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TO CARRY IT ON: A DECADE OF DEANING AFTER HAYWOOD BURNS

*Kristin Booth Glen**

*If you can't go on
any longer
Take the hand
of your brother.
Every victory's
gonna bring another.
Carry it on
Carry it on.¹*

INTRODUCTION

Haywood Burns was my friend for more than thirty years. We met the second day of our respective law schools² at an organizing meeting of the Law Students Civil Rights Research Council, then a major force involving law students in the Civil Rights movement.³ After spending our summers—and much of the school year—assisting civil rights lawyers and organizations, we clerked together at Foley Square;⁴ worked in the National Lawyers Guild (NLG), of which Haywood subsequently became President;⁵ taught at New York University Law School; helped create a prisoner's rights movement—Haywood most famously through his defense of the Attica

* Surrogate Judge, New York County; Dean Emerita, CUNY School of Law 1995–2005. Thanks to Paul Keefe for suggesting this article and to Paul and Lisa Davis for their splendid research assistance. I am grateful to the faculty, staff, students, and graduates past and present who shared their memories and their time, especially Fred Rooney and Steve Loffredo; to Anne Neary for help with production; to Jennifer Dohrn for her great generosity in sharing Haywood with the Law School community; and, as ever, to Haywood for modeling Ghandi's admonition to “be the change you wish for the world.”

¹ GIL TURNER, *Carry It On*, on THE BROADSIDE SINGERS VOL. 3 (Broadside Records 1964). This was a popular song in the Civil Rights movement and Haywood suggested it as one of the selections for my first judicial induction, which was to the Civil Court of the City of New York in 1980.

² Haywood went to Yale Law School; I went to Columbia Law School.

³ See PETER JAN HONIGSBERG, *CROSSING BORDER STREET: A CIVIL RIGHTS MEMOIR* 9 (2000).

⁴ Haywood clerked for Judge Constance Baker Motley in the Southern District of New York; I was the Pro Se Clerk for the Second Circuit.

⁵ Haywood served as National President of the NLG from 1986 to 1987.

rebellion⁶—and taught in the groundbreaking initiative he developed to recruit underrepresented communities into legal education, The Urban Legal Studies Program at City College.⁷ We shared happy and sad times: graduations; birthdays; marriages; cheering for the New York Knicks; the births of our children; the passing of dear friends; and the ebb and flow of the movements for racial equality, peace, and justice.

Haywood spent eight of the last years of his remarkable life at the City University of New York (CUNY) School of Law; seven of those as Dean.⁸ His tenure at the Law School “ranked among his most cherished accomplishments;”⁹ so it is not surprising that I responded positively when, in 1994, he encouraged me to apply for the deanship he was vacating.

I had been a judge for the prior fourteen years,¹⁰ but I had also continued law school teaching during that entire period;¹¹ so Haywood’s idea was not entirely preposterous, though it was close. Except. Except that it was Haywood, with his love for the students, his passion for the institution, and his deep belief in the critical importance of its mission. And so I agreed and was blessed with the opportunity to carry on the work of this remarkable, incomparable man.

But times change, and the CUNY to which I came in 1995 was a very different place than the law school Haywood joined in 1988. Due to his unbending faith, perseverance, and powers of persua-

⁶ See Michael Ratner & Eleanor Stein, *W. Haywood Burns: To Be of Use*, 106 YALE L.J. 753, 769–772 (1997).

⁷ See, e.g., Haywood Burns, Remarks, *Pre-Professional and Pre-Graduate Education: An Innovative Program at the City College of New York*, 22 HOW. L.J. 483 (1979); Haywood Burns, *Urban Legal Studies: Training Tomorrow’s Lawyers*, 53 N.Y.U. L. REV. 667 (1978).

⁸ Haywood was Dean from 1988 to 1994. Ratner & Stein, *supra* note 6, at 759, 775. He took a year’s sabbatical during which he was Senior Scholar in Residence at Yale Law School and returned to CUNY as a University Professor of Law for the 1995–96 academic year. *Id.* at 759. He died in a tragic automobile accident on April 2, 1996 while attending a conference on democracy in the new South Africa in Cape Town. *Id.* at 754. Shortly beforehand, he met with Nelson Mandela, an experience which—as a long-time participant in the anti-apartheid struggle—Haywood described by telephone to his family as “the most joyful moment in his life.” *Id.* at 773.

⁹ *Id.* at 758.

¹⁰ I was elected to the Civil Court of the City of New York in 1980, to the New York State Supreme Court in 1986, and appointed to the Appellate Term, First Department, in 1992. I was honored to have Haywood speak at both of my formal inductions.

¹¹ I was teaching full-time at New York Law School (NYLS) and in the City College Urban Legal Studies Program when I was elected to the bench in 1980. I continued teaching at NYLS as an Adjunct Professor of Law until I became Dean at CUNY in August 1995.

sion—and the incredible, multi-year efforts of a deeply committed faculty and staff—the Law School overcame the skepticism, if not outright hostility, of the legal education establishment when it was awarded full accreditation by the American Bar Association in 1992. While the Law School breathed a collective sigh of relief, it faced other daunting challenges, including fiscal austerity programs occasioned by the significant decrease in state funding to its parent university and a growing disillusionment among many early supporters because of its low bar pass rate. At the same time, the Law School had proven itself the national leader in clinical education; had turned out hundreds and hundreds of excellent public interest lawyers who were making their mark both locally and nationally; and had recruited and trained a significant number of non-majority¹² lawyers.

The political climate had also changed. The long domination of the Democratic Party in the state and city came to an end with the election of Republicans George Pataki and Rudolph Giuliani as Governor and Mayor, respectively.¹³ The Republican Congress was beginning a campaign of gutting government benefits for the poor; dismantling affirmative action; demonizing and criminalizing undocumented aliens; and undermining protection for civil rights and civil liberties. The Legal Services Corporation, one of the proud products of the Great Society of the 1960s, had been hobbled in its delivery of services, depriving many poor people of legal representation and severely limiting the kinds of impact litigation in which it could engage.¹⁴ Budget cuts also drastically decreased availability of legal services,¹⁵ which at the time consisted

¹² I use the term non-majority lawyers rather than minority lawyers or lawyers of color because I believe “minority” reinforces a Caucasian norm. Changing demographics deconstruct the notion of Caucasian or white lawyers (or students, or bar applicants) as a monolithic majority. By non-majority, I mean those who differ significantly from the usually, but not always, white middle- or upper-class students and lawyers who comprise the majority population in legal education and profession today.

¹³ Because they appoint the members of the Board of City University, the governor and mayor have enormous power over the way the University and its component institutions function—and the values that are supported or denigrated. The Giuliani Administration, with support from Pataki’s appointees, launched a full-scale attack on CUNY’s alleged open admission policies, which had dramatically increased the number and percentage of non-majority students and graduates. See John A. Powell & Marguerite Spencer, *Remaking the Urban University for the Urban Student: Talking About Race*, 30 CONN. L. REV. 1247, 1298 (1998).

¹⁴ See generally Symposium, *The Future of Legal Services: Legal and Ethical Implications of the LSC Restrictions*, 25 FORDHAM URB. L.J. 279 (1998).

¹⁵ One scholar notes that the amount of money the federal government spent in 1980 at the height of the War on Poverty was the same, after various increases and

primarily of government-funded offices, cutting the number of entry-level positions in public interest law.¹⁶

There is much that happened during my decade as Dean, but because this issue of the *New York City Law Review* commemorates the tenth anniversary of Haywood's passing, I want to focus here on three initiatives—the Community Legal Resources Network (CLRN), Economic Justice Project (EJP), and CUNY Contemplative Urban Lawyering Program (CCULP)—the Law School's specific memorials, and a more social phenomenon that “carry on” Haywood's hopes and dreams for the Law School.¹⁷

II. ACCESS TO JUSTICE

One of Haywood's most deeply held beliefs was the importance of, and need for access to, justice for all people. This commitment helps explain his transition from activist practitioner to full-time educator. While he taught during his earlier years as a civil rights lawyer, making important contributions to the substantive aspects of legal education,¹⁸ he increasingly understood the access issue as structural, requiring a major shift in both legal and pre-legal—or pipeline—education. The adage “Who gets to be a lawyer determines, in large part, who *gets* a lawyer” propelled him into creating a ground-breaking undergraduate program at the City College of New York,¹⁹ to which he devoted ten years, before expanding his efforts directly into legal education when he became CUNY's second Dean in 1988.

decreases, as in 1994, notwithstanding the significant erosion caused by inflation. Christopher Stone, *Crisis in the Legal Profession: Rationing Legal Services for the Poor*, 1997 ANN. SURV. AM. L. 731, 733. Stone also notes that minimum standards would require two legal services lawyers for every 10,000 people on poverty, which would cost at least twice the stagnant (and since further depleted) legal services budget. *Id.* at 735.

¹⁶ See generally Laura Beth Nielson & Catherine R. Albiston, *The Organization of Public Interest Practice: 1975–2004*, 84 N.C. L. REV. 1391 (2006) (discussing changes in public interest law practice over almost three decades).

¹⁷ I regret that we have not yet accomplished Haywood's most fervent wish for the Law School: the establishment of a part-time evening program that would further increase access to legal education for those whose economic and family circumstances continue to exclude them. This almost certainly awaits relocation of the Law School to a location well-served by public transportation, a goal we have pursued energetically but unsuccessfully for more than ten years.

¹⁸ Haywood developed what may well have been the first law school course in Race and Law when he taught at New York University Law School beginning in 1969. Ratner & Stein, *supra* note 6, at 753–54.

¹⁹ City College is one of eleven senior colleges in the City University of New York system. In addition to his role as Chair of the Urban Legal Studies Program, Haywood also served as Vice Provost of the College, which involved important academic policy-making responsibilities. Ratner & Stein, *supra* note 6, at 756.

Creating and enhancing access to justice for those for whom it has historically been unavailable is inexorably, although not exclusively, related to the diversity imperative which was also at the core of Haywood's work and beliefs. While legal-needs studies show huge percentages of Americans without access to adequate legal services, the plight of non-majority communities is significantly worse than that of non-Hispanic whites.²⁰ One obvious reason for this disparity is the small percentage of non-majority lawyers in the profession.²¹ For decades, both practitioners²² and academics²³

²⁰ See, e.g., ABA CONSORTIUM ON LEGAL SERVS. AND THE PUBLIC, LEGAL NEEDS AND CIVIL JUSTICE: A SURVEY OF AMERICANS, MAJOR FINDINGS FROM THE COMPREHENSIVE LEGAL NEEDS STUDY (1994). The survey found that approximately half of low- and moderate-income American households face one or more situations that could be addressed by the civil justice system, but "[n]early three quarters [71%] of those situations faced by low-income households are not finding their way into the civil justice system. For moderate-income households, the proportion is nearly two thirds [61%]." *Id.* § 15. In New York, the court system estimates that government-funded legal service providers turn away some 70% of eligible individuals (those earning up to \$11,225 a year) and that 60% of lower middle-income individuals with civil problems can't afford an attorney. N.Y. T. UNIFIED COURT SYS., *Innovative Program Helps Law School Graduates Serve the Poor*, N.Y. T. JURY POOL NEWS, Winter 2004, at 3.

²¹ See Elizabeth Chambliss, EXECUTIVE SUMMARY, MILES TO GO: PROGRESS OF MINORITIES IN THE LEGAL PROFESSION 2 (2005), available at http://www.abanet.org/abastore/products/books/abstracts/4520014_2005%20execsumm.pdf (noting that number of non-majority students declined for two years in a row; in that same period, the number of African-American applicants decreased from 7.4% to 6.6%, a twelve-year low).

²² In 1974, African-American attorney Harold R. Washington noted "while white counsel will often represent the very limited moneyed class of Blacks, it has always been the Black practitioner who has represented the majority of Black people in the lower economic strata." Portia Y.T. Hamlar, *Minority Tokenism in American Law Schools*, 26 How. L.J. 443, 495 n.30 (1983). A particularly poignant example came from Haywood's friend and colleague in the National Lawyers Guild, Ann Fagan Ginger, who wrote:

Now what is the difference between a white lawyer and a Black lawyer? Just this. Black people who have got problems will not go to downtown white law firms. They won't go to white neighborhood law firms either soon enough to benefit from preventive law advice. They won't go until later, when they are in deeper trouble. They don't want to go to a white lawyer; they don't trust him or her. If they do go to a white lawyer, they may not be understood because the lawyer and the client come from such different backgrounds and talk such different dialects. It is not an easy thing for a white lawyer to provide representation for a Black client. We learn to do it. But a Black lawyer doesn't have to learn it; all he has to do is to get through law school and the bar exam. It is our responsibility, as lawyers who believe in the defense of human rights, to see to it that Black people and other Third World people get into law school.

Id. at 456-57.

²³ *Id.* Unfortunately a quarter-century after Hamlar's article, the reality remains much the same today. See John Nussbaumer, *The Disturbing Correlation Between ABA Accreditation Review and Declining African-American Law School Enrollment*, 80 ST. JOHN'S

have directed attention to this fact, often in support of calls for increased diversity in legal education. More recently, academics have demonstrated the necessary corollary—that non-majority lawyers, including those from “top-tier” law schools, are more likely to provide legal services to non-majority clients and communities.²⁴ The Law School’s mission explicitly recognizes this line between access to justice and diversity in its oft-stated purpose to “recruit and train lawyers from historically underserved communities.”²⁵

A. *The Bar Exam*

What often threatened that purpose was the bar exam, which has been a consistent and troubling issue for as long as the Law School has been in existence.²⁶ From unacceptably low pass rates in the twenties and thirties during the first years and pass rates averaging in the mid-sixties over the past decade,²⁷ there has never been a time when external and internal pressures have not pushed the Law School to do better.

There are good reasons why this is a valid concern and why the Law School’s continuing efforts to increase the pass rate are appropriate and necessary. Students who have spent three years, often under conditions of real hardship, and who have borrowed

L. REV. 991, 1001 (2006); *Bar Association Study Finds Little Diversity*, N.Y. TIMES, July 9, 2000, at §1, 22.

²⁴ See, e.g., Richard O. Lempert et al., *Michigan’s Minority Graduates in Practice: The River Runs Through Law School*, 25 LAW & SOC. INQUIRY 395, 499–500 (2002).

²⁵ See CUNY SCHOOL OF LAW, VIEWBOOK 19 (2003) (admissions brochure); CUNY School of Law, *Why CUNY?*, <http://www.law.cuny.edu/app/prospective.jsp?jsessionid=3D41FB49F46092A6CFDEB025211F0953>. This commitment is, however, two-sided: Not only must the school increase access to justice for communities that have lacked legal services, but it also must begin to remedy the discrimination, both individual and systematic, that has historically deprived non-majority persons of access to legal education.

²⁶ Founding Dean Charles Halpern foresaw the issue even prior to the first bar exam taken by CUNY grads in 1986, presciently noting the need to create alternative measures of our graduates’ achievements. Charles Halpern, *A New Direction in Legal Education: The CUNY Law School at Queens College*, 10 NOVA L.J. 549, 554 (1986) (“Many people look to bar passage rates as an indicator of the institution’s success. We too seek success as measured by that standard. However, we are also aware of the insufficiencies of the bar examination as a test of lawyer competence. We plan to measure success by evaluating the performance of our graduates in law and law-related jobs over the coming years.”)

²⁷ The bar scores reported are always for first-time takers, so they ignore the high percentage of CUNY grads who pass after a second, third, or even multiple taking. Kristin Booth Glen, *Thinking Out of the Bar Exam Box: A Proposal to “MacCrate” Entry to the Profession*, 23 PACE L. REV. 343 (2003) [hereinafter Glen, *Out of the Box*]. While this fact offers some comfort, it is difficult to describe the economic and psychological harm suffered by those who are unsuccessful on their first or second tries.

up to \$60,000 for their law school educations can ill-afford failure. In most instances, they will be unable to obtain legal employment until they pass the bar, but their loans nevertheless become due. That a not-insignificant number of the now-thousands of students we have recruited and trained may never enter the profession to which they aspired, for which they and their families struggled, and for which they have gone deeply into debt is, truly, not acceptable.

What we have learned over the years—there is some, but hardly total, correlation between LSAT scores and bar passage; students with a B or better law school average have an 85% chance of passing the bar the first time, while those with a C or lower have below a 30% chance—has led to modest but highly controversial policy changes.²⁸ Largely in response to external pressures, the Law School modestly increased admission requirements in 2002 and adopted a more rigorous academic standing policy.²⁹

Other changes were less controversial. There has always been a co-curricular bar preparation initiative, but that program has been significantly expanded through an influx of funds from the central university.³⁰ A change in ABA standards³¹ has enabled students to take a bar preparation course at the Law School for academic credit.³² Students who were prevented from participation by

²⁸ The changes resulted in months of student protest and deep and painful disagreement within a minority of the faculty.

²⁹ From a regime in which there was a presumptive LSAT cutoff of 140, with discretion to admit up to eight applicants “of exceptional promise” with scores below 140, the presumptive cutoff moved to 145, with the number of discretionary slots increased to ten. In practice, however, very few students with LSATs below 145 have been admitted since the new policy took effect. The academic standing policy changed from consideration of cumulative grade point average to a semester-by-semester examination. Rather than the former cutoff of a 2.0 GPA, which is utilized by most law schools, an average below 2.3 now results in probation. If the student’s GPA falls below 2.3 again, she is dismissed with a right to apply for readmission, unless the semesters were contiguous. Telephone interview with Mary Lu Bilek, Associate Dean, Jan. 19, 2007 (on file with the New York City Law Review); CUNY SCHOOL OF LAW, STUDENT HANDBOOK 5 (2006) (on file with the New York City Law Review).

³⁰ These funds have permitted increased academic support, additional bar counseling, and funds for indigent students to take the obligatory post-graduation prep courses, as well as an ongoing bar prep course. Interview with Mary Lu Bilek, *supra* note 30.

³¹ ABA SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, ABA STANDARDS FOR APPROVAL OF LAW SCHOOLS 20 (2005–06 ed. 2005) (Standard 302, Interpretation 302-7).

³² While this is a salutary development, the unceasing emphasis on preparation for the bar exam, a timed, paper-and-pencil test, *see* discussion *infra* at notes 43–45; pressures students to take more traditional classroom courses on tested subjects and faculty to evaluate students by a testing regime in which few believe. Perhaps even more perniciously, it decreases the amount of time and credits students can spend on clinics and other experimental courses teaching critical lawyering skills within the

the need to work or by other demands on their time are now able to make bar preparation an accessible part of their third-year curriculum.³³

The Law School has been blessedly free of pressure to “move up” in U.S. News rankings by increasing LSAT scores,³⁴ but the apparent connection between those scores and bar passage creates a tension, which the Law School has precariously negotiated, between a commitment to increasing diversity³⁵ and a commitment—and sometimes imperative—to increase the bar pass rate by tightening entrance requirements. The resulting balancing act—between staying true to the mission of recruiting lawyers from historically underserved communities and attaining a “respectable” bar pass rate—has consumed a staggering amount of the school’s energy, affecting internal morale and leading to a near-constant barrage of external criticism, particularly in the tabloids,³⁶ both of which have made it more difficult to demonstrate and celebrate the Law School’s quite extraordinary achievements.

