

Designing a Clinic Model for a Restorative Community Justice Partnership

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*To build community requires vigilant awareness of the work
we must continually do to undermine all the socialization that
leads us to behave in ways that perpetuate domination.*

—bell hooks¹

INTRODUCTION

In 2008, four clinical law teachers, including Susan Brooks, a co-author of this Article, published a piece together called *Conversations on Community Lawyering: The Newest (Oldest) Wave in Clinical Legal Education*.² Its purpose was to coalesce some of the then-current thinking about community lawyering, which all of the authors saw themselves as pursuing in their clinics. Interestingly, though, each was doing quite different work, ranging from direct representation in litigation and mediation, to transactional work and legislative advocacy. Over a period of several years and after countless conversations, they landed on the idea that their shared definition of community lawyering was about a common *approach*. As stated in their piece, “community lawyering is an approach to the practice of law and to clinical legal education that centers on building and sustaining relationships with clients, over time, in context, as a

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1. BELL HOOKS, *TEACHING COMMUNITY: A PEDAGOGY OF HOPE* (2003).

2. Karen Tokarz et al., *Conversations on “Community Lawyering”*: *The Newest (Oldest) Wave in Clinical Legal Education*, 28 WASH. U. J.L. & POL’Y 359 (2008).

part of and in conjunction with communities.”³ The authors identified three core characteristics of community lawyering: (a) collaborating with client communities and community groups to identify and address client and community issues; (b) focusing on empowerment of communities and social and economic justice; and (c) fostering systemic and structural change.⁴

Fast-forward to the year 2013. Susan Brooks was serving as the Associate Dean for Experiential Learning at Drexel University’s law school and intent on starting a clinic there that would embody a community lawyering approach. The law school had just hired Rachel Lopez onto the faculty with the primary role of establishing and directing this initiative, which was to become the Community Lawyering Clinic (CLC). In this Article, we (Professors Brooks and Lopez) discuss our efforts to embrace the core characteristics of community lawyering clinics during the development of the CLC. Specifically, the Article outlines how we have begun to tackle two central questions in designing our clinic: first, how we ensure that our work reflects and incorporates the diverse desires and demands of “the community”; and second, how we facilitate an environment that encourages a community partnership characterized by equality, respect, empathy, compassion, and integrity.

In addition to the 2008 piece, this discussion draws upon well-established foundations of community lawyering articulated by pioneers such as Christine Zuni Cruz, who wrote: “[l]awyering which respects those who comprise the community as being capable and indispensable to their own representation and which seeks to understand the community yields far different results for the community and the lawyer.”⁵ Our strong commitment to honoring and supporting our clients’ strengths and self-determination has led us to consult two guiding schools of thought for our work: Deliberative Democracy and Beloved Community. This Article begins by describing these two approaches. Next, we illustrate how

3. *Id.* at 364.

4. *See id.* at 352–55

5. Christine Zuni Cruz, *[On the] Road Back In: Community Lawyering in Indigenous Communities*, 24 AM. INDIAN L. REV. 229, 235 (1999/2000).

these approaches have informed our choices in clinic design, advocacy, and conflict resolution.

Cruz and others also emphasize the importance of the processes that take place in community lawyering, rather than simply the outcomes.⁶ In light of the ever-widening justice gap in this country, where four of every five poor people will not have access to the legal services they need, process-oriented choices have increased significance and consequence.⁷ A decision to prioritize one case or community partner over another may give voice to one group or population while leaving another without adequate access to justice. Further, such decisions potentially exacerbate inequality between groups and increase existing tensions within a community. By exploring our guiding approaches and reflecting on our design process thus far, we hope to gain further insights to help us forge community partnerships that are both deeply rooted and driven by broader community feedback, and to inform the efforts of others who are on a similar journey toward more meaningful, sustainable community engagement and accountability.

Part I of this Article provides a timeline describing the key events since 2010 that have shaped the design of the clinic. Part II describes some of the foundational perspectives on community lawyering that have informed our efforts. Part III presents two theoretical approaches—Deliberative Democracy and Beloved Community—and attempts to situate them within the existing literature on community lawyering. We have found these approaches to be instructive because they offer guidance for how we might form community partnerships based on integrity, equality, respect, empathy, and compassion. Part IV explores how we have operationalized this commitment with these ideas and ideals in mind. Finally, Part V discusses a number of challenges, as well as opportunities, we have identified through our efforts in this start-up phase.

6. *See id.*

7. Deborah Rhode, *Whatever Happened to Access to Justice*, 42 *LOY. L.A. L. REV.* 869 (2009).

I. TIMELINE OF KEY EVENTS

This timeline highlights some of the major developments that have been part of our start-up efforts. In 2010, Drexel's law school, which had only one in-house clinic, began trying in earnest to identify space for a community-focused clinic and to search for a second clinical faculty member. The law school's search was tailored to find someone who had the desire and the expertise to teach this type of community-based clinic. The school was interested in having this new faculty member take the lead in defining the scope of the clinic's work.

That same year, the university ushered in a new president named John Fry, who vowed to make Drexel University the most civically-engaged university in the country. Almost immediately, he created a special position called the Vice-Provost for University and Community Partnerships and filled it with a Ph.D.-credentialed community organizer named Lucy Kerman.

By 2011, it became apparent that the law school's hiring focus for the CLC and the university's priorities were aligned. It would only be a matter of time before the university would identify the "right space" and the law school would identify the "right person" to help develop and then direct the clinic.

In 2012, the law school learned that the university had identified a potential space to house its clinic, along with a much wider range of potential community-focused projects. The space was strategically located on the borderline of two underserved neighborhoods in close proximity to the main campus—Mantua and Powelton Village. Mantua, in particular, is one of the most impoverished neighborhoods in all of Philadelphia. More recently, it was included in one of President Obama's "Promise Zones," a designation reserved for only the nation's most underserved neighborhoods that is intended to help attract federal funding. Both neighborhoods have a lengthy and somewhat troubled past with Drexel University, mainly as a result of student-driven displacement of residents.

The space identified for the clinic is a majestic estate that once housed a school, carriage house, and mansion. At the time it was identified, however, it was mostly in a state of disrepair. Drexel was in negotiations to lease the space or purchase the property.

Around that same time, Lucy Kerman's office issued a request for proposals (an RFP) asking all of the units of the university what they would want to offer to the community if given the opportunity to use some of the potentially available space. Although the university requested the proposals it made clear that the ultimate decision-making on the proposals would be vested in community members and representatives. The law school was among the first units to respond and proposed a free legal clinic. While this RFP process was still underway, the university approached the law school about whether it could begin offering some form of legal services in the identified space. Early interactions between the university's administration and community members indicated that legal services were a pressing community need, and the university wanted to demonstrate its responsiveness. Within a few months, the law school drew on its already well-established Pro Bono Program and began offering two discreet services on a monthly basis. These two projects, which are still in place, assist community members with criminal record expungements, and also with wills and similar planning documents. Meanwhile, the search for a faculty member to direct the community-focused clinic was ongoing. Happily, in 2012, the law school hired Rachel Lopez, Director of the CLC and co-author of this Article, who has played a key role in the development of the Clinic since that time.

Also in 2013, President Fry and the administration identified a generous donor whose large donation would allow the university to renovate the estate on the border of Powelton Village and Mantua. The site eventually was named the Dornsife Center for Neighborhood Partnerships (Dornsife Center) in honor of the Dornsife family whose generous donation funded the renovation of the estate. The Center's mission is to "develop a shared opportunity of community" by capitalizing on the collective assets of Drexel's colleges and schools to provide programming and services geared toward Mantua and Powelton village residents.⁸ Meanwhile, the university hired an outreach coordinator and engaged a consulting group to begin

8. See Dornsife Center for Neighborhood Partnerships, DREXEL UNIV., available at <http://www.drexel.edu/dornsife/> (last visited on Apr. 19, 2015).

preparing for a targeted visioning and planning process to take place in the spring of 2013.

On two consecutive days in late April 2013, Rachel Lopez and Susan Brooks participated in a “Future Search”⁹ experience, a structured retreat aimed at bringing together a representative sample of all relevant actors that would be engaging in some way in activities at the Dornsife Center.¹⁰ Preparation for the two-day retreat took place over a period of several months. Prior to the retreat, eight stakeholder groups were identified and an equal number of participants were invited from each of the eight groups. The retreat was designed so that there would be opportunities to meet both in separate stakeholder groups and in groups comprised of a mix of representatives from all stakeholder groups. The eight groups were as follows: (1) Drexel University, which included faculty, students, and administrators; (2) older adults from the community; (3) youth; (4) religious leaders; (5) business owners; (6) government and civic associations; (7) educational entities; and (8) non-profit/community organizations. It was critically important to the process that the university represented only one of the eight groups. This decision reinforced that the Center would be a partnership between the university and community members from both the Mantua and Powelton neighborhoods.

