

MOVEMENT LAWYERING

READING GUIDE

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Bertha Social Justice Institute

centerforconstitutionalrights

on the front lines for social justice

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It is with great pleasure that we have put together this short bibliography of selected readings as an introduction to “movement lawyering” to help orient you and point you to the works that we have found helpful in shaping our practice. There is a vast body of literature on movement lawyering and thus what follows is a work in progress and does not purport to be an exhaustive list in any way.

A few notes on the logic of the sections: the articles in Section 1 help lay the foundation; within those articles you will find citations to myriad other works that have been written on movement lawyering, called by a variety of names from “revolutionary lawyering” to “social justice lawyering” to “law and organizing.” The articles in Section 2 are but a scratch at the surface of the theoretical underpinnings of movement lawyering—the works that help lawyers develop a framework for critique and analysis of the law and its limits with respect to bringing about social change. Section 3 is an even fainter scratch at the extensive scholarship on progressive international lawyering and human rights, but here we offer a smattering of readings that will most certainly get you thinking and searching for more. Section 4 gives a nod to the numerous law professors and practitioners who have reflected on the law school experience, including clinical experience and pedagogy, and Section 5 to the practice of combining lawyering with organizing, though the organizers’ perspective is admittedly one to be expanded further here. Section 6 then contains some examples of how movement lawyering has been applied in the national and international contexts, to help guide our practice and learn from the lessons learned by our colleagues. At the end, in Section 7, we included a short list of books that have been useful to us in our work, but there are certainly countless others that could be included in this list.

Undoubtedly, our critical lenses are shaped by much more than a reading list, much less a reading list comprised primarily of articles written on the law in law review publications. There is of course the depth of our lived experience as well as the richness of poetry, music and film, among other things, that inform our human interactions and our own personal views on our place as social justice lawyers and students who desire to create social change. While fully recognizing this, we hope to continue to develop this reading list further as we move forward. To that end, if you note—as you surely will—that there are pieces missing from this list that have been valuable to you or have made an impression on you, please feel free to point them out to us so that we can make this list as comprehensive and helpful as possible. You can send any suggestions to BerthaSJI@ccrjustice.org.

Finally, thank you to Rebecca Sheff at NYU Law School, Jeena Shah at the Center for Constitutional Rights and Meena Jagannath at the Community Justice Project of Florida Legal Services for helping compile this reading list. We look forward to adding to it in the future!

Onward!

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SECTION 1: DEFINING “MOVEMENT LAWYERING”

a. Models of Movement Lawyering

- Angelo N. Ancheta, *Community Lawyering*, 81 Cal. L. Rev. 1363 (1993).
Reviews Gerald P. Lopez’s *Rebellious Lawyering*, which contributed significantly to scholarly discussions on how transformative theories can influence the practice of law itself. Examines the process of empowering client communities through advocacy and education, in the context of racial subordination and the distortion of narratives.
- Gary Bellow, *Steady Work: A Practitioner’s Reflections on Political Lawyering*, 31 Harv. C.R.-C.L. L. Rev. 297 (1996).
Defines political lawyering as having a “politicized” orientation to the goals, commitments, and relationships of legal work. Calls for a self-conscious and aspirational approach, recognizing that legal practice always involves the exercise of power with systemic consequences.
- Eduardo R.C. Capulong, *Client Activism in Progressive Lawyering Theory*, 16 Clinical L. Rev. 109 (2009).
Argues that the goals, contexts and methods of client activism have been under-theorized in progressive lawyering. Progressive lawyers are likely to misunderstand their own roles in promoting social change. Undertakes a historical inquiry into the ultimate political aims of progressive lawyering, the socio-political context, and broader conceptions of activist strategies.
- Angela Harris et al., *From “The Art of War” to “Being Peace:” Mindfulness and Community Lawyering in a Neo-Liberal Age*, 95 Cal. L. Rev. 2073 (2007).
Assesses the value of “mindfulness” in legal practice. “Mindfulness” sets aside typical adversarial and zero-sum approaches and opens up new relationship-based possibilities in the fight for justice. Draws on a case study of a housing development project in West Oakland.
- Douglas NeJaime, *Cause Lawyers Inside the State*, 81 Fordham L. Rev. 649 (2012).
Examines the effects of the movement of cause lawyers into the state during the Obama administration. Destabilizes the traditional paradigm of adversarial tension between cause lawyers and government lawyers. Provides examples with a focus on the Defense of Marriage Act.
- William P. Quigley, *Revolutionary Lawyering: Addressing the Root Causes of Poverty and Wealth*, 20 Wash. U. J.L. & Pol’y 101 (2006).
Calls for “revolutionary lawyering” as a collaborative method of dismantling and radically restructuring our current legally protected systems. Poverty, wealth, racism, materialism and militarism will not be changed by small revisions or modest reforms. Urges reflective activism.
- Lucie White, *Paradox, Piece-Work, and Patience*, 43 Hastings L.J. 853 (1992).
Urges academics to constantly question the assumptions that underlie existing theoretical frameworks about poverty lawyering. Theory should not be pre-packaged or prescriptive, but rather should emerge from dialogic, situated, open-ended and ongoing explorations of poverty lawyers’ practices.

