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Eagly, Ingrid V.

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COMMUNITY EDUCATION: CREATING A NEW VISION OF LEGAL SERVICES PRACTICE

INGRID V. EAGLY*

INTRODUCTION

In recent years, an increasing amount of scholarly attention has focused on the potential of the law and lawyers to be an empowering force in the lives of poor clients.¹ These evolving forms of lawyering encourage practitioners to move away from traditional concepts of litigation-based poverty law practice and to reenvision their role as helping clients recognize their potential to help themselves. According to these new perspectives on poverty law, practitioners should spend more time listening to client concerns, helping poor people realize their problem-solving abilities, finding opportunities for client voices to be heard, and encouraging the formation of poor people's organizations.²

In contrast to these collaborative visions of lawyering for the poor, most Legal Services³ programs remain entrenched in a law prac-

* Skadden Fellow, Women's Law Project, Legal Assistance Foundation of Chicago (1995-97). I thank those who contributed to the development of this Article and community education project, including Naomi Avendaño, Courtney Chepenik, Scott L. Cummings, Alice H. Eagly, Andrea Friedmann, Johannah Garton, Guadalupe Guerrero, Tim Huizenga, Lisa Manshel, Kara Kellaher Mikulich, Kirsten Mueller, Susan Butler Plum, Jennifer Rubin, Monica Stamm, Mirna Torres, Monica Vaca, and Lucie E. White.

¹ These models of empowerment have existed in the poverty law literature for quite some time and have appeared with increasing frequency in recent years. See, e.g., GERALD P. LÓPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* (1992); Anthony V. Alfieri, *The Antinomies of Poverty Law and a Theory of Dialogic Empowerment*, 16 N.Y.U. REV. L. & SOC. CHANGE 659 (1987-88); Steve Bachmann, *Lawyers, Law, and Social Change*, 13 N.Y.U. REV. L. & SOC. CHANGE 1 (1984-85); Ruth H. Buchanan & Louise G. Trubek, *Resistances and Possibilities: A Critical and Practical Look at Public Interest Lawyering*, 19 N.Y.U. REV. L. & SOC. CHANGE 687 (1992); Ann Shalleck, *Theory and Experience in Constructing the Relationship Between Lawyer and Client: Representing Women Who Have Been Abused*, 64 TENN. L. REV. 1019 (1997); Lucie E. White, *To Learn and Teach: Lessons from Driefontein on Lawyering and Power*, 1988 WIS. L. REV. 699. These and other authors have made varied contributions to the development of "collaborative" lawyering; however, differentiating between approaches is beyond the scope of this Article. For a critical review of the literature see Ruth M. Buchanan, *Context, Continuity, and Difference in Poverty Law Scholarship*, 48 U. MIAMI L. REV. 999 (1994).

² See *id.*

³ Throughout this Article, I use the terms "Legal Services" and "LSC" programs to refer to programs funded, in whole or in part, by the Legal Services Corporation, Pub. L.

tice that emphasizes traditional litigation strategies as a means of fighting poverty. Although some Legal Services providers have expanded their vision of the lawyer's role,⁴ such change has been slow. The everyday practice of Legal Services lawyers still consists primarily of high-volume representation of individual clients.

The adherence of Legal Services to traditional modes of legal practice is due, in part, to the severe limitations that federal regulations governing LSC-funded agencies place on the kinds of activities that Legal Services attorneys can undertake.⁵ For example, such programs currently cannot engage in organizing activities, lobbying, or class actions.⁶ Furthermore, Congress's hostility to Legal Services, including threats to defund the program entirely, has caused agencies to focus their efforts on preserving existing activities, rather than considering new initiatives or lawyering techniques that might more effectively address the needs of the poor.⁷ Another factor, however, is a lack of initiative on the part of Legal Services programs to experiment with less traditional forms of lawyering.⁸ This low level of experimentation is exacerbated by an absence of analyses in the literature of how Legal Services programs can more effectively represent their clients within the scope of permissible activities.⁹ In addition, most law schools and clinical programs have not included non-traditional forms

No. 93-355, 88 Stat. 378 (1974) (codified as amended at 42 U.S.C. § 2996 (1997)). See *infra* notes 13-42 and accompanying text.

⁴ For example, a few Legal Services organizations have recognized the importance of community involvement by encouraging or requiring attorneys and staff to be more actively involved in the community where they work. Evergreen Legal Services requires every employee to participate in low-income community activities. California Rural Legal Services "employs community workers to do outreach and related activities in the farmworker communities and camps served by the program." Alan W. Houseman, *Political Lessons: Legal Services for the Poor—A Commentary*, 83 GEO. L.J. 1669, 1697 n.104 (1995).

⁵ See generally 45 C.F.R. §§ 1600-43 (1997).

⁶ In addition, programs cannot initiate litigation on behalf of prisoners and certain classes of immigrants or accept cases involving redistricting, abortion, or a challenge to a welfare reform policy. See *id.*

⁷ See Houseman, *supra* note 4, at 1669.

⁸ See Marc Feldman, *Political Lessons: Legal Services for the Poor*, 83 GEO. L. J. 1529, 1534 (1995) ("Legal Services has become defensive and insular, not only to ward off conservative political attack, but also to protect against the difficult, and possibly painful, task of self-assessment and improvement.").

⁹ Very little of the emerging poverty law scholarship provides concrete examples from practice of how to implement collaborative lawyering strategies that lead to client empowerment. See, e.g., Buchanan & Trubek, *supra* note 1, at 714 n.65 ("[P]ractitioners interested in critical lawyering [should] write more, and greater detailed[,] accounts of particular practice situations [and recognize] the need for increasingly detailed information about alternative styles of practice."); White, *supra* note 1, at 766 ("With a few exceptions, the literature does not show what lawyering in this mode might actually look like."). For examples of poverty law scholarship that do provide concrete examples, see *infra* notes 76-91 and accompanying text.

of advocacy, such as community education, among the skills that young poverty lawyers should master.¹⁰

This Article attempts to bridge some of the gaps between theory about collaborative lawyering and the reality of everyday Legal Services practice by exploring the potential of community education to address the problems of poor clients. By using a case study of a community education program in Chicago, this Article demonstrates how this underutilized lawyering technique can be employed as a component of Legal Services practice. It is an especially opportune time to examine community education as a strategy because it is one of the few activities that Legal Services lawyers are still able to conduct, aside from individual client representation.¹¹ As a result, clinical programs and practitioners need to develop methods of implementing community education programs and train students who will be entering Legal Services in educational techniques.

This Article is divided into two Parts. Part I examines the development of Legal Services, which has historically focused on individual and impact litigation as primary strategies for fighting poverty, with community education playing a very small role. This reality of Legal Services practice is contrasted with emerging theoretical models of poverty law, which feature community education as an important

¹⁰ See Susan P. Sturm, *From Gladiators to Problem-Solvers: Connecting Conversations About Women, the Academy, and the Legal Profession*, 4 DUKE J. GENDER L. & POL'Y 119, 128-44 (1997) ("Legal education plays a pivotal role in socializing lawyers to the primacy of . . . an adversarial, litigation model aimed at using tools of analytic reasoning to advance a claim and win an argument . . . Law schools should embrace more fully a role as facilitators of professional self-reflection and problem-solving."). Nonetheless, many law schools have begun to expand their curriculums to teach non-litigation based advocacy skills. See, e.g., Ann Southworth, *Business Planning for the Destitute? Lawyers as Facilitators in Civil Rights and Poverty Practice*, 1996 WIS. L. REV. 1121, 1168-69 (noting that several law schools have created transactional clinical programs and begun to emphasize the relevance of transactional skills to the needs of low-income clients); Lucie E. White, "Democracy" in *Development Practice: Essays on a Fugitive Theme*, 64 TENN. L. REV. 1073, 1074 (1997) ("Many clinical law teachers are shifting their teaching and practice away from conventional, one-on-one representation of impoverished clients in contested cases like evictions and welfare terminations, and refocusing on transactional services for low income community groups.").

¹¹ Another non-litigation type of advocacy that programs can still initiate is economic development work. See, e.g., Susan R. Jones, *Small Business and Community Economic Development: Transactional Lawyering for Social Change and Economic Justice*, 4 CLIN. L. REV. 195 (1997) (discussing the benefits of transactional work in law school clinics); Ben Quiñones, *Serving Clients in New Ways: Community Economic Development*, 27 CLEARINGHOUSE REV. 773, 773-74 (1993) (identifying affordable housing development, business enterprise development, and urban renewal as common areas of community economic development work). Also, with non-LSC funds, programs can prepare comments in a public rulemaking proceeding and can respond to written requests for information or testimony from a government agency or legislative body, or a member of such group. See 45 C.F.R. § 1612.6 (1997).

function for lawyers.

Part II of this Article first provides a descriptive analysis of a community education program initiated at a Legal Services program in Chicago. The Chicago program focused on educating community members about workplace rights and was especially geared toward addressing the concerns of immigrant women. The program comprised a variety of elements, including workshops, intensive courses, an educational video, and publicity of workplace laws in the media. Next, Part II evaluates the Chicago program by providing examples of how the program affected its participants. The results of the program indicate that community education reaches under-served populations, provides opportunities for clients to have their voices heard, responds to concerns that cannot be adequately addressed by the legal system, encourages individuals to solve their own problems, and develops leadership skills in community members. Because concrete examples from poverty practice are rarely seen in the academic literature, and examples of community education programs are especially rare, this practice-based analysis should be useful as a pedagogical tool for practitioners and clinical programs that plan to incorporate community education into their practice. In addition, this analysis should provide a deeper understanding of how the theory of critical lawyering may translate into everyday Legal Services practice.¹²

I. FROM THE LEGAL SERVICES MODEL TO NEW THEORIES OF LAWYERING FOR THE POOR

A. *The Legal Services Model*

The development of a comprehensive delivery system of Legal Services for the poor began during the Johnson Administration's War on Poverty. With the passage of the Economic Opportunity Act of 1964,¹³ the Office of Economic Opportunity ("OEO") was established

¹² See, e.g., Buchanan & Trubek, *supra* note 1, at 692 ("[E]ffective alternative approaches to social change lawyering must emerge from actual lawyers' practices and their reflections on those experiences, rather than theoretical meta-narratives which serve to legitimate particular approaches to social change lawyering in the abstract."); Peter Toll Hoffman, *Clinical Scholarship and Skills Training*, 1 CLIN. L. REV. 93, 114 (1994) (explaining that clinical scholarship should provide a "theoretical underpinning for the analyses being presented," improve "the ability of lawyers to represent their clients," "be derived from problems encountered in practice," and "be accessible to its intended recipients, lawyers and law students"); Paul R. Tremblay, *Rebellious Lawyering, Regnant Lawyering, and Street-Level Bureaucracy*, 43 HASTINGS L.J. 947, 950 (1992) ("Our mission as teachers and practitioners should be to develop practice patterns and proposals that account for the street-level experiences of those legal services lawyers who work on the front lines.").

¹³ Pub. L. No. 88-452, 78 Stat. 508 (1964) (codified as amended at 42 U.S.C. § 2701 and repealed in 1981).

to distribute federal funding for Legal Services.¹⁴ Although legal aid programs had existed in various forms for years,¹⁵ the Economic Opportunity Act marked the first time that the federal government committed itself to supporting such initiatives.¹⁶

In contrast to other existing programs, the OEO adopted a relatively reform-oriented agenda. For example, OEO programs initiated "impact" and "law reform" litigation,¹⁷ organized groups of poor people,¹⁸ and involved poor people in the administration of the programs.¹⁹ The development of community education materials was also part of the OEO's activist mission.²⁰ However, despite the fact that OEO Guidelines²¹ indicated that "client education activities" were "essential components of local programs,"²² the OEO never fully implemented its goal of client empowerment through community

¹⁴ For a good discussion of the development of the Office of Economic Opportunity, see EARL JOHNSON, JR., *JUSTICE AND REFORM: THE FORMATIVE YEARS OF THE AMERICAN LEGAL SERVICES PROGRAM* (1978). See also JEROLD S. AUERBACH, *UNEQUAL JUSTICE: LAWYERS AND SOCIAL CHANGE IN MODERN AMERICA* (1976); BRYANT GARTH, *NEIGHBORHOOD LAW FIRMS FOR THE POOR* (1980).

¹⁵ Legal Services for the poor began as a privately-funded initiative with the establishment of the Legal Aid Society of New York City in 1876. See GARTH, *supra* note 14, at 17. By 1900 there were six such legal aid societies, 15 by 1910, and 41 by 1920. See *id.* at 18. By the mid-1960's, a legal aid system had been established throughout the United States, funded by charities and bar associations. See *id.* at 19-20. For further discussion of pre-LSC legal aid societies, see Philip L. Merkel, *At the Crossroads of Reform: The First Fifty Years of American Legal Aid, 1876-1926*, 27 Hous. L.J. 1 (1990).

¹⁶ In 1964 there were about 150 legal aid societies in the United States that employed about 600 lawyers, with a combined budget of about four million dollars. Within a few years, however, over 2,500 lawyers worked for such programs, with a budget of over 60 million dollars. See Gary Bellow, *Legal Aid in the United States*, 14 CLEARINGHOUSE REV. 337, 337-38 (1980).

¹⁷ "Impact" or class action litigation refers to litigation on behalf of a group or class that seeks to affect the interests of large numbers of poor people. In contrast, "individual service" work involves treating clients' claims individually, one at a time. The benefits of "impact" versus "individual service" approaches to serving the poor have been heavily debated. See *id.* at 343-44. See also Southworth, *supra* note 10, at 1126-27 (comparing individual service and law reform models of lawyering).

¹⁸ See JACK KATZ, *POOR PEOPLE'S LAWYERS IN TRANSITION* 75-89 (1982) (including a discussion of the impact of the OEO program on legal services for the poor in Chicago).

¹⁹ For example, many programs invited members of the client community to serve on the boards of trustees or advisory committees that established priorities for the programs. See Comment, *The New Public Interest Lawyers*, 79 YALE L.J. 1069, 1126 (1970). The OEO legislation required that there be "maximum feasible participation" of the poor in OEO programs. GARTH, *supra* note 14, at 28.

²⁰ See KATZ, *supra* note 18, at 68-99. See also Houseman, *supra* note 4, at 1684 (discussing the early OEO's priorities, which included "community education, outreach efforts, and physical presence in the community" in order to "assist clients in identifying critical needs and fashioning legal responses").

²¹ See OFFICE OF ECONOMIC OPPORTUNITY, *GUIDELINES FOR LEGAL SERVICES PROGRAMS* (1967).

²² Alan W. Houseman, *A Short Review of Past Poverty Law Advocacy*, 23 CLEARINGHOUSE REV. 1514, 1515 (1990).

legal education.²³

In the 1970's, controversy emerged regarding the ostensibly radical mission of the OEO program. In 1973, President Nixon authorized the dismantling of the OEO Legal Services program.²⁴ This political backlash against the program culminated in Congress's creation of the Legal Services Corporation, or "LSC."²⁵ The Legal Services Corporation Act of 1974²⁶ represented a compromise between liberals, who wanted to create a program that would allow Legal Services attorneys to be professionally and politically independent, and conservatives, who wanted to prevent Legal Services from becoming "a vehicle for social reform or a base for political action."²⁷

The Act formed a national not-for-profit corporation to establish quality legal assistance for the poor. Funds were distributed to local Legal Services offices, which were required to maintain quality standards and follow applicable restrictions.²⁸ These restrictions included prohibitions on participation in criminal proceedings, political activity, school desegregation, public demonstrations, picketing, boycotts, or strikes. In addition, the Act prohibited assistance in any case seeking to obtain a non-therapeutic abortion and lobbying, unless it was on behalf of a client or in response to a request.²⁹

As LSC grew throughout the 1970's, advocacy efforts continued to focus primarily on impact litigation. By 1980, Legal Services programs existed in almost every county in the United States.³⁰ However, during the 1980's, LSC began to lose congressional support. The Reagan Administration proposed to eliminate the program entirely.³¹ As a result of this hostile environment, funding was reduced,³² and

²³ See *id.*

²⁴ See Note, *Depoliticizing Legal Aid: A Constitutional Analysis of the Legal Services Corporation Act*, 61 CORNELL L. REV. 734, 735 (1976).

