

# TEAMWORK MAKES THE DREAM WORK: IMPROVING COMMUNITY LAWYERING THROUGH A POLICY AND TRANSACTIONAL LAW CLINIC PARTNERSHIP

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*As cross-clinic partnerships become more common in law schools, the synergies between policy and transactional law clinics merit increased consideration as a collaborative model that can provide holistic legal support to underserved communities. This Essay uses the illustration of one such partnership at Georgetown University Law Center to demonstrate a model of inter-clinic collaboration that advances racial equity, helps communities of color shift power back to their residents, and provides an interdisciplinary approach to meet more legal needs across a longer timeline. Critically, this integrated, community-centered approach can also enhance the students' learning outcomes in clinics by exposing them to different types of lawyering and collaboration. The examples of cross-clinic partnership discussed in this Essay reinforce the need for comprehensive legal services in communities of color and other historically underrepresented communities, where there may be a need for legal and policy support beyond the resources of a single clinical program.*

## INTRODUCTION

Two years ago, students enrolled in my Policy Clinic reached out to a local civic association to better understand how negotiations for community benefits agreements (“CBAs”) could be made more equitable in Washington, D.C.<sup>1</sup> In the city’s rapidly gentrifying majority-

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<sup>1</sup> Community benefits agreements (“CBA”) are contracts negotiated between private developers and residents impacted by a development project. In a CBA, developers agree to provide amenities and resources to the community above and beyond what is legally required. In exchange, local organizations, which negotiate on behalf of impacted residents, agree to provide community support for the development project. *See generally*

Black neighborhoods located east of the Anacostia River, residents at risk of physical and economic displacement must compete in time, energy, and other resources with deep-pocketed private developers.<sup>2</sup> In exchange for an interview with my students to discuss the civic association's experience negotiating CBAs, a representative asked that we first agree to provide them with a litany of pro bono legal services – much of it outside the scope of our policy clinic's expertise. As I explained, asking a policy lawyer to review and revise their organizational bylaws was much like asking a cardiologist to conduct brain surgery, or your plumber to be your electrician. The civic association needed a transactional lawyer with experience in nonprofit entity formation. As it happened, I had a referral in mind.

Like so many great partnerships – peanut butter and jelly, Sherlock and Watson – cross-clinic partnerships between transactional and policy clinics seem intuitive in hindsight, particularly given the increase in models of cross-clinic collaborations.<sup>3</sup> However, while inter and intra-clinic partnerships have existed both in practice and in the literature, collaborations between policy and transactional law clinics have not been extensively explored. As our example at Georgetown University Law Center illustrates, there are inherent similarities and common objectives between many transactional and policy clinics that, when paired, become mutually reinforcing, not merely complementary.

Specifically, I reflect on my experience teaching in the Harrison Institute for Public Law's Policy Clinic (the "Policy Clinic"); our growing collaboration with a sister clinic, the Social Enterprise & Nonprofit Law Clinic (the "SENLC"); and our joint efforts to support local communities that are battling environmental injustice, redlining, and the legacy of generations of systemic racism. Part I describes our

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Patricia E. Salkin & Amy Lavine, *Community Benefits Agreements and Comprehensive Planning: Balancing Community Empowerment and the Police Power*, 18 J.L. & POL'Y 157 (2009).

<sup>2</sup> Katherine Shaver, *D.C. Has the Highest 'Intensity' of Gentrification of any U.S. City, Study Says*, WASH. POST, Mar. 19, 2019, <https://www.washingtonpost.com/transportation/2019/03/19/study-dc-has-had-highest-intensity-gentrification-any-us-city/>.

<sup>3</sup> One recent example of cross-clinic collaboration is the Transactional Law Clinic Collaborative, which formed during the COVID-19 pandemic and provides legal assistance to small business and nonprofit clients in the D.C., Maryland, and Virginia area. TRANSACTIONAL LAW CLINIC COLLABORATIVE, <https://www.wcl.american.edu/academics/experientialedu/clinical/theclinics/elc/tlcc/> (last visited Aug. 23, 2023). In another example, the Education Defense and Justice for Youth program at the University of California, Berkeley School of Law combines the resources of two clinics (Youth Defender Clinic and Education Justice Clinic) to provide holistic support and representation to clients at the intersection of the juvenile justice and education systems. EDUCATION DEFENSE & JUSTICE FOR YOUTH, <https://ebclc.org/about/the-work/education-defense-justice-for-youth/> (last visited Aug. 23, 2023).

collaboration as one example of how a policy clinic and a transactional law clinic can ally to support a common community client. Part II elaborates on the positive impacts of a transactional law and policy clinic partnership for clients and communities, particularly as they explore opportunities to reclaim their political and economic power. Similarly, Part III explores the benefits of such partnerships for clinic students. And, as we frequently remind our students, no honest self-reflection would be complete without constructive feedback. Therefore, in Part IV, I identify and address some challenges and lessons learned from our collaboration thus far, concluding with some personal learning goals I have developed for our supervision going forward.

