

THE POVERTY OF CLINICAL CANONIC TEXTS

ANTHONY V. ALFIERI*

*“I pray that we are making a difference.”*¹

INTRODUCTION

This essay revisits the foundational vision — the deep stock story — of poverty and the poor in clinical legal education against the backdrop of the new sociology of poverty. Long imparted by clinical faculty and invoked by student advocates in defense of the indigent, that stock story adverts to mainstream social science descriptions of impoverishing structural forces (discrimination)² and individual deficiencies (pathology)³ in litigation and transactional representation yet omits thick descriptions of the systematic, impoverishing effects of race,⁴ inequality,⁵ and disenfranchisement⁶ on place-based client

* Dean’s Distinguished Scholar, Professor of Law and Director, Center for Ethics and Public Service, University of Miami School of Law. For their comments and support, I am grateful to Deborah Archer, Alina Ball, Scott Cummings, Ellen Grant, Adrian Barker Grant-Alfieri, Amelia Hope Grant-Alfieri, Ed Lloyd, Lauren Madigan, Peter Margulies, Rick Marsico, Jeff Selbin, the law school and university graduate student fellows and undergraduate interns of the Community Equity Lab, and the members of the Coconut Grove Village West Housing and Community Development Task Force. I also wish to thank Nicholas Mignanelli and the University of Miami School of Law librarians for their research assistance. This essay is dedicated to Stephen Ellmann — teacher, mentor, and friend.

¹ E-mail from Christopher Hudson, Deacon, St. Matthew Community Baptist Church, to Anthony V. Alfieri, Board of Directors, Coconut Grove Ministerial Alliance (July 3, 2019, 09:31 EST) (on file with author).

² On structural forces in poverty research, see WILLIAM JULIUS WILSON, *WHEN WORK DISAPPEARS: THE WORLD OF THE NEW URBAN POOR* 3–24, 51–86 (1996); William Julius Wilson, *Why Both Social Structure and Culture Matter in a Holistic Analysis of Inner-City Poverty*, 629 *ANNALS AM. ACAD. POL. & SOC. SCI.* 200, 203 (2010).

³ On individual pathology in poverty research, see Elijah Anderson, *The Iconic Ghetto*, 642 *ANNALS AM. ACAD. POL. & SOC. SCI.* 8, 14 (2012) (“The inner-city poor are still commonly regarded as caught in a ‘tangle of pathology’ that reproduces a cycle or culture of poverty through generations of men who fail as providers, women who bear children ‘out of wedlock,’ and youths who grow up without discipline.”) (quoting DANIEL PATRICK MOYNIHAN, *OFFICE OF POLICY PLANNING AND RESEARCH, U.S. DEP’T OF LABOR, THE NEGRO FAMILY: THE CASE FOR NATIONAL ACTION* (1965)); see generally Michèle Lamont & Mario Luis Small, *How Culture Matters: Enriching Our Understanding of Poverty*, in *THE COLORS OF POVERTY: WHY RACIAL AND ETHNIC DISPARITIES PERSIST* 76, 90–93 (Ann Chih Lin & David R. Harris eds., 2008); Mario Luis Small, Michèle Lamont & David James Harding, *Reconsidering Culture and Poverty*, 629 *ANNALS AM. ACAD. POL. & SOC. SCI.* 6, 9–13 (2010).

⁴ On the impoverishing effects of race, see Monica C. Bell, *Safety, Friendship, and*

groups and deep-rooted client communities.⁷ Reiterated in hearings, at trial, on appeal, and in transactional negotiations, the story catalogues the effects of economic marginalization, gender hierarchy, and racial subordination on individuals without fully elaborated reference to the politics, cultural and social history, and economics of a specific time, place, or community. The purpose of the essay is to demonstrate that this descriptive omission, a kind of narrative incompleteness, pervades certain of our canonical texts, and, by extension, our classroom pedagogies and fieldwork methodologies. Most notable in the early and middle volumes of the work of David Binder and Susan Price spanning the formative period of clinical education from 1977 to 2004,⁸ this structural omission distorts our understanding of poor clients and impoverished communities and, equally important, renders our legal-political advocacy on their behalf less effective.

The essay proceeds in four parts. Part I describes the recent community supper meeting of tenants and homeowners organized by the Coconut Grove Village West Housing and Community Development Task Force at the Macedonia Missionary Baptist Church in Miami, Florida. Part II explores the foundational conception of poverty and the social construction of poor clients and impoverished neighborhoods in conventional clinical pedagogy typified by Binder and Price. Part III examines an alternative, more complex vision of poverty and

Dreams, 54 HARV. C.R.-C.L. L. REV. 703 (2019); Matthew Desmond & Monica Bell, *Housing, Poverty, and the Law*, 11 ANN. REV. LAW & SOC. SCI. 15 (2015); Matthew Desmond & Mustafa Emirbayer, *What is Racial Domination?*, 6 DU BOIS REV. 335 (2009).

⁵ On the impoverishing effects of inequality, see Susan D. Bennett, *Coming of Age on \$2 A Day, Evicted: What CED Has to Say to Today's Untethered Poverty*, 26 J. AFFORDABLE HOUSING & COMMUNITY DEV. L. 57 (2017); Carmen Huertas-Noble, *Worker-Owned and Unionized Worker-Owned Cooperatives: Two Tools to Address Income Inequality*, 22 CLIN. L. REV. 325 (2016); Lucie E. White, *Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G.*, 38 BUFF. L. REV. 1 (1990).

⁶ On disenfranchisement as a function of power and privilege, see Alexi Nunn Freeman & Jim Freeman, *It's About Power, Not Policy: Movement Lawyering for Large-Scale Social Change*, 23 CLIN. L. REV. 147 (2016); Lucie E. White, *To Learn and Teach: Lessons from Driefontein on Lawyering and Power*, 1988 WIS. L. REV. 699; see also Michelle S. Jacobs, *Legitimacy and the Power Game*, 1 CLIN. L. REV. 187 (1994).

⁷ Borrowed from cultural anthropology to enhance the lawyering process both procedurally and substantively, the notion of thick description encourages deeper investigation and fuller appreciation of the normative value of client and community culture and social life. See generally CLIFFORD GEERTZ, *Thick Description: Toward an Interpretive Theory of Culture*, in THE INTERPRETATION OF CULTURES: SELECTED ESSAYS 3-30 (1973); Lucie E. White, *Seeking ". . . the Faces of Otherness. . .": A Response to Professors Sarat, Felstiner, and Cahn*, 77 CORNELL L. REV. 1499, 1500-01 (1992).

⁸ See DAVID A. BINDER & SUSAN C. PRICE, *LEGAL INTERVIEWING AND COUNSELING: A CLIENT-CENTERED APPROACH* (1977); DAVID A. BINDER, PAUL BERGMAN & SUSAN C. PRICE, *LAWYERS AS COUNSELORS: A CLIENT-CENTERED APPROACH* (1991); DAVID A. BINDER, PAUL BERGMAN, SUSAN C. PRICE & PAUL R. TREMBLAY, *LAWYERS AS COUNSELORS: A CLIENT-CENTERED APPROACH* (2d ed. 2004).

the poor portrayed in the emerging new sociology of poverty. Part IV extends the new sociology of poverty to the classroom pedagogy and fieldwork methodology of clinical education to better understand, and more effectively represent, poor clients and impoverished communities.

I. THE MACEDONIA MISSIONARY BAPTIST CHURCH SUPPER

On June 20, 2019, at a community supper meeting of the Coconut Grove Village West Housing and Community Development Task Force (“Task Force”),⁹ poor black tenants clustered around tables lining the interior basement walls of the Macedonia Missionary Baptist Church on Douglas Road in Miami.¹⁰ Reached earlier in the day by Task Force organizers,¹¹ the tenants had come to learn more of their own precarious occupancy and imminent eviction. Captive witnesses to the ongoing, decade-long demolition of their neighborhood, the tenants lived almost namelessly in rental apartments along the Coconut Grove Central Commercial District within the few remaining “concrete monsters” erected during Miami’s Negro Removal era.¹² Why nameless to the Task Force? Because the tenants were mostly absent and unaccounted for at the monthly, public gatherings convened by the nearly dozen civic associations and faith-based groups still active in the historic Afro-Caribbean and African American neighborhoods of Coconut Grove Village West and East Coral Gables, colloquially known as the West Grove. Why nameless to our law school-housed

⁹ The Coconut Grove Village West Housing and Community Development Task Force represents a coalition of local churches, nonprofit organizations, and civic associations located in the Coconut Grove neighborhood of Miami, Florida. On the genesis of the Task Force, see Anthony V. Alfieri, *Black, Poor, and Gone: Civil Rights Law’s Inner-City Crisis*, 54 HARV. C.R.-C.L. L. REV. 629 (2019). The University of Miami School of Law’s Center for Ethics and Public Service, through its affiliated projects and programs, provides resources (rights education, fact investigation, and multidisciplinary research) to the Task Force in support of its anti-poverty and civil rights campaigns.

¹⁰ Throughout this essay, I capitalize the terms “Black” and “White” only when used as nouns to describe a racialized group. As in previous work, I use the term “Blacks,” rather than the term “African Americans,” because it is more inclusive. See Anthony V. Alfieri & Angela Onwuachi-Willig, *Next-Generation Civil Rights Lawyers: Race and Representation in the Age of Identity Performance*, 122 YALE L.J. 1484, 1488 n.5 (2013).

¹¹ Interview with Thaddeus Scott, Member, Executive Committee, Coconut Grove Village West Housing and Community Development Task Force, in Miami, Fla. (June 20, 2019).

