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Mobilizing Law Schools in Response to Poverty: A Report on Experiments in Progress

Howard S. Erlanger and Gabrielle Lessard

I. Introduction

Attention to poverty law, a prominent subject of legal study in the 1960s and early 1970s, faded during the late 1970s and 1980s. Recently, however, there has been a resurgence of interest. Legal scholars are again investigating the subject, applying the insights of critical theory and other developments in legal scholarship since poverty law was last in focus.

The Interuniversity Consortium on Poverty Law is one example of the new interest. Created with substantial support from the Ford Foundation, the consortium is a loosely structured group of legal academics (traditional and clinical professors and instructors) from a varied group of law schools working with a wide variety of advocates to accomplish two goals:

- increasing and improving law school scholarship and teaching about the relationship of the legal system to poor, disadvantaged, or marginalized persons; and
- increasing linkage of that scholarship and teaching with individuals and organizations directly engaged in service to, and advocacy on behalf of, poor, disadvantaged, or marginalized persons.

The consortium pursues these goals through two related efforts—the Information Exchange and the Project Group. Information Exchange activities include improvement of joint efforts between academics and advocates through reflective discussions; facilitation of programs on poverty teaching and scholarship under the aegis of trade associations; creation of a “reader” on poverty advocacy for use by academics and advocates; increased contact with advocates

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Howard S. Erlanger is Voss-Bascom Professor of Law and Professor of Sociology at the University of Wisconsin, Madison. Gabrielle Lessard is a Skadden Fellow at the National Economic Development and Law Center in Oakland, California (effective October 1993). The order of the authors’ names is alphabetical and does not represent relative contributions to this article.

1. Among the groups with which the Information Exchange works are the Association of American Law Schools, the Society of American Law Teachers, the National Legal Aid and Defender Association, the American Bar Association, and the National Association for Public Interest Law.
to enhance the usefulness of scholarship; and publication of a newsletter, *Consorting*, that reports on developments in law schools and poverty advocacy.

The consortium's Project Group, which is the focus of this article, brings together academic participants, from an increasing number and variety of institutions, who are implementing innovative projects at their schools. Each project tests new ideas about scholarship and teaching and the connection of these ideas to advocacy for the poor. The Project Group supports its members' projects by providing a forum for members to exchange information, benefit from one another's experiences, and provide one another with feedback and support.

The Project Group's goals are ambitious, and they imply a need to change society as well as law school culture. As a result, the projects are necessarily incremental. They are also diverse, involving various models of legal education and theories about the role and mission of lawyers committed to social change. Participants are mobilizing their law schools and students through classroom teaching, legislative advocacy, community education, and service to individual and institutional clients. Some participants have made special efforts to involve practicing attorneys, discovering how the insights unique to practice experiences can inform strategies for lawyering and directions for law teaching. Others are joining with nonlegal academics and advocates to develop multidisciplinary approaches to social problems. Some are applying existing laws in creative new ways, and others are engaged in redefining the boundaries of law itself, challenging conventional notions of what constitutes legal service or adopting client perspectives that transcend law's perceptual framework.

Significantly, the Project Group's participants are conducting poverty law projects at a time when lawyers' roles in responding to poverty and the meaning of poverty law itself are contested. Some participants are engaged in an attempt to recreate poverty law, a subject last prominent in the legal academy in the 1960s, at a time when the theoretical base for the exploration of legal approaches to poverty has been greatly enriched. The critical analysis of law that developed in the 1970s and 1980s has challenged liberal thinking about the law's instrumental value in producing social change. The law and society movement's integration of law and social science has made evident the gaps between legal doctrine and the workings of the law in action, and has exposed the limits to law's effectiveness in changing human behavior. The critical legal studies movement has indicated how the law, as a reflection of the

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3. For additional information about the Project Group, write Louise Trubek, University of Wisconsin Law School, Madison, Wisconsin 53706.

most socially powerful voices, can subordinate or legitimate the subordination of marginalized persons. Feminist scholars have suggested that the law excludes the concerns of women through its reliance on male perspectives and its devaluation of personal experience. Critical race theorists have shown how legal rights can simultaneously perpetuate a false neutrality that legitimates oppression and serve as a tool for securing basic needs and ultimately the transformation of the dominant culture.

By challenging the efficacy of social change strategies that separate the assertion of legal rights from inquiries about the role and effect of the legal system, the new poverty law movement is reconceptualizing, rather than abandoning, the project of using law to create social change. The new poverty law builds on the lessons learned in previous legal efforts to eliminate social injustice, and is informed by critical scholarship's challenges to the traditional roles of lawyers, laws, and legal education. The result is an attempt to extend the critical literature and test its assertions in a legal practice that is more complex, self-reflective, interdisciplinary, and theoretically grounded than traditional legal approaches. Practitioners of the new poverty law are engaging in interdisciplinary projects and in the generation of new ideas about lawyers’ roles and the nature of law itself. Teachers of the new poverty law strive to teach their students how to view their work within a larger, theoretical framework, and how, simultaneously, to practice and critique the law.

Because their efforts are centered on the reformulation of well-established academic and social institutions, legal academics engaged in innovative poverty law scholarship often encounter resistance to their work. It may arise because law schools perceive curricular reform efforts as threats to their roles.


9. See Johnson, supra note 8, for a description of this phenomenon, and the other articles cited in note 8 for individual examples. A self-reflective approach has been institutionalized as a part of law teaching at CUNY, which employs a "planning, doing, reflecting" model in its clinical programs. Susan Bryant & Maria Arias, A Battered Women's Rights Clinic: Designing a Clinical Program Which Encourages a Problem-Solving Vision of Lawyering That Empowers Clients and Community, 42 Wash. U. J. Urb. & Contemp. L. 207 (1992).

in preparing practitioners for traditional legal careers, as threats to their institutional status within a ranking system premised on conventional assumptions about legal scholarship, or simply as inconsistent with their perceptions of law schools' role and function.

At best, law schools may see appeals for more attention to social problems as one of many competing demands, on a par with constrained budgets, student demands for bar-exam-related courses, accreditation and ranking concerns, and the demands of the private bar. Some law schools attempt to balance their responses to these competing claims by adding new courses to their existing curricula, but these courses are usually at the margin rather than being part of systemic change. Others, finding the appeals for social responsiveness outweighed by other demands, reject proposals for the teaching of subjects not demanded by major legal employers, the adoption of often costly out-of-classroom programs, and the redefinition of expectations for student learning and performance. A consequence of this resistance is a paucity of stable institutional funding for poverty law scholarship and programs and, for faculty, difficulty in getting approval to teach innovative courses.

Many academics engaged in innovative scholarship feel that their peers do not understand their work. Scholarship that questions or rejects one's own assumptions may be incomprehensible—or threatening. This gap in understanding makes it difficult for transformatively oriented scholars to work with others in developing their ideas, and often makes them feel that their work is undervalued.

Students, likewise, can present a source of resistance. When poverty law courses are required, students often resist innovative teaching techniques and are uncomfortable about being challenged to refine their understandings about the role of law, the workings of society, or the subjects appropriately studied by fledgling lawyers. They express their resistance sometimes through complaints or challenges to instructors, but most commonly by becoming passive and failing to engage the material. This nonresponsiveness can stifle teaching efforts as effectively as open rebellion.

By bringing together people involved in curricular reform, the Project Group attempts to counter resistance by creating what might be called a subculture of support.

