

## ETTA & DAN: SEEKING THE PRELUDE TO A TRANSFORMATIVE JOURNEY

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*This article focuses on the complex and inspiring relationship depicted by Gerald López in *Rebellious Lawyering* between Dan, a young lawyer, and his mentor, Etta, a community organizer (lay lawyer). Dan's journal entries show us one model of rebellious lawyering (and living), a quiet rebellion, in which he identifies and includes his feelings, recognizes and challenges assumptions and biases, redefines productivity and success, and embraces vulnerability and uncomfortable risks. This article poses the question of what role legal pedagogy might play in creating, sustaining or preserving Dan's rebellious core and leading him, and other students, to mentors like Etta. It uses Dan's experience to formulate both an internal path to rebellion, in which legal educators teach rebelliously by modeling Dan's vulnerabilities, as well as his strengths, and an external path involving teachers ceding their position at the front of the classroom to organizers and other lay lawyers. The article concludes by proposing greater inclusion of, and support for, organizing and activism in law schools and considers the incorporation of integrative medicine into the traditional, western medical curriculum as one potential model for challenging entrenched notions of authority and values about what is worth teaching and who is a teacher.*

*Both felt they should be present at the demolition "to bear witness. . . [n]o matter how foolish and sentimental" it may have felt.<sup>1</sup>*

Etta and Dan, the "African American lesbian citizen activist and [ ] gay Jewish progressive lawyer," whose "unusual" bond is chronicled in Chapter 4 of Gerald López's book *Rebellious Lawyering: One Chicano's Vision of Progressive Law Practice*, are familiar characters.<sup>2</sup> The chapter traces the evolution of the relationship between Etta, an organizer and activist at the United Tenants of Rosario (UTR), and Dan, a public interest lawyer at The Law Collective in Berkeley, Cali-

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\* Visiting Associate Professor and Director of The Community Justice Project, Georgetown University Law Center. Thank you to the organizers of, and participants at, the Clinical Law Review Symposium, *Rebellious Lawyering* at 25. Thank you to Owen Bement for his research, Jane Aiken for her support, and Jerry López, for writing a book that is truly inexhaustible and for nurturing a community that is equally generous (especially Damon Agnos, who helped me see the mountains and the pebble in my shoe).

<sup>1</sup> GERALD P. LÓPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* 275 (1992).

<sup>2</sup> *Id.*

fornia.<sup>3</sup> Through the lens of Dan's journal entries, we spend six months with this unlikely pair. We inhabit Dan's world, hearing the music that's playing the first time he goes to Etta's place,<sup>4</sup> and smelling the food cooking in the Martínez kitchen,<sup>5</sup> feeling the unease of not being remembered,<sup>6</sup> and recognizing the joy of "get[ting] it."<sup>7</sup>

In the face of their apparent differences — male/female, white/black, lawyer/non-lawyer — emerges an extraordinary twist: Etta becomes Dan's mentor. Dan *chooses* Etta, a non-lawyer, as his mentor; he recognizes, intuitively, as we will see, that she has something to teach and he commits to learn from her. Critically, Etta acquiesces, willing to "see what happens."<sup>8</sup> The journey of Dan's pursuit of Etta as a teacher is a complicated and at times uncomfortable one. Dan isn't perfect—and thankfully so, because neither is Etta, and neither are we or our students.

I'll put my cards on the table. I love the story of Etta and Dan. In fact, my throat constricts with emotion every time I read it — an emotional "tell" that I've learned to recognize because it sometimes provides useful information. Admittedly, sometimes it's brought on by an Adele song. But other times it feels like a hunger to know more, to connect more deeply. I've learned that this feeling tells me a lot about where I am on my journey, and where I might need to go. But I also have to remember that the feeling is a signal to slow down, to catch all the complications and contradictions that I may be inclined to blur into the background of the story I so want to hear.

I want to meet Etta: I want to be inspired and awed by her. I want to know how she got so good at what she does. I want to meet Dan: I want to know how he stays open to the world around him. I want to ask each of them how they learned to get past their fears — of authority, power, expectations, ostracism, and conformity. And as a clinical teacher developing my voice and my feel for the classroom, I want to figure out how to help my students see the beauty and the opportunity of Dan and Etta's duet.

This piece explores Dan's journey with and because of Etta through very personal journal entries, written by López, as Dan, and read by me. Like any reader, what I bring to bear on this text, any text, is my own experience and perspective. I read the book as I read the world, working constantly to be aware of how my different facets

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<sup>3</sup> *Id.* at 277.

<sup>4</sup> *Id.* at 285.

<sup>5</sup> *Id.* at 290.

<sup>6</sup> *Id.* at 301.

<sup>7</sup> *Id.* at 309.

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

– age, gender, race, education, among others – affect what I put into the world and what the world thinks it receives from me. Inasmuch as this piece is an exhortation to bring our multi-faceted natures into our classrooms and our relationships with students, it seemed important to be explicit about what I bring to the text, to Dan’s journal. A book, Jorge Luis Borges wrote, “is the dialogue it establishes with its reader. . . a relationship, an axis of innumerable relationships.”<sup>9</sup>

Others have urged me to undertake a parallel examination of Etta – her character, her history, her part of the duet – but I have resisted. I focus on Dan because he is the young lawyer, the person whom, through our attention to legal pedagogy, we hope to better understand, educate, and learn from. I wish I could write with equal confidence about Etta. The reality is that Chapter 4 provides only Dan’s journal entries, not Etta’s. López gives us brief flashes of Etta’s depth, but we have no similar text to give us insight into her internal life. As both a person and a reader, I believe it would be a disservice to Etta (and to López) to interpret and extrapolate from so little. Relatedly, because of what I perceive (correctly or incorrectly) to be personal and experiential overlap of myself with Dan, I am more willing and able to interpret and extrapolate when necessary in his story.

Reflecting on Dan’s experience, López marvels at how “out of step” Dan’s story is. Even within his progressive Berkeley community, Dan is different: he is supposed to “throw around the term ‘the community’ at conferences, meetings, hearings and parties” and “feel connected enough through his cases, through an occasional neighborhood *junta*, through a lunch here and there.”<sup>10</sup> Through the journal entries, López sees a story of how Dan took a different, much deeper path, “choos[ing] [a community activist] like Etta as a mentor,” and eventually “reshap[ing] and remak[ing] what he does as a lawyer as a consequence of his collaboration” with her.<sup>11</sup> López raises the question: “why [did] someone like Dan go[ ] his own way,” in this way?<sup>12</sup> Finding “no easy, much less definitive answers,” López moves on.<sup>13</sup> “Perhaps it’s less important to understand how Dan came to want to emulate Etta,” López writes, “than to take advantage of what they may inspire in us.”<sup>14</sup>

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<sup>9</sup> JORGE LUIS BORGES, *A Note on (toward) Bernard Shaw*, in *LABYRINTHS: SELECTED STORIES AND OTHER WRITINGS* 213-14 (Donald A. Yates & James E. Irby eds., New Directions Books 1964).

<sup>10</sup> LÓPEZ, *supra* note 1, at 327-28.

<sup>11</sup> *Id.* at 328.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 329.

## I. DAN'S JOURNEY

As we read through Dan's journal, we can feel – in a way that is emotional and almost textural – that he is different from your average young lawyer. In fact, López's friend, upon reading Dan's journal, comments that Dan “may be the most rebellious person you put out there.”<sup>15</sup> To me, Dan's rebellion feels like a quiet and largely internal one: he “treats no boundaries as natural or sacred, mulls over and acts on what intuition suggests, and hangs in there even when he and others feel confused or uncertain.”<sup>16</sup> For Dan to reject regnant practice, though, he had to be willing to question his assumptions, value his intuition, and attend to his and others' feelings. He is a patient observer, yet his head and his heart are constantly in motion: searching, considering, and reconsidering. Dan, notably, had to step away from the conventions, carefully instilled by years of education and practice, of how lawyers think and feel (or don't think and don't feel). He had to suppress the lawyerly self, which so often demands “rational” reasons,<sup>17</sup> definitive trajectories, and expected, ego-gratifying results, and embrace the less predictable world of intuition, feelings, and “out-there” ideas. Dan begins a journey where he is able to celebrate the powerful but also the vulnerable, and often fundamentally inarticulate, parts of himself that are guiding him, emotionally and morally, in his search for meaning and justice.

### A. *Identifying and Including Feelings*

In his first journal entry, Dan ponders what is driving him to engage with the tenants' rights organization in the town of Rosario, and Etta in particular. Rosario is “alive and kicking.”<sup>18</sup> Etta provokes strong emotions. “[Y]ou can sort of *feel* them. . . I don't know that anything much will come of all this,” Dan writes, “[b]ut something feels potentially rewarding there.”<sup>19</sup> He recognizes the complex mix of thought and feeling in any given moment. Dan invites his feelings (back) into his decision-making: he works to identify his feelings and to give them equal—and sometimes more—weight than his thoughts. He takes the first step on this life-changing journey because he can engage his feelings, as opposed to seeing them as a threat to his com-

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<sup>15</sup> *Id.* at 327.

<sup>16</sup> *Id.* at 280.

<sup>17</sup> See Phoebe C. Ellsworth, *Legal Reasoning and Scientific Reasoning*, 63 ALA. L. REV. 895, 895, 918 (2012) (assessing the law's inability to meet its ideal of “rationality,” in which “methods are designed to analyze questions and reach the correct conclusions by means of reason, free from cognitive or emotional biases” and emphasizing “the law's failure to recognize the ubiquitous power of the situation in all aspects of people's daily lives”).

<sup>18</sup> LÓPEZ, *supra* note 1, at 281.

<sup>19</sup> *Id.* at 281-82.

fort and safety. He allows himself to be exhilarated and energized by them. In addition, Dan pursues his relationship with Etta despite the uncertainty<sup>20</sup> about whether engaging with her would be “productive,” in a tangible, lawyerly sense of the word.