¹² On Miami’s Negro Removal era, see N.D.B. CONNOLLY, *A WORLD MORE CONCRETE: REAL ESTATE AND THE REMAKING OF JIM CROW SOUTH FLORIDA* 144, 186 (2014); see also Chanelle Nyree Rose, *Neither Southern Nor Northern: Miami, Florida and the Black Freedom Struggle in America’s Tourist Paradise, 1896–1968*, at 400 (Dec. 2007) (unpublished Ph.D. thesis, University of Miami) (on file with author) (“Many [Miami] blacks began calling urban renewal ‘Negro Removal’ because of the large displacement of so many people . . .”).

Historic Black Church Program¹³ and Community Equity Lab?¹⁴ Because the tenants were distrustful of, and often resistant to, the outreach and organizing efforts that we marshaled in tandem with the Task Force, efforts increasingly aimed toward protecting the very same occupants of the West Grove's last surviving "concrete monsters."

Now derelict and slated for demolition, this post-war collection of multifamily buildings had been privately traded among absentee slumlords and "land grab" speculators¹⁵ for more than a decade, reinforcing the neighborhood-wide disadvantage and instability suffered by West Grove tenants and homeowners. Part of an unseen dynamic of private rental housing market exploitation common to gentrifying inner-cities, this slum property exchange ritual maximized profits, routinized evictions, and reproduced residential segregation in the City of Miami and Miami-Dade County. Together, West Grove slumlords, developers, and investors, coupled with their teams of architects, lawyers, and lobbyists, defended the social costs of these "free-market"

¹³ Housed by the Center for Ethics and Public Service, the Historic Black Church Program operates community outreach and education projects in anti-poverty and civil rights partnerships with more than 60 inner-city, faith-based groups, nonprofit corporations, and civic and neighborhood associations in South Florida. See CTR. FOR ETHICS & PUB. SERV., U. MIAMI SCH. OF LAW, 2017–2018 ANNUAL REPORT 2 (2018), available at <https://miami.app.box.com/v/ceps-annual-report-2017-2018>. For program case studies, see Anthony V. Alfieri, *Community Education and Access to Justice in a Time of Scarcity: Notes From the West Grove Trolley Garage Case*, 2013 WIS. L. REV. 121, 125–33 (discussing West Grove Trolley Garage Campaign); Anthony V. Alfieri, *Rebellious Pedagogy and Practice*, 23 CLIN. L. REV. 5, 23–26 (2016) (describing Oral History and Documentary Film Project); Anthony V. Alfieri, *Resistance Songs: Mobilizing the Law and Politics of Community*, 93 TEX. L. REV. 1459, 1460–63 (2015) (reviewing LEA VANDERVELDE, REDEMPTION SONGS: SING FOR FREEDOM BEFORE DRED SCOTT (2014)) (documenting the Old Smokey Clean-up Campaign).

¹⁴ Also housed at the Center for Ethics and Public Service, the Community Equity Lab is a community-based law reform project conducting large-scale anti-poverty, civil rights, and environmental health advocacy campaigns in partnership with numerous inner-city black churches and civic-minded groups in South Florida. See CTR. FOR ETHICS & PUB. SERV., U. MIAMI SCH. OF LAW, COURSE DESCRIPTION, available at https://lawapps2.law.miami.edu/clink/course.aspx?cof_id=3731 ("The Community Equity, Innovation, and Resource Lab trains students to collaborate with civic and faith-based groups, legal services and nonprofit organizations, and private and public entities in providing rights education, policy research, and technical assistance to low-income communities across the fields of civil rights, economic development, and poverty law.").

¹⁵ See David Smiley, *Evictions, Profits and Slum: the Slow Fade of Grand Avenue*, MIAMI HERALD (Dec. 2, 2016), <https://www.miamiherald.com/news/local/community/miami-dade/article118514978.html#storylink=cpy>, archived at <https://perma.cc/6HA7-G6A2>; Andres Vignucci, *Will This Plan Save the West Grove? A Developer Has Big Dreams for Grand Avenue*, MIAMI HERALD (Nov. 27, 2018), <https://www.miamiherald.com/news/local/community/miami-dade/coconut-grove/article222032010.html#storylink=cpy>, archived at <https://perma.cc/88YT-TDSB>.

outcomes — eviction,¹⁶ displacement,¹⁷ and resegregation¹⁸ — on crude normative and empirical grounds. Normatively, they proclaimed an absolute, unfettered property right to evict tenants and to demolish their homes. Empirically, they claimed that mass eviction and widespread demolition were economically necessary to optimize land use efficiency and to stoke urban revitalization. Publicly, they clothed both sets of claims in feigned, color broker-facilitated assertions of race neutrality and racial uplift.

Despite the planning efforts of Task Force members, the supper meeting at Macedonia Missionary Baptist Church went awry. Too many tenants and homeowners attended. Too many conflicting needs surfaced. Too many intraracial class and sociocultural tensions boiled up. Midway through supper, during a particularly charged moment, one visibly upset tenant bluntly questioned the work product (a rights education pamphlet) of a Community Equity Lab summer research fellow, interrogating her motives and casting doubt on her judgment. Amid the dissonance of competing declarations of hardship and in-fighting over intervention strategies, the clank of the basement door banging open and shut, and the echo of the choir overhead in the main sanctuary, the voices of tenants rose sharply and plaintively. When would they be evicted? Why had they heard nothing from their landlord? Where would they go? What would become of their neighborhood jobs and children's schools? Who would help them?

The Task Force had no satisfactory answers. Established in late 2018 under the joint auspices of the Coconut Grove Ministerial Alliance (“Ministerial Alliance”),¹⁹ a consortium of local black churches, and the Coconut Grove Village West Homeowners and Tenants Asso-

¹⁶ See MATTHEW DESMOND, *EVICTED: POVERTY AND PROFIT IN THE AMERICAN CITY* (2016).

¹⁷ Displacement describes the involuntary removal of tenants and homeowners caused by evictions and foreclosures, building condemnations and demolitions, and government slum clearance and urban renewal or revitalization programs. Alfieri, *supra* note 9, at 633 (footnote omitted). On urban revitalization and social equity, see SEAN ZIELENBACH, *THE ART OF REVITALIZATION: IMPROVING CONDITIONS IN DISTRESSED INNER-CITY NEIGHBORHOODS* 261–67 (2000); Michèle Alexandre, “*Love Don’t Live Here Anymore*”: *Economic Incentives for a More Equitable Model of Urban Redevelopment*, 35 B.C. ENVTL. AFF. L. REV. 1, 13–31 (2008); Richard T. LeGates & Chester Hartman, *The Anatomy of Displacement in the United States*, in *GENTRIFICATION OF THE CITY* 178–200 (Neil Smith & Peter Williams eds., 1986).

¹⁸ Resegregation describes the economically forced out-migration of tenants and homeowners to segregated and hypersegregated low-income, inner-city or suburban neighborhoods. Alfieri, *supra* note 9, at 633 (footnote omitted). See also Anthony V. Alfieri, *Inner-City Anti-Poverty Campaigns*, 64 UCLA L. REV. 1374, 1396 (2017).

¹⁹ For discussion of the Coconut Grove Ministerial Alliance, see Anthony V. Alfieri, *Post-Racialism in the Inner City: Structure and Culture in Lawyering*, 98 GEO. L.J. 921, 927 (2010); Robert C. Jones, Jr., *Lifting Up the West Grove*, VERITAS ARCHIVE (Nov. 18, 2011), <https://blog1.dev.miami.edu/everitas-archive/2011/11/18/lifting-up-the-west-grove>.

ciation to mount a West Grove, coalition-backed fair housing campaign without the benefit of public, private, or philanthropic resources, the Task Force lacked the capacity to prevent mass evictions in a neighborhood undergoing rapid displacement. More problematic, the Task Force's leadership group — mainly pastors, homeowners, retired professionals, and the directors of neighborhood-based nonprofit organizations — had little in common with the at-risk, low-income tenants worriedly speaking out in the hope of preserving their Coconut Grove Central Commercial District homes.

Outwardly, in speech and bearing, the tenants stood out among the Task Force members assembled in the crowded basement of the Macedonia Missionary Baptist Church. They stood out not because of some physical or symbolic trapping or spoken lexicon of poverty, but because they were outsiders in their own community. They were the unsaved, strangers to the close-knit church congregations and civic associations that had spearheaded the formation of the Task Force and consistently shaped the culture and social structure of the West Grove. They were civic outcasts as well, by turns disenfranchised and estranged from the politics of race and class roiling housing and community development disputes in the West Grove and the City of Miami at large. Most important, they were acutely vulnerable,²⁰ facing the twin threat of involuntary eviction and forced displacement.

The interwoven narratives of vulnerability sounded by low-income tenants inside the basement of the Macedonia Missionary Baptist Church reverberated outside, confronting the Task Force and the Community Equity Lab with a starker, more multifaceted account of poverty than many of us had anticipated in preparing for the meeting and in charting its aftermath. At bottom, that harsher account was rooted in the racialized, place-based experience of severe deprivation. Poverty, on this locally-situated account, saturated the lives of tenants and their family households as well as the compositions of their surrounding institutions and the configurations of their built environment. Poverty of this kind, of this depth and breadth, operated through the individual and collective accretion of past hardships, traumas, and disadvantages, rather than through the experience of a single incident or even a series of incidents marked by discrete hardship, trauma, and disadvantage. Measured by its accumulated, longitu-

²⁰ On vulnerability theory, see Martha Albertson Fineman, *The Vulnerable Subject: Anchoring Equality in the Human Condition*, 20 *YALE J.L. & FEMINISM* 1 (2008); Martha Albertson Fineman, *The Vulnerable Subject and the Responsive State*, 60 *EMORY L.J.* 251 (2010); Martha Albertson Fineman, *Vulnerability and Social Justice*, 53 *VAL. U. L. REV.* 341 (2019). See generally *VULNERABILITY: REFLECTIONS ON A NEW ETHICAL FOUNDATION FOR LAW AND POLITICS* (Martha Albertson Fineman & Anna Gear eds., 2013).

dinal impact, poverty of this magnitude infected and implicated the culture and psychology of a whole community.²¹

Poverty and the practice of poverty law have been core focal points for clinical education for decades.²² In the modern era of the field,²³ the imagery and language of poverty have animated our classroom pedagogy,²⁴ our litigation,²⁵ transactional,²⁶ and community-based²⁷ fieldwork, and our vision of civil²⁸ and criminal justice²⁹ reform. Still today there is a wide gap in our understanding of poverty

²¹ See Alfieri, *supra* note 9, at 632-35. See also Kristin L. Perkins & Robert J. Sampson, *Compounded Deprivation in the Transition to Adulthood: The Intersection of Racial and Economic Inequality Among Chicagoans, 1995–2013*, 1 RUSSELL SAGE FOUND. J. SOC. SCI. 35, 36 (2015).

