

Management Information Exchange

SPECIAL FEATURE

COMMUNITY LAWYERING



TALES, TOOLS AND TRANSFORMATION: TEACHING COMMUNITY LAWYERING

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Introduction to this Special Feature on Community Lawyering

For decades legal services organizations and their managers have struggled to balance the desire to represent the broad interests of the communities they serve with the need to assist individuals with their legal problems, despite severely limited resources. We are pleased to present a special feature which looks at “Community Lawyering” — work which seeks to be guided by and respond to the interests of the communities we represent and to empower them in addressing their concerns and advancing their own agenda. While this work can be integrated in many ways into legal services practice, many organizations are using Community Economic Development (CED) projects as an approach to work with local communities. We have included articles that look at CED work by legal services staff, in the pro bono realm, and at law schools. Our hope is that by providing concrete examples of important work that is being done, we will help others make decisions about whether and how to move into CED lawyering.

We are particularly indebted to Guy Lescault for his significant contribution to this special feature. Not only did Guy propose the initial idea for a special feature on CED, but he also volunteered to submit an article and then lined up most of the authors who wrote on that subject. Moreover, as is often the case, Guy’s original idea ultimately turned out to be the seed for an even more variegated garden. We hope that this collection of articles spurs readers’ thinking about various ways that legal services workers can make a real difference in the client communities they serve.

MIE Journal Committee

Our experience designing and presenting the recent Community Lawyering training has many elements of the mythic hero story. Such stories always involve a journey and include a number of core elements. The hero leaves her comfortable, ordinary surroundings to venture into a challenging, unfamiliar world. The journey may be an outward one to an actual place (barren desert, dark cave) or an inward journey of the heart, mind or spirit. At its resolution, the hero may end up in a new physical place or return full-circle to where she began; in either case, she is transformed in fundamental ways.

These notions of myth and story are prominent in our experiences with the Community Lawyering training. They provide a metaphor for the journeys we underwent as individuals and as a group, leaving

behind our original concepts of our roles as legal aid advocates and exploring new ways to understand and respond to community problems and issues. We also came to realize the pervasiveness and power of stories, how they influence the ways individuals and communities see themselves and their roles in the world; how stories reflecting the dominant culture, in which the communities we work with are either negatively portrayed or ignored, perpetuate and reinforce those communities’ and our own feelings of hopelessness and despair; and, conversely, how creating space for community residents to themselves tell stories of their own lives and dreams represents a powerful force for change. Finally, our use of stories and storytelling during the training itself was a highlight of the three days and confirmed its use as a potent vehicle for engaging partici-

pants intellectually and emotionally, building community, and achieving other training goals and objectives.

Our journey began at a time that, at first glance, was inauspicious. Our clients were facing cut after cut to the most basic of services. At all levels of government — federal, state and municipal — safety nets were eroding. Legal aid programs, too, were losing funding; advocates were concerned about their own job security as well as that of clients. In times of retrenchment, we typically pare back to what is most essential. In legal services practice, this frequently means narrowing intake to meet what we see as the most critical needs of the individuals who contact us for help. In developing the community lawyering training, we realized that there is an even more basic and essential level of service: listening to the needs and aspirations — the stories — of the communities we serve, and helping them develop the capacity to ensure that their stories are heard and effectively influence the local, state, and national debates that affect their lives. This response expands rather than contracts our programs' abilities to meet these needs, because it places legal aid in partnership with low-income communities and other allies. As we listened to design team members' and community leaders' stories, we realized that this work requires not a giant leap of faith, but rather the utilization of tried, true, and teachable skills. It also affirms, and for many, returns us to the hopes and values that led us to choose to become legal aid lawyers.

Leaving Behind the Familiar

When we first convened our design team for what became the “community lawyering” training, our goals were modest: review and update the old “Advocacy Outside the Courtroom” training (an updated version of the even older “Multi-Forum Advocacy Training”) that we last presented in the early 90s. Greatly influenced by our colleague Gary Bellow, who worked with us on the design and presentation of that training, we hoped to dust off the old training design and do some minor tinkering. However, at our initial design meeting, team members brought experiences and perspectives that quickly transformed our task.¹ They described experiences working with community groups to create structures for providing vital services such as community-based health centers or affordable housing, assisting in community economic development activities that brought jobs and resources into low-income communities, helping new and existing grassroots groups through the processes of incorporating, developing by-laws and convening boards of directors. What stood out

for us most in these descriptions and challenged us in designing the training were the less “action-oriented” and quantifiable aspects of the work: listening to and learning from communities, building relationships with individuals and groups by conducting one-on-one conversations, attending community events and serving on community organization boards. Advocates were describing the myriad activities often unacknowledged within legal services programs that build the capacity and develop the leadership that supports community residents' abilities to participate fully in the processes and decisions that affect their lives. And while these latter activities represented a significant departure from what we typically think of as “legal” work, they seemed to be at the heart of what distinguishes community lawyering from more traditional legal aid practice.