Dan’s journal is full of feelings: giddy, sentimental, spiritual, frustrated, angry, confused, and resentful. Initially, Dan finds the UTR meetings “mysterious” and they leave him “bewildered.”<sup>21</sup> Despite his intellectual confusion, he is patient. He immerses himself in the UTR world even more, and follows his curiosity about Etta and her work. He quickly recognizes Etta as a person of powerful internal resources as well. “Some of the time she must just watch and listen harder than the rest of us. Some of the time she must just note and file away information that the rest of us treat as irrelevant. Some of the time she must just be willing to do things the rest of us aren’t interested in trying out.”<sup>22</sup>

Dan describes this “zone” that Etta hits as a “higher state,” in which an individual is prepared, interested, confident, alert, looking for cues, anticipating, adjusting, and not just reacting, but responding, thoughtfully, still in the present moment.<sup>23</sup> He recognizes it as a way of being in a courtroom (and on a basketball court and in a gay bar), but until Etta, he never considered bringing it to other parts of his advocacy.<sup>24</sup> Throughout the six months, Dan focuses on being present: he “check[s] people out,”<sup>25</sup> stops taking notes, instead “listen[s] and ask[s] questions,”<sup>26</sup> and observes what’s going on around him, noticing things like who is quiet and shy and who enjoys the camaraderie of the meetings.<sup>27</sup>

### *B. Recognizing and Challenging Assumptions and Biases*

As Dan engages the process of reflecting on, and writing about, his observations, he frequently catches his own assumptions and biases. In an early September entry in which he describes the attendees at his first UTR meeting, he notes that he may have judged Yuelin Cheong and Maria Velez based on the stereotypes of the “inscrutable,

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<sup>20</sup> *Id.* at 282 (“I don’t know that anything much will come all of this. I can’t be sure that good productive relationships will develop or that they’ll translate into anything directly useful to my work. But something feels potentially rewarding there.”).

<sup>21</sup> *Id.* at 283-84.

<sup>22</sup> *Id.* at 295.

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

<sup>24</sup> *See id.* at 295-96.

<sup>25</sup> *Id.* at 282.

<sup>26</sup> *Id.* at 285.

<sup>27</sup> *Id.* at 284.

earnest, achieving Asian [and] gracious but homophobic Latina.”<sup>28</sup> This thought drives him to more consciously reconsider who each of them is as an individual. He is equally critical when the collaborative effort to draft an eviction manual goes smoothly because the participants, including Dan, unquestionably embrace their gendered roles, with the men providing “professional know-how” and the woman being “sensitive” about how to communicate with the manual’s target audience.<sup>29</sup>

Dan also grapples with his assumptions about the lawyer’s role, questioning the belief so easy to come by in law school that the lawyer is the smartest person in the room and therefore entitled to dominate. Dan is remarkably and refreshingly comfortable admitting a lack of knowledge, including legal knowledge. In his first interaction with Etta and UTR, Dan humbly admits that he “didn’t have a clue” about a legal issue with which they needed assistance, but he offers “to spend a little time trying to find out.”<sup>30</sup> Dan identifies this open acknowledgment as a “healthy switch” brought on by a few years of practice that have taught him “not to overpromise.”<sup>31</sup>

Dan is equally comfortable blurring the lines between professional and lay lawyers, ceding control of “legal” situations and learning about legal processes from the lay lawyers. When he and Etta meet with Mario Martínez, a sixty-five-year-old Latino tenant whose building manager refuses to replace a broken window, Dan feels secure watching Etta take the lead. Etta is the one with far greater experience and knowledge of housing regulations, and so she explains the law to Martínez (with Dan mentally noting, “she’s right, I’m pretty sure”).<sup>32</sup> And then, two weeks after landlords hassle UTR members when they try to register voters, Etta gets an ordinance passed by the Rosario City Council to protect canvassers. By “borrowing on a similar ordinance from another East Bay city and drawing on the help of her allies,” she gets passed an ordinance that makes it a misdemeanor to interfere with political canvassers during the sixty days preceding an election.<sup>33</sup> Dan is duly impressed that UTR “pulled this off in near-record time,”<sup>34</sup> and is unthreatened that Etta and her supporters have skillfully and efficiently done a lawyer’s job without a lawyer.

Dan is so put-off by the notion of domination that he fears even

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<sup>28</sup> *Id.* at 284.

<sup>29</sup> *Id.* at 310.

<sup>30</sup> *Id.* at 283.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 290.

<sup>33</sup> *Id.* at 294.

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

thinking about it is a “self-indulgent trip.”<sup>35</sup> Two months into his involvement with UTR, he fears “everyone else may be deferring to the lawyer and [he] may be taking over a little too ‘naturally.’”<sup>36</sup> López gives us a contrast in the character of another poverty lawyer, Cecilia Bosworth, seen, of course, through Dan’s eyes. Boz, as the UTR folk call her, is an attorney at the Community Law Office, who comes to a UTR meeting to talk about a lawsuit against a landlord and to urge the tenants’ participation.<sup>37</sup> Dan acknowledges that Boz does the work she does, shows up at the meeting, and speaks excellent Spanish.<sup>38</sup> Otherwise, though, he is highly critical of her suit, heels and Gucci briefcase; her extensive use of legalese; her focus on the money the tenants could get from the suit; and her overall failure to take risks or to go out of her comfort zone.<sup>39</sup> He is frustrated that she misses the opportunity “to work with these people in a way different from the way most other professionals and bureaucrats deal with them.”<sup>40</sup>

Later in his journal, as Dan attends a UTR meeting on the eviction manual that Dan helped draft and as he tries to talk less and manage his role, he remembers his “more freewheeling days, when [he] could just steamroll everyone else and not feel a moment’s regret, when [he] exercised the power, the legitimacy as ‘lawyer,’ to do things *my way*.”<sup>41</sup> Dan seems both rueful and gleeful when he notes that “[s]haring power can be such a pain in the ass.”<sup>42</sup>

### C. *Redefining Productivity and Success*

One of the most difficult challenges Dan faces, perhaps reflecting instincts from his nearly a decade in practice before he showed up in Rosario, is to reconceive his understanding of success and productivity, and the relationship between short-term and long-term gains. Dan thinks back on a conversation about “white man’s disease,” when race and socio-economic privilege lead one to “yearn for action, equate it with production, substitute it for the slow, painstaking involvement that the politically oppressed most need.”<sup>43</sup> Instead, he has worked hard “to abandon, suspend, or transform a ‘get things done’ mode,”<sup>44</sup> in favor of a new approach that is “not nearly so aggressive,

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<sup>35</sup> *Id.* at 307.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.* at 292.

<sup>38</sup> *Id.* at 293.

<sup>39</sup> *See id.*

<sup>40</sup> *Id.* at 293.

<sup>41</sup> *Id.* at 311 (emphasis in original).

<sup>42</sup> *Id.*

<sup>43</sup> *Id.* at 320.

<sup>44</sup> *Id.* at 311.

not nearly so singularly focused on producing.”<sup>45</sup> He develops an understanding of participation as more than just talking a lot, and emphasizes the importance of relationships, both of which are critical components of his new, broader conception of productivity.

*D. Embracing Vulnerability and Uncomfortable Risks*

Dan’s journal entries reflect that he is not afraid to take risks. Rather, he is committed to them. He challenges himself and others “to take basic responsibility for not being intimidated by what falls outside our everyday range.”<sup>46</sup> He is not afraid to “feel[ ] downright silly trying something out.”<sup>47</sup> Dan moves through this experience in Rosario with his heart open and, for all his worrying, with a deep sense of trust – of himself, as much as those around him. He is vulnerable – yet, because he owns his vulnerability, he is resilient.<sup>48</sup> It may be that his acceptance of vulnerability opens up the rest of his journey, allowing him to identify his feelings, rethink the privilege of his role, and take risks; or it may be that he gets to vulnerability and risk-taking because he is already able to identify and then trust his feelings, rethink his role, and observe and learn from others.

*E. Being Human/Being Regnant (Making Mistakes and Coming Up Short)*

I had the strong inclination not only to forgive Dan’s faults, but to dismiss them entirely and leave them out of the story.<sup>49</sup> He is not perfect, and I didn’t want to hold him – or anyone – to an impossible

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<sup>45</sup> *Id.* at 310.

<sup>46</sup> *Id.* at 310.

<sup>47</sup> *Id.* at 301.

<sup>48</sup> Martha Fineman’s work on vulnerability and “the vulnerable subject” is premised on the idea that vulnerability is “what it means to be human.” *The Vulnerable Subject and the Responsive State*, 60 *EMORY L.J.* 251, 266 (2010). While I embrace that understanding, as I believe Dan would, her definition of vulnerability does not encompass emotions. She begins with the idea that “vulnerability arises from our embodiment” – our physicality – “which carries with it the imminent or ever-present possibility of harm, injury, and misfortune.” *Id.* at 267. The harms she describes range from “aging and death” to natural disasters to the “interruption or destruction of institutional or social relationships.” *Id.* When I write about Dan’s vulnerability I mean it in the Brené Brown sense of “uncertainty, risk, and emotional exposure.” *BRENÉ BROWN, DARING GREATLY* 34 (2012). It “requires showing up and letting ourselves be seen.” *Id.* at 16.

<sup>49</sup> At a presentation of this paper at the Clinical Law Review Symposium *Rebellious Lawyering* at 25 (May 1, 2016, Baltimore, MD), Alfredo Mirandé prompted me to think about a different, more critical, reading of Dan. In his article *Alfredo’s Jungle Cruise: Chronicles on Law, Lawyering, and Love*, he describes Dan as “appear[ing] to admire and idolize (and stereotype), Etta” and “limited in his ability to understand or appreciate the experience of the predominantly low-income Black, Latino, and Asian residents of Rosario.” 33 *U.C. DAVIS L. REV.* 1347, 1373 (2000). While I still disagree with Mirandé’s interpretation, it forced me to consider parts of Dan’s journal that I did not initially engage.



standard. But we need to talk about his faults because they, as much as his strengths, illuminate his and our own struggle with regnant lawyering and, even more, with regnant life.

