This workshop was held at the 2019 Equal Justice Conference in Louisville, Kentucky.

Title:

For the People: How Lawyers Must Support Community and Client-led Social Change Initiatives

Presenters:

Jamila Martin, 482Forward, Detroit, MI
Jayesh Patel, Street Democracy, Detroit, MI
Jill Williams, Homeless Persons Representation Project, Baltimore, MD
Swapna Yeluri, Homeless Persons Representation Project, Baltimore, MD

Lawyers and community members with lived experience will highlight strategies for pro bono or public interest lawyers to support client and community-led social justice efforts. They will identify models where lawyers worked “shoulder to shoulder” with community members to dismantle oppressive systems and policies that contribute to poverty and homelessness.
Client-Led Social Change Initiatives
Client-Led Social Change Initiatives

- Legislative Advocacy
- Trainings
- Community Involvement
- Involvement with organization and Boards
Legislative Advocacy
Home Act: Ending Source of Income (SOI) Discrimination

- Source of Income (SOI) means any *lawful* source of funds used in the rental or purchase of housing. It includes money from:

  1. any lawful employment;
  2. any government or private assistance, grant, loan, or rental assistance program;
  3. any gift, inheritance, pension, annuity, alimony, or child support; and
  4. any sale of property.
Legislative Advocacy
Home Act: Source of Income (SOI) Discrimination

- Most SOI discrimination, takes the form of refusal to accept Housing Choice Vouchers (also known as Section 8), which are provided to low-income individuals and families to help them afford housing on the private market.

- SOI discrimination contributes to concentrations of poverty, prevents access to good schools and jobs, and contributes to poor health. It prevents voucher holders from being able to move to areas of economic opportunity.

- Perpetuates segregation based on race, disability, and other protected classes.

- Source of income discrimination disproportionately affects vulnerable populations: senior citizens, people with disabilities, single mothers, veterans, and lower wage workers.
Legislative Advocacy
Home Act: Ending Source of Income (SOI) Discrimination

• On April 12, 2019, Baltimore City signed into law legislation enacting source of income (SOI) protections

• Prohibits landlords and other property owners from discriminating against persons seeking housing based on their “source of income.”

• Ensure fairness for seniors, working families, veterans, and the disabled seeking housing;

• Help create more mixed-income communities and greater affordable housing;

• Deconcentrate poverty by opening up housing opportunities in other neighborhoods; and

• Ensure better housing and economic opportunities for tens of thousands of Marylanders.
Legislative Advocacy
Home Act: Source of Income (SOI) Discrimination

Jill Williams:
“It was disappointing because I couldn't live where I wanted to live,” she said. As an African-American, Williams said, “I just never thought that I would find income discrimination as well as, at my age, having experienced discrimination because of my color.”

Legislative Advocacy
Ending Youth Homelessness Act

• Homeless youth are at a higher risk of experiencing adult and chronic homelessness. The right interventions at the right time can change the trajectory of their lives.

• LGBTQ youth and youth of color are dramatically overrepresented.

• Existing housing and services for youth are inadequate.

• Homeless youth typically do not stay in adult shelters, but move frequently between living situations, staying wherever they can. These living situations include couch surfing, sleeping in vehicles, abandoned houses, or sleeping outside. Youth are forced to stay in unstable and unsafe living situations.

• Homelessness exposes youth to an increased risk of violence, human trafficking, and exploitation, resulting in a higher incidence of mental and physical health problems, substance abuse, justice system involvement, unemployment, and school dropout. These harms have significant human and economic costs.

• Every night thousands of youth in Maryland go to sleep without the safety, stability, and support of a family or a home.
Legislative Advocacy
Ending Youth Homelessness Act

• What the Ending Youth Homelessness Act (EYHA) will do:
  • Create a state grant program at the Department of Housing and Community Development to fund community-based organizations providing housing and supportive services for unaccompanied homeless youth;
  • Fund a continuum of housing and supportive services designed for youth, including outreach, drop-in centers, emergency shelter, time-limited housing, and permanent housing, and require that all grantee programs must provide youth-centered and individualized supportive services;
  • Address disproportionate representation of youth of color and LGBTQ youth by focusing on service provider capacity building, performance standards, and equitable outcomes;
  • Prioritize youth engagement and leadership by requiring inclusion of youth in grant making and program evaluation activities and supporting youth participation;
  • Ensure ongoing, youth-driven data collection by codifying Youth REACH Maryland, the State initiative to identify the causes of youth homelessness and the needs of homeless youth;
  • Promote transparency and accountability by requiring an annual report to the legislature.
Gov. Larry Hogan signed into law the Ending Youth Homelessness Act

- Involved youth in the 2018 Youth REACH Maryland count
- Participated in legislative visits
- Drafted written testimony
- Drafted oral testimony
- Involved youth in Lobby Day
  - Prepping youth on issues
  - Allowed youth to lead the visits

**Future Advocacy:**
Allow for youth set legislative priorities. Things that directly affect them directly

- Legislative advocacy was done based on trends and systemic issues that advocates observed through case history.
CLIENT/COMMUNITY LEAD TRAINING

HOMELESS YOUTH INITIATIVE

- Different groups of youth with various backgrounds (i.e. parents, LGBTQ, age) provided information to lawyers on:
  - Building trust
  - Daily living experiences
  - Methods of contacting youth clients
  - Interview skills
  - Appropriate boundaries
CLIENT/COMMUNITY LEAD TRAINING

VETERANS LEGAL ASSISTANCE PROJECT

• Client story and the benefit of receiving legal assistance
• Importance of the legal work being done
• Encouraging volunteer involvement
CLIENT/COMMUNITY LEAD TRAINING

• Consider clients/community members costs in attending these events:
  • Transportation cost
  • Time off work
  • Day care

• Ethical considerations
  • Paying current clients
  • Tokenizing
  • Balancing client’s legal issues w/ need to have client present
  • Role of you as their lawyer vs. as an organizer for an event
  • Power dynamics
COMMUNITY EDUCATION

EDUCATING STAFF
• How to do community outreach
• What are the relevant issues/ goals
• Where to do outreach
• Looking beyond the obvious

OUTREACH TO COMMUNITY
• Building trust with the community
• Informing community on resources
• Creating a bridge between the community and the resources
Other Involvement

• Member of the Board
  • Planning, implementing, and decision making
• Fundraising
INSIDE
Lawyers and Community Economic Development
Community Building
Community Lawyering
Foundations
Community Justice Lawyering
Colleges and Universities
The Faith Community
New Model of Community Economic Development
Pro Bono Services
Publicly Supported Development Projects
Affordable Housing
Transportation
Child Care
Funding
Counseling Community Organizations
Skills Training
Telecommunications and Computer Access
Financial Education and Asset Building Opportunities

Economic Development Strategies for Individuals and Communities
Community Lawyering—Why Now?

By Ross Dolloff and Marc Potvin

Times are changing. We must adapt. The traditional lawyering model is based on the exercise of unilateral power.1 The paradigm: I have a right; the courts will enforce that right; you have nothing to say about it. This model is increasingly narrow in application and limited in scope. Traditional legal “rights” are rapidly disappearing.2 Whether through limitations on private rights of action, devolution of federal programs, or simply the conservative tilt toward programs that no longer serve our clients’ needs, exercising unilateral power through judicial enforcement of rights inhabits a smaller and smaller corner of our civil society.3

Even where “rights” continue to exist, the limitations of a unilateral approach become more and more apparent. How often have we seen litigation brought to secure a right under a regulatory or legislative framework, then, once the litigation is successful, the law is immediately changed to eliminate the right? We believe this occurs because the traditional lawyering model never seeks to reconcile opponents to its power. Consequently opponents will use every means at their disposal to challenge and subvert it.

Community lawyering is striking as an alternative because it is based on a different vision of power: relational power leading to ultimate reconciliation with the decision maker. The paradigm is quite different: We are many. We understand the issues. We have experienced the problem. We are also your constituents, your voters, your customers. You need us. We operate in the same forums as you. We are open to compromise and to a recognition of your interests.4

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1 The definitions of power described here derive from the work of Bernard Loomer, a theologian, and were best expressed in a lecture, Bernard M. Loomer, Two Kinds of Power, reprinted in Bernard J. Lee, The Future Church of 140 B.C.E 173 (1995).
4 A critical difference between the two approaches is the expectation of compromise, a central component of the civic and political process. An interesting discussion of this distinction is found in John Tolland, On the Importance of Being Unprincipled (1988) (on file with Ross Dolloff). The article is used frequently in training events. Tolland argues that the only people who can operate effectively based on uncompromising principle are those with absolute power and those with no power whatsoever and no desire to have any.
embarrass you in your community, we can expose your wrongdoing, we can turn your constituents against you, or we can support you. We will not bring in a third party to force you to act in a particular way. We expect you, based on your own self-interest, to act of your own volition the way we demand.

Ultimately what we seek through this approach is self-determination for our clients, the right to control their own destiny through an accommodation with traditional power structures. The power brokers, in response to the relational power of the group, both cede authority for decision making to local residents and provide a fair share of available resources to implement their collective vision. That vision frequently, almost universally, includes the creation of community-controlled entities to operate programs, create jobs, build housing, plan for neighborhood revitalization, and institutionalize the power relationships created.

How does this approach manifest itself in action? There are several stages. The first is relationship building. In a community lawyering model, all power derives directly from relationships—not traditional public relationships, but deeper ones, in which all participants arrive at a fundamental understanding of what motivates them and their peers, which elements of a community vision are widely shared and which are not, what issues and concerns are most deeply felt, what self-interest each person has in the outcome, and what assets each brings to the table. Over time, if the effort is successful, these relationships become institutionalized, typically through the creation of an organization of members who share the desire to wield relational power and a collective vision for the exercise of that power.6

Relationship building yields a second product—the development of a shared vision of a solution or set of solutions for a neighborhood or community. This shared vision propels the action-oriented phase of community building and problem solving. Utilizing the community lawyer as a resource, not as the preeminent leader, the effort reduces large problems, such as lack of affordable housing, to a concrete and actionable plan to address a discrete and measurable part of the problem. In the housing context this may mean the creation of a community development corporation and a demand for substantial public funding to seed its development, or it might mean a demand for zoning changes to allow affordable-housing development in a rich suburban community. From here, the community lawyering effort can take divergent paths, following an action plan that opportunistically exploits the areas of power and influence that one has available.7 Action-oriented activity includes a mix of research, political activity, direct action, media work, organizational development, training and leadership development, and, in some cases, the exercise or threat of unilateral action.

At Neighborhood Legal Services in northeastern Massachusetts, we devote to these activities about two and one-half full-time employees out of an advocacy staff of fifteen. We engage in these activities because they are effective. Substantively these efforts have yielded a massive infusion of resources directed to the needs of our community.

5The power of voluntary association through the development of civic associations, based on relationships, has been recognized for hundreds of years as a hallmark of American civil society and one of the principal instruments that strengthen its political processes. See Alexis de Tocqueville, 2 Democracy in America 106–10 (Vintage 1990) (1840) (Ch. 5: Of the Use Which the Americans Make of Public Associations in Civil Life). The increasing lack of such associations in modern society has also been recognized as a major warning sign threatening the continued vitality of our democratic institutions. Robert D. Putnam, Bowling Alone: The Collapse and Revival of American Community (2000). In essence, the core of community lawyering is the development of voluntary civil-society associations and institutions in low-income communities.

6For a compelling discussion of this process, see Mary Beth Rogers, Cold Anger: A Story of Faith and Power Politics 55–64 (1990).

7Involved individuals must act regularly as part of a community-building effort in order to stay engaged. “Organizations need action as an individual needs oxygen.” Saul D. Alinsky, Rules for Radicals 120 (1971).
clients, among such infusion being a major nonprofit health care organization’s commitment and expenditure of $20 million in resources to undertake a community health improvement plan—developed by one of the groups we support—that includes a downtown walk-in treatment center, a new community health center, school-based health clinics, ten new primary care physicians serving the uninsured, interpreter and outreach resources, and free access for the uninsured to prescription medications and specialty physicians. Another effort secured a large tract of state-owned land with a commitment for the construction of 125 units of new housing for low- and very low-income families and persons with disabilities. At an average local cost of $90,000 a unit including land costs, this commitment brings more than $11 million in affordable-housing resources to our clients.

Still another effort resulted in the creation and public funding of a community-directed job training program in specific occupations with good wages and health benefits. Community leaders determined the occupations not from academic research but from interviewing and building relationships with executives at the major business enterprises in our region. The community leaders learned that, among occupations not requiring college degrees but still providing high wages and good benefits, machinists and welders were in demand. In response, a training program was developed, $250,000 per year secured from the state legislature, and, through the relationships established with business leaders, job guarantees secured for every graduate. Since 1996, 240 students, most low-income residents of our urban centers, have graduated from the program. Virtually all have secured a job in the trade they learned. Salaries average $17.00 per hour with health insurance and other benefits. The average annual benefit to the 240 graduates, compared to their prior wages, is nearly $4 million. Is the effort cost-effective? Combined, our contributions to all three efforts probably cost our program $200,000.