The two-day process included a series of interactive sessions focusing on the past, present, and future of the Mantua and Powelton communities and community members’ lives. A highlight of the focus on the past was the creation of three parallel timelines that were filled in by all of the participants. The timelines represented key events during the last roughly fifty years: (1) in the world; (2) in the participants’ lives; and (3) in the Mantua and Powelton neighborhoods. After creating the life-sized timelines, the participants were able to walk around and gain perspective about the varying contexts for the present and future-oriented discussions that would unfold.

9. Future Search is the signature activity of a group that has done similar retreats across the country and the globe.

10. For additional information, see FUTURE SEARCH NETWORK, <http://www.futuresearch.net/> (last visited Oct. 12, 2014).

During the “Focus on the Present” phase, the participants first met in smaller mixed groups and then as a large group to create a “mind map” of external trends that were seen as affecting efforts to build neighborhood partnerships connected to the Center. The stakeholder groups then met separately to identify what they are doing now about key trends and what they would like to do to address these trends in the future.

As the process transitioned to the future, a session was held in which mixed groups did a role-playing exercise acting out activities they hoped to see at the Dornsife Center. The groups also posted themes they saw as common to all participants. During the final activities, the large group tried to reach a consensus about agreed areas of interest, and then defined and detailed an action plan, including who would be responsible for follow-up steps.

Following the retreat, a leadership group was formed based on those who were interested in continued involvement with the Center. Rachel Lopez emerged as one of two University representatives members of this group, which serves as the guiding body for the activities of the Center.

By January 2014, the Dornsife Center was named publicly and improvements to the physical structure were underway. The University, including the law school, was able to offer limited activities at a nearby location in Mantua while the building was being renovated. Rachel Lopez created a student-faculty research team, comprised of four law students, to assist in developing the CLC’s approach, substantive focus, and mission. To inform that effort, the Research Team explored different potential models for the CLC by reviewing scholarship on community lawyering, conducting research on access to justice issues, learning about the history and current issues facing Mantua and Powelton Village residents, and engaging in initial outreach efforts to legal service providers in the area and the community to identify the unmet legal needs.

The Research Team hoped to achieve three main objectives: (1) to gather information about models of community lawyering clinics at other law schools across the country; (2) to learn what legal services were already being provided to the residents of Mantua and Powelton Village; and (3) to learn from community members what they identify as their existing legal needs. The Research Team obtained

approval from the Institutional Review Board (IRB) for research efforts aimed at achieving these goals.

In an effort to gain insight into best practices, clinic design, and establishing trust with community members and groups from the clinical instructors of existing community lawyering clinics across the country, the Research Team circulated to the clinical law teachers' listserv¹¹ a link to a web-based survey that was created by the Research Team. In addition, the Research Team sent the survey via email directly to all clinical law teachers who identify their clinics as community lawyering clinics on their law school's websites. These clinicians also had the option of participating in an interview with the Research Team in lieu of completing the survey.

The Research Team also circulated surveys to legal and social service providers to determine the services they currently provide and their views about the most prevalent legal issues in Mantua and Powelton Village. In order to identify community and legal service providers for their surveys, the Research Team consulted a comprehensive list of all legal service providers in Pennsylvania compiled by Pro Bono Net¹² to determine which organizations were providing services in West Philadelphia.

In April of 2014, the Research Team gave a presentation at a meeting of the Delivery of Legal Services Committee (DLSC), which is a committee of the Philadelphia Bar Association comprised of the directors of all major legal service organizations in Philadelphia. At that meeting the Research Team explained the plans for the CLC and asked the directors of organizations serving Mantua and Powelton Village to complete the survey. The Team received eleven responses to the survey. Rachel Lopez also met with prominent legal service providers in Philadelphia to discuss their work in depth and explore possible areas of collaboration. As a result of these efforts, the

11. Posting of Rachel Lopez rel62@drexel.edu, to lawclinic-bounces@lists.washlaw.edu (Apr. 3, 2014) (on file with author). This listserv is hosted by Washburn University School of Law and includes nearly all clinical law professors and instructors in the country.

12. Pro Bono Net is a on-line resource guide providing information about the public interest legal community in various locations across the U.S. The Research Team used the guide for Philadelphia as a starting point. *See* http://www.probono.net/oppsguide/organization.133072-Philadelphia_VIP_Pro_Bono_Legal_Services_and_LawWorks_a_Project_of_VIP (last visited on Apr. 19, 2015).

Research Team created a comprehensive referral guide comprised of all of the information that was obtained in this process.

Initially, the Research Team also planned to conduct a series of focus groups at the meetings of community organizations, the local library, the local high school, and two community centers in Mantua and Powelton Village. Members from the Research Team devised the following questions for focus group participants:

1. What do you think of when you hear the words Drexel University?
2. Have you heard of the Dornsife Center?
3. What are the greatest strengths of your community?
4. What are the greatest challenges your community faces?
5. What are the most prevalent legal needs that your community has?
6. Where do you go when you have a legal problem?
7. What ideas do you have for finding people to answer these questions?

In late spring of 2014, the Research Team received feedback from community leaders indicating that using traditional focus groups was not the best approach to accomplish the goal of gathering information. First, community leaders conveyed that the residents were experiencing “focus group fatigue,” since numerous departments across Drexel University had been making similar efforts. They mentioned that the community members felt like the university was placing them under a microscope. Second, community members lamented that they felt that the community had opened its doors to Drexel, and yet Drexel had not reciprocated.

In light of these concerns, the Research Team changed its approach. Instead, the Team decided literally to open the law school’s doors to the community and host an open house for the community members from Mantua and Powelton Village. The Team’s goal was to foster a feeling of partnership and demonstrate the law school’s commitment to President Fry’s vision to be the most civically-engaged university in the country. On the night of the open house,

Drexel faculty, staff, and students welcomed close to fifty community members to the law school. We introduced many of the faculty to the community, offered tours of the law school, provided dinner, and engaged in small group discussions with community members about how the law school might help meet their legal needs using the focus group questions as a guide for discussion.

The discussions at the open house were markedly candid and open. Community members shared both their fears and hopes about what Drexel could be and do in their neighborhoods. Many attendees commented on how much they appreciated the open house and expressed their hope that it would continue in the future. Given this success, the law school plans to make the open house an annual event where it will present the legal work of the CLC and other pro bono projects out of the Dornsife Center, and will solicit the community's feedback about the effectiveness of these programs as well as their future direction.

In July 2014, the Dornsife Center officially opened its doors, offering an array of programming sponsored by a number of units within Drexel University, including dance and nutrition classes, and a creative writing program. In late August 2014, the CLC began providing services, operating with four students enrolled in a year-long clinical course.

II. FOUNDATIONAL PERSPECTIVES ON COMMUNITY LAWYERING

From the outset, our work has been informed by the rich body of literature that has emerged about community lawyering. As described in the 2008 *Conversations* piece, this scholarship began with the groundbreaking work of Gary Bellow, and became solidified around the work of teachers/scholars such as Gerald Lopez and Lucie White.¹³ In the past decade, a resurgence of interest in community lawyering has led to other important contributions, such as those by Ascanio Piomelli, Sameer Ashar, and Juliet Brodie, among others.¹⁴

13. Tokarz et al., *supra* note 2, at 366.

14. See, e.g., Ascanio Piomelli, *The Democratic Roots of Collaborative Lawyering*, 12 CLINICAL L. REV. 541 (2006); Sameer M. Ashar, *Law Clinics and Collective Mobilization*, 14 CLINICAL L. REV. 355 (2008); Juliet M. Brodie, *Little Cases on The Middle Ground: Teaching*

In addition to examining the existing scholarship and as described above, we also surveyed and interviewed clinical law teachers across the country who self-identify as community lawyers. We asked them to describe what made them identify their practice with “community lawyering,” along with the features of their work that are driven by that identification.¹⁵ While community lawyering appears to take many forms—such as litigation, transactional work, and dispute resolution—and span a range of practice areas, those who self-identify as community lawyers share a set of fundamental principles regarding what is necessary to alleviate poverty and oppression.¹⁶

First, community lawyers look beyond immediate legal problems to empower communities and “assist them in the larger economic, political, and social contexts of their lives.”¹⁷ To provide long-term relief to the poor and subordinated, community lawyering scholarship suggests lawyers engage, empower, and equip communities to be able to move beyond legal initiatives to invoke structural change.¹⁸ Community lawyers believe that it is only through creating meaningful and effective partnerships with communities that social change can be achieved.