One of Dan's strengths is that on several occasions he has the awareness to recognize that his own assumptions and biases are motivating his thoughts, feelings, and actions. That he is able to engage in this sometimes in-the-moment, but more commonly post-hoc analysis, means that he does have biases, he does act on them, and he doesn't always catch them. And even when he does catch them, he isn't always successful in challenging the assumptions and reorienting his brain and his heart.

It strikes me as noteworthy that the biases Dan is least attuned to are about the women in his life. In various journal entries, his recounting of interactions with and feelings about Boz, Maria, Edith, and even Etta (at the end of the chapter) are harsh. In the cases of Maria and Etta, he recognizes that some bias is at play in his reading of and reaction to the situation, but he—I would argue—mistakenly names it as a pure racial bias, not a gender or intersectional bias.

Dan's colleague at UTR, Maria, somewhat innocently asks Dan how he made the decision to live with Gene, his partner. Dan hears the inquiry as asking him to engage in yet another "'educate me about homosexuality' conversation[ ]."<sup>50</sup> It sends Dan into an unthinking rage, which he describes in his journal as

a wild, dizzying sprint. . . Here goes, unsuspecting woman, you asked for it. Impress you, confuse you, depress you. It's all the same to me, I suppose. So there. Had enough? You bet you I'm going off. You bet I'm being rough. Why shouldn't I?<sup>51</sup>

Dan's description in his journal of his verbal attack on Maria is highly gendered and sexualized, yet he thinks of it as a "pitiful, racist performance."<sup>52</sup> He misidentifies the underlying assumption and problem as "condemning Maria to that class of folks who don't know shit about me and won't take the time to learn—when the truth is, I know precious little about her and her people."<sup>53</sup> He then unpacks his (and society's) assumption about "other minorities": our penchant for first lumping together all Latinos, and then lumping together a tremendous spectrum of people, their histories, and cultures as "other minorities."<sup>54</sup> Dan shows us that he is aware of intersectional issues: in his internal dialogue he expresses his own dismay about the whiteness of

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<sup>50</sup> LÓPEZ, *supra* note 1, at 314.

<sup>51</sup> *Id.* at 315.

<sup>52</sup> *See id.* at 318.

<sup>53</sup> *Id.* at 316.

<sup>54</sup> *Id.* at 316-17.

both the gay movement and the feminist movement. Yet, he can't bring this understanding to bear (at least in this moment) on a personal level. While he engages in an analysis of his behavior with Maria through a race lens, gender is never broached – at this moment or in later journal entries.

Dan ultimately learns that Etta has been distracted because her job isn't going well, but more pressingly, Etta's beloved Aunt Gates is sick and she can't afford to care for her in the way she wants.<sup>55</sup> Etta begins to fail at the professional because the personal overwhelms her, a common narrative in women's stories. Her activism and organizing slow down because traditional care-giving duties demand more and she is the person who must answer. Even when Dan understands this backstory, he doesn't attribute his reaction to his own assumptions or biases about gender, nor does he explicitly reflect on the different realities of women.

He realizes that his feelings are largely his own creation, because he turned Etta “into something no one could live up to.”<sup>56</sup> (Yes, I've asked myself if I'm engaged in the exact same undertaking vis à vis Dan.) As he begins to mentally sort through the possibilities of why he may have put Etta on a pedestal, he considers that he expected her to dispel all the stereotypes about lesbians and blacks, or to disprove the assumptions of “every racist, *sexist*, and homophobe.”<sup>57</sup> Even more uncomfortably, he wonders if he has set such high expectations to ensure that she will fail and he or someone like him will have to save the day.

Dan characterizes Etta's behavior as the “do-nothing” syndrome,<sup>58</sup> potentially invoking the historical stereotype of African-Americans as lazy.<sup>59</sup> He also silently accuses Maria of suffering from

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<sup>55</sup> *Id.* at 326.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.* at 327 (emphasis added).

<sup>58</sup> *Id.* at 322.

<sup>59</sup> The stereotype of African-Americans as lazy is still disturbingly common. A 2015 article in *The Atlantic* examining the relationship between the stereotype of black people as poor and lazy and Americans' opposition to welfare programs cited a 2008 study in which just under 38% of Americans considered black people hardworking, but 58-65% of Americans called Hispanics, whites, and Asians hardworking. Joe Pinsker, *To the Media, 'Black' is Too Often Shorthand for 'Poor'*, THE ATLANTIC, Apr. 28, 2015, available at <http://www.theatlantic.com/business/archive/2015/04/to-the-media-black-is-too-often-shorthand-for-poor/391544/>. Also in 2015, Minneapolis Public Schools invested in new books “aimed at closing the district's yawning racial achievement gap,” which included the story of “Lazy Lucy,” a young black girl. Abby Phillip, *'Painfully Offensive' Racial Stereotypes Lead School District to Recall Books*, WASH. POST, Sept. 11, 2015, available at <https://www.washingtonpost.com/news/morning-mix/wp/2015/09/11/lazy-lucy-and-other-painfully-offensive-racial-stereotypes-lead-a-school-district-to-recall-books/>.

the same syndrome, when she hasn't yet returned documents to him.<sup>60</sup> Dan's recognition and naming of the "do-nothing" syndrome, whether to his mind a manifestation of gender, race or some combination thereof, is that Dan's lawyer domination surges to the fore: he knows that he's "got to take over or it ain't gonna happen."<sup>61</sup> Importantly, although Dan thinks and feels this way, he doesn't act on it and identifies the feelings as "[s]elf-congratulatory, [i]naccurate, [c]razy, [a]nd more."<sup>62</sup>

Dan's interactions with Edith and Boz are different and marked by Dan's inaction. He recognizes that the drafting of the eviction manual went smoothly because he, Edith, and Henry took on traditional gender roles in the collaboration. In his journal, he notes that he "was in a position to help counteract these perceptions," but instead just "watched."<sup>63</sup> That is, he saw the gender assumptions and biases, but didn't challenge or try to change them. In the case of Boz, Dan never articulates gender as an issue. While his critique of Boz – her appearance, her language, her presentation style, and her decision to focus on litigation and monetary reward in her talk – is legitimate on its face, it doesn't seem to account for Boz's experiences as a woman in the legal profession and, potentially, in the Rosario community. Dan may know other female attorneys who have taken a different path, challenging the male norms of the profession, and his disappointment and frustration may stem from Boz' seeming failure to measure up. But Dan never writes about these women in his journal. For me, his silence—and the occasions when he compares himself to Boz<sup>64</sup>—points to Dan's inability to accurately grasp that he and Boz are not similarly situated. Dan and Boz each face choices about when and where to be rebellious, but the risks inherent in those choices are not the same. Dan doesn't acknowledge the potentially weighty consequences to Boz as a woman had she rejected regnant lawyering in 1992—including not being taken seriously by colleagues, judges, and clients or not getting her job in the first place.<sup>65</sup> None of this is to hold

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<sup>60</sup> LÓPEZ, *supra* note 1, at 322.

<sup>61</sup> *Id.*

<sup>62</sup> *Id.* at 322-23.

<sup>63</sup> *Id.* at 310.

<sup>64</sup> *Id.* at 294 ("[T]here's a little Boz running around inside of me, too") and 308 ("Of course, I wouldn't make any of Boz's mistakes") (emphasis in original).

<sup>65</sup> The picture of women in the legal profession in the mid-1990s showed tremendous progress, but was still marked by underrepresentation in law schools, in the judiciary, and in private practice. See DEBORAH L. RHODE, ABA COMM'N ON WOMEN IN THE PROFESSION, THE UNFINISHED AGENDA: WOMEN AND THE LEGAL PROFESSION 14 (2001), available at <http://womenlaw.stanford.edu/pdf/aba.unfinished.agenda.pdf>. In addition to more nuanced gender biases at play, a mid-1990s National Law Journal poll found that 75% of female lawyers believed that sexual harassment was a problem in their workplace. *Id.* at 19,

up Boz's lawyering, and her choice to adhere to and further the status quo, as admirable, only to demonstrate that even Dan may not fully consider or understand the choices she's made and the role that his own biases and assumptions may play in his critique of those choices.

Dan is a fallible human being, someone with commendable attributes and sensitivities, as well as shortcoming and blind spots. He aspires to practice a different type of lawyering and to live a different life; he does it in fits and starts, with more or less success. His shortcomings elucidate our own struggle as teachers and practitioners: we aspire to rebellious lawyering and living, but we exist in a predominantly regnant, though evolving, culture; our training as lawyers happens in regnant institutions;<sup>66</sup> and even the progressive organizations at which we practice are regnant in many ways.<sup>67</sup> The qualities that we admire in Dan, which make him quietly rebellious, require conscious cultivation and nurturing, as well as constant vigilance. He himself notes that "there's a little Boz running around inside of . . . most everybody, not just lawyers."<sup>68</sup> None of us, our students included, is likely to be rebellious all the time in every part of our lives: at times that spirit will flourish and break through, but it will also get lost in our own busyness and in the din of the dominant ethos.<sup>69</sup> As we move

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n.105. Women, though, were well-represented in public interest positions like Boz's staff attorney position. Because women were "somewhat more likely than men to choose law for reasons related to social justice," and they didn't see themselves as the primary wage earner, they were more likely to accept low-paying public interest work. *Id.* In her 1998 article *The New "Tokenism,"* Martha Fineman describes a Faustian scenario in which "to gain acceptance, we [women attorneys] are required to conform to masculine norms and to meet gender loaded expectations. We are required to accept and assimilate to the institutions as they have been constituted by and for our male colleagues. . . [T]he clear concession to be extracted in the bargain for inclusion is the promise that our presence will not disturb the status quo." 23 VT. L. REV. 289, 291 (1998). A lawyer like Boz faced difficult choices about how to present herself: "Some lawyers and clients still assume that women lack sufficient aptitude for complex financial transactions or sufficient combativeness for major litigation. . . Yet professional women also tend to be rated lower when they depart from traditional stereotypes and adopt "masculine," authoritative styles. . . As a consequence, female lawyers often face a double standard and a double bind. They risk appearing too 'soft' or too 'strident,' too aggressive or not aggressive enough. And what appears assertive in a man often appears abrasive in a woman." Rhode, *supra*, at 15. In thinking about Boz, I can't help but think of the 1988 movie *Working Girl* when Katharine, the successful executive, shares with Tess, the secretary from Staten Island, Coco Chanel's advice, "Dress shabbily and they notice the dress. Dress impeccably and they notice the woman." *WORKING GIRL* (Twentieth Century Fox Film Corp. 1988).

