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Here Comes the Neighborhood: Attorneys, Organizers, and Immigrants Advancing a Collaborative Vision of Justice

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HERE COMES THE NEIGHBORHOOD: ATTORNEYS, ORGANIZERS, AND IMMIGRANTS ADVANCING A COLLABORATIVE VISION OF JUSTICE*

*Sebastian Amar** and Guy Johnson****

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I. INTRODUCTION

The fight for immigrants' rights and progressive legal reform continues on multiple fronts. In Maryland, in a drab-colored, slant-roofed building situated close to a large, nondescript intersection on the border of Silver Spring and Langley Park sits the headquarters of CASA de Maryland ("CASA")—a converted two-story home surrounded by a small network of semi-attached trailers. Here, behind a black, iron-rail fence and beyond a small, bumpy green hill sliced by narrow asphalt circles lies one of the battlegrounds for immigrants' rights.

For Maryland's immigrant and low-income populations, these buildings at CASA are a refuge and a place to address their experience of marginalization collectively. At CASA, day laborers seek steady, reliable employment; community members receive health-care and literacy classes; and people who cannot obtain government issued identification cards line up for CASA-issued photo IDs. From the confines of a single, crowded room and in a narrow, poorly-heated trailer, CASA's legal program and the Community Organizing and Political Action ("COPA") program collaborate on defensive strategies and forward-thinking reform.

Currently, CASA de Maryland is recognized as the largest Latino and immigrants' rights organization in the state of Maryland. Its origins reach back to a coalition of Central American immigrants and native-born U.S. citizens that founded the organization in 1985. CASA was created to meet the needs of the thousands of Central Americans that were arriving in the Washington, D.C. area in the 1980s. Many of these immigrants came to the United States fleeing wars and civil strife in their countries of origin. From the basement of the Takoma Park Presbyterian Church, CASA provided emergency clothing, food, immigration assistance, and English instruction to new arrivals.

CASA expanded its programs as the community grew in size and the community's needs grew in complexity. In 1991, in response to the increasing numbers of day laborers that were congregating on street corners looking for work in the Long Branch neighborhood of Silver Spring, CASA established a temporary trailer to provide legal and employment assistance to the workers.¹ In 1993, Montgomery County provided CASA with space and funding to operate a formal Center for Employment and Training in

¹ Montgomery College and private foundations provided support for CASA's new legal and employment assistance program.

Silver Spring. This was CASA's first worker center. The program has served as a model for the creation of numerous other worker centers in Maryland and across the country.

Today, CASA offers programs in employment placement, vocational training, financial literacy, job development, English as a Second or Other Language ("ESOL") instruction, Spanish literacy, citizenship classes, legal services, health outreach and education, health information services, social services, and community organizing and advocacy. CASA now operates five worker centers, a community education center, and is in the process of opening a vocational training school and a 20,000 square-foot multicultural center in the heart of Langley Park. CASA's offices are located throughout the state of Maryland, though the organization's primary focus areas are Montgomery County, Baltimore City, and Prince George's County.

As originally envisioned, the primary goals of CASA's legal program are to improve the quality of life for Latinos and low-income families by focusing on legal education, legal services, and advocacy for low-income women, workers, and tenants. CASA's legal program has offered and currently continues to offer legal consultations and representation for day laborers, domestic workers, and tenants. The bulk of the legal program's employment work consists of negotiating claims and bringing lawsuits in state and federal courts for nonpayment of wages, minimum wage and overtime violations, unlawful wage deductions, discriminatory employment practices, retaliatory discharges, and involuntary servitude. Additionally, the legal program provides legal assistance to low-wage tenants and tenants' associations on various landlord-tenant issues, including eviction defense, code enforcement, and rent payment disputes. CASA lawyers have also assisted human trafficking victims and continue to engage in strategically targeted, large-scale civil rights litigation.

Beyond these direct representation efforts, however, CASA's legal work continues to focus most centrally on community legal education efforts. CASA attorneys work directly with teams of on-staff community organizers to inform day laborers, tenants, and domestic workers about their basic rights as employees and as individuals under residential leases. Staff attorneys partner with organizers to help community members develop strategies to protect themselves and enforce their rights under the law. To this end, CASA's legal and organizing staff regularly go to non-traditional hiring halls such as street corners and parking lots, to educate

workers about their rights. Staff also attend tenants' association meetings and community forums to encourage low-income and at-risk populations to collectively organize and seek redress for the crimes and injustices they have suffered.

II. CASA'S SERVICE PROVISION MODEL: LAW & ORGANIZING

CASA's model of legal service provision has proven to be durable. The practice of teaming a staff attorney with in-house community organizers to provide basic substantive rights education to low-income immigrants has survived for over a decade despite significant changes in personnel and organizational resources.