13. The consortium's original focus was somewhat different, with an emphasis on policy research that could be employed to assist advocates for low-income persons. The first discussions about a group with this purpose took place at Harvard Law School in 1986-87, and included Gary Bellow, Duncan Kennedy, Gerry Singsen, David M. Trubek, Louise Trubek, James Vorenberg, and David Wilkins, among others. The first three projects, conducted at Harvard, UCLA, and Wisconsin in 1989-90, were made possible through a grant from the Ford Foundation. Ford's former director of legal services projects, Gridley Hall, was generous with
II. Projects

It is difficult to categorize the group's projects, because they often pursue several goals and include interrelated components. All strive in some way to redefine boundaries: the boundaries of law teaching, of the law itself, or of legal practice. To facilitate our presentation, we group them into three broad categories: classroom teaching, transformative practice, and policy formation.

A. Classroom Teaching

Several participants are using the law school classroom to cultivate student awareness of poverty and its interaction with law. They seek to do more than provide substantive legal knowledge: they focus on transforming the students' consciousness by sensitizing them to poverty and engaging them in critical thinking about the premises that underlie their perspectives and those of the law. These efforts extend the boundaries of the law school class by incorporating theoretical and nonlegal concepts and readings, and by teaching perspectives as well as rules. In addition, some employ out-of-classroom experiences.

1. University of Pennsylvania

Professor Howard Lesnick of the University of Pennsylvania Law School teaches a first-year elective course, Legal Responses to Inequality. It articulates and explores differing concepts of equality, the role that equality plays as a social value, and the embodiment of differing perspectives in competing legal rules. It explores these subjects through analysis of the inequality issues embedded in traditional first-year legal subjects like civil procedure and contracts, as well as through an examination of antidiscrimination and poverty law.

The exploration begins with an analysis of the meaning of equality that is suggested by a regime based on contract and property. Cases establishing a constitutional right to fair procedure are analyzed as expressions of a fundamentally different set of assumptions about the sources, consequences, and legitimacy of inequality. The course then presents examples of the “view from above” by which the legal system has traditionally defined the reality and status of disfavored groups. These are contrasted with examples of the “view from his support for the project, assisting its interchange with Ford even after illness forced him to resign his position.

The importance of the consortium as a counterweight to resistance was initially made apparent through the experience of the first three projects. The initial group's members were struck by the tension between the career aspirations of law professors and the consortium's more basic interest in inspiring students and assisting advocates. The group decided to employ this awareness of tension by creating the Project Group, a support group for fledgling projects. Aided by renewed Ford Foundation assistance, the group expanded its participants to thirteen schools, each conducting individual projects. At the same time, the foundation also renewed and expanded its support for the consortium's Information Exchange.

14. Howard Lesnick provided the information for this description through a telephone interview, various materials, and a presentation at the November 1991 Project Group meeting. For more information about the theoretical perspectives underlying the course, see Howard Lesnick, The Wellsprings of Legal Responses to Inequality: A Perspective on Perspectives, 1991 Duke L.J. 413.
below"—how subordinated people speak about inequality. The course closes by analyzing employment discrimination law as a case study of the extent to which the conceptual framework presented in the course explains the shifts and divisions within the Supreme Court.

The course materials include articles, books, and cases. There is extensive classroom discussion, but because classes are large (about ninety students), much of it takes the form of dialogues between individual students and the instructor. Students are graded on the basis of a paper that synthesizes the course’s major themes. Lesnick has taught the course for four years, and it has been formally integrated into Pennsylvania’s curriculum, as one of five first-year electives.

Lesnick identifies the major problem with the course as the students’ tendency to polarize the choice between objectivity and relativity in decision-making. By teaching that judicial decisions reflect the exercise of varied perspectives, the course suggests that principled decision-making may be impossible. This can leave students confused about integrating what they learn from the course into their other courses and eventually into a legal practice. Nonetheless, student evaluations of the course are generally positive, and students comment favorably on the course’s rejection of a doctrinal approach. Many students have reported that they employ the perspectives they develop in the course when thinking about their other classes, and successfully use them as a model of thinking about law and the world.

2. University of Wisconsin

Clinical Professor Louise Trubek, Professor June Weisberger, and Clinical Instructor Susan Brehm of the University of Wisconsin Law School coteach an elective course called Families, Poverty, and the Law. It is designed to supplement traditional family law teaching by explicitly addressing the impact of domestic relations law and other public policies on the poor, especially people of color and women. Students challenge the family law paradigm by examining how areas of law not classified as "family" impede the formation and survival of low-income families and regulate poor families’ lives. This critical perspective is integrated with interdisciplinary materials to highlight the social construction of poverty, and to develop students’ understanding of the theoretical assumptions that underlie public responses.

The course begins with a discussion of legal decisions relating to various poverty issues. Students discuss the advocates’ strategies, the courts’ responses, and other possible approaches and outcomes. The course next considers competing definitions of poverty and analyzes a series of issues, including


16. The course is one of a series of Law and Contemporary Problems seminars and has not, as yet, been incorporated into the catalog of regularly scheduled courses. It does, however, satisfy the legal process requirement for Wisconsin bar admission.
work, education, housing, health care, and public assistance. In conjunction with each issue students consider theories of causation, critical analysis, and reform possibilities. The individual issues serve as case studies in the development of a conceptual framework for understanding poverty issues.

The instructors' team-teaching combines the perspectives of legal academics and clinical practitioners; they encourage students to describe their personal experiences and to draw on their nonlegal knowledge. Many discussions are structured as debates, presentations, or role-plays.

Originally the course was a yearlong seminar, developed and taught by Professor Trubek and Professor Martha Fineman (now at Columbia), and offered to a small group predominantly composed of female and minority students. Several students had field placements with practitioners serving poor or marginalized persons and could test their evolving perspectives against the realities of practice. Students had generally positive comments, but felt that the course underemphasized solutions and overemphasized problems; several found it "depressing." The students who had outside placements offered mixed responses: for some, the placements were the highlight of the course, but others found it difficult to synthesize the course's global approach with the focus of practice. The attorneys with whom students were placed did not have time for the introspective exchanges that the instructors had contemplated, and there were practical problems with the quality and consistency of the placements. Since not every student had a placement, it was hard to integrate the outside experiences into the general discussion, and the envisioned interplay of critical dialogue and practice never developed. The instructors also found that the group of students was too small and too homogeneous for challenging interchanges.

In an attempt to remedy these problems, the course was reduced to one semester and its enrollment increased to about thirty-five. While there was no formal field placement, students were encouraged to take part in the law school's clinical programs and a related clinical offering of the Center for Public Representation. Students reported that the course helped them to enhance their critical skills, that they had succeeded in developing an understanding of various theoretical frameworks underlying responses to poverty, and that they had acquired an ability to identify and challenge their assumptions. Still, a number of students found the class discouraging rather than energizing.

The instructors felt that the larger, more pluralistic group of students generated far more effective discussion. Many came to the class with sophisticated analytical perspectives, and with direct personal experience with poverty issues. Little was lost by abandoning the field placements, but the reduction to one semester made it difficult to cover the essential materials. In the most recent version of the course, the teachers addressed the students' desire for more emphasis on solutions by incorporating more focused exercises in which students played the roles of various legal actors.
Professor Catherine La Fleur of Loyola University School of Law (New Orleans), along with Bill Quigley, director of the Gillis Long Poverty Law Center, is developing and teaching a required course on poverty issues. It is designed both to provide law students with a basic knowledge of social programs and to deconstruct myths about poverty and poor populations. It combines classroom lectures with direct student experiences with persons and institutions serving the poor.

The course has four main goals: to develop student awareness about poor populations and their legal needs, with a focus on correcting popular stereotypes about poor persons; to give students personal experience with poverty in their community; to educate students about current social policies and programs affecting the poor; and to teach the students about ways that they, as lawyers, can participate in and transform social efforts to deal with the problem of poverty. Since more Loyola students pursue careers as elected officials, policy analysts, and government attorneys than as public interest lawyers, the course aims to show students how their actions in those positions will affect the poor, rather than to train the students for litigation.