<sup>66</sup> In his own presentation at the Clinical Law Review Symposium *Rebellious Lawyering* at 25, Ascanio Piomelli asked, "Can you directly manifest resistance in a system in which you have to survive?" *Appreciating Rebellious Lawyering*, (May 1, 2016, Baltimore, MD).

<sup>67</sup> See Martha L. Gómez, *The Culture of Non-Profit Impact Litigation*, Clinical Law Review Symposium *Rebellious Lawyering* at 25 (May 1, 2016, Baltimore, MD).

<sup>68</sup> LÓPEZ, *supra* note 1, at 294.

<sup>69</sup> "Regnant/rebellious practice and resistance/submission are most helpfully under-

from just describing to deconstructing Dan and how he got to where he was in September 1990, we are quickly mired in layers of complexity.

## II. LAW SCHOOL'S ROLE IN THE JOURNEY

Because of this complexity, López stops short of asking a more meaningful “why”: Why does Dan choose Etta? Why is he open to learning from her? López posits that it may be some unique combination of formative experiences and family figures that drive Dan to Etta<sup>70</sup>. Equally, it could be Dan's own experiences of oppression, as a gay Jewish man. López seems to be of the admittedly wise opinion that it is simply too difficult to reverse engineer a person's individual trajectory.

But if we are going to hold Dan up as somebody to emulate, as López does and as I think we should, we have an obligation to present, along with him, our best understanding of his provenance in addition to his significance. In particular, I don't think we as teachers or clinicians can display him as an achievement without investigating whether we have any rightful claim on him; that is, whether our ministrations of legal education (at Georgetown University Law Center, Dan's alma mater and where I teach, no less) had anything to do with what we admire. My initial instinct is that Dan's potential, his willingness to be transformed by his relationship with Etta, came about not because of, but *despite*, his formal legal education.

Dan's journal entries are notable for their omission: there is almost nothing that connects his transformative experience with Etta to the legal education that formally prepared him to do the work. Rather, Dan finds himself taken aback at how demanding the non-litigation advocacy work is, from drafting newsletters to coordinating training workshops, and notes that “[l]aw school training certainly never focused on any of this” and the skills he has learned “on the job” are lacking at best.<sup>71</sup> Dan makes no mention of a clinical experience, leaving us to wonder if he did not take a clinic or it no longer resonates sufficiently to merit mention in his journal. His critique sweeps beyond law school; for example, he notes that “[i]t's embarrassing how little we [lawyers] know, how little we care about the history and the contemporary conditions of many of the same groups we get great credit for representing. . . we often have only a superficial

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stood as poles of a spectrum along which the same actor can and does occupy different positions at different times.” Ascanio Piomelli, *Rebellious Heroes*, 23 CLIN. L. REV. \_\_\_ (2016).

<sup>70</sup> See LÓPEZ, *supra* note 1, at 328-29.

<sup>71</sup> *Id.* at 307.

grasp of what the fight is even about.”<sup>72</sup> Yet this observation too points to a failing in education: institutions and pedagogies that produce social justice-minded lawyers who merely “go through the motions”<sup>73</sup> are not meeting the needs of their students, nor those of the communities their students will serve.<sup>74</sup>

López acknowledges that Dan is a rarity among law school graduates, even progressive attorneys. He is anomalous because he is the product of a system and a pedagogy focused on “competition and conformity,” the exclusion of the personal, and the extraordinariness of lawyers.<sup>75</sup> Sturm and Guinier describe the “intentionally destabilizing” process of legal education based on “faculty interrogation, practice, repetition, and public performance”<sup>76</sup> with the primary goal being “the development of a detached mastery of rigorous analysis.”<sup>77</sup> The intent of this dominant model is that students lose touch with their feelings and their intuitions, to better enable them to think like a lawyer, and the result is that the development of goals and values happens outside, and separate from, the academic process.<sup>78</sup>

As institutions, law schools largely “allocate[ ] value based on one’s place in the performance hierarchy: we are excellent because we are highly ranked; we are successful because we have high LSAT scores or grades or make the most money or have the greatest number of publications or citations.”<sup>79</sup> The permutations of success presented to students share two critical threads: they are quantifiable (to be the winner, there must be somebody else in second place, if not a loser) and they center on external, not internal, validation. There is little, if anything, in this educational model that even hints it may have the potential to create, sustain or preserve certain of Dan’s qualities. It is hard to imagine a hypothetical in which a twenty-something year old goes into this melee and comes out an emotionally aware, vulnerable,

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<sup>72</sup> *Id.* at 317. See also Gerald P. López, *The Work We Know So Little About*, 42 STAN. L. REV. 1 (1989). In a damning critique, López states that “[w]hat Lucky and Levi Strauss know and labor to learn about the Maria Elenas of our communities puts to shame our own accumulated wisdom and institutional commitment.” *Id.* at 11.

<sup>73</sup> LÓPEZ, *supra* note 1, at 317.

<sup>74</sup> López, *supra* note 72, at 10-13. A curriculum that effectively teaches lawyering for social change requires “tak[ing] seriously precisely the same work that for years largely has been intellectually degraded and derided, at least insofar as it’s not been entirely ignored in legal education. It turns on taking seriously a diverse range of scholarship and teaching that focuses rigorous, eclectic, and sustained attention on the Maria Elenas of our communities.” *Id.* at 11.

<sup>75</sup> See Susan Sturm & Lani Guinier, *The Law School Matrix*, 60 VAND. L. REV. 515 (2007).

<sup>76</sup> *Id.* at 521.

<sup>77</sup> *Id.* at 531.

<sup>78</sup> See *id.* at 535.

<sup>79</sup> *Id.* at 537.

humble, open-minded and open-hearted young attorney.<sup>80</sup>

### A. *Lawyers as People*

The tentacles of the conception of law school as a “professional school” run so deep that we can lose sight of the fact that we do not educate only professionals. We educate people, especially young people, and people at stages of great transition in their lives. And while we do indeed produce “professionals,” we also, more fundamentally, produce people who have trained with us. It sounds unorthodox, but if I am honest with myself about my teaching, I care most about participating in the education of “good” people – people who are connected to who they are and how they relate to and affect other people, who can feel empathy, and who can acknowledge unfairness, injustice, and hardship in authentic (and difficult) ways, instead of ignoring it or explaining it away.

Yes, I want to prepare students to enter practice and work to, say, end homelessness. And that would require knowledge of diverse issues from the housing economy to mental illness, an ability to frame the “problem” in legal terms, an awareness of how labels and images shape our discourse and our policy, and a keen understanding of the role of the legal work in the larger social movement.<sup>81</sup> But I also want to prepare them to *see*, really see, the men and women experiencing homelessness they used to walk past, to think through how they respond to requests for assistance, perhaps to have the courage – the decency – to engage in conversation.<sup>82</sup> Helping students reevaluate all aspects of their engagement with the people around them is valuable unto itself. Yet, it is also necessary to their lawyering: “it’s a decisive mistake to think we can change systems without changing

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<sup>80</sup> See Lawrence S. Krieger, *The Inseparability of Professionalism and Personal Satisfaction: Perspectives on Values, Integrity and Happiness*, 11 CLIN. L. REV. 425, 429 (2005) (“A person is intrinsically motivated when he chooses a self-directed action which he genuinely enjoys or which furthers a fundamental life purpose, while extrinsically motivated choices are directed towards external rewards (i.e. money, grades, honors), avoidance of guilt or fear, or pleasing/impressing others. . . Empirical research for the past two decades has shown that when intrinsic values and motivation dominate a person’s choices she tends to experience satisfaction and well-being, whereas when extrinsic values and motivation are most important to her she will experience angst and distress”).

<sup>81</sup> See, e.g., Lucie E. White, *Representing “The Real Deal,”* 45 U. MIAMI L. REV. 271 (1991) (assessing the “why” and “how” of advocacy strategies that addressed homelessness in the 1980s, as well as their intended and unintended consequences).

<sup>82</sup> See Alec Karakatsanis, *The Human Lawyer*, 34 N.Y.U. REV. L. & SOC. CHANGE 563, 581 (2010) (describing one trait of the human lawyer as being “vigilant in ensuring that we always have good reasons when making decisions in our personal lives and when developing our laws” in the context of a law student walking by the same homeless individual every day).

ourselves. We're implicated in everything we may aim to alter."<sup>83</sup>

Regardless of their title or profession, our students will "engage in the critical value decisions that confront them as *actors in the community*."<sup>84</sup> As lawyers (if they choose to become and remain lawyers), they will carry a weighty credential and presumably have more power than before to influence policy and legal structures.<sup>85</sup> But as individuals they will still make countless critical decisions every day that will, to varying degrees, affect precisely the most profound and important notions and expressions of justice that we strive to educate them about in law school. Even if they don't become lawyers, our students will be individuals in the world who walk down the street and make choices about whom to see and whom to ignore. They will still make choices about where to spend their money and their sweat-labor; how to build and nurture community; how to raise and relate to children, if that is a path they choose; how to address conflict, when it is presented; and how to challenge inaction, when it is necessary.

### B. "Practice-Ready" Lawyers

If they do become lawyers, I want them to practice law with the same acuity (of thought, vision, and hearing), curiosity, humanity, and emotional awareness that Dan does. In recent years, the talk of "practice-ready lawyers" has proliferated. Law schools pitch practice-readiness as the result of "hands-on opportunities" that produce "confident graduates who enter the workforce undaunted by the transition from the classroom to the real world"<sup>86</sup> and are "ready to provide value to a client at graduation."<sup>87</sup> In numerous fora, practitioners and academics have disputed what practice-ready really means, if anything; if it can and should be taught; and how it might be measured.<sup>88</sup>

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<sup>83</sup> Gerald P. López, *Changing Systems Changing Ourselves*, 12 HARV. LATINO L. REV 15, 33 (2009).