Currently, each CASA staff attorney works on a predetermined issue—for example, wage recovery, housing, or domestic workers' rights—with a team from CASA's COPA department. Attorneys on these teams are routinely outnumbered 4:1 or 5:1 by community organizers. Clients are prioritized both by the efforts they have invested in creating sustainable longer-term organizing structures and by the broader impact that their legal case will have on similarly situated individuals. Thus, in light of limited staff resources, prospective clients who have been leaders in forming or sustaining a tenants' association in their complex will be given preference over prospective clients who have played no substantial role in working with CASA toward broader community-based solutions. Moreover, workers who have played an active role in improving CASA's labor contract system will receive higher priority from CASA staff in resolving their unpaid wage disputes, as will workers who have helped to organize their fellow day laborers. In both cases, the goal of CASA's service provision model is to enhance the effectiveness of individualized litigation with more broad-based and community-oriented solutions.

CASA's law and organizing work focuses on three primary areas—tenants' rights, day laborers, and domestic workers. While each of these program areas has existed for many years, CASA is currently in the process of transitioning to a membership-based model. Section IV of this Article will discuss CASA's reasons for the change to a membership model of service provision, and how that transition will improve CASA's law and organizing work.

A. *Tenants' Rights: CASA's Prototype for Law & Organizing*

CASA's housing team currently consists of four tenant organizers, one attorney, a lead community organizer for Montgomery County and a lead organizer for Langley Park. Each organizer

is responsible for providing support to tenants' associations in at least two different apartment complexes, and the attorney provides legal support to the tenants' associations as well as to individual tenants based on referrals from the tenant organizers. Each apartment complex is home to 100 to 200 separate apartments, and houses perhaps double or triple that number of occupants. The tenants' associations in each complex commonly count twenty to thirty members among their active ranks, with approximately fifteen core tenants per complex.

The bulk of CASA's tenant work walks a fine line between defense and offense. The problems experienced by individual tenants are often brought to the larger group to determine if the problem is shared; if so, the tenants' association directly petitions the management company as a unified whole. CASA legal staff handles individual tenant complaints that fall within the scope of the organization's larger legal work. Those issues outside of CASA's legal focus may be resolved either by attorney negotiation with the management company or by a referral to an outside agency.

This approach has resulted in the resolution of thousands of housing code violations without the assistance of local housing code enforcement officials, and has heightened low-income residents' participation in local planning and housing development processes. Additionally, the footwork done by CASA's tenant organizers has enabled the health and education programs to reach deeper to connect with underserved populations in the area. As CASA transitions to a membership model, it is expected that the tenant leaders will become dues-paying members and will continue to help direct the organization's efforts to advance low-income tenants' rights in Maryland.

B. Day Laborers: CASA's Largest Client Base

On any given morning, there are up to a hundred day laborers seeking employment at one of CASA de Maryland's five worker centers.² The workers come from all walks of life and represent virtually every Spanish-speaking nationality as well as several French-speaking countries. Although their backgrounds and cultures differ greatly at times, they all share a common desire for employment. CASA's newest worker center in Langley Park pro-

² CASA operates five worker centers throughout the State of Maryland. Sites include the City of Baltimore, Shady Grove, Wheaton, Silver Spring, and Langley Park. CASA de Maryland, Workers Centers, http://www.casademaryland.org/index.php?option=com_content&task=view&id=27&Itemid=78 (last visited Dec. 4, 2009).

vides an interesting view into the relationship between day laborers and CASA's worker centers. A typical day at the Prince George's Worker Center includes day laborers taking part in English classes and vocational trainings to gain basic skills in carpentry, plumbing, and electrical maintenance, as well as groups of workers helping with daily tasks from assisting the front desk staff to cleaning the common areas and bathrooms. The center incorporates many of the principles found in a membership model, including the idea that the center exists to increase opportunities for employment, but in doing so depends on worker cooperation to function properly.

If one were to ask any day laborer who frequents the center, they would say that a year ago things were very different here. The parking lots above the center, which are located beneath strip malls down the street from CASA's Silver Spring location, comprise one of the largest day laborer hiring sites in the United States.³ The day laborers who now make use of the new center in Prince George's County at one time sought work while standing in the parking lot on the corner of University Boulevard and New Hampshire Avenue. Indeed, on the worst of days some still find their way up the stairs and out into the cold in hopes of improving their odds of finding employment. To date, the advocacy efforts of CASA's five worker centers and members of the legal program have resulted in the recovery of roughly \$1 million in unpaid wages for low-wage immigrant workers. Although this outcome is a significant achievement for the organization and for the community, it represents only a small fraction of the wages that remain unpaid to workers both within the state and across the country.⁴

As membership is implemented at CASA, we expect that many of the Center's day laborers will become leaders of the organization. Their influence in the community will serve to inform the public of the institutional changes ahead, thus empowering everyday people to demand significant social and political reform at the highest levels.

