

EXPANDING OUR VISION OF LEGAL SERVICES REPRESENTATION — THE *HERMANAS UNIDAS* PROJECT

STACY BRUSTIN*

I. INTRODUCTION

Traditional legal services representation offers minimal promise of empowerment for the marginalized client.¹ As a legal services² attorney specializing in domestic relations and domestic violence law, I spend a great deal of time assisting immigrant women through the maze of our legal system.³ Yet, within the bounds of traditional lawyering, I am unable to address the full constellation of economic and emotional problems my clients face. More fundamentally, our traditional legal services programs often address the symptoms rather than the underlying causes of pervasive social problems, such as domestic violence.⁴ Further, legal services organizations rarely

* Stacy Brustin is a Visiting Assistant Professor at The Catholic University of America, Columbus School of Law. She is also the founder and staff coordinator of the *Hermanas Unidas* project at *AYUDA*, Inc. in Washington, D.C.

1. In this article, the term empowerment refers to the process by which individuals marginalized from political and economic power, on account of their race, gender, national origin, sexual orientation, disability, or economic class, develop their own means and goals for attaining such power. Individuals may assert this power on a small scale, such as within the attorney-client relationship, or on a larger scale, such as within the landscape of electoral politics.

2. "Legal services", refers to the variety of centers or clinics offering free or low-cost legal assistance to low-income individuals. Some of these clinics are government funded, others are privately funded, and some are affiliated with colleges and universities.

Federal funding is distributed by the Legal Services Corporation (LSC), "providing financial support for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance." 45 C.F.R. § 1601.1 (1992).

3. At the door of many federally funded legal services offices, undocumented women are informed that the office cannot represent "illegal aliens." See 45 C.F.R. § 1626.3(a) (1992) ("No funds made available to a recipient by the Corporation . . . shall be used to provide legal services for or on behalf of any person unless that person is a citizen of the United States or an eligible alien."). Consequently, immigrants often believe that they have no legal rights and deserve no assistance.

4. See, e.g., Stephen Wizner, *Homelessness: Advocacy and Social Policy*, 45 U. MIAMI L. REV. 387, 390 (Nov. 1990 - Jan. 1991) (discussing the dispute over the best means for addressing the needs of the homeless). Wizner describes the debate as follows: Legal advocates for the homeless often focus on the need to create more affordable housing, via "positive and aggressive" litigation and legislation, as the solution to homelessness. *Id.* Long-term social and

have specific programs designed to empower clients to solve their own problems and educate one another.⁵ I gradually became frustrated with the shortcomings of the system within which I was working,⁶ and I began to search for new ways to engender greater client participation and empowerment.

During 1987 and 1989 I participated in two women's projects in Mexico dedicated to the empowerment of low-income, marginalized women.⁷ These projects are designed to bring together women from some of the poorest *barrios*, or neighborhoods, in Mexico City to discuss the common problems they face. Through these projects, the women improve their literacy skills, learn about the legal and political systems in their country, and receive emotional support from one another. Energized and armed with information, the women begin advocating for the overall needs of their communities, and particularly for the needs of women and children.⁸

These projects provided me with a model by which to address some of the shortcomings inherent in traditional legal services programs. From these experiences, I helped create the *Hermanas Unidas* project at *AYUDA*, Inc. in 1990.⁹ The project began as a series of workshops and support sessions dedicated to addressing domestic

legal theorists argue, on the other hand, that this focus ignores the reality that homelessness is only "one symptom, among many, of the condition and behavior of the extremely poor." *Id.*

The long-term theorists contend that the creation of housing will not solve the homeless problem in the long run; rather, "[w]hat the homeless need is job training, employment opportunities, day care, counselling, treatment programs for substance abuse and mental disorders, and other social service programs targeted to particular groups designed to enable the homeless or near-homeless to cope with the world and assume responsibility for their lives." *Id.* at 391 n.19 (citation omitted).

5. See, e.g., GERALD P. LÓPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* 79 (1992) (suggesting that many legal services for the indigent discredit or even disregard their clients' ability to solve their own problems). López advises legal services lawyers to "design teaching methods that encourage . . . clients to recognize and value the problem-solving operations they already have mastered . . ." *Id.* Once the clients feel secure with what they already know, "they may gain confidence in their ability to handle situations that they otherwise would experience as utterly foreign and unmanageable." *Id.*

6. See, e.g., *infra* text accompanying notes 12-32.

7. These two projects will be explained in later sections of this article. They are the Women's Legal Project at *Servicio, Desarrollo y Paz* (SEDEPAC), and the Women's School of the *Coordinación Nacional de Movimientos Urbanos Populares* (CONAMUP).

8. See Antonieta Gimeno & Debbie Lubarr, *Mujeres Unidas: Mexico's Popular Movement*, *SOJOURNER: THE WOMEN'S FORUM*, Jan. 1990, at 14 (discussing some of the specific strides made by the grassroots women's movement in Mexico, including the creation of a breakfast program for children and a food stamp program for low-income families).

9. *AYUDA*, which in Spanish means "HELP," is a community legal services center providing low-cost legal assistance to the Latino and foreign-born communities in the Washington, D.C. metropolitan area. *AYUDA* assists individuals, the majority of whom are immigrants and refugees from Central and South America, with cases involving domestic violence, domestic relations, and immigration issues. It receives funding for the *Hermanas Unidas* project from private foundations and religious organizations. *Hermanas Unidas* means "Sisters United" in Spanish.

violence in the Latino community. Since its inception, the project has grown into an increasingly powerful grassroots program for immigrant Latina women in the District of Columbia metropolitan area.

Grassroots legal education projects such as *Hermanas Unidas* offer models for empowering women of color who are marginalized from our legal system.¹⁰ Such projects also open new paths for lawyers who want to move beyond the confines of individual representation, and instead, use multidisciplinary approaches to address entrenched social problems.¹¹

II. INADEQUACIES OF THE TRADITIONAL MODEL OF LEGAL SERVICES REPRESENTATION

The low-income, immigrant Latina women with whom I have worked are overwhelmed by a plethora of "non-legal" concerns.¹² While an individual may initially seek a legal remedy, such as a restraining order from an abusive husband or assistance in challenging an eviction notice, pervasive social and economic concerns often overwhelm the client and impede her from focusing on her legal problem.¹³

I recently handled a domestic violence case which illustrates this problem. An extremely abusive boyfriend was stalking my client. He had attacked her two days before she came to see me, and as a result, my client needed numerous stitches to her head. Upon learning about the attack, another attorney and I frantically tried to schedule an immediate temporary restraining order (TRO) hearing for the client. We were determined to have a court order by the end of the day directing the boyfriend to stay away from our client. While we prepared the papers, our client appeared to be distracted, and she hinted at an unrelated problem she was having at work. After several hours of preparing documents and testimony, we noticed

10. See *infra* text accompanying notes 33-57.

11. The information given and the models proposed in this article may be applied to various types of grassroots programs. See, e.g., *infra* text accompanying notes 37-42; see also *supra* note 4; *infra* notes 28, 54, and 61-64.

