

REBELLIOUS REFLECTION: SUPPORTING COMMUNITY LAWYERING PRACTICE

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ABSTRACT

This Article contends that lawyers who are trained in the skill of reflection are better equipped to engage in a social change-oriented approach to law practice called community lawyering. By conceptualizing reflection as a contemplative pedagogy, this Article will reveal a profound connection between community lawyering, reflection, and the contemplative law movement. The Article offers specific “rebellious” reflection-based pedagogies that can help practitioners and future lawyers: strengthen their capacity for deep self-awareness; interrogate the traditional lawyer-client relationship; sharpen their analysis of race, class, and power; and cultivate an understanding of how social change occurs. By presenting testimonials from new lawyers who have been trained in “rebellious reflection,” this Article underscores the potential of reflection to support a community lawyering practice rooted in self-awareness, compassion, and a commitment to working in solidarity with clients and communities in order to achieve transformative social change.

I. INTRODUCTION	102
II. COMMUNITY LAWYERING: THE FOUNDATIONAL PRINCIPLES	104
A. Principle #1: Self-Examination and Self-Awareness	104
B. Principle #2: A Collaborative Lawyer-Client Relationship: “Solidarity”	105
C. Principle #3: A Deep Understanding of Race, Class, and Power	106
D. Principle #4: Guided by a Grassroots Theory of Social Change	107
III. CONCEPTUALIZING REBELLIOUS REFLECTION	108
A. The Contemplative Law Movement	108
B. Reflection as a Contemplative Practice	110

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N.Y.U. REVIEW OF LAW & SOCIAL CHANGE

[Vol. 43:N

1. Internal Context Stage: Self-Awareness Through an “Internal Factor Inventory”	111
2. External Context Stage: Awareness of others through an “external factor inventory”	111
3. Societal Context Stage: Awareness of systems of oppression through a “societal inventory”	112
4. Metacognition Context Stage: Meta-level awareness	112
IV. “REBELLIOUS REFLECTION PEDAGOGIES:” REFLECTION-BASED TOOLS THAT SUPPORT COMMUNITY LAWYERING	114
A. Guerilla Guides: Deepening Self-Awareness	114
B. So Goes a Nation: Lawyers and Communities: Interrogating Lawyer-Client Relationship; developing interpersonal awareness	115
C. Critical Legal Theories: Deepening Understandings of Race, Class, and Power; Developing Systemic Awareness	117
D. Theory of Social Change Exercise: Encouraging Visions of Transformative Justice; Developing Meta-Level Awareness	118
V. THE IMPACT OF REBELLIOUS REFLECTION PEDAGOGY: VOICES FROM THE TRAINEES.....	120
VI.124 REFLECTION PEDAGOGY IN LAW SCHOOL: TRAINING GROUND FOR COMMUNITY LAWYERING PRACTICE.....	124
VII. CONCLUSION.....	126

I.

INTRODUCTION

Community lawyering is an approach to law practice that is focused on disrupting the status quo and promoting social change. It is an approach that has many incarnations, each with similar contours and tendencies such as rebellious lawyering, cause lawyering, political lawyering, social change lawyering, third-dimensional lawyering, collaborative lawyering, revolutionary lawyering, and law and organizing.¹ A common thread that connects all varieties of community lawyering

1. See e.g., GERALD P. LÓPEZ, *REBELLIOUS LAWYERING: ONE CHICANO’S VISION OF PROGRESSIVE LAW PRACTICE* (1992); AUSTIN SARAT & STUART SCHEINGOLD, *Cause Lawyering and the Reproduction of Professional Authority: An Introduction*, in *CAUSE LAWYERING: POLITICAL COMMITMENTS AND PROFESSIONAL RESPONSIBILITIES* 3, 4 (Austin Sarat & Stuart Scheingold eds., 1998); Martha Minow, *Political Lawyering: An Introduction*, 31 *HARV. C.R.-C.L. L. REV.* 287, 289 (1996); Gary Bellow, *Steady Work: A Practitioner’s Reflections on Political Lawyering*, 31 *HARV. C.L. L. REV.* 297 (1996); Louise G. Trubek, *Embedded Practices: Lawyers, Clients, and Social Change*, 31 *HARV. C.R.-C.L. L. REV.* 415, 415 n.2 (1996); Lucie E. White, *To Learn and Teach: Lessons from Driefontein on Lawyering and Power*, 1988 *WIS. L. REV.* 699, 762 (1988); Lucie E. White, *Collaborative Lawyering in the Field? On Mapping the Paths from Rhetoric to Practice*, 1 *CLINICAL L. REV.* 157, 157 (1994); Ascanio Piomelli, *Appreciating Collaborative Lawyering*, 6 *CLINICAL L. REV.* 427 (2000) [hereinafter, Piomelli, *Collaborative*]; William P. Quigley, *Revolutionary Lawyering: Addressing the Root Causes of Poverty and Wealth*, 20 *WASH. U. J. L. & POL’Y* 101, 149 (2006); Scott L. Cummings & Ingrid V. Eagly, *A Critical Reflection On Law And Organizing*, 48 *UCLA L. REV.* 443 (2001).

2019]

REBELLIOUS REFLECTION

is the vision of clients as *members of communities* with shared experiences who have the capacity to participate in, contribute to, shape, inform, or lead efforts to effect systemic social change.² Thus, when representing an individual client in a particular matter, the community lawyer engages in the representation in a way that acknowledges how the client fits into a larger community struggle against an unjust system.³ This approach informs all aspects of the representation, whether the client is an individual or a community group.⁴ At the same time, viewing individual clients as members of communities who are vital in problem-solving can inspire community lawyers to build partnerships between lawyers, clients, and community groups in order to both assist individual clients while simultaneously strengthening collective capacity.⁵

In perhaps the most influential text on community lawyering, *Rebellious Lawyering: One Chicano's Version of Progressive Law Practice*, Gerald López sets forth a set of sensibilities and skills that community lawyers should strive to achieve in order to engage in the “collective fight for social change.”⁶ Such sensibilities and skills include: consciousness of the interpersonal relationship between lawyer and client; continuous evaluation of both legal and non-legal approaches to problems faced by clients; an understanding of how to build and be part of coalitions with other professionals and community members; and an awareness of the impact of the lawyer’s work on local, regional, national, and international levels.⁷ This Article contends that lawyers who are trained in the skill of reflection will be better equipped with these rebellious sensibilities and skills, and will therefore be better prepared to engage in efforts to create social change.

Part II of this Article provides an explanation of community lawyering by distilling this approach to law practice into four foundational principles. Part III introduces reflection as a contemplative pedagogy in order to underscore its connection to the foundational principles of community lawyering. Part IV sets forth specific “rebellious” reflection-based pedagogies that can support practitioners and future lawyers in developing a community lawyering practice. Part V demonstrates the impact of rebellious reflection pedagogies by presenting testimonials

2. See Muneer I. Ahmad, *Interpreting Communities: Lawyering Across Language Difference*, 54 UCLA L. REV. 999, 1079 (2007) (describing community lawyering as a mode of lawyering that envisions communities as vital in problem-solving for poor people).

3. See Ascanio Piomelli, *Rebellious Heroes*, 23 CLINICAL L. REV. 283, 302 (2016) (noting that community lawyers see clients as members of communities rather than as “atomized individuals.”) [hereinafter Piomelli, *Rebellious*].

4. Cecilia Chen & Andrew Leong, *We Have the Power to Make Change: The Role of Community Lawyering in Challenging Anti-Asian Harassment at South Philadelphia High School*, 19 ASIAN AM. L. J., 61, 83 (2012) (noting that community lawyering “has less to do with whom one represents and much more with the way that one practices and approaches the representation.”)

5. See Ascanio Piomelli, *Foucault's Approach to Power: Its Allure and Limits for Collaborative Lawyering*, 2004 UTAH L. REV. 395, 479 (2004) (noting that collaborative lawyers “seek to build the long-term capacity of individuals and groups to improve their lives and communities.”).

6. LÓPEZ, *supra* note 1, at 38.

7. *Id.*

from new lawyers who have been trained in “rebellious reflection.” Part VI encourages law schools to train law students in deliberate reflection and discusses the unique opportunity to employ rebellious reflection pedagogies in the law school clinical classroom. The ultimate goal of this Article is to demonstrate the profound capacity of reflection to support lawyers committed to working in solidarity with clients and communities in order to achieve radical transformative social change.

II.

COMMUNITY LAWYERING: THE FOUNDATIONAL PRINCIPLES

The extensive amount of legal scholarship that is designed to give lawyers guidance on how to orient their practice in ways that can best bring about transformative social change is what is referred to as community lawyering theory.⁸ This Part of the Article draws upon this bastion of theoretical scholarship to identify the four foundational principles of community lawyering.

