



TEXAS A&M UNIVERSITY

School of Law

TAMU Law Answers Webinars

Conversations in Law & Social Justice Webinar Series

“Training Social Justice Lawyers Today”

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Panelists:

- **Carrie Bettinger-López**, University of Miami School of Law Human Rights Clinic
- **Denisse Córdova Montes**, University of Miami School of Law Human Rights Clinic
- **Deborah Archer**, NYU School of Law
- Moderator: **Louise Trubek**, University of Wisconsin Law School

Disclaimer: While some of the panelists are attorneys, they will be discussing the law generally, and nothing in the webinar should be considered as legal advice. Attendees should consult their own legal advisor to address their own unique circumstances.

TRANSCRIPT of webinar video at <https://youtu.be/IVpfU16jcx4> :

- Good afternoon. Welcome to Texas A&M School of Law's webinar "[Training Social Justice Lawyers Today](#)." This is the fifth installment of our Spring 2021 [TAMU Law Answers](#), "[Conversations in Law and Social Justice](#)" [webinar series](#). Our final webinar in the series is on April 22nd, and that will be on farmworker employment justice.

Our webinars are every other Thursday at noon Central time, and you can register for the upcoming webinar at [TAMULawAnswers.info](#). Today's webinar is co-sponsored by [Texas A&M School of Law](#), the [Network for Justice](#), which is part of the American Bar Foundation's project, [The Future of Latinos in the United States](#), and the [American Bar Association's Commission on Hispanic Legal Rights and Responsibilities](#).

Today we have the privilege of having a number of professors, law professors, clinical professors that are here today to talk with us about social justice and teaching it in our clinics in particular. And I don't go through all of the bios because all of our speakers have such great accomplishments. You can find more information about them on the website.

But we have Carrie Bettinger-López who's at the University of Miami School of Law-- she teaches in the Human Rights Clinic. Denisse Córdova Montes who's at the University of Miami as well and also teaches in the Human Rights Clinic, and then we have Professor Deborah Archer from the NYU School of Law who also teaches in a clinic. And we have the privilege of having this conversation moderated by Professor Louise Trubek who was formerly a clinician at the University of Wisconsin Law School. So again, you can see their full bios on TAMULawAnswers.info.

And I will say that while some of our panelists are attorneys, they will be discussing the law generally, and nothing in the webinar should be considered to be providing legal advice. Attendees who have a question should consult their own legal advisor to address their own circumstances. Today's conversation won't really focus on legal advice but more teaching ideas.

After the initial presentation, we will have a question and answer session. So you can feel free to type in your questions, any questions that you have, into the Zoom question and answer feature at any time, and the panelists will do their best to address as many questions as time allows.

So with that, I'm going to turn it over to my colleague and friend, Professor Louise Trubek, who I recently had the pleasure of working with and producing an article that touches upon how we think about social justice lawyers and lawyering today. So Professor Trubek, if you want to take the lead in the conversation.

- Thank you, Luz. I'm so happy to be here and see such a good audience out there of participants. We're very excited about today's program. So we're talking about training social justice lawyers.

So recent developments have made it necessary to have some innovation in the way we train our students and the way social justice lawyering is conducted. We have social and economic inequality has been displayed before us, and sexism and racism continues unabated. In addition, we have some people who are seeking to undermine the rule of law and other communities that are now very skeptical about the ability of law to prohibit and cut back on discrimination and inequality.

So into this new world, we have law teachers who are attempting to explore new ways of teaching about social justice lawyering in ways that will reflect the new world in which we're in. So we have three esteemed scholars who are working in this field of innovation in our teaching and also in our understanding of what makes effective social justice practice so that we can train our students in understanding their roles in their careers in that field. So we're going to have Deborah Archer first, followed by Carrie, and then Denisse. So Deborah, you're on.

- Thank you. Thank you for inviting me to participate in this discussion. Looking forward to learning from my co-panelists and from those who are listening in. I think as the world is changing, I'm constantly thinking about how I engage in social justice advocacy as an advocate myself, and then also constantly thinking about how I can better engage my students to do the work.

And today I want to focus on one piece that I've been thinking about a lot lately, and that is trying to get our students and teach our students to break out of the silos that we're often in. I think that we as advocates and teachers often think in silos and work in silos, and in turn, model

that siloing for our students. It is a broader problem with legal education that, of course, has been replicated in our clinical programs and in clinical pedagogy.

I think it often starts in college. Many students get to college and are either interested in absolutely everything or not interested in anything at all, which is the experience I'm having with my son who's a senior in high school. And so colleges often do as much as they can to progressively narrow a student's academic focus. And law schools too often pick up on that, and law students are often learning in silos.

