



CONFRONTING ISSUES OF DIVERSITY AND EQUITY IN LEGAL AID FUNDRAISING

By Tanya Pietrkowski, Director of Development, CARPLS Legal Aid, with contributing author Delia Coleman¹

At the MIE 2016 National Fundraising Conference in Chicago, I led a panel that discussed the fact that more foundations are expecting the nonprofit commu-



Tanya Pietrkowski (L); Delia Coleman (R).

nity to figure out how to increase equity on their boards, staff leadership, and in their programming. The discussion opened a space for participants to talk about the various ways our organizations are not inclusive or equitable. From gender to race, a picture of our industry arose that contradicted the vision of a different world upheld by our organizational missions.

For some of us in legal aid, there is the belief that we already serve a diverse clientele, so we are already preaching to the choir. Yet, when you consider that most of our boards are composed of lawyers (often white and male), we may be missing the boat. In many cases, we also lack inclusion in terms of race, gender, economics and sexual orientation. By omitting people outside of the standard profile of the legal community, we are closing off opportunities for new pools of donors and for increasing the governance, effectiveness, and mission capacity of our organizations.

Perhaps this is why building support outside of the legal community is so difficult. However, if legal aid is going to thrive in this uncertain climate, at a time where more people are representing themselves in court and are at the mercy of a system biased towards

those who resemble our lawyers, we have to shift our thinking.

While clear answers are hard to come by, I hope we can begin to examine our field and begin to have meaningful conversations within our organizations and among our boards. The thinking and approach behind addressing implicit bias and equity issues — that we all have space to improve on — is a grave matter of justice and equity.

Fundamentally, justice is an outcome. It is the Golden Rule applied rigorously and impartially, to everyone. The way the world works for people of various levels of social privilege is the way the world should work for those differently situated, regardless of race, gender, class, or other identities. For example, the way the various parts of the legal system work for the typical upper-middle class teenager from a well-to-do suburb is the way the legal system should work for a teenager from the south side of Chicago or anyone else. One way to see Equity is to look at it like it is a path-

way to achieve justice. Equity, particularly through a racial lens, is situational fairness resulting in the inability to predict advantage or disadvantage by race, improving social and institutional outcomes overall, while closing racial gaps within those outcomes. It requires addressing areas where structural racism exists. It also requires applying differential resources to unequal needs; removing barriers for

dissimilarly situated individuals, families, and communities; and treating similarly situated individuals, families, and communities equally.

As we enter a period where basic protections for low income and dissimilarly situated communities are likely to be rolled back, both at the state and federal level, grounding our work and our organizations in justice and equity is even more imperative. Our current political and social reality makes our approach towards addressing the issues of implicit bias and racial equity

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important and fragile. As fundraisers within organizations with critical missions designed to make our justice system fair and accessible to those communities most affected by structural inequities, we can carry special influence in helping our organizations broaden their perspectives and scope. What follows are a few suggestions for how we can begin to have these conversations inside our organizations.

First, consider your own life experience to begin to open a line of questioning that asks you to put yourself in your client's shoes.

In my example, I grew up in a rural town in Southeast Georgia in the 1970s as the only Jewish child in my class. I have fond memories of my childhood and still love my hometown. But, there were moments where I was very uncomfortable as an outsider. Religion was one of the most important institutions and building blocks of our community and schools. Every morning our teachers would read a prayer devotional, often with a Christian emphasis. My parents protested and noted the 1963 Supreme Court decision on the separation of church and state in schools (according to my parents' interpretation) and as a first or second-grader I was sent out of the room into the hallway during the devotionals. As I sat outside, teachers would ask why I was being punished and then I would uncomfortably explain my parents' position.

There were many occasions where I would talk one-on-one with people regarding my religion and no matter the questions, I was ready to address them openly. However, I knew that I was different and it gave me a sense of being an outsider that helped bring perspective to minority populations. It also gave me a perspective that I didn't necessarily understand what another person was facing or experiencing.

Second, find a way to identify and confront your own biases. Most recently, I took the Harvard University's online implicit bias test called Project Implicit. I was surprised to learn that I have a bias favoring men. It gave me an opportunity to take a step back and think about my approach with donors. Am I reaching out to enough women? My agency serves primarily women, do I need to think about changing the language in how I talk about who we serve? Do I need to spend more time cultivating women donors? The recognition of

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the bias has helped me be more reflective on how to change my approach in thinking about women and women's issues. These unacknowledged biases have a way of invisibly affecting every interaction we have in our organizations (e.g., from hiring, board recruitment, and fundraising and community relations). They also create an assumption of "common sense" when it comes to our decision-making; in reality, these decisions made are the product of biased social conditioning.