#### I. AN EXAMPLE OF CROSS-CLINIC COLLABORATION IN COMMUNITY LAWYERING

Our experience with the civic association was the first, albeit brief, example of coordinating on projects or clients between the SENLC and the Policy Clinic. In that first instance, our cross-pollination of resources was limited to a relatively straightforward client referral. Later, we organized a joint meeting of our students, who together reviewed the basics of affordable housing and community development. This conversation increased their collective understanding of the policy contexts that our respective clients were grappling with. The next semester, however, provided our two clinics with an opportunity to work in tandem with a client – the Resilience Hub Community Coalition (“RHCC”) – that required both long-term policy support as well as short-term guidance in transactional law. The RHCC was particularly well-suited for an inter-clinic collaboration between the policy and transactional law clinics. It benefited from a preexisting, longstanding relationship with clinic staff; required the disparate skill sets of our two clinics; and was structurally organized to maximize community ownership.

The RHCC is comprised of a group of residents who live in Ward 7, a predominantly Black neighborhood situated east of the Anacostia River in D.C.<sup>4</sup> As is the case with so many of our policy projects in the Policy Clinic, where relationships with clients and collaborators can develop and mature over the span of years rather than semesters, I had been working with members of the community coalition for over five years. The RHCC formed in 2017 to provide recommendations to

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<sup>4</sup> DEP’T OF ENERGY & ENV’T, CLIMATE READY DC: THE DISTRICT OF COLUMBIA’S PLAN TO ADAPT TO A CHANGING ENVIRONMENT (2016), [https://doee.dc.gov/sites/default/files/dc/sites/ddoe/service\\_content/attachments/CRDC-Report-FINAL-Web.pdf](https://doee.dc.gov/sites/default/files/dc/sites/ddoe/service_content/attachments/CRDC-Report-FINAL-Web.pdf).

D.C. government agencies on implementing the city's climate plans.<sup>5</sup> In the ensuing years, the RHCC's membership rotated as its focus shifted from climate resilience to creating a neighborhood "resilience hub," or a community space that can provide year-round, wrap-around resources to the community. Resilience hubs can deploy emergency operations and resources during disruptive states, such as a heat wave, flood, or public safety incident.<sup>6</sup> Most importantly, the pillars of a resilience hub center the principle of community ownership.<sup>7</sup> Resilience hubs are tailored to the individual needs of each community, with its services and other resources determined by local residents who are the most attuned to neighborhood priorities.<sup>8</sup>

Five years after the start of a convening process facilitated by the D.C.'s environmental agency and the Policy Clinic, the members of the RHCC wanted to formalize their coalition through the formation of a nonprofit that would be able to operate independently of its institutional conveners. Given the emphasis on community ownership, this was a natural next step. The Policy Clinic had provided research support and guidance on strategies for accruing political buy-in and bringing the Ward 7 resilience hub to scale across the city. However, to secure funding and recruit new members, the RHCC needed a cohesive legal identity.

The SENLC, which focuses on social enterprise and nonprofit formation, governance, and ongoing legal support, helped fill a critical gap in the Policy Clinic's expertise. The members of the RHCC submitted an intake form in the summer. By the fall, the SENLC had assembled a team of students – supervised by a clinical teaching fellow – who met periodically with the members of the RHCC to understand the coalition's goals in entity formation and to provide research updates to help the group determine the type of entity they wanted to form. The roles of the respective clinics were memorialized in separate written agreements. The SENLC provided the RHCC with a letter of

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<sup>5</sup> The RHCC emerged from an initial D.C. government community engagement process called the Equity Advisory Group, which was tasked with proposing recommendations to help advance D.C.'s climate solutions. SKEO SOLUTIONS & GEO. CLIMATE CTR., RECOMMENDATIONS FROM THE EQUITY ADVISORY GROUP IN FAR NE WARD 7 (2018), [https://www.georgetownclimate.org/files/report/eag\\_recommendations\\_web\\_8.20.18.pdf](https://www.georgetownclimate.org/files/report/eag_recommendations_web_8.20.18.pdf).

<sup>6</sup> RESILIENCE HUB CMTY. COMM., WARD 7 RESILIENCE HUB PROPOSAL (2020), <https://faunteroycenter.org/wp-content/uploads/2021/02/RHCC-Report-Year-1.pdf>; *Resilience Hub Implementation*, FAUNTEROY CMTY. ENRICHMENT CTR., <https://faunteroycenter.org/resilience-hub-implementation/> (last visited Aug. 23, 2023); URB. SUSTAINABILITY DIRECTOR'S NETWORK, RESILIENCE INCUBATOR@FH FAUNTEROY: RESILIENCE HUB PROGRESS REPORT (2022), [http://resilience-hub.org/wp-content/uploads/2022/11/USDN\\_Progress-Faunteroy\\_November22-3.pdf](http://resilience-hub.org/wp-content/uploads/2022/11/USDN_Progress-Faunteroy_November22-3.pdf)

<sup>7</sup> *Five Foundational Areas*, RESILIENCE HUBS, <http://resilience-hub.org/core-components/> (last visited Aug. 23, 2023).

