



LEGAL PEDAGOGY AND ECONOMIC JUSTICE

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Can legal education play a role in advancing economic justice? In many respects, the idea that legal education can contribute to a significant reordering of economic and political priorities seems contradictory. Indeed, legal education is commonly associated with a type of professional socialization that makes students more like-

ly to accept existing institutional arrangements and less likely to think about how law reinforces inequality. Legal education is, in this sense, a mechanism of acculturating elites rather than training activists.

Yet I suggest that legal education can in fact promote and sustain meaningful economic reform by teaching law students to practice *justice in action*. This conception of legal pedagogy urges students to integrate theoretical insights and practical commitments; to fuse critical analysis with political engagement; and to connect legal advocacy to social movements. This means that students must not only learn to speak the language of law, but to understand that law must be used in the service of justice. It also means that students must learn not only how to deploy the tools of community economic development (CED) practice, but to do so in a way that reconstructs the very nature of practice itself. In this essay, I use my experience teaching the Community Economic Development Clinic at the UCLA School of Law to reflect on how legal education can construct and inform an economic justice agenda.

Community Economic Development: An Economic Justice Perspective

The conventional view of CED has emphasized the importance of revitalizing economically disadvantaged neighborhoods. The notion is that community-based organizations and their legal services lawyers can empower geographically discrete localities by building

affordable housing, fostering community-controlled business enterprises, and providing key social services such as job training and child care.

It is without question that this conception of CED has produced significant gains for low-income communities — neighborhood-based organizations and advocates have been critical to increasing the supply of affordable housing, expanding the pool of jobs, and directing private sector investment to low-income communities. Yet, despite the growth of CED programs over the past decade, these local interventions have not succeeded in seriously challenging the intransigence of urban poverty and inequality. This is because neighborhood-level poverty is not merely a product of local economic activities, but rather the result of decades of accumulated political choices. That is, government policies subsidizing freeways and home mortgages, fostering discriminatory lending practices, and permitting local jurisdictions to hoard property tax revenues have been the main contributors to the current regime of racially and economically segregated urban space. The conventional approach to CED, which does not respond directly to these political determinants of poverty, cannot adequately redress urban inequality.

In response to the limitations of the conventional approach, poverty lawyers are beginning to view community economic development through the lens of economic justice. This approach to CED recognizes the need to connect community-based revitalization strategies with a broader reform agenda that brings together lawyers and other community stakeholders to promote greater equity in urban development. This model of CED departs from the conventional approach in a number of ways. I sketch here some of the main distinctions.

Regionalism

For one, the economic justice approach to CED seeks to link local communities and broader regional dynamics. This means that the goal of CED is not just

fostering local businesses or augmenting the community housing stock, but dealing directly with the interplay of federal and local policies that have promoted spatial inequality. We can see examples of this regional orientation in the work of legal services lawyers advocating for greater equity in regional transportation systems and promoting local hiring in regional public works projects.

Coalition-Building

In addition, an economic justice approach emphasizes the importance of representing broad-based coalitions in order to ensure that the perspective of low-income and underserved communities is represented in crafting effective CED strategies. Coalitions of labor unions, faith-based institutions, and community-based organizations have been critical players in a number of economic justice campaigns. For instance, they have worked to pass living wage ordinances and craft innovative job training programs for low-income workers. Coalitions have also played an important role in promoting greater accountability in redevelopment projects and have augmented resources for affordable housing. It is important to note that these economic justice coalitions are self-consciously multi-racial, underscoring the importance of using CED to address the nexus between race and poverty.

Accountability

Finally, economic justice takes seriously the notion of community accountability. It does this by leveraging the political power of community coalitions to create enforceable mechanisms that target the benefits of development to low-income residents. For instance, in the area of redevelopment, advocates have worked to carefully track the type and quantity of public subsidies that businesses receive and to link those subsidies to tangible community outcomes. The most significant recent example in this regard is the success of the Figueroa Corridor Coalition for Economic Justice, a broad-based coalition of community organizations, neighborhood developers, unions, and environmental groups that won a comprehensive community benefits agreement from the developers of the planned expansion of the Staples Center in downtown Los Angeles. As part of the accord, the developers of the proposed “sports and entertainment complex,” as well as project tenants, have agreed to hire local residents for seventy percent of the 5,500 jobs to be created by the project and to pay the workers living wage.