A. Principle #1: Self-Examination and Self-Awareness

“If we could change ourselves, the tendencies in the world would also change. As a man changes his own nature, so does the attitude of the world change towards him.”⁹

The first principle of community lawyering offers guidance to lawyers on how to approach their relationship to themselves. Community lawyers must be engaged in a regular practice of self-scrutiny and self-reflection;¹⁰ they must look inward and focus on their relationship to their inner-selves.¹¹ This self-awareness helps community lawyers recognize their own privilege and biases by increasing awareness of the impacts of class, race, ethnicity, culture, gender, sexual orientation, gender identity, physical disability, and age on their relationships with clients.¹² Moreover, this self-awareness helps lawyers craft communication strategies that

8. See e.g., *supra* note 1.

9. Mahatma Gandhi, *General Knowledge About Health [-XXXII]* (12. Accidents: Snake-Bite), INDIAN OPINION, Aug. 9, 1913, translation from Gujarati reprinted in 12 THE COLLECTED WORKS OF MAHATMA GANDHI (APR. 1913–DEC. 1914) 156, 158 (The Publications Division: Ministry of Information and Broadcasting, Government of India eds., 1964), https://www.gandhiheritageportal.org/cwmg_volume_thumbview/MTI=#page/194/mode/2up [<https://perma.cc/L56Y-64UB>].

10. Charles Elsesser, *Community Lawyering—the Role of Lawyers in the Social Justice Movement*, 14 LOY. J. PUB. INT. L. 375, 400 (2013) (noting that community lawyers must be engaged in a regular practice of self-scrutiny and self-reflection in order to avoid perpetuating the very systems of oppression that she is fighting.).

11. See Angela Harris, Margaretta Lin & Jeff Selbin, *From “The Art of War” to “Being Peace:” Mindfulness and Community Lawyering in a Neoliberal Age*, 95 CALIF. L. REV. 2073, 2126 (2007) (arguing that a community lawyer must develop self-awareness in order to be able “to see and identify her emotional reactions in the moment as well as to think through her situation intellectually and in the abstract.”).

12. Zenobia Lai, Andrew Leong & Chi Chi Wu, *The Lessons of the Parcel C Struggle: Reflections on Community Lawyering*, 6 UCLA ASIAN PAC. AM. L. J. 1, 28 (2000).

2019]

REBELLIOUS REFLECTION

can improve the impact of problem-solving efforts.¹³ Finally, this self-awareness not only helps community lawyers manage the emotions of anger, sadness, disappointment, fear, and anxiety that are common in social change work, but it also helps lawyers avoid succumbing to “burnout, cynicism, constant rage, or despair.”¹⁴ In other words, self-awareness can help support sustainable, meaningful, and mindful engagement with clients and communities.

B. Principle #2: A Collaborative Lawyer-Client Relationship: “Solidarity”

“Radical change only comes about by working with people; it is never the result of working for people.”¹⁵

The second central principle of community lawyering provides guidance on how lawyers should approach the lawyer-client relationship. Community lawyers envision a collaborative lawyer-client relationship in which lawyers work in solidarity, acting *with* rather than *for* clients and communities.¹⁶ Community lawyers recognize the ways in which the traditional lawyer-client relationship can further disempower the client, and they reimagine this relationship as a more cooperative partnership in which knowledge and power are shared.¹⁷ This is a lawyer-client relationship in which traditional roles of lawyers and clients are minimized.¹⁸ In this relationship, lawyers acknowledge the leadership capacity, expertise, resilience, and determination of their clients.¹⁹ Rather than solely providing legal knowledge and expertise to the client, lawyers also learn from and are taught by the client.²⁰ Clients teach lawyers about the impact of systems of oppression in

13. Beryl Blaustone & Carmen Huertas-Noble, *Lawyering at the Intersection of Mediation and Community Economic Development: Interweaving Inclusive Legal Problem-Solving Skills in the Training of Effective Lawyers*, 34 WASH. U. J.L. & POL'Y 157, 177–79 (2010) (arguing that developing the capacity for self-awareness is essential for community lawyers in order to improve the quality of any potential legal problem-solving.).

14. See Harris, Lin & Selbin, *supra* note 11, at 2126.

15. Quigley, *supra* note 1, at 149.

16. Piomelli, *Rebellious*, *supra* note 3, at 292 (noting that rebellious lawyers strive to partner with clients and communities, rather than to speak for them). “[Rebellious lawyers] act with, rather than for, clients and communities.” *Id.* at 291.

17. See Angelo N. Ancheta, *Community Lawyering*, 81 CALIF. L. REV. 1363, 1370 (1993) (reviewing GERALD P. LÓPEZ, *REBELLIOUS LAWYERING: ONE CHICANO’S VISION OF PROGRESSIVE LAW PRACTICE* (1992)) (noting that rebellious lawyering must be a partnership in which lawyers and clients “share power and combine their overlapping practical knowledge of the world in order to solve problems of subordination.”); see also Michael Diamond, *Community Lawyering: Revisiting the Old Neighborhood*, 32 COL. HUM. RTS. L. REV. 67, 75 (2000) (“The community lawyer is one whose commitment to this practice includes collaborative interaction with members of the community.”).

18. See Ancheta, *supra* note 17 at 1370; see also, LÓPEZ, *supra* note 1, at 50.

19. LÓPEZ, *supra* note 1, at 50 (noting that lawyers should treat clients as “capable, with a will to fight, and with considerable experience in resisting and occasionally reversing subordinated status.”)

20. LÓPEZ, *supra* note 1, at 50–53 (discussing the ways in which clients teach lawyers). López also notes that clients “offer the special practical know-how, the knowledge of how things work and get done, that is necessary for the careful assessment and deployment of power strategies in their

ways that can help craft strategies and solutions to systemic injustice.²¹ Lawyers are active, invested participants working in partnership with communities in the struggle for justice rather than superior saviors, heroes, or responsive champions.²² By disrupting the power structure that supports the traditional lawyer-client relationship, this reimagined collaborative lawyer-client relationship strengthens client leadership capacity, helps build community power, and supports social change.

C. Principle #3: A Deep Understanding of Race, Class, and Power

*“We are wise to pay close attention to class, race, and gender and to consciously combat all aspects of our cultural encapsulation.”*²³

The third principle of community lawyering provides guidance on how lawyers should approach their relationship to the clients and communities they serve, and to the broader community²⁴ that connects lawyers and clients. Community lawyers must be committed to developing a deep awareness of the impact of historical, social, political and economic realities on marginalized communities.²⁵ Because communities face multiple and intersecting injustices, community lawyers should engage in a process of political study in order to develop a deeper understanding of race, class, and power.²⁶ For only when community lawyers do

collective effort to solve problems.” *Id.* at 50. *See also*, Piomelli, *Collaborative*, *supra* note 1, at 448 (noting that community lawyers do not view clients “as frail, downtrodden victims, and instead genuinely treat them as partners possessing problem-solving skills, knowledge, and ideas worth considering and harnessing.”).

21. LÓPEZ, *supra* note 1, at 51 (demonstrating the need for rebellious lawyers to work together with clients in order to enrich and extend the “range of possible strategies and outcomes they might cooperatively pursue.”).

22. *See* Harris, Lin & Selbin, *supra* note 11, at 2126 (“The mindful lawyer is also able to recognize that the desire to be the hero often motivates social justice lawyering and is aware of the mischief that can follow if this desire is at the center of one’s lawyering practice.”); *see also*, Piomelli, *Rebellious*, *supra* note 3, at 302 (noting that rebellious lawyers “aim to be connected partners rather than responsive champions.”).

23. Asciano Piomelli, *Sensibilities for Social Justice Lawyers*, 10 HASTINGS RACE & POVERTY L.J. 177, 177 (2013) [hereinafter, Piomelli, *Sensibilities*].

24. For examples of definitions of “community,” *see* Andrea M. Seielstad, *Community Building as a Means of Teaching Creative, Cooperative, and Complex Problem Solving in Clinical Legal Education*, 8 CLIN. L. REV. 445, 450 (2002) (describing “community” as “any group of people that has a degree of cohesiveness—formal or informal—that may organize itself or have cause to be assembled and have the capacity to take action and make decisions for the benefit of members and others who may share common interests.”); Diamond, *supra* note 17 (exploring the question of “what is the community?” in the community lawyering context; Diamond notes that the concept of “community” is “intricate and elusive” and has geographic, social, and political aspects.).

25. *See, e.g.*, Harris, Lin & Selbin, *supra* note 11, at 2094 (noting that community lawyering involves “an awareness of political realities shaping small-scale personal relationships and large-scale societal transformations alike.”).

26. Elsesser, *supra* note 10, at 400; *see also*, Mona Tawatao, Colin Bailey, Gary Smith & Bill Kennedy, *Instituting a Race Conscious Practice in Legal Aid, One Program’s Effort*, 42 CLEARINGHOUSE REV. J. L. & POL’Y (May-June 2008) (“Community lawyering, is perhaps the most critical tool in achieving long-lasting racial equity.”).