<sup>84</sup> Jane Harris Aiken, *Clients as Teachers*, 16 WASH. U. J.L. & POL'Y 81, 83 (2004) (emphasis added).

<sup>85</sup> *Id.* at 83-84 (acknowledging that "[w]e are in the business of credentialing the elite," lawyers who "have the power to shape the social fabric"). Acknowledgment of this truth traces its modern origins to DUNCAN KENNEDY, *LEGAL EDUCATION AND THE REPRODUCTION OF HIERARCHY: A POLEMIC AGAINST THE SYSTEM* 72 (New York University Press 2004) ("Law teachers indoctrinate students to believe that people and institutions arrange themselves naturally in hierarchies").

<sup>86</sup> *Practice Ready*, CATH. U. AM. COLUMBUS SCH. L., <http://www.law.edu/PracticeReady.cfm> (last visited Sept. 5, 2016).

<sup>87</sup> *A Message from Dean Katz*, U. DENVER STURM C. L., <http://www.law.du.edu/documents/about/Dean-Katz-The-Case-for-Practical-Legal-Education.pdf> (last visited Sept. 5, 2016).

<sup>88</sup> See, e.g., Andrea Boyack, *Get "Practice Ready." Get set. Go!*, PRAWFSBLOG (Aug. 27, 2015), <http://prawfsblawg.blogs.com/prawfsblawg/2015/08/get-practice-ready-get-set-go.html>; Margaret Martin Barry, *Practice-Ready: Are We There Yet?*, 32 B.C. J.L. & SOC.



In particular, it can be asked, “[w]hat does ‘practice ready’ mean in a world where the practice of law involves widely disparate types of work”<sup>89</sup> – a particularly valid question for a profession that places such a premium, rightly or wrongly, on specialization.<sup>90</sup> Similarly, we can ask what “practice-ready” looks like for a young lawyer headed into an emotionally complex and often draining career dedicated to social justice causes.<sup>91</sup> A whole range of critically important knowledge and know-how comes to mind that might (or might not) have different application in other specializations.

An effective social justice lawyer can ably deploy a broad array of problem-solving tactics beyond litigation. Like Dan, she is comfortable not being the smartest person in the room, which opens her up to learn, and take direction, from those around her, regardless of their appearance or background. She has strong collaboration skills and can quickly appreciate her role. A practice-ready social justice lawyer is López’s “genre hopping problem solver,”<sup>92</sup> with numerous tools at the ready, but she is also “justice-ready,”<sup>93</sup> as described by Jane

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JUST. 247 (2012).

<sup>89</sup> Boyack, *supra* note 88. See also Jay Gary Finkelstein, *Practice in the Academy: Creating “Practice Aware” Law Graduates*, 64 J. LEGAL EDUC. 622, 630-31 (2015) (expressing a preference for the term “practice aware,” which means students have been “introduced to practical skills” and understand “how doctrine relates to practice,” such that a recent graduate has “a basis to understand the context of practicing law”).

<sup>90</sup> See, e.g., Antoinette Sedillo López, *Learning Through Service in a Clinical Setting: The Effect of Specialization on Social Justice Skills and Training*, 7 CLIN. L. REV. 307 (2001) (discussing what is lost for students and the community when law school clinics become highly specialized).

<sup>91</sup> See, e.g., Shin Imai, *A Counter-Pedagogy for Social Justice: Core Skills for Community-Based Lawyering*, 9 CLIN. L. REV. 195 (2002).

<sup>92</sup> LÓPEZ, *supra* note 1, at 329. At a bare minimum, the “genre hopping problem solver” must have “legal imagination” as her foundation, “the ability to generate [ ] multiple characterizations, multiple versions, multiple pathways, and multiple solutions.” Todd D. Rakoff & Martha Minow, *A Case for Another Case Method*, 60 VAND. L. REV. 597, 602 (2007). Perhaps not surprisingly, several scholars have noted the ways in which traditional Langdellian legal education and the culture it perpetuates suffocate legal imagination and its corollaries. See *id.* (“What we are saying, however, is that students need more, and they need more not for arcane or unusual careers, but simply to be good lawyers”); Jane H. Aiken, *The Clinical Mission of Justice Readiness*, 32 B.C.J.L. & SOC. JUST. 231, 235 (2012) (“Traditional teaching methodology tends to inhibit a student’s development of critical thinking skills and value commitment. First the student becomes passive through a process that neutralizes critical faculties and reinforces a receptive mode. Then, the student goes through a process of confusion, ensuring that former values are questioned and undermined”); Sturm & Guinier, *supra* note 75, at 544 (“Legal imagination is hard to develop when you are worrying constantly about keeping up, mastering the rules, and out-performing your competition”); and Fran Quigley, *Seizing the Disorienting Moment*, 2 CLIN. L. REV. 37, 42 (1995) (“My point is that students do come to law school filled with passion, with morality, with a sense of justice, and we spend, the generic we, the law school itself, spends three years doing our best to crush them under the weight of the rule of law instead of helping them to integrate their ideas and values with the law”).

<sup>93</sup> Aiken, *supra* note 84, at 85.

Aiken, and Lucie White's seeker, who "seek[s] to listen when others speak. . . and to be moved. . . seek[s] to hear in the words of others not just negotiations of power, but appeals to our most difficult memories and deepest emotions. . . seek[s], in [ ] encounters with others, not just to map the power or read the text, but also to recognize, in all its alterity, the other's face."<sup>94</sup>

### III. PATHS TO THE (QUIET) REBELLION

As educators and institutions, how do we do a better job teaching and nurturing rebels, even or especially quiet ones, like Dan? I see two groups of approaches, internal and external. Attending to students' internal life, we can do better at inculcating in them a deeper and more nuanced respect for the sorts of intuitions and feelings that will be critical to guiding them to and through disorienting experiences like Dan's relationship with Etta. Attending to their external experience of law school, we can do better at harnessing the legitimating power of the law school institution, the faculty, and the curriculum to show students that their professional, intellectual, and interpersonal futures should be guided as much by non-lawyers, like Etta, as by more traditionally "legal" figures.

#### A. *Internal Path: Revisiting Reflective Practice and Disorienting Moments*

Today, many clinics, regardless of their substantive focus, emphasize the teaching of reflective practice exemplified in Dan's journal. Students are thus engaged in conversations about their feelings, intuitions, and assumptions. Through a range of tools, students must grapple with questions about who they are as people, who they want to be as lawyers, and, finally, how they will interact with their clients and the world. At the heart of reflective practice, and a key of adult education theory, is the disorienting moment that leads to perspective transformation.<sup>95</sup> The maturity of the learner plays a key role in this pedagogical framework. As Fran Quigley has written, "Perhaps the greatest advantage clinical law settings have in completing the learning process is the 'ripeness' of adult law students to reorient their perspectives on justice issues."<sup>96</sup>

While I have seen the disorienting moment and the subsequent reorientation lead to tremendous learning, I have also come to appreciate its limits. A successful disorienting moment requires sophisti-

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<sup>94</sup> Lucie E. White, *Seeking ". . . The Faces of Otherness. . .": A Response to Professors Sarat, Felstiner, and Cahn*, 77 CORNELL L. REV. 1499, 1510-11 (1992).

<sup>95</sup> See Quigley, *supra* note 92.

<sup>96</sup> *Id.* at 55.

cated facilitation and the creation of a safe environment by the teacher. It is quite possible that my own facilitation skills and style as a young(ish) clinician have fallen short of what is necessary to create such moments. Yet whatever my own failings, successful disorienting moments also require the students to bring a certain competence and readiness into the clinic setting. Looking at the underpinnings of the theory in light of my own experience, I am left wondering whether our current students are as “adult” and “ripe” as those whom Quigley envisioned.

Other clinicians have also noticed that their “students have not always reached the stage of ‘adulthood’ the andragogical method requires.”<sup>97</sup> The adult learner envisioned by andragogical methods is independent, can direct his own learning, and is focused on problems and the application of knowledge.<sup>98</sup> Notably, he is somebody who has “accumulated a reservoir of life experiences; has learning needs closely related to changing social roles; [and] is motivated to learn by internal rather than external factors.”<sup>99</sup> Adult education theory envisions a learner who has extensive and varied personal as well as professional experiences, has made a critical life transition, and is not primarily motivated by external validation, like grades or awards.

While it is fair to ask how many adults (regardless of their training or their age) have reached this stage of adulthood, merely to articulate this description is to realize that it does not fit all our law students.<sup>100</sup> It certainly does fit some, but with equal certainty it does not fit others, especially students who have gone directly from high school to college to law school, with little or no “professional” or non-student interruption. Many of these same students come from privileged backgrounds, with the protections and insulations there afforded. For these students, nearly the entirety of their experience has been limited, controlled, and carefully curated. Making matters even

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<sup>97</sup> Linda Morton, Janet Weinstein & Mark Weinstein, *Not Quite Grown Up: The Difficulty of Applying an Adult Education Model to Legal Externs*, 5 *CLIN. L. REV.* 469, 470 (1999).

<sup>98</sup> See Sharan B. Merriam, *Andragogy and Self-Directed Learning: Pillars of Adult Learning Theory*, *NEW DIRECTIONS FOR ADULT & CONTINUING EDUC.*, Spring 2001, at 3, 5.

