

Community Group Advocacy and Social Change Lawyering Clinic Spring 2015 Syllabus

Professor **Ascanio Piomelli**

Mondays and Wednesdays 10:50 - 1:00 p.m.

100 McAllister Street, Civil Justice Clinic, Room 300 (large seminar room)

COURSE OVERVIEW

The *Community Group Advocacy and Social Change Lawyering Clinic* builds on many themes of the Individual Representation Clinic (i.e., lawyers as problem-solvers, lawyering as an interpersonal and social activity, lawyers as intermediaries, and client-centered lawyering). We will examine these themes in the context of lawyers working with groups to bring about, or resist, broader social change.

The seminar readings are organized into three parts. During the first three weeks, we will read and discuss materials that introduce recurring issues around group work and collective efforts to effect change. In the second section of the course, we will examine the broad range of persuasive strategies that lawyers and other advocates use when engaging in social change work. Once we have deepened our theoretical understanding of these persuasive techniques and developed collective, practical experience from our fieldwork placements, the final segment of the course will return to the consideration of collaborative/participatory approaches to social change lawyering and will seek to tie together our collective ideas about the work of lawyers and groups seeking to make systemic change.

In this course you and your partner will be given substantial responsibility for handling an entire project during the course of the semester. Your work will be jointly supervised by field supervisors at your placements and by me. Your supervisor(s) and I will expect you to exercise substantial initiative and creativity to move the project forward within the parameters set by your placement.

We will work with organizations on projects that will involve a range of lawyering strategies, including, but not limited to: grassroots lobbying, community organizing and/or mobilizing, community education, and media work. Two of you will be assigned to each project team.

STUDENT LEARNING OBJECTIVES

Students will demonstrate critical understanding of the broad range of approaches to social change lawyering and the primary persuasive strategies in which lawyers and activists engage and will be able to articulate a detailed personal vision of the sort of social change practice they aspire to implement.

Students will demonstrate the ability to collaborate effectively with student partners, field supervisors, and community group members on fieldwork projects implementing one or more persuasive strategies and to identify, confront, and resolve miscommunications or misunderstandings.

Students will demonstrate the ability to richly describe, critically observe, and introspectively reflect upon their interactions and initiatives in their fieldwork, to recognize areas of strength and areas for potential improvement, and to identify and implement adjustments to maximize their effectiveness.

Students will demonstrate the ability to facilitate a group discussion, to substantially contribute to classroom discussions of the course readings and classmates' fieldwork projects, and to give and receive effective feedback.

COURSE REQUIREMENTS

Field Notes

Each student **team** will prepare comprehensive and detailed **weekly** field notes. Primary drafting obligations for the descriptive portion can be alternated each week with your partner, but each partner's interpretive observations must be included each week. These notes are due **every Sunday night by 6:00 p.m.** The field notes should include: a rich *description* of what your team did that week on your project (and how it compared to what you had planned to achieve) and *interpretation* of events, actors, interactions; what you anticipate doing the following week; your thoughts and feelings about the work; what you learned from the experience (*i.e.*, what worked well, anything you might have done differently, how the work met or failed to meet your expectations, etc.); an examination of whether and how the readings and classroom discussions enhanced your work or your reflection upon it; an account of the hours you spent on your fieldwork; and an agenda for issues to discuss in our regular weekly meeting.

These field notes should be **as long as necessary to describe thoroughly and reflect carefully** upon your activities – a rough estimate is that field notes will run about 4-6 single-spaced pages each week. As with all memos recounting events, they will be far more detailed and reliable if **segments are written as soon as possible after the activities they describe**. The field notes and our weekly discussions of them will be a primary means through which I will learn about and assist you with your fieldwork. Attaching copies of documents you are creating or responding to will facilitate my ability to be of assistance.

In your first field notes due on **Sunday, January 18th**, in addition to describing your initial introductions to and interactions at your placements, each of you should separately describe your goals and expectations for the course, what you hope to learn and work on over the semester, and your initial impressions and expectations for your placement (perhaps largely based on project descriptions and written materials).

The field notes due **Sunday, February 8th**, will be a written description of your semester project goals, the anticipated strategies for reaching those goals, a timetable for the implementation of the various strategies, and any problems you foresee in reaching the goals. Unlike other field notes, once I have reviewed them and we have discussed them, these notes will be shared (in edited form, if appropriate) with your placement to ensure that everyone involved in the work has the same expectations.