Even more profound is the transformative effect of these projects on the communities where they occur. Each success energizes another. Unlike traditional advocacy, no effort is discrete. Powerless residents become veteran leaders. Community-based institutions are born and grow stronger. Projects increase in ambition and complexity. Power is exercised with increasing sophistication and confidence. The work creates powerful permanent institutions that can speak for themselves with a decreasing need for involvement of our staff.

These efforts can be directed at discrete and insular communities as a form of race-based advocacy. One example from our program’s work represents this kind of opportunity. The Arlington neighborhood in Lawrence, Massachusetts, is statistically the poorest and most racially isolated neighborhood in the entire state. Its population is 87 percent Latino.

In 1998 residents came together in response to a flood control project that called for the demolition and removal of
several properties affected by the flooding. Residents became concerned when they saw that the properties being acquired were not ones they knew to be prone to flooding but were instead properties abutting an elite Catholic high school that served virtually no neighborhood residents. The community counsel attorney at Neighborhood Legal Services met an emerging neighborhood association’s members who sought his help in investigating their concerns about the project. He taught the association members how to research the project, and they learned that the ultimate and then secret plan was for the city to turn the properties over to the school to build new ball fields and expand its parking. The neighbors continued to build relationships, preparing to fight back. They began holding public meetings, press conferences, and informational sessions with decision makers. They filed formal complaints with state and federal officials. They developed an alternative-use plan for the properties, and, even more important, they employed their new skills to develop a plan for the redevelopment of the entire Arlington district—an achievable vision of their neighborhood rising from the ashes.

They won that first battle, securing city council support for their alternative plan and $700,000 in funding to implement it—a resident-designed showplace public park. More important, they won over their opponents with their vision and power. Their own comprehensive redevelopment strategy for the neighborhood will soon be under way, with Arlington Neighborhood Association strategically acquiring vacant and dilapidated parcels and a large former mill for creation of new housing. They created job training, English-as-a-second-language, and basic skills programs designed specifically for neighborhood residents. They negotiated job preferences for local residents at a remaining mill in exchange for city support for Community Development Block Grant loans for the mill operator. They even were asked to extend their vision outside the neighborhood to encompass redevelopment of the entire river corridor of which Arlington is a part. In the process a permanent organizational force for these activities, the Arlington Neighborhood Association, has grown and thrived to become a single powerful voice for the neighborhood’s concerns.

Not one of the activities described here could have been successfully undertaken through a traditional advocacy model. None involved a traditional rights-based framework in any central way. Each succeeded through the power of relationships, leadership development, and planned collective action. Each ultimately resulted in a continually growing partnership with the original adversaries, and each left in its wake a permanent powerful voice for community change. We owe it to ourselves to make this advocacy approach a standard and central part of our arsenal.
For 42 years, Bread for the City has delivered poverty-relief services in the District of Columbia. For the last 25 years, a key part of that relief has been given through legal services. In the 1990s the social services staff noticed that many of their clients were routinely being denied disability benefits. What started as an ad-hoc initiative to try and help more clients burgeoned into the current iteration of the legal clinic, where attorneys assist clients not only on disability benefits but also in the areas of public benefits, family law and domestic violence, and housing law.

From the beginning, the housing practice has consisted of a bifurcated body of work—individual client representation and advocacy. Through this work, Bread for the City attorneys have prevented thousands of evictions, helped create a housing conditions court calendar, and shaped housing policies. ¹

Around 2003 Rebecca Lindhurst, a senior staff attorney at Bread for the City, began representing tenant groups that wanted to exercise their rights under D.C.’s Tenant Opportunity to Purchase Act or to challenge serious housing code violations or both. ² In 2007 the legal clinic applied for and received grant funding to start the Community Lawyering Project and hired Phylisa Carter as the Community Lawyering Project’s first full-time attorney. After seeing how quickly D.C.’s affordable housing stock was disappearing, Lindhurst pushed to add a community organizer to the Community Lawyering Project team; Right around that time Taylor Healy, then a legal fellow in Chicago, approached Bread for the City with the idea for a legal fellowship project that would bring mobile legal services to the Kenilworth-Parkside neighborhood—a Department of Education Promise Neighborhood that was awarded $25 million to develop a “cradle to college” continuum of services aimed at improving the outcomes of children and families.³ Healy was awarded an Equal Justice Works fellowship starting in September 2012, and three months later Aja Taylor was hired as the Community Lawyering Project’s first full-time community organizer; the organizer could amplify the impact of the legal work and educate more tenants about their rights. Lindhurst received approval to hire an organizer in 2012.

Community organizers have been integral to every social justice movement in history.

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¹ The housing conditions court calendar allows tenants to sue landlords on an expedited basis for violations of the District of Columbia Housing Code (see D.C. Mun. Regs. tit. 14 §§ 500–999, 1200–1299 (2016); Jessica Steinberg, Informal, Inquisitorial, and Accurate: An Empirical Look at a Problem-Solving Housing Court, LAW AND SOCIAL INQUIRY (forthcoming 2016) (2015 study of effectiveness of housing conditions court calendar)).

² The District of Columbia’s Tenant Opportunity to Purchase Act requires owners of tenant-occupied rental housing to give the tenant or tenants the opportunity to purchase the residence before it can be sold to a third party. In certain circumstances a registered tenant association can assign its right to purchase to a third party of its choice (D.C. Code § 43-3404.02 (2016)).

clearinghouse article

leaders. This shift in thinking has enabled the legal clinic to be a place not only where people come to get excellent legal advice and support but also where people can come to learn nonlegal ways to advocate for themselves and even how to organize their community to meet larger needs. Attorneys in the legal clinic have referred over 20 clients to the Community Lawyering Project organizer since 2015. These clients have testified at the city council about major legislation seeking to shift some of the larger systems that affected their lives; among such legislation are a “ban the box” bill, time extensions for Temporary Assistance for Needy Families benefits, and a “right to return” after public housing is redeveloped. Their advocacy as well as their organizing has been essential in getting this legislation passed and in engaging other Bread for the City clients in the fight by sharing their stories.

Working with organizers gives lawyers an opportunity to work as co-leaders with the same affected communities they serve, as opposed to engaging them simply as people who need help. Recently, the community organizer–led movement for black lives, evidence supports the idea that when organizers are involved from the beginning of strategy development, they help ensure that the strategies and policies are accountable to the communities they intend to help.

While professional advocates making decisions around certain policies or positions without any input from the community is not uncommon, involving affected people at every step of the process is critical to creating ownership of that process and ensuring that decisions are responsive to the community’s needs. Working with organizers gives lawyers an opportunity to work as co-leaders with the same affected communities they serve, as opposed to engaging them simply as people who need help. Co-ownership is critical to both policy creation and the strategies that will get those policies passed.

An example of this theory in practice was the Community Lawyering Project’s role in the passage of the Fair Criminal Record Screening Amendment Act of 2014 (also known as “ban the box”). Over the years a coalition of advocates had achieved

Why Hire a Community Organizer on Staff?

The Community Lawyering Project defines “community lawyering” as “using legal advocacy to help achieve solutions to community-identified issues in ways that develop local leadership and institutions that can continue to exert power to effect systemic change.” The legal system is set up in such a way that it forces a particular relationship between the lawyer and the client. In that relationship the lawyer is often “the voice” for the client before the court or with an opposing party; this structure, by its very nature, does not lend itself well to power sharing, let alone the integration of an organizer within the legal clinic has encouraged attorneys other than attorneys inside Bread for the City’s legal clinic to be a place not only where people come to get excellent legal advice and support but also where people can come to learn nonlegal ways to advocate for themselves and even how to organize their community to meet larger needs. Attorneys in the legal clinic have referred over 20 clients to the Community Lawyering Project organizer since 2015. These clients have testified at the city council about major legislation seeking to shift some of the larger systems that affected their lives; among such legislation are a “ban the box” bill, time extensions for Temporary Assistance for Needy Families benefits, and a “right to return” after public housing is redeveloped. Their advocacy as well as their organizing has been essential in getting this legislation passed and in engaging other Bread for the City clients in the fight by sharing their stories.

Hiring a community organizer helped deepen the work of Bread for the City’s legal clinic and supported the expansion of that work through the creation of Bread for the City’s advocacy department, led by Taylor with a staff of four new community organizers.

Working with Organizers at the Outset

Community organizers have been integral to every social justice movement in history. Whether about Bayard Rustin’s key involvement in the strategy of the civil rights movement, Cesar Chavez and the United Farm Workers’ influence in getting labor policies passed or, most


7 See Fair Criminal Record Screening Amendment Act of 2014, D.C. Act 20-422; DC Office of Human Rights, Returning Citizens and Employment (n.d.). “Ban the Box” is a nationwide campaign of advocates and returning citizens pushing for the elimination of the employment application box that asks about criminal history.
To be most effective a lawyer must learn to listen not only for potential legal interventions but also for opportunities to handle nonlegal needs.

incremental wins, including a “ban the box” bill that eliminated the box on D.C. government employment applications, but the advocates were having trouble getting political traction to expand the law to include private employers. In the fall of 2012 the D.C. Ban the Box Coalition, led by the D.C. Jobs Council, decided to regroup and push for such an expansion. While the initial coalition meeting went well, Taylor noticed that only one returning citizen was at the table, and, while a legal strategy was quickly coming together, there was no corresponding organizing strategy. To rectify this, Taylor began talking to and learning from the other organizer in the room and held listening sessions both at Bread for the City and outside organizations to get returning citizens’ thoughts on the biggest challenges they face when applying for jobs. These sessions revealed three common themes: the inextricable link between adequate employment and stable housing, returning citizens’ desire to be more involved in the political processes that affected their lives, and a person’s need to be seen as more than just one’s criminal history.

With this information, Taylor began working with other returning citizens’ advocacy groups to build the Reclaim the Vote campaign, aimed at registering and reengaging returning citizens in the political process. The campaign registered over a thousand returning citizens and, from all over the city, gathered leaders who were ready to fight for their rights. Two leaders in particular stepped up to share their stories, organize other returning citizens, and help Taylor build and deepen the base of returning citizens who would be integral to passing the “ban the box” bill.

During the campaign for the “ban the box” bill, the D.C. Ban the Box Coalition pushed for the bill to contain a private right of action allowing job applicants to sue employers who asked about criminal history on the initial job application. Most council members did not support a private right of action, but the leaders with whom Taylor worked were unwilling to support a bill that had no monetary remedy for returning citizens having experienced discrimination. Reemphasizing its commitment to be accountable to returning citizens themselves, the coalition decided to keep pushing for a monetary remedy to be included; in lieu of a private right of action to sue, the coalition agreed on a compensation system in which the amount of the remedy was based on the number of employees of the offending employer.

Unlike in previous attempts, this version of the “ban the box” bill passed with full support of the city council in large part because returning citizens and organizers were involved in the advocacy and strategy from the beginning. The coalition was responsive to and respectful of the wishes of the returning citizens who were in the base and who were most affected by the policy being pushed. The strong bill had the support of the affected community and served as an opportunity for leadership development and strengthening the infrastructure of the grassroots returning-citizen advocacy community.

**PRACTICE TIP:** Great places to start looking for organizers with whom you can build relationships are local civic meetings, community events, and public hearings. Like a moth to a flame, community organizers are drawn to the places where their people are. Being in places and spaces where community members are coming together to voice discontent or talk about issues that affect them is a great opportunity to begin a relationship with an organizing group. Lawyers should not be afraid to go up and introduce themselves, start a conversation, and request a meeting to learn more about how their legal aid organization and the community organizer can work together.

**Sometimes as Easy as Listening**

As attorneys, we are trained to listen for and tease out the “relevant” facts from a client’s story to help solve their legal problem. But to be most effective a lawyer must learn to listen not only for potential legal interventions but also for opportunities to handle nonlegal needs.

For example, in 2013 the property manager at a new senior building in Kenilworth-Parkside asked Healy to come to the property to meet with residents to screen them for eligibility for Bread for the City’s food program. Even though it was not a request for legal services, Healy...
saw it as an opportunity to meet more residents in the neighborhood (the site of her Equal Justice Works fellowship project) whether or not they needed a lawyer. While many of the seniors met the financial eligibility requirement for Bread for the City’s services, Taylor discovered that the real reason residents felt they needed a supplemental food program was that their building was five blocks away from the only bus stop. Without access to public transportation, many residents had no way to get to the only full-service grocery store in the ward. As an attorney with a focus on housing, Healy could have said, “Sorry, that isn’t something we handle,” or “That isn’t an issue that a lawyer can help with.” Instead Healy took this as an opportunity to loop in Taylor, who met with the tenant association and helped it devise a strategy to encourage residents to testify before government agencies that had oversight and control over various aspects of rental housing. To develop the organizing skills of the tenant association board, Bread for the City paid to have three board members attend an organizing training in Baltimore. One year later the tenant association board was put to the test when the transit authority tried to reroute the same two buses that served the entire neighborhood—not just the senior building. Instead of Taylor having to go back to the building to try and organize the residents, she put in a phone call to the tenant association board, which then worked with residents of neighboring properties to help organize a meeting with the transit authority at the local elementary school. The board knocked on doors and spread the word to the residents, who then packed the school gym alongside their neighbors to tell the transit authority that they wanted the bus routes to remain the same. A few weeks later when final route changes were announced, the residents were satisfied that no changes had been planned for their neighborhood. Not only did the transit authority not change the two routes in Kenilworth-Parkside, but also it decided to delay all planned bus service suspensions.

