

Community Lawyering in the Junction

Movement lawyering for social change

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**When you hear the phrase
“community lawyering”, what
comes to mind?**

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Existing Models of Lawyering

1 <i>Civil-legal aid model</i>	2 <i>Impact litigation</i>	3 <i>Social Rescue Model</i>
<p>Believe that the problem with the legal system is a lack of lawyers</p> <p>Argue that if there were just enough lawyers to represent disenfranchised people, we would have more just and equitable results</p>	<p>Argue that systemic social change occurs after carefully targeted class action litigation or test cases, such as <i>Brown v. Board of Education</i></p>	<p>Believe that poverty and disenfranchisement is the result of a failure of social and support service agencies, including legal services</p>

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What is the problem with these models?

These models do not take into account the long standing systems of class and racial discrimination and oppression, which have resulted in systemic powerlessness and disinvestment of whole communities, particularly Black and Brown communities

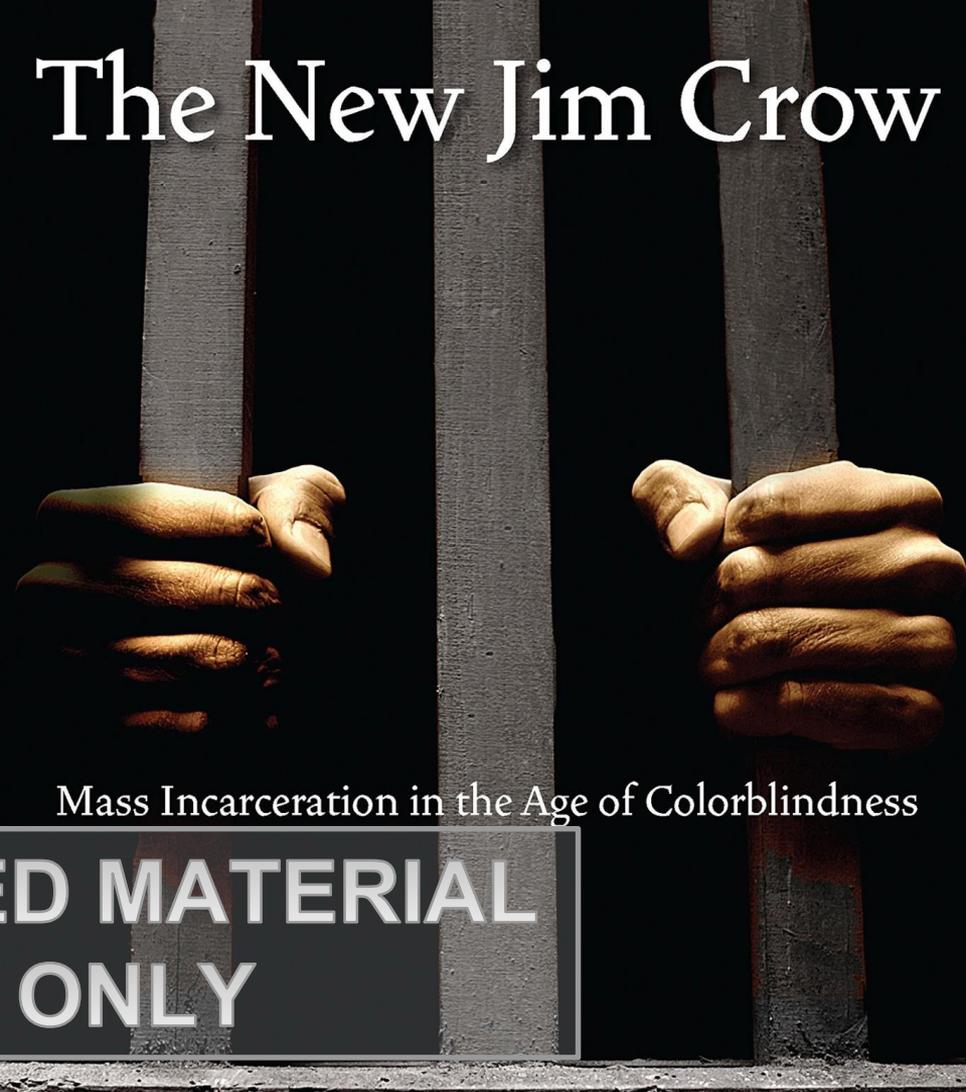
These models believe in the inherent justness of the legal system, and that if we just have a lawyer and the right case, justice will be served

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Example: Civil Rights Movement

Professor and lawyer Michelle Alexander highlights in her book, *The New Jim Crow*, real social change did not happen in the courtroom, it happened in the streets of Selma.

