they learn long-term commitment; they learn consensus building and dispute resolution; they learn about lawyering in multiple settings (from corporate board rooms to the courts to the administrative offices of many different government agencies to the streets of the communities they serve); and they learn that intelligence and education do not always coincide. They come to understand that lawyers and clients are co-producers of the strategies and actions that have the capacity to solve some of the problems facing the clients in our more under-resourced communities.

The joys of success in community lawyering clinics are extraordinary. For clinic students, it is highly rewarding to be asked to think as strategic problem solvers, dispute resolution experts, and partners with their clients. This can be particularly satisfying for rising second-year students who are coming off the narrowing experience of the typical first-year curriculum and pedagogy or a frustrating first-year summer employment position that involved little or no client contact.

Students come into community lawyering clinics and are asked to understand the full complexity of the work and how to use the law in its broadest sense as a tool in the problem solving tool kit for their clients' interests. Many students are likely to flail about before they find the comfort of their stroke in that icy water. In the end, for many, the clinic gives students hope for legal careers beyond adversarial litigation.

Lawyers typically work in teams, sometimes with members in different locations, often to solve complex problems for clients. Yet, there are few places in law schools for students to learn to work

collaboratively; to understand clients and their problems in their contexts; to approach issues in a multi-pronged, problem solving, multi-disciplinary manner; and to exert leadership to solve complex problems. Clinics with a focus on community lawyering provide opportunities for students to learn all these skills.

While law school clinics are designed to provide opportunities for students to be lawyers and engage in various lawyering experiences, many clinics present litigation-based representation of an individual as the predominate experience of a lawyer. Community lawyering clinics, on the other hand, typically provide students with opportunities for lawyering in multiple areas beyond litigation.

The benefits of creating collaborative, context based, and authentic partnerships between clinical programs and community organizations, particularly with respect to law student participation, is illustrated in the Vanderbilt Child and Family Policy Clinic project with the TYAC, mentioned above. The youth were organized through a non-profit agency that provides a wide range of services to adolescents that had recently taken the TYAC under its wing. The staff of the nonprofit and the leadership group of the TYAC had formal training in community organizing. In addition, there was a broad-based professional advisory board involving community partners from a range of disciplines and perspectives.

The clinic agreed both to accept individual cases and to partner with the Council members in identifying and prioritizing their systemic concerns and in strategizing the most effective ways to try to bring about needed changes. One result of this collaboration was that the clinic provided legal representation to a number of the youth on the Council who would not otherwise have had access to lawyers. The individual advocacy helped to inform the systemic efforts because the students were able to see firsthand many of the systemic problems through their own efforts to advocate and to communicate with agency personnel.

Despite challenges, including the complexity of creating authentic partnership between the clinic students and the Council youth, the diversity of the work involved, the law students' tendency to dominate decision-making, and the frequent turnover of students from semester to semester, the project yielded significant positive results. Perhaps the greatest proof of progress and success is that the

Council itself has taken over the leadership and has found new partners to take the project to the next level, no longer needing the services of the clinic.

This project involved a partnership with a community defined not so much by geographical boundaries, but by an interest group with shared experiences and goals. This project contained a micro-level component with the clinic providing direct provision of legal services on an individualized basis, as well as a macro-level component with the clinic collaborating in policy-related advocacy on behalf of a community. This collaboration was interdisciplinary, with clear recognition that the community members wanted and needed to become empowered to drive the agenda, rather than the lawyers or law students.

CONCLUSION

Community lawyering clinics are growing in number, scope, and variety in law schools in our country and around the world. This movement, while not new, has found new momentum. Perhaps this is because the problems of the “un” and “under” represented are growing in new directions, requiring more complex models of response. Perhaps this is because of prior misconceptions that social and economic problems could be solved with individual strategies, and because of new insights about the integrative nature of social and economic injustice.⁹⁷ Perhaps this is because of an increased recognition of the need for collaborative problem solving and dispute resolution as lawyering strategies, and new perspectives on the capacities of law clinics to teach these modes of practice.

We are, whether we want to be or not, intricately connected to others. These connections, taken at the appropriate scale, become our communities. They include some that we seek to support and nourish. They exclude some that we attempt to keep at bay. And, clearly, we are accepted by some and excluded by others. But, at the edges, there

97. One common feature of these clinics “is their recognition that organizations engaged in the fight for social change cannot focus on race or class exclusively but must pursue racial and economic justice hand in hand.” Gordon, *supra* note 20, at 2135.

is connection of cultures, of needs, and of resources. There are zones where we meet to reach for the other.

And so, community lawyering clinic faculty in communities around the world are hefting their kayaks, recruiting clinic students to help carry them to the rivers of change, and jumping into the cold, swift currents with their students and their clients. Working together, we hope to navigate the waters of public interest lawyering and clinical legal education, and ultimately transform legal education, our lives and our world.