The final field notes due **Friday, May 1st**, will be a comprehensive and critical evaluation of the work you did over the course of the semester. The jointly written portion of these notes should re-examine your original goals and strategies to determine whether or not they were met. If they were met, how they were met? If they were not met, why not? How did you handle problems or unexpected situations that you faced along the way? In addition, I would like each of you to separately synthesize, in depth (*i.e.*, 4-5 single-spaced pages), what you learned from the project, the class readings, and our discussions.

Seminar Participation

As a collective undertaking to learn and teach together, it is essential (*i.e.*, **mandatory**) that everyone **attend, prepare** in advance for, and actively **participate** in every class session. In a group as small as ours, just one person's failure to do the reading or to participate in discussion has a negative impact on everyone's experience. *If for some reason you need to miss a session or are unable to do the reading,*

please advise me in advance and we can make arrangements for you to turn in a brief reflective writing on the reading within a week of the missed class.

In order to enhance the collaborative nature of seminar discussions and to enhance an important group-work skill, each of you will be responsible for **facilitating a seminar discussion** during the semester. To facilitate a class session, you will need to read the material assigned well in advance, think critically about the issues raised in the readings, develop questions about the readings which will elicit class discussion and integrate relevant field work experiences (and perhaps an in-class exercise that achieves the same goals), and meet with me to discuss your plan before leading the seminar discussion. After your facilitation, you will write a *one-page evaluation of the session*, reflecting on what worked, what you learned about facilitation, and what you might do differently next time.

Approximately a fifth of our class sessions will be workshops devoted to anticipating and/or analyzing issues arising from your placements. The primary method will entail roleplaying anticipated or recently undertaken activities. Roleplays will be opportunities for you to practice actual work you are about to do or just did and to get feedback from the entire class. (Some roleplays will require you to enlist and prepare classmates ahead of time to play other roles.) Rather than simply discussing what happened or you expect to happen, you'll enact or re-enact situations so that we can all observe and respond. Topics might include: interviewing group members; putting on an educational workshop; briefing a public official or legislative aide; facilitating a focus group; or participating in or leading a community meeting. Roleplays will give teams the opportunity to practice a skill before doing it and/or to consider how to improve upon a task already performed. All of us will participate in constructive critiques of one another's roleplays.

Field Work and Office Hours

Your field placements will begin the week of January 12th and last through Friday April 17th. I expect you to put in as much time as is required to successfully complete your projects during the semester. Although it is impossible to precisely gauge the amount of time you will spend on a project, you should expect to spend a **minimum of 16-20 hours each week on your fieldwork** (not including class time and reading time). When major events occur in your project, you may well have to work substantially longer hours. Because you will be working with community groups, you need to have the flexibility to attend evening and/or weekend meetings. **You and your partner will need to make every possible accommodation to each other's schedule so that you can maximize the amount of work you do together on projects. You and your partner will need to have at least two substantial (i.e. 4-6-hour) blocks of time on at least two different days of the week during which you will regularly work together at or on your placement during regular business hours. I would like you to block out 12 regularly scheduled, recurring hours a week during which you and your partner can work together.**

The amount of time you spend in the CJC office will vary from project to project. Some projects lend themselves to work in the CJC office, others do not. Early in the semester, I will meet with each team to discuss how you will divide your fieldwork between the CJC office and the placement. We will also set **a regular, weekly one-hour meeting with me** to discuss your team's field work.

Grading

I recognize that as responsible adults, your primary motivation comes from within, from your interest in becoming the best advocates you can, rather than in reaction to external incentive structures.

Nonetheless, I do want to provide you with feedback on the quality of your work and to recognize outstanding performance. Thus, all aspects of the class and fieldwork will be graded. Thirty percent (30%) of your grade will be based on class participation – in discussions of readings, facilitation of discussions, and performance and active critique in roleplays. Fifty-five percent (55%) of your grade will be based on your fieldwork and your reflection on it – for which your field notes will be a key indicator of your activities, reflection, and integration of readings and discussions. (I will also solicit input from your field placements on their assessments of your work.) Fifteen percent (15%) of your grade will be based on your written description of the ideal social justice practice that you aspire to someday found or join.

CLASS SESSIONS AND ASSIGNMENTS

Part I - Introductory Visions of Activist Lawyering

1. Monday, January 12th

Introductions to the Clinic, Each Other, and Social Change Lawyering

- William P. Quigley, *Letter to a Law Student Interested in Social Justice*, 1 DEPAUL J. FOR SOCIAL JUSTICE 7 (2007);
 - Excerpts from Ashley Toles and Courtney Oxsen Magner’s Final Field Notes reviewing their Spring 2013 project with Legal Services for Prisoners with Children and the Prisoner Hunger Strike Solidarity Coalition;
 - Excerpts from Azadeh Zohrabi and Noah Frigault’s Final Field Notes from their Spring 2012 project with the San Francisco Human Rights Commission to organize a public hearing on the Human Rights Impact of the War on Drugs in San Francisco;
 - San Francisco Human Rights Commission, *Community Voices: The Human Rights Impact of the War on Drugs*
- In-Class Video: *So Goes A Nation: Lawyers & Communities*.

