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Symposium: Creative Problem Solving Conference -- Redemptive Lawyering: The First (and Missing) Half of Legal Education and Law Practice

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REDEPTIVE LAWYERING: THE FIRST (AND MISSING) HALF OF LEGAL EDUCATION AND LAW PRACTICE

DAVID DOMINGUEZ*

"[S]ervice is the rent we pay for living. It is the very purpose of life and not something you do in your spare time."¹

I. INTRODUCTION

A. *What is Going on Here?*²

Scenario One: The music stops. We are law students, a law professor, other university personnel, family skills providers, nutritional experts, budget counselors, police officers, teachers of English as a second language, and other service workers. We turn to the twenty-five Spanish-speaking immigrants facing us on the outer circle and introduce ourselves in English, asking them to do the same. The start of just another neighborhood English-as-a Second Language class? Hardly.

The law students largely responsible for this moment intervened in community life to help people understand themselves differently in relation to each other and in the eyes of the legal system. Their objectives were two-fold: first, to teach the parties how to discover untapped promise in their own public roles and in turn to improve the work of others in public life; and, secondly, to fend off a rival construction of their world, namely the one posed by the legal system. The students worked with the parties to design a network of talent with the specific goal of keeping at bay bureaucratic attor-

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1. MARIAN WRIGHT EDELMAN, MEASURE OF OUR SUCCESS 6 (1992). Edelman is a redeemed lawyer and redemptive in her practice. She was the first African American woman admitted to the Mississippi bar and founded the Children's Defense Fund, serving as its president.

2. See generally FRANCES MOORE LAPPE AND PAUL MARTIN DUBOIS, THE QUICKENING OF AMERICA: REBUILDING OUR NATION, REMAKING OUR LIVES (1994). This text is very useful because it provides excellent questionnaires for law students to use as connective discourse between their lives in law school and the day to day concerns of local residents.

neys representing city services—notably the police department, public health, redevelopment, and zoning/land use agencies; corporate counsel representing owners of apartment complexes and mobile home parks; and activist lawyers representing mistreated Latino residents.³ Law students illuminated the often imposing shadow of the courthouse looming and thereby motivated the parties to pursue a dialogue of their own before their words could be misinterpreted as law claims sounding in civil infractions, code violations, criminal charges, racial discrimination, police brutality, landlord-tenant disputes, and other combinations of civil rights/ civil liberties complaints. The law students, applying law school training well before anyone would have expected its engagement, alerted the community to what was coming down the road. The students warned that unless the community exerted an effort to stay out of the way of the legal system and claim their desired reality as neighbors, attorneys were ready to summon them as litigants. The law students effectuated this change in the community's relationship with the law by befriending a senior center and transforming its ten-week class in English as a Second Language. They took the initiative to invite service providers, public officials, university personnel and affected residents to find new value in the community intersection of language policy, housing conditions, city development, police relations, and other shared concerns. As a result, in addition to learning and teaching English over ten weeks, relationships blossomed into a newly formed Community Relations Council.

Scenario Two: The clamor in the room bespeaks jubilation. We are law students and a law professor joined together with church representatives, university personnel, police officers, and agents from over fifteen family treatment programs, public and private. During the weeks preceding the meeting we spent time with each party separately. As a result of our preparation, we are now seated in a circle, noisily comparing field notes, overjoyed that we are finally attaching faces with names, and emphasizing the need to form a network of talent that can improve respective efforts and contest local and state ordinances that inhibit outreach and impede effectiveness. The formation of another advocacy coalition pursuing fixed agendas? Hardly.

Rather than assemble these parties right away, the law students went into the field asking what more they could do if they spent time with the parties one-on-one, acting as mediators among them. They sought to bring to the surface, and process effectively, the parties' turf battles, personality differences, resource disparities, and other issues that keep family treatment organizations from achieving their potential. But before they asked hard questions of others, the students began by challenging their own limited understanding of service in family support organizations—e.g., public and private agencies, church groups, women's and men's groups, school-based programs, etc. After practicing on themselves and their classmates, they con-

3. See Anthony V. Alfieri, *The Antinomies of Poverty Law and a Theory of Dialogic Empowerment*, 16 N.Y.U. REV. L. & SOC. CHANGE 659 (1988).

tinued to develop these clinical skills in the field, encouraging family treatment workers to question their conformity to professional customs. They did so not only to make these organizations more productive in and of themselves and in relation to each other, but also to intentionally draw out a different voice, one not couched in response to the words and phrases of the legal system.

The students crafted a dialogue among these community groups that allowed for a new story of collaboration before it could be silenced by entrenched diction, both their own and that of the legal profession. Indeed, the law students were able to shed light on how much these organizations were tentative, if not paralyzed, in their actions due to second-guessing themselves constantly in a world of restraining orders, divorce proceedings, child removal hearings, custody claims, domestic violence calls, and other family-based legal actions. Sensing shared frustration with a society prone to finding answers in legal claims, the law students showed these organizations what else they could do to reclaim their direction and purpose, and at the same time scale back the overly intrusive presence of the legal system. When the organizations convened for the public meeting described above, they had learned to see how their language became restrictive and negative when filtered through the law—e.g., “How do we protect ourselves as family service providers from being sued?” By the time the community group met face to face with the police officers, university personnel and others, the professionals had reawakened the vision that inspired them to pursue their careers in the first place and were resolved to pursue positive discourse, asking of each other, “How do we better capitalize on our public intersection of faith-based ministries, city-sponsored initiatives, police efforts, and informal neighborhood outreach? How can we more fully pool our ideas and activities toward mutual assistance of each other and come up with new ways to strengthen family life unafraid of legal proceedings?”

Scenario Three: The elementary school principal beams. Seated alongside the Parent Teacher Association president and other community leaders, he explains to university faculty and administrators, law students and a law professor how difficult it is for teachers to keep the interest and attention of foreign-born children with extremely limited English proficiency, many of whom leave town after short stays. Of those in attendance, some of us live in the neighborhood, while others send children to the elementary school in question. The principal says that he has looked forward to meeting the campus director of the university service learning center to explore a campus-neighborhood partnership. The first step toward another town’s grass-roots collaboration? Hardly.

The law students who called the meeting had done their research concerning the festering tension among diverse racial and religious groups. They had attended “back to school night” at the elementary school in question, assisted various teachers, and surveyed local residents. As they interviewed the stakeholders, the students initiated the conversations by confess-

ing that they had ignored their public duty of increasing rewarding contacts among multicultural residents. They admitted that even though some of them lived in that part of town, their law school training to that point excused them from doing anything until the situation required legal representation.