<sup>8</sup> *Id.*

engagement that clarified the clinic's mission and the unique nature of the students' role in providing legal counsel to the client, in addition to including routine provisions around confidentiality and termination of the relationship. Similarly, the role of the the Policy Clinic was captured in a Memorandum of Understanding (an "MOU") with the RHCC. The MOU clarified roles, timelines, and general deliverables that would help further the RHCC's mission.

By the end of the semester, students in the SENLC had provided the RHCC with a recommendation for forming a nonprofit corporation that qualified for tax-exemption under 501(c)(3) of the Internal Revenue Code, drafted sample language for bylaws, and itemized the steps to file Articles of Incorporation in the District of Columbia.

## II. POSITIVE IMPACTS OF COLLABORATION FOR CLIENTS AND COMMUNITIES

In the examples above, the SENLC and Policy Clinic benefited from sharing a common client base in the D.C. community: residents who share not only geographic proximity, but, for many, a common mission to pursue housing, environment, and economic justice. Like many grassroots organizations, our D.C. client required an interdisciplinary focus that exceeded the expertise of the SENLC or Policy Clinic alone.

Collaboration between law school clinics can bring a multi-pronged approach to supporting community clients. An interdisciplinary legal team can be particularly useful for building capacity to address systemic inequality by shifting power back to disenfranchised residents and helping organizations reclaim self-determination in how public policies are adopted and implemented in their communities.<sup>9</sup> Indeed, the concept of community lawyering is inherently a collaborative exercise: practitioners who incorporate a community lawyering approach frequently bring a range of subject matter expertise (e.g., environment, workers' rights, community economic development, administrative law) and draw on different practice areas and skills sets (e.g., litigation, legislative advocacy).<sup>10</sup> Accordingly, community cli-

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<sup>9</sup> Alexi Nunn Freeman & Jim Freeman, *It's About Power, Not Policy: Movement Lawyering for Large-Scale Social Change*, 23 CLIN. L. REV. 147, 150 (2016) (recognizing that those who self-identify as movement lawyers or community lawyers can play an important role in helping grassroots and community organizers shift power, "exercise self-determination and ensure that all public policies reflect their particular needs and concerns").

<sup>10</sup> Marcy L. Karin & Robin R. Runge, *Toward Integrated Law Clinics that Train Social Change Advocates*, 17 CLIN. L. REV. 563, 567 (2011) (discussing how community lawyering frequently employs multiple legal strategies simultaneously). *See generally* Susan R. Jones, *Promoting Social and Economic Justice Through Interdisciplinary Work in Transactional Law*, 14 WASH. U. J.L. & POL'Y 249 (2004) (describing examples of interdisciplinary col-

ents receive more holistic representation when clinics are able to cross-pollinate resources and bring together diverse skill sets. In our case, the Policy Clinic and the SENLC were able to harness our familiarity with organizational clients; technical expertise in different areas of law and policy; and prioritization of institutional continuity.

#### A. *Experience with Organizational Clients*

By association, policy and transactional law clinics that represent organizational clients – many of them nonprofit organizations or aspiring nonprofits – also help further the missions and values of those organizations, which can focus on issues as varied (and interdisciplinary) as housing, environment, and public health.<sup>11</sup> In doing so, the clinics can contribute to the advancement of racial and social justice movements that form the foundation of their clients' organizational mission and values.<sup>12</sup> While transactional law clinics have historically been perceived as lying at the margins of community lawyering, they are in fact rooted in community economic development and can be well-aligned to represent under-resourced and under-represented individuals and organizations.<sup>13</sup> For example, the SENLC at Georgetown Law represents organizational clients that pursue social justice goals. Many of SENLC's clients are social entrepreneurs or nonprofits (or groups seeking nonprofit status), based in communities of color in Washington, D.C., and have a race and economic justice-focused mission. Similarly, a vast number of the Policy Clinic's organizational clients are local and share the common objective of shaping municipal or state-level policy to benefit people living on the frontlines of economic and housing displacement, climate change, and

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laboration by small business clinical programs); Antoinette Sedillo Lopez, *Learning Through Service in a Clinical Setting: The Effect of Specialization on Social Justice and Skills Training*, 7 CLIN. L. REV. 307 (2001) (providing examples of how community lawyering in underrepresented communities can include providing community education materials and resources, not just legal representation).

<sup>11</sup> Hina Shah, *Notes from the Field, the Role of the Lawyer in Grassroots Policy Advocacy*, 21 CLIN. L. REV. 393, 412-421 (2015) (describing the role of lawyers representing organizational clients in grassroots movements).

<sup>12</sup> See generally Susan Carle & Scott L. Cummings, *A Reflection on the Ethics of Movement Lawyering*, 31 GEO. J. LEGAL ETHICS 447 (2018).

