

Community-Oriented Problem Solving – Moving Beyond Access

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One of the
challenges
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What is community lawyering? More and more equal justice advocates are considering that question.

Community lawyering is not a new concept. The approach has been called First-Half Lawyering, Community Justice Lawyering, Holistic Advocacy, Visionary Law, and Restorative Justice and more.

One excerpt from a working definition being developed by the New England Training Consortium provides some insight:

"Community lawyering refers to a wide range of community building and advocacy-related activities through which legal aid advocates contribute their legal knowledge and skills to support community-identified change initiatives which return power to the community and support lasting changes that bring about social justice."

There is no one definition. But from the many practitioners, trainers and advocates pursuing and developing this approach, several principles emerge.

Community lawyers:

- Are committed to community participation and engage in activities that build community assets and strengths to address their overall social and economic conditions;
- Flexibly employ a wide variety of strategies – media, policy, outreach, transactional approaches and litigation – to advance community goals and build the capacity of communities to negotiate on their own terms with the powers that be;
- Work with communities and organized community groups to encourage input and guidance, and promote self-determination;
- Focus on root causes – including structural inequality and the roles of race and ethnicity;
- Build coalitions across diverse cultur-

al groups, community groups and advocacy organizations;

- Work as partners and co-leaders (or followers) with community groups, listening and learning from community expertise; and
- Think "outside of the box."

Elena Popp of the Legal Aid Foundation of Los Angeles offered the following evaluative tool to determine if an activity is "community lawyering." She asked, "Does the activity of the lawyer promote self-determination – vision, leadership and direction from the community? Does the activity increase economic resources – money, housing, jobs, services? Does the activity increase community power? Is the activity a true collaboration?"

Community-Oriented Problem Solving was a Focus of the Equal Justice Conference

Legal aid attorneys, pro bono coordinators, civil rights advocates, paralegals and others came together at the Equal Justice Conference in Portland, Oregon, for two intensive sessions to consider and learn about community-oriented problem solving.

The two sessions: "A Community-Oriented Problem Solving Pre-Conference" and "Moving Beyond Access: How Community-Based Problem Solving Can Help Achieve Significant Outcomes for Our Clients" – were organized by Tanya Neiman, Volunteer Legal Services Program of the San Francisco Bar Association; Camille Holmes, NLADA/GLASP Project for the Future of Equal Justice; M. Aurora Vasquez, The Advancement Project; and Zenobia Lai, Greater Boston Legal Services and a member of the Community Lawyering Design Team of the New England Training Consortium.

Panelists and participants discussed the concept of community lawyering including specific examples of how com-

munity oriented problem solving approaches advance social justice for community members and community groups. Some examples:

- Ross Dolloff reported that his staff at Neighborhood Legal Services (NLS) in Lynn, Massachusetts, began working with a group of community members concerned about losing one of two local hospitals. NLS served as their "general counsel" as the community group developed into a sophisticated community health organization with deep knowledge of the health needs of the surrounding area. The group became the decisive voice at the table when the remaining hospital was slated for merger, weighed in heavily during the selection process for a merger partner and the structuring of health services for the area. The organization received millions of dollars to support its continued role in preserving community health. The "general counsel" role emphasized the success of the organization and ranged from administrative support to strategy development to traditional corporate representation over a period of several years.
- Anita Santos-Singh, executive director of Philadelphia Legal Assistance Center, discussed how their newly implemented Pennsylvania Farmworker Project (PFP) partnered with the local pro bono program, Philadelphia Volunteers for the Indigent Program, to create a Low Income Tax Clinic. When mushroom workers in the targeted service area asked PFP attorneys for assistance with tax controversies rather than the expected employment and housing issues, the program developed an innovative partnership to meet the need. Responding immediately to the community's priority needs built trust in a community unfamiliar with the PFP. The agency became a trusted

continued on page 15

community partner and now provides a wide range of services to the community.

- M. Aurora Vasquez described the Advancement Project's work with a Latino community organization in Memphis, Tennessee. With Advancement Project's help, the group has developed a sophisticated message describing their concerns and proposed solutions and a professionally produced statement for distribution. The community is now constructively engaging the city to obtain Spanish-speaking 911 operators and police

effort rebounded to successfully save the funding.

An interactive agenda in "Moving Beyond Access" explored the benefits and how-to's of community problem solving. The executive directors emphasized the importance of supporting advocates who are creating innovative solutions to community problems. Community involvement is highly encouraged and supported in their programs (and sometimes required).

Dolloff discussed the importance of helping communities understand relational power — power based on personal relationships and experiences or "people power." A broad circle of people who know each other well and share

to both teach and learn. With that approach, trust can be developed, community expertise can be discovered and supported and information is more likely to be shared. It is often critical to learn what kinds of complicated historical relationships inform community concerns and existing partnerships and may affect potential solutions.

Centro Shalom, a faith based social services organization, supports people in crisis in the Long Beach California community. Executive Director Amelia Nieto praised the Legal Aid Foundation of Los Angeles, her local legal services program, for providing training and support that allowed Centro Shalom to handle straightforward paperwork relating to evictions and other emergencies and to



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service for the emerging Latino population in that city.