2019]

REBELLIOUS REFLECTION

the work to understand the underlying causative factors of community disempowerment—such as race, class, and power—can lawyers actively engage in community legal work that disrupts the status quo, breaks cycles of poverty, and promotes social change and economic justice.²⁷

D. Principle #4: Guided by a Grassroots Theory of Social Change

“[F]reedom is never voluntarily given by the oppressor; it must be demanded by the oppressed.”²⁸

The fourth principle of community lawyering offers guidance to lawyers on how to understand their role in relation to the larger movement for social change. Community lawyering is an approach to lawyering that is guided by a particular theory of social change.²⁹ This underlying theory is a firm belief that social change occurs when communities have the power to dismantle the conditions of their subordination.³⁰ Community lawyers understand the ways in which lawyering can reinforce the status quo; and they recognize that long-term status quo shifting social change comes about when it is led and directed by the people most affected.³¹ This theory of social change helps community lawyers orient their practices in alignment with that recognition and helps them find their role in the movement for social change. As a result of this theory of social change, community lawyers approach the lawyer-client relationship in a way that demonstrates a deep awareness of power and privilege, and in a way that views clients as partners, collaborators, and potential leaders in the movement for social change.³²

27. Michael Diamond, *Community Lawyering: Introductory Thoughts on Theory and Practice*, 22 *GEO. J. ON POVERTY L. & POL'Y* 395, 398 (2015) (noting that community lawyers must be able to understand the underlying causative factors in community disempowerment and the symptoms they produce.); *see also* Derek Denckla & Matthew Diller, *Community Lawyering: Theory and Practice*, *FORDHAM URB. L. J.* (2000), at 72, (“Absent reliance on a theory about the processes that create and sustain poverty, community legal work could be viewed as creating more “band-aids,” rather than dealing with the underlying problems that cause communities to be poor and to suffer from related social problems.”).

28. Dr. Martin Luther King Jr., *Letter from Birmingham City Jail* (April 16, 1963), http://okra.stanford.edu/transcription/document_images/undecided/630416-019.pdf [<https://perma.cc/27FJ-ZVQN>].

29. *See, e.g.*, Bellow *supra* note 1, at 300–03 (1996) (discussing the need for political lawyering to be informed by a “social vision” in order to achieve deep-seated, structural, and cultural social change.).

30. Elsesser, *supra* note 10, at 384 (describing the community lawyering theory of social change: “Social change can only be lasting when it is led and directed by the people most affected.”); *see also*, Jeena Shah, *Rebellious Lawyering in Big Case Clinics*, 23 *CLIN. L. REV.* 775, 785 (2017) (describing the theory of social change underlying rebellious lawyering).

31. Elsesser, *supra* note 10, at 376 (noting that community lawyers recognize “the centrality and leadership of the organized constituency in achieving meaningful change.”); *see, e.g.*, Anna A. Akbar, *Law’s Exposure: The Movement and the Legal Academy*, 65 *J. LEGAL EDUC.* 352, 354 (2015) (discussing the momentum of social change movements such as Occupy, the DREAMers, the Movement for Black Lives, the Fight for \$15, and #Not1More.).

32. *See, e.g.*, Bellow *supra* note 1, at 302 (noting that the social vision held by a lawyer “inevitably shapes and influences relations with those whom she serves.”).

III.

CONCEPTUALIZING REBELLIOUS REFLECTION

This Part of the Article conceptualizes reflection as a contemplative pedagogy in order to underscore its connection to the foundational principles of community lawyering. By situating reflection within the contemplative law movement, this Part will illuminate the ability of reflection to open up personal, interpersonal, systemic, and meta-level dimensions of awareness that can help lawyers respond to systems of oppression and subordination in ways that effect transformative social change.

A. The Contemplative Law Movement

The contemplative law movement refers to the growing number of legal practitioners and scholars who have been integrating mindfulness practices and pedagogies into legal practice and pedagogy.³³ Within this movement, several contemplative law scholars have promoted the use of contemplative pedagogies in order to increase the awareness, compassion, and commitment required to engage in anti-subordination work. These “contemplative social justice” scholars establish that mindful practices such as engaged Buddhism, meditation, and yoga can help lawyers cultivate the multi-layered awareness required to challenge systems of oppression and facilitate social change.

For example, in their groundbreaking article, *From “The Art of War to “Being Peace:” Mindfulness and Community Lawyering in a Neoliberal Age*, co-authors Harris, Lin, and Selbin make the case that mindfulness increases the multi-layered awareness required to challenge domination and facilitate transformative justice. They contend that mindfulness practice supports community lawyering by helping lawyers navigate the four sets of relationships that are critical to community lawyers: 1) the relationship between lawyer and self; 2) the relationship between lawyer and client; 3) the relationship between lawyer and community; and 4) the relationship between lawyer and the movement for social change.³⁴

33. See Rhonda V. Magee, *Educating Lawyers to Meditate?*, 79 UMKC L. REV., 535, 548-55 (2010) (discussing the development of the contemplative law movement) [hereinafter, Magee, *Meditate*]; see also, Nehal Patel, *Why Lawyers Fear Love: Mohandas Gandhi’s Significance to the Mindfulness in Law Movement*, 4 BRIT. J. AM. LEGAL STUD. 251, 263–66 (2015) (providing a list of several “Mindfulness in Law Initiatives” that exist at law schools across the U.S. including The University of Miami School of Law’s *Mindfulness in Law* program; UC Berkeley School of Law’s *Initiative for Mindfulness in Law*; Georgetown University School of Law’s *Lawyers in Balance* program; City University of New York (CUNY) School of Law’s *Contemplative Urban Lawyering Program*; University of Akron School of Law’s mindfulness-based stress reduction (MBSR) program; Vanderbilt Law School’s *Supportive Practices Group*; and Yale Law School’s *Meditation and the Law* program); see also Angela Harris, *Toward Lawyering as Peacemaking: A Seminar on Mindfulness, Morality and Professional Identity*, 61 J. LEGAL EDUC. 647, 647–49 (2012) (describing a seminar at SUNY Buffalo School of Law called “Mindfulness and Professional Identity: Becoming a Lawyer While Keeping Your Values Intact”).

34. Harris, Lin & Selbin, *supra* note 11, at 2126–32.

2019]

REBELLIOUS REFLECTION

The authors draw upon the trainings of “engaged Buddhism”³⁵ to demonstrate how awareness of suffering created by systems of power and subordination results in the need to act towards ending such suffering.³⁶ Mindfulness can help cultivate in lawyers the awareness of suffering brought about by imposing views onto others;³⁷ the awareness that anger blocks communication and creates suffering;³⁸ the awareness that life is only available in the present moment;³⁹ the awareness that lack of communication brings about suffering and separation;⁴⁰ the awareness of the importance of practicing compassion;⁴¹ the awareness that words can create suffering or happiness;⁴² the awareness of global economic, political and social realities;⁴³ and the awareness of suffering caused by exploitation and oppression.⁴⁴ Thus, for Harris, Lin, and Selbin, the practice of mindfulness involves more than just individual contemplation; it inspires and requires compassionate action that challenges subordination in order to end suffering.⁴⁵

Similarly, in *Educating Lawyers to Meditate?*, contemplative legal scholar Rhonda V. Magee asserts that contemplative practices such as meditation open up dimensions of awareness, while also opening the door wider for lawyers to respond to injustices and patterns of oppression.⁴⁶ Magee argues that meditation can help lawyers increase their multi-layered awareness, their capacity to regulate emotions, their capacity to re-perceive the world, and their sense of connection with others.⁴⁷ As a result, meditation can help lawyers work with clients and

35. The authors refer to the “engaged Buddhism” mindfulness trainings promulgated by Thich Nhat Hanh. See THICH NHAT HANH, *INTERBEING: FOURTEEN GUIDELINES FOR ENGAGED BUDDHISM* (1997).

36. Harris, Lin & Selbin, *supra* note 11, at 2128 (“Engaged Buddhism suggests that Buddhists should not only focus on inner awareness but should resist social injustice as well.”).

37. HANH, *supra* note 35 at 27–28 (describing the “Third Mindfulness Training: Freedom of Thought”).

38. *Id.* at 33 (describing the “Sixth Mindfulness Training: Dealing with Anger”).

39. *Id.* at 37 (describing the “Seventh Mindfulness Training: Dwelling Happily in the Present Moment”).

40. *Id.* at 39 (describing the “Eighth Mindfulness Training: Community and Communication”).

41. *Id.* at 43 (describing the “Tenth Mindfulness Training: Protecting the Sangha [Buddhist community]”).

42. *Id.* at 41 (describing the “Ninth Mindfulness Training: Truthful and Loving Speech”).

43. *Id.* at 44 (describing the “Eleventh Mindfulness Training: Right Livelihood”).