Gerry Lopez identifies these practices as “rebellious lawyering,” and suggests that, “lawyers must know how to work with, not just on behalf of, subordinated people.”¹⁹ Others, such as Lucie White and Ascanio Piomelli, use the term “collaborative lawyering.”²⁰ Piomelli surveys the terminology used in this field and states that he prefers the term “collaborative” to emphasize the nature of the work being a

Social Justice Lawyering In Neighborhood-Based Community Lawyering Clinics, 15 CLINICAL L. REV. 333 (2009).

15. Juliet Brodie identified this question as one she wished she asked in her informal survey of community lawyers in 2008. Brodie, *supra* note 8, at 340 n.21.

16. Tokarz et al., *supra* note 2, at 362–64.

17. *Id.* at 364.

18. Michael Diamond, *Community Lawyering: Revisiting the Old Neighborhood*, 32 COLUM. HUM. RTS. L. REV. 67, 109–10 (2000).

19. Gerald López, *Reconceiving Civil Rights Practice: Seven Weeks in the Life of a Rebellious Collaboration*, 77 GEO. L.J. 1603, 1608 (1989).

20. See Lucie E. White, *Collaborative Lawyering in the Field? On Mapping the Paths from Rhetoric to Practice*, 1 CLINICAL L. REV. 157 (1994); Ascanio Piomelli, *Appreciating Collaborative Lawyering*, 6 CLINICAL L. REV. 427 (2000).

“problem-solving partnership.”²¹ Professor Karen Tokarz and her colleagues (including Susan Brooks), drawing upon the work of Nancy Cook and Margaret Montoya, promote the idea of “engaged presence,” where relationship-building exchanges take place at “borderlands”: places and spaces where cultures come into contact with each other.²² The goal of such interactions is to find a “hospitality zone,” a space within the community where an outsider is invited in and receives some level of acceptance. For example, the Legal Services for Immigrant Communities (LSIC) clinic at Yale Law School describes its location in the neighborhood in which the clinic’s clients reside as an essential component of its identification as a community lawyering clinic.²³

Second, community lawyering, which has roots in poverty lawyering, recognizes that, “law alone cannot eliminate the oppressive effects of poverty and discrimination.”²⁴ In order to achieve the type of structural and systemic change needed, lawyers must undertake an interdisciplinary approach.²⁵ “Interdisciplinary” refers to the types of skills required for successful practice as well as the different types of practice areas. A community lawyer must employ skills outside of those traditionally associated with the practice of law, such as engaging in community education, law reform, community organizing, and media campaigns, along with those typically associated with legal work, including interviewing, counseling, and negotiation.²⁶ Additionally, lawyers must be part of a multi-disciplinary collaborative made up of doctors, community

21. Piomelli, *Appreciating Collaborative Lawyering*, *supra* note 21, at 441.

22. Margaret E. Montoya, *Border Crossings in an Age of Border Patrols: Cruzando Fronteras Metaforicas*, 26 N.M. L. REV. 1, 4 (1996), *cited in* Tokarz et al., *supra* note 2, at 372 (citations omitted).

23. Survey by the Community Lawyering Clinic at Thomas R. Kline School of Law (on file with authors).

24. Diamond, *supra* note 12, at 67; Tokarz et al., *supra* note 2, at 366–67 (explaining that community lawyering may also be referred to as poverty lawyering, reconstructive poverty lawyering, facilitative lawyering, integrative lawyering, campaign-based lawyering or law in the service of organizing).

25. Tokarz et al., *supra* note 2, at 364.

26. *Id.* at 382–84.

organizers, social workers, and other mental health professionals, all working together holistically to address the root causes of poverty.²⁷

Undertaking this work requires a high level of self-awareness and “an honesty of identity on the part of lawyers who walk into the community.”²⁸ If some form of engaged presence can be established, then the focus shifts to finding methods that are steeped in a shared, strategic vision of building and improving community, including economic resources. “Such practice involves interactive, iterative, and long-term thinking, in which the legal team participates as one of many community players.”²⁹

Given that community lawyers seek to collaborate with “the community,” perhaps the most elusive issue in this field is how to define community. “Community is a multi[-] dimensional concept that can include geography, culture, politics, and power as elementary aspects.”³⁰ Community suggests the idea of a geographically-defined space with specific physical and demographic characteristics.³¹ Yet, even when the geographic boundaries of a community may be fairly easy to define—as is the situation of the CLC—identifying shared needs and interests within the community to direct the work of a legal clinic may still be challenging. Community lawyers must be ever “vigilant to the ‘dangers of assuming that people who live near each other and share markers of race or ethnicity are bound by a common conception of their interests.’”³² Community lawyering requires an awareness of the complexity of the tensions that exist within communities, as well as an appreciation for the connections—both self-identified and externally imposed—that bind community members.³³

27. *See id.*

28. *Id.* at 374.

29. *Id.*

30. *Id.* at 367.

31. *Id.*

32. *Id.*

33. *See id.* at 367–70.

III. TWO GUIDING THEORETICAL PILLARS

During this process of launching the CLC, an overarching goal has been to identify innovative and potentially unconventional ways that lawyers and clinical law teachers can work with communities. With this goal in mind, we have searched beyond our own scope of knowledge to see if there might be other theories or approaches that could enhance our program design and development. We have been interested in approaches that might assist us in actualizing our vision of building and sustaining a high level of collaboration and meaningful partnership as well as creating more intimate and holistic connections with community members. This search for guiding principles has taken us outside of the legal discipline and includes the fields of political science, social work, psychology, and theology. At this stage we have identified two broad-based theoretical approaches that, taken together, reflect our current vision and goals for the CLC: Deliberative Democracy and Beloved Community.

A. Deliberative Democracy

Deliberative Democracy, sometimes called deliberative civic engagement, citizen participation, or public engagement, “put[s] communication and reflection at the center of democracy.”³⁴ It focuses on creating opportunities for judgment, preference formation, and transformation through authentic deliberation rather than the aggregation of preference through voting.³⁵

This theory contrasts directly with the conventional conception of democracy, where public opinion is expressed by counting votes, and the majority opinion prevails over that of the minority without any formal incorporation of minority viewpoints into the final outcome. In *INCLUSION AND DEMOCRACY*, Iris Young names this conventional conception of democracy “the aggregative model.”³⁶ She critiques it

34. JOHN DRYZEK, *FOUNDATIONS AND FRONTIERS OF DELIBERATIVE GOVERNANCE* 3 (2012). TINA NABATCHI ET AL., *DEMOCRACY IN MOTION: EVALUATING THE PRACTICE AND IMPACT OF DELIBERATIVE CIVIC ENGAGEMENT* 19–21 (2012).

35. James Bohman & William Rehg, *Introduction*, in *DELIBERATIVE DEMOCRACY: ESSAYS ON REASON AND POLITICS* ix (1997).

36. IRIS MARION YOUNG, *INCLUSION AND DEMOCRACY* 19 (2002).

as too individualistic and claims that it limits the space for political preferences to change as a result of interacting with others.³⁷ The aggregative model offers very few opportunities to vet opinions or examine underlying ideas and perspectives thoroughly. Instead, “[a]ll preferences get one vote regardless of their motivation, which could be self-interest, altruistic care for others, fear, faith, or a sense of fair play.”³⁸ She believes that this model of democracy has a corrosive effect on communities and the development of a collective consciousness. It discourages interaction between people with differing viewpoints. Without any deliberation, groups with minority opinions are simply expected to accept the majority view.

On the other hand, deliberative democracy includes and takes account of, rather than aggregates, a variety of perspectives in society.³⁹ “Rather than consensus among a plurality of values, the aim of deliberation is for ‘the legitimacy of outcomes’—that participants agree on a course of action that is justified to all those affected.”⁴⁰ Matt Leighninger, the executive director of the Deliberative Democracy Consortium, describes deliberative civic engagement initiatives as having the following key characters:

1. They assemble a large and diverse “critical mass” of citizens (or in some cases, a smaller demographically representative set of people intended to serve as a proxy for the larger population).
2. They involve those citizens in structured, facilitated small-group discussions, punctuated by large forums for amplifying shared conclusions and moving from talk to action . . .
3. They give participants in these meetings the opportunity to compare values and experiences, and to consider a range of policy options and relevant arguments and information. *This is the deliberative heart of the work, allowing a diverse group of*

37. *Id.* at 20–21.

38. *Id.* at 20.