Third, engage your funder in this conversation. Philanthropy is beginning to ask questions of its own grantmaking strategies; is it contributing to racial justice, equity, or social change? Organizations like the National Committee for Responsive Philanthropy, ABFE, the D5 Coalition, the Forum of Regional Associations of Grantmakers, and others have been convening over the past few years to ask these questions and to

press for change. Rather than have equity and justice outcomes imposed by a funder, it is more valuable to engage program officers now on how to partner with them in order to build internal capacity to make these changes — which helps the foundation meet its own goals. Foundations have access to facilitators, research, and other resources that can help you navigate this path forward.

Lastly, consider how a more explicit and visible justice and equity framework can set you apart from the crowd. With nearly forty legal aid organizations in Chicagoland, my agency has a challenge in differentiating itself and educating community leaders on the breadth of services needed for criminal and civil legal matters. Likewise, community leaders have difficulty knowing what we do and how we are different from others. How could our missions be stronger if there was a stronger understanding of our work, and how can we get there without including representatives from those communities in which we work? One legal aid organization in the city deliberately began to build a small group of clients to engage directly with the organization and the issues they fought for; slowly, over time, this group of community advocates has grown significantly, helped pass legislation, communicated with legislators, and now exists as the visible face of the organization's mission in the community, thus

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increasing its profile. As those community members tell their stories, support for the organization has increased. The biases preventing us from seeing our community members as critical partners in our work prevent us from strategically expanding the reach of our services.

I wrote this piece on the day we honor Dr. Martin Luther King, Jr's life and legacy. It is fitting we challenge ourselves, our organizations, to live his principles of radical fairness and justice. But in order to fully realize his vision, we also need to look beyond our programs and examine what structural changes we are willing to make after we identify and work to eliminate our biases. Good intentions are nice but changing intention to action, and making them a permanent part of organizational practice is how we match our outsides to our insides.

So, while it seems we need to advocate for issues that we thought were settled long ago, I also believe that we will continue to make change for the better and put Dr. King's words into practice. As a fundraiser, I will lead the conversation wherever I can and learn in the process.

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Women of Color: Essays — “WoC. Steel. Lead.”

By Aurora Martin¹

“On Leadership, Still in Love with Justice”

This week marks a last dash to the finish line after a marathon run of working for justice, from intern to executive director of a place I have called home. The chance to serve and demand more of myself in service of others has been a gift. I have tried to #ImagineJustice beyond the courtrooms and halls of political power, believing that justice must also be an experience in our American democracy. And along the way, I realize my journey of leadership as a young woman of color has been a constant reconciling of power and love. Of confidence and temperance. Instinct and expectations.



I was never the norm. I was young. Too ambivalent. Too inexperienced. Too odd. Too idealistic. Within the context of a legal profession governed by tradition, pomp and circumstance, I existed within a subculture of rebellious lawyers who believe in justice for all. And how do we make that notion of justice for all align both heart and mind, I asked?

I look back at 18 years to know that I wrestled with the hardness of the rule of law and the compassion of heart, and what it means to walk, steel, and lead. “*Who do you think you are?*” To navigate the power of internal and external doubt from all fronts through humility and humor, requires you steel yourself. “Your ideas are too out there.” You steel yourself because you are mission driven and focused. You steel yourself in the face of adversity and uncertainty because of a resilient imagination, indefatigable hope, and an unbreakable spirit. “*Does she know what she’s doing?*” In the face of adversity and chaos, you just lead like you did when you were that only person working the drive-in as an underage peanut serving up burgers, fries, and milkshakes, working cashier/cook/cleaner to the onslaught of hungry construction workers. In the midst of a

world recession from which you inherited a fiscal crisis, starved staff morale, and a new menu of work for which you don’t quite have enough inventory and revenue, you keep walking, steeling, and leading because survival is the only option you have zeroed in on. You always lead with hope, reassure with humor, plan for what’s possible and prepare for contingencies. “*Our work for justice speaks for itself.*” No, it doesn’t. One of the things I have grown comfortable with is telling stories. Evangelizing the good news of justice was the first step I took in building multiple platforms to amplify our impact, rebrand and thus transform our “look and feel” — our feel of justice — imagine that: a movement towards the infinite loop of love and justice. The second step was opportunistic risk taking investment (and a lot of unwasted luck) in the building back up of the budget that goes along with telling your story with confidence. And the third step was going outside of the community, not just to expand our circle of friends, but most importantly to expand upon our ideas of how to do more and do better in our job to serve justice to people. This was a journey of social innovation in a sector that is slow to move, and within a subculture of skepticism about tradition and modernization.