44. *Id.* at 49 (describing the “Thirteenth Mindfulness Training: Generosity”).

45. Harris, Lin & Selbin, *supra* note 11, at 2128 (“With an awareness of power and subordination comes a demand for social action; with an awareness of the suffering created by such power and subordination comes the responsibility to act towards ending such suffering.”).

46. Magee, *Meditate*, *supra* note 33, at 591 (arguing that contemplative pedagogies “open the door wider for responses to injustices and patterns of oppression that persist, transform, and emerge anew in all our societies during these critical times of change.”).

47. Magee, *Meditate*, *supra* note 33, at 589.

communities more “effectively, ethically, and with greater relational satisfaction.”⁴⁸ Magee concludes that infusing lawyering with contemplative practice such as meditation represents a “new approach to justice” where lawyers not only are better at knowing the world—but are also better at “knowing how to do well by and with others in it.”⁴⁹

In *Root to Rise: Mindful Lawyering for Social Justice*, Thalia González demonstrates how the specific set of principles that guide yogic practice (the Eight Limbs of Yoga)⁵⁰ can assist lawyers who are interested in creating transformative social change. González asserts that the yogic principles of conscious self-care, healthy boundaries, honesty in word and action, collaborative living, compassion for self and others, and self-reflection can help increase social, emotional and physical awareness in lawyers.⁵¹ This heightened awareness can transform a lawyer’s identity “from the individual to the collective and widen her vision of social, political, legal, and economic justice.”⁵² González concludes that yogic principles support a mindful approach to lawyering that is focused on “promoting equality and human dignity, transforming relationships, and dismantling systems that institutionalize privilege and discrimination.”⁵³

These “contemplative social justice” scholars make the case that contemplative practices such as engaged Buddhism, meditation, and yoga can help support an approach to law practice that is focused on confronting systems of oppression and promoting transformative social change—namely, community lawyering.

B. Reflection as a Contemplative Practice

In the same way that contemplative practices such as engaged Buddhism, meditation, and yoga facilitate multi-layered awareness in order to catalyze social change, the practice of deliberate reflection opens up personal, interpersonal, systemic, and meta-level dimensions of awareness in ways that inspire compassion, empathy, and the desire to respond to systems of oppression and subordination. In his article, *Reflective Practice in Legal Education: The Stages of Reflection*, Timothy Casey sets forth a methodology for lawyers to develop the skill of deliberate reflection, called *Stages of Reflection*.⁵⁴

48. *Id.* at 591.

49. *Id.*

50. See Thalia González, *Root to Rise: Mindful Lawyering for Social Justice*, 41 N.Y.U. REV. L. & SOC. CHANGE 91, 103 (2017) (citing to PATAÑJALI, *THE YOGA SUTRAS OF PATAÑJALI* (Sri Swami Satchidananda trans., 2012)) [hereinafter, González, *Root to Rise*].

51. González, *Root to Rise*, *supra* note 50 at 94.

52. *Id.* at 116.

53. *Id.* at 120.

54. Timothy Casey, *Reflective Practice in Legal Education: The Stages of Reflection*, 20 CLIN. L. REV. 317, 317 (2014). Casey draws upon psychological research from the fields of *cognitive development*, *moral reasoning*, and *reflective judgment* to propose a model for teaching reflection in a deliberate way.

2019]

REBELLIOUS REFLECTION

When reflecting upon a performance, task, interaction, experience, or emotional response, Casey asks lawyers to engage in Internal, External, Societal, and Metacognitive stages of reflection which require four levels of awareness: 1) self-awareness; 2) awareness of others; 3) awareness of systemic power dynamics, economic forces, political and social realities; and 4) awareness of the impact of their own learning and thinking process.⁵⁵ These levels provide the specific kinds of awareness required to support a community lawyering practice, as each level of awareness corresponds to a set of relationships critical to community lawyers: lawyer-self, lawyer-client, lawyer-community, and lawyer-movement.⁵⁶

1. Internal Context Stage: Self-Awareness Through an “Internal Factor Inventory”

In this stage of reflection, when lawyers reflect on a particular experience, performance, emotional reaction, or decision-making process, lawyers are asked to consider and explore the impact of internal factors, namely, their personal preferences, life experiences, implicit and explicit biases, and physical characteristics/attributes.⁵⁷ This stage assists community lawyers in navigating the lawyer-self relationship by strengthening a lawyer’s capacity for self-awareness.⁵⁸ This strengthened self-awareness can help community lawyers gain a better understanding of themselves and be better equipped to manage the common emotions for those who work for social change, such as anger, sadness, disappointment, fear, and anxiety.⁵⁹

2. External Context Stage: Awareness of Others Through an “External Factor Inventory”

In this stage of reflection, when lawyers reflect on a particular performance, emotional response, or decision-making process, lawyers are asked to consider and explore external factors, namely the preferences, experiences, biases, and characteristics of others involved in the lawyering performance such as clients, other lawyers, judges, and third-party neutrals.⁶⁰ This stage of reflection helps community lawyers navigate the lawyer-client relationship by helping them consider how they are perceived by others.⁶¹ This helps community lawyers ask the question of *how* they want to be perceived by their clients—as saviors or

55. *Id.* at 338–47.

56. *See supra* note 34 and accompanying text.

57. Casey, *supra* note 54 at 339–40.

58. *Id.* at 340 (noting that the ultimate goal of this stage is to develop a greater sense of self-awareness).

59. *See supra* note 14 and accompanying text (describing community lawyering foundational principle #1: self-examination and self-awareness).

60. *Id.* at 341.

61. *Id.* at 343–44 (noting that in this stage of reflection, a lawyer demonstrates an awareness of how others perceive them in a professional context).

champions? Or as partners and collaborators?⁶² Moreover, by encouraging lawyers to consider what a client thinks, needs, feels, and desires—this stage of reflection can assist community lawyers in developing transformative strategies and solutions that are informed by the experiences and expertise of the client.⁶³

3. *Societal Context Stage: Awareness of Systems of Oppression Through a “Societal Inventory”*

In this stage of reflection, when lawyers reflect on a particular performance, emotional response, or decision-making process, lawyers are asked to consider and explore societal factors, such as systemic power dynamics, political and social realities, economic forces, societal or collective expressions of biases, and the historic experience of race in the judicial system.⁶⁴ This stage of reflection helps community lawyers navigate the lawyer-community relationship. By deepening the awareness of historical, social, political and economic realities, this stage of reflection helps community lawyers strengthen their understanding of the impact of structural relations of privilege and oppression—such as race, class, and power—on communities.⁶⁵ This deepened awareness enables community lawyers to orient their practice toward disrupting the status quo and promoting social change.⁶⁶

4. *Metacognition Context Stage: Meta-Level Awareness*

Finally, the metacognition stage of reflection asks lawyers to develop an awareness of how they think as a result of reflecting upon a particular performance, emotional response, or decision-making process.⁶⁷ Lawyers learn how to be aware of their own reflective process and the effect of reflection on their actions.⁶⁸ This stage of reflection helps community lawyers navigate the lawyer-

62. See *supra* note 22 and accompanying text (describing community lawyering foundational principle #2: a collaborative lawyer-client relationship).

63. LÓPEZ, *supra* note 1, at 61–62 (arguing that, by listening and paying attention to what the client thinks, feels, needs, and desires, lawyers can engage in rebellious lawyering that is informed by the experiences of the client.); see also, Rhonda V. Magee, *The Way of ColorInsight: Understanding Race and Law Effectively Through Mindfulness-Based ColorInsight Practices*, 8 GEO. J. L. & MOD. CRITICAL RACE PERSP. 251, 254–55, 274 (2016) (discussing the practice of taking into consideration the point of view of others—perspective-taking—as a contemplative practice that supports compassionate action.); Piomelli, *Sensibilities*, *supra* note 23, at 177 (“It is vital to cultivate our ability to see from multiple perspectives.”).

64. Casey, *supra* note 54, at 344.

65. See *supra* note 25 and accompanying text (describing community lawyering foundational principle #3: a deep understanding of race, class, and power).

66. Michael Diamond, *Community Lawyering: Introductory Thoughts on Theory and Practice*, 22 GEO. J. ON POVERTY L. & POL’Y 395 (2015); see also, Karen Tokarz, Nancy L. Cook, Susan Brooks & Brenda Bratton Blom, *Conversations on “Community Lawyering”: The Newest (Oldest) Wave in Clinical Legal Education*, 28 WASH. U. J. L. & POL’Y 359, 375 (2008).