They have a laser-like focus on immigration, or on education, or on housing. Or they consider themselves to just be policy advocates, or strategic litigators, or movement lawyers. Or they're focused on federal advocacy or local advocacy. And we often put ourselves in teaching silos along those same dimensions in our clinics.

I do agree that specialization has many benefits, and I'm really not arguing against specialization. And I also think it's very important for everyone to have and understand their own theory of change. But I do believe that our students should understand the need to be willing and able to step outside of those silos when it's necessary for advancing justice.

The issues our clients and their clients bring to us are far more than the specific legal issues they initially present. But as students and professors, we don't often step out of our many silos to engage with the broader context or to think in terms of powers and systems that came together to lead to that specific problem. And this approach may bring some resolution to the client's immediate situation, but it doesn't often lead to the deep longterm power shifting that we need, and it doesn't often lead to community equity and justice.

I think even more so over the past year we recognize that the world is becoming more interdisciplinary and interconnected, and the problems that we see in terms of racial justice and other types of injustice are entrenched, and they're complex, and they're systemic. Inequality is really embedded into our structures and systems, our policies, practices, and our norms. And to drive deep change, we have to try to impact those systems, and policies, and practices, and norms. And no system works in isolation.

In order to address these types of challenges, instead of focusing on one system, I believe that we have to make sure that our students are able to think about how to impact multiple systems at one time, or how to use tools from one system to impact another system. Too often the lawyer that thinks that-- I think lawyers think that there's a single switch that they can flip to solve a problem, and they get very focused on finding and identifying that single flip.

I found that with my students when we talk about policing and the problem of racialized police violence against communities of color. My students think that there is one switch that we all can flip, and if we flip that switch, we're going to be able to solve all the problems in policing, when in fact, the problem that has led to that incident of racialized police violence that we witness comes from many sources.

It comes from racial segregation. It's an employment issue. It is a substance abuse disorder issue. It is a homelessness problem. It is a problem of overpolicing in communities. It's so many things.

And if students believe that there's one single way to solve that problem, we're never actually going to solve that problem.

In addition, I think the silos within which we operate don't always serve our clients and communities well, and it sometimes leads us to use tools that are too small or too narrow for the problems we face. Some of the most powerful and innovative solutions to injustice, to marginalization, to disadvantage are distributed throughout our legal, social, and political systems. And in the end, if we continue to engage within the silos and the layers of silos, we're not exposing our students to all of those tools and ways of thinking they need as advocates to address the complex and systemic nature of today's social justice challenges.

I've also found that many of my students don't have an accurate understanding of how systems-- local, national, international, political, economic, and social, physical, and cultural-- all come together to shape inequality. And without this understanding, the legal and non-legal tactics that could be used to dismantle the underlying systems are often overlooked.

I think it's important for students and advocates to consider the roles these larger structures play in creating and maintaining subordination of a community in addition to thinking about the impact on our individual clients. I think students would benefit from seeing and understanding the systemic oppression underlying the impact on the community often focus on the law but ignore the ways in which systemic oppression encompass oppressive structures at the interpersonal and institutional level. It's embedded in our values systems, and in that way, impacts more than the individual client.

Or they don't focus on the way that multiple institutions and sets of norms are often at play in causing or maintaining an injustice. And so that's something that motivates me in how I think about how I engage with my students. It motivates me in the types of cases we take, and therefore, I have to prepare my students to engage in those types of cases.

So some of the approaches that I use in my teaching to help affect this shift that I'm trying to embody as a teacher, as an advocate, and get my students to embody, first is mindset. I think it starts with a shift in mindset and expanding the way we ask our students to think about and engage with the problems presented by our clients and our community partners.

So I ask my students to think about-- I'm explicit in asking them to think about how they can work with marginalized communities to advocate for systemic change and to build power. I want them to see and respect the specific legal issues presented in their cases but also the larger societal context in which this issue is situated, and figure out how to position their work to challenge both, to explore the broader intertwined legal and social issues that are connected and woven through and into the legal questions that their clients bring.

And I ask them explicitly to focus on systems, and power, and a deeper understanding of the complexity of the problems faced by entire impacted communities, and to help envision an altered and more just future. Second, I would say I try to get my students to embrace the transformational potential of integrated advocacy to help them break out of their silos and to be more effective in the fight for social change.

And so integrated advocacy I considered to be strategic litigation, community organizing, interdisciplinary collaboration, legislative advocacy, policy reform, public education, direct action, and any other form of advocacy all working together to achieve social change. So my clinic, we don't limit ourselves to just one or even two tools in the lawyer's toolkit. We approach every problem presented without limiting our consideration of the best way to tackle that problem.

And after parsing the underlying issues, we identify what we can and should do on behalf of and in partnership with impacted communities and individuals. And this includes determining the most effective advocacy approach given who we are and where we are in this situation. And sometimes it means that we have to engage with partners, and that teaches them an additional skill of collaboration and partnership.