Now sensing how much they could do for themselves as well as others, the law students ran out ahead and met with residents individually, speaking to them in their native language and getting them ready for a new form of public partnership. They showed the parties how to avoid zero-sum battles over strained educational resources and to instead explore added-value negotiation. In this regard, the law students helped the community see how attorneys, in the name of serving community interests, could ruin opportunities for healthy interdependence, fragmenting their lives into isolated law claims, constructing them as poor, non-English speaking parents and children, and casting public education officials as insensitive bureaucrats. They encouraged the parties to make good on their public intersection as newly-arrived immigrants and old-time residents, each bringing distinct cultural customs, not the least of which are different languages and religious traditions. Following this meeting, the university opened its resources to the local elementary school and the surrounding neighborhood, not only addressing specific, short-term tasks, but also stabilizing the long-term development of the community.⁴

Scenario Four: The executive director and staff of a local affordable housing services organization enjoys the undivided attention of the municipal council and the larger assembly, which includes residents from the city's oldest neighborhoods, law students, and a law professor. The housing staff announces that from this point forward they will pursue a new approach to conflict at four levels: among residents; between the organization and the residents; between municipal services and the organization; and between municipal services and the residents. Acting as a teaching panel, the staff critically reviews the history of the housing organization at each of these four levels and concludes that it too often played the part of passive spectator or disinterested messenger. They tell us that they tended to downplay problems and waited too long to take decisive action. They let simple misunderstandings that should have been immediately addressed by the organization fester into serious disputes among various parties. By the time the organization took a stand, tempers were out of control, and they tell us that they are now ready to assume a new role in conflict management. Thanking the law students for acting as mentors and demonstrating the necessary skills

4. A recent development from this meeting was the creation of a little league baseball league for neighborhood kids. While the uniforms and games looked like those of any other little league, this one was designed with multicultural teams, thereby introducing diverse kids and parents who might not otherwise have met. See Hedy Nai-Lin Chang, *Democracy, Diversity, and Social Capital*, 86 NAT'L CIVIC REV. 141, 142 (1997) ("Values play a critical role in determining whether networks, norms, and trust advance the health of a community, as opposed to contributing to its decline.").

to change the role played by the housing organization with regard to handling disputes, the staff promises to teach and empower residents to see how much more the residents themselves can do before letting anger get the best of them. From now on, we are told, the staff will integrate anger-management training and mediation skills into its housing services. Another positive effort by a community group to help neighbors get along and improve the relationship of city personnel to inner-city residents? Hardly.

The law students who worked with this housing organization saw in the staff an ability that the staff did not see. The students knew the staff was capable of stepping forward at the municipal council meeting described above. The students provided examples and training to equip these community workers with the tools needed to refocus their role. Specifically, this meant impressing upon the organization the need to be proactive, to act before misunderstandings between the organization and the city developed into writs of mandamus, nuisance abatement complaints, land use and zoning citations, condemnation proceedings, and apartment lease violations. Rather than wait for already strained relationships to worsen, the students motivated the organization to run out ahead and educe a shared public role among city officials, organizational leaders and residents—in short, to become co-managers of the street.⁵ As a result, in addition to sorting out short-term disagreements, the expanded public role of the housing services organization was viewed as a “hub” of a wheel, with each spoke representing valuable connections to city and agency providers, other affordable housing advocates, legal services attorneys, mediation trainers, police officers, city officials, and university personnel.

B. Overview of the Law School Course

What these scenarios have in common is that they are all law school student team projects from the same semester (Spring 1999) of my peculiar seminar, *Community Lawyering*.⁶ The thesis of the course is that the first half of legal education and law practice is missed because we as lawyers limit ourselves to a traditional understanding of *when* an attorney is to begin

5. See generally Debra Livingston, *Police Discretion and the Quality of Life in Public Places: Courts, Communities, and the New Policing*, 97 COLUM. L. REV. 551, 558-59 (1997) (arguing for the need to emphasize police-community cooperation as a means to ensure that the community benefits from exercise of police discretion, and in effect to ensure that there is community oversight).

6. “Community Lawyering” covers many innovative approaches to changing the face of law in the public arena, especially as it affects the poor and marginalized. See, e.g., Christine Zuni Cruz, *On the Road Back in: Community Lawyering in Indigenous Communities*, 24 AM. INDIAN L. REV. 229, 235 (2000) (“Lawyering 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 both for the community and the lawyer.”); Angelo N. Ancheta, *Community Lawyering*, 1 ASIAN L.J. 189 (1994). For an Internet site with many helpful links, visit *CommunityLawyering.org*, at <http://www.communitylawyering.org>.

rendering legal services and *why* we do so. We experiment in class and out in the field with a new timing and purpose for professional intervention in public discourse, concentrating our efforts on those activities taking place in the “public square” of the community. Our goal is redemptive lawyering, not simply “in” the community or “for” the community but *by* and *through* the community. To this end we initiate contact with various public actors regarding emerging concerns before they would think to call upon us for advice and representation. We step forward at a time when there is still no rigid formulation of legal rights in the minds of the parties and thus no cramped quarters in which to confine the attorney role. Entering the public arena “out of context,” we reach diverse parties at a time when they are willing to tap the potential of the whole community to avoid problem-specific, win-lose, dead-end constructs of their difficulties (e.g., the legal system) in favor of strengthening public roles and civil society as a whole.⁷

Redemptive lawyering, therefore, seeks to cut the legal system down to size⁸ as it grows people taller,⁹ changing the community’s view of its own promise as neighbors and fellow citizens. It envisions lay people discovering their capability to sort out their interests—common, divergent, conflicting—and achieve outcomes of exponential gain.¹⁰ More important than solving any given problem, redemptive lawyering creates a responsible network of caring relationships and effective collaboration.¹¹ For, as the Bible says, every soul is precious to God and worthy of redemption;¹² no payment is ever enough.¹³ Indeed, our vision is to introduce legal services at the “right

7. See Bill Bradley, *America’s Challenge: Revitalizing Our National Community*, 84 NAT’L CIVIC REV. 94, 95 (1995) (“Civil society is the place where Americans make their homes, sustain their marriages, raise their families, visit with their friends, meet their neighbors, educate their children, worship their God.”). See also COMMUNITY WORKS: THE REVIVAL OF CIVIL SOCIETY IN AMERICA (E.J. Dionne, Jr. ed., 1988).

8. See William A. Schambra, *By the People: The Old Values of the New Citizenship*, 84 NAT’L CIVIC REV. 101, 102 (1995) (quoting Michael Joyce speaking before the Heritage Foundation in December, 1992, Schambra argues that “[A]mericans are ‘sick and tired of being treated as helpless, pathetic victims of social forces that are beyond their understanding or control . . . of being treated as passive clients by arrogant, paternalistic social scientists, therapists, professionals and bureaucrats.’”).

9. See generally VIRGINIA SATIR, *PEOPLEMAKING* (1972) (asserting that by examining such areas as self-worth, communications, society’s rule system, and every individual’s link to that society, we move towards a time when mankind is actually comfortable with his own humanity).

10. See William P. Quigly, *Reflections of Community Organizers: Lawyering for Empowerment of Community Organizations*, 21 OHIO N.U. L. REV. 455, 474 (1994) (“Empowerment means people seizing control of their own life choices . . . Following a lawyer is not empowerment.”).

11. See Paula Galowitz, *Collaboration Between Lawyers and Social Workers: Re-examining the Nature and Potential of the Relationship*, 67 FORDHAM L. REV. 2123, 2127-28 (1999).

12. See *Psalm* 139:14 (“I praise you because I am fearfully and wonderfully made; your works are wonderful, I know that full well.”).