- Elena Popp recounted a significant policy effort led by tenant groups. She noted that one of the most important roles of the lawyers initially was to keep silent during community meetings so that the lawyers would not dominate the conversation. By working as technical advisors following the instructions of their knowledgeable community clients, tenants created a truly community led effort and a community-driven decision making process supported by legal expertise as one of the many important elements. The process resulted in the adoption of national legislation to preserve federally assisted housing. When the housing preservation funding was threatened, the community

common goals provides a solid base for identifying problems in the community and building relational power that can be sustained in a community organization. Dollof helps his community clients translate problems into issues. By helping a community group identify the parts of the problem that are solvable and reduce those parts to actionable issues, the community lawyer provides strategic and legal advice that allows communities to achieve social justice and build community institutions.

One of the challenges and opportunities faced by lawyers serving communities is building trust among community members and working with both organizers and organizations. Zenobia Lai, of Greater Boston Legal Services, encouraged advocates to approach potential community partners with humility, cultural competency, patience and a willingness

spot issues that required the advice of a lawyer, maximizing the range of legal services available to the client community. Centro Shalom, which accepts no federal dollars, has become a strong voice supporting legal aid, especially when funding cuts are threatened. When advocates asked how to determine who to work with in a community, Nieto suggested that advocates ask their clients what organizations and leaders they trust.

Resources

Are you interested in community lawyering? There are resources available to you. Several organizations are developing resources, expertise and training materials to support advocates efforts to work more effectively and authentically

continued on page 17

attorney is currently reviewing his files to identify cases as far back as 1992 in which DNA evidence produced the HPD laboratory figured in a conviction. So far prosecutors have ordered retesting in the cases of 68 prisoners, 17 of whom are on death row.

Many more retests may be needed. In some of the most problematic cases retesting may be impossible, however, because the HPD inappropriately consumed all of the evidence in the first round of DNA testing.

The Texas state legislature has held a series of hearings to find out what went wrong with the Houston lab, and what might be done about it. One obvious factor is the dysfunctional nature of the criminal justice system in Houston, where court appointed defense attorneys have found it difficult even to obtain copies of laboratory reports before trial, and rarely are able to have independent experts review the underlying laboratory work.

According to a recent New York Times story, Timothy Fallon, director of the Bexar County crime laboratory in San Antonio, told a committee of the Texas Legislature this month that there was only one way to assure the integrity of DNA testing by laboratories. "Resources must be made available to criminal defense attorneys," he said. "If you want the best crime lab, you need to have the best criminal defense attorneys to challenge us."

It remains to be seen whether the Texas legislators will take this advice to heart.

For more information on the Houston laboratory problems, see the NLADA Forensics Library at www.nlada.org/Defender. ♦

William C. Thompson is a professor in the Department of Criminology, Law & Society at the University of California, Irvine. A lawyer and an expert on scientific evidence, he is the recipient of a grant from the Gideon Project of the Open Society Institute (a branch of the Soros Foundation) to study ways to help criminal defense lawyers deal more effectively with scientific evidence. He is the creator and manager of the Forensics Library for public defenders, available on the NLADA Web site. ♦

with community people and groups. Many of those resources are referenced, in this article.

The Community Justice Resource Center at the Advancement Project provides information on funding sources, civil rights data, reference publications and much more. For more information, contact cjrc@advancementproject.org or go to their Web site at www.advancementproject.org.

The New England Training Consortium is developing training materials that break down the elements of the community lawyering to teachable segments emphasizing specific community lawyering skills. For more information, contact Ellen Hemley at ehemley@mlri.org.

The OSI Community Oriented Problem Solving Working Group spans all segments of the justice system including courts, prosecutors, defenders, legal aid advocates, law schools and others. This group, including some of the session organizers and participants, is working to build an

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infrastructure that can support and advance a community oriented problem solving approach to working on social justice issues. For more information, contact Tanya Neiman through her assistant Cari Napoles at cnapoles@sfbar.org.

The Project for the Future of Equal Justice is working closely with all of these entities to coordinate and promote the development of infrastructure that will advance lawyering for social justice. For more information, contact Camille Holmes at cholmes@clasp.org. ♦

U.S. Supreme Court Rules In Favor of IOLTA

"More than \$160 Million Protected."

In a major victory for Interest on Lawyers' Trust Account (IOLTA) programs across the country, the U.S. Supreme Court ruled on March 25, that the Washington State IOLTA program does not violate the Fifth Amendment, upholding the 9th Circuit's 2001 en banc ruling. This ruling in *Brown v. Legal Foundation of Washington* (originally *Washington Legal Foundation v. Legal Foundation of Washington*) protects approximately \$160 million currently held in IOLTA accounts nationally. Within the legal aid community, every state uses IOLTA accounts to fund legal assistance for low-income people. An amicus brief in support of the Legal Foundation of Washington was filed jointly by the NLADA, AARP, Legal Counsel for the Elderly, Inc., and The Brennan Center For Justice.

IOLTA accounts are comprised of short-term interest earned on escrow accounts established by lawyers to hold their clients' real estate transactions and other matters. Client funds that are too small in amount or held for too short of a time to earn interest for the client, net of bank charges or administrative fees, are placed in a pooled, interest-bearing trust account. In so doing, the interest earned is used to provide legal aid for low-income people.

For more information on the IOLTA ruling, visit the NLADA Web site, www.nlada.org/Civil. ♦