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Leigh S. Goodmark

University of Maryland Francis King Carey School of Law, lgoodmark@law.umaryland.edu

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CAN POVERTY LAWYERS PLAY WELL WITH OTHERS? INCLUDING LEGAL SERVICES IN INTEGRATED, SCHOOL-BASED SERVICE DELIVERY PROGRAMS

Leigh Goodmark

“Who likes lawyers, poor people, or people who are lawyers for poor people?”

—Daniel L. Greenburg, Executive Director, Legal Aid Society¹

I. INTRODUCTION

Evelyn Jones stood in the hallway of the courthouse, crying hysterically. Since eight-thirty that morning she had waited to face her batterer: her husband, the father of her four-month-old daughter. Throughout the day, her husband harassed her. He brushed against her in the hallway and whispered that she was lying and that he would get her back for bringing him to court. She had recently learned of his long, violent criminal history and believed his threats. By four o'clock that afternoon, she was terrified, her nerves were frayed, and she felt completely alone. She was convinced that no one would believe her story of emotional cruelty and physical abuse. She had no lawyer.

I met Evelyn while waiting with another client outside the same court-

room. She could not stop crying long enough to catch her breath. I asked her if I could help, and she told me her story. I offered to represent her. After a hearing during which Evelyn told her story in strangled sobs and her husband vehemently swore he had never harmed his wife, we obtained an order protecting her from her abusive husband.

Evelyn's initial inability to find legal help is not surprising. America currently faces a crisis in legal services. Only about twenty percent of the poor have had access to legal services in the past,² and “the need of the poor for legal services dwarfs those services which are actually available.”³ As a result, “the endemic scarcity of the legal resource of competent representation is a potentially dispositive factor in virtually every legal dispute involving the poor.”⁴ The cuts in federal legal services funding in fiscal year 1996 and the accompanying restrictions placed on the legal services that federally funded organizations can provide will undoubtedly make a bad situation worse for the poor who are in need

Leigh Goodmark is in her second year of her Skadden Arps Fellowship at Bread for the City & Zacchaeus Free Clinic.

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of legal services.⁵ With less federal funding available, programs that have traditionally relied on federal money will be drawing from the rapidly decreasing pool of foundation and corporate funding relied upon by other legal and social service providers. This phenomenon will endanger projects that currently operate on shoestring budgets and often provide services for unpopular clients. As legal services become even more scarce, the poor will lose their already tenuous chance at meaningful access to the legal system.

While these financial constraints make the jobs of poverty lawyers more difficult, this crisis also presents an opportunity to reconsider some fundamental beliefs about the way that poverty law is practiced. The cutbacks in services should prompt us to ask: Are we providing legal services to the poor in the most efficient and effective ways possible? As money and providers become scarce, and we are forced to rethink allocation of resources and services, finding answers to this question will become far more important than writing editorials lamenting the death of the Legal Services Corporation. This article attempts to provide one answer to that question.

Poverty is more than an economic state. Poverty is “isolation, lack of access to resources and support systems,” and powerlessness, an inability “to change the circumstances that affect one’s fate and . . . to alter the conduct of others that impacts adversely on oneself, one’s family, one’s neighborhood.”⁶ Ideally, poverty law should address each of these states: isolation, inaccessibility of resources, and disempowerment. As a practical matter, however, a lawyer is neither equipped nor best placed to provide all of the services that a poor client needs. While most poverty lawyers recognize these limitations, we often fail to enable our clients to access the resources and services that we cannot or do not provide. Evelyn Jones’ protection order addresses only her most immediate need—to escape her violent home. She

still needs legal assistance throughout the divorce and custody battle that are sure to come. She needs housing, income, and counseling to shore up her shattered sense of self-worth. Without her husband’s insurance coverage, she needs medical care for herself and her child. Evelyn needs a range of services in order to extricate her from her dangerous situation, and equally important, to defeat the overwhelming isolation and fear with which she continues to struggle. I can serve as Evelyn’s lawyer, but I know that I am not equipped to provide these additional services.

Acknowledging our inability to provide the full range of services that our clients need is the first step to answering the question of whether we are providing services to our clients in the most efficient way. Solving the problems of poor clients requires “utilizing skills of people from a variety of different disciplines and developing interdisciplinary and holistic approaches to advocacy.”⁷ The guiding principle behind rethinking the provision of legal services for the poor should be that in addition to addressing immediate legal crises, we can and should help our clients escape their isolation by helping them with access to the services and support systems that they need. We should attempt to empower our clients by giving them the tools to alter their lives, the lives of their families, and the futures of their neighborhoods. Ultimately, our efforts should help them escape their poverty.⁸

To provide this range of services requires an admission that many attorneys are not willing to make: We cannot do it all. Lawyers lack the training and the time to provide many of these services. Even if we broaden our definition of lawyering to include many tasks labeled “social work”—taking clients to food pantries, accessing job training programs, filling out forms at welfare offices—we are still confronted by the gap between what we can provide and what our clients need.

One way to fill the gap is to create

integrated service delivery programs that bring services to places that clients can access. These programs, which are emerging in communities throughout the country, assemble a variety of services used by low-income clients in easily accessible neighborhood locations. Service providers share information, expertise, and resources in addition to space. Found in schools, at neighborhood service centers, and even in hospitals, these providers confront the problems of inaccessibility and fragmentation of services in order to meet client needs in a holistic way.

I am a staff attorney at Bread for the City & Zacchaeus Free Clinic (B&Z), a neighborhood-based service center in Washington, D.C. The building is in a low-income area and serves both the residents of the neighborhood and people throughout the city. Clients can obtain food and clothing as well as medical, legal, and social work services. Staff members frequently work together to deal with as many of the clients' needs as possible. In addition, I work alongside a social worker in an elementary school in the neighborhood providing comprehensive legal and social work services to the families of the children attending the school. B&Z and my school-based clinic are aberrations, however; most integrated service programs do not provide such legal assistance. This paper asks why not?

Section II looks at two sociological theories that undergird the majority of these programs. The first half of the section discusses the development of integrated services programs and provides examples of such programs. In thinking about such services, it is especially important to define terms like integrated, collaboration, and holistic, which are discussed too frequently without a clear understanding of their meanings in the service provision context. The second half of the section discusses school-linked services. Although schools are not the only place where integrated services are being (or could be) pro-

vided, they are common sites for integrated services programs, and have certain advantages that make them especially useful for housing these types of programs. Section II also discusses the almost complete lack of legal services in model integrated services and school-linked services programs.

Section III brings integrated and school-based services together and adds a third element: legal services. Providing school-based legal services as part of an integrated model of service delivery is not new to legal service providers. Progressive era programs and the poverty law programs of the 1960s provided integrated services and used schools as sites of service provision. This section argues that legal services programs are especially important components of school-based integrated services programs and discusses model school-based legal services programs. Section III also discusses the problems of housing a legal services program within a school-based integrated service setting and offers alternative sites for such programs. Section IV concludes with a renewed call to reconsider how poverty lawyers provide legal services. Dismissing the prevalent opinion that "no change in any program is possible unless there is more money,"⁹ Section IV argues that restructuring our programs is the key to serving our clients more efficiently and effectively.

II. THEORETICAL UNDERPINNINGS

A. *Integrated Service Delivery*

The first thing that most poverty lawyers notice when interviewing clients is that their legal problems are rarely their only problems. Similarly, social workers, counselors, and educators have found that low-income families tend to have a range of interconnected problems. These problems commonly involve issues such as public benefits, housing, mental and physical health, and education. Accordingly, programs that serve low-income clients are beginning to respond to the

[L]ow-income populations need enhanced services that respond to their individual needs in a collaborative way.

varied and mutually reinforcing problems faced by their clients.

For example, The Clayton/Mile High Family Futures Project, a partnership between community-based agencies and the Denver Legal Aid Society, gave participating families access to a range of services in a single setting—on-site child care, medical help, job readiness classes, literacy and GED classes, vocational and college education—and paired families receiving services with “family lawyers.”¹⁰ Similarly, many cities are providing parents at risk of abusing or neglecting their children with family support and family preservation programs, which seek to avoid having to place children in foster care by providing the family with a range of supportive services.

Los Angeles County has developed an intensive community-based family preservation and family support program. A complete range of services, from emergency rent money to parenting classes, is available in churches, day care centers, and Boys and Girls Clubs throughout the city.¹¹ The program recognizes that the various problems faced by low-income families are often mutually reinforcing. Peter Digre, director of the Los Angeles County child welfare system, said, “Families get caught in a downward spiral: first their utilities are shut off so they can’t keep the baby bottles cold. Then they get behind in their rent and move in with friends or relatives. . . . Forty percent of our families cannot find housing. Half can’t find day care, so they can’t work.”¹²

1. *Within Our Reach*

What these programs and others like them have found is that their clients are often unable to access all of the kinds of services they need. Moreover, simply having access to a range of services is insufficient. According to Lisbeth Schorr, the author of *Within Our Reach: Breaking the Cycle of Disadvantage*, low-income populations need enhanced services that respond to their individual needs in a collaborative way.¹³ Schorr’s work is cited

routinely by attorneys and other professionals working within integrated service settings as the motivating force behind their endeavors. In *Within Our Reach*, Schorr laid out the range of bad outcomes facing low-income *at-risk* populations and documented programs that have effectively served these populations. In analyzing why these programs succeed, Schorr catalogued the building blocks for creating effective programs and argued that successful programs provide a range of basic, crucial services in easily accessible locales.

Schorr’s book is focused largely on the development of children. It identifies a number of “rotten outcomes” for kids that service programs must address: adolescent violent crime, leaving school uneducated, and school-aged childbearing.¹⁴ Most rotten, perhaps, is the possibility that the same damage will be passed on to the next generation, that kids will be unable to elude the destructive cycles in which their parents are trapped.¹⁵ Schorr explained that the potential for negative results for children can be predicted by looking at a number of risk factors: teen-aged parenting and giving birth to unwanted children; premature or low birth weight babies; poor health or malnutrition; abuse, neglect, or lack of nurture; and failure in school.¹⁶ The major problem for a child, Schorr asserted, is not the existence of one risk factor, but rather the overlapping of a number of these factors.¹⁷ Further complicating the picture for at-risk children is poverty, which is closely associated with all of these risk factors.¹⁸ In short,

Research has documented what common sense has taught: Economic stress, lack of social support and other protective factors, a fragile, impaired, or immature parent, and sometimes a difficult infant can combine, in the absence of outside help, to create an environment so bad that it prejudices the normal development of the child.¹⁹

A malnourished child in an unheated

apartment develops an ear infection, which goes untreated, leading to hearing loss, which goes undetected, leading to long-term damage and failure in school, exacerbated by overcrowded classes.²⁰

For each risk factor, Schorr identified an intervention that can prevent the child from suffering rotten outcomes. Combating teen pregnancy requires giving a child a stake in her future and providing access to family planning. Prenatal care is essential to prevent pregnant girls from giving birth prematurely or to low-birth-weight children. School failure can be avoided by providing family support and child care, and by making schools more responsive to the needs of low-income families.²¹ These methods share several features: they offer broad ranges of services, cross traditional bureaucratic boundaries, are flexible, see the child in the context of the family and the family in the context of the community, have staff who care for and respect their clients, have services that are coherent and easy to use, adapt to the needs of their clients, and employ professionals willing to redefine their roles.²² Staff in such programs are given the time and skills to establish relationships with clients based on mutual respect and trust.²³

Why provide services in this manner? Schorr explained, "Families with few supports but great needs are often inept at using available supports, formal or informal."²⁴ To work effectively with such families requires providing services in places and ways that are easily accessible, both physically and emotionally. Services are concentrated in dense urban areas, making it easier for advocates to reach low-income families and easier for families to access services.²⁵ Finally, these programs reflect the understanding that "[h]uge doesn't work in human services."²⁶ Large, amorphous human services programs may alleviate the immediate, basic needs for at-risk families, but they cannot deal with the individual and distinct problems each family faces.