b. Typology/Bibliographies

- Gill Boehringer, *People's Lawyering: The Filipino Model - A Preliminary Report* (2005), available at <http://ebookbrowse.com/gill-h-boehringer-people%E2%80%99s-lawyering-the-filipino-model-a-preliminary-report-doc-d68415575>.
Reflects on how “people’s lawyers” in the Philippines play a substantial role in combating repression and corrupt practices in a post-colonial context. Calls for further research on lawyers’ roles in people’s struggles.
- Jules Lobel, *Courts as Forums for Protest*, 52 UCLA L. Rev. 477 (2004).
Treats courts as spaces in which political and social movements, supported by progressive attorneys, can agitate for their legal and political agendas. Diminishes the value of winning or losing and circumscribes the role of the judge. Calls for the use of courts to provoke public debate, energize the movement, or expose specific aspects of social justice.
- JoNel Newman, *Reconceptualizing Poverty Law Clinical Curriculum and Legal Services Practice: The Need for Generalists*, 34 Fordham Urb. L.J. 4 (2007).
Argues that specialization in legal services and clinics negatively affects poor clients, because lawyers are less able to treat clients’ problems in an integrated or holistic manner. The disappearance of neighborhood legal services offices has also made poverty lawyers less accessible. Uses a Miami case study to showcase a “one-stop shopping” service model.
- Loretta Price & Melinda Davis, *Seeds of Change: A Bibliographic Introduction to Law and Organizing*, 26 N.Y.U. Rev. L. & Soc. Change 615 (2000).
Collects published works on how law and lawyering relates to grassroots organizing. A resource tool for community lawyers, divided into sections.
- Rebecca Sharpless, *More Than One Lane Wide: Against Hierarchies of Helping in Progressive Legal Advocacy*, 19 Clinical L. Rev. 347 (2012).
Discusses how hierarchies within social justice lawyering cause serious harm by devaluing direct service work performed primarily by women. Critiques the rhetoric of hierarchy as representative of binary male thinking. Offers a historical account of this devaluation and proposes a more inclusive vision of progressive lawyering.

SECTION 2: BEYOND THE BLACK LETTER: THEORETICAL UNDERPINNINGS OF MOVEMENT LAWYERING

a. Critical Race Theory & LatCrit

- Alice G. Abreu, *Lessons from LatCrit: Insiders and Outsiders, All at the Same Time*, 53 U. Miami L. Rev. 787 (1999).
Calls for legal scholars to draw on LatCrit scholarship in order to move beyond the simplicity of binary paradigms, especially the outsider/insider dichotomy. Uses the author’s own story, in narrative form, to discuss how individuals can simultaneously hold outsider and insider positions. Urges us to move beyond paradigms that essentialize one aspect of identity.
- Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 Harv. L. Rev. 518 (1980).
Suggests that the principle of “interest convergence” explains the *Brown* decision and the subsequent development of school desegregation law.