²⁵ See Bellow, *supra* note 16, at 339-40.

²⁶ Pub. L. 93-355, 88 Stat. 378 (1974) (codified as amended at 42 U.S.C. § 2996 (1997)).

²⁷ Note, *supra* note 24, at 735.

²⁸ For a good overview of the LSC structure and funding history, see Douglas J. Besharov & Paul N. Tramontozzi, *Background Information on the Legal Services Corporation*, in LEGAL SERVICES FOR THE POOR: TIME FOR REFORM 209-25 (Douglas J. Besharov ed., 1990). See also Warren E. George, *Development of the Legal Services Corporation*, 61 CORNELL L. REV. 681 (1976) (discussing the structure and significance of the Legal Services Corporation Act).

²⁹ See generally 42 U.S.C. § 2996 (1974). See also GARTH, *supra* note 14, at 43.

³⁰ See JOHN A. DOOLEY & ALAN W. HOUSEMAN, LEGAL SERVICES HISTORY 10-16 (2d Draft, Nov. 1985) (unpublished manuscript).

³¹ See *id.* at 40.

³² In 1981, funding cuts by Reagan cut the budget from \$321 million to \$241 million. See Douglas J. Besharov, *Introduction to LEGAL SERVICES FOR THE POOR: TIME FOR REFORM* xiii (Douglas J. Besharov ed., 1990). For further history of LSC in the 1980's, see Carrie Menkel-Meadow, *Legal Aid in the United States: The Professionalization and Politicization of Legal Services in the 1980's*, 22 OSGOODE HALL L.J. 29 (1984).

Congress increased the number of restrictions on the types of advocacy that LSC programs could initiate.³³

In 1995, Congress launched another campaign to end the LSC program. The resulting legislation³⁴ cut funding for fiscal year 1996 by one-third³⁵ and imposed major substantive restrictions on the type of work that the program can carry out.³⁶ Under this most recent set of restrictions, the prohibited activities include class actions,³⁷ legislative work,³⁸ and welfare reform.³⁹ In addition, programs were further lim-

³³ See Houseman, *supra* note 22, at 1520. For example, in 1989, the LSC extended the restrictions to include redistricting cases. See 45 C.F.R. § 1632 (1989).

³⁴ Omnibus Consolidated Rescissions and Appropriations Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321 (codified as amended at 42 U.S.C. § 2996 (1998)) [hereinafter OCRAA].

³⁵ See Suggested List of Priorities for LSC Recipients, 61 Fed. Reg. 26934 (1996). Funds were reduced from \$400 million for fiscal year 1995 to \$276 million for fiscal year 1997. Between 1995 and 1996, approximately 200 of 1,200 neighborhood offices were closed, and the number of lawyers was reduced from 4,500 to approximately 3,600. See John Flynn Rooney, *House Approves \$283 Million for Legal Services Corp., Senate OK Seen*, CHI. DAILY L. BULL., Sept. 30, 1996, at 1.

³⁶ These restrictions are in addition to earlier ones found in federal regulations, such as restrictions limiting grassroots lobbying, see 45 C.F.R. § 1612 (1995), and the acceptance of fee-generating cases, see 45 C.F.R. § 1609 (1995). Legal services organizations have filed court challenges to the congressional restrictions on LSC operations with mixed success. Compare *Legal Aid Soc'y of Haw. et al. v. Legal Servs. Corp.*, 981 F. Supp. 1288 (D. Haw. 1997) (finding that congressional restrictions on use of non-federal funds did not violate plaintiff LSC's First Amendment, Due Process, or Equal Protection rights) and *Velasquez et al. v. Legal Servs. Corp.*, 1997 WL 789369, at *1 (E.D.N.Y. Dec. 22, 1997) (denying plaintiffs' motion to enjoin LSC restrictions) with *Varshavsky v. Geller*, No. 40767/91, slip op. at 14-16 (N.Y. Sup. Ct. Dec. 24, 1996), reprinted in N.Y. L.J., Dec. 31, 1996, at 22 (finding that ban on use of non-LSC funds for class actions is constitutionally invalid under the First Amendment). See also Don Van Natta, Jr., *Legal Services Wins on Suit for the Poor*, N.Y. TIMES, Dec. 27, 1996, at B1 (reporting on *Varshavsky*).

For a discussion of the litigation surrounding the 1995 restrictions, see Recent Legislation, *Constitutional Law—Congress Imposes New Restrictions on Use of Funds by the Legal Services Corporation*, 110 HARV. L. REV. 1346 (1997). See generally Charles J. Cooper & Michael A. Carvin, *The Price of "Political Independence": The Unconstitutional Status of the Legal Services Corporation*, 4 B.U. PUB. INT. L.J. 13 (1994) (examining the constitutionality of the Legal Services Corporation Act); Note, *supra* note 24 (arguing that the Legal Services Corporation Act's limitation of the activities that programs and lawyers can engage in is constitutionally suspect). Jessica A. Roth, *It Is Lawyers We Are Funding: A Constitutional Challenge to the 1996 Restrictions on the Legal Services Corporation*, 33 HARV. C.R.-C.L. L. REV. 107 (1998) (arguing that restrictions that can be described as "political" are unconstitutional).

Whether it is a good strategy for LSC programs to challenge the restrictions in court is a subject of much disagreement within existing programs and program administration. See James Ridgeway, *Legal Disservices: Attacked by Congress, The People's Lawyers Can't Decide Whether to Play Dead or Fight Back*, 20 VILLAGE VOICE, Aug. 6, 1996, available in 1996 WL 11169533.

³⁷ See 45 C.F.R. § 1617 (1997).

³⁸ See 45 C.F.R. § 1612 (1997). For further discussion of the restrictions on lobbying, see Paula Galowitz, *Restrictions on Lobbying by Legal Services Attorneys: Redefining Professional Norms and Obligations*, 4 B.U. PUB. INT. L.J. 39 (1994).

ited in their ability to represent immigrants.⁴⁰ Not only do these restrictions limit what agencies can do with LSC funds, but they also limit agencies' use of private funds in most cases.⁴¹ Whereas LSC funding recipients were previously permitted to use non-federal funds from public sources for any purpose as long as they documented the segregation of federal and non-federal funds, under the new statute any agency that engages in restricted activities is prohibited from receiving LSC funds.⁴²

Since its inception, the LSC model has been the primary form of poverty law in the United States.⁴³ Many of the activist goals of the early OEO program⁴⁴ were never incorporated into the LSC model, which today consists primarily of individual representation in the areas of public benefits, education, health care, family law, housing, and consumer protection.⁴⁵ With fewer resources to meet the needs of an increasing number of poor people, Legal Services has become overwhelmed with demands for assistance.⁴⁶ Case priorities are usually set according to a "triage model," similar to the system in place in hospital emergency rooms. Under this model, programs decide which types of cases to undertake by using factors including degree of need, severity of poverty, and likelihood of success.⁴⁷

³⁹ See 45 C.F.R. § 1639.1 (1997) (stating that LSC recipients may "not initiate litigation, challenge or participate in efforts to reform a Federal or State welfare system").

⁴⁰ OCRR § 508 prohibits the representation of (1) parolees; (2) family members of amnesty aliens granted "family unity"; (3) persons with Temporary Protected Status; and, (4) undocumented immigrants. Recently Congress passed a narrow exception, allowing programs to represent undocumented immigrants in cases of domestic abuse. See *Restrictions on Legal Assistance to Aliens*, 62 Fed. Reg. 45755 (1997) (revising 45 C.F.R. § 1626). For a brief history of immigrants' access to legal assistance, see Robert L. Bach, *Building Community Among Diversity: Legal Services for Impoverished Immigrants*, 27 U. MICH. J.L. REF. 639, 641-45 (1994).

⁴¹ See 45 C.F.R. § 1610 (1997).

⁴² See *id.*

⁴³ Although it is possible to generalize about LSC programs, each program is distinct. Programs range greatly in size and funding sources and serve very different populations.

⁴⁴ The OEO program expressly encouraged community organization and other forms of collective lawyering. See Edgar S. Cahn & Jean C. Cahn, *The War on Poverty: A Civilian Perspective*, 73 YALE L.J. 1317 (1964); Roger C. Cramton, *Crisis in Legal Services for the Poor*, 26 VILL. L. REV. 521, 524 (1981).

⁴⁵ LSC's top priorities include housing, family law (including child support, divorce, and domestic violence), and maintaining economic stability. See *Suggested List of Priorities for LSC Recipients*, 61 Fed. Reg. 26934, 26934-35 (1996). LSC regulations require that priorities be set and reviewed periodically. See 45 C.F.R. § 1620.5 (1997).

⁴⁶ Numerous studies have shown that only 15 to 20 percent of the nation's poor receive legal services. See Henry Weinstein, *Great Society's Legal Aid for the Poor Targeted by Budget Ax*, L.A. TIMES, Dec. 29, 1995, available in 1995 WL 9859001. The prohibition of class actions limits the poor's access to services even more by reducing Legal Services attorneys' ability to work with groups. See Claudia MacLachlan, *Legal Services Fights Back*, NAT'L L.J., July 8, 1996, A1, A20.

⁴⁷ See Paul R. Tremblay, *Toward a Community-Based Ethic for Legal Services Practice*,

As a result of this high volume of cases, attorneys have little time to spend with each client to strategize about options and to discuss the ways in which the client could participate in the lawyering process. In order to handle large numbers of cases within the time constraints, staff attorneys are forced to respond to client concerns with stock answers and to guide client interviews with focused questions designed to elicit legally relevant information. Little time is available for clients to voice their non-legal concerns, express their emotional reaction to the situation, or question the lawyer's judgment.⁴⁸ With lawyers dominating their relationships with clients, the clients' role in the process is effectively silenced:

The Legal Services lawyer does not typically encourage clients to identify their own problems. Furthermore, the lawyer often fails to suggest that the client work with peers to find solutions to these social problems. . . . This model does not recognize the power and impact that lay individuals, armed with experience and information, can have on themselves and one another.⁴⁹

A recent study of public interest law confirms that many Legal Services attorneys have concluded that clients are served best by taking problems and decisions out of their hands.⁵⁰

Within the current LSC model, staff attorneys only conduct a limited amount of community educational work, commonly referred to as "outreach" or "CLE" (community legal education).⁵¹ Examples of

37 UCLA L. REV. 1101, 1111 (1990).

⁴⁸ See, e.g., Gary Bellow, *Turning Solutions into Problems: The Legal Aid Experience*, 34 NLADA BRIEFCASE 106, 108 (Aug. 1977).

⁴⁹ Stacy Brustin, *Expanding Our Vision of Legal Services Representation—The Hermanas Unidas Project*, 1 AM. U. J. GENDER & L. 39, 43-44 (1993) (footnotes omitted).

⁵⁰ This study, conducted by Ann Southworth, was based on interviews with Chicago public interest attorneys. She found that

[m]ost legal services lawyers reported that they played significant roles in decisions affecting their clients and that they sometimes chose strategies without consulting clients. These lawyers commonly explained that their clients were unsophisticated and that they relied on lawyers as experts who could tell them what to do. Many also emphasized that their clients had no real alternatives to the strategies their lawyers recommended.

Ann Southworth, *Lawyer-Client Decisionmaking in Civil Rights and Poverty Practice: An Empirical Study of Lawyers' Norms*, 9 GEO. J. LEGAL ETHICS 1101, 1105 (1996). See also Ann Southworth, Review Essay, *Taking the Lawyer Out of Progressive Lawyering*, 46 STAN. L. REV. 213, 225-33 (1993).

⁵¹ See Houseman, *supra* note 4, at 1696-97 ("Many legal service programs and staff members are distressingly isolated from the communities they are supposed to assist. . . . [P]rograms do little to promote effective community education; only a few attempt to conduct self-help initiatives outside of their offices.") (footnotes omitted). Obviously, programs vary greatly, with some concentrating more on education than others. It is, however, impossible to quantify the actual amount of time spent on such work because no reliable statistical study on the current work of LSC programs has been produced. See Feldman, *supra* note 8, at 1535 n.10.

community education include workshops for schools and community organizations, pamphlets and "do-it-yourself kits," news columns, and television and radio shows.⁵² The goals of a community education program include "encourag[ing] planning on the basis of legal rights and obligations," "mobiliz[ing] individuals and groups to pursue their rights," "facilitat[ing] and strengthen[ing] community organizations," "foster[ing] self-help activities for which lawyers will not be necessary," and "demystify[ing] . . . the law."⁵³

With few exceptions, community education is not an established part of Legal Services programming.⁵⁴ One major study, published in 1970, found that of all the goals of the OEO Guidelines, community education has been perhaps the most neglected.⁵⁵ Another study, conducted in 1978, found that Legal Services lawyers spent an average of only 4.1 hours per month on community education, compared to over 50 hours per month on law reform.⁵⁶ Some of the reasons cited for this under-use of community education include the perception that community education is not a necessary complement to litigation and the reality that over-worked Legal Services programs do not want to increase the demand for their limited resources.⁵⁷

The form of educational work that is probably most familiar to Legal Services attorneys is workshops for social services workers;⁵⁸ trainings for the client population are conducted only on rare occasions. When outreach is conducted for clients, it generally takes the form of "know-your-rights" workshops, which consist of a speech about the law, followed by time for the participants to ask questions and receive brochures describing the services available.⁵⁹ Furthermore, many Legal Services attorneys believe that "outreach" to the

⁵² See GARTH, *supra* note 14, at 194-95.

⁵³ *Id.* at 196.

⁵⁴ This reality is reflected in Ruth Buchanan's and Louise G. Trubek's account of Diane, a young public interest lawyer, who approached a group of Legal Services lawyers about her idea of initiating a community education program. Her vision was to "first talk with the women she wanted to help" in order to "figure out ways in which her skills and resources could be of assistance to them." However, she soon found out that "her approach was very different from that of the legal services lawyers." The Legal Services lawyers already "had a clear idea of what they wanted to do, which did not include any of Diane's ideas about support groups, community mobilization, education, or outreach." Buchanan & Trubek, *supra* note 1, at 708-11.

⁵⁵ See GARTH, *supra* note 14, at 195 (citing a study by the Auerbach Corporation).

⁵⁶ See *id.* (citing a study by Handler, Erlanger, and Hollingsworth).

⁵⁷ See *id.*

⁵⁸ For a discussion of the role of trainings for social service workers in an educational program, see *infra* Part II.D.3.

⁵⁹ See Jennifer Gordon, *We Make the Road by Walking: Immigrant Workers, the Workplace Project, and the Struggle for Social Change*, 30 HARV. C.R.-C.L. L. REV. 407, 435-36 (1995) (highlighting the sharp contrast between the Freirian educational initiative of the Workplace Project with the "know-your-rights" workshops of Legal Services offices).

client population does not require significant legal knowledge and therefore is not a good use of the lawyer's time. Because the lawyer's resources should be spent litigating cases, such projects are often delegated to student interns and paralegals. As a result, rarely do such initiatives develop continuity or become part of the established work of the agency.