The key to these interventions is tim-

ing—the earlier the better. As Schorr said, "The more long-standing the neglect, deprivation and failure, the more difficult and costly the remedies."²⁷ Schorr admitted that the hard data available is less than the ideal amount needed to evaluate these programs, but contended that the successes showcased in her book justify the conclusion that early systematic intervention and support from outside the family can improve the prospects of at-risk children.²⁸ She noted, "[P]rograms may be complex, fragile, and even costly, but if they effectively address a previously intractable problem, they are, at the very least, an important starting point for further action."²⁹

Schorr demonstrated that compound problems are best alleviated by dynamic solutions concentrated on providing a wide range of services. The next section asks: what are the features of an effective integrated service program and what does it mean to collaborate in a family-centered way?

2. Defining Integrated Services

Describing programs as holistic, integrated, and collaborative seems to be the current social science fad. Nonetheless, all of those concepts are central to new theories about providing services to low-income populations. It is important, therefore, to establish concretely what these terms mean.

Integrated service providers look at the range of problems faced by a family and attempt to address those problems in a comprehensive manner. The services provided can be "as concrete as a ride to the hospital or a box of diapers and as subtle as trust and understanding."³⁰ Integrated service programs emphasize prevention; deal with families and kids promptly, with a focus on the overall well-being of the child and family rather than an emphasis on the problem of the moment; and coordinate care for children and families with needs that range across multiple service systems.³¹ Integrated services focus on children and families facing multiple problems

The key to family preservation programs is collaboration between legal advocates, the private sector, government and non-profit agencies, families, extended families, and friends who all must work together to ensure long-term stability for a family at risk.

that are mutually reinforcing. Integrated services interventions treat the root causes of problems; providers seek to intervene in ways that “positively reverberate through many domains of families’ lives,” rather than attacking the latest emergency or most current symptom.³²

When an at-risk child or family’s problems escalate, a traditional service delivery system often fails because it focuses solely on the immediate problem. “Because each profession views children [and families] through its own particular professional and institutional lens, care providers may fail to discern that a problem has a symptom in one domain and a cause in another.”³³ Treating the problems of children and families in a holistic way requires coordination and communication among various human services professionals and systems. In other words, success requires collaboration.

Collaboration “provide[s] an integrated collection of primary human services to both child and family in a way that addresses the whole family and its multiple problems and needs.”³⁴ Collaboration entails working with other organizations to provide information and referrals. Integrated service delivery programs feature collaboration between medical, mental health, and social work professionals and, most important, families, with each ceding some of their sovereignty in order to jointly provide for the family or child’s welfare. Collaboration is especially important because of the difficulty of coordinating and sustaining treatment over time.³⁵

Service providers are using this vocabulary to rethink and restructure services for the poor. The next section will describe successful integrated service programs and discuss how the ideas of holistic service delivery and collaboration have contributed to their success.

3. Integrated Service Delivery in Practice

Perhaps the best example of integrated service delivery in practice is the

family preservation movement. Embraced by the social services community and championed in the Family Preservation and Support Act of 1994, the family preservation movement is aimed at preventing the disintegration of poor families that often leads to the removal of children from the home and their placement in foster care. Family preservation programs take a variety of forms, but all are based on the notion that the immediate availability of a range of services and providers is necessary to protect at-risk families and children.

“Family preservation occurs because a constellation of people care and work to preserve the family.”³⁶ The key to family preservation programs is collaboration between legal advocates, the private sector, government and non-profit agencies, families, extended families, and friends who all must work together to ensure long-term stability for a family at risk.³⁷ The Homebuilders model, which has been implemented throughout the country, is perhaps the best known of these programs.³⁸ In the Homebuilders program, social work, psychiatric, and counseling professionals may be dispatched to assist an at-risk family. The counselors work intensively with the family and connect the family to a variety of other resources, including schools and youth agencies. The counselors also provide practical help, like driving a family to the store, teaching parents to cook nutritious meals, or restoring the family home to habitability. Homebuilders counselors meet “with the family on its own turf,” allow families to define their crises, and work with the family (and, at times, live with the family) until the family is stabilized.³⁹ The Homebuilders program is successful because it links families to the various types of services they need and allows counselors to devote a great deal of time to individual families in the setting in which families are most comfortable—their own homes.

A similar program, A Partnership in Behalf of the Child, targeted low-income children and families in New Haven,

Connecticut. Social workers, pediatricians, nurses, developmental specialists, and early-childhood educators "met with parents and children to provide health care and periodic developmental appraisals for the children and guidance, counseling, and other support for the parents."⁴⁰ Day care and toddler school, as well as assistance obtaining education, training and jobs, housing, birth control, and government benefits were available to families.⁴¹ After the program ended, researchers found that families with access to the program were more likely to have left welfare for jobs, to have completed more years of education, and to have waited longer before having additional children. Children in the program were substantially less likely to encounter serious school adjustment problems.⁴² The Partnership was successful because it provided high-quality services through a range of professionals who developed relationships with parents and provided services that were responsive to individual needs. The success in maintaining family stability came in part because the program confronted the problems facing both children and parents and incorporated the belief that professionals who respect, care for, and sympathize with the family's situation are most effective.⁴³

Programs targeting more specific problems have used the integrated service delivery approach as well. For example, when St. Paul, Minnesota wanted to confront its burgeoning teenage pregnancy rate, it developed a school-based clinic that offered a range of services to pregnant and parenting teenagers. The clinic provided sex education and birth control counseling, prenatal care, day care for mothers in school, and later expanded to provide a range of health care services.⁴⁴ Officials recognized that for teen parents to continue their education, they needed support services in an easily accessible forum. They responded to that challenge by implementing a program that looked holistically at the mother's needs.

The health and social services made available through the programs discussed above are crucial to the stability and survival of low-income families. But from the poverty lawyer's perspective, there is a glaring omission. Whether due to a failure to recognize the importance of legal services to poor families, or a negative perception of lawyers, very few integrated service delivery programs include a legal service provider to advocate for, and safeguard the rights of, low-income families and children. The argument for including legal services in integrated service delivery programs for low-income families will be made in Section III of this article.

B. School-Linked Services

I look forward to the time when we keep schools open to 10 o'clock every night, have them going twelve months a year, make them a place where poor families can pick up Food Stamps and their food from the WIC program and their AFDC checks, and where they can sign up for job training.⁴⁵

This is the vision of Lawton Chiles, the Governor of Florida, whose state has been one of the leaders in creating school-linked service programs. School-linked services are emerging throughout the nation (especially in low-income neighborhoods) in response to the realization that stresses on low-income children and families, like inadequate medical care, housing, and hunger, make it virtually impossible for children to learn. As Joy Dryfoos, author of *Full Service Schools*, explained, "American schools are failing because they cannot meet the complex needs of today's students."⁴⁶ Dryfoos elaborated:

Today's schools feel pressured to feed children; provide psychological support services; offer health screening; establish referral networks related to substance abuse, child welfare, and sexual abuse; cooperate with the local police and probation officers; add cur-

ricula for the prevention of substance abuse, teen pregnancy, suicide, and violence (the new morbidities); and actively promote social skills, good nutrition, safety, and general health.⁴⁷

To address these problems, schools are beginning to consider children in the context of their families and communities and to link improved educational outcomes with the improvement of other facets of a child's life.⁴⁸

1. School-Linked Services Defined

The school-linked service approach acknowledges that educators cannot possibly address all of the problems encountered by the low-income children they seek to educate. The movement rests on the belief that poor educational, health, and social outcomes for children "result in part from the inability of the current service systems to respond in a timely, coordinated, and comprehensive fashion to the multiple and interconnected needs of a child and his or her family."⁴⁹ In addition, the movement recognizes that access to needed services is a major problem for many low-income families. School-linked services programs combine these tenets and provide services to children and parents that are both colocated and "coordinated according to goals developed and shared by the family and all agencies involved," in the hope that "fewer of a child's needs would go unmet and his or her behavior and performance in school would improve."⁵⁰ "The whole point," according to Dryfoos, "is to allow people to work in the classroom unencumbered by problems of the kids. Maybe kids could learn if teachers didn't have to be social workers." When social workers counsel kids, teachers can concentrate exclusively on teaching them.⁵¹ The programs encourage the integration of education, health, and social services for children.⁵² School-linked services programs can be both diverse and flexible, providing a broad range of services tailored to the needs of

children and families in their community.⁵³

School-linked service programs share several characteristics. Services are provided to children and families through collaborative efforts between educational, health, and social service agencies. The schools play a central role in planning and instituting the programs, and services are provided in or near the school.⁵⁴ Outside institutions help schools clarify the nature of a child's problems; stimulate interest and hope in interventions among students and families; facilitate service delivery; and provide money, people, and organizational and technical support to the schools.⁵⁵

2. Why Schools?

Lewis Terman, an educator in the 1920s, believed that "[t]he school must be the educational center, the social center, and the hygiene center of the community in which it is located—a hub from which will radiate influences for social betterment in many lives."⁵⁶ There is a consensus growing behind Terman's observation, based on the unique role that schools play in communities.

a. Where You Find Kids . . .

Centering services in schools works for several reasons. First, schools are virtually the only community institutions with which every child comes into contact: "the schools are where the children are."⁵⁷ For at least nine months a year, and in some areas, for the entire year, children spend more time in schools than in almost any other location. Having daily access to children provides an opportunity to monitor their physical and emotional health and to ensure that a child has at least one (and in some cases two) nutritional meals daily. National childhood nutrition programs have long recognized what other human service providers are just beginning to grasp: services must come to those who need them.

b. You Find Families

Similarly, providing human services through schools is effective because where there are children, there are parents. Historically, schools have asked parents to become involved with their children's education by participating in parent-teacher associations and attending school events. But "events" are not sufficient to draw parents in low-income communities into schools, Dryfoos contended. Instead, parents react to offers of tangible and necessary services.⁵⁸ Schools may not be friendly or welcoming institutions for all low-income parents, especially those who dropped out of school or had learning difficulties that went undetected. But if efforts are made to ensure that service providers are sensitive to culture, ethnicity, and class issues, and if the services provided are needed and otherwise difficult to access, parents in low-income communities can be attracted to schools.⁵⁹

c. Schools as Community Institutions

Another reason for locating services in schools is the tie between the school and the community and the sense of trust that surrounds schools as a result of that bond. Schools are "easy to locate in any community," especially elementary schools, which "are usually in the immediate neighborhood."⁶⁰ The school building is often the focal point of a low-income community,

the place, the one piece of real estate in declining communities that is publicly owned, centrally located, and consistently used, at least by children. . . . Some would maintain that the school system is the one central institution in the community with enough viability and strength to organize comprehensive delivery systems.⁶¹

