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Concluding Essay: The Lawyer is not the Protagonist: Community Campaigns, Law, and Social Change

Jennifer Gordon†

Stories about law and social change can have a sameness to them. Yet in many ways, the tales told in this volume stand out from the crowd. Each story is shaped around a campaign undertaken by a community organization or coalition deeply engaged in the struggle for racial and economic justice. Attorneys appear as supporting players rather than main characters, seeking to help organizations build the power needed to achieve their goals. These lawyers translate information about the law into lay language, pressure opponents, defend the organization, open up spaces for community voice and action, and seek to establish new legal frameworks that demand greater government and corporate accountability to poor and working class people. Taken together, these stories suggest a promising vision for the role of lawyers in today's community-based battles for social change.

I

A DIFFERENT STORY

The conventional narrative goes something like this: the lawyer is the protagonist. A social problem exists and a group or individual calls on the lawyer to do something about it. The lawyer asks, *what legal levers can I pull to fix this problem?* She explores various possibilities, decides on a course of action together with her client, and proceeds. The legal strategy either wins, in which case the story is a successful one, or loses, in which case it fails. The central concern of the narrative is whether law is a useful tool for social change, or is more likely to derail it.

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By contrast, at their core, the Articles published here are about places and the people within them. Miami, with its neighborhoods of poor African Americans and Black immigrants devastated by decades of bad government policies; within it, Umoja Village, fighting back in an effort to reconstitute the sense of community robbed from it.¹ New York City, a metropolis where rapid gentrification at once creates opportunities for and threatens the expulsion of the immigrants and African Americans at its core.² Inglewood in Los Angeles County, a working class city of African American and Latino families at the heart of the battle for decent jobs.³ Oakland, once a bulwark of the Black middle class, then a low income African American community, now poised to “develop,” and the question is, at what cost to its longtime residents?⁴

For all their uniqueness, we enter these cities at a moment when they are under pressure from the same complex of national and international forces. All of the facets of neoliberalism are on display: an increase in global economic competition, the elimination or privatization of domestic government functions, and the erosion of decent work through deunionization and deregulation. The result is an hourglass-shaped economy. At the top is a bulge of high-paying information-based jobs; in the middle, a decrease in stable middle-class employment; and at the bottom, the bulk of low-wage service jobs (often filled by undocumented immigrants). The hourglass has no place for the swollen ranks of the unemployed, who are disproportionately African American.

The poor and working class people of color concentrated in the neighborhoods that the Articles describe suffer the whiplash effects of these changes, which have left them worse off while improving the standard of living of the upper-middle class and the wealthy. At a time when many municipal governments have all but abdicated the planning process to private developers, inner cities abandoned by high-income residents in the 1970s and 1980s are now again becoming “desirable” neighborhoods in the eyes of those at the top of the hourglass. The people who remained in those areas are particularly vulnerable to displacement, and this trend further complicates their struggles for jobs, health care, housing, and education. In such contexts, then, the economic, political, and social marginalization of people of color is ongoing and pervasive. At the

1. Anthony V. Alfieri, *Faith in Community: Representing “Colored” Towns*, 95 CALIF. L. REV. 1829, 1841-44 (2007).

2. Sameer M. Ashar, *Public Interest Lawyers and Resistance Movements*, 95 CALIF. L. REV. 1879, 1881 (2007) (discussing Restaurant Opportunities Center New York); Sheila R. Foster & Brian Glick, *Integrative Lawyering: Navigating the Political Economy of Urban Redevelopment*, 95 CALIF. L. REV. 1999, 2007-11 (2007) (discussing West Harlem Environmental Action).

3. Scott L. Cummings, *Law in the Labor Movement’s Challenge to Wal-Mart: A Case Study in the Inglewood Site Fight*, 95 CALIF. L. REV. 1927, 1928-30 (2007).

4. Angela Harris, Margaretta Lin & Jeff Selbin, *From “The Art of War” to “Being Peace”*: *Mindfulness and Community Lawyering in a Neo-Liberal Age*, 95 CALIF. L. REV. 2073 (2007).

same time, it should go without saying that these communities are made up of people who are rich in their gifts, human in their needs, and interconnected but diverse in their interests and views.