67. Casey, *supra* note 54, at 346.

68. See, e.g., Law Student Reflection (Spring 2018) (unpublished course reflection) (on file

2019]

REBELLIOUS REFLECTION

movement relationship by encouraging meta-level thinking about how lawyers support the movement for social change—and whether the lawyering process reinforces the status quo.⁶⁹ As a result, this stage of reflection encourages community lawyers to think about how social change occurs.⁷⁰ Moreover, by strengthening the capacity for meta-level awareness, this stage of reflection helps community lawyers maintain balance in the ever changing—often conceptual—landscape of community struggle.⁷¹

In short, the internal, external, societal, and metacognition stages of reflection set forth above can be used by lawyers to develop the multi-layered awareness required to engage in “rebellious” community lawyering. The following chart illustrates the connection between reflection and community lawyering wherein the stages of reflection—by helping lawyers navigate the relationships critical to community lawyering—support the very foundational principles of community lawyering.

Stage of Reflection	Critical Lawyering Relationship	Community Lawyering Principle
Internal Context Stage	Lawyer/Self	Self-Awareness
External Context Stage	Lawyer/Client	Collaborative Lawyer-Client Relationship
Societal Context Stage	Lawyer/Community	Awareness of Race, Class, Power, History
Metacognition Stage	Lawyer/Movement	Grassroots Theory of Social Change

Like the contemplative practices of engaged Buddhism, meditation, and yoga—deliberate reflection can be utilized to support community lawyering practice that is focused on confronting systems of oppression and promoting transformative social change. Lawyers can use the *Stages of Reflection* methodology to support a community lawyering practice that is built upon profound multi-layered awareness; that works in solidarity with communities as partners with shared knowledge and power; that understands the underlying causes of community

with author) (“Every time I process my thoughts for my reflections, I am blown away by how much it changes the way I view people, systems, and society.”)

69. Harris, Lin & Selbin, *supra* note 11, at 2129 (noting that navigating the lawyer-movement relationship assists lawyers in understanding the place of their work in the larger struggle for justice and helps them grapple with “big questions” like whether and to what extent lawyering and the law itself reinforce the status quo.).

70. *See supra* note 29 and accompanying text (describing community lawyering foundational principle #4: guided by a grassroots theory of social change).

71. *See, e.g.,* Tokarz, *supra* note 66, at 392 (noting that community lawyers must maintain “an awareness of the meta-context” in order to balance lawyering at the macro-level with community organizing and legislative advocacy, and at the micro-level with individual client representation).

disempowerment; and that is fueled by empathy, compassion, and a desire to engage in the movement for social change.

IV.

“REBELLIOUS REFLECTION PEDAGOGIES:” REFLECTION-BASED TOOLS THAT SUPPORT COMMUNITY LAWYERING

This Part of the Article offers several “rebellious reflection pedagogies” that not only reinforce the foundational principles of community lawyering, but they also help lawyers develop the personal, interpersonal, systemic, and meta-level awareness required to engage in “rebellious” community lawyering. The pedagogies set forth below can be used to help lawyers and law students strengthen their capacity for deep self-awareness, interrogate the traditional lawyer-client relationship; sharpen their analysis of race, class and power; and cultivate an understanding of how social change occurs.

A. Guerilla Guides: Deepening Self-Awareness

The *Guerilla Guides to Law Teaching* are a set of guides that provide law professors with specific pedagogical tools and strategies that challenge traditional legal education and center principles of community lawyering.⁷² The vision of the *Guerilla Guides* is rooted in the belief that in order to “participate in the transformation of our world,” lawyers must learn the fundamentals of community lawyering.⁷³ Accordingly, the *Guerilla Guides* provide the following list of characteristics shared by community lawyers:

They develop and maintain a deep commitment to working with, not for, marginalized groups of people.

They commit to learning from and with marginalized groups of people.

They continuously study and develop theories of how just change comes about.

They are willing to join in challenges to power even when doing so makes the lawyers uncomfortable.

They acknowledge and struggle against their privilege.

They humbly acknowledge the tremendous gifts that struggling for justice with others confers on lawyers.

They learn how to step back and let organizations of people lead.

They create alternative ways of practicing law.

72. Amna Akbar, Sameer Ashar, Bill Quigley & Jocelyn Simonson, *Guerilla Guides to Law Teaching: Law Teaching in the Movement Moment* (August 29, 2016) <https://guerrillaguides.wordpress.com/2016/08/29/fourprinciples> [<https://perma.cc/M5ZJ-R4TS>] (providing guidelines for professors who teach Evidence, Administrative Law, Criminal Law, Immigration Law, and Human Rights Law.)

73. *Id.*

2019]

REBELLIOUS REFLECTION

They accept less power, recognition and compensation.

They incorporate a human rights and global justice perspective into their work.

They continually develop a range of skills to help return power to the people and communities from whom it has been unjustly taken.

They demonstrate a willingness to be a partner with groups and advocate in a variety of ways including supporting protest, legislation, community education, media, organizing, and litigation.

They accept that real change can be messy and chaotic, so they develop the flexibility necessary to continue forward with people who are struggling to upset the status quo.

They make sure to get out of the office and courthouse and participate in community gatherings and meetings.

They recognize the importance of living a sustainable life, so they can persevere over the long haul.⁷⁴

I have used this list with my students in order to build capacity for deepened self-awareness. I present this list to my students and ask them to think about which characteristics they hope to embrace in their own law practice. I ask them to talk about personal barriers—such as biases, privileges, physical attributes, preferences, life experiences—that may interfere with, or facilitate, their ability to embrace these characteristics. This conversation forces students to think deeply about who they are and who they want to be as lawyers. The *Guerilla Guides* list not only helps lawyers and law students focus on the lawyer-self relationship by opening up channels that deepen and strengthen the capacity for self-awareness, but it also supports the first foundational principle of community lawyering—a commitment to self-examination.⁷⁵

B. So Goes a Nation: Lawyers and Communities: Interrogating Lawyer-Client Relationship; Developing Interpersonal Awareness

So Goes a Nation: Lawyers and Communities is a film which was produced in 1997 by the New York Lawyers for the Public Interest, the Fordham Urban Law Journal, and Fordham University School of Law with the distinct goal of informing and stimulating thinking about the practice of community lawyering.⁷⁶ The film illustrates real-life examples of community lawyering, and is comprised of

74. *Id.*

75. See *supra* notes 10-14 and accompanying text (describing community lawyering foundational principle #1: self-examination and self-awareness).

76. Fordham Law School, *So Goes a Nation: Lawyers and Communities*, VIMEO (1998), <https://vimeo.com/132730519> [<https://perma.cc/2M2D-Y84A>]. The video debuted at Lawyering for Poor Communities in the 21st Century, a two-day symposium at Fordham University School of Law featuring advocates, academics and community leaders.

powerful narrative interviews of community lawyers, community members, community leaders, and community organizers.⁷⁷ This film can help lawyers and law students be more thoughtful and intentional when navigating their role within the lawyer-client relationship.⁷⁸

Before screening the film, I ask my students to pay particular attention to any mention or discussion of the role of lawyers as they watch the film, and to note down relevant quotes. The film contains several provocative quotes about the nature of the relationship between lawyers and clients, such as: “[lawyers] do not come in on white horses providing answers”; “[lawyers] are not the saviors to problems faced by our communities and the residents who live there”; “[lawyers] are participants in a unified community response to injustice”; “the lawyer-client relationship is collaborative, not hierarchical”; “it is professionally and personally rewarding [for lawyers] to be part of a unified response to injustice—a response that is controlled, influenced, and directed by community residents.”⁷⁹

This film generates a rich discussion in which students begin to interrogate the traditional lawyer-client relationship and think about the ways in which it can disempower clients. Through this film, students are exposed to a community lawyering approach to the lawyer-client relationship in which lawyers work in collaboration with clients—as partners—in a unified response to systems of oppression.⁸⁰ Finally, by encouraging students to think specifically about how they want to be perceived by clients and communities, this film deepens the interpersonal awareness required for effective community lawyering.⁸¹

77. See Janine Sisak, *If the Shoe Doesn't Fit. . . Reformulating Rebellious Lawyering to Encompass Community Group Representation*, 25 *FORDHAM URB. L.J.* 873 (1998) (discussing the film *So Goes a Nation* and analyzing the community lawyering approaches depicted in the film as “rebellious”).

78. See Harris, Lin & Selbin, *supra* note 11, at 2115–16 (making the case that developing a reflective practice allows community lawyers to be aware of the impact of the lawyer-client relationship, and to be more intentional when navigating such an important relationship).

79. Fordham Law School, *supra* note 76.

80. See *supra* notes 16-22 and accompanying text (describing community lawyering foundational principle #2: a collaborative lawyer-client relationship).

81. See *supra* note 63 and accompanying text (discussing the value of taking into consideration the point of view of others.)