The accessibility of the physical plant and the community trust in the institution are equally important justifications for placing services in schools.⁶²

d. Linking Educational and Home Success

Siting services in schools underscores the link between educational deficits and the need to provide services in a way that addresses the problems that make educating poor children more difficult. A child's educational success is linked to a number of non-educational factors: hunger, abuse and neglect, family stress, poor medical care, and poverty.⁶³ The services available to alleviate the non-educational factors that impair learning are often inadequate. The non-school-based systems that provide these services are frequently crisis-oriented, fragmented, and specialized, with little communication between service providers.⁶⁴ In turn, these "fragmented, separately organized and physically scattered services create serious access problems for school-aged children."⁶⁵ Placing family-centered services in schools acknowledges the impact that non-educational problems have on a child's ability to learn, and provides a central organizing mechanism that helps avoid fragmentation of services and facilitates access to services.⁶⁶ Although critics contend that the schools should focus on the traditional "3 Rs,"⁶⁷ teachers and service providers agree that a fourth "R"—readiness to learn—is enhanced by making services available through schools.⁶⁸

3. Model School-Linked Services Programs

School-linked service programs feature a range of offerings: health clinics, which can include dental, mental health, or family planning services; counseling and parenting classes; assistance with obtaining government benefits, housing, food, and clothing; recreation programs; and mentoring.⁶⁹ Despite the diversity of services that are provided in schools, however, successful programs share some common characteristics. First, service providers form a collaborative partnership based on shared power and respect.⁷⁰ Service providers look beyond the limitations of their professional cultures and encourage and sup-

[P]roviding human services through schools is effective because where there are children, there are parents.

port the role that other providers play in assisting a family. Schools ignore the bureaucracy that often dictates relationships and accept providers as equal partners in working with their students. As discussed in Part II, collaboration is more than simple cooperation or non-interference; it requires active participation from all involved professionals to address a child or a family's problems. Second, the services provided are comprehensive and tailored to an individual family's needs.⁷¹ The recognition, to paraphrase Tolstoy, that each family needing services needs them in its own way underlies the entire rationale for supporting school-linked services. Successful providers are sensitive to the diversity of children and families, based not only on service needs, but on issues of ethnicity and gender. Finally, the services provided must involve and support the family as a whole.⁷² This principle recognizes that "a child's family is the most important influence on that child and that to achieve better outcomes, parents should be actively involved and their needs considered in the development of appropriate services."⁷³ In order to truly alleviate a child's educational problems rather than treat the latest symptoms, the needs of the entire family must be addressed. There are a number of successful and very different school-linked services programs that embody these ideals.

a. Cities in Schools

Cities in Schools is a national program that forms public-private partnerships to bring human services into schools. The main focus of the program is to prevent children from dropping out of school by providing them with the services and support that will allow them to complete their education. Recognizing that the kind of help children need often is not the kind that teachers can provide, the program asks, "Why not bring help into the school instead?" Cities in Schools literature identifies five categories of services necessary to support children in

low-income communities: counseling, recreation, youth development, legal assistance, and employment. To meet those needs, the program brings health care, drug use prevention, counseling, family services, and career planning professionals into schools to assist children.⁷⁴

b. Intermediate School 218

Intermediate School 218 (IS 218), in the Washington Heights neighborhood of New York City, offers many of the same services as the Cities in Schools Program. This "settlement house in the school" features pregnancy prevention programs, college preparatory and adult education classes, access to social workers, a family resource center that offers help with immigration and citizenship issues, public assistance, employment, crisis intervention, and drug prevention. The school also contains a health care and dental clinic.⁷⁵ IS 218 has a broader reach than the Cities in Schools program, however. The school and its services are open to students, parents, siblings, graduates, and others in the community who need assistance.⁷⁶ By opening its doors to the residents of the surrounding neighborhood, the school has become the community's most valued institution. According to IS 218's associate director, Peter Moses, "The school becomes the plaza, the central place of community, where everything goes on, kids get educated, kids play ball, people cross paths, business gets done. That's what we want the school to be, the center of community life."⁷⁷

c. Snively Elementary School

School-based services are not limited to urban areas. Snively Elementary is a full-service school located in a rural community outside of Winter Haven, Florida. About ninety-five percent of the students at Snively are low-income (many are migrant farm workers), and all receive either free or reduced-price meals through school nutrition programs. Snively's program offers many of the same

services as its urban counterparts; adult education, parenting classes, and before and after school care are all housed in the school. Moreover, Snively seeks to involve the school's parents in the school through its parent volunteer program. Parents who give time to the school receive coupons redeemable for clothes, cleaning supplies, and toys at the school's redemption center.⁷⁸ Increasing parent involvement in the school by giving them useful and meaningful rewards in exchange for their time is as valuable as the more tangible services provided at Snively.⁷⁹

d. Other School-Linked Programs

Throughout the country, state and local authorities responsible for children, families, and schools are recognizing the value of school-based services. Florida, which has been in the forefront of the school-based services movement, provides nutritional services, basic medical services, assistance in applying for public benefits, parenting skills, counseling for abused children, and adult education through its schools.⁸⁰ Recognizing that violence does not occur in a vacuum, workers paid by social service and community agencies provide counseling for the families of violence-prone children.⁸¹ In Kentucky, situating family resource and youth resource centers in or near each elementary and secondary school in which twenty percent or more of the students are eligible for free school meals is considered a critical part of the strategy to improve these children's academic performance.⁸² The Hanshaw Middle School in Modesto, California has set ambitious goals for a school-based services program, including improving academic performance and health; reducing family violence, child abuse, and poverty; and increasing access to social services.⁸³ While providing school-based services may not reduce poverty, it is an important part of an overall strategy for alleviating the stresses that beset low-income families. The school-based services movement has

identified the barriers facing poor families and has assisted the families in surmounting those obstacles by providing increased access to needed services in a familiar, comfortable setting.

As was true with integrated service programs, legal services are seldom seen in the school-linked services context. In fact, the *human services* provided through schools are often defined as education, health, and social services—legal services are excluded by definition.⁸⁴ Nonetheless, legal services are essential to an overall strategy for attacking the multifaceted problems of low-income families and are as adaptable to the school setting as health and social services. Part III will argue for the inclusion of legal services in an integrated, school-based model of service delivery. The historical experience with the delivery of school-based legal services and the rationale for providing legal services in an integrated, school-based service delivery program will be considered and the problems of providing integrated services in a school setting will be examined. Finally, the few existing school-based programs that include legal services among their offerings will be discussed.

III. LEGAL SERVICES AS A COMPONENT OF
A SCHOOL-BASED INTEGRATED SERVICE
DELIVERY PROGRAM

*A. School-Based Legal Services: A Historical
Perspective*

From the time that Jacob Riis reported on *How the Other Half Lives*, "reformers have called for school-based social services to prevent or remedy ill health, crime, child neglect, poverty, dropping out, addiction, hunger, pain, and unemployment."⁸⁵ During the Depression, "community-schools" blended classroom space with areas for health clinics, counseling clinics, employment offices, and legal aid centers.⁸⁶ But the movement toward using the schools as community service centers largely died out after the crisis years of the Depres-

The school-based services movement has identified the barriers facing poor families and has assisted the families in surmounting those obstacles by providing increased access to needed services in a familiar, comfortable setting.

sion, and did not resurface until the 1960s.⁸⁷

Poverty law emerged in the shadows of the civil rights movement, as progressive lawyers began to accept and embrace the concept of economic civil liberties: rights conveyed on the basis of economic status, or the lack thereof. Traditional civil rights lawyers focused on impact litigation as the most effective way of bringing about social change. Poverty lawyers, in contrast, paired the civil rights litigation model with an emphasis on neighborhood-based legal services and social work adapted from the settlement house movement of the Progressive Era.⁸⁸ Three programs from the 1960s demonstrate both the value and the difficulty of creating neighborhood-based service programs using community institutions, like schools, as service distribution centers.

1. *The Ford Foundation's Gray Zones*

In 1960, the Ford Foundation developed the Great Cities School Improvement Program, more commonly known as the "gray zones" or "gray areas" program.⁸⁹ The program was designed "to help selected cities mount a coordinated attack on all aspects of deprivation, including jobs, education, housing, planning, and recreation."⁹⁰ The program, which targeted low-income urban communities, focused mainly on education, but also granted funds to establish neighborhood service centers providing a variety of social services and encouraged lawyers, social workers, medical professionals, and other service providers to collaborate in service provision.⁹¹ The Ford Foundation funded one such "gray area" program in New Haven, Connecticut. Beginning in April 1962, Community Progress, Inc. (CPI), a private, non-profit organization, developed six community school service centers in New Haven and, in January 1963, established legal offices in two of these neighborhood service centers.⁹² The experience of CPI offers valuable lessons on

integrating legal services into a neighborhood service delivery program.

Focusing on education, recreation, delinquency, housing, unemployment, and the problems of the aged, the "gray area" program operated by CPI sought to make an ambitious range of services available to New Haven's low-income population.⁹³ In the first phase, community workers, homemaking advisers, and legal advisers would be available in community schools; later, public health nurses, doctors and dentists, public welfare workers, family caseworkers, school social workers, police youth officers, housing inspectors, and sanitarians would be added.⁹⁴ Although CPI retained a traditional "service orientation"—"rendering of assistance to persons in whatever form the professional deems appropriate"—it attempted to do so in a comprehensive, integrated manner.⁹⁵ CPI stressed a multidisciplinary approach to poverty, developing increased coordination and communication among social service agencies and professionals of various disciplines.⁹⁶ The professionals working for CPI believed that a "paradigm" comprehensive service program would be staffed by Jane Addams, Clarence Darrow, Sigmund Freud, John Maynard Keynes, and John Dewey and would incorporate better schools, recreation, housing, health centers, and adequate income.⁹⁷ CPI quickly realized the need for legal services in the community; lawyers were added to the CPI centers in 1963.⁹⁸

Lawyers in the CPI community schools rejected traditional methods of legal service provision. Edgar and Jean Cahn, who helped design CPI's legal services program, argued that in a "traditional" pattern of service, an expert decides what the client needs, the client unquestioningly accepts that assessment, and the administrator can terminate the assistance without review or client input. As a result, traditional service patterns render clients subservient and inspire fear, resentment, and resignation.⁹⁹ The Cahns feared that social service provid-

ers would continue to operate in a traditional mode, more dedicated to their own survival than to helping, and hearing, clients.¹⁰⁰ Their vision, in contrast, was a system that ensured that the poor had a “significant, and at points a controlling” voice in how services were to be provided.¹⁰¹ The Cahns believed that a neighborhood-based law practice, like those situated in CPI’s community schools, should act as a means of enfranchising the urban poor and providing them with this voice.¹⁰² Lawyers were uniquely suited to this task, the Cahns contended, because lawyers could address the broad spectrum of problems presented by low-income neighborhoods without inspiring a sense of shame or helplessness in the client. “[L]awyers are often presented with problems which call for the services of a psychiatrist, family counselor, or social worker, but which never would have been brought to such professionals voluntarily.”¹⁰³ Because of this access to a range of client problems, lawyers were an especially important component of the community service center.