Although community education has not been developed within Legal Services,⁶⁰ a growing group of attorneys at nonprofit law offices and clinical programs at law schools have begun to focus on educational work and have written about their experiences. Legal Services practitioners and clinicians can learn a great deal from these varying models of educational practice. Although some of these initiatives exceed the bounds of the LSC restrictions, most of the work is permissible for Legal Services attorneys. With this in mind, the next sections provide a framework for the development of community education at LSC agencies by introducing some of the influential legal scholarship on community education and providing examples of successful programs.

B. New Poverty Scholarship

Since the development of Legal Services in the 1960's, lawyers have debated what their role should be in combating poverty.⁶¹ In particular, academics have questioned whether high-volume representation of individual clients is an effective strategy for improving the overall situation of the poor. In an early critique of the emerging Legal Services system, Stephen Wexler argued that the traditional mode of practice was not what poor people want or need.⁶² His analysis fundamentally questioned the central tenant of traditional public interest lawyering that using the courts to expand "rights" will improve the overall status of the poor.

According to Wexler, the case-by-case litigation of claims does

⁶⁰ It is interesting to note that community education has played a more important role in countries other than the United States. For example, in England

[e]ducation is not seen merely as an abstract public service activity, which may be ineffective anyway and could easily be subordinated to more pressing concerns, nor as simply a way to generate individual casework, but rather as an integral part of the effort to generate and support self-help groups to assert their interests in community issues.

GARTH, *supra* note 14, at 195.

⁶¹ See, e.g., Cahn & Cahn, *supra* note 44; Edgar S. Cahn & Jean C. Cahn, *Power To the People or the Profession?—The Public Interest in Public Interest Law*, 79 YALE L.J. 1005 (1970); Charles R. Halpern & John M. Cunningham, *Reflections on the New Public Interest Law: Theory and Practice at the Center for Law and Social Policy*, 59 GEO. L.J. 1095 (1971); Comment, *supra* note 19.

⁶² Stephen Wexler, *Practicing Law for Poor People*, 79 YALE L.J. 1049, 1049 (1970).

little to improve the collective situation of the disadvantaged. Instead, it makes poor people dependent on lawyers and isolates them from other poor people:

Traditional practice hurts poor people by isolating them from each other, and fails to meet their need for a lawyer by completely misunderstanding that need. Poor people have few individual legal problems in the traditional sense; their problems are the product of poverty, and are common to all poor people. The lawyer for poor individuals is likely, whether he wins cases or not, to leave his clients precisely where he found them, except that they will have developed a dependency on his skills to smooth out the roughest spots in their lives.⁶³

If the lawyer wins a case on behalf of a poor client, the individual's situation may be momentarily improved. In the long term, however, the clients will not be better off because the conditions that led to their problems were not fundamentally changed by the litigation.⁶⁴ Wexler called for lawyers to depart from traditional litigation strategies by "(1) informing individuals and groups of their rights, (2) writing manuals and other materials, (3) training lay advocates, and (4) educating groups for confrontation."⁶⁵

Recent poverty scholarship has reignited the debate about what role attorneys working with poor communities should assume.⁶⁶ Like Wexler, these academics question the value of limiting such efforts to litigation. They suggest that lawyers should instead strive to work collaboratively with their clients to devise problem-solving techniques and create space for their clients' empowerment and growth.

Gerald López, one of the principal proponents of this vision of practice, argues that effective lawyering for the poor reduces the hierarchy between lawyers and laypeople by welcoming the contributions of the client in the development of problem-solving strategies.⁶⁷ In his

⁶³ *Id.* at 1053.

⁶⁴ One of the major contributions of poverty law literature has been the highlighting of the "subtly counterproductive impact" of traditional litigation strategies. See Tremblay, *supra* note 12, at 953-54.

⁶⁵ Wexler, *supra* note 62, at 1056.

⁶⁶ See, e.g., Anthony V. Alfieri, *Reconstructive Poverty Law Practice: Learning Lessons of Client Narrative*, 100 YALE L.J. 2107, 2139 (1991) ("The practice of collaboration commands lawyer-client co-equal participation in the telling of client story."); Wes Daniels, "Derelicts," *Recurring Misfortune, Economic Hard Times and Lifestyle Choices: Judicial Images of Homeless Litigants and Implications for Legal Advocates*, 45 BUFF. L. REV. 687 (1997) (arguing that lawyers need to look beyond traditional litigation and instead work in concert with their clients to find alternative solutions); Anita Hodgkiss, Note, *Petitioning and the Empowerment Theory of Practice*, 96 YALE L.J. 569 (1987) (arguing that the lawyer should encourage clients to consider political action); Shalleck, *supra* note 1, at 1035 (rejecting the preeminence of legal remedies for victims of domestic violence).

⁶⁷ See LÓPEZ, *supra* note 1. See also Gerald P. López, *Lay Lawyering*, 32 UCLA L.

book *Rebellious Lawyering*, López introduces two different models of lawyering, “regnant” and “rebellious.”⁶⁸ The “regnant” model is reminiscent of the traditional approach currently employed in most LSC-funded agencies. In this model, which López argues dominates poverty law practice, the lawyer “helps” the poor by crafting litigation strategies that will expand access to statutory rights.

In contrast, “rebellious” lawyers collaborate with low-income community members in ways that encourage their participation and involve their skills. López advocates that lawyers adopt the “rebellious” form of lawyering, rather than traditional litigation strategies, in order to develop nonhierarchical partnerships between lawyers and clients. Some examples of activities that rebellious lawyers might engage in include grassroots community organizing and community education to teach “self-help and lay lawyering.”⁶⁹ By learning to help themselves, clients become empowered to devise their own solutions to problems without relying exclusively on lawyers.

Lucie White’s analysis of activist lawyering describes the traditional role of lawyering as one in which the lawyer “is charged with designing and winning lawsuits that will further the substantive interests of client groups.”⁷⁰ In this model, which White terms “first-dimensional” lawyering, the “client is in the background” as the lawyer uses her legal skills to litigate the client’s grievance.⁷¹ First-dimensional lawyering, which reflects the reality of Legal Services today, is heavily grounded in the assumption that the courts are an effective forum for remedying injustice. Significantly less common in Legal Services is second-dimensional lawyering, which uses the legal system to increase awareness of injustice: “On this dimension, the trial or legislative session becomes an educational or theatrical event that is designed to move its audiences to empathize with poor people and form political coalitions with them.”⁷²

Third-dimensional lawyers, however, do not aim to change society’s views about the poor but, rather, to develop “poor people’s own political consciousness.”⁷³ Lawyers who initiate community educational work fall within the “third dimension.” Through educational

REV. 1 (1984); Gerald P. López, *The Work We Know So Little About*, 42 STAN. L. REV. 1 (1989).

⁶⁸ LÓPEZ, *supra* note 1, at 23-82.

⁶⁹ *Id.* at 70.

⁷⁰ White, *supra* note 1, at 755.

⁷¹ *Id.* at 756.

⁷² Lucie E. White, *Collaborative Lawyering in the Field? On Mapping the Paths from Rhetoric to Practice*, 1 CLIN. L. REV. 157, 157 (1994).

⁷³ *Id.* at 157-58 (stating that through “action and reflection, poor people and their lawyer-allies voice aspirations, identify concrete action strategies, and discover grounds for political unity”).

work, these lawyers use their legal training to help members of disadvantaged groups learn ways of thinking that will lead to collective action.⁷⁴

C. *Examples from Practice*

In an effort to address the academic critiques of traditional, regnant practice, the clinical scholarship movement has begun to document examples of these new forms of lawyering and, in so doing, to inform the legal academy of the insights derived from practice.⁷⁵ This scholarship is helpful to both practitioners and academics alike, as it provides practical advice and observations designed to improve the practice of law and challenge theoretical principles. Although most accounts of "rebellious" lawyering are void of detailed examples from the field, a few practitioners implementing these visions of lawyering have written about their experiences.⁷⁶

One example of third-dimensional lawyering in the field is the Asian Law Alliance, located in San Jose, California, which developed a law practice "based on the premise that progressive lawyers are community activists who have legal training."⁷⁷ Within this model, one of the lawyer's roles is that of an educator:

Education can come in many forms. "Know-your-rights" presentations, as well as multilingual educational brochures, manuals, and videotapes, can be an effective means of providing information about specific legal topics, both as preventative measures (keeping

⁷⁴ Educational work and other activities, such as those that involve clients in litigation efforts, provide space to "deepen the solidarity among poor people, their advocates and their allies. Such activities might also give poor people a momentary feeling of dignity, community and power that is too often lacking in their encounters with the law." 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, 567 (1987-88).

⁷⁵ See, e.g., Richard A. Boswell, *Keeping the Practice in Clinical Education and Scholarship*, 43 HASTINGS L.J. 1187 (1992); Stephen Ellmann, Isabelle R. Gunning & Randy Hertz, *Why Not a Clinical Lawyer-Journal?*, 1 CLIN. L. REV. 1 (1994); Nina W. Tarr, *Current Issues in Clinical Education*, 37 HOW. L.J. 31 (1993).

⁷⁶ Some early educational programs utilized lawyers' skills to train poor people in the law so that they could help their communities. For example, during the 1960's and 70's, lawyers helped the Welfare Rights Organization train clients in welfare regulations so that they could help other recipients and mobilize the welfare rights movement. A community education program, initiated by the Philadelphia Unemployment Project, trained community members in "statutory and administrative law regarding unemployment benefits, compensation for job-related injuries, OSHA regulations, medical assistance, welfare rights" and other issues. Another program that used education was the Black Panther Party, which trained young black men in "street law" issues, such as the laws that apply to police conduct. Muhammad I. Kenyatta, *Community Organizing, Client Involvement, and Poverty Law*, 35 MONTHLY REV. 18 (Oct. 1983).

⁷⁷ Angelo N. Ancheta, Review Essay, *Community Lawyering*, 1 ASIAN L.J. 189, 210 (1994).

out of trouble) and as empowering measures (knowing when and how to raise legal claims). Self-help workshops can demystify some of the legal procedures that are normally monopolized by lawyers and provide the nonlawyer with the means to improve his own life. Press releases and public service announcements can empower broad sectors of the community by increasing people's knowledge of the law. And leadership development, a direct transfer of knowledge and power to client communities, shares the tools of problem solving so that clients can empower themselves.⁷⁸

Lawyers at the Alliance represent clients, but they also "conduct community education workshops at English-as-a-Second-Language ("ESL") and vocational classes, write and produce educational brochures on legal topics, and work with other nonprofit organizations and community groups trying to foster collective action on issues."⁷⁹ The Alliance's "Women's Empowerment Project" promotes educational work as an important component of helping battered women to live free of violence. Their program includes a resource book translated into different Asian languages and an educational video that is used in small-group discussions with victims of violence.⁸⁰

*Ayuda's*⁸¹ *Hermanas Unidas*⁸² Project in Washington, D.C. uses grassroots legal education to provide a means to mobilize clients.⁸³ Based on models of women's empowerment from Latin America, *Hermanas Unidas* brings together survivors of domestic violence for a series of workshops in which the women define the topics to be discussed. The women have produced a video on domestic violence, established an emergency loan fund for women escaping abusive relationships, and initiated other community-based projects.⁸⁴

Another unique model for serving poor clients, the Workplace Project in Hempstead, New York, provides individual representation, community education, and an organizing base.⁸⁵ The Workplace Project's community educational program consists of workshops with "Latino churches, English as a Second Language classes, and community groups,"⁸⁶ as well as a course that provides "group opportunities for reflection that will lead to analysis and action."⁸⁷

Law school clinical programs are another important forum where

⁷⁸ *Id.* at 211-12 (internal citation omitted).

⁷⁹ *Id.*

⁸⁰ *See id.* at 213-14.

⁸¹ Spanish for "help."

⁸² Spanish for "Sisters United."

⁸³ *See* Brustin, *supra* note 49, at 39.

⁸⁴ *See id.* at 49-54.

⁸⁵ *See* Gordon, *supra* note 59, at 428-30.

⁸⁶ *Id.* at 433.

⁸⁷ *Id.* at 435.

community educational programs have been developed. Gradually, clinical programs have begun to reconceptualize traditional approaches to introducing law students to poverty law practice. Where in the past, students were taught traditional skills such as negotiation and litigation, law schools have begun to focus more attention on the integration of skills such as client counseling, decisionmaking, community education, and transactional services.⁸⁸ Clinical programs based at law schools provide an institutional location for the development of new poverty law frameworks and reflective scholarship on lawyering strategies. For example, at Harvard Law School, Professor Lucie E. White taught an interdisciplinary field-based clinical class on theories and practices of participatory community work.⁸⁹ In the class, the students had field placements with community organizations and were required to conduct participatory workshops with the organizations' members.⁹⁰

Although these projects provide a starting point for understanding how theory about critical lawyering is reflected in poverty practice, absent from the literature is a sustained analysis of community education practice. Part II of this Article contributes to this growing body of practice-based clinical scholarship by analyzing the components and effectiveness of an educational program initiated at a Chicago LSC agency.

II. IMPLEMENTING A COMMUNITY EDUCATION PROGRAM

A. *Working Within the LSC Framework: Translating New Poverty Theory into Legal Services Practice*

Despite increasing discussion of "rebellious" lawyering in the academic literature,⁹¹ most contemporary Legal Services programs sub-

⁸⁸ See, e.g., Frank S. Bloch, *Framing the Clinical Experience: Lessons on Turning Points and the Dynamics of Lawyering*, 64 TENN. L. REV. 989, 999-1000 (1997) (noting that current clinical education has moved beyond basic lawyering skills to include "previously thought-to-be unteachable tasks such as counseling and strategic planning"); Buchanan, *supra* note 1, at 1032 ("[C]linics have served as petri dishes in which nascent critiques of traditional lawyering and early experiments with alternative approaches have been encouraged to grow."); Peter Pitegoff, *Law School Initiatives in Housing and Community Development*, 4 B.U. PUB. INT. L.J. 275, 283-84 (1995) (discussing the role of law school clinical programs in developing lawyering strategies that emphasize non-litigation approaches to public interest law and problem solving).

⁸⁹ White, *supra* note 10, at 1092.

⁹⁰ *Id.* at 1092-93.

⁹¹ Beyond the programs already discussed, other providers have established model programs that use innovative strategies to empower clients. However, few of these practice-based examples occur at LSC-funded agencies, and, in fact, many include activities, such as organizing, that are prohibited by LSC regulations. See, e.g., Gary Bellow & Jeanne Charn, *Paths Not Yet Taken: Some Comments on Feldman's Critique of Legal Services Practice*, 83 GEO. L.J. 1633, 1652-68 (1995) (discussing new projects at the Legal Services

scribe to the traditional model of practice. Increasingly, scholars are questioning whether the LSC model, which currently is focused almost entirely on individual representation, can improve the overall status of the poor.⁹² Funding cuts and restrictions imposed on Legal Services in 1995 require LSC programs to meet the need for services with fewer legal "tools" and fewer lawyers and staff members to do the work. Restrictions, such as those prohibiting class actions and legislative and administrative advocacy, eliminate many of the strategies that LSC programs relied on in the past for systemic change. Long thought of as the quintessential model for social change lawyering, the LSC program is currently facing the challenge of reshaping itself within the recently mandated statutory constraints.⁹³

The following sections develop the argument that an expanded role for community education is important to the revitalization of the LSC model. Unlike traditional litigation techniques, community education offers a significant opportunity for clients to participate in discussions, learn new information, and play an active role in solving problems that affect them. Because clients are brought together through educational work, learning occurs in collaborative, dynamic ways that are not possible within the confines of the attorney's office.