The bus-stop win energized the tenants and got them interested in doing more as a tenant association. In response, Taylor developed and led a four-part housing advocacy training at the property to teach the residents about the various D.C. government agencies that had oversight and control over various aspects of rental housing. To develop the organizing skills of the tenant association board, Bread for the City paid to have three board members attend an organizing training in Baltimore. One year later the tenant association board was put to the test when the transit authority tried to reroute the same two buses that served the entire neighborhood—not just the senior building. Instead of Taylor having to go back to the building to try and organize the residents, she put in a phone call to the tenant association board, which then worked with residents of neighboring properties to help organize a meeting with the transit authority at the local elementary school. The board knocked on doors and spread the word to the residents, who then packed the school gym alongside their neighbors to tell the transit authority that they wanted the bus routes to remain the same. A few weeks later when final route changes were announced, the residents were satisfied that no changes had been planned for their neighborhood. Not only did the transit authority not change the two routes in Kenilworth-Parkside, but also it decided to delay all planned bus service suspensions. Could Healy have worked alone and sued the city to get the residents access to a bus stop? Sure, but it would have taken months of research and work, none of which would have been client-centered or helped strengthen the capacity of the residents themselves. Community lawyering is not only about the outcomes or “wins” but also about building capacity, power, and leadership along the way.

**PRACTICE TIP:** Learn to spot issues as opportunities to engage with people instead of only looking for problems that a lawyer can solve. While these approaches are not mutually exclusive, community lawyers should always be prepared to listen on behalf of people or “steering the ship,” be prepared to play a supporting role in a joint effort toward a larger goal.

### Building Authentic, Trusting Relationships

Increasing the availability of legal services in communities should be seen as an opportunity for lawyers to build authentic, trusting relationships with the people they serve. Many community lawyering projects involve locating legal services outside and alongside a traditional legal aid office setting. But these projects are not as simple as hanging out a shingle and having clients line up outside the door. Communities where people are living on low incomes, especially if those communities are communities of color, are accustomed to seeing programs and people come and go without leaving behind major lasting positive impact or infrastructure to keep the work going. This history contributes to a justifiable wariness of outsiders who claim to have the answers or the services needed to break the cycle of poverty.

Trust is not simply given because someone has a law degree or the best intentions; it is something earned by caring and consistently showing up, even when the event or the meeting might not be directly related to the legal work. Community organizers are familiar with the value of the “one-to-one” conversation, that is, a purposeful conver-
sation with individuals to learn about their concerns, interest level, and resources.\textsuperscript{14} If lawyers want people to come to the legal clinic they are hosting, then the community needs to get to know who those lawyers are and what their intentions are. The lawyers, in turn, need to listen for how people's interests and relationships in the community might help build inroads that will benefit the legal work and identify systemic issues that the lawyers can help tackle.

For the first two years, Healy's work in Kenilworth-Parkside was mainly focused on increasing access to legal services through clinics she hosted in two schools and a local community center. While she distributed thousands of flyers and knocked on hundreds of doors to advertise the clinics, Healy also took a lot of time meeting one-on-one with nonprofit staff, principals, school social workers, parents, community leaders, local political leaders, tenant associations, property managers, and religious leaders in the neighborhood. Besides meeting with individuals, she attended community events, handing out Christmas presents alongside Santa Claus at a local elementary school, helping build a community playground, organizing farmers’ markets, and attending a Saturday gospel event to build and maintain authentic trusting relationships in the community.

These types of events and interactions gave Healy and the president of the Kenilworth Courts public housing resident council board opportunities to talk informally about the local housing authority's plan to redevelop the property and the inevitable resident displacement that would result. Those conversations helped Healy determine what the residents' goals were and helped the president get to know more about Healy’s background and intent. That personal connection built the foundation for trust that led the council to retain Healy in 2015 to help it in its ongoing fight to secure an equitable relocation plan to give current residents a clear right to return after redevelopment.

\textbf{PRACTICE TIP:} Look for standing meetings, onetime events, or social gatherings where you can meet people and familiarize yourself with the community. Can you locate your services at an upcoming event? Will residents be coming out to talk about their concerns at a local community meeting? Have you met with formal and informal leaders who can help you better connect with the people you want to serve? Having relationships gives you credibility, creates a mutual sense of accountability, and improves the odds that you will be thought of as a resource when issues arise.

\textbf{Because Sometimes Chasing Ambulances Makes Sense}

While civil legal aid providers seldom have a shortage of clients, at times they may appropriately fraternize with “the enemy” and even be “ambulance chasers” to identify and best serve clients.

One unlikely partnership that Healy developed early in her fellowship was with the ownership of a subsidized property in Kenilworth-Parkside that allowed her to host a monthly legal clinic at its community center. While allowing an attorney who represents tenants to set up shop next to the rental office seems like a fox-guarding-the-henhouse situation, ownership and management at the property saw the value in having Healy available to assist the residents. Part of that value to management was financial; she could assist people having problems with disability benefits in accessing rental assistance—that is, ways of getting the rent paid. A less obvious benefit, however, came later when many tenants began coming to the legal clinic after receiving past-due rent notices. Several tenants were even referred to the clinic by the rental office. Because people were able to access legal services before eviction actions were filed, Healy was able to work directly with the manager and resolve the issues out of court. Tenants were happier because they got the outcomes they wanted (debts erased, repairs made, and feasible payment plans installed), and the landlord was able to avoid paying expensive legal fees. Healy and the manager developed a good rapport that allowed them to continue to resolve tenant concerns in a timely and effective way.

Although an overwhelming majority of the cases Healy handled during her fellowship were related to housing, the publicly available court docket showed that many people in Kenilworth-Parkside were still appearing pro se in eviction matters.\textsuperscript{15} After seeing from the docket that 60 tenants in a 160-unit property had cases scheduled on the same day, Healy decided to try a direct-mail campaign using people’s names and addresses listed on the court complaints. Each letter informed the tenant about the court date, the amount of back rent the landlord was alleging, and possible defenses a tenant could raise and encouraged people to come to the legal clinic Healy was hosting at the property’s community center the following week. While only 7 of the tenants came to that clinic, many of the other tenants appeared for legal assistance on their first court date. The sheer number of cases led the property’s attorney to agree to continue all the

\textsuperscript{14} See Angela Butel, Joint Religious Legislative Coalition, Introduction to Community Organizing: One-to-One (Jan. 17, 2013).

\textsuperscript{15} In the District of Columbia 90 percent to 95 percent of tenants are unrepresented in eviction actions (see Jeffrey Leon, No Access, No Justice, WASHINGTON LAWYER (May 2016)).
As well as increasing Bread for the City’s investment in organizing, community lawyering has furthered the organization’s commitment to antiracism.

Contested cases to give Healy time to meet with the tenants individually at the property. After those meetings, she represented 25 of the tenants with assistance from three pro bono attorneys from the law firm DLA Piper. In this situation, proactive outreach and legal services located at the tenants’ place led to better individual outcomes for the tenants and became the impetus for the tenants to take collective action.

After the lawsuits had settled, we agreed to meet with four interested residents to discuss ways to galvanize the tenants who had just been through the court process. Two weeks later those four residents turned out over 20 people to talk about the concerns of the community and what power they had to make changes. Over the next six weeks we conducted a four-part training to help the tenants determine their priorities for change. The tenants discussed some of the problems at the property and participated in a visioning exercise to learn more about their hopes for their own community. They eventually elected a tenant association to take their ideas around.

**Goals, and then work to connect people with one another around those ideas.**

**Challenges with Community Lawyering**

Although Bread for the City has had much success in using a community lawyering model, the work is not without its challenges. As noted, part of an organizing strategy is to use small incremental wins to build power in the community to effect systemic change. Sometimes, however, sustaining momentum after a victory can be hard. We experienced this firsthand at the aforementioned property where the 60 sued tenants later formed a tenant association. At the end of that four-part housing advocacy training, the association decided that its first goal would be to end the water bills that tenants had started receiving even though many of their leases stated that they were not responsible for water costs. The tenants gathered their documentation, and Healy brought the issue to the attention of D.C.’s housing finance agency. Within a few weeks, the matter had been resolved, and the tenants received letters saying that they would no longer receive water bills. While this was certainly good news to the tenants, this quick and easy win did not lead to the sustained participation and momentum that we had hoped for the tenant association. Not every initiative or project will turn out as envisioned, but the hope is that the information, tools, strategies, and skills shared with the community will be used in other contexts even if the attorney and organizer are not there for the future “wins.”

Sometimes, however, the lack of small incremental “wins” can pose a community lawyering challenge. We have found this to be especially true in the affordable housing redevelopment context where the lengthy planning and construction timelines can lead to community fatigue and low resident engagement. By the time the “real” redevelopment is ready to kick off, tenants are tired of attending meetings, have well-placed mistrust in the process, and do not feel the sense of urgency that the lawyer or organizer might feel. One way to try and combat this fatigue is to ensure that the end goal—in this example, an equitable relocation plan—is not the only goal for the process. While redevelopment that is two years away may be unlikely to bring people out for a meeting, perhaps people want to take on another, more pressing issue first. Maybe residents are worried about immediate maintenance issues on the property or have security concerns. Once people are engaged around an issue and begin to see progress, more than likely they will invest in the longer-term strategy.

Another common community lawyering challenge is the length of time before community members see the results of capacity building. Lawyers are used to speaking on behalf of clients and giving options and recommendations on a course of action based on research and experience. But community lawyering is not about just giving people the answer to their legal questions; it is about exploring an issue fully and getting buy-in on a collaborative course of action, doing more listening than talking, and delegating work rather than simply doing everything alone. The process takes longer and can seem less efficient, but if it works, the community will be able to mobilize itself when the next issue arises because the lawyer has
invested in people and institutions that will be there long after the lawyer leaves.

**Broader Impact of Community Lawyering**

Bread for the City’s Community Lawyering Project has been successful in securing community-level and citywide change for its clients and has helped make the case for increasing the organization’s investment in community organizing. As mentioned, about one year ago Bread for the City added advocacy as a sixth core program to its extensive suite of services. By hiring five community organizers (four organizers in the advocacy department and one filling Taylor’s organizing position in the Community Lawyering Project), Bread for the City has increased its capacity to build power with the people it serves. The advocacy department is organizing a large-scale campaign around the creation and preservation of affordable housing; it works closely with the Community Lawyering Project to continue to ensure an integrated legal and organizing strategy around affordable housing creation and preservation. In our new roles as Community Lawyering Project supervisor and advocacy director, we continue to work together to make community lawyering and community organizing powerful tools for developing grassroots infrastructure in D.C.

As well as increasing Bread for the City’s investment in organizing, community lawyering has furthered the organization’s commitment to antiracism. Systemic racism and classism have ensured that people of color who are living on low incomes rarely get to have a substantive say in the decisions that affect their lives. While public participation can be a powerful tool for change, the fact remains that many decisions are made behind closed doors, in places with no child care, no food, and limited hours of operation that coincide with most working-class people’s workday. When community lawyers challenge that status quo and know what having “power with” as opposed to having “power over” their clients means, they are actively working in opposition to the same racist systems that have colluded to position their clients in powerless situations in the first place.

While the demographics of public service lawyers are more diverse than those of private law firms, a majority of public interest and government attorneys are still white while a majority of clients served—especially at nonprofit organizations such as Bread for the City located in large urban cities—are people of color.16 For lawyers who are seeking to integrate community lawyering principles into their work and disrupt the status quo, committing to sharing power with clients whenever possible is critical.

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16 See Ronit Dinovitzer et al., *After the JD II: Second Results from a National Study of Legal Careers* 72–74 (2009); Legal Services Corporation, *2013 LSC by the Numbers: The Data Underlying Legal Aid Programs* (July 2014).
COMMUNITY LAWYERING – THE ROLE OF LAWYERS IN THE SOCIAL JUSTICE MOVEMENT

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Within the past decade there has been a renewed interest in a style of practice we call “community lawyering.” I use the term “renewed” because it involves a return to some of the values and practices of legal advocates in prior mass struggles, such as the labor movement, the civil rights movement, and the earliest stages of federalized legal services. The term has come to be used very broadly with a myriad of individual descriptions, strains and tendencies, each with their own pedigree. The most unifying feature seems to be a deep unease with the degree to which the representation of poor and working people has been individualized, atomized, depoliticized and divorced from any leadership by real organized constituencies with their own substantive and political goals. It is accompanied by a realization that meaningful systemic change cannot result from this depoliticized and atomized approach. This has resulted in the search for a law practice that recognizes the centrality and leadership of the organized constituency in achieving meaningful change.

The range of descriptions of this type of lawyering varies widely. William Quigley, a long time Professor of Law at Loyola University New Orleans College of Law and former Director of the Center for Constitutional Rights, describes the need for “revolutionary lawyering” and “reflective activism,” which is centered on a series of principles and practices calling for solidarity with others struggling for justice, and a refusal to accept the status quo as a given. Ellen Hemley, who has developed Continuing Legal Education for community lawyering, describes it as “a wide range of community-building and advocacy-related activities “through which advocates contribute their legal knowledge and skills to support community identified initiatives that return power to the community.” Its goal is to support lasting changes that bring about social justice.