The lecture component analyzes federal assistance programs, as a first step toward enabling students to evaluate them critically and to work for their improvement. Training students about federal programs also increases the access of low-income people to representation, removing the high information costs that often form a barrier to pro bono representation.

The practical component consists of site visits to housing projects, public hospitals, and poverty services organizations, preceded by class discussion of related issues. During the visits, students hear presentations by administrators or clients and meet with persons served by the organization. Afterwards they write papers reflecting on the experience. The instructors report that the papers demonstrate that students are profoundly affected by the site visits.

While some faculty members originally questioned whether the course should be required, students have reported that they are glad to have taken the course and are surprised at how much they did not know about poverty. Many want to use the law to work for social change; as a result of the course, they have discarded the view that poverty law is less legitimate than more traditional areas of legal practice. Instructors have learned that students are more interested in poverty issues than expected, and more willing to work on them, but that students know less than expected about poverty programs. Over the course of the semester, however, students acquire the basic


18. The decision to institute a required poverty law course was based on Loyola's belief, derived from the Jesuit commitment to a social vision of teaching, that it is the law school's responsibility to produce socially conscious attorneys. The course was instituted in conjunction with the establishment of the Gillis Long Center on Poverty Law, endowed in memory of a state senator and member of Congress who had been committed to poverty issues.
knowledge and become increasingly sensitive and sophisticated about poverty issues.

4. University of Maryland

Maryland’s Legal Theory and Practice (LTP) requirement is a significant part of the law school’s effort to develop a more comprehensive public service curriculum. All full-time day students take a course from this curriculum in their second or third semester, in the formative stage of their legal education. The intensive, integrated approach of LTP seeks to make apparent the deep connection among legal rules, lawyers’ choices, and the realities of law’s impact on the lives of the poor. LTP courses are seen as a bridge between Maryland’s traditional curriculum and its long-standing elective clinical law program. Five faculty members, joined at times by other colleagues, have concentrated their energies on developing and teaching these courses.

The overarching task of the LTP requirement is to construct an understanding of legal process, inseparably coupled to a conception of responsibility to the poor. This requires a range of pedagogical goals that extends from the mastery of rule systems, to the development of insights about poverty and the political workings of the law, to the study of systems for the delivery of effective legal services to unrepresented populations.

LTP courses include significant instruction in doctrinal subject matter. But the faculty reconfigure the classroom experience to focus on the meanings, utilities, and consequences of the law outside the law school. They supplement casebooks with materials drawn from (for example) trial records, pleadings, lawyers’ files, client documents and interviews, statutes and regulations, media reports, census data, and sociological accounts. They direct analysis toward students’ actual and projected work on behalf of people who, in the conventional distribution of legal services, are rarely “clients.” Students begin to appreciate that legal rules are produced in response to evidentiary accounts constructed by lawyers; that parties’ different perspectives, and opportunities for representation by counsel, importantly shape such accounts; that clients, lawyers, and judges all face a range of choices for resolving “doctrinal” questions; and that the class, gender, and race of the people implicated by legal disputes may influence the operation of legal decision-making at every juncture.

The course engages students in actual client representation for about ten hours a week in traditional core subjects such as torts, civil procedure, and property, and students’ practice experiences serve as one important “teaching


20. The University of Maryland implemented the LTP program in response to the state’s mandate that its law schools provide more service to the poor and modify their curricula to “inculcate” future lawyers with a belief in the value of service to the poor. The university’s response has far exceeded the mandate.

21. The five include Richard Boldt and Theresa Glennon, in addition to Maryland’s participants in the consortium, Barbara Bezdek, Marc Feldman, and Homer La Rue.
The material. The significance of the practice element is that each student assists poor persons in securing some law-related objective, and does so with attention to the realities of the personal, social, and political contexts within which the representation occurs. Because lawyering experiences often do not, alone, enable students to connect legal regulation, lawyer operations, and social knowledge, class sessions seek out intersections between students' practice experiences and the theoretical and doctrinal analysis presented by the course.

While sharing the essential core described above, LTP courses vary considerably in operational details (class size, instructional technique, the use of teaching assistants), involvement of cooperating attorneys, and the focus on litigative, remedial, or preventive efforts in clients' behalf.

The requirement that students engage in poverty practice, controversial at first, has come to be recognized as an integral feature of LTP courses. It remains to be seen whether the ultimate goal—the inculcation of values of providing legal service to poor and unrepresented people—will be achieved. But it is believed that requiring the courses early in students' careers will shape their values, and it is clear that the integrated approach of the LTP courses enables many students to develop a more realistic understanding of legal rules, processes, and representation.

The number of LTP instructors, their wide support in the faculty, and an involved administration ensure that the LTP program is not marginalized within the law school. Other members of the faculty have included experiential methods in their courses, and sometimes coteach LTP courses; a growing network of Maryland graduates in various practice settings participate in the poverty work with Maryland's LTP students; and student-initiated activities are thriving, including a public interest employment grant program and an extensive array of externships with government and public interest policy and advocacy organizations.

5. Reflections

These experiences demonstrate that the classroom can be used effectively to influence student attitudes and impart critical perspectives. At Maryland, Pennsylvania, and Wisconsin, students have reported that they have developed a critical framework for thinking about poverty that they find useful in analyzing other policy responses. Moreover, the Loyola experience shows that students who are not planning to pursue public interest careers are responsive to information about ways to incorporate social reform efforts into their career plans. Although most law students do not pursue public interest practice, many enter law school idealistic about the role of law in society and the potential for lawyer public service.22 While students may appear to abandon

22. Jay Feinman and Marc Feldman note that students come to law school with a belief that "the law" contains a set of rules, accompanied by idealistic views of law as embracing an "intuitive morality," but are taught in their classes to devalue moral and logical perspectives in favor of case and doctrinal criticism; they become adept at a cynical discourse and convinced "that there is no meaningful content to their courses other than some knowledge of rudimentary principles or highly technical rules." Pedagogy and Politics, 73 Geo. L.J. 875, 877-79 (1985); see also Robert Granfield, Making Elite Lawyers (New York, 1992) (discussing law students' abandonment of idealism and adoption of cynical perspectives).
these values during law school, it is more likely that they simply de-emphasize them. Their public service values are dormant but can be reawakened when students understand how to integrate them with their emerging values and choices.

Nonetheless, Project Group participants conducting classroom projects often met student resistance. Law students have preconceptions about what they “should” be learning, and sometimes respond negatively when instructors do not conform to their expectations. Some students resisted the incorporation of interdisciplinary and critical material, complaining that they were not learning “real law” or that a specific political perspective was being imposed on them. For example, many Wisconsin students said that they found the Families, Poverty, and the Law course too much focused on social problems instead of legal solutions.

The problem may be that innovations conflict with the expectations of the student culture—that complex of shared understandings about, and approaches to, law school which students develop to cope with the workload and anxiety of legal education. Acculturated law students learn to “think like lawyers,” rejecting emotional and normative concerns in favor of specific rules and doctrinal approaches. This emphasis on rules clashes with attempts to identify broad theories of law or to locate law within social contexts.

These reactions are likely the result of students’ insecurities about their emerging legal skills or professional goals. Students who have chosen to pursue legal careers have made an investment in the law as an institution and may feel threatened about that choice when it is suggested that the legal system perpetuates and legitimates social inequality. It may also be that many

23. Robert V. Stover, Making It and Breaking It: The Fate of Public Interest Commitment During Law School, ed. Howard S. Erlanger (Urbana, 1989). Stover found that, as students progressed through law school, their interest in helping others through their work declined relative to the emphasis they placed on work conditions and craft satisfaction. Id. at 22-23.