12. This experience is a common one, not limited to the Latino community. See, e.g., DAVID A. BINDER ET AL., *LAWYERS AS COUNSELORS: A CLIENT-CENTERED APPROACH* 8-9 (1991) (describing non-legal dimensions to a client's problems, which include economic, social, psychological, moral, political, and religious ramifications); cf. LEILA OBIER SCHROEDER, *THE LEGAL ENVIRONMENT OF SOCIAL WORK* (1982) (discussing the interaction between legal and social work professions, and suggesting techniques for managing a client's conflicting needs and concerns).

13. See BINDER ET AL., *supra* note 12, at 5 ("Whatever the legal aspects of a problem, non-legal aspects frequently are at the heart of a client's concerns. Effective counseling inevitably requires that you elicit information about these non-legal aspects and factor them into a problem's resolution.").

that the client was becoming increasingly upset. Finally, the other lawyer and I stepped back and asked the client for more information about her job.

In doing so, we discovered that the client needed to renew her work permit at an Immigration and Naturalization Service (INS) office before the end of the work day, or she would lose her job. The client desperately needed to keep her job because she supported her three daughters living in El Salvador. The client planned to re-join her daughters in El Salvador, and thus, her priority was to renew her work permit. Consequently, we postponed the TRO hearing and assisted the client in obtaining her work permit renewal, an action not requiring a lawyer.¹⁴ Once that "non-legal" problem was resolved, our client was prepared to deal with the legal aspects of her domestic violence problem.

Had we persisted in focusing on the legal remedies to our client's domestic violence problem, we would have failed her. Although she had come to us looking for a legal remedy to halt her boyfriend's violent behavior, our client's primary concern was economic survival. The traditional model of legal representation was not appropriate in this case.¹⁵ Our unilateral focus on the legal issue, through discovery, pleadings, and court hearings, would not help our client until we adopted a strategy addressing her economic concerns.

Fortunately, we were able to address this client's immediate employment and immigration problems. However, an attorney representing a low-income, immigrant woman can only address a fraction of the problems the client faces.¹⁶ My client faced discrimination on her job. She did not have money for medical care and did not know how she would pay the hospital bills for her stitches. She desperately wanted to learn English and to improve her employment op-

14. 8 C.F.R. § 292.1 (1992).

15. In fact, the traditional model often may be inadequate. See Kimberly E. O'Leary, *Creating Partnership: Using Feminist Techniques to Enhance the Attorney-Client Relationship*, 16 LEGAL STUDIES FORUM 207, 213 (1992) (arguing that many client's experiences and values do not correspond to traditional legal rules and concepts).

16. See Paul R. Tremblay, *Toward A Community-Based Ethic For Legal Services Practice*, 37 UCLA L. REV. 1101 (1990) (discussing the ethical conflicts that legal services lawyers face, due to the lack of time and resources needed to adequately serve each potential client).

The question of rationing is interesting and dilemmatic because it challenges the central jurisprudential ideals of zealous advocacy and informed consent. The legal services lawyer frequently finds herself in an existential corner: her professional role calls for allegiance to the individual above all, but her institutional role demands that she hold back, make choices, and impose limits.

Id. at 1109.

Although many limits are imposed due to the lack of resources, often, attorneys simply do not effectively address the complexity of a client's concerns. To counter this problem, Binder et al. suggest counseling techniques for addressing as many client concerns as possible, with a particular focus on non-legal concerns. BINDER ET AL., *supra* note 12, at 14-15.

portunities, but she was forced to work two full-time, low-paying jobs in order to support her children. In addition, our client had very low self-esteem and often felt depressed. She had been living with a man who, for over a year, continuously told her she was worthless.

The legal system gave me few tools with which to address these concerns, and the constant demand for our services prevented me from delving too deeply into every non-legal issue the client confronted.¹⁷ Furthermore, the services I was providing focused solely on remedying the symptoms of domestic violence rather than on uncovering and addressing its underlying causes.

The legal services lawyer does not typically encourage clients to identify their own problems.¹⁸ Furthermore, the lawyer often fails to suggest that the client work with peers to find solutions to these social problems.¹⁹ Oftentimes, an immigrant client who has finally taken steps to seek legal advice on separating from an abusive spouse, challenging a discriminatory employer, or fighting an unlawful eviction, looks to her lawyer to make the "right" decisions and to "solve" the problem.²⁰ Instead of critically questioning the strategies and advice of attorneys, many marginalized clients allow and instruct their lawyer to make decisions that fundamentally affect the clients' lives.²¹

In addition, working with clients on an individual case basis reinforces the fallacy that the client is alone and that others do not share or experience the same kinds of problems. When my client finally

17. See *supra* note 16; see also LÓPEZ, *supra* note 5, at 79 (acknowledging that many cases arise under crisis conditions, and that lawyers often react by dominating the conversations with legal strategies and decisions rather than addressing the client's non-legal concerns).

18. See *supra* note 5.

19. See LÓPEZ, *supra* note 5, at 71 (1992) ("[O]nly rarely do professionals — those ostensibly trained to see the relationship between general problem-solving skills and special problems — perceive that they themselves should help facilitate ambitious lay problem-solving."). LÓPEZ describes his vision of "rebellious" lawyering, which incorporates client and community education and empowerment. LÓPEZ, *supra* note 5, at 71-72. LÓPEZ encourages clients to work with their communities to help themselves, change their own lives and conditions, and depend on one another, rather than rely on a lawyer. LÓPEZ, *supra* note 5, at 71-72.

20. This reliance on the attorney is often the fault of the attorney, who is likely to take control of the case and in effect prevent the client from having a strong voice in developing the legal strategy. See LÓPEZ, *supra* note 5, at 78 ("While everyone knows what it feels like not to have a clue about how to solve problems, subordinated people have been led in innumerable ways to doubt their own problem-solving skills. What they do well most often passes unnoticed and certainly unheralded.").

21. See Joel F. Handler, *Social Movements and the Legal System: A Theoretical Perspective, in INNOVATIONS IN THE LEGAL SERVICES* 109, 116 ("Generally speaking, the characteristics of the attorney-client relationship vary with the socioeconomic status of the [clients]. Lawyers are more in control of minority and poverty groups and less in control with environmental and consumer groups."). For a different approach to the attorney-client relationship, see LÓPEZ, *supra* note 5, at 83 (describing and encouraging his model of practice, in which lawyers and clients share problem-solving responsibilities and collaborate with other non-lawyers as well).

went to obtain a permanent restraining order against her abusive partner, she was terrified at the prospect of confronting him in court. Although we reassured her that we would be there with her, she rapidly lost her resolve. It was not until she met another Latina immigrant woman at the court, whom we were also representing, that she began to gain confidence. The other woman had previously sought and received a restraining order, and she was able to tell my client what to expect during the hearing. My client was enormously comforted by the knowledge that another *compañera*²² had faced a similar problem and had surmounted it.