The efficacy of legal services as a component of CPI’s community school integrated service program was never proven. The CPI neighborhood legal offices were forced to close after only seven weeks, when Jean Cahn, in defending a black man charged with raping a white girl, argued that the girl had consented. The residents of New Haven were outraged and turned against the legal program, finally forcing it to shut down.¹⁰⁴ CPI attempted to resurrect the idea of a “neighborhood social-legal program” in a 1964 grant proposal, which called for coordination of social, economic, educational, and legal services in New Haven neighborhoods with large numbers of at-risk families. The project would have teamed neighborhood social workers, lawyers, and social investigators to focus on the problems of families in a comprehensive and integrated manner.¹⁰⁵ But many of those connected with the first CPI experiment, including

the Cahns, opposed the proposal. Some were skeptical of a plan in which lawyers were subordinate to other professionals; lawyers were to be supervised by professional social workers serving as neighborhood coordinators.¹⁰⁶ But the plan was also opposed because of its model of service delivery, which “consisted of intensive and comprehensive assistance to families—not individuals—as the targeted clients.”¹⁰⁷ The model “drastically” limited the number of clients that could be served, and was therefore deemed unworkable.¹⁰⁸ The proposal was never funded.

2. Mobilization for Youth

At approximately the same time, the Mobilization for Youth (MFY) program took shape in New York. MFY’s original mission was to study and combat juvenile delinquency in the Lower East Side of New York City.¹⁰⁹ MFY’s mandate later expanded to include “one of the most comprehensive assaults on poverty ever mounted in the United States.”¹¹⁰ Founded and designed by social workers, the original plans for MFY did not include a legal unit. The need to include legal services was recognized early on, however, as the social workers realized that their clients needed legal advice that they were unable to provide.¹¹¹ As a result, in 1962, MFY created a legal unit, directed by Ed Sparer.¹¹² Originally, the legal unit, which was housed in the MFY Neighborhood Service Center, was simply to provide legal advice; litigation would be referred to the Legal Aid Society.¹¹³ But Sparer saw poverty as a systemic issue caused by laws and practices that discriminated against the lower socioeconomic classes. He believed that the most effective means of combating poverty was to use impact litigation to achieve social change.¹¹⁴ The legal unit, therefore, concentrated on large class action suits in the areas of public housing, housing code enforcement, unemployment insurance laws, and welfare.¹¹⁵

Although the MFY legal unit began as a part of an integrated program to fight

“[L]awyers are often presented with problems which call for the services of a psychiatrist, family counselor, or social worker, but which never would have been brought to such professionals voluntarily.”

poverty, it soon confronted many of the same problems that advocates feared would hamper the second (unfunded) CPI proposal in New Haven. At the same time that MFY was receiving funding from the City of New York, and MFY social workers were developing relationships with city officials that allowed them to leverage services for individual clients, the MFY legal unit was jeopardizing those relationships by suing the officials responsible for these same programs. The legal unit's cases undercut the relationships needed to sustain the MFY project as a whole.¹¹⁶ Sparer ultimately determined that the legal unit must secede from the MFY project, believing that lawyer independence and the sanctity of the attorney-client relationship trumped the need for all of the professionals involved in MFY to "subordinate their professional standards to the common interest."¹¹⁷

3. *Neighborhood Legal Services Program*

A third legal services program emerged from the Ford Foundation's "gray areas" program in Washington, D.C. In 1964, the United Planning Organization (UPO), the local agency charged with administering the Ford Foundation grant, added legal services to its many offerings.¹¹⁸ The Neighborhood Legal Services Program (NLSP), created largely by Gary Bellow, combined characteristics of both the CPI and the MFY programs. Like CPI's legal unit, NLSP was insulated from its sponsoring organization, freeing its lawyers from the possibility of interference in legal matters by non-lawyers. NLSP also incorporated the idea of decentralizing legal services by creating neighborhood offices. From MFY, Bellow imported the ideas of specialization of services, representing organizations as well as individuals in low-income neighborhoods, teaching "preventative law," and educating the poor and those who served them about their legal rights.¹¹⁹ Like both programs, NLSP believed in the holistic provision of services, emphasizing col-

laboration with professionals from other disciplines.¹²⁰ This emphasis on collaboration was an important part of what UPO called "synergy": the belief that social services providers acting together were more likely to alleviate poverty than if they were acting separately. Lawyers were an important part of that strategy because UPO believed that the poor would not bring certain kinds of problems to anyone but a lawyer. The lawyer's role, therefore, was to draw in other professionals as needed to confront the client's "non-legal" problems.¹²¹

But for a variety of reasons, the "synergy" envisioned by UPO never really occurred. Other "gray area" services were slower to start than NLSP; other professionals were simply not available to be drafted. Clients resisted referrals to other social service areas, and perhaps most important, NLSP's caseload grew so quickly that lawyers did not have the time to "reach out" to other service professionals.¹²² As a result, the full potential of the UPO program was never realized.

These three programs had a profound impact upon the way that legal services were viewed within the context of President Johnson's War on Poverty. The policymakers implementing Johnson's vision recognized that the social, economic, legal, educational, and psychological problems of the poor were interrelated and sought to create programs that addressed these problems in a way that acknowledged and confronted these interrelationships.¹²³ Edgar and Jean Cahn, for example, advocated for the inclusion of neighborhood law firms as a part of the "war." To ensure accessibility, they explained that firms should be scattered throughout target neighborhoods: in public housing projects, junior high or high schools, shopping centers, police precinct stations, welfare offices, and well-baby clinics.¹²⁴ The lawyers would work with psychiatrists, accountants, and social workers to meet their clients' needs as they recognized "the

limitations of their own discipline and . . . the extent to which giving content to legal conclusions often demands utilization of the insights of other professions."¹²⁵ Largely as a result of the lobbying of the Cahns and others, a legal services component was added to the Office of Economic Opportunity's Community Action Programs in 1965—the first federally funded legal services programs.

These programs, too, began with a theoretical emphasis on treating the problems of the poor in a holistic way. But, like NLSP, the legal services offices were quickly inundated with clients, forcing the lawyers to abandon "[t]he more innovative and progressive goals" of the program.¹²⁶ In contemplating ways to control the flood of clients into the offices, program officials considered a "social rescue" program, linking lawyers with other service professionals to coordinate social services and provide comprehensive services to a smaller number of families. The approach was "designed to 'rescue' low-income family units from poverty" and, hopefully, to keep them from being repeat clients.¹²⁷ But the social rescue strategy was rejected, in part because the theory that society was equitable and the poor simply needed help negotiating was suspect and, in much larger part, because it served far too few clients.¹²⁸

The importance of decentralizing legal services and situating them in places easily accessible to low-income clients is still acknowledged. But the idea of integrating legal services with other social services has lost currency, in part because of the problems lawyers encountered in being part of an integrated strategy, and in part because, as a result of those problems, social service professionals no longer see a need to include lawyers in their programs for combating poverty. It is time to reexamine that view. The next section will present the arguments for including legal services in integrated service delivery programs.

B. Why Legal Services?

Respected figures including Alan Houseman, the director of the Center for Law and Social Policy, have argued that new poverty law advocacy strategies, like restructuring service delivery to address client problems in a holistic manner, are necessary to adequately address the needs of the poor.¹²⁹ Many poverty lawyers accept that general thesis, but it is important to explain why such strategies are necessary in order to convince social service professionals of the importance of involving lawyers in the service delivery process.

1. The Need for Traditional Legal Services

The most obvious reason to include legal services in an integrated service delivery program is that traditional legal services are needed desperately by the clients these programs serve. As the Cahns recognized in 1964, many of the problems faced by the residents of low-income neighborhoods are legal problems or problems with legal components.¹³⁰ Housing code violations, denials of public benefits, domestic violence, child custody, and child support are all issues that have a distinctly, if not solely, legal solution. On the micro level, when all else fails, a lawyer is uniquely situated to act on behalf of an individual client as a partisan and protect a client in her dealings in the adversary system.¹³¹ On the macro level, lawyers scrutinize government service delivery systems from a distinct perspective, identifying the legal ramifications of systemic failings and challenging those failings. Law reform efforts empower community members by articulating and hopefully solving the problems that they grapple with daily. Social workers document the government's failure to provide Medicaid Early Prevention, Screening, Diagnosis and Treatment visits for at-risk children; lawyers challenge those failures in court. Traditional legal challenges can force the examination of harmful policies, focus public and legislative attention on

[N]ew poverty law advocacy strategies, like restructuring service delivery to address client problems in a holistic manner, are necessary to adequately address the needs of the poor.

unjust and illegal practices, and obtain judicial opinions decreeing that changes in these practices be made.¹³²

2. *Adapting to a New Role*

Lawyers are also increasingly valuable to integrated service delivery programs because the role and identity of the poverty lawyer is changing as lawyers recognize the importance of confronting non-legal problems when seeking to improve a client's welfare. In the past, poverty lawyers maintained rigid stratification between the bounds of legal and social work, holding lawyer independence paramount. But those barriers are breaking down and lawyers are redefining their conception of "legal" problems. In discussing the benefits of providing pro bono legal assistance to children, one advocate noted, "The work invites one's relationship, engagement, with the life of a child and her family. Buy a crib. Collect money for rent. Find a special program."¹³³ Certainly none of those activities falls within the realm of traditional legal services. But all are equally important to the well-being of the low-income client and are increasingly viewed as services that a lawyer can (and should) provide. Clients may not identify "non-traditional" legal issues such as the lack of child care, job training, or health care, but all can impact upon the client's "legal" matter.¹³⁴ For that reason, it is especially important that lawyers are sensitive to both a client's legal and social situation and open to the possibility of assisting the client with "non-legal" matters.¹³⁵

Some scholars believe that this expansion of the lawyer's role is precisely the problem currently facing poverty lawyers. "Legal services lawyers experience considerable uncertainty and ambivalence about whether they are or should be litigators, facilitators, social workers or community educators and organizers."¹³⁶ This lack of "role clarity" is said to hamper the effectiveness of poverty lawyers as their efforts become too diffuse to have real impact and their legal

work suffers as a result. In fact, the opposite is true. Poverty lawyers are more effective when they have and can use a range of skills on behalf of their clients and are willing to expand their focus to accept that finding a drug treatment bed for a client can impact upon that client's life far more than fighting his losing disability claim ever could.

[T]he assumption that the problems which beset the poor are not "legal" is frequently based on an artificially narrow conception of "law" The lawyers' function is essentially that of presenting a grievance so that those aspects of the complaint which entitle a person to a remedy can be communicated effectively and properly to a person with power to provide a remedy.¹³⁷

The recognition that lawyers should participate on a client's behalf in any forum in which their advocacy skills can assist clients in meeting their needs and goals is a powerful argument for the inclusion of lawyers in integrated service programs.