2019]

*REBELLIOUS REFLECTION**C. Critical Legal Theories: Deepening Understandings of Race, Class, and Power; Developing Systemic Awareness*

Critical legal theories such as Critical Race Theory,⁸² LatCrit,⁸³ AsianCrit,⁸⁴ TribalCrit,⁸⁵ QueerCrit,⁸⁶ QueerRaceCrit,⁸⁷ FemCrit,⁸⁸ and FemRaceCrit⁸⁹ are analytic tools that can help lawyers “unpack, shed light on, problematize, *disrupt*, and analyze how systems of oppression, marginalization, racism, inequity, hegemony, and discrimination are pervasively present and ingrained in the fabric of policies, practices, institutions, and systems.”⁹⁰ Exposure to these theories can help lawyers navigate the lawyer-community relationship by deepening understandings of how structural relations of privilege and oppression impact marginalized communities.⁹¹

I have had great success in exposing my students to these critical legal theories through assigned and recommended readings, as well as through collective

82. See generally CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT (Kimberle Crenshaw, Neil Gotanda, Gary Peller & Kendall Thomas eds., 1995); CRITICAL RACE THEORY: THE CUTTING EDGE (Richard Delgado & Jean Stenfancic eds., 2d ed. 2000); CROSSROADS, DIRECTIONS, AND A NEW CRITICAL RACE THEORY (Francisco Valdes, Jerome McCristal Culp & Angela P. Harris eds., 2002).

83. See generally THE LATINO/A CONDITION: A CRITICAL READER (Richard Delgado & Jean Stenfancic eds., 1998); Symposium, *LatCrit Theory: Naming and Launching a New Discourse of Critical Legal Scholarship*, 2 HARV. LATINO L. REV. 1 (1997); Colloquium: *Representing Latina/o Communities: Critical Race Theory and Practice*, 9 LA RAZA L.J. 1 (1996); Panel: *Latina/o Identity and Pan-Ethnicity: Toward LatCrit Subjectivities*, 2 HARV. LATINO L. REV. 175 (1997); Joint Symposium: *Latinas/os and the Law*, 85 CAL. L. REV. 1087 (1997).

84. See generally, FRANK H. WU, *YELLOW: RACE IN AMERICA BEYOND BLACK AND WHITE* (2002); Robert S. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space*, 81 CAL L. REV. 1241 (1993).

85. See Bryan McKinley Jones Brayboy, *Toward a Tribal Critical Race Theory in Education*, 37 URBAN REV.: ISSUES PUB. EDUC. 425 (2005).

86. See generally Symposium, *More Gender Trouble: Feminism Meets Queer Theory*, 6 DIFFERENCES 1 (1994); Symposium, *Queer Subjects*, 25 SOCIALIST REV. 1 (1995); Symposium, *Queer Theory/Sociology: A Dialogue*, 12 SOCIOLOGICAL THEORY 166 (1994).

87. See generally Francisco Valdes, *Queers, Sissies, Dykes, and Tomboys: Deconstructing the Conflation of “Sex,” “Gender,” and “Sexual Orientation” in Euro-American Law and Society*, 83 CALIF. L. REV. 3 (1995); Elvia Arriola, *Gendered Inequality: Lesbians, Gays, and Feminist Legal Theory*, 9 BERKELEY WOMEN’S L.J. 103 (1994).

88. See Katharine T. Bartlett, *Feminist Legal Methods*, 103 HARV. L. REV. 829 (1990).

89. See CRITICAL RACE FEMINISM: A READER (Adrien Katherine Wing ed., 2d ed., 2003); see also, Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 139 U. CHI. LEGAL F. 152 (1989); Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990).

90. H. Richard Milner IV, *Analyzing Poverty, Learning, and Teaching Through a Critical Race Theory Lens*, 37 REV. RES. IN EDUC. 1, 1 (2013).

91. See Casey, *supra* note 54, at 344 (noting that exposure to critical legal theory supports the societal context stage of reflection by helping “explain systemic power dynamics, hierarchies, and the lingering effects of unarticulated biases and preferences.”).

classroom discussions and debriefs.⁹² Specifically, I ask students to envision what their future law practice could look like when integrated with these theories, and how such critical frameworks will impact their approaches to clients and communities. By deepening the awareness of race, class, and power, these critical legal theories help community lawyers engage with communities in a more meaningful way—with more compassion, humility, and awareness of the impact of power and subordination.⁹³

D. Theory of Social Change Exercise: Encouraging Visions of Transformative Justice; Developing Meta-Level Awareness

The *Theory of Social Change* exercise can help lawyers navigate the lawyer-movement relationship by inspiring them to orient and design their practices in alignment with their visions of social change.⁹⁴ This kind of “vision making” is necessary for lawyers who seek to orient their law practices towards the goal of supporting and effecting structural change.⁹⁵ Moreover, this exercise helps lawyers develop and possess a meta-level awareness of how social change occurs and the effect of the lawyering process in creating systemic change.⁹⁶ As a result, this exercise can help lawyers find a role for themselves in the movement for transformative change.⁹⁷

When I facilitate this exercise with law students, I first ask them to think about how major social change movements in history have occurred such as the civil rights movement, the workers’ rights movement, the housing movement and the immigrants’ rights movement.⁹⁸ I then present quotes from historic social change

92. For examples of such critical legal theory readings, *see supra* notes 82-89.

93. *See supra* notes 24-26 and accompanying text (describing community lawyering foundational principle #3: a deep understanding of race, class, and power).

94. This exercise is inspired by Elsesser, *supra* note 10, at 384 (making the case that legal advocates must possess an understanding of how social change occurs.). For a similarly inspired approach to integrating community lawyering theory into an International Human Rights Clinic, beginning with a theory of social change exercise, *see* Jeena Shah, *Rebellious Lawyering in Big Case Clinics*, 23 *CLIN. L. REV.* 775, 803-806 (2017).

95. *Bellow supra* note 1, at 300–02 (arguing that “vision-making” work is fundamental to the strategy of political lawyering).

96. This exercise, if used in the law school setting, also helps respond to Rhonda Magee’s appeal to law schools to increase opportunities for law students to develop the skill of metacognition. *See* Magee, *Meditate*, *supra* note 33, at 591.

97. Elsesser, *supra* note 10, at 378 (“It seems reasonable that a first step in supporting social change would be to possess an understanding of how social change occurs.” Elsesser further posits that many lawyers committed to social justice have only “a vague, largely unexamined notion of how they believe change occurs.”).

98. I also refer law students to a list of books on such movements, including: BARBARA RANSBY, *ELLA BAKER & THE BLACK FREEDOM MOVEMENT: A RADICAL DEMOCRATIC VISION* (2003); 1–10 PHILIP FONER, *THE HISTORY OF THE LABOR MOVEMENT IN THE UNITED STATES (1947-1994)*; PRISCILLA MUROLO, *FROM THE FOLKS WHO BROUGHT YOU THE WEEKEND* (2001); MICHAEL YATES, *WHY UNIONS MATTER* (2009); HOWARD ZINN, *A PEOPLE’S HISTORY OF THE UNITED STATES* (1980); and WALTER J. NICHOLS, *THE DREAMERS: HOW THE UNDOCUMENTED YOUTH MOVEMENT*

2019]

REBELLIOUS REFLECTION

agents as well as quotes from former students.⁹⁹ I then ask my students to generate their own theories for how they believe social change occurs and to address the role of lawyers in efforts to create such transformative change. In my experiences facilitating this exercise, students respond with insights that reveal a profound meta-level awareness of how lawyers, the law, and the legal system fit into the larger movement for social change. For example:

Social change requires community power, solidarity work, and cultural resistance. Building community power is important because true liberation is achieved from the bottom up. Lawyering must be done in solidarity with marginalized communities because one person's liberation is inherently connected to all people's liberation.¹⁰⁰

Social change can only occur when the most marginalized are empowered to build community power and demand change. As lawyers, our role in social change is to facilitate the connections between the community and the system, and to provide technical assistance to the community when requested. Liberation will never occur unless the directly impacted individuals are leading the change.¹⁰¹

Social change occurs through the actions of united groups motivated to achieve some end for the good of all. This requires some learning for people with privilege to appreciate how their own liberation is intertwined with that of others. It is not enough to be an ally—people with privilege must actually take up the community's concerns as their own for meaningful collective action. And to the extent that lawyers are involved in social change, those lawyers need to see social change work not as a job or vocation but as a way of life.¹⁰²

I am a firm believer that our liberation is interconnected and that change trickles up. Social change results from the mobilization and agitation from the grassroots. While lawyers can be important allies and holders of technical legal knowledge, a lawyer must act as a team player and use their legal expertise to advance the agenda that community organizers have created.¹⁰³

TRANSFORMED THE IMMIGRANT RIGHT DEBATE (2013); *see also*, LÓPEZ, *supra* note 1, at 66–67 (“To be effective in designing strategies to alter modern arrangements and institutions, those who lawyer rebelliously must take the leads from what can be learned on the basis of earlier efforts.”).