The traditional model of legal services representation contemplates a relationship between one attorney and one client, and a solution designed by the attorney to help that one individual.²³ This model does not recognize the power and impact that lay individuals, armed with experience and information, can have on themselves and on one another.²⁴ Without such encouragement and support, clients may forego legal remedies, or they may become overly dependent on the "professional."²⁵

This client dependence engenders a system in which legal services centers adopt agendas without much, if any, input from the communities they serve.²⁶ There are currently few programs that allow members of historically marginalized communities to create their own agendas, seeking lawyers merely for assistance on community-identified problems. Ultimately, the traditional model fails to recognize the ability of low-income clients to resolve many of their own problems.²⁷

Overall, many legal services programs do not address the problems of low-income communities in a holistic way.²⁸ Some clin-

22. *Compañera* means companion in Spanish, but it connotes a closer relationship, like comrade or friend.

23. David M. Trubek et al., *Legal Services and the Administrative State: From Public Interest Law to Public Advocacy*, in *INNOVATIONS IN THE LEGAL SERVICES* 131, 133 (Erhard Blankenburg ed., 1980).

24. See *supra* note 19.

25. See *supra* notes 20-21 and accompanying text.

26. See *supra* notes 19-21 and accompanying text. But see Richard F. Klawiter *¡La Tierra es Nuestra! The Campesino Struggle in El Salvador and a Vision of Community-Based Lawyering*, 42 *STAN. L. REV.* 1625, 1627 (1990) (documenting Salvadoran tenants' struggles against landowners, and suggesting a model by which lawyers can incorporate community input into their strategies).

27. See *supra* note 5; cf. BINDER ET AL., *supra* note 12, at 295 (suggesting that although attorneys generally may be better able to predict legal consequences of an action, clients are often in a better position to anticipate non-legal ramifications).

28. The concept of holistic lawyering, however, is slowly taking root. See Becky Sloane, *Bill van Zyverden, Holistic Lawyer*, 21 *STUDENT LAWYER* 10 (Nov. 1992) (reporting a story about van Zyverden, a lawyer who opened the Holistic Justice Center in Middlebury, Vermont in 1991). Van Zyverden explains in an interview that "[a] holistic doctor treats the physical, the

ics focus on issues directly affecting a low-income community, to the exclusion of issues predominantly affecting women and children within that community.²⁹ Other clinics offer legal services which address issues predominantly affecting women, without offering support for the more overarching social and economic issues facing the community.³⁰ This myopic approach, taken by many legal services programs, ignores the reality that for many low-income women of color, concerns of women cannot be separated from issues impacting upon the whole community.³¹

In the case discussed above, my client originally came to the office seeking help with a problem that primarily affects women: domestic violence.³² Yet her foremost concern was earning enough money to support her daughters in El Salvador, a dilemma faced by immigrant men and women alike. When faced with the choice of renewing her work permit at the risk of encountering her abusive boyfriend, or obtaining a temporary restraining order at the risk of losing her job, my client chose to renew the work permit. In her view, she did not have the luxury of dealing with domestic violence before ensuring

spiritual and the mental — everything works together. . . . As lawyers, we help our clients heal conflict, emotional conflict as well as legal conflict. If we only deal with the legal conflict, we might as well do nothing." *Id.*

29. For example, there are numerous clinics designed to assist individuals in obtaining public benefits, landlord/tenant problems, and consumer concerns.

30. For example, some clinics deal exclusively with cases involving sex discrimination, domestic violence, or child support enforcement.

31. This problematic pattern within legal services mirrors a deficiency in the mainstream United States feminist movement. Many minority and low-income women within the United States and throughout the developing world have criticized strategies that address issues predominantly affecting women to the exclusion of issues affecting entire marginalized communities. See, e.g., Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics* [1989], in *FEMINIST LEGAL THEORY: READINGS IN LAW AND GENDER* 57, 72 (Katharine T. Bartlett & Rosanne Kennedy eds., 1991) (discussing Black men and women as a community, and emphasizing the need to reconsider the role of the Black woman in that community); PAULA GIDDINGS, *WHEN AND WHERE I ENTER: THE IMPACT OF BLACK WOMEN ON RACE AND SEX IN AMERICA* 7 (1984) ("Throughout their history, Black women also understood the relationship between the progress of the race and their own feminism. Women's rights were an empty promise if Afro-Americans were crushed under the heel of a racist power structure.").

32. Every year, an estimated three to four million women in the United States are abused by their partners. Council on Scientific Affairs, American Medical Association, *Violence Against Women: Relevance for Medical Practitioners*, 267 JAMA 3184-85 (1992); E. Stark et al., *Wife Abuse in the Medical Setting: An Introduction for Health Personnel*, Monograph Series No. 1, National Clearinghouse on Domestic Violence (Apr. 1981). Furthermore, approximately 4,000 women are killed by their husbands or partners annually. Center for Women's Policy Studies, *Violence Against Women as Bias Motivated Hate Crime: Defining the Issues* 4 (1991).

National studies indicate that at least 95 percent of domestic violence claims are filed by women. I. Silver, *POLICE CIVIL LIABILITY (MB) Form 9:1*, at 2-23 n.6 (1990), cited in Lauren L. McFarlane, *Domestic Violence Victims v. Municipalities: Who Pays When the Police Will Not Respond?*, 41 CASE W. RES. L. REV. 929, 942 n.78 (1991) (reporting that nearly 97 percent of domestic violence claims are filed by women); BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, *REPORT TO THE NATION ON CRIME AND JUSTICE: THE DATA* 21 (1983) (recounting that approximately 95 percent of domestic violence victims are women).

she could put food on the table for her children. If we, as legal services providers, persist in focusing on narrow legal issues, to the exclusion of far-reaching social and economic concerns, we may find our efforts to be misdirected and often futile.

III. A NEW MODEL FOR COMMUNITY LEGAL EDUCATION & EMPOWERMENT: WOMEN ORGANIZING IN LATIN AMERICA

Throughout Latin America, economically and politically disenfranchised women are organizing and waking from what philosopher and educator Paulo Freire labels the "culture of silence."³³ Legal services centers for low-income people are a rare sight in Latin America,³⁴ and women have sought and found other arguably more effective means by which to address the multitude of problems they face.³⁵ In Mexico, for example, women are engaged in grassroots organizing to address the problems confronting women and children who lack access to the Mexican legal and economic systems. In 1989, I participated in two of these grassroots programs in Mexico City, which seek to educate and encourage "natural leaders" among women in *barrio* communities.³⁶ Grassroots projects such as these offer a provocative model for confronting some of the above-mentioned shortcomings of the United States legal services model.