<sup>13</sup> Alina Ball, *Transactional Community Lawyering*, 94 TEMP. L. REV. 397, 401 (2022) (“Progressive legal scholarship rarely acknowledges transactional lawyers, and instead focuses on litigators and policy advocates addressing acute racial and social injustices . . . . Transactional lawyers utilizing their expertise to structure transactions and draft deal documents to facilitate economic activity could have a significant positive impact on low-income communities because transactional lawyers possess the technical skills to leverage consolidated capital resources and support microbusinesses owned by underrepresented entrepreneurs.”). See also Patience Crowder, *Design Principles of Transactional Law Clinics*, 19 LEWIS & CLARK L. REV. 413, 419 (2016).

public health crises. Through representing movement-oriented organizational clients, policy and transactional law clinics working in tandem can also jointly support their social justice movements.

Typical of many policy clinics that represent clients who seek to shape some aspect of public policy, Georgetown Law's Policy Clinic almost exclusively represents organizational rather than individual clients. Increasingly, the Policy Clinic has represented not only an individual organization, but also multiple organizations united by a common mission and policy goal. Among its clients, the Policy Clinic has represented coalitions of human rights organizations advocating for improving labor standards in cities that host the FIFA World Cup, as well as a consortium of universities that seek to harness their collective purchasing power to promote better conditions for meatpacking workers.<sup>14</sup>

Representing organizational clients is also typical of transactional law clinics. Such clinics provide technical expertise to help manage business entities, such as drafting deal documents or structuring transactions.<sup>15</sup> Many clients seek transactional expertise not only to improve their organizational outcomes, but also to further a social justice mission that improves the quality of life for an entire community.<sup>16</sup> In both examples, the clients look to the clinic for strategic direction to help them reach a particular goal, such as entity formation or pursuing a policy objective.

### *B. Diverse Legal Skills for Holistic Client Representation*

Our collaboration at Georgetown Law to support the RHCC also provides an example of how clinics working in collaboration can holistically support the client by providing expertise at different but key stages of the life cycle of the client's legal needs. Policy and transactional law clinics can work in coordination – telescoping in and out – by first identifying prospective clients, then providing technical guidance to help the organization form a legal entity, and ultimately enabling the organization to more efficiently advance its policy strategy.

Policy clinics that focus on community development often have broad, if not also deep, networks of organizational contacts within

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<sup>14</sup> *Our Work*, HARRISON INST., <https://www.law.georgetown.edu/experiential-learning/clinics/our-clinics/the-policy-clinic-climate-health-food-human-rights-and-trade-harrison-institute/climate/> (last visited August 28, 2023).

<sup>15</sup> See Ball, *supra* note 13, at 432-433 (discussing how social enterprise lawyering is a particularly well-suited model for community lawyering, given the mission-oriented focus of many social enterprises, such as supporting the solidarity economy movement or sustainable development goals).

<sup>16</sup> Alicia E. Plerhoples & Amanda M. Spratley, *Engaging Outside Counsel in Transactional Law Clinics*, 20 CLIN. L. REV. 379, 383-388 (2014).

communities.<sup>17</sup> In the process of helping to strengthen community or issue-based coalitions, policy clinics interact with organizations situated across the full landscape of a political power map. For a policy clinic, the cultivation of this network can be significant for building relationships and strengthening the political power of the coalition while helping to identify prospective clients who seek not only policy guidance, but also expertise in transactional law. In turn, transactional law clinics can provide the organizational client with guidance on entity formation and governance. Having achieved legal status, organizations can adopt a more proactive role in pursuing their theories of change for policy advocacy. These include applying for funding and harnessing other critical resources – objectives that a policy clinic can then help the client to advance.<sup>18</sup> The Policy Clinic spent five years building a relationship with the residents of Ward 7 and members of the RHCC, who then sought the counsel of the SENLC for forming a 501(c)(3) tax-exempt nonprofit. As the RHCC continues to work with the Policy Clinic and D.C. government to operationalize resilience hubs in the city, it does so as a cohesive unit with a clear governance structure and identity, rather than as a disparate group of individual residents.

To put it another way, a policy-transactional partnership allows clients to provide assistance holistically and at different scales: transactional law clinics can provide expertise on discrete legal issues, while policy clinics can provide analyses on longer-term legislative and advocacy strategies to move a particular policy objective. In particular, transactional law clinics that focus on building social enterprise are able to help groups of community members develop a cohesive legal identity, which in turn provides the entity with the legal status required to further organize, advocate, and critically fundraise.<sup>19</sup> Policy clinics can then harness this self-determination and help community clients refine their legal strategy to achieve policy outcomes, such as advocating for legislation in city council. In cementing the organization's ownership of its own brand and legal identity, policy and transactional law clinics help pave the way for communities of color and historically underrepresented groups to realize the core values of strengthening community power and self-determination.

### *C. Institutional Continuity*

Relatedly, cross-clinic collaborations with the same law school

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<sup>17</sup> See Shah, *supra* note 11, at 414.

<sup>18</sup> Carle & Cummings, *supra* note 12.

<sup>19</sup> Alicia E. Plerhoples, *Representing Social Enterprise*, 20 CLIN. L. REV. 215, 218-223 (2013).



can also bring much needed institutional continuity to both the client and the wider community. In policy lawyering, especially at the local level, a common focal point is relationship-building with a variety of stakeholders, the most important of which are the residents and the organizations that have been designated to represent their interests.<sup>20</sup> The exercise of trust-building with community stakeholders is time-consuming and may be fraught with personal and coalition politics. In addition, in communities of color and other historically disinvested neighborhoods, mistrust in government policy and the institutions that appear to perpetuate them – including academic institutions – are common.