<sup>99</sup> *Id.*

<sup>100</sup> See *id.* at 6 (describing Knowles’s own progression from a dichotomous view of andragogy for adults and pedagogy for children to seeing them on a continuum anchored by student-directed learning at one end and teacher-directed learning at the other). The classic work of Frank Bloch, which made the connection between andragogy and clinical legal education, acknowledges that “law students, of course, are a varied group.” *The Andragogical Basis of Clinical Legal Education*, 35 *VAND. L. REV.* 321, 337 (1982). However, I would argue that when he concludes “[l]aw students, therefore, clearly are adults,” *id.*, he extrapolates too much from the fact that our students are “college graduates,” *id.* (or the college experience is very different now from what it was some thirty years ago).

more complex, I have observed students who may have had extensive and challenging life and work experience before law school, but by the time they come to me in their third year they have *lost* their ripeness in the face of a legal education that has devalued their prior experience, impressed on them the importance of mechanical competition, and left them in a cloud of self-doubt.<sup>101</sup>

This is not to disparage our students, but to suggest that we need to *start* by meeting them where they are, not where we want them to be. We need to question our own assumptions about how “adult” they are, while still aspiring to train them as adults and to be adults. It may be acknowledging that millennial students require different pedagogical approaches.<sup>102</sup> It might also require understanding and owning the psychological and emotional damage we cause in law school.<sup>103</sup> Quigley notes that “[i]f the gap is too great between how we understand the world and ourselves in it and the experience, we may choose to ignore it or reject it.”<sup>104</sup> Deeply disorienting moments about poverty, injustice, and lawyers’ often distasteful role in the system – the ones we really strive for – may be too discordant for students with substantial privilege, limited experience in the real world, and, by their final year of law school, an enormous investment in the meaning and status of being a lawyer.

But, of course, not all disorienting moments have to go for the jugular. One disorienting but still sufficiently non-threatening experience for a law student is to encounter a teacher who does not conform to his expectations and stereotypes of a teacher. This category of experience has the advantage of being easier to cultivate than many of the other types of experiences we try to foster that involve far more variables. For the students who may not be ready for the big disorienting moments that may lead to obviously rebellious lawyers, an unexpected teacher is “unsettling or puzzling or somewhat

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<sup>101</sup> Theorists of adult education have also identified a “briefcase” of factors that can have an impact on the adult learner’s experience, which includes positive and negative previous adult learning experiences. SHARAN B. MERRIAM & ROSEMARY S. CAFFARELLA, *LEARNING IN ADULTHOOD: A COMPREHENSIVE GUIDE* (2nd ed. 1999). Although we may go great distances to admit students with diverse experiences and backgrounds, we do little as institutions to accommodate the experiences and backgrounds into our classrooms once students are here, which can result in negative learning experiences.

<sup>102</sup> Emily A. Benfer & Colleen Shanahan, *Educating the Invincibles: Strategies for Teaching the Millennial Generation in Law School*, 20 *CLIN. L. REV.* 1 (2013).

<sup>103</sup> See Lawrence S. Krieger, *Institutional Denial About the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence*, 52 *J. LEGAL EDUC.* 112, 114 (2002) (citing several studies that establish the negative psychological effects of law school and the trajectory of students “from strong mental health and life satisfaction measurements during orientation to distinctly elevated distress and depression. . . later in the first year and into the second year”).

<sup>104</sup> Quigley, *supra* note 92, at 51.

incongruous”<sup>105</sup> in a way that captures their attention and draws it to value choices we want them to consider. A teacher who models the characteristics we find in Dan – emotional intelligence and openness, vulnerability, willingness to cede power and authority, comfortable saying, “I don’t know” – is precisely the opposite of what many students expect to encounter in law school.

In clinical education we often give modeling short shrift as a pedagogical tool, perhaps in our efforts to differentiate ourselves from traditional Langdellian teaching. Modeling quiet rebellion, for example, may give rise to disorienting moments that plant the seeds for a future Dan. Consciously employing this method requires us to share information and to have uncomfortable conversations, just as we ask of our students. It requires us to be vulnerable. I have been honest with my students about mistakes I’ve made in court and with clients as a young attorney. But I have also been honest about – and many times questioned the decision to share — the challenges of parenting and working; fears and examples of my own implicit biases that I later recognized; and the tools I use to moderate my own anxiety.

I am not the first clinical educator to question my choices about both eliciting and disclosing personal information, nor to write about it. Scholars like Kathleen Sullivan and Jennifer Lyman have grappled with this issue and focused on the inevitability of the hierarchy and power dynamic between teacher and student, and the related issues of coercion and intimacy.<sup>106</sup> I do not mean to suggest that any of the complexity of the clinician-student relationships artfully illustrated in their work should be disregarded as we build and assess relationships with our students. But I think it important that these insights are not interpreted to limit my ability to be authentic and honest as a teacher. As Sullivan notes, “the more self-conscious we are about our interactions with students the more potential we have to manipulate those interactions [and] we may do too much of that already.”<sup>107</sup> Rather, awareness of the challenges they identify in the clinical relationship raises the stakes: I try to constantly remind myself that the complexity they describe infuses all my relationships and interactions in the world, professional and personal, casual and long-term, and informs my choices. I agree that boundaries are important, but in this context they should neither be rigid nor impermeable.

When we talk about disclosure in the context of teacher-student

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<sup>105</sup> *Id.*

<sup>106</sup> Kathleen A. Sullivan, *Self-Disclosure, Separation and Students: Intimacy in the Clinical Relationship*, 27 *IND. L. REV.* 115 (1993); Jennifer P. Lyman, *Getting Personal in Supervision: Looking for that Fine Line*, 2 *CLIN. L. REV.* 211 (1995).

<sup>107</sup> Sullivan, *supra* note 106, at 117.

relationships, we are generally talking about the sharing of negative information: information that we perceive has the potential power to make us less (than we would like to be) in the eyes of the recipient (or elicitor) of the information. We make readily available to our students (as they often do to us) the narrative of our success: with minimal effort, they can learn about our educations, our careers, our scholarship, and our awards. They may see our diplomas in our offices, our cars in the law school garage and, maybe even our homes, if we invite them for a meal — additional manifestations of what we've accomplished as lawyers, as academics, and as people. And this is what they expect to see of us.

In the ongoing conversation about disclosure, there is a thread of fear and anxiety<sup>108</sup> — that in a “moment of honesty” we may reveal too much, and may thus become too real and too known to each other and to our students, with unpredictable impacts and reactions. I am not immune to these anxieties, but I try to take them in as an important signal of meaning and value. The story of our success, without the countervailing narrative of the failures and near-misses, hardships, heartbreaks, and mistakes is, at best, incomplete and, at worst, misleading.<sup>109</sup> The students I work with are frequently plagued by a fear of not being good enough— of being embarrassed, of being caught off-guard, of making a mistake. The dread of such a moment, which could reveal them as fallible, often devastates them, long before the moment actually happens, and of course even when it doesn't happen. When we choose to make the air-brushed version of ourselves readily available, I feel we have an equal obligation to disclose at least some of the more complex struggle that lies beneath — not only because it surprises and disorients our students and may lead them to greater insights, but because it is true and we are building real relationships with real people.

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<sup>108</sup> Sullivan begins the article by admitting she is afraid she “compromised [her] image as a competent professional” by sharing her baby pictures with her clinical students at an informal gathering. *Id.* at 115. Lyman presents the supervisor's inquiry into the student Derrick's “personal situation” as incredibly high-risk: the supervisor is “sliding down a slippery slope,” “has taken on substantial responsibilities,” and “faces the danger of slipping into fields in which we have little training.” Lyman, *supra* note 106, at 227.

<sup>109</sup> See Johannes Haushofer, *CV of Failures*, [http://www.princeton.edu/haushofer/Johannes\\_Haushofer\\_CV\\_of\\_Failures.pdf](http://www.princeton.edu/haushofer/Johannes_Haushofer_CV_of_Failures.pdf) (“Most of what I try fails, but these failures are often invisible, while the successes are visible. I have noticed that this sometimes gives others the impression that most things work out for me. As a result, they are more likely to attribute their own failures to themselves, rather than the fact that the world is stochastic, applications are crapshoots, and selection committees and referees have bad days. This CV of Failures is an attempt to balance the record and provide some perspective.” See also Helena Horton, *Ivy league professor shares 'CV of Failures' to show even geniuses mess up sometimes*, TELEGRAPH, May 2, 2016, available at [http://www.telegraph.co.uk/news/2016/05/02/ivy-league-professor-shares-cv-of-failures-to-show-even-geniuses/](http://www.telegraph.co.uk/news/2016/05/02/ivy-league-professor-shares-cv-of-failures-to-show-even-genius/).

### *B. External Path (Micro): The Classroom*

A critical part of the modeling I seek to do is to acknowledge when I don't know something or when somebody else knows something better than I do. Like Dan, I often feel that my less-traditional (though still legal) knowledge and know-how were patched together over my years of practice *in practice*, in real time. Could I build a coalition of like-minded service providers? Okay, here we go! Conduct Know Your Rights sessions for detained youth? Be there tomorrow at noon. Talk to a reporter? Prepare a former client for her first speaking engagement? There is often value in learning what is needed when it is needed – a tenet of adult education theory.

Yet I still advise having a foundation, at least some rudimentary training, before you get thrown into the fire. Reflecting on my experience, I recognize that when I learned these less-traditional ideas, skills, and sensibilities, I learned them as “secondary,” secondary to “core” capacities, such as legal research and writing, trial skills, and interviewing. As I have learned to re-value and reorient myself with respect to the practice of lawyering and teaching, I have also come to the not-so-shocking realization that there are individuals who learn and use these skills as their primary approach to problem solving, and who might, for that and other reasons, be able to teach them with an immediacy that would be hard for me to match.

In the clinic in which I teach, The Community Justice Project (CJP) at Georgetown Law, students engage in project-based work, representing a social justice-minded organization or coalition to help the organization think strategically about future advocacy, growth, and capacity-building. Our client organizations often have an organizing foundation; the client contact may be an organizer; and the work necessarily involves creative problem solving, which sometimes involves traditional legal skills, like legislative drafting, but just as often requires students to engage in door-to-door interviewing, organize meetings or workshops, and assess advocacy tactics. There is a real need in the semester for our students to have some familiarity with organizing to be effective in their representation and to appreciate its place in the overall scheme of what they are learning.