A. SEDEPAC

In Mexico, women from some of the poorest *barrios* in the country are organizing to demand access to justice. The Women's Legal Project at *Servicio, Desarrollo y Paz* (SEDEPAC) is one project coordinating such efforts.³⁷ SEDEPAC identified several community groups and unions which were part of the increasingly powerful grassroots Popular Urban Movement in Mexico City. These groups

33. Freire, a Brazilian educator and philosopher, developed this theory of a "culture of silence" in *CULTURAL ACTION FOR FREEDOM*, a book he wrote in 1970. For a comprehensive discussion of this theory, see Klawiter, *supra* note 26, at 1671 n.212 ("The culture of silence inhibits the development of consciousness among the powerless. As a result, the authority of the powerful class is not subject to challenge and, Freire contends, the absence of vehicles for developing consciousness within the community increases the likelihood that the community will internalize the values of the powerful class itself.").

34. Nevertheless, such legal centers do exist. In Santiago, Chile, for example, the *Oficina Legal de la Mujer* (OLM) provides legal services for women embroiled in situations of domestic violence.

35. See Helen Icken Safa, *Women's Social Movements in Latin America*, 4 *GENDER & SOC'Y* 354 (1990) (documenting the increasing participation of poor women in social and political movements, including movements pertaining to labor unions, daycare centers, sexual violence, and consumer rights).

36. See *infra* text accompanying notes 37-42.

37. SEDEPAC, or "Service, Development, and Peace," is a Mexican non-governmental human rights organization.

advocated for basic needs such as clean drinking water, adequate housing, and sufficient food supply. While they were committed to issues critical to the low-income community, these groups were not addressing issues primarily impacting upon women and children. In addition, while women comprised the majority of the membership, they were not represented proportionately among the leadership of these powerful community groups.³⁸

SEDEPAC designed a program inviting women who had exhibited leadership qualities in their local organizations to participate in a six-month legal project. The SEDEPAC staff hoped to engender emotional support and development of leadership skills among the women. Approximately twenty women from various *barrios* around Mexico City met twice a week for approximately four hours. Each woman received a modest stipend to cover the costs of transportation and childcare necessary to enable participation in the program. During the first month, the group focused on the role of women and the problems they confront in their *barrio* communities. The participants shared experiences, both good and bad, and they developed a foundation of emotional support within the group.

This support element was encouraged throughout the project as the group delved into the legal aspects of reproductive health, domestic violence, sexual assault, abandonment, and child support. The facilitators discussed the Mexican Constitution and the Mexican Civil and Criminal Codes.³⁹ The participants, all literate in Spanish, analyzed the ways in which the legal rights on paper had little relation to their daily lives. Working with large sheets of paper taped to the chalkboard and thick magic markers, the facilitators encouraged the group to identify their problems, critically examine the laws and legal processes, and start to form strategies for addressing their primary concerns.

Through group exercises and role plays, the participants began to develop self-confidence, trust in other group members, and problem-solving skills. Advocates from social service agencies visited and offered information and advice to the group. Over time, women from some of the poorest *barrios* in Mexico City began to demand a larger measure of control over their lives. They insisted that issues affecting women be placed on the agendas of local organiza-

38. For example, CONAMUP, to be discussed *infra*, is an organization of over 500,000 members, about 90 percent of whom are women. Despite their overwhelming majority, these women have had to struggle over the past decade for leadership and negotiating power within the organization. Gimeno & Lubarr, *supra* note 8, at 14.

39. *Constitución Política de los Estados Unidos Mexicanos* (CONST.); *Código Civil para el Distrito Federal* (C.C.D.F.); *Código Penal para el Distrito Federal* (C.P.D.F.).

tions and unions. At the same time, the women recognized and emphasized the importance of maintaining solidarity between the women and men within marginalized groups.

B. CONAMUP

In addition to working with SEDEPAC, I participated in another project offering an innovative approach to community education and empowerment: the Women's School of the CONAMUP.⁴⁰ CONAMUP is one of the strongest forces in the popular urban movement, with member groups throughout Mexico. In 1983, women in the Mexico City chapter of CONAMUP created the first local Women's Project. The women of CONAMUP recognized the need to develop an independent mechanism for training women to take leadership positions within the organization.⁴¹ With the help of a local human rights organization, the Women's School began in 1989.

A group of about twenty women participated in the three-month pilot session. The women met three days a week for approximately three hours. On Mondays, the group focused on reading, writing, and public speaking. Women with more formal education helped those with less. In addition, community activists and professors from local universities assisted the group, as the participants diligently plodded through novels, read aloud, and wrote stories.

On Wednesdays, the women learned group-management skills. They learned to create agendas, develop budgets, plan events, and facilitate meetings. On Fridays, the women, accompanied by academics and other invitees, took field trips throughout Mexico City to learn about their history and culture. They dedicated themselves to acquiring as much knowledge as possible, and they shared the information with their children and neighbors. The Women's Project aspired to train groups of twenty to thirty women until all of CONAMUP's female members in Mexico City completed the training.

I sat through the classes at SEDEPAC and the Women's School of CONAMUP, as both an observer and a participant, and I witnessed a transformation among the group members. Not only were they receiving a formal education on a variety of subjects, but they were

40. CONAMUP, founded in 1975, stands for *Coordinación Nacional de Movimientos Urbanos Populares*, or National Council of Urban Popular Movements. Gimeno & Lubarr, *supra* note 8, at 14.

41. Beginning in 1983, "[g]roups of women formed at the grassroots level to teach women how to participate in the movement and how to speak out." Gimeno & Lubarr, *supra* note 8, at 14.

also offering support to one another, analyzing problems, and devising solutions appropriate to their own communities. Most importantly, the women were integrally involved in bringing about this transformation.

These projects present working models for addressing the deficiencies in the traditional model of United States legal services representation.⁴² They offer mechanisms for helping politically and economically marginalized women to empower themselves.

IV. BRINGING NEW MODELS HOME — THE *HERMANAS UNIDAS* PROJECT

These innovative projects in Mexico planted the seeds for *AYUDA's* *Hermanas Unidas* project. Although my image of the project did not yet have a name, by the time I left Mexico I had begun to envision how my former clients in the United States, particularly immigrant Latina women, would flourish in a similar type of community legal education project.⁴³

The first meeting of *Hermanas Unidas* took place in February 1991 in Washington, D.C. The twenty women who attended were from diverse cultural, educational, and class backgrounds. They came from all regions of Central and South America, including Peru, Bolivia, El Salvador, Guatemala, Uruguay, Chile, and the Dominican Republic. Some of the women were legal permanent residents of the United States, while others were undocumented. The women had attained varying levels of formal education in their home countries, but almost all of the women were working in the United States as domestics, cooks, janitors, or hotel chambermaids. A couple of the participants were fluent in English, but the majority spoke exclusively in Spanish. Most of the participants were single mothers, and all of them were victims of domestic violence and current or former

42. See *supra* notes 12-32 and accompanying text.

43. *Hermanas Unidas* moves beyond many of the community education projects we have seen in legal services centers during the last twenty years. Pro se divorce clinics and a variety of other types of "self-help" clinics have effectively educated clients about their rights and encouraged some degree of self-reliance. See, e.g., Scott Ozmun, *Pro Se Divorce Clinics*, 16 *BAR- RISTER* 55 (1989) (summarizing the components of pro se divorce clinics in Austin, Texas and Dade County, Florida that have helped low-income clients to effectuate relatively simple divorces); Emily Joselson & Judy Kaye, *Pro Se Divorce: A Strategy for Empowering Women*, 1 *LAW & INEQ.* J. 239 (1983) (discussing a pro se clinic in Massachusetts, critiquing the limited realm of empowerment achieved within its existing framework, and offering a model which encourages active consciousness-raising among participants).