99. I have used the following quotes which are conveniently set out by Elsesser: “If we could change ourselves, the tendencies in the world would also change. As a man changes his own nature, so does the attitude of the world change towards him.”—M.K. Gandhi; “Freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed.”—Dr. Martin Luther King Jr.; “Once social change begins, it cannot be reversed. You cannot un-educate the person who has learned to read. You cannot humiliate the person who feels pride. You cannot oppress the people who are not afraid anymore.”—Cesar Chavez; “It is only when the oppressed find the oppressor out and become involved in the organized struggle for their liberation that they begin to believe in themselves.”—Paulo Freire. *See* Elsesser, *supra* note 10, at 378 n.11.

100. Law Student Response (Fall 2016) (on file with author).

101. Law Student Response (Spring 2017) (on file with author).

102. Law Student Response (Spring 2019) (on file with author).

103. Law Student Response (Spring 2019) (on file with author).

The *Theory of Social Change* exercise forces lawyers to think at a meta-level about the intersection of social change and lawyering. It enables lawyers to understand the impact and effect of the law and lawyering on movements for social change and to locate their role within those movements. As a result, this exercise can help lawyers shape their practices in alignment with grassroots theories of social change and, as a result, support community-led efforts to disrupt the status quo.¹⁰⁴

V.

THE IMPACT OF REBELLIOUS REFLECTION PEDAGOGY: VOICES FROM THE TRAINEES

This Part of the Article presents testimonials from new lawyers who were trained in the skill of reflection through the use of rebellious reflection pedagogies in law school. These testimonials reveal how using rebellious reflection pedagogies can support a community lawyering practice by reinforcing principles of community lawyering while deepening the multi-layered awareness required to engage in transformative social change.

A. Andy McClenahan, 2017 Law Graduate; Lawyer and Public Defender

The testimonial of Andy illustrates how exposure to critical theories such as critical race theory helped him develop a profound awareness of systems of oppression such as the impact of race, class, and power on the lives of his clients. Andy also reveals how principles of community lawyering, as presented through the *Guerilla Guides* list of characteristics, have helped him build the self-awareness required to reject a “deficit-based view” of his clients¹⁰⁵ and to avoid the desire to be a hero, rescuer, or savior.¹⁰⁶

Nothing has prepared me better for my current practice as a public defender than my developing an understanding of the ways in which race, class, and power intersect within the criminal justice system, and allow it to function as a tool of oppression. My exposure to critical race theory in the context of community lawyering allows me to now readily frame in my mind how the enforcement of statutes such as the Washington State obstruction statute (which is disproportionately enforced along racial and class lines) is an

104. See *supra* notes 29-32 and accompanying text (describing community lawyering foundational principle #4: guided by a grassroots theory of social change).

105. Piomelli, *Rebellious*, *supra* note 3, at 302 (noting that rebellious lawyers reject “deficit-based views” of subordinated clients that focus on formal education or other lack of resources, and instead, they “genuinely respect and tap clients’ full array of capacities—their knowledge and their know-how.”).

106. Harris, Lin & Selbin, *supra* note 11, at 2126 (“The mindful lawyer is also able to recognize that the desire to be the hero often motivates social justice lawyering and is aware of the mischief that can follow if this desire is at the center of one’s lawyering practice.”).

2019]

REBELLIOUS REFLECTION

exercise of control over those whose social and political power is limited. This understanding better helps me hear and understand the needs and struggles of my clients, which means I can provide better legal advice and form stronger legal arguments.

Moreover, one of the most eye-opening moments of my law school career came during a single class when I was introduced to the *Guerilla Guides* list of characteristics. The community lawyering approach described through this list encouraged us to re-frame our approach to lawyering from “working for” marginalized communities to “working with” marginalized communities. This is a simple, yet sobering lesson for a white man socialized with a paternalistic/colonialist mindset. It is an active, daily exercise to resist that creeping and misguided belief that simply by my existence as an attorney I am some kind of change agent for the “less fortunate.” But it is a lesson that has also brought great focus to my daily practice as an attorney and as a public defender.

The *Guerilla Guides* list of characteristics has impacted me and my future goals so deeply that I now have it framed on my wall. I have a long way to go towards confronting my privilege and becoming the lawyer and advocate for social justice that I want to be. This list reminds me of that. And while I have never been one for aspirational post-it notes, I have a single one that resides on my desk today, pulled from the *Guerilla Guides*, that reads: “lawyers fighting for justice humbly acknowledge the tremendous gifts that struggling for justice with others confer on lawyers.”¹⁰⁷

B. Troy Osaki, 2017 Law Graduate; Lawyer and Community Organizer

The testimonial of Troy illustrates how the *Social Change Theory* exercise helped him develop the meta-level awareness of the role of the law and the lawyering process in creating social change. This exercise helped Troy realize that the law is not always the most effective or meaningful way to respond to a community problem or to effect social change.¹⁰⁸

The *Social Change Theory* exercise helped me think critically about the ways the law can be leveraged to achieve social change and the ways in which the law can be limiting. It helped me realize that the law is a necessary tool in providing direct service to

107. Andy McClenahan, Reflection (October 10, 2018) (unpublished reflection) (on file with author). Andy is a public defender in Seattle, Washington.

108. LÓPEZ, *supra* note 1, at 56 (noting that community lawyers agree that the law “is not necessarily better able than other remedial cultures (formal and informal) to respond meaningfully to any particular problem.”). LÓPEZ further notes that “in the world of problem solving, neither lawyers nor formal legal strategies are privileged.” *Id.*

marginalized communities in order to defend, protect, and advocate for them—but that it’s not the sole tool that will transform the brutal system we live in. The exercise made me reflect on the importance of grassroots organizing and how lawyers must directly participate in social movements to truly achieve social change.

I now serve incarcerated and formerly incarcerated individuals at an organization creating access to living wage jobs for people with criminal histories. My goal as a lawyer is to gain a deeper understanding of what people returning to their communities with criminal histories experience and eventually serve them in a legal capacity—as a community lawyer.¹⁰⁹

C. Tarra Simmons, 2017 Law Graduate; Public Defender and Community Organizer

The testimonial of Tarra Simmons illustrates how exposure to principles of community lawyering, as presented through the *Guerilla Guides*, helped Tarra deepen her capacity for self-awareness, think about the perspective of her clients, and reconcile her role as a lawyer in the movement for social change. The principles helped her to accept the special access to power and privilege that lawyers have, and to use it to help effect transformative change.¹¹⁰

I went to law school because I wanted to help others who have overcome barriers to reentry from incarceration, but I was very new to organizing for systemic change. The principles of community lawyering resonated with me and I was committed to embracing them in my legal practice. I started to see how my new power with a legal education and legal network could be perceived by clients and I was aware that the power imbalance could limit my intentions to empower others.

I think about the *Guerilla Guides* list of characteristics of community lawyers in my work to end mass incarceration. Now, I don’t need to feel defensive over the fact that I have power, and I feel energized when I can lend my privilege and power to people who have been marginalized. I am energized when I take direction from the people I serve, but even more energized when I can provide support and watch them flourish in their leadership. Instead of holding all the power and feeling compelled to do all of the work, I have actively sought out ways to build collective

109. Troy Osaki, Reflection (October 7, 2018) (unpublished reflection) (on file with author). Troy is working as a community organizer with a nonprofit organization that is dedicated to helping current and formerly incarcerated individuals succeed in careers in tech.

110. See Harris, Lin & Selbin, *supra* note 11, at 2127 (noting that mindful lawyers can become aware of matrices of power and learn to employ them in transformative ways).

2019]

REBELLIOUS REFLECTION

leadership. I have created spaces and coordinated trainings on community organizing and legislative advocacy. Investing in the leadership of others has been a great way to build capacity in our movement to end mass incarceration in Washington State.¹¹¹

D. Eilish Malone, 2019 Prospective Law Graduate; Future Immigration Lawyer

The testimonial of Eilish illustrates how exposure to community lawyering through the *Guerilla Guides* helped Eilish deepen her self-awareness and be better able to manage emotions of isolation, self-doubt, and estrangement that are common for the lawyers who seek to engage in status quo shifting social change work.¹¹² Moreover, the film *So Goes a Nation* helped Eilish deepen her meta-level awareness of her role as a lawyer in the movement for social change.

I have always strongly believed that my own liberation is absolutely tethered to the liberation of others. I came to law school not only to uplift myself, but also to be able to assist in the uplifting of others. Nevertheless, upon entering law school and the legal profession, I immediately felt a strong sense of isolation. I became so doubtful of myself that I began to feel estranged from the very purpose that I came to law school in the first place.

Exposure to the principles of community lawyering put an abrupt end to that estrangement. Seeing my views, my goals, my aspirations—my heart, my being, my soul—reflected in these principles saved me from that feeling of estrangement—perhaps forever. Having these principles presented to me and articulated by a law professor made me realize that I do have a place in the legal profession and that I am needed in the hard struggle for liberation and social change.