2. Wednesday, January 14th

Rebellious Lawyering I: Introduction

- GERALD P. LÓPEZ, “Introduction” and excerpts from “The Rebellious Idea of Lawyering Against Subordination,” Chapter 1 of REBELLIOUS LAWYERING 1-9, 11-38 (1992);
- Excerpt from Gerald P. López, *Living and Lawyering Rebelliously*, 73 FORDHAM L. REV. 2041, 2045-47 (2005);
- Paul Kivel, *Social Service or Social Change?* in THE REVOLUTION WILL NOT BE FUNDED: BEYOND THE NON-PROFIT INDUSTRIAL COMPLEX 129-49 (INCITE! Women of Color Against Violence, ed. 2007).

Monday, January 19th - no class (Martin Luther King Jr. Day)

3. Wednesday, January 21st

Rebellious Lawyering II: The Rebellious-Regnant Dichotomy

- GERALD P. LÓPEZ, “A Non-Profit Law Office in Transition,” Chapter 2 of REBELLIOUS LAWYERING 83-165;
- Excerpts from Gerald P. López, *Changing Systems, Changing Ourselves*, 12 HARV. LATINO L. REV. 15 (2009).

Pre-class assignment: By 9:00 a.m., email Ascanio your 1-2-single-spaced-page summary of the similarities and differences between client-centered lawyering and rebellious lawyering.

4. Thursday, January 22nd (a UC Hastings Monday)

Lawyers, Organizers, and Social Change

- Lucie White, *To Learn and Teach: Lessons from Driefontein on Lawyering and Power*, 1988 WIS. L. REV. 699-705, 711-745;
- JENNIFER GORDON, “The Workplace Project Story,” Chapter 2 of SUBURBAN SWEATSHOPS: THE FIGHT FOR IMMIGRANT RIGHTS 67-112 (2005).

5. Monday, January 26th

“Movement Lawyers” and the Uses of Litigation

- Excerpts from ARTHUR KINOY, RIGHTS ON TRIAL: THE ODYSSEY OF A PEOPLE’S LAWYER 50-83, 151-153, 156-161 (1983);
 - Excerpt from Eduardo R.C. Capulong, *Client Activism in Progressive Lawyering Theory*, 16 CLINICAL L. REV. 109, 148-56 (2009).
- In-class Film: *The Life and Times of Arthur Kinoy*.

Part II - Persuasive Strategies

6. Wednesday, January 28th

The Full Array of Persuasive Strategies and Tactics

- The Powell Memorandum
- Excerpt from GEORGE LAKOFF, “Framing 101: How to Take Back Public Discourse” and “Framing the Unframed” in DON’T THINK OF AN ELEPHANT!: KNOW YOUR VALUES AND FRAME THE DEBATE 1-29, 33-34 (2d ed. 2014).

7. Monday, February 2nd

Understanding Disputes and the Implications of Different Problem-Solving Strategies

- Excerpts from William Felstiner, Richard Abel, Austin Sarat, *The Emergence and Transformation of Disputes: Naming, Blaming, Claiming*, 15 LAW & SOC. REV. 631 (1980-81);
- Excerpts from Ascanio Piomelli, *Appreciating Collaborative Lawyering*, 6 CLINICAL L. REV. 427, 427-29, 486-513 (2000);
- Ascanio Piomelli, *The Challenge of Democratic Lawyering*, 77 FORDHAM L. REV. 1383 (2009).

8. Wednesday, February 4th

Community Legal Education

- Excerpt from Ingrid V. Eagley, *Community Education: Creating a New Vision of Legal Services*, 4 CLINICAL L. REV. 433, 448-84 (1998);
- Jennifer Gordon, “Rights Talk and Collective Action,” Chapter 4 of SUBURBAN SWEATSHOPS: THE FIGHT FOR IMMIGRANT RIGHTS 148-84 (2005).