³ ABEL VALENZUELA, JR. ET AL., ON THE CORNER: DAY LABOR IN THE UNITED STATES 10 (2006), http://www.sscnet.ucla.edu/issr/csup/uploaded_files/Natl_DayLabor-On_the_Corner1.pdf (citing Langley Park, Maryland, as the largest individual hiring site in the country for day laborers, with a peak recorded workforce of 349 job seekers).

⁴ See generally ANNETTE BERNHARDT ET AL., BROKEN LAWS, UNPROTECTED WORKERS: VIOLATIONS OF EMPLOYMENT AND LABOR LAWS IN AMERICA'S CITIES (2009), http://nelp.3cdn.net/1797b93dd1ccdf9e7d_sdm6bc50n.pdf. This report, surveying 4,387 low-wage workers in Chicago, New York City, and Los Angeles, found that nearly two-thirds of low-wage workers had not been paid their complete wages the previous week, and that on average these workers were losing \$2,634 annually to wage theft. *Id.* at 5.

C. *Women and Domestic Workers: CASA's Most Organized Constituency*

Without question, our most organized and active group at CASA is comprised of women who have in some way been connected to the issues faced by domestic workers. Due to our proximity to the nation's capital, there are many diplomatic households that employ domestic workers to perform tasks including child-care, cleaning homes, cooking meals, and caring for the elderly. Diplomatic immunity shields these employers from domestic litigation for contract violations and other employment-related causes of action. This restriction on legal remedies has forced women working as domestic workers to organize in order to achieve any measure of justice.⁵ The outcome has been the formation of a strong, determined group of women who not only support each other when a worker is in need of immediate assistance, but also take active steps to recover wages, property, and other items through organized marches, demonstrations, and public actions meant to draw attention to an employer's abusive behavior.

CASA's approach, given the initiative and commitment of the domestic workers' group, has been to provide the domestic workers' group with as much support as possible to maximize effectiveness. As problems arise, the domestic worker organizer brings the legal program into the fold and updates CASA attorneys on the details of the case. From that point forward, much of the legal work in support of the domestic worker group involves documenting and formalizing the workers' grievances, usually through a written demand letter and follow-up phone call to the employer. A next, and usually final, step is engaging in negotiations with the employer to facilitate recovery of wages, property, and other items. In cases where the employer is not covered by diplomatic immunity, CASA lawyers approach the case in much the same way as a typical unpaid wage case.

These combined efforts have led to the successful rescue of numerous domestic workers whose employment situation has deteriorated to the point of posing a serious threat to their safety and well-being. With the assistance and guidance of the women's group, organizers have secured temporary housing for domestic

⁵ Historically, domestic workers have had little success in winning claims against abusive diplomatic employers because of diplomatic immunity. See Sarah Fitzpatrick, *Diplomatic Immunity Leaves Abused Workers in Shadows*, WASH. POST, Sept. 20, 2009, at A4, available at <http://www.washingtonpost.com/wp-dyn/content/article/2009/09/19/AR2009091901864.html>.

worker clients while legal staff work on their claims. Often, workers are hesitant to disclose the most personal, and, at times, humiliating, details of their previous employment. In these instances, CASA attorneys gain the trust of community members as a result of their relationship with organizers. As CASA transitions to a membership-based model, the women's group is a clear example of the effectiveness that lies in community organizing, coupled with the support of an in-house legal program and other services. The domestic workers' continued involvement with the organization in light of what are often significant personal challenges has resulted in many valuable gains for both the workers and CASA. Many of the lessons learned and much of the experience gained by the organizers, lawyers, and other staff who have worked with this group will undoubtedly be applied to other areas of CASA's work.

III. CASA'S LEGAL SERVICE PROVISION MODEL IN PRACTICE

While the composition of CASA's legal staff has fluctuated between a single lawyer working out of an office located in the trunk of her car to a full team of twelve attorneys and legal interns, the organization has remained committed to the pursuit of community justice, understanding that the law is only one means of achieving that goal.

CASA's legal work seeks to reduce informational gaps and demystify the legal process so that those individuals who are beset by legal troubles can gain a meaningful understanding of the threats they face and the remedies available to them. By facilitating access to such information, the program enables low-income communities to catalyze strategic grassroots organizing. For the last decade, CASA attorneys and COPA staff have trained community members to recognize and proactively assert their legal rights, to recommend and challenge policy decisions at the highest levels of the state and federal government, and to broker a more complete dialogue between low-income, immigrant community members and local authorities such as police, county government officials, employers, and landlords.

A. *Victor and the Tenants Versus the Slumlord*

One example of CASA's law and organizing approach is the case of Victor,⁶ a construction worker who lived in the same apartment with his son and wife for sixteen years. Victor and his family

⁶ Victor's name has been changed in this article to protect his identity.

stuck through difficult economic times, paying rent on time and weathering various changes in the apartment complex management. Living conditions were tolerable until 2007, when the landlord hired a new manager who did not respond to complaints from Victor and other tenants about housing code violations like leaks from old, rusted, broken pipes that began to spread moisture and mold throughout the apartments. The walls and ceilings of various units began to rot and fall away in chunks. Bedbug infestations spread through the units. Victor's wife was forced to seek medical help at a community health center after her arms, bitten by various vermin, became spotted with dozens of red sores.