3. *Expanding Access to Legal Services*

The third argument for the inclusion of legal services in integrated service programs focuses on the difficulties clients have in accessing legal services. This argument is especially persuasive when services are placed in neighborhood institutions such as schools. Even as poverty lawyers pay homage to the importance of providing community-based services, more of them are moving away from, rather than into, communities. As Edgar Cahn recently noted, "On all fronts, we have tended to move away from community, away from the poor. . . . [I]n city after city, we professionalized legal services offices by moving back downtown to improve working conditions—for lawyers."¹³⁸ Poverty lawyers frequently do not live in the community, have no office in the community, have no relationship with community groups, and do not spend much time in the

community.¹³⁹ And by moving physically farther, we have increased both the physical and the emotional distance between ourselves and our clients. Returning to the community through school-based, integrated services programs can help poverty lawyers break down these barriers and become part of the life of the community. Few poverty lawyers “venture beyond their offices to visit housing projects, welfare offices, nursing homes, homeless shelters, inner-city schools, churches or similar institutions. Few legal services programs intake at institutions serving community members, such as hospitals, welfare offices, and churches.”¹⁴⁰ Movement into the community can only enhance the quality of legal services by expanding the poverty lawyers’ understanding of their clients and providing context for the problems faced by their clients. For clients, the difference between dropping in during office hours at a school-based legal services clinic and marshaling the fortitude and resources required to make a trip across town to confront a lawyer on strange turf is staggering.¹⁴¹

4. The Future of Community Lawyering

The question of access for clients touches on a larger issue: the future of community or “rebellious lawyering.” In “regnant,” or traditional lawyering, the lawyer’s understanding of the community is restricted by factors like race, gender, class, ethnicity, and sexual orientation, which create boundaries between lawyers and the communities they seek to serve.¹⁴² “Cast as outsiders, lawyers stand at the borders of these communities, their entry impeded by difference,” by a focus on professionalism that precludes lawyers from acting as community workers, by their own obligations, and by cynicism about the impact of community involvement.¹⁴³ Although overcoming that distance is not easy, it is not impossible either. The community lawyer must create roots within the community by going to “gatherings, events, homes, streets, waiting rooms, and public places”

where people congregate.¹⁴⁴ Involvement in the community helps the poverty lawyer build trust among community members and surmount some of the entry barriers. Becoming a known entity in the community is essential to developing the type of collaborative relationships (working *with* the client rather than *for* the client) that community lawyering values. After a period of exposure to the community, its members may reexamine their initial impressions of the lawyer. They will “look . . . to see if I care, if I do good work, if I am willing to reach across boundaries. Only then will [they] admit the possibility that progressive lawyers and subordinated clients may redeem momentarily a sense of shared community.”¹⁴⁵ Physically housing lawyers in integrated, school-based legal services programs vastly increases the likelihood that lawyers will become engaged in the larger community and have the tools to create the partnerships that successful community lawyering demands.

5. Integration Alleviates Tunnel Vision

The inclusion of legal services in an integrated service program also helps to prevent lawyer and service provider “tunnel vision.” The problems of the poor are multi-faceted and require multi-faceted solutions. The physical closeness of lawyers and other service professionals helps combat a natural (though unfortunate) tendency to focus solely on the problems that fall within the professional’s field of expertise. Poor families who encounter legal problems often face a myriad of underlying problems: substandard or unaffordable housing, insufficient jobs, inadequate education, and poor health care.¹⁴⁶ One of the shortcomings of legal work for the poor is that the interrelated problems of clients are not recognized and addressed.¹⁴⁷ Similarly, social service providers are often so consumed with addressing a client’s crisis of the moment that they cannot, and do not, take the time to refer the client for legal assistance, seek such advice them-

Movement into the community can only enhance the quality of legal services by expanding the poverty lawyers’ understanding of their clients and providing context for the problems faced by their clients.

selves, or acknowledge that a legal problem exists. There is a vast difference between spending the time to find a legal office that is open for intake and willing to see a low-income client and sending a client to the room next door, where a lawyer is ready and waiting. Physical proximity vastly increases the chances that service providers will take note of the issues that they cannot address, and that as a result, clients will get the services—all of the services—they need.

These are compelling arguments for the inclusion of legal services in school-based integrated services program. But significant hurdles to school-based service delivery, and specifically to legal service delivery, exist. The next section considers the general problems of providing integrated services in school settings and the special problems facing legal service providers.

C. Problems with Integrated Service Delivery in the School Setting

The “full-service school” model is not universally applauded. Critics have noted a number of problems with folding social, medical, and legal services into schools. Some of the arguments are practical: schools, especially those in low-income neighborhoods, are so run-down and overcrowded, they argue, that finding space to provide confidential, professional services is nearly impossible.¹⁴⁸ Others are theoretical: critics contend that providing easy access to services will make poor people more dependent rather than empowered.¹⁴⁹ Many believe that the mission of the schools should be limited to education or, alternatively, that if the schools were adequate, there would be no need for assistance from service providers.¹⁵⁰ A significant number of Americans believes that low-income families do not need the range of services provided in schools—and supported by their tax dollars.¹⁵¹

1. The Case Against School-Based Services

a. Bureaucracy Versus Service Provision

Two arguments against providing any type of school-based services are made frequently. First, critics contend that school bureaucracy makes effective service provision impossible. They argue that schools will seek to dominate and control the planning and governance of services, and that the institutional rigidity of the public schools renders them hostile to the notion of meaningful citizen or client involvement.¹⁵² Joy Dryfoos agreed that school bureaucracy can be the single greatest barrier to the creation of school-linked services programs.¹⁵³ School staff often feel threatened when outside professionals come into the schools to perform jobs similar to their own.¹⁵⁴ Principals may perceive that their sovereignty is being challenged, and may have difficulty adapting to a collaborative leadership model, with service providers and school officials sharing decision-making power.¹⁵⁵ Service professionals often grow frustrated with the glacial pace of administrators in authorizing projects or responding to proposals and may react by sidestepping the bureaucracy altogether, a tactic guaranteed to create tension.¹⁵⁶ In addition, the duties and responsibilities of service providers may place them in an confrontational relationship with school staff. For example, a student confides to a social worker or counselor that he is being mistreated by a member of the school staff. If that service provider confronts administrators with the problem, it is possible that the provider will engender anger or mistrust among the principal, teachers, and staff. But if the provider does not address the issue, she is not being responsive to the student's needs—a Catch 22 situation.¹⁵⁷ Open, continuous communication and a clear understanding of the various roles and duties of school staff and service providers, as well as a healthy dose of patience on all sides, is crucial to overcoming the

frustration that the interaction with school bureaucracies can provoke.¹⁵⁸

b. Are Schools Really Accessible?

The second criticism questions whether the residents of the neighborhood actually will feel more comfortable accessing services in a school setting. The residents of the neighborhood may view the school as antagonistic; “[t]he community assumed by the school-centered model [does] not necessarily correspond to the larger social sphere in which children live.”¹⁵⁹ Critics argue that school-linked services proponents have misinterpreted the community’s perception of schools as integral neighborhood institutions.

For the disenfranchised, school may be the last place they would turn for help. A substantial percentage of students (perhaps those most in need of the services the school-linked model hopes to make available) may be loath to take advantage of such services when offered through the aegis of what is to them (and often to their parents as well) an unfriendly institution or an institution they associate with failure and trouble.¹⁶⁰

Service providers based in schools have a special responsibility to make the school a welcoming place for parents and students seeking assistance. One way of combating potential mistrust is to stress the independence of service providers from the school bureaucracy and the confidential nature of the relationship between service providers and clients. Another is to do extensive outreach within the community, meeting in settings other than the school to advertise available services and to assuage residents’ misgivings about interacting with the school. There may well be a portion of the community that will not trust the school, but effective service provision, confidentiality, and the resulting word of mouth advertising within the community can overcome this obstacle.

2. Special Problems for Lawyers

a. Client Confidentiality

Providing legal services in a school-based setting in conjunction with school staff and other service professionals presents special problems in maintaining client confidentiality. Principals often believe that it is their right to know everything that happens within the walls of “their” schools. This belief necessarily conflicts with the lawyer’s duty to protect the confidentiality of information obtained from the client. Principals may ask for the names of clients, or the types of services provided to individual clients, none of which a lawyer can or should reveal. The principal’s request may not be outrageous; for example, the duty to protect the children in the building makes knowledge of violent domestic disputes or contested custody matters important to the principal. The failure to comply with a principal’s request for a list of clients and matters handled can be a source of tension. One solution is to be very clear when establishing a legal services program about what information will not be disclosed. The lawyer should inform the principal, for example, that although she will not tell the principal when a client is involved in a domestic matter, she will strongly encourage the client to notify the principal that such a dispute is taking place and that the child should not be released to anyone but the client. The failure to come to an understanding about confidentiality can undermine the attorney’s relationship with both clients and school staff.¹⁶¹

b. Lawyer Independence

A second issue specific to the provision of legal services is that of lawyer independence. The experiments of the 1960s taught that, to a certain extent, lawyers must be independent of a central bureaucracy and free to pursue cases as they see fit.¹⁶² Some areas of practice may be incompatible with the overall goals or structure of a school-based ser-

But it is possible for lawyers to be a part of an integrated effort without giving up their professional independence; open communication and a clear agreement as to the parameters and subjects of representation are necessities.

vices program. Pursuing special education cases against the school in which the program is housed is unlikely to make for a smooth collaborative effort. If a program has substantial governmental funding, concerns about bringing cases against the government and the impact of such cases on the rest of the program must be weighed. But it is possible for lawyers to be a part of an integrated effort without giving up their professional independence; open communication and a clear agreement as to the parameters and subjects of representation are necessities.

Despite these problems, the positive aspects of including lawyers in school-based integrated service delivery programs can be substantial. In neighborhoods across the country, the belief that lawyers should enter communities and collaborate with other professionals is taking root. Whether operating as general service programs, or specifically focusing on assisting children in the juvenile justice system, protecting abused and neglected children, or providing services for children and families with AIDS, poverty lawyers are recognizing that purely legal solutions are not sufficient to alleviate the range of concerns articulated by low-income clients. The needs of low-income individuals and families often transcend legal categories. To meet them, lawyers must work cooperatively with other service professionals for the family's benefit, with the most needed service taking precedent, and with professional egos and independence secondary to the client's often overwhelming needs. The next section describes pilot programs that are doing just that.

D. Model School-Based Legal Services Programs

1. Pinellas Community Law Program

"The work that we're doing is making a difference," said Lois Sears, Executive Director of the Community Law Program (CLP) of the Community Out-

reach Center at Pinellas Technical Education Center (PTEC) in St. Petersburg, Florida.¹⁶³ The Community Outreach Center is a school-based service program featuring a health clinic, community law program, women's resource center, family counseling service, a hospice, and postal services.¹⁶⁴ The Community Law Program moved into PTEC in September 1995 and has been steadily building a caseload ever since. Volunteer attorneys go to the day care center to talk with mothers about how to establish guardianships to ensure that their children are cared for if something happens to them. The CLP distributed a flyer to students identifying areas in which students might need legal help: reading legal documents, reviewing insurance policies, and dealing with marriage and family issues.¹⁶⁵ The CLP has developed community education programs on family law, buying a used car, writing a will, and creating a living will—legal issues routinely faced by both students at the school and residents of the community at large. The CLP also provides students with a brochure explaining how to access legal services off-campus through volunteer attorneys.¹⁶⁶

Sears affirmed that the CLP's relationship with other service providers, including the Hospice and the Resource Center for Women, is quite strong; the providers have even sponsored joint programs. The experience has been a positive one. The physical proximity of the other programs facilitates cooperation among the professionals. Both clients and lawyers benefit from having counselors and case workers on site. Sears found that the effectiveness of the legal help that families receive is enhanced when the other problems a family faces can also be addressed. Lawyers do not have to act as social workers because those resources are available through the school; social workers can get immediate help with a family's legal problems. Sears contended that the school-based service program would not be as useful without a legal services component, because le-

gal problems are often the overriding problems in people's lives, the problems that drag people down and affect their ability to work and function with their families.¹⁶⁷