In Washington, D.C., the residents of Ward 7 have a cautious and brittle relationship with their local government. For effective legal representation, it is critical for our clinics to bridge the trust deficit with community stakeholders and to demonstrate solidarity with their core values and mission. As with most individuals not affiliated with the university, Ward 7 residents and other stakeholders do not always differentiate between different clinics within the same law school. Inter-clinic collaboration is therefore an opportunity to provide a united front to meet multiple needs of the same client, advancing the goal of building trust and credibility in the community, and demonstrating steadfastness and constancy to the long-term goal of reversing harmful impacts of systemic racism. Indeed, the Policy Clinic's collaboration with the SENLC to represent the residents of Ward 7 was seen by community members not as individual efforts by two separate clinics, but rather as a streamlined collaboration by the same institution. They saw their lawyers as part of a single public interest law firm.

### III. POSITIVE IMPACTS OF COLLABORATION FOR STUDENTS

The features of a policy-transactional clinic collaboration that can strengthen the attorney-client relationship can also improve learning outcomes for clinic students. Our cross-clinic collaboration at Georgetown Law not only helped to meet the diverse legal needs of our community clients, but also provided opportunities to maximize the students' exposure to an array of legal skills, clients, and practice environments. Community lawyering is a deliberative approach that takes time: time to develop and maintain relationships with clients, and time to collectively reach intermediary stages of goals, objectives, and other milestones.<sup>21</sup> While an academic semester or even two may not pro-

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<sup>20</sup> See generally Shah, *supra* note 11; Carle & Cummings, *supra* note 12. See also Chai Feldblum, *The Art of Legislative Lawyering and the Six Circles Theory of Advocacy*, 34 McGEORGE L. REV. 785, 793 (2003).

<sup>21</sup> Karen Tokarz, Nancy Cook, Susan Brooks & Brenda Bratton Blom, *Conversations*

vide students with enough exposure to appreciate the full complexity of community lawyering, clinical partnerships can double those opportunities and broaden the quality of the students' interactions with clients in formative ways. Through cross-clinic collaborations, students have the benefit of being exposed to concurrent and parallel stages of the attorney-client relationship. For example, our students helped drive the process of helping a nascent organization create a legal entity, while also witnessing that same organization hone a long-term policy strategy to bring their resilience hub to scale across the city. Through a combination of observation and applied, hands-on training, students in cross-clinic partnerships are able to see a fuller picture of community lawyering and the many different faces of attorney-client interactions.

### A. *Create Opportunities for Multicultural Learning*

Law schools are not diverse institutions. Enrollment data and student experiences continue to indicate that law schools are more likely to be centers of homogeneity rather than hubs of diversity.<sup>22</sup> Further, despite our efforts to broaden the diversity of our students in our clinical programs, clinics remain part of the "white space" of law school.<sup>23</sup> When the clients and collaborators that we work with come from more diverse spaces, it is all the more imperative that our students appreciate and understand the community contexts in which they work.

One of the benefits of experiential learning in clinics is the opportunity for students to hone their cultural competency skills and to reflect on the ways that individual experiences play a role in the attorney-client relationship.<sup>24</sup> Students traditionally spend the first year of law school in doctrinal courses that are case law-intensive, with comparatively less scrutiny on cultural or identity-based characteristics like race or gender that shape personal experiences with the law.<sup>25</sup> As cultural competency is increasingly recognized as a core fea-

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on "*Community Lawyering*": *The Newest (Oldest) Wave in Clinical Legal Education*, 28 WASH. U. J.L. & POL'Y. 359, 364 (2008) (reflecting that "community lawyering is an approach to the practice of law and to clinical legal education that centers on building and sustaining relationships with clients, over time, in context, as part of and in conjunction with communities. It incorporates respect for clients that empowers them and assists them in the larger economic, political, and social contexts of their lives, beyond their immediate legal problems.").

<sup>22</sup> Anne D. Gordon, *Cleaning Up Our Own Houses: Creating Anti-Racist Clinical Programs*, 29 CLIN. L. REV. 49, 53-71 (2022).

<sup>23</sup> *Id.*

<sup>24</sup> See generally Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLIN. L. REV. 33 (2001).