39. Katharine Travaline, et al., *Deliberative Policy Analysis and Policy-Making in Urban Stormwater Management*, J. ENVTL. POL’Y & PLAN., forthcoming (2015).

40. *Id.* (quoting Simone Chambers, *Deliberative Democratic Theory*, 6 ANN. REV. POL. SCI. 307, 309 (2003)).

people to decide together what they think should be done about a shared concern.

4. These activities aim to produce tangible actions and outcomes.⁴¹

The discussions of participants could cover “personal experiences, storytelling, passion, and conflict in addition to fully formed and ‘reasoned’ arguments.”⁴²

While traditionally deliberative democracy was characterized as using civic engagement methodologies to inform government policies or programs, other quasi-governmental or non-governmental organizations, such as non-profit organizations, neighborhood associations, and interfaith groups, have also made use of it as well.⁴³ In these contexts, deliberative democracy “could play a central role in creating a culture of civic action, confidence, and collective self-rule.”⁴⁴

We first came across this approach at a monthly breakfast hosted by Drexel University, where faculty members from departments ranging from psychology to the culinary arts are invited to present any research or projects where they engage with local communities in Philadelphia. Our research team was still in the midst of conducting a legal needs assessment when we learned about the concept of Deliberative Democracy through a presentation given at one of these breakfasts by Christian Hunold, a professor in Drexel University’s department of political science. The ideas and methods he described immediately resonated with us because they seemed to reflect the very ideals that were guiding our development of the clinic. Moreover, when overlaid with the existing literature on community lawyering, Deliberative Democracy offers a compelling philosophy for reframing the development of community-clinic partnerships.

41. TINA NABATCHI ET AL., *DEMOCRACY IN MOTION: EVALUATING THE PRACTICE AND IMPACT OF DELIBERATIVE CIVIC ENGAGEMENT* 3, 20 (2012) (emphasis added).

42. *Id.* at 21.

43. *Id.* at 21, 5 (“Some processes are conducted with intended actions and outcomes within an organization or social network, whereas others seek actions and outcomes for a neighborhood or community, a municipality, state, or nation.”).

44. DEREK W.M. BARKER ET AL., *DEMOCRATIZING DELIBERATION: A POLITICAL THEORY ANTHOLOGY* 2 (2012).

The concept of Deliberative Democracy is instructive to community lawyers because it provides a new strategy for identifying the collective desires and demands of communities, which has been an ongoing challenge for community lawyers.⁴⁵ Clinical law teachers have adopted a variety of strategies to identify priorities that reflect community need and demand. In *Little Cases on The Middle Ground: Teaching Social Justice Lawyering In Neighborhood-Based Community Lawyering Clinics*, Juliet Brodie identified a subset of community lawyering clinics, which she calls “neighborhood based clinics.”⁴⁶ Such clinics maintain a robust caseload of mainly small cases that reflect “a commitment to the needs and interests of the host community more than they are to either a subject of law (e.g., housing) or a mode of lawyering (e.g., litigation).”⁴⁷ The Neighborhood Law Clinic at University of Wisconsin Law School is an example of a neighborhood-based clinic, because it bases its practice areas on the needs of potential clients on a case-by-case basis.⁴⁸

Others believe that the most effective way to support and empower the community is to partner with or represent community-based organizations. Sameer Ashar, an experienced clinical law teacher and well-respected legal scholar, makes a compelling case for why clinics need to move away from individual client representation and toward collective mobilization of groups.⁴⁹ Additionally, William Quigley, in his often-cited article, *Reflections of Community Organizers: Lawyering for Empowerment of Community Organizations*, discusses the role that lawyers might play in empowering community organizations by partnering with community organizers.⁵⁰ Charles Elssesser identifies supporting community

45. Diamond, *supra* note 12, at 115–19.

46. Brodie, *supra* note 15.

47. *Id.* at 346–47.

48. Survey of Neighborhood Law Clinic (on file with the Community Lawyering Clinic at Thomas R. Kline School of Law).

49. Ashar, *supra* note 8, at 356–57.

50. See William P. Quigley, *Reflections of Community Organizers: Lawyering for Empowerment of Community Organizations*, 21 OHIO N.U. L. REV. 455 (1994). Although the article does not explicitly discuss community lawyering, empowerment of community organizations is a central tenet to community lawyering.

organizations and other established groups of people as central to community lawyering.⁵¹ About half of the clinicians who responded to the Research Team's survey identified working with grassroots organizations as a central reason for why they considered their work "community lawyering."

In considering these different perspectives, we are mindful that the decisions that clinics make about how to allocate their limited resources may have unintended effects on the communities where they work. Deciding to prioritize one case over another or work with one community-based organization over another may create advantages for one group or population, while leaving another with more limited resources, and perhaps ultimately, less access to justice. In this sense, case and project selection may lead to less equality between groups and create tensions within a community. The market downturn has exacerbated this issue because the eligible population for free legal services has increased dramatically, while the funding for legal aid offices has dwindled. As a result, the legal needs of individuals who are not part of a community-based organization or groups that do not have partnerships with clinics or other legal service providers may well remain unmet.

While some scholars and activists believe that working with community groups amplifies community voices and ensures that the lawyer will not unduly commandeer leadership roles in community struggles, this approach obscures the role that lawyers often play in selecting which voices to elevate.⁵² Indeed, some lawyers may be tempted to select only those groups whose mission and goals reflect their own worldview or political orientation. While there is nothing inherently wrong with choosing to partner with a group because its worldview aligns with that of the lawyers involved, such decisions must be made intentionally and transparently. This process requires that lawyers reflect on why they are drawn to certain partners or cases, identify what criteria they are using, and publically articulate that criteria to a community.

51. Charles Elsesser, *Community Lawyering—The Role of Lawyers in the Social Justice Movement*, 14 LOY. J. PUB. INT. L. 375 (2013).

52. *See, e.g., id.* at 383.

Deliberative Democracy is instructive for community lawyers because it encourages more democratic and transparent engagement with communities. Instead of lawyers deciding unilaterally how to prioritize cases and with whom to partner, these decisions could be informed by broader engagement with the community-at-large. Drawing from the lessons of deliberative democracy, community lawyers could facilitate opportunities for deliberation and consensus building across groups to ensure that they attain a collective vision of what is most needed in “the community.” Indeed, creating or identifying “sites of critical dialogue” should be a core component of any community lawyering practice. These “sites of critical dialogue” could resemble a town hall meeting or merely be a table at a community event. In order to gather a wide range of perspectives, however, community lawyers strive to identify a range of sites and strategies for gathering feedback. Moreover, in addition to gathering feedback about priorities for future work at these sites, community lawyers should gather feedback about their existing work as a way to foster greater community accountability. Developing clear selection criteria for project and case selection that are publicly available to community members would also help to establish the credibility and trustworthiness of community lawyers.

B. Beloved Community

In addition to viewing knowledge and skills components related to civic engagement as part of our core objectives, we want to emphasize a particular set of values in the CLC. These values include respect, empathy, compassion, connectedness, and reconciliation, all of which are encompassed in the notion of Beloved Community. The principles of Beloved Community are best known through the teachings of Dr. Martin Luther King, Jr., although the term was actually coined in the early 20th century by a philosopher-theologian named Josiah Royce.⁵³ Dr. King spoke of the Beloved Community as the end-goal of all of his work, believing that only reconciliation and redemption can “transform the deep gloom of the old age into the

53. *The King Philosophy*, THE KING CENTER, <http://www.thekingcenter.org/king-philosophy> (last visited Feb. 27, 2015).

exuberant gladness of the new age. It is this love which will bring about miracles in the hearts of men.”⁵⁴

In referring to the Beloved Community, Dr. King spoke frequently of reconciliation and redemption.⁵⁵ In his first book, *STRIDE TOWARD FREEDOM*, Dr. King made the point that our ultimate goal needs to be integration, which is genuine inter-group and inter-personal living.⁵⁶ His ideas about resolving conflict supported using nonviolence and applying Mahatma Gandhi’s notions of loving one’s enemy.⁵⁷ Dr. King’s use of the word “love” refers to his concept of “agape” love, which is entirely different from romantic love, or even the love of friendship.⁵⁸ He described agape love as “understanding, redeeming goodwill for all,” and said that “[a]gape does not begin by discriminating between worthy and unworthy people...It begins by loving others for their sakes. . . . Agape is love seeking to preserve and create community.”⁵⁹

Dr. King’s ideas about how to create the Beloved Community have been brought forward and re-imagined by a number of contemporary thinkers and writers.⁶⁰ Peter Gabel, Editor-at-Large of *TIKKUN* magazine, has written extensively on the role of Beloved Community in the field of law and its potential impact on legal

54. *Id.* (citing King’s speech at Victory Rally after Montgomery Bus De-Segregation U.S. Supreme Court Decision, 1956).