Within the broad range encompassed by these descriptions, many lawyers and legal advocates across the country (and internationally) are working through their own definitions – driven largely by their own history of involvement and their unique relationships with their local communities. Whatever the individual definition, central to all advocates, is a recognition of the importance of leadership by organized constituent groups within the communities served. Additionally, it is important that the advocates’ skills be used not only to gain benefits for those communities but also to consciously build organizational
power and community leadership. In implementing these central principles, each advocate confronts similar questions and tries to determine her own answers while maintaining a commitment to these central principles.

While there has been much academic reflection on the need for a renewed commitment by social justice lawyers to support organizing efforts and organized constituencies, there has been less written by legal advocates struggling to put those principles into practice, particularly outside of the narrow clinical context, and even less reflection on the lessons learned in developing that practice. Unfortunately, there is often little time in these practices for recording the type of critical reflection described by Professor Quigley. And perhaps there may be too much humility, as practitioners are painfully aware how far their practice strays from ideal community lawyering.

The purpose of this article is not to add to the excellent academic reflections on community lawyering, but rather to report on some of the critical reflections of one small group of advocates struggling to consciously implement a community lawyering practice within a larger traditional public interest context. While much of the article is descriptive, its goal is to pull from these descriptions some prescriptive values and practices that arise from the practical application of our “community lawyering” principles. We understand that there are real and significant differences between communities and their struggles for equality. But we also increasingly understand that there are common lessons that lawyers can learn in their efforts to assist those struggles. In the following descriptions of our work, we attempt to define the common lessons we have observed.

*378 I. PUBLIC INTEREST LAWYERS AND SOCIAL JUSTICE

It seems reasonable that a first step in supporting social change would be to possess an understanding of how social change occurs. Leaders in social change movements are often quoted regarding their understanding of the dynamics of change. Unfortunately, many legal advocates, while deeply committed to social justice, have only a vague, largely unexamined notion of how they believe change occurs. These deeply committed advocates generally entered law school with an idea that being a lawyer would somehow make them more central participants in the struggle to achieve social justice. They had been educated to believe that lawyers and the law were integral to social change. They endured the mind-numbing routines of law school as a necessary step in achieving a role in that process. After law school, they may have had the good fortune to be able to practice in a legal services or other public interest practice, often handling numerous individual clients. Some of the clients’ legal problems were serious, some trivial, some challenging, and some mundane. All were vitally important to the client.

For the first couple of years, the sheer terror of being trusted with any client’s problem was sufficient to fully occupy the new lawyer’s time. But, over time, these lawyers would see their clients return again and again with similar problems. Hundreds of new clients appear requesting legal assistance on legal problems identical to those suffered by dozens of previous clients.

*379 Eventually the young social justice lawyer can become very frustrated since she fails to see any real connection between her work and any meaningful change in her clients’ communities. Tenants are being evicted simply because they don’t have the money to pay the rent. Using her legal skills, the lawyer can prolong the tenancy, informing the court and the jury about the client’s family and the abominable housing conditions. But at the end of the day, the tenant generally leaves, the property remains unrepaired, and the next tenant becomes
a potential future client. The initial client/tenant may return in six months threatened with eviction from another abominable apartment. Similar scenarios can be described in cases involving health care, disability, veterans’ benefits, etc. Over time these advocates increasingly recognize that the most fundamental problems of their clients may have no legal solution.

Generally, as they become more experienced, most legal advocates also become more specialized in narrow substantive areas that further narrowly limit the number of potential clients. Whether they continue to handle individual cases or “graduate” to handling class actions or other “more important” cases, specialization allows the lawyers to avoid clients they are least likely to be able to assist and to develop greater expertise for those whom they do assist. This substantive specialization and focus can allow the young lawyer to feel more expert and productive. But it also dramatically restricts the lawyer’s contact with people possessing problems outside of the lawyer’s area of expertise, and dramatically limits her experience of the clients’ larger world. And seldom does it allow the attorney to achieve any meaningful systemic change. For example, a young housing rights lawyer may represent only tenants with federal vouchers. However, she knows most poor tenants are not receiving voucher assistance, are living in substandard conditions, paying most of their income in rent, and being evicted solely because their work hours were cut? they had unexpected bills, lost their job, or lost a partner. Thus, to the extent that she talks to the community, she often sees little correlation between the most serious problems as that community might define them and the narrow housing voucher-related problems that she deals with on a daily basis. She also quickly learns that there is not even a rough correlation between what is legal and what is just.

This presents a fundamental dilemma for any advocate seeking to achieve social justice through her legal practice. After several years of practice, the flow of clients does not change, nor do their circumstances. The committed advocate may simply change her expectations, obtaining satisfaction in helping individuals and families through short-term dilemmas, sometimes obtaining solutions with larger individual impacts. Or she may participate in cases, such as class actions, that are intellectually stimulating and offer a possibility of narrowly focused changes in the law or an increase in benefits to a larger group of individuals, but have little or no impact on the imbalance of power, which might prevent such harm in the future.

There is sometimes the possibility of actually representing a group of clients? tenants in a building or a mobile home park, or a group of day laborers? and obtaining some longer lasting relief, which is something that begins to look like systemic change. However, these efforts often overwhelm the individual lawyer, with the clients’ expectations often far exceeding any potential legal outcome and the group often dissolving long before the end of the legal case.

Some of these committed new lawyers may have come to law school already possessing an important recognition that fundamental solutions must involve larger social movements. They participated in marches and organizing efforts in housing rights, immigration reform, and workers’ rights struggles in college, law school, and then afterwards. They may have dreamed of participating as lawyers in these efforts. However, as their public interest practice progresses, they often see those dreams as increasingly unrelated to their day-to-day law practice. Seldom are such political activities encouraged as a vital part of a new lawyer’s training. Lawyers may even be told that their funding renders their participation in these activities illegal. Few advocates
are provided with an environment in which lawyering skills in support of such organized efforts are practiced, developed, and encouraged.

These lawyers may feel particularly frustrated because they were raised in a popular culture that glorified the crusading lawyer who singlehandedly changed lives and communities. Older advocates, myself among them, who grew up in the 1960s and 1970s, were indoctrinated with the idea that lawyers and litigation were the keys to all sorts of social change movements. After all, hadn’t civil rights lawyers singlehandedly changed society through a series of skillfully crafted courtroom victories? The younger generations have been similarly taught that lawyers have singlehandedly won environmental reforms, closed sweatshops, freed wrongly condemned inmates and outed governmental corruption. They went to law school aspiring to find their generation’s version of Brown v. Board of Education, which they believe will forever change the social landscape.

Unfortunately, most of this adulation of lawyers and litigation in achieving social change is from the point of view of the lawyers themselves, who are often far removed from the communities that they supposedly transformed. To the extent these stories actually describe examples of real, lasting change, they ignore the intense organizing work that was instrumental in actually securing or institutionalizing the change.

Less lawyer-centric examinations have shown that the African American civil rights movement in the United States won far more enduring victories in the streets of Selma than in the Supreme Court. In Professor Michelle Alexander’s book, The New Jim Crow: Mass Incarceration in the Age of Colorblindness, she describes how racial justice advocacy in the United States, from the earliest struggles to the civil rights struggles, revolved around grassroots organizing and the strategic mobilization of public opinion. In fact, integration failed to follow Brown and it was not until the next decade during the organized people’s movement that actual change began to occur. In Professor Gerald Rosenberg’s book, The Hollow Hope: Can the Courts bring About Social Change?, he demonstrates that the actual social gains in civil rights for African Americans and women correlate not with the court victories, but rather with the popular struggles. This mirrors the early labor movement, which accomplished its victories largely through bloody and generally illegal strikes rather than in the courtroom. These analyses support the idea that significant social change results from organized struggles outside the courtrooms rather than judicial decisions made inside.

In fact, these legal victories often diverted attention and energy from the real struggles for change. Professor Alexander argues that a mythology resulted from the Supreme Court’s Brown decision in that litigation and lawyers were the central players in bringing about social change. She then observes: “As public attention shifted from the streets to the courtroom the extraordinary grassroots movement that made civil rights legislation possible faded from public view. The lawyers took over.” The result was a reliance on the lawyers and a distancing from the grassroots organizing that had brought about those changes in the first place.

Others echoed this view. Lani Guinier, quoted by Professor Alexander, further describes the legal takeover as a participant:

In charge, we channeled our passion for change into legal negotiations and lawsuits. We defined the issues in terms of developing legal doctrines and establishing legal precedent; our clients became important, but secondary,
players in a formal arena that required lawyers to translate lay claims into technical speech. We then disembodied plaintiffs' claims in judicially manageable or judicially enforceable terms, unenforceable without more lawyers. . . . We not only left people behind; we also lost touch with the moral force at the heart of the movement itself.\footnote{31}

Many non-lawyers involved in the day-to-day struggles of social movements are more scathing in their criticism of lawyers. Professor Quigley, in interviewing grassroots organizers in Louisiana, found reactions ranging from healthy distrust to contempt. Ron Chisolm, an experienced organizer, summed up the views of many organizers:

Lawyers have killed off more groups by helping them than ever would have died if the lawyers had never showed up. . . . In my [twenty-five] years of experience, I find that lawyers create dependency. The lawyers want to advocate for others and do not understand the goal of giving a people a sense of their own power. Traditional lawyer advocacy creates dependency and not interdependency.\footnote{32}

\footnote{34} As a result of these harsh observations and critiques, self-reflective legal advocates can find themselves lost without any meaningful road map. If lawyers are not central to social change, if lawyers can be so destructive, then maybe they will do more harm than good by involving themselves as lawyers in social justice struggles.

1. THE COMMUNITY LAWYERING PERSPECTIVE

The central tenet of “community lawyering” is that social change comes about when people without power, particularly poor people or oppressed people, organize and recognize common grievances. Social change can only be lasting when it is led and directed by the people most affected. It is this organizational work, leadership development and power building that is and has been key. This is our theory of social change. It has been demonstrated over and over again in the civil rights movement, the workers’ rights movement, the housing movement and the immigrants’ rights movement. Community lawyering is supportive of this grassroots organizing and mobilization for social justice. Those involved in community lawyering understand that these organizing efforts may be the only real route to long-term social change.

It follows then that community lawyers believe that leadership must come from within our client/partner organizations. Real, lasting change can only result from an oppressed group itself identifying its grievances and developing demands and a strategy for achieving them. They can decide whether to change their situation, their plan and execute that campaign for change. It is only then that legal advocates can begin a discussion to determine if they can be helpful and if their help is desired.

The understanding that a lawyer’s role in change is supporting community organizations and other organized groups of people (i.e., worker/tenant associations, immigrant/community coalitions, and unions), who win benefits and shift power through collective action and strategic campaigns, is central to all types of community lawyering. True sustainable change comes from building large-scale, democratic organizations focused on building the power and conscious leadership of poor and working people. \footnote{35} Community lawyering can assist fundamental and long-term change only through supporting
grassroots organizing in all its aspects? community education, organizational development, and leadership development.

Those involved in community lawyering practices accept and internalize the criticisms of lawyer-centric advocacy campaigns. We also have seen organizations destroyed and opportunities for significant change lost through lawyer-centric campaigns. However, we strongly believe that there is a role for lawyers in social justice movements and we try to develop practices which incorporate that role. Our legal work is not central, or often even necessary, but it can be important and has historic precedent in the roles lawyers have played and continue to play both here and abroad in workers, housing and immigrants’ rights struggles.

Unfortunately, simply removing the lawyer-centric models from our practice, while limiting potential harm, does little to define how we can be helpful. Even a clear understanding of the dynamics of social change does not dictate an affirmative role for lawyers. This intellectual understanding must be backed up by the actual practice. While the intellectual principle may be simple to state, its operation is far more complex. It can be difficult to find ways in which we can be truly helpful to social justice organizing campaigns without falling into the destructive lawyer-centric models glorified in our culture.

The purpose of this article is to chronicle as simply and humbly as possible our struggles to create an intentional, non-lawyer-centric, supportive practice in aid of social justice organizing campaigns. It is an attempt to present our principles, interspersed with some actual applications of those principles. We lay out our choices, not as correct, but simply as the decisions that we made, with the reasoning underlying them and the consequences to the extent that we can see them. However, we believe that certain practices have emerged from our work that are worth considering as applicable in a broader context.

We have found it useful to organize our lessons and our struggles around three basic inquiries: who do we work with, what do we do for them, and how do we do it.

1. **Our Partners – Who Do We Work With?**

Our work has focused on working with community *386 organizations and other organized groups (i.e., worker/tenant associations, community coalitions, and unions) that are committed to building power through collective action and strategic campaigns.

1. Partners With Organizing Capacity. Our work has been focused on groups who are sophisticated in mounting and directing campaigns and have a history of organizing. We have tried very hard to work with groups and organizers with a clear sense of the dynamics of an organizing campaign. Our experience is that relatively sophisticated organizing groups are able to avoid the pitfalls of working with lawyers, while newer or less experienced groups are much more prone to see lawyers and lawsuits as the “silver bullets,” regardless of the nature of the campaign.