What gets lost in external critics’ singular focus on the bar pass rate is the demonstrable “value added” that a CUNY education gives its students,³⁷ not to mention the equally demonstrable edge in lawyering skills that permits CUNY grads to “hit the ground running.”³⁸ The algorithm “Excellent legal education results in high

context of substantive laws. See, e.g., Deborah Merritt et al., *Raising the Bar: A Social Science Critique of Recent Increases to Passing Scores on the Bar Exam*, 69 U. CIN. L. REV. 929, 931 (2001).

³³ It is a great pleasure to write that these efforts seem to have paid off, with an all-time high 77% pass rate for the Class of 2006. Thomas Adcock, *Majority of Law Schools Enjoy Increase in Bar Exam Pass Rate*, N.Y.L.J., Dec. 15, 2006, at 1.

³⁴ The U.S. News rankings pressure most law schools to admit students with high LSAT scores. See, e.g., Phoebe A. Haddon & Deborah W. Post, *Misuse and Abuse of the LSAT: Making the Case for Alternative Evaluative Efforts and a Redefinition of Merit*, 80 ST. JOHN’S L. REV. 41, 66–71 (2006).

³⁵ There is another factor which increases pressures on CUNY’s diversity mission: a lack of meaningful scholarship assistance. While this financial issue has recently been somewhat ameliorated by a welcome infusion of funds from the Central University, the competition among law schools for non-majority students with average or above-average LSAT scores has resulted in offers of “free rides” to many students who might otherwise attend CUNY. While CUNY Law School costs a fraction of other law schools, it still offers little other than the ability to go \$50,000 to \$60,000 in debt. Interview with Mary Lu Bilek, *supra* note 29.

³⁶ See, e.g., Kirsten Danis, *CUNY Law Scaring Off Students: Study*, N.Y. POST, Jan. 17, 1999, at 20.

³⁷ CUNY graduates, including non-majority ones, consistently outperform students at other law schools with similar predictors (LSAT scores). See generally CUNY SCHOOL OF LAW, REPORT ON BAR PERFORMANCE PREPARED FOR THE CUNY CHANCELLOR (2002) (on file with the New York City Law Review).

³⁸ A professionally vetted survey conducted by CUNY School of Law’s Career Plan-

bar pass rates” is simply—and demonstrably³⁹—untrue, yet bar pass rate remains virtually the sole “objective” measure by which the Law School is externally evaluated.⁴⁰ One pressing project for the future, of which Haywood would surely be supportive, is developing alternative ways to “objectively” measure CUNY’s many strengths. Presently, however, CUNY has led the challenge to the bar exam’s legitimacy as the means of entry to the profession and proposed real, if not yet readily acceptable, alternatives to determine lawyer competency—the bar exam’s alleged purpose—while eradicating its disparate impact.⁴¹ Both legal educators and practitioners have questioned and criticized the existing bar exam regime for at least fifty years,⁴² but until very recently, no one has proposed an alternative. With colleagues in the Society of American Law Teachers (SALT), CUNY has worked to rethink and redesign the examination from a timed, paper-and-pencil test—very much like the LSAT—to a more experientially based evaluation of an applicant’s competence in the ten MacCrate skills, which the profession has concluded are necessary for competent practice.⁴³

ning Office demonstrated employers’ experience that CUNY graduates were well-prepared for practice. SAM SUE, REPORT ON THE RESULTS FROM THE EMPLOYER SURVEY 4–5 (2002) (on file with the New York City Law Review). Graduates similarly reported satisfaction with the preparation they received. Sam Sue, CLASS OF 2001 REPORT 2–6 (2002) (on file with the New York City Law Review); Sam Sue, CLASS OF 1999 REPORT 6–7, 11 (2002) (on file with the New York City Law Review).

³⁹ See, e.g., Rachel L. Gregory, *Florida’s Bar Exam: Ensuring Racial Disparity, Not Competence*, 18 GEO. J. LEGAL ETHICS, 771, 774–776 (2005); see generally Andrea A. Curcio, *A Better Bar: Why and How the Existing Bar Exam Should Change*, 81 NEB. L. REV. 363 (2002).

⁴⁰ Bar pass scores have achieved this dubious prominence largely because there is no other easy measurement to which observers can turn. Surely satisfaction in the profession, excellence in lawyering skills, and especially contributions to increasing access to justice are important outcomes or “deliverables” of legal education, but they have, at least so far, proven difficult if not impossible to measure. *But see* Lempert, *supra* note 24, at 499–500 (demonstrating higher satisfaction, greater community involvement, and more pro bono work among non-majority graduates). Lempert’s study, limited to a relatively small group of Michigan Law School graduates, suggests that such measurements would find CUNY at the leading edge of legal education.

⁴¹ See generally Kristin Booth Glen, *In Defense of the PSABE, and Other “Alternative” Thoughts*, 20 GA. ST. U. L. REV. 1029 (2004); Glen, *Out of the Box*, *supra* note 27; Kristin Booth Glen, *When and Where We Enter: Rethinking Admission to the Profession*, 102 COLUM. L. REV. 1696 (2002) [hereinafter Glen, *When and Where*];

⁴² See Glen, *Out of the Box*, *supra* note 27, at 32, 39.

⁴³ ABA SECTION OF LEGAL EDUC. OF ADMISSIONS TO THE BAR, REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992), available at <http://www.abanet.org/legaled/publications/onlinepubs/maccrate.html> (“THE MACCRATE REPORT”). The ten skills identified as critical for competent lawyering are problem solving; legal analysis and reasoning; legal research; factual investigation; communication; counseling; negotiation; litigation and alternative dispute resolution

This movement has already gained considerable traction.⁴⁴

So, while the bar exam continues to present a challenge to which the Law School responds in a variety of ways, it has also provided an opportunity for CUNY to take leadership in a long overdue challenge to the hegemony of an institution antithetical to increasing diversity of the profession and, equally critically, access to justice.⁴⁵ While the bar exam was a continual concern during Haywood's deanship, it was not an issue with which he intellectually and politically engaged to any significant degree.⁴⁶ Because it has increasingly threatened both the Law School's mission and the Law School's very existence, I am certain he would applaud CUNY's bold and principled response.

B. Community Legal Resource Network

There is, however, a critical link between the creation (through recruitment and training) of more non-majority lawyers and increasing access to justice. This link, also structural in nature, requires a delivery system for the services needed by underserved communities, effectively utilizing those lawyers who aspire to serve them. When the Law School opened, and through much of Haywood's tenure as Dean, the Legal Services Corporation (LSC) was

procedures; organization and management of legal work; and recognizing and resolving ethical dilemmas. *Id.* at 138–40.

⁴⁴ There has been a conference and law review symposium on bar alternatives. See Symposium, *Rethinking the Licensing of New Attorneys—Exploring Alternatives to the Bar Exam*, 20 GA. ST. U. L. REV. 813 (2004). The four leading players in the bar exam—the American Bar Association, Association of American Law Schools, National Conference of Bar Examiners, and Conference of Chief Justices—have sponsored a conference with panels on bar exam alternatives. The Author has received preliminary bar association support for her proposal for a Public Service Alternative Bar Exam (PSABE) as well as favorable mention by the eponymous author of the MacCrate report. Robert MacCrate, *Yesterday, Today, and Tomorrow: Building the Continuum of Legal Education and Professional Development*, 10 CLINICAL L. REV. 805, 828–29 (2004) (describing joint report proposing the PSABE by the Committees on Legal Education and Admission to the Bar of the Association of the Bar of the City of New York and the New York State Bar Association). Most exciting, one alternative is now in place: The successful completion of the practice-based Webster Scholar Honors program at Franklin Pierce Law School (the only law school in New Hampshire) results in admission to the bar without taking the bar exam. See Daniel Webster Scholar Honors Program, <http://www.piercelaw.edu/websterscholar/> (last visited Jan. 26, 2006).

⁴⁵ Increasing diversity is both intuitively and demonstrably related to increasing access to justice for historically underserved communities—a fundamental component of CUNY's mission. See, e.g., Lempert, *supra* note 24.

⁴⁶ Of course, dealing with the bar pass rate was critical to obtaining full ABA accreditation, which Haywood won for CUNY in part by challenging some of the underlying assumptions and values of legal education. It was not, however, something about which he wrote or the topic of talks and speeches that have been preserved.

the major provider of such services, at least to poor, mostly non-majority communities, and it was also one of the primary, if not the largest, employer of idealistic law graduates who sought to increase access to justice.⁴⁷

1. The Problem

Beginning in the 1990s, funding cuts reduced the number of poverty lawyers who were government-funded,⁴⁸ and limitations on the kinds of cases and eligible recipients⁴⁹ simultaneously diminished the ability of remaining LSC-funded lawyers to broaden access to justice. In light of these and other equally threatening developments, the challenge was clear: How can the CUNY School of Law enable lawyers well-trained for, and committed to, increasing access to justice do so in an increasingly inhospitable climate? And how, also, can the Law School help them provide services to those who, though not technically poor, had never benefited from government-funded legal services?⁵⁰ These questions had become urgent in the access-to-justice effort at the time Haywood stepped down as Dean. Although his untimely passing deprived us of his leadership in imagining and implementing solutions, the Law School has been inspired by his commitment and energized by his spirit in creating an exciting, innovative, and now demonstrably effective initiative which we believe has the potential to transform both legal education and the delivery of legal services in this country.

⁴⁷ See generally Nielson & Albiston, *supra* note 16, at 1606–08.

⁴⁸ Even at peak funding, the LSC was only able to serve a small proportion of those with legal needs. From an employment perspective, too, LSC was never able to offer jobs to all who sought them. Once full staffing was achieved, low turnover severely limited the opportunities for new hires, creating far fewer opportunities for recent law graduates. With funding cuts, there were almost 2000 fewer legal service attorneys in 1990 than there were in 1981. LEGAL SERVS. CORP., TWENTY-FIFTH ANNIVERSARY ANNUAL REPORT 8 (1998–99).

⁴⁹ Omnibus Consolidated Rescissions & Appropriations Act of 1996, Pub. L. No. 104-134, § 504, 110 Stat. 1321, 1321-53–1321-57. LSC recipients could not, *inter alia*, bring class actions on behalf of their clients, § 504(a)(7), 110 Stat. at 1321-53; seek court-ordered attorney's fees, § 504(a)(13), 110 Stat. at 1321-55; represent various categories of immigrants, including certain documented immigrants, § 504(a)(11), 110 Stat. at 1321-54–1321-55; and lobby, § 504(a)(2)–(6), 110 Stat. at 1321-53.

⁵⁰ The cutoff for eligibility was often near the poverty level, but legal-needs surveys consistently showed the inaccessibility of legal services for the working poor, the lower middle- and even middle-classes, and for communities excluded by language, immigration status, and other marginalizing characteristics, including sexual orientation. See, e.g., ABA CONSORTIUM ON LEGAL SERV. AND THE PUBLIC, LEGAL NEEDS AND CIVIL JUSTICE: A SURVEY OF AMERICANS; MAJOR FINDINGS FROM THE COMPREHENSIVE LEGAL NEEDS STUDY 12–13(1994) (on file with the New York City Law Review).

During my first year as Dean, I sought to understand and document the career paths our graduates had taken. My goal was to determine whether, and to what degree, they were fulfilling the unspoken second half of the mission “to recruit and train lawyers from historically underserved communities.” That is, were they actually increasing access to justice for those communities? The stories I heard at a series of dinners for the graduates of our then-ten classes were simultaneously inspiring and cautionary, and they pointed to the need for the Law School to become far more engaged in the lives of our diverse and remarkable students after graduation.

What I heard, over and over, was that graduates who had come to CUNY explicitly or implicitly to bring justice to their communities of origin had, in the absence of appropriate existing employment opportunities, created their own often-perilous career paths almost entirely without our knowledge or assistance. Some had begun at Legal Aid, legal services, or government offices, like the District Attorney or city agencies; or in traditional law firms with the explicit intention of gaining practical experience. After a year, or two, or three, they left to return to their communities, opening small⁵¹ or solo practices, often in store fronts or even at the proverbial “kitchen table.” Others, propelled by even greater impatience to serve underserved communities, entered such risky and uncertain practices immediately after admission to the bar.

I heard, also, of their multiple challenges: They were financially precarious and painfully isolated. Often, in order to make a living, they did repetitive work with little professional satisfaction⁵² and took on cases and issues for which they had inadequate training and experience,⁵³ placing them in danger of malpractice. Burnout was also a constant threat: A number of graduates who

⁵¹ An important aspect of this process was how often graduates teamed up to found such practices, sharing a joint commitment and willingness to sacrifice prestige and economic gain. Inspiring for those, like Haywood, who believe it is possible to move creatively beyond racial divisions, many of these partnerships were interracial. One now-celebrated example is the firm of Marcos and Negron, whose founders were Mexican, Ecuadorian, and Japanese immigrants and a Bronx-born “Nuyorican.” Victoria Rivkin, *Indigent Clients Feel Welcome at This Firm*, N.Y.L.J. Apr. 24, 2000, at 1.

⁵² Although they reported great personal satisfaction in making their services available to clients who might otherwise not have had the assistance of a lawyer, relatively ministerial work, like naturalization petitions, did not expand their lawyering skills.

⁵³ This problem, which confronts most general practitioners, is exacerbated by the multi-faceted legal problems faced by those who have a limited understanding of the law and who have not had the benefit of legal counsel in their affairs—in short, the very client base graduates were serving. Despite the lawyering skills consciously imparted through the Law School’s curriculum, graduates cannot possibly possess the

had braved community-centered practice for several years reluctantly abandoned their dream for less-fulfilling but more stable employment.

The graduates with whom I spoke were doing exactly what the Law School would and should have hoped, but without the support they so desperately needed or the recognition they deserved. Rather than suffering under the common—but in their case inaccurate—assumption that these community-based storefront practices were a default position for lawyers who couldn't find jobs, they needed—and had earned—respect and appreciation for work critical to the legitimacy of the legal system but un-chosen by the vast majority of the profession.

The need was obvious: a structure of resources and support for these graduates and those who would follow that would significantly advance Haywood's aspiration for, and the Law School's commitment to, increasing access to justice.⁵⁴ The result, the product of a unique consortium of four law schools, was an extraordinarily innovative proposal for a new model of collaboration between law schools and the justice aspiration of their graduates called Community Legal Resources Network (CLRN).

2. The Proposal

In 1996 the Open Society Institute (OSI) announced that it was expanding the scope of its efforts to address civil society issues

skill level of experienced practitioners or the depth of substantive knowledge enjoyed by specialists.

⁵⁴ I originally conceptualized this extension of our responsibility to our graduates as "The Longitudinal Law School," a paper I circulated to our faculty about the Law School's continuing obligations to graduates who, serving the marginalized, would need extra support. Haywood had been thinking along similar lines, albeit more broadly, in the context of legal education and the profession. At the time of his death, he was engaged in a statewide project looking at the "continuum" of legal education which asked analogous questions, including:

- (1) If legal education is properly to be conceptualized as an ongoing, cooperative venture amongst the law schools and the practicing bar, are there weak points in the present continuum of professional development in New York? Do any such weaknesses affect the bar generally or especially those at a certain point in their careers or those who pursue particular career paths?
- (2) What can be done to shore up any weaknesses in the educational continuum, so that New Yorkers may have their myriad legal needs addressed by the ablest, most well-prepared attorneys? What type of efforts are most likely to succeed, and which groups are best suited to take the lead in implementing them?

PROF'L EDUC. PROJECT, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT IN NEW YORK STATE 3 (1996) (on file with the New York City Law Review).

in the United States.⁵⁵ One critical focus⁵⁶ was professionalism; a sub-program was “Law and Society.” The existence of this new funding stream made it possible for CUNY—joined by Northeastern Law School; St. Mary’s School of Law in San Antonio, Texas; and the University of Maryland Law School⁵⁷—to begin a planning process that ultimately resulted in a major grant proposal. The schools proposed to test a number of possible models for supporting their graduates engaged in community-based practices and for rethinking community-based lawyering, reimagining its relationship to legal education.

The proposal submitted to OSI in 1997 set forth a bold vision: “a coordinated group of projects to address the central crisis affecting the American Legal System . . . [by] mobiliz[ing] law schools to develop and resource new structures to increase access to justice, re-envision the lawyer’s role, and revitalize the fundamental values of the profession.”⁵⁸ It committed to “develop[ing] and

⁵⁵ Judith Miller, *With Big Money and Brash Ideas, a Billionaire Redefines Charity*, N.Y. TIMES, Dec. 17, 1996, at A1.

⁵⁶ OSI also committed to spend \$20 million on immigration issues over a two-year period. The Law School applied for, and was granted, \$500,000 for CUNY Immigrants Initiatives, a project that tested and documented numerous ways in which legal education could provide services to immigrant communities. E-mail from Janet Oshinaya, Director of Budget and Fiscal Services at CUNY School of Law, to Gregory Koster, Associate Dean for Administration and Finance (Jan. 25, 2007, 00:31:48 EST) (on file with the New York City Law Review); see CUNY SCHOOL OF LAW, IMMIGRANTS PROGRAM PROPOSAL SUBMITTED TO THE EMMA LAZARUS FUND—OPEN SOCIETY INSTITUTE (1997) (on file with the New York City Law Review).

⁵⁷ CUNY’s initial approach to OSI suggested that the best way to make a proposal replicable—and therefore fundable—was to include a number of law schools from disparate settings—public and private; urban, suburban, and rural—rather than CUNY alone, given its unique position within legal education. CUNY SCHOOL OF LAW ET AL., PRELIMINARY PROFESSIONALISM AND JUSTICE INITIATIVE SUBMITTED TO: THE OPEN SOCIETY INSTITUTE 1–2 (1997) (on file with New York City Law Review). Northeastern was chosen because of its co-op program and its clinics’ involvement with underserved communities in the Boston area. *Id.* at 4. Maryland was already doing cutting-edge work in “unbundling” legal services, which enabled non-lawyers to do some tasks traditionally performed by lawyers. *Id.* at 5. St. Mary’s, which had recently established its Center for Legal and Social Justice, had actively recruited Chicana faculty and students; many of its graduates aspired to practice in the rural *colonias* near the Mexican border in South Texas. *Id.* at 4, app.A at 5 n.2. The deans of all three schools—David Hall, Donald Gifford, and Barbara Aldave, respectively—have long histories of commitment to social justice.

⁵⁸ CUNY SCHOOL OF LAW ET AL., COMMUNITY LEGAL RESOURCE NETWORK PROPOSAL SUBMITTED TO THE OPEN SOCIETY INSTITUTE 1 (1997) [hereinafter Proposal] (on file with the New York City Law Review). The proposal described the major components of the crisis of the legal profession which it sought to address.

