

# MOVEMENT LAWYERING

## READING GUIDE

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Bertha Social Justice Institute

centerforconstitutionalrights

*on the front lines for social justice*

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It is with great pleasure that we have put together this short bibliography of selected readings as an introduction to “movement lawyering” to help orient you and point you to the works that we have found helpful in shaping our practice. There is a vast body of literature on movement lawyering and thus what follows is a work in progress and does not purport to be an exhaustive list in any way.

A few notes on the logic of the sections: the articles in Section 1 help lay the foundation; within those articles you will find citations to myriad other works that have been written on movement lawyering, called by a variety of names from “revolutionary lawyering” to “social justice lawyering” to “law and organizing.” The articles in Section 2 are but a scratch at the surface of the theoretical underpinnings of movement lawyering—the works that help lawyers develop a framework for critique and analysis of the law and its limits with respect to bringing about social change. Section 3 is an even fainter scratch at the extensive scholarship on progressive international lawyering and human rights, but here we offer a smattering of readings that will most certainly get you thinking and searching for more. Section 4 gives a nod to the numerous law professors and practitioners who have reflected on the law school experience, including clinical experience and pedagogy, and Section 5 to the practice of combining lawyering with organizing, though the organizers’ perspective is admittedly one to be expanded further here. Section 6 then contains some examples of how movement lawyering has been applied in the national and international contexts, to help guide our practice and learn from the lessons learned by our colleagues. At the end, in Section 7, we included a short list of books that have been useful to us in our work, but there are certainly countless others that could be included in this list.

Undoubtedly, our critical lenses are shaped by much more than a reading list, much less a reading list comprised primarily of articles written on the law in law review publications. There is of course the depth of our lived experience as well as the richness of poetry, music and film, among other things, that inform our human interactions and our own personal views on our place as social justice lawyers and students who desire to create social change. While fully recognizing this, we hope to continue to develop this reading list further as we move forward. To that end, if you note—as you surely will—that there are pieces missing from this list that have been valuable to you or have made an impression on you, please feel free to point them out to us so that we can make this list as comprehensive and helpful as possible. You can send any suggestions to [BerthaSJI@ccrjustice.org](mailto:BerthaSJI@ccrjustice.org)

Finally, a big thanks to Rebecca Sheff at NYU Law School, Jeena Shah at the Center for Constitutional Rights and Meena Jagannath at the Community Justice Project of Florida Legal Services for compiling this reading list. We look forward to adding to it in the future!

Onward!

Purvi Shah  
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## SECTION 1: DEFINING “MOVEMENT LAWYERING”

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### a. Models of Movement Lawyering

- Angelo N. Ancheta, *Community Lawyering*, 81 Cal. L. Rev. 1363 (1993).
- Gary Bellow, *Steady Work: A Practitioner's Reflections on Political Lawyering*, 31 Harv. C.R.-C.L. L. Rev. 297 (1996).
- Eduardo R.C. Capulong, *Client Activism in Progressive Lawyering Theory*, 16 Clinical L. Rev. 109 (2009).
- Angela Harris et al., *From “The Art of War” to “Being Peace:” Mindfulness and Community Lawyering in a Neo-Liberal Age*, 95 Cal. L. Rev. 2073 (2007).
- Douglas NeJaime, *Cause Lawyers Inside the State*, 81 Fordham L. Rev. 649 (2012).
- William P. Quigley, *Revolutionary Lawyering: Addressing the Root Causes of Poverty and Wealth*, 20 Wash. U. J.L. & Pol’y 101 (2006).
- Lucie White, *Paradox, Piece-Work, and Patience*, 43 Hastings L.J. 853 (1992).

### b. Typology/Bibliographies

- Gill Boehringer, *People's Lawyering: The Filipino Model - A Preliminary Report* (2005), available at <http://ebookbrowse.com/gill-h-boehringer-people%E2%80%99s-lawyering-the-filipino-model-a-preliminary-report-doc-d68415575>.
- Jules Lobel, *Courts as Forums for Protest*, 52 UCLA L. Rev. 477 (2004).
- JoNel Newman, *Reconceptualizing Poverty Law Clinical Curriculum and Legal Services Practice: The Need for Generalists*, 34 Fordham Urb. L.J. 4 (2007).
- Loretta Price & Melinda Davis, *Seeds of Change: A Bibliographic Introduction to Law and Organizing*, 26 N.Y.U. Rev. L. & Soc. Change 615 (2000).
- Rebecca Sharpless, *More Than One Lane Wide: Against Hierarchies of Helping in Progressive Legal Advocacy*, 19 Clinical L. Rev. 347 (2012).