24. Howard S. Becker et al. found that medical students likewise submerged their idealism during their education, but that their idealism simply lay dormant, superseded by more immediate concerns, and reemerged when students found themselves within a different context. Boys in White: Student Culture in Medical School 425-31 (Chicago, 1961).

25. Becker et al. identified the existence of professional school “student culture,” noting that first-year medical students’ concern about their work caused them to talk constantly about their studies, and that this continuing exchange led to the establishment of shared norms and expectations. While these norms initially promoted attempts to learn all the course material, they gave way, as students approached exams, to strategic thinking about learning issues likely to be tested. Id. Stover found that first-year law students were similarly preoccupied with issues of schoolwork, and became increasingly oriented toward simply getting by as they progressed in school. Stover, supra note 23, at 53-56.

26. See Howard C. Anawalt, The Habit of Success, 10 Nova L.J. 255, 256-57 (1986) (noting that uncertainty causes students to want to be told The Answer to legal questions). This uncertainty (and the expectation that there are answers) results from such aspects of the law school environment as subject matter outlines and the prospect of bar exams. Several authors also note the disparagement of emotional or ideological analysis in law school classes. See, e.g., Gustave Harrow, Lawyers Above the Law, 10 Nova L.J. 575, 596 (1986).

students had not previously encountered critical perspectives on law and society. Dissonance may be most likely to occur in required courses at traditional law schools: students did not select these courses because of an interest in poverty law, and they may not have confronted these concepts previously. For required courses to be successful, faculty must handle student resistance with sensitivity. Student culture is not necessarily oppositional.8 Where students are treated as junior colleagues rather than subordinates, student cultures are likely to develop standards and behavioral norms that complement faculty orientations.29 Classroom discussion can engage students in the process of learning and encourage them to articulate new perspectives. While variations in the quality of discussion in the Wisconsin classes suggest that the success of classroom dialogue depends to a great extent on the students’ diversity, the dialogues were often more successful than expected. More and more students are coming to law school with extensive life experience and sophisticated perspectives about social problems. Classroom discussion gives students an opportunity to teach one another, and their instructors, by articulating these views.

Personal contact with the lives of low-income persons has proved effective in sensitizing students to poverty issues. Loyola students reported that their visits to poverty organizations had a deep personal impact; many said that before these visits they had not been able to envision what the lives of the poor were actually like. Many Maryland and Wisconsin students reported being similarly affected. These experiences were probably successful because they occurred outside of the classroom, the context for which the rules-oriented student culture had developed.30

The location of courses within the law school curriculum is also a significant issue. Both Loyola’s and Maryland’s courses were required, and were presented early in the legal education process. Pennsylvania’s course, also well within the mainstream curriculum, came during the first year. While requiring courses may provoke resentment among some students, it may aid students in perceiving that these are legitimate subjects for legal study.31 Where curricula are organized so that the core is training for private practice, and

28. Students’ rules-orientation, in fact, reflects their embrace of many aspects of the legal education and examination process. See Anawalt, supra note 26, at 256-57.

29. See Paul Atkinson, The Reproduction of the Professional Community, in The Sociology of the Professions, eds. Robert Dingwall & Philip Lewis, 224, 227-29 (London, 1983) (comparing the student culture at the Becker group’s Kansas medical school with that analyzed in S. J. Miller’s 1970 study of the Columbia medical school). Atkinson found that there was a “marked social barrier between faculty and students” at the Kansas medical school, and that the student culture was “a sort of underground resistance movement.” In contrast, Columbia’s students were treated as “junior colleagues,” and “the relationship between student culture and faculty orientations [was] seen as complementary rather than conflict-ridden.”

30. See Becker et al., supra note 24, regarding the context-specific nature of student culture.

31. Uninterested students often object, for example, to requirements that they study criminal law when they have no plans to practice it, but they generally do not question its validity as a field of legal study.
lawyering for less advantaged persons is purely elective, students may believe that poverty law is not part of the real business of lawyers.\(^{32}\)

The placement of Maryland’s, Pennsylvania’s, and Loyola’s courses in the students’ training likewise seems important. By presenting the human, social, and political dimensions of law to students before they are otherwise acculturated, humanistic and theory-based courses may prevent a strictly rules-based orientation.\(^{33}\) Students just beginning their training are most open to new perspectives: once in their second and third years, they often become disaffected and focus on outside work and their job search.\(^{34}\)

The success of these projects is difficult to measure. Though changes in student attitudes were not always evident immediately, exposure to alternative perspectives of law may have a long-term effect on student thinking. As students enter, and remain in, practice, they will discover that rules are only one part of it, and a constantly changing part. It will become increasingly clear that the capacity for continual, independent learning is a lawyer’s most important skill, and that frameworks for thinking critically about the operation of law are among the more important tools acquired in law school.\(^{35}\) It is likely that students exposed to new ideas about the law, particularly if they are disturbed by the ideas, will continue to reflect on them over time, and their future experience will be affected.

**B. Transformative Practice**

A second group of projects combines classroom teaching with the clinical education model, developing students’ legal skills through service to disadvantaged persons and organizations that represent their interests. These projects transcend the usual boundaries of clinical education by providing a

\(^{32}\) See Robert L. Nelson & David M. Trubek, Arenas of Professionalism: The Professional Ideologies of Lawyers in Context, *in Lawyers’ Ideals/Lawyers’ Practices: Transformations in the American Legal Profession*, eds. Robert L. Nelson et al., 177, 186 (Ithaca, 1992). The authors note that law schools’ function of conveying information about the role of lawyers is fulfilled through formal teaching, but perhaps more significantly through “the ‘hidden’ curriculum that is embodied in the way law schools are organized, classes conducted, and values transmitted in informal ways.” *Id.*


\(^{34}\) Ronald M. Pipkin found that “[b]oth temporal and attitudinal disengagement from law school [are] commonplace among upper-class students in all school settings.” *Moonlighting in Law School: A Multischool Study of Part-Time Employment of Full-Time Students*, 1982 Am. B. Found. Res. J. 1109, 1109. Stover also noted that first-year students are more receptive to professorial discussion of moral, philosophical, or policy issues, but second- or third-year students typically react to such a breach of conventional behavior by putting down their pens—and perhaps also by rolling their eyes in disgust, whispering to a neighbor, or staring into the distance. By the second year, most students have learned that in law school legal analysis, narrowly defined, is what matters. Everything else is peripheral. *Stover, supra* note 23, at 59.

\(^{35}\) Feinman & Feldman, *supra* note 22, at 894.
practice experience that explores the transformative potential of legal representation. They combine legal experience with critical evaluations of the meaning and uses of law, and offer innovative approaches, challenging the conventional paradigms of legal action.

1. University of Michigan

Professors Jeffrey Lehman and Rochelle Lento of the University of Michigan Law School are implementing a Program on Legal Assistance for Urban Communities. Working from the premise that legal forms constrain the ability of community organizations to improve their neighborhoods, it seeks to help the organizations become more adept at manipulating the forms. In practice, that aim requires an understanding of corporate and tax law, and of the way business advisers deploy their knowledge in the service of their clients. The hope is that, with this expertise at their disposal, community organizations will be able to achieve socially valuable goals.

The project aims to show students how lawyers can make a difference as advisers rather than litigators; to make a meaningful difference for the client groups served; and to help persons within the university understand how community groups work, and how the law can help them pursue their goals. The first objective is particularly salient in the Michigan environment, where many of the students will have careers as corporate transaction attorneys. Law school clinical programs rarely provide opportunities for these students to exercise their deal-doing skills on behalf of low-income clients.