9. Monday, February 9th

Rounds & Role Plays

10. Wednesday, February 11th

Community Organizing/Mobilizing I: Introduction and the ACORN/NWRO Approach

- LEE STAPLES, “Power to the People”: *Basic Organizing Philosophy and Goals*, in ROOTS TO POWER: A MANUAL FOR GRASSROOTS ORGANIZING 1-14 (1984);

- Excerpts from Peter Dreier, *Community Organizing, ACORN, and Progressive Politics in America*, in *THE PEOPLE SHALL RULE: ACORN, COMMUNITY ORGANIZING, AND THE STRUGGLE FOR ECONOMIC JUSTICE* 3-22 (Robert Fisher, ed., 2009);
- JOHN ATLAS, “Introduction,” “Wade Rathke and the Roots of ACORN” (Chapter 1), and “Stepping onto a Larger Stage” (Chapter 2) of *SEEDS OF CHANGE: THE STORY OF ACORN, AMERICA’S MOST CONTROVERSIAL ANTIPOVERTY COMMUNITY ORGANIZING GROUP* (2010);
- GARY DELGADO, “The ACORN Model,” Chapter 4, of *ORGANIZING THE MOVEMENT: THE ROOTS AND GROWTH OF ACORN* 63-76 (1986);
- Excerpts from HEIDI J. SWARTS, “Different Mobilizing Cultures: Congregation-based Organizing and ACORN” (Chapter 1) *ORGANIZING URBAN AMERICA: SECULAR AND FAITH-BASED PROGRESSIVE MOVEMENTS* 25-44 (2008).

Optional Readings

- LAWRENCE BAILES, “‘Boston Model’ for Grassroots Organizing” (Chapter 3) of *BREAD OR JUSTICE* 19-54 (1974)
- HEIDI J. SWARTS, “Experimenting with National Campaigns: ACORN’s Innovative Political Strategy” (Chapter 3), of *ORGANIZING URBAN AMERICA: SECULAR AND FAITH-BASED PROGRESSIVE MOVEMENTS* 71-90 (2008);
- JOHN ATLAS, “Growing Pains” (Chapter 17) and “The Prostitute and the Assault” (Chapter 18) of *SEEDS OF CHANGE: THE STORY OF ACORN, AMERICA’S MOST CONTROVERSIAL ANTIPOVERTY COMMUNITY ORGANIZING GROUP* (2010).

Monday, February 16th - no class (Presidents’ Day)

11. Wednesday, February 18th

Community Organizing/Mobilizing II: The Post-Alinsky IAF Approach

- Excerpts from HEIDI J. SWARTS, “Introduction,” “Different Mobilizing Cultures: Congregation-based Organizing and ACORN” (Chapter 1), and “Religion and Progressive Politics: Congregation-based Community Organizing’s Innovative Cultural Strategy” (Chapter 2) of *ORGANIZING URBAN AMERICA: SECULAR AND FAITH-BASED PROGRESSIVE MOVEMENTS* xxvi-xxi, 1-25, 45-70 (2008).
- RICHARD L. WOOD, “Faith-Based Organizing in Action: The Local Organizing Committee at Saint Elizabeth Catholic Church” (Chapter 1) of *FAITH IN ACTION: RELIGION, RACE, AND DEMOCRATIC ORGANIZING IN AMERICA* 23-52 (2002);
- Ernesto Cortes, Jr., *Reweaving the Social Fabric*, *BOSTON REVIEW* (1994);
- Excerpt from PAUL OSTERMAN, “Building Organizations” (Chapter 2) of *GATHERING POWER: THE FUTURE OF PROGRESSIVE POWER IN AMERICA* 60-64 (2002)
- Excerpts from EDWARD T. CHAMBERS, “The World As It Is and the World As It Should Be” (Chapter 1), “The Relational Meeting” (Chapter 2), “Broad-Based Organizing: An Intentional Response to the Human Condition” (Chapter 3), and “The Practice of Public Life: Research, Action, and Evaluation” (Chapter 5) of *ROOTS FOR RADICALS: ORGANIZING FOR POWER, ACTION, AND JUSTICE* 20-70, 80-90, 129-32 (2003).

Friday, February 20th (a UC Hastings Monday) – no class

12. Monday, February 23rd

Community Organizing/Mobilizing III: The Los Angeles Bus Riders Union

- The Labor/Community Strategy Center, *A New Vision for Urban Transportation: The Bus Riders Union Makes History at the Intersection of Mass Transit, Civil Rights, and the Environment*.

In-class Film: *Bus Riders Union*.