55. *See generally* CLAYBORN CARSON ET AL., *THE PAPERS OF MARTIN LUTHER KING, JR., SYMBOL OF THE MOVEMENT, JANUARY 1957–DECEMBER 1958* (2000).

56. *The King Philosophy*, THE KING CENTER, <http://www.thekingcenter.org/king-philosophy> (last visited Feb. 27, 2015).

57. *See generally* CLAYBORN CARSON ET AL., *THE PAPERS OF MARTIN LUTHER KING, JR., VOLUME V, THRESHOLD OF A NEW DECADE, JANUARY 1959- DECEMBER 1960* (2005).

58. *Supra* note 56 (citations omitted). King referred to three different types of love, which were originally defined in Greek thought and literature. In addition to Agape love, there is Eros, which is romantic love, and Philia, which is essentially friendship.

59. *Id.*

60. *See, e.g.*, Rhonda V. Magee, *Legal Education and the Formation of Professional Identity: A Critical Spirituo-Humanistic—“Humanity Consciousness”—Perspective*, 31 N.Y.U. REV. L. & SOC. CHANGE 467 (2007); Eli Wald & Russell G. Pearce, *What’s Love Got to Do with Lawyers? Thoughts on Relationality, Love and Lawyers’ Work*, 17 LEGAL ETHICS 334 (2014). Others whose work resonates with the ideas here include many of the authors writing in the field of Therapeutic Jurisprudence. *See generally* <http://www.law.arizona.edu/depts/upr-intj/> (last visited on Apr. 18, 2015); *see also* Susan L. Brooks, *Creating a Healing Community in Law*, in *TRANSFORMING JUSTICE: A PISLAP READER* (Marjorie A. Silver, ed.) (forthcoming 2016). *See also* RELATIONSHIP-CENTERED LAWYERING: SOCIAL SCIENCE THEORY FOR TRANSFORMING LEGAL PRACTICE (Susan L. Brooks & Robert G. Madden, eds., 2010).

culture. He is the former president of the New College of California, a public interest law school that he helped to found and where he also taught for thirty years.⁶¹ Gabel poses the Beloved Community as a counterpoint to what he describes as core assumptions about human beings and the very nature of human reality that the legal culture has taken for granted for over two hundred years.⁶² This still-dominant “liberal paradigm” is an individualistic view that presupposes an inherent antagonism between self and other: “a belief that the essential meaning of liberty was that we need to be protected *against* other people.”⁶³ Fear of the other and vigilance in asserting and protecting individual rights perhaps made sense at the time of our country’s founding and, more recently, has arguably helped to spur important 20th century movements such as the civil rights movement. Yet, this individualistic and adversarial framework functions in our society as a social description of the world—a social distortion—in which people are disconnected monads.

In contrast, the framework of Beloved Community reflects the existential, ontological reality that we are all connected, that we live our lives in relationship to one another, and that we experience a communal sense of longing for connection and mutual recognition.⁶⁴ The notion of Beloved Community views our communal bond as constitutive of who we are in our very essence before we even become individuals, rather than the way our society has been constructed in the liberal, legal paradigm, as an after-the-fact arrangement created by contract.⁶⁵ Embracing this relational paradigm can move us “toward a new vision of law and legal culture that seeks to foster empathy, compassion, reconciliation with the other, and the fundamental rediscovery that the other is not

61. See PROJECT FOR INTEGRATING SPIRITUALITY, LAW AND POLITICS, <http://www.spiritlawpolitics.org/bios/2015/4/30/peter-gabel> (last visited on 6/28/15).

62. See generally PETER GABEL, *ANOTHER WAY OF SEEING* (2013).

63. PETER GABEL, *A New Vision of Justice: From Individual Rights to the Beloved Community*, in *ANOTHER WAY OF SEEING* 61 (2013) (emphasis in original); see also Peter Gabel, *The Spiritual Dimension of Social Justice*, 63 J. LEGAL EDUC. 673, 677 (2014) (also published in *ANOTHER WAY OF SEEING*, *supra*, at 171).

64. PETER GABEL, *Imagine Law*, in *ANOTHER WAY OF SEEING* 19–28 (2013).

65. Peter Gabel, *The Spiritual Dimension of Social Justice*, 63 J. LEGAL EDUC. 673, 676 (2014) (also published in *ANOTHER WAY OF SEEING*, *supra*, at 17).

essentially a threat, but the source of our completion as social beings.”⁶⁶

What does the Beloved Community look like in practice? Gabel highlights the Restorative Justice movement as “the most significant harbinger of the new paradigm.”⁶⁷ Restorative Justice begins “with a world view in which we are already in relationship” and uses innovative legal processes aimed toward healing and reconciliation.⁶⁸

This movement toward legal processes focused on relationship-building, healing, and reconciliation complements the work of Susan Brooks and her development of the Relationship-Centered Lawyering (RCL) framework.⁶⁹ RCL, also referred to as Relational Lawyering, is rooted in the movements of Therapeutic Jurisprudence,⁷⁰ Preventive Law, Restorative Justice, and Mediation.⁷¹ These are all approaches that view law as a healing profession and accordingly, offer different healing modalities of law practice.⁷² Relational lawyering emphasizes the aspects of the practice that are intra- and interpersonal, including substantive knowledge about family systems and human development, process-oriented perspectives that promote procedural justice, and cultural, emotional, and affective considerations.⁷³

The relational lawyering framework provides additional perspectives and resources that support the core characteristics of

66. GABEL, *A New Vision of Justice: From Individual Rights to the Beloved Community*, in ANOTHER WAY OF SEEING *supra* note 48, at 64.

67. *Id.* at 65.

68. *See id.* Gabel goes on to describe restorative justice as emphasizing the importance of taking responsibility for the well-being of others, providing restitution to those who have been harmed, and using apology and forgiveness as means of repairing broken relationships and sometimes knitting together whole communities. *Id.*

69. *See generally* RELATIONSHIP-CENTERED LAWYERING: SOCIAL SCIENCE THEORY FOR INFORMING LEGAL PRACTICE, *supra* note 59.

70. *See also* Susan L. Brooks, *Using Therapeutic Jurisprudence to Build Effective Relationships with Student, Clients and Communities*, 13 CLINICAL L. REV. 213, 213 (2006) (describing how clinicians can enhance their work with students, as well as with clients and communities by adopting a Therapeutic Jurisprudence approach, that is, by focusing our work on relationship-building and enhancement of others' and our own well-being).

71. *See* RELATIONSHIP-CENTERED LAWYERING: SOCIAL SCIENCE THEORY FOR INFORMING LEGAL PRACTICE, *supra* note 59, at 5, 14.

72. *See generally id.*

73. *See id.*

community lawyering as they have been described in the literature, and as summarized in *Conversations on Community Lawyering*. Specifically, lawyers' abilities to collaborate with client communities and community groups to identify and address their concerns are enhanced when there is an understanding of human development, family systems, and the role of context. Understanding more about the principles of empowerment from an individual standpoint and recognizing the importance of cultural, psychological, and emotional considerations allows lawyers to be more successful in focusing on empowerment and social and economic justice at the community level.⁷⁴ Appreciating and weighing process-oriented choices to promote procedural justice will lead to greater success in fostering systemic and possibly structural change

From the standpoint of designing the CLC, we envision relational lawyering playing a role in our efforts to achieve the ideals of Beloved Community at both the interpersonal level and the community level, as we seek to promote the ideas of empathy, compassion, and reconciliation in the ways we are beginning to engage with community members and offer legal assistance. As described further below, a large part of the work at this stage is focused on trying to build and sustain trusting relationships with community members. We are approaching this work with a holistic orientation, meaning that our relationship-building is not solely within the attorney/client paradigm or limited to a narrowly defined set of legal issues. Because we are housed within a larger community center that offers a wide array of services and programs, we are able to engage with community members outside of a strict legal context. For example, the Center offers monthly community dinners, so we are just as likely to be eating side-by-side with prospective clients at a community dinner as we are to see them at a community legal education session.