In its most recent offering, the project combined three distinct components. The primary component consisted of clinical fieldwork with various community-based organizations in Detroit. It was supplemented by a seminar that provided an analysis of Detroit’s current state of economic development, and intensive discussion of selected topics of immediate concern to client groups. Finally, students had the option of taking a three-credit classroom course (open to other students as well) that surveyed the various doctrinal areas bearing on the practice of community economic development law.

In the clinical fieldwork portion of the course, students worked with a specific community economic development organization, providing assistance with such matters as incorporating, developing bylaws, obtaining tax-exempt status, and negotiating contracts. The organizations were concerned with such issues as housing, teenage pregnancy prevention, concerns of poor or elderly persons, and commercial development projects. Careful selection ensured that the organizations assisted had the institutional capacity to take advantage of the project’s services, and that the project was able to address their needs.

Both students and organizations testify to the project's success. Students have helped clients clarify their goals and find ways to attain them. Organizations involved with the project are referring others for assistance. While the

36. The information for this description was provided through a telephone interview with Jeffrey Lehman and an article by Lehman & Lento, supra note 10.
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The project is still experimental, institutional support was demonstrated by a recent article lauding the project in a university-sponsored magazine, and by a congratulatory letter from one of the regents. It is hoped that these affirmations are the first step toward formal institutionalization.

2. District of Columbia School of Law

Professors Joseph Tulman and Susan Sutler of the District of Columbia School of Law (DCSL) are operating a clinical program through which law students assist children in the District's juvenile delinquency system. Most of the children in the system are affected by learning disabilities, emotional disturbance, or mental retardation. Their delinquency issues can often be resolved by addressing their underlying educational problems, but the system's social workers, attorneys, and judges are typically unaware of special-education law and unable to recognize educational problems. Participants in the DCSL clinic bring clients' special-education problems before the courts, confronting the courts with demands in a context where they normally hear defenses. This proactive approach is premised on the belief that clients are most effectively served by affirmative advocacy which addresses the underlying factors that create the problems.

The DCSL is an independent agency of the District of Columbia, incorporated as a successor to Antioch School of Law to provide practical, public-interest-oriented legal education, with an emphasis on training lawyers from traditionally underrepresented groups. It emphasizes clinical education as a mechanism for teaching students both lawyering competencies and professional values. By providing students a reminder of the reasons they originally chose to attend law school, the experience also helps counteract the influences that socialize students into abandoning public interest career goals.

The special-education project resides within DCSL's juvenile law clinic, one of six operated by the law school. Students are required to participate in clinical programs in at least one semester of each year of law school. Providing them with a comprehensive and systematic skills development program is an important pedagogical challenge. The instructors see a need to develop a systematic three-year design that trains students in various skills as they move through the program. A second challenge is finding a consistent approach to evaluating student performance.

The goals of the clinic's special-education project reflect DCSL's focus on the community. Besides training law students and assisting clients, the project has two other goals. First, it aims to transform the nature of juvenile justice practice by using the project resources to train practicing attorneys who will be a community of advocates for educationally disadvantaged children in the delinquency system. Second, it seeks to establish a comprehensive juvenile law

program that provides assistance to abused and neglected children and engages in legislative activity, impact litigation, and appellate advocacy.

3. New College of California School of Law

Professors Peter Gabel and Paul Harris of New College of California are teaching a course called The Politics of Law Practice. Its central premise is that successful lawyering for social change requires the articulation of a theoretical framework for understanding the role and uses of law. Planning and interpreting legal action within such a framework enables attorneys to integrate their representation of individual clients into broadly based social change strategies, and to recognize the implications of their daily efforts as components of the larger project. The course embraces two such theories. The first is that law is not merely a system of rules, but a culture of meaning in which important social values are debated. The second is that the goal of public interest legal practice is not merely to have lawyers attain clients' formal legal rights, but to empower clients by enabling them to engage actively in the legal process as an important part of American political culture. The ultimate aim is to transform legal process to make the claims of clients, and law itself, evoke a humane ethical vision.

New College is an alternative law school, devoted to training students for social change lawyering. The faculty found that a skills-oriented approach did not produce the consciousness necessary to make law students effective social change agents, and that even practicing public interest attorneys need ongoing help in maintaining their awareness: mired in the daily details of practice, they may lose sight of their work's implications and the philosophical priorities that led them to practice law. The Politics of Law Practice brings the two groups together to address both problems.

Students attend weekly classes, where lectures and discussion develop awareness of theoretical and political frameworks underlying the legal process. Students also are placed with practicing attorneys, with whom they work on legal projects and engage in weekly discussions about the political and social implications of their work. This discussion of implications is the focal point of the course: students explore the application of theory to their practical experience, and attorneys are reawakened to the implications of their work. The participating attorneys and legal workers found that the dialogue with students stimulated them to think about their practice in a politically conscious manner, and to test their experience against the vision of social change they had embraced when they chose to become lawyers.

Several modifications have been made to the course in the three years since its initial offering. One early difficulty was that attorney-student meetings often devolved into conversations about the practical aspects of cases. This problem was remedied by providing students with readings and questions designed to stimulate discussion. A second concern expressed by students was

38. Peter Gabel provided the information for this description through a telephone interview, syllabus, and detailed course description.
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a desire to spend more time at their placements. That may not be possible, because it would demand more time from the participating attorneys.

While the course originally was offered as an elective, it will become a required part of the New College curriculum. The administration intends to make it the basis of a new apprenticeship model; its integration of theory and practical experience will be the cornerstone of the school's conception of public interest legal practice.

4. City University of New York

Professors Susan Bryant and Maria Arias of the City University of New York (CUNY) School of Law at Queens College are conducting a clinical program on battered women's rights. It focuses on representation of battered women and on broader public interest lawyering issues through a seminar, direct action on behalf of clients and their communities, and case conferences that merge analysis and action.

CUNY is a publicly supported law school with several mandates: to focus on public interest law, to integrate the teaching of practice skills and professional responsibility into the core of the legal curriculum, and to serve the diverse populations of the city and state of New York. To fulfill these mandates, CUNY has developed a clinically focused program. All CUNY students are required to take part in an in-house or field placement clinical. The CUNY philosophy is expressed in the clinical programs' use of a planning/doing/reflecting model through which students continuously consider the implications of their experiences. The Battered Women's Rights Clinic is one option available to students for fulfilling their clinical requirement, and an example of the model's application.

The clinic teaches students about the substantive laws addressing battered women's issues, the practical procedures for obtaining court orders of protection, theories of family violence, and race, class, and cultural perspectives. While teaching students practical lawyering skills and providing needed services to clients, the program also teaches a broader lesson, a theory of legal representation as social action taken on a client's behalf.

A major premise is that it is important to represent poor clients in a way that recognizes and respects their individual perspectives. The instructors believe that lawyers often distort poor clients' needs and experiences to fit them into legal categories and frameworks. Adopting the clients' perspective makes it more likely that the representation will serve the clients' own goals and needs, and less likely that clients will feel subordinated to more powerful lawyers. Adopting client perspectives has the secondary benefit of giving students an external perspective through which to view and critique the law, enabling them to perceive unconventional, innovative uses of laws. But adopting and maintaining this perspective have proved difficult for many students. Instructors find that continuing dialogues are necessary to prevent students from slipping into traditional professional roles.