Even under current restrictions, LSC programs are not prevented from conducting community education. In fact, the current LSC priorities actively encourage the initiation of educational work.⁹⁴ Fed-

Center in Jamaica Plain, Massachusetts); Richard F. Klawiter, Note, *¡La Tierra es Nuestra! The Campesino Struggle in El Salvador and a Vision of Community-Based Lawyering*, 42 STAN. L. REV. 1625 (1990) (using the campesino struggle in El Salvador as an example of the need for less litigation-intensive approaches to combat subordination); Richard D. Marsico, *Working for Social Change and Preserving Client Autonomy: Is There a Role for "Facilitative Lawyering"?*, 1 CLIN. L. REV. 639, 640-63 (1995) (describing author's experience representing a community-based organization in its efforts to fight bank redlining); William P. Quigley, *Reflections of Community Organizers: Lawyering for Empowerment of Community Organizations*, 21 OHIO N.U. L. REV. 455 (1995) (reflecting on the role of lawyers in empowering community organizations); Southworth, *supra* note 10 (describing the various methods of lawyering employed by Chicago lawyers conducting transactional work in low-income communities); Louise G. Trubek, *Embedded Practices: Lawyers, Clients, and Social Change*, 31 HARV. C.R.-C.L. L. REV. 415 (1996) (examining alternative models of law practice in Wisconsin). Gerald López also provides several case studies of "rebellious" lawyering in his book, *REBELLIOUS LAWYERING*, *supra* note 1.

⁹² See, e.g., Feldman, *supra* note 8 (criticizing Legal Services for providing inadequate solutions to the problems of the poor); Houseman, *supra* note 4 (arguing that LSC programs could benefit from new approaches and evaluation of existing services).

⁹³ See Louise G. Trubek, *The Worst of Times . . . And the Best of Times: Lawyering for Poor Clients Today*, 22 FORDHAM URB. L.J. 1123 (1995) (discussing the fact that LSC programs, although they are no longer the exclusive site for lawyering for the poor, must engage in a process of revitalization).

⁹⁴ See Suggested List of Priorities for LSC Recipients, 61 Fed. Reg. 26934, 26935 (1996) ("Apart from the focus on substantive issues or client populations, the Corporation expects its grantees to give attention to matters relating to the nature or method of delivery of legal

eral regulations guiding LSC programs do, however, place three important limits on attorneys who conduct educational work. First, community educators must ensure that educational workshops do not become organizing activities. Specifically, LSC funds cannot be used "to initiate the formation, or to act as an organizer, of any association, federation, labor union, coalition, network, alliance, or any similar entity."⁹⁵ Although LSC attorneys frequently cite this restriction on organizing as a bar to educational work, this restriction does not prohibit educational work, as long as programs do not cross over into initiating or forming a formal alliance.

The second restriction applicable to education is that no training activity may be used to advocate for a particular public policy or to encourage political activity. Specifically, funds may not be used for trainings that:

- (1) Advocate particular public policies; (2) Encourage or facilitate political activities, labor or anti-labor activities, boycotts, picketing, strikes or demonstrations, or the development of strategies to influence legislation or rulemaking; (3) Disseminate information about such policies or activities; or (4) Train participants to engage in activities prohibited by the Act, other applicable law, or Corporation regulations, guidelines or instructions.⁹⁶

Thus, while an LSC attorney could not encourage clients to organize a union, she could, for example, inform clients of their legal right to organize during a training on workplace rights.

Third, LSC attorneys conducting educational workshops may not give participants unsolicited advice to consult an attorney or take legal action:

[Attorneys may] not accept employment resulting from in-person unsolicited advice to a non-attorney that such non-attorney should obtain counsel or take legal action, and will not refer such non-attorney to another person or entity or an employee of the person or

services. The sharp reduction in funding will necessarily cause programs to turn away an increasing number of eligible clients needing assistance. . . . It is therefore essential that each program consider methods by which it can stretch its resources in an effort to compensate in part for the substantial loss in capacity. . . . [C]ommunity legal education, pro se representation and other forms of self-help can reduce the need for legal intervention, enabling programs to conserve their resources for matters most requiring a lawyer's help.").

⁹⁵ 45 C.F.R. § 1612.9(a) (1997).

⁹⁶ 45 C.F.R. § 1612.8 (1997). The regulation further provides that [n]othing in this section shall be construed to prohibit training of any attorneys or paralegals, clients, lay advocates, or others involved in the representation of eligible clients necessary for preparing them: (1) To provide adequate legal assistance to eligible clients; or (2) To provide advice to any eligible client as to the legal rights of the client.

Id.

entity, that is receiving financial assistance provided by the Corporation.⁹⁷

Though important, this restriction does not pose significant problems for educators. Program lawyers can still describe the services that their office provides and explain how individuals could contact them if they have a problem in the future. Similarly, program lawyers can use the newspapers or other media forums to publicize laws and to give general advice.

Although it is necessary that attorneys be mindful of these restrictions, the restrictions do not stand as barriers to engaging in effective educational work. In an era in which so many forms of legal work are strictly prohibited by LSC regulations, it is critical that agencies receiving funds think critically about how to utilize the available tools.

B. Traditional Legal Services Practice: Identifying the Need for Community Education

From 1995 to 1997, I was employed as a staff attorney at the Women's Law Project of the Legal Assistance Foundation of Chicago ("LAFC").⁹⁸ My work at LAFC focused on assisting immigrant women with their workplace problems. Primarily I worked with Latina women, most of whom were first-generation immigrants from México. The women I represented were employed in a diversity of jobs, including janitorial services, restaurants, meat packing, assembly lines, and domestic services. The types of legal problems that they suffered included sexual harassment, pregnancy discrimination, non-payment of wages, violations of the Family and Medical Leave Act,⁹⁹ and wrongful denial of unemployment insurance. The following accounts of three different clients whom I served highlight the inability of traditional, individual representation to meet the multiple needs of clients:

Ms. Martínez¹⁰⁰ came to see me about the poor working conditions at her job at a meat packing factory: the supervisors yelled at the work-

⁹⁷ OCRAA § 504(a)(18).

⁹⁸ Like other federally-funded legal services agencies, LAFC's mission is to provide high-quality legal services to the indigent. Also like other LSC-funded agencies around the country, LAFC suffered from the funding cuts and new limits on permissible activities passed by Congress in 1995. For example, between January of 1995 and September of 1996 the number of lawyers at LAFC decreased from 85 to 56. See Rooney, *supra* note 35, at 1. See generally Joseph A. Dailing, *Their Finest Hour: Lawyers, Legal Aid and Public Service in Illinois*, 16 N. ILL. U. L. REV. 7 (1995) (discussing the history of Legal Services in Illinois).

⁹⁹ The Family and Medical Leave Act of 1993, Pub. L. 103-3, 107 Stat. 6 (codified as amended at 29 U.S.C. §§ 2601-54 (1997)) [hereinafter FMLA].

¹⁰⁰ All client names used in this Article have been changed in order to protect confidentiality.

ers and constantly increased production requirements. After listening to the situation for a while, I told Ms. Martínez that, although the situation was unfair, it was not illegal. Given my time restraints and the knowledge that another client awaited me in the reception area, I had little time to engage with Ms. Martínez in a process of brainstorming together about strategies that she could use on her own. My interaction with Ms. Martínez made her angry: she made it clear that I had failed to help her. She left my office in tears.

Ms. Lemus was fired from her job as an assembly line worker after 20 years with the company. She came to see me with two discrete legal problems: she had been denied unemployment insurance, and she was not given her severance pay. During the course of representing her on these claims, Ms. Lemus told me a lot about the abuses that occurred where she worked. For example, many women, particularly those who were undocumented, were severely sexually harassed. Ms. Lemus told me that she wanted to use the time while she was looking for other work to do something to help these other workers understand their rights, and share with them what she had learned.

Ms. Cruz lost her job as a janitor when she had to return to her home country to take care of her seriously ill daughter. I got to know Ms. Cruz when I began to represent her in a case against her employer for violating the FMLA. This case continued for nearly two years before a settlement was reached, but Ms. Cruz was not involved in most of the litigation process. Ms. Cruz found the litigation to be painfully slow and not at all what she had expected. Many of the legal concepts supporting her claim were difficult to understand, and I found I did not have adequate time during our meetings to explain them.

My experiences as a Legal Services attorney representing individual clients reveal some of the shortcomings of traditional litigation strategies to meet the needs of the poor. Ms. Martínez's situation, for example, is typical of women's accounts of workplace abuses. These abuses, though unfair, are not illegal. When women like Ms. Martínez turn to the legal system for assistance with their situation, they are met with the unwelcome response that the law cannot help them. Although other strategies exist that Ms. Martínez could pursue to improve her situation, there is often not enough time during a client interview to discuss these options or even to ensure that the client understands why the situation does not have a legal remedy. Furthermore, this brief interaction does not allow for collaboration with the client to devise *pro se* strategies to improve her situation.

Ms. Lemus is also typical of many of the clients I encountered. Inspired by her own personal experience, she sought to help others who found themselves in similar circumstances. Indeed, the client who navigates her way to a downtown Legal Services office often possesses leadership qualities, although she may not have had an opportunity to develop these skills.¹⁰¹ In my work in the employment area, I frequently had clients, like Ms. Lemus, who were unemployed when they came to my office and were interested in using their time to develop their skills and to teach other community members about their experiences. However, to the extent that Legal Services lawyers focus their efforts almost entirely on individual cases, the client's desire to help others is not fostered.¹⁰²

Ms. Cruz's case, another frequent scenario, also reflects the inadequacies of the typical lawyer/client relationship. The process of litigation, especially in the employment arena, can be very slow. Often these cases consume much of the lawyer's time and, especially at advanced stages of litigation, there is little role for client participation. Clients often expect a fast and just result and thus become demoralized and frustrated by the legal system when they are forced to endure delays. Litigation of an individual case provides little opportunity for the client to express these emotions or to meet other individuals who face similar situations.¹⁰³

¹⁰¹ Jennifer Gordon has noted that workers who come to the Workplace Project "tend to be the most motivated, the most active, and the most prone to taking chances." Gordon, *supra* note 59, at 439.

¹⁰² In fact, the very nature of individual representation isolates the client from other workers by involving her time and energy in the individual case. Furthermore, settlement agreements often require confidentiality, prohibiting clients from using their stories to educate co-workers and the greater community.

The argument that legal aid programs have the effect of silencing the poor so that they do not seek to destabilize the established social system is by no means new. For example, as early as 1900 the director of the legal aid office in New York explained that he supported legal aid precisely because it will cause "a weak and helpless person . . . to become a staunch supporter of the social organization of that community and a very poor listener to the preachers of discord and discontent." GARTH, *supra* note 14, at 17-18. Similarly, in supporting the OEO Legal Services program in the 1960's, Sargent Shriver explained that the program would demonstrate to the poor that they could use the legal system to address their grievances, thereby making them "less likely to turn to violence and rioting." AUERBACH, *supra* note 14, at 271-72.

¹⁰³ The failure of litigation to empower poor clients is a theme frequently highlighted in the literature:

Another difficulty in utilizing litigation in empowerment is the clash of cultures between the legal system and the powerless or group members. This clash is founded on the fact that what is important in the context of a lawsuit is often not at all important in the real world of people. . . . [E]ven when reform-minded lawyers participate on behalf of the poor and the powerless, too frequently a gap in understanding and common priorities prevents even infrequent, well-intentioned litigation from succeeding in actually empowering those on whose behalf the litigation is brought.

My analysis of the circumstances of clients like Ms. Martínez, Ms. Lemus, and Ms. Cruz led me to think of ways that I could better serve my clients, within the constraints of applicable LSC restrictions. As the next sections describe, I decided to explore the potential of a participatory education program to help these women achieve their goals. The results of this program reveal that community legal education can play an important role in meeting the needs of the client community.

Through an educational program, persons in Ms. Martínez's situation can understand the limited protections of existing workplace laws, explore ways to use the laws that do protect them, and examine alternative problem solving techniques. Education also enables women to acquire information that they can pass on to community members. Developing the initiative of clients such as Ms. Lemus allows information to be spread at a grassroots level by trusted members of the community. An educational program benefits individuals like Ms. Cruz by providing them with time to learn more about their situation and the process of litigation. Also, group education creates a support network of individuals who have faced similar workplace problems.

C. "Discussion Groups": The Formation of a Community Education Program

In order to address this gap in services, I worked with a legal assistant to develop a community education program on workplace issues that would be accessible to the Latino immigrant community.¹⁰⁴

Quigley, *supra* note 91, at 470 (footnotes omitted). In the context of domestic violence, Ann Shalleck has noted that

[n]ot only are legal remedies limited in their effectiveness in stopping or reducing violence, but they can interfere with a woman's ability to develop for herself both an understanding of the violence in her intimate relationships and responses that enable her to alter the situation in ways that meet her changing needs. At their worst, legal actions can further harm women.

Shalleck, *supra* note 1, at 1035.

¹⁰⁴ The decision to focus our workplace education efforts on immigrant Latina women was based on a variety of factors. In particular, we realized that Latina women as a group are particularly subject to exploitation in the workplace. Based on data from 1990, Latinas living in Chicago earn (on average) \$5,000 less per year than African American women and \$7,500 less than white women. One in five Latinas live in poverty. See LATINO INSTITUTE, SOME FACTS ABOUT LATINAS IN THE CHICAGO METROPOLITAN AREA (1994). A recent national study on the legal needs of low-income immigrants found that immigrants are more likely than the general low-income population to have legal problems, particularly problems related to employment. See Bach, *supra* note 40, at 647 (finding that roughly 60 percent of low-income immigrant households reported having at least one civil legal problem in the last twelve months, compared with only 43 percent of all low-income households). See also U.S. GENERAL ACCOUNTING OFFICE, PUB. NO. GAO/GGD-90-62, IMMIGRATION REFORM: EMPLOYER SANCTIONS AND THE QUESTION OF DISCRIMINATION (1990) (finding a "widespread pattern" of national origin discrimination in employment,

The first step in developing this program was to find out from community members what were the most pressing employment issues that they faced.¹⁰⁵ The goals of this initial work did not focus on providing access to our knowledge of the law or informing people of the services of our office but, instead, emphasized discovering what workplace problems community members identified as important. In order to acquire this understanding, we needed to speak directly with community members, as well as community leaders and social service providers who were in touch with the needs of the community.

We began this investigation by conducting a series of "discussion groups" on workplace issues at locations where community members felt comfortable, such as adult education classes, churches, English courses, and community centers. Because our project aimed to meet the needs of immigrant women, we sought sites where women congregated, such as domestic violence shelters, secretarial schools, women's centers, and community organizations with child care.¹⁰⁶ During each discussion group, we asked participants to identify issues that were important to them and to members of their communities. For example, we sometimes used the comments of the group to generate a list of employment issues and then focused the discussion on the most prevalent problems, allowing participants to identify the causes of, and possible solutions to, these issues. When meeting with large

especialmente discriminación contra los Latinos).

Latinos are also the largest immigrant group in Chicago. In 1990, there were 878,397 immigrants in Chicago, 326,637 of whom are from Spanish-speaking countries of origin (269,634 from México, 23,334 from Spanish-speaking South America, 12,267 from Cuba, 10,836 from Guatemala, and 10,566 from Spanish-speaking Central American countries). Other major countries of origin include Poland, Philippines, Korea, India, China, (former) U.S.S.R., and Vietnam. See LATINO INSTITUTE, *HOPES AND DREAMS: A STATISTICAL PROFILE OF THE NON-CITIZEN POPULATION OF METROPOLITAN CHICAGO* 3 (1994). Overall, Chicago has the fourth largest Hispanic community in the United States, larger than those of Houston or Dallas. See Gary Moore, *La Gran Migración: Ever Heard of Michoacán?*, CHI. TRIB. MAG., Jan. 19, 1998, at 11, 12.