I finished cleaning my office today. Had my last board meeting yesterday. Reviewed and reduced boxes whose contents document a history in #LegalAid of holding the line of justice for those who are made to feel the least among us. I tag the containers as a ritual of memory and for archiving so that the next generation may never lose perspective. Still in love with justice, I am set for the next adventure with #PopUpJustice. Coming soon.

“A Few Last Words on a Career with Lawyers for Justice: Keep the Movement Moving”

In this piece I share my formal remarks for the Washington Alliance for Equal Justice. A career in legal aid has made me brave, and now moves me to

adventure into the possibilities of a social enterprise for good. Thus, popupjustice.

I have a story of why I have traveled to find justice. Why, today on my last day and after 18 years of service in legal aid, my closing statement is that I still remain in love with justice. And why, my story, and the story of how I make sense of us as a community, is about imagining, inventing, and surviving.

The story of civil legal aid is about a movement then, now, and into the future — a movement of advocates who will not stand down in the face of oppression; advocates who are relentless about seeking opportunity to expand a sense of a beloved community.

We have a collective history, an identity, and a trajectory to do good. Be different. Be hopeful, in the face of unleashed hate and the unraveling of our country.

Harvard Professor Marshall Ganz, famed community organizer who grew up in Bakersfield, CA and worked as an organizer with Cesar Chavez's United Farm Workers, called this iterative, nonlinear process: Telling the story of SELF, US, and NOW.

Self, Us. And Now... Stories that connect each of us to each other, to a collective sense of urgency to act, become the “public story” around issues that matter, those that express our core values as a shared and “lived experience.”

And the importance of this process that yields a public story stems from the need for people to connect. And when we can connect, whether it is through counseling a client, an opening statement, legislative testimony, a report, a press conference, a film, an essay, a news feature, or a book, the moral of the story can bring profound and deep understanding and a sense of community between people.

And for the people we serve and in the communities we live in, our work for justice — that profound understanding advanced in the law — can be a lasting victory that transcends the courtroom and legislative bodies we work in, and begins to “rule” the hearts and minds — of decision makers, communities, and the people we aim to serve.

Where I Come From

At the twilight of my legal aid days, and the dawn of a new and uncertain adventure for me, my story of

justice is seen through the lens of imagination, invention, and survival.

Whether it was my grandfather who tried anything and everything to survive — from sewing, farming, raising chickens, pawning, street-vending, and then literally inventing his way out of poverty. The WWII army tires my grandpa saw strewn on the street, were not just refuse and reminders of war but in his mind and through his hands, they were recycled and became shoes, mats, and household items. He set to recycle those unclaimed tires, and when I would hear his story as a child and when I reflect on it today, I imagine grandpa was a self-driven industrial seamstress. Ripping, drawing, cutting, selling to send his 11 children to school.

Or, my grandmother who buried her grief and walked the streets of wartorn Manila, while bombing and looting were going on. With nothing but the clothes on her back, a newborn in her arms and the clutch hand of my mother, walking and knocking for shelter as a new widowed single mother without the slightest clue of a future beyond the next few hours. Grandmother walked and knocked until one day she got here to the U.S., dove into the dumpster and found a typewriter that she imagined would lead her to become a secretary.

And so their legacy of survival is in my blood. I imagine that my grandparents stories of hustling and buried grief and resiliency is not so different from many of the people we serve as lawyers for justice. Imagination, sustained by hope, wrought grit and fueled survival.

The Civil Legal Aid Legacy

As I pass the baton of leadership, I have lead with this personal filter of imagination, invention, and survival.

It has been well over 50 years since this country declared a “War on Poverty.” And our shared legacy about serving the greater good, serving justice to people together, is one we must embrace in unity.

Today, there is so much at stake and at risk, for the communities we serve, for the livelihoods we have committed to, and the ideals of American democracy and justice. Because of this war on “otherness” — on immigrants, black and brown people, women, children, LGBTQ, people in poverty — and because of the reigniting of a culture of disequilibrium, we cannot afford

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to lose hope; we cannot afford to lose our stealth imagination, to persist in the invention of solutions is ever more important; we cannot afford to be divided for survival is at stake.

We are called to serve at a time when we are fatigued and in fear. And friends, we must not be afraid to fail. I am not afraid to fail. We must be brave and commit to moving forward as a powerfully allied and impactful community that serves justice with hope and dignity.

We are unable to do that effectively if we ourselves are misaligned. If we are in fear and divided, then the justice we serve is only defensive. When we move together, we have the potential to move justice towards a trajectory that moves forward, broadly and with audacious love.