First, the majority of Americans lack access to the legal system, even as judicially enforceable rights have proliferated and society has transformed into legal issues a vast range of community problems, such as

evaluat[ing] different models through which law schools can link and resource their graduates in solo and small community-based practices and in nonprofit organizations through member networks." Those models, "designed to be replicable and financially sustainable,"⁵⁹ would, we hoped:

- test new structures for law practice;
- facilitate community education and empowerment;
- experiment with a variety of non-litigation models for resolving individual and community disputes;
- create opportunities for reflection and discussion about ethical issues emerging from these community-based practices;
- provide information and models for change in continuing legal education, as well as in law schools' own substantive, professional responsibility and clinical courses; and
- develop and nurture practice settings for our graduates which are financially, professionally and spiritually viable.⁶⁰

Each of the schools proposed a different model,⁶¹ but all ex-

family violence and drug use. Second, the dream—created and nurtured in the 1960s and 1970s—of meeting underserved individuals' and communities' needs through federally funded legal services, has not been realized and will not be achieved in the foreseeable future. Large law-firm practice has responded to harsh economic realities by becoming more business-like, at considerable expense to those firms' traditions of demonstrating to all lawyers the values of community service. Fourth, solo and small-firm lawyers practicing in communities—on whose ideals of professionalism the Jeffersonian model of independent professionals as a bulwark of a democratic community rest—are threatened with extinction. Fifth, the organizational capacities that permit large private law firms and government legal departments to function efficiently are beyond small firms' reach. Sixth, substantial resources for the revitalization of the profession and of service to legally underserved communities—idealistic and committed law students—are being dissipated by the scarcity of post-graduate employment that permits them to pursue public interest careers or engage in significant pro bono work.

Id. at 1–2.

⁵⁹ *Id.* at 2.

⁶⁰ *Id.* at 2.

⁶¹ Maryland proposed a "computer-based legal information and resource network . . . [to] educate community residents to identify, prevent, resolve, or where necessary, seek legal counsel to assist with community-based problems, and to educate and support solo and small firm lawyers to participate in both the education and representation components." At the center of this initiative, Maryland proposed a Demonstration Law Office (DLO) to "serve as a laboratory for developing educational and practice materials for the [Maryland CLRN and to] explore the business, professional and ethical practices, roles and standards of effective community-based lawyer[ing]." In addition, the DLO was intended to explore various models "necessary to making community based lawyers self-sustaining" including "mixes of pro-bono, low fee and fee-shifting work." CUNY SCHOOL OF LAW ET AL., SUMMARY DESCRIPTION OF THE SUBMISSION TO THE OPEN SOCIETY INSTITUTE TO DEVELOP THE COMMUNITY LEGAL

pected to benefit from the experiences of the others, incorporating and refining successful practices while learning from inevitable failures. The CUNY project was designed around “practice groups”⁶² of eight to ten graduates in solo and small practices, not-for-profit and community organizations to be facilitated by a Project Director⁶³ and assisted with resources provided through the Law School including a dedicated law librarian⁶⁴ and an immigration practice specialist.⁶⁵

RESOURCES NETWORK (CLRN) 8–9 (1997) (on file with the New York City Law Review). St. Mary’s CLRN proposed “to create a new structure which links rural, community-based lawyers to the law school and to each other” using “modern technology, including the Internet and a telephone hotline, to link geographically diverse practitioners serving undeserved communities in ways which replicate the benefits and support found in large institutional practices [including] computer-assisted research, research provided by law students faculty expertise, model briefs, pleadings and other forms and a variety of CLE programs delivered by interactive computer technology.” *Id.* at 7–8. Northeastern proposed to:

explore the potential for law schools to model and support innovative private practices in the public interest in two substantive areas . . . community economic development and civil legal services to abused women and children . . . [by creating] an on-campus fee-generating Community Economic Development Law Center, a collaborative hospital-based Domestic Violence Guardian Ad Litem Project and a Family Practice Mentoring Demonstration Project.

Id. at 8. These projects were each intended “to test whether a careful combination of start-up funding and commitment of law school resources can lead to sufficient contractual and fee-for-services financing to sustain [solo and small community based practices] and to provide leadership and replicability.” *Id.* at 7. See generally Deborah Howard, *The Law School Consortium Project: Law Schools Supporting Graduates to Increase Access to Justice for Low and Moderate-Income Individuals and Communities*, 29 FORDHAM URB. L.J. 1245 (2002).

⁶² As originally conceptualized, one group would be constituted by its members’ location in a particular community, like East Harlem; one based on a subject matter, like family law; and one organized around a client group, like immigrants. The results of our initial recruitment efforts required substitution of a “general practice” group for the geographically bounded group when we were unable to attract a critical mass of graduates in any neighborhood. Interview with Fred Rooney, CUNY CLRN Project Director, in Flushing, N.Y. (Nov. 30, 2006) and in N.Y., N.Y. (Dec. 6, 2006) (on file with the New York City Law Review).

⁶³ This facilitation was intended “to encourage reflection and create a reciprocal dialogue with the Law School which [would] form the basis for developing relevant continuing education materials for group members and enhancing the Law School’s substantive and clinical curriculum to better prepare law students to be community-based lawyers.” *Id.* at 6.

⁶⁴ This part-time professional was to aid group members with legal research and facilitate the use of law students for members’ research tasks.

⁶⁵ Because of the Law School’s immersion in and commitment to the immigrant communities of the city and the large number of its students who are themselves immigrants or first-generation, we posited that immigration issues would constitute a significant part of most of the solo and small practices CLRN was resourcing and supporting.

In addition to the projects located in each of the member schools, the Proposal also described a central Consortium as “a fifth ‘partner’ with centralized staff to coordinate the partner schools’ communications and activities, and to provide professional research assistance, computer support, and evaluation services.”⁶⁶ Because each school was testing a different model, the capacity to assess successes and failures, share information, facilitate adoption of best practices,⁶⁷ and provide evaluation,⁶⁸ having a central Consortium was a critical part of our vision.

3. The Practice Groups

In 1998, OSI made its initial year grant of \$1.6 million to the four schools, with \$365,000 allocated to CUNY.⁶⁹ While the grant was less than requested and the central Consortium was unfunded, we moved quickly to hire staff and recruit an initial thirty graduates as CLRN members. By the fall Fred Rooney⁷⁰ was hired as project director, Greta Boeringer⁷¹ as part-time librarian, and Miguel Negron⁷² as immigration specialist. Recruiting members proved more difficult than expected,⁷³ but by the beginning of 1999 there

⁶⁶ Proposal, *supra* note 58, at 28–29.

⁶⁷ Some such learning occurred over time. For example, the listserv that continues to link CUNY CLRN members grew out of work done by the Demonstration Law Office Project at Maryland, while aspects of the Workforce Development Initiative (WDI) project were drawn from Northeastern’s experience. See *infra* note 77.

⁶⁸ All of these activities were beyond the proposed staffing and budget of the individual projects and, we believed, could be more effectively and efficiently performed by a centralized entity. Unfortunately, the Consortium was not funded in the first round, so the hoped-for sharing of experiences occurred in a much more limited fashion.

⁶⁹ E-mail from Janet Oshinaya to Gregory Koster, *supra* note 56.

⁷⁰ Fred is a graduate of CUNY’s first class and started a small, community-based practice in a Latino neighborhood in Bethlehem, Pennsylvania after a year as a legal services lawyer. Interview with Fred Rooney, *supra* note 62. He took a leave of absence from his practice to spend four days a week at CLRN. Initially hired for a two-year term, he is still serving as director more than eight years later.

⁷¹ Greta worked at CLRN for approximately eighteen months until funding for the position ran out, but she continued to provide technical assistance on an as-needed, pro bono basis.

⁷² Miguel is a graduate of the Class of 1994. Immediately after graduation he and three classmates—Jaime Marcos, Kenjii Akaike, and Faustino Rodriguez—formed a community-based practice. At first, too poor to rent an office, they worked out of borrowed space and made “house calls.” Eventually they opened (and continue to work from) offices in lower Manhattan near the Immigration and Naturalization Service and in Bay Shore, Long Island, a community of many Latin-American immigrants. See Rivkin, *supra* note 51.

⁷³ While we had correctly gauged the need, we underestimated how those very same issues—overwork, under-funding, and isolation—would make it difficult for graduates to risk the time commitment necessary for membership.

were three practice groups, each meeting once a month. Early meetings exposed issues we had not foreseen, including, especially, a lack of technological capacity.⁷⁴ With the often-hands-on assistance⁷⁵ of CLRN Administrative Assistant, Marcus Succes, they were soon up to speed, and Fred's ability to persuade vendors of CLRN's value led to free Palm Pilots and law office management software for members.

As monthly meetings became increasingly burdensome,⁷⁶ their frequency decreased, and groups developed and maintained internal coherence through other means, especially a well-utilized listserv.⁷⁷ As word got around about the many benefits members were enjoying, a steady flow of new and older graduates joined CLRN; there are currently 300 members in six primary groups: Immigration, Family, General Practice, LGBT, Real Estate, and Labor and Employment.⁷⁸

⁷⁴ Only eight of the original thirty members were competently using e-mail. Interview with Fred Rooney, *supra* note 62.

⁷⁵ Marcus literally went to members' offices and homes, set up their computers, and taught them how to e-mail, use the web, and other basic skills. *Id.* As incoming CUNY Law students became increasingly technologically competent and the Law School incorporated more sophisticated student e-mail and computer-based research, technology-related problems dissipated for later graduates joining CLRN.

⁷⁶ The problem was not the meeting time itself, which members assessed as valuable, but, as Fred describes it, "braving the LIE [Long Island Expressway] and BQE [Bronx-Queens Expressway] at rush hour to get to meetings—from as far away as Suffolk County and New Jersey." *Id.*

⁷⁷ The listserv is the nerve center of CLRN's "virtual law firm." Members communicate daily on a variety of practical and legal matters; the listserv averages 120 messages a week. *Id.* The listserv also benefits students who are exposed to real, on-the-ground issues faced by practitioners, which some students describe as keeping them in touch with the reasons they came to law school. See Seth Oltman, *The Double Bottom Line*, L MAG., Jan. 2001, at 46 ("We don't have walls in CLRN," says 2L Kimberly Linyard, describing how students learn from member meetings and [the listserv]. 'It's not just about the law; with CLRN it's about lawyering.'").

⁷⁸ Unlike the other practice groups, which were very much member-driven, Labor and Employment was initially staff- and faculty-driven, beginning with six monthly sessions facilitated by Professor Merrick Rossein, a nationally recognized expert in employment law. Over time, the group's meetings and membership have ebbed and flowed; in 2006, however, it was reconstituted as a vibrant entity, largely through the efforts of CLRN member Margaret McIntyre, Class of 1995, whose high standing in the employment law bar was reflected by her election to the Board of the New York City Chapter of the National Employment Law Association. The group has held CLEs in early-stage employment discrimination representation; workplace rights of domestic violence survivors; workers' compensation law; and the basics of bringing a Fair Labor Standards Act case, and these programs have been attended by members from a wide range of practice areas. Regular meetings facilitate discussion of substantive legal issues, practice-related questions, resources available to employees needing assistance, and ways in which the group can outreach to community organizations that assist workers. As Margaret unselfishly reports, "Another long-term goal . . . is to provide support for new graduates that existing members . . . cannot afford to hire . . .

Another specialized practice group in small entrepreneurship and community development emerged from the needs experienced by graduates in practice⁷⁹ and documented by colleagues in other institutions within the larger university.⁸⁰ They reported the heartrending failures of small entrepreneurs, usually immigrants and people of color, who received start-up assistance from a plethora of small business assistance programs, but who subsequently floundered when they encountered legal problems for which they had no competent counsel.

In 2004, with financial assistance from the University's Workforce Development Initiative (WDI), CLRN hired a WDI Project Director⁸¹ who worked with the Small Business Development Center (SBDC) at LaGuardia Community College. Together they developed a comprehensive training program for twelve CLRN members who made a significant time commitment to learning the specialized skills necessary for high-quality representation of this complex client group. Over ten months, group members attended a monthly CLE-accredited training course⁸² and provided pro bono representation of clients from the SBDC and other small business development organizations.⁸³

Whether the ultimate goal of the WDI Initiative—to create a

but whom we might be able to collectively help start employment practices on their own." E-mail from Margaret McIntyre to Author, Dec. 28, 2006, 4:37:47 p.m. (on file with the New York City Law Review).

⁷⁹ For example in 1997 and 1998, I was approached by two graduates, one working in a federally funded Small Business Administration office and another who was a compliance officer for a multi-billion dollar corporation contracting with the Port Authority and subject to minority set-aside programs. They implored me—and the Law School—to provide assistance to the minority and immigrant small entrepreneurs they saw failing at an alarming rate.

⁸⁰ CUNY has a number of outstanding small business and minority entrepreneurship initiatives with a great deal of on-the-ground experience. The two with which the Law School has worked most closely are the Small Business Development Center at LaGuardia Community College and the Field Center for Entrepreneurship at Baruch College.

⁸¹ The Director was Maia Spilman, herself a solo practitioner with entrepreneurial experience in the entertainment business.

⁸² The course included group work and mock consultations covering a wide range of topics: business entities in New York state; taxation of corporate entities; contracts; buying and selling a business; insurance; commercial leases; accounting and banking; business plans; and practice management. Memorandum from Maia Spilman to Community Legal Resource Network 5–6 (July 2005) (on file with the New York City Law Review).

⁸³ These partners included the Small Business Services centers, which are part of the New York City's Department of Small Business Services; Baruch College's Small Business Development Center; Accion New York, a micro-enterprise lender; and the Neighborhood Enterprise Law Project at the Association of the Bar of the City of New York. *Id.* at 2.

group of well-trained, specialized lawyers who could connect and hopefully grow with and service new entrepreneur clients of CUNY's small business programs—was achieved is not yet clear, but the Law School has clearly benefited beyond the professional enhancement of individual CLRN participants. From the outset, the initiative was connected to a fourth-semester lawyering seminar taught by Susan Jones, the 2004–05 Haywood Burns Chair.⁸⁴ The experiences of CLRN members fed back into and enriched the content of that seminar, helping refine the Law School's long-standing vision of how its clinical program might be expanded to include this vital area. Fulfilling the original CLRN proposal's aspiration for a mutually beneficial and enriching relationship between CLRN and the Law School's academic program,⁸⁵ the faculty approved a new Community Economic Development Clinic and is in the process of hiring a new clinician to educate students (and future CLRN members) in the skills necessary to help poor communities build a viable economic base.

CLRN is now functioning as originally conceptualized: a large "virtual law firm" that gives members autonomy and the ability to craft practices that serve particular communities or legal needs while enjoying the benefits of membership in a larger institution, including research, technology, mentoring,⁸⁶ expanded subject matter capacity, and—critically important for small and sole practices—coverage.⁸⁷

⁸⁴ Susan Jones is a leader in community economic development in legal education. See *infra* Part IV.A.

⁸⁵ One of the hypotheses underlying the CUNY CLRN model was described as follows: "These new practice structures can situate the Law School as a critical actor as well as a beneficiary, employing the Law School's substantive and reflective resources, and using its position within the University . . . to create synergies and broker resources, while reciprocally benefiting in curricular and clinical enhancement . . ." Proposal, *supra* note 58, at 37.

⁸⁶ Mentoring comes from both internal and external resources. Members with expertise in a given area, or simply more experience—in, for example, litigation and drafting—answer questions and assist more junior members. A group of experienced outside attorneys provides pro bono assistance in more specialized areas. The external mentoring program was developed by, and continues to benefit from the leadership of, Ken Greenstein, a retired municipal finance partner at Nixon, Hargrave. The late Larry Levine was also a source of great energy and inspiration, and he connected CLRN with another group of retired professionals: Gray Matters, which includes lawyers, accountants, and real estate professionals who donate their time to assist non-profit organizations. Interview with Fred Rooney, *supra* note 62.

⁸⁷ The Law School emphasizes "holistic" practice; that is, seeing the client as a whole person and attempting to address all her issues in an integrated manner, rather than treating a series of discrete, isolated "legal problems." While optimal in conception, and feasible within the Law School's extensive and highly-supervised clinical program, this ideal is difficult for any practitioner whose client has problems—like

CLRN also provides a steady stream of high-quality, low-cost CLE programs on diverse fields, responding both to members' articulated needs and to perceived opportunities for service and/or fee generation.⁸⁸ Last year, for example, CLRN offered forty-nine programs,⁸⁹ enabling members to fulfill their CLE obligations⁹⁰ while improving their law-office and time-management skills and expanding substantive expertise in areas related to, and specifically designed to enhance, their community-based practices. Coming soon, CLRN members who practice out of their homes or from crowded storefronts will have access to an incubator office in downtown Flushing with a conference room, interview rooms, reception services, computer, fax, and copying facilities.⁹¹

4. Justice Initiatives

From the outset we have understood the importance of making CLRN members economically viable, and much CLRN staff work for the first several years was directed to this goal. But CLRN

criminal, immigration, government-benefit, or special education—about which she has little or no expertise. Large law firms have many departments or practice groups to serve such clients; CLRN makes it possible to collaborate or refer to colleagues who have earned each other's trust and who have access to resources, including specialized mentoring and research, to ensure optimal client service.

⁸⁸ In the initial proposal to OSI, we anticipated that "[c]ommunity education will be used to help potential clients identify legal needs which can be compensated by fee-shifting statutes. For example, unmet legal needs surveys identify special education as an area where virtually no one sees a child's problems as legal, yet where ample fees are available for successful representation." Proposal, *supra* note 58, at 38. Over the years, CLRN has offered a number of CLEs on various aspects of special education law and practice, enabling members to utilize law that has previously benefited more affluent parents to provide an appropriate educational setting for children of the poor and working poor. See *infra* note 141.

⁸⁹ The CLEs cover such diverse substantive and procedural topics as: calculating damages, bankruptcy law, the civil consequences of police misconduct, juvenile delinquency, and recent developments in conflict of interest law; to more practice-oriented subjects, like legal and business services for small businesses, firm marketing audits, and best practices for unbundling representation. CUNY SCHOOL OF LAW, NEW YORK STATE CONTINUING LEGAL EDUCATION BOARD, 2004 ACCREDITED PROVIDER YEAR-END REPORT tbl. CLE Activity (on file with the New York City Law Review).

⁹⁰ New York requires newly licensed attorneys to complete thirty-two hours of CLE during their first two years of practice. Of the sixteen credits in each year, six must relate to legal ethics and professional responsibility, seven to law practice management and various areas of professional practice, and six to skills. Subsequent to this "bridge-the-gap" requirement, licensed attorneys are required to complete twenty-four credits over a two-year period. See NYSBA — Mandatory CLE, http://www.nysba.org/Content/NavigationMenu/CLE/Mandatory_CLE/New_York_Requirements.htm.

⁹¹ Initial funding for the incubator—long a dream for CLRN—has been provided by Assembly Member Jimmy Meng, the first Asian-American state legislator in New York. Interview with Fred Rooney, *supra* note 62.

has never been primarily a business model, although good business practices are clearly necessary. The heart and soul of CLRN has always been its commitment, collectively and individually, to increase access to justice. A primary function of CLRN staff has been—and continues to be—facilitating the practice groups and developing and instituting “justice initiatives.”

One model utilized by CLRN grew out of earlier work done by the Law School community to solve particular legal crises for under-represented communities called “E&C”—education and counseling. Understanding that many people have legal issues that do not require full-blown individual representation, CLRN lawyers present a community education session on a particular subject—like family law or immigration—and then provide individual counseling after the group program.⁹² For those with more complex needs, referrals for low-cost, and sometimes no-fee, representation are available.⁹³ These E&C programs have been held in a variety of community spaces, including churches and public library branches. Some are “one-shot,” while others have expanded into regularly scheduled legal clinics. One of the first clinics, which still exists, is held at Redeemer Lutheran Church in Southeast Queens, a neighborhood populated by large numbers of immigrants from Colombia, Guyana, Sri Lanka, Bangladesh, and India;⁹⁴ another, called *Nos Quedamos* (“We’re Staying”), was started in response to a flood of evictions in a rapidly gentrifying area of upper Manhattan.⁹⁵ The newest E&C project is located at a church in South Ja-

⁹² Describing the clinic at Redeemer Lutheran Church, Fred Rooney notes, “while we can’t provide actual representation [there] . . . a lot of the issues [immigrants] bring to the consultation are issues that can be resolved without litigation or court representation.” Donald Bertrand, *Church’s Law Program to Get 5G in Legal Aid*, N.Y. DAILY NEWS, Mar. 26, 2006, at 7.