As we turn the opening pages of each Article, these broad shifts have crystallized in the form of a new threat: a move by a private actor (or, in one case, the government) that if allowed to come to fruition would result in lower wages, loss of housing, and the pollution or dissolution of established communities. In the name of community-building, the federal government destroyed public housing in Miami, and then walked away from its promise to rebuild, leaving hundreds homeless.⁵ Columbia University proposed expansion into West Harlem, threatening to trail gentrification and displacement in its wake.⁶ A chain of high-end New York City restaurants hired scores of immigrants and paid them sub-minimum wages, a problem pervasive in the industry.⁷ Wal-Mart planned a new store in Inglewood, California, undermining the fragile compact between retail outlets and unions in that state that provided thousands of the area's working class residents with a living wage and health benefits.⁸ A new developer came to West Oakland, threatening to hasten the gentrification process already underway and leave the city's Black residents out in the cold.⁹

The stakes are high. Even as they squeezed already suffering communities, these changes opened up an array of opportunities for intervention. The plot of these stories is driven by tension over whether the organization would be able to carry off the ju-jitsu move of first defeating the emerging threat and then turning it into a platform for new community benefits.

A. *The Organization is the Protagonist*

In these narratives, groups or coalitions are the protagonists. None of the authors speak of a single unit called "the community," wise as they are to the dangers of assuming that people who live near each other and share markers of race or ethnicity are bound by a common conception of their interests. Instead, they focus on organizations committed to a particular (albeit inevitably contested) set of goals and view of justice. For all of their many differences, one common feature of these groups is their recognition that organizations engaged in the fight for social change cannot focus on

5. Remarks of Purvi Shah, Staff Attorney, Florida Legal Services, Miami, Fla., at California Law Review Symposium: Law and Community Economic Justice in the 21st Century: Creating a Vision of Transformative Justice (Apr. 6, 2007).

6. Foster & Glick, *supra* note 2, at 2007-11.

7. Ashar, *supra* note 2, at 1881, 1900-03.

8. Cummings, *supra* note 3, at 1960-75.

9. Harris, et al., *supra* note 4.

race or class exclusively but must pursue racial and economic justice hand in hand.

In Miami, Anthony Alfieri highlights a range of groups at work, including the residents of Umoja Village, a collectively-run encampment of formerly homeless people erected to demand fair housing.¹⁰ Sameer Ashar introduces us to the Restaurant Opportunity Center of New York (ROC-NY), a worker center fighting for just treatment of restaurant employees, overwhelmingly workers of color in a largely non-union industry,¹¹ while Sheila Foster and Brian Glick write of West Harlem Environmental Action (WE ACT), a twenty-year-old organization born of the battle to keep toxins out of West Harlem that has since expanded to promote a broad vision of environmental justice.¹² In Inglewood, the protagonist is a community-labor coalition led by the Los Angeles Alliance for a New Economy (LAANE). As Scott Cummings notes, LAANE is a group known nationally for its successful living wage battles and its negotiation of some of the most successful community benefits agreements in the country.¹³ In Oakland, Angela Harris, Margaretta Lin, and Jeff Selbin describe the coalition spearheaded by the community organization Just Cause Oakland. It was first launched to fight evictions as that city began to gentrify and is now leading a wider effort to guarantee that West Oakland's development will benefit the city's poor African American residents.¹⁴

Each of these organizations had to plan a response to the threat its community faced. That response would be entirely dependent on the context, and so demanded research into a series of questions. Who were the players here? What was their history in this place and elsewhere? What position had various government agencies and actors taken in the battle, and what stake did they have? How could they be moved toward the group's side? What had other organizations tried in the face of similar threats, and why might those tactics be likely or unlikely to succeed here? How did this one struggle fit into the group's broader goals for change? In other words, within this setting and facing this particular cast of institutional and individual stakeholders, how could this organization build power to solve the problems it faced?