13. See *Psalm* 49:7-8. Redemptive lawyering is a spiritual exercise for me, informed by my Christian faith and obedience to God. As a redeemed lawyer, I announce the good news

time,” when doing so empowers the friend while loving the enemy.¹⁴

With regard to the right time for redemptive lawyering, most of us are conditioned to believe that an attorney’s expertise is triggered reactively, after something has happened and a client retains our services to pursue a transaction or to settle a dispute. We never ask ourselves how a lawyer fits into the civic puzzle to proactively shape, perhaps even create, better identification and utilization of community-building resources. We never think about attorneys doing what they can to enrich formal and informal roles, cultivate new partnerships, improve service networks and otherwise increase social capital.¹⁵ In short, we never stop and question how lawyers can use their educational training and interpersonal abilities to fulfill the nation’s desire for virtue and peace, encouraging people to work alongside each other to make the legal system an ever smaller part of public life (and shrinking it from there).¹⁶

Thus, in terms of a new purpose, redemptive lawyering is not simply a social project to prevent law claims¹⁷ or, once started, to keep them manageable in size or process—i.e., Alternative Dispute Resolution (ADR). While ADR offers vast savings in time, money, emotional trauma, relationship injury, and so on, it leaves unchallenged the intrusion of legal discourse into public dialogue. As good a development as ADR is, both in legal education and law practice, it legitimates “rights talk” as a primary description of public issues because it is reactive and case-specific, thereby *reinforcing* the timing and purpose of the legal system. Thus, ADR, however unwittingly,

that God has let loose His creative spirit upon the land, making alive that which was dead, bringing beauty from the formless void. I certainly appreciate that many other perspectives, whether spirit-filled or not, seek to complete the lawyer role and integrate its missing dimensions. See, e.g., William Van Zyverden, *Holistic Lawyering: A Comprehensive Approach to Dispute Resolution*, 3 B.U. PUB. INT. L.J. 5 (1993) (arguing that dispute resolution is best served by examining a larger perspective of the dispute, rather than focusing on any one aspect or any one approach to the dispute).

14. With respect to the literature in this area, redemptive lawyering takes to heart the blistering social critique of scholars identified with “progressive lawyering” (e.g., Gerald Lopez, *infra* note 26; Lucie White, *infra* note 23; Anthony Alfieri, *infra* note 42), but interprets the critique prophetically, calling upon us all to be humbled, forgiven, reconciled and made whole in community life. See Lucia Ann Silecchia, *Integrating Spiritual Perspectives with the Law School Experience: An Essay and an Invitation*, 37 SAN DIEGO L. REV. 167, 179-80 (2000) (“Viewed broadly, it [spirituality] entails a way of defining and pursuing truth beyond oneself that is more important than the individual, giving the individual’s actions meaning and purpose in a larger context. Spirituality recognizes that there is far more to reality than merely that which can be seen, heard, touched, and tasted.”).

15. See NATIONAL COMMISSION ON CIVIC RENEWAL, *A NATION OF SPECTATORS: HOW CIVIC DISENGAGEMENT WEAKENS AMERICA AND WHAT WE CAN DO ABOUT IT* (1988).

16. See, e.g., MARY ANN GLENDON, *RIGHTS TALK: THE IMPOVERISHMENT OF POLITICAL DISCOURSE* 104-05 (1991).

17. See Dennis P. Stolle & David B. Wexler, *Therapeutic Jurisprudence and Preventative Law: A Combined Concentration to Invigorate the Everyday Practice of Law*, 39 ARIZ. L. REV. 25, 27 (1997) (“Preventive law is a perspective on law practice that seeks to minimize and avoid legal disputes and to increase life opportunities through legal planning. A key tool of the preventive lawyer is the regular ‘legal checkup.’”) (footnotes omitted).

remains dependent on specialized processes of solving problems, causing people to come up short.¹⁸

Are law students skeptical of redemptive lawyering? Quite the contrary, I have found over the years that law students instinctively sense that something fundamental is missing in legal education and law practice. They seem to ask: "Where is the rest of my attorney role? Where is the part where I show others how to shore up the 'front-end' of day-to-day social interaction and community building so that there are fewer matters to construct and process using formal legal skills on the 'back-end'?"¹⁹ Returning to the title of this article, students want to be trained to raise the redemptive question, "Who are we as lawyers before we are reduced to 'second-half' problem solvers? Before we take one side of the story and zealously represent partisan interests en route to closing another case, what is our 'first-half' duty to positively influence American society as a whole,²⁰ making the public less dependent on law and more appreciative of the good they can do?²¹ What more might we do if were we to run out ahead of the system, before we conform to the timing and purpose of traditional legal representation?"

The current obstacle to such experimentation with the lawyer role is that legal education and law practice do little to fulfill attorneys as complete peo-

18. See Marguerite Millhauser, *The Unspoken Resistance to Alternative Dispute Resolution*, 3 NEGOT. J. 29, 35 n.3 (1987) ("If parties approach the alternatives with the same mindsets as they approach litigation in terms of results sought and tactics considered acceptable, we are likely over time to recreate many of the same problems that currently burden litigation."). *But see* Carrie Menkel-Meadow, *When Dispute Resolution Begets Disputes of Its Own: Conflicts Among Dispute Professionals*, 44 UCLA L. REV. 1871, 1873 (1997):

There is an inevitable tension between dispute resolution's private function and its public function. For many, this tension is as important as how we measure justice and fairness in our system. Is the 'justice' of a dispute resolution process to be judged by what it accomplishes for the parties inside the dispute or by what rules or norms it provides to the larger society for subsequent behavioral guidance?

(footnotes omitted).

19. See STEVEN KEEVA, *TRANSFORMING PRACTICES: FINDING JOY AND SATISFACTION IN THE LEGAL LIFE* 14-16 (1999) (describing the spiritual crisis in the legal profession as involving "Seven Types of Separation," including "separation from self."). For a new website based on the book, see *Transforming Practices*, <<http://www.transformingpractices.com>>.

20. See Warren K. Anderson, Jr., *Ecumenical Cosmology*, 27 TEX. TECH L. REV. 983, 989 (1996):

When a person reveres life, all life, she has no choice but to feel the pain of others. This would apply not only to her clients, but to her office staff; to the receptionist who takes her message for the lawyer in the other firm who does not return her calls; to the worried witness who is reluctant to give a statement; to the impatient or dull judge who does not listen to or understand her arguments; to the opposing lawyer who is acting out his own fears and anxieties by being arrogant and willful; and to her family who is busy with their own struggles while she is at the office.

21. See Lucie E. White, *Collaborative Lawyering in the Field? On Mapping the Paths from Rhetoric to Practice*, 1 CLINICAL L. REV. 157, 157-58 (1994) (arguing that there are "three dimensions" of lawyering, and the third should focus on "enabl[ing] poor people to see themselves and their social situation in ways that enhance their world-changing powers.").

ple.²² Not surprisingly, we in turn have no personal or professional idea of what it might mean to help others find redemption in relation to lawyers, law, and the legal system. As a result of waiting too long to intervene and to contribute our full range of abilities, we deny ourselves and many other official public actors, as well as countless “ordinary folks,” the opportunity to build a network of talent that pursues positive change. Given the reactive timeline in which we presently construct ourselves as attorneys, we squander not only the gifts we bring to public life, but also the potential multiplication of talent that many others can provide. Once people are convinced that attorneys can and ought to enter the picture much sooner to redeem people and not simply solve problems, society can expect legal professionals to address the underlying source of so many difficulties—the lack of recognition of the inherent value and worth of supportive relationships—and not merely treat the latest symptoms.