⁹³ See Thomas Adcock, *Queens Legal Clinic Is on a Mission*, N.Y.L.J., Mar. 11, 2006, at 16. “The clientele’s legal matters ‘run the gamut—immigrant rights, child custody and visitation, orders of protection, wills, wrongful termination,’ said [Roberta] Chambers. ‘In the half-hour I spend with each client, I try to get a focus on their legal issues.’” *Id.* “If a case is more complicated, Ms. Chambers refers the client to a reduced-rate attorney likewise affiliated with [CLRN].” *Id.*

⁹⁴ Karlene Hamilton, *Church Embraces Immigrants with Legal Aid*, PRESS OF SE. QUEENS, Mar. 11–17, 2005, at 6. The twice-weekly clinic staffed by CLRN members no longer serves only members of the immediate community. As word of the clinic has gotten out, people “from all parts of the world” come, “from Bronx, Brooklyn, Staten Island, not just Queens.” Karlene Hamilton, *Faith-Based Initiative Plants Boro Roots*, PRESS OF SE. QUEENS, Mar. 24–30, 2006, at 18.

⁹⁵ This clinic is housed in the district office of Assembly Member Adriano Espailat. Editorial, *Helping Tenants Keep Their Apartments*, EL DIARIO, Aug. 4, 2006, available at <http://www.eldiariolaprensa.com/noticias/detail.aspx?section=25&desc=Editorial&id=1462868>.

maica, Queens, whose pastor, Glenn Crutch, is a Public Safety Supervisor at the Law School.⁹⁶

A third clinic, which serves the LGBT community, is the result of a partnership with Queens Pride House.⁹⁷ CLRN attorneys have also served that community through E&C sessions, including will drafting, at the LGBT Community Center in Manhattan.

CLRN has also developed a model which is a variation on the free clinics: Counseling is provided to recipients without cost, but the lawyers are paid a modest stipend. The prototype is an ongoing weekly clinic at Baruch College,⁹⁸ where students bring immigration and other issues; participating CLRN members are paid out of the college's student activities fee.⁹⁹ In its newest iteration, CLRN is partnering with the court system to provide consultation services for poor, mostly minority, self-represented litigants¹⁰⁰ in Kings County Family Court. CLRN lawyers will be paid at the assigned counsel rate of \$75/hour to staff the Court two days a week and prepare self-represented litigants to effectively handle paternity, child support and guardianship matters on their own. This innovative court-funded "brief" or "unbundling of"¹⁰¹ legal services simultaneously fulfills two of CLRN's goals: to increase access to

⁹⁶ In a slightly different model, this clinic also utilizes students from the Law School's Elder Law Clinic. The Anointed Community Empowerment (ACE) Program of the Anointed Praise and Worship Center assists the working poor who earn too much money to qualify for government assistance, yet not enough to escape poverty. Karlene Hamilton, *Group Strives to Empower Residents*, PRESS OF SE. QUEENS, NOV. 17-23, 2006, at 20.

⁹⁷ See Pacel Menchaca, *Queens Pride House and CUNY Team Up for Legal Service Clinic*, QUEENS CHRON., NOV. 18, 2004, at 6 ("For the lesbian, gay, bisexual and transgender community, which most often rely on attorneys for everything from immigration to domestic partner issues, the lack of affordable legal help can be devastating.").

⁹⁸ See Nat Hentoff, *Justice for All*, LEGAL TIMES, Sept. 16, 2002, available at <http://www.law.com/jsp/article.jsp?id=1032128558105>. The Baruch model was subsequently expanded to Queens College. *Id.*

⁹⁹ CLRN lawyers are paid \$75 per hour, below the going rate for private legal services, but they are able to count on the weekly stipend to meet their practice goal. Interview with Fred Rooney, *supra* note 62.

¹⁰⁰ According to a survey undertaken by the New York State Unified Court System of self-represented litigants in the New York City Family Court, 83% reported income of \$30,000 or less, with 53% reporting income of \$20,000 or less; and 83% identified themselves as either African American, Asian, or Hispanic. OFFICE OF THE DEPUTY CHIEF ADMIN. JUDGE FOR JUSTICE INITIATIVES, SELF-REPRESENTED LITIGANTS: CHARACTERISTICS, NEEDS, SERVICES 1, 5-6 (Dec. 2005).

¹⁰¹ Much of the work on "unbundling" legal services has been done by Professor Michael Milleman, who has been one of the guiding lights of the Maryland project. See, e.g., Michael Milleman, et. al., *Limited-Service Representation and Access to Justice: An Experiment*, 11 AM. J. FAM. L. 1-11 (1997); Michael Milleman, et. al., *Rethinking the Full-Service Legal Representational Model: A Maryland Experiment*, 1997 CLEARINGHOUSE REV., 1178, 1178-81.

justice for Family Court litigants and to help sustain community-based practitioners committed to increasing access in a variety of other ways.¹⁰² It also serves as validation of our hopes and aspirations in creating CLRN¹⁰³ and demonstrates CLRN's and the Law School's continuing engagement in finding new ways to embody Haywood's commitment to access to justice for all people.

5. Individual Representation

Notwithstanding the by-now thousands of clients who CLRN members have served through their practice-group generated justice initiatives, the most significant contribution to increasing access to justice is the cumulative result of the innumerable low-income clients they assist for reduced, sliding-scale fees; sometimes for barter; and sometimes, when the client can afford nothing, for free.¹⁰⁴ Even with the considerable assistance provided by CLRN, these practices are not without considerable personal and economic cost to CLRN members.¹⁰⁵ And yet, CLRN members are virtually unanimous that the rewards are great. Eric Torres, a 2000 graduate with a solo practice in the Bronx who provides counseling

¹⁰² The proposal for this project notes, among anticipated benefits, "promot[ing] access to justice for self-represented Family Court litigants by providing free brief legal advice services in the Courthouse . . . [and] it will further strengthen CLRN and the CLRN attorney pool, and ensure their continuation as an important legal service in poor and low-income communities in New York." OFFICE OF THE DEPUTY CHIEF ADMIN. JUDGE FOR JUSTICE INITIATIVES, THE NEW YORK CITY FAMILY COURT SELF-REPRESENTED LEGAL SERVICES PROJECT: PROJECT ABSTRACT 2 (2006) (on file with the New York City Law Review).

¹⁰³ See *supra* Part II.B.1.

¹⁰⁴ Miguel Negron's practice, with many working-poor clients, is typical. Although he charges low fees, he finds it necessary to work out payment plans, often over a long period. As an alternative, Miguel takes barter, including "the wood conference room table and shelves that fill [his] office. I don't turn anybody away because of money. I work something out." Rivkin, *supra* note 51. When an underprivileged client walks in to Roberta Chambers' law office, "the question is, how do I serve this client who can't pay? And that question is answered [by CLRN]. I have a network, a consortium, that will help me provide the support . . . and by being able to lean on this network, it makes that service to such clients easier." *Strength in Numbers*, SMALL FIRM BUS., Spring 2005, at 26.

¹⁰⁵ One example, profiled by the *New York Times*, is the CLRN start-up firm of Cates, Katalinic & Lund.

To make ends meet, one partner stacks pipe and cleans the yard at a plumbing warehouse. Another handles urine samples in a hospital lab. A sign of failure, of a feeble economy, perhaps?

Hardly. They are heeding the call of a growing pool of law schools, which are for the first time pointing graduates in a new direction and teaching them how to get there.

Greg Winter, *Law Schools Urge Graduates to Start Small and Think Local*, N.Y. TIMES, Dec. 16, 2002, at B1.

to low-income tenants at a CLRN-sponsored project in Washington Heights, says, "It [is] like a dream come true."¹⁰⁶ One of CLRN's greatest strengths is the incredible diversity and commitment of its members. This history would not be complete without some of their stories, which are representative of their 300-plus colleagues.

a. *Mercedes Cano*

Mercedes could well be the poster-person for CUNY as well as CLRN. An undocumented immigrant from Colombia who came to New York at age sixteen, speaking no English and often sleeping on the subway, Mercedes has always been committed to helping her community. After learning English, obtaining a GED, working as a cab driver and for the Post Office, and graduating from Queens College after many years,¹⁰⁷ Mercedes entered the Law School in 1996 on a mission:¹⁰⁸ to develop the skills and marshal the resources to create a true community center to aid working poor immigrants, among whom she had lived for so long.¹⁰⁹ With CLRN's assistance, she received a \$13,000 grant from Yale Law School's Initiative for Public Interest and, even prior to graduation and bar passage, opened the Centro Comunitario de Recursos Legales in a tiny second-floor space over a barbershop in Jackson Heights, Queens.¹¹⁰

Initially staffed by CLRN members and law students, the

¹⁰⁶ Lindsay Kennedy, *Double Duty: Program Serves Working Poor, Alumni Seeking to Go Solo*, N.Y.L.J., Aug. 18, 2006, at 20. Similarly, when Mercedes Cano graduated, she "had two or three offers for good jobs. My mother begged me to take one of them. Doing [CLRN] was one of the toughest, but best, decisions I ever made in my life." Margaret Graham Tebo, *Help for 'Store Front' Lawyers*, A.B.A. J., Jan. 2003, at 44.

¹⁰⁷ Mercedes loaded mail trucks at night while attending college classes in the day. She was discovered to have a serious hearing disorder—she was 75% deaf—but "[t]wo operations later, and [her] hearing and her language ability improved immensely, helping her graduate in 1996 with a high honors degree." Timothy Gibbons, *Illegal . . . to Lawyer*, NEWSDAY, Mar. 11, 2001, at G6.

¹⁰⁸ During law school, Mercedes continued to work at the Post Office where she also served as shop steward for Local 300 of the Mailhauler's Union. *Id.* See also Victoria Rivkin, *CUNY Grad Overcomes Disability, Homelessness*, N.Y.L.J., June 4, 1999, at 1.

¹⁰⁹ Mercedes said:

"In my first 10 to 15 years in this country, I went without knowing whom to ask and where to go for anything. I didn't know there was such a thing as a homeless shelter, so I slept on the subway. I didn't know you could call 911 if you're sick and an ambulance would come and take you to the hospital. When I became a lawyer, I decided to give the Hispanic people what I didn't have, and teach them what I didn't know, to save them from the painful experiences I went through."

Sarah Shapiro, *Community's New Resource: Center Gives Voice to the Needs and Rights of Spanish-Speaking Residents*, NEWSDAY, Dec. 7, 2000, at A77.

¹¹⁰ Kennedy, *supra* note 106.

center offered “more than 300 workshops at churches, schools and community centers on topics ranging from immigration to landlord-tenant issues to employment law” and took on “1700 cases from people who stood in line all day for a chance to pose their legal quandaries to lawyers who promised to help.”¹¹¹ With the Law School’s and CLRN’s assistance, Mercedes secured several more small grants that enabled her to keep the Center going for another four years. Although economics ultimately made continuing the physical Center impossible, Mercedes maintains a post office box through which groups seeking free education and counseling can contact her.¹¹² Mercedes continues her community-based practice, serving both undocumented immigrants from Central and Latin America and the working poor with low fees and long payment plans, and undiminished enthusiasm in the ability of the law to change people’s lives.

b. *Roberta Chambers*

Roberta is also an immigrant; she came to New York from Jamaica and settled in the largely Afro-Caribbean community of St. Albans in Queens. She worked as a teacher and later as a nurse before deciding to embark on a third career as a lawyer, prompted largely by her observation of how many members of her community lacked critical legal services, not only for economic reasons, but because of a deep distrust of lawyers who were “not like them.”¹¹³ Her intention was always to open her own practice, and she connected with Fred Rooney and CLRN even before graduation. The first years of practice were financially difficult, and she was able to support herself only by continuing to work shifts as a nurse at a local hospital.¹¹⁴

Currently she operates out of an office in a professional build-

¹¹¹ Tebo, *supra* note 106.

¹¹² The pressure of law school debt forced Mercedes to give up the Center’s office in 2004, but she still responds to requests for workshops and educational presentations. When I spoke with her, she was about to do an annual presentation at a shelter for victims of domestic violence, run by the Dominican Sisters, and expressed her hope that when she finally finishes paying off her law school debt, she will be able to reopen and revitalize the Center. Telephone Interview with Mercedes Cano, Jan. 21, 2007 (on file with the New York City Law Review).

¹¹³ Telephone interview with Roberta Chambers, Jan. 14, 2007 (on file with the New York City Law Review).

¹¹⁴ “[W]hen I started my practice I was able to continue working as a nurse for a while. This enabled me to rent my office space and have some additional income for the day-to-day operational expenses.” *Strength in Numbers*, *supra* note 104, at 27. Roberta’s financial responsibilities also increased as she adopted two children she had fostered shortly after law school. Interview with Roberta Chambers, *supra* note 113.

ing in Queens Village, where she serves a diverse client group of primarily African-American and Afro-Caribbean clients with equally diverse legal problems in family law, immigration, and criminal law. She seldom, if ever, turns a client away and is creative in working out payment for her clients.¹¹⁵ She is an enthusiastic CLRN participant, mentoring new lawyers; volunteering for Justice Initiatives like the clinic at Redeemer Lutheran Church where she works two days a week;¹¹⁶ and always making herself available to speak about CLRN and its importance to increasing access to justice.¹¹⁷

c. *Michael Meehan*

Unlike Mercedes and Roberta, Michael Meehan was born in this country and raised in a middle-class family on Long Island.¹¹⁸ After graduation from college, he worked for the IRS while obtaining a teaching certificate, but found it impossible to secure a full-time teaching job. He resisted law school because of his father's negative experience in the profession,¹¹⁹ but was finally convinced by a co-worker. He chose CUNY almost by accident, but quickly found his life's work in immigration law.¹²⁰ Michael graduated in 1994, before CLRN existed, and spent several years gaining experience as an associate in a immigration firm, subsequently opening his own practice in Hicksville, New York "in a non-descript two-story building next to the railroad tracks, above a bar and a

¹¹⁵ Roberta said:

Outside of fixing a fee that will be lower than the client could find elsewhere, I'll sometimes offer them a fee schedule so that the client will have several weeks or even months over which to pay. I sometimes also will make an arrangement where the client may pay court fees and I will offer them a preset number of hours of work—so long as they pay for the fees. I'll volunteer the time to make their case. I will use any combination of . . . arrangements to help clients.

Id.

¹¹⁶ Adcock, *supra* note 93. "Some [of my clients] are afraid because their immigration status isn't clear. They need legal counsel, but sometimes they simply can't afford it." *Id.* Roberta's clients have legal issues that "run the gamut—immigrant rights, child custody and visitation, orders of protection, wills, wrongful termination. . . ." *Id.*

¹¹⁷ Interview with Fred Rooney, *supra* note 62.

¹¹⁸ Telephone interview with Michael Meehan, Jan. 19, 2007 (on file with New York City Law Review).

¹¹⁹ Michael's father, a Fordham Law graduate, was distressed by the unethical practices he encountered as a lawyer and eventually left the profession. *Id.* Michael reports, however, that his own experience has somewhat restored his father's faith, and that his father is "very proud" of what Michael has accomplished. *Id.*

¹²⁰ Reflecting on that choice, Michael says, "If I had gone to a more traditional law school, I don't know if I'd be doing what I'm doing now." *Id.*

tattoo parlor”—a location he chose “because of its easy access “for his intended clients,” who were “the thousands of immigrant workers who flock [to Long Island] for jobs tending the manicured lawns and gardens of [the area’s] wealthy residents.”¹²¹ When Michael began, he could not speak Spanish—and is still far from fluent—but “clients go out of their way to seek Meehan’s representation because he has gained a reputation for competence, fairness and genuine kindness.”¹²² Michael was one of the founding members of CLRN’s immigration practice group and, like other CLRN practitioners, he offers his services on terms that almost everyone can afford, but that virtually no other practicing lawyer would or could accept.¹²³

Michael exemplifies our aspirations for CLRN: He is an excellent, highly-regarded lawyer who has, with CLRN’s help, built an economically and professionally viable practice serving those who would otherwise lack access to legal representation, but for whom such representation is truly “access to justice.”¹²⁴

6. Innovation Continues

As I write, I have learned of a new CLRN project developed by three current third-year students,¹²⁵ the People’s Lawyers Collective of Queens County (PLC). One of the founders describes this initiative as follows:

PLC will operate beyond the parameters of traditional “public interest” legal services and the boundaries of the traditional law office by providing affordable legal services within already established and trusted community organizations. With laptops, cellular phones, and rolling briefcases, its staff will be able to travel to those community centers, exchanging our skills for (1) a workspace to perform intake on a weekly basis; as well as (2) the opportunity to maintain a constant presence within the community.¹²⁶

¹²¹ Tebo, *supra* note 106, at 48.

¹²² *Id.*

¹²³ Michael frequently utilizes payment plans, even though that may mean waiting months or even years to be paid in full. *Id.* “These clients are proud. They want to pay. I had a guy who made barely above minimum wage. He owed me a few hundred dollars. He showed up here every Friday with his pay before he even went to buy groceries for his family.” *Id.*

¹²⁴ See, e.g., Tebo, *supra* note 106; Margaret Graham Tebo, *Asylum Ordeals*, A.B.A. J., Nov. 2006, 36, 38–40 (describing Michael’s experiences with immigration judges in asylum hearings).

¹²⁵ They are Karen Gargamelli, Jay Kim, and Michael Wang.

¹²⁶ KAREN GARGAMELLI, ET AL., PEOPLE’S LAWYERS COLLECTIVE OF QUEENS COUNTY:

Like other CLRN members, PLC proposes innovative ways of making legal services available to its prospective client base: the working poor who do not qualify for government-funded legal aid, but who cannot afford ordinary lawyers' fees. With the extraordinary idealism that characterizes the Law School, its students, and graduates, PLC proposes to charge its clients exactly what they make an hour—projecting their “firm belief that the work of [their] clients is just as valuable as our work as attorneys.”¹²⁷ Wouldn't Haywood love it!

7. Benefits to the Law School

From the outset we hoped that CLRN would benefit not only the graduates and those they served, but the Law School as well. These anticipated benefits,¹²⁸ all of which have been realized, include curricular enhancement;¹²⁹ increased alumni satisfaction;¹³⁰ assistance in student recruitment;¹³¹ fund-raising;¹³² and increased political support.¹³³ The most important benefit, if benefits can be ranked, is to our students. This benefit takes several forms. Most broadly, by informing students of the availability of support and assistance for solo and small community-based practices, CLRN opens up a viable and rewarding career option.¹³⁴ On a more indi-

PROPOSAL TO THE BERKELEY LAW FOUNDATION (2006) (on file with the New York City Law Review).

¹²⁷ *Id.*

¹²⁸ See Proposal, *supra* note 58, at 42.