Out of this research grew plans for campaigns that were sensitive to local history, and built on local assets and players, while taking advantage of lessons learned by other movements around the country and indeed the world. A number of the groups came to pursue related strategies, made appealing or at least possible by the changing terrain described above. Several sought to negotiate community benefits agreements with

10. Alfieri, *supra* note 1, at 1841.

11. Ashar, *supra* note 2, at 1889.

12. Foster & Glick, *supra* note 2, at 2005.

13. Cummings, *supra* note 3, at 1949-50.

14. Harris, et al., *supra* note 4, at 2102 n.130.

developers as a part of their campaigns, reflecting the need to work directly with private actors in places where the power of local governments had decreased.¹⁵ Labor/community alliances make appearances in four of the five Articles,¹⁶ illustrating unions' new willingness to work with community organizations on campaigns that do not directly result in a contract, in a context where the labor movement's future lies with the immigrants and workers of color who fill the service jobs that cannot be moved to another country. In light of the diffusion of power in the landscapes where they operate, all of the groups recognized that they had to move forward with a multifaceted strategy rather than on a single front, resulting in complex combinations of public education, politics, and organizing in each of the cases.

Beyond these similarities, other aspects of the campaigns were distinctive, reflecting local actors and geographies. In Miami's Umoja Village, we saw sustained public protest to force the government to build new housing for people displaced by the government's own interventions and publicity.¹⁷ In Inglewood, LAANE sought to keep Wal-Mart out of the city through a ballot initiative.¹⁸ ROC-NY used a combination of litigation and organizing tactics to force a restaurant owner to pay tens of thousands of dollars in back wages.¹⁹ In the case of WE ACT in New York and Just Cause Oakland in California, the groups triangulated between municipal officials and entities and a private developer to turn new development to the advantage of communities that would otherwise have been pushed out by it.²⁰

But weren't these supposed to be stories about *law* and social change? What happened to the lawyers?

B. *The Role of Law and Lawyers*

As it happens, in some of these stories, attorneys were present from the beginning, taking part in the decision to respond to the threat and in the research and planning that followed. In others, they entered later on as the group saw the need for their assistance. In neither case did the lawyer elbow the community group protagonist aside. Rather, her challenge was to help the group assess the local effects of political and economic changes taking place on municipal, national, and global levels; to strategize about how best to intervene in that landscape; and to figure out how legal tactics could bolster and protect the group's efforts to carry out the larger strategy.

15. Cummings, *supra* note 3, at 1963, Foster & Glick, *supra* note 2, at 2016-17, Harris, et al., *supra* note 4, at 2111.

16. Ashar *supra* note 2, at 1890, Cummings, *supra* note 3, at 1931, Foster & Glick, *supra* note 2, at 2051, Harris, et al., *supra* note 4, at 2098.

17. Alfieri, *supra* note 1, at 1841-45.

18. Cummings, *supra* note 3, at 1972.

19. Ashar, *supra* note 2, at 1916.

20. Foster & Glick, *supra* note 2, at 2054.

What doors could law open? What stories could it tell? What time could it buy? What promises could it exact? What power could it build? The range of possibilities that the lawyers considered here may have come from the usual legal toolbox: education about rights, causes of action, regulatory processes involving various federal, state, and municipal agencies and entities, possibilities for negotiating a deal, potential for legislative changes. But their core questions were different ones. They were not asking *what legal levers can fix this problem*, but *how can legal levers put the group in a position to achieve its goals?*

The legal strategies pursued by these groups reflect new obstacles and opportunities for interactions with the state. As with the campaigns as a whole, the attorneys here sometimes responded to the rise in private, market-based governance by regarding the state as less of a direct target and more of what Sameer Ashar terms an “audience” for the demands that the group was making of private actors.²¹ Ashar describes his clinic’s litigation for unpaid wages on behalf of ROC-NY’s members in these terms. In other Articles, law was used to gain leverage in a planning process where developers rather than municipal governments were the key decision-makers.²² As a result, while the groups participated in regulatory processes with planning boards and officials, they did so in ways calculated to coax developers to the bargaining table for negotiations over the terms on which private investment would take place; they did not believe that governments would deliver the sought-after benefits.