## SECTION 2: BEYOND THE BLACK LETTER: THEORETICAL UNDERPINNINGS OF MOVEMENT LAWYERING

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### a. Critical Race Theory & LatCrit

- Alice G. Abreu, *Lessons from Lat Crit: Insiders and Outsiders, All at the Same Time*, 53 U. Miami L. Rev. 787 (1999)
- Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 Harv. L. Rev. 518 (1980).
- Cheryl I. Harris, *Whiteness as Property*, 106 Harv. L. Rev. 1707 (1993)
- Neil Gotanda, *A Critique of “Our Constitution is Color-Blind,”* 44 Stan. L. Rev. 1 (1991).
- Patricia J. Williams, *Alchemical Notes: Reconstructing Ideals from Deconstructed Rights*, 22 Harv. C.R.-C.L. L. Rev. 401 (1987).

### b. Intersectionality & Race/Class/Gender/Postcolonial Analysis

- Paulette Caldwell, *A Hair Piece: Perspectives on the Intersection of Race and Gender*, 1991 Duke L.J. 365 (1991).

- Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color*, 43 Stan. L. Rev. 1241 (1991).
- Alan D. Freeman, *Race and Class: The Dilemma of Liberal Reform*, 90 Yale L.J. 1880 (1981).
- Angela P. Harris, *From Stonewall to the Suburbs? Toward a Political Economy of Sexuality*, 14 Wm. & Mary Bill Rts. J. 1539 (2006)
- Ratna Kapur, *Postcolonial Erotic Disruptions: Legal Narratives of Culture, Sex, and Nation in India*, 10 Colum. J. Gender & L. 333 (2001).
- Rickke Mananzala & Dean Spade, *The Nonprofit Industrial Complex and Trans Resistance*, 5 Sexuality Research & Social Policy 1 (March 2008).
- Mari J. Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 14 Women's Rts. L. Rep. 297 (1992).
- Makau Mutua, *Critical Race Theory and International Law: The View of an Insider-Outsider*, 45 Vill. L. Rev. 841 (2000).

c. Client & Community "Voice"

- Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 Mich. L. Rev. 2411 (1988).
- Herbert A. Eastman, *Speaking Truth to Power: The Language of Civil Rights Litigators*, 104 Yale L.J. 763 (1995).
- Christopher P. Gilkerson, *Poverty Law Narratives: The Critical Practice and Theory of Receiving and Translating Client Stories*, 43 Hastings L.J. 861 (1992).
- Ruth Anne Robbins, *Harry Potter, Ruby Slippers and Merlin: Telling the Client's Story Using the Characters and Paradigm of the Archetypal Hero's Journey*, 29 Seattle U. L. Rev. 767 (2006).
- Gayatri Chakravorty Spivak, *Can the Subaltern Speak?*, in MARXISM AND THE INTERPRETATION OF CULTURE 271 (Cary Nelson & Lawrence Grossberg eds., 1988), available at [http://www.mcgill.ca/files/crclaw-discourse/Can\\_the\\_subaltern\\_speak.pdf](http://www.mcgill.ca/files/crclaw-discourse/Can_the_subaltern_speak.pdf).
- Lucie E. White, *Mobilization on the Margins of the Lawsuit: Making Space for Clients to Speak*, 16 N.Y.U. Rev. L. & Soc. Change 535 (1989).
- Lucie E. White, *Subordination, Rhetorical Survival Skills and Sunday Shoes: Notes on the Hearing of Mrs. G*, in CLINICAL ANTHOLOGY: READINGS FOR LIVE CLIENT CLINICS (Alex J. Hurder et al. eds., Anderson, 1997).