You have a window of opportunity to come together and love justice, and show to the world that in our small corner of the nation, our small community of warriors for justice, has a big heart and big mind who are as audacious in our advocacy as we are undeterred in our hope.

Our imagination of equal justice for all, our invention of the Alliance for Equal Justice, and our shared legacy of surviving to work for justice are rooted in our nation's history, connecting us to a time when the political and economic context was ripe for a new kind of movement:

1. I imagine that our work for justice is what legal services attorney and visionary, Edward Sparer,

Because of this war on "otherness" — on immigrants, black and brown people, women, children, LGBTQ, people in poverty — and because of the reigniting of a culture of disequilibrium, we cannot afford to lose hope; we cannot afford to lose our stealth imagination, to persist in the invention of solutions is ever more important; we cannot afford to be divided for survival is at stake.

described as having the potential to be a "transformative kind of advocacy" when performed at the highest level.

Edward Sparer even imagined a Constitutional Right to Survive, and fashioned a bill of rights for the poor, which included guaranteed rights to adequate income, privacy, due process, choice of residence, and freedom from moralistic conditions upon the receipt of benefits.

2. I imagine that our work for justice must always be inventive, and passionately driven to redirect the trajectory which Dr. Martin Luther King Jr. described as a history that inextricably linked race and poverty, and one that should stir the deepest part of our very souls.

On reflection, if I were to choose one message to pass on as my last few words in our community as a lawyer and leader who grew up in legal aid, I would leave you with this:

On reflection, I am reminded of Dr. King's take on the delicate balance power and love:

We've got to get this thing right. What is needed is a realization that power without love is reckless and abusive, and love without power is sentimental and anemic. Power at its best is love implementing the demands of justice, and love at its best is power correcting everything that stands against love. It is precisely this collision of immoral power with powerless morality that constitutes the major crisis of our time.

— Last Presidential Address, Southern Christian Leadership Conference 1967

3. How we imagine the kind of world we hope to live in and pass on, that imagined community with each other, is what should stir us into action and we must essentially be ready to engage and evangelize.

Our work must be marked by "Aggressive Advocacy" as national housing advocate and professor, Florence Roisman urges.

Why? Because our history, our identity is that...

We are not ordinary lawyers. We are part of the mission to end poverty.

Our work is to attack and eliminate the structures that keep people poor. The structures that bar them from what they need to not BE poor. The structures that prevent them from giving their children:

- » Good education.
- » Good jobs.

- » *Good housing.*
 - » *Good healthcare.*
 - » *Good recreational facilities.*
 - » *Respect from government and private suppliers of services.*
 - » *Fair rules.*
- And a fair shot at the good things in life.*

Origin of Our Story

Imagine justice. That is what legal services in Washington State did. We came together against all odds, and imagined a path forward and invented our solution to survival — to reconfigure ourselves programmatically, culturally, and as a community of legal aid providers with shared values and a common purpose to extend equal justice for all. That was and remains our reason for being. And today, it is ever more so — to marry civil legal needs with civil rights. To align our hearts and minds, wise and compassionate to the propensity of oppositional views of power and love.

Justice Challenged

Through the years, as the Alliance for Equal Justice has evolved, we have had to defend the essence of our work for justice — preserving all the tools we use and ensuring that no one population of people gets written off.

Today, our work has sharpened and aimed at extending, transforming the reach of equal justice across the state. But we are faced with the challenge of sharpening our tools further, holding fast as a community and steeling yourselves as soldiers/warriors for justice. Now more than ever, we must be willing to imagine justice, invent solutions, and stand together to survive.

We must stand and serve together when refugees and immigrants are denied their humanity at the airports and ports of entry; we stand together when inmates are shackled and in solitary confinement, only to lose dignity and their lives; we must stand together when the families who harvest and serve our nation's

food are forced to work under the remnants of Jim Crow and vestiges of slavery; we must stand together to shine a light on the continued colonization and deprivations of indigenous communities; we must stand together at every front in the face of a determined regression to racialized incarceration. We must stand undaunted because the survival of more than our movement depends on it, the survival of a vision for how we imagine a better world is at stake.

It seems so long ago, when Dr. King delivered his last speech in the sweltering spring of 1968. He spoke of the need for continued struggle, the need to march ahead — that no dogs, no fire hose, no injunction would keep the nation from moving forward.

Well, among the least of all people, I have not yet been to that mountain-top, and this is certainly not my last speech. But trust that I will keep climbing with all of you . . .

To Imagine justice. Invent solutions. Stay determined to Survive.

Love justice.

Our work is to attack and eliminate the structures that keep people poor. The structures that bar them from what they need to not BE poor.