With the assistance of CASA's community organizing staff, Victor, his wife, and other tenants began to visit the various apartments in the complex on a fact-finding mission. They circulated and signed a letter to form a tenants' association and made a request to the management company to repair the most dangerous conditions.

The property manager reacted by entering apartments unannounced and walking around and looking through tenants' personal belongings while tenants were away or otherwise occupied. The property manager repeatedly threatened and verbally abused Victor. Victor consulted with a CASA attorney who helped him obtain a peace order against the property manager. Meanwhile, the tenants' association and its leaders continued to request a meeting with the property manager and apartment complex owner to address the housing conditions, but were repeatedly rebuffed. Finally, the management company retaliated against Victor with an eviction notice.

Victor and his wife challenged their eviction in court with the assistance of CASA's legal staff. The trial judge, however, noted that, despite their long tenure in the complex, Victor's lease had expired years earlier. Because this left him on a month-to-month lease, the judge upheld the landlord's eviction. She held that unless a tenant under a current lease brought a separate lawsuit, she could not force the landlord to either fix the conditions or take the property off the market. Despite the fact that most tenants had resided in the property for many years, almost none held current leases. The landlord had decided not to renew leases as it would be easier to remove tenants from the complex if they did not have a current lease.

In that case, the judge came to an easy and legally supported—if rather formalistic—decision. Yet the interests of justice

were not served. When, as in this case, the law supports an unjust outcome, tenants must organize for their own protection. In Victor's case, this has meant focusing efforts on getting stronger legislation passed at the county level to protect tenants from retaliatory evictions.⁷ CASA continues to be involved with these tenants in an effort that exemplifies the basic approach and partnership of community members, organizers, and CASA legal staff.

Victor's case illustrates that public policy does not function effectively in an informational vacuum. Informational gaps occur at various points in the public policy and legal processes—between policy makers and constituencies, attorneys and community organizers, and nonprofit organizations and the populations they represent. One wonders, for example, whether local legislators even contemplated the condition of tenants such as Victor and his fellow tenants when formulating landlord-tenant laws. The goal of CASA's legal department is to eliminate or mitigate such gaps and share information as broadly as possible toward the pursuit of a community vision of justice.

A combined law and organizing approach provides communities with the opportunity to access otherwise unavailable information, enabling them to assert their rights through formal legal processes such as litigation and discovery. At the same time, it can play an important role in the building of political capacity in marginalized communities. The threat of litigation can lend procedural and political urgency to ongoing community activism. It can also directly benefit activist efforts by giving community members access to more specific, legally discoverable information about the full nature and extent of their challenged conditions than they would receive if litigation were never threatened.

B. Day Laborers Versus Verizon Subcontractors

A legal program that works at the service of low-income community members provides several benefits. Progressive lawyers, community organizers, and community leaders who are "law-informed" can act preventively to counteract or avoid technical legal entanglements.⁸ They can also work proactively to positively shape

⁷ "Retaliatory eviction" occurs when a landlord evicts a tenant because that tenant has, for instance, made complaints about housing code violations, complained about apartment management, or formed or joined a tenants' association, but not because the tenant was in default. See 49 AM. JUR. 2d *Landlord and Tenant* § 520 (2009); see also BLACK'S LAW DICTIONARY 473 (8th ed. 2004) (defining "retaliatory eviction").

⁸ Sarah E. Redfield, *The Convergence of Education and Law: A New Class of Educators*

future policy before the onset of new crises.⁹ Lawyers who are informed about government policies, priorities, practices, and important research can work collaboratively with their clients in a way that deemphasizes existing systemic and social hierarchies.¹⁰ For example, in a case against several Verizon subcontractors working on a fiber optic expansion project, CASA attorneys partnered with other local counsel to represent day laborers who had been denied adequate wages for long days of back-breaking work digging ditches *for* laying cable throughout Maryland, Washington, D.C., and Virginia. After the workers' requests for fair payment were initially ignored, CASA organizers planned and executed a protest at Verizon's headquarters in Washington, D.C. This action led Verizon's corporate executives to consider the workers' claims and ultimately reach a settlement with several subcontractors working on the project.¹¹ The strategies employed in building the case against Verizon and moving it forward were based on the CASA legal team's earlier successes in recovering wages for day laborers hired to travel to New Orleans, Louisiana, as part of clean-up crews after Hurricane Katrina.