### SECTION 3: MOVEMENT LAWYERING & INTERNATIONAL HUMAN RIGHTS

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- Sameer M. Ashar, *Book Review: Frank S. Bloch, ed., The Global Clinical Movement: Educating Lawyers for Social Justice*. New York: Oxford University Press, 2011, pp. 400, 62 J. Legal Educ. 193 (August 2012).
- Dina Francesca Haynes, *Client-Centered Human Rights Advocacy*, 13 Clinical L. Rev. 379 (2006).
- Ratna Kapur, *The Tragedy of Victimization Rhetoric: Resurrecting the "Native" Subject in International/Post-Colonial Feminist Legal Politics*, 15 Harv. H. R. J. 1 (2002)
- David Kennedy, *The International Human Rights Movement: Part of the Problem?*, 15 Harv. Hum. Rts. J. 101 (2002).
- Makau Mutua, *What is TWAIL?*, 94 Am. Soc'y Int'l L. Proc. 31 (2000).
- Balakrishnan Rajagopal, *International Law and Social Movements: Challenges of Theorizing Resistance*, 41 Colum. J. Transnat'l L. 397 (2003).

## SECTION 4: LAW SCHOOL & MOVEMENT LAWYERING

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### a. Finding Your Place In The Dislocating Law School Experience

- Rachel Anderson et al., *Toward a New Student Insurgency: A Critical Epistolary*, 94 Cal. L. Rev. 1879 (2006).
- Richard Delgado, *Rodrigo's Chronicle*, 101 Yale L.J. 1357 (1992) (reviewing DINESH D'SOUZA, *ILLIBERAL EDUCATION: THE POLITICS OF RACE AND SEX ON CAMPUS* (1991)).
- Betty Hung, *Letter to a Young Public Interest Attorney*, 1 L.A. Pub. Int. L.J. (2009).
- Duncan Kennedy, *Legal Education as Training for Hierarchy*, in *THE POLITICS OF LAW: A PROGRESSIVE CRITIQUE* (David Kairys ed., 3d ed. 1998), available at [http://www.duncankennedy.net/documents/Legal%20Education%20as%20Training%20for%20Hierarchy\\_Politics%20of%20Law.pdf](http://www.duncankennedy.net/documents/Legal%20Education%20as%20Training%20for%20Hierarchy_Politics%20of%20Law.pdf).
- Kathryn M. Stanchi, *Resistance is Futile: How Legal Writing Pedagogy Contributes to the Law's Marginalization of Outsider Voices*, 103 Dick. L. Rev. 7 (1998).

### b. Clinics and Movement Lawyering

- Sameer M. Ashar, *Law Clinics and Collective Mobilization*, 14 Clinical L. Rev. 355 (2008).
- Caroline Bettinger-Lopez et al., *Redefining Human Rights Lawyering Through The Lens Of Critical Theory: Lessons For Pedagogy And Practice*, 18 Geo. J. on Poverty L. & Pol'y 337 (2011).
- Juliet M. Brodie, *How Little Cases Fit Into the Big Picture: Teaching Social Justice Lawyering in Neighborhood-Based Community Lawyering Clinics*, available at <http://www.law.harvard.edu/academics/clinical/documents/littlecasesbigpicture.pdf>.
- Karen Tokarz et al., *Conversations on "Community Lawyering": The Newest (Oldest) Wave in Clinical Legal Education*, 28 J.L. & Pol'y 359 (2008).

## SECTION 5: LAWYERING AND ORGANIZING

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### a. Working With Community Organizations & Movements

- Scott L. Cummings and Ingrid V. Eagly, *A Critical Reflection on Law and Organizing*, 48 UCLA L. Rev. 443 (2001).
- Shim Imai, *A Counter-Pedagogy for Social Justice, Core Skills for Community-Based Lawyering*, 9 Clinical L. Rev. 195 (2002).
- Amy Kapczynski & Jonathan M. Berger, *The Story of the TAC Case: The Potential and Limits of Socio-Economic Rights Litigation in South Africa*, in *HUMAN RIGHTS ADVOCACY STORIES* (Deena R. Hurwitz & Margaret L. Satterthwaite eds., Foundation Press, 2009).
- Michael McCann & Helena Silverstein, *Rethinking Law's 'Allurements': A Relational Analysis of Social Movement Lawyers in the United States*, in *CAUSE LAWYERING: POLITICAL COMMITMENTS AND PROFESSIONAL RESPONSIBILITIES* 261 (Austin Sarat & Stuart Scheingold eds., 1998).
- William P. Quigley, *Reflections of Community Organizers: Lawyering for Empowerment of Community Organizations*, 21 Ohio N.U. L. Rev. 455 (1994).
- Victor Narro, *Finding the Synergy Between Law and Organizing: Experiences from the Streets of Los Angeles*, 35 Fordham Urb. L.J. 339 (2008).