Brown must be understood at least in part in terms of its pragmatic value to whites. Subsequent divergences in the interests of blacks and whites point to the need to focus on improving the quality of existing schools.

- Cheryl I. Harris, *Whiteness as Property*, 106 Harv. L. Rev. 1709 (1993). Reflects on how rights in property are contingent on, intertwined with, and conflated with race. Examines the emergence of whiteness as property and its persistence over time. Offers preliminary thoughts on how to reconstruct affirmative action to challenge these developments.
- Neil Gotanda, *A Critique of "Our Constitution is Color-Blind,"* 44 Stan. L. Rev. 1 (1991). Challenges the notion of color-blind constitutionalism, as used in the Supreme Court. Analyzes the ways in which white racial domination is supported, protected, or disguised by themes related to color-blind constitutionalism. Suggests an alternate model for constitutional consideration of race, derived from First Amendment doctrine on religion.
- Patricia J. Williams, *Alchemical Notes: Reconstructing Ideals from Deconstructed Rights*, 22 Harv. C.R.-C.L. L. Rev. 401 (1987). Critiques the rejection of rights-based theory in Critical Legal Studies (CLS), as it applies to the black struggle for civil rights. CLS has ignored the value of rights-assertion and the benefits of rights. Examines contradictory social understandings between blacks and whites on the degree to which rights-assertion is experienced as (dis)empowering.

b. Intersectionality & Race/Class/Gender/Postcolonial Analysis

- Paulette Caldwell, *A Hair Piece: Perspectives on the Intersection of Race and Gender*, 1991 Duke L.J. 365 (1991). Draws on a case about the prohibition of wearing braided hairstyles in the workplace to discuss personal encounters with the intersection of racism and sexism in American culture. Examines limitations in how the courts have treated race- and sex-based claims in antidiscrimination law.
- Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color*, 43 Stan. L. Rev. 1241 (1991). Identifies how identity politics tend to conflate or ignore intragroup differences, such that the intersectional identity of women of color becomes virtually invisible. Explores the race and gender dimensions of violence against women of color, focusing on battering and rape.
- Alan D. Freeman, *Race and Class: The Dilemma of Liberal Reform*, 90 Yale L.J. 1880 (1981). Critiques Derrick Bell's *Race, Racism and American Law (Second Edition)*. Bell takes a critical and instrumentalist approach in examining whether doctrinal developments have improved, worsened, or left unchanged the actual lives of American blacks. It is a challenge to adopt teaching strategies in this area that avoid the myths of liberal reform.
- Angela P. Harris, *From Stonewall to the Suburbs? Toward a Political Economy of Sexuality*, 14 Wm. & Mary Bill Rts. J. 1539 (2006). Examines three U.S. court cases on civil rights and sexual rights (*Brown*, *Goodridge* and *Lawrence*) through the lens of political economy, to tell a cautionary story of how lessons may be drawn from these cases. The outcomes of these ostensible victories must be seen in the context of the success of neoliberalism and the rise of structural liberalism.

- Ratna Kapur, *Postcolonial Erotic Disruptions: Legal Narratives of Culture, Sex, and Nation in India*, 10 Colum. J. Gender & L. 333 (2001).
Discusses how non-heteronormative sexuality is either criminalized or denied in the process of the dismantling of the colonial paradigm. Focuses on normative sexuality, culture and legal controversies in India. Sexual speech and the performance of the sexual subaltern in law can create transgressive spaces and challenge dominant sexual ideology.
- Rickke Mananzala & Dean Spade, *The Nonprofit Industrial Complex and Trans Resistance*, 5 Sexuality Res. & Soc. Pol'y 1 (March 2008).
Explores how trans politics and emerging trans organizations can benefit from critical analyses of the nonprofit industrial complex and of neoliberalism's co-optation of activism. Seeks to build trans resistance through meaningful engagement with anti-racist and anticapitalist politics.
- Mari J. Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 14 Women's Rts. L. Rep. 297 (1992).
Considers women of color as a paradigm group for the utilization of multiple consciousness as jurisprudential method. Urges lawyers to make a deliberate choice to see the world from the standpoint of the oppressed.
- Makau Mutua, *Critical Race Theory and International Law: The View of an Insider-Outsider*, 45 Vill. L. Rev. 841 (2000).
Deploys critical race theory (CRT) to challenge the universality and neutrality of international law. Highlights the emancipatory potential of CRT as a project of "outsider" jurisprudence, despite its particularized origins, through the use of multidimensionality and intersectionality.