<sup>25</sup> See generally Vernellia R. Randall, *Teaching Diversity Skills in Law School*, 54 ST.

ture of legal practice, clinic environments – particularly those that emphasize interdisciplinary teaching – can be an opportunity for students to grow cross-cultural knowledge, challenge existing assumptions about the role of race and the law, and exercise problem-solving skills in an applied, rather than theoretical, setting.<sup>26</sup>

Cross-clinic partnerships can also take students out of the silos of individual clinics and place them in different environments, forcing them to interact with their clients in varying roles. For example, when presenting tradeoffs in forming one type of nonprofit organization over another, students might play a more directive role and call upon their subject matter expertise. In a separate meeting with the same organizational or coalition client, students might be asked to facilitate discussions among a group of individuals as they deliberate an advocacy strategy. In playing both advisory and facilitation roles to their clients' legal needs, students have the opportunity to observe the complexity of interests and expertise of their clients, potentially helping to disabuse them of the savior mentality in their pro-bono work.<sup>27</sup> In these varied settings, students also have the opportunity to confront and displace certain assumptions about their clients, such as assumptions about what type of person typically becomes an entrepreneur, or beliefs that communities that share similarities in race or other identities are monolithic and act with consensus. Importantly, in these different spaces, students will also have the opportunity to think critically about and reconcile their own lived experiences with those of their clients, particularly if the student does not share a similar cultural or racial background as their client. These varied experiences may invite opportunities for important conversations – if not also some discomfort – about their lawyering role, such as how to demonstrate their legal skills while also communicating effectively and respectfully, or how to make mistakes and recover and learn from them.

*B. Increase Student Exposure to Different Types of Lawyering and Collaboration*

Whether drawing on policy or transactional legal skills, students in a cross-clinic collaboration will be exposed to not only a range of client interactions, but also professionals from a range of backgrounds. For one, students will have the opportunity to work with and

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LOUIS U. L.J. 795 (2010).

<sup>26</sup> ABA SECTION ON LEGAL EDUCATION AND ADMISSIONS TO THE BAR, ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, STANDARD 303(c) (2022) (stating that law schools “shall provide education to law students on bias, cross-cultural competency, and racism”).

<sup>27</sup> Gordon, *supra* note 22, at 70.

observe supervisors from other clinics. In our clinic partnership, students worked with attorney supervisors who represented a diversity of professional experiences and research interests: careers working in law firms and nonprofits; experiences ranging from international human rights to political campaigns, environmental law to nonprofit housing finance; and skills from community organizing to launching private equity funds. Drawing on and reflecting each of these unique experiences, our joint supervision team inevitably modeled different types of lawyering and professional skills to the students. Equally important, students were able to observe supervisors draw on their own personal experiences – including racial and cultural identities – in client interactions.

Additionally, students who work in a cross-clinic partnership, particularly those focused on community lawyering, also have the opportunity to observe professionals working across a spectrum of disciplines.<sup>28</sup> In conducting legal analysis on an array of community development matters, our students regularly collaborate with urban planners, government employees, elected officials, community organizers, labor unions, and even scientists. Through this interdisciplinary approach, students are exposed to a wider array of strategies to serve community clients. This approach reinforces the idea that, in order for frontline and historically resourced communities to be made whole, its members benefit most from holistic support that encompasses both discrete technical assistance as well as long-term policy advocacy.

### *C. Interact with Each Other and Recognize Common Challenges*

Compared to other classes in law school, clinics can be a unique experience for students due to the collaborative nature of the work. United by a common client and purpose, students can cultivate their teamwork and lateral management skills in clinic, which frequently requires them to work together in nearly every aspect of lawyering, from client management to developing work products. Joining student teams from multiple clinics only enhances the already collaborative nature of clinic work, offering students a window to how other students, not just supervisors, approach the same client from different perspectives and skillsets.

Working with students in other clinics can help build community among the students, who might find solidarity in grappling with common challenges in the attorney-client relationship. Cross-clinic collab-

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<sup>28</sup> Tokarz et al., *supra* note 21, at 379-380 (noting the frequency of interdisciplinary collaborations in community lawyering clinics).

oration enables the students to reflect more holistically about values-based questions such as whether they are working for a single organizational client or, as part of a broader social justice mission, whether they are also accountable to a larger community. The collaborative nature of client representation can also invite students to relate to and learn from each another in areas of client management, such as addressing interpersonal conflicts among clients or translating vague client goals into a coherent legal strategy. Finally, when students work across clinics, they have the opportunity to learn from peers who they may not otherwise interact with in law school. Without the pressure of competing on the same grading curve, students from different clinics may also be more open to sharing their insecurities and learning from one another in case rounds.

#### IV. LESSONS LEARNED

Whether helping clients to form a social enterprise or hone a legislative strategy, community lawyers may often find themselves alternating between various roles or partnering with a deep roster of subject matter experts. Community lawyering is a collaborative approach, where lawyers can play an important but oftentimes secondary role in helping community stakeholders to shift power and realize greater self-determination in the outcome of public policies.<sup>29</sup> Accordingly, community lawyers may often be required to share, if not cede, influence over legal strategy to community clients. Further, the emphasis on collaboration in community lawyering applies not only to the attorney-client relationship, but also to the broader legal team as well. Community lawyering requires different types of skillsets and a collective fluency in a range of practice areas, including transactional work, policy, litigation, and community economic development.<sup>30</sup> Finally, the interdisciplinary nature of community goals means that community lawyers may themselves share the table with professionals from other disciplines as varied as public health to real estate development.<sup>31</sup>

Within this context, it is imperative that students in a cross-clinic partnership that supports community clients have clarity on the full scope of their role as student attorneys. However, the risk of role am-

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<sup>29</sup> Freeman & Freeman, *supra* note 9, at 150-151 (discussing how the focus on helping clients achieve self-determination is one way to build power in low-income, communities of color, and can address the levers of deeply entrenched systemic injustice and promote racial equity).