39. Information for this description was provided by Bryant & Arias, supra note 9, and by their presentation at the November 1991 Project Group meeting.
Students in the clinic assist individual battered women in obtaining court orders of protection and other legal services. They interview potential clients, determine their eligibility for clinic representation, and—for ineligible clients—identify other service providers. By requiring students to make choices among potential clients, the intake experience teaches an important lesson about the need to make difficult decisions about resource distribution. Students additionally engage in other assistance projects—legislative work, legal education, and research for community groups. These activities, which arise from individual client representation, show students how lawyers, working as advisers and problem solvers, can assist clients outside of the litigation context. The integration of various forms of action teaches students how individualized litigation can be incorporated within the context of broader social change efforts. It helps students combat burnout by demonstrating how often repetitive individual cases are elements of broadly constructed projects.

Students meet in seminar for two hours twice a week. The seminars include faculty lectures on theory and substantive law; presentations by lawyers, lay advocates, and academics whose work relates to battered women; class discussion; and rounds in which students make presentations and lead discussion about the cases they are working on. Students and clinical faculty meet periodically for case conferences to integrate students’ knowledge of substantive material with their representation experiences, plan for client-directed efforts, and evaluate the success and implications of efforts undertaken on behalf of clients.

During the first year of the program, students worked with client communities and designed the intake system and criteria according to community needs. They developed awareness about the communities they were serving and learned to design representation according to the clients’ wishes. In subsequent years, with students no longer engaged in course design, it has proved more difficult to maintain their awareness of the broader community context for their efforts.

5. Harvard University

Clinical Professor Gary Bellow of Harvard Law School has implemented a Legal-Medical Services Project in conjunction with the Harvard Medical School and Boston’s Brigham and Women’s Hospital. The project challenges the nature and meaning of professional services to poor clients, and seeks to reshape the popular and professional perceptions of the distinction between legal and medical service. Through the project, legal workers provide comprehensive legal needs checkups to uninsured persons waiting for nonemergency

40. Gary Bellow provided the information for this description through a telephone interview and a project summary.

41. The project is conducted in conjunction with a law and medical school course on the legal and medical aspects of health care. It is hoped that the participation of both law and medical students will lead to joint research on changes in health care delivery. It is also hoped that the law school will recognize the validity of the project’s attempt to change the popular and professional distinctions between legal and medical service.
medical treatment, assist them with problems they have identified, and educate hospital staff about legal issues that affect low-income patients. Two premises underlie the project. The first is that poor clients’ needs are best served by a holistic approach to legal services, which involves a comprehensive review of clients’ legal needs, modeled after a medical checkup. The second premise is that unmet legal needs are linked to, and shape, health needs by affecting clients’ stress levels, nutrition, ability to obtain needed medication or services, and other living conditions.

The project makes use of a variety of “legal workers” to perform the legal needs checkups, including students of law, medicine, and social work. The legal workers randomly approach persons in the hospital’s ambulatory care waiting room and conduct a structured interview of those who wish to participate in the program. They analyze the information provided by clients, identify potential areas for assistance, and discuss possible courses of action with the client. At the client’s request, project staff provide follow-up assistance, including referral to Legal Services for representation or provision of limited assistance and advice by the staff of the Legal Medical Services Project. Limited assistance includes drafting letters and documents, filing papers, and making telephone calls to agencies or utility companies on clients’ behalf. Project staff also conduct general education efforts with the hospital staff and make specific recommendations to treating physicians regarding patients’ situations and the implications for medical treatment.42

The comprehensive approach to legal needs analysis and service delivery contrasts with the organization of work in Legal Services offices, where clients receive assistance only for identified, specific legal problems. In the project, workers focus on what the client needs, rather than what lawyers do. The project challenges the conventional definitions of legal assistance and lets each client define the parameters of legal representation. The project hopes to institutionalize the legal needs assessment at all area hospitals and to convince Legal Services offices to institute the legal needs checkup approach; one Boston area Legal Services office is now experimenting with the project.

Law students involved in the project initially believed that their work was infringing on their opportunity to develop the conventional legal skills through participation in more traditionally structured clinical programs. But students changed their minds when they saw the impact that the project’s work has had on the lives of its clients. They discovered that most of the clients were unaware of regulatory protections or benefits that might improve their situations. They also found that most clients’ situations could be improved with the assistance of persons with minimal legal skills training.

6. Reflections

Participants in these transformative projects assisted their clients in controlling their situations and claiming access to rights and entitlements that the

42. For example, project staff might inform treating physicians about patients’ access to public assistance benefits, and how the availability of benefits affects patients’ ability to acquire prescribed medications.
legal system formally grants but does not actively provide. In addition, the projects engaged participants in efforts to expand the options available to their clients by challenging the meanings of laws, legal forums, and legal representation.

The Michigan and DCSL projects changed the meaning of specific laws by applying them in innovative contexts. The Michigan project redefined the social significance of commercial law by using it to enhance community organizations' legitimacy in the market arena; they used laws which generally organize power relationships within the commercial sector to redistribute power to communities formerly excluded by the market. The DCSL project transformed the role of the juvenile court by using it as a forum for asserting claims to educational entitlements. By asserting affirmative claims instead of simply defending against criminal charges, participants transformed the juvenile court from a system focused on determining legally significant facts to one concerned with the causes of juveniles' aberrant behavior.

Several projects focused on redefining the nature of the lawyer-client relationship. The traditional model emphasizes the independence and knowledge of the lawyer and subordinates the client. Its emphasis on doctrine echoes the tendency of law student culture to center on rules. The CUNY participants observed that this concept of professionalism distances lawyers and clients and causes lawyers to distort clients' experiences. Students, generally eager to test their emerging understandings within the context of concrete experience (and anxious about doing so correctly), may be particularly vulnerable to such approaches. The CUNY project emphasizes the need for students representing clients to permit the client to tailor the form and goals of her representation. Case conferences help students to adopt the client-centered perspective.

43. On the strategies and potential for the politicization of routine cases, see Gabel & Harris, supra note 5, at 395-99.

44. The "distancing" model of lawyer professionalism embraces what Donald Schö n refers to as the "technical rationality model": a positivist/scientific view of the professional practice that is based on the perfection of the professions' identifiable skills. The Reflective Practitioner (New York, 1983); see also Nelson & Trubek, supra note 32, at 196 (stating that the rhetoric of professionalism requires a construction of lawyers' knowledge as specialized skill, and something more than the pursuit of client interest).

45. See supra notes 25-27 and accompanying text. Carrie J. Menkel-Meadow believes that law professors contribute to the formation of this model: "The hierarchy we establish in the classroom provides an unfortunate model for the lawyer-client relationship. All knowing and all powerful, we control the classroom dialogue and dismiss what is not important to us." Can a Law Teacher Avoid Teaching Legal Ethics? 41 J. Legal Educ. 3, 8 (1991); see also Louis M. Brown, The Trouble with Law School Education: A Consultation as a Microcosm, 18 Creighton L. Rev. 1343 (1985).


47. See Simon, supra note 8, at 486-87. Simon encourages lawyers to create "communities of interest" with clients in the course of their representation, promoting client understanding and involvement and guarding against client passivity and hierarchy. See also White, To Learn and to Teach, supra note 8 (suggesting use of a "change-oriented lawyering method" which directs its efforts at "empowering clients").
Both the CUNY and New College participants also noted that lawyers can lose their perspective on the political and social implications of their practice when they become mired in its daily details. They found that students—and lawyers—can avoid burnout by being conscious of their work with individual clients as increments of a broader social change project. CUNY uses projects conducted outside the legal context to remind students that in assisting individual battered women they are working for widespread social change in women’s roles and communities’ responses to their abuse. New College employs dialogues to assist its students in developing a vision of the social and political implications of their work and in cultivating the application of this vision to their legal experience on placement projects.