A “practice-ready” social justice lawyer needs the same familiarity with the history, culture, vocabulary, and tools of an organizer. There is a resurgence of, or at least renewed attention to, collaborations between organizers and lawyers to bring about change. A prominent example is the Black Movement-Law Project, created in 2015 to “provide[ ] legal support to local communities throughout the country

as they demonstrate against police brutality and systemic racism,”<sup>110</sup> in support of the larger Movement for Black Lives. Another example is South Africa’s Equal Education Law Centre, founded in 2012 to “provide [ ] support for campaigns led by members of [their] sister organization, Equal Education.”<sup>111</sup> David Cole’s latest book, *Engines of Liberty: The Power of Citizen Activists to Make Constitutional Law*, argues that “the vast majority of the work necessary to transform constitutional law took place outside the federal courts.”<sup>112</sup> In his analysis of the success of the marriage equality movement, he outlines a process of change in which “a mass of people cared enough to create a set of civil society institutions that worked to legitimate [an] idea. . . over an extended period of time, all the while responding to and assuaging public concerns about it.”<sup>113</sup> In fact, Cole points out that while we “train[ ] students to argue the finer points of doctrine in the rarefied atmosphere of an appellate courtroom” that is “only a small part of what lawyers and nonlawyers must do to make their constitutional visions a reality.”<sup>114</sup>

It is with all this in mind that The Community Justice Project decided over a year ago to dedicate a week of seminars each semester to instruction and discussion led directly by an experienced organizer.<sup>115</sup> It is a small shift: more than just a guest speaker, but far less than the full-fledged co-teaching arrangement I hope to have someday. My students have the opportunity to hear a new and different voice in the role of teacher.

It is easy to forget what strong adherents we are to the status quo: when I first heard the talk the organizer wanted to give my students, it struck me as too excited and energetic, too brash, and the PowerPoint slides, literally, too colorful. And then I remembered that was the point. She shocks them, in a way that another lawyer or academic cannot or would not. Near the end of one of the organizer’s first sessions, a student, having just completed a reflection on what her “law-

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<sup>110</sup> *About Us*, BLACK MOVEMENT-LAW PROJECT, <https://bmlp.org/> (last visited Sept. 5, 2016).

<sup>111</sup> *Our Work*, EQUAL EDUC. L. CENTRE, <https://eelawcentre.org.za> (last visited Sept. 5, 2016).

<sup>112</sup> DAVID COLE, *ENGINES OF LIBERTY: THE POWER OF CITIZEN ACTIVISTS TO MAKE CONSTITUTIONAL LAW* 6 (2016).

<sup>113</sup> *Id.* at 91.

<sup>114</sup> *Id.* at 9.

<sup>115</sup> For two semesters, Ayelet Hines, a community organizer with 25 years of advocacy and organizing experience on a range of issues in a number of different communities, has led the classes in CJP. Hines founded her current project, Change University, to bring an organizing curriculum to other professionals, such as doctors and social workers. Next semester, we will also be including Sochie Nnaemeka, a current JD student and a former organizer with Unite Here.



ying code” might look like, asked the organizer if *she* had a code. The response was succinct and without hesitation: “Never work for douchebags and don’t do anything for money that you wouldn’t do for free.” That was a disorienting moment.

Four hours gives our students a small window into the world of an organizer, a different system of ethics, and a new model of change, in which lawyers are far more likely to be the supporting actors than the star performers.<sup>116</sup> It brings their attention to the inter-professional competencies in play when lawyers and organizers work together. Underneath the tangible skills, the students are also learning that an organizer, like Etta, has so much of value to teach them.

There is benefit to exposure to any diversity, whether it is racial, political, professional or other diversity.<sup>117</sup> Our students were already exposed to different perspectives, including those of organizers, through assigned readings, one of the most common methods of interjecting different perspectives.<sup>118</sup> But putting that voice at the front of the classroom matters: if organizers or others are brought into the classroom as individuals with problems that lawyers can solve, the power dynamic does not shift. We often make space for organizers and activists to be clients, and sometimes partners, but rarely teachers. They must be at the front of the classroom, as uniquely valuable and specialized problem solvers, so that they can be seen and experienced by students as individuals with solutions. Like exposure to a non-conforming teacher, exposure to an organizer at the front of a law school classroom can lead to a disorienting moment that is powerful but still digestible by a student.

Even if students do not see the value of being taught by an organizer in the moment, I believe that they still see the choice I make to step back from the front of the room. I openly acknowledge that I’m not the best person to teach them about organizing and I do not pretend that it’s something I can cram over the weekend and play the expert on Monday. Ironically, being open about not knowing is arguably easiest when you look like a conventional law school teacher –

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<sup>116</sup> Jennifer Gordon, *The Lawyer is Not the Protagonist: Community Campaigns, Law, and Social Change*, 95 CAL. L. REV. 2133 (2007).

<sup>117</sup> See, e.g., Christine Chambers Goodman & Sarah E. Redfield, *A Teacher Who Looks Like Me*, 27 J. CIV. RTS. & ECON. DEV. 105, 106 (2013) (citation omitted) (discussing the “engagement benefits” of diversity, “where diversity exposes students to a wider range of viewpoints and contributes to broader learning”); Susan Sturm & Lani Guinier, *Learning from Reflections on Teaching about Race and Gender*, 53 J. LEGAL EDUC. 515, 544 (2003) (“Exposure to . . . nonlawyers who interact regularly with the law[] provides concrete examples of alternative conceptions and legal practice”).

<sup>118</sup> See, e.g., Shirley Lung, *Developing a Course on the Rights of Low-Wage Workers*, 54 J. LEGAL EDUC. 380, 389-90 (2004) (describing the use of course materials to interject the worker experience into the classroom).

white, male, “distinguished” – someone students expect to know, well, everything. Because it’s arguably easiest does not mean white, male, and distinguished faculty will do it, which strikes me as a missed opportunity, even a squandered strength.

As a younger teacher, a female, or a person of color, this choice may be (and has been for me) substantially more complicated. I want them to take away the value of a lawyer ceding control and learning from others, not to confirm their potential stereotype that somebody younger, female and/or of color actually knows less. I try to show them that I am excited to learn, flipping student expectations: not knowing becomes normal, not something embarrassing or shameful. Students see the value in “embrace[ing] the role of participant” instead of “claim[ing] the power and safety of professorial position,” even when that position is available to you.<sup>119</sup> This, in turn, may call into question the value that law school places on mastery, “the idea of professor (and by inference, lawyer) as an individual master of the situation, in charge by virtue of specialized knowledge and institutional position.”<sup>120</sup> I see all of these messages in the category of micro-messages,<sup>121</sup> with the potential to accumulate and exert a powerful influence. I’d like to think they are opening doors for students like Dan, opening them up to potentially learn in the future from organizers and an even wider range of individuals.

### C. *External Path (Macro): The Institution*

The virtue and vice of many disorienting moments is that they tend to be targeted: they often work one student and one moment at a time and arise in the student’s representation of clients. Exactly because of their focus, they reach a limited audience (our clinics are small) with limited effect (our students may not be ready). The micro-external approach of having an organizer teach law students has the potential to reach more students, but Sturm and Guinier’s conclusion about their own pedagogical experiment facilitating a critical reading group is equally applicable here: small experiments, “added on top of the traditional curriculum,” may have symbolic value but “face a strong risk of marginalization.”<sup>122</sup> Clinical education itself is susceptible to this critique: when it is kept in its own silo, simply tacked on to

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<sup>119</sup> See Sturm & Guinier, *supra* note 117, at 519.

<sup>120</sup> *Id.* at 543.

<sup>121</sup> Sociologists define micro-messages, micro-affirmations or micro-inequities as small messages that are sent, typically without conscious thought or intent. Examples include “the messages faculty send, often unknowingly, by whom they call on and with whom they engage. A pattern of accumulation of positive messages is referred to as the “Matthew effect.” Goodman & Redfield, *supra* note 117, at 132-33.

<sup>122</sup> Sturm & Guinier, *supra* note 75, at 542.

the regular curriculum, it is much harder for students to reap the benefits that clinics offer. It is an on-off switch that is difficult to flip: it was about grades, but now it is about clients; it was about identifying the right answer, but now it is about building a creative solution; it was about books, and now it is about people.

What would it take for more students to be brought into the fold regarding the lessons and micro-messages discussed in the previous section? Exposing more students to clinical education is an obvious part of the solution, but subject to equally obvious constraints, like cost and institutional commitment. Another part of the solution would involve looking at what other forms of messaging are available at the institutional level that are either not being used or are, in fact, sending strong counter-signals undermining the very values we have identified as necessary to cultivate quiet rebels like Dan.

Broad institutional messaging changes would start to work on the law student body as a whole. Currently, the opportunities that allow law students to engage with larger movements, community organizers, and activists are frequently student-driven and outside the structured and institutionally validated curriculum, through chapters of organizations like the National Lawyers Guild and the Black Law Students Association.<sup>123</sup> Certainly there are benefits to maintaining an outsider position. And some would insist a position on the fringe is necessary for a serious challenge to the status quo and to maintain a movement's credibility, identity, and energy.<sup>124</sup> Still, to my mind, the critical question is whether movements (and their organizers and activists) *choose* the margins or are, they, in fact, forced to the periphery by law school administrations. The recent surge of activism on several law school campuses reflects the strength of movements like Occupy, Black Lives Matter, and the Fight for \$15. Although law schools may be the site of activism, law school administrations more often find

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<sup>123</sup> See, e.g., *BLS Students Organize "Die-In,"* Brooklyn Law School News & Events (Dec. 11, 2014), <https://www.brooklaw.edu/newsandevents/news/2014/12-11-2014> (last visited on Sept. 5, 2016).

