

Making the Case for Community Lawyering

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For 42 years, Bread for the City has delivered poverty-relief services in the District of Columbia. For the last 25 years, a key part of that relief has been given through legal services. In the 1990s the social services staff noticed that many of their clients were routinely being denied disability benefits. What started as an ad-hoc initiative to try and help more clients burgeoned into the current iteration of the legal clinic, where attorneys assist clients not only on disability benefits but also in the areas of public benefits, family law and domestic violence, and housing law.

From the beginning, the housing practice has consisted of a bifurcated body of work—individual client representation and advocacy. Through this work, Bread for the City attorneys have prevented thousands of evictions, helped create a housing conditions court calendar, and shaped housing policies.¹

Around 2003 Rebecca Lindhurst, a senior staff attorney at Bread for the City, began representing tenant groups that wanted to exercise their rights under D.C.'s Tenant Opportunity to Purchase Act or to challenge serious housing code violations



Photo courtesy of Bread for the City.

or both.² In 2007 the legal clinic applied for and received grant funding to start the Community Lawyering Project and hired Phylisa Carter as the Community Lawyering Project's first full-time attorney. After seeing how quickly D.C.'s affordable housing stock was disappearing, Lindhurst pushed to add a community organizer to the Community Lawyering Project team;

Right around that time Taylor Healy, then a legal fellow in Chicago, approached Bread for the City with the idea for a legal fellowship project that would bring mobile legal services to the Kenilworth-Parkside neighborhood—a Department of Education Promise Neighborhood that was awarded \$25 million to develop a “cradle to college” continuum of services aimed at improving

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the organizer could amplify the impact of the legal work and educate more tenants about their rights. Lindhurst received approval to hire an organizer in 2012.

the outcomes of children and families.³ Healy was awarded an Equal Justice Works fellowship starting in September 2012, and three months later Aja Taylor was hired as the Community Lawyering

1 The housing conditions court calendar allows tenants to sue landlords on an expedited basis for violations of the District of Columbia Housing Code (see [D.C. Mun. Regs. tit. 14 §§ 500–999, 1200–1299](#) (2016)); [Jessica Steinberg, Informal, Inquisitorial, and Accurate: An Empirical Look at a Problem-Solving Housing Court](#), LAW AND SOCIAL INQUIRY (forthcoming 2016) (2015 study of effectiveness of housing conditions court calendar).

2 The District of Columbia's Tenant Opportunity to Purchase Act requires owners of tenant-occupied rental housing to give the tenant or tenants the opportunity to purchase the residence before it can be sold to a third party. In certain circumstances a registered tenant association can assign its right to purchase to a third party of its choice ([D.C. Code § 42-3404.02](#) (2016)).

3 [DCPNI \[District of Columbia Promise Neighborhood Initiative\], Who We Are](#) (n.d.). See generally [U.S. Department of Education, Programs: Promise Neighborhoods](#) (Sept. 16, 2016).

Project's first community organizer.⁴ Over the past four years, we have worked with community members to win tangible neighborhood improvements, such as increased transportation access, and less concrete "wins," such as building community power and developing local leadership. While the model has at times presented unique challenges, we have found that the tangible benefits of direct integration of an organizer within the legal clinic have outweighed those challenges.

Why Hire a Community Organizer on Staff?

The Community Lawyering Project defines "community lawyering" as "using legal advocacy to help achieve solutions to community-identified issues in ways that develop local leadership and institutions that can continue to exert power to effect systemic change." The legal system is set up in such a way that it forces a particular relationship between the lawyer and the client. In that relationship the lawyer is often "the voice" for the client before the court or with an opposing party; this structure, by its very nature, does not lend itself well to power sharing, let alone power building, a key component of what organizers do to promote indigenous leadership and institutions. While lawyers can develop certain competencies that help shift that dynamic—some of which are discussed here—a major contributor to the Community Lawyering Project's success has been the degree to which the attorneys and the organizer work together.