Again, I think in order to affect the kind of systemic change that we should be focused on, law students have to learn what levers, all the levers, that are available to achieve that change, and then learn when, where, and how to pull each lever. A lawyer has many tools in our toolbox, and we need to know how to use all of them.

I mentioned that I ask them to take a systemic focus view of the problem. I'm explicit about that as well. I talk to them about engaging in cross-disciplinary advocacy. We do that a lot within NYU, working with other schools outside of the Law School to explore and engage on some of the problems facing our clients.

I also focus on helping them to think about how to integrate both positive and negative conceptions of equality into their advocacy. And so, of course, while utilizing courts to prohibit or limit actions that infringe on individual rights is an important skill, the work we do in the clinic also helps them understand that advocates should be able to articulate a positive vision of what stakeholders can or should do to better promote, protect, and respect those rights.

And then finally, I engage my students at the beginning of every representation in a power-mapping exercise. And I think it's another way of helping students break down the problem but also try to identify advocacy alternatives. So I ask them to discuss and find out who has power in this situation, the relative levels of power, who has incentives to use that power to help our cause or to use that power against us in our cause, and then figuring out ways to shift power or for individuals or groups to leverage power.

And so I think that all of these things coming together really do help my students not only change the way that they think about the work that they should be doing and can be doing to push us closer to social justice and to battle with the kind of challenges and inequality we're facing, but then also to start them along the process of developing those tools.

So I was told we had 10 minutes. If I have time later, I'd love to talk about scholarship. I know a lot of clinicians are engaged in scholarship and how we can use our scholarship differently as well. But I'll end there, and look forward to questions.

- Carrie, you're on now.

- Wonderful. Thank you, Deborah. That was great and very inspiring. And I think all of our presentations have a nice segue to one another. So I am going to share my screen, and before I do that, I also want to thank the organizers of this presentation, this webinar, and look forward to the Q&A.

I am, as Louise mentioned and Luz mentioned, a human rights clinician. And I like to see my work in human rights grounded, of course, in social justice lawyering with a strong focus on human rights in the U.S. and its connection to human rights globally. So you'll see that reflected in this presentation, which I will share now.

OK, so this presentation captures my own and my colleague Denisse Córdova Montes's presentation. She will share her screen separately afterwards, but hopefully, you'll see some connections between the two.

OK, so as we think about current challenges in human rights lawyering, I want to preface this by saying that I think my comments and a lot of the pieces here, though they may be framed in terms of the words "human rights", they are much more broadly applicable to thinking about social justice lawyering, and in particular, thinking about some of the connection between cause-based and client-based lawyering, some of the pieces that Deborah just mentioned.

So some of the ideas that I'm going to present I derived from an article that I co-authored with some brilliant clinicians who focus in different areas, both poverty law and international human rights, as well as community lawyering. And we took on this question that was based on a panel that we put together at a AALS clinical conference about a decade ago, taking on the question about different narratives in human rights lawyering and as well as poverty law practice, and where we can use critical legal theory to push ourselves as teachers and practitioners to take more critical lens to our lawyering and advocacy, and push ourselves beyond bounds, as Deborah was saying, of the silos that have traditionally been created for us in our fields and beyond.

So we took on looking at imperialist narratives where Makau Matua, in a very classic article that I will show you in a few slides, takes this on, impugning the human rights movement of creating a tripartite approach of there are savages, and victims, and saviors, and whether it's law clinics or human rights lawyers swooping in to save the day as the saviors, recreating many of the imperialist narratives that we think we are trying to deconstruct.

And so taking on that critique, thinking about the ways in which we can so often essentialize and disempower victims or survivors of human rights violations and position them as helpless victims, and ways in which we "other", whether it's within the bounds of our own country or out there somewhere else in the world, the idea that either human rights violations are not happening in the United States or that many people who are engaged in the practice of human rights and social justice lawyering, as Deborah was really underscoring, do not see the connections in their own communities, and to their own lives, and to their own presence.

So the Bringing Human Rights Home Network, which some folks on this webinar may be a part of, is run out of Columbia Law School. It's a network of about 800 lawyers across the country who are interested in thinking about international human rights strategies to overlay onto

domestic social justice and civil rights lawyering. And I commend it to anybody who's interested in thinking about the interconnections there.

OK, so just to mention, we were inspired by the article that Louise and Luz wrote, "The Emerging Legal Architecture for Social Justice", where they took on a modern day view on looking at critical legal theory. It's a great, fresh article. They talk about how critical legal theory exposes neutral law as a myth, challenges traditional legal pedagogy that focuses on doctrine and that does not expose racist, sexist, and classist tropes in legal precedent, dismantling this "lawyer as hero" paradigm, and aiming to transform legal practices to better serve the values of equality and social solidarity. And we see this, of course, manifested in many of the critical legal theory movements that I list here.