Several projects expanded the meaning of legal services by assisting clients outside the litigation arena. Through the Michigan project, students assisted their clients solely as advisers, performing services typical in corporate transactions but unusual in the legal services context. Students participating in the CUNY project assisted their individual clients in court actions, but also worked on behalf of clients and their communities through public education and law reform projects.

The Harvard project challenged both the nature of legal service and the validity of distinctions between legal and nonlegal client assistance. The project dismantled the boundaries created by legal specialization by intentionally blurring the distinctions among various subareas of legal practice, and by challenging the separation of clients’ legal and “other” needs.

As teaching vehicles, the projects demonstrated that the experience of success within legal frameworks can be very effective in developing sensitivity to marginalized persons and commitment to working on their behalf. Client surveys, student evaluations, and other sources of feedback showed that both clients and students are greatly empowered by successful legal action. That experience of empowerment can mobilize clients to assert claims in other contexts and reinforce student commitments to using law to further the public interest.

C. Policy Formation

The final group of projects involves interdisciplinary efforts to develop informed strategies for advocacy and legislative action. These projects recognize that social change efforts cannot be confined within the boundaries of

48. Lucie White explores the possibilities for this form of representation in Mobilization, supra note 8; see also White, To Learn and to Teach, supra note 8 (discussing efforts to teach South African villagers to resist the government’s attempt to remove them to remote townships).

49. This project emphasizes the view that “what lawyers do” is essentially a construct of the profession, and inherent in neither the laws nor the structure of the legal system. For discussion of professions’ construction of their “corporate identities” and the formulation of “professional skills” as beyond the competence of laypersons, see Eliot Freidson, Professionalism as Model and Ideology, in Lawyers’ Ideals/Lawyers’ Practices, supra note 32, at 215, 219-20.

50. In addition to the projects discussed in this section, there is one at Seton Hall Law School. See Bernard K. Freamon, A Blueprint for a Center for Social Justice, 22 Seton Hall L. Rev. 1225 (1992).
the legal system. They envision the law school as a center for interdisciplinary action, and see lawyers and nonlawyers working together in a variety of arenas, with experiences acquired in one arena informing work in others.

1. University of Mississippi

Professor Deborah Bell of the University of Mississippi Law School is developing a housing law clinic as the first step toward a housing law center. The clinic will incorporate teaching about housing law with practical experience in housing advocacy. Its projects will combine the formation of regional housing advocate networks with representation of individual clients, community education projects, and statewide initiatives focused on drafting improved legislation and developing new programs.

In Southern states, housing advocacy is a particular challenge. The populations are largely rural, and advocacy organizations are scarce. Because it is hard to develop organizational initiatives and networks, there is little housing-related legislation, and its effectiveness is limited because landlords often cannot afford to bring housing up to legislatively imposed standards. In addition, people who live in extremely poor conditions but own their homes are not subject to legislation governing rental markets. The result is a need for the development of innovative solutions both in the legislature and outside the legal system.

The Mississippi clinic will enable the law school to serve as a communication center and provide support for persons and groups engaged in housing efforts. It will bring together many different housing advocates—pro bono and Legal Services attorneys, nonprofit and state agencies, tenant organizations, and members of the law school community. The University of Mississippi graduates a significant number of the state’s legislators and policy makers. The clinic is designed, in part, to sensitize law students to housing issues and motivate them to be advocates for housing legislation when they become community leaders.

In its first stage, the clinic is promoting the implementation of Mississippi’s newly enacted warranty of habitability legislation, which requires landlords to meet minimum quality standards. Participating students represent individual clients, educate communities on the new act, and work for further legislative reform. The clinic is combined with a weekly two-hour housing law seminar, developed from a class that Professor Bell has taught for the last four years.

In its second phase, expected to occur within two years, the project will expand and operate as a regional center on Southern housing law issues. The clinic will serve as convener for a multistate coalition of housing advocates and providers, and it will arrange legal representation for nonprofit housing groups by coordinating and assisting pro bono attorneys in providing representation.

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2. University of North Carolina/North Carolina Central University

Professor John Boger of the University of North Carolina School of Law and Dean Mary Wright-Hunt of North Carolina Central University School of Law are engaged in a joint project that focuses on poor children and public education. It arose from the recognition that educational disadvantage is a major factor in the creation and continuation of problems facing poor families, and that educational disadvantage can be lessened through legal advocacy that brings about institutional changes. The project combines interdisciplinary convocations, a law course, and law school clinical programs. It has multiple goals: to examine theories about poverty and education; to advance the educational opportunities of poor children; to invigorate interuniversity and interdepartmental cooperation on poverty issues; to tie the two law schools more closely to their communities and to practicing lawyers; and to sensitize law students to the need to take account of the concerns of low-income persons in policy decisions.

The first stage of the project is a series of convocations and working sessions in which panels of experts and advocates from various disciplines will discuss potential solutions to educational problems. Smaller work groups will then devise specific plans for the improvement of North Carolina's schools, including policy and/or litigation proposals. At a subsequent convocation, educators, legislators, and parent groups will refine the proposals with the goal of developing a widely endorsed program of educational reform.

The project involves both classroom and clinical law teaching. An elective course, Race and Poverty: Some Constitutional Considerations, was offered at UNC in the spring of 1991 and subsequently has been jointly offered by both law schools. The course examines the relationship between social and legislative change, and combines an overview of constitutional and historical poverty issues with an in-depth examination of the experience of North Carolina's poor families. It emphasizes the interaction of inadequate housing, health care, and social services programs with educational deprivation, and the relationship between poor educational attainment and unemployment, underemployment, low-wage jobs, and the cycle of poverty. UNC is also offering law students the opportunity to participate in clinical programs involving litigation of poverty and education issues, in cooperation with attorneys of the North Carolina Legal Services Resource Center.

The project is based on the belief that education can be a "service integrator" spanning the social welfare and public health arenas, and an awareness that the consequences of inadequate education transcend disciplinary boundaries. It is the first step toward a long-term goal—establishing a multidisciplinary center on poverty in North Carolina.

52. Jack Boger provided the information for this description through a telephone interview and project summary.

53. The two universities plan to offer an additional poverty course to students from the UNC schools of social work and education as well as students from both law schools, and they plan to develop programs for law student independent study and intensive law school seminars on the topics developed during the convocations.
Professors Lucie White and Joel Handler of the UCLA School of Law conducted a series of faculty and practitioner seminars directed at the development of innovative approaches to the problems of homeless families. The seminars brought together community advocates for homeless persons; academicians in law, public health, social welfare, psychiatry, architecture, and urban planning; and several law students. The seminars were designed as interdisciplinary efforts: since social problems transcend disciplines, the development of effective responses requires research, analysis, training, and education that combine multidisciplinary and multiprofessional approaches.

Homelessness was chosen as the project’s focus because it is a complex problem that has often been subject to narrow approaches. A long history of attempts to address the problems of homelessness in Los Angeles County had developed a pool of professionals with expertise and had led to a series of law reform efforts.

To create a project of reasonable size, the participants focused their inquiries on homeless families, and specifically on their access to income and shelter. Despite that focus, the problem of homelessness was seen within the broader context of failed public assistance safety nets, shrinking employment opportunities for unskilled workers, reductions in government housing assistance programs, racial discrimination in housing and employment, and numerous other social afflictions.

The seminars met for three hours, once a week, for ten weeks. Each meeting focused on a specific topic that the participants had collectively chosen—for example, the dimensions and causes of homelessness problems, recent litigation efforts, problems encountered in reform efforts, and possible solutions. In discussions the group applied its collective knowledge to the immediate problems confronting working advocates for homeless families.