Sears believes that the program will continue to develop, despite the shakiness of the funding it receives from the Legal Services Corporation, because of the efficiency of the program. The program pays no rent to the school; therefore, it can keep overhead very low. Moreover, the program can use the vocational school's resources. For example, students in the television production program helped the CLP to create a series of videos on various topics, including how to avoid legal problems, what to expect from small claims court, and basic family law.¹⁶⁸

2. Public Counsel's Children's Rights Project

Public Counsel, a pro bono public interest law firm in Los Angeles, has also taken advantage of the move towards school-linked services. Public Counsel's Children's Rights Project, which is staffed jointly by lawyers and social workers, is providing legal services in four Los Angeles County schools (two high schools and two elementary schools) that feature school-linked service programs. In the high schools, the clinics hold walk-in hours twice weekly. Clients are interviewed and their problems are assessed by legal clinic staff or volunteer law students, social workers, or attorneys. Clients are offered advice, representation, and referrals, depending on the problem. Clients needing individual representation are matched either with staff or volunteer attorneys. Clients are also referred to other members of the collaborative, who provide psychological counseling, medical services, and high-risk youth group support, when necessary. Public Counsel sponsors talks by experts addressing issues of concern to the client community (largely older students) and trains other collaborators on basic legal issues.¹⁶⁹ The project has also created a Teen Legal Clinic guide, which

discusses issues including guardianship, immigration status and college, the rights of pregnant teenagers, and interactions with the police.¹⁷⁰

At the elementary schools, services are accessed somewhat differently because the client population at the schools is largely parents rather than students. Clients are referred through parents, teachers, or service providers, and appointments are scheduled when referrals are made. Law and social work students assist with initial interviews, advice, and referrals, and attorneys are on-site approximately once a month. Clients needing individual representation are either referred to other legal service providers or represented by Public Counsel staff. Public Counsel has also sponsored on-site workshops for both staff and parents on issues including kinship care and special education.¹⁷¹

Although Rebecca Gudeman, the project's coordinator, would not describe her project as a "runaway success," she appreciates the potential of school-based legal services, citing the increased access to information and services, the interrelationship of the law and social service systems, and the ability to target the client population. Public Counsel plans to continue the program, but cites the difficulties of funding such a project as a major barrier.¹⁷²

3. School-Linked Legal Services in the District of Columbia

For the past year and a half, I have been part of two similar projects, based in two different schools. During the 1995-1996 school year, I was the staff attorney for the Raymond School-Columbia Heights Initiative, a project providing comprehensive legal and social services to the families of the children at Raymond Elementary School in Northwest Washington, D.C. A full-time licensed social worker was on-site at the school. I was available to make legal appointments for parents as needed. The social worker provided both individual and group counseling for chil-

Collaboration with other professionals enhances my ability to serve clients.

dren and families and assisted families with matters as varied as accessing benefits, finding housing and emergency food, obtaining eyeglasses, and buying an alarm clock for a family whose children were habitually tardy. I provided individual legal representation for parents on matters including domestic violence, child support and custody, landlord-tenant disputes, and education issues. I also accompanied clients to interviews with public benefits case managers and to Social Security intake sites, assisting them in completing necessary forms or answering calls for additional information. The social worker and I jointly facilitated parenting workshops, in which we invited experts to speak on topics including assisting children with homework and disciplining children.

Since September 1996, I have been staffing the Zacchaeus Legal Clinic at Cleveland Elementary School in Northwest Washington, D.C.¹⁷³ Accompanied by a social worker, I hold weekly walk-in hours in the school's health suite. To date, we have encountered clients needing assistance in filling out Medicaid forms, women seeking to enforce longstanding but little-noted child support orders, and clients seeking representation to initiate child custody, child support, domestic violence, and small claims cases. Although the elementary school is located only five blocks from our office at B&Z, we have found that many of the clients who drop in at the elementary school clinic are unaware that legal services are available at our neighborhood service center. The close proximity of the clinic also allows for interaction between our program areas at B&Z and the school-based legal clinic. Clients who need more intensive social or medical services or who simply need a bag of food can get referrals through me for appointments at our building.

When I began working in the schools, I believed that every day would bring a fresh crop of clients eager to access services. What I found was quite different. I had to earn the trust and respect

of my clients. I had to overcome the barriers of race and class. Many times I visited clients in their homes, which were generally within walking distance of the school. One evening I was walking down the front steps of a client's home when we both noticed that all of her neighbors sitting on their stoops were staring at us. She looked at me and laughed sarcastically. "They all think you're a social worker coming to take my kids"—the only white woman who would conceivably be in their neighborhood at that time of night. As a white woman, I was initially viewed with feelings ranging from skepticism to outright hostility. Being a consistent presence in the school and the neighborhood helped overcome many of my clients' initial misgivings based on my race and class.

I have been fortunate to develop close relationships with many of my clients and their families. Their stamp of approval has enhanced my ability to provide services within the school and community. One of my custody clients was active in our grandmother's club and encouraged the other members to make use of the legal services I provided. I hear occasionally from clients who are calling just to let me know how they are. I get referrals from friends of clients who I served through my school legal clinic. The best mangoes in town are found at the bodega run by one of my clients. These relationships developed, in large part, because my clients and I met on neutral ground. Our interaction went beyond that of lawyer and client; it was as members of the audience of the school play or participants in the school's Diversity Day. Knowing that my clients feel comfortable enough with my skills and with me personally to maintain personal relationships and recommend that their friends seek assistance reinforces my belief that school-based clinics are a powerful means of increasing access to legal services.

In the past two years, I have encountered many of the problems detailed above: bureaucratic intransigence, role

confusion, and confidentiality issues. Yet I continue to wholeheartedly believe in the importance and efficacy of school-based legal services as part of an integrated service program. Collaboration with other professionals enhances my ability to serve clients. Although I believe that being a poverty lawyer entails acting as a social worker to a certain extent, I am relieved that some of that burden has been removed, allowing me to focus more closely on my clients' legal needs. Issues of building trust with clients of different communities will always remain, but are eased by my presence in a setting that is familiar and, I believe, comfortable for them. Speaking at the year's first PTA meeting gave me an imprimatur of approval from the school's principal and PTA president, an invaluable aid in building trust. Most important, access to services has increased for neighborhood residents. Clients who came to the first clinic with legal problems that were clearly important to them had not previously sought the legal services available only blocks away.

4. Other Settings for Integrated Service Delivery

Although the neighborhood school is one of the best settings for neighborhood-based integrated services programs, it is far from the only possible setting. Integrated service programs can be successfully housed in a number of places, as lawyers and service professionals nationwide are proving.

a. Bread for the City and Zacchaeus Free Clinic

At B&Z, a neighborhood-based service center in the Shaw neighborhood of Washington, D.C., clients can obtain food, clothing, and medical, legal, and social work services. Staff frequently work collaboratively. The medical clinic may see a client with a disability and refer that client to the social work staff to apply for disability benefits. If the benefits are denied and the denial is ap-

pealed, the case goes to the legal clinic for individual representation of the client. Having a lawyer argue with AFDC caseworkers about the whereabouts of a late benefits check is useful for the client; having that lawyer secure an emergency bag of food for the family is even more useful. Clients coordinate their appointments, arranging to see their lawyers on the same day that they see their social workers or doctors. The ability to meet a number of a client's needs under the same roof and to share concerns and strategies with staff in other disciplines enhances the quality of services provided to the client. More important, clients have access to the services they need, and can obtain them without traveling throughout the city to do so. By creating satellite clinics in locations like schools and, potentially, housing projects, we can expand our reach into underserved areas and bring information about our full range of services to populations that otherwise would not know that we exist.

b. The Medical-Legal Services Project

Integrated neighborhood-based services can also be provided in hospitals. The Legal Services Center in Boston has teamed with Boston hospitals to link legal and medical services. The partnership was developed as a response to problems that the Legal Services Center's "multi-service" benefits unit encountered. The unit found that a large number of patients who obtained medical care through the Boston hospital and clinic system were unaware of the benefits and services available to them. Moreover, the unit (like many legal services providers) found it difficult to obtain medical records and physician assistance when litigating disability cases. The staff was frustrated with the inadequacy of the resources available for clients encountering problems with the welfare and social service systems. The answer they devised was to perform "legal check-ups" in hospital waiting rooms and to train hospital physicians and staff to

Having a lawyer argue with AFDC caseworkers about the whereabouts of a late benefits check is useful for the client; having that lawyer secure an emergency bag of food for the family is even more useful.

identify and respond to legal problems identified by patients. The Medical-Legal Services Project is staffed by a physician, a lawyer, and a patient advocate; relies on the Legal Services Center for back-up; and uses law, medical, and social work students to carry out the check-ups. The project provides advice, advocacy, and referrals to outpatients at Boston Hospital's ambulatory care clinic identified by project staff as having legal problems. Project workers make contact with patients without private insurance and, using the information given during the "legal check-up," interview, identify legal problems, discuss the problems with the client, direct the assistance of staff, and refer the problems either to the Legal Services Center or to another appropriate agency. Project staff also educate medical staff and treating physicians about the legal problems that their patients might have and help them to identify these problems.¹⁷⁴

Project staff have published some initial observations. They have found that over ninety percent of the clients interviewed have identified legal problems. Many of these problems can be solved without the involvement of lawyers; intervention by project staff has proven effective, as a large percentage of cases require only advice or limited assistance. Successful intervention, however, requires that a staff member advocate on behalf of clients; simply providing information to patients does not seem to be sufficient. Finally, there has been an increase in interest in and knowledge of patients' legal problems among hospital staff, which should increase the chances that patients ultimately obtain assistance.¹⁷⁵ The project has also encountered some of the difficulties with collaboration discussed earlier:

Unfortunately, the considerable interest in these issues that has already emerged among professionals has been accompanied by lengthy discussions of whether the service is really law work, social work, or a part of health care.

Predictably, such an approach does not get very far. What is needed, instead, is a discussion within and between the professional disciplines involved about whether this sort of help ought to be provided, their responsibility and capacity to provide such help, who can be recruited, trained, and retained in the tasks required, and how it might be paid for.¹⁷⁶

c. The Clayton/Mile-High Family Futures Project

The Denver Legal Aid Society chose a different approach. First, recognizing that it was providing services to families in a fragmented, compartmentalized manner, Denver Legal Aid restructured its service units, combined its Public Benefits and Family Law units, and created the Family and Children's Unit. The unit's goal is to address "the feminization of poverty and its adverse impact on children" and to approach these problems in a holistic manner.¹⁷⁷ The Clayton/Mile-High Family Futures project played a major role in pursuing that goal. The federally funded project brought together twenty-three community agencies to provide comprehensive, coordinated services to indigent, single-parent families.¹⁷⁸ Families had access to child care services, a medical clinic, job readiness classes, literacy and GED programs, vocational education, and college classes. Additionally, each family was assigned a "family lawyer," who conducted a "legal audit" of the family, identified the family's immediate and long-term legal problems, and worked to address all of those problems. Lawyers maintained relationships with families after immediate needs were met, followed up on the family's progress, handled new issues as they arose, and had access to the other agencies and supportive services participating in the project.¹⁷⁹

d. The Future of Poverty Law?