²² See GARY BELLOW & BEA MOULTON, *THE LAWYERING PROCESS: MATERIALS FOR CLINICAL INSTRUCTION IN ADVOCACY* (1978); GARY BELLOW & BEA MOULTON, *THE LAWYERING PROCESS: ETHICS AND PROFESSIONAL RESPONSIBILITY* (1981). See also Jeanne Charn, *Service and Learning: Reflections on Three Decades of The Lawyering Process at Harvard Law School*, 10 CLIN. L. REV. 75 (2003).

²³ See Michael Meltsner & Philip G. Schrag, *Report from A CLEPR Colony*, 76 COLUM. L. REV. 581 (1976) (reporting on the history of the Council on Legal Education for Professional Responsibility, Inc.); see also J. P. “Sandy” Ogilvy, *Celebrating CLEPR’s 40th Anniversary: The Early Development of Clinical Legal Education and Legal Ethics Instruction in U.S. Law Schools*, 16 CLIN. L. REV. 1 (2009).

²⁴ See Alicia Alvarez, Susan Bennett, Louise Howells & Hannah Lieberman, *Teaching and Practicing Community Development Poverty Law: Lawyers and Clients as Trusted Neighborhood Problem Solvers*, 23 CLIN. L. REV. 577 (2017); Deborah N. Archer, *There Is No Santa Claus: The Challenge of Teaching the Next Generation of Civil Rights Lawyers in a “Post-Racial” Society*, 4 COLUM. J. RACE & L. 55 (2013); Ascanio Piomelli, *The Democratic Roots of Collaborative Lawyering*, 12 CLIN. L. REV. 541 (2006); Lucie E. White, *Collaborative Lawyering in the Field? On Mapping the Paths From Rhetoric to Practice*, 1 CLIN. L. REV. 157 (1994).

²⁵ See Jeena Shah, *Rebellious Lawyering in Big Case Clinics*, 23 CLIN. L. REV. 775 (2017).

²⁶ See Sheila R. Foster & Brian Glick, *Integrative Lawyering: Navigating the Political Economy of Urban Redevelopment*, 95 CALIF. L. REV. 1999 (2007); Daniel S. Shah, *Lawyer for Empowerment: Community Development and Social Change*, 6 CLIN. L. REV. 217 (1999); Paul R. Tremblay, *Rebellious Strains in Transactional Lawyering for Underserved Entrepreneurs and Community Groups*, 23 CLIN. L. REV. 311 (2016).

²⁷ See Juliet M. Brodie, *Little Cases on the Middle Ground: Teaching Social Justice Lawyering in Neighborhood-Based Community Lawyering Clinics*, 15 CLIN. L. REV. 333 (2009); Christine Zuni Cruz, *[On the] Road Back in: Community Lawyering in Indigenous Communities*, 5 CLIN. L. REV. 557 (1999); Ingrid V. Eagly, *Community Education: Creating a New Vision of Legal Services Practice*, 4 CLIN. L. REV. 433 (1998); Shin Imai, *A Counter-Pedagogy for Social Justice: Core Skills for Community-Based Lawyering*, 9 CLIN. L. REV. 195 (2002).

²⁸ See Sara Sternberg Greene, *Race, Class, and Access to Civil Justice*, 101 IOWA L. REV. 1263, 1278–81, 1313–16 (2016); Deborah L. Rhode & Scott L. Cummings, *Access to Justice: Looking Back, Thinking Ahead*, 30 GEO. J. LEGAL ETHICS 485, 486–90 (2017).

²⁹ See MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* 178-220 (rev. ed. 2012); JAMES FORMAN JR., *LOCKING UP OUR OWN: CRIME AND PUNISHMENT IN BLACK AMERICA* 185-215 (2017); ELIZABETH HINTON, *FROM THE WAR ON POVERTY TO THE WAR ON CRIME: THE MAKING OF MASS INCARCERATION IN AMERICA* 250-332 (2016).

left unresolved by even the most promising trauma-informed practice approaches to client-centered lawyering advanced by recent clinical scholars.³⁰ Illuminated by the literature of the burgeoning new sociology of poverty, especially the work of Matthew Desmond on severe deprivation,³¹ this gap once again reminds us of how little we know about the work of community-based, legal-political advocacy in impoverished inner-city and suburban neighborhoods.³² In this pivotal moment of renewed interest and resurgent activism in the inner city,³³ Desmond builds on the leading work of William Julius Wilson and others in the field of urban sociology³⁴ to reinvigorate the study and relevance of concentrated poverty³⁵ for clinical pedagogy and advo-

³⁰ See Sara E. Gold, *Trauma: What Lurks Beneath the Surface*, 24 CLIN. L. REV. 201, 205 (2018) (arguing that lawyers serving the urban poor should presumptively adopt a trauma-informed practice approach regardless of the subject matter of the representation); see also Sarah Katz & Deeya Haldar, *The Pedagogy of Trauma-Informed Lawyering*, 22 CLIN. L. REV. 359, 361 (2016); Lynette M. Parker, *Increasing Law Students' Effectiveness When Representing Traumatized Clients: A Case Study of the Katherine & George Alexander Community Law Center*, 21 GEO. IMMIGR. L.J. 163 (2007).

³¹ See Matthew Desmond, *Severe Deprivation in America: An Introduction*, 1 RUSSELL SAGE FOUND. J. SOC. SCI. 1 (2015).

³² Gerald P. López, *The Work We Know So Little About*, 42 STAN. L. REV. 1 (1989). That same gap reminds us that clinical programs offer an alternative, rebellious vision of lawyering “explicitly melding the practical and the interdisciplinary and the theoretical” both “within and across legal, economic, social, and cultural roles and realms.” Gerald P. López, *Transform—Don't Just Tinker with—Legal Education*, 23 CLIN. L. REV. 471, 479 (2017); see also Gerald P. López, *Transform—Don't Just Tinker with—Legal Education (Part II)*, 24 CLIN. L. REV. 247, 280 (2018) (“The rebellious vision . . . aims to produce, and depends upon, networks of co-eminent practitioners, collaborating with each other, in efforts to frame and address problems from varied perspectives, aiming to produce in the future a radically egalitarian and democratic future, aspiring already to embody such a reality in their current efforts.”). See generally GERALD P. LÓPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* (1992); Anthony V. Alfieri, *Practicing Community*, 107 HARV. L. REV. 1747 (1994) (reviewing GERALD P. LÓPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* (1992)).

³³ For recent studies of the inner city, see MITCHELL DUNEIER, *GHETTO: THE INVENTION OF A PLACE, THE HISTORY OF AN IDEA* 26–216, 217–37 (2016); Peter Marcuse, *Despatialization and Dilution of the Ghetto: Current Trends in the United States*, in *THE GHETTO: CONTEMPORARY GLOBAL ISSUES AND CONTROVERSIES* 33–66 (Ray Hutchison & Bruce D. Haynes eds., 2012); Anmol Chaddha & William Julius Wilson, *Reconsidering the “Ghetto,”* 7 CITY & COMMUNITY 384, 384–88 (2008).

³⁴ See WILLIAM JULIUS WILSON, *MORE THAN JUST RACE: BEING BLACK AND POOR IN THE INNER CITY* 1–61, 133–55 (2009); WILLIAM JULIUS WILSON, *THE DECLINING SIGNIFICANCE OF RACE: BLACKS AND CHANGING AMERICAN INSTITUTIONS* 1–23, 62–121, 144–206 (3d ed. 2012); see also DOUGLAS S. MASSEY & NANCY A. DENTON, *AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS* 1–82, 186–236 (1993).

³⁵ On concentrated poverty, see William Julius Wilson, *Combating Concentrated Poverty in Urban Neighborhoods*, 7 J. APPLIED SOC. SCI. 135, 136–41 (2013); William Julius Wilson, *The Political and Economic Forces Shaping Concentrated Poverty*, 123 POL. SCI. Q. 555, 568–71 (2008–09); William Julius Wilson, *Understanding the Emergence and Persistence of Concentrated Urban Poverty*, in *AMERICAN DEMOCRACY AND THE PURSUIT OF EQUALITY* 117, 127–31 (Merlin Chowkwanyun & Randa Serhan eds., 2011).

cacy. Research culled from this new sociology offers a rejoinder to the thin, original sociology of poverty once predominant in clinical education exemplified by the writings of Binder and Price.

II. THE SOCIOLOGY OF POVERTY IN CLINICAL EDUCATION

The thin, foundational conception of poverty informing the social construction of poor clients and impoverished neighborhoods in clinical pedagogy is embedded in the widely adopted canonic texts on interviewing and counseling produced over five decades by David Binder and his co-authors Susan Price, Paul Bergman, Paul Tremblay, and Ian Weinstein.³⁶ Initially published in 1977 under the title *Legal Interviewing and Counseling: A Client-Centered Approach*³⁷ (“*Legal Interviewing and Counseling*”) and revised in four successor volumes under the title *Lawyers As Counselors: A Client-Centered Approach* (“*Lawyers As Counselors*”),³⁸ Binder and his co-authors address a battery of issues central to interviewing and counseling impoverished client populations, including trauma, active listening, counseling intervention, and referrals for mental health assistance.³⁹

Unlike the more normative, searching account introduced by

³⁶ West Academic Publishing reports that at least 50 law schools adopted the third edition of the Binder text during the two-year, 2018-2019 period. See E-mail from Stephanie Galligan, West Academic Publishing, to Anthony V. Alfieri, University of Miami School of Law (July 22, 2019, 12:04 EST) (on file with author). In 1987, reportedly 94 law schools adopted the Binder text. See Donald G. Gifford, *The Synthesis of Legal Counseling and Negotiation Models: Preserving Client-Centered Advocacy in the Negotiation Context*, 34 UCLA L. REV. 811, 815 n.21 (1987) (reporting 94 law school-adoption of the Binder and Price text).