Having an organizer work closely with attorneys inside Bread for the City's legal clinic has encouraged attorneys other than Community Lawyering Project attorneys to begin engaging their clients as potential leaders. This shift in thinking has enabled

4 See generally [Equal Justice Works, Fellowships and Career Development](#) (2016).

the legal clinic to be a place not only where people come to get excellent legal advice and support but also where people can

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come to learn nonlegal ways to advocate for themselves and even how to organize their community to meet larger needs. Attorneys in the legal clinic have referred over 20 clients to the Community Lawyering Project organizer since 2015. These clients have testified at the city council about major legislation seeking to shift some of the larger systems that affected their lives; among such legislation are a "ban the box" bill, time extensions for Temporary Assistance for Needy Families benefits, and a "right to return" after public housing is redeveloped.⁵ Their advocacy as well as their organizing has been essential in getting this legislation passed and in engaging other Bread for the City clients in the fight by sharing their stories.

Hiring a community organizer helped deepen the work of Bread for the City's legal clinic and supported the expansion of that work through the creation of Bread for the City's advocacy department, led by Taylor with a staff of four new community organizers.

Working with Organizers at the Outset

Community organizers have been integral to every social justice movement in history. Whether about Bayard Rustin's key involvement in the strategy of the

5 See [Sam Jewler, Bread for the City, Can DC Redevelop Public Housing Without Displacing Residents?](#) (Feb. 3, 2016); [Aja Taylor, Bread for the City, We Banned the Box! Victory in the Fight Against Workplace Discrimination](#) (July 16, 2014); [Kimberly Waller, Bread for the City, Guest Blog: TANF Is a Lifeline for DC's Most Vulnerable Kids](#) (March 9, 2016).

civil rights movement, Cesar Chavez and the United Farm Workers' influence in getting labor policies passed or, most

recently, the community organizer-led movement for black lives, evidence supports the idea that when organizers are involved from the beginning of strategy development, they help ensure that the strategies and policies are accountable to the communities they intend to help.⁶

While professional advocates making decisions around certain policies or positions without any input from the community is not uncommon, involving affected people at every step of the process is critical to creating ownership of that process and ensuring that decisions are responsive to the community's needs. Working with organizers gives lawyers an opportunity to work as co-leaders with the same affected communities they serve, as opposed to engaging them simply as people who need help. Co-ownership is critical to both policy creation and the strategies that will get those policies passed.

An example of this theory in practice was the Community Lawyering Project's role in the passage of the Fair Criminal Record Screening Amendment Act of 2014 (also known as "ban the box").⁷ Over the years a coalition of advocates had achieved

6 MARSHALL GANZ, *WHY DAVID SOMETIMES WINS: LEADERSHIP, ORGANIZATION, AND STRATEGY IN THE CALIFORNIA FARM WORKER MOVEMENT* 3–21 (2009).

7 See [Fair Criminal Record Screening Amendment Act of 2014](#), D.C. Act 20-422; [DC Office of Human Rights, Returning Citizens and Employment](#) (n.d.). "Ban the Box" is a nationwide campaign of advocates and returning citizens pushing for the elimination of the employment application box that asks about criminal history.

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incremental wins, including a “ban the box” bill that eliminated the box on D.C. government employment applications, but the advocates were having trouble getting political traction to expand the law to include private employers.⁸ In the fall of 2012 the D.C. Ban the Box Coalition, led by the D.C. Jobs Council, decided to regroup and push for such an expansion. While the initial coalition meeting went well, Taylor noticed that only one returning citizen was at the table, and, while a legal strategy was quickly coming together, there was no corresponding organizing strategy. To rectify this, Taylor began talking to and learning from the other organizer in the room and held listening sessions both at Bread for the City and outside organizations to get returning citizens’ thoughts on the biggest challenges they face when applying for jobs. These sessions revealed three common themes: the inextricable link between adequate employment and stable housing, returning citizens’ desire to be more involved in the political processes that affected their lives, and a person’s need to be seen as more than just one’s criminal history.