¹²⁹ “The experiences of Practice Group members will be used by faculty to enrich course offerings, for simulations, practice problems, and the like, particularly in professional responsibility components throughout the curriculum.” *Id.* See *supra* text accompanying note 84 (discussing community economic development).

¹³⁰ Informal surveys have confirmed the enthusiasm CLRN members feel as a result of their participation and their strongly articulated appreciation for, and loyalty to, the Law School. Howard, *supra* note 61.

¹³¹ CLRN is often the topic of conversation with prospective students, many of whom choose the Law School precisely because of CLRN and its availability to assist them in their personal community-based justice aspirations. Telephone Interview with Yvonne Cherena-Pacheco, Assistant Dean for Admissions (Jan. 22, 2007) (on file with the New York City Law Review).

¹³² The Law School's largest individual donor, who chooses to remain anonymous, was originally introduced to the Law School through CLRN. Interview with Mary Lu Bilek, *supra* note 29; *Canvassing the Campuses: City University of New York School of Law*, N.Y.L.J. MAG., Oct. 2006, at 23; Kristin Booth Glen, *The Law School In and As Community*, 35 U. Tol. L. Rev. 63, 66 n.17 (2003).

¹³³ CLRN'S work with individual legislators has brought positive attention—and funding—from both the New York City Council and the New York State Senate and Assembly. Interview with Fred Rooney, *supra* note 62. The Central University has also showcased CLRN in video and print materials. Interview with Mary Lu Bilek, *supra* note 29.

¹³⁴ Fred Rooney makes it a practice to meet and talk about CLRN with first-year

vidual basis, for several years the Law School has been able to fund summer internships with CLRN members for students seriously considering such practices. The students who have received these modest stipends have found them enormously useful both by increasing their lawyering skills¹³⁵ and helping them clarify their aspirations for community-based practice. And, of course, the interns have also aided the practitioners to whom they were assigned,¹³⁶ further strengthening their connection to CLRN and to the Law School.

8. The Law School Consortium

Although never sufficiently funded to fulfill our original expectations for a vibrant “center” of participating law schools’ work, a more modest Law School Consortium Project (LSCP) continues to link the now-sixteen law school members.¹³⁷ For several years, the LSCP was located in New York and headed by Deborah Howard, a former career planning professional;¹³⁸ she was succeeded by Lovely Dhillon, formerly of the San Francisco Bar Association, who moved LSCP to that city in 2002. LSCP describes itself as

a national nonprofit organization working with law schools to create and support networks of solo and small firm practitioners across the country who provide affordable legal services to low- and middle-income communities; provides information about

students in their lawyering seminars. Information about CLRN is publicized to the Law School via e-mail, and the CLRN office is always open to curious students who want additional information or already-committed students who seek assistance in start-up plans even before graduation. Interview with Fred Rooney, *supra* note 62.

¹³⁵ See Thomas Adcock, *Showing the Ropes to Young Lawyers*, *CUNY Mentor Deciphers Legal Practice*, N.Y.L.J. Oct. 19, 2001, at 16. (describing interns Ian Sack and Hector Fernandez as they benefit from mentoring by CLRN member Mootze Michel-Roache).

¹³⁶ Mercedes Cano describes her 2006 intern as a “blessing,” who, *inter alia*, permitted her to take more paying clients at the same time that the student successfully advocated for a child in El Salvador waiting for a green card to rejoin his mother in the United States. Interview with Mercedes Cano, *supra* note 112.

¹³⁷ They are: University of California Berkeley Boalt Hall; CUNY School of Law; Golden Gate Law School; University of Maryland School of Law; University of Minnesota School of Law; University of New Mexico School of Law; Northeastern Law School; University of the Pacific McGeorge School of Law; Rutgers Law School; University of San Francisco School of Law; Santa Clara University School of Law; Stanford Law School; Syracuse Law School; University of Tennessee School of Law; Thomas Cooley Law School; and Touro Law School. Law School Consortium Project—Member Schools Contacts, <http://www.lawschoolconsortium.net/members/index.html> (last visited Jan. 18, 2007).

¹³⁸ Deborah has written about the early days of the consortium, describing the projects of the original member schools and the benefits to participants. Howard, *supra* note 61.

projects and links to member schools on its website¹³⁹ and conducts periodic surveys that give an overview of the solo and small-firm practices of lawyers who identify themselves as members of individual law schools' projects.¹⁴⁰

Some of the newer members have impressive justice projects, like the University of Tennessee's effort to mobilize graduates and legal services lawyers in support of the special education rights of disabled children¹⁴¹ or the University of New Mexico's focus on justice for poor and especially immigrant communities;¹⁴² while others have formed a modest centralized consortium within the Consortium—the LSCP Northern California Collaborative¹⁴³—to “create and support a network of solo and small-firm alumni of LSCP member law schools who are dedicated to providing accessible legal services to moderate-income Northern California communities.”¹⁴⁴

Even as LSCP and its other member schools provide such support and, as in the case of some, experiment with new practice models, CLRN remains a model for those who seek ways to recon-

¹³⁹ See, e.g., Law School Consortium Project—News, <http://www.lawschoolconsortium.net/members/index.html> (last visited Jan. 18, 2007) (collection of news articles from 1998–2005).

¹⁴⁰ LAW SCHOOL CONSORTIUM PROJECT, LAW SCHOOL NETWORK PRACTITIONER SURVEY REPORT (2005), available at <http://www.lawschoolconsortium.net/resources/LSCP%20Data%20Powerpoint.pdf>

¹⁴¹ The Tennessee effort has been spearheaded by Professor Dean Rivkin, who said: “Through our [clinic] practice and from other lawyers, I saw a real need for representation in education cases, with special education cases being at the core. And that need was barely being met by a handful of small firm and solo practitioners in the region. We felt that [a CLRN like model] was a great chance for the law school to help build a broader delivery system and to support lawyers who are doing this kind of needed work in a variety of ways.”

Strength in Numbers, *supra* note 104; see generally Patricia A. Massey & Steven A. Rosenbaum, *Disability Matters: Toward a Law School Clinical Model for Serving Youth with Special Education Needs*, 11 CLINICAL L. REV. 211 (2005).

¹⁴² The New Mexico effort, headed by Professor Antoinette Sedillo Lopez, has an explicit justice mission to connect its graduates directly to the law school for training and support. Telephone interview with Susan Bryant (Jan. 18, 2007) (on file with the New York City Law Review). Sue Bryant was an essential member of the group that conceptualized and wrote the OSI proposals and directed and facilitated the creation of CLRN. She has served as Faculty Supervisor since CLRN's inception.

¹⁴³ The Northern California Collective members are University of California Berkeley School of Law (Boalt Hall), University of California Davis School of Law (King Hall), Golden Gate University School of Law, University of the Pacific McGeorge School of Law, University of San Francisco School of Law, and Santa Clara University School of Law. Thelton E. Henderson Center for Social Justice Law School Consortium Project, <http://www.law.berkeley.edu/centers/csj/lscp/> (last visited Jan. 18, 2007).

¹⁴⁴ *Id.*

nect legal education and the profession to its obligation of providing access to justice for all people.¹⁴⁵

C. *The Economic Justice Project*

1. Background

A radical transformation of the welfare system in the United States occurred in 1996 when Congress abolished the longstanding Aid to Families with Dependent Children (AFDC) program and replaced it with the ill-named Personal Responsibility and Work Opportunity Reconciliation Act.¹⁴⁶ Benefits were time-limited and generally conditioned on strict "workfare" requirements¹⁴⁷ that forced recipients into low-paid, low status, no-benefit jobs with little or no training or opportunity for advancement.

In New York, the Giuliani Administration had already imposed substantial work requirements even before the 1996 federal statute; the latter further expanded the reach¹⁴⁸ and the cruelty of the city's especially mean-spirited version of "personal responsibility."¹⁴⁹ The Giuliani workforce policy took a particularly harsh toll on undergraduates at the City University of New York. CUNY has, historically, provided a way out of poverty and into the middle-class for generations of students of varying races and ethnicities.¹⁵⁰ The early 1990s were no exception, with more than 25,000 welfare recipients, mostly single mothers, enrolled at CUNY.¹⁵¹ Strict, puni-

¹⁴⁵ Interview with Fred Rooney, *supra* note 62. For a more theoretical perspective on CLRN's work in creating a "community of practice," see Glen, *The Law School In and As Community*, *supra* note 132, at 71-76 (applying the work of social theorist Etienne Wenger to the Law School and, in particular, to CLRN).

¹⁴⁶ 42 U.S.C. § 601-1788 (2000).

¹⁴⁷ For a general discussion and critique of the workfare program, see Stephen Lofredo, *Poverty Law and Community Activism; Notes from a Law School Clinic*, 150 U. PA. L. REV. 173, 182-189 (2001).

¹⁴⁸ "By 1997, New York City had the largest workfare program in the country, with approximately 40,000 welfare recipients consigned to menial workfare positions—sweeping streets, raking leaves, [and] cleaning toilets. . . ." *Id.* at 188 (footnotes omitted).

¹⁴⁹ "The City demanded that recipients perform more hours of 'work activity' than required by either state or federal law . . . [and] systematically pursued policies and practices that foreclosed higher education as a viable anti-poverty strategy for the vast majority of welfare recipients Work force sanctions, combined with other restrictive policies, resulted in the removal of hundreds of thousands of needy people from assistance." *Id.* (footnote omitted).

¹⁵⁰ See generally Powell & Spencer, *supra* note 13.

¹⁵¹ In 1995, approximately 11% of CUNY students were on welfare. Karen W. Arenson, *Workfare Rules Cause Enrollment to Fall, CUNY Says*, N.Y. TIMES, June 1, 1996 (also

tive, and often irrationally imposed workfare requirements¹⁵² forced many thousands of those students to abandon their education in order to retain benefits that were essential to their, and their families', survival.

Anne Reynolds, CUNY Chancellor at the time,¹⁵³ saw this assault on CUNY's poor students as one of the most important challenges of her tenure. At a meeting of the Council of Presidents¹⁵⁴ in the fall of 1996 she urged all the leaders of the university's colleges and schools to think creatively about ways to keep workfare-impacted students on track to completing their education. Although I was still relatively new to the Law School, it seemed obvious that we had valuable resources which might be brought to bear, not least of which was one of the country's leading welfare rights litigators and poverty law experts: Professor Stephen Loffredo.¹⁵⁵ Within hours of returning from the meeting, I conferred with Steve and Sue Bryant, then Academic Dean, to explore ways in which we might utilize students, in our clinics and otherwise, to assist CUNY undergraduates through education, advocacy, and litigation.

Coincidentally, Steve had recently joined the Welfare Rights Network (WRN) Education Taskforce, a city-wide taskforce working on access to education for welfare recipients. Another CATE participant was Melinda Lackey, head of a new client-led organization, the Welfare Rights Initiative (WRI) at Hunter College.¹⁵⁶ The

reporting a 17% decline in welfare recipients at CUNY in the year prior to the federal act—based only on the Giuliani program).

¹⁵² One single mother with whom I spoke in 1996, although living in the Bronx and enrolled at Bronx Community College, was assigned to clean parks in Staten Island, requiring as much as a six-hour two-way commute.

¹⁵³ Anne Reynolds was Chancellor from 1990 to 1997. She greatly admired Haywood and strongly supported the Law School.

¹⁵⁴ The Council of Presidents is a consultative body currently made up of the Presidents of CUNY's eleven senior colleges; the William E. Macauley Honors College; six community colleges; the Graduate School and University Center; and the Deans of the Law School, The Sophie Davis School of Biomedical Education, the School of Journalism, and the School of Professional Studies.

¹⁵⁵ With his wife, New York University Professor Helen Hershkoff, Steve is co-author of an important and widely read volume on poverty law. STEPHEN LOFFREDO & HELEN HERSHKOFF, *THE RIGHTS OF THE POOR: THE AUTHORITATIVE ACLU GUIDE TO POOR PEOPLE'S RIGHTS* (1997).

¹⁵⁶ For information on WRI, see <http://www.wri-ny.org> (describing the WRI mission as addressing "three problematic aspects of the welfare reform debates: the absent voice of welfare claimants; the negative stereotypes that dominate decision-making; and the need for reforms that are realistic and socially constructive"). See also Loffredo, *supra* note 147, at 190–92. The Author was privileged to serve as a member of the WRI's Board.

taskforce had undertaken efforts to connect WRI with legal resources,¹⁵⁷ and Steve and Melinda had begun some preliminary conversations. Our willingness to commit Law School resources created an ideal synergy, matching an organization of highly motivated, thoughtful, energetic CUNY undergraduates—who were themselves clients of the welfare system—with idealistic, equally energetic, and politically committed students and faculty at the Law School.

Within weeks, Steve and Sue formulated plans for a fourth-semester lawyering seminar,¹⁵⁸ which was first offered in spring 1997. Recognizing that Steve couldn't take on the responsibilities of this new initiative alone,¹⁵⁹ we quickly recruited Steven Godeski, a member of CUNY's founding class and an excellent, experienced staff attorney at the Legal Aid Society, to teach as a full-time adjunct and co-manage the project with him, a model which has continued almost without interruption since the beginning¹⁶⁰

2. The Program: Workfare to EJP

The new program had an ambitious agenda: providing educational and advocacy support to WRI; representing undergraduate students in fair hearings related to workfare requirements; and de-

¹⁵⁷ Interview with Stephen Loffredo, Flushing, N.Y., Nov. 30, 2006.

¹⁵⁸ The Law School's commitment to teaching lawyering skills—and integrating those skills with a traditional substantive curriculum—stretches across all three years. "Lawyering seminars" that primarily utilize simulations are required in both semesters of the first year; in the third year, students are required to take a clinic (in-house) or concentration (highly supervised external placement), which permits live-client representation with a high degree of faculty supervision. The bridge between simulation and client representation is the fourth semester lawyering seminar, which generally involves more sophisticated simulations and research and writing assignments designed around real or ongoing cases. A combination of staffing and governance issues made it more practical to place the new initiative in a lawyering seminar rather than creating a new clinic, even though its emphasis on live-client (and real organization) representation otherwise closely resembled the clinical model.

¹⁵⁹ Steve was already scheduled to teach a full load that spring, and the effort necessary to get the seminar up and running, as well as to teach it, was well beyond any one person's capacity, even Steve's. Recognizing the importance of the new initiative, the Central University provided funds to meet our staffing needs.

¹⁶⁰ Although classroom teaching and direct student supervision were initially confined to the spring semester when the lawyering seminar was offered, managing the caseload was a continuous process requiring a full-time attorney. We have been incredibly fortunate to have highly experienced lawyers make considerable personal sacrifices, taking leaves of absence from their organizations or interrupting their careers, to participate in the program. The first was Steven Godeski (1997–98), who was followed by Alice Morey (1999–2001); Degna Levister (2002–05) and Wendy Bach (2006 to present). During Steve's 2004 sabbatical we added an additional adjunct, Sharon Staple, a 1998 graduate and a member of the first Workfare Advocacy Project/Economic Justice Clinic group.

vising and implementing legislative proposals. That agenda, coupled with the complex statutory and regulatory framework within which the work took place, made it clear that the four credits allocated to every other fourth-semester lawyering seminar were insufficient for the amount of time students would need to devote. Over time, this disparity has been remedied in several ways.

Initially, the seminar was taught in conjunction with a substantive three-credit course on government benefits, although the two were so closely integrated as to be almost indistinguishable. Students in the first class who had become deeply engaged with the work—and their clients—begged for a vehicle to continue the work into their third year. A short-lived Economic Justice Clinic was created; this was replaced over time by a series of models that, while not recognized in the curriculum as a “clinic,” nevertheless provided intensive, continuous live-client representation under close faculty supervision.¹⁶¹ Along the way, the program, in its various iterations, ceased to be known as the “Workfare Advocacy Project” (WAP) and was more formally (and less politically)¹⁶² called the “Economic Justice Project” (EJP).

Steve Loffredo has already written a superb case study¹⁶³ on EJP’s first years, and it is beyond the scope of this Article to repeat the nuanced account contained there. It is important to note, however, the ways in which EJP’s client representation continued even as its other efforts shifted in response to changing political conditions.¹⁶⁴ Following the model of all our third-year clinics, EJP has always blended live-client representation with non-representation “justice projects.” The record of fair hearings in which law

¹⁶¹ Clinic designation requires faculty action in a complex governance scheme, and, as such, was not available in the short term. The possibility of a true third-year clinic, either for one or two semesters, is currently under consideration. Interview with Stephen Loffredo, *supra* note 157.

¹⁶² The program was not without political risks for the Law School. The CUNY Board of Trustees is required to approve all courses offered at CUNY institutions, and, at the meeting in which “Workfare Advocacy” was on the agenda, I was grilled by Giuliani’s appointees as to why the Law School should be permitted to “oppose” the Mayor’s policy. Thinking of what Haywood would do, I responded that the intent of the course was only to ensure that the law was fairly administered, a result with which I was sure the Mayor himself would agree. The course was approved.

¹⁶³ Loffredo, *supra* note 147. Loffredo’s theoretically grounded article is an example of the engaged scholarship and melding of theory and practice which the Law School encourages and in which it takes much pride.

¹⁶⁴ As the WRI staff shrunk over time, EJP students took on clients from more schools, including Borough of Manhattan Community College, Hostos Community College, and Medgar Evers College; and EJP students have been working more closely with CUNY COPE (College Opportunity to Prepare for Employment) counselors. Interview with Stephen Loffredo, *supra* note 157.

students have represented CUNY undergraduates on public assistance is nothing short of sensational: out of more than five-hundred hearings, EJP has won all but two.¹⁶⁵ The legislative advocacy that has constituted a significant portion of the non-representational work has been more of a roller-coaster.

3. Legislative Advocacy

The initial legislative advocacy effort began in the late 1990s on the state level and culminated in the enactment of the Work-Study and Internship Law.¹⁶⁶ Having gone as far as seemed politically possible at the state level, EJP turned to the New York City Council for further progressive reforms, forming the Coalition for Access to Training and Education (CATE) in 2000.¹⁶⁷ Beginning in 2000, EJP joined with a number of progressive organizations¹⁶⁸ to draft and advocate for legislation in the New York City Council that would permit welfare recipients attending college to have their education counted as their workfare obligation.¹⁶⁹ What Steve describes as “a great piece of legislation”¹⁷⁰ was whittled down by the City Council, but was on the verge of passing under the leadership of then-Speaker Peter Vallone when the 2002 elections intervened,¹⁷¹ restarting the entire process. The bill was fi-

¹⁶⁵ This figure is a real testament to the students’ lawyering skills and ability to work within a Byzantine regulatory and procedural scheme. Because the substantive law is so bad, the fair hearing victories have necessarily been based on technical issues—as well as the failure to make out a *prima facie* case—requiring reversal of sanctions imposed on welfare recipients. *Id.*

¹⁶⁶ Loffredo, *supra* note 147, at 194–95.

¹⁶⁷ *Id.* at 203 n.123.

¹⁶⁸ Coalition work is critical for social justice lawyers, and working with a diverse group of organizations such as the Coalition for Access to Training; the CUNY faculty union; Professional Staff Congress (P.S.C.); Make the Road by Walking; The Fifth Avenue Association; and a number of on-the-ground community groups provides valuable, if somewhat non-traditional, training for the work our students are likely to do after graduation.

