Social Change Lawyering and Community Group Advocacy Clinic
Spring 2012 Syllabus

Professor Ascanio Piomelli
Mondays and Wednesdays 1:10 - 3:20 p.m.

COURSE OVERVIEW

The Social Change Lawyering and Community Group Advocacy Clinic builds on many themes of the CJC 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 thwart, 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 8:00 p.m. The field notes should include: a detailed description of what your team did that week on your project and 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; a summary 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 at least 5 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.

Your first field notes are due on Tuesday January 17th. These first notes – which should be written individually, rather than as a team – should include a discussion of your goals and expectations for the course and your initial impressions and expectations for your placement (perhaps largely based on project descriptions and written materials).

The field notes due Sunday, February 5th, 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 4th, 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 seminar discussion, 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 role-playing anticipated or recently undertaken activities. Role plays 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 role plays will require you to enlist and prepare classmates ahead of time to play other roles.) Topics might include: interviewing group members; putting on an educational workshop; presenting an argument to a public official or legislative aide; facilitating a focus group; or participating in or leading a community meeting. Role plays 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 role plays.

Field Work and Office Hours

Your field placements will begin the week of January 9th and last through Friday April 20th. 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 field work (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 your placement. 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 role plays. Sixty percent (60%) 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. Ten percent (10%) of your grade will 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 9th**  
   **Setting Expectations**  
   ■ Excerpts from Abby Sullivan and Blair Sanders’s “Final Memorandum” reviewing their Spring 2008 semester’s project with the ILRC to encourage service providers to incorporate voter outreach and education into their work *(electronic handout)*;  
   ■ Excerpts from Anna Kirsch and Keith Ogden’s weekly field notes from their Spring 2010 work with the California Domestic Workers Coalition to promote a Domestic Workers Employment Bill of Rights *(electronic handout)*.  
   Film: *So Goes A Nation: Lawyers & Communities*.

2. **Wednesday, January 11th**  
   **Lawyers and Group Work: Competing Visions**  

   Monday, January 16th - no class (Martin Luther King Jr. Day)

3. **Wednesday, January 18th**  
   **The Rebellious-Regnant Dichotomy**  
   ■ Excerpts from JOHN P. KREITZMAN & JOHN L. MCKNIGHT, *BUILDING COMMUNITIES FROM THE INSIDE OUT: A PATH TOWARD FINDING AND MOBILIZING A COMMUNITY’S ASSETS* 1-10, 13-14 *(Reader 59-64)*.  
   *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. **Monday, January 23rd**  
   **Lawyers, Organizers, and Social Change**  
5. Wednesday, January 25th
“Movement Lawyers” and the Uses of Litigation
■ Excerpts from ARTHUR KINIOY, RIGHTS ON TRIAL: THE ODYSSEY OF A PEOPLE’S LAWYER 50-83, 151-153, 156-161 (1983) (Reader 99-120);
Film: The Life and Times of Arthur Kinoy.

Part II - Persuasive Strategies

6. Monday, January 30th
The Full Array of Persuasive Strategies and Tactics
■ The Powell Memorandum (Reader 121-128);
■ Executive Summary and Introduction of ALLIANCE FOR JUSTICE, JUSTICE FOR SALE: SHORTCHANGING THE PUBLIC INTEREST FOR PRIVATE GAIN (1993) i-iii, 1-8 (Reader 129-139);

7. Wednesday, February 1st
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) (Reader 165-177);

8. Monday, February 6th
Rounds & Role Plays

9. Wednesday, February 8th
Community Organizing/Mobilizing I-A: Introduction
■ LEE STAPLES, “‘Power to the People’: Basic Organizing Philosophy and Goals,” in ROOTS TO POWER: A MANUAL FOR GRASSROOTS ORGANIZING (1st ed. 1984) 1-14 (Reader 194-201);
■ Excerpts from Scott L. Cummings & Ingrid V. Eagly, A Critical Reflection on Law and Organizing, 48 UCLA L. REV. 443, 460-65, 480-83 (2001) (Reader 205-208);
Community Organizing/Mobilizing I-B: The ACORN/NWRO Approach
■ Gary Delgado, “The ACORN Model,” Chapter 4 of ORGANIZING THE MOVEMENT: THE ROOTS AND GROWTH OF ACORN (1986) 63-77, 80-90 (Reader 209-222);
■ Lawrence Bailis, “The ‘Boston Model’ for Grassroots Organizing” and “Difficulties in Local Group Maintenance,” Chapter 3 and 4 of BREAD OR JUSTICE (Reader 223-252);