With this information, Taylor began working with other returning citizens’ advocacy groups to build the Reclaim the Vote campaign, aimed at registering and reengaging returning citizens in the political process.⁹ The campaign registered over a thousand returning citizens and, from all over the city, gathered leaders who were

ready to fight for their rights. Two leaders in particular stepped up to share their stories, organize other returning citizens, and help Taylor build and deepen the base of returning citizens who would be integral to passing the “ban the box” bill.¹⁰

During the campaign for the “ban the box” bill, the D.C. Ban the Box Coalition pushed for the bill to contain a private right of action allowing job applicants to sue employers who asked about criminal history on the initial job application. Most council members did not support a private right of action, but the leaders with whom Taylor worked were unwilling to support a bill that had no monetary remedy for returning citizens having experienced discrimination. Reemphasizing its commitment to be accountable to returning citizens themselves, the coalition decided to keep pushing for a monetary remedy to be included; in lieu of a private right of action to sue, the coalition agreed on a compensation system in which the amount of the remedy was based on the number of employees of the offending employer.¹¹

Unlike in previous attempts, this version of the “ban the box” bill passed with full

support of the city council in large part because returning citizens and organizers were involved in the advocacy and strategy from the beginning. The coalition was responsive to and respectful of the wishes of the returning citizens who were in the base and who were most affected by the policy being pushed. The strong bill had the support of the affected community *and* served as an opportunity for leadership development and strengthening the infrastructure of the grassroots returning-citizen advocacy community.

PRACTICE TIP: *Great places to start looking for organizers with whom you can build relationships are local civic meetings, community events, and public hearings. Like a moth to a flame, community organizers are drawn to the places where their people are. Being in places and spaces where community members are coming together to voice discontent or talk about issues that affect them is a great opportunity to begin a relationship with an organizing group. Lawyers should not be afraid to go up and introduce themselves, start a conversation, and request a meeting to learn more about how their legal aid organization and the community organizer can work together.*

Sometimes as Easy as Listening

As attorneys, we are trained to listen for and tease out the “relevant” facts from a client’s story to help solve their legal problem. But to be most effective a lawyer must learn to listen not only for potential legal interventions but also for opportunities to handle nonlegal needs.

For example, in 2013 the property manager at a new senior building in Kenilworth-Parkside asked Healy to come to the property to meet with residents to screen them for eligibility for Bread for the City’s food program. Even though it was not a request for legal services, Healy

⁸ See [Returning Citizens Public Employment Inclusion Amendment Act of 2010](#), D.C. Act 18-685 (2011).

⁹ Unlike many jurisdictions, in the District of Columbia any resident can vote, regardless of criminal history. In fact, the only thing that bars a resident from voting is being in federal custody at the time of the election.

¹⁰ See [Pam Fessler, How Banning One Question Could Help Ex-Offenders Land a Job](#), NATIONAL PUBLIC RADIO (July 14, 2014) (featuring Charrie Phelps-EI, one of these two leaders; Taylor hired Phelps-EI two years later to be one of the four new organizers in Bread for the City’s advocacy department).

¹¹ During this same period a group of workers and labor organizers who were advocating a strong anti-wage-theft bill approached the coalition. The returning-citizen leaders saw the connection between the struggles of the mostly black returning citizens experiencing employment barriers and the mostly Latino undocumented workers experiencing wage theft. The leaders decided that joining forces on both bills made sense politically and strategically (see [Wage Theft Prevention Amendment Act of 2014](#), D.C. Act 20-426; [District of Columbia Department of Employment Services, Notice: The Wage Theft Prevention Amendment Act of 2014](#) (n.d.)).

saw it as an opportunity to meet more residents in the neighborhood (the site of her Equal Justice Works fellowship project) whether or not they needed a lawyer. While many of the seniors met the financial eligibility requirement for Bread for the City's services, Taylor discovered that the real reason residents felt they needed a supplemental food program was that their building was five blocks away from the only bus stop. Without access to public transportation, many residents had no way to get to the only full-service grocery store in the ward. As an attorney with a focus on housing, Healy could have said, "Sorry, that isn't something we handle," or "That isn't an issue that a lawyer can help with." Instead Healy took this as an opportunity to loop in Taylor, who met with the tenant association and helped it devise a strategy to encourage residents to testify

government agencies that had oversight and control over various aspects of rental housing. To develop the organizing skills of the tenant association board, Bread for the City paid to have three board members attend an organizing training in Baltimore. One year later the tenant association board was put to the test when the transit authority tried to reroute the same two buses that served the entire neighborhood—not just the senior building. Instead of Taylor having to go back to the building to try and organize the residents, she put in a phone call to the tenant association board, which then worked with residents of neighboring properties to help organize a meeting with the transit authority at the local elementary school. The board knocked on doors and spread the word to the residents, who then packed the school gym alongside their neighbors to

the residents themselves. Community lawyering is not only about the outcomes or "wins" but also about building capacity, power, and leadership along the way.