- 1 Aurora Martin is a social innovator, developing partnerships to re-imagine justice and invent a virtuous cycle of public good. As an inaugural 2017 American Bar Association Innovation Fellow, Aurora will be launching her social justice startup and developing, among other projects, a new virtual platform for a more efficient meeting of the minds matching scholars and advocacy organizations to advance research and policy. She aims to collaborate with a diversity of thought partners and creatives to convene cross-sector experts, produce projects, and incubate innovative ideas in the public interest. She has served in Washington's legal aid community for nearly twenty years, having grown up from intern to Executive Director at Columbia Legal Services, a social justice program whose mission is to engage in systemic advocacy on behalf of people living in poverty through impact litigation, policy reform, and multimedia communications. Aurora may be reached at aurora@popupjustice.org.



Thoughts on Practice Priorities for the Trump Era

*By John Bouman, President¹
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The Trump Administration is changing the playing field for the clients and communities served by legal aid organizations. It is a moment to re-consider practice priorities. Since the Obama Administration was very active in some areas of law and policy, legal aid organizations may have assigned those areas a lower priority that, in light of Trump-era developments, may need to be re-thought.



Priorities for practice should, of course, be driven by experience on the ground and by the residents and leaders in the communities being served. This article is not meant to interfere with that kind of process but to offer hopefully useful thoughts as organizations arrange their resources to meet the emerging challenges of the Trump era. The article lists eleven key areas of work, provides some context on the changes underway currently, and offers thoughts on why each area might be apt for a practice priority in some localities and how local practice priorities might be tailored to advance solutions within that area.

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1. Civil Rights and Racial Justice

To ensure that everyone has a meaningful opportunity to move out of poverty, there must be strong enforcement of our civil rights laws. For example, robust enforcement of the Fair Housing Act requires the pursuit of claims involving intentional discrimination as well as disparate impact, in light of the 2015 U.S. Supreme Court decision to uphold the disparate impact theory. Other federal enforcement priorities include Title VI (discrimination by recipients of federal funds), Title VII (employment discrimination), and Title IX

(gender discrimination in education).

The Obama Justice Department conducted careful investigations of civil rights violations by police — unjustified shootings and killings, illegal stops and searches, abuses while in custody — and required reforms where warranted. Many such investigations are still pending and should continue.

There should be no rollback of the gains made thus far. The U.S. Department of Education has released a number of “Dear Colleague” letters advising school administrators on important civil rights issues, such as sexual harassment and violence, bullying and harassment of LGBTQ youth, and equitable access to educational resources. The Justice Department issued a similar letter, calling upon courts to reassess their fines-and-fees systems so they do not unfairly burden low-income people with arrest warrants and incarceration because of their inability to pay. Similarly, the U.S. Department of Housing and Urban Development (HUD) issued guidance on the fair housing implications of criminal-records screening, crime-free and nuisance ordinances, and policies affecting people with limited proficiencies in English.

Thoughts on a practice priority for this area:

This list of Obama-era activity reads like a litany of exactly what the Trump Administration is not doing or is actively opposing. Attorney General Jeff Sessions has signaled that the Department of Justice is not interested in pushing for police reform and may well support the undoing of consent decree processes involving local police departments. The new heads of federal agencies are not focused at all on issues of equity in the programs under their jurisdictions.

As the federal executive branch retreats from

vigorous enforcement of the civil rights laws, and perhaps even actively engages in undermining them, the importance of private enforcement of those laws becomes paramount. To make a priority of these issues of civil rights and equity, an organization could adopt a race or equity lens for virtually all of its legal and policy work.

There is a staggering disparity, based on race and ethnicity, not only in the incidence of poverty itself but also in household income in general and across a comprehensive range of outcomes related to poverty (e.g., education, employment, health, life expectancy, criminal justice involvement). To address a mission aimed at “poverty” or at “equal justice for the poor” demands attention to these facts that together are the most salient feature of poverty in America.

Applying a race lens is essential to understanding issues fully and therefore to understanding and appropriately focusing on the possible solutions. It does not necessarily mean that issues must always be advocated as civil rights issues, nor does it mean ignoring or warring with the interests of others in poverty. Understanding and documenting the racial aspects of problems can add legal claims, policy arguments, and political angles to the advocacy strategy toolbox, to the advantage of everyone who would benefit from a solution to the problem.

Useful outcomes from applying a race or equity lens to virtually all of the work could result in a deeper understanding of disparities in, for example, distribution of high-quality child care sites, eviction court judgments, debt collections, SNAP fraud procedures, storage or prevalence of toxic or dangerous materials, siting of highways or bus lines, patterns of police conduct, location of parks and libraries and swimming pools, decisions in the healthcare system, school discipline, language access and many more issues, many of which are daily fare in most civil legal aid programs.