10. Monday, February 13th
Community Organizing/Mobilizing II: The post-Alinsky IAF Approach
■ Excerpt from PAUL OSTERMAN, GATHERING POWER: THE FUTURE OF PROGRESSIVE POLITICS IN AMERICA 1-6, 18-31, 35-87 (2002) (Reader 273-310);
■ Noelle McAfee, Relationship and Power: An Interview with Ernesto Cortes, Jr. (1993) (handout);
11. Wednesday, February 15th
Community Organizing/Mobilizing III: The Los Angeles Bus Riders Union

Thursday, February 16th (a constructive Monday) – No Class

Monday, February 20th - no class (Presidents' Day)

12. Wednesday, February 22nd
Community Legal Education
- Excerpt from Ingrid V. Eagley, Community Education: Creating a New Vision of Legal Services, 4 CLIN. L. REV. 433, 448-84 (1998) (Reader 345-363);
- Susan S. Bowyer & Maria C. Rodriguez, “Group Work, Lay Advocates and Latino Immigrants in East Palo Alto” (1992) (Reader 364-393);

13. Monday, February 27th
Rounds and Role Plays

14. Wednesday, February 29th
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 (Reader 521-527);
- Sharon Parker, Understanding Coalition, 43 STAN. L. REV. 1193 (1991) (Reader 528-529);
- Maivân Clech Lâm, Feeling Foreign in Feminism, 19 SIGNS: JOURNAL OF WOMEN IN CULTURE AND SOCIETY 865 (1994) (Reader 530-543);

March 5th-9th Spring Break

15. Monday, March 12th
Lobbying
- Excerpts from ALAN ROSENTHAL, THE THIRD HOUSE: LOBBYISTS AND LOBBYING IN THE STATES 1-8, 112-126, 149-172 (Reader 588-618);
16. Wednesday, March 14th  
**Using the Media**  
- Excerpts from ROBERT BRAY: SPIN WORKS!: A MEDIA GUIDEBOOK FOR COMMUNICATING VALUES AND SHAPING OPINION 12-29, 38-39, 44-75 (2000) (Reader 562-587);  

17. Monday, March 19th  
**Class Action Litigation and Class Conflicts**  
- Federal Rules of Civil Procedure, Rule 23 - Class Actions (Reader 394-395);  
- Derrick Bell, *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, 85 YALE L.J. 470 (1976) (Reader 423-446);  
- David Luban, “Client Control: Class Conflicts” (Chapter 15 of LAWYERS AND JUSTICE: AN ETHICAL STUDY) (Reader 447-455).

18. Wednesday, March 21st  
**Litigation as Part of a Larger Strategy**  
- Rounds & Role Plays

**Part III - Reconsidering Social-Change Lawyers' Roles**

19. Monday, March 26th  
**A Participatory Democratic Conceptualization of Social-Change Lawyering**  

20. Wednesday, March 28th  
**Rounds and Role Plays**

21. Monday, April 2nd  
**Reflections on the Creation and Evolution of the Workplace Project**  

22. Wednesday, April 4th  
**Rounds and Role Plays**

23. Monday, April 9th  
**Envisioning Your Own Social-Change Practice**  
- Descriptions (2-pages, single-spaced) by each class member of the social-change practice that you would ideally found or join.  
24. Wednesday, April 11th
Rounds and Role Plays

25. Monday, April 16th
Final Rounds and Class Lunch