In a membership-based model, the increase in community participation and, in turn, our ability to apply pressure outside of a courtroom will better position CASA's legal program to identify and pursue this type of large-scale litigation on a more regular basis. The success in the Verizon case underscores the benefits of having an in-house community organizing team to complement the efforts of staff attorneys. Another example of the power of such a legal/organizing combination is illustrated in our success achieving the passage of legislation to protect the rights of domestic workers.¹² The members of CASA's domestic workers' group played a critical role in the passage of a domestic workers' bill of rights in Montgomery County in 2008. Working with CASA com-

and Lawyers, 36 IND. L. REV. 609, 611 (2003) (discussing "law-informed educators and leaders" who are "each attuned to the contextual reality of the other's discipline").

⁹ See *id.*

¹⁰ See *id.* (discussing education-informed lawyers who are "apprised of both school practices and important educational research and policies").

¹¹ For more information on this campaign, see CASA de Maryland, Cheated Workers on Verizon Projects Demand Verizon Take Responsibility, http://www.casademaryland.org/index.php?option=com_content&view=article&id=338:06232008&catid=45:press-release&Itemid=128 (last visited Dec. 4, 2009).

¹² For more details about Montgomery County's domestic workers' bill of rights, see Ann E. Marimow, *Domestic Workers Bill Passes in Montgomery*, WASH. POST, July 18, 2008, available at <http://www.washingtonpost.com/wp-dyn/content/article/2008/07/15/AR2008071501653.html>.

munity organizers and legal staff, the domestic workers educated councilmembers about the urgent need for protections, helped to establish the parameters of what needed to be covered by the bill, and applied substantial public pressure to ensure its passage.

By itself, formal legal intervention may achieve only short-term benefits such as a victory in a particular lawsuit, administrative appeal, or a favorable settlement, to the exclusion or detriment of a larger, longer-term focus on the root causes of injustices suffered by low-income communities.¹³ Describing the concept of “rebellious lawyering for the subordinated,” Paul Tremblay asserts:

“Rebellious lawyering seeks to address the three main defects of conventional lawyer methodologies: (1) the tendency for lawyers to dominate their clients; (2) the disempowerment that accompanies sole reliance on litigation-based solutions to social problems; and (3) the limited efficacy of intra-systemic remedies in meaningfully changing the lives of poor, politically marginalized clients.”¹⁴

Under Tremblay’s model, “[a] rebellious lawyer will encourage clients to organize, to connect, and to work for power and change extra[-]systemically as well as intra[-]systemically.”¹⁵ This dual intra-systemic and extra-systemic focus is critical for meaningful change. Marginalized immigrant communities must recognize that their condition of marginalization is multifaceted and systematized in order to effectively improve the conditions in which they live or work. For example, many immigrants face a combination of challenges beyond the fact of their legal status, including scarce economic resources, low levels of educational attainment, lack of language proficiency, and limited access to services. This is precisely where an in-house community organizing team can help community members to understand legal victories and defeats within a larger socio-political framework.

IV. CASA’S DECISION TO BECOME A MEMBERSHIP ORGANIZATION

Over the last several years, the state and national political landscapes have evolved, creating a unique opportunity for CASA to expand its organizational reach and amplify the political voice of the low-income community it serves. As the number of immigrants living in the United States, and particularly in Maryland, has

¹³ See Paul R. Tremblay, *Rebellious Lawyering, Regnant Lawyering, and Street-Level Bureaucracy*, 43 HASTINGS L.J. 947, 952 (1992).

¹⁴ *Id.*

¹⁵ *Id.* at 953.

steadily increased, the potential political influence of this once-forgotten and often-ignored section of our population is growing exponentially. The basis for the transition to a membership-based model is a general recognition of the need for systemic, high-impact change that cannot be achieved without empowering members of the community to engage in the ongoing political discourse that will decide their future.

In the words of Paulo Freire, “the more the oppressed can be led to adapt to [a given] situation, the more easily they can be dominated.”¹⁶ The pursuit of progressive policy reform via the development of political capital in underserved communities is in many ways a continuing process, a dynamic that must be reimagined as political contexts shift. In any case, movements for reform that come from within the community are the most powerful, most easily sustainable, and most locally relevant agents of policy change.

Politically marginalized communities must gain insight into the vulnerabilities of the empowered class in order to “form and direct themselves toward the next steps of mobilization, set their own agendas, and . . . make use of the lawyers, paralegals, or law students at their service.”¹⁷ This legal-community partnership can be the cornerstone of progressive civil rights educational reform aimed at meaningfully addressing fundamental civil society inequalities in the United States.

For the past twenty-five years, CASA’s role in the community has been largely reactive, responding to abuses and injustices as they arise and amassing expertise in crisis management along the way. Membership offers an attractive alternative. Under the new framework, CASA will be better positioned to take more direct and immediate action in the face of new challenges. The collaborative nature of CASA’s membership model will shorten the time gap that exists between the moment an issue is felt by the community and the moment it is fully appreciated by the organization.