2. Quality, Affordable Health Care for All

Quality affordable healthcare is an essential component of quality of life, whether or not a person in poverty is able to be upwardly mobile in the workforce, and it is an essential component of upward mobility for those pursuing opportunity because it enhances school performance, employability and productivity. It also is a major factor in sustainable family economic bottom lines, because healthcare is otherwise a major source of debt and related stress. Congress should not repeal the Affordable Care Act or any part of it without a timely and effective replacement. Any such replacement

should foster the goal of quality, affordable health care for all. And the Medicaid program, as expanded by the Affordable Care Act, should continue in its present structure as a federal-state matching grant.

Thoughts on a practice priority in this area:

It is now clear that the Trump Administration is determined to repeal the Affordable Care Act and replace it with a set of ideas that would produce a loss of coverage for 24 million Americans, around half of whom would lose coverage because of disastrous changes to Medicaid that would shrink eligibility and take massive amounts of federal money out of the program (through a block grant or per capita cap). This is not only a massive cost-shift to the states but also a direct threat to virtually all other spending on poverty programs in state budgets—to the extent states step up spending to continue efforts on health care in the face of dwindling federal support, there will be corresponding pressure to reduce spending of state funds on other priorities (unless states are willing to raise taxes).

There is certainly work to do at the state and local level to engage in advocacy in congressional districts to prevent passage in Congress of a bad health care bill. Groups that are able to engage in that kind of work might assign this a very high priority during the rest of the congressional process.

In any event, states interested in experimenting with Medicaid through waivers, especially along the lines of current conservative thinking involving work requirements, co-pays, and eligibility documentation requirements, will encounter friendly treatment from the federal authorities. These efforts can be countered on the front end with policy advocacy, and they can be ameliorated during implementation phases with advocacy on policy and procedures. But ultimately, program changes like these will require case-by-case handling to flesh out due process arguments and the practical definitions of new program rules. A legal aid program could adopt as a priority the handling of individual cases involving Medicaid program changes, with the intent of creating favorable *stare decisis* and containing the harmful impact.

3. Solidify the Safety Net for People Unable to Work

The radical restructuring of public benefits programs, as some officials in Washington have proposed, would weaken and undermine the programs’ capacity to meet need and accomplish their purposes. Moreover, the procedures for accessing crucial public

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benefits must not unnecessarily burden applicants and recipients or otherwise violate their rights to due process of law.

Thoughts on a practice priority in this area:

The Trump Administration's budget outline contains deeply troubling proposals that would deplete funding for all of the federal safety net programs. That budget outline is far from being adopted, but it signals the direction of the administration, and opposition to it could be a high priority for groups able to engage in policy advocacy.

As noted above with respect to Medicaid, all of the safety net programs are likely to be the subject of administrative changes initiated or permitted by the federal bureaucracy. For example, there are proposals to tighten the eligibility rules for children to prove eligibility for SSI. Implementation of such substantive changes or procedural changes (e.g., work requirements, time limits, verification rules) would be an appropriate target of focused direct service attention to protect due process and other rights. This work has historically been in the legal services wheelhouse, and the need now is as high as it has ever been.

4. Invest in the Public Good Through Fair Budget and Tax Policies

Public budgets need revenue to carry out the important functions of the government: to ensure equal opportunity, a fair chance for upward mobility, and a decent safety net. National budget cuts for vital programs, whether through substantive program changes (like those proposed for Medicaid) or through outright cuts in spending lines (e.g., for the TANF or child care block grants), amount to a cost-shift to the states. Since the states cannot, or are highly unlikely to raise revenues to meet these new costs, there will simply be higher unmet need. On the state level, where most budgets must be balanced, officials and the public need to understand the devastating impact that would flow from federal funding cuts, and states need to look to their own revenue streams to ensure adequate support for key programs.

Thoughts on a practice priority in this area:

The federal budget debate would be appropriate as a high priority for the law and policy organizations. But the work much closer to the ground on state budgets

is more immediate for most programs. Programs can engage in many ways to help show the wisdom of certain programs, the damage of particular cuts, the need for new revenue, and how to raise it fairly. There may be ways for direct service programs to engage in parts of this work consistent with rules governing their funding.