Several themes recurred frequently. One was the limitations of traditional legal approaches: the gap between the acquisition of a legal right to housing and the acquisition of actual housing. This gap was illustrated by the practical and administrative obstacles that impeded homeless families' efforts to convert AFDC housing assistance vouchers (won in a major litigation victory) into actual housing, and by advocates' experiences with administrative agencies that responded to represented clients at the expense of other homeless persons who sought help without representation. Another recurring theme was the importance of developing a sense of community and empowerment among homeless people.

The seminar was successful in generating both short- and long-term collective plans for action. But its greatest success was in providing professionals from various disciplines an opportunity to understand one another's work. By exploring shared goals and experiences in attacking social problems,
they moved toward a common understanding and were reenergized in their efforts.

4. Harvard University

With Professor Duncan Kennedy, Gerry Singsen, a lecturer at the Harvard Law School and coordinator of Harvard's Program on the Legal Profession, conducted a conference, Housing Advocacy for the Poor in New England. It brought together persons who shared a concern with housing issues—but had diverse and often conflicting professional and theoretical perspectives. The goal was to help them think more fully about the underlying assumptions and the implications of their advocacy decisions. Conference organizers hoped that participants would develop ideas for more effective advocacy strategies, that barriers between opposing perspectives would be broken down, and that meaningful exchanges would challenge academics and advocates to critically evaluate their own work in light of others’ experiences and theories.

The participants, selected for their leadership and expertise in regional housing efforts, included academics from law and other disciplines, Legal Services lawyers, housing and poverty advocates, and policy makers. All participated in three days of intense discussion, organized around three dilemmas: neighborhood instability, evidenced through deterioration of housing stock and community gentrification; the allocation of scarce housing resources between the more and less advantaged; and racial concentration. These were selected as the basis for discussion because each recurred in various areas of housing advocates’ work, illustrated the possible inconsistencies in several dominant housing advocacy strategies, and presented a number of practical problems not susceptible to obvious resolution.

The conference was designed to encourage each participant’s full involvement. Discussion of each dilemma was initiated by a small panel of speakers, then expanded to include the entire group. A fishbowl seating arrangement encouraged all fifty-three attendees to join in the discussion: the panel sat at a small table in the center of the room with the other participants seated in concentric circles around them. The result was a spirited, thoughtful debate.

That spirited participation demonstrated the conference’s success in bringing together people with different perspectives, and also the difficulties in overcoming the barriers created by conflicting goals, time frames, constituencies, and assumptions. The conference created an opportunity for persons with various constituencies, allegiances, and assumptions to express and develop their ideas without risk, and with the aid of the insights of conflicting perspectives.

5. Reflections

The projects in this group have demonstrated that interdisciplinary efforts can be effective in developing new, creative solutions to inequality and other

55. Information for this description was provided by telephone interviews with Gerry Singsen and Duncan Kennedy and from Singsen’s article, Advocates and Academics in a Fishbowl: Application of a Dialogic Model, 42 Wash. U. J. Urb. & Contemp. L. 163 (1992).
social problems. Legal academics, working advocates, and nonlegal theorists all have much expertise on these issues, but their knowledge is fragmented and their perspectives and programs often conflicting.56

As one develops specialized knowledge and constructs a professional identity, sometimes the perception of possible ways to apply one's expertise becomes increasingly limited.57 These projects show that bringing experts from various groups and disciplines together can advance knowledge by encouraging experts to cross disciplinary or programmatic boundaries and to confront one another's perceptions. By enabling participants to transcend the perceptual frameworks that accompany their disciplines, these collective efforts make possible new ways of thinking about, and responding to, social problems.

The linkages between the law schools and practicing lawyers and advocates were particularly fruitful. These projects bridged the gaps between legal education and legal action, both by deploying law school resources toward the goals of direct action and by enabling legal academics to benefit from the experiential insights of practitioners. The interchange between legal practitioners and theoreticians broke down the false dichotomy between legal theory and practice. Each group enriched the other, and the interchange created new possibilities for a single set of informed strategies for action, ongoing cooperative efforts, and accomplishment in both the academic and practice arenas.58

The willingness of nonlegal advocates and experts to engage in these projects shows that law schools can play a central role in collective efforts to improve social conditions. Despite the growing awareness that legislation alone cannot solve social problems, legal responses remain a vital, and viable, component of U.S. political culture.59 Because law professors are identified as legal experts, law schools possess a high degree of legitimacy in the process of public policy formation: they have easier access to the legislative process, and can develop networks and collectives around public policy issues. The success of the Harvard, UCLA, Mississippi, and North Carolina projects suggests that practitioners and nonlegal experts may find that working through the law school can be a valuable and efficient method of participation.

56. The Harvard project, for example, exposed conflict among advocates regarding the legitimacy of strategies centered on combatting evictions of low-income tenants, as opposed to maximizing the supply of low-income housing.


III. Conclusion

The members of the consortium embrace varying beliefs about lawyers as social change agents, the legal system's role in social change, and the nature and possibility of social change. But several common themes emerge from the projects we have described.

The projects integrate critical thinking about law with legal doctrine in both teaching and practice arenas, thus testing both the soundness and the possibilities of critical theory. Many projects overcame the privileged status of knowledge gained through scholarship, by taking seriously practitioners' insights or by looking to nonlawyers, including clients, to define the contours and goals of legal practice.

The projects also present students with an alternative to the notion that "thinking like a lawyer" requires a focus on legal doctrine devoid of its social context. The presentation of legal doctrine within the rich contours of personal experience or in conjunction with overarching theoretical perspectives about law's social roles helps students understand that issues of justice and human impact are valid concerns of lawyers—as complex, intellectually challenging, and relevant as doctrine.

Experience has demonstrated that a significant number of students who enter law school with public interest career goals abandon those goals during law school. There are many reasons for this change. Some, such as the general legal culture, the market for legal jobs, students' work experience, and changes in family needs, are external to the law school. Others, including the formation of a student culture that devalues public interest employment, occur within the law school context. By providing a source of support and information for students with an interest in poverty law issues, these projects may help to create a subculture that sustains students in the pursuit of public interest career goals. We will not know the long-term effects until a significant number of students who participated in the projects have graduated and entered the profession, but many students did report or demonstrate that their experiences affected their thinking about poverty and the legal system.

Several of the projects forge new ground for legal education, redefining legal scholarship through interdisciplinary and community-based efforts. Their challenge to legal scholarship's boundaries emphasizes that the law, as a discipline, is socially constructed, and that its practitioners often define its limitations.

The consortium's Project Group has demonstrated that legal education can create social change strategies, agents, and efforts. This has happened at a time when the lack of a coherent federal poverty relief effort, fiscal crises in

60. The scarcity of public interest jobs may be a significant factor leading to student abandonment of public interest aspirations. See Howard S. Erlanger, Young Lawyers and Work in the Public Interest: A Problem of Supply or Demand? 1978 Am. B. Found. Res. J. 83.

61. Stover concluded that "significant exposure to a public interest subculture was closely associated with the retention of an initial preference for public interest practice." Stover, supra note 23, at 105.
local government, and increasing pressures on housing, health care, education, the legal system, and families have created the opportunity, and the need, for the legal community to take the initiative in developing innovative and effective responses. The Project Group's experience also demonstrates that participation in the reconceptualization of poverty law does not require major infusions of capital or specialized expertise. Most projects were efforts already in progress at member law schools. Many involved classroom teaching or clinical education—activities well within the mainstream of legal education's current practice. The group's experience shows that any law school can become engaged in the process of exploring the roles of law schools as agents for social mobilization, and redefining the contours of legal education.