At the same time, none of these groups were willing to let the state off the hook for the fate of poor people. As federal agencies and judiciary have become more conservative, state and local elected officials, legislatures, courts, and agencies have become increasingly attractive audiences and even allies for community organizations. In these venues, the organizations have sought to create both “hard law” (legally-enforceable obligations) and “soft law” (recommended standards).²³ Nonetheless, it seems fair to say that when they pursued legal change, their interventions clustered on the soft law side of *shaping processes* rather than *creating enforceable rights*. They sought to establish standards for good corporate citizenship (as with ROC-NY);²⁴ to create procedures that mandate information-gathering, as with LAANE’s pursuit of the Superstores Ordinance as “a framework for assessing economic impacts as a starting point for discussions about how to maximize the benefits of big-box retail while minimizing its costs;”²⁵ or to

21. Ashar, *supra* note 2, at 1918.

22. Foster & Glick, *supra* note 2, at 2037; Harris, et al., *supra* note 4, at 2111; Shah, *supra* note 5.

23. Ashar, *supra* note 2, at 1891; Cummings, *supra* note 3, at 1981-83; Foster & Glick, *supra* note 2, at 2071-73; Harris, et al., *supra* note 4, at 2119.

24. Ashar, *supra* note 2, at 1891.

25. Cummings, *supra* note 3, at 1981.

guarantee community participation in future decisions made by private actors, through efforts such as WE ACT's pursuit of legislative standards for community oversight of potentially dangerous biomedical research.²⁶ In part this preference for soft law was the outgrowth of the groups' doubts about the government's commitment to enforcement of hard law measures, and their recognition that no law, hard or soft, would be enforced without significant community power behind the effort. But to a large extent, as several of the authors point out, the prevalence of these soft law frameworks was largely the pragmatic outcome of the relative political weakness of these organizations and the communities they represent. In these stories, the creation of a law, or the use of a legal power in a new way, was most important because it reshaped the playing field on which the campaign was carried out, not because it scored the goal itself.

In addition, there were times when the groups pursued the intervention of a judge, a legislature, an elected official or an agency because they saw the legal victory itself (the enforcement of an existing law or the creation of a new standard) as important in the context of the campaign. ROC-NY, for example, viewed litigation on behalf of its restaurant worker members as necessary *both* to compensate members and for its potential contributions to the larger campaign. The larger effort included encouraging a new group of workers to join the organizing effort, pressuring the chain to comply with ROC-NY's broader demands, and setting an example for other employers in the industry.²⁷

These lawyers also used litigation to achieve organizing aims in ways that were essentially indifferent to the outcome in court. In Miami, lawyers from Florida Legal Services and the Community Economic Development and Design Clinic at the University of Miami School of Law brought a lawsuit challenging a developer's plan to build a high-end apartment complex in a historic Black neighborhood, on the grounds that the developer had not sought a required environmental impact report.²⁸ As Florida Legal Services Staff Attorney Purvi Shah stated at the Colloquium held in conjunction with this symposium, the primary goal of the litigation was not to get a judge to rule that the developer had to pursue the report process, but to buy time for community organizations to build a campaign to defeat the apartment complex and preserve the neighborhood.²⁹ In Inglewood, LAANE hired a private law firm to challenge Wal-Mart's ballot initiative, which, if passed, would have guaranteed the company the virtually unfettered right to build a superstore in the city.³⁰ Although the

26. Foster & Glick, *supra* note 2, at 2072.

27. Ashar, *supra* note 2, at n. 49 and 1914-16.

28. See Shah, *supra* note 5.

29. See *id.*

30. Cummings, *supra* note 3, at 1965.

attorneys doubted that the claim would be victorious in court, LAANE pursued it because, as Cummings says,

even if the lawsuit proved unsuccessful, it could serve two beneficial purposes. First, an early filing would put Wal-Mart on notice that even if it won election, it would face a strong legal challenge that would at the very least tie up the plan in court for some time. In addition, LAANE viewed the lawsuit as a way of generating additional media visibility and grassroots momentum for...public relations and voter mobilization efforts.³¹

Finally, at points in some of these campaigns, the lawyers involved recognized that traditional legal actions had little to offer. For example, WE ACT's lawyers initially considered litigation around land use issues in order to bring Columbia to the negotiating table, but ultimately decided that the most productive role for law students and attorneys would be to support effective community intervention in the processes that would decide the terms of Columbia's expansion.³² They undertook large-scale community education efforts, trained community members to testify at hearings, staffed working groups for a Local Development Corporation (developing proposals for the negotiation of the community benefit agreement), and advocated for mechanisms to ensure community oversight of Columbia's bioresearch.³³ The lawyers in West Oakland played a similarly educational and facilitative role with regard to the coalition seeking to bring the developer to the table there.³⁴

These Articles come to a close, as articles must, but in truth they are tales without end. Their conclusions have a provisional quality, birds perched on a wire, ready to take off again. The real story continues, as the community moves on to fight an even newer manifestation of the problem, and the lessons of the last battle are applied to the next one.