Another aspect of our effort to integrate the ideals of Beloved Community into the work of CLC is that we are devoting a lot of time and energy to listening deeply to prospective clients' stories, so we get a fuller picture of who they are and what their needs are

74. See Susan L. Brooks, *Using Therapeutic Jurisprudence to Build Effective Relationships with Student, Clients and Communities*, 13 CLINICAL L. REV. 213, 213 (2006).

beyond purely legal needs. Listening deeply means that we are not simply trying to identify the thin slice of a legal matter, as might be the case in most law offices and even most legal clinics. Our effort to listen in this more open-ended and holistic manner is consistent with our overall approach of tailoring our services to the community's needs and interests rather than limiting in advance the specific subject matter areas that we are willing to address. We are also listening to their stories in order to follow up in personal ways, so that community members receive the assistance they need to achieve their broader goals. We view all of these ways of engaging as contributing to our vision of Beloved Community.

Along with these activities, our consciousness about Deliberative Democracy influences us to try to create channels of open communication that transcend traditional democratic governance and creates space for the perspectives and ideas of minority voices and to provide opportunities for frequent feedback, all of which will help foster what we hope will be strong and lasting relationships.

IV. OPERATIONALIZING THE PILLARS

What does it look like to begin to build a clinic with these ideas and ideals in mind? One thing we have already realized is that much of what we are doing may not look much different than other similarly-situated legal clinics. Many of the activities of the clinic, such as doing an assessment of need for legal services and offering community legal education, have been done in other clinical programs in the US and abroad. And yet, we believe there are differences, some of which may be subtle or nuanced, that distinguish what we are doing and how we are approaching our work. The truly distinctive and meaningful effects, however, may only emerge over time.

Since we began conceptualizing and laying the groundwork for the CLC, several events have taken place that illustrate our guiding pillars in practice. Some of these events have been discussed in the timeline. In Part IV, we offer a brief analysis of how some of the experiences to date demonstrate the principles of Deliberative Democracy and Beloved Community in action.

A. “Future Search”

Future Search was a structured visioning and planning retreat that took place in the spring of 2013. The Future Search process exemplifies both Deliberative Democracy and Beloved Community principles. As described above, Deliberative Democracy is a methodology that encourages dialogue in order to arrive at collective decisions that do not marginalize minority viewpoints. The retreat reflects the principles of Deliberative Democracy because it offered a forum for dialogue and discussion across a wide array of stakeholders and viewpoints to determine the future focus and direction of the Dornsife Center, where the CLC is housed. One of the principle purposes of Future Search was to take initial steps toward building consensus about what sorts of activities and programming would occur at the Dornsife Center. Developing a structure in which the representatives from the University comprised just one among eight stakeholder groups helped to ensure that the University’s vision for the Center would not dominate the discussions. Additionally, because the retreat was designed so that there were meetings both among members of the same stakeholder group and among members from different stakeholder groups, the structure allowed for multiple opportunities for consensus building among diverse groups.

Informal meals and activities also allowed members from diverse groups to interact and form bonds that helped to make dialogue on contentious issues more respectful and less divisive. These types of interactions worked to address some of the longstanding mistrust between the community members of Powelton Village and those of Mantua, two communities divided along lines of class and race. Mantua’s residents are predominantly working-class, African-Americans. The majority of its residents do not have more than a high school education. In contrast, the residents of Powelton Village tend to be highly educated and Caucasian, and many are senior citizens. Because of the historic racial and economic divides, these communities have a long history of distrust. Fostering opportunities for members of the two communities to connect and to communicate in an informal setting facilitated relationship building. The trusting relationships that developed informally made dialogue and consensus

building around contentious issues more constructive because mutual respect existed among participants.

The Future Search process also reflects the principles of Beloved Community because of the intentional efforts to create a safe space, and to engender shared, intimate experiences to help transcend acknowledged differences. As mentioned earlier, there were a series of sessions focusing on the past, present, future. During the session focusing on the past, a poignant moment of connection occurred. There was a realization that the lives of most of those present in that room had been deeply affected by experiences involving the group MOVE almost thirty years ago. In the 1970s, a group of Powelton residents started the organization, MOVE, “a radical, activist, counter-culture organization,”⁷⁵ and placed its headquarters in a home located in Powelton Village.⁷⁵ For nearly a decade, the group was at odds with law enforcement and city officials, including at least one violent incident in which a police officer and firefighters were killed.⁷⁶ These events culminated in 1985 when the Mayor’s Office in coordination with the Chief of Police dropped a bomb on a house in a neighborhood close to Powelton Village, where the group had relocated after a shootout with police in 1978.⁷⁷ Eleven people—including a number of children—were killed, sixty-one homes were destroyed, and the families that lived in them were displaced.⁷⁸ As the Future Search participants stood together reflecting on that episode in history, alongside births, weddings, and other important life cycle events affecting them and their loved ones, a palpable sense of warmth and closeness washed over the room. The experience was

75. Elliot Greenwald, POWELTON VILLAGE: FROM RURAL ESTATES, TO SUBURBAN COMMUNITY TO URBAN ARTISANS 6 (West Philadelphia Community History Center 2005), available at http://www.archives.upenn.edu/histy/features/wphila/neighborhoods/powelton_greenwald.pdf (quoting HIZKIAS ASSEFA & PAUL WAHRHAFTIG, EXTREMIST GROUPS AND CONFLICT RESOLUTION: THE MOVE CRISIS IN PHILADELPHIA 9 (1988)).

76. *Id.*

77. Phila. Special Investigation Comm’n, *The Findings, Conclusions and Recommendations of the Philadelphia Special Investigation Commission*, 59 TEMP. L.Q. 339, 349–51 (1986).

78. TEMPLE UNIVERSITY LIBRARIES, PHILADELPHIA SPECIAL INVESTIGATION (MOVE) COMMISSION RECORDS, <http://library.temple.edu/scrc/philadelphia-special-1> (last visited on Jan. 19, 2015) (historical archives with original source material related to MOVE and the 1985 incident compiled during special investigation).

moving on an emotional level because of the tremendous range of emotions evoked by the process of creating the timelines: from joy to sadness to perhaps residual anger or wistfulness over what might have been. It was also eye-opening in terms of heightening our collective awareness of all of the complex events that had gone into shaping the present moment.

Another illustration of Beloved Community came during the present-focused sessions. A time was set aside for all of us to share our “Prouds” and “Sorries.” In this exercise the participants were invited to express to the large group anything they felt proud about or sorry about at that juncture in the retreat. This exercise also created a powerful moment in the retreat, during which a range of thoughts and feelings surfaced, and participants allowed themselves to be more vulnerable with each other. At an earlier point during the retreat a resident of Mantua who is an African-American male had expressed sadness at noticing how Caucasian female residents of Powelton would clutch their purses close to their bodies when he encountered them on the streets of that neighborhood. When it came time for the Prouds and Sorries, a resident of Powelton, who is Caucasian and is also one of the matriarchs of that neighborhood, spoke up and expressed her own sadness and regret about how her neighbors might react to residents of Mantua. She expressed her hope that those sorts of attitudes were a thing of the past, though she recognized that there was still a lot of work to do to bring these two neighborhoods together. These kinds of exchanges, coming from a place of caring and accompanied by a desire for mutual recognition and reconciliation, demonstrate the principles of Beloved Community. We are hoping that the work of the CLC can carry forward this generosity of spirit as it coalesced during the Future Search process.

B. Legal Needs Assessment & Open House

We conducted a legal needs assessment during the spring semester prior to the launch of the CLC. One of the central objectives of the assessment was to learn from community members what they identified as the most prominent legal issues facing their community. As described above, in an effort to meet community members on their home turf, we had planned to schedule focus groups across

Mantua and Powelton Village. We then received feedback that community members were tired of hosting focus groups and instead wished to have Drexel open its doors to the community. We responded by shifting our strategy and decided to host an open house at the Law School.

This approach created two new opportunities for dialogue and consensus building across groups. To ensure that community members from a diverse array of groups were present, the Research Team made efforts to reach out to community members using an array of methods and strategies aimed at getting the broadest possible participation. Beloved Community principles were in play in the respectful and collaborative manner in which the Research Team approached community members and colleagues throughout this process.

In this instance as in others mentioned in this section, our Research Team worked to translate Deliberative Democracy and Beloved Community principles into our activities at every level. The open house was an invitation to the community to engage with the Law School and with the Research Team in the development of the CLC in a communal way that stretched beyond usual institutional or legal relationships. We believe we succeeded in creating a feeling of warmth and generosity within the event. We entertained as much as we educated, offered the community members tours of our space, and broke bread together. Our students then invited feedback from community members as empathic listeners. All in all, the event seemed to hit a note that we hope to replicate over and over as we move forward with the clinic.