The change to membership will not be without challenges. The needs that until now have been addressed by a range of service programs will not disappear suddenly. Thus, CASA will have to maintain those services while accommodating the changes necessitated by a membership structure. This will be both liberating and constraining. Until now, the purposes of current and previous

¹⁶ PAULO FREIRE, *PEDAGOGY OF THE OPPRESSED* 74 (2004).

¹⁷ Daniel S. Shah, *Lawyering for Empowerment: Community Development and Social Change*, 6 *CLINICAL L. REV.* 217, 253 (1999).

funding sources have dictated the boundaries of CASA's legal work. As funding is limited for low-income communities that wish to move beyond basic code enforcement and wage issues to broader policy concerns, attorneys must be scrupulously self-policing in terms of workload. Even as a law and organizing framework creates attorney roles that are more expansive than the traditional model of legal services, the roles of lawyers within this funding system need to be clearly defined to prevent attorney ineffectiveness and burnout.

Membership dues and other means of raising funds will grant the organization additional flexibility. This will give the community greater power to determine the direction and priorities of the legal actions it chooses to pursue. A major advantage of the new membership model is the ability to contribute to and support not only issues that are of great importance to the community, but also the candidates best positioned to advance them.

The most basic function of this transition, and indeed its most important goal, is to instill in our clients a heightened sense of community responsibility for addressing the problems they face. Of course, clients cannot be expected to take responsibility for preserving their rights if they are unaware of what those rights are to begin with, and if they do not know the remedies available should those rights be violated. To hear a day laborer express shock or amazement at the fact that she or he has a right to minimum wages and overtime pay, or to have to explain to a tenant that living in dangerous rodent- and bug-infested housing is not something she or he has to accept, are common occurrences at CASA. This lack of information not only has a direct impact on our clients' daily lives, but it also poses a significant threat to our ability as advocates to address these recurring issues adequately. Thus, even under the membership model, the initial charge of CASA's legal staff—to educate the public—will be of vital importance. One obvious initial approach is to continue community education efforts, such as providing know-your-rights information. More specifically, community education will involve taking steps to both convince the public that their rights exist, as well as arming clients—both present and future—with the confidence to take affirmative steps so that public interest lawyers can advocate most effectively on their behalf.

The task of inspiring confidence in the community to engage in legal and administrative processes is one dealt with most regularly when individuals come to CASA in search of loved ones who have been detained by local police or federal immigration officials.

In these instances, CASA legal staff initially take steps to locate an individual detained in a local jail or immigration custody. However, later efforts focus on ensuring that community members receive legal referrals and resources, regardless of language proficiency or education level. It is common in these situations for community members to be hesitant about navigating complex administrative and government systems on their own. The efforts of legal program staff are focused on providing these individuals with a level of education and understanding such that they will be confident and capable of acting on their own behalf.

A. The Legal Program's Focus Under CASA's New Membership Model

Although the delivery of legal support services within the new membership-based model will differ, in varying degrees, from the ways CASA has managed legal services in the past, the legal practice areas will continue to reflect the needs of the community. Concerns over unpaid wages and unacceptable housing conditions have dominated the legal program's open intake appointments, and illustrate a need for legal representation in these areas that has remained largely unchanged over time. As membership takes effect and our members embrace the process of identifying and guiding the organization's campaign targets, we anticipate that workers' and tenants' rights issues will receive overwhelming support from the legal program.

This is not to say that other practice areas will not be considered if they are of significant importance to our membership. The goal of this model is to have members identify areas of interest and then run those possibilities through a two-tiered filter. Initially, areas of interest will be assessed through the lens of our organizational goals. Those areas that align with the community goals will then be subject to a determination based on CASA's monetary and staffing resources. One recurring theme, for example, has been a desire to have CASA's legal program provide substantive representation in our members' immigration cases. Because a number of local and national organizations—as well as a significant portion of the private bar, already provide immigration services—the decision in the past has been to devote CASA's legal resources to those concerns that remain largely unaddressed by existing legal services. However, in a membership-based model, these decisions will be made in the context of CASA's broader organizational focus, which may very well redefine priorities for the legal program.

In addition to providing legal counsel in substantive practice

areas, CASA's legal staff will continue to provide general support to the organization as a whole, including referral services, follow-up appointments after intake, and know-your-rights workshops at each of our worker centers. These services allow us to reach out to larger groups within the community and to identify ongoing trends in the legal issues our clients encounter. Activities such as drafting and delivering legislative testimony and coordinating with police and other law enforcement personnel during local and national marches or political rallies, while important to the organization's success, are not contingent on special legal knowledge. Accordingly, non-legal staff will lead these efforts until more formal legal support becomes necessary. In this way, CASA's attorneys can address those legal issues in the legislature that most persistently and directly affect our community.