A level of experience with organizing campaigns is also important because the maximum utility of our legal work is in support of an organizing campaign. Without an understanding of the development and implementation of organizing campaigns, it is difficult, if not impossible, to maximize the potential of our legal
skills. Of course, as explained later, it is also vitally important that the lawyers have a clear sense of how organizing campaigns work.

Each of the groups we work with strives to be democratic, works in poor communities of color, consciously organizes, and is primarily an advocacy organization. All of these groups ebb and flow in campaigns, staff, and need for legal assistance. As explained in the next section, we work with groups that have a campaign or project in which we can be useful and that we can stay in contact with thereafter.

1. Partners Without Organizing Capacity. We have worked on several occasions with organizations that have less internal cohesion and direction and, on occasion, tenant groups limited to a single building. While these efforts have generally resulted in positive short-term results, they have rarely resulted in any long-term organizational growth or systemic change. Building organizational strength and cohesion is a difficult process requiring skill and dedication. It rarely happens without dedicated and knowledgeable organizing infrastructure.

We have no organizer on staff. We have tried on a few occasions to operate as both organizer and lawyer when there was no one in the group willing to take responsibility. Because some of our staff had experience organizing prior to law school, we felt empowered to try. Unfortunately, our experience is that such a dual role is almost always a failure. First, both organizing and legal advocacy are full time efforts. Trying to juggle them results in shortening one side or the other. But, more importantly, the roles of a lawyer and an organizer in an organizing campaign are very different. A major role of a community lawyer is attempting to delegitimize all the preconceived notions of the lawyer as savior and litigation as the answer to problems. Thus the lawyer is constantly trying to de-emphasize the centrality of the work of the lawyer and emphasize the importance of organizing and working together. Our observation is that the dual role makes that virtually impossible. Members of an organization are often steeped in our lawyer-centric culture and easily default to a reverence for lawyers and law. Thus any time the lawyer/organizer speaks to a group, they are perceived by the group as a lawyer, which further enshrines the centrality of the lawyers. Any empowerment and leadership development—the core elements of organizing—becomes almost impossible.

ii. Communities Without Partners. Given our paradigm, we have been asked what a legal advocate should do if they work in a poor or working class community without any community organizations. In response, it is initially difficult to imagine a community with no community organizations. Are there no churches, no unions, no student, parent or school related organizations? I would propose that there are always community organizations with indigenous leaders in any community. However, community lawyering demands a very close relationship with the community in order to locate and relate to the indigenous community leaders/organizers. It requires accepting the community and its organizations as they exist and with the agendas that they have developed.

Sometimes the problem is that an advocate is searching for a community organization focused on a particular substantive area. Thus the expertise or focus of the lawyer dictates an assessment of the level of community organization. However, a community lawyer must respect the decisions of a community. For example, if a community is organizing itself around a struggle with the excessive discipline of their African American children, lawyers have no right to demand people organize around affordable housing. Indeed, it can be
destructive to the local leadership. *388 Legal advocates desiring to assist those community struggles must develop expertise that is useful to the struggle or be rendered irrelevant.

1. Our Capacity. Our initial goal was to become the go-to legal resource for grassroots organizing campaigns involving low-income communities of color in Miami. Thus, the groups we worked with were geographically limited to south Florida and principally Miami-Dade County. This created significant synergy, as many of the organizations and organizers with whom we worked knew each other and worked closely together. We did not expressly limit the substantive goals of the groups with whom we worked. However, much of our initial work focused on either housing/community development related campaigns or immigrant/worker related campaigns. This reflected our own expertise as well as the issues of most serious concern to the community organizations with whom we worked. These communities were suffering from the impact of uncontrolled development and gentrification, demolition of low-income housing, immigration enforcement and criminalization, and exploitation of low wage workers. Thus, those were the substance of the campaigns with which we worked.

Unfortunately, organizations involved in social change generally do not have an agenda that corresponds to a narrow legal specialty. Even those organizations whose work falls within a substantive area, such as landlord-tenant or foreclosure law, often need legal assistance in other areas, such as land use law, environmental law, or Constitutional law, in support of their campaigns. The types of legal expertise required to support these extremely varied demands are a major challenge for a project consisting of only three lawyers.

Organizing campaigns seldom ride on the backs of legal expertise. Most campaigns proceed without lawyers or, if litigation is a necessary component, use pro bono help from major law firms. However, these firms will seldom be sensitive to the larger goals of the campaign and frequently such assistance ends in conflict and confusion. If lawyers are to be helpful, powerful community organizations need legal assistance (as well as all other types of assistance) that will follow them seamlessly through various stages of a campaign and will not be limited by narrow substantive specialties or geography.

For us, while substantive diversity has always been a major *389 challenge, more recently the geographic diversity of our partners and their campaigns has presented an increasing challenge. As these groups have grown more sophisticated they have understood the need to expand their influence to the state level. This is a natural progression from local organizing efforts. For example, groups organizing homeowners in foreclosure in various communities were faced with state legislature attempts to gut the foreclosure process. They were forced to create state level legislative campaigns to defeat these measures. A successful campaign to pass a Wage Theft Ordinance in Miami-Dade County was met with an effort to pass state legislation barring such local efforts. Thus the coalition supporting such ordinances was forced to learn about state-level education, coalition building and lobbying. Perhaps most dramatically, immigrant groups were faced with the imminent threat of statewide legislation importing Arizona type anti-immigrant legislation and were forced to mount a massive state level response. Each of these initial grassroots lobbying efforts was successful and resulted in some of the most significant legislative victories in recent Florida history.
These statewide campaigns created a challenge for us. On the one hand, we desperately wanted to continue being of service to these immigrant, wage theft and anti-foreclosure coalitions. Many of the traditional public interest lawyer/lobbyists had difficulty relating to grassroots efforts that did not see lawyers as central. At one televised legislative hearing, the statewide homeowner foreclosure coalition that had brought numerous people to the capitol to testify were calling our office six hundred *390 miles away* for advice. It forced us to rethink our own limitations and our approach to statewide advocacy. Traditional statewide public interest policy advocacy/lobbying resources have a history of working in parallel formations with constituent groups, but seldom working for these groups. These public interest policy/lobbying advocates are often uncomfortable taking direction from anyone other than themselves or their fellow lawyers, which creates significant difficulty due to the fact that leading and empowering community organizations is a core component of any community organization's philosophy.

An optimum solution could be to add community lawyering resources dedicated to these statewide campaigns. Currently, we are engaged in educating our lobbying colleagues to utilize our skills and relationships with statewide community organizations as a more powerful model of representation than the untethered “public interest” modelFN37

1. What Do We Do For Our Organizational Partners?

2. Substantive Goals. Substantively, we assist our partners with infinite variety. Depending on the campaign goals and our relationship with a particular organizer/organization, we support a campaign with a variety of tactics including litigation, policy advocacy, research, community education, and infrastructure/institution building. We have: conducted know-your-rights trainings; presented at public forums to advance campaign demands; worked with members to develop their public-speaking and writing skills; litigated individual cases on behalf of workers and residents; litigated actions on behalf of classes of workers, tenant associations or the base-building organizations themselves; assisted groups in drafting or wording policies or legislation; researched and provided technical assistance to develop a campaign strategy; and provided transactional and corporate advice to new and existing organizations.

While public interest/legal service providers tend to focus their representation through substantive priorities and expertise, the problems of communities are not so limited but often present *391 issues far more complex than any narrow substantive area of public interest expertise. Certainly many community advocacy organizations tend to focus on a particular type of member, e.g., organizing public housing tenants or day laborers. But this does not mean that their campaigns will be limited to any specific substantive law claims. For example, we have used environmental law to assist campaigns in opposition to immigration detention centers as well as inner city high rises. We have used relocation law and civil rights statutes to assist campaigns to prevent the demolition of public housing.

Given that there are only three attorneys in our project, the need for varied substantive expertise creates enormous difficulties. It requires attaining and retaining expertise in a wide variety of substantive areas or potentially losing relationships with organizing partners. Within the past several years we participated in the following: a campaign against a proposed immigration detention center, arguing that is was violative of the National Environmental Policy Act (NEPA); a campaign challenging a proposed high end condominium
project proposed in a low income neighborhood, based on violations of the local zoning code and also violative of NEPA; drafting a local wage theft ordinance and participated in a campaign to obtain its enactment; a campaign to establish a moratorium on mobile home park conversions utilizing local land use laws; a statewide lobbying campaign to defeat a proposed statute that would dramatically limit homeowners’ rights in foreclosure; challenges to the manner in which the state was implementing the minimum wage law; and challenges to the manner in which the City of Miami Beach was implementing its Living Wage Ordinance. We are currently participating in a number of campaigns to improve the working conditions of local taxi drivers – including legislative changes to the relationship between the drivers and the taxicab companies. We are also currently assisting in the development of a community based organizing strategy designed to preserve communities by assisting in representing tenants in foreclosed buildings, homeowners in foreclosure and other interested neighborhood residents in preserving the human capital of the neighborhood. In each of these we relied, to a greater or lesser extent, on the substantive expertise of committed public interest or pro bono lawyers and, in the course of representation, developed our own expertise. But the bottom line is, if you want to be useful to community organizing campaigns you must be able to adapt to the needs of the campaign and try not to force the *392 campaign to adapt to your expertise.

1. Campaigns and Organizing. We also believe that in order to be helpful to organizers and organizing campaigns it is extremely helpful to understand the dynamics of organizing. Many “public interest” lawyers have represented groups of clients in class actions or other types of class claims. These seldom involve much interaction with any more than one or two class members regardless of the size of the class. Landlord-tenant representation can sometimes involve closer interaction with groups of tenants living in the same building subject to a mass eviction or substandard conditions. A committed public interest lawyer might leaflet the building and call a meeting to explain basic law to the tenants. There might even be an attempt to get the tenants to attend the court hearings so the judge can witness their interest. Ultimately, the case settles with the tenants either individually or collectively resolving their claims? oftentimes by moving.

While this may provide benefits for the individuals, it is not what we mean by “organizing,” nor does it accomplish the goal of “organizing.” At best, it may be considered “mobilizing,” a term used to describe efforts to get a number of people to attend an event. In contrast, “organizing,” as we use that term, refers to a more sustained process whereby people come to understand and articulate a campaign’s goals and empower themselves to continued action on behalf of those goals.

Organizing, like lawyering, follows some well-defined paths and organizers apply a number of fairly common tactics to different factual situations, which must be understood and appreciated by lawyers attempting to work with and support organizing campaigns. Lawyers occasionally utilize some of these tactics, but for different reasons. By understanding the purpose of these tactics, lawyers can adjust their work to maximize its impact. What follows is a brief overview of some of the most commonly used organizing campaign tactics and brief examples of how we have assisted organizers with respect to each.

1. Organizing/Base-Building Tactics
These include a wide array of outreach and member development strategies, including door-knocking, one-on-ones, *393 town-hall meetings, leadership development efforts, and know-your-rights trainings.

Lawyers can be powerful allies in building. Public interest lawyers often provide “know your rights” trainings for client groups and participate in other public presentations. These trainings and presentations can be used in conjunction with organizational events to introduce the organization, build the organizational power, or simply provide added benefits to the organization members.

In addition, joining these events with organizing work makes them far more interesting and understandable. The “know your rights” events by lawyers are often dry recitations of the law. Many lawyers, in giving these presentations, fail to mention the practical difficulties in implementing these rights, leaving the individuals with a false sense of individual power. Conversely, other lawyers lay out the difficulties in excruciating detail, leaving the individuals with no hope. Both of these approaches can be the natural reaction of lawyers providing advice on rights they fear will be of little practical use in obtaining justice for the individual unrepresented client.

However, by consciously linking these trainings to organizing efforts and always insuring that organizational representatives are included in any public presentations, an attorney can dramatically increase the impact of her work on organizational development.

When presented in an organizing context, lawyers can talk about the dramatic impact of packing a courtroom with neighbors and organizational members. They can segue their talk into discussions of organizational campaigns to obtain both individual results and long term changes. Organizers can add presentations by group members who have prevailed through collective action. Rather than the organizing discussion being an add-on to the lawyer’s presentation, it can be central? communicating to the participants that organizing is the central component of effective change. Fn38

Organizing campaigns will also always have an outreach *394 component. Lawyers often have access to outreach resources, such as law students, who often love the opportunity to go door to door and talk to individual families.

2. Communications & Media Tactics

A central component of many organizing campaigns challenging the status quo involves efforts to shift the public debate and reframe it in terms that are friendly to the organizing campaign. These tactics are particularly familiar to lawyers who frequently have heightened access to the press and public spokespeople. While theoretically simple, it is perhaps the most difficult in practice for lawyers to give up their positions of privilege and instead allow the campaign to determine both the message and the messenger.

Lawyers can create forums (through litigation and policy advocacy) and those forums can be utilized to further get the message out. One of those forums is a press conference. The media is accustomed to covering the filing of lawsuits and similar legal demands. Traditionally there is a statement by the lawyer, and
possibly the client, a fact handout, and sometimes a background statement. The challenge is to turn that paradigm on its head. The community organization calls the press conference, and the lawyer takes a back seat. The organization explains any legal demands in conjunction with, or instead of, the attorney. The community organization develops talking points and spokespeople. To the extent that the attorney speaks to any media outlet, they subordinate their message to the message or the messenger of the campaign. It means that no messaging – whether leaflets, press releases, blogs, or op-eds – is utilizing the often powerful media resources of the lawyer without the direction of the organizational partner.