c. Client & Community "Voice"

- Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 Mich. L. Rev. 2411 (1988).
Assesses the role of storytelling as a means for destroying the prevailing mindset of the dominant group. Illustrates how stories structure reality and examines the use of storytelling in the struggle for racial reform.
- Herbert A. Eastman, *Speaking Truth to Power: The Language of Civil Rights Litigators*, 104 Yale L.J. 763 (1995).
Problematizes the "sterile" pleadings typically drafted by lawyers, which obscure the client's identity, lived experience, and the root causes of systemic injustice. Draws on journalists' and historians' narrative framing and literary techniques to re-imagine persuasive "thicker pleading."
- Christopher P. Gilkerson, *Poverty Law Narratives: The Critical Practice and Theory of Receiving and Translating Client Stories*, 43 Hastings L.J. 861 (1992).
Adopts a critical storytelling approach to examine the contextual constraints of poverty law practice. Seeks to build a typology of how clients, lawyers and legal decision-makers all tell, receive and translate stories. Advises on establishing ethical dialectic interactions with clients.
- Ruth Anne Robbins, *Harry Potter, Ruby Slippers and Merlin: Telling the Client's Story Using the Characters and Paradigm of the Archetypal Hero's Journey*, 29 Seattle U. L. Rev. 767 (2006).
Asserts that lawyers should use storytelling techniques to more effectively characterize their client, the judge, and the role of the lawsuit in the client's story. Discusses how to develop persuasive narrative themes framing the client as a hero on a transformative life journey.

- Gayatri Chakravorty Spivak, *Can the Subaltern Speak?*, in *MARXISM AND THE INTERPRETATION OF CULTURE* 271 (Cary Nelson & Lawrence Grossberg eds., 1988), available at http://www.mcgill.ca/files/crclaw-discourse/Can_the_subaltern_speak.pdf.
A postcolonial critique of the silencing of the subaltern and the role of intellectuals in perpetuating the subjugation of the oppressed. Argues that the intellectual is complicit in the persistent constitution of the Other. Turns to the practice of *sati* in India as an inquiry into epistemic violence and the manipulation of female subject-constitution.
- Lucie E. White, *Mobilization on the Margins of the Lawsuit: Making Space for Clients to Speak*, 16 *N.Y.U. Rev. L. & Soc. Change* 535 (1989).
Reviews the history of impact litigation in the 1960s-1970s, its successes in advancing systemic reforms, and the conditions that led poverty lawyers to explore alternative litigation strategies in the 1980s. Discusses the value of clients participating in public events “parallel” to litigation.
- Lucie E. White, *Subordination, Rhetorical Survival Skills and Sunday Shoes: Notes on the Hearing of Mrs. G*, in *CLINICAL ANTHOLOGY: READINGS FOR LIVE CLIENT CLINICS* (Alex J. Hurder et al. eds., Anderson, 1997).
Recounts the story of an attempt by a poor woman to participate meaningfully in an administrative hearing at a welfare office. Explores the ways that gender, race and class subordination have systematically devalued the speech of subordinated groups in procedural legal rituals.