This article explains how this can and does already happen in law school classes and clinical experiences. In Part II, I discuss how legal education can promote redemptive lawyering. The law school learning experience needs to expose students to more than a new field of academic study and “second-half” clinical skills.²³ Law teachers need to develop curriculum and integrate instructional methods which cause the learning process to be experienced as something far more than a problem-solving discipline (i.e., “thinking” like a lawyer). Students need to experience the whole picture of how the legal profession can be redemptive, motivating practitioners and society as a whole to fully tap personal and interpersonal qualities. To that end, I describe two in-class exercises that enable law students to recognize and correct their gross under-utilization of the gifts brought to legal study and the practice of law: the Updated Personal Statement exercise and the Selection of Team Field Projects. These exercises, along with the clinical skill of critical reflection that is introduced at the same time, provide a pattern for students to follow as they serve as “first-half” redemptive lawyers, improving community life inside the classroom, throughout the law school, and in the neighborhood.

In Part III there is an extended account of how the first scenario opening this article came to pass. The section focuses on illustrating first-half lawyering in action, from clumsy missteps on the part of the students, to amazing personal and social progress on everyone’s part. In overview, an improved lawyer briefcase is required by redemptive lawyering. Conventional law school emphasis on legal debate—i.e., “forcefully argue and plausibly main-

22. See generally John W. Teeter, Jr., *The Daishonin’s Path: Applying Nichiren’s Buddhist Principles to American Legal Education*, 30 MCGEORGE L. REV. 271, 288 (1999) (comparing and encouraging use of Buddhist teachings to inform the teaching of law students).

23. See Lucie E. White, *Pro Bono or Partnership? Rethinking Lawyers’ Public Service Obligations for a New Millennium*, 50 J. LEGAL EDUC. 134, 136-39 (2000) (reporting on innovative, multidisciplinary curriculum at the University of Michigan’s community development clinic as well as at Harvard, Yale and Golden Gate law schools).

tain”—is complemented by interpersonal and group skills collectively referred to as “the two questions” of redemptive lawyering. Repeatedly posing these questions, students actively listen to disparate voices. They learn to tell, retell, and draw out a variety of accounts, weaving together the whole story of community life.²⁴ All the while, they do their best to fully engage and dignify each of the community storytellers.²⁵ Honing their ability to raise “the two questions” in all sorts of settings and with all sorts of people, law students prove by example that they are much more in relation to the law than originally assumed and so, in turn, is everyone else.²⁶

II. GETTING STARTED: CRITICAL REFLECTION

Critical reflection causes us to take stock of how little or much we are making of ourselves. In the study and practice of law, critical reflection makes us ponder where we can take strategic risks outside the normal boundaries of the attorney role to leverage our professional training for the common good. The more it is used, the more critical reflection opens our eyes to see in ourselves and in others reservoirs of promise where we had once assessed meager community-building resources.²⁷ In law, critical reflection challenges us to introduce ourselves and others to a network of talent, multiplying small offerings of time and effort into sustained public partnership, generating results far beyond those we dreamed possible at the outset of our involvement. In the interest of space, I will describe only two foundational in-class exercises in critical reflection used to prepare law students for redemptive lawyering in the field.

A. *Updated Personal Statements*

To introduce law students to critical reflection, I make their own lives the subject of the opening exercise. My hope is that the first class assignment will vividly demonstrate the importance of critical reflection in regaining a more accurate picture of who they are. Anyone who has ever served on a law school admissions committee can tell you how amazingly gifted law students were “back then,” as applicants. In addition to their outstanding academic records in a wide variety of scholarly disciplines (they are typically the cream of the crop of undergraduates), they have collected an impressive assortment of intellectual and interpersonal triumphs (at times as a result of re-

24. See Chang, *supra* note 4, at 142.

25. See Larry Cata Backer, *Culturally Significant Speech: Law, Courts, Society, and Racial Equity*, 21 ARK. L. REV. 845, 867 (1999) (“Bill Gates . . . can, by virtue of his social and economic assets, speak with a culturally amplified voice . . . We pay less attention to a school teacher. We cannot hear a destitute African-American mother at all.”).

26. See, e.g., Gerald P. Lopez, *Lay Lawyering*, 32 UCLA L. REV. 1, 9-11 (1984).

27. See PARKER PALMER, *IN THE COMPANY OF STRANGERS: CHRISTIANS AND THE RENEWAL OF AMERICA'S PUBLIC LIFE* 40-46 (1981).

covering from major personal setbacks). Some of their demonstrated talents are obviously helpful to a law-related career, e.g., achievement in debate, written and oral advocacy. Others are viewed as valuable to the admission committee members because we see them broadening the human intersection of the entering class, e.g., family challenges, cultural struggles, international experiences. Many applicants tell stories of overcoming and transcending seemingly insuperable barriers. Best of all, most of them promise that they will use all these qualities and experiences to make a positive difference in society.

In fact, as I review application files, I often stop and wonder if these prospective law students appreciate how few of their abilities will be redeemed through three years of legal study. Do they have any inkling that despite reflecting on their lives and spending countless hours pulling together their best applicant personae, conventional legal instruction will pay inordinate attention to a particular form of cognitive development, namely "thinking like a lawyer?" But they are not the only victims of the ruse. We admission committee members invest hundreds of hours choosing individuals who, in our minds, will join together to form an optimal learning community—knowing full well that traditional law school instruction impedes community learning!

Why do we persist in this charade? Why do applicants and admissions committees knock themselves out to assemble an embarrassment of riches in the first-year class when we know that traditional law school study lays claim to very little of those riches? Worse still, the isolating, alienating transition to law school causes most students to shut down or clam up.²⁸ Community lawyering, therefore, is introduced to students as an instructional method that puts them back in touch with who they were as applicants, taking full advantage of their individual gifts and combined educational wealth. By impressing this message of liberation and redemption, students learn to tell a story that they will broadcast to outlying neighborhoods. Just as they learned how to actively and constructively protest woeful under-utilization of their talent and to design the better way to run a law school class, so too the community will learn how to rise up and protest the woeful under-utilization of its talent and design better ways to run the city, schools, police, and so on.

But I am getting ahead of myself. Students enrolled in Community Lawyering are in their second-year or third-year of law school and thus begin the course well-versed in giving little of themselves to the learning process. They are experts in remaining at a distance from each other and the course material, keeping most of who they are disconnected from assignments and requirements. Not surprisingly, these students start the semester

28. See Rita Sethi, *Speaking Up! Speaking Out! The Power of Student Speech in Law School Classrooms*, 16 WOMEN'S RTS. L. REP. 61 (1994) (focusing on the silencing of women law students, and using innovative instructional methods to encourage voice among all students).

skeptical but intrigued by the prospect of mounting a grassroots movement to heal the inhumanity of law school. They are amused by a course syllabus that declares that coverage of students will be co-extensive with coverage of academic material. They are captivated by the invitation to fully engage in the seminar in order to establish a pattern of social change among themselves that they will later teach in the streets.

To this end, the first class exercise is to rewrite and update the "personal statement" that accompanied their application to law school. They dust off their essays brimming with idealism and mourn the death of their dreams of social justice. They admit to themselves that they no longer hear the inner voice of the aspiring visionary. Taking stock of themselves, they see budding lawyers who possess powerful written and verbal analytical skills but who are banged-up and shrink-wrapped. They do not for a moment believe that law school cultivates community life—they even find it difficult to remember each other's names!