Grassroots organizing and community education projects such as *Hermanas Unidas*, however, offer ways to move *beyond* the confines of individualistic legal problem-solving. These projects encourage community groups to form their own agendas, seeking lawyers merely to assist them in attaining their goals, rather than having legal services providers identify problem areas and offer narrow legal resolutions.

clients of *AYUDA*. The trust relationship the women had developed with the attorneys at *AYUDA* emboldened the women to risk participating in the new and unknown project.⁴⁴

The program began with a series of ten workshops held on Saturdays. *AYUDA* provided childcare and refreshments during the sessions to ensure full and continued participation. We designed the workshops using materials from empowerment projects in Latin America, as well as materials used by support groups for battered women in the United States. We conducted the workshops in Spanish, and, through the use of interactive exercises, encouraged all members to participate.

During the first session, the members generated a list of problems they felt women in the District of Columbia's Latino community confronted on a daily basis.⁴⁵ They then voted to determine the topic that the group would address first. The participants unanimously decided that they initially wanted to focus on domestic violence, a problem that all of the women, despite their differences, shared. Slowly, one woman would tell "her story," giving the next woman the strength to do the same. This process of "telling one's story" freed many women from the fear that they were the only person in the world embroiled in the nightmare of domestic violence.⁴⁶

Week after week, participants shared the painful details of their struggles to escape from violence. The group created its own definition of domestic violence, and they proudly compared it to the more narrow, restrictive definition under District of Columbia law.⁴⁷ Through role play and small group interaction, the women discussed the causes of domestic violence. They also identified numer-

44. Those who try to organize within the immigrant community must often confront and overcome the pervasive fear that participation in a group will lead to deportation or other problems with the Immigration and Naturalization Service (INS). Many immigrant women refuse to turn to any type of social services agency because of this fear of deportation. See Alma Guillermoprieto, *Aliens in an Urban Frontier; D.C.'s Underground Pioneers*, WASH. POST, Oct. 12, 1983, at A1 (describing how many Latino families in Washington, D.C. sacrifice certain needs rather than seek government aid, because they fear that social services agencies will ask questions about their immigration status).

45. These problems included lack of access to healthcare and public benefits, employment discrimination, domestic violence, and immigration concerns.

46. This sharing and examining of women's personal experiences is a method of "consciousness-raising." Joselson & Kaye, *supra* note 43, at 256-69. Feminist theory, recognizing that the experience of women is often marked by victimization, encourages consciousness-raising to combat perceptions of isolation and powerlessness. Joselson & Kaye, *supra* note 43, at 256-69.

47. See D.C. CODE ANN. § 16-1001 (Supp. 1992) (defining a punishable "intrafamily offense" as a criminal act committed by a person related to the victim by blood, marriage, legal custody, having a child in common, or having lived with the victim and shared an intimate relationship). This definition does not include emotional abuse, nor does it cover partners who have never lived together. *Id.*

ous obstacles that prevent battered women from escaping abusive situations.⁴⁸

The *Hermanas Unidas* group learned about the United States legal system and remedies and procedures under District of Columbia law for addressing domestic violence.⁴⁹ Through group exercises, the women practiced sharing this information with other women in the community. In addition, workers from battered women's shelters and police officers spoke with the group. The participants absorbed the information provided to them, but also critically examined the roles these professionals play in perpetuating racial and gender tensions.⁵⁰ With the help of Spanish-speaking psychologists and social workers, the *Hermanas Unidas* participants devoted themselves to breaking the generational cycle of domestic violence.⁵¹ The women helped each other develop methods for disciplining their children without violence, and they began to teach themselves and their children to resolve conflicts nonviolently.

At the end of the initial series of workshops, the women had come to see that they were not alone in facing domestic violence. They

48. For further discussion of these obstacles, see MYRNA M. ZAMBRANO, *MEJOR SOLA QUE MAL ACOMPAÑADA* 159-68 (discussing the barriers that may keep Latina battered women from leaving a violent home); LENORE WALKER, *THE BATTERED WOMAN* (1979) (criticizing the popular misconception that women who remain in battering relationships are free to leave their abusers at any time).

49. D.C. CODE ANN. §§ 16-1001 to -1034 (1992). See DOMESTIC VIOLENCE: A MANUAL FOR PRO BONO LAWYERS (Leslye E. Orloff & Catherine F. Klein eds., 1992) (available at the District of Columbia Bar) (relating information about domestic violence and means for confronting it). See generally Gary Richard Brown, *Battered Women and the Temporary Restraining Order*, 10 WOMEN'S RTS. L. REP. 261 (1988) (exploring and assessing the use of the civil restraining order to prevent domestic violence); Catherine F. Klein, *Domestic Violence: D.C.'s New Mandatory Arrest Law*, THE WASHINGTON LAWYER, Nov./Dec. 1991, at 24 (arguing that mandatory arrest legislation is a necessary antidote to the pervasive and longstanding failure of the criminal justice system to protect domestic violence victims).

50. See Karen Baker et al., REPORT ON DISTRICT OF COLUMBIA POLICE RESPONSE TO DOMESTIC VIOLENCE (Nov. 3, 1989) (describing the District of Columbia Police Department's failure to adequately respond to or address domestic violence, despite provisions adopted in 1986 directing police to treat familial violence like any other criminal offense); see also ZAMBRANO, *supra* note 48, at 169-88 (1985) (providing information to Latina battered women on seeking help from the police and going to battered women's shelters).