Some states are already focusing on integrated service programs as a re-

response to the crisis in legal services. In California, state bar officials and legal services organizations are working to develop plans to "redesign and integrate legal and social service programs," in an effort to maximize the resources available for services for the poor. One strategy will be to create new clinics that deliver both legal and social services.¹⁸⁰

The San Francisco legal community is leading the way in this effort. Service providers recently held a "One Stop Women's Clinic," a one-day event where seventeen social and legal specialists were available to respond to a range of women's concerns. Tanya Neiman, the Director of Volunteer Legal Services for the Bar Association of San Francisco explained, "We're taking a holistic approach in which you look at [the] moment of crisis, and try to see what service or combination of services will best help . . . immediately, and over the long term."¹⁸¹

Hospitals, neighborhood service centers, housing projects, and schools all offer the settings through which lawyers can move beyond the confines of "traditional" poverty law and work in collaboration with other service professionals to more fully meet the needs of low-income clients. The possibilities for creating community-based integrated service programs are limited only by the will of professionals to work together to secure funding and incorporate themselves in the community.¹⁸²

IV. CONCLUSION

There are some basic realities to be confronted about providing legal services to the poor. We are not currently meeting the legal needs of the poor. Those needs are going to become more acute as legislation changes the relationship between the federal government and the poor and as the gap between rich and poor in our society continues to grow. Funding for providing these services is not going to increase in the near future. Until we find a way to address the

underlying problems facing poor families, we will continue to see the same faces and the same issues on a daily basis.

It is time to rethink the way that we provide legal services to the poor. Collaborating with other professionals allows us to approach our clients' needs in a more holistic way, and to tease out some of the root causes of those problems by increasing our sensitivity to the full range of client needs. Basing those services in community institutions like schools increases our clients' access to our services, builds credibility for and trust in the services we provide, and allows us to understand our clients in the context of their communities. In the midst of what many have bemoaned as disaster, we have a real opportunity to be innovative in the way that we define and perform our jobs as poverty lawyers. Let's not waste that opportunity.

NOTES

¹ Joyce Purnick, *Another Frill: Giving the Poor Good Lawyers*, N.Y. TIMES, Mar. 11, 1996, at B1.

² *Legal Aid's Last Stand?*, CHRISTIAN SCI. MONITOR, Apr. 15, 1996, at 20.

³ Marc Feldman, *Political Lessons: Legal Services for the Poor*, 83 GEO. L.J. 1529, 1536 (1995).

⁴ *Id.* at 1588.

⁵ See Stephen Barr et al., *The 1996 Budget: Winners and Losers*, WASH. POST, Apr. 29, 1996, at A15 (describing Legal Services Corporation (LSC) as "the biggest victim in the [1996] budget fight"); Naftali Bendavid, *LSC Cuts Hit Home, Nationwide*, LEGAL TIMES, Feb. 5, 1996, at 1, 13 (D.C.'s Neighborhood Legal Services to lose 55% of federal funding and handle less than half as many cases as last year); Anna Cekola, *New Era for Legal Aid's Recipients*, L.A. TIMES, Apr. 28, 1996, at B1 (explaining how LSC cuts will affect Legal Aid organizations in Southern California); Indira A. Lakshman, *Curbs Near In Legal Aid for the Poor; U.S. Budget Accord Could Limit Class-Action Suits, Other Cases*, BOSTON GLOBE, Mar. 26, 1996, at 1 (estimating that LSC cuts will eliminate services for 12,000 clients in Massachusetts alone).

⁶ Edgar S. Cahn, *The Informal Economy: Reinventing Poverty Law*, 103 YALE L.J. 2133, 2135 (1994).

⁷ Alan W. Houseman, *Political Lessons: Legal Services for the Poor—A Commentary*, 83 GEO. L.J. 1669, 1707 (1995).

- ⁸ *See id.* at 1706.
- ⁹ Gary Bellow & Jeanne Charn, *Paths Not Yet Taken: Some Comments on Feldman's Critique of Legal Services Practice*, 83 GEO. L.J. 1633, 1642 (1995).
- ¹⁰ Natalie Hanlon & Elizabeth Rada Carver, *Clayton/Mile High Family Futures Project*, COLO. LAW., July 1991, at 1379-80.
- ¹¹ Margot Hornblower, *Fixing the System: Los Angeles County Creates a Model Plan to Get Help into Troubled Homes*, TIME, Dec. 11, 1995, at 45.
- ¹² *Id.*
- ¹³ LISBETH B. SCHORR WITH DANIEL SCHORR, WITHIN OUR REACH: BREAKING THE CYCLE OF DISADVANTAGE 286 (1988).
- ¹⁴ *Id.* at 3-14.
- ¹⁵ *Id.* at 15-16.
- ¹⁶ *Id.* at 31-32.
- ¹⁷ *Id.* at 27-29.
- ¹⁸ *Id.* at 29.
- ¹⁹ *Id.* at 143.
- ²⁰ *Id.* at 30.
- ²¹ *Id.* at 31-32.
- ²² *Id.* at 256-59.
- ²³ *Id.* at xxii.
- ²⁴ *Id.* at 155.
- ²⁵ *Id.* at 17-21.
- ²⁶ *Id.* at 79.
- ²⁷ *Id.* at xxvi-xxvii. The payoff for early intervention is down the road—when the “rotten outcomes” for kids do not occur. Because the results of an early intervention program are hard to quantify and are often invisible in the short-term, it can be difficult to convince funders that such a program is effective. *Id.*
- ²⁸ *Id.* at xx. There is debate on this point, however. *See* EARL JOHNSON JR., JUSTICE AND REFORM: THE FORMATIVE YEARS OF THE AMERICAN LEGAL SERVICES PROGRAM 129 n.52 (1974) (arguing that experimental evidence suggests that social service teams, which are similar to the coordinated interventions championed by Schorr, are not very effective).
- ²⁹ SCHORR, *supra* note 13, at xxi.
- ³⁰ *Id.* at 177.
- ³¹ William A. Morrill, *Overview of Service Delivery to Children*, in FUTURE OF CHILDREN: SCHOOL LINKED SERVICES 32, 40 (1992).
- ³² RICHARD WEISSBOURD, THE VULNERABLE CHILD 166 (1996).
- ³³ *Id.* at 132.
- ³⁴ Morrill, *supra* note 31, at 41.
- ³⁵ WEISSBOURD, *supra* note 32, at 133.
- ³⁶ Symposium, *Legal and Community Services Advocates Working Together to Preserve Families*, 3 J. L. & POL'Y 469, 471 (1995).
- ³⁷ *Id.*
- ³⁸ The Homebuilders model was first implemented in Tacoma, Washington, in 1974. By 1987, eight states, including Oregon, Florida, Iowa, Colorado, and Maine had created programs based on the Homebuilders model. Moreover, in 1987, Washington-based Homebuilders staff recreated the program in the Bronx, New York, which spurred New York social service officials to shift their emphasis to family preservation and provision of intensive services. SCHORR, *supra* note 13, at 157-63.
- ³⁹ *Id.* at 157-58.
- ⁴⁰ *Id.* at 164.
- ⁴¹ *Id.* at 166.
- ⁴² *Id.* at 167.
- ⁴³ *Id.*
- ⁴⁴ *Id.* at 48-50.
- ⁴⁵ Carol S. Larson et al., *Analysis, in THE FUTURE OF CHILDREN: SCHOOL LINKED SERVICES* 6 (1992).
- ⁴⁶ JOY DRYFOOS, FULL SERVICE SCHOOLS xv (1994).
- ⁴⁷ *Id.* at 5.
- ⁴⁸ *Id.* at xvi, 4.
- ⁴⁹ *Id.* at 8.
- ⁵⁰ *Id.*
- ⁵¹ Linda K. Wertheimer, *Full Service Schools Offer Students, Families Options*, ORLANDO SENTINEL, Dec. 11, 1994, at G1.
- ⁵² DRYFOOS, *supra* note 46, at 7.
- ⁵³ *Id.* at 207.
- ⁵⁴ There is a distinction between school-based and school-linked services. School-based services are provided on-site, in the school building; school-linked services are coordinated through the school, but may be provided elsewhere in the community. For the purposes of this article, the terms are used interchangeably to mean services provided on-site within the school itself. *Id.*
- ⁵⁵ *Id.* at 26.
- ⁵⁶ *Id.*
- ⁵⁷ Morrill, *supra* note 31, at 41.
- ⁵⁸ DRYFOOS, *supra* note 46, at 58.
- ⁵⁹ *Id.* at 158.
- ⁶⁰ *Id.* at xi.
- ⁶¹ *Id.* at 139; *see also* Larson et al., *supra* note 45, at 8.
- ⁶² *See* Morrill, *supra* note 31, at 41; Janet E. Levy &

William Shepardson, *A Look at Current School-Linked Service Efforts*, in *THE FUTURE OF CHILDREN: SCHOOL LINKED SERVICES* 44, 46 (1992).

⁶³ Morrill, *supra* note 31, at 41.

⁶⁴ Larson et al., *supra* note 45, at 8.

⁶⁵ DRYFOOS, *supra* note 46, at 11.

⁶⁶ *Id.* at 42-43.

⁶⁷ Rick Badie, *Group Suggests: Team Up On School*, *ORLANDO SENTINEL*, July 14, 1994, at 1.

⁶⁸ This is not meant to suggest, however, that schools are the *only* place in the community where social service provision makes sense. Part III.C., *infra*, discusses alternative models for community-based social service provision.

⁶⁹ See DRYFOOS, *supra* note 46, at 12-13, 45-75.

⁷⁰ Larson et al., *supra* note 45, at 10.

⁷¹ *Id.*

⁷² *Id.* at 11.

⁷³ *Id.*

⁷⁴ CITIES IN SCHOOLS PROMOTIONAL MATERIALS (on file with the author). The lists of what is needed and what is provided do not match; although Cities in Schools has identified legal assistance as a need for children in low-income communities, its materials do not mention whether legal services are available through the program.

⁷⁵ DRYFOOS, *supra* note 46, at 105; Nancy Reckler, "Full Service" School Becomes Hub of New York Neighborhood, *WASH. POST*, Oct. 12, 1995, at A9.

⁷⁶ Reckler, *supra* note 75, at A9.

⁷⁷ *Id.*

⁷⁸ Beth Foushee, *Schools Marshal Resources to Aid Low-Income Families*, *TAMPA TRIB.*, Aug. 27, 1995, at 1.

⁷⁹ The idea of giving the poor a financial stake in improving their schools and communities is gaining momentum. Edgar Cahn, founder of the Time Dollar Network, argues that when volunteers participate in community services, they should receive "time dollars," a "tax-exempt currency that empowers people to convert their personal time into purchasing power by helping others by rebuilding family, neighborhood and community." B&Z is considering developing such a network in our community. See *BREAD FOR THE CITY & ZACCHAEUS FREE CLINIC, TIME DOLLAR NETWORKS* 1 (1996) (on file with the author). For a complete explanation of Time Dollars, see Cahn, *supra* note 6, at 2136-37.

⁸⁰ DRYFOOS, *supra* note 46, at 230.

⁸¹ Wertheimer, *supra* note 51, at G1.

⁸² DRYFOOS, *supra* note 46, at 235.

⁸³ *Id.* at 118-19.

⁸⁴ See, e.g., Merrill, *supra* note 31, at 33; DRYFOOS, *supra* note 46, at 141-42.

⁸⁵ David Tyack, *Health and Social Services in Public Schools: Historical Perspectives*, in *THE FUTURE OF CHILDREN: SCHOOL LINKED SERVICES* 19, 20 (1992).

⁸⁶ DRYFOOS, *supra* note 46, at 29-30.