B. Selection of Team Projects

The follow-up assignment, the selection of field projects, causes students to take stock of the implications of their updated personal statements. If they, highly talented and very assertive people, rolled over and played dead when challenged by law school pressures to conform, why is it surprising that for the most part people outside the law school have acquiesced to the "way it is?" "If I let myself get stuck in a box," students ask themselves, "who else is at risk of being reduced to a narrow subset of their abilities? As I do nothing to positively change the meaning of lawyer intervention, who else out there is performing a public role that is artificially limited? Whose potential for good is wasted because I am failing to set a better example?" Indeed, the painful realization for most students at this point is that limiting development of one's self hurts many others, including relationships within the legal profession and among community members.

Upon completion of the Updated Personal Statement exercise, students agree in principle that they will actively resist being pulled apart into fragments by legal study, and will place all but a few valued legal attributes on the shelf alongside their books. The "Updated Personal Statement" exercise is largely introspective; the real test of their resolve to live as more complete people is when they have to create a redemptive environment among classmates in the seminar. The students take their first step in this regard through the selection of team field projects. This process lasts several classes (and sometimes several weeks) as each student offers a proposal for community intervention. They meet in groups of four or five, shifting in and out of various combinations, and examining each other's ideas and plans. As they brainstorm and clarify alternatives, they test not only the extent of their knowledge of law, understanding of social power and privilege, connections with key resource people, experience with activism, and so on, but more so

their willingness to let their guard down and reveal a deeply held passion for certain people or a certain cause. At this level they engage each other in very difficult conversations on bias, fear, and courage.²⁹ They strengthen their practice of critical reflection in various formats, including short papers written immediately after class and videotaped sessions. They try hard to establish a redemptive environment that helps them venture beyond the safe boundaries of legal analysis—knowing, should they fail to do so, they will not be able to later serve as examples to anyone else.³⁰

Before long the students open up and consider as possible field projects a wide range of intractable, complex problems, e.g., domestic violence, police relations, affordable housing, K-12 education, disability accommodation, affirmative action, etc. As they negotiate to agree on field projects supported by at least three or four others, I increase instructional formats—e.g., in class mediation and negotiation, interviewing of law school students who are not in the class—to see how their practice of critical reflection demonstrates inclusion and enrichment of the contributions of their classmates.³¹ How difficult is it for them to drop the mask of argumentation and resist the temptation to insist on a particular reckoning or rendering of the subject matter?³² Given their unique history with and perspective on these various issues, can they sense their instinctive attempt to pull rank or assert superiority when it comes to asserting a “definitive” understanding of the situation and how best to deal with it? Critical reflection is challenged to the utmost as students account to me and to the class as a whole the progress they are making in appreciating classmates’ different views and assets.

For example, one group of students appeared to be headed in the direction of assisting physically abused women by making protective orders more easily obtainable and more effective in stopping violence. One student in particular was a skillful advocate of this proposal. As the students pressed each other to critically reflect on their collaboration, the team disciplined itself to pursue active listening, hold back criticism, and build on each others’ observations. Finally, they asked themselves: “What more can be done to help abused women in addition to waiting for the legal system to provide

29. See PALMER, *supra* note 27, at 40 (“Strangers meet on common ground . . . [T]he foundation of life together is not the intimacy of friends but the capacity of strangers to share a common territory, common resources, common problems—without ever becoming friends.”).

30. See Janeen Kerper, *Creative Problem Solving vs. The Case Method: A Marvelous Adventure in Which Winnie-the-Pooh Meets Mrs. Palsgraf*, 34 CAL. W. L. REV. 351, 366 (1998) (“Creative problem-solving begins with the assumption of not knowing, a confession of ignorance, a kind of bafflement, and a surrender to curiosity.”).

31. “[T]ruth is a very larger matter, and requires various angles of vision to be seen in the round. It is not that our view is always wrong and the stranger’s always right, but simply that the stranger’s view is different, giving an opportunity to look anew upon familiar things.” PALMER, *supra* note 27, at 58-59.

32. See generally DEBORAH TANNEN, *THE ARGUMENT CULTURE: MOVING FROM DEBATE TO DIALOGUE* (1998) (asserting that the United States is a culture of argument, wherein the dominant belief is that the best results are yielded when an opposition, or ‘sides’, is set up).

protective orders? Before we limit ourselves to traditional, ‘second-half’ lawyering, what is our ‘first-half’ role?”

A new round of mediation and negotiation among the teammates led to further critical reflection on the restricted scope of their earlier proposals. What could we do to stretch the police and prosecutorial systems to intervene sooner? Why not work with those community groups and agencies that equip women and men to do more for themselves and others, individually and in support groups? But why wait until we have reached the stage of injuries and remedies? Why not trace the problem back to available training for mothers and fathers, and make a difference at the source as soon as possible? Why not interview and bring together the family service programs so that they can pool their proactive strengths to correct violent propensities in men and women, the abusers? Once these public actors get together and in turn engage in critical reflection, what will they ask of us as law-trained professionals? Yes, they will be impressed that “future lawyers” took the extraordinary step of identifying their respective services, pulling them into the same room, and guiding them through an agenda reflecting their input and concerns. But given that the overriding message is full redemption, what more will they expect lawyers to do?

III. FROM THE CLASSROOM INTO THE FIELD

A. The Two Questions of Redemptive Lawyering

Upon completion of the two in-class exercises in critical reflection, students understand that law training does not pay attention to—let alone value—the many hats they wear, or the many communities they represent. In terms of aspiration, they see that they have settled for a lesser goal, namely completion of law school requirements and the acquisition of a diploma. As they reclaim more of who they are, they reawaken such ideals as strengthening bonds of trust among neighbors, increasing compassion and hope in families, and pursuing civic virtue among fellow residents.

As we head into the neighborhoods, students are eager to hold themselves out as first-half lawyers, getting involved in community life not simply to offer reactive, problem-centered legal services, but to render proactive leadership on legal and extra-legal matters. They are curious as to what impact it will have when they assert their expansive role and encourage others to join the new story of redemptive lawyering by and through the community. Based on the lengthy conversations they have had en route to selecting team projects, the students can name many individuals and organizations in the public arena who are using too little of their abilities and trying to “fly with one wing.” Students leave the classroom with the aim of replicating critical reflection in the field so that others will learn from their example, finding new resolve to integrate more of their talent, deriving far more benefit from their present investment of themselves in their professional duties,

responsibilities, plans, and efforts. But how do they get others to participate in redemptive lawyering when this new audience has neither read the literature of the seminar nor engaged in class exercises?

For the students to teach critical reflection to others, they must keep it fresh and foremost in their own minds. To this end, the students and I constantly pose the following two questions of redemptive lawyering as we interact with all sorts of people:

Question One: Since I am at risk, who *else* is at risk? The ultimate goal of redemptive lawyering is wholeness of community life in relation to the legal system. Does the public understand that neither lawyers nor lay people can enjoy such wholeness given the status-quo of second-half law practice? To ask ourselves, "Who else is at risk?" is to remind us as lawyers and to warn our audiences of the pernicious overreaching of the legal rights culture. Not only are attorneys in danger of being trapped in the role of second-half problem solvers, they are also at risk of being cubbyholed as "clients" of the legal system. Unless we break free, therefore, from the ruts and routines of public life, unless we find our community voice and call for peacemaking, our social interaction will become a pathology marked by corrupted discourse (e.g., injuries, losses, remedies).