So in our clinic-- and I'm going to give a few concrete examples of this-- we really challenge students to think about what community lawyering means and to overlay that into the human rights context to really take on the history of the human rights enterprise and make sure we are grounding our work in a collaborative lawyering approach, thinking about the networks we're building in our own communities and beyond, what participant control means, and creating vibrant partnerships with both non-lawyer and local actors. Of course, taking on an intersectional view of race, gender, ability, and class oppression, and underscoring for students-- and this is very important-- the complex coalitions that make up communities.

Many students may come to our clinic thinking that one group or one sector represents a particular community that is our partner. And breaking that down oftentimes with our community partners is very eye-opening for our students and for ourselves, and prompting ourselves to be adaptive. Those are all skills that we're very intentional about.

Because of time, I'm just going to highlight a few of these, but these are some ethics principles that we have developed in coordination with our students over the years. Again, thinking about broader coalitions and movements, combining litigation and non-litigation strategies, and even as Deborah was saying, as we do that, not thinking about a one-size-fits-all solution, and pushing our students to think big at the outset, and then think strategically and tactically as we hone potential solutions that our clinic will undertake. Building alliances, transnational as well as local, and teaching self-reflective lawyering, and underscoring the importance of intentionality and anticipation of unintended consequences.

So I just want to talk about a framework that we teach about this. We call it the "client to cause continuum", the idea of placing before students, how does cause litigation or a rights campaign, how does that compare to the traditional lawyer-client model that they are taught in the first year of law school and beyond? And we map out three different categories of stakeholders in human rights advocacy. We think about advocacy partners, constituents, and the beneficiaries. And we think about where a traditional lawyer-client model maps onto that.

We think about whether legal ethics, as it's presented in law school, on the MPRE, does that provide a sufficient lens for examining these complex ethical issues in human rights practice and these complex sets of stakeholders that Denisse will be really underscoring in her own presentation in a few minutes? And we look at the ethical codes of other professions-- medical,

academic, journalists, and humanitarian-- and we ask whether those ethical codes can help us to understand our role as cause lawyers and human rights lawyers.

These are a couple of snapshots of our syllabus where we offer readings and a preview for students. Here's the Makau Matua article that I mentioned. We offer some recent critiques from feminists from the Global South of human rights advocates and women's rights advocates in the Global North offering to help and offering their critique of how things are so wrong in another part of the world. And we take that on in our classroom.

And then we have a simulation that we provide to students that they are able to take these questions on in a three-part simulation, as you see here. We also offer several ethical codes for them to look at to prompt them to think about whether and how these ethical codes map onto the human rights practice that we are engaged in in our clinic.

And finally, I just want to offer five factors that I think guide us in our own development of our docket and in the way we teach our students about the utility of the work that they are doing. So first being survivor dignity, and I'm happy to talk about these in more detail. But survivor dignity, the coalition and movement building that human rights and other cause-based advocacy movements and campaigns offer, the normative developments and accountability mechanisms that may arise from a particular campaign, the political pressure that can be derived from a rights-based campaign, and finally, changing hearts and minds through public opinion.

And so these are some of the guideposts as well as the guardrails that we use in judging whether a project is going to advance the goals of human rights as well as the pedagogical goals that we set out for ourselves as teachers in our Human Rights Clinic. So now I will turn it over to Denisse to give you a snapshot of how some of these factors and considerations come into our own decision-making. I'll stop my share.

- Thank you, Carrie, and thank you to the organizers for inviting us. So here I will be sharing my presentation. Can you all see it? Yes? I hope so. Ok, great. So yes, so I will be spending the next 10 minutes talking about a very concrete example that applies-- the framework that Carrie just described, which revolves around sustained and longterm support to particular groups on the basis of long-standing relationships that I brought with me from my time as a human rights lawyer prior to joining the clinic.

My name is Denisse Córdova Montes, and as Carrie mentioned, I co-teach in the Human Rights Clinic together with Carrie. I'm a newish clinician in that I joined the Human Rights Clinic in 2019. And I came to this topic of employing a critical theory lens in my work as a human rights lawyer on the basis of my own personal experience as someone who grew up in the U.S. as an undocumented immigrant and often had to witness disempowering narratives being constructed about me and my community by people external to my experience.

And this led me to really try to embrace a critical theory lens when it comes to my work and also now my project selections as a clinician. And in the projects I supervise, I've sought to really engage in this intentionally collaborative process that Carrie has described where human rights law and lawyers are seen as just one more tool in social-movement-led advocacy. And I seek to

have these projects really focused on building power, shifting power in communities so that they shape their own narratives.