Another reason why we focused our educational efforts on the immigrant population is because the 1995 LSC legislation places additional restrictions on the agency's ability to represent immigrants. See *supra* note 40. As a result, self-help and *pro se* strategies are especially necessary in immigrant communities.

¹⁰⁵ The investigation stage of social change education has been referred to as a "survey": As the survey is one of the most important parts of the whole process, it is important that it be done by a perceptive and sensitive team. The survey is not approached like traditional surveys in which the research workers decide beforehand which facts they are going to find out about and work from very precise questionnaires, etc. In this approach, the team listens primarily to unstructured conversations, in which the people feel relaxed and talk about the things that they are most concerned about.

ANNE HOPE & SALLY TIMMEL, 1 *TRAINING FOR TRANSFORMATION: A HANDBOOK FOR COMMUNITY WORKERS* 13 (1984).

¹⁰⁶ For general advice on how to work with community groups, see Michael J. Fox, *Some Rules for Community Lawyers*, 14 CLEARINGHOUSE REV. 1 (May 1990).

groups of workers, we often divided participants into smaller focus groups and then came together to share findings in the larger group.

Commonly, the issues identified by participants were not what lawyers traditionally think of as legal issues. For example, workers discussed the lack of respect shown to them by management, the inadequacy of break times, and the hardships of living with minimum wage pay. By allowing these discussions to occur among the participants and by resisting the temptation to dominate or to change the direction of the conversation, we learned what areas were of primary concern to the workers.¹⁰⁷

Although our main task as facilitators¹⁰⁸ of the discussion groups was to draw out the existing knowledge of the participants, we were often asked to contribute our legal skills to the group's discussion. In fact, we typically were asked to speak with groups precisely *because* of our legal expertise. During this investigation stage, we shared information about the law when asked but then tried to refocus the discussion on the existing knowledge of the participants. For example, when discussing the lack of adequate breaks, participants often assumed that there was a law that required them to be given a certain amount of break time. In response, we explained to the group that Illinois law provides for only a 20-minute, unpaid break.¹⁰⁹ Some conversations

¹⁰⁷ In creating these discussions designed to elicit strong emotions among the participants, we were influenced by the feminist theory of "consciousness-raising." This theory teaches that the process of learning and empowerment begins with the sharing of personal experience and storytelling. One way to involve clients in the process of consciousness-raising is by exploring shared experiences. See Elizabeth M. Schneider, *The Dialectic of Rights and Politics: Perspectives from the Women's Movement*, 61 N.Y.U. L. REV. 589, 602 (1986) ("In consciousness-raising groups, learning starts with the individual and personal (the private), moves to the general and social (the public), and then reflects back on itself with heightened consciousness through this shared group process. Consciousness-raising as feminist method is a form of praxis because it transcends the theory and practice dichotomy. Consciousness-raising groups start with personal and concrete experience, integrate this experience into theory, and then, in effect, reshape theory based upon experience and experience based upon theory.").

Much has been written on how feminist theory should inform the lawyer/client relationship, especially in the area of representing victims of domestic violence. See, e.g., Peter Margulies, *Representation of Domestic Violence Survivors as a New Paradigm of Poverty Law: In Search of Access, Connection, and Voice*, 63 GEO. WASH. L. REV. 1071, 1100 (1995); Peter Margulies, *Political Lawyering, One Person at a Time: The Challenge of Legal Work Against Domestic Violence for the Impact Litigation/Client Service Debate*, 3 MICH. J. GENDER & L. 493, 512 (1996); Shalleck, *supra* note 1, at 1019-37.

¹⁰⁸ I have chosen to use the word "facilitator" throughout this Article, rather than teacher, co-ordinator, animator, or other terms commonly used in the literature. It best represents the role that I envision for lawyers engaged as community educators. I believe that the term "facilitator" reflects the importance of the group's participation in defining topics and activities and decreases the emphasis on the lawyer's status as a professional.

¹⁰⁹ One Day Rest in Seven Act, 820 ILCS 140/3 (1997) (requiring that most Illinois employees receive a meal period of at least 20 minutes beginning no later than after the start of the work period if the employee is to work for seven and one-half continuous hours

revealed that the law was being violated, and participants then discussed how to use their knowledge of the law to improve their situation. However, most groups desired outcomes that were not required by law. For example, many participants wanted more break time than the law provided and believed that it should be paid. Within these groups the conversation focused on examining other techniques, such as unionization and collective bargaining, that could allow workers to achieve an increased break time.¹¹⁰

Several issues were repeatedly raised by workers of both sexes: non-payment of wages, national origin discrimination,¹¹¹ unsafe working conditions, and unjust treatment.¹¹² While these issues did arise within exclusively female groups, other concerns were more common, including the lack of high quality and accessible child care, age discrimination, and sex discrimination (particularly unequal pay). Also, women employed as domestic workers identified the instability of their jobs and the limits of workplace protections as special problems that they faced.

Interestingly, most groups of women did not identify sexual harassment, pregnancy discrimination, or family and medical leave as important issues. The fact that these issues did not emerge more often as generative themes surprised us, both because our legal practice had led us to believe that these were important issues for women, and because social service workers had identified these issues as especially important to the women in their community. For example, one social worker invited us to speak with a group of women who had come to her about sexual harassment. However, when we held a discussion session on sexual harassment with this group, not a single woman was willing to share a story of harassment. The social worker was just as puzzled as we were: Was sexual harassment not a central issue for these women, or had we been ineffective at facilitating a conversation on this topic?¹¹³

or longer).

¹¹⁰ It is true that at points like this in group discussions we had to be mindful of the LSC restrictions prohibiting organizing, political activity, and lobbying. See *supra* notes 38, 96-98 and accompanying text.

¹¹¹ The results of our investigation are similar to the results of the Immigrant Legal Needs Study, which was based on national data on the civil legal problems of low-income, foreign-born households. This study found that 20 percent of immigrant households had an employment problem. The most common were "dismissal or non-payment of wages" and "unfair hiring, firing, or wage practices." See Bach, *supra* note 40, at 647.

¹¹² By "unjust treatment" I refer to treatment which is not necessarily illegal, but the workers agree is unfair (such as unrealistic production requirements and rude and offensive treatment by management).

¹¹³ Some of the issues we discussed included: Had we imposed our own agenda on the group? Did we use technical legal vocabulary that was alienating to the participants? Had we provided ample time for the workshop — or should we have structured the discussions

Further development of our teaching method revealed that we had been ineffective. By continuing our investigative work to focus on topics of sexual harassment, pregnancy discrimination, and family leave, we found that different discussion techniques revealed that women in the community were indeed concerned about these topics. When we directed the discussion among the women toward these issues, we made several interesting discoveries. Most important, we found that the "focus questions"¹¹⁴ that we had asked in earlier groups were not properly formulated to facilitate discussion on these topics. For example, the silence we heard when we asked the women to talk about the sexual harassment that they faced at work was broken when we began the workshop by asking the women to speak generally about the violence in their lives. This rephrasing of the focus question initiated a dynamic discussion, which included workplace harassment. By compartmentalizing the women's experiences into the strict legal definition of sexual harassment, we had failed to raise a topic in terms that were meaningful to the participants. Similarly, stories relating to family and medical leave emerged most readily when preceded by a discussion of women's double burden of working and caring for their families. As feminist theory of consciousness-raising teaches,¹¹⁵ it was important to begin conversations on these topics by sharing experiences, using the participants' own vocabulary rather than technical legal terms.

Another factor that appeared to influence the level of identification with these topics was the gender composition of the group. With all-female groups, more honest and revealing discussions emerged, particularly of sexual harassment. Also contributing to the lack of discussion of these topics in the larger focus groups was the participants' lack of knowledge that these are areas in which workers are protected. Thus, activities such as role plays¹¹⁶ or brainstorming sessions on hy-

as a series of workshops? Should the social worker have played a greater role in facilitating the discussion? Would it have been better to have selected a different topic for our first meeting with this community group?

¹¹⁴ A "focus question" is a question that the facilitator asks the group. Often, we would write the focus question on the board or on a sheet of paper so that it could be easily viewed by the students. For example, a focus question could be "What are the two biggest problems that you face as a woman worker?" Our experience taught us that selection of the right focus question is essential to the success of the discussion. See HOPE & TIMMEL, *supra* note 105, at 14 ("The animator's main work is to help the participants 'unveil' their situation. . . . [T]he animator should not talk much, but should encourage discussion in the group, through asking the right questions.").

¹¹⁵ See *supra* note 107.

¹¹⁶ A "role play" is like a mini-drama in which students "act out" certain situations. Role plays can be done in small groups or with the entire class. Role plays were particularly helpful for the issue of pregnancy discrimination, which many participants had a difficult time understanding. For example, one student could play the role of the employer and

pothetical problems¹¹⁷ were effective ways to begin discussions. Once participants understood how the topic might apply to their own lives, they began to participate enthusiastically.

D. Workshops and Beyond: Implementing an Educational Program

After holding numerous investigative sessions, we focused our efforts on developing an educational program that addressed the needs that the members of the community had identified. In order to achieve this goal, we publicized workplace laws in the media, developed educational materials, conducted trainings for social service providers, and offered workshops and courses on workplace rights for community members. This section will review each of these components and evaluate its effectiveness at meeting the needs of the community.

1. Media Campaigns¹¹⁸ to Publicize Workplace Laws

Especially during the initial stages of our educational program, we worked with the Spanish-language media to publicize workplace laws. This component of the program primarily consisted of appearing on call-in radio shows on workplace issues and writing informational newspaper articles on specific laws. In addition, we used the media regularly to announce programs that we organized.

Although the media are an essential component of any educational campaign, in-person trainings were more effective in ensuring that community members understood important concepts. For example, the limited time allowed in radio programming made it impossible

a second student could play the role of a pregnant woman. Different scenarios could be played out, such as the employee asking for light duty work or the employer firing the woman because he does not want pregnant employees. The class could then critique what happened in each scenario. Finally, the facilitators could provide the students with substantive knowledge on pregnancy discrimination law and the students could discuss collectively how this knowledge would inform the pregnant woman's choices.

¹¹⁷ "Hypothetical problems" are situations, often based on experiences of clients and students, that can be prepared by the facilitators before class. Alternatively, students can individually or in groups create their own hypothetical situations for study. For example, one hypothetical problem we have used to discuss family leave issues is the following: Margaret works at a supermarket. She recently received word that her mother, who lives in México, has become seriously ill with terminal cancer. Margaret desperately wants to go to México to be with her mother during this difficult time. Margaret asks her employer for permission to take an extended leave from work in order to care for her mother, but he tells her that the supermarket does not allow its workers to take leave for any reason. He says that if she does not show up for work, she will be fired. What should Margaret do?

¹¹⁸ See Louise G. Trubek, *Critical Lawyering: Toward a New Public Interest Practice*, 1 B.U. PUB. INT. L.J. 49, 51 (1991) (describing the media as a "major resource" for "critical lawyers").

to provide more than a very simple answer to a caller's concerns. Thus, we were never sure whether we had adequately addressed the question or, more important, whether the caller understood the reasoning behind our answers. Also, the radio emphasized the role of the lawyer-as-expert, which was not the portrayal that our program intended to foster.

Another disadvantage of using the media was that these events did not necessarily elicit women's voices. For example, during a radio show on sexual harassment, we encouraged people to call anonymously to share their experiences of sexual harassment. However, most of the phone calls were from men complaining that they had been falsely accused or that sexual harassment law is eliminating "flirting" from the workplace. Given that our goal was to create a dialogue among women on the issue of sexual harassment, a call-in radio show was not an effective way to meet that goal under the circumstances we faced.

Despite such limitations, these media campaigns were overall successful in publicizing the work of our project and gaining trust and name recognition in the community. In particular, this method had the advantage of reaching people who otherwise would not have found out about our program because they were not involved in community organizations or churches where we held workshops.

2. *Educational Materials*

A necessary part of our educational work was the development of educational materials written in both Spanish and English. Our first step was to write several brochures on different issues of concern to our clients: sex discrimination, unemployment insurance, domestic worker issues, and minimum wage law. In writing these brochures, we tried to use non-legalistic language and explanations that would be understandable to our clients. These fliers were also helpful as information to give clients who came to the office with questions or to participants in workshops.

The most important resource we developed, *An Advocate's Guide for Solving Employment Problems*, contains basic problem-solving advice, answers common questions, and includes several resource lists of government agencies, legal services, and job training and referral groups. In our experience the guide was most helpful to social service providers¹¹⁹ and community members who have at-

¹¹⁹ Several providers have used the guide as a basis for creating educational materials on workplace issues that meet the specific needs of their community. For example, one group used the discussion of workplace problems included in the guide to create a curriculum for English-as-a-Second-Language students, adding examples from the real lives of the stu-

tended a series of trainings that describe how to use it. Although the guide is clearly presented, people are understandably hesitant to use it to advise others if they have not studied the information that it contains.¹²⁰

An educational video, which we developed together with several women who graduated from our workplace rights course,¹²¹ provided additional educational material to highlight the rights of workers and strategies for solving employment problems. The 20-minute video, entitled *Nosotras: Trabajando y Luchando*,¹²² features a group of women discussing their multiple and varied roles as mothers, wives, heads of households, and employees.¹²³ The women describe, using their own words, the challenges that they face at work, such as pregnancy discrimination, national origin discrimination, abuse of child labor laws, and sexual harassment.¹²⁴ The women also share the ways in which they have successfully resolved their workplace problems.¹²⁵

The video is intended for use as a tool by community members, social workers, teachers, attorneys, and other individuals who seek to

dents to augment the guide's more technical discussion of the laws.

¹²⁰ The students in our class found that the guide was their most valuable resource; however, community groups that gave copies to their students without a training reported that the guide was "too academic" and confused students with the information.

¹²¹ See *infra* notes 135-52 and accompanying text.

¹²² Spanish for "Women Together: Working and Fighting."

¹²³ For example, Blanca describes the challenges of daily life:

I work. I work eight hours a day. I have three children. And how I do it is: in the morning, get up at six, shower, prepare the clothes, prepare lunch for the kids, take them to the babysitter, go to work, arrive on time at work, do all my work for the day, pick up my kids, arrive home to cook, clean the house, bathe the kids, do homework, find out if something in school is not working, try to leave a message for the teacher, call school, ask something of the babysitter, sleep, and do it again, daily, the same. It's hard for the woman, especially because the man only gets up in the morning, takes a shower and leaves. He comes in the evening, eats, and lies down to sleep. It's rare that a man helps the woman with the chores.

(Translated from Spanish).

¹²⁴ For example, Paulina explains what sexual harassment is:

[T]here is too little education about sexual harassment. Many times people think that sexual harassment only applies when you are going to go to bed with someone. And it doesn't! That's it, it has lots of leeway, you understand me? Because, since the person starts talking to you and following you, it's harassment.

(Translated from Spanish).

¹²⁵ For example, Sandra describes a Family and Medical Leave Act case that her mother won:

My mother and I worked for a company that used a chemical that is bad for you. And then my mother became sick. And when my mother got sick and they had to put her in the hospital. What the manager of the company said to me—because I went to get permission that time, saying, "You know, my mother is in the hospital, this and that. . ." He said to me that they didn't want sick people! And I had just arrived here, I didn't yet know anything about suing or anything. But, in spite of that, we did sue, and with what he said to me, we won!

(Translated from Spanish).

educate community members about their rights. To supplement the video, we wrote an *Instructor's Guide*, which suggests activities and discussion questions that can be used by facilitators prior to and after showing the video. The video and the *Instructor's Guide* are effective educational tools because they encourage conversations on women's workplace issues and do not require that participants be able to read. Also, because understanding the video does not require significant legal knowledge, it is an excellent tool for community members to use on their own to educate their co-workers and friends.