II

WHAT IS THE LAWYER, IF NOT THE PROTAGONIST?

REFLECTIONS ON THE ARTICLES AS COMMUNITY LAWYERING STORIES

A. *On the Model Itself*

These Articles and the work they document stand on ground well fertilized by earlier collaborations between lawyers and social movements, combined with new insight emerging from the representation of smaller worker centers, racial and environmental justice organizations, and community economic development efforts. They are consistent with a

31. Cummings, *supra* note 3, at 1967.

32. Foster & Glick, *supra* note 2, at 2027.

33. *Id.* at 2070-73.

34. Harris, et al., *supra* note 4, at 2116.

model that I describe elsewhere as *law in the service of organizing*.³⁵ In brief, such attorneys do not think that public interest law alone will create social change. They understand the problems that communities face as the products of economic and political shifts on the national and global levels that have intensified the systemic marginalization of their members based on both race and class. All of them believe that change toward a more just world happens when communities organize, build enough power to shift the terms on which decisions about their future are made, and eventually enough power to enforce those promises. At the same time, they concur that good lawyers and thoughtful, creative legal strategies have important supporting roles to play in those struggles.

Toward this end, as the Articles in this volume testify, such lawyers largely partner with community organizations rather than representing isolated individuals. At times those partnerships involve direct representation of the groups (or their members) in litigation, advocacy, or transactional work, and at other points the relationship is more informal or fluid. These lawyers measure the success of their work in relation to how much power the groups develop and how much closer it brings them to achieving their vision. In this view, law is one of many tools in the arsenal of social change tactics. It can neither be condemned nor endorsed in the abstract, and the forms of its deployment, its usefulness, and its pitfalls must always be worked out in relation to a particular organization or movement set in a particular context.

During the course of the Colloquium organized around these Articles, some participants began to refer to this approach as “campaign-based” lawyering. That is an appealing label, in particular for its reinforcement of the idea that for such attorneys and their clients, victory in the legal strategy is measured by its contributions to the overall campaign, not (or not only) by the substantive outcome of the legal action. My only concern, and the reason that I do not adopt the phrase wholesale, is that it suggests a sporadic quality rather than the fuller, more “integrative” (to use Foster’s and Glick’s term) approach that characterizes much of this work.³⁶ “Campaign-based” lawyering fails to capture the ways that a number of the lawyers devoted to this work engage an organization continually or repeatedly over time, working with it on strategic and transactional matters even when their services are not required for a campaign, constantly seeking to understand the organization’s context, vision, and goals as all three evolve.

35. JENNIFER GORDON, *SUBURBAN SWEATSHOPS: THE FIGHT FOR IMMIGRANT RIGHTS* 294-302 (2005).

36. Foster & Glick, *supra* note 2, at 2005.

B. *On Expertise*

This sort of lawyering requires a high degree of legal expertise. Law students who want to support organizing efforts frequently tell me they are worried that the legal reasoning and technical skills of law school will not be that useful to them in their careers. What they *really* need, they say, is organizer training, and they hope I can recommend a good one. Organizer training is important. But if these stories teach us anything, it is that to do this work well requires great legal skill. The organizations need lawyers who are technically sophisticated: the best possible attorneys in wage and hour law, planning and zoning law, affordable housing law, land use and environmental regulation, and constitutional law. In addition to technical ability, the lawyers must have flexibility, and the capacity to master new areas of law as community groups develop new campaigns.