13. Wednesday, February 25th

Community Organizing/Mobilizing IV: The Occupy Movement

- Ruth Milkman, Stephanie Luce & Penny Lewis, *Occupy Wall Street* (Chapter 4) of THE SOCIAL MOVEMENT READER: CASES AND CONCEPTS 30-43 (Jeff Goodwin & James M. Jasper, eds., 3d ed. 2015);
- Meerkat Media Collective, *Consensus (Direct Democracy @ Occupy Wall Street)*, Oct. 23, 2011, available at <https://www.youtube.com/watch?v=6dtD8RnGaRQ>;
- Excerpts from NICHOLAS SMALIGO, THE OCCUPY MOVEMENT EXPLAINED: FROM CORPORATE CONTROL TO DEMOCRACY vii-xii, 1-7, 34-53, 135-169 (2014);
- Excerpt from Bernard E. Hartcourt, *Political Disobedience*, in W.J.T. MITCHELL, BERNARD E. HARTCOURT & MICHAEL TAUSSIG, OCCUPY: THREE INQUIRIES IN DISOBEDIENCE 45-61 (2013).

14. Monday, March 2nd

Coalition Work & the Challenges of Working with Others Across Race and Class

- Bernice Johnson Reagon, “*Coalition Politics: Turning the Century*” in HOME GIRLS: A BLACK FEMINIST ANTHOLOGY (Barbara Smith, ed. 1983) 356-368;
- Sharon Parker, *Understanding Coalition*, 43 STAN. L. REV. 1193 (1991);
- Maivân Clech Lâm, *Feeling Foreign in Feminism*, 19 SIGNS: JOURNAL OF WOMEN IN CULTURE AND SOCIETY 865 (1994);
- Excerpts from FRED ROSE, COALITIONS ACROSS THE CLASS DIVIDE: LESSONS FROM THE LABOR, PEACE, AND ENVIRONMENTAL MOVEMENTS 14-22, 23-33, 56-73 (2000);
- Excerpt from Ascanio Piomelli, *Cross-Cultural Lawyering by the Book*, 4 HASTINGS RACE & POVERTY L.J. 131, 166-79 (2006).

15. Wednesday, March 4th

Rounds and Role Plays

March 9th-13th Spring Break

16. Monday, March 16th

Lobbying

- Excerpts from ALAN ROSENTHAL, THE THIRD HOUSE: LOBBYISTS AND LOBBYING IN THE STATES 1-8, 112-126, 149-172;
- JENNIFER GORDON, “Non-Citizen Citizenship,” Chapter 6 of SUBURBAN SWEATSHOPS: THE FIGHT FOR IMMIGRANT RIGHTS 237-80.

17. Wednesday, March 18th

Rounds and Role Plays

18. Monday, March 23rd

Class Action Litigation and Class Conflicts

- Federal Rules of Civil Procedure, Rule 23 - Class Actions;
- Excerpt from Shauna Marshall, *Class Actions as Instruments of Change*, 29 U.S.F. L. REV. 911-47 (1995);
- Derrick Bell, *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, 85 YALE L.J. 470 (1976).

Part III - Reconsidering Social-Change Lawyers' Roles

19. Wednesday, March 25th

Litigation as Part of a Larger Strategy

- Lucie White, *Mobilization on the Margins of the Lawsuit: Making Space for Clients to Speak*, 16 N.Y.U. REV. L. & SOC. CHANGE 535 (1987-88);
- Michael J. Klarman, *How Same Sex Marriage Came to Be: On Activism, Litigation, and Social Change in America*, HARVARD MAGAZINE (Mar. 30, 2013);
- Excerpts from Gwendolyn Leachman, *From Protest to Perry: How Litigation Shaped the LGBT Movement's Agenda*, 47 U.C. Davis L. Rev. 1667-95 (2014).

20. Monday, March 30th

Rounds & Role Plays

21. Wednesday, April 1st

A Participatory Democratic Conceptualization of Social-Change Lawyering

- Ascanio Piomelli, *The Democratic Roots of Collaborative Lawyering*, 12 CLINICAL L. REV. 541-614 (2006).
- In-Class Film: *Fundi: The Story of Ella Baker*.

22. Monday, April 6th

Rounds and Role Plays

23. Wednesday, April 8th

Reflections on the Creation and Evolution of the Workplace Project

- Jennifer Gordon, "Paths to Participation" and "A Legal Clinic and Organizing," Chapters 3 and 5 of SUBURBAN SWEATSHOPS: THE FIGHT FOR IMMIGRANT RIGHTS 112-47, 185- 236 (2005).

24. Monday, April 13th

Envisioning Your Own Social-Change Practice

- Descriptions (2-pages, single-spaced) by each class member of the social change practice that you would ideally join or found.
 - Gerald P. López, "We Can and Should Pursue Our Vocations," draft Chapter 3 of SHAPING YOUR LIFE AND PURSUING YOUR VOCATION (forthcoming).
- Pre-class assignment: By 6:00 p.m. on Saturday, April 11th, email Ascanio your vivid description of the ideal social change practice that you aspire to someday join or found.*

25. Wednesday, April 15th

Final Rounds and Class Lunch