Discoveries & the Beginning of Transformation

Our design team also introduced us to the recent focus on community lawyering within the national legal aid community, academia and the foundation world. The examples presented at conferences and described in the ever-expanding literature on community lawyering were inspiring but only of limited use since our task as a training design team was to develop curriculum through which advocates could learn how to *practice* community lawyering. To make a long “story” short, we identified a set of core values that reflect our understanding of the defining features of “community lawyering” as well as core competencies and learning objectives for each (See Box A). While many of these elements are familiar to both lawyers and community organizers, we took them a step further by developing a conceptual framework specific to community lawyering, and identifying both the necessary tools and the discreet steps that advocates need to be successful in this approach. We melded this at every level with storytelling. It was this combination of theory, skill building and storytelling that made the training so successful. The stories were both practical and inspiring; through them, participants experienced the relevance of the tools and theory they were learning, and at the same time used the stories to challenge and affirm this teaching. We concluded that community lawyering, as we had come to understand it, is defined thus:

Community lawyering refers to a wide range of community building and advocacy-related activities through which legal aid advocates contribute their legal knowledge and skills to support community-identified initiatives that return power to the com-

Box A: Competencies & Core Values

Community Lawyering Competencies

Community Understanding and Relationship Building: Effective community lawyers facilitate the creation of strong relationships with and among community residents. They have a deep knowledge of the history of the community with which they are working and its key partners and institutions, as well as the political, cultural, racial, and class issues and underlying problems facing that community.

Issue Identification and Strategy development: Once in relationships community lawyers facilitate community members' abilities to identify their common concerns and translate those concerns into actionable issues that they can successfully address in ways that build relationships, energize them through success and foster a desire and ability to increase their power and the scope of their vision of self-determination.

Advocacy Tools: Community lawyers contribute a mix of legal and non-

legal advocacy tools to support community-identified initiatives.

Community Lawyering Core Values

- Recognizing and honoring the community's expertise, strengths and resources;
- The centrality of listening;
- The commitment to working collaboratively with community members to identify problems, issues and strategies for change;
- Recognizing the limitations of the law and being willing and able to use a range of non-legal approaches to address community issues;
- Creating space for community members to speak for themselves;
- Helping build leadership and "relational" power within communities;
- Recognizing and engaging issues of difference and power.

munity. Its goal is to support lasting changes that bring about social justice.

Our approach to community lawyering contains elements of three major practices: *community development*, a results-oriented process for increasing a community's economic, housing and other resources; *community organizing*, a vehicle for mobilizing communities to work on short, winnable, issue-oriented campaigns against specific targets with the longer term goal of creating self-sustaining community-based organizations capable of attaining even greater changes; and *community building*, a vehicle for increasing the "social capital" within a community — identifying community resources, building new relationships among community members and nurturing new leaders. Inherent in the work of community building is a shift from a deficit approach, which focuses primarily on a community's problems (violence, unemployment, poverty), to an asset approach which identifies a community's resources (civic associations, local institutions, religious organizations, individual talents and skills) and builds links among them so that together community residents and organizational partners can take action. For us, community building is the basis of community lawyering; it creates the necessary structure to support community development and organizing.

Utilizing and building upon the above three practices, legal aid advocates then contribute the skills and resources — legislative and policy advocacy, litigation, transactional work, etc. — that are unique to their training and experiences as lawyers and that can provide leverage when pursuing community goals.

From this understanding of community lawyering, we were able to define our core competencies.

Competencies are defined as the skills, knowledge or abilities that can be developed through education, training and practice. They were our first step in breaking down the elements of community lawyering into discreet components. These competencies are listed in Box A, together with the Core Values that also flowed from our definition of Community Lawyering. These Core Values both explicitly informed the way we see the advocate's roles in relation to the communities with which they work, and underlie the concepts and tools included and developed for the community lawyering training.

Our skill-building sessions are listed in Box B. These sessions corresponded to the unfolding of a video-taped case study.

Storytelling as a Training Tool

Storytelling was the vehicle through which we engaged participants emotionally as well as intellectually. We used these stories in several ways:

- *Tales from the trenches.* At least twice each day, advocates experienced in community lawyering discussed one of their campaigns. These tales were graphic (one advocate tore a piece of paper to illustrate how the community she worked in had been shrunken and divided by various "redevelopment" plans). They were thoughtful — there was no bravado, but rather attention to the behind-the-scenes role that community lawyers primarily take, the multiplicity of tools they have to work with, and the processes they and community members used to choose issues and make tactical decisions (for instance, whether and when to file a law suit).

Box B: Skills Sessions

Small & Large Group Sessions

- Community Understanding & Relationship Building
- Community Organizing
- Translating Problems into Issues
- Choosing Issues
- Supporting Full Participation in Groups
- Stakeholder Analysis
- Power Mapping
- Strategy Development

- Identity & Difference

Concurrent Sessions

- Leadership Development
- Institution Building
- Media Advocacy
- Policy Advocacy
- Community Legal Education

And they were inspiring examples of the roles advocates can play in helping communities develop and expand awareness of their power to make positive changes.