SECTION 3: MOVEMENT LAWYERING & INTERNATIONAL HUMAN RIGHTS

- Sameer M. Ashar, *Book Review: Frank S. Bloch, ed., The Global Clinical Movement: Educating Lawyers for Social Justice*. *New York: Oxford University Press, 2011, pp. 400*, 62 *J. Legal Educ.* 193 (August 2012).
Discusses the global development of clinical legal education, the importance of comparative analysis, and the meaning of the spread of clinical legal education as a contingent and contested phenomenon. Clinical legal education should be worked critically into broader theoretical frameworks about globalization, in terms of whether it creates or shuts down opportunities for social change.
- Dina Francesca Haynes, *Client-Centered Human Rights Advocacy*, 13 *Clinical L. Rev.* 379 (2006).
Examines whether human rights advocacy can be enhanced through awareness of the dangers of essentializing, otherizing and re-victimizing the subjects of such advocacy. Argues that law school clinics should teach a client-centered model of human rights lawyering in order to ameliorate some of these concerns.
- Ratna Kapur, *The Tragedy of Victimization Rhetoric: Resurrecting the “Native” Subject in International/Post-Colonial Feminist Legal Politics*, 15 *Harv. Hum. Rts. J.* 1 (2002).
Critiques the international women’s rights movement for reinforcing the image of women in post-colonial contexts as victim subjects, particularly through violence against women campaigns. Looks at India as a case study to critique “feminist” positions that do not embrace an emancipatory politics for women.
- David Kennedy, *The International Human Rights Movement: Part of the Problem?*, 15 *Harv. Hum. Rts. J.* 101 (2002).
Raises questions for human rights practitioners about whether the international human rights movement has serious drawbacks despite its accomplishments.

Urges legal professionals to adopt a pragmatic attitude toward human rights by weighing the costs and benefits of invoking, institutionalizing and enforcing rights.

- Makau Mutua, *What is TWAIL?*, 94 Am. Soc'y Int'l L. Proc. 31 (2000).
Presents Third World Approaches to International Law (TWAIL) as standing in opposition to the international legal regime. Asserts that international law is an imperial project and traces the historical evolution of TWAIL as a discipline.
- Balakrishnan Rajagopal, *International Law and Social Movements: Challenges of Theorizing Resistance*, 41 Colum. J. Transnat'l L. 397 (2003).
Proposes that international law needs to have a theory of resistance in order to remain relevant to contemporary events and cosmopolitan values. Such a theory should re-frame international law through the lens of social movements, rather than states or individuals. International lawyers should strive to overcome their reluctance or inability to seriously consider Third World social movements.

SECTION 4: LAW SCHOOL & MOVEMENT LAWYERING

a. Finding Your Place in the Dislocating Law School Experience

- Rachel Anderson et al., *Toward a New Student Insurgency: A Critical Epistolary*, 94 Cal. L. Rev. 1879 (2006).
An exercise in collective storytelling, describing three law students' social justice activism in law school and identifying the revolutionary potential of the "new student insurgency." Calls for the creative fusion of critical legal study with clinical practice and coalitional interventions within law schools.
- Richard Delgado, *Rodrigo's Chronicle*, 101 Yale L.J. 1357 (1992) (reviewing DINESH D'SOUZA, *ILLIBERAL EDUCATION: THE POLITICS OF RACE AND SEX ON CAMPUS* (1991)).
A dialogue between a professor and "Rodrigo" which explores issues of bias and discrimination against people of color in the LSAT, the law school hiring market, and academic publishing. Discusses potential avenues for destabilizing the current dominant culture.
- Betty Hung, *Letter to a Young Public Interest Attorney*, 1 L.A. Pub. Int. L.J. (2009).
Describes one public interest attorney's legal education and early career, focusing on how critical race theory and small acts of resistance helped her to counter disempowerment and intimidation at law school.
- Duncan Kennedy, *Legal Education as Training for Hierarchy*, in *THE POLITICS OF LAW: A PROGRESSIVE CRITIQUE* (David Kairys ed., 3d ed. 1998), available at http://www.duncankennedy.net/documents/Legal%20Education%20as%20Training%20for%20Hierarchy_Politics%20of%20Law.pdf.
Asserts that law schools are intensely political places which provide ideological training for willing service in the hierarchies of the corporate welfare state. Students are co-opted into acting affirmatively within the channels cut for them, creating the appearance of consent and complicity. Progressive law students should strive to avoid being demobilized.
- Kathryn M. Stanchi, *Resistance is Futile: How Legal Writing Pedagogy Contributes to the Law's Marginalization of Outsider Voices*, 103 Dick. L. Rev. 7 (1998).
Law students are "socialized" through legal writing pedagogy, such that the voices of those who have already been historically marginalized by

legal language remain suppressed. Law constitutes a “language of power” which compels marginalized persons to translate or encode their experiences, rather than expressing themselves in their own terms.