Asking "Who else is at risk?" reminds us that we lawyers are uniquely suited, and thus uniquely responsible, to invigorate the renewal of civic society by reinventing public roles, starting with our new story of living outside the box of traditional lawyering.³³ This first question of redemptive lawyering presumes that we attorneys need to lead by example, offering living proof of emerging wholeness. It challenges us to tell a compelling story to the surrounding city of how we were once trapped in "second-half" law practice, but are now prepared to intervene and provide public leadership both on pending legal matters and extra-legal issues. If we attorneys, pressured as we are by convention to intervene reactively, are willing to show up far sooner than would be customary to offer wide-ranging legal services and public leadership, will not others join the story, reintroducing themselves as integrative public actors? If so, have we prepared *them* to ask of themselves and their fellow workers and clients, "As I am at risk, who else is at risk?"

Finally, asking "Who else is at risk" prompts us to investigate who is missing from the table of public dialogue. Who still needs to be invited, or included? Of those who are present, who is being cast in such a light that most of who they are is hidden? How can we better account for and redeem the value of our network of talent?

Question Two: Given our current description of the issue, what *more* is at stake? This query forces us to investigate what is missing when we "think like a lawyer." Legal education teaches us to analyze human events as legal

33. See Anthony T. Kronman, *Our Beleaguered Public World*, 49 J. LEGAL. EDUC. 50, 51 (1999) ("The world of public things—the *res publica*—is the environment in which lawyers do everything they do. . . .When the public world shrinks, or becomes polluted, the life of our profession is threatened. . . .").

claims and to translate human voices into legal pleadings, giving us inordinate control directly over the client and indirectly over many lives. As we answer “Who else is at risk?” and new community voices are added to the exchange—both in terms of newly discovered dimensions of the people already involved, as well as in terms of recruiting new people—we see the absurdity of arguing for one, partisan outcome. To ask, “What more is at stake,” is to question what more the community expects from its talents than simply compromising claims to make the latest difficulty go away.

How can the parties move past solving their current issue, or issues, to pursue consensus building and public partnership?³⁴ By answering “What more is at stake,” redemptive lawyering forms networks of talent, diverse partnerships that stretch and challenge conventional interaction among agencies, services and neighborhood activities. It capitalizes upon newfound synergy and achieves greater yields from current investment of time and effort. In so doing, redemptive lawyering generates new possibilities for the whole community—attorneys and non-attorneys alike, public officials and other citizenry—to grow ourselves into full persons and neighborhoods. It pursues a vision of inexhaustible creativity, goodwill and resources found in all of us when working interdependently. The second question calls upon us to be creative in our response to tough issues, to take greater advantage of our present public commitments and social roles—both those that result from formal or professional membership as well as those that emerge from casual associations.

As the first question prodded students to teach critical reflection in the field, so too does the second question prompt students to teach others how to broaden one’s perspectives to see what more is at stake. Replicating their experience when they selected team field projects, the students help others practice such skills as active listening, facilitation, mediation, negotiation, and inclusive public dialogue. Students arrange public forums for diverse views to be expressed constructively and productively. Intervening as first-half lawyers, the students help the community appreciate all sides of a shared concern, recognizing and valuing different experiences and perceptions. Acting as mentors, students teach stakeholders to raise the question, “What more is at stake,” thereby increasing—indeed, multiplying—public participation in the diagnosis and resolution of controversy. The community becomes adept at unpacking its concerns as a mix of legal and extra-legal interests.³⁵

A corollary of the second question is, “Once the network of talent is

34. See Lucie E. White, *Pro Bono or Partnership? Rethinking Lawyers’ Public Service Obligations for a New Millennium*, 50 J. LEGAL EDUC. 134, 137-38 (2000).

35. See Zenobia Lai Andrew Leong Chi Chi, Wu, *The Lessons Of The Parcel C Struggle: Reflections On Community Lawyering*, 6 ASIAN PAC. AM. L.J. 1,1 (2000) (“By adopting innovative strategies such as community referendum, community traffic analysis, and a community Recreation Day to take back the land, community lawyers can encourage ordinary people to participate in and feel ownership of the struggle.”).

formed, how does it generate synergistic relationships that meet and exceed the outcomes of law and lawyers?" To pose this question is to discuss with the parties why so many interpersonal and organizational differences are being processed as lawsuits. Are there opportunities to build social capital in our local folkways and informal structures that might render the formal legal system inferior and unnecessary?³⁶ How can we educe new community-building resources from our memberships in a host of organizations? How can we do so with the goal of advancing community wholeness in relation to the legal system, taking corrective action to repel the intrusive reach of law? How can we form a network of talent that heals the body politic, sending into remission the growing cancer of law as a primary or preferential option for sorting out divergent social claims and policy debates?

Taken together, the questions of redemptive lawyering motivate attorneys to work alongside the community to transform the relationship of people to law and lawyers. They challenge us to do more to offer first-half legal services that are not simply "in" the community, which too often serves to reinforce the attorneys' hoarding of expertise. Nor should these services simply be "for" the people, which too often serves to reinforce dependency and disempowerment. Rather, such legal services must be provided by and through networks of public partnerships.³⁷

B. Testing the Questions in the Field: Antonio's Story

Some of the law students were incredulous; others were outraged. Here we were, the twenty-four students in Community Lawyering and myself, meeting with Antonio, a leader of the Latino migrant farm workers in "South County," and various other community leaders, including representatives of the county's Multicultural Subcommittee, as well as city leaders and a police sergeant. Antonio had agreed to share some of his time to give us an overview of the many issues faced by the Latino field hands.³⁸ Between the time I set up the meeting with Antonio and the day we convened at the local United Way office, however, Antonio had endured a harrowing first-hand experience of police misconduct.

A few days before our meeting Antonio had driven an injured worker to the local hospital for medical treatment. On the way back to the farm, he could see that he was being followed by a county sheriff but thought little of it. Suddenly, just as Antonio was about to drop off the worker, the police of-

36. See Martha Minow, *Law and Social Change*, 62 MO. L. REV. 171, 175 (1993) ("The relationship between law and social change is found, inter alia, in the alternative regimes established by 'the concerted voluntary efforts by and on behalf of disenfranchised people to create services and programs denied to them by the formal legal system.'"). See also Karen L. Loewy, *Lawyering For Social Change*, 27 FORDHAM URB. L. J. 1869, 1876-80 (2000).

37. See Ann Southworth, *Taking the Lawyer Out of Progressive Lawyering*, 46 STAN. L. REV. 213, 230-32 (1993).

38. Actually, Antonio and I had looked forward to the meeting with the hope that some law students might turn some of those issues into a team field project—but more on that later.

ficer pulled his patrol car onto the employer's property right behind Antonio's car and started flashing the emergency lights. Antonio knew enough to direct his passenger to remain calm and wait for the officer to come to the driver-side window. Antonio asked why the officer had trailed him for a good while before deciding to stop him in this way. The officer did not respond to the question but informed Antonio that one of the taillights was broken and asked for Antonio's driver license. Antonio took out his wallet and began to search among the credit cards and other documents for his driver license. As he did so, the officer noticed two immigration cards and immediately suspected that Antonio was trafficking in forged immigration documents.³⁹ He shouted at Antonio to give him the two immigration cards "or else." Antonio replied, "But you said that you wanted my driver license and I am about to hand it to you." Coincidental with this response, three other farm workers emerged from the bunk house and, according to their account, were headed to the processing plant. But to the officer it appeared he was being surrounded and, feeling threatened, pulled his gun, pointed it at Antonio, fingered the trigger and screamed, "If you do not give me those documents I will shoot you. You have placed my life in danger."