Institutional Collaboration: The UCLA School of Law Community Economic Development Clinic

How can law schools promote economic justice? One way is by creating university-community collaborations designed to foster economic justice initiatives. Recently, one of the main vehicles for these collaborations has been law school clinical programs, which focus on fostering skills-based legal training in a variety of different institutional settings. Clinics first emerged to teach law students traditional litigation skills and have historically focused on civil litigation topics. In the last ten years, however, CED clinics have become more prominent, as law schools have sought to convey transactional skills while promoting economic justice in low-income communities. There are now over twenty CED clinics around the country. These clinics have a range of different organizational structures — some are in-house clinics (that is, the law school clinic directly represents clients) while others use simulated exercises to teach transactional skills. The clinics also represent a wide variety of client groups — some focus exclusively on small businesses, others on nonprofit housing developers, others on a mix of different community organizations.

The CED Clinic at the UCLA School of Law was initiated this past spring. Its goal is to implement the *justice in action* approach to clinical education by promoting the application of legal principles to real-world problems and using the university as an institution to positively impact the surrounding communities. It does this through a multilayer pedagogic approach.

Community Collaboration

First, the Clinic is designed to create ongoing collaborative relationships with area legal services organizations engaged in CED work. Working in connection with local CED advocates, Clinic students provide direct assistance in the areas of corporate, real estate, and tax law to nonprofit and for-profit entities engaged in neighborhood revitalization projects. Thus, the Clinic is constructed upon what is known as a “field placement” model with the students spending at least one day per week physically located at a legal services office. This semester, the students worked with Public Counsel Law Center, the Legal Aid Foundation of Los Angeles, and Neighborhood Legal Services on a variety of projects. The students were involved in forming a cooperative for local gardeners, protecting the rights of tenants displaced by redevelopment, drafting an affordable housing tax credit agreement, structuring limited liability

companies for small business entrepreneurs, and establishing nonprofit development organizations.

The benefit of the field placement model, particularly in Los Angeles, is that students get the opportunity to leave campus to work on-site with CED attorneys engaged in a variety of projects. The work is therefore “real”: students are typically engaged in live-client representation and thus experience the messiness of real world practice. Their application of legal skills, moreover, advances the projects of actual community-based clients. Legal services organizations, in turn, are able to use the volunteer services of law students to staff some of their cases.

In-Class Exercises

The second component of the Clinic is the use of structured in-class exercises to extract more general skills and principles that can be applied in a variety of transactional contexts. This semester, for example, the students conducted exercises related to client interviewing, counseling, drafting, and negotiation. The exercises were structured around an ongoing narrative involving a fictional client with representative CED issues. The client, the Los Angeles Community Development Corporation, took the students through a variety of projects in the areas of microenterprise, nonprofit business ventures, and affordable housing. The goal of the exercises was to teach students about the particular transnational issues that arise in the CED context. Specifically, the exercises addressed the problems of client accountability (Who speaks for the client?), client capacity (Can the client carry out its proposed projects?), and client constraint (How much leverage does client have in designing and implementing its projects?).

Critical Analysis

The third component of the Clinic is a critical analysis of CED policies and programs. This component is focused on exploring a range of historical, theoretical, and empirical literature on CED, which is used to frame a critical discussion about the efficacy of CED as an antipoverty tool. Los Angeles, which has been the site of innovative multi-group economic justice campaigns, serves the focal point of the classroom analysis. This semester, for example, we had guest speakers from the Los Angeles Community Redevelopment Agency, a community-based organizing group, and a domestic worker cooperative. We took a field trip to a job development organization in East Los Angeles and read intensively about the Los Angeles Community

Development Bank. Through these projects, the students not only learned the substantive CED legal and policy framework, but also reflected on its effectiveness and limitations.

Conclusion: Practicing Economic Justice

I have found that by fusing direct advocacy, classroom exercises, and critical analysis, clinical legal education can promote an economic justice agenda. One way it does so is by creating direct service relationships with clients engaged in economic justice initiatives. In the Clinic, for example, one student was able to assist an economic justice organizing group to promote accountable development practices in separately incorporated jurisdictions in Los Angeles County. To be sure, most Clinic students engaged in conventional CED representation around small business development, affordable housing, and nonprofit incorporation. Yet this work — valuable in its own right — also provided a stepping off point for future economic justice advocacy. Thus, as a result of the class, one student is working closely with the Figueroa Corridor Coalition for Economic Justice to chart an anti-gentrification strategy that includes establishing community land trusts. Another student is working with an anti-sweatshop organization to devise a regional workforce development project to move dislocated garment workers into living wage jobs. A third student is working to initiate a collective day laborer advocacy project, while another is establishing a transnational economic development association that invests immigrant remittances in job creation projects. In this way, clinical pedagogy can create a forum within which students can critically discuss and reconstitute conventional CED practice.

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