b. Clinics and Movement Lawyering

- Sameer M. Ashar, *Law Clinics and Collective Mobilization*, 14 Clinical L. Rev. 355 (2008).
Envisions an innovative progressive model for law clinics. Cognizant of neoliberal globalization, urges clinics to stop privileging pedagogy over social justice and instead to focus on movement-building and law reform. Highlights importance of accounting for political, racial, cultural contexts.
- Caroline Bettinger-Lopez et al., *Redefining Human Rights Lawyering Through The Lens Of Critical Theory: Lessons For Pedagogy And Practice*, 18 Geo. J. on Poverty L. & Pol'y 337 (2011).
Reflects on how critical theory offers opportunities for advancing legal strategies in the field of human rights. Identifies dilemmas that remain and examines them through case studies drawn from law clinics. Explores how clinics can address the structural origins of human rights violations.
- Juliet M. Brodie, *How Little Cases Fit into the Big Picture: Teaching Social Justice Lawyering in Neighborhood-Based Community Lawyering Clinics*, available at <http://www.law.harvard.edu/academics/clinical/documents/littlecasesbigpicture.pdf>.
Advocates for law clinics to return to a neighborhood-based approach, based on its pedagogical and service values. Uses a case study in East Palo Alto. Highlights how to be responsive to community needs by being physically proximate to the client community, and how to enhance the student experience using diverse, flexible methods on a range of issues.
- Karen Tokarz et al., *Conversations on “Community Lawyering”: The Newest (Oldest) Wave in Clinical Legal Education*, 28 J.L. & Pol'y 359 (2008).
Explores the pedagogical and professional challenges and rewards of community lawyering and clinical legal education. Provides a broad overview of community lawyering practices based on notions of place, engagement, and connectivity.

SECTION 5: LAWYERING AND ORGANIZING

a. Working with Community Organizations & Movements

- Scott L. Cummings & Ingrid V. Eagly, *A Critical Reflection on Law and Organizing*, 48 UCLA L. Rev. 443 (2001).
Reviews the historical evolution of law and organizing from the mid-20th century to the present and identifies opportunities for innovation in advocacy strategies for social justice. Examines structural tensions, practical barriers and ethical issues inherent in law and organizing.
- Shim Imai, *A Counter-Pedagogy for Social Justice, Core Skills for Community-Based Lawyering*, 9 Clinical L. Rev. 195 (2002).
Argues that law students should be taught skills beyond the mainstream curriculum in order to be effective community-based lawyers. Such skills