The New Jim Crow



Mass Incarceration in the Age of Colorblindness

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“As public attention shifted from the streets to the courtroom the extraordinary grassroots movement that made civil rights legislation possible faded from public view. **The lawyers took over.**”-*Michelle Alexander*

“...our clients became **important, but secondary**, players in a formal arena that required lawyers to translate lay claims into technical speech...We not only left people behind; we also lost touch with the moral force at the heart of the movement itself.”-*Lanie Guinier, civil rights advocate and first black woman who received tenure at Harvard Law*

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Different model: *Community Lawyering*

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Is “*Community Lawyering*” just another buzzword?

Yes and No

There are many definitions of community lawyering, but there are also main themes to each of those definitions

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Themes of Community Lawyering

1. **Community identified issue**
2. **Builds power, capacity and leadership in a disinvested or disenfranchised community**
3. **Addresses a root cause (and not only a symptom) of racial and class discrimination and oppression**
4. **Interdependent relationship: organizers and lawyers work together to transform the client-lawyer relationship**

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My Working Definition

Using legal advocacy *and* organizing to help achieve solutions to community identified issues in ways that develop local leadership and institutions that can continue to exert the power to effect systemic change

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**In a Community Lawyering
model, *who* do we work with?**

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Who do we work with?

Community organizations or an organized group of people (like the Junction Coalition, or a tenants associations, or even faith-based organizations), ***who are trying to shift power through collective action or strategic campaigns***

It's about working with groups who are interested in addressing the root causes of disinvestment and oppression in their community, and who want to shift power away from traditional holders of power

(financial institutions, political institutions etc)

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**In a Community Lawyering
model, *what* do we do?**

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What do we work on together?

Very broad: depending on the community led campaign or community identified issue, we have several tactics we can support an organized group of people with-

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- Policy advocacy
- Research
- Community education
- Institution building
- Litigation

This can range from litigating on behalf of the group, to drafting legislation or policies, to conducting trainings to providing research and technical support for a community identified campaign or issue.

More important than what we do, is what we aim NOT to do →

- We do not solve issues behind closed doors-we involve community leaders
 - Knowledge will never be democratized if we do our work without community leader's involvement
- The goal of community lawyering is to increase and skills of a community and its organizers
 - This necessitates increased participation even for complicated legal questions and issues

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**In a Community Lawyering
model, *how* do we work
together?**

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How do we work together?

Lawyers and community organizers have not always had the greatest relationship

In 1994, William Quigley, one of the most innovative lawyers of our time, interviewed community organizers across the country and published his findings in the Ohio Northern Law Review.

Some of the reflections are worth highlighting, so we can learn how to work together in the most intentional and honest way

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“...when you talk about lawyers you must help them have a reality check, in my experience lawyers don't often do that. You know, they often believe in the system - that the system is going to work because it's the right thing to do. I do not think they understand that, when you are dealing with challenging power, that the system works on the side of power. The lawyers do not realize they need another tool to challenge the system, one that lawyers do not know about, and that is the power of the community”

Barbara Major, The People's Institute for Survival and Beyond



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“I think a lot of times lawyers have come into the community and only created another entity to be dependent on. Their communities begin to believe that all they have to do is bring their problems to court and they forget that they must continue to organize and educate the people. I think the lawyers too often create another entity to be dependent on so people will lay back and just think well “I’ll just sue ‘em.” This will not lead to permanent change. Because even if the community wins the suit, what are they going to do the next time there is a problem? Sue again?”

*Barbara Major, The People’s Institute
for Survival and Beyond*



“People use to work “in community” but I think now people should think a little more about working “with community.” This means lawyers have to learn how, with all of their skills, to journey with the community.

This journey has to involve the community really getting a sense of who they are, in the sense of beginning to understand their own power. In working with community the wisdom or the knowledge of the lawyer does not outweigh the wisdom and the knowledge of the community about itself especially.”