Lawyers, who deal so much with language, often feel that they can best develop and deliver any message. However, they ignore that the messenger is the most significant part of any message. It is vital to any organizing campaign that the organized constituency takes leadership in delivering the message. A heartfelt statement by a member, based on their personal experience, is worth infinitely more to the organization and its members, as well as to the public, than any well-drafted lawyers’ press release. Similarly, every court hearing, often seen as simply a duel between lawyers, can instead be an organizing event packed with members and a schedule of events and speakers.

Far more important than creating press conference opportunities, lawyers can force public hearings in which the organization itself can participate as a principal. We have successfully fought for a public participation process as part of environmental reviews and zoning hearings. While generally considered relatively meaningless procedural events, they can become major organizing and messaging events in the hands of skilled organizers. By creating political opportunities for a larger community debate, a community lawyer can help the organization influence the outcome, even when the litigation results in no direct impact on a project.

Leadership development is also part of any successful power building campaign. Every event—whether internal, external, public, or private—provides opportunities for organizational leaders to grow. Lawyers spend large parts of their lives in public and private meetings. In the hands of organizers, these events provide opportunities for leadership development and additional events in which the organizational members are seen as the true spokespeople, rather than the lawyers. All meetings with decision makers traditionally handled or headed solely by lawyers should be lead by organizational leaders. But, there are also a myriad of lawyer speaking engagements at law schools, bar groups, or other community leadership groups. Many advocates consider this a chore, but speaking arrangements can be transformed into part of an ongoing communication campaign by including or substituting organization and community leaders. This not only creates new introductions and additional forums, but also makes the event far more interesting to all involved.

We must finally mention that lawyers simply possess a great deal of information regarding existing public forums, such as when the county commission meets, where and when the agenda is posted, and what rules exist regarding speaking and signing up to speak. Simply sharing this information with organizations, which have little experience in these forums, assists them in feeling experienced and being empowered.

3. Policy Advocacy Tactics
Many, if not most, organizing campaigns are designed to influence public policy—whether it be elected government officials or unelected agency heads. These targets wield enormous power over poor and disadvantaged communities and are, at least nominally, democratic institutions, with leadership more subject to public pressure than private corporations. In addition, unlike courts, lawyers are not necessary to participate.

We have all seen public interest lawyers speaking before commissions, school boards, town councils, etc., with little impact. Sometimes there are a few supporters in the audience, sometimes none. Yet there is probably no forum in which community organizing can have a greater impact. Each event can be an opportunity for an organization to exercise its power and leadership by packing the hall, picking the speakers, and otherwise conducting the presentation. This does not mean an attorney cannot speak; there are often important legal points. But the lawyer is speaking as the legal representative of the larger group and not as its spokesperson.

Lawyers should never underestimate the value of their information on what body has power to amend a policy, how often they meet, how their hearings work, who has power within that body, etc. Lawyers, like it or not, are the priests of the current system and possess enormous knowledge about how it works. They can either use that knowledge to preserve their privilege or put it at the service of the communities they serve.

Lawyers can also assist organizations in translating the organization’s policy proposals into legislative language, as well as translating the legal language of existing policies into plain English. They can counter legal opinions that hinder proper consideration of the organization’s proposals. They can also conduct supportive legal and factual research. But, ultimately, all policy proposals must come from the community’s actual experience and must be understood, and defended by the community.

In addition, lawyers must ensure that organizations are aware that the most effective public policy advocacy occurs not in the public arena, but in formal and informal conversations with decision makers. Indeed, it is in these meetings that policy makers gather most of their information. Lawyers, lobbyists and others in power are familiar with these meetings. Lawyers can assist organizations in obtaining these meetings, preparing for the meetings, drafting policy proposals and, if necessary or *397 desired, can even accompany organization members. However, to conduct these meetings without using them to build the organization, its leadership, and its power, does a disservice to both the policy goal and the organization.

4. Direct Action Tactics

Organizations often engage in direct action—including rallies, marches, protests, sit-ins, taking over property, making repairs to buildings—to dramatize or emphasize their demands. Lawyers often shy away from participating in these activities because they may include confrontational activities that can result in arrests. However, experienced lawyers can be invaluable in providing relevant information to minimize any adverse potential before and during the event. While lawyers sometimes negotiate with police, law enforcement personnel, or private security, experienced organizers are often much better at handling security because they are closer to the demonstrators, are often seen as less threatening to police, and are more able to deescalate any unanticipated situation. However,
should there be arrests or confrontations, it is essential that there be lawyers in a position to provide assistance.\textsuperscript{FN40}

5. Legal Tactics

Notwithstanding all of the above, organizations regularly employ legal/litigation tactics in organizing. In our experience the role of affirmative litigation, such as class actions, injunctions, etc., is almost always tactical. It creates forums. It can shape public opinion. It can provide a stage for dramatizing and demonstrating issues and demands. Injunctive relief, particularly preliminary injunctions, can delay the progress of a project while the organizing and education around the community’s concerns take place. However, seldom does affirmative litigation result in a definitive community victory. Indeed, more often it distracts from the underlying struggle to achieve a lasting political victory. It delays any decision for years and distracts everyone’s attention. Litigation often terminates any discussions that may have been taking place between the community leaders and the decision \textsuperscript{*398} makers. Thus, to undertake litigation without coordinating and supporting a community organizing initiative is often counterproductive, if not irresponsible.

Also, the legal claims in any litigation, while often sounding similar to the community demands, are often legally or practically significantly different. This only becomes apparent to the community at the time of settlement or judicial decision? when the “victory” of the lawsuit fails to address the community’s basic demands. Finally, sophisticated defendants are turning litigation against the plaintiffs, using it as an excuse to undertake intrusive discovery into the affairs of the plaintiff organization. With courts increasingly unwilling to protect plaintiffs from these attacks, significant resources are diverted in a defensive struggle.

Nevertheless, the tactical advantages of affirmative litigation should never be overlooked. Most important of these tactical advantages is the potential for delaying an adverse decision while organizing advances the public debate and the possibility of a political victory. Affirmative litigation creates a powerful communication piece to dramatize the underlying debate. Sometimes legal claims can force changes in a project that, although entailing only minor improvements, may render an objectionable project or policy infeasible, but any advantage must always be weighed against the negatives. No matter how much a community is educated that their “victory” will not come through the courts, affirmative litigation has an immediate, powerful, game changing attraction. Yet experience dictates that affirmative litigation, without concurrent political organizing, rarely results in a long-term victory for community demands.

Defensive or protective litigation can often be useful. Protecting tenant leaders from eviction or homeowners from foreclosure can often provide short-term meaningful and symbolic victories. In addition, handling a number of individual cases, such as individual wage claims or evictions, can significantly support an organizing campaign. Most importantly, it can provide real additional benefits to organizational members, incredibly useful information and statistics, and pressure greatly in excess of major litigation. Similarly, litigation to obtain public records can provide useful information to support a communications or policy campaign.

\textsuperscript{*399} 6. Other Tactical Help
1. Providing Time

Many organizing campaigns are designed to oppose a planned policy or project that will significantly harm the affected community. Often the affected community is kept in the dark about the details of the project until the last possible moment. Thus, these campaigns are almost always playing catch up. Legal advocates can often create some time for community leaders to educate their fellows and build support by ensuring that the governmental or private powers comply exactly with every procedural and substantive requirement. Often these requirements were placed in the law specifically to require a fuller debate, but have been rendered meaningless by uncaring or unsympathetic decision makers. Many mandate some type of public participation, which, if identified and enforced, can be a powerful tool in the hands of a community organization. At least they can provide additional time to build public opposition to a project.

1. Utilizing Routine Types of Cases

I have often heard comments by advocates to the effect that it would be impossible to import the values of community lawyering into their practice because: (a) they handle a volume of small individual cases, or (b) they are private practitioners who must charge, or (c) some other constraint on their practice prevents them from utilizing these practices. It is important to remember that the essential element of community lawyering is that it is in support of, and lead by, an organizing effort. Any type of advocacy can be adapted to support an organizing effort if there is an intentional and planned effort to do so. Take for example an advocate required by her employer to handle a high volume of landlord-tenant practice. If the advocate is aware of a community organizing effort involving tenants, she can work with a tenant organizing effort and fill her docket with cases associated with that effort. In addition, her community education efforts can be in support of the community organization conducting the organizing and she can provide know-your-rights trainings to the staff and the members. She can even influence the practices of her fellow advocates, further increasing the resources available. All of these efforts, if done in an intentional and supportive manner, can provide priceless assistance to an organizing effort. Thus, while it is easier if you have the freedom to take on cases in different substantive areas, requiring different levels of resources, you must shape your advocacy, whatever its makeup, to best serve the needs of an empowered community. And do not ever be afraid to simply ask how you might be most useful, with whatever limitations presented.

1. How Do We Work With Our Partners?

As important as what we do, is how we do it. Through every case, we hope to be expanding the collective knowledge skill base within the community organization. We believe that our clients (whether organizational or individual) are partners-not just in name, but in leadership, control and decision-making. The lawyer-client relationship is rife with power dynamics that do not evaporate simply because the long-term goals of the lawyer are aligned with that of the organizer or client. Therefore, we also believe that community lawyers must be engaged in a regular practice of self-scrutiny and self-reflection. If a lawyer wants to practice law in a respectful, responsible and accountable manner, we believe she has to be constantly evaluating her work to determine if it perpetuates the very systems of oppression that she is fighting. Poor communities of color face multiple and intersecting injustices and good lawyering requires a deep understanding of race, class, and power.
This working relationship plays out in some very specific ways that differ dramatically from the manner in which many public interest lawyers work with groups. A typical public interest lawyer may be interested in expanding access to food stamps for low-income immigrant children. She will seek out an organization also interested in food issues and have them find individuals to act as plaintiffs for a potential lawsuit and as examples of needy children. Our work is to assist community organizing campaigns accomplish their campaign goals, including organizational and substantive goals. Thus, the organization must be constantly providing the leadership and the campaign strategy. Consistent with our understanding of the nature of change, a victory is only lasting if it is political, i.e., a result of a shift in the power dynamics. A lawsuit, even a lawsuit that results in an order requiring additional food stamps for immigrant children, is not effective unless it also results in the building of organizational and political strength to maintain and implement the victory.

As a result, we seldom engage in classic “law reform” cases designed to win an all-encompassing legal victory. Frequently, we engage in litigation or advocacy which simply provides forums for highlighting the demands of the organization and building organizational strength. For example, one community organization discovered that the local government had developed a plan to redevelop their neighborhood in a manner which they believed would eliminate most of the local small businesses and would produce no new affordable housing or community friendly uses. The plan, which was already largely completed, was to be financed with federal transportation funds. The community organizations immediately began to mobilize to develop a counter-proposal but needed both time and a process, which would allow consideration of their input. A legal challenge to the perfunctory environmental impact statement, which the local government had produced, resulted in an order from the federal funding agency to redo the environmental analysis. We then worked with the community organization to demand public hearings as part of the environmental process. The community organization used the time to galvanize the local community and effectively used the public hearings to both voice an alternative vision and demonstrate public support for that vision. The end result was a radically different plan with community supported elements.

Our understanding of the campaign strategies of our clients also informs the way we structure our representation. Community organizations with whom we work tend to have fairly clear organizing campaigns, each with fairly set goals and staff. We have tried to be retained for specific campaigns where the community organizations and ourselves can lay out a specific plan of action with specific goals. We have generally not operated as “house counsel” or engaged in open-ended representation with these groups, although we have always maintained ongoing contact through community coalitions and task force work. We have tried to maintain a model in which there are clear parameters to our relationship, as we believe it furthers a model in which the community organization/client controls and leads the fight. It also allows us to shepherd our resources for campaigns where we can provide useful assistance.

Thus, for example, we have worked with a community organization in a multiyear campaign against the demolition of public housing. Within that campaign there were other smaller campaigns to fill vacant units, and to modify the waiting list, all separate from, but related to, the larger struggle. The overall campaign, as well as each smaller one, had its own goals, strategies and tactics. The overall campaign lasted for over ten years and involved every aspect of an organizing campaign: outreach, media, local and national advocacy, and coalition building, etc. We assisted the organization throughout the campaign with litigation, education, advocacy, etc. However, there was always a clear understanding that we were working on the Save Our Homes
campaign, or one of the other smaller campaigns and not on other actions or the internal work of the organization. Similarly, we assisted an immigrant coalition in a fight against the construction of a massive immigration detention facility in South Florida. Again, while we have a close working relationship with the organization, we had a clear understanding as to the parameters of our employment. Candidly, this model has been less rigid and less successful with less sophisticated organizations in which our role has been more ongoing and less well defined. This has led to increasing demands on our services and far less clear differentiation of roles.

Our Own Agenda A fundamental question that we have struggled with throughout our existence is whether we, as an organization, have an agenda other than the agenda of our organized partners. Flowing from our work to support the campaigns of our partners, there is a strong tendency for us to argue that we have no agenda of our own. If we are professionals then we serve our clients and their organizing agendas. Following that view we are just like doctors or automobile mechanics, largely technocrats, making our skills available to serve our client constituencies.