¹⁶⁹ The federal statute provided for devolution to the states, which shifted policymaking from the federal to state government. Interview with Stephen Loffredo, *supra* note 157. In New York, Governor Pataki directed that devolution to the counties, which had to demonstrate that 50% of their welfare population was working in order to receive funds. *Id.* The scheme provided credit to counties that removed people from the welfare rolls, and, because the Giuliani Administration had been so successful in paring the rolls, it was technically possible to allow everyone in New York City who wanted to attend college to do so, consistent with the federal statute. *Id.* The proposed Council legislation attempted to capitalize on the latitude the state had and particularly the low target the city had to meet. *Id.*

¹⁷⁰ *Id.*

¹⁷¹ Mayor Giuliani was succeeded by Michael Bloomberg, and many City Council members, including Speaker Vallone, were “term-limited” out of office. Michael

nally passed in 2003,¹⁷² but this proved a short-lived victory when it was vetoed by the newly-elected Mayor. Another brief victory—the City Council’s override—was reversed in late 2004 when Mayor Bloomberg successfully challenged the bill as beyond the Council’s power.¹⁷³

Since the disappointing failure of legislation to accomplish one of EJP and WRI’s primary goals¹⁷⁴—the right of welfare recipients to lift themselves out of poverty through higher education¹⁷⁵—students in EJP have pursued more modest, albeit still-critical legislative agendas. Ensuring biennial reauthorization of the law permitting virtually all work-study and internship programs to count against workfare requirements¹⁷⁶ has engaged students in a variety of activities: collecting the stories of undergraduates receiving benefits; contacting legislators; writing memoranda in support; and coordinating letter-writing campaigns.

With the reauthorization of Temporary Assistance for Needy Families (TANF) in February 2006, the pressure to get more welfare recipients “working” has increased significantly, even as a greater percentage of those remaining on the welfare rolls face

Cooper, *Upper East Side Councilman Has Speaker’s Job All But Won*, N.Y. TIMES, Jan. 8, 2002, at B1.

¹⁷² Education and Training for Public Assistance Recipients, NEW YORK, N.Y. ADMIN CODE tit. 21, ch. 7, § 21-701–21-706 (N.Y. Leg. Publishing Co. Supp. 2006).

¹⁷³ Mayor of New York v. Council of New York, No. 03-401512, Dec. 11, 2004 N.Y.L.J. 24 (S.Ct. N.Y. Co. 2004); see also Press Release, N.Y. City Law Dep’t, Office of the Corp. Counsel, State Court Strikes Down City Council Mandated Welfare Work Plan / Local Law 23 on Pre-Emption and Curtailment Grounds (Nov. 25, 2004), available at <http://www.nyc.gov/html/law/downloads/pdf/pr112504c.pdf>. Fearing an unfavorable appellate decision that might negatively affect other legislation it had recently passed, the Council decided not to appeal. Interview with Stephen Loffredo, *supra* note 157.

¹⁷⁴ In addition to the “immediate, issue-focused and instrumental [goal of] help[ing] thousands of welfare recipients enrolled at CUNY stay in school and to agitate for reforms that expand welfare recipients’ access to higher education,” WRI advanced “a second, more ambitious goal, to open up and fundamentally alter the politics of poverty and welfare—to democratize those politics, to inject the voices of the poor into the policy debate, to debunk the negative stereotypes that have driven public policy, and to empower poor people to influence public decision making.” Loffredo, *supra* note 147, at 191. This latter goal remains for EJP, WRI, and the larger poverty law and social justice movement.

¹⁷⁵ The salutary effect of permanently removing recipients with college degrees from the welfare program has been well-documented by CUNY sociologist Marilyn Gittell. See generally MARILYN GITTELL, ET AL., BUILDING HUMAN CAPITAL: THE IMPACT OF POST-SECONDARY EDUCATION ON AFDC RECIPIENTS IN FIVE STATES (1993), available at <http://www.howardsamuelscenter.org/reports/HumCapWelf93.pdf>; MARILYN GITTELL ET AL., FROM WELFARE TO INDEPENDENCE: THE COLLEGE OPTION (March 1991).

¹⁷⁶ The Work-Study and Internship Bill, 2000 N.Y. LAWS 534.

substantial and unaddressed barriers to workforce participation.¹⁷⁷ EJP has collaborated with the Welfare Law Center¹⁷⁸ in providing testimony and written analysis for the state legislature¹⁷⁹ urging, inter alia, an increase in the number of recipients engaged in education and training programs; protection for recipients who have been unable to locate appropriate child care; allocation of resources to prevent sanctions for single recipients with children;¹⁸⁰ and creating systems to accommodate students' schedules so they can attend workfare assignments.¹⁸¹

In addition to ongoing legislative advocacy, student justice projects¹⁸² have included the development of expertise in specific substantive areas that impact EJP's work, like the effects of minimum wage requirements on recipients who are collecting child support¹⁸³ or the results of non-displacement rules.¹⁸⁴ Steve describes the positive consequences of this expertise for individual

¹⁷⁷ Interview with Stephen Loffredo, *supra* note 157. This demographic increases the pressure on those who are able to work, making college students who receive benefits especially vulnerable.

¹⁷⁸ The Welfare Law Center is a national law and policy organization that promotes systemic reform in the delivery of income support and related human services. In May 2006, its name changed to the National Center for Law and Economic Justice. See <http://www.nclej.org> (last visited Jan. 21, 2007).

¹⁷⁹ The Welfare Law Center and the Economic Justice Project's Testimony Before the Assembly Standing Committee on Social Services: Regarding the Impact of Federal TANF Reauthorization in New York State (submitted March 2, 2006) [hereinafter Testimony] (on file with the New York City Law Review).

¹⁸⁰ The majority of EJP's clients are single parents. While "only 25.8% of recipients in New York City who had been determined able to participate in work activities were in sanction status . . . , the percentage of sanctioned single recipients with children was 45.7%." *Id.* at 9. EJP and the Welfare Law Center recommended that the city and state "identify the reasons for the disproportional rate . . . [and] target resources . . . to enable [those recipients] to overcome their unique barriers and maintain employment." *Id.* at 9–10.

¹⁸¹ Such accommodation is required by the Social Service Law, but, because work assignment scheduling is frequently left to inadequately regulated workplaces, students often encounter unnecessary conflicts that either force them to miss school (for which the state is entitled to credit) or miss their workfare assignment (which similarly denies the state credit, even as it places the student in danger of sanctions). *Id.* This testimony was based on "anecdotal evidence" obtained by EJP and WRI students and exemplifies the way in which EJP's coordinated representation and education work enriches legislative and other advocacy efforts. See Loffredo, *supra* note 147.

¹⁸² One "justice project" involved additional outreach: In 2005 EJP students created an on-site, walk-in clinic at Hunter College, providing counseling on legal problems beyond issues involving workfare. *Id.*

¹⁸³ *Cf.* N.Y. SOC. SERV. LAW § 336-c(2)(b) (prohibiting workfare recipient from working more hours, at federal and state minimum wage, than the recipient is receiving in benefits).

¹⁸⁴ *Cf.* N.Y. SOC. SERV. LAW § 336-c(2)(e) (prohibiting displacement of non-workfare workers by those on workfare).

clients: EJP students show up at fair hearings with binders full of highly-persuasive and carefully-documented material ready to create a record on which a test case might be brought; to avoid that eventuality, the Department of Social Services withdraws the sanctions.¹⁸⁵

EJP has gained national recognition for the ways in which the Law School and its students contribute to poverty law practice and theory.¹⁸⁶ Hundreds of single mothers have won fair hearings because of EJP's representation; they—and thousands more who have been successfully counseled—have been able to complete their educations, gain meaningful employment, and lift themselves and their children out of poverty.¹⁸⁷ CUNY undergraduates are not the only students benefited by EJP. For many of our most activist, committed law students, the classroom-based curriculum, even as enriched by our integration of lawyering skills, is a deeply dispiriting experience. A few students have described their fourth semester participation in EJP as providing the motivation to remain in Law School.¹⁸⁸ Virtually all have found great satisfaction from the work and inspiration from their clients, even as they have reaped the many pedagogical benefits of our superb clinical program.¹⁸⁹ Perhaps most satisfying, many graduates have taken their experience in EJP into poverty law practice, continuing Haywood's work with Dr. Martin Luther King in the Poor People's Campaign almost forty years ago.

III. CUNY CONTEMPLATIVE URBAN LAWYERING PROGRAM

Haywood was not only a brilliant lawyer, educator, and

¹⁸⁵ The disadvantage, of course, is that winning individual cases, even in the numbers EJP has amassed, may preclude more systemic review and change. Interview with Stephen Loffredo, *supra* note 157.

¹⁸⁶ See, e.g., Juliet M. Brodie, *Post-Welfare Lawyering: Clinical Legal Education and a New Poverty Law Agenda*, 20 WASH U.L. & POL'Y 201, 263 (2006) (noting EJP's Post-Welfare Lawyering). In 2004, the Clinical Legal Education Association honored EJP with its Award for Excellence; in 2002, the New York State Bar Association gave EJP students its Pro Bono Service Award. Interview with Stephen Loffredo, *supra* note 157.

¹⁸⁷ In 2001, WRI reported that "to date, 1,123 students have been able to stay in college, thanks to the WRI/CUNY Law School collaborative. . . ." Loffredo, *supra* note 147, at 192 note 85 (citing *CUNY Law School Makes a Difference*, WRI UPDATE, Winter 2000–01, at 2).

¹⁸⁸ Interview with Stephen Loffredo, *supra* note 157.

¹⁸⁹ The intent of the clinical program is to build students' lawyering skills; provide them with the opportunity (seldom available in practice) for facilitated reflection; foster collaborative practice; and model and develop ethical sensitivity and professional responsibility. Interview with Susan Bryant, *supra* note 142.

scholar, he was also much admired for his loving and peaceful nature and his extraordinary bridge-building skills. This latter quality may, in part, be attributable to his appreciation of the spiritual aspects of life and career. Reared as a Baptist, Haywood quietly adopted a Buddhist practice in his later life.¹⁹⁰ His wonderful and memorable memorial service, for which he had left written instructions, was held at the Ebenezer Baptist Church in Harlem and featured bagpipes, African drummers, and, as the two primary speakers, the Reverend Calvin Butts and “Roshi” Bernie Glassman of the Buddhist Community in New York.¹⁹¹ In accordance with Buddhist tradition, a second ceremony was held forty-nine days after Haywood’s passing, where he was given the Buddhist name Ko-Kai An Gyo.¹⁹²

Haywood’s beliefs and practice were deeply personal; with the exception of these posthumous ceremonies, one might never have been aware of his spiritual side. It is fair to say, however, a commitment to mindfulness¹⁹³ permeated everything he did in his later years, including his teaching and stewardship of the Law School. What has evolved over the past six years into the CUNY Contemplative Urban Lawyering Program (CCULP) builds on our students’

¹⁹⁰ Telephone Interview with Jennifer Dohrn (Jan. 21, 2007) (on file with New York City Law Review).

¹⁹¹ Ratner & Stein, *supra* note 7, at 753. Roshi Glassman is a founder of the Zen Peacemaker Order, which rests on the Three Tenets of not knowing, bearing witness to joy and suffering, and healing ourselves and the universe. See <http://www.zenpeacemakers.org/zps/zpo/index.htm> (last visited Jan. 21, 2007).

¹⁹² Ko-Kai An Gyo means the “Eternal Handshake and Peacemaker,” representing Haywood’s extraordinary ability to make connections and to promote peace. Interview with Jennifer Dohrn, *supra* note 190; Ratner & Stein, *supra* note 7 at 753.

¹⁹³ One of the leading teachers and practitioners of mindfulness is the Vietnamese monk and peace activist Thich Nhat Hanh, who has influenced Haywood, Charlie Halpern, many of the participants in our contemplative practice program, and the Author personally. Mindfulness is a practice of being in the present. “With mindfulness, we are aware of what is going on in our bodies, our feelings, our minds, and the world, and we avoid doing harm to ourselves and others.” THICH NHAT HANH, *FOR A FUTURE TO BE POSSIBLE, COMMENTARIES ON THE FIVE MINDFULNESS TRAININGS* 8 (1998). Buddhism contains guidelines, or “precepts,” called the Five Mindfulness Trainings; the first of which reads, “Aware of the suffering caused by the destruction of life, I am committed to compassion and learning ways to protect [life]. I am determined not to kill, not to let others kill, and not to support any act of killing in the world, in my thinking, and in my way of life.” *Id.* at 13. The second Training reads, in part, “Aware of the suffering caused by exploitation, social injustice, stealing and oppression, I am committed to cultivating loving kindness and learning ways to work for the well-being of [all] people” *Id.* at 20. The consequence of these trainings is not only the cultivation of an ethical internal self, but an active commitment to peace and justice in the external world.

and graduates' need for centering practices in their challenging work and lives and on a less-known part of Haywood Burns.

A. *Contemplative Practice: Beginnings*

Contemplative practice, whether explicitly spiritual or utilized for more secular purposes, like stress reduction, is slowly becoming recognized as a valuable addition to legal education¹⁹⁴ and practice¹⁹⁵ because it can enhance client service and lawyer satisfaction.¹⁹⁶ Not surprisingly, CUNY has been in the forefront of the contemplative lawyering movement;¹⁹⁷ in part through the encouragement and assistance of its founding Dean Charles Halpern. After six years at the Law School, Charlie, as he is known to all, was named President of the Nathan Cummings Foundation, where his personal practice expanded into a vision of how contemplative

¹⁹⁴ See, e.g., Leonard L. Riskin, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and Their Clients*, 7 HARV. NEGOT. L. REV. 1, 39–46 (2002) (describing contemplative and meditation-centered activities at law schools and the benefits students received).

¹⁹⁵ Early support for contemplative practice came from the American Bar Association; an editor of the ABA Journal authored a book that has been very influential in this movement. STEVEN KEEVA, *TRANSFORMING PRACTICES: FINDING JOY AND SATISFACTION IN THE LEGAL LIFE* (2002). As early as 1999, the ABA held a panel on Transforming Practices as part of its Presidential Showcase program at the annual meeting in Atlanta. Riskin, *supra* note 194, at 36 n.148. Later that year, the ABA published a portion of what became Keeva's book in its journal. Steven Keeva, *Integrating the Heart and Mind*, A.B.A. J., Sept. 1999, at 57, 58.

¹⁹⁶ As one commentator notes, mindfulness can help lawyers and law students feel and perform better by alleviating the widespread depression found among them. Ingrid N. Tollefson, *Enlightened Advocacy: A Philosophical Shift with a Public Policy Impact*, 25 HAMLINE J. PUB. L. & POL'Y 481, 507 (2004) (footnotes omitted). Mindfulness meditation can also help lawyers be better listeners and negotiators. *Id.* "Through contemplative practice, the nurturing skills of listening deeply and negotiating 'implement some of the deepest aspirations associated with the legal profession' by helping lawyers to respond adequately and appropriately to their clients' needs and their own." *Id.* at 507–08 (quoting Riskin, *supra* note 194, at 46).

¹⁹⁷ An overarching concern with the importance of consciousness to justice issues—and with defining and instilling personal, professional, and societal responsibility—has characterized the Law School from its inception. See, e.g., Howard Lesnick, *The Integration of Responsibility and Values: Legal Education in an Alternative Consciousness of Lawyering and Law*, 10 NOVA L.J. 633 (1985–86)

The central elements of an alternative consciousness of law seem to me to be: a) seeing law in terms of the values underlying the rule rather than the rule itself—"The letter killeth but the spirit giveth life;" b) seeing justice as responsive to human needs, in the sense of the concrete reality of people's lives, to outcomes as well as process; c) seeing human needs in a way that is not fully captured by the notion of rights and duties, that is more interactive.

Id. at 641. Mindfulness and contemplative practice accomplish and sustain the "alternative consciousness of law" envisioned by the founding faculty.

practice might positively influence society.¹⁹⁸ The Foundation supported programs that encouraged contemplative practice in diverse settings, and Charlie soon became involved with others similarly engaged.¹⁹⁹

Fred Rooney, Director of CLRN, was a member of CUNY's first graduating class and had known Charlie while a student.²⁰⁰ In the course of recruiting and organizing graduates into practice groups and then in facilitating those groups, Fred saw them face the same kinds of pressures and stress he had experienced in his own small, financially challenged community-based practice. Fred was also a practitioner of mindfulness and took seriously CLRN's charge to make members' practices economically, professionally, and *spiritually* viable.²⁰¹ When he saw Charlie's name mentioned in Keeva's book on contemplative lawyering, Fred went to Cummings to seek Charlie's support for a new program. Their reunion resulted in funding for our first contemplative activity in fall 2000—yoga and meditation classes for CLRN members—offered at the CUNY Graduate Center in Manhattan.²⁰² The classes brought us two remarkable people, Jeanne Anselmo and Rachel Gluckstein,²⁰³ who were to remain with the program for five years, even as they graced the larger Law School community with their presence.

Having classes far from CUNY's campus in Flushing, Queens, however, was a major impediment to student participation. By demand, classes began at the Law School in fall 2001.²⁰⁴ From the

¹⁹⁸ Charlie began meditation shortly after becoming Dean at the recommendation of David Hood, the founding Dean of the University of Hawaii School of Law. Hood counseled that a regular meditation practice might help him stay grounded and deal with the multiple stresses of a new public law school in a multi-racial, multi-cultural community. Telephone Interview with Charles Halpern (Jan. 2, 2007) (on file with the New York City Law Review).

¹⁹⁹ The Cummings Foundation was a founder of the Center for Contemplative Mind in Society (CCMS). CCMS, in turn, supports the Contemplative Practice Fellowship Program, which has been responsible for courses and programs in law, medicine, history, religious studies, and other disciplines. Riskin, *supra* note 194, at 7 n.18. See generally FREDERICK BUELL, REPORT ON THE CONTEMPLATIVE FELLOWSHIP PROGRAM (1999). From the outset, Charlie has served as Chair of CCMS. Interview with Charles Halpern, *supra* note 198.

²⁰⁰ Interview with Fred Rooney, *supra* note 62.

²⁰¹ See *supra* text accompanying note 60 (emphasis added).

²⁰² Initial funding, facilitated by Charlie, came from the Cummings Foundation. Interview with Charles Halpern *supra* note 199.

²⁰³ Both Jeanne and Rachel are nurses by training, and, for many years, each has integrated contemplative practice into her work. Jeanne, who led meditation, is a student of Chi Gong, which she taught as part of CCULP, and of mindfulness meditation in the tradition of Thich Nhat Hanh. Rachel, a Kripalu-certified advanced yoga teacher and Shiatsu therapist, headed the enormously popular yoga classes.

²⁰⁴ By happenstance—and serendipity—the first class was scheduled for September

beginning, the classes were open to all members of the Law School community, and they consistently drew a diverse group of students, faculty, staff, and administrators.²⁰⁵ With few interruptions, meditation and yoga have been offered weekly or semi-weekly for the past six years. Response has been uniformly positive—personally,²⁰⁶ practically,²⁰⁷ and professionally.²⁰⁸ In addition to serving the community, the availability of yoga and meditation has also

12, 2001, the day after the World Trade Center attack. In the immediate aftermath of that tragedy, the availability of healing resources was truly a godsend for the Law School community. Interview with Fred Rooney, *supra* note 63.