³⁷ See BINDER & PRICE, *supra* note 8.

³⁸ See BINDER, BERGMAN & PRICE, *supra* note 8; BINDER, BERGMAN, PRICE & TREMBLAY, *supra* note 8; DAVID A. BINDER, PAUL BERGMAN, PAUL R. TREMBLAY & IAN S. WEINSTEIN, *LAWYERS AS COUNSELORS: A CLIENT-CENTERED APPROACH* (3d ed. 2012). In March 2019, West Academic published a fourth edition of *Lawyers As Counselors*. See DAVID A. BINDER, PAUL B. BERGMAN, PAUL R. TREMBLAY & IAN S. WEINSTEIN, *LAWYERS AS COUNSELORS, A CLIENT-CENTERED APPROACH* (4th ed. 2019). West Academic announced that the fourth edition incorporated several new topics, including client-centered counseling strategies regarding “settlement offers in civil and criminal cases and in transactional matters,” protocols for “[a]voiding conflicts of interests with existing clients,” and discussions with “new clients about prior efforts to resolve disputes or reach agreement on transactional matters.” See *Lawyers as Counselors, A Client-Centered Approach*, WEST ACADEMIC, <https://faculty.westacademic.com/Book/Detail/235868> (last visited July 25, 2019). West Academic also announced that the fourth edition “[e]liminates discussions of general psychological principles that are unrelated to client interviewing and counseling[]” and “focus[es] on important research on the impact of inter-cultural differences on lawyer-client communications.” *Id.*

³⁹ For early criticism of Binder and Price, see Robert D. Dinerstein, *Client-Centered Counseling: Reappraisal and Refinement*, 32 ARIZ. L. REV. 501 (1990); Stephen J. Ellmann, *Lawyers and Clients*, 34 UCLA L. REV. 717 (1987); Paul R. Tremblay, *On Persuasion and Paternalism: Lawyer Decisionmaking and the Questionably Competent Client*, 1987 UTAH L. REV. 515.

Gary Bellow and Bea Moulton in *The Lawyering Process: Materials for Clinical Instruction in Advocacy* published in 1978,⁴⁰ Binder and Price present a largely mechanical, skills-based account of the lawyering process. This highly formalistic account of lawyering elucidates intricate methodological issues of interviewing and counseling, yet obscures core identity issues of class, race, and gender in lawyering, and, moreover, discounts their cultural, social, and political import to lawyering.⁴¹ Rather than encourage conscious, material engagement with overt and covert (coded or covered) identity issues in collaboration with clients and their communities, Binder and Price impose a formalist, skill-centered framework on the lawyer-client relationship imbued by what William Simon might aptly describe as “an unreflective and complacent acceptance of prevailing professional institutions and practices.”⁴² Inside this prevailing framework, neither lawyer nor client nor community identity carries intrinsic, normative significance. Instead, identity, for example racial identity, carries only extrinsic, strategic significance, relevant merely to trial tactics targeting judges, juries, or adversaries. Imagined colorblind or unraced by Binder and Price, rigorously trained, clinically skilled lawyers operate from a bleached position independent or outside of identity even when executing racial maneuvers at trial or in a transaction.

Purportedly neutral in posture, this formalist vision assumes an unstated position of lawyer perspectivelessness,⁴³ an unreflective stance indifferent to “critical thought and theory.”⁴⁴ The formalist vision of the lawyering process propagated by Binder and Price tends to treat poor clients as weakly animated, self-regarding objects endowed with limited powers of agency instead of as full-blown, other-regarding subjects equipped with broad powers of agency and the capacity for mutually beneficial collective action. For at least two generations, this formalist phenomenology of practice and under-developed sociology of poverty have hampered clinical education, and clinical scholarship more generally, in formulating a community-based practice of legal-political advocacy and frustrated lawyers and clients in fashioning a collaborative approach to legal-political movement-building at local, state, regional, and national levels.

⁴⁰ See BELLOW & MOULTON *supra* note 22.

⁴¹ See Michelle S. Jacobs, *People From The Footnotes: The Missing Element in Client-Centered Counseling*, 27 GOLDEN GATE U. L. REV. 345 (1997).

⁴² William H. Simon, *Homo Psychologicus: Notes on A New Legal Formalism*, 32 STAN. L. REV. 487, 489 (1980).

⁴³ See Kimberlé Williams Crenshaw, *Foreword: Toward a Race-Conscious Pedagogy in Legal Education*, 11 NAT'L BLACK L.J. 1, 2 (1989).

⁴⁴ Simon, *supra* note 42, at 489. See also Alina S. Ball, *Disruptive Pedagogy: Incorporating Critical Theory in Business Law Clinics*, 22 CLIN. L. REV. 1 (2015).

Strikingly, some of the principal lawyering process issues — trauma, active listening, counseling intervention, and referrals for mental health assistance — addressed by Binder and Price in their early and middle writings arose during both mundane and fraught moments of Task Force meetings held at Macedonia Missionary Baptist Church and elsewhere during the winter and spring of this year. Although the Community Equity Lab provides only rights education, investigative assistance, and policy research to community-based groups, our law school and university graduate student fellows and interns regularly encounter evidence of trauma among West Grove low-income tenants and homeowners and constantly struggle with inter-cultural difference, listening, and communication at both large and small Task Force meetings. In the same way, our fellows and interns frequently deal with the need to evaluate alternate legal, political, and environmental health intervention strategies in the West Grove, and also to assess and facilitate West Grove group and community access to legal services and public health assistance. First consider the subject of trauma.

A. *Trauma*

In *Legal Interviewing and Counseling*, Binder and Price define trauma in terms of client experience and recollection.⁴⁵ They assert that trauma “occurs when a person is asked to recall an experience which evokes unpleasant feelings[,]” noting that “[t]here are many events in which people experience negative feelings such as fear, anger, humiliation, or sadness.”⁴⁶ When “asked to recall these events,” they explain, people “often tend to re-experience these feelings.”⁴⁷ Accordingly, they reason, “most people are motivated to avoid thinking and talking about unpleasant past events.”⁴⁸

To illustrate this phenomenon, Binder and Price point out that “a mother being interviewed about a beating administered to her child by a baby-sitter may be reluctant to talk about the incident[.]”⁴⁹ In fact, they remark, “the mother may want to avoid re-experiencing the anger, frustration, and sadness which the incident caused her.”⁵⁰ Likewise, they add, “[a] potential plaintiff in an automobile accident may have a reluctance to talk about the details of the incident for the same reason.”⁵¹ Significantly, nowhere in the text of their account of client

⁴⁵ BINDER & PRICE, *supra* note 8, at 13.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

experience, recollection, and reluctance do they make reference to the literature of trauma in the field of mental health or in other disciplines.

Fourteen years later in 1991, in the first edition of *Lawyers As Counselors* joined by Paul Bergman, Binder and Price reiterate their initial definition and analysis of trauma, again without supporting citation of any sort.⁵² Thirteen years later in 2004, in the second edition of *Lawyers As Counselors* joined by Paul Tremblay as well, Binder and Price recapitulate their definition and analysis of trauma, adding a second paragraph devoted to lawyer strategies expressly devised to accommodate the “client reluctance to participate” in counseling dialogue, a reluctance they attribute to client “avoidance of traumatic events.”⁵³

To foster lawyer-client counseling dialogue, Binder and Price enumerate three such lawyer strategies. The first, an instrumental strategy, “stress[es] the importance of information to a satisfactory outcome.”⁵⁴ The second, a temporal strategy, “postpone[s] discussion of painful events, at least when those events are not . . . central” to the lawyer-client discussion.⁵⁵ The third, a therapeutic strategy, “ask[s] clients to consider that discussion of traumatic events may be cathartic.”⁵⁶

Binder and Price concede that even carefully calibrated, dialogue-promoting strategies “recognize that overcoming trauma may be outside [a lawyer’s] ability[,]” citing cases of “severe trauma” accompanied by symptoms of post-traumatic stress disorder.⁵⁷ Unlike their earlier exposition of trauma in *Legal Interviewing and Counseling* and in the first edition of *Lawyers As Counselors*, their assessment in the second edition makes mention of the mental health literature, albeit in a limited fashion.⁵⁸ The third edition of *Lawyers As Counselors*, published eight years later in 2012 and joined by Ian Weinstein, leaves their settled assessment of trauma unchanged.⁵⁹

The account of trauma set forth by Binder, Price, and their co-authors in framing a client-centered model of representation constructs a vision of poverty and the poor without meaningful sociological descriptions of the individual, group, or community impact of impoverishing structural forces or thick descriptions of the systematic,

⁵² BINDER, BERGMAN & PRICE, *supra* note 8, at 38-39.

⁵³ BINDER, BERGMAN, PRICE & TREMBLAY, *supra* note 8, at 24.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.* (footnote omitted).

⁵⁷ *Id.* at 24-25 (footnote omitted).

⁵⁸ *Id.* at 24-25.