Part of what allowed us to build goodwill and strengthen the law school's relationship with many community members was our willingness to hear and respond to highly contentious issues. For instance, during small group discussions at the first open house, community members identified Drexel as a threat to the fabric of their community. Drexel's transition from a commuter school to an urban research university has ushered in a dramatic expansion of its campus, along with new interest from outside developers eager to serve its new urban student population. Community members spoke candidly about their fear that Drexel's expansion will ultimately displace them. At the same time, some community members also

recognized that the University has the potential to play an instrumental role in the community's preservation.

In an effort to address some of the concerns raised at the open house, the CLC has developed a Homeownership Stability Project (HSP). The goal of the HSP is to use direct representation and community capacity building to reduce the risk that community members will become displaced as a result of Drexel's expansion and the accompanying development of Mantua and Powelton Village.

To effectively address homeownership instability and promote neighborhood revitalization, we plan to approach the issue from multiple angles. One of the HSP's objectives is to build the capacity of the community residents by equipping them with the knowledge and resources they need to sustain their homeownership. To achieve this goal, CLC will develop a series of workshops focused solely on legal issues related to homeownership. The CLC also plans to identify and train a group of ten local homeowners as Community Ambassadors, who will help to promote our legal services and other programs for homeowners throughout the community. The Community Ambassadors Program will help us establish a trusting relationship with community members, which will be critical to the success of this project.

C. Current Activities of the CLC

As the CLC has opened its doors, we remain committed to these pillar theories guiding our practice. We have designed the CLC as a yearlong community clinical course through which students earn a total of approximately fourteen credits.⁷⁹ During the first semester, students engage in community outreach and provide direct legal services to individuals in Mantua and Powelton Village. During the second semester, in collaboration with community leaders and guided by their work in the first semester, students will design and

79. The students earn six credits each semester for the clinic itself, and another two to three credits for an additional one-semester reflective seminar, called Justice Lawyering Seminar, in which all students participating in our clinical program are enrolled. *See* <http://drexel.edu/law/academics/clinics/community-lawyering-clinic/> (last visited on Apr. 19, 2015) (describing the Community Lawyering Clinic).

implement projects aimed at addressing the systemic challenges facing these communities, such as improving access to justice.

Through our legal needs assessment, we have identified a number of areas where the need for legal services is high and there is a gap in existing legal services. We have created “Law Days at the Dornsife Center,” where we invite expert attorneys to conduct community trainings on issues we have identified as unmet legal needs in the communities we serve. Immediately following the community trainings, the clinic conducts general intake. Law Days offer a useful opportunity for students to make connections with community members. Students publicize Law days by making announcements at community meetings, posting flyers in small businesses and community centers, and even walking the neighborhood to hand out flyers. One student stated that some of the most rewarding times in the clinic were walking through Mantua and Powelton Village passing out flyers and talking to community members who were out and about in the neighborhoods. Through her casual conversations with community members, she learned about some of the deep-seated mistrust of the university, which helped to inform her development of the CLC’s Homeownership Stability Project.

After our first Law Day, which focused on “tangled title,” we realized that in order to meet the overwhelming need in the community and ensure a manageable and meaningful experience for students, the CLC would need to offer a continuum of legal services, including referrals, general legal information, legal advice to pro se litigants, and in limited instances, direct representation. As participants in the clinic, students are responsible for drafting an individualized plan of action (IPA) for the community members they interview during Law Day. The IPA is a memorandum to the file, which includes: (1) a comprehensive description of the facts, any relevant impressions regarding the community members during the interview, and any eligibility information (e.g., age, income, etc.); (2) a discussion of any legal claims and human service needs the community member has and a recommendation for action by the CLC; and (3) proposed next steps.

As a strategy to get the students thinking more broadly about access to justice, how individual cases link up with larger questions of inequality and injustice in our legal system, and how to develop a

docket thoughtfully, a student must draft a docket memo if he or she wishes to accept a case onto the clinic's docket. In addition to the items described above for an IPA, the docket memo must address the following questions:

1. How will taking this case contribute to increased access to justice? (e.g., Are there other legal service providers that are better positioned to take the case? If so, are there any reasons why the CLC should take the case instead?)
2. Is this case likely to succeed on the merits? If not, what other goals will representation of this individual accomplish? (e.g., Will this case give the client a voice, support a movement, or encourage societal discourse about the legal issue?)
3. Is this case representative of systemic legal issues and/or injustice affecting the communities of Mantua and Powelton Village? How do you know?
4. What makes litigation the best solution for this client? What other non-legal solutions exist?
5. What is your personal interest in working on this case? How will working on this case help you to accomplish your learning objectives?
6. Does the clinic have the capacity to take this case? (e.g., What costs are involved in representation? Is it likely that you will be able to complete the case before the end of the semester or academic year?)

Our selection of cases and interaction with our "clients" thus far reflect our dedication to promoting self-determination and building the legal agency of community members. A central feature of the clinic's work is to equip pro se litigants with the tools they need to advocate for themselves. Last semester, students helped community members represent themselves by mooting them for court appearances, providing them with guidance about courtroom etiquette and procedures, and helping them develop case theories. As we have moved into the project phase of our work, one student drew from her experience of assisting pro se litigants by developing a pro se manual

for how to file an employment discrimination claim at the city, state, or federal level.

The students have also engaged in direct representation of clients, where their goal has been to support the clients' legal goals and to some extent, the clients' personal goals. Take for example the CLC's representation of Nicole, which was based on the community lawyering approach.⁸⁰ When Nicole came to the CLC, her house was at risk of foreclosure and creditors were making threatening calls to her on a daily basis. Nicole recently lost her husband to cancer. Not only was he the love of her life, he also managed all of their finances. After his death, she sank into depression, developed a substance abuse problem, and got behind on her bills. Much of the representation the clinic provided was of a conventional nature. The CLC helped her arrange a payment plan for the gas bills she owed, informed her of the programs that could help her stay in her home, and transferred the deed of the house to her name so that she could take advantage of those programs. She would also call the CLC when she got a job interview or was able to pay off some of her debt. While these conversations were not technically within the scope of traditional legal representation, they were consistent with the client's goals as well as our developing core mission and goals. For her, the achievements she wanted to share with the clinic were critical to her broader goal of staying in her home, and for us, they were critical to building a trusting, lasting relationship.

V. OPPORTUNITIES AND CHALLENGES

A. *Identifying and Facing Our Initial Challenges*

As mentioned earlier, one of our most significant challenges has been gaining the trust of the Mantua and Powelton Village communities. Community members who attended the open house, as well as those we have encountered elsewhere have spoken of their lack of trust toward the university. The community is fearful that Drexel's expansion will displace them, and they are somewhat suspicious of the university's presence in the neighborhood.

80. The client's name has been changed to protect privacy and confidentiality.

The survey responses from service providers were instructive because all of the respondents recognized establishing community trust as a key challenge. A recurring theme was a desire for reliability. Reliability encompasses basic tenets, such as providing consistent and trustworthy services to the community, or colloquially, “doing good work.” However, the surveys also suggested that reliability needs to permeate every detail of the CLC’s legal work at the Dornsife Center. The importance of simple things, such as community residents being able to get in touch with staff—and simply answering the phone—are as crucial to establishing reliability as providing exemplary services. The service providers also explained that the most important step in establishing community trust would be having the neighbors and the neighborhood vouch for the services of the clinic.

The CLC has also faced challenges with regard to clinical pedagogy. As a society, there is an overvaluation and expectation of quickness in all things. In the law school and in legal practice more generally, this seems especially to be the case. Law students are expected to be quick on their feet responding to the Socratic method of questioning, and on a test students must quickly synthesize information and formulate arguments without the chance for deep reflection. Lawyers are supposed to have quick answers to judges’ questions during oral argument or at trial. With community lawyering, we believe that quite the opposite skills are required. Good community lawyers move slowly and reflect deeply before coming to any conclusions. When working with disenfranchised communities, community members may not be accustomed to being heard or listened to deeply and, as a result, may have difficulty articulating their ideas in ways lawyers might typically expect. Developing the confidence and self-assurance to speak up at a meeting takes time, and it is important to be patient and allow the time needed for community members to gain comfort in opening up.

The CLC is seeking to challenge common conceptions about what makes a good lawyer, and is working to instill the idea that the lawyer’s role is not always to lead. In fact, “following” might in some instances be more appropriate. In community lawyering, often people who are able to make meaningful change are those who know how to spot a good idea and follow someone else’s lead. This conception of

lawyering requires careful attention to holding onto curiosity and listening in an open manner while suspending one's own ideas and judgments. Along these lines, it has been challenging to teach students how to stay in a posture of curiosity such that they ask questions that elicit more information, rather than assuming that they already have all the answers they need. One strategy of the CLC is to encourage the students to think of questions instead of answers during community meetings.