²⁰⁵ In feedback collected from participants in 2001 and 2002, a faculty member noted, “It’s a great way to create community and bring different parts of the law school together;” while a third-year student wrote, “This class is unique and precious because of the diversity it represents. We have a mixed group of different jobs, ethnic backgrounds, religion, ages, and gender. Yet, we are slowly, harmoniously bonding with one another to form a community.” COLLECTIVE FEEDBACK FROM THE CONTEMPLATIVE PRACTICE FOR THE URBAN LAW COMMUNITY 2, 3 (2002) [hereinafter CCULP FEEDBACK] (on file with the New York City Law Review). The meditation classes were “a great way to get to know faculty and staff that I do not normally have an opportunity to interact with at the law school. It has been wonderful to meet people that I see in the halls every day,” wrote a second-year student. *Id.* at 10.

²⁰⁶ “I love the meditation program because it gives me peace of mind. Yoga classes enable me to take a break . . . something I need and am not doing,” wrote a member of the custodial staff. *Id.* at 10. “[M]editation classes have helped me to reconnect to myself, my needs, and to reconnect with others through meditation practice . . . I take more time to listen, and react. I am more focused,” wrote a third-year student. *Id.* at 11. “There were many a time[] I felt overwhelmed and stressed with what was going on in my life (e.g., dealing with midterms, handling client issues for my clinic[,] etc. . .) that made coming to the yoga classes all the more essential,” wrote another student. *Id.* at 4. “It is a fantastic opportunity to relax and to keep your body flexible,” wrote a clinic support staff person. *Id.* at 10.

²⁰⁷ “Being a working mom, the stresses are tremendous and the ability to devote time to oneself is extremely limited By having the program offered at my place of work, I’ve been able to take yoga classes,” wrote a support staff person. *Id.* at 2. Having classes “right on campus” made participation possible, echoed a second-year student and another support staff person. *Id.* at 4, 9. “We are very fortunate to have these classes at our [l]aw school—free of charge—I would not have the luxury of paying for meditation or yoga classes otherwise,” wrote a third-year student. *Id.* at 11.

²⁰⁸ A CLRN member who was volunteering with ABA/FEMA Disaster Legal Services representing a man who “lost his wife [to Hurricane Katrina] and [was] now left to raise his two young children alone,” wrote: “My sense of peace and clarity is crucial for me to be able to serve my client as best I can. And . . . yoga . . . is absolutely helping me do that.” *Id.* at 3. “My participation in the contemplative program here at CUNY has changed my approach to both teaching and the practice of law . . . ,” wrote a senior faculty member. *Id.* at 5.

Although I saw myself as approaching law as a system to fairly resolve problems, I too became part of a process that valued aggressiveness too highly to the detriment of clients and the judicial system. Taking yoga has enabled me to more emphasize that strain in me that values thoughtful, contemplative approaches to both teaching and practice.

Id.

been a recruiting tool for prospective students.²⁰⁹ More important, the focus on mindfulness fostered in both of these practices has expanded into the larger Law School environment—its administrative structure²¹⁰ and curricular and extra-curricular activities.²¹¹ As always, Haywood's spirit has been a constant presence.

B. *The Labyrinth*

Mindfulness and meditation have also enriched and affected the Law School's physical plant. In early 2000, while recovering from a life-threatening illness, I was seized with the idea of creating a labyrinth at the Law School. Labyrinths have their roots in many ancient cultures, including Mycenaean, Egyptian, and Mayan; they have been utilized in diverse religious and spiritual traditions.²¹² In the West they rose to prominence in the late Middle Ages when those who could not undertake pilgrimage to the Holy Land made symbolic pilgrimages by walking labyrinths laid down in churches and cathedrals across Europe. The most famous labyrinth was located in the cathedral at Chartres, France;²¹³ a revival of the labyrinth movement over the last two decades has seen the Chartres model recreated in churches,²¹⁴ health care facilities,²¹⁵ educa-

²⁰⁹ In speaking with numerous prospective students from 2000 to 2005, many have been drawn to the Law School because of CCULP. One applicant even brought her disbelieving mother to see and walk the labyrinth. Interview with Yvonne Cherena-Pacheco, *supra* note 132.

²¹⁰ During my tenure as Dean, our weekly senior administrators' meetings began with several moments of silent contemplation in order to form our "intentionality" for the meeting and put aside extraneous thoughts and concerns. This was based on a practice utilized at Greystone, a Buddhist community project headed by "Roshi" Bernie Grossman, who was Haywood's spiritual teacher.

²¹¹ See *infra* notes 229–32 (discussing student-led CCULP's activities).

²¹² The Labyrinth Society, <http://www.labyrinthsociety.org> (last visited Nov. 26, 2006) (detailing history, locations, and uses of labyrinths).

²¹³ The labyrinth pattern was inlaid into the stone floor of the cathedral in 1201, but it was forgotten for the last 250 years, hidden by seating until the revival of the labyrinth movement in the late 1990s. See <http://www.veridatis.net/about/labyrinths.html> (last visited Nov. 26, 2006).

²¹⁴ One of the first religious institutions to create a labyrinth was Grace Episcopal Cathedral in San Francisco. See *The Labyrinths of Grace Cathedral*, <http://www.gracecathedral.org/labyrinth/> (last visited Nov. 26, 2006). The Rev. Lauren Artress of Grace Cathedral has been a leader in the labyrinth revival, serving as President and Founder of Veriditas. See Lauren Artress presents Veridatis.net ~ the Voice of the Labyrinth Movement, <http://www.veridatis.net> (last visited Nov. 26, 2006).

²¹⁵ In New York City, for example, there is a labyrinth at the University Hospice on Staten Island, and in New Jersey a labyrinth is located at the Medical Center of Ocean County. See *World-Wide Labyrinth Locator*, <http://wwll.veridatis.labyrinthsociety.org> (last visited Nov. 26, 2006).

tional institutions,²¹⁶ and public spaces across the country.²¹⁷ These labyrinths are utilized for spiritual practice; for stress reduction; for “walking meditation;” or simply as a peaceful space for shedding the cares of the day and refocusing energy.²¹⁸

By serendipity, my intention to create a labyrinth coincided with a long-planned transformation of the Law School’s unattractive “backyard”²¹⁹ into an attractive, welcoming garden and community space.²²⁰ A somewhat awkward, lowered area had been designed to hold a series of planters, but, with the enthusiastic concurrence of the architect, was instead transformed into a small, four-station²²¹ labyrinth with a beautiful crushed bluestone path and serene plantings. Not surprisingly, this change in plans cost significantly more than the budget allowed, creating a deficit with no obvious solution. I can only believe that Haywood’s benevolent spirit had a part in what followed.

One of Haywood’s dear friends during his tenure at City College was Vincent (“Vinnie”) McGee who, in 2000, was the Director of the Aaron Diamond Foundation²²² and advisor to other philanthropic endeavors. During a chance encounter at a social gathering, I mentioned the labyrinth project—and our looming deficit—

²¹⁶ For example, in New York State there are labyrinths at Mt. St. Vincent College, C. W. Post College, Hofstra University, and SUNY-Delhi. *Id.*

²¹⁷ There are now many labyrinths in public spaces throughout the United States. In Manhattan alone, labyrinths may be found in Battery Park, East River Park, and, most notably, Union Square Park. *Id.*

²¹⁸ Lauren Artress describes walking the labyrinth as:

[T]ransformation through the interweaving of the mind, body and the Spirit. By placing the soles of our feet on the winding path of the labyrinth, walking with an open mind and a trusting heart we gain insight through the still small voice within, revelation through amplified metaphors that speak to us, or a feeling of peace that assures us we are on the right path.

Lauren Artress, *Sole to Soul*, LABYRINTH J., Fall 2006, <http://www.veriditas.net/journal/> (last visited Nov. 26, 2006).

²¹⁹ Reflecting its origin as part of a 1950s public junior high school, the rear yard consisted of little more than cracked asphalt surrounded by a chain-link fence.

²²⁰ The garden—designed by landscape architect Lee Weintraub, who also teaches at City College—is a truly beautiful space. I was deeply honored that the faculty voted to name it for me when I announced my retirement; to my relief, however, it is still—and will hopefully remain—simply “the garden.”

²²¹ The classic labyrinth at Chartres contains eleven stations, though labyrinths from other places or cultures frequently contain fewer. Our somewhat more modest design was necessitated, in part, by the presence of an ancient, towering, majestic mulberry tree, which continues to filter sunlight and protect the quiet, contemplative space.

²²² The Diamond Foundation and Aaron Diamond’s widow, Irene, were long-time benefactors of the Law School, focusing particularly on academic support. Fittingly, the Law School’s Skills Center bears Mrs. Diamond’s name.

to him. Months later, as I sat looking out at the now-completed labyrinth from my office window, Vinnie called to ask if we still needed funds to repay its design and construction. An anonymous donor was interested in how a labyrinth might further contemplative practice in the non-traditional setting of a law school, but there was one condition: The donor was a great admirer of Haywood Burns and wanted the labyrinth named after him!

With the blessing of Haywood's widow and life partner Jennifer Dohrn,²²³ that condition was quickly and joyfully met. On November 28, 2000, the Haywood Burns Labyrinth was dedicated at a moving ceremony where Haywood's teacher "Roshi" Bernie Glassman led members of the Law School community in walking the labyrinth and in a meditation on Haywood's life and the work of social justice that remained for us to carry on. A plaque at the entrance of the labyrinth reads:

This labyrinth is dedicated in loving memory of the life and spirit of Haywood Burns who practiced mindfulness in the work of justice.

It serves as a reminder of this special aspect of Haywood's legacy, even as the labyrinth itself has become an integral component of the Law School contemplative lawyering program.²²⁴

²²³ On that very morning, Jennifer and I attended the official naming of a block on West 143rd Street near City College as "Haywood Burns Way." Her response to my call relaying Vinnie's offer that afternoon was immediate, characteristically generous, and very moving. She spoke of the many ways in which Haywood had been publicly honored—as a civil rights leader, lawyer, and teacher—but also expressed sadness that there was no concurrent appreciation of his spiritual side. Naming the labyrinth and its purpose provided exactly that acknowledgment and appreciation.

²²⁴ See Thomas Adcock, *Labyrinth Calms Attorneys' Nerves: Queens College Program Stresses Contemplation*, N.Y.L.J. Nov. 2, 2001, at 16 (noting that the labyrinth "is one element at a new three-part program aimed at bringing emotional, physical and intellectual equilibrium to the business of being a lawyer"). A recent e-mail from a student describes one of the many ways members of the Law School community use the labyrinth:

The key is that [the labyrinth] is a physical space, like a temple, once one physically enters it, the mind changes course and one enters a corresponding emotional, spiritual space In the context of law school the effects are magnified. During finals, especially right before entering the examination room, it is almost impossible to take a few moments and experience true silence to clear one's mind because the entire building is filled with students in a frantic whirlwind. Everyone is either asking last-minute questions, or giving last-minute advice, or trying to calm down, that's when I have to leave the physical confines of the building where this nervous energy is flooding up to the ceilings. Like a grounding cable that carries noise and distortion from electric cables deep into the earth, the labyrinth extracts this nervous energy out of the body and dissipates it into the earth—it is a very physical process. The

C. Expanding the Vision

Because meditation, yoga, and other contemplative practices have such demonstrable benefits,²²⁵ they have increasingly been appropriated by more mainstream institutions.²²⁶ At the Law School, however, the intentionality behind contemplative practice has always been grounded in its potential to further social justice.²²⁷ This explicit focus on contemplative practice as a tool to enhance the justice work of our students and graduates began to emerge more forcefully in my last year as Dean. Simultaneously, the contemplative lawyering program took increased leadership from students and faculty and was rechristened CCULP.²²⁸

One aspect of CCULP's more ambitious agenda was community-wide special events,²²⁹ the largest and most successful of which was a talk by Kiran Bedi, an extraordinary woman who successfully introduced contemplative practice to the Indian police and prison system.²³⁰ Her remarkable presence—and the clarity of connec-

magic that you and those involved infused into the labyrinth exists, and it is regenerating and growing. Thank you for creating such a space.

E-mail from Gurpal Singh, second-year CUNY School of Law student, to Author (Jan. 2, 2007, 7:01:46 EST) (on file with the New York City Law Review).

²²⁵ Out inclusive programs build community in the Law School and also help CLRN practitioners—and faculty—in their justice work. See *supra* notes 206–09.

²²⁶ A number of law schools now offer yoga either formally or informally. See Nichole Graham, *Yoga for Credit*, NAT'L JURIST, Mar. 2006, at 17 (describing programs at CUNY, the University of Connecticut School of Law, and the University of Missouri-Columbia School of Law).

²²⁷ Professor Victor Goode was recently quoted about this distinction, describing the contemplative lawyering movement's two non-opposing camps as "those who use practices such as meditation simply to be calmer, or to be a better person, and those who see [meditation] as a new opening for political activism that avoids some of the many flawed leadership experiences of the past." Thomas Adcock, *Attorney Group Would Mete Out Justice with Love*, N.Y.L.J., Jan. 5, 2007, at 20.

²²⁸ In the early years when the program was run primarily out of CLRN, it was called Contemplative Practice for the Urban Law Community and, in the Law School community, was more colloquially referred to as "Contemplative Lawyering." CCULP became a recognized student organization in 2005. Interview with Fred Rooney, *supra* note 63.

²²⁹ For example, CCULP presented programs offering new models for transformative justice, including a partnership with The Lineage Project, located in the Mott Haven section of the South Bronx. The Lineage Project is committed to offering an alternative to violence through the use of meditation and yoga in prison and youth detention facilities. See <http://www.lineageproject.org/lineage-project-programs.htm> (last visited Jan. 21, 2007).

²³⁰ See *DOING TIME, DOING VIPASSANA* (Karuna Films 1997) (video documentary of Kiran's prison work); *Doing Time, Doing Vipassana*, <http://www.dhamma.org/en/dtdv.htm> (last visited Jan. 19, 2007); Vipassana Meditation Courses for Corrections Facilities, <http://www.prison.dhamma.org> (last visited Jan. 19, 2007). Kiran was awarded an Honorary Doctor of Laws degree at my last graduation ceremony as Dean in May 2005.

tion between her practice and aspirations for justice—had a profound effect on the packed auditorium before which she spoke, reaffirming the way contemplative practice is valued by, embraced by, and integrated into the Law School's core justice mission.

Another aspect of CCULP's more ambitious agenda was outreach to external programs involving lawyers in contemplative practice, including sending faculty and students to retreats at Spirit Rock in Northern California.²³¹ Those retreats brought into sharper focus the special connection between contemplative practice and the Law School's commitment to social justice, highlighting the need to better integrate the two.²³² The first step toward integration occurred during the 2004–05 academic year, the same year as Kiran's speech.

Under Director Sue Bryant's leadership, the clinic developed a concept of "mini-courses" offered in the middle of the semester to all clinic students, creating opportunities for cross-disciplinary fertilization. One mini-course focused on contemplative practice was taught by Professor Maria Arias and Jeanne Anselmo; it enrolled nine students its first year.²³³ The course permitted students to explore the use of mindfulness and other contemplative techniques in the actual practice of law, as they were experiencing it in live-client representation.²³⁴ The course was repeated in the following year with similar enrollments; this time Professor Victor

²³¹ These retreats are sponsored by CCMS. See *supra* note 199. Spirit Rock is a Buddhist retreat center located north of San Francisco. Students have also held retreats closer to home at Pumpkin Hollow in northern Westchester. Interview with Fred Rooney, *supra* note 62.

²³² Telephone Interview with Victor Goode, CUNY School of Law Professor (Dec. 29, 2006) (on file with the New York City Law Review).

²³³ The course "Developing Your Inner Credentials: Contemplative Practice for Social Justice Lawyers" proposed a focus "to help clinic students apply contemplative practice to their work in their clinic assignment with real clients, so that these skills can be more readily transferred to their life in practice." HISTORY OF THE CITY UNIVERSITY OF NEW YORK SCHOOL OF LAW CONTEMPLATIVE URBAN LAW PROGRAM (CCULP) 5–6 (Mar. 16, 2006) [hereinafter CCULP HISTORY] (on file with the New York City Law Review). The course was focused around the practice of Therapeutic Presence (TP) described as

[A] lawyering skill that assists students and attorneys to make a centered, grounded, open, aware, active, concerned connection with one's client, one's self and the environment. TP is not detachment, nor is it numbing out as merely a mask of calmness, but rather it is remaining as fully present as possible in the face of chaotic, different and challenging circumstances.

Id. at 6.

²³⁴ Given the variety of clinics, this might include representation of immigrants seeking asylum, victims of domestic abuse seeking protective orders, custody battles, immigrant workers seeking to vindicate rights under inhospitable labor laws, poor

Goode was among the facilitators. Victor noted the many issues that began to emerge for students in this more concrete context: emotional issues relating to the limitations of the law in resolving the problems their clients faced; the realization that no matter how hard they worked, they might be unable to deliver a successful result; the highs and lows of social justice work; and the ways in which contemplative practice might provide insight and tools to ameliorate pain and anxiety and enhance positive action.²³⁵

Although no mini-courses were offered during the 2006–07 school year,²³⁶ the lessons learned from the first two years²³⁷ suggest exciting possibilities for a unique theory and application of contemplative practice to fulfill the Law School's motto of "law in the service of human needs."²³⁸ Equally exciting is the energy and enthusiasm of the Law School community for this work. Nothing better demonstrates this energy—and how deep the roots of contemplative practice have grown—than the continuation and expansion of the yoga and meditation classes, even as funding for the program temporarily dried up.²³⁹ A student who is a certified yoga teacher has sustained the weekly yoga classes, while Victor Goode has facilitated weekly meditation sessions. The Contemplative

families struggling to deal with the problems of an incapacitated loved one, and the full panoply of problems faced by poor criminal defendants.

²³⁵ Interview with Victor Goode, *supra* note 232.

²³⁶ The Battered Women's Rights Clinic has, however, integrated contemplative practice as part of the way it teaches client interviewing, using TP to "be present, remain calm, and stay physically present in order to create a space for the client to be grounded as well, and to avoid being caught up in the client's frenzy." Interview with Susan Bryant, *supra* note 142. Contemplative Practice is also offered as one of many forms of "self-care" to enable clinic students to do their challenging work. *Id.*

²³⁷ Professor Goode presented insights from the mini-course experience, as well as prior contemplative practice activities, at the 2006 AALS conference in Washington, D.C. Interview with Victor Goode, *supra* note 232.

If the goal is not only to make our students and graduates better, more centered people and lawyers, but to find new and creative ways to effectively assist them in their justice work, traditional meditation and yoga may not be sufficient. The connections between mindfulness and justice need to be continually made explicit, strengthened, and repeated and reinforced. The techniques that grow from contemplative practice, like deep listening, should be refined so that they do not only make participants better lawyers, but better social justice lawyers.

Id.

²³⁸ Charlie Halpern agrees, seeing the opportunity the Law School has to reap the credit for its national leadership in this area. Interview with Charles Halpern, *supra* note 198. He notes also "how proud Haywood would be." *Id.*

²³⁹ Modest funding from the Balm Foundation paid small stipends for both yoga and meditation teachers. Unfortunately, this funding ended after the 2005–06 academic year. CCULP currently is seeking a substantial grant from other funders who support contemplative practice. Interview with Victor Goode, *supra* note 232.