- include collaboration with community members; acknowledgement of identity, race and emotion; and adoption of a community perspective on legal problems. Includes concrete examples of techniques and exercises.
- Amy Kapczynski & Jonathan M. Berger, *The Story of the TAC Case: The Potential and Limits of Socio-Economic Rights Litigation in South Africa*, in HUMAN RIGHTS ADVOCACY STORIES (Deena R. Hurwitz & Margaret L. Satterthwaite eds., Foundation Press, 2009).
Tells the story of a community-based AIDS activist organization in South Africa. Examines their success in court in securing a ruling on access to treatment for the prevention of mother-to-child transmission of HIV, and sets it in the context of an organized movement with strengths and limits.
 - Michael McCann & Helena Silverstein, *Rethinking Law's 'Allurements': A Relational Analysis of Social Movement Lawyers in the United States*, in CAUSE LAWYERING: POLITICAL COMMITMENTS AND PROFESSIONAL RESPONSIBILITIES 261 (Austin Sarat & Stuart Scheingold eds., 1998).
Uses case studies on gender-based pay equity and animal rights to critique assumptions about the role of cause lawyers in advancing movement reform goals. Suggests lawyers tend to be aware of pitfalls of litigation strategies and instead offer creative, critical and sophisticated approaches to legal strategies in coordination with non-legal tactics. Calls for a more nuanced relational analysis of factors that shape legal roles.
 - William P. Quigley, *Reflections of Community Organizers: Lawyering for Empowerment of Community Organizations*, 21 Ohio N.U.L. Rev. 455 (1994).
Provides observations and reflections of three community organizers, evaluating the role of lawyers in community organizations. Critiques lawyers for playing a technical role, exerting authority and expertise, and creating dependency within the communities they seek to serve.
 - Victor Narro, *Finding the Synergy between Law and Organizing: Experiences from the Streets of Los Angeles*, 35 Fordham Urb. L.J. 339 (2008).
Case study of worker's centers in Los Angeles, demonstrating the importance of communication, participation and coordination ineffective collaborations between lawyers and organizers.

b. Balancing Lawyering & Organizing

- Charles Elsesser & Purvi Shah, *Purvi and Chuck: Community Lawyering, Organizing Upgrade*, June 1, 2010, *available at* <http://www.organizingupgrade.com/index.php/modules-menu/community-organizing/item/71-purvi-amp-chuck-community-lawyering>.
Discusses the role of lawyers in grassroots organizing, social movements, and building a new world based on an alternative progressive vision. Aims to establish community lawyers as tacticians, rather than saviors or gatekeepers, and views poverty as a symptom of systemic inequality.
- Betty Hung, *Law and Organizing from the Perspective of Organizers: Finding a Shared Theory of Social Change*, 1 L.A. Pub. Int. L.J. (2008).
Examines tensions in law and organizing, and how organizers evaluate whether lawyers will add value to campaigns. Concludes that a shared theory of social change, based on the primacy of affected community members, is key to effective partnerships in social justice movements.

- E. Tammy Kim, *Lawyers as Resource Allies in Workers' Struggles for Social Change*, 13 N.Y. City L. Rev. 213 (2009).
Discusses the merits of a “resource-ally” model of community-based workers’ rights lawyering, exemplified by the Urban Justice Center. Lawyers engage in client partnerships but are not directly involved in extralegal activism. Separates roles, ethics and resource allocation.

SECTION 6: CASE STUDIES ON MOVEMENT LAWYERING

a. National Context

- David Dominguez, *Getting Beyond Yes to Collaborative Justice: The Role of Negotiation in Community Lawyering*, 12 Geo. J. on Poverty L. & Pol’y 55 (2005).
Envisions an innovative model of collaborative justice, in which lawyers equip community residents to form grassroots advocacy groups and to negotiate among themselves and with officials. Uses a case study to show how to train community residents in integrative bargaining skills.
- Jennifer Gordon, *Law, Lawyers, and Labor: The United Farm Workers’ Legal Strategy in the 1960s and 1970s and the Role of Law in Union Organizing Today*, 8 U. Pa. J. Lab. & Emp. L. 1 (2005).
In-depth analysis of United Farm Workers’ legal strategy at the peak of its influence and power, taking a “long view” to ask what law offers labor organizing. Suggests lawyers can offer creative and experimental legal strategies even without legislative reforms.
- Zenobia Lai et al., *The Lessons of the Parcel C Struggle: Reflections on Community Lawyering*, 6 Asian Pac. Am. L.J. 1 (2000).
Relates the story of community lawyers’ involvement in a struggle over land development in Boston’s Chinatown. Advises about how to build trust, translate legal concepts to the community, manage community expectations, and respect community choices about legal strategies.
- Christine Zuni Cruz, *[On the] Road Back In: Community Lawyering in Indigenous Communities*, 5 Clinical L. Rev. 557 (1999).
Discusses the challenges of lawyering within indigenous communities. Calls for the establishment of an ethic of non-exploitation founded on cultural autonomy, self-determination, building trust and respecting boundaries. Urges lawyers to appreciate the cross-cultural nature of work.
- Charles F. Elsesser, *Community Lawyering – The Role of Lawyers in the Social Justice Movement* (forthcoming 2013, Loyola J. Pub. Int. L.).