<sup>30</sup> Jones, *supra* note 10, at 313.

<sup>31</sup> *Id.* See also Dina Schlossberg, *An Examination of Transactional Law Clinics and Interdisciplinary Education*, 11 WASH. U. J.L. & POL'Y 195, 201 (2003) (describing the interdisciplinary nature of transactional legal practice).

biguity for students is high. Some of the role confusion is universal and a function of working in a hybrid academic and law firm setting. However, some of the confusion may also be amplified by the unique nature of policy and transactional law. It is therefore particularly imperative that students have multiple opportunities to orient their relationship with the client to alleviate any role conflicts and effectively represent their clients.

### A. Challenges

#### 1. Universal Confusion about Role as Clinic Students

For clinic students, some of the steepest points along the learning curve have to do with reconciling their expectations for what it means to work in a law school clinic and the reality of working for clients in a real-world setting.<sup>32</sup> At the start of the semester, students may expect to receive directive supervision, work within a closed universe of facts, and be able to accurately predict the stages and timeline of their work. In reality, students may be asked to adjust to non-directive supervision, conduct their own fact-finding research to fill in information gaps, and work with highly unpredictable clients where strategies and even decisions may be fluid and evolving.

At the center of this conflict is the challenge of distinguishing between the roles of a student and student attorney. In the former role, students are primarily in learning mode and receive – rather than seek out – information that informs their legal analysis.<sup>33</sup> For example, whether for an exam or a journal writing competition, students are accustomed to being provided a fact pattern, or a defined list of laws and court opinions, to inform their analysis. Additionally, for many students, the clearest and most tangible indicator of success are their grades, which frequently reflect legal writing and analysis that follow a prescribed formula taught in a first-year legal writing course. The practice of working within a contained system of facts that leads to a discrete grade at the end of the learning process can encourage students to think of their work in purely binary terms, that their legal analysis is either correct or incorrect. Importantly, the expectation of being either right or wrong invites dependence on the instructor to be the sole arbiter of the quality of student performance, leading to the expectation of an ask-and-answer, directive style of supervision.<sup>34</sup>

By comparison, when representing real-world clients, clinic students are no longer constrained to a closed universe of facts that one

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<sup>32</sup> See generally Wallace J. Mlyniec, *Where to Begin? Training New Teachers in the Art of Clinical Pedagogy*, 18 CLIN. L. REV. 505 (2012).

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

might see on an exam or essay prompt. Instead, clinic students may be required to hone an unfamiliar skillset, such as conducting fact-finding interviews, or adopting an interdisciplinary approach to learning new issues or areas of law (e.g., understanding basic principles of urban planning for a community development project). Complicating matters, clients are also operating in a fluid environment, making decisions based on evolving current events, resources, and stakeholder influence. The confluence of these factors means that not only can clinic work be unpredictable (unlike a course syllabus), but also that supervisors may need to adopt non-directive approaches to supervision that emphasize self-reflection and independently arriving at one's own answers and conclusions.<sup>35</sup>

## 2. *Unique Features of Policy and Transactional Law Clinics that Can Exacerbate Role Confusion*

The relatively nebulous nature of policy and transactional law can exacerbate latent role confusion in clinic students. Whether conducting a legislative campaign or advocating with grassroots organizations, policy lawyers wear many hats. As Professor Chai Feldblum once dissected, policy lawyers play at least six different roles: strategist, lobbyist, legislative lawyer, policy researcher, outreach strategist, and communications director.<sup>36</sup> Each of these roles, in turn, requires unique skill sets and rules of conduct; there is no equivalent of a Federal Rules of Evidence to help guide or define expectations. Accordingly, for many students new to the concept of policy lawyering, working in a clinic that advises clients on policy can feel intangible and lack clear rules of engagement.

As noted above, policy clients also tend to be groups or coalitions rather than a single individual, which can introduce multiple decisionmakers as clients who, collectively, may have a common, overarching goal but often without alignment on strategy or focus.<sup>37</sup> Adding to the complexity, policy work is notoriously slow and non-linear, and progress is frequently dictated by external forces, such as legislative calendars and budget cycles. Students rarely feel a sense of closure in policy projects unless their supervisor can successfully manage expectations and carve out a discrete scope of work that is feasible for a semester or year-long clinic.

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<sup>35</sup> Nina W. Tarr, *The Skill of Evaluation as an Explicit Goal of Clinical Training*, 21 PAC. L.J. 967, 971-72 (1990).

<sup>36</sup> Feldblum, *supra* note 20, at 792-803.

<sup>37</sup> *Id.* See also Shah, *supra* note 11, at 415-416; Carle & Cummings, *supra* note 12, at 459-465 (discussing the challenges that lawyers face when groups within a social movement have internal conflicts over goals and strategies).