⁵⁹ BINDER, BERGMAN, TREMBLAY & WEINSTEIN, *supra* note 38, at 24-25.

impoverishing effects of race, inequality, and disenfranchisement. That vision narrowly personalizes the trauma of poverty and decontextualizes the cultural, socioeconomic, and political determinants of collective fear, anger, humiliation, and sadness. That vision also erroneously attributes the client reluctance to participate in counseling dialogue solely to a strategy of trauma-avoidance, rather than to the absence of post-trauma support arrangements, peer counseling services, or other community-based assistance structures. Additionally, that vision overlooks the centrality of historical pain, for example the intergenerational pain of Jim Crow segregation in the West Grove, to the dynamics of trauma, recollection, dialogue, and reconciliation. Next consider the subject of active listening.

B. Active Listening

In *Legal Interviewing and Counseling*, Binder and Price examine activating listening techniques and prescribe detailed methods for identifying content and feelings.⁶⁰ They define content in reference to “the time, setting, people, and specific transactions that make up an event.”⁶¹ They define feelings with respect to “the labels a person uses to describe emotional reactions to an event.”⁶² To illustrate various means of identifying content and feelings, Binder and Price present the story of a client (Client 3) in narrative form. The full narrative of Client 3 is set forth below.

I fell behind two months in my rent because my Welfare checks didn't arrive on time. The manager said I could stay and then pay him next month instead. I felt relieved, but then the guy shows up with an unlawful detainer complaint and says, 'I'm sorry, there's nothing I can do.' I couldn't believe it. What a double-crosser! How am I supposed to find a place now? Everyone wants a cleaning deposit and first and last month's rent, and I'm completely broke, and he knows it. I'm so angry every time I see him, I just want to punch him out. Much as I'd like to do that, I've restrained myself because I really want to stay, but even if I get the money, I don't know if that bastard will let me stay now that he got this detainer complaint.⁶³

At the conclusion of the Client 3 narrative, Binder and Price pose two questions. First, “[w]hat is the content of the client's situation?”⁶⁴ And second, “[w]hat are the client's past and current feelings?”⁶⁵ Situationally, they conceptualize the content of Client 3's case in terms of

⁶⁰ BINDER & PRICE, *supra* note 8, at 20-23.

⁶¹ *Id.* at 21.

⁶² *Id.*

⁶³ *Id.* at 22.

⁶⁴ *Id.*

⁶⁵ *Id.* at 23.

an “[i]mpoverished client served with unlawful detainer complaint by manager who promised client could pay rent late.”⁶⁶ Diagnostically, they conceptualize the feelings in Client 3’s case in terms of relief, anger, betrayal, and frustration.⁶⁷ Under a subsequent section titled “Clearly Articulated Feelings,” Binder and Price amplify their analysis of client feelings by reference to “a poorly-educated, unemployed client who states, ‘I really feel humiliated when I have to talk with the welfare worker about food stamps’”⁶⁸

In the first, second, third, and fourth editions of *Lawyers As Counselors*,⁶⁹ Binder and Price omit the Client 3 narrative from their discussion of active listening, relying instead on brief narrative references to a client who is “unemployed and homeless” and a client who is a “victim[] of discrimination.”⁷⁰ Under the section titled “Responding to Clearly-Articulated Feelings” in *Lawyers As Counselors*, they refer repeatedly to an “unemployed and homeless” client who again states: “I really feel humiliated when I have to talk with the welfare worker about finding a place to stay.”⁷¹ By comparison, under the section titled “Non-Empathic (Judgmental) Responses,” they refer to a victim of apparent employment discrimination, though without context or detail.⁷² Beyond short mention of empathy and passive listening,⁷³ they provide no elaboration on the client experiences of humiliation or discrimination mentioned in the text and supply no guidance for empirical or anecdotal research on the experiences of humiliation or discrimination.⁷⁴

Like their interpretation of trauma, the account of active listening set out by Binder, Price, and their co-authors constructs a vision of

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.* at 30-31.

⁶⁹ BINDER, BERGMAN & PRICE, *supra* note 8, at 46-68; BINDER, BERGMAN, PRICE & TREMBLAY, *supra* note 8, at 41-63; BINDER, BERGMAN, TREMBLAY & WEINSTEIN, *supra* note 38, at 40-62; BINDER, BERGMAN, TREMBLAY & WEINSTEIN (4th ed. 2019), *supra* note 38, at 21-38.

⁷⁰ BINDER, BERGMAN & PRICE, *supra* note 8, at 60; BINDER, BERGMAN, PRICE & TREMBLAY, *supra* note 8, at 55; BINDER, BERGMAN, TREMBLAY & WEINSTEIN, *supra* note 38, at 54.

⁷¹ BINDER, BERGMAN & PRICE, *supra* note 8, at 60; BINDER, BERGMAN, PRICE & TREMBLAY, *supra* note 8, at 55; BINDER, BERGMAN, TREMBLAY & WEINSTEIN, *supra* note 38, at 54.

⁷² BINDER, BERGMAN & PRICE, *supra* note 8, at 60; BINDER, BERGMAN, PRICE & TREMBLAY, *supra* note 8, at 55-56; BINDER, BERGMAN, TREMBLAY & WEINSTEIN, *supra* note 38, at 54-55.

⁷³ BINDER, BERGMAN, TREMBLAY & WEINSTEIN, *supra* note 38, at 54.

⁷⁴ Elsewhere Binder and Bergman mention that “[a] potential by-product of developing skill-centered courses is that they may spur clinicians to develop empirical research agendas.” David A. Binder & Paul Bergman, *Taking Lawyering Skills Training Seriously*, 10 CLIN. L. REV. 191, 218 (2003).

poverty and the poor without adequate sociological descriptions of the individual, group, or community impact of impoverishing structural forces or thick descriptions of the systematic, impoverishing effects of race, inequality, and disenfranchisement. That vision fails to place active listening, and its corresponding inter-cultural difficulty, in a fully rounded social context.⁷⁵ That vision also isolates clients, for example Client 3, from others laboring in similar situations of vulnerability. Further, that vision overlooks the potential for client resistance and collective mobilization around commonly shared, pluralist issues of economic justice (unemployment and homelessness) and race or gender discrimination,⁷⁶ precisely the issues plaguing low-income communities of color like the West Grove. Next consider the subject of counseling intervention.

C. *Counseling Intervention*

In *Legal Interviewing and Counseling*, under Chapter 10 titled “Counseling Difficult Clients,” Binder and Price delineate a bundle of techniques to intervene when a “client’s decision grows out of some temporary emotional state[,]” for instance when the client appears “temporarily” or “extremely overwrought.”⁷⁷ They define a client to be temporarily overwrought “when a client is making a decision that the client would not normally make were he/she in a less distressed state of mind.”⁷⁸ For Binder and Price, a “combination of factors sometimes indicate that the clients’ [sic] ‘normal’ decision-making ability is temporarily impaired[.]”⁷⁹

The first of these three factors pertains to a recent event, for example when “[t]he client mentions a *recent* event which most people would find stressful and begins to focus on a number of problems em-

⁷⁵ On cultural context and lawyering, see Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLIN. L. REV. 33 (2001); Sue Bryant & Jean Koh Peters, *Five Habits for Cross-Cultural Lawyering*, in RACE, CULTURE, PSYCHOLOGY & LAW 47 (Kimberly Holt Barrett & William H. George eds., 2005); Paul R. Tremblay, *Interviewing and Counseling Across Cultures: Heuristics and Biases*, 9 CLIN. L. REV. 373 (2002); Carwina Weng, *Multicultural Lawyering: Teaching Psychology to Develop Cultural Self-Awareness*, 11 CLIN. L. REV. 369 (2005). See also Peter Margulies, *Re-framing Empathy in Clinical Legal Education*, 5 CLIN. L. REV. 605 (1999).

⁷⁶ See Sameer M. Ashar, *Law Clinics and Collective Mobilization*, 14 CLIN. L. REV. 355 (2008); Sameer M. Ashar, *Public Interest Lawyers and Resistance Movements*, 95 CAL. L. REV. 1879 (2007); Eduardo R.C. Capulong, *Client Activism in Progressive Lawyering Theory*, 16 CLIN. L. REV. 109 (2009); Scott L. Cummings, *Community Economic Development as Progressive Politics: Toward a Grassroots Movement for Economic Justice*, 54 STAN. L. REV. 399 (2001).

⁷⁷ BINDER & PRICE, *supra* note 8, at 207.

⁷⁸ *Id.*

⁷⁹ *Id.*

anating from the event.”⁸⁰ The second factor relates to a case-specific decision the ramifications of which “the client demonstrates an inability to consider” and, similarly, an inability to “think about the full range of alternatives” available, “other than the one the client has already chosen.”⁸¹ The third factor references the client’s “demeanor” and attendant behavior when exhibiting “a high degree of emotionality” and volatility or, in contrast, when displaying “an almost vegetative passivity, withdrawal, and resignation — a sense that it is all so hopeless that there is no point in trying to do anything.”⁸²

In the first, second, and third editions of *Lawyers As Counselors*, Binder and Price abandon their analysis of the techniques of counseling intervention prescribed to deal with the “temporarily overwrought” or “extremely overwrought” client. Instead, they assiduously catalogue client-centered techniques of gathering information from “atypical” and “difficult” clients as well as client-centered methods of communicating with aged and infirm clients. At no point, however, do they connect their freighted concepts of the “atypical” and “difficult” client to the literature of anti-essentialism, intersectionality, or dominance theory in law or other social science disciplines.⁸³

Like their treatments of trauma and active listening, the account of counseling intervention put forth by Binder, Price, and their co-authors constructs a vision of poverty and the poor without sufficient sociological descriptions of the individual, group, or community impact of impoverishing structural forces or thick descriptions of the systematic, impoverishing effects of race, inequality, and disenfranchisement. That vision evaluates the client’s distressed emotional state, whether classified as “temporarily overwrought” or “extremely overwrought,” through a prism unfastened to any cultural, social, or historical context. That vision also distinguishes the quality of client decision making and calibrates the duration or severity of client irrationality unaided by any coherent standard and unsupported by any academic authority. Additionally, that vision attributes client emotional distress to a truncated group of factors, for example a recent event, that discounts the impact of multiple, intertwined forms of unremitting racial, socioeconomic, or political subordination, such as the century-long *de jure* segregation of the West Grove. More dis-

⁸⁰ *Id.* (emphasis in original).