A final aspect of the legal program's work that will continue as membership develops is the litigation of high-impact cases that directly affect the community. In the past, these cases have included large-scale federal and state wage claims as well as civil rights litigation involving the violation of individuals' constitutional rights. Under the membership structure, CASA attorneys will continue to seek out cases with the potential to influence change. These will include cases that make demands for public disclosure of questionable governmental practices through Freedom of Information Act and Maryland Public Information Act litigation, and litigation involving issues such as unconstitutional arrests by police under federal 287(g) programs, unlawful detention, and other civil rights abuses endured by low-income immigrants in Maryland and elsewhere.

B. Steps-to-Date in the Transition to a Membership-Based Model

The transition to membership has been a work in progress over the last six months. After internal conversations at CASA took place and the decision to pursue a membership-based model was made, steps were taken to begin to answer the numerous questions that arose as a result of the transition. Among these were questions about the effect this new structure would have on the community, as well as the inevitable internal restructuring of CASA and implications for the organization's staff. The new model represents major changes in the job duties of many staff members. For that reason it is important that all staff members have the opportunity to voice their questions and concerns regarding the transition. To facilitate this process, CASA has established a membership working

group that meets regularly to discuss everything from reasonable membership dues and member age limits to internal logistics and anticipated obstacles. The working group is comprised of approximately twenty staff members from across CASA's programs and departments as well as managers and directors. As agenda items are discussed and decisions reached, the group issues those recommendations to the organization.

It is fortunate that CASA is not the only community organization to adopt a membership model. Representatives of CASA have had the opportunity to meet with other groups that have undergone similar transitions successfully. For example, members of CASA's staff traveled to New York City to meet with staff at Make the Road New York¹⁸ and to witness firsthand the operations of a membership-based organization that does much of the same work as CASA and in a number of different locations. Meetings like this provide tremendous insight into the process and the challenges that lie ahead in making this transition.

As these conversations continue, CASA has organized meetings with the community to give future members the opportunity to weigh in with their opinions of how the transition should work. These meetings have included significant discussions about dues, age limits, family memberships versus individual memberships, as well as general questions and concerns involving the provision of services and how they might change. One concern that has been raised internally is whether asking community members to pay dues, after twenty-five years of providing services largely free-of-cost, may be met with resistance. After much discussion, the conclusion reached was that the imposition of an initial fee, however minimal, for becoming a member should convey a sense of ownership and investment in the organization and promote active participation. The response to the proposed model has been overwhelmingly positive and supports our belief that the community is ready to stand shoulder-to-shoulder with CASA, rather than use the organization as a shield. The new structure provides staff and community members with more clearly defined roles, and establishes a method for reaching a consensus on pre-established expectations for all involved. The hope is that by minimizing

¹⁸ Make the Road New York ("MRNY") is the largest participatory, democratic, low-income, immigrant organization in New York City. MRNY was created in 2007 through the merger of Make the Road by Walking and the Latin American Integration Center. For more information about MRNY, *see* Make the Road New York, Our History, http://www.maketheroadny.org/howeare_ourhistory.php (last visited Dec. 4th, 2009).

confusion and misinterpretation CASA will avoid community frustration and be able to focus more energy on collective efforts for lasting and substantive change.

V. BALANCING THE ATTORNEY-CLIENT-ORGANIZER RELATIONSHIP

CASA de Maryland's decision to transition to a membership-based organizational model comes as a response to both the limitations of a more traditional nonprofit structure and as a method of becoming more decentralized and responsive to the community in our organizing efforts. Member dues can grant community members more direct collective access to the political and electoral process. CASA members, in other words, will become more empowered to support candidates and issues that have not traditionally enjoyed significant financial backing from immigrant and low-income communities.

Similarly, community organizing efforts both within and among CASA's traditional client bases stands to become more directly and immediately responsive to community concerns under a membership model. While CASA will have to reconcile the twin interests of funding limitations with member concerns under the new model, this will still be an improvement over the funding restrictions of CASA's current structure. The challenge in balancing the two interests will be complicated by the need—at least in the beginning—to respond to immediate community needs while educating community members about future, longer-term matters of concern.

A. *Operating Principles for Attorney-Organizer Success*

For CASA's attorneys, working with an in-house team of community organizers, there are concrete ways in which to balance the interests of financing, vision, and need. Several points of practice have been of great benefit in maximizing the efficacy of the attorney-organizer relationship. These are outlined as follows.

i. Confirming the Limits of Confidentiality

Whether within a formal campaign or simply a client intake referred by an organizer, it is critical to ensure that clients, organizers, community members, and attorneys all recognize the boundaries of confidentiality and understand that explicit consent can make some, though not all, of those boundaries more fluid. This understanding touches upon the need to keep certain information completely secret from opposing parties in a campaign,

and also the need to maintain the absolute confidentiality of certain attorney-client conversations. When working toward broader, community-based justice goals, it is often critical that organizers know the details of legal cases in which community members are involved. If CASA attorneys share this information, it may only be with the client's prior, informed, freely given consent. If the client is unwilling to share this information between the attorney and organizers, it may be incumbent upon the campaign team to find another community member to help lead that particular campaign, or to reconfigure the campaign itself. The attorney must certainly reevaluate the scope of services that she may ethically deliver in light of potentially differing program priorities.