PRACTICE TIP: *Learn to spot issues as opportunities to engage with people instead of only looking for problems that a lawyer can solve. While these approaches are not mutually exclusive, community lawyers should always be prepared to listen first and act second. Instead of speaking on behalf of people or "steering the ship," be prepared to play a supporting role in a joint effort toward a larger goal.*

Building Authentic, Trusting Relationships

Increasing the availability of legal services in communities should be seen as an opportunity for lawyers to build authentic, trusting relationships with the people they serve. Many community lawyering projects involve locating legal services outside and alongside a traditional legal aid office setting. But these projects are not as simple as hanging out a shingle and having clients line up outside the door. Communities where people are living on low incomes, especially if those communities are communities of color, are accustomed to seeing programs and people come and go without leaving behind major lasting positive impact or infrastructure to keep the work going. This history contributes to a justifiable wariness of outsiders who claim to have the answers or the services needed to break the cycle of poverty.

Trust is not simply given because someone has a law degree or the best intentions; it is something earned by caring and consistently showing up, even when the event or the meeting might not be directly related to the legal work. Community organizers are familiar with the value of the "one-to-one" conversation, that is, a purposeful conver-

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at two upcoming city council transportation hearings with the goal of trying to get two city buses rerouted and to incorporate a stop in front of their building. We helped the residents draft their hearing testimony, and within a few weeks the residents had secured a commitment from the Washington Metropolitan Area Transit Authority to do the very things the residents had asked.¹²

The bus-stop win energized the tenants and got them interested in doing more as a tenant association. In response, Taylor developed and led a four-part housing advocacy training at the property to teach the residents about the various D.C.

tell the transit authority that they wanted the bus routes to remain the same. A few weeks later when final route changes were announced, the residents were satisfied that no changes had been planned for their neighborhood.¹³ Not only did the transit authority not change the two routes in Kenilworth-Parkside, but also it decided to delay *all* planned bus service suspensions.

Could Healy have worked alone and sued the city to get the residents access to a bus stop? Sure, but it would have taken months of research and work, none of which would have been client-centered or helped strengthen the capacity of

¹² See [Aja Taylor, Bread for the City, Victory at Victory Square](#) (April 23, 2013).

¹³ See [Aja Taylor, Bread for the City, Another Win for Community Organizing!](#) (Jan. 5, 2015).

sation with individuals to learn about their concerns, interest level, and resources.¹⁴ If lawyers want people to come to the legal clinic they are hosting, then the community needs to get to know who those lawyers are and what their intentions are. The lawyers, in turn, need to listen for how people's interests and relationships in the community might help build inroads that will benefit the legal work and identify systemic issues that the lawyers can help tackle.

For the first two years, Healy's work in Kenilworth-Parkside was mainly focused on increasing access to legal services through clinics she hosted in two schools and a local community center. While she distributed thousands of flyers and knocked on hundreds of doors to advertise the clinics, Healy also took a lot of time meeting one-on-one with nonprofit staff, principals, school social workers, parents, community leaders, local political leaders, tenant associations, property managers, and religious leaders in the neighborhood. Besides meeting with individuals, she attended community events, handing out Christmas presents alongside Santa Claus at a local elementary school, helping build a community playground, organizing farmers' markets, and attending a Saturday gospel event to build and maintain authentic trusting relationships in the community.

These types of events and interactions gave Healy and the president of the Kenilworth Courts public housing resident council board opportunities to talk informally about the local housing authority's plan to redevelop the property and the inevitable resident displacement that would result. Those conversations helped Healy determine what the residents'

goals were and helped the president get to know more about Healy's background and intent. That personal connection built the foundation for trust that led the council to retain Healy in 2015 to help it in its ongoing fight to secure an equitable relocation plan to give current residents a clear right to return after redevelopment.