Meanwhile, the groups need attorneys who are also—not instead, but also—sophisticated in their understanding of how law and organizing work together. As the authors point out, this second sort of sophistication includes an understanding of how to translate information about the law so that it is intelligible and useful to community groups as they make decisions about how legal strategies might help their work, as well as the translation of community needs and organizational demands into legal causes of action and policy interventions.³⁷ It rests on the ability to negotiate the relationship between the group's organizing goals and the lawyer's professional obligations to her client, which may pull in opposite directions.³⁸ It requires a thoughtfulness about both the perils and the potential of insisting on *rights* as a part of an organizing effort, recognizing that talk of rights focused solely on winning lawsuits or government benefits can de-mobilize community organizing but that rights talk (and rights claims) linked to collective action can be a powerful narrative indeed.³⁹ And above all, it demands close attention to developing a legal strategy that is responsive to the context in which a campaign is taking place and to the goals of the organization the lawyer represents, a strategy that is as likely as possible to support, not derail, the achievement of those goals.

It is worth pausing to note the number of different arrangements through which such lawyering took place in each of these stories. Most of the organizations discussed were in an ongoing relationship with one or more lawyers from the law school clinics or legal services offices represented here. Clinics (particularly but not exclusively those dedicated to community economic development) have emerged over the past decade as a particularly flexible, creative, and sustained set of partners for

37. Foster & Glick, *supra* note 2, at 2005; Harris, et al., *supra* note 4, at 2119.

38. Ashar, *supra* note 2, at 1910; Harris, et al., *supra* note 4, at 2119.

39. Ashar, *supra* note 2, at 1922-23.

community organizations.⁴⁰ Beyond that, organizations drew lawyers from multiple sources depending on their needs, whether serially or simultaneously.⁴¹ They might contract with private attorneys for one-shot representation in an area of specialized expertise, as the Oakland group did when it garnered pro bono representation from a law firm familiar with the California Environmental Quality Act as well as laws relating to development,⁴² housing, and planning and zoning, or as LAANE did when it hired a private firm with constitutional and environmental litigation experience to defeat Wal-Mart's ballot initiative.⁴³ An organization might also choose the full integration of a lawyer as in-house counsel, as in Foster's and Glick's description of WE ACT's integrative lawyering model.⁴⁴ Each position has its strengths. Foster and Glick argue, for example, that "[c]ollaborative partnerships between community-based organizations and outside lawyers/firms operate most effectively for discrete legal issues and policy projects. They are less effective in contributing to the kind of complex, long-term political-legal-organizing work required to deal with the political economic roots of persistent patterns of race and class inequality."⁴⁵ Not all groups agree that full integration is desirable; some intentionally keep lawyers at arms' length. But all see different kinds of lawyers as important for different purposes.

C. *On Domination*

The campaign-based model shifts focus away from some of the concerns that have preoccupied scholars of law and social change for decades—for example, the fear that lawyers will inevitably dominate and even derail community efforts. In these Articles, anxiety about domination has faded from the foreground to the background. To hear the lawyers tell it, much has to do with the strength, savvy, and clarity of the community organizations for which they are working. Those groups are in charge; they are the protagonists, after all. The authors' sense of relief at having found a

40. Jeff Selbin has suggested to me that this may be so because of clinics' access to resources, their relative independence, the way their pedagogical function both demands and provides time for active reflection, and the emergence of a "new generation" of clinicians who are dedicated to this mode of lawyering. As a result, "clinics are places that can (should) more easily take risks, challenge assumptions, and experiment with new relationships and delivery models." Email from Jeff Selbin, Faculty Director, East Bay Community Law Center, to the author (May 15, 2007 7:32 p.m. EST) (on file with author)

41. In this regard, it is significant that all of these stories take place in large cities that offer non-profit organizations many potential forms of legal support, including well-developed pro bono programs in the private bar, numerous law school clinics, and both publicly- and privately-funded legal services organizations. Organizations in rural areas or smaller cities are likely to have a much more constrained set of options for representation.