The video has been distributed to individuals and community groups around the country. For example, it has been shown to groups at community meetings and used as part of literacy classes or other educational programs. Individuals in Chicago, particularly the graduates of our courses and the women featured in the video, have taken the video to their churches and shown it in their apartments to their neighbors. The Mexican Consulate in Chicago has also used the video in conjunction with a grassroots educational program. Community leaders who have attended a series of trainings at the Consulate receive a copy of the video and are trained in how to use it to initiate discussion on workplace rights at meetings in schools, churches, unions, sports teams, and social clubs.

In our experience, the addition of written and visual materials was essential to making the law accessible to our clients. "Producing materials, however brief and poorly printed, . . . is a vital task, at times more important than speaking to groups in that large numbers can be reached."¹²⁶ Yet, to be truly effective, we found that such materials needed to be a part of a larger educational campaign. The following sections discuss the various trainings, workshops, and courses in which we used the educational materials that we produced.

3. *Trainings for Social Service Providers*

A significant portion of our educational work focused on training social service providers about workplace laws. Because social service providers work directly with the community, they are often the first contact for persons with workplace problems. It is therefore vital that these providers develop the ability to give basic problem-solving advice and have an understanding of the workplace issues affecting their clients.

When conducting trainings for social service providers, it is important to determine the types of services they provide, the kind of training they have already received, and the information they want to

¹²⁶ Wexler, *supra* note 62, at 1057.

learn in order to improve their delivery of services. For example, we did several trainings for community groups that receive grants to do outreach on discrimination issues. The outreach workers funded by these grants generally had some prior knowledge of workplace issues; thus, the trainings we designed for them were more advanced. Also, because these outreach workers referred many discrimination cases to government agencies, it was important that they leave the trainings with a firm understanding of discrimination law (e.g., how to identify and prove discrimination and what to do if one suffers discrimination).

The training of social service providers proved to be a particularly effective use of our resources. For example, we did a series of trainings with a group of female outreach workers, known as *Promotoras de Salud*,¹²⁷ employed by the Chicago Department of Health. The *Promotoras* provide direct service on health-related issues in low-income immigrant communities, often going door-to-door to answer questions from residents. Our relationship with the *Promotoras* expanded beyond the official trainings with social service workers. As they began to identify workplace issues among their clients, they were able to serve as a resource in guiding these individuals. We developed a continuing relationship with these social workers, sometimes giving them advice to pass on to a client and other times jointly organizing workshops for their clients.

Trainings for social service providers are a necessary part of any educational program because of the important role that such providers play in poor communities. This is also the form of educational work that Legal Services are most likely already conducting. Programs seeking to expand their educational work should continue to train social service providers but should also look for ways to incorporate the other components discussed in this Article that work more directly with community members.

4. *Workshops for Community Members*

Throughout the development of our educational program, we offered workshops for community members on a variety of workplace topics. These workshops, offered in English and Spanish, were usually one to two hours long and held at churches, vocational programs, English classes, parenting classes, or other community centers. In general, workshops were one of the most challenging parts of our work due to the brevity of the sessions and the diversity of group needs. This section presents some basic guidelines on how we attempted to make these trainings productive.

¹²⁷ Spanish for "Health Promoters."

In facilitating brief workshops, it is especially important to work carefully with the group's leader to find out as much as possible about the interests and background of the group. If the group doing the inviting has not already expressed interest in certain issues, the facilitator should encourage the organizer to inform herself about the group's needs prior to the workshop. Some of our least successful experiences in giving workshops occurred when we failed to convey adequately to the group leader that the students should participate in selecting the topic for the workshop. For example, when giving a workshop for a group of English-as-a-Second-Language students, the organizer told us that it would be good to speak about the new minimum wage law.¹²⁸ Incorrectly assuming that the minimum wage topic was selected by the students, we focused the workshop on this issue. At the end of the presentation, we learned that many of the participants were dissatisfied with the training because they were most interested in learning about workplace safety and immigration issues. They were annoyed that they had not been consulted about the issues the workshop would address.

Facilitators should also find out from the group's organizer facts such as whether participation is voluntary, what the literacy levels of the students are, and what life experiences the students have had.¹²⁹ Having this information in advance helps to organize workshops that better meet the needs of the participants. For example, in one training we were asked to speak with a group of women about sexual harassment. However, we did not find out until after we had begun focus group discussions (at which no one had much to contribute) that few of the women had any experience in the paid labor force. Obviously, knowing this information in advance would have allowed us to rethink the format of the exercise to elicit increased participation. For example, we might have brought in a woman who had suffered sexual harassment to speak with the group about her experiences. Alternatively, we could have used a hypothetical situation or a role

¹²⁸ Small Business Job Protection Act of 1996, Pub. L. No. 104-188, 110 Stat. 1755 (amending the Fair Labor Standards Act) (codified as amended at 29 U.S.C. §§ 201 *et seq.*) (1997).

¹²⁹ Rick Arnold and his co-authors suggest that facilitators obtain the following information about participants:

- gender, race, ethnic background, class, age, sectors, or areas of work
- first language/fluency in the language to be used in the session
- if/how well they know each other
- what experience they have with the topic
- what attitudes, understandings, skills they are likely to bring
- why they are coming

RICK ARNOLD ET AL., EDUCATING FOR A CHANGE 42 (1991).

play¹³⁰ to encourage the students to think about what challenges they would confront if they are ever in such a situation in the future.¹³¹

Thorough preparation for a training requires that facilitators think carefully about how they will help the members of the group attain their goals for the session. This planning will lead to more efficient and effective training, avoid domination by the facilitators, and help to improve future trainings. In a two-hour workshop, it is generally not advisable to address more than two topics, depending on their level of difficulty. If more issues are covered, participants may not have time to ask questions and understand all of the issues and may leave frustrated.

Generally, the least effective trainings are ones for which the organizers have not set out a clear goal for the session. For example, one training organized by a community group had the goal of teaching people about their "right to work free of discrimination." Participants came with complicated questions on a diversity of topics. With only an hour allocated for the session, the training degenerated into a question-and-answer session in which the "experts" gave answers, based solely on the law, to individual questions. Because other, non-legal options were not explored and because there was not sufficient time to explain why the law did not protect individuals in certain situations, participants left the workshop feeling that there was little they could do to improve their situation.

Accordingly, much of planning workshops involves brainstorming on how to react when sessions do not go as planned.¹³² The ability to react effectively requires predicting in advance what might go wrong or understanding what has gone wrong in the past. For example, on one occasion, we worked with two women employed in domestic service to plan a workshop at a community center on the rights of domestic workers. We expected only a few women to attend, and the women who organized the training wanted to use the session to generate discussion topics for future, more intensive trainings. Quite unexpectedly, about 50 people showed up for the workshop, only a few of

¹³⁰ See *supra* notes 116-17.

¹³¹ In other groups, we had difficulties conducting trainings because of a failure to anticipate which languages would be spoken by participants. For example, a group that we assumed would be Spanish-speaking turned out to include immigrants from a diversity of countries, but we did not have the proper translation capacity. Other challenging experiences were trainings for groups whose members were required to attend (e.g., welfare-to-work programs), while we had assumed that participation was voluntary. Had we known during the planning stages that attendance was required, we would have focused more on sparking the interest of the participants and drawing them into the discussion.

¹³² For a good discussion on how to prepare for "nightmare" situations, see ARNOLD, *supra* note 129, at 42.

whom were domestic workers.¹³³ It soon became clear that these participants did not want to talk about domestic worker issues. We ended up shifting our focus to meet the needs of the majority, leaving the women who had come for the scheduled topic very dissatisfied. In retrospect, perhaps we should have divided into two groups, with one facilitator per group, allowing the non-domestic worker group to choose their own topic.

Despite the clear challenges in planning, workshops for community members remain an important component of educational work. When well planned and executed,¹³⁴ workshops can help community members learn about their rights, develop their problem-solving skills, and spark their interest in continuing with educational programs.

5. *Workplace Rights Course*

The centerpiece of our educational project was the workplace rights course in which students learned problem-solving techniques by studying issues in much greater depth than during our workshops. In designing these courses, we were influenced by theories of popular education¹³⁵ and consciousness-raising.¹³⁶ The goal of the course was to train graduates to become resources for the greater community on workplace issues. Among the more than 100 students who graduated from the workplace rights course, we saw the beginnings of a transformational process in which students learned to isolate problems, identify goals, and design action plans that addressed both individual and group needs.

In order to reach community members throughout Chicago, we offered the course at different locations in the city, co-sponsoring

¹³³ Apparently when the women planning the workshop talked with the social worker at the community group where it was held, he misunderstood and thought that the workshop was going to talk generally about workplace rights.

¹³⁴ A number of practical details regarding the planning of workshops are also worth noting. Longer workshops benefit from breaks and refreshments. Also, name tags are useful so that participants and facilitators can learn one another's names. If possible, it is prudent to check the room where the training will be given in advance. Is there an outlet for an overhead or is there a blackboard? If a video will be shown, is the VCR in working order? Is there adequate space for exercises such as small group discussions and skits? The way a room is arranged can have a tremendous impact on the dynamic of the discussion. The best set-ups are ones where the chairs are moved into a circle or other formation where participants can face one another.

¹³⁵ See, e.g., PAULO FREIRE, *THE POLITICS OF EDUCATION: CULTURE, POWER, AND LIBERATION* (Donald Macedo trans., 1985); PAULO FREIRE, *PEDAGOGY OF THE OPPRESSED* (Myra B. Ramos trans., 1970); MYLES HORTON & PAULO FREIRE, *WE MAKE THE ROAD BY WALKING: CONVERSATIONS ON EDUCATION AND SOCIAL CHANGE* (Brenda Bell et al. eds., 1990); MARY ANN HINSDALE ET AL., *IT COMES FROM THE PEOPLE: COMMUNITY DEVELOPMENT AND LOCAL THEOLOGY* (1995).

¹³⁶ See *supra* note 107.

them with local churches, community organizations, and vocational programs. Because of our focus on the Latino community, we offered the courses in Spanish and in predominantly-Latino neighborhoods. Many of the individuals who attended were current or past clients of our office.¹³⁷ Other students found out about the course from the media, class graduates, or community organizations. We also periodically conducted direct outreach, publicizing our educational program at bus stops and train stations in the mornings as the women were on their way to work.¹³⁸

The course generally consisted of six weekly two-hour sessions.¹³⁹ Two hours provided enough time to develop a topic, without being so long that participants lost interest. Although more than six weeks would have provided a more solid grounding in the material, the students who attended agreed that six weeks was a good length, given their numerous work and family obligations. Students who attended all of the sessions received a certificate, qualifying them as community counselors on the issues studied. The certificates, which were given out at the final class session, were very important to the students, and many have used them to assist in obtaining volunteer or paid positions with community organizations.

In planning the courses, we considered many of the same issues described in the previous discussion of planning workshops. For example, we tried to understand the needs of our audience, set clear goals for each session, and consider practical logistical details. In order to target different audiences, we offered the course for different groups of students: some classes for men and women, others just for women, and several for women employed as domestic workers.¹⁴⁰

¹³⁷ Ms. Martínez, Ms. Lemus, and Ms. Cruz, introduced *supra* Part II.B, all enrolled in the course.

¹³⁸ The outreach campaign before the beginning of a course was actually quite extensive. We always allowed at least four weeks for this publicity, and required students to pre-register for the course. Students who registered were sent a letter with more information about the course, encouraging them to brainstorm about issues that they wanted to study. In speaking with social workers who planned similar courses but did not have more than one or two people attend, we found that lack of sufficient publicity and a system for pre-registration were common problems.

¹³⁹ With working women, we found that weekday nights or weekends was the best schedule for them. Also, offering child care is a good way to make it possible for women to attend.

¹⁴⁰ Immigrants are disproportionately represented in domestic service employment. For example, while Chicago residents are only 11.9 percent immigrant overall, 35.8 percent of maids in Chicago are immigrants. See LATINO INSTITUTE, INDICATORS FOR UNDERSTANDING: A PROFILE OF METRO CHICAGO'S IMMIGRANT COMMUNITY 2, 32 (Sept. 1995). For a discussion of some of the legal problems facing immigrant domestic workers, see Diana Velloso, *Immigrant Latina Domestic Workers and Sexual Harassment*, 5 AM. U. J. GENDER & L. 407 (1997).

Perhaps the most important element of our courses was establishing a sense of community among participants. We tried to generate a group feeling by conducting some exercises to get to know one another and by initiating communication that minimized hierarchies between the facilitators and the students. Sometimes, we began workshops by dividing the group into pairs and having each person introduce her partner to the larger group.¹⁴¹ Other times, we had each member of the group respond to an ice-breaking "focus question"¹⁴² that we wrote on the board. These introductory exercises, designed to make group members feel comfortable and ready to share their experiences, were especially important because many of the participants did not already know one another.

One component of building trust among the students was to involve them in developing the course curriculum.¹⁴³ An effective exercise for generating a curriculum was having each student write two possible topics on a notecard, using pictures or words. After each student had presented her ideas and placed her notecard on the board, the group voted on the topics to be studied. Alternatively, we showed the students a curriculum developed by graduates of an earlier class, allowing them to critique it and tailor it to their needs. As a result, each group chose slightly different issues to study. A group of women workers employed mainly in factories decided to study child care, sexual harassment, age discrimination, and minimum wage. In contrast, a group of domestic workers chose to focus on how to file taxes, ensure workplace safety, negotiate better work conditions, and secure letters of reference.

A "mini-evaluation" conducted in the form of a group brainstorming session halfway through the course is an effective way to give students a second opportunity to contribute to the development of the course. We have found that the "mini-evaluations" should last at least 20 minutes and allow time for the students to suggest changes in the curriculum and structure of the sessions. These evaluations may be written but, especially in groups with lower literacy levels, spoken evaluations are more effective. For example, in one course we learned during the mini-evaluation that the students wanted to do more role plays and have more time for debates but did not want to change the topics they had chosen for the remaining sessions. Because the stu-

¹⁴¹ A variant of this exercise, along with other excellent "get to know you" exercises, is found in ARNOLD, *supra* note 129, at 81-84.

¹⁴² See *supra* note 114.

¹⁴³ See PHYLLIS NOBLE, FORMATION OF FREIRIAN FACILITATORS 24 (Latino Institute, July, 1983) (unpublished manuscript, on file with author) ("The very process of . . . agreeing on the naming of the problem, of setting goals together, or sharing personal feelings relative to the central issue, is an indispensable phase of building trust.").

dents still had a stake in the development of the class, these mid-point reviews provided more useful feedback than the evaluation offered at the end of the course. During the second half of the class, we incorporated the ideas of the students into the course.¹⁴⁴

In order to apply the information that they learned to real life situations, we sought to teach the students problem-solving techniques. Although the academic literature repeatedly emphasizes that lawyers should teach problem-solving skills,¹⁴⁵ we had little concrete guidance on how this goal can actually be achieved. We found that it was important to develop a method for teaching such skills because, although our students possessed the tools to solve problems, they lacked an analytical model for conveying their accumulated knowledge to others. With the goal of our course being to create counselors for the community on workplace issues, it was important that we create a model flexible enough to apply to different situations, such that others could use it to identify and solve a diversity of problems.

In order to meet this need, we worked together with the students to develop a three-step framework that they could use to address their individual and group workplace problems. Using this model, the students responded to each situation by asking a series of questions designed to provoke analysis and action. The first step, "Identifying the Problem," required that the student ask what her goals are in the situation and identify facts relevant to her problem.¹⁴⁶ In order to isolate the problem, it may be necessary for the individual (or group) to do some investigation, such as obtain a copy of the company's policies or keep a detailed record of incidents.