ii. Ensuring Comfort with Timeline

Early and often, organizers, community members, and legal staff should work to ensure that all parties to the campaign understand that legal solutions, particularly litigation, are often resource-intensive and frequently take considerable time to resolve. The parties should also discuss the relative merits of pursuing non-litigation-related and less formal legal solutions to problems, especially if these solutions would present quicker, better, or more complete resolutions to the issue at hand.

iii. Selecting Community Leaders

Organizers and legal staff need to establish common criteria for prioritizing client cases and legal claims. The community members who will lead the campaign efforts and be put forth as the face of the campaign should be as legally secure as possible themselves from retaliation. A tenant leader, for example, who has stayed beyond the expiration of her lease and has not paid rent in a timely manner for three months is likely not the best tenant to lead a mass rent escrow action against a landlord. Additionally, legal staff must ensure—before bringing such legal actions—that leaders are fully comfortable with bringing their case in order to further community organizing objectives and support broader community goals. To the degree that the campaign contemplates a media component, certain community members may be better situated than others to meet the demands of public speaking and strategic messaging. Though several community members may be suffering a shared injustice, certain people will likely pose greater shared strategic opportunities for law and organizing efforts than others.

iv. Disambiguating Legal and Community Organizing Workplans

It is critical in law and organizing efforts that attorneys and community organizers develop and maintain separate and allied procedures for the administration of their work—just as community organizers should control community organizing efforts, so should lawyers retain autonomy over legal processes. Organizers and attorneys should regularly discuss and recalibrate shared goals. They should also make sure their individual efforts are as complementary as possible, but each group must maintain full authority for the delivery of its own specialized work product. Developing workplans—plotted timelines for the work to be done, with measurable goals and specified individual responsibilities—should be separate processes for the organizers and attorneys, but those separate processes can, and should, have shared or complementary objectives.

v. Establishing a Media Strategy and Working with Coalitions

Preferably at the start of a campaign, but certainly at some point in its progress, community organizing staff and legal staff should establish a shared procedure and common values for interacting with reporters and working in concert with other groups. Experience has shown it to be helpful to have a single person control and direct media contact, with full knowledge of which team members can speak authoritatively to specific issues. It is important in any case and absolutely critical in matters that are currently in litigation or may soon be litigated that members of the team have shared talking points and know what topics or questions are off-limits. The team must strictly control and oversee contact between the campaign and the media, and have an attorney present at every media contact. With the foregoing principle in mind, however, attorneys speaking with the press should work to deemphasize themselves and put the focus on the clients as much as possible. Properly selected, the lead client's story will speak more directly to the inequities at issue than the attorney's abstract third-person presentation of the issue.

vi. Demystifying the Process

Community organizers and legal staff should meet regularly with campaign leaders and community members to ensure that all members of the team have realistic expectations about the cam-

paign, are committed to a common process, and continue to have shared goals. Legal staff should make efforts to communicate, clarify, and explain legal timelines, deadlines, and procedures.

vii. Equalizing Power Imbalances Between Clients, Organizers, and Attorneys

Similarly, attorneys and community organizers must each establish their own circumscribed territory of expertise and mutually understand the matters for which each group retains ultimate decision-making authority. Community organizers have a role to play in helping community members and clients understand the legal process and develop perspectives on their preferred legal outcomes. Lawyers have a corresponding role in furthering community education according to organizing goals and making themselves available to community members at times and in contexts beyond the typical constraints of individual client-centered representation. Lawyers do well in these cases, for example, by attending day laborer meetings that start at times well before the beginning of the typical workday, or tenants' association meetings that regularly meet in the evenings. While the attorneys have greater access to a broad range of procedural information than other team members, the attorney should never be the sole point of expertise in the campaign. Similarly, the attorney should not control strategic organizing decisions. Community organizers must work to contextualize the attorney's contribution. They can help to foster trusting relationships within the campaign by incorporating the attorney's presence, in a nonprofessional role, at community events including potluck dinners, community fairs, and other gatherings.

VI. CONCLUSION

Ultimately, while the transition to membership will include substantial changes to some of the fundamental processes CASA has previously employed in representing low-income immigrants, the baseline principles that drive the organization—including the prioritization of community legal rights education—will remain the same. As CASA pursues new ways of advocating for the community, it will maintain the goal of amplifying its voice and communicating its message to lawmakers and the public at large. The addition of a dues requirement will demand a level of participation by the membership that will directly support both their overarching goals as well as smaller, more particularized milestones along the way. The hope is that, as the community begins to embrace the

value of group participation in the advancement of a shared political message, its members will take responsibility for their own empowerment and use it to promote change and preserve their rights.