⁸¹ *Id.*

⁸² *Id.* at 207-08.

⁸³ For a careful canvassing of the field, see Devon W. Carbado & Cheryl I. Harris, *Intersectionality at 30: Mapping the Margins of Anti-Essentialism, Intersectionality, and Dominance Theory*, 132 HARV. L. REV. 2193 (2019).

turbing, that vision imposes behavioral categories (“emotionality,” “vegetative passivity, withdrawal, and resignation,” “atypical,” and “difficult”) that are not only historically contested, but also susceptible to the marginalizing distortions of gendered and racialized logic. Last, consider the subject of referrals for client mental health assistance.

D. Referrals for Client Assistance

In *Legal Interviewing and Counseling*, under Chapter 11 titled “Referring a Client to a Mental Health Professional,” Binder and Price discuss situations where lawyers commonly and appropriately refer clients to “mental health professionals,”⁸⁴ particularly situations where “the referral is unrelated to any legal issue of mental competence.”⁸⁵ They designate this referral category as “Referrals for Client Assistance.”⁸⁶ Under this category, they explain, the lawyer observes and responds to the client “experiencing difficulty in making decisions about a variety of issues related to the case and typically about a host of matters involving the client’s day-to-day living.”⁸⁷

To clarify the nature of the assessment of a client’s dual “difficulty” in legal and non-legal decision making, Binder and Price point to a tenant in an unlawful detainer case. In such a case, they remark, “the client may have difficulties deciding whether or not to defend the matter and also whether or not to institute a separate action against the landlord for the intentional infliction of emotional harm.”⁸⁸ Simultaneously, they add, the client may be “concerned about whether or not to move, whether or not to get a part-time job or borrow money from relatives to finance the potential attorneys’ fees, whether or not to keep the children in the same school if the client does move, etc.”⁸⁹ Based on the claimed neutral perception of the client’s “accumulation of problems” and “difficulties making any decision,” and the apparently intuitive judgment that “the client’s difficulties in making decisions about the handling of the case and difficulties coping with day-to-day problems in living would be eased if the client obtained the advice and support of a professional such as a social worker, psychologist, or psychiatrist[.]” Binder and Price endorse the “mutual benefit” of a client assistance referral to a mental health professional.⁹⁰

In both the first and second editions of *Lawyers As Counselors*,

⁸⁴ BINDER & PRICE, *supra* note 8, at 211 (footnote omitted).

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.* (footnote omitted).

⁸⁹ *Id.*

⁹⁰ *Id.* at 211, 218.

Binder and Price repeat and broaden their chapter-length analysis and endorsement of client assistance referrals to mental health professionals articulated in *Legal Interviewing and Counseling*,⁹¹ even in situations where “the referral is unrelated to any legal issue of mental competence.”⁹² The first edition of *Lawyers As Counselors* discusses “the process of referring clients who are under severe stress to mental health professionals[]” when such “clients experience difficulty making decisions not only about case-related matters but also about matters involving day-to-day life.”⁹³ Likewise, the second edition of *Lawyers As Counselors* considers the procedure of referring clients to mental health professionals when they “may be able to help clients who display psychological symptoms such as severe stress or depression, even though those symptoms do not directly bear on the merits of legal claims.”⁹⁴ Conspicuously, both editions omit the tenant case study from narrative illustrations of the client referral process.

By contrast, the third edition of *Lawyers As Counselors* omits the chapter-length scrutiny of client assistance mental health referrals altogether. In a retreat from their earlier proactive stance, Binder and Price contend that “the client-centered approach does not require [lawyers] to try to help clients overcome not only their legal but also their psychological problems.”⁹⁵ From this cabined stance, Binder and Price insist, “[a] client-centered approach simply acknowledges the reality that legal problems often give rise to emotional feelings and concerns and seeks to incorporate a consideration of those feelings and concerns into searches for satisfactory solutions.”⁹⁶ On this view, the “professional task” of lawyers “is to help clients achieve their legal goals, not to provide psychological counseling.”⁹⁷

Like their appraisals of trauma, active listening, and counseling intervention, the account of referrals for client mental health assistance put forward by Binder, Price, and their co-authors constructs a vision of poverty and the poor without detailed sociological descriptions of the individual, group, or community impact of impoverishing structural forces or thick descriptions of the systematic, impoverishing effects of race, inequality, and disenfranchisement. Akin to the professedly neutral, standard conception of ethics rules governing the

⁹¹ BINDER, BERGMAN & PRICE, *supra* note 8, at 407-13; BINDER, BERGMAN, PRICE & TREMBLAY, *supra* note 8, at 245-55.

⁹² BINDER & PRICE, *supra* note 8, at 211.

⁹³ BINDER, BERGMAN & PRICE, *supra* note 8, at 407 (footnote omitted).

⁹⁴ BINDER, BERGMAN, PRICE & TREMBLAY, *supra* note 8, at 445 (footnote omitted).

⁹⁵ BINDER, BERGMAN, TREMBLAY & WEINSTEIN, *supra* note 38, at 11.

⁹⁶ *Id.*

⁹⁷ *Id.* at 19.

representation of clients with diminished capacity,⁹⁸ that vision omits considerations of gender, race, class, and power. That vision also incorporates or merges the spheres of legal and non-legal decision making for clients and their families, a conflation that haphazardly overrides the boundaries of discrete disciplines and overstates the necessity of combining distinct forms of decision making in a single, unitary process. Moreover, that vision overemphasizes the diagnostic competence of lawyers and the service capacity of mental health professionals to assist clients in need of care or support in low-income, medically underserved urban and suburban areas. Finally, that vision overlooks the continuing impact of structural racism and inequality on the overall health (human and environmental) of inner-city and suburban populations.

The early predominance of the shallow sociology delineated by Binder and Price and its stubborn hold on the clinical imagination is traceable in part to the compelling, albeit sterile, logic and the strong tug of determinacy entrenched in their founding model of clinical pedagogy. The appeal of this mechanically crafted model is bound up in a sort of jurisprudential formalism, in the practical “belief in the availability of a deductive or quasi-deductive method capable of giving determinate solutions to particular problems of legal choice.”⁹⁹ Applied to solve problems of legal choice in litigation- and transaction-related interviewing and counseling, clinical formalism supplies both a generalizable method and a predictable, result-oriented determinism.

Staunchly espoused by Binder and Price, the pragmatic belief in an iterative and transferable, clinical problem-solving method is informed by historically specific ideals and discourses about law, culture, and society. Those ideals and discourses denote how law works, what culture means, why identity matters, and when social arrangements count. By definition and design, the pragmatic ideals and discourses propounded by Binder and Price exclude, hinder, and silence “constructive opportunities”¹⁰⁰ for cooperative forms of client and community legal-political “self-assertion”¹⁰¹ within the lawyering pro-

⁹⁸ See MODEL RULES OF PROF'L CONDUCT r. 1.14 (AM. BAR ASS'N 2018).

⁹⁹ Roberto Unger, *The Critical Legal Studies Movement*, 96 HARV. L. REV. 563, 564 (1983).

¹⁰⁰ ROBERTO M. UNGER, SOCIAL THEORY: ITS SITUATION AND ITS TASK 143 (1987) (“A critical analysis of an intellectual situation incorporates a hypothesis about constructive opportunities.”).

¹⁰¹ ROBERTO M. UNGER, PASSION: AN ESSAY ON PERSONALITY 249 (1984) (pointing to the “enabling conditions of self-assertion” as evidence of “human possibility”). See also ROBERTO M. UNGER, WHAT SHOULD LEGAL ANALYSIS BECOME? 184 (1996) (“The overriding task in the design of arrangements conducive to practical progress is therefore always to imagine and establish the arrangements for cooperation, in the small and in the

cess.

Paradoxically, the models and attendant ideals and discourses forged by Binder and Price *work* in the classroom for purposes of skill transfer as well as in the courtroom and the transactional conference room for purposes of effective advocacy and negotiation. The models *work* because they employ a style of socio-legal reasoning that rests on natural and necessitarian premises about the permanence and plasticity of client and community identity and the social arrangements affecting clients and communities.¹⁰² Put simply, the models *work* as pedagogy and practice because they treat the form and substance of law, culture, and society as stable components of a natural order dictated by a necessary logic, rather than as socially constructed artifacts open to shifting political and cultural contest, resistance, and reformation. Reasoning clinically from those rigid premises reduces the plausibility of alternative visions of, and the feasibility of experimental pathways to, legal-political reform and reconstruction. In this way, the predominance of Binder- and Price-inspired clinical models signals the failure of the clinical imagination. Turn next to the new sociology of poverty.

III. THE NEW SOCIOLOGY OF POVERTY

This Part examines an alternative, more complex vision of poverty and the poor documented in the new sociology of poverty. The powerful, tenant group narratives heard at the Macedonia Missionary Baptist Church supper meeting in June and throughout the summer challenged the Task Force and the Community Equity Lab to broaden their outlook on the scope and severity of poverty in the West Grove. Gauged by the condition of its households, institutions, and built environments, the scope of West Grove poverty is susceptible to standard, evidence-based measurement. Weighed by the accretion of its past hardships, traumas, and disadvantages, however, the severity of West Grove poverty is less receptive to easy measurement even as it imprints itself in the material conditions visible throughout the neighborhood. Whatever the benchmark, the poverty of the West Grove infects and implicates the culture and psychology of the community as a whole.

A. *Severe Deprivation*

Desmond's research on severe deprivation departs from the con-

large, that are least likely to prevent permanent innovation.”).