B. Reframing our Initial Challenges as Opportunities

1. Opportunities for Collaboration Across the University

While being a part of a university with a long and complicated relationship with its surrounding neighborhoods has posed a significant challenge, the university's creation and sponsorship of the Center that houses the CLC has created positive and wide-ranging opportunities. We are tremendously appreciative that the university has initiated a project aimed at fostering improved neighborhood relations and partnerships. We are even more fortunate that we have significant support from the university to participate in the project, including the provision of a large and well-appointed space to house the CLC and other law-related activities on a rent-free basis. Additionally, our situation within this larger initiative has allowed us to connect with departments across the university, which we hope will help us to achieve our goal of a more holistic and humanistic approach to lawyering.

2. Opportunities for Innovative Pedagogy

The challenges of building trust between the university and community members, combined with our vision of Deliberative Democracy and Beloved Community, have spurred us to seek more effective ways to teach relational lawyering as a part of the curriculum of the CLC. We are exploring approaches that reflect our dual pillars and at the same time offer concrete tools for practicing law in a restorative manner and navigating challenging situations with community members and others.

One approach we have already begun incorporating into our pedagogy is mediation. Mediation in its various forms is increasingly becoming more dominant in mainstream of legal practice, and a number of law schools in the US already offer mediation-focused legal clinics.⁸¹ For our purposes we are most interested in the core principles and communication tools of mediation. We also envision offering mediation-like services potentially as a preventive or early intervention type of conflict resolution, in addition to offering mediation in a more conventional way, that is, once a lawsuit has been initiated.

Other even more novel approaches we are considering teaching include Appreciative Inquiry and Generative Dialogue, both of which offer ways of teaching relational skills through the lens of communication,⁸² and come from disciplines outside of law. Alongside other efforts to introduce these approaches, in part through a freestanding course at our law school,⁸³ we envision incorporating these models into our work in the CLC. We view these approaches as vehicles for helping law students to cultivate greater empathy, compassion, and self-awareness—skills that have been viewed by many in the legal academy as “unteachable” or “unlearnable.” We believe that the setting of our clinic offers tremendous opportunities for experiential teaching and learning along these lines, and that our efforts can potentially have a positive impact on other clinics and on legal education more broadly.

81. See, e.g., eb.law.columbia.edu/clinics/mediation-clinic (describing Columbia Law School’s Mediation Clinic); ww.law.nyu.edu/academics/clinics/semester/mediation (describing New York University School of Law’s Mediation Clinic); <https://www.law.upenn.edu/clinic/mediation/> (describing University of Pennsylvania Law School’s Mediation Clinic) (last visited on 6/6/15). See also, DOUGLAS N. FRENKEL & JAMES H. STARK *THE PRACTICE OF MEDIATION: A VIDEO INTEGRATED TEXT* (2d ed. 2012).

82. For a detailed discussion of how a communication perspective can inform legal education pedagogy, see Susan L. Brooks, *Using a Communication Perspective to Teach Relational Lawyering*, 15 *NEVADA L.J.* (forthcoming 2015). See also Susan L. Brooks & Inga G. Laurent, *Effective Communication and Professional Relationships*, in *LEARNING FROM PRACTICE* (Wortham et al. eds., 3d ed.) (forthcoming 2015)

83. See Susan L. Brooks, *Cultivating Students’ Relational Skills*, in *BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD*, Chapter 6, Section C.2 (forthcoming 2015).

a. Mediation

Mediation is a well-established form of alternative dispute resolution in which the parties work toward reaching their own settlement of a given conflict or disagreement with the help of a trained and skilled facilitator. For the purposes of the CLC, we are interested in the possibility of offering mediation as a direct service to community members, potentially focusing on neighborhood and family law-related issues. We are also interested in exposing students to mediation principles and techniques for their broader application in helping students cultivate better emotional intelligence and improving their listening skills, which will contribute to building positive and trusting relationships. In this way, mediation pedagogy represents a broad philosophical approach that reflects the kinds of dispute resolution systems we want to support through our work with community members. We are hopeful that we can expand the boundaries of the use of mediation generally to focus more on peacemaking and healing rather than solely resolving formal legal disputes. We believe that mediation techniques could be applied in this proactive and preventive way to avoid the need for litigation.

b. Appreciative Inquiry

Appreciative Inquiry (AI) originated in the Organizational Development field and has become increasingly influential in the fields of business and medicine. It remains unfamiliar within the legal field. AI is both a practical philosophy and a process for teaching how to communicate with clients and others more effectively.⁸⁴ Specifically, it helps build positive working relationships by offering tools that aim to shift our thinking toward identifying and building upon strengths, rather than only avoiding risks or fixing problems.⁸⁵

84. To appreciate is defined as *to value or admire highly; to judge with heightened understanding; to recognize with gratitude*. To inquire is *to search into, investigate; to seek for information by questioning*. Ilene Wasserman, *Relational Lawyering: Elevating the Best of the Lawyer-Client Relationship* (Power Point Presentation, Jan. 2013) (citations omitted) (on file with authors).

85. SUE ANNIS HAMMOND, *THE THIN BOOK OF APPRECIATIVE INQUIRY* 6–7 (2d ed. 1998).

In assessing a given situation, we can ask what went well, rather than what did not work. We can choose to put our energy into generating more of what has succeeded rather than putting our energy into avoiding pitfalls or problems. One way to practice AI is through appreciative interviewing. The techniques of appreciative interviewing tap into the strengths of the interviewee. This type of interviewing also requires us to listen in a way that respects what is going on for another person and normalizes what they are experiencing. Appreciative listeners are genuinely curious and acknowledge the highest intention of the speaker.

Similar to mediation, we believe that AI is a teachable approach that will enhance the work of our students in the CLC. AI provides concrete tools and methods that may help the clinic students to put into practice the core principles we are seeking to have as guidance for our work. By focusing on their own strengths as well as the strengths of community members, CLC students may be more successful in building trust and achieving connecting with community members in ways that allow Deliberative Democracy to flourish. Further, the principles and methods of AI encourage the cultivation of empathy and compassion, which are essential to creating Beloved Community.

C. “Generative” Dialogue

A third approach we are considering incorporating into our pedagogy is known as “generative dialogue.”⁸⁶ This approach was developed at MIT as a part of an effort called the Dialogue Project, and has had widespread influence, although, like AI, it appears to be novel in the legal field. The four core elements of generative dialogue—respecting, listening, suspending, and voicing—resonate with the approaches of mediation, AI, and the work of the CLC.

86. See generally William Isaacs, *Dialogue and the art of thinking together: a pioneering approach to communicating in business and in life* (1999); Brooks, *Using a Communication Perspective to Teach Relational Lawyering*, *supra* note 84; Susan L. Brooks & Inga N. Laurent, *Effective Communication and Professional Relationships*, *Learning From Practice* (Leah Wortham et al. eds., 3d ed.) (forthcoming 2015).

According to William Isaacs, who now directs the Dialogue Project, “[a] dialogue is a conversation in which people think together in relationships.”⁸⁷ The goal of a dialogue is thus to share ideas in a way that gets beyond each person’s viewpoint, and to explore possibilities, even when there are fundamental differences, including different assumptions and strong positions.⁸⁸ In a generative dialogue participants voice their perspectives and are willing at the same time to listen openly to others and to suspend their own judgments. This process allows the parties to bring alternatives to the surface and lay them side-by-side so they can be seen in context. Relaxing each person’s grip on certainty, and listening with an open mind allows new possibilities to emerge—possibilities that otherwise might not have occurred. One possible enhancement to the mediation process is recognition that a generative dialogue is not simply about reaching an agreement or “getting to yes.” The purpose is rather to create a different and shared context from which new agreements might emerge. As with Mediation and Appreciative Inquiry, we believe that if we can teach law students to practice the elements of Generative Dialogue, they will be more effective in carrying out the ideas and ideals of Deliberative Democracy and Beloved Community in their work in the clinic and as future practitioners.

CONCLUSION

As designers of a new community lawyering clinic, we are grateful for the groundbreaking work of the pioneers in this field, and also for the contributions of our contemporaries. At the same time we appreciate that the present conditions in society, including the ever-widening justice gap and other changes in the legal landscape, call upon us to think creatively about innovative models of lawyering and new roles for lawyers. Deliberative Democracy and Beloved Community are approaches that inspire us to reflect deeply about our choices, to invest in relationship-building, and to embrace processes that often seem indeterminate. By sharing some of our early

87. ISAACS, *supra* note 67, at 19.

88. *Id.*

experiences as well as our thinking, we hope we are contributing useful ideas that will help advance the work of other clinical law teachers and community lawyers.