42. Harris, et al., *supra* note 4, at 2104 n.133.

43. Cummings, *supra* note 3, at 1965.

44. Foster & Glick, *supra* note 2, at 2070-72.

45. Foster & Glick, *supra* note 2, at 2059.

strong organizational client is palpable. As Cummings says regarding the Wal-Mart site fight, "LAANE, in particular, was a relatively powerful community organization, drawing political clout and resources from its labor affiliation, and governed by politically savvy and influential leaders . . . Thus, the existence of a strong community organization counteracted the tendency toward lawyer domination."⁴⁶ Foster and Glick describe WE ACT as "a strong, established, community-based policy/organizing/advocacy/research organization that previously outsourced its legal needs."⁴⁷ Ashar contrasts his experience with ROC-NY with the classic domination story, noting that ROC-NY "organizers and workers held lawyers accountable, and lawyers were relatively free to engage in the work without inhibition and fear that they would dominate their individual or organizational clients."⁴⁸

It is only fair to acknowledge that relatively few locations benefit from the convergence of strong and savvy community organizations and lawyers with both the funding and the commitment to do this sort of work. But on both fronts, the numbers are increasing. And where the two do come together, it permits the development of ongoing collaborations in which the lawyer can offer her opinion without fear that it will be adopted uncritically, and in which the organizations know that the lawyer is committed to figuring out how law can best advance the group's overall goals. These collaborations ride on the lawyers' capacity to recognize, and be comfortable with, the fact that they are *not* the protagonists of these stories, but that they bring important skills to the table.

D. *On the Many Tensions that Remain*

These groups still must face concerns about law and lawyers usurping community power. It is a reality that lawyers, with our privilege, our access to power, and our closely held set of tools, all too often have negative effects when we intervene in community processes. As Harris, Selbin, and Lin remind us,

"[I]awyering relationships - like all relationships - cannot be purged of power or the possibility of coercion and complicity with group domination. The issue of power pervades all aspects of the community lawyer's job, from decisions about whether to take on a case to the nature of the lawyer-client relationship to tactical and strategic issues within a particular case."⁴⁹

Nor, of course, have these groups eradicated tensions within the broader communities they represent. Cummings discusses the danger of the union partners in community/labor coalitions muscling the newer and more

46. Cummings, *supra* note 3, at 1993.

47. Foster & Glick, *supra* note 2, at 2067.

48. Ashar, *supra* note 2, at 1919.

49. Harris, et al., *supra* note 4, at 2115.

fragile groups out of decision-making.⁵⁰ Harris, Lin, and Selbin note the division among African Americans in Oakland over the development plan, with Black entrepreneurs and homeowners favoring the proposal that the coalition of Black renters opposed.⁵¹ Foster and Glick discuss a similar divide in West Harlem.⁵²

Furthermore, new challenges may emerge when lawyers become so closely allied with community organizations. They may be tempted to overlook deficits of democracy and accountability within the groups themselves out of their gratitude for having found a strong community partner and their commitment to the group's overall goals. Their decision to work exclusively with the organized segments of a community may intensify the vulnerability of that same community's often worse-off unorganized members.

What gives me hope, however, is the predominant attitude about the conflicts that do arise. In place of the almost paralyzing anxiety that characterized scholarship about these concerns for decades, these authors have a calm matter-of-factness that recognizes the tensions as inevitable and even valuable, a source of insight. As that great lyricist Leonard Cohen once wrote,

Forget your perfect offering
There is a crack in everything
That's how the light gets in.⁵³

These conflicts recur, the Articles affirm. They are part of the work and even sometimes a productive part of the work, and we will do our best to understand and address them and learn from them. Then we will move on.

IN CONCLUSION

Is the old story dead? Far from it. In Sameer Ashar's words, "It cannot be said that lawyering is no longer 'regnant.' It seems predestined that there will always be regnant lawyers who pursue established modes of practice and rebellious lawyers who deliver legal services in new forms to more effectively achieve social justice ends."⁵⁴ In the intertwined fight against racism in all of its manifestations, and for economic justice in all of its manifestations, is another story emerging? Absolutely. The Articles in this volume eloquently tell the tale.

50. Cummings, *supra* note 3, at 1995.

51. Harris, et al., *supra* note 4, at 2107.

52. Foster & Glick, *supra* note 2, at 2024.

53. LEONARD COHEN, *Anthem, on THE FUTURE* (Sony Music Entertainment, Inc. 1992).

54. Ashar uses the terms "regnant lawyering" and "rebellious lawyering" introduced by Gerald López in his book *REBELLIOUS LAWYERING* (1992); see Ashar, *supra* note 2, at 1906 n.119.