¹⁰² ROBERTO M. UNGER, FALSE NECESSITY: ANTI-NECESSITARIAN SOCIAL THEORY IN THE SERVICE OF RADICAL DEMOCRACY 215 (1987).

ventional ethnographic and sociological study of structural forces and individual deficiencies to investigate the socioeconomic dynamics of impoverishment, such as the mass eviction and displacement of tenants in the West Grove.¹⁰³ Desmond's move toward a more comprehensive sociology of poverty is instructive because it underscores both the complexity of deprivation and the socio-spatial geography of trauma.¹⁰⁴ Rather than rehearse the distinction between the deserving and undeserving poor¹⁰⁵ or revisit previous debate on the underclass,¹⁰⁶ Desmond employs the concept of severe deprivation to discern the vulnerability of individuals and families across the multiple vectors of their lives, for example as West Grove tenants and homeowners, parents and parishioners, and schoolmates and neighbors.¹⁰⁷ Those cross-cutting vectors create fissures in local, neighbor-wide social justice movements like the Task Force's fair housing campaign.

Committed to a nuanced understanding of economic hardship, Desmond defines severe deprivation by reference to acute, compounded, and persistent conditions of impoverishment. Acute hardship describes "[l]ife far below the poverty line" straightforwardly "characterized by a scarcity of critical resources and material hardship."¹⁰⁸ Compounded hardship, by comparison, describes "correlated and compounded adversity" embodied in "the clustering of different

¹⁰³ DESMOND, *supra* note 16, at 316–17. For a more detailed discussion of mass eviction and displacement in the West Grove, see Alfieri, *supra* note 9, at 652–62.

¹⁰⁴ See also David Dante Troutt, *Trapped in Tragedies: Childhood Trauma, Spatial Inequality, and Law*, 101 MARQ. L. REV. 601, 605 (2018) ("The multidisciplinary literature will show that the severest conditions of structural (or place-based) inequality are internalized by human beings through complex psychological trauma, with devastating effects on health as well as social capital and personal mobility.").

¹⁰⁵ See MICHAEL B. KATZ, *THE UNDESERVING POOR* 1–49 (2d ed. 2013); Khiara M. Bridges, *The Deserving Poor, the Undeserving Poor, and Class-Based Affirmative Action*, 66 EMORY L.J. 1049, 1052 (2017); Christopher D. DeSante, *Working Twice as Hard To Get Half as Far: Race, Work Ethic, and America's Deserving Poor*, 57 AM. J. POL. SCI. 342, 352 (2013); Robert Moffitt, *The Deserving Poor, the Family, and the U.S. Welfare System*, 52 DEMOGRAPHY 729, 745 (2015).

¹⁰⁶ See WILLIAM JULIUS WILSON, *THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS, AND PUBLIC POLICY* 251–301 (2d ed. 2012); Loïc J. D. Wacquant & William Julius Wilson, *The Cost of Racial and Class Exclusion in the Inner City*, in *THE GHETTO UNDERCLASS: SOCIAL SCIENCE PERSPECTIVES* 25–42 (William Julius Wilson ed., 1993).

¹⁰⁷ See Matthew Desmond & Rachel Tolbert Kimbro, *Eviction's Fallout: Housing, Hardship, and Health*, 94 SOC. FORCES 395 (2015); Matthew Desmond & Tracey Shollenberger, *Forced Displacement from Rental Housing: Prevalence and Neighborhood Consequences*, 52 DEMOGRAPHY 1751 (2015); Matthew Desmond, Carl Gershenson & Barbara Kiviat, *Forced Relocation and Residential Instability Among Urban Renters*, 89 SOC. SERV. REV. 227 (2015); Matthew Desmond & Weihua An, *Neighborhood and Network Disadvantage Among City Dwellers*, 2 SOC. SCI. 329 (2015). See also H. Luke Shaefer & Kathryn Edin, *Rising Extreme Poverty in the United States and the Response of Federal Means-Tested Transfer Programs*, 87 SOC. SERV. REV. 250 (2013).

¹⁰⁸ Desmond, *supra* note 31, at 3.

kinds of disadvantage across multiple dimensions (psychological, social, material) and institutions (work, family, prison).¹⁰⁹ For Desmond, the clustering of disadvantage indicates “the *linked ecology* of social maladies and broken institutions.”¹¹⁰ The linkages of compounded hardship combine “different forms of disadvantage” and “unite[] individual and ecological hardship.”¹¹¹ Persistent hardship, in addition, describes the experience of enduring disadvantage, a kind of disadvantage “often stubbornly impervious to change.”¹¹² To Desmond, the elements of enduring disadvantage include “the lasting effects of early-life trauma, including abuse, hunger, and violence,”¹¹³ the effects of “deprivation *experienced over long stretches*, even lifetimes[.]”¹¹⁴ and the effects of “*generational* poverty passed down from parents to children.”¹¹⁵ The enduring, generational disadvantage of *de jure* segregation and mass incarceration demonstrates “the resiliency of past wrongs on present-day problems” in the West Grove.¹¹⁶

On Desmond’s view, the material deprivation experienced by impoverished tenants and homeowners in the West Grove is multi-layered spatially, affecting individuals, households, institutions, and the built environment. This layered quality implicates culture, psychology, and inequality through the accretion of past hardships, traumas, and disadvantages.¹¹⁷ Desmond’s redefinition of poverty in terms of “the accumulation of multiple disadvantages across various dimensions and institutions”¹¹⁸ and his correlation of poverty to the direct and indirect exercise of power shifts the descriptive project of clinical education and anti-poverty advocacy from isolating a specific marker or narrative of poverty, such as the disproportionate rate of eviction, building demolition, and displacement inflicted on low-in-

¹⁰⁹ *Id.* See also Sabina Alkire & James Foster, *Counting and Multidimensional Poverty Measurement*, 95 J. PUB. ECON. 476 (2011).

¹¹⁰ Desmond, *supra* note 31, at 3 (emphasis in original).

¹¹¹ *Id.* at 3-4.

¹¹² *Id.* at 4.

¹¹³ *Id.* (emphasis in original). See also Jack P. Shonkoff et al., *The Lifelong Effects of Early Childhood Adversity and Toxic Stress*, 129 PEDIATRICS 232 (2012).

¹¹⁴ Desmond, *supra* note 31, at 4 (emphasis in original).

¹¹⁵ *Id.* (emphasis in original).

¹¹⁶ *Id.*

¹¹⁷ *Id.* at 7 (footnote omitted); see also Liana Fox et al., *Trends in Deep Poverty from 1968 to 2011: The Influence of Family Structure, Employment Patterns, and the Safety Net*, 1 RUSSELL SAGE FOUND. J. SOC. SCI. 14, 15 (2015); Helen Levy, *Income, Poverty, and Material Hardship Among Older Americans*, 1 RUSSELL SAGE FOUND. J. SOC. SCI. 55, 56 (2015); H. Luke Shaefer, Kathryn Edin & Elizabeth Talbert, *Understanding the Dynamics of \$2-a-Day Poverty in the United States*, 1 RUSSELL SAGE FOUND. J. SOC. SCI. 120, 121 (2015).

¹¹⁸ Matthew Desmond & Bruce Western, *Poverty in America: New Directions and Debates*, 44 ANN. REV. SOC. 305, 314 (2018) (“Often, poverty is also addiction, mental illness, violence, residential instability, poor health, and unsafe neighborhoods.”).

come black tenants in the West Grove, to describing and addressing the multifaceted dynamics of accumulated disadvantage, such as racial segregation and neighborhood instability throughout the City of Miami.¹¹⁹

Discarding descriptions of poverty as a single, unifying or totalizing trait¹²⁰ and shifting to relational descriptions of socio-legal power struggles and outcomes, such as discrimination and displacement,¹²¹ more accurately captures the experience of housing and neighborhood vulnerability for West Grove tenants and homeowners. The vulnerability inflicted by acute, compounded, and persistent hardship in the West Grove, where “almost half (46%) of . . . households earn less than 25k,”¹²² is exacerbated by the accumulation and aggregation of disadvantage. For West Grove tenants and homeowners, Desmond’s concept of compounded hardship, emphasizing the clustering of different kinds of disadvantage across multiple dimensions and institutions and stressing the linked ecology of social maladies and broken institutions, helps explain the persistent, inter-generational disadvantage experienced by their community.

B. *West Grove Poverty and Deprivation*

For university researchers committed to a new sociology of poverty, legal advocates and policy reformers in anti-poverty and civil rights organizations, and law school clinical educators, the West Grove presents a site of cultural and socio-legal study, and a context for experiential learning, qualitative research, and legal-political advocacy germane to concentrated poverty, neighborhood disadvantage, residential segregation, and public health in the built environment.¹²³ In particular, West Grove Task Force meetings provide a space, however labored, for low-income tenants and homeowners to talk of past and

¹¹⁹ See Matthew Desmond & Kristin L. Perkins, *Household and Housing Instability*, 52 URB. AFF. REV. 421 (2016); Matthew Desmond & Carl Gershenson, *Housing and Employment Insecurity Among the Working Poor*, 63 SOC. PROBS. 46 (2016); Deena Greenberg, Carl Gershenson & Matthew Desmond, *Discrimination in Evictions: Empirical Evidence and Legal Challenges*, 51 HARV. C.R.-C.L. L. REV. 115 (2016).

¹²⁰ See Matthew Desmond, *Relational Ethnography*, 43 THEORY & SOC’Y 547 (2014); Matthew Desmond, *How Should We Study Human Suffering?*, 37 ETHNIC & RACIAL STUD. 1761 (2014).

¹²¹ Desmond & Western, *supra* note 118, at 314 (“Power is expressed through exploitation in housing and employment. Sometimes power is expressed through a political process that institutionalizes segregation and social closure; other times, it is enforced through terroristic violence or the confiscation of property.”).