Our initial adherence to this principle was also partly a reaction to the strong substantively driven agendas of more traditional public interest organizations. These organizations are often extremely cautious in working in coalitions of member driven organizations. While they will ascribe this caution to protecting the independence of their client representation, it more often appears that it is simply a fear of loss of control over their narrow substantive agenda. They fear any loss of independence in advocating strongly for these very specific goals, which might result from working with (or for) broad based, democratic organizations. FN41

*403* Our experience is that many community organizations strongly oppose working in concert with, or being represented by, legal organizations that have an independent substantive agenda. Many community organizations have had experiences where their larger goals are trivialized or ignored by the lawyers? both in litigation and in the public arena. Many are approached by lawyers requesting a specific type of person, injured by a specific policy in a specific way, solely to facilitate the lawyer’s legal challenge to that policy. Strangely, our view that our work must be accountable to actual organizational constituencies that have the strength to lead and direct that work is much closer to the traditional lawyer-client relationship than many of the “public interest” models in which clients are only nominally involved.

However, while we have argued that we are not driven by a substantive agenda, we do choose the groups we work with and we choose the campaigns we provide legal support to, so it is disingenuous to describe our work as solely a representation of organized constituencies. We ultimately must take responsibility as political actors making choices with real world consequences. As a step in providing some principles for our decision-making process, we developed a set of criteria by which we evaluated our choices. These included, among others, the degree to which the campaign would result in tangible benefits received by low income families and communities, the degree to which the campaign built the power of the community organizations, the degree to which it was likely to change the terms of the debate in favor of the needs of low income minority communities, the degree to which it helped build the next generation of community lawyers, and the degree to which it sustained our organization. One could certainly debate the legitimacy of this criteria and the legitimacy of the determination. One of our next steps is to create a community board to assist with the determination of these criteria.
This same conflict arises in another area. We, as attorneys, are significant repositories of knowledge and experience. We may have dozens of years of experience interacting with local, state, and national governmental bodies and their policies. How do you make that knowledge available without further reinforcing the centrality of lawyers? While that information may indeed be useful to a campaign, it is almost impossible to divorce the message from the messenger. Time and again I find myself not opening my mouth because I know that whatever I say will be *404* given a weight far beyond its worth and, more dangerously, will undercut the leadership development of the organization. On the other hand, it is important that all useful information be taken advantage of. Where to draw this line has been a fundamental and long-standing struggle. Perhaps my best advice is to develop sufficient mutual trust that allows for information flow in a partnership fashion through the organizers. But, I am not at all comfortable that I have any clear or satisfactory response to this other than to say, “When in doubt keep your mouth shut.”

### III. CONCLUSION

Throughout the country there is increasing sophistication to grassroots social justice activism. Contrary to popular culture, lawyers are not seen as central, or even necessary, to these social justice movements. Social justice lawyers must struggle to remain relevant and helpful.

This article attempts to describe the practice of one group and the principles they have extracted from that struggle. While the practice does not elevate the role of the lawyer, it nevertheless requires the most sophisticated of legal skills. It is not limited to any substantive area or type of practice. Rather its principles are adaptable to all practices. It also requires lawyers to learn the practice and ideology of organizing and the organizers with whom it works. It rejects legal labels and constructs, such as “service” or “impact” cases, and instead adopts the goals and language of the organizers.

This article is not so much a prescription as it is an invitation for social justice lawyers to reflect on their own practice, determine to what extent the principles that we describe are relevant and/or helpful, and to further refine and develop those principles. It is hoped that it can further the discussion among experienced practitioners and encourage young lawyers to reflect on and improve their practices.

“The radical, committed to human liberation... does not consider himself or herself as the proprietor of history or of all people, or the liberator of the oppressed, but he or she does commit himself or herself, within history, to fight at their side.” —Paulo Freire, Pedagogy of the Oppressed

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Footnotes

FN1 Director of Community Justice Project of Florida Legal Services, J.D. University of Southern California, B.S. St. Joseph’s University. The author has been a lawyer since 1972, practicing in California and Miami. In 2006, I was joined in that practice by two young committed lawyers and the three created the Community Justice Project of Florida Legal Services in Miami to undertake a conscious, self reflective “community lawyering” practice. Many of the reflections of this article come from the experiences of that project, the original lawyers, and their successors, as well as the prior experiences of the author. I would like to express my gratitude to Amy Duncan and the associate editors who worked on this article for their excellent suggestions and encouragement. I
also want to particularly thank my current and former colleagues in the Community Justice Project, including Purvi Shah, Jose Rodriguez, Jennifer Newton and Meena Jagannath for their inspiring work and their insights and reflections on the work, many of which are reflected in this article.


See, e.g., Taylor Branch, Parting the Waters: America in the King Years 1954-63 524-56 (1988) (discussing C. B. King’s work).


Ellen Hemley, Supporting Local Communities Through Community Lawyering, 45 Clearghouse Rev. 505, 505-06 (2012).

Id.


See, e.g., Cummings, supra note 1, at 1617. See Lai, supra note 1, at 2.

See Lucie White, Paradox, Piece-Work, and Patience 43 Hastings L.J. 853, 855 (1992) (stating, “theory becomes a habit of ongoing conversational reflection about how to describe problems, make alliances, devise strategies and thus move together toward a better world”). This article is an attempt to heed this admonition from Professor White.
See, e.g., *The Publius Div.*, New Delhi, The Collected Works of M.K. Gandhi 241; See also http://www.gandhithopia.org/forum/topics/a-gandhi-quote (“If we could change ourselves, the tendencies in the world would also change. As a man changes his own nature, so does the attitude of the world change towards him.”); Dr. Martin Luther King Jr., *Letter from Birmingham City Jail* (April 16, 1963) (“Freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed.”); César Chávez, *Address to the Commonwealth Club in San Francisco* (Nov. 9, 1984) (“Once social change begins, it cannot be reversed. You cannot un-educate the person who has learned to read. You cannot humiliate the person who feels pride. You cannot oppress the people who are not afraid anymore.”); Paulo Freire, *Pedagogy of the Oppressed: 30th Anniversary Edition* 65 (2006) (“It is only when the oppressed find the oppressor out and become involved in the organized struggle for their liberation that they begin to believe in themselves. This discovery cannot be purely intellectual but must involve action; nor can it be limited to mere activism, but must include serious reflection.”).


See generally Bellow, supra note 12. See Feldman, supra note 12, at 1548-49.

See generally Bellow, supra note 12. See Feldman, supra note 12, at 1543-44.


For an excellent critique of the false and harmful dichotomy of “service” versus “impact” cases which underly much of the lawyer-centrist work criticized in this article see Rebecca Sharpless, *More Than One Lane Wide: Against Hierarchies Of Helping In Progressive Legal Advocacy*, 19 Clinical L. Rev. 347, 358-59 (2012).


See sources cited supra note 12.


Id.
Many funding sources, including the Legal Services Corporation (LSC), have severe restrictions on who can be represented and how they can be represented. For example, LSC prohibits organizing, soliciting, representing incarcerated individuals, conducting class action lawsuits, and lobbying by lawyers funded in whole, or in part, with LSC funds. Alan W. Houseman, Restrictions By Funders And The Ethical Practice Of Law, 67 Fordham L. Rev. 2167, 2168-2193(1999); see also Selena Spah & Jean Willey, The Living-Wage Ordinance: A First Step In Reducing Poverty, 32 Clearinghouse Rev. 252, 266 (1998) (examining the tensions created by funding restrictions in trying to work in campaigns that involve influencing local governments); see William P. Quigley, The Demise Of Law Reform And The Triumph Of Legal Aid: Congress And The Legal Services Corporation From The 1960’s To The 1990’s 17 St. Louis U. Pub. L. Rev. 241, 264(1998) (discussing a more pessimistic, but no less realistic view of the impact of the LSC restrictions on the practice of community lawyers).

See Michelle Alexander, The New Jim Crow; Mass Incarceration in the Age of Colorblindness 226-27 (2012); Derrick Bell, Law, Litigation, And The Search For The Promised Land, 76 Geo. L. J. 229, 232 (1987) (describing the belief that the civil rights gains of the 1960s were the result of carefully planned litigation).

See A Civil Action (Touchstone Pictures 1998); Erin Brokovich (Universal Pictures 2000); Amistad (DreamWorks Pictures 1997); The Chamber (Universal Pictures 1996); Conviction (Fox Searchlight Pictures 2010); Raymond H. Brescia, Line In The Sand: Progressive Lawyering, “Master Communities,” And A Battle for Affordable Housing In New York City, 73 Alb. L. Rev. 715, 724-29 (2010).


Alexander, supra note 24, at 225-27.


See Hansen, supra note 2, at 50.

Alexander, supra note 24, at 225.

Alexander, supra note 24, at 226.


In 2011, the Florida Immigrant Coalition led a statewide campaign that opposed
passing legislation, modeled after Arizona law, that would dramatically restrict immigrants’ rights in Florida. The campaign in opposition included almost daily events at the State Capitol in Tallahassee, as well as an unprecedented statewide grassroots lobbying campaign. Ultimately, despite passing several committees, the bill was defeated. Eduardo Garcia, FAILED. Florida Not Yet Becoming the Next Police State, Campus Progress (May 9, 2011), http://campusprogress.org/articles/breaking_news_florida_inches_closer_to_becoming_the_next_police_state/.

FN36 Id.

FN37 See John Bouman, Power of Working with Community Organizations: The Illinois FamilyCare Campaign?Effective Results through Collaboration, 38 Clearinghouse Rev. 583 (2005) (describing the tensions of working with community organizations that have separate agendas).

FN38 Some organizers don’t like lawyers participating in their meetings. Nevertheless, lawyers can operate as a draw and the lawyer discussions can be handled outside of the regular meeting.

FN39 It is extremely difficult and requires significant preparation for a lawyer to attend these meetings without becoming the focus of the meetings.

FN40 Our project does not provide criminal defense assistance and has only very rarely been involved in advising groups over civil disobedience resulting in unanticipated arrests.

FN41 Bouman, supra note 37.

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End of Document

I can't believe you (or maybe the Salon editor, I hope?) ruined an otherwise good and really important article with a horrible, click-bait title that completely distracts and misdirects from the real issue without adding anything meaningful to the discussion.

It makes it hard to take the article seriously, which is a shame.

I'm commenting here rather than on the Salon article itself because the comments there are always a nonsensical mess and if I were you I wouldn't bother reading them.
Overview

The legal community is beginning to recognize that traditional misdemeanor criminal justice sentencing—a model characterized by punitive fines and incarceration—is counterproductive. The impact of incarceration on poverty and future criminal justice involvement is well documented. Incarceration, even for just one day, impairs individuals’ livelihoods, mental health, and future prospects and concomitantly sends ripple effects that threaten their families’ housing, mental health, and children’s performance in school. Money fines, when assessed without regard to ability to pay, have similar results, pushing the poor into deeper poverty and homelessness. The sustained economic hardship that results leads to poorer physical, psychological, and cognitive functioning, diminishing the very tools necessary to escape the cycle of poverty and punishment. Even survivors of violent crime overwhelmingly opt for alternative sentences, as they too recognize the ineffectiveness of punitive sentencing.

Punitive sentencing fails to achieve its goal of reduced recidivism because it relies on an outdated understanding of criminality and leaves unaddressed the underlying causes of their offending behavior. On the other hand, sentences that are clearly focused on rehabilitation (e.g. counseling, interpersonal skill development, cognitive-behavioral therapy) work well to reduce recidivism. Courts typically reserve these rehabilitative-type sentences for specialty courts or dockets. However, while courts in recent decades have implemented speciality courts with excellent results, these courts are prohibitively costly on a per person basis due to an intensive supervision model and focus only on a particular class of offenses or “worthy” defendants.

Functional Sentencing is a systematic sentencing regime that combines the public safety gains of specialty courts with the efficiency of traditional sentencing. It employs evidence-based practices from the behavioral sciences and social work to offer defendants’ interventions designed to both mitigate the root drivers of their criminogenic risk and enhance their personal, social, and socio-economic assets to resist criminal spin. By adopting a functional sentencing protocol, courts can achieve specialty court-level outcomes without any additional cost.

The Pilot

In 2017-2018, Street Democracy, a Michigan legal services nonprofit, partnered with Michigan’s 31st District Court to conduct a limited Functional Sentencing pilot program. Serving as house counsel at arraignment, we screened clients for indigency, performed a basic needs assessment, recommended a sentence based on those needs, and performed a follow-up interview three months post-sentencing. Based on survey and court data, we found that functional sentences produced better public safety and individual outcomes. With minimal additional expenditures and judicial oversight, recipients of functional sentences were more likely to improve their income and attain their driver’s license, and significantly less likely to experience housing instability or to re-offend. Anecdotally, defendants who received a functional sentence expressed a newfound trust in courts, “This was one of the few times I felt that the court not only treated me fairly, but actually cared about me.”