PRACTICE TIP: *Look for standing meetings, onetime events, or social gatherings where you can meet people and familiarize yourself with the community. Can you locate your services at an upcoming event? Will residents be coming out to talk about their concerns at a local community meeting? Have you met with formal and informal leaders who can help you better connect with the people you want to serve? Having relationships gives you credibility, creates a mutual sense of accountability, and improves the odds that you will be thought of as a resource when issues arise.*

Because Sometimes Chasing Ambulances Makes Sense

While civil legal aid providers seldom have a shortage of clients, at times they may appropriately fraternize with “the enemy” and even be “ambulance chasers” to identify and best serve clients.

One unlikely partnership that Healy developed early in her fellowship was with the ownership of a subsidized property in Kenilworth-Parkside that allowed her to host a monthly legal clinic at its community center. While allowing an attorney who represents tenants to set up shop next to the rental office seems like a fox-guarding-the-henhouse situation, ownership and management at the property saw the value in having Healy available to assist the residents. Part of that value to management was financial; she could assist people having problems with disability benefits

in accessing rental assistance—that is, ways of getting the rent paid. A less obvious benefit, however, came later when many tenants began coming to the legal clinic after receiving past-due rent notices. Several tenants were even referred to the clinic by the rental office. Because people were able to access legal services before eviction actions were filed, Healy was able to work directly with the manager and resolve the issues out of court. Tenants were happier because they got the outcomes they wanted (debts erased, repairs made, and feasible payment plans installed), and the landlord was able to avoid paying expensive legal fees. Healy and the manager developed a good rapport that allowed them to continue to resolve tenant concerns in a timely and effective way.

Although an overwhelming majority of the cases Healy handled during her fellowship were related to housing, the publicly available court docket showed that many people in Kenilworth-Parkside were still appearing *pro se* in eviction matters.¹⁵ After seeing from the docket that 60 tenants in a 160-unit property had cases scheduled on the same day, Healy decided to try a direct-mail campaign using people's names and addresses listed on the court complaints. Each letter informed the tenant about the court date, the amount of back rent the landlord was alleging, and possible defenses a tenant could raise and encouraged people to come to the legal clinic Healy was hosting at the property's community center the following week. While only 7 of the tenants came to that clinic, many of the other tenants appeared for legal assistance on their first court date. The sheer number of cases led the property's attorney to agree to continue all the

14 See [Angela Butel, Joint Religious Legislative Coalition, Introduction to Community Organizing: One-to-One 101](#) (Jan. 17, 2013).

15 In the District of Columbia 90 percent to 95 percent of tenants are unrepresented in eviction actions (see [Jeffery Leon, No Access, No Justice](#), WASHINGTON LAWYER (May 2016)).

As well as increasing Bread for the City's investment in organizing, community lawyering has furthered the organization's commitment to antiracism.

contested cases to give Healy time to meet with the tenants individually at the property. After those meetings, she represented 25 of the tenants with assistance from three pro bono attorneys from the law firm DLA Piper. In this situation, proactive outreach and legal services located at the tenants' place led to better individual outcomes for the tenants and became the impetus for the tenants to take collective action.

After the lawsuits had settled, we agreed to meet with four interested residents to discuss ways to galvanize the tenants who had just been through the court process. Two weeks later those four residents turned out over 20 people to talk about the concerns of the community and what power they had to make changes. Over the next six weeks we conducted a four-part housing advocacy and "know your rights" training to help the tenants determine their priorities for change. The tenants discussed some of the problems at the property and participated in a visioning exercise to learn more about their hopes for their own community. They eventually elected a tenant association to take on their problems and bring some of their hopes to reality.

PRACTICE TIP: *Do not let all the rules about being a lawyer hinder you from thinking creatively about how to apply your legal skills. Consider nontraditional partnerships, taking your services "on the road," and being present in spaces where your clients are already actively engaged. Listen and try to identify common concerns, hopes, and*

goals, and then work to connect people with one another around those ideas.