5. Advance Fair Housing, Healthy Housing, and Housing for Survivors

Against the background of a general crisis in the availability of affordable housing, especially in communities of opportunity, there is a particularly important housing rule in play, and it is especially relevant to the racial and ethnic aspects of access to housing. HUD set forth the "affirmatively furthering fair housing" rule, which is grounded in HUD's obligation under the Fair Housing Act to administer its programs in a way that not only prevents discrimination but also affirmatively furthers fair housing. The rule's requirement that state and local government entities assess the impediments to fair housing in their jurisdiction as a condition of receiving federal funds moves this country toward creating the kind of inclusive communities of which so many people are currently deprived. This process will help communities assess the housing barriers faced by many people, including survivors of domestic violence and sexual assault. Implementation of the rule will give communities the opportunity to start to free themselves from dangers such as lead poisoning or violence.

Thoughts on a practice priority in this area:

This is an excellent area for engagement on both the policy and the individual and group representation aspects of the issue. It is one of the main ways that applying an equity lens to housing issues (themselves a high priority anyway, given the crisis in affordable housing) can produce claims (e.g., under the Fair Housing Act) that would not otherwise be in the mix to solve a problem. If the administration undertakes to ignore or change the "affirmatively furthering fair housing" rule, there would be need and opportunities to test that change of policy in court.

6. Reform the Criminal Justice System

There are two features of this area of activity that are important to people in poverty. One is the need to reduce the life-long and racially disparate impact of over-charging, over-prosecuting, and over-incarcerating people in poverty and people of color. The other is the essential role of public safety as an indispensable

element of a fair opportunity for upward mobility, an element that requires the elimination of bad police practices as well as the promotion of good policing. Under the Obama administration, the Justice Department has supplied both leadership and funding for states and local communities to improve their criminal justice policies and practices. Reports such as the President's Task Force on 21st Century Policing and grants administered by the Justice Department offer interested local law enforcement both guidance and funds for smart-on-crime improvements. There were also efforts in the areas of prevention, diversion, rehabilitation, and reentry.

Thoughts on a practice priority in this area:

Most of the action in this area is at the state and local level, and this is likely to be even more true with Attorney General Sessions in charge at the U.S. Department of Justice and advocating for a return to the aggressive charging and sentencing of the heyday of the "war on drugs." There are many areas for policy reform in the states at the back end to reduce the collateral consequences of criminal records (e.g., expungement, sealing, certificates, ban the box, disqualifications from careers) and at the front end to avoid criminal involvement or reduce charging and sentencing. Most of these strategies are not self-executing, so there is a need for direct service so that people involved in the system can take advantage of remedies or programs. Work remains to be done in the areas of employment, housing, and public benefits to ensure that criminal records are not a cover for racial or ethnic discrimination. Depending on conditions in local areas, another priority could involve group representation on issues of public safety and policing.

7. Protect Access to the American Dream for Immigrants and Refugees

Maintaining Deferred Action for Childhood Arrivals would give undocumented youth the opportunity to stay and continue making their important contributions to this country. It is inconsistent with quality of life and upward mobility in communities served by many legal aid agencies for there to be an erosion of civil and constitutional rights as part of a dragnet approach to deportations, especially including the creation of lists of disfavored people based on religion or national origin.

President Trump's Executive Order banning travel by Muslims is in the courts. His focus on deportations is being implemented in communities but resisted by

many "sanctuary" cities. His intent to build a wall on the border with Mexico is largely stalled as the President seeks funds but, among its other drawbacks, is emerging as a threat to funding for other priorities.

Thoughts on a practice priority for this area:

Organizations that are able to do so may wish to engage in representation on deportation and other status proceedings. Another circle of issues beyond these could be of help to communities: public benefits eligibility, privacy issues, rights of community institutions as against federal immigration enforcement demands for information or access to property, emergency guardianships for children of detainees, rights of "sanctuary" cities, towns and organizations, and "know your rights" community education. Organizations may wish to engage in the protection of constitutional rights for religious, racial and ethnic minorities.

8. Ensure Opportunity and Safety for Women and Girls

With respect to policies to support women and girls in the workforce, it is necessary to raise wages, strengthen and enforce protections under the Fair Labor Standards Act, and advance equal pay for equal work, fair and predictable schedules, employment protections for survivors of domestic and sexual violence, and reasonable accommodations for pregnant workers. Low-income women are often tasked with caretaking responsibilities in their homes, and the workplace must reflect this reality by ensuring that workers have guaranteed access to paid family and medical leave as well as earned paid sick days. Women continue to be threatened and blocked by violence and sexual harassment in every setting, and the policies and responses of officials and programs are often inadequate or harmful.