And so today I will use one-- I will talk about one specific example from my work in which the clinic was involved in over the last couple of years, which focused on the creation and implementation of a practical guide on how to build a human right to food agenda based on recently adopted international human rights law standards. And my clinic students were involved in every aspect of the work, and I will describe how they were involved later on in the presentation.

But first, I want to talk about the work and the project itself. And the methodology for the practical guide really just sought to build momentum around both experience-sharing and political organizing to bring people, women in particular, together to share their experiences with food insecurity and hunger, break the silence and isolation around these issues while also taking steps to advance the political organizing at the community level around the right to food, and to grow the movement.

And so the idea for developing this methodology originated during a meeting in Mexico City in 2019. It included several women who had been involved in different ways in international standard-setting processes around the right to food of rural, indigenous, and small-scale food-producing women. And it included women from various continents. And some were lawyers, some were academics, but most were leaders of social movements.

And most of us had worked together for years prior to coming together at this meeting. And so this was pre-COVID, obviously. We met over a period of three days, and the purpose was to identify how to foster the implementation of these recently adopted international human rights instruments that we saw as quite powerful. And we saw the potential in these tools and these instruments for advancing the rights of rural women at the local level.

And so throughout the course of these three days and [INAUDIBLE] in the months that followed, we jointly developed a methodology that attempted to create a more forward-looking, participatory, non-hierarchical tool that we called this "cooking up political agendas". And we attempted to use terms that would resonate with groups of rural and indigenous women and reclaim the concept of the common cooking pot, which we used as a metaphor throughout the guide, which has historical and political significance, particularly for Latin American women, which the vast majority of the women who are involved in this work were Latin American.

And so in Latin America, women were living under authoritarian regimes and would often come together while cooking around the community pot and discuss politics, and actions of resistance, and ways to respond to economic and food crisis. And we used this metaphor throughout the guide. The process itself was very collaborative, and also we intended for the guide to be used collectively as well.

The guide was meant to be a tool for communities to diagnose, and analyze, and come up with their own action plan on how to best use or not use the recently adopted human rights instruments. And so we had a number of group exercises in the guide, like this one here-- you can sort of see it-- that were meant to be easily applied by a wide variety of rural women around

the world. Well, also, we tried to design them in a way that they could be adopted to the different realities of the women who would end up using them.

And while we presented the recently adopted international human rights frameworks in the guide, we also-- as I mentioned before, we designed the exercises so that the women we would be encouraging-- so the women who would come together-- to discuss these instruments in a critical way and ask them to reflect about how the instruments were not useful, to question the implicit framing behind some of what was in the instruments, to reflect on what was missing, and how human rights protections could be expanded.

And throughout the process of crafting the guide, we worked also closely with a designer who had specific experience working with social movements. And this designer would attend all of our virtual meetings and change some of the drawings in real time as we were speaking so that the tools that were ultimately created really followed the essence of our discussions in a format that was meant to be accessible for a wide audience.

We used mind maps in addition to the written word to express ideas. We also devoted significant space to experience-sharing in the guide. We had the voice and personal stories of rural and indigenous women who are co-authors interspersed throughout the guide. And we also shared social-movement-led alternative frameworks in the guide.

And since launching the guide, we've started implementing the guide with various communities of women around the world and in the U.S. as well, and have invited anyone who is using the guide to share the process through social media to foster this transnational exchange of ideas and experiences. And last semester, my clinic students and I were involved in the implementation of this guide with women in Ecuador virtually.

This semester, we're implementing the guide with women in Guatemala, again, virtually. And we have recently also been invited to use this guide in a discussion with women in West Virginia, for example, here, who, as part of efforts, are taking place in West Virginia to organize women around a state constitutional amendment on the right to food.

So my clinic students have really, as I mentioned earlier, been involved in every aspect of the work. And we are lucky that we have a full-year clinic, and so students are able to really immerse themselves in their work. We, in addition, have a few select students who stay on for an additional year as fellows. And so some students are involved in their project work for a full two years.

And so I really had students who have been able to be involved in every-- in the whole process. And while students at the beginning were primarily responsible for writing the sections in the guide that revolved around digesting and summarizing these international instruments, they were also attending every single meeting that the group was having as we were developing the guide. And so this really just enabled them to gain a deep understanding of the audience too that they were writing for, and also have ownership over what was being produced.

And many of these students that I'm working with as part of this work are our Latinx students. And so they're also reconnecting with their own histories, with the histories of their parents, the

countries of their parents or grandparents. And so it's been a really, I think, enriching experience for some of these students.