Fortunately for everyone, a back-up police car appeared and the officer in that car immediately alerted the pistol-wielding officer that Antonio was a well-liked and well-trusted member of the community. After all parties calmed down, the officer who made the stop apologized to Antonio for "overreacting."

Antonio was visibly shaken as he told his story. He started from a seated position and stood up and moved about the room, gesticulating to emphasize his points. He confided that he was "scared to death" when the officer pointed the gun at him and fingered the trigger, "wondering if I would ever see my wife and kids again." The look on the faces of the twenty-four students revealed a mixture of horror, sadness, pity, anger, disbelief, and disgust. They were deeply moved and all wanted to speak to Antonio's plight.⁴⁰

It became clear that the students' transition from classroom to fieldwork would not be easy. It rarely is. No matter how much critical reflection we practice in the laboratory of the law school, no matter how much we rehearse the two questions of redemptive lawyering among ourselves, "second-half"

39. The two immigration permanent resident cards ("green cards") belonged to Antonio and his wife.

40. See Ascanio Piomelli, *Appreciating Collaborative Lawyering*, 6 CLINICAL L. REV. 427, 429 (2000):

'What do I do now?' is a question we ask ourselves [in the Community Law Project] dozens, if not hundreds, of times a day. Sometimes, as it did for me on that Friday in June 1988, the question reflects our bewilderment or uncertainty. Other times, it merely entails a search for a sequence in which to undertake easily identifiable tasks. And perhaps most often, the question is a barely perceptible murmur in our heads that precedes our formulation or pursuit of a course of action.

(footnotes omitted).

training and conditioning is very deeply ingrained and typically asserts itself at the initial stages of community intervention.⁴¹ In responding to Antonio's cry for help, they did not critically reflect on the attorney's tendency to use painful circumstances as a showcase for their "superior" intelligence and legal egos.⁴² Thus, some students reacted at once, screaming for revenge: "We should do everything we can to get that cop fired," remarked one student. Others desired a huge damage settlement for Antonio in the name of community organizing: "We can force the county to pay so large a sum that the word will spread and encourage other farm workers to step forward and tell their story," asserted another student. Finally, one of the students piped up with the suggestion that we pose the two questions of redemptive lawyering and assess our timing and purpose in this matter. But then, ironically, the student proceeded to lecture us on the right way to proceed ("If we have a potluck and raise the two questions during the meal, we can get a crowd to the next meeting of the county commission and demand that an agenda of items be addressed. Believe me, this will work."). He ended up intimidating and subordinating his audience, presenting his "help" in an even poorer light than the one he hoped to avoid.⁴³

At this point some of the law students were shaking their heads in consternation and confusion—is this redemptive lawyering?⁴⁴ Others were still furious over Antonio's tale of police misconduct. But the confusion and fury turned to outright shock when Antonio explained that he knew he had the option of retaining legal counsel, but that he wanted to avoid turning his pain into one more law case. He said he wanted something new, not something old. He said that what mattered most to him was a new story of multicultural community-building among the growing Latino farm worker community and the long-time residents—and that he did not trust traditional lawyers to tell it. Antonio made plain that what happened to him as a consequence of the officer's cultural incompetence was repeated daily not only in police encounters but also at schools, hospitals, job sites, stores and virtually everywhere else in the county. How would a large money settlement, or the termi-

41. See generally GERALD LOPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* (1992) (describing how the rebellious lawyer will often come up against skepticism and bewilderment from other involved attorneys whose idea of problem solving does not coincide with that of the rebellious lawyer, and who tend to want to focus on their own special area of law, i.e. that area of law they are most comfortable with).

42. See Anthony V. Alfieri, *Practicing Community*, 107 *HARV. L. REV.* 1747, 1750-51 (1994) ("[I] harbor little faith in the ability of progressive lawyers to redeem community in their individual and collective meetings with subordinated clients. All too often, lawyers exploit these valuable encounters to advance personal moral and political agendas. In carrying out their own agendas, progressive lawyers give too little and take too much.").

43. See *id.*

44. See *id.* at 1748-49 ("I believe that we can partially decipher the meaning of people's acts, contingent on the epistemic, interpretive, and linguistic stance of both participants in and observers of those acts. Lawyers are both participants and observers; their acts of knowing, interpreting, reading, writing, and speaking construct as well as witness the construction of meaning.").

nation of one officer's employment, equip both farm worker and public officials with the necessary cultural competence to improve community life in those other situations? As Antonio saw it, the "answer" was not in the legal system but in the form of a new direction of mutual accountability—and that redemptive lawyers were needed to move stakeholders down that road.

Then Antonio let the students in on a secret—he was not a stranger to me or to redemptive lawyering. We had worked together recently in the planning and staging of a county-wide community meeting which specifically targeted ethnic and racial groups. In late 1998, a crowd of approximately 300 people, consisting of public officials, community leaders and interested folks, gathered to discuss difficult social issues using an inter-agency, multi-disciplinary approach. School safety, immigration, health care, employment, police relations, housing, the criminal justice system, and other concerns were addressed by pooling the insights of responsible officials and stakeholders of color. Through this experience, Antonio understood that his advocacy on behalf of migrant farm workers needed to not only solve problems or advance narrow legal claims but also to craft ongoing partnerships and networks of talents. Little did he imagine that within months of the community meeting he would find himself looking down the barrel of a police officer's firearm.

Antonio's perspective humbled the law students and left them feeling uncomfortable and a tad embarrassed. Was it not supposed to be the other way around? Were they not supposed to be the ones who jumpstarted a public dialogue that asked, "Who else is at risk, what more is at stake, and how to exceed?" Yet Antonio had emerged as their teacher in redemptive lawyering. Then it struck them: Antonio had proven the readiness of community activists and public leaders to deal with misfortune in a way that would make official roles more inclusive and effective, increasing meaningful participation in education, health care, employment, immigration, and other democratic systems.

The field experience with Antonio changed the way the students understood the study and practice of law as no class hour could have. Antonio helped them see that immigrant farm workers had been sold short not just by society in general, but by lawyers in particular. Why settle for solving a problem, he wondered, when lawyers can do so much more to rectify exclusion and power imbalance? He challenged them to ask how far they were willing to go to handle the dream of his people, something far more precious than handling a law case, even if that case corrected certain police misconduct.