Thoughts on a practice priority for this area:

This is another area where most of the action is at the state and local level. There are important workplace fights that matter to all low wage workers, but women are a disproportionate majority of that workforce (especially domestic workers). And, once changes are won on issues such as minimum wage, fair schedules, paid sick leave, or workplace conditions, they need to be enforced. Many localities that adopt these policies do not have the funding or infrastructure to enforce them. Private enforcement is essential. There also remain important policy and enforcement issues regarding the rights and safety of survivors of domestic and sexual

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violence. And, of course, women continue to need help enforcing their civil rights, such as to equal pay for equal work.

9. Achieve Justice from the Start

Policymakers inside the Beltway and beyond increasingly recognize that investments in children early in life pay dividends for the children and for society over the course of their lives. Quality health services as well as excellent childcare and pre-kindergarten programs also enable parents to balance work and family and address economic security. This is important for children because “growing up poor,” with its attendant risks and stresses, is one of the main predictors of favorable or unfavorable outcomes later in life.

Thoughts on a practice priority in this area:

This is one of the areas where the evidence of return on investment is the clearest and least contested, and it is also one of the few areas where bipartisan support has been possible. That justifies consideration of a focus on infants and toddlers and pre-schoolers as a practice priority. This can involve enrollment in health coverage, improvement of well-child care and developmental screens, early intervention programs, quality child care and other proven strategies. And it can involve simply applying an early childhood screen to all of the issues an organization handles.

10. Guarantee a Quality Education for All

A public education is the single most important “opportunity” program available to every child in the country regardless of status. It should not be squandered; its value should be as enhanced as possible. There are gaps based on race and economic status in both resources for education and achievement of students. There should be increased resources for public schools and equitable policies that help all students, including low-income students and students of color. Students also have civil rights requiring protection from the impact of policies such as zero-tolerance discipline. The Obama Administration was making strides in expanding the collection of data at the U.S. Department of Education’s Office of Civil Rights. Unfortunately, Education Secretary Betsy DeVos has made it clear that she has other priorities.

Thoughts on a practice priority in this area:

As the federal department retreats from a focus on education equity, private enforcement and advocacy becomes more important. Equity issues could involve discipline, language access, inappropriate assignment to special education, lack of funding and resources, achievement gaps in general, and segregation.

11. Protect Consumers

The protection of credit, of household income, and of household wealth (already afflicted with a massive racial wealth gap) are of paramount importance. Fraud and predatory practices are deep and constant threats. The protection of consumers should include a strong, independent Consumer Financial Protection Bureau (CFPB). The Bureau has secured over \$11 billion in relief for over 25 million consumers through enforcement actions against financial institutions that caused them harm. The Bureau has handled over one million consumer complaints and has studied and proposed important rule changes in industries across the financial sector, including rules pertaining to payday lenders, mortgage companies, and debt collectors.

Thoughts on a practice priority for this area:

Once again, the Trump Administration does not appear to have this issue, or the CFPB, as a priority. And the numbers reflected in the CFPB activity indicate that this is indeed a serious and widespread problem with an increasing need for private enforcement of the consumer protection laws. Many state attorneys general place a high priority on consumer matters, which suggests the possibility of productive alliances that legal aid programs could explore (along the lines of alliances with some state attorneys general that are already in play on Affordable Care Act issues and the Trump Executive Orders on immigration).

High Stakes in the States

The policies and budget decisions that flow from the Trump Administration and Congress mostly will come down to the states as a wide array of choices on policy, enforcement, timing, implementation methods, funding, and public engagement. These will be added to all of the issues generated by state and local conditions and officials that are mostly out of the control of and could exacerbate or ameliorate what is coming from Washington. The choices made and the courses of conduct at the state and local level will substantially determine quality of life, opportunity for upward

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mobility, and the presence or absence of access to justice for people living in poverty.

The stakes are high. Whatever you decide to do, it is at least as important now as it ever has been. But also know this: because we are good at the work, it will make a decisive difference for the people we serve. All the best to you and your colleagues in these challenging times.

1 John Bouman has been president of the Shriver Center since 2007, having been the leader of its advocacy program since 1996. He was a leader in the design and implementation of positive aspects of Illinois' new welfare law in 1997, and he spearheaded the statewide

efforts in Illinois to create both the FamilyCare program, which provides health care insurance for up to up to 400,000 working poor parents of minor children, and All Kids, the first state plan to extend health coverage to every child. He has consulted and co-counseled with advocates in many states; helped draft numerous pieces of legislation; given hundreds of presentations; published extensively; and served as counsel in numerous federal and state cases, including *Memisovski v. Maram*, which established substantial reforms in children's health care in Illinois. He currently is working on state-based implementation of federal health care reform and leads the Responsible Budget Coalition, an effort bringing together more than 200 diverse organizations to advocate for state revenue and budget reform in Illinois. John may be reached at johnbouman@pover-tylaw.org.