51. Many believe that the task of breaking the generational cycle of violence must begin with children. See Barbara Karkabi, *Helping Kids Who Have Seen Abuse*, HOUSTON CHRONICLE, Oct. 9, 1991, at 1 (describing therapist Margie Perry's work with children of battered women). Children who witness violence, or are subject to violence or sexual abuse, may become troubled adults with a greater capacity or tolerance for violence. *Id.* Ms. Perry encourages the children from these violence-ridden homes to talk about their lives and feelings, in the hope that this effort will begin to break the generational cycle of familial violence. *Id.*

Honore M. Hughes, a child psychologist and assistant professor of psychology at the University of Arkansas, has proposed a program with similar goals. See Honore M. Hughes, *Advocacy for Children of Domestic Violence: Helping the Battered Woman with Non-sexist Childrearing*, 6 VICTIMOLOGY 262, 268-69 (1981) (discussing a program aimed at helping battered women with parenting tasks, with an emphasis on non-sexist childrearing). Such an approach engenders new ideas for alternate ways of dealing with violence. *Id.* at 263.

called one another outside of meetings, and they began to provide the emotional support sorely needed during the pendency of their legal actions. The participants also identified future goals for the group, including creating a hotline for battered women, generating an emergency fund for women in crisis, and opening a shelter for Latina women. Most importantly, the women began to consider founding some kind of business or economic cooperative in order to achieve economic independence and to free themselves from the low-paying, discriminatory job market.⁵² They began to take steps to improve their lives, as well as to enhance the well-being of the entire community.

The members also began to create a more formal structure for the organization. The participants first formed an informal *equipo*, or leadership team. With the help of a community organizer and *AYUDA* staff attorneys, the participants eventually created a *directiva*, or Board of Directors, and numerous subcommittees helping to coordinate the activities and projects of the group. Members of the *directiva* began to meet on a weekly or bi-weekly basis to create agendas and to share ideas for facilitating general meetings. The *directiva* has helped the group to establish a list of immediate, short-term, and long-term goals, and to design plans of action to accomplish these goals. The Board organized an all-day retreat to discuss the future of *Hermanas Unidas*, and to develop concrete means for reaching the group's goals.

During the past year and a half, the members of *Hermanas Unidas* helped to create and co-produce a video in Spanish on domestic vio-

52. Immigrant women are likely to face employment discrimination based on both their race and their gender. See, e.g., UNITED STATES GENERAL ACCOUNTING OFFICE, REPORT TO THE CONGRESS, IMMIGRATION REFORM — EMPLOYER SANCTIONS AND THE QUESTION OF DISCRIMINATION 46-50 (1990), reprinted in Leroy D. Clark, *The Law and Economics of Racial Discrimination in Employment* by David A. Strauss, 79 GEO. L.J. 1695, 1700 (1991) (article review) (reporting the results of a General Accounting Office (GAO) controlled study indicating that Anglo job applicants received 33 percent more interviews and 52 percent more job offers than Hispanic applicants with the same credentials).

See also Deborah L. Rhode, *The "No-Problem" Problem: Feminist Challenges and Cultural Change*, 100 YALE L.J. 1731, 1764 (1991) ("Despite a quarter-century's experience with equal opportunity legislation, women's experience remains far from equal."). Rhode cites the following statistics: women hold about 13 percent of tenured academic posts; 6 percent of the partnerships of large law firms; 5 percent of federal elective offices; and 3 percent of executive positions at publicly traded corporations. *Id.* (citations omitted).

These disparities are also found in blue-collar jobs, and the statistics are even more extreme for women of color. *Id.* See also *Women in Nontraditional Jobs: Hearings Before the Subcomm. on Civil and Constitutional Rights of the House Comm. on the Judiciary*, 100th Cong., 1st Sess. 73 (1987) (reporting barriers to women in blue collar jobs); THE AMERICAN WOMAN 1990-1991: A STATUS REPORT 381-86, 394-97 (S. Rix ed. 1990) (discussing statistics of women of color in the workplace). Furthermore, women in full-time jobs earn only about 65 percent of the annual salary earned by men in full-time jobs, which is the same percentage as that existing in 1955. Rhode, *supra*, at 1764 (citation omitted).

lence in the Latino community.⁵³ This video discusses the legal protections available to individuals confronting abusive situations. Members of the group bring the video to various community organizations and discuss the problem of domestic violence. Through these presentations, the members have provided critical legal and social information to the community while also developing their own public speaking and grassroots organizing skills.

Hermanas Unidas has also established an emergency loan fund for women in crisis. The group participants organize flea markets where the women sell second-hand clothing, books, toys, and home furnishings to raise money for this loan fund. In organizing these sales, the women have learned to solicit donations; to work with community institutions to secure space; to divide tasks such as collecting, sorting, and selling the goods; and to manage money. A subcommittee of the group established eligibility criteria and created an application form for the loans. The group has issued several small loans which have helped members buy food for their family or pay rent and avoid eviction.

Hermanas Unidas members have attended and continue to participate in community coalitions and task forces designed to improve conditions for Latinos in the District of Columbia's metropolitan area. They are particularly interested in access to equal education for their children. Recently, the group joined other community agencies and parents and successfully advocated against the closure of a bilingual kindergarten program. Further, the group sent representatives to the first National Conference on Immigrant and Refugee Women, held in San Francisco in October 1991.

The group and *AYUDA* staff recognized that in order to achieve their goals, the members must develop proficiency in English. To facilitate this, we developed an English tutoring program. The program provides instruction and childcare at the *Hermanas Unidas* member's home: one volunteer tutors while another volunteer plays with the children and helps with their homework. Each tutor works at a level appropriate for the member. Some women are learning basic English, while others are studying for their GED (General Educational Development, or high school equivalency diploma) or struggling through their first year of college.

We have also recognized that members will only be able to attend meetings and participate in *Hermanas Unidas* activities if childcare is

53. The video is called *¡Mujer Valórate!*, or *Woman Believe in Yourself!* For further information about the video, contact *AYUDA*, Inc. at 202-387-4848, or 1736 Columbia Road, N.W., Washington, D.C. 20009.

provided. Therefore, we have recruited a cadre of tireless volunteers, including an art therapist, who provide childcare and plan activities for the children. In addition, an artist volunteers with the group and conducts painting classes after the regularly scheduled meetings. These classes provide a much needed respite from the rigors of daily life.

The members of *Hermanas Unidas* share dreams of renting or buying a house to create a comfortable and safe place for Latina women to gather and hold meetings. The participants also want to develop within the *Hermanas Unidas* group a network of *promotoras legales*, or lay advocates, who can accompany other Latina women to local hospitals, social service agencies, and government benefits offices. *Promotoras legales* would have an understanding of the rights of individuals and the duties of local institutions, and could help Latina immigrant women to receive the services they need.⁵⁴

Perhaps most significantly, the members of *Hermanas Unidas* are determined to control their economic future and well-being. They plan to initiate some type of economic venture such as a cooperative day care center, a catering business, or a consignment store. To reach this goal, and to secure the funding and technical assistance necessary to start such a project, the women are improving their English skills, developing more refined managerial and organizational skills, and making contacts within the Washington, D.C. community and with other national and international development projects.