The Protocol

The protocol outlined in this white paper is bench-driven. While other variants exists (e.g. counsel-driven, pure referral, and post-services), the proposed bench-driven model is preferable because: it (i) provides consistency of interventions offered; (ii) can accommodate for communities with varying arrays of social service providers; and (iii) can be implemented without additional cost.
Bench-Driven Functional Sentencing

Pre-Sentencing – Defense Counsel
☐ Prior to sentencing, have the defendant to complete the Pre-Sentence Assessment form while waiting for their case to be called.
☐ Check the form for completeness.
☐ Give completed form with offer sheet, if applicable, to judge prior to sentencing of the defendant.
☐ Encourage the defendant to opt into telephonic or other electronic notification of court dates, if available.

Sentencing – Judge

Determining Eligibility
☐ Under 150% of federal poverty guidelines and/or receipt of public benefits; or
☐ Presence of learning disability, mental health, or substance abuse issue; or
☐ Lack of high school education; or
☐ Other charge-specific or person-specific issue.

Mandatory Interventions
☐ Develop a personal vision statement
☐ Apply for public benefits
☐ Help another person connect to resources

Optional Interventions – limit number of additional interventions based on time and resource limitations
☐ Seek housing counseling
☐ Seek medical advice regarding physical health
☐ Seek medical advice regarding learning disability, mental health, or substance abuse issue
☐ Increase access to food
☐ Enroll in GED program
☐ Seek job placement resources and/or job training opportunities
☐ Obtain SOS information regarding restoration of driving privileges
☐ Seek advice regarding open, non-criminal matters
☐ The “Other” option presents an opportunity for the court to incorporate defendant-specific priorities or offense-specific interventions, e.g. domestic violence or solicitation-focused training/treatment programming.

Sample Functional Sentencing Protocol
☐ “Based on the assessment form, you appear to qualify for an alternative sentence. I can sentence you to one of the following:
1. Payment of fines and costs of $___________ by ___________ (3-6 months);
2. ___________ hours of community service; or
3. A functional sentence that would require you to do things that should help you move forward in life and reduce the risk of future trouble with the law. In your case, I would order you to _______________ and then come back with letters or other documents proving you did those things. Which would you prefer?"26

☐ If the defendant chooses a functional sentence, schedule status hearing for defendant to present vision and proofs of completion of the ordered interventions.

☐ Ask the defendant for a weekly day and time that they will commit to completing their functional sentence.27

☐ Advise the defendant to return to court even if they have difficulty completing their sentence for additional support and guidance. Also advise the defendant that the Court is looking forward to hearing about the defendant’s progress.28

**Status Hearing – Judge**

At the status hearing, Defendant will present to the court their vision statement and update the court on their progress and Judge will either:

☐ Upon finding of satisfactory progress, close case with a congratulatory statement and indication of investment in the defendant’s future. For example:

> “I am very pleased with the progress you’ve made thus far. We are all looking forward to seeing the day when you [reference vision statement]. If you ever need anything or want to come back to tell us about your successes, I’d love to listen,”

or

☐ Provide support and guidance as needed and schedule case for another status hearing to provide the defendant additional time to complete the action plan.29

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8. “Rehabilitation: Beyond Nothing Works”, Francis T. Cullen, 42 Crime & Just. 299 (2013). Cullen summarizes the three major findings Professor Lipsey’s meta-analysis of sentencing of juveniles: (1) intervention-based sentencing worked, average recidivism reduction of 12%, best implementations achieved 40% reductions; (2) the most effective interventions used modalities that were clearly rehabilitation-oriented, including counseling, interpersonal skills, cognitive-behavioral, and multi-model; (3) punitive sentencing (e.g. scared straight, control-oriented intensive supervision programs) are ineffective.


16. “From Criminal Spin to Positive Criminology”, Natti Ronel in “Global Criminology: Crime and Victimization in a Globalized Era”, ed. K. Jaishankar and Natti Ronel (2013). Helping others within one’s existing social network reduces criminogenic risk profile of existing social network, potentially lowering or reversing criminal spin (snowball effect of behaviors and circumstances that spiral into criminal activity) and creating an social environment of positive criminology (the use of sentencing to reinforce the individual and social resources associated with the limiting of crime).

focused application of talent over time”). Personality and Social Psychology, 92(6) (2007), 1087-1101 (“the achievement of difficult goals entails not only talent but also the sustained and

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Motor Vehicle Affordability and Fairness Task Force Final Report”, Alan M. Voorhes et al., Edward J. Bloustein School of Planning and Public Policy, Rutgers University (2006), 38, https://www.state.nj.us/mvc/pdf/about/AFTF_final_02.pdf (a New Jersey study finding that following a license suspension, 42% lost their jobs; 45% did not find another, and, of the 55% who did find another job, 88% earned less than their previous job).

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Allowing a defendant to select the sentence that best fits their circumstances improves perceptions of fairness and justice and increases rates of compliance. “Perceptions of Fairness and Justice: the Shared Aims and Occasional Conflicts of Legitimacy and Moral Credibility,” Josh Bowers and Paul Robinson, 47 Wake Forest L. R. 211 (2012).

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“Grit: Perseverance and passion for long-term goals”, Angela Duckworth, Christopher Peterson, Michael Matthews, and Dennis Kelly, Journal of Personality and Social Psychology, 92(6) (2007), 1087-1101 (“the achievement of difficult goals entails not only talent but also the sustained and focused application of talent over time”).
**Pre-Sentence Assessment (FS)**

### Contact Information

| Name: ______________________________ | Telephone: ______________________________ |
| Email: ______________________________ | Alternative Telephone: ______________________________ |

### Income


I/we earn about $______________ per month.

My/Our sources of income are:
- □ Self-employed - □ Full Time - □ Part Time - □ Disability - □ FIP/TANF
- □ Social Security/Pension - □ Unemployment - □ Worker’s Comp

### Public Benefits

I receive the following public benefits:
- □ Healthcare (Medicaid, Healthy Michigan, CHIP, ESO)
- □ Food Assistance (Food Stamps, FAP, SNAP)
- □ Cash Assistance (FIP, TANF)
- □ WIC
- □ Other: ____________________________________________

### Needs Assessment

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would you like help finding affordable, stable housing?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are you behind on your rent, mortgage, or utility payments?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have you seen a doctor in the last 6 months?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has a learning disability ever affected your housing, work, or personal life?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has a mental health issue ever affected your housing, work, or personal life?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has alcohol or drugs ever affected your housing, work, or personal life?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do you use food pantries to reduce your food costs?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do you have a high school diploma or GED?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do you want help finding better employment?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do you have a valid driver’s license?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do you need legal advice about a housing, family, tax, child support/custody, debt, or other non-criminal issue?</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

What is the most important thing you need to do right now to improve your life?
_____________________________________________________________________________________________________________________________________

### Consent to Research – Optional

I am willing to be contacted by researchers to test the effectiveness of alternative sentences in improving people’s lives and reducing recidivism. **This is not required, but may help courts and judges determine what are the most effective sentences.**

Signature: ______________________________ Date: ______________________________
The People of the State of Michigan and/or     ________________________________________________   v.   ________________________________________________

City of ___________________         v.   Defendant

MOTION AND ORDER OF SENTENCE ALTERNATIVE (FUNCTIONAL)

IT IS ORDERED that Defendant, in the interests of justice and in lieu of certain fines, fees, and costs, is hereby ordered a functional sentence consisting of actions designed to reduce criminogenic risk and enhance skills to resist criminal spin:

☑ Prepare a vision for where you want to be in 3 years.
   Be prepared to tell the judge where you want to be in the next 3 years, the steps you will need to take to get there, the hardest thing or biggest obstacle to that vision, and your plan overcome those hardships and obstacles.

☑ Help one person in your family or community connect with the resources on this page.

☑ Contact DHHS to determine your eligibility for food stamps, Medicaid, and cash assistance programs.
   Call 855-275-6424 or visit www.michigan.gov/mibridges.

☐ Meet with a housing counselor to help you improve your housing situation.
   For emergency housing, call CAM at 313-305-0311. For non-emergency services call United Community Housing Coalition at 313-963-3310. For a list of affordable housing in your area, visit http://housing.state.mi.us/.

☐ Meet with a doctor to discuss ways to improve your physical health.
   If you do not have a regular doctor or insurance, call 211 to find free medical clinics in your area.

☐ Meet with a medical professional to discuss any mental health, substance abuse, or behavioral health issues.
   If you do not have a regular doctor or insurance, call the Detroit Wayne Mental Health Authority at 800-241-4949.

☐ Visit food pantries to lower your food costs.
   Call 211 to find a food pantry near you.

☐ Enroll and participate in a GED program.
   Call DPSCD to schedule a visit, 313-579-7109 (East), 313-852-1089 (West). You can also call 211.

☐ Visit an employment services agency for access to job placement and training opportunities.
   Call Detroit At Work 313-962-9675 for dates, times, and locations.

☐ Find out what is holding you back from getting your license.
   Get a free “Fact Sheet” from the Secretary of State and call the courts where you have tickets to see what your next steps are.

☐ Get advice regarding your housing, debt, family, or other civil legal aid issue.
   Call Lakeshore Legal Aid at 888-783-8190 for assistance.

☐ Other:   ________________________________________________

☑ Return on _______________ with business or appointment cards, statements on letterhead, and other proofs of completion.
   If you had trouble finishing this sentence, come back to court to discuss your difficulties and obtain additional guidance.

____________________________________________________________ _____________________
Judge, Bar No.       Date
Post-Graduation Survey (FS)

Contact Information

Name: ______________________________________________ Telephone: __________________________
Email: ______________________________________________ Alternative Telephone: ____________

Today’s Date: ________________

Since My Last Court Date…

My general outlook on life… □ Improved □ Stayed the same □ Got worse
My housing situation… □ Improved □ Stayed the same □ Got worse
My income… □ Improved □ Stayed the same □ Got worse
My physical health… □ Improved □ Stayed the same □ Got worse
My mental health and/or general mood… □ Improved □ Stayed the same □ Got worse
My education… □ Improved □ Stayed the same
My driver’s license situation… □ Improved □ Stayed the same □ Got worse
My situation with other legal issue(s)... □ Improved □ Stayed the same □ Got worse
My opinion of courts… □ Improved □ Stayed the same □ Got worse

Is there anything you would like to say about the program? What you liked or disliked? Ways to improve the program?
____________________________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________________________

Consent to Research – Optional

I am willing to be contacted by researchers to test the effectiveness of alternative sentences in improving people’s lives and reducing recidivism. This is not required, but may help courts and judges determine what are the most effective sentences.

Signature: ____________________________________________ Date: ________________________________
LETTING CLIENTS LEAD

How We Practice Community Based Lawyering
There goes my people. I must follow them, for I am their leader.

Mahatma Gandhi
Why Don’t Traditional Representational Models Help Marginalized Folks?
Corporate

Designed to work with groups that are:

- Incorporated
- Hierarchical, with structured decision-making authority

... which is not what marginalized communities typically are.

Impact & Class Litigation

Designed to work with dispersed or passive communities, but leave community:

- Still unorganized
- With the same (or less) power than before

... leaves people without power/mechanism to enforce the newly-won right.
What Is Community-Based Lawyering?
Community-Based Lawyering

Using legal knowledge and skills to support community-directed initiatives in a manner that enhances the community’s power
Corporate Plus

Provide transactional support of organization and its network
Direct legal services to individual participants in an organizing effort to protect participants from backlash, retaliation, and life circumstances, freeing leaders to focus on the organizing
Lawyer as Political Enabler

Engage in litigation, research, and training to help group:

- Secure group’s right to organize and protest;
- Provide access to political forums; and
- Identify policy goals and strategy.
Organization on the Scaffolding of Litigation

Using litigation to provide:

- Visible rallying and polarizing points for movements
- Opportunity for storytelling and engagement in the political process
- Structure and deadlines for galvanizing nascent campaigns post-litigation
Lawyer as Organizer

Lawyer’s own client base and network becomes the base for movement organizing, usually after experience that direct legal services alone will not resolve clients’ issues.
Functional Sentencing
How Do We Decide When to Engage in CBL and Under Which Model?
Mission / Need / Talent / Capacity / Timeframe

- Does the group’s mission fit in our mission and theory of change?
- Do we need to do this because no one else can or will?
- Do we have the talent/desire to do this well?
- Do we have the capacity to do this?
- Do we want to be in this for the long haul?
How Did We Structure Our Practice to Be Flexible to Any Approach?
1. Hire and Develop T-Shaped Talent
2. Engage in Holistic, Crim-Civ Practice*
3. Front of the Line Service Delivery Model
4. Build in Good Trouble Time - 20%
5. THE HOW: Creative Use of Contracts for Legal Services*
Ethical Considerations
Group vs Individual Representation

- Corporate vs M*A*S*H
- Functional Sentencing as Counsel vs Organizer
- Racial Profiling in Policing
  - United States v. Brignoni-Ponce (1975)
  - Street Outreach Court Detroit
- Human trafficking vs criminal justice reform
References

Power With: Practice Models for Social Justice Lawyering - Michael Grinthal

On Long-Haul Lawyering - Susan Bennett

Conversations on “Community Lawyering”: The Newest (Oldest) Wave in Clinical Legal Education - Karen Tokarz et al

Community Lawyering: Introductory Thoughts on Theory and Practice - Michael Diamond


Rebellious Strains in Transactional Lawyering for Underserved Entrepreneurs and Community Groups - Paul Tremblay

Movement Lawyering Reading Guide - Purvi Shah
Got Questions?

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