For five of the students, their resolve took the form of a field project to act on what Antonio taught them. They were determined to go far outside the box of "attorney" to intervene with a new sense of timing and purpose: they would change the relationship between the legal system and immigrant Latino farm workers, with the aim of teaching the whole county a new perspective—and to become a new people. To this end the students decided that they

would offer the value of legal rules to Spanish-speaking residents while at the same time challenging them to engage in critical reflection, asking themselves to take stock of their abilities to overcome exclusion from democracy. As the students asked, "Who else is at risk," they investigated current outreach into the Spanish-speaking community and realized that teachers of classes in English as a Second Language (ESL) were looking for new ways to draw out even more of the Latino community. Working alongside these teachers, the students assembled meetings of university personnel (especially faculty and undergraduates in the Spanish department, many of whom were intrigued by law students leading them out to service-learning projects) and other campus resources, city workers, agency representatives and the police. Continuing to ask "Who else is at risk?" and "What more is at stake," the students retold Antonio's story and conveyed the larger meaning of his near-death experience. Keeping in mind Antonio's commitment to telling a new story, the diverse parties planned a ten week ESL class that taught legal seminars in immigration, driving laws, work rules, and they gave integrated presentations in health care, education, parenting, budgeting, and other areas of acculturation. The ESL students were introduced to various community representatives, and were provided with opportunities to stay involved. From their weekly meetings at the ESL class, the parties decided it was worth meeting to plan other community efforts. They called their group the Community Relations Council.

Although there are many worthy examples of how students in the field raised and addressed the third question of redemptive lawyering—how can we exceed the objectives of law and lawyers?—perhaps as revealing as any is that of the students helping police officers gain the trust of the Latino immigrant community. To make progress in this regard, the students worked with the police to become part of the ESL class. The law students, leading by example, urged the police officers to step outside their professional customs in order to see a new timing and purpose in their role and, in so doing, to hear the people in a new way. Acting as mediators, the students facilitated rich exchanges between the ESL students and the officers and prodded both sides to critically reflect on their potential to heal mistrust. As the involved parties emulated the students and asked the two questions of redemptive lawyering, the students observed positive changes in the officer-Latino relationship. Perhaps most impressive was that the stakeholders appreciated how rich and complex their narrative is, and therefore how corrupted it can become by the distorted overlay of legal charges and counter-charges. Instead of accusing each other of legal violations and pointing out what other's wrongs, the parties learned to accept responsibility to avoid defensive posturing in favor of public partnership.

IV. CONCLUSION⁴⁵

“Redeem the time.”⁴⁶

There is no escaping the urgent need to address the alienation most Americans feel in relation to the legal system in general and lawyers in particular. We are roundly ridiculed in the American press and held in popular disdain.⁴⁷ The biggest reason for this is that we promise so much as legal professionals and satisfy so little. Instead, it dawns on most Americans that the legal system is designed to generate business for attorneys, not improve democratic engagement of everyday people. They see lawyers running the monopoly that capitalizes on life’s breakdowns, selling the necessary repairs at prohibitively expensive prices, but rarely delivering the product that clients paid for so dearly with time and treasure.⁴⁸ The leaders of the profession, both within the bar and in the world of legal education, have formulated a simplistic solution, calling for more attorneys to donate professional services not only to the poor, but also to the middle class who also find legal services financially out of reach.⁴⁹ Increasing the supply of volunteer legal services will not alter America’s disaffection with attorneys.⁵⁰ Such an answer avoids the real problem—the over-promising and under-delivery that is endemic to the legal system—and suggests naively there are just not enough lawyers taking cases without financial compensation.

45. See Silecchia, *supra* note 14, at 179 (“Spirituality may be described in many varied ways. Viewed broadly, it entails a way of defining and pursuing truth beyond oneself that is more important than the individual, giving the individual’s actions meaning and purpose in a larger context.”).

46. *Ephesians* 5:16a

47. See, e.g., Marvin E. Aspen, *The Search for Renewed Civility in Litigation*, 28 VAL. U. L. REV. 513, 513 (1994) (“These are troubled times for lawyers . . . [L]awyer bashing has become our new national pastime.”); Geoffrey C. Hazard, Jr., *The Future of Legal Ethics*, 100 YALE L.J. 1239, 1239-40 (1991) (“Dissatisfaction with lawyers is a chronic grievance, and inspires periodic calls for reform. Nevertheless, the contemporary problems of the American legal profession seem to run deeper than in the past. . . . Yet the public, and perhaps the profession itself, seem increasingly convinced that lawyers are simply a plague on society.”) (footnotes omitted).

48. See Michael L. Perlin, *A Law of Healing*, 68 U. CIN. L. REV. 407, 410-11 (2000):

The legal profession has been stereotyped as ‘incompetent and unethical’ for decades. Lawyers are criticized for being too aggressive, too ‘Rambo’- like, too willing to exacerbate wounds and disrupt relationships, not sufficiently public-minded and lacking a sense of social responsibility, ‘symbols of everything crass and dishonorable in American public life,’ and, in my favorite metaphor, ‘devil[s] in pin-stripe suits.’

(footnotes omitted).

49. See generally LEARNING TO SERVE: THE FINDINGS AND PROPOSALS OF THE AALS COMMISSION ON PRO BONO AND PUBLIC SERVICE OPPORTUNITIES (Washington 1999).

50. See Edward D. Re, *The Causes of Popular Dissatisfaction with the Legal Profession*, 68 ST. JOHN’S L. REV. 85 (1994).

All law schools should be duty bound to teach creative ways that lawyers can employ to *decrease* the demand for legal services—e.g., by getting involved beforehand and practicing redemptive lawyering, thereby helping the people themselves construct inexpensive, user-friendly methods for consensus building as the first option.⁵¹ My seminar in community lawyering is hardly the only or best way to decrease the demand. But, it is designed to persuade the public that attorneys—as helpful as we are when necessary—are serving in too many situations where we hurt more than help. It seeks to show law students why “thinking like a lawyer” does not do them justice and therefore falls short of delivering justice to anyone else. Driven by the motivation to redeem the attorney as a whole person in order to serve as an example to others, the seminar encourages students—as future lawyers—to preach the good news that people can look within themselves and do justice to their concerns far more than they presently believe. This depends, however, on the lawyer intervening at a time when the community can have as much to say as the attorney, a time when the people can still play a key role in turning the law into a secondary option for reconciling differences, to be invoked only when the community’s first option fails—i.e., when local groups and agencies have exhausted their capacity to listen, reflect, facilitate, mediate, and negotiate divergent views.

As more law practitioners choose to intervene sooner and exercise the necessary skills to redeem themselves and their communities, the attorney role will become known as a key source of social leavening. As a refreshing alternative to a lawyer’s typical “second-half” remaking of people into “hell-raisers,” who use the law narrowly to take sides and find fault, we will become adept at using the law as a new democratic opportunity, bringing out the best in people, enlisting them in community-building, peacemaking and “heaven-raising.” Representing the “first half” of the attorney’s role, redemptive lawyers will be warmly welcomed, not just for their expertise to resolve isolated problems, but also for their talent in recruiting others to dissolve barriers to full participation in democracy.⁵²

51. See Alan W. Houseman, *Civil Legal Assistance for the Twenty-First Century: Achieving Equal Justice for All*, 17 YALE L. & POL’Y REV. 369, 429-30 (1998); Colloquium, *Equal Access to Civil Justice: Pursuing Solutions Beyond the Legal Profession*, 17 YALE L. & POL’Y REV. 489, 494-97 (1998).

52. See R. Gregory Bourne, *Community Problem-solving and the Challenge of American Democracy*, 88 NAT’L CIVIC REV. 211, 213 (1999) (“We need to see that the issues our communities face are common throughout the nation and deal with them together rather than separately.”).