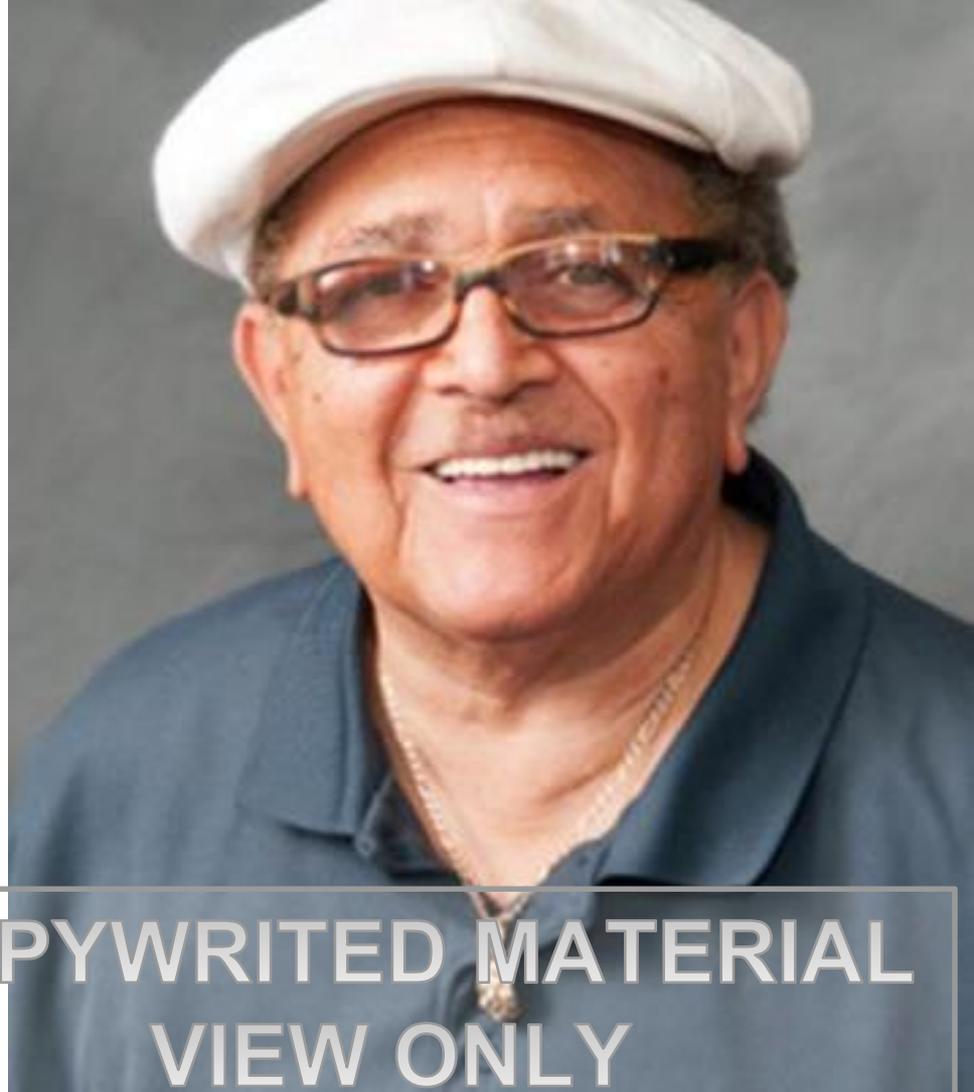
Barbara Major, The People’s Institute for Survival and Beyond



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“In my 25 years of experience, I find that lawyers create dependency. The lawyers want to advocate for others and do not understand the goal of giving a people a sense of their own power. Traditional lawyer advocacy creates dependency and not interdependency. With most lawyers there is no leadership development of the group...Lawyers, if they understand the process, can play a major role in the development of the community. If lawyers understand the dynamics of community leadership and development, this understanding can also work to reduce the frustration level of the lawyer because the people involved will not call the lawyer for every little problem that they have in the struggle.”