b. Balancing Lawyering & Organizing

- Charles Elsesser & Purvi Shah, *Purvi and Chuck: Community Lawyering, Organizing Upgrade*, Jun. 1, 2010, available at <http://www.organizingupgrade.com/index.php/modules-menu/community-organizing/item/71-purvi-amp-chuck-community-lawyering>.
- Betty Hung, *Law and Organizing from the Perspective of Organizers: Finding a Shared Theory of Social Change*, 1 L.A. Pub. Int. L.J. (2008).
- E. Tammy Kim, *Lawyers as Resource Allies in Workers' Struggles for Social Change*, 13 N.Y. City L. Rev. 213 (2009).

SECTION 6: CASE STUDIES ON MOVEMENT LAWYERING

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a. National context

- David Dominguez, *Getting Beyond Yes to Collaborative Justice: The Role of Negotiation in Community Lawyering*, 12 Geo. J. on Poverty L. & Pol'y 55 (2005).
- Jennifer Gordon, *Law, Lawyers, and Labor: The United Farm Workers' Legal Strategy in the 1960s and 1970s and the Role of Law in Union Organizing Today*, 8 U. Pa. J. Lab. & Emp. L. 1 (2005).
- Zenobia Lai et al., *The Lessons of the Parcel C Struggle: Reflections on Community Lawyering*, 6 Asian Pac. Am. L.J. 1 (2000).
- Christine Zuni Cruz, *[On the] Road Back In: Community Lawyering in Indigenous Communities*, 5 Clinical L. Rev. 557 (1999).
- Charles F. Elsesser, *Community Lawyering – The Role of Lawyers in the Social Justice Movement* (forthcoming 2013, Loyola J. Pub. Int. L.)

b. International context

- Meena Jagannath et al., *A Rights-Based Approach to Lawyering: Legal Empowerment as an Alternative to Legal Aid in Post-Disaster Haiti*, 10 Nw. U. J. Int'l Hum. Rts. 7 (2011).
- Lucie E. White, *To Learn and Teach: Lessons from Driefontein on Lawyering and Power*, 1988 Wis. L. Rev. 699 (1988).
- Stuart Wilson, *Litigating Housing Rights in Johannesburg's Inner City: 2004-2008*, 27 South African J. Hum. Rts. 127 (2011).
- Neta Ziv, *Lawyers Talking Rights and Clients Breaking Rules: Between Legal Positivism and Distributive Justice in Israeli Poverty Lawyering*, 11 Clinical L. Rev. 209 (2004).

SECTION 7: ADDITIONAL READING

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Mumia Abu-Jamal, *JAILHOUSE LAWYERS: PRISONERS DEFENDING PRISONERS V. THE USA* (2009).

Giorgio Agamben, *HOMO SACER: SOVEREIGN POWER AND BARE LIFE* (1995).

Michelle Alexander, *THE NEW JIM CROW* (2012).

Hannah Arendt, *THE DECLINE OF THE NATION-STATE AND THE END OF THE RIGHTS OF MAN, IN THE ORIGINS OF TOTALITARIANISM* (1966).

Derrick Bell, *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* (1993).

Costas Douzinas, *THE END OF HUMAN RIGHTS* (2000).

Paulo Freire, *PEDAGOGY OF THE OPPRESSED* (1968).

*THE REVOLUTION WILL NOT BE FUNDED: BEYOND THE NON PROFIT INDUSTRIAL COMPLEX* (Incite! Women of Color Against Violence ed., 2009).

Arthur Kinoy, *RIGHTS ON TRIAL: THE ODYSSEY OF A PEOPLE'S LAWYER* (1993).

Gerald P. Lopez, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* (1992).

Balakrishnan Rajagopal, *INTERNATIONAL LAW FROM BELOW: DEVELOPMENT, SOCIAL MOVEMENTS, AND THIRD WORLD RESISTANCE* (2003).

Dorothy Roberts, *KILLING THE BLACK BODY: RACE, REPRODUCTION, AND THE MEANING OF LIBERTY* (1998).

Gerald N. Rosenberg, *THE HOLLOW HOPE: CAN COURTS BRING ABOUT SOCIAL CHANGE?* (2008).

Edward Said, *ORIENTALISM* (1978).

David K. Shipler, *THE WORKING POOR: INVISIBLE IN AMERICA* (2005).