⁸⁷ The timing of this reemergence is not surprising, according to Dryfoos. "In periods of poverty, unrest, and disadvantage, service provision in schools has risen. In periods of relative affluence and in the absence of new immigrant populations, provision has been limited." *Id.* at 41.

⁸⁸ MARTHA DAVIS, *BRUTAL NEED: LAWYERS AND THE WELFARE RIGHTS MOVEMENT, 1960-1973* 2 (1993).

⁸⁹ FORD FOUNDATION, *AMERICAN COMMUNITY DEVELOPMENT: PRELIMINARY REPORTS BY DIRECTORS OF PROJECTS ASSISTED BY THE FORD FOUNDATION IN FOUR CITIES AND A STATE* 1 (1964).

⁹⁰ *Id.*

⁹¹ "School improvement is related to such other community needs as employment, health, and social services. Employment services stress counseling, guidance, training, and placement. . . . Legal programs seek to acquaint residents with the use of law as an instrument to better their conditions, in contrast with many residents' view of the law and its agencies—police and the courts—as restrictive or oppressive." *Id.* at 3. See also JOHNSON, *supra* note 28, at 21-22; Feldman, *supra* note 3, at 1571 n.110 (citing JEREMY COOPER, *PUBLIC LEGAL SERVICES: A COMPARATIVE STUDY OF POLICY, POLITICS AND PRACTICE* 57-58 (1983)).

⁹² See FORD FOUNDATION, *supra* note 89, at 16; JOHNSON, *supra* note 28, at 22.

⁹³ Edgar S. Cahn & Jean C. Cahn, *The War on Poverty: A Civilian Perspective*, 73 *YALE L. J.* 1317, 1319 (1964). Jean Cahn served as the Neighborhood Attorney for the Dixwell Neighborhood CPI center, and both Edgar and Jean Cahn were intimately involved both in the development of the neighborhood legal services concept and the implementation of that concept.

⁹⁴ *Id.*

⁹⁵ *Id.* at 1320.

⁹⁶ *Id.* at 1319; see also Feldman, *supra* note 3, at 1576.

⁹⁷ Cahn & Cahn, *supra* note 93, at 1321.

⁹⁸ JOHNSON, *supra* note 28, at 22.

⁹⁹ Cahn & Cahn, *supra* note 93, at 1321-22.

¹⁰⁰ JOHNSON, *supra* note 28, at 33.

¹⁰¹ Cahn & Cahn, *supra* note 93, at 1325.

¹⁰² *Id.* at 1333.

¹⁰³ *Id.* at 1334.

¹⁰⁴ JOHNSON, *supra* note 28, at 22-23.

- ¹⁰⁵ *Id.* at 25-27; Feldman, *supra* note 3, at 1576.
- ¹⁰⁶ JOHNSON, *supra* note 28, at 27; Feldman, *supra* note 3, at 1576. "An unfunded CPI proposal in New Haven tried to implement a multidisciplinary service approach to the alleviation of poverty. This scheme subordinated lawyer independence and supremacy to a coordinated, collaborative approach by professionals from various disciplines." The project was "explicitly" rejected because of this subordination. *Id.*
- ¹⁰⁷ Feldman, *supra* note 3, at 1576.
- ¹⁰⁸ *Id.* at 1576 n.129.
- ¹⁰⁹ JOHNSON, *supra* note 28, at 23.
- ¹¹⁰ DAVIS, *supra* note 88, at 26.
- ¹¹¹ *Id.* at 28.
- ¹¹² *Id.* at 26-27; JOHNSON, *supra* note 28, at 23.
- ¹¹³ DAVIS, *supra* note 88, at 28.
- ¹¹⁴ JOHNSON, *supra* note 28, at 24-26.
- ¹¹⁵ *Id.*
- ¹¹⁶ *Id.* at 25; DAVIS, *supra* note 88, at 30-32.
- ¹¹⁷ JOHNSON, *supra* note 28, at 25; DAVIS, *supra* note 88, at 30-32.
- ¹¹⁸ JOHNSON, *supra* note 28, at 27-29.
- ¹¹⁹ *Id.* at 28.
- ¹²⁰ *Id.* at 28, 30-31.
- ¹²¹ *Id.* at 31.
- ¹²² *Id.* at 32.
- ¹²³ Cahn & Cahn, *supra* note 93, at 1317.
- ¹²⁴ *Id.* at 1350 n.46.
- ¹²⁵ *Id.* at 1350.
- ¹²⁶ *Id.* at 127.
- ¹²⁷ *Id.* at 128-29.
- ¹²⁸ *Id.* at 129.
- ¹²⁹ Houseman, *supra* note 7, at 1696.
- ¹³⁰ Cahn & Cahn, *supra* note 93, at 1335.
- ¹³¹ *Id.*
- ¹³² *Id.*
- ¹³³ Frank P. Cervone, *Walk With a Child: Child Advocacy*, A.B.A. CTR. FOR PRO BONO EXCH., June 1995, at 2.
- ¹³⁴ Natalie Hanlon, *Family and Children's Unit, Legal Aid Society of Metropolitan Denver*, CONSORTING: NEWSLETTER OF THE INTERUNIVERSITY CONSORTIUM ON POVERTY LAW, Dec. 1992, at 7.
- ¹³⁵ See Anthony V. Alfieri, *Practicing Community*, 107 HARV. L. REV. 1747, 1759 (1994).
- ¹³⁶ Feldman, *supra* note 3, at 1539.
- ¹³⁷ Cahn & Cahn, *supra* note 93, at 1336.
- ¹³⁸ Cahn, *supra* note 6, at 2146 n.46.
- ¹³⁹ Houseman, *supra* note 7, at 1696.
- ¹⁴⁰ *Id.*
- ¹⁴¹ Having an office in the community, although certainly preferable to seeing clients "downtown," is not enough to guarantee access. Although our office is situated in the middle of Shaw, a low-income neighborhood in Northwest Washington, the clients who come to my legal clinic walk-in hours at an elementary school five blocks away are often unaware of our services. Many parents at the school who do use our clinic for other purposes (described in detail *infra*) have not sought legal help there. Reaching out into the community and providing services on neutral ground opens access for those clients.
- ¹⁴² Alfieri, *supra* note 135, at 1752.
- ¹⁴³ *Id.* at 1749; Houseman, *supra* note 7, at 1697.
- ¹⁴⁴ Feldman, *supra* note 3, at 1628. Feldman suggests that in a redeveloped legal services program, lawyers would have a period of intense study of the community—walking the streets, knocking on doors, attending meetings—in order to identify the systemic problems faced by community members. *Id.* at 1623-24.
- ¹⁴⁵ Alfieri, *supra* note 135, at 1752.
- ¹⁴⁶ Symposium, *supra* note 36, at 478.
- ¹⁴⁷ Bellow & Charn, *supra* note 9, at 1639 n.26.
- ¹⁴⁸ DRYFOOS, *supra* note 46, at 157.
- ¹⁴⁹ *Id.* at 165.
- ¹⁵⁰ *Id.*
- ¹⁵¹ *Id.* at 208.
- ¹⁵² See Larson et al., *supra* note 45, at 15; Robert J. Chaskin & Harold A. Richman, *Concerns About School-Linked Services: Institution-Based Versus Community-Based Models*, in THE FUTURE OF CHILDREN: SCHOOL LINKED SERVICES 107, 108-112 (1992).
- ¹⁵³ DRYFOOS, *supra* note 46, at 154.
- ¹⁵⁴ *Id.* at 155.
- ¹⁵⁵ Jeanne Jehl & Michael Kirst, *Getting Ready to Provide School-linked Services: What Schools Must Do*, in THE FUTURE OF CHILDREN: SCHOOL LINKED SERVICES 95, 103 (1992).
- ¹⁵⁶ See Rebecca Gudeman, *Legal Services and School-Based Collaboration* (on file with the author). My experience has been similar; I often found that it was easiest (if not best) to go forward with projects and hope that the principal did not notice.
- ¹⁵⁷ DRYFOOS, *supra* note 46, at 155.
- ¹⁵⁸ It is especially important that school administrators understand the legal concept of confidentiality, and recognize that service providers simply cannot share certain types of information. That issue is discussed in the context of legal services.

¹⁵⁹ Larson et al., *supra* note 45, at 15; Chaskin & Richman, *supra* note 152, at 112.

¹⁶⁰ Chaskin & Richman, *supra* note 152, at 111.

¹⁶¹ Maintaining confidentiality among service providers is also an issue, although less pressing. The simplest solution when working in an integrated program is to explain that the lawyer can better understand a client's problems by sharing information with the other service professionals working with the client, and to ask the client's permission to do so. If the client declines, the lawyer must operate under the confidentiality requirements of the traditional attorney-client relationship.

¹⁶² JOHNSON, *supra* note 28, at 135-36.

¹⁶³ Telephone Interview with Lois Sears, Executive Director, Community Law Program (Mar. 26, 1996).

¹⁶⁴ Anne Lindberg, *Community Center Gets High Praise*, ST. PETERSBURG TIMES, Nov. 4, 1995, at 5.

¹⁶⁵ COMMUNITY LAW PROGRAM, LEGAL CHECKLIST 1 (on file with the author).

¹⁶⁶ Telephone Interview with Lois Sears, *supra* note 163.

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ Gudeman, *supra* note 156.

¹⁷⁰ PUBLIC COUNSEL, TEEN LEGAL CLINIC (1995).

¹⁷¹ Gudeman, *supra* note 156.

¹⁷² *Id.*; Telephone Interview with Rebecca Gudeman, Staff Attorney, Children's Rights Project (Jan. 3, 1996).

¹⁷³ I have chosen to work in elementary schools because I enjoy the interaction with young children and their parents. More importantly, I believe that the problems faced by low-income families should be addressed at the earliest possible opportunity. In the elementary school set-

ting, the problems focus less on the children themselves and more on obstacles faced by their parents that, if eliminated, could strengthen the family and increase their chances for escaping poverty. In the middle and high school settings, the issues are focused more on the students themselves. Programs like that of Public Counsel, which serve high school students, center on issues including guardianship, the rights of pregnant teenagers, immigration status and college, parenting teens and paternity issues, and interaction with the police. *See generally* PUBLIC COUNSEL, *supra* note 170. Working in elementary schools, I address family issues both for teenagers and other low-income parents but generally do not encounter these other types of problems.

¹⁷⁴ *See* Bellow & Charn, *supra* note 9, at 1659-60.

¹⁷⁵ *Id.* at 1661-62.

¹⁷⁶ *Id.* at 1662.

¹⁷⁷ Hanlon, *supra* note 134, at 1-2.

¹⁷⁸ *Id.* at 2.

¹⁷⁹ Hanlon & Carver, *supra* note 10, at 1379-80.

¹⁸⁰ Richard C. Reuben, *Keeping Legal Aid Alive: Programs Restructuring, Seeking Funds in Rescue Effort*, A.B.A. J., Nov. 1996, at 20-21.

¹⁸¹ *Id.*

¹⁸² While the difficulties of securing funding are always a deterrent, providers—and funders—must commit to giving a project the time to succeed once it begins. "I am always amazed at how quickly we are prepared to throw out programs that we never implemented fully in the first place. We do not fund adequately and give them little chance to work. . . . Whenever we design programs for poor people, we readily dismantle them when faced with barriers or disappointments, including those that are inherent in starting up new programs." Symposium, *supra* note 36, at 477.