<sup>124</sup> Many of our life choices implicitly engage the question of whether something – art, fashion, politics – is “too” mainstream to be authentic or “too” out-there to be plausible. See, e.g., Sarah Boxer, *The Rise of Self-Taught Artists*, THE ATLANTIC, Sept. 2013, available at <http://www.theatlantic.com/magazine/archive/2013/09/out-is-the-new-in/309428/> (“At this moment, the universe of outsider art is huge. And it’s being enthusiastically embraced—one might say swallowed whole—by the contemporary art world. . . . With outsiders so clearly on the inside, you have to wonder whether the concept of outsider art has lost all sense?”); Jason Mark, *Forget “Alternative” – Renewable Energy Has Gone Mainstream*, SIERRA, May/June 2016, available at <http://www.sierraclub.org/sierra/2016-3-may-june/2016-3-may-june/editor/forget-alternative-renewable-energy-has-gone-mainstream> (“*Alternative*. . . . Maybe there’s an element of hipness associated with the word, but declaring yourself alternative can be marginalizing. When it comes to social change, ‘alternative’ is a rhetorical cul-de-sac; it keeps us trapped in a minority status.”)

themselves the targets of these campaigns, not leaders or mentors. Consider Reclaim Harvard Law, a coalition of students and staff that has set itself to “combat [Harvard]’s systemic racism and exclusion.”<sup>125</sup> The group issued demands and, in February 2016, announced it had renamed Wasserstein Hall to Belinda Hall (after a former slave of the Royall family, whose family crest became the seal of Harvard Law) and began an occupation.<sup>126</sup> Interestingly, although law schools acknowledge the efficacy of the movement, by ceding to protesters’ demands, there is little interest in developing a rigorous internal expertise and *teaching* the same tools and underlying ethos.<sup>127</sup> López himself has asked, “Can it be that we are just too timid ourselves to canonize certain other bodies of thought as centrally important to the training we provide?”<sup>128</sup>

There are notable exceptions. In late April 2015, as protests grew in Baltimore in response to Freddie Gray’s murder by police officers, Dean Shelley Broderick of the David A. Clarke School of Law at the University of the District of Columbia invited her students to join the movement. Her letter, which allowed students to defer one exam if they were participating in legal support for the protests, was unequivocal in its messaging: “The energy and commitment of those involved in the movement is inspiring and we want the Law School to be part of it.”<sup>129</sup> It went on to explain, “The police accountability movement needs and will continue to need the best lawyers that we can train. . . . We need to invest in you to be prepared to play that role.”<sup>130</sup> The letter was unapologetic about the Law School’s commitment to activism and honored any lawyer’s or law student’s choice to take a role in a movement. More concretely, by deferring an exam, the Dean equated a law school’s most valuable currency, exams and grades, with

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<sup>125</sup> Reclaim Harvard Law, <https://reclaimharvardlaw.wordpress.com/> (last visited June 15, 2016) (“Reclaim assumes the burden of educating ourselves and others in spite of this institution and not because of it”).

<sup>126</sup> *Id.*

<sup>127</sup> See Claire E. Parker, *Law School Activists Occupy Student Center*, HARV. CRIMSON, Feb. 17, 2016, available at <http://www.thecrimson.com/article/2016/2/17/activists-occupy-wasserstein/> (“Last fall, Reclaim Harvard released a series of demands, calling on Law School administrators to. . . change the school’s controversial seal featuring the shield of the Royall family, who owned slaves – including Belinda”); Steve Annear, *Harvard Law School to Ditch Controversial Shield*, BOS. GLOBE, Mar. 14, 2016, available at <https://www.bostonglobe.com/metro/2016/03/14/harvard-law-school-ditch-controversial-shield-with-elements-from-slave-owningfamily/UIYgbyviFdwWgKjexZgWqN/story.html>.

<sup>128</sup> López, *supra* note 72, at 12.

<sup>129</sup> Susan Svrluga, *Law School Dean: If You Help Freddie Gray Protesters in Baltimore, You Can Defer an Exam*, WASH. POST, Apr. 29, 2015, available at <https://www.washingtonpost.com/news/grade-point/wp/2015/04/29/udc-defers-exams-for-law-students-helping-freddie-gray-protesters-in-baltimore/>.

<sup>130</sup> *Id.*

protest support.

Law schools' struggle with whether to incorporate organizing and activism into the curriculum is similar to medical schools' debate of more than a decade ago about the role of integrative (also known as alternative or complementary)<sup>131</sup> medicine. The relationships between law and organizing, on the one hand, and western medicine and integrative medicine, on the other, have strong parallels. Organizing and integrative medicine are both founded on deep-seated critiques of the existing professional hierarchies and practices and seek to bring about potentially "radical" systemic change in the interest of justice. Both seek to understand their problems broadly and from the roots, embracing the unavoidable complexity of emotional, social, spiritual, and environmental influences. Both look beyond the modern tools of the profession to both more ancient and more novel approaches, such as integrative medicine's consideration of practices ranging from acupuncture to touch therapy. Most importantly, both posit the necessity of a new conception of the relationship between the professional and the constituent or client. Both law and western medicine are fields of the elite, requiring extensive formal education and based on a power dynamic in which the lawyer or doctor uses his expertise to solve the problem of another. In contrast, organizing and integrative medicine have been more open fields, based on inclusivity and the equal partnership of advocate and constituent and practitioner and patient, which have invited emotion into the equation.

Perhaps not surprisingly, while law and organizing and western and integrative medicine may work best in concert, the relationships between the fields are often antagonistic. "Until the mid-1990s, most academic centers treated CAM [integrative medicine] like a pack of scruffy mutts, noisy and unworthy of notice," one article describes bluntly.<sup>132</sup> Notably, one of the key obstacles faced by the reformers was that "an integrative medicine curriculum includes materials that may not be recognized en face as core medical content" and key concepts "have been excluded or marginalized by the current [ ] para-

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<sup>131</sup> The change in terminology itself reflects changing attitudes. Initially, the medical community spoke of western medicine and alternative medicine, by definition two contrasting choices where "taking either necessarily entails rejecting the other." WEBSTER'S THIRD NEW INT'L DICTIONARY 63 (2002). The medical community then progressed to speaking of complementary medicine, suggesting that the two sets of practices were "mutually dependent." *Id.* at 464. Ultimately, they settled on the label integrative medicine, conjuring the idea of different practices coming together "to form into a more complete, harmonious, or coordinated entity." *Id.* at 1174.

<sup>132</sup> Avery Comarow, *Top Hospitals Embrace Alternative Medicine*, U.S. NEWS & WORLD REP. (Jan. 9, 2008), <http://health.usnews.com/health-news/managing-your-health/care/pain/articles/2008/01/09/embracing-alternative-care> (last visited June 15, 2016).

digm.”<sup>133</sup> The medical education establishment, however, has been changing rapidly. Several medical schools now include integrative medicine in their formal curriculum, using a variety of models. The University of Maryland School of Medicine hosts a Center for Integrative Medicine, includes lectures on integrative medicine in all phases of medical education, and offers a month-long intensive elective.<sup>134</sup> The University of Arizona College of Medicine gives students the opportunity to specialize in integrative medicine through a designated track that requires a separate application,<sup>135</sup> and offers integrative medicine as an elective rotation. The University of California, San Francisco School of Medicine *requires* twenty-five hours of integrative medicine coursework as part of its core curriculum over the first two years of school.<sup>136</sup> For proponents of integrative medicine, these curricular changes are not the complete overhaul of the system they necessarily envisioned,<sup>137</sup> but they do provide a model for how law schools can begin, at least tentatively, to rethink the role of organizing in the formal curriculum.

Clinicians do not need to be told that even ponderous institutions can be made to change. The reinvention of a significant portion of the law school curriculum with clinical pedagogy is an inspiring achievement that should not be taken for granted. Our call as legal educators is to ensure that Dan is no longer an aberration. While great strides have been taken to move law students into the community, we have not, with a clear voice, taken steps to move the community and its organizers into our classrooms. Nor have we fully embraced the vision of a lawyer as a multidimensional thinking *and* feeling being, who is part of a complex, interdependent community.

López ends the Dan and Etta chapter with a riff on the musical qualities of rebellious lawyering, the call-and-response of lawyers and organizers, which is, at its heart, the call-and-response of people through generations. “Dan and Etta proudly build their own phrasing,” but “[i]f you listen carefully, you can hear past masters in nearly

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<sup>133</sup> Consortium of Academic Health Center for Integrative Medicine (CAHCIM), CURRICULUM IN INTEGRATIVE MEDICINE: A GUIDE FOR MEDICAL EDUCATORS 13 (May 2004), *available at* <https://www.imconsortium.org/docs-public/CurriculuminIMGuideforMedEducators2004.pdf>

<sup>134</sup> Center for Integrative Medicine, University of Maryland School of Medicine, <http://www.cim.umaryland.edu/Education/Our-Programs/> (last visited June 15, 2016).

<sup>135</sup> Integrative Medicine Track, Arizona Center for Integrative Medicine, <http://integrativemedicine.arizona.edu/distinction/index.html> (last visited June 15, 2016).

<sup>136</sup> Integrative Medicine Curriculum, Osher Center for Integrative Medicine, <http://www.osher.ucsf.edu/education/-medicine-curriculum/> (last visited June 15, 2016).

<sup>137</sup> CACHIM, *supra* note 133, at 13 (describing “the ultimate goal of having this [integrative medicine] material thoroughly integrated into the entire medical school curriculum rather than standing alone in either a required or an elective course”).

everything they now do.”<sup>138</sup> We hear the music of their journey, a fugue<sup>139</sup> of themes from their pasts, but in order for it to crystallize – so that we can fully appreciate, interpret, and share it – we have to hear the prelude, as well as the crescendos. As teachers, we need to open ourselves up to listening for and cultivating these expressions in our students. We need to appreciate the incredible range of sources and dynamics — loud, boisterous, quiet, internal — with which this art is practiced and with which it can be taught. Twenty-five years on, has the call to rebellious lawyering been a success? To my ears, that sounds like a lawyer’s question. Dan would surely note there’s always “something more to work on.”<sup>140</sup>

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<sup>138</sup> LÓPEZ, *supra* note 1, at 329.

<sup>139</sup> A fugue, from the Latin for flight, is an apt metaphor for Dan’s journey with Etta. As a piece of music, it is a “a contrapuntal musical composition in which one or two melodic themes are repeated or imitated by the successively entering voices and developed in a continuous interweaving of the voice parts into a well-defined single structure.” WEBSTER’S THIRD NEW INT’L DICTIONARY, *supra* note 131, at 918.

<sup>140</sup> LÓPEZ, *supra* note 1, at 327.