They've helped lead consultations with women in Ecuador and Guatemala using the guide, and have also supported drafting reports to the UN Regional Human Rights Bodies on the basis of these consultations. And pre-COVID as well, they were able to actually attend some of the strategic gatherings with the social movement leaders that were taking place.

And students who were involved in the process have also been invited by the social movement leaders themselves to moderate and present in online webinars that they're having on relevant topics, or to talk about their own involvement in the development of the guide because students were seen as allies to the movement. And so this has also been a really just, again, fulfilling experience.

I think there were students who at times would mess up as they were presenting, for example, because they were nervous. This was the first time that they were presenting to a wide audience. And the social movement leaders would come to their defense because they knew them. They had seen the sustained support that these students had provided. They saw students as part of their ecosystem and understood the value of training to generations of social movement lawyers that support their cause.

So I know that we only have 10 minutes allotted time. I'd be happy to discuss more during the Q&A session. I'm going to stop sharing my screen.

- OK, well, what I think I'm going to do since there's so much connection between these presenters is to have-- I have two topics that I'd like us to all discuss together. The first is your innovative clinics can be seen as underplaying the importance of legal expertise, and this can be a barrier within your institutions. And it can be a barrier for students enrolling or some students who give push back about, this is not what I went to law school for.

So how do you describe to your students and to your institution the usefulness of legal expertise for the social justice practice that you are engaging in? So this is to all three of you, as well as Luz. So who would like to start? Unmute yourself.

- I'm happy to start.

- OK.

- OK, well, I would say two things. I also teach a first-year elective, second semester elective of international human rights law. And even though that's not the clinic, I bring a lot of these themes. I try to bring a critical lens to a lot of the themes that I'm teaching the 1Ls.

And so first of all, they're getting the critical themes and the critical lens that they're not getting through the 1L class. And they're getting international human rights, which they're not getting through their other 1L classes.

And then in the Human Rights Clinic space with the upper-level students, they are also saying, wait, what? You want me to engage with documentary filmmakers? You want me to support a

street protest? You want me to just listen to what the community-based organization is ticking through in terms of its own agenda? And, I don't see where I play.

And so I guess my first point is, whether you're teaching, quote-unquote, "doctrine" in a more traditional class or whether you're teaching a clinic, if you're incorporating a lot of the themes that we're talking about in this webinar, you're going to get that pushback. And so I found that to be interesting in my own teaching.

I would say something very-- there's a lot of different ways I deal with this. But one way that I find is to try to make connections at the outset. I can now anticipate when my students are going to get that deer-in-headlights look and say, "oh, my god. How is this connected? This is not law school material."

And so I try to immediately draw connections to them to wells or a post in the ground that they can locate as "law." And so whether it's a relation back to another core class, like civ pro or torts, and to themes that are drawn from those and then the limitations oftentimes of those legal arenas, to prompt them to say, OK, because there are such limitations in the law in those places that you have studied in your other classes, how can you use this moment in time to rethink what justice means, and to look to our partners, and community members, and affected individuals who are on the ground level who have experienced the injustice, asking them, starting with them, asking, what would they want to do to repair the harm? And then you work up from there.

So yeah, those are the two-- those are two things that I do. Any time I can reference other places in their law school experience that they might see as "true law," but then unpack it for them about the deficiencies, the justice deficiencies in those legal arenas as they apply to the situation at hand.

And then secondly, really asking them to just start from scratch from their own preconceived notions of what the injustice meant, and ask, derive that definition from our partners who we have the luxury of being willing to engage with us to define it in their own terms, and define justice and remedies in their own terms.

- OK, Deborah, want to say something to add to that?

- Yeah, I would just add very quickly that I start just very fundamentally pushing back against the idea that any of this is not what lawyers do. That's part of the reimagining and re-envisioning our role in fighting for social justice, that this is what lawyers do. And particularly, given the role that law has played in creating and perpetuating all of the injustices and inequality that they're fighting, the law has to play a role in helping to tear that down. And that's what we are supposed to be training them to do.

So I ask my students when we're looking at these challenges to think about identifying the source and structure of the inequality. What is the framework that is creating this inequality? Often, that involves a legal aspect and the law. Then, second, they have to figure out how to tear that down, and often the law is a part of that strategy in tearing down the structure of inequality. And then their work involves rebuilding a structure that leads us to more equity, and the law is integrated into that as well.

So I think what we're doing is telling them that legal expertise shouldn't be the center of a strategy. It is not the crown jewel in an advocacy strategy, but it is, I think, almost always an important part of that and the skills that our students bring to the table that the other folks who they are working with won't bring to the table.

An example is my students went on legislative visits when we were working with a group of youth-led organizers from an organization called Teens Take Charge. And for every legislative visit, there was a law student, and there was a student from Teens Take Charge. And the law students took the lead on answering questions about the law and changes to the law, and the students from Teens Take Charge took the lead on speaking about the facts and the impact that the law was having in their community and what they wanted to see happen.