Practice Working Group²⁴⁰ is surveying the activities of the past six years preliminary to proposing even further integration into the Law School program.

Student members of CCULP have made a remarkable video examining their experiences in bringing contemplative practice to the way in which they, in their own words, “consciously look at justice.”²⁴¹ In that video, one student asks, “Was Haywood Burns a Buddhist?” Another, with only the faintest knowledge of Haywood, a decade after his passing, answers: “I don’t think so, but he was certainly a great Bodhisattva.”²⁴² CCULP is surely both a testament to, and continuation of, the spiritual justice legacy of Ko-Kai An Gyo, Haywood Burns.²⁴³

IV. REMEMBERING HAYWOOD

In the months after his passing, many organizations with which Haywood had been associated established a variety of memorials to commemorate his life and “carry it on.”²⁴⁴ Haywood’s Harlem community lobbied successfully to have a street named in his honor,²⁴⁵ and friends and colleagues likewise worked to rename a middle school in Washington Heights, P.S./I.S. 176, the W. Hay-

²⁴⁰ This is a committee which I constituted in 2003 and which the faculty subsequently adopted as part of the Law School’s governance structure. It is currently chaired by Professor Maria Arias.

²⁴¹ CONTEMPLATIVE PRACTICE AT CUNY SCHOOL OF LAW (CCULP 2006) (on file with the New York City Law Review).

²⁴² *Id.*

²⁴³ CCULP is also the beneficiary of an extraordinary tradition: All four of CUNY’s Deans have engaged in and embraced some form of contemplative practice.

²⁴⁴ Among others, the National Lawyers Guild, of which Haywood was president from 1986 to 1987, created a collection of yearly fellowships in his name. *See generally* NAT’L LAWYERS GUILD, THE HAYWOOD BURNS MEMORIAL FELLOWSHIPS FOR SOCIAL AND ECONOMIC JUSTICE (2007), <http://www.nlg.org/students/Haywood%20Burns07.pdf>. Prisoners’ Legal Services, of which Haywood was a board member from 1987 until his passing, established a year-long postgraduate fellowship to celebrate his dedication to prisoners’ rights through, *inter alia*, his representation of inmates after the Attica uprising. The New York County Lawyers Association created an annual lecture in his name. The Northeastern People of Color Scholarship Conference created an annual Haywood Burns/Shanara Gilbert teaching award. *See* Leonard M. Baynes, *Award Presentation: The Haywood Burns/Shanara Gilbert Award*, 31 NEW ENG. L. REV. 967, 968 (1997). The Haywood Burns Institute was founded to reduce the overrepresentation of youth of color in correctional institutions and to focus on specific issues affecting those youth, including the juvenile death penalty, school discipline, and mental health matters. *See* <http://www.burnsinstitute.org/what.html> (last visited Jan. 21, 2007). The New York State Bar has an annual Haywood Burns Memorial Award; fittingly, it went in 2007 to a lawyer doing prisoners’ rights work. *See State Bar Bestows Gold Medal, Other Awards*, N.Y.L.J. Jan. 29, 2007, at 7.

²⁴⁵ *See supra* note 223. In addition to his long connection to City College, located nearby, Haywood practiced law out of a historic brownstone on the corner of 143rd

wood Burns School. Following a memorial service shortly after the fatal accident in South Africa,²⁴⁶ the Law School community pondered how to best permanently memorialize and embody Haywood's inspiring life and work. After much discussion, we determined to create a Chair, which would be the Law School's first, and specifically to dedicate that Chair to Haywood's lifelong work in, and commitment to, civil rights.

A. The Haywood Burns Chair in Civil Rights

To fund the Chair, our goal was the unheard-of amount—for CUNY—of \$500,000;²⁴⁷ the campaign began in earnest in fall 1996. Although Haywood lived modestly and worked on behalf of the poor and unrepresented, the overwhelming response from his former students, his colleagues, the foundations with which he had been connected, and admirers within the profession allowed us to achieve—and surpass—our goal by late spring 1997.²⁴⁸

From the outset, we envisioned the Chair as a visiting position that would draw leading figures in civil rights from practice, academia, the judiciary, and the activist community. There was no salary “line” or budget for an additional faculty salary, so we undertook a parallel effort to persuade the New York State Legislature to make a yearly allocation of \$100,000 to fund the base salary for the Chair. With the enthusiastic support of the Black and Puerto Rican Caucus in the legislature and others,²⁴⁹ that amount was first

Street and Convent Avenue with his dear friends Bob Van Lierop and Bill Schapp in the law firm of Van Lierop, Burns & Schapp.

²⁴⁶ The memorial service honored both Haywood and his colleague at the Law School, M. Shanara Gilbert, who perished in the same accident. Shanara had long and deep connections to South Africa, and she was a participant at the International Association of Democratic Lawyers conference in Cape Town from which she, Haywood, and a South African colleague, Felicia Roberts, were returning when the fatal automobile accident occurred. Shanara, who was an inspiration to all who knew her, has been honored with two awards in her own name. See Susan Bryant, *Shanara Gilbert, A Zealous Advocate*, 10 N.Y. CITY L. REV. 65 (2006). Two beautiful flowering plum trees were planted outside the door to Main Street Legal Services, the Law School's clinic, in Haywood and Shanara's memory.

²⁴⁷ CUNY recognizes two kinds of Chairs: one, fully funded, was beyond our fundraising capabilities; the other, a “supplemental” Chair, produces the same annual amount—\$20,000—by which faculty salaries are increased with the designation of Distinguished Professor.

²⁴⁸ The campaign ultimately raised \$516,000, with contributions as large as \$100,000 and as small as \$1.00. E-mail from Janet Oshinaya to Gregory Koster, *supra* note 56. See *infra* Part IV.C (discussing event that celebrated and culminated the campaign).

²⁴⁹ The annual allocation has been reported as a Caucus “item,” and has always had the support of each of its Chairs, most recently Assembly Member Adriano Espaillat. Assembly Member Herman “Denny” Farrell has effectively advocated for this memo-

allocated in 1997 and has been continually reallocated since.²⁵⁰

By the time finances were secured, it was almost impossibly late to find a person of sufficient stature in the civil rights community—and, ideally, with a relationship to Haywood—to fill the Chair for the 1996–1997 academic year. Once again, however, serendipity made the impossible possible. Our first choice, Hon. Nathaniel R. Jones,²⁵¹ responded enthusiastically to my call, and he moved quickly to arrange his judicial schedule to teach a seminar in both fall and spring semesters and help lead a major conference on affirmative action.²⁵²

This experience was repeated over the next ten years²⁵³ during which I was privileged to relay the faculty's choices to a diverse group of people who have furthered the civil rights agenda through litigation, advocacy, judicial decisions, and scholarship. Briefly, following Nate Jones, the Burns Chairs have been:

1997-1998	Theodore M. Shaw, then Associate Director-Counsel of the NAACP Legal Defense Fund, ²⁵⁴ a leading litigator serving as counsel in many high-profile cases, including <i>Grutter v. Bollinger</i> , ²⁵⁵ and a dear friend of Haywood.
1998-1999	William L. Robinson, then immediate past Dean of the District Columbia School of Law ²⁵⁶ and former Executive Director of the Lawyers' Com-

rial to the first African-American law school dean in the history of New York State. We were most fortunate to have early support from Assembly Speaker Sheldon Silver, secured, in part, through the advocacy of his then Administrative Assistant, Fred Jacobs, who, like so many others, was Haywood's friend and admirer.

²⁵⁰ Governor George Pataki, who grew up in Peekskill, New York where Haywood began his civil rights activism, *see* Ratner & Stein, *supra* note 6, at 765; always spoke admiringly of Haywood and never vetoed the Caucus's item, even when he was otherwise hostile to spending on issues of importance to poor people and people of color.

²⁵¹ "Nate" Jones, as he is known, was a longtime friend and admirer of Haywood. At the time he served as the first Haywood Burns chair, Judge Jones was a member of the United States Court of Appeals for the Sixth Circuit. He was a former General Counsel of the National Association for the Advancement of Colored People (NAACP) and first met Haywood when the latter worked at the NAACP Legal Defense and Education Fund. He and Haywood went to South Africa in 1994 as observers in that country's first democratic election.

²⁵² *See infra* at Part IV.B.

²⁵³ My last call was to Paula Johnson, who served after I stepped down in May 2005. Interim Dean Mary Lu Bilek secured Anthony Farley, the faculty's choice for the 2006–07 academic year.

²⁵⁴ Ted was named Director-Counsel in 2004. NAACP Legal Defense Fund—News, <http://www.naacpldf.org/content.aspx?article=47>.

²⁵⁵ 539 U.S. 306, 343 (2003) (holding that the University of Michigan's race-conscious admissions program was narrowly tailored to its compelling interest in maintaining a diverse student body).

²⁵⁶ The District of Columbia School of Law, a successor to Antioch Law School, is

- mittee for Civil Rights Under Law; also a long-time friend of Haywood.²⁵⁷
- 1999-2000 Hon. Robert L. Carter, another friend of Haywood, who is a Senior Judge on the United States District Court for the Southern District of New York and was, in addition to serving as Counsel to the NAACP, part of the legal team, with Thurgood Marshall, that litigated (and then argued for the plaintiffs) in *Brown v. Board of Education*.²⁵⁸
- 2000-2001 Hon. Albie Sachs, Judge of the Constitutional Court of South Africa; former African National Congress (ANC) leader in the struggle to end apartheid, who worked with Haywood in that movement; and an author of many books, including *The Soft Vengeance of a Freedom Fighter*.²⁵⁹
- 2001-2002 Eric Yamamoto, Professor at the William S. Richardson School of Law at the University of Hawaii; civil rights scholar; and litigator of many cases, including the landmark vindication of the rights of Japanese Americans interred during World War II.²⁶⁰
- 2002-2003 Camillo Perez-Bustillo, founder of and counsel to Multicultural Education, Training and Advocacy (META), a leading language-rights education organization; former professor at the *Instituto Tecnológico y Estudios Superiores* in Monterrey, Mexico; and international scholar/activist on poverty and self-determination.
- 2003-2004 Susan Jones, the nation's foremost legal authority on micro-enterprise as an economic self-sufficiency strategy; Professor at and Director of The George Washington University Law School's Small Business Clinic/Community Development Project; and author of numerous articles and im-

institutionally committed to increasing diversity and has a mission and pedagogy closely related to CUNY's.

²⁵⁷ Bill was my classmate at Columbia Law School and was a leader in LSCRRRC when both Haywood and I were active in that organization. See *supra* text accompanying note 3.

²⁵⁸ *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954).

²⁵⁹ ALBIE SACHS, *THE SOFT VENGEANCE OF A FREEDOM FIGHTER* (Univ. of Cal. Press 2000) (1990).

²⁶⁰ *Korematsu v. United States*, 584 F. Supp. 1406 (N.D. Cal. 1984) (vacating Korematsu's 1942 conviction, which was famously affirmed by the Supreme Court in *Korematsu v. United States*, 323 U.S. 214 (1944)); see also ERIC K. YAMAMOTO ET AL., *RACE, RIGHTS AND REPARATIONS: LAW AND THE JAPANESE INTERNMENT* (2001).

- 2004-2005 portant guidebooks for anti-poverty activists.²⁶¹ Ida Castro, former Chair of the Equal Economic Opportunity Commission (EEOC) under President Clinton; Director of the Women's Bureau of the U.S. Department of Labor; and longtime labor activist, litigator, and scholar. Professor Castro was the first Puerto Rican to hold a law school chair on the mainland United States, a fact that would have made Haywood especially proud.²⁶²
- 2005-2006 Paula Johnson, Professor at Syracuse University School of Law; former co-President of SALT; scholar and activist on issues of people of color in the criminal justice system; and author of, *inter alia*, *Inner Lives: Voices of African American Women in Prison*.²⁶³
- 2006-2007 Anthony Paul Farley, Professor at Boston College Law School; well-known scholar in critical race theory, legal theory, and constitutional law; and community activist, who leads a reading group for inmates convicted in the Dorchester, Massachusetts District Court seeking to enhance inmates' self-identity while reducing recidivism.²⁶⁴

B. Haywood Burns Conferences

We have striven to connect the inspiration behind the Burns Chairs to the larger civil rights community through periodic conferences building on a particular Chair's experience and expertise. The first, held just a year after Haywood's passing and co-sponsored with SALT, was an enthusiastically attended national conference on affirmative action entitled "Reaffirming Action, Redefining Merit." A second, held from May 1 to 3, 1998, em-

²⁶¹ See, e.g., SUSAN JONES, A LEGAL GUIDE TO MICROENTERPRISE DEVELOPMENT: BATTLING POVERTY THROUGH SELF-EMPLOYMENT (1998); SUSAN JONES & PAMELA JONES, HELP WITH HOUSING: AN INTRODUCTORY GUIDE TO AFFORDABLE HOUSING RESOURCES IN THE DISTRICT OF COLUMBIA (1993). Susan's appointment and that of the next Burns chair, Ida Castro, signaled an extension of the Law School's understanding of civil rights into the economic issues and anti-poverty struggles that characterized Haywood's work with Dr King's Poor People's Campaign.

²⁶² In addition to himself being the "first" in numerous positions, Haywood was deeply concerned with issues of Puerto Rican self-determination, especially during his Presidency of the National Lawyers Guild.

²⁶³ PAULA C. JOHNSON, INNER LIVES: VOICES OF AFRICAN AMERICAN WOMEN IN PRISON (2004).

²⁶⁴ Professor Farley's community work, like that of Professor Paula Johnson, makes the connection between race and incarceration that Haywood demonstrated in his long commitment to prisoners' rights.

braced an issue on which Haywood had been working in his last years: how to further the civil rights struggle in the United States through emerging international human rights norms.²⁶⁵ Most recently, drawing on Paula Johnson's expertise, and connecting with colleagues at CUNY's John Jay College of Criminal Justice, the Law School hosted a conference entitled "Collateral Consequences of Criminal Convictions." Each of these conferences was, in its own way, enormously successful in explicating issues critical to the ongoing movement for civil rights; even more important, they rekindled and reinforced the commitment to Haywood's work, not only for the invited participants, but especially for our students and the larger Law School community.

C. Parties

Thus far, I have written about official and quasi-official initiatives that reflect Haywood's legacy of work in the struggle for racial equality and economic justice and his commitment to mindfulness in the pursuit of those goals. No remembrance of Haywood's influence on the Law School and on the decade in which I was privileged to lead it could, however, conclude without reference to one other of Haywood's most memorable characteristics: his love of dancing. For as long as I knew him, despite an almost-inhuman work schedule, Haywood was always prepared to party, to groove on music of amazing diversity,²⁶⁶ and, especially, to dance.²⁶⁷ From the beginning of his Deanship, Haywood displayed his skills at the Law School's frequent parties.²⁶⁸ He was especially celebrated for his masterful rendition of the Electric Slide and famously gave himself a fiftieth-birthday present of a pair of blue suede shoes.²⁶⁹

Although the community was deeply sobered by its collective grief after Haywood's passing, this unexpected—to those who

²⁶⁵ Symposium, *Bringing It Home: Building International Human Rights Law, Advocacy and Culture, A Conference to Mark the 50th Anniversary of the Universal Declaration of Human Rights*, 3 N.Y. CITY L. REV. 1 (1998).

²⁶⁶ I had the pleasure, from time to time, of accompanying him to some of his favorite music venues on the Lower East Side for jazz, folk, rock, and even heavy metal performances.

²⁶⁷ This predisposition continued into private life. Jennifer tells of their children's embarrassment when, at the conclusion of a long work day, Haywood and she would "put on some music and take a spin around the living room floor." Interview with Jennifer Dohrn, *supra* note 190.

²⁶⁸ From the beginning, parties, often spontaneous, were an integral part of the Law School community, serving both to break down barriers and to share the joys of social justice work well done. Interview with Mary Lu Bilek, *supra* note 29.

²⁶⁹ Interview with Jennifer Dohrn, *supra* note 190.

didn't know him—and delightful aspect of his character slowly resurfaced at the Law School, especially at two events where his presence was most vividly felt. The first was the culmination of the fundraising campaign for the Haywood Burns Chair endowment. We wanted an event that would be as joyful and unique as Haywood himself—certainly not the tedious sit-down dinner that ends most development efforts. And, critically, we wanted to dance and *have fun*. We achieved all these goals and fulfilled our fundraising plan with a memorable party at the Village Gate featuring the incomparable Maceo Parker.²⁷⁰ No one who was there will ever forget the evening, and the sight of an incredibly diverse group of lawyers, friends, CUNY students, graduates, and faculty dancing—including, of course, the Electric Slide—into the wee hours of the night.

In 2003, the Law School celebrated its twentieth anniversary with a variety of events.²⁷¹ Again, the question arose: how to cap the year of celebration of the Law School's many accomplishments in a way that was both inclusive²⁷² and truly characteristic of its unique spirit? The theme of the anniversary year was "Creating a Community of Justice," and the finale somehow had to incorporate everything—and everyone—we meant by this: not only the current members of the Law School community, students, faculty, staff, and administration, but all those who had passed through the Law School as part of, or on their way to, careers in social justice, as well as all of the organizations and institutions²⁷³—and the people in them—with whom we work to build a better world.

To accommodate students and others with little or no means,²⁷⁴ we decided on a giant event, which included great food

²⁷⁰ In the spirit of the event, Maceo and his band played for free. This happened in part because of Maceo's admiration for Haywood's work, but even more through the good efforts of his brother: the late Kellis Parker, a Columbia Law School Professor and dear friend of Haywood.

²⁷¹ With what was perhaps an excess of ambition, we planned twenty separate events, each of which included or featured someone upon whom the Law School had conferred an Honorary Degree or otherwise recognized. To our amazement, with the extraordinary efforts of many people—especially Allen Payne, Dottie Zellner, Frank Shih, and Sue Chang—we actually pulled it off.

²⁷² As before, the typical seated dinner with a high ticket price was ruled out on many grounds, not least of which was that the people we most wanted to attend were those least likely to be able to afford it.

²⁷³ Sponsoring organizations listed on the invitation ran the gamut from the American Civil Liberties Union to Human Rights Watch to the Urban Justice Center. Invitation to CUNY School of Law 20th Anniversary Party: Celebrating the Community of Justice (on file with the New York City Law Review).

²⁷⁴ The official ticket price was \$20, but the invitation made clear that people would be admitted for any lower amount—even for free. We were able to accomplish this

and drink and, of course, dancing! The Twentieth Anniversary Party was held on May 14, 2004 at the crepe-paper bedecked John Jay College gymnasium, and was attended by more than 450 people, representing every aspect of the Law School's history and the "Community of Justice" to which it so richly contributes. Everyone—lawyers, activists, students and faculty, children and senior citizens—ate, drank, and danced far into the evening. Haywood would have loved it; I'm sure I caught sight of him out of the corner of my eye, joining us with his incomparable smile, the great shining halo of his gray hair and bushy beard, and, of course, those famous blue suede shoes.

remarkably democratic pricing through a combination of contributions (including free use of the space by Haywood's friend, John Jay President Gerald Lynch) and revenue from ads in the event's journal. The impressive journal itself was produced in-house at almost unheard-of low cost by Law School staff including, most notably, Carmen Rana.