b. International Context

- Meena Jagannath et al., *A Rights-Based Approach to Lawyering: Legal Empowerment as an Alternative to Legal Aid in Post-Disaster Haiti*, 10 Nw. U. J. Int’l Hum. Rts. 7 (2011).
Describes a rights-based community lawyering response to the 2010 earthquake in Haiti. By bringing individual cases of human rights violations to Haitian courts, human rights lawyers strengthened the ability of the judiciary to respond to the needs of directly affected communities. Organizing and community engagement, operating alongside legal representation, provide valuable openings for communities to claim rights.

- Lucie E. White, *To Learn and Teach: Lessons from Driefontein on Lawyering and Power*, 1988 Wis. L. Rev. 699 (1988).
Tells the story of efforts by residents of a black village in South Africa to resist attempts by the state to destroy the village and displace residents. Examines the exemplary efforts of a lawyer and an organizer as “outsiders” who contributed by educating and empowering villagers.
- Stuart Wilson, *Litigating Housing Rights in Johannesburg’s Inner City: 2004-2008*, 27 South African J. Hum. Rts. 127 (2011).
Uses a case study of housing rights in Johannesburg, South Africa, to examine the role of litigation in a rights-based strategy for social change. Litigation is an incremental and medium-to-long-term strategy of pro-poor change. The poor must become “repeat players” as active participants in the legal system in order to progressively shape legal norms.
- Neta Ziv, *Lawyers Talking Rights and Clients Breaking Rules: Between Legal Positivism and Distributive Justice in Israeli Poverty Lawyering*, 11 Clinical L. Rev. 209 (2004).
Advocating on behalf of poor clients who break laws in order to secure their basic needs. Uses a case study in Tel Aviv, Israel, of ethical dilemmas posed by client squatters who have been evicted from their homes. How lawyers work within the legal system and simultaneously contest its underlying structure, language, and assumptions.

SECTION 7: ADDITIONAL READING

Mumia Abu-Jamal, *JAILHOUSE LAWYERS: PRISONERS DEFENDING PRISONERS V. THE USA* (2009).

Giorgio Agamben, *HOMO SACER: SOVEREIGN POWER AND BARE LIFE* (1995).

Michelle Alexander, *THE NEW JIM CROW* (2012).

Hannah Arendt, *THE DECLINE OF THE NATION-STATE AND THE END OF THE RIGHTS OF MAN, IN THE ORIGINS OF TOTALITARIANISM* (1966).

Derrick Bell, *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* (1993).

Costas Douzinas, *THE END OF HUMAN RIGHTS* (2000).

Paulo Freire, *PEDAGOGY OF THE OPPRESSED* (1968).

THE REVOLUTION WILL NOT BE FUNDED: BEYOND THE NON PROFIT INDUSTRIAL COMPLEX (Incite! Women of Color Against Violence ed., 2009).

Arthur Kinoy, *RIGHTS ON TRIAL: THE ODYSSEY OF A PEOPLE'S LAWYER* (1993).

Gerald P. Lopez, *REBELLIOUS LAWYERING: ONE CHICANO’S VISION OF PROGRESSIVE LAW PRACTICE* (1992).

Balakrishnan Rajagopal, INTERNATIONAL LAW FROM BELOW: DEVELOPMENT, SOCIAL MOVEMENTS, AND THIRD WORLD RESISTANCE (2003).

Dorothy Roberts, KILLING THE BLACK BODY: RACE, REPRODUCTION, AND THE MEANING OF LIBERTY (1998).

Gerald N. Rosenberg, THE HOLLOW HOPE: CAN COURTS BRING ABOUT SOCIAL CHANGE? (2008).

Edward Said, ORIENTALISM (1978).

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