Challenges with Community Lawyering

Although Bread for the City has had much success in using a community lawyering model, the work is not without its challenges. As noted, part of an organizing strategy is to use small incremental wins to build power in the community to effect systemic change. Sometimes, however, sustaining momentum after a victory can be hard. We experienced this firsthand at the aforementioned property where the 60 sued tenants later formed a tenant association. At the end of that four-part housing advocacy training, the association decided that its first goal would be to end the water bills that tenants had started receiving even though many of their leases stated that they were not responsible for water costs. The tenants gathered their documentation, and Healy brought the issue to the attention of D.C.'s housing finance agency. Within a few weeks, the matter had been resolved, and the tenants received letters saying that they would no longer receive water bills. While this was certainly good news to the tenants, this quick and easy win did not lead to the sustained participation and momentum that we had hoped for the tenant association. Not every initiative or project will turn out as envisioned, but the hope is that the information, tools, strategies, and skills shared with the community will be used in other contexts even if the attorney and organizer are not there for the future "wins."

Sometimes, however, the lack of small incremental "wins" can pose a community lawyering challenge. We have found this to be especially true in the affordable housing redevelopment context where the lengthy planning and construction timelines can lead to community fatigue and low resident engagement. By the time the "real" redevelopment is ready to kick off, tenants are tired of attending meetings, have well-placed mistrust in the process, and do not feel the sense of urgency that the lawyer or organizer might feel. One way to try and combat this fatigue is to ensure that the end goal—in this example, an equitable relocation plan—is not the *only* goal for the process. While redevelopment that is two years away may be unlikely to bring people out for a meeting, perhaps people want to take on another, more pressing issue first. Maybe residents are worried about immediate maintenance issues on the property or have security concerns. Once people are engaged around an issue and begin to see progress, more than likely they will invest in the longer-term strategy.

Another common community lawyering challenge is the length of time before community members see the results of capacity building. Lawyers are used to speaking on behalf of clients and giving options and recommendations on a course of action based on research and experience. But community lawyering is not about just giving people the answer to their legal questions; it is about exploring an issue fully and getting buy-in on a collaborative course of action, doing more listening than talking, and delegating work rather than simply doing everything alone. The process takes longer and can seem less efficient, but if it works, the community will be able to mobilize itself when the next issue arises because the lawyer has

invested in people and institutions that will be there long after the lawyer leaves.

Broader Impact of Community Lawyering

Bread for the City's Community Lawyering Project has been successful in securing community-level and citywide change for its clients and has helped make the case for increasing the organization's investment in community organizing. As mentioned, about one year ago Bread for the City added advocacy as a sixth core program to its extensive suite of services. By hiring five community organizers (four organizers in the advocacy department and one filling Taylor's organizing position in the Community Lawyering Project), Bread for the City has increased its capacity to build power with the people it serves. The advocacy department is organizing a large-scale campaign around the creation and preservation of affordable housing; it works closely with the Community Lawyering Project to continue to ensure an integrated legal and organizing strategy around affordable housing creation and preservation. In our new roles as Community Lawyering Project supervisor and advocacy director, we continue to work together to make community lawyering and community organizing powerful tools for developing grassroots infrastructure in D.C.

As well as increasing Bread for the City's investment in organizing, community lawyering has furthered the organization's commitment to antiracism. Systemic racism and classism have ensured that people of color who are living on low incomes rarely get to have a substantive say in the decisions that affect their lives. While public participation can be a powerful tool for change, the fact remains that many decisions are made behind closed doors, in

places with no child care, no food, and limited hours of operation that coincide with most working-class people's workday. When community lawyers challenge that status quo and know what having "power with" as opposed to having "power over" their clients means, they are actively working in opposition to the same racist systems that have colluded to position their clients in powerless situations in the first place.

While the demographics of public service lawyers are more diverse than those of private law firms, a majority of public interest and government attorneys are still white while a majority of clients served—especially at nonprofit organizations such as Bread for the City located in large urban cities—are people of color.¹⁶ For lawyers who are seeking to integrate community lawyering principles into their work and disrupt the status quo, committing to sharing power with clients whenever possible is critical.

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¹⁶ See Ronit Dinovitzer et al., *After the JD II: Second Results from a National Study of Legal Careers* 72–74 (2009); Legal Services Corporation, *2013 LSC by the Numbers: The Data Underlying Legal Aid Programs* (July 2014).