V. COMMUNITY LEGAL EDUCATION AND GRASSROOTS EMPOWERMENT PROJECTS HELP FILL THE GAPS INHERENT IN INDIVIDUAL LEGAL SERVICES REPRESENTATION

Attorneys at *AYUDA* continue to represent individual women in a variety of domestic relations and immigration matters, and the legal remedies obtained often greatly assist our clients. Through the *Hermanas Unidas* program, however, *AYUDA* offers an additional route to its clients, a route that enables them to do for themselves what we as attorneys cannot and should not do.⁵⁵

54. *Mujeres Unidas Y Activas* (Women United and Active), a San Francisco-based community organizing project for low-income Latina women, has successfully undertaken this type of project. *Mujeres Unidas* trains its members "to nurture relationships between individuals with like-minded problems," and to become *promotoras*, or lay advocates, working to develop extensive networks among private and public agencies. Information Sheet on *Mujeres Unidas Y Activas* from the Coalition for Immigrant and Refugee Rights and Services (CIRRS) (Dec. 1992) (on file with *The American University Journal of Gender and the Law*).

55. See discussion *infra*.

Hermanas Unidas provides a vehicle for addressing many of the "non-legal" concerns confronting our clients. For example, if a client needs to go to an immigration office before receiving a temporary restraining order, a fellow *Hermanas Unidas* participant may accompany her.⁵⁶ The members not only improve their access to desperately needed social services, but also learn to advocate for one another. The women gain independence, and avoid relying on professionals who are often not as effective as another *compañera*.

Those clients who believe that they are alone in their struggle against domestic violence discover that they are not alone. With other women, they "share their stories" and offer emotional support to one another. This support enables participants to build self-esteem and confidence. They begin to exchange opinions, debate issues, and critically examine the world around them. With this increasing confidence, they turn outward and begin educating and organizing others in the community.

The participants work together to deal with the underlying causes of social problems rather than simply focusing on the symptoms. In developing ways to teach their children to resolve problems nonviolently, for example, they help break the generational cycle of domestic violence.

The women of *Hermanas Unidas* are determined not only to break the insidious cycles of domestic violence, but also to break the cycles of poverty and discrimination in which they are trapped. They are developing the skills necessary to start their own cooperative economic ventures and ultimately gain more economic independence. Although it is domestic violence which largely brought the group together, the concerns of the group extend far beyond the confines of domestic violence. The members advocate primarily for issues affecting women and children, but not to the exclusion of critical issues affecting the entire community.

The *Hermanas Unidas* project carries particularized problems and challenges alongside its successes and promise. Most of the members of *Hermanas Unidas* work full-time outside of the home and are responsible for maintaining the household and caring for their children. The women often experience numerous demands and pressures that leave them with little time and energy to attend meetings

56. See *supra* note 14 and accompanying text.

and undertake new projects.⁵⁷

In addition, the dynamics of the group tend to shift and change. Personality conflicts arise, and as the group becomes more organized, leadership struggles develop. Further, it is often difficult to integrate new members into the group, and it becomes challenging to develop programs and activities that will continue to interest and stimulate women from various cultural, educational, and class backgrounds.

More fundamentally, there is a gap between the long-term goals enumerated by the group and the members' ability to swiftly achieve these goals. For example, while the group hopes to start a catering company or a cooperative day-care center, language barriers, immigration problems, lack of self-confidence, childcare needs, and other daunting obstacles stand in the way. Nevertheless, the *Hermanas Unidas* participants are working to break down the barriers that impede the realization of their goals, just as they overcame obstacles of domestic violence.

VI. THE ROLE OF THE LAWYER IN COMMUNITY EMPOWERMENT PROJECTS

The legal system and the model of legal education in the United States reinforce the premise of attorney as decision-maker and problem-solver.⁵⁸ The codes of professional responsibility explicitly require that attorneys labor at the behest of their client;⁵⁹ yet,

57. Cf. Gimeno & Lubarr, *supra* note 8, at 15 (discussing the plight of women in Mexico, who "ha[ve] to get a job, and to get a decent job, you have to work twelve hours a day. You can't go to meetings, you can't organize, you have to work.").

There is no national family policy or comprehensive childcare policy in the United States that adequately deals with the needs of working parents in all sectors of our society. See Note, *Into the Mouths of Babes: La Familia Latina and Federally Funded Child Welfare*, 105 HARV. L. REV. 1319, 1319 (1992) (focusing on the shortcomings of the dependent care tax credit). The inadequate policies in place are especially difficult for low-income minority families. *Id.* at 1320. This note illustrates that the current tax credit system, while providing some measure of child care subsidy for the middle-class and the more affluent segments of society, fails to meet the needs of the millions of American families who live in poverty. *Id. passim*.

58. See Duncan Kennedy, *Legal Education and the Reproduction of Hierarchy*, in *THE POLITICS OF LAW* 40, 50 (David Kairys ed., 1982) ("As legal education now works, . . . students do exercises designed to discover what the 'correct solution' to a legal problem might be . . ."); see also Anthony Amsterdam, *Clinical Legal Education — A 21st-Century Perspective*, 34 J. LEGAL EDUC. 612, 613 (1984) (stating that traditional, formalist, classroom approaches to teaching law have been too narrowly focused on skills such as case reading and interpretation, and doctrinal analysis and application).

59. See, e.g., MODEL CODE OF PROFESSIONAL RESPONSIBILITY Canon 7 (1983) (stating that "a lawyer should represent a client zealously within the bounds of law."); D.C. RULES OF PROFESSIONAL CONDUCT Rule 1.4(b) (1990) ("A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation."); D.C. RULES OF PROFESSIONAL CONDUCT Rule 1.4(c) (1990) (directing a lawyer who receives an offer for settlement or plea bargain to promptly inform the client and take steps to allow the client to make a reasoned decision). Comments 1 and 2 to Rule 1.4 ex-

attorneys receive little training on how best to engender active client decision-making. Furthermore, even less attention is paid to encouraging decision-making in communities that are politically or economically marginalized.⁶⁰ Community legal education and empowerment projects seek to combat these shortcomings by critically examining and challenging traditional modes of lawyering.⁶¹

The role of the lawyer in this grassroots process is to act more as a facilitator than as an adviser.⁶² One barrier to attaining this objective is the inherent power imbalance in the relationship between the attorney/facilitator and the members of the group. Without awareness and self-control, the attorney may unintentionally use her authority as "the professional" to set agendas and influence decision-making.⁶³ Thus, an attorney must remain acutely aware of this pro-

pressly state the objective of client involvement in decision-making, requiring the lawyer to comprehensively inform and communicate with the client as to any and all aspects of the representation. D.C. RULES OF PROFESSIONAL CONDUCT Rule 1.4 cmts. 1 & 2 (1990).

60. See Gerald P. López, *Training Future Lawyers to Work With the Politically and Socially Subordinated: Anti-Generic Legal Education*, 91 WEST VA. L. REV. 305 (1989) (lamenting the fact that legal education makes little if any effort to prepare future lawyers to work with subordinated communities, including the poor, women, people of color, the disabled, the elderly, and gays and lesbians). López argues that attorneys working with the subordinated must practice collaboration and grassroots mobilization with clients and allies, or must teach self-help and lay lawyering, or they may end up being part of the problem rather than part of the solution. *Id.* at 357.