In the second step of the analysis, which we termed "Evaluating the Situation," students asked what their strengths and weaknesses are in each situation. In this stage of evaluation, it was necessary to examine the dangers in the situation, the individual's (or group's) support network, and the different alternatives available for solving the problem. In order to evaluate the situation and create the list of alternatives, it was usually necessary that those with the problem speak

¹⁴⁴ For a good discussion of evaluation techniques see HOPE & TIMMEL, *supra* note 105, at 119-31. One evaluation activity involves having participants write down a word that expresses their feelings about the program so far, followed by a group discussion of why they chose their particular words. *See id.* at 129. Arnold and his co-authors also discuss evaluations and suggest a series of questions that can be asked. *See* ARNOLD, *supra* note 129, at 60.

¹⁴⁵ *See supra* notes 66-74 and accompanying text.

¹⁴⁶ In their influential book on lawyering skills, Gary Bellow and Bea Moulton present an analysis of the lawyer's role in helping clients make decisions. Similar to the analysis we use in our course, they believe that the first step in solving problems is to "clarify what the client's needs and purposes are." GARY BELLOW & BEA MOULTON, *THE LAWYERING PROCESS: NEGOTIATION* 173-74 (1981).

with others, such as the employer, the union, and co-workers, in order to determine how to proceed.¹⁴⁷

The third and final step, "Developing an Action Plan," required the individual (or group) with the problem to decide among the alternatives strategies for attacking the problem. The goals of the individual, as well as the realities of the situation, which were highlighted in steps one and two, affected what she decided to do. Different strategies generated by the students included negotiating with the employer, initiating a consciousness-raising campaign, forming a union, filing a complaint with a government agency, and consulting with a lawyer. By repeating this basic, three-step problem-solving theory in different contexts, students were able to sharpen their abilities to offer advice to community members. Often we would present hypothetical situations based on real-life situations and allow the group to resolve the situation, using the problem-solving theory learned in the course to do an in-depth analysis of each problem.

In planning each session, we found it best to begin discussions with a "brainstorm" or some other exercise that allowed the students to generate their own ideas about the subject matter.¹⁴⁸ For example, during the session on taxes in the course for domestic workers, we began with a general conversation about the advantages and disadvantages of paying taxes. These ideas were recorded on two different sheets of paper, which we posted on the wall. This general discussion allowed the women to voice their concerns, such as their fear that they might be fired if they asked their employer to withhold taxes from their salary. Some of the women emphasized the necessity of paying taxes so that they could qualify for Social Security and Medicare when they retired. Other women said it was important to pay taxes in order to become a U.S. citizen. As in other idea-generating sessions, the students expressed amazement that they had all confronted such similar issues at work.

This initial discussion was also important because it allowed us to understand what the participants already knew about taxes and demonstrated the value we placed on their knowledge and resources. In order to enhance the effect of their shared knowledge, it was useful to write the students' ideas on a sheet of paper to distribute during the next class. This sheet served as a quick review of the topic, docu-

¹⁴⁷ See *id.* at 174 ("Once you have a statement of possible objectives, the next step is to identify the options for achieving them.").

¹⁴⁸ This is similar to the "spiral model" which begins with an analysis of the experience of the participants. After this initial stage, "new information and theory" is added and students are given an opportunity to "practice skills, strategize, and plan for action." ARNOLD, *supra* note 129, at 38.

mented the group's knowledge, and reinforced our commitment to listening to student contributions.

After the initial brainstorming session, we generally conducted a brief presentation of the substantive law relevant to the topic.¹⁴⁹ For example, in the tax class, we provided information on the various tax laws that apply to domestic workers, such as FICA, FUTA, income tax, and the Earned Income Tax Credit.¹⁵⁰ The students were given optional reading and a small homework assignment to allow them to improve their knowledge of the topic.¹⁵¹ Although not all students had the literacy level required for this reading, those who did commented that they appreciated this added information.

Once the substantive information on taxes was discussed, the students broke into small groups for a role play in which they practiced conversations with their employer about taxes. In this way, the students applied what they had learned and dealt with some of the fears that they had identified in the group discussion. Returning to the large group, the students discussed what happened in their dramas with the employer. The use of a diversity of these active exercises throughout the course varied the pace and allowed students to test their knowledge.

In the final portion of the session on taxes, the students devel-

¹⁴⁹ Paulo Freire argues that providing concrete information is an important part of the learning process, but only after the students have framed the problem themselves:

When the educator and the learner come close to the object of their analysis and become curious about its meaning, they need the kind of solid information that is indispensable to accurate analysis. To know is not to guess; but information is useful only when a problem has been posed. Without this basic problem-statement, the furnishing of information is not a significant moment in the act of learning and becomes simply the transfer of something from the educator to the learner.

PAULO FREIRE, *PEDAGOGY IN PROCESS: THE LETTERS TO GUINEA-BISSAU* 11 (1978).

¹⁵⁰ An employer must withhold Social Security and Medicare taxes (FICA) from wages paid to a domestic worker if the employer pays cash wages of \$1,000 or more per year to domestic workers. Additionally, if the employer pays cash wages of \$1,000 or more in any calendar quarter to domestic workers, the employer must pay federal unemployment tax (FUTA). FUTA is paid by the employer and is not withheld from the wages paid to the worker. See INTERNAL REVENUE SERVICE, PUB. NO. 927, *HOUSEHOLD EMPLOYER'S TAX GUIDE* (1996).

¹⁵¹ For some of the classes we invited speakers, such as lawyers, investigators from outside agencies, or union organizers, to present the substantive information on a topic. In general, the students found that meeting these speakers was a positive experience because it provided them with new knowledge and gave them a resource person to contact in the future. However, inviting speakers always ran the risk that they would not know how to explain difficult concepts in an accessible manner or would begin to "lecture" at the students, rather than encourage their participation. Often we found it was more effective to invite graduates of the course to speak with our current students. For example, one woman came and spoke about how she had sued her employer when she suffered a workplace accident, and another woman described how she had won her sexual harassment case even though there were no witnesses to the harassment.

oped "action plans," outlining how they would use this new information in their own employment situations.¹⁵² Some of the women decided to discuss tax issues with their employer; others planned to bring them up with a future employer during the initial interview.

The techniques that we used in the series of courses and the other parts of our educational program continued to evolve as we reflected on our varied experiences. The comments in this section are specific to our program's methods and circumstances, but nonetheless provide a general understanding of the types of issues that lawyers may confront when conducting social change education.

E. Evaluating the Community Education Approach

Unlike litigation, which is either won or lost, there is no clear way to evaluate the results of a community education program. However, through specific examples of the ways in which participation has affected individuals' lives, it is possible to gain a general understanding of the impact of such programs. By telling the stories of some of the individuals we have worked with, this section analyzes the major effects of the Chicago-based program, including leadership development, consciousness-raising, and increased use of *pro se* strategies.

1. Reaches Populations Not Served by Traditional Legal Services

Because educational work takes place throughout the city and in locations familiar to and trusted by community members, it reaches populations that would otherwise not find out about Legal Services. Direct outreach to immigrant communities is particularly important because immigrants rely heavily on personal connections when seeking assistance with their workplace problems.¹⁵³ Through individuals we met in the courses, we learned that often even immigrants who knew about the existence of Legal Services do not use the services because they lack sufficient information about the program. For example, they were often mistakenly afraid that they would not be able to afford the fee or that the office would report them or their families to the Immigration and Naturalization Service ("INS"). Other factors, such as threats of deportation from employers, language barriers, and fear of retaliation, also prevent these workers from exploring

¹⁵² We have emphasized action planning in each of our courses. For example, at the end of each course we asked the students to write or "speak" a plan for using the new information in their own lives.

¹⁵³ The Immigrant Legal Needs Study found that 44.6 percent of immigrants of Latin-American origin found a lawyer "through the assistance of friends or relatives. Another 19.3 percent knew the attorney or community agency provider personally. Only about one in four impoverished immigrants used anonymous advertisements or phone books or simply walked into a local office." Bach, *supra* note 40, at 655.

legal options for addressing their problems.¹⁵⁴

For many of the individuals who attended our workshops and courses, these events were their first experience with the law or with lawyers. By explaining the legal system in understandable terms and allowing participants to reflect and to act on their new knowledge, our educational program provided a link between Legal Services and the client community. Perhaps the best example of community education reaching underserved populations is our work with domestic service employees:

Nearly all the women who attended the courses for domestic worker had suffered workplace abuses, but very few had previously sought assistance with a workplace problem. Many of our students were owed back wages by former employers, did not earn minimum wage,¹⁵⁵ and worked for employers who refused to pay their taxes as required by law. Although not all of these women will use the law to solve their problems, the course provided them with essential "bargaining chips" to improve their current and future situations.

Because domestic work is so isolated, the course was a unique opportunity to discuss their situations collectively. As each woman described her experiences working in private homes, the other women nodded and expressed that they, too, had confronted similar situations. The women explained that, prior to the course, they believed that they were the only ones who had experienced these situations and were gratified to find validation among their peers. As a result of the course, several of the women formed a focus group to continue discussion of the issues that affect them. Others used the information they learned to take action against employers who had violated their rights. In one case, a woman confronted a former employer who owed her \$1,500, and, when she threatened to sue, the employer agreed to pay her the wages.

¹⁵⁴ Some immigrants may be hesitant to use the legal system because of a fear of the system or a belief that their testimony will not be heard. See, e.g., Leslye E. Orloff et al., *With No Place to Turn: Improving Legal Advocacy for Battered Immigrant Women*, 29 FAM. L.Q. 313, 315-16 (1995) ("Many immigrants come from countries where the judiciary is not impartial and acts as an arm of a repressive government. Many believe that only those who are rich or who have strong ties to the government prevail in court.") (footnotes omitted).

¹⁵⁵ The Fair Labor Standards Act provides that in most cases domestic service employees are entitled to minimum wage and, if they do not live with the employer, overtime compensation. Under FLSA "domestic service employment" involves services of a household nature performed by an employee in or about a private home of the employer. See 29 U.S.C. §§ 201 *et seq.* (1997).

2. *Provides Support for Individuals Involved in Litigation*

Another effect of community education is that it provides an environment for clients to learn about issues relevant to their cases and to meet others who are facing similar circumstances. Because of the overwhelming demand for services, LSC lawyers are limited in the amount of time that they are able to dedicate to each case. Time pressures make it especially likely that the lawyer will not be able to explain difficult legal concepts to the client's satisfaction or to fully involve the client in developing legal strategies.

The gap in understanding between the client and the lawyer can be disempowering for the client, who is often made to wait for long periods of time with little information about or control over her situation. Indeed, the very nature of litigation draws "poor clients into a culture and a discourse that is likely to seem strange and intimidating."¹⁵⁶ Community education, however, provides an important supplement to the litigation process, allowing clients

to become more knowledgeable themselves about the institution with which they are dealing, to provide mutual aid to others in similar situations, to participate in the general strategies of the office or advocacy group as well as the particular strategies in their own cases, to form support groups or action groups that are part of such strategies, and to recruit others to join and participate.¹⁵⁷

Our educational work became an important component of our legal practice. Particularly by participating in the intensive course, clients gained a general understanding of employment law and the issues that affected their case. Similarly, among the few graduates who later became clients, I noted an increased interest in participating in their cases. By providing an opportunity to share their employment problems, the educational work also allowed clients to get to know others who have had similar experiences:

The Legal Assistance Foundation represented Ms. Cruz¹⁵⁸ in a case against her employer for violation of the Family and Medical Leave Act. During the lengthy litigation process, she became interested in our community education program and attended the course. For Ms. Cruz, participating in the class was an important source of support and guidance. She found that a speech by another student who described winning her case under the FMLA was particularly inspiring because it demonstrated that others were experiencing similar situations and that it was possible to win such cases. Coincidentally, she

¹⁵⁶ White, *supra* note 74, at 564.

¹⁵⁷ Bellow & Charn, *supra* note 91, at 1666-67 (adding that organizational support is necessary for these effects to occur, but Legal Services offices rarely provide such support).

¹⁵⁸ Ms. Cruz was introduced in Part II.B of this Article.

met another student in the course who had been unjustly fired by the same employer. They stayed after class together and reflected on their experiences.

3. *Responds to Concerns that Cannot Be Redressed by the Legal System*

Many of the clients who come to Legal Services have problems that cannot be redressed by the legal system. During our initial interviews with clients with employment problems, we found a relatively high percentage of clients confronted situations that were not illegal. These clients left our offices frustrated and feeling as though there was nothing they could do to solve their problems.

With our community education program, however, we were able to provide such people with an alternative way to address their problems. Of course, not all clients who came to Legal Services were interested in attending, but those who did attend reported that the program benefitted them by providing them with tools and a support network to solve their problems without outside intervention:

Ms. Hernández came to our office in the fall of 1996 concerning what she believed was an unfair termination from her job as a teacher's aide. After reviewing her case, we were unable to accept it because it was not legally compelling; however, we suggested that she consider signing up for the next worker's rights course. By enrolling in the course, Mrs. Hernández found much of what she was seeking when she came to our office — a sense of community and a group of individuals who could help her think creatively about the issues relevant to her situation. During the course, she spoke of her problem, and members of the group suggested strategies for improving her situation. The group also provided her with moral support in her pro se case against her employer, and some of the students even attended her hearing. She became an integral player in organizing the group to stay in touch and has used the information she learned during the course to give presentations on workplace rights at her church. The work of Ms. Hernández and other graduates who have initiated similar projects creates a lasting dialogue and support structure among church members, co-workers, and friends.

4. *Allows Individuals to Develop Their Own Problem-Solving Skills*

One very important result of community education is that it allows participants to develop their own problem-solving skills. Although some individuals are best served by seeking legal assistance, in many cases problems can be solved without an attorney. By teaching individuals to use their own lawyering skills, community education helps "people subordinated by political and social life" to "recognize

and value and extend their own problem-solving know-how” and “gain confidence in their ability to handle situations that they would otherwise experience as utterly foreign and unmanageable.”¹⁵⁹ The severe lack of qualified legal assistance for the poor makes it especially important that individuals develop these skills.

During and after the courses, our students shared with us how they have used their knowledge and negotiating skills to address their workplace problems without the need of an attorney. Each time a student successfully resolved her case, we encouraged her to tell her story to the larger group, allowing us to discuss the strategy and why it worked. Similarly, if a student mentioned during the class that she wanted to take steps to negotiate with her employer, we would sometimes ask her if we could use her situation as the basis for a role play, thus allowing her to examine the range of options available to her and to benefit from the input of the group:

Ms. Guerrero recently informed me that she had her first “success” using the negotiation techniques that she studied in the course for domestic workers. After becoming frustrated with her job as an assistant at a child care center due to the low pay, she decided to interview for jobs to be a child care provider in a private home. Prior to interviewing, she defined her priorities in seeking a job: she decided that the two most important factors were the salary and a schedule that would allow her to spend time with her young son. She explained that, using the interviewing skills she had practiced in the course, she was able to present her concerns about the job, rather than allowing the prospective employer to dictate the job conditions. One family offered her a position at a good pay rate; however, they asked that she work from 11:00 a.m. until 7:00 p.m., which would not allow her to spend much time with her son. She explained to them that she would need to be able to spend the evenings with her family. This was the first time that she had presented a prospective employer with a job requirement, but it worked! The mother, who works part-time, switched her hours to the morning, so Ms. Guerrero now works for her from 7:00 a.m. until 3:00 p.m. and is able to pick up her son from school. The employer also offered her a higher salary in an attempt to convince her to take the offer.

Ms. Bueno learned during a session on sex discrimination in the workplace rights class that it is illegal to pay a woman less than a man who performed the same job and has the same qualifications. This information made her angry about her own situation at work: she earned less than a male co-worker who did the same job. Ms. Bueno

¹⁵⁹ LÓPEZ, *supra* note 1, at 70.

decided to take action by bringing the fact to the attention of her employer, explaining that she believed this was illegal. Although the employer refused to acknowledge that this wage discrepancy was a problem, the next day Ms. Bueno got a call from Human Resources informing her that she was getting a raise.