Ronald Chisom, organizer in the Southern US for over 30 years



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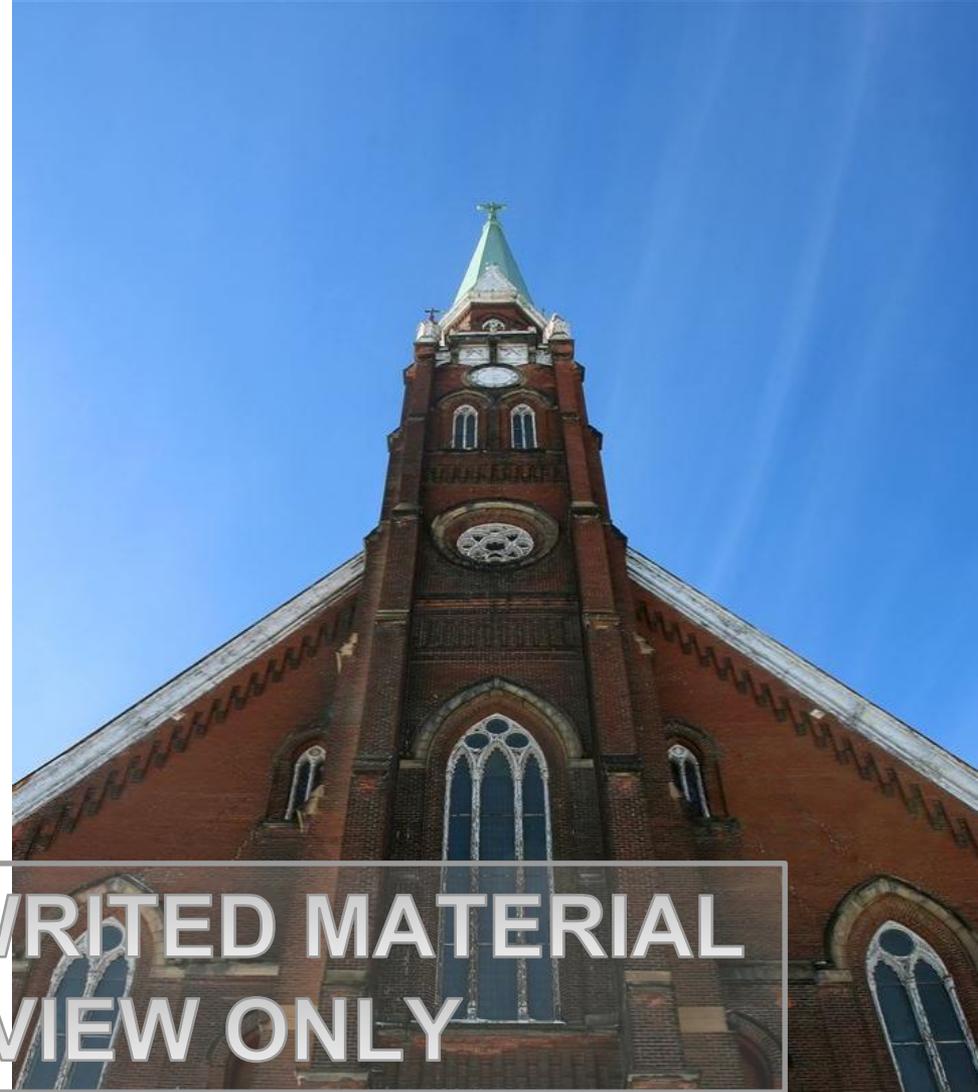
HOW we work together is about accountability

- Self- scrutiny and self-reflection on both sides
- Constant re-evaluation of our work together: is it perpetuating racism, sexism, homophobia, or classism?

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St. Anthony's & Community Lawyering