61. See, e.g., Stephen Wexler, *Practicing Law for Poor People*, 79 YALE L.J. 1049-59 (1970), reprinted in RHODE & LUBAN, *LEGAL ETHICS* 842 (1992) (arguing that the proper role for a poor people's lawyer is to help the indigent develop means to organize among themselves and to work towards change). Wexler asserts that the traditional touchstones of legal practice — focusing on legal problems and maintaining one to one attorney-client relationships — are often not relevant to poor people, and sometimes even work against their best interests. *Id.*

Based on his observation and study of the *campesino* (countryman or peasant) struggle in El Salvador, Richard Klawiter suggests that we can learn more about lawyering for social change from the Salvadoran *campesinos* than we can from Salvadoran lawyers. Klawiter, *supra* note 26, at 1628. Klawiter proposes that advocates utilize a wider range of community-based strategies, to attempt to confront the deeper and more insidious causes of subordination. Klawiter, *supra* note 26, at 1627. The Salvadoran movement provides a model for grassroots advocacy that may be extracted and applied to strategies for working with subordinated people in the United States and elsewhere. Klawiter, *supra* note 26, at 1681-89.

62. See, e.g., Gerald P. López, *Reconceiving Civil Rights Practice: Seven Weeks in the Life of a Rebellious Collaboration*, 77 GEO. L.J. 1603 (1989) (describing a "rebellious" conception of lawyering).

[Attorneys] must know how to work with others in brainstorming, designing, and executing strategies aimed immediately at responding to particular problems and, more generally, at fighting social and political subordination. They must understand how to be part of, as well as how to build, coalitions, and not just for purposes of filing or "proving up" a lawsuit. In short, . . . lawyers (and those with whom they work) [must] nurture sensibilities and skills compatible with a collective fight for social change.

Id. at 1608; see also Anthony V. Alfieri, *Theories of Practice: The Integration of Progressive Thought and Action: Disabled Clients, Disabling Lawyers*, 43 HASTINGS L.J. 769 (1992) (exploring a reorganization of client-lawyer relationships).

63. See, e.g., Lucie E. White, *To Learn and Teach: Lessons From Driefontein on Lawyering and Power*, 1988 WIS. L. REV. 699 (Sept./Oct. 1988) (describing a village-organized resistance movement against the government, with the support and help of a lawyer and an organizer, in

clivity and restrain the desire to lead, yielding instead to the group's self-determination.⁶⁴ The attorney/facilitator must also be conscious of racial or class differences between him or herself and the members of the group, and keep in mind the impact they may have on the dynamics and interplay of the group.⁶⁵

These constraints in mind, grassroots legal education and empowerment projects nonetheless offer an important means for expanding the boundaries of the traditional attorney-client relationship.⁶⁶ Attorneys can learn to effectively facilitate, educate, and organize, and can create an environment that empowers members of historically marginalized communities. Clients can begin to take a greater role in making decisions within their individual legal cases, and can work together to solve their own problems. In addition, empowered clients can be more effective in building community organizations and coalitions dedicated to bringing about fundamental social change.

My goal with the *Hermanas Unidas* project was to create an environment in which the members would take "ownership" of the program and set the group's agenda. In the not too distant future I believe the *Hermanas Unidas* members will entirely direct the project themselves, and will seek only technical assistance and support from the *AYUDA* staff attorneys.

Driefontein, South Africa). The lawyer who participated in the movement warned that "[o]nce a legal issue is presented to lawyers, as 'experts' they tend to take it over. They may succeed in solving the client's immediate legal problem, but the client's position of powerlessness is reinforced when the lawyer simply 'takes over.'" *Id.* at 740.

64. See, e.g., *id.* (discussing the role of the attorney in community empowerment, as perceived by the lawyer in the Driefontein resistance).

It is very easy for the lawyer to define and present alternative forms of action so that the client is compelled to the course of action preferred by the lawyer. . . . What this means is that the lawyer involved in this form of practice (working with poor communities for social change) has to be unusually sensitive to the client's perceptions of the problem.

Id. at 740 (citations omitted). The lawyer also expressed the delicate balance that must be preserved between the attorney and the group, "to help the community gain its own power: 'It may be that neither a pure 'abstentionist' nor a pure 'participating' stance is the answer — but the lawyer must at the very least be sensitive to the tensions inherent in his position.'" *Id.* at 741 (citation omitted).

65. López criticizes "generic legal education" and its restrictive models, which teach law students to approach the practice of law as if all people and all social life were homogeneous. López, *supra* note 60, at 307. See also Margaret M. Russell, *Entering Great America: Reflections on Race and the Convergence of Progressive Legal Theory and Practice*, 43 HASTINGS L.J. 749, 751 (1992) (exploring the "relevance of insights from the emerging field of race theory to an analysis of problems experienced on a recurrent basis by members of racially subordinated groups.").

66. Projects such as *Hermanas Unidas* may also provide an important learning environment for law students. Students can observe and practice lawyering beyond the traditional trial and appellate advocacy focus. Cf. *supra* note 43. They learn that they can effect social change through grassroots organizing and community education.

VII. CONCLUSION

When asked about the goals of the *Hermanas Unidas* project, members of the group simply reply that the goal is to help women in the community *seguir adelante*, to move ahead. The group may have a long way to go in reaching their long-term goals, but they have made significant strides toward moving ahead.

Some may question whether *Hermanas Unidas* is a "legal" education project or whether this type of project falls instead within the purview of social workers and community activists. Are lawyers suited to develop this type of program?

My experience with *Hermanas Unidas* leads me to believe that community legal education and empowerment projects offer new vehicles for expanding the boundaries of legal services representation, legal education, and conceptions of lawyering. These projects, whether they operate under the auspices of a legal services agency or exist independently, have the potential to address many of the shortcomings of traditional legal services programs. Furthermore, community empowerment projects challenge lawyers to engage in a multidisciplinary effort to affect institutional change.

Participants in *Hermanas Unidas* develop skills necessary to address a multitude of non-legal concerns, concerns which impact on legal decision-making. They also acquire the confidence necessary to take a more active role in the attorney/client relationship. In addition, members of the group learn about the legal system and educate others in the community about their legal rights and remedies. They learn to look beyond their individual cases, and seek to address the underlying causes of pervasive social problems rather than simply bandaging the symptoms.

Perhaps most importantly, the *Hermanas Unidas* participants are beginning to set their own agenda and seek the legal assistance *they* determine is necessary to solve community-identified problems. Some of these problems specifically affect women while others affect the Latino community as a whole.

In the process, we, as attorneys, are developing new skills in organizing, facilitating, and listening. These skills enable us to help historically marginalized members of our community fashion creative, long-term solutions to the entrenched social problems they face.