Ms. Sosa, another course graduate, was employed at a laundromat. The information she learned in the course led her to discover that improper deductions were being taken from her pay. In order to improve this situation, she decided to speak with the manager about the problem. However, this action resulted in her being told the next day that her hours had been cut in half. Re-evaluating the situation, she spoke with another of her bosses. This solution was successful, and she was paid the backwages she was owed, and her normal hours were restored.

During a class on salaries, a group of domestic workers discussed the importance of their work in the lives of their employers and agreed that their salaries did not reflect the value of their work. Dividing the group into "employers" and "employees," the students conducted mock negotiations to bargain for higher wages. The next week, one of the students reported that she had confronted her employer about the necessity of a raise. By bringing to her employer's attention all of the chores that she performed (styled hair, cooked food, cleaned house, drove to doctor's visits, etc.), she convinced her employer to raise her salary from \$7.00 to \$10.25 an hour, a full \$3.25-an-hour raise.

5. *Develops Leadership Skills*

One of the most striking results of our educational work was that it allowed participants to develop and use their leadership skills. For many of the women who attended, the class was their first educational experience since childhood. For these women, the course was often a "self-affirming and confidence-building" experience.¹⁶⁰ Upon receiving their certificates of completion at the graduation, the women shared feelings of pride and accomplishment. One woman told us that the course was the first educational program that she had ever completed. Her success in finishing this task had inspired her to undertake new efforts, such as studying for a G.E.D.

¹⁶⁰ Kenyatta, *supra* note 76, at 20 ("Oftentimes the relationship of equality with the poverty lawyer is their first sustained relationship of reciprocal respect with a high-status professional. . . . [It] can help mold and test the capacity of poor minorities and women to become self-confident community leaders: organizers, strategists, and spokespersons.").

At the end of each class, students presented an "action plan" for using the information they had acquired. It was interesting that over half of the students expressed that they intended to use the information to help others in their community, although many of them had not been very active in the community prior to enrolling in the course:

Ms. Cuba uses the information she learned in the class almost daily in her job at a currency exchange in a Latino neighborhood. Clients regularly ask her for advice concerning employment problems, and she is able to give them referrals and basic information about their rights. For example, when a woman complained to her about sexual harassment she was suffering at her job, Ms. Cuba suggested that she tell the harasser to stop and that his behavior is illegal. The woman returned a week later, reporting that the strategy worked and she was no longer being harassed. Gradually, Ms. Cuba has become an important resource for her community.

Several of the graduates have used the information on workplace issues to conduct their own educational workshops in their communities. These initiatives are a particularly important result of the educational work because, by sharing the information with others, the effects are multiplied:

Ms. Moreno first came into contact with our project as a client in a case of wrongful denial of unemployment insurance benefits. After she won her appeal, she decided to become involved in the community education program because she wanted others to learn from her experience. Ms. Moreno took the course twice, both times participating actively in the discussion of unemployment insurance and demonstrating that it is possible to win these cases. Ms. Moreno became one of a group of women who helped us to produce an educational video that highlights the concerns of working women. She now uses the video to hold workshops of her own for her friends and family members.

Ms. Monte, who graduated from our domestic worker course, was asked by her church to offer the class for her congregation. Using the materials we developed, she offered the course for 200 individuals. Other students have used the information they learned to initiate similar projects. One student organized workshops at the college where he studies English, and another student offers workshops for the residents in her building.

6. *Raises Consciousness*

A final effect of our community education program is that it raised consciousness among community members about workplace is-

sues. By attending the workshops and courses, individuals learned about legal protections that they were not aware existed. Often this new information led participants to look at their own workplace situation in a new light. The students' enhanced knowledge of workplace laws also allowed them to better navigate their future employment problems, thus preventing such problems from escalating.

The value of substantive knowledge gained in the course is enhanced by contacts made between participants through the sharing of stories. As the students discovered that they are not alone in the discrimination they suffered, their awareness increased and their fear of naming their problems decreased:

Ms. Romero heard about the course on the radio. During the first session she attended, she and the other participants were asked to share two things that they would like to change about their jobs. Ms. Romero said that she had nothing to contribute because she loved her job and had absolutely no complaints. After listening to other participants discuss their dissatisfaction with their workplace situations, however, she became very involved in the discussion. The group soon learned that Ms. Romero actually had multiple and relatively severe workplace problems, yet had never sought out legal advice nor discussed them with her co-workers. For this woman, attending the training was an eye-opening experience in which the knowledge and courage she gained from hearing other women speak encouraged her to speak out about her own situation.

In the action plans that the students developed, many found that the educational experience of the course had led them to tackle problems that previously they would not have addressed:

Ms. García told us in one of the classes that she had previously suffered a workplace accident: while making french fries at a fast food restaurant she was burned by the oil. However, she had never informed anyone about the accident because she was afraid she would be fired or deported. Less than a week after she graduated from the class, she suffered a second accident at work. This time she followed all the steps we discussed in the class, such as notifying her employer immediately of the accident and visiting a doctor of her own choice. When the employer refused to pay her the benefits she was entitled to under the Worker's Compensation laws, she contacted one of the speakers from the class, who referred her to an attorney. Together with her attorney, she sued the employer and has successfully recovered her medical bills and is waiting for a decision regarding payment for lost wages and permanent injuries. Ms. García has used her knowledge to help a co-worker who suffered a workplace accident at the same time. She has also returned to other classes to speak with the students about her own experience.

CONCLUSION:
REFLECTIONS ON THE COMMUNITY EDUCATION MODEL

Community education is a lawyering model grounded in theories of progressive practice that view client empowerment as one of the goals of social change. This Article's analysis of the Chicago program reveals how such theoretical ideals might be implemented within street-level practice and highlights some of the results that emerge from such a program. For example, by creating opportunities for community leadership, encouraging poor people to resolve their own problems, and providing a space for lawyer/client collaboration, community education helped to expand the boundaries of traditional Legal Services practice. These results were due, in part, to the diversity of strategies that were employed. Specifically, by combining media campaigns, trainings for social workers, publication of educational materials, and workshops and intensive courses for community members, the program became useful to a broader base of individuals and groups.

Although, on balance, community education work has the potential to be a positive force in the lives of some low-income clients, it is not without its own problems. Reflecting on my experience with the Chicago program has forced me to consider a number of questions about its efficacy — questions that do not, in the end, undermine its validity, but instead offer challenges to lawyers who seek to practice within the rebellious model.

One issue that I confronted while conducting community education work was questioning whether I had the ability or background to play the role of an educator. My experience made me think more generally about the power dynamic between poverty lawyers and their poor clients in the context of educational work. Can poverty lawyers, as outsiders¹⁶¹ to the communities that they serve — better educated, more highly paid, and often racially and ethnically different from their clients — effectively facilitate the educational process? Will middle-class poverty lawyers necessarily end up dominating discussions they attempt to facilitate, resulting in the same dependence on lawyers as litigation produces?

As a young, white, middle-class, female attorney working with

¹⁶¹ Lucie White has used the term "outsider" to signal that vast differences of ethnicity, class, life experience, and power always remain between the subordinated and those who work with them. These differences are inevitably an impediment to trust and understanding. If they are subject to constant scrutiny by the group, however, these differences can also become a source of insight and power.

White, *supra* note 1, at 769.

low-income, Latina, immigrant women, I was, in most respects, different from the groups that I served. My outsider status created tensions and gaps in understanding and reinforced hierarchies already prevalent in our society. The communities that I worked with received me with a critical skepticism, and at times openly acknowledged and discussed my status within society. As a group facilitator, I struggled to remain attuned to these tensions and, to the extent possible, to redistribute power within the group. When such hierarchies were manifested in workshops, I would attempt to defuse them with techniques discussed in this Article, such as allowing the group to select discussion topics and returning questions that were addressed to me as the "expert" to the group as a whole. Although at times I departed from the rebellious ideal and instead imposed my own structure and ideas on the discussion, I struggled to continually re-evaluate my work with the goal of collaborative lawyering in mind.¹⁶²

As my experience indicates, even in the best case scenario, a rebellious relationship will never completely eliminate the inequality of power between lawyer and client.¹⁶³ This is, of course, a constant tension for lawyers practicing within the rebellious model, who are "living in the contradiction"¹⁶⁴ between privileged professional and promoter of social change. However, rather than leading us to reject the project of experimenting with progressive legal strategies, I think that the recognition of the inevitability of power imbalances is better viewed as a source of the rebellious model's vitality. If we are to be-

¹⁶² See LÓPEZ, *supra* note 1, at 79 ("In many circumstances made acute by time and resource limitations, [public interest lawyers practicing in the rebellious model] find themselves dominating conversations and decisions about legal strategies. . . . Entrenched expectations of how lawyering works frequently get reproduced despite the best efforts of all involved.").

¹⁶³ See, e.g., Gary Bellow, *Steady Work: A Practitioner's Reflections on Political Lawyering*, 31 HARV. C.R.-C.L. L. REV. 297, 301 (1996) ("Inevitably, there were many more contradictions, hierarchies, and hypocracies in our hopes than any of us recognized. . . . [T]he practice of law always involves exercising power."); Stephen Ellmann, *The Ethic of Care as an Ethic for Lawyers*, 81 GEO. L.J. 2665, 2697 (1993) ("In some settings, such as poverty law practice, lawyers' power may be very substantial, resting on the clients' tremendous need for legal services and perhaps buttressed by cultural patterns of race or class. Even when lawyer and client are social peers or longtime colleagues, as they typically may be in, say, corporate or estate practice, lawyers may still wield significant power by virtue of their legal and practical expertise and their relative disengagement from the emotional stress the client may face. Indeed, lawyers may enjoy some authority for these reasons even when their clients actually hold great power over them, as a large and valued business client, for example, might.").

¹⁶⁴ Buchanan, *supra* note 1, at 1046 (citing TERESA DE LAURETIS, *TECHNOLOGIES OF GENDER* (1987)). See also Trubek, *supra* note 118, at 55-56 (arguing that "living in the contradiction" requires lawyers to be constantly self-critical, not assume that they have the answers to social problems, and strive to understand "the complex and contradictory nature of public interest practice").

come better public interest practitioners, we must be able to acknowledge how power suffuses our relationships with clients. At our best, we struggle to negotiate these hierarchies, to identify our mistakes and seek new ways to correct them. While we must remain always vigilant in challenging the dynamic of our day-to-day interactions with clients, we should not allow this recognition of power to paralyze progressive action on behalf of disadvantaged people.

In order to effectively practice community education, lawyers need to be trained in educational strategies that enable them to challenge regnant expectations. Because few lawyers are practicing community education and few law schools are teaching students to do so, most young lawyers have not had an opportunity to develop the required skills. Just as lawyers are trained in litigation skills and substantive law, lawyers need to be taught how to educate in ways that stimulate analysis and action among participants. Clinical programs, which have begun to offer students courses in community education, can play a significant role in training new lawyers to consider education as a part of their role. As such programs continue to incorporate community education models into clinical courses, they should focus on developing a curriculum for learning educational methods and identifying clinical placements where students could experiment with such techniques. Students, clinicians, and practitioners who attempt such forms of lawyering should critically examine their work and share their knowledge with others through scholarship. In addition, lawyers should involve poverty law clients in the formulation of new programs and reflection on lawyering techniques.¹⁶⁵

Another troubling issue I encountered in my community education work was the tension between my self-conscious attempt to downplay my role as a lawyer and the fact that it was precisely my status as a lawyer that legitimated my entry into low-income communities.¹⁶⁶ Poverty lawyers who have argued against the rebellious form of lawyering contend that poor clients consult lawyers "because they have legal problems, and because poverty attorneys are trained as lawyers."¹⁶⁷ According to these critics, clients do not want to be em-

¹⁶⁵ See, e.g., Dean Hill Rivkin, *Reflections on Lawyering for Reform: Is the Highway Alive Tonight?*, 64 TENN. L. REV. 1065, 1070 (1997) ("What is needed today most of all—at least at first—is talk, talk, talk—lots of discourse—among lawyers, clients, and others with an interest in making sense of our past efforts in reform litigation and charting new transformative strategies.").

¹⁶⁶ This issue has been termed the "paradox of professionalism." See Buchanan & Trubek, *supra* note 1, at 717. See also Buchanan, *supra* note 1, at 1044 ("One must consider the effects of this radical abandonment of the lawyer's traditional role on the lawyer's legitimacy and credibility, and consequently her ability to gain access to communities of disempowered clients.") (footnote omitted).

¹⁶⁷ Cathy Lesser Mansfield, *Deconstructing Reconstructive Poverty Law: Practice-Based*

powered when they seek out legal assistance. Therefore, practitioners who pursue strategies such as community education are not meeting their clients' needs. In much of my work with community groups, I was introduced as a lawyer, expected to answer legal questions, and later asked by many individuals to provide them with legal representation. My experience made me about think whether the poor communities I was trying to serve wanted me to lawyer "rebelliously," or whether I was simply reinforcing hierarchy by imposing my own view of what was "best" on a group of people who had their own — perhaps very different — ideas of what they needed.

Despite this tension, I found that pursuing community education within the rebellious ideal did meet the needs of many clients, such as those clients who would not have come to my downtown Legal Services office for consultation, and those whose problems were not amenable to traditional "legal" solutions. The concerns of clients like Ms. Martínez, Ms. Lemus, and Ms. Cruz were not sufficiently addressed within the constraints of traditional practice. However, these women enthusiastically participated in the educational process and acquired the knowledge necessary to confront difficult employment situations on their own.

My reflection on my experience as a community educator leads me to the most difficult question of all: Does community education work? One's response, of course, depends on how one defines "successful" legal practice and how one weighs the alternative outcomes afforded by a litigation-intensive strategy. My answer to the question of community education's effectiveness resides in the stories of my clients.¹⁶⁸ In particular, I think of Ms. Rosas and Ms. Suárez, two clients who both suffered severe sexual harassment in the workplace. Ms. Rosas filed a charge of discrimination against the employer and eventually accepted a settlement offer. Although she originally had activist goals in mind (such as going to the Spanish language media with her story to educate other women about sexual harassment), when she decided to accept the settlement, she agreed not to share the details of her experience with anyone. Although she had been "made whole" in terms of her lost wages, she felt frustrated and only partially vindicated. In contrast, Ms. Suárez attended our workplace rights class. The first time she ever spoke publicly about the harassment she

Critique of the Storytelling Aspects of the Theoretics of Practice Movement, 61 BROOK. L. REV. 889, 929 (1995) ("To assume that poverty clients also need poverty attorneys for normative validation and conveyance, or to assume that if poverty attorneys take control in the legal setting poverty clients are disempowered and marginalized in other settings, conceives for poverty attorneys a paternalistically greater role than poverty attorneys have in their clients' lives.").

¹⁶⁸ See discussion *supra* Part II.E.

experienced at her previous job was with the other students during the course. Although she learned about litigation as a strategy, she was not interested in suing her employer. She did, however, discuss her experience on our video on workplace rights, speak to students in subsequent classes, and counsel women informally at her church. Ms. Suárez told me that speaking out about what had happened to her and using her knowledge to help others who confront similar situations gave her confidence that she could better handle such situations in the future, and that she could contribute positively to her community.

This Article has highlighted the value of community education as an anti-poverty strategy. Community education presents an opportunity for clients such as Ms. Suárez to realize their own problem-solving abilities. It also provides a unique space in which the lawyer and client can work to pool their collective knowledge and contribute to a shared vision of a more just society.