¹²² See FIU METROPOLITAN CTR., PERIODIC PUBLICATIONS: NEIGHBORHOOD CHANGES, <https://metropolitan.fiu.edu/research/periodic-publications/neighborhood-changes/>, archived at <https://perma.cc/8GYJ-VXRF> (last visited Feb. 25, 2019).

¹²³ For a more extensive account of poverty and deprivation in the West Grove, see Alfieri, *supra* note 9, at 640-46.

present hardship, trauma, and disadvantage. The material scarcity, psychological turmoil, and degree of hardship suffered by the West Grove is a function of racialized power. The continuing poverty and degradation of its ruined built environment signify the historical outcome of racialized power relations between black tenants and white landlords, an outcome mediated by government-sanctioned racial discrimination and violence.

For more than a century, the Afro-Caribbean and African American tenants and homeowners of the West Grove have experienced the acute, compounded, and persistent hardship of severe deprivation documented by Desmond and others across the inner-city and outer-ring suburban contours of America. Their work encourages advocates, researchers, and policymakers to understand the deprivation of tenants, homeowners, and their families holistically.¹²⁴ That integrative approach affords academics and advocates “the opportunity to reach collectively toward a new paradigm” broadly applicable “to the study of vulnerability, violence, and marginality[.]”¹²⁵ This new agenda for the sociology of poverty squarely addresses low-income tenants far below the poverty line, for example the “unstable, typically nonworking poor” concentrated in the West Grove and other historically deprived American metropolitan areas.¹²⁶

Here in the West Grove and elsewhere in Miami, deep poverty compounds the hardship of race by clustering disadvantage along manifold psychological, social, and material dimensions, around multiple family, school, and workplace institutions, and among inner-city and outer-ring neighborhoods.¹²⁷ The unstable, neighborhood-based clustering of individual, group, and institutional disadvantage produces permanent hardship for tenants and homeowners further weighted by the effects of early-life trauma, long-term deprivation, and inter-generational poverty. For the Task Force and the Community Equity Lab, the West Grove illustrates the lingering, traumatic effects of poverty and the Jim Crow legacies of systemic racism. Turn next to the application of the new sociology of poverty to clinical education.

IV. THE NEW SOCIOLOGY OF POVERTY IN CLINICAL EDUCATION

The new sociology of poverty calls for a clinical pedagogy of race,

¹²⁴ Desmond, *supra* note 31, at 4.

¹²⁵ *Id.* at 5.

¹²⁶ *Id.*

¹²⁷ See MARVIN DUNN, A HISTORY OF FLORIDA: THROUGH BLACK EYES 76-77, 192-210 (2016); Raymond A. Mohl, *Trouble in Paradise: Race and Housing in Miami during the New Deal Era*, 19 PROLOGUE: J. NAT'L ARCHIVES 7 (1987).

inequality, and power. This pedagogy entails examination of the common, race- and class-embedded sociocultural discourses and practices infecting the lawyering process, for example in interviewing and counseling, pretrial, trial, and appellate advocacy, and transactional representation. It also involves reconsideration of the clinical construction of subordinating visions and narratives of client, group, and community identity in law, culture, and society. Contrary to Binder and Price,¹²⁸ such reconsideration does not necessitate an instrumental reading of narrative devoid of normative value, historical content, or sociological import. Instead, it recalls the narrative investigation and experimentation of a more recent period in clinical pedagogy and scholarship,¹²⁹ a fecund period that embraced a robust vision of progressive lawyering, exploded the dichotomy between lawyer- and lay-directed advocacy, and challenged lawyer dominance of the advocacy process.¹³⁰

Engrafting the new sociology of poverty on clinical education gives rise to innovative pedagogies and practices of legal-political advocacy mapped through case studies across the fields of civil and criminal justice, encompassing direct service and law reform representation as well as the prosecution and defense of both high-profile and routine criminal cases, including race trials.¹³¹ Broadly mapping both civil and criminal justice landscapes uproots purportedly colorblind, but in fact race-coded, legal ethics rules deployed in representing, prosecuting, and defending people of color in civil rights, poverty law, and criminal cases. Upending race-coded rules and procedures, in turn, demands the formulation of an alternative set of race- and identity-conscious legal ethics rules informed by anti-subordination norms of racial dignity and equality.

Against the background of the new sociology of poverty, clinical experimentation interrogates, contests, and reimagines the meaning and function of race, class, and power in legal representation. Doing so dictates putting aside the thin sociological accounts of trauma, ac-

¹²⁸ BINDER & PRICE, *supra* note 8, at 56.

¹²⁹ For helpful explorations of narrative, see Nancy Cook, *Legal Fictions: Clinical Experiences, Lace Collars and Boundless Stories*, 1 CLIN. L. REV. 41 (1994); Stephen Ellmann, Robert D. Dinerstein, Isabelle R. Gunning, Katherine R. Kruse & Ann C. Shalleck, *Narrative Theory and Narrative Practices*, in LAWYERS AND CLIENTS: CRITICAL ISSUES IN INTERVIEWING AND COUNSELING 139-226 (2009); Binny Miller, *Give Them Back Their Lives: Recognizing Client Narrative in Case Theory*, 93 MICH. L. REV. 485 (1994). See generally CAROLYN GROSE & MARGARET E. JOHNSON, *LAWYERS, CLIENTS, AND NARRATIVE: A FRAMEWORK FOR LAW STUDENTS AND PRACTITIONERS* (2017).

¹³⁰ See Gerald P. López, *Lay Lawyering*, 32 UCLA L. REV. 1 (1984); Ann Shalleck, *Narrative Understanding: Revisiting the Stories of Lay Lawyering*, 24 CLIN. L. REV. 467, 485 (2018).

¹³¹ See Anthony V. Alfieri, *Race Trials*, 76 TEXAS L. REV. 1293 (1998).

tive listening, counseling intervention, and client mental health needs assessment advanced earlier by Binder, Price, and their co-authors in framing a client-centered model of representation. In its place, we must construct a vision of poverty law practice informed by meaningful sociological descriptions of the individual, group, and community impact of impoverishing structural forces, especially thick descriptions of the systematic, impoverishing effects of race, inequality, and disenfranchisement.

Meaningful sociological description of the Task Force community supper meeting in June requires renewed research into the systematic, impoverishing effects of race, inequality, and disenfranchisement on the West Grove as well as reopened dialogue with at-risk West Grove tenants as individuals and as a group. For more than a decade, the Historic Black Church Program has carried on an uneasy, sometimes strained community-based dialogue with West Grove residents through their churches, civic associations, and nonprofit groups. Enlarging that dialogue to include the voices of at-risk tenants and to link the place-based interests and common needs of tenants and homeowners furnishes a first step toward mounting anti-eviction initiatives and organizing anti-displacement campaigns around issues of neighborhood-wide disadvantage and instability. Both public and private forms of dialogue challenge the “free-market,” social cost rationalizations of slumlords, developers, and investors trumpeted in defense of mass eviction, displacement, and resegregation in the West Grove, especially their hollow claims of race neutrality and racial uplift.

Only meaningful sociological description affords the Historic Black Church Program and the Community Equity Lab a fair chance to understand and to navigate the intraracial class and sociocultural tensions dividing the West Grove and separating its tenants and homeowners. At its best, the Task Force provides an accessible forum for class and sociocultural reconciliation and an inclusive space for the expression of tenant and homeowner narratives. From those narratives the Task Force may be able to distill more meaningful descriptions of the West Grove’s racialized history of severe deprivation manifested in accumulated hardship, trauma, and disadvantage. That rediscovered history, both a chronicle of Jim Crow impoverishment and a comprehensive record of concentrated poverty, serves as a rejoinder and an alternative to the thin, original sociology of poverty once prevalent in clinical education.

For clinical education and scholarship, an alternative sociological vision of the poor rejects attempts to narrowly individualize the trauma of poverty, decontextualize the cultural, socioeconomic, and

political determinants of collective fear, anger, humiliation, and sadness, and ignore the centrality of historical pain to trauma, recollection, dialogue, and reconciliation. Moreover, it rejects dislodging the process of active listening from the groundwork of culture and society, isolating clients from others in shared situations of vulnerability, and overlooking the potential for client resistance and collective mobilization around issues of discrimination and economic justice. Further, it rejects evaluating a client's psychological status unmoored from cultural, social, or historical circumstances, drawing distinctions regarding the quality of client decision making unsupported by any reasonable metric or material data, and discounting the emotional impact of multiple, intertwined forms of racial, socioeconomic, or political subordination. Additionally, it rejects imposing historically contested categories of behavioral analysis, particularly when susceptible to the marginalizing distortions of gendered and racialized logic, and disregarding the continuing impact of structural racism and inequality on the overall health of inner-city populations.

CONCLUSION

In late June, inside the basement of the Macedonia Missionary Baptist Church, the Task Force and the Community Equity Lab learned, or more precisely, *relearned* the deep stock story of Jim Crow poverty and vulnerability in the West Grove. Like other impoverished communities of color, it is a story about the effects of severe deprivation on households, institutions, and built environments. Like others, it is a story of the past and present consequences of accumulated racial hardship, trauma, and disadvantage. And like others too, it is a story that implicates the culture and psychology of an entire community across numerous generations.

Because poverty and the practice of poverty law have been fundamental to clinical education for nearly a half-century, their imagery and language significantly animate our classroom pedagogy, our fieldwork, and our vision of civil and criminal justice reform. Revisiting the foundational vision — the deep stock story — of poverty and the poor in clinical legal education against the backdrop of the new sociology of poverty strengthens our ability to incorporate fully developed sociological descriptions of the impact of impoverishing structural forces on place-based client groups and long standing client communities, especially thick descriptions of the systematic effects of race, inequality, and political disenfranchisement. Revising our own stock story may in time help us better understand and, hence, more effectively collaborate with poor clients and impoverished communities in their mutual defense.