And so it's an example of a way that the law-- we recognize the importance of the law. We're working in partnership and collaboration with those who are directly impacted, but we're not elevating the law above other factors in consideration.

- OK. All right, so I have a second follow-up question, and this is based on part on the questions that was submitted in the registration, which seems to me that people are looking for: Can law schools provide the space for these innovative clinics and encourage students to participate in these practices when they graduate? Is the law school structure-- does it have to be changed? How could it be changed in order to be more supportive of these innovative clinics?

And so here are three examples that I can suggest. One is immersion clinics. It's interesting that Denisse mentioned that. On that I mean-- and I've heard Deborah talk about this-- that clinics should be more credits and over a longer period of time. So you get, what we call, at Wisconsin, immersion, that you have a-- you're really part of a group and a structure that's working over a long period of time so it isn't a chopped up experience. So that is one possibility for how law school could be restructured.

Another one would be hybrid public-private formats. In other words, linking 501(c)(3) organizations directly with the clinics in some either semi-organized way or through a revised externship system where the students are quite heavily involved in the community organizations themselves. And one of the reasons that people are interested in that has to do with funding. Because in some cases, it's easier to get funding for 501(c)(3) organizations that are doing this kind of work, and that the students can be supported that way, and now you don't get involved with the bureaucracy of the university. So that's one of the second innovative ideas.

And the third that I feel strongly about is that students should join particularly national, international organizations that are interested in supporting social justice practice. That is, they should look for groups like rebellious lawyering, other kinds of student groups, [INAUDIBLE] the political economy that have student groups that can provide support for them, not only in their law school but broader. And also for clinicians and teachers who want to do this kind of work, that they should be encouraged and could consider joining groups like CLEA or SALT.

So what other ideas do you all have for how the law school structures-- if you feel the way law schools are structured now is a barrier or not, or can be revised to encourage the sustainability of

the kind of innovative practices, and clinics, and teaching you are engaged in. So let's start with Denisse then.

- Sure. I mean, I think one of the things that Carrie and myself and another clinician that works with us in the Human Rights Clinic have been discussing is it's so difficult for students to get into the human rights field after graduation, that we've also been trying to find ways to raise funds to have dedicated postgraduate fellowships for human rights work, for example.

So that's another way I think that we would-- because, indeed, human rights NGOs and social movements are so-- they just don't have the ability to hire a brand new human rights law graduate to be supporting them and their cause. They will go for someone with the experience.

But these dedicated postgraduate fellowships would indeed enable some of these students to continue doing the work to perhaps even partner up with a group that they've been working with while they've been in the clinic and to clearly launch their careers. So I think that's another way that law schools could do more to support students entering into this field.

- OK, so I just want to check with Luz. Luz is going to handle the question and answer from the participants. It's about time now. Do you think we should move into that? Do you have questions that you think we should move on to?

- We have a couple of questions. I think I'll add to an answer to the question that you posed about what structures are in place or what might prohibit individuals from doing more of this work in law school. And I think it really depends on the law school because, depending on the law school, innovation is not always rewarded by the system of promotion and tenure, and particularly how we look at scholarship and how we value service.

And so I think that's very structural. I think it's pervasive. It does vary according to institution. And I think for clinicians, we now have these other tracks of clinical faculty that help alleviate some of the more rigid structures that were traditionally in place. But I think there's still a ways to go in that.

Obviously, funding becomes an issue as well, and I think that was mentioned already by a couple of the panelists. But there's definitely a lot more we could do within law schools, and there are barriers. It's not always just the clinician or the professor not feeling that they're rewarded, but it's also just broader institutional supports [INAUDIBLE].

So but we do have a couple of questions. I'll start with the second one first because that's more specific. Really, how can private practice attorneys help support human rights attorneys in a meaningful way? So that's one question, and I'll see who wants to take that.

- I can just briefly say that the Bringing Human Rights Home Lawyers' Network that I mentioned before is a great way to get involved with people who skate across private practice, NGOs, law clinics, and other areas in the United States. And that's a great network for you to just learn more about human rights advocacy that's going on in the United States and get connected with others.

And another idea might be to contact-- if there is a Human Rights Clinic in your city or that you're familiar with, put it out there that you might have some specific form of legal expertise

that could be helpful in a pro bono capacity. There's probably lots of people who would be interested in taking you up on that.

- Before you move on to the next question, I just want to say we civil rights attorneys and civil rights clinics are also happy to get some private practice folks engaged. And what I would say is, from my experience, the firms are happy to take on small, individual, discrete cases, the same kinds of cases that many clinics take on.