In contemplating my future law practice, I have often thought about the community lawyering approaches demonstrated in the film *So Goes a Nation*. When I was in the process of applying for a post-graduate fellowship, I used the lessons of community lawyering from that film to shape my project proposal. I was careful to focus on building a project that would allow me to not merely help the community, but to be a helpful component in community empowerment and liberation. I am certain that I will employ the community lawyering principles that I learned in my future practice; they have become near and dear to my heart. I have a copy

111. Tarra Simmons, Reflection (October 6, 2018) (unpublished reflection) (on file with author). Tarra Simmons is currently a Skadden Fellow and lawyer in Seattle, Washington where she works on criminal justice reform, diversion, and re-entry work. Tarra is also a community organizer with an organization committed to policy reform to break cycles of incarceration.

112. See *supra* note 14 and accompanying text (describing community lawyering foundational principle #1: self-examination and self-awareness).

of the *Guerilla Guides* list to refer to—to keep me grounded in the moments of doubt that I experience on my journey to liberation.¹¹³

VI.

REFLECTION PEDAGOGY IN LAW SCHOOL: TRAINING GROUND FOR COMMUNITY LAWYERING PRACTICE

In 2007, the Carnegie Foundation for the Advancement of Teaching produced a report providing a contemporary critique of legal education.¹¹⁴ The report notes that the aim of law school curriculum reform should be to elevate “the development of the capacity for reflective moral judgment to the same level as legal knowledge and traditional legal skills,”¹¹⁵ and makes several recommendations for reforming legal education in order to better prepare law students for practice. Specifically, the report urges law schools to provide students with the opportunity to work with faculty and peers “in serious, comprehensive reflection on their educational experience and their strategies for career and future professional growth.”¹¹⁶ In short, the Carnegie Report calls for law schools to include training in deliberate reflection.¹¹⁷

Moreover, the law school clinical classroom can provide a particularly supportive environment to train future lawyers in the skill of reflection.¹¹⁸ The Clinical Legal Education Association’s Best Practices for Legal Education identified “reflection skills” as essential to effective lawyering, and made a broad appeal to law schools to help students become “experts in reflecting.”¹¹⁹ Teaching reflective lawyering has been called the “mantra for most clinical teachers”¹²⁰ and the

113. Eilish Malone, Reflection (October 18, 2018) (unpublished reflection) (on file with author). Eilish is a current law student and future immigration attorney.

114. See WILLIAM M. SULLIVAN, ANNE COLBY, JUDITH WELCH WEGNER, LLOYD BOND & LEE S. SHULMAN, *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (2007).

115. *Id.* at 7.

116. *Id.* at 9.

117. See, e.g., Magee, *Meditate*, *supra* note 33, at 584 (contending that the Carnegie Report implicitly and explicitly endorses the need for legal education to include greater training in self-reflection).

118. For a discussion of reflection as a hallmark of experiential learning, see GARY BELLOW & BEA MOULTON, *THE LAWYERING PROCESS: MATERIALS FOR CLINICAL INSTRUCTION IN ADVOCACY* (1978); SUSAN BRYANT, ELLIOTT MILSTEIN & ANN SHALLECK, *LEARNING GOALS FOR CLINICAL PROGRAMS*, IN *TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY* 13, 24 (Susan Bryant, Elliott Milstein & Ann Shalleck, eds., 2014); see also, Roy Stuckey, *Teaching with Purpose: Defining and Achieving Desired Outcomes in Clinical Law Courses*, 13 *CLINICAL L. REV.* 807, 824 (2007).

119. ROY STUCKEY, *BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP* 11, 66 (2007) (“The entire law school experience should help students become experts in reflecting on their learning process, identifying the causes of both successes and failures, and using that knowledge to plan future efforts to learn with a goal of continuous improvement.”).

120. See Bryant & Elliot S. Milstein, *Reflections Upon The 25th Anniversary Of The Lawyering Process: An Introduction To The Symposium*, 10 *CLIN. L. REV.* 1, 1 (2003); Brook K. Baker, *Learning to Fish, Fishing to Learn: Guided Participation in the Interpersonal Ecology of*

2019]

REBELLIOUS REFLECTION

“magic ingredient which converts experience into education.”¹²¹ Indeed, in the externship context, reflection is considered crucial to learning from experience.¹²² Because the externship model offers rich opportunities for students to reflect on the role of the lawyer, the self as lawyer, their own lawyering performance, and the performance of other lawyers,¹²³ the American Bar Association accreditation standards explicitly require that externship programs provide “opportunities for student reflection.”¹²⁴

Furthermore, the social justice and anti-oppression aspirations and origins of the clinical legal education movement make the law school clinical context particularly well-suited for the use of rebellious reflection pedagogies.¹²⁵ From its inception, clinical legal education sought to involve law students in the struggle for social justice by developing in the future lawyer “a sensitivity to malfunctioning and injustice in the machinery of justice and other arrangements of society.”¹²⁶ And while notions of clinical legal education as a means of creating transformative change are certainly vulnerable to critique,¹²⁷ using rebellious reflection pedagogies to support the development of a new generation of lawyers who are inspired and equipped to engage in anti-subordination work that disrupts the status quo and promotes structural change, can help make clinical legal education be more accountable to clients and communities.¹²⁸

Practice, 6 CLIN. L. REV. 1, 14 (1999).

121. See Georgina Ledvinka, *Reflection and Assessment in Clinical Legal Education: Do You See What I See?*, 9 INT’L J. CLIN. LEGAL EDUC. 29, 40 (2006).

122. Margaret Martin Barry, *Reflective Lawyering*, in *LEARNING FROM PRACTICE: A PROFESSIONAL DEVELOPMENT TEXT FOR LEGAL EXTERNS*, 145, 147 (2d ed. 2007). (“Reflection is not just desirable or useful. Reflection is essential to learning from experience.”).

123. Rebecca B. Rosenfeld, *The Examined Externship Is Worth Doing: Critical Self-Reflection and Externship Pedagogy*, 21 CLIN. L. REV., 127, 137 (2014) (“The externship seminar is one of the only places in which a law school encourages students to wrangle lessons from the discipline they are preparing to enter by studying the experience of working with practicing attorneys and judges in the real world.”); Linda Smith, *Designing an Extern Clinical Program: Or as You Sow, so Shall You Reap*, 5 CLIN. L. REV. 527, 536 (1999).

124. Am. Bar Ass’n Standards and Rules of Procedure for Approval of Law Schools, Standard 305(e)(7) (2013-14).

125. Margaret Martin Barry, Jon. C. Dubin & Peter A. Joy, *Clinical Education for This Millennium: The Third Wave*, 7 CLIN. L. REV. 1, 11–12 (2000) (discussing the evolution of the clinical legal education movement in America, starting in the 1960s.); see also Stephen Wizner, *Is Social Justice Still Relevant?*, 32 B.C.J.L. & SOC. JUST. 345, 346–348 (2012) (discussing the social justice roots of clinical legal education in America.); Stephen Wizner & Jane Aiken, *Teaching and Doing: The Role of Law School Clinics in Enhancing Access to Justice*, 73 FORDHAM L. REV. 997, 997–98 (2004).

126. See William Pincus & Peter Swords, *Educational Values in Clinical Experience for Law Students*, COUNCIL ON LEGAL EDUC. PROF. RESP. NEWSLS., Sept. 1969, at 3–4, reprinted in COUNCIL ON LEGAL EDUCATION FOR PROFESSIONAL RESPONSIBILITY: NEWSLETTERS 1969–1972, at 29, 31–32 (1980).

127. See Sameer M. Ashar, *Law Clinics and Collective Mobilization*, 14 CLIN. L. REV. 355, 357 (2008) (“The canonical approaches to clinical legal education...are not sufficient to sustain effective public interest practice in the current political moment.”).

128. *Id.* at 414 (recognizing the potential to make law clinics more accountable to clients and

VII.
CONCLUSION

In the words of Paulo Freire, “true reflection leads to action.”¹²⁹ The practice of reflection supports a community lawyering practice made up of self-aware, compassionate, and resilient lawyers who are committed to action—committed to working in solidarity with clients and communities in order to achieve radical transformative social change. By helping lawyers develop the multi-layered awareness required to: recognize privileges and biases in themselves and others; think critically about the lawyer-client relationship; develop a deep understanding of systems of oppression such as the impact of race, class and power on clients and communities; and think about their role in effecting social change—the practice of deliberate reflection supports a community lawyering practice focused on disrupting the status quo and creating transformative change.

communities by setting forth an approach for clinical legal educators to “re-code the design elements and pedagogical approaches of law clinics.”); *see also* Stephen Wizner, *Is Social Justice Still Relevant?*, 32 B.C.J.L. & SOC. JUST. 345, 346-348 (2012) (“Clinical legal education must remain connected to its social justice roots.”).

129. PAULO FREIRE, *PEDAGOGY OF THE OPPRESSED* 34, 52 (Myra Bergman Ramos trans., 1970).