Transactional law can also run counter to the popular image of traditional lawyering, which in many a student's mind unfolds like an episode of *Law & Order*, with a clear legal dispute and a winner or loser at the conclusion of an adversarial process. By comparison, transactional lawyering, practiced effectively, minimizes litigation and places emphasis on risk mitigation. As with policy lawyers, transactional lawyers also frequently represent groups of individuals, requiring an ability to synthesize collective goals from entropy.<sup>38</sup>

Each of the above elements that are inherent in policy and transactional lawyering can enhance a student's role confusion in clinic. In policy and transactional law collaborations, protracted timelines, non-linear work, unclear rules of engagement, and clients that do not speak with one voice can each test a student's professional judgment and further confuse their ability to distinguish between roles. For example, in the context of community lawyering, students may experience role confusion if a nonprofit client's political strategy is perceived to be in tension with the goals and needs of the impacted community, and in turn the underlying values and movement-oriented purpose of the students' own interest in practicing public interest law. Role confusion can not only undermine the student's own clinic performance and the effective representation of their clients, but also impede their sense of professional growth and their ability to hone a professional identity.

### B. Potential Solutions

Clinical supervisors working in policy and transactional law partnerships can take advantage of the unique features of their practice areas to illustrate important lessons about honing professional judgment and alleviating role confusion. As I reflect on the past two years of the Policy Clinic's collaboration with the SENLC, I have identified strategies to help add clarity and structure to the students' clinic partnership experience:

- **Emphasize race as a common, underlying impetus for community lawyering.** My projects in the Policy Clinic focus exclusively on equitable development in communities of color. I also encourage my students to aspire to be movement lawyers who support grassroots advocacy and social justice not as quarterbacks, but as part of a supporting cast that defers to the expertise of community members.<sup>39</sup> However, clinics, even those with an explicit social justice mission, are not anti-racist by default, and require intentionality

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<sup>38</sup> Crowder, *supra* note 13, at 434.

<sup>39</sup> See generally Shah, *supra* note 11.



across all aspects of clinic operations.<sup>40</sup> Professor Norrinda Brown Hayat has offered a prescription for centering race more intentionally in clinical pedagogy. Among her recommendations, Professor Hayat encourages the integration of critical race theory (CRT) to identify and acknowledge the impact of race on how clients experience law and policy.<sup>41</sup> To perhaps the detriment of both my students and our clients, I have not been intentional in these efforts, relying on an assumption that the students who apply to join the clinic already have a foundational appreciation for the impact of racism on the law and the community clients they work with. In fact, clinics may be one of the last opportunities for students to have intentional discussions about CRT and our failures to address structural racism at both the individual and policy level. Reflections on the role of race could be featured in standalone seminars, as well as integrated into the existing curriculum and clinic structure, such as in supervision meetings or during orientations and mock interview exercises. Wherever the opportunity, these conversations must be intentional and the issues made explicit.

- **Create opportunities for more meetings between students.** To date, students in the Policy Clinic and the SENLC have met in person only on an ad hoc basis, such as when observing each other in client meetings, or participating in a joint, hour-long session for a primer on the basics of affordable housing. Naively, as supervisors, my colleagues and I assumed that, after we introduced the students to one another in these settings, they would then take the initiative to continue the interaction and rely on each other to exchange ideas, cross-pollinate resources, and learn from one another. In fact, the opposite was true. There may be several reasons for a reticence to break down the clinic silos, including a lack of clarity around the rules of confidentiality, the novelty of working as collaborators rather than as competitors on a grading curve, and unclear expectations from their supervisors. Creating opportunities for more intentional and structured interactions with students can help clarify expectations for their roles as student attorneys, as well as help normalize their collaboration.
- **Collaborate on seminars.** A specific example of creating more opportunities for the students to meet in person is by collaborating on relevant seminars over the course of the semester. Seminars are

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<sup>40</sup> See generally Norrinda Brown Hayat, *Freedom Pedagogy: Toward Teaching Antiracist Clinics*, 28 CLIN. L. REV. 149 (2021).

<sup>41</sup> *Id.* at 158.

an opportunity to introduce common skill sets, such as identifying their client's goal and, relatedly, developing the cultural competency to facilitate conversations with different stakeholders. By sharing time in the classroom, students also have enhanced opportunity for peer learning on more specialized areas of knowledge. For example, students in the SENLC could conduct a primer on nonprofit formation and governance for students in the Policy Clinic, who could in turn lead a discussion on using various theories of change to help clients clarify a policy strategy. Seminars are also an opportunity for students to interact and learn from one another in case rounds, which can help normalize their discomfort around role confusion or when there is a perceived lack of alignment between the interests of their clients and those of the impacted community.

#### CONCLUSION

The collaborations between the Policy Clinic and the SENLC is just one example of how cross-clinic collaboration can improve outcomes for clients and students, particularly from a community lawyering approach that seeks to address systemic social injustices. Yet policy and transactional clinics are not a monolith, and our partnership model may not be applicable to all law schools. In our example, however, the collaboration has proven to be highly complementary, and our clients, in particular, have expressed great enthusiasm about the ability to benefit from the legal services of both clinics. As the Policy Clinic continues to work with organizational clients seeking greater self-determination in historically disinvested communities, I am looking forward to continued collaboration and growth with our sister clinic.