- *One-to-ones.* The design team came to share the belief that these form the necessary foundation for building and sustaining long-term relationships. Each night, participants were assigned to pairs in which they would participate in a one-to-one, listening to each other describe their lives, values and visions. This met two goals — to develop advocates' skills in using this important tool, and to build community among advocates.
- *Case study.* Our case study was presented through a video of a newscast that described a realistic problem in the middle school of a fictitious town — a leaky roof led to the closure of several classrooms, and children with special needs were sent to an improvised classroom in the basement. It then showed a meeting at which parents and a legal aid attorney identified issues to address this problem, and chose one. The scripted scenario highlighted how difficult it can be for legal advocates to refrain from taking over, and instead recognize and support the capacity of group members for leadership. Consistent with the choices that real groups in similar situations have made, the parents in the video decided — with arguably too much pressure from the advocate — to tackle the repair of the roof, and not the discriminatory treatment of children with special needs.

The participants struggled for days with the question of whether the parents had made the “right” deci-

sion, whether it was truly their choice and not the lawyer's, and how they felt about the group choosing the bricks and mortar issue when there was an exciting (for the advocates!) discrimination case brewing.

- *Using stories as the basis of skills workshops* (working with the media, examining identity and difference, etc.). This happened in two ways. In the media workshop, for example, participants used the case scenario as the basis for developing media strategies. In the workshop on identity and difference, the advocates used stories from their lives. Participants' responses to their partners' narratives continued beyond the workshop.

Challenges along the way

We encountered a number of challenges in the course of our journey.

- *Funding:* A number of project directors and staff attorneys expressed concerns that, even if they wanted to practice community lawyering, they would be constrained in pursuing it because of funding limitations. While many funders do emphasize case “numbers” as a vehicle for defining success, many others are willing to look at other measures, including the actual dollars or other resources brought into a community as a result of community lawyering activities. We were fortunate to have a senior staff member from United Way participate in our final session “Making the Case for Community Lawyering” and describe United Way's “community impact” strategy that encourages grantees to engage in many of the activities that constitute community lawyering. We were also heartened by the tale of an LSC-funded project director, who engages in community lawyering, that successful advocacy is the best way to make the case to funders who will, as a result, seek association with the program.
- *Lawyering Role:* This was expressed as a concern that the multiplicity of “non-legal” roles and approaches involved in community lawyering are not an appropriate use of attorney resources, that attorney time is better spent engaging in exclusively legal activities, leaving the rest to non-attorney advocates, social workers and others. We responded to this by offering examples of the far-ranging roles and activities that attorneys representing the rich

and powerful regularly engage in to advance their clients' goals.

- *Lawyer as Hero*: This was a particularly interesting challenge given our discovery of the power of myths and stories generally, and particularly in the context of social change. The character of Atticus Finch in *To Kill a Mockingbird* who, through his personal conviction and courage, together with the power of his legal skills, embodies the “lawyer as hero” myth that informs how many in legal aid and public defender work see their roles. We engaged participants in thinking about an alternative heroic myth, one that portrays lawyers working *with* community residents to create change and alter the balance of power in support of community members' interests.
- *Resource Allocation*: This challenges the justification of taking resources away from direct representation when there are already insufficient resources to serve all the individuals who need legal assistance. We responded by pointing out that we are positing “community lawyering” as one of a plethora of resources and approaches along with individual representation, law reform, brief service and advice, pro se support that legal aid programs offer the communities they serve. As the many tales from the trenches demonstrated, community lawyering is a powerful tool for achieving social change and bringing much-needed resources to a community. This is an especially compelling argument now that clients are losing so many entitlements; when, for example, health benefits are being cut, a neighborhood health clinic can make an enormous difference to a community.

Resolution, Return and Transformation

The extraordinarily high level of enthusiasm and energy during the training was due, we think, to a combination of factors:

- The community lawyering model represents an approach to legal aid practice that resonates for many advocates who chose legal aid as a way to engage in social change and who seek to provide services to community groups as well as individuals;

- The combination of storytelling and relationship building created a higher level of engagement in the training and increased the sense of community among trainers and participants;
- The event was a lot of fun! We closed the training on the third day with a rousing song (written to the tune of the Beatles' Revolution and referencing the case scenario woven throughout the three day event) which captured the themes and insights gleaned over the three days.

We left the event filled with many emotions: proud of our collective work, energized and inspired by participants and trainers commitments to working together and in new ways on issues of economic and social justice, and challenged to undertake the next phase of our journey, this time with a larger and increasingly enthusiastic group of fellow-advocates.

1 Our design team included Zenobia Lai of Greater Boston Legal Services, Ross Dolloff of Neighborhood Legal Services (NLS) in Lynn, Fran Fajana, staff attorney with the Massachusetts Law Reform Institute's Minority Rights' project; Myra Hindus and Colleen Daly of the Massachusetts Diversity Coalition; Sarah Parker-McKernon of Legal Advocacy and Resource Center in Connecticut. We were later joined by Pamela King who joined the MLRI staff; Mark Potvin of NLS; Joyce King, community activist and teacher; Maura Kelley, initially from the Center for Law and Education and later with Harvard Law School and Annette Duke of MLRI. The training also benefitted immeasurably from the support and encouragement of Allan Rodgers, MLRI's Executive Director.

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