And I think that-- I would hope that firms would be more open to engaging in co-representation, co-counsel representation agreements with clinics to take on these larger systemic reform cases that clinics are increasingly getting involved in. We have two cases here where we are working with private firms as co-counsel and engaging with the students in a way that I think reflects and supports the goals of clinical education. So if you're going to do that as a firm, also remember to elevate students and allow students to take the lead in these cases.

- Thank you, Deborah. We have another-- two questions, another one that came in. But one of them I think comes up pretty often. I've heard this question a lot. It's basically, how do you institute lessons on racial justice when sometimes students of color say it makes them feel uncomfortable to bring it up?

And so the question is, do you have any recommendations or tools on how to best teach racial justice to large classes of clinical students who might come from different backgrounds? Who wants to get us started on that one?

- Luz, maybe you're going to have to answer that one.

- Oh, gosh. OK, I was--

- I'm happy to answer it. I just talked-- I tend to talk too much, so I'm trying to--

- Yeah, go ahead.

- --defer to other folks as well. But, Luz, why don't you start.

- Sure. I mean, I think it's really acknowledging that everybody has a different experience and that everybody's experience counts. And that the lessons that we have to learn apply to all of us, but we're going to look at current happenings. For me, that's the way that I've approached it. I mean, I just had a class on this last week where we acknowledged where people are coming from these different viewpoints and what structurally is underpinning this.

And so I don't-- I mean, I think it depends on the institution. It does depend on the composition, but I find that the acknowledgment of everybody has an experience that is pushing their beliefs on these issues is helpful to begin the conversation but not shy away from the fact that there are structural barriers that impact populations disparately and differently. So I think it's just coming from a place of honesty and being true to who I am is the best way that I've been able to do it. And at some point, I also have to say, well, there might be three or four students that don't like this conversation, and I'm going to have to live with that.

- I would just-- I agree with everything that Luz said. I would add I start out in my first class making students aware that race is a constant part of this conversation, and that we're going to talk about it, that it's important, why it's important to talk about it, and how we're going to talk about it. I also make clear to them that everyone has something to learn.

If the conversation is about gender, everyone has something to learn. If the conversation is about race, that I'm still learning about race, and how to think about these issues, and how to engage on racial justice issues, so that there's no one in our class who's beyond, who knows enough that they don't need to keep on learning.

If students are uncomfortable, I never force anyone to participate in the conversation. They can sit back and listen, and I will take the lead on moving the conversation forward. Or if students are engaging, then I will sit back and allow them to take more of a lead in engaging.

And there's something in the question that I wanted to respond to. It said that, in your lessons on racial justice, and I would just encourage you to not have there be a lesson on racial justice, that it just be a part of every conversation, every class where it is relevant-- and it is almost always relevant-- that it's raised, and it becomes a more natural piece of the conversation to have.

- And our last question, I don't know that we have too much time for it, but any advice about getting organizational clients that need law student services but who also can appreciate the pedagogical aspect of the work that we do? And I'll take a stab, quick stab at that, and then see if anybody else has anything to add.

But I think the endeavor of the Network for Justice generally is to begin to identify those clinics and those organizations who have need for each other and figure out how to help them connect. I think also there's organizations, like Law for Black Lives, that has been doing that for a few years.

And so I think there's definitely organizations or people you can connect with to help do that. But it definitely takes, I think, conversation with non-profit organizations to make sure that they understand that ultimately what we're here to do as instructors is to provide an education for students, and that there is a pedagogical element to any service work that we do. Does anybody else want to add?

- OK, I will just add that I tend to use my personal networks as well. I know organizations that are both in need but also understand the importance of respecting the pedagogical goals of a clinic, and that they can spend the time allowing-- they have to know that partnering with my clinic does not mean that I'm going to do the work, that I don't replace the students in any way, shape, or form. And it might take me a week to write that brief with you, but it's going to take my students two or three weeks, and that has to be OK with partners. And I try to be explicit about that.

- I would also just say that we do two things at the outset. We try whenever we can to develop MOUs with the organizational partners, and we try to, when possible, have the students draft those with the partner and in consultation with the instructor so that everybody is really on the same page and very intentional about the language.

And even if the students are involved in that drafting process, we try to have the students at the outset in some of those establishing-the-relationship type of conversations. So it's very clear that from the beginning, whenever possible, that tripartite organizational student instructor piece is very present.

- Well, thank you all so much for joining us, and I want to thank the panelists, Deborah, Carrie, Denisse, and Louise for guiding this conversation. And we hope that you will join us again in two weeks for our last series of our webinar on April 22nd. We're going to be talking about [Farmworker Employment Justice](#).

And the other thing I'll add is that the video of this webinar and all our previous webinars will be available at [TAMULawAnswers.info](#). So thank you again for joining us, and we look forward to continuing this conversation.