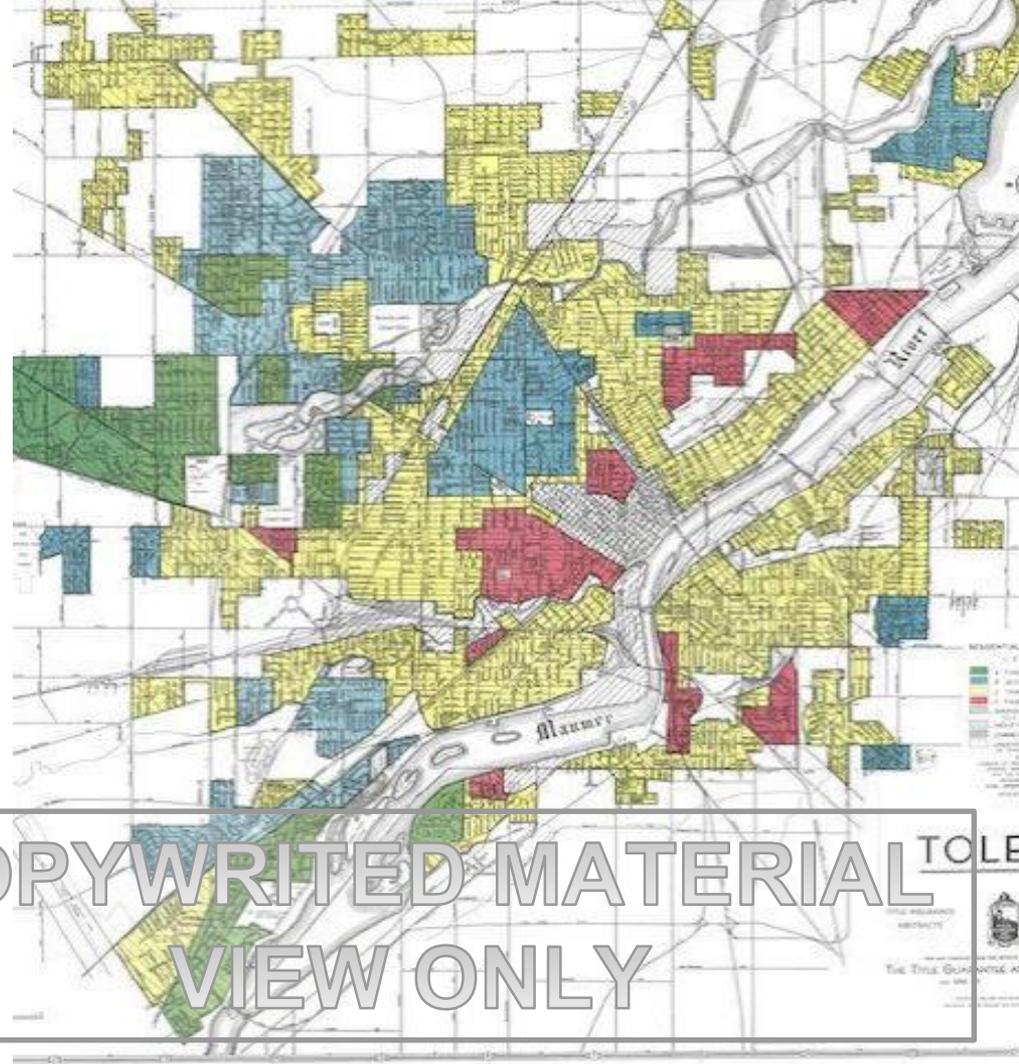
After community concern about the economic and health impacts about the demolition of St. Anthony's, ABLE attorney George Thomas stepped in and assisted The Junction Coalition in halting the immediate demolition. However, it was the Coalition's organizing that ultimately led to the Land Bank's purchase of the building (and saving it). ABLE simply assisted a **community-led** effort.



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Redlining & Community Lawyering

After discovering that the Junction neighborhood has been redlined (denied access to capital and loans) for decades, ABLE assisted The Junction Coalition in filing comments with the Federal Reserve, highlighting Fifth Third Bank's historic disinvestment of the area. As a result, the Junction Coalition now has access to legal knowledge and tools to continue advocating for community reinvestment from the financial institutions



Food Deserts & Community Lawyering in Dayton

In a Dayton neighborhood, there was a great demand for fresh food, but a lack of any grocery store options. ABLE, alongside community organizations and leaders, helped create a consumer and worker owned fresh food grocery store.



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Three Levels of Advocacy

1 <i>Restorative</i>	2 <i>Future</i>	3 <i>Community knowledge and representation</i>
<p>Community identified issues that are the result of patterns of discrimination and systemic oppression</p>	<p>Implementation of The Toledo Design Collective masterplan</p> <p>Affirmative grassroots solutions to long-standing community identified issues</p>	<p>Community presentations on resident identified issues or presentations to build collective knowledge</p>
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Working Together

“This is the time for organizers and lawyers to develop solutions. To think deeply about how to design policies and programs that would work differently, to engage the hard practice of figuring what does work. Coming up with solutions is hard work. It requires all of us to engage in levels of conversation that we are not used to. We are used to protesting. We are used to bite-sized slogans and critique. But if we breakthrough our habits and begin coming up with true alternatives, there are opportunities right now to implement these ideas.”

Purvi Shah and Chuck Elsesser, community lawyers with the Community Justice Project in Miami

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“[W]e've got to understand people, first, and then analyze their problems. If we really pay attention to those we want to help; if we listen to them; if we let them tell us about themselves - how they live, what they want out of life - we'll be on much more solid ground when we start ‘planning’ our ‘action,’ our ‘programs,’ than if we march ahead, to our own music, and treat ‘them’ as if they're only meant to pay attention to us, anyway.”

Martin Luther King, Jr.

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