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# Community Education and Access to Justice in a Time of Scarcity: Notes from the West Grove Trolley Garage Case

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# COMMUNITY EDUCATION AND ACCESS TO JUSTICE IN A TIME OF SCARCITY: NOTES FROM THE WEST GROVE TROLLEY GARAGE CASE

ANTHONY V. ALFIERI\*

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## INTRODUCTION

*We just got to keep fighting.*

—Pierre Sands<sup>1</sup>

Miami, like other inner cities stricken by deep, concentrated poverty, is also afflicted by limited indigent access to legal services in its

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1. Jenny Staletovich, *Neighbors Fight Back against Trolley Garage – But Is It Too Late?*, MIAMI HERALD (Jan. 10, 2013), <http://www.miamiherald.com/2013/01/10/3176522/neighbors-fight-back-against-trolley.html> (quoting Pierre Sands, president of the Coconut Grove Village West Homeowners and Tenants Association).

civil and criminal justice systems.<sup>2</sup> In Miami, as elsewhere, such limited access signals a crisis in legal services delivery exacerbated by cutbacks in federal and state funding of local legal aid providers,<sup>3</sup> declines in foundation support for nonprofit advocacy organizations,<sup>4</sup> and reductions in for-profit law firm underwriting of in-house and bar-sponsored pro bono programs.<sup>5</sup>

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2. See AM. BAR ASS'N STANDING COMM. ON LEGAL AID & INDIGENT DEF., *GIDEON'S BROKEN PROMISE: AMERICA'S CONTINUING QUEST FOR EQUAL JUSTICE* 7–28 (2004); KELLY CARMODY, *PRO BONO: LOOKING BACK, MOVING FORWARD* 16–24 (2008), available at <http://www.flabarfdn.org/downloads/pdf/pro-bono.pdf> (discussing the stagnation and decline of pro bono legal services in Florida); Talbot D'Alemberte, *Tributaries of Justice: The Search for Full Access*, 73 FLA. B.J., Apr. 1999, at 12; Terry Russell, "As I See It": *The Face of Poverty*, 75 FLA. B.J., Oct. 2001, at 4 (noting that "over 400,000 legal aid cases go unassisted each year because of a lack of resources").

3. See Mike Clary, 'New Poor' Flood Legal Aid as Offices Cut Back, SUN SENTINEL (Florida) (May 11, 2012), [http://articles.sun-sentinel.com/2012-05-11/news/fl-pb-legal-aid-budget-cuts-20120510\\_1\\_legal-aid-service-free-indigent-assistance-anthony-karrat](http://articles.sun-sentinel.com/2012-05-11/news/fl-pb-legal-aid-budget-cuts-20120510_1_legal-aid-service-free-indigent-assistance-anthony-karrat); Roberta G. Mandel, *The Appointment of Counsel to Indigent Defendants Is Not Enough: Budget Cuts Render the Right to Counsel Virtually Meaningless*, 83 FLA. B.J., Apr. 2009, at 43; Michael Mayo, *Cuts at Broward Legal Aid Another Blow to the Poor*, SUN SENTINEL (Fla.) (Aug. 10, 2011), [http://articles.sun-sentinel.com/2011-08-10/news/fl-legal-aid-mayocol-b081111-20110810\\_1\\_legal-services-corp-budget-cuts-anthony-karrat](http://articles.sun-sentinel.com/2011-08-10/news/fl-legal-aid-mayocol-b081111-20110810_1_legal-services-corp-budget-cuts-anthony-karrat); David Ovalle, *Legal Aid Organizations Hard Hit by Budget Cuts in 2012*, MIAMI HERALD (Feb. 4, 2012), available at <http://www.lsgmi.org/content/legal-aid-organizations-hard-hit-budget-cuts-2012>; Michael Peltier, *Gov. Rick Scott Veto Hurts Legal Assistance Program for Poor*, MIAMI HERALD (Apr. 18, 2012), <http://www.miamiherald.com/2012/04/18/2756244/gov-rick-scott-veto-hurts-legal.html>; Adolfo Pesquera, *Budget Cuts Loom for Local Legal Aid Groups*, DAILY BUS. REV. (Miami) (Feb. 15, 2011), available at <http://www.lsgmi.org/content/budget-cuts-loom-local-legal-aid-groups>.

4. See Robert J. Derocher, *The IOLTA Crash: Fallout for Foundations*, B. LEADER, Sept.–Oct. 2012, at 1, available at [http://www.americanbar.org/publications/bar\\_leader/2012\\_13/september\\_october/iolta\\_crash\\_fallout\\_foundations.html](http://www.americanbar.org/publications/bar_leader/2012_13/september_october/iolta_crash_fallout_foundations.html); Nancy Kinnally, *Florida Bar and Bar Foundation Presidents Appeal to Florida Lawyers to Help Alleviate Legal Aid Funding Crisis*, FLA. B. FOUND. (Mar. 1, 2012), <http://www.flabarfdn.org/about/news-publications/newsroom/now-campaign.aspx> (discussing the Florida Bar Foundation's seventy-one percent cut in funding); *Funders Tighten Grip on Grantmaking*, NONPROFIT BUS. ADVISOR, June 2009, at 8, available at <http://onlinelibrary.wiley.com/doi/10.1002/nba.20006/pdf>; *Nonprofits Continue to Have Difficulty Securing Multi-Year Grants, General Support Funding*, PR NEWSWIRE (Nov. 2, 2012), <http://www.prnewswire.com/news-releases/nonprofits-continue-to-have-difficulty-securing-multi-year-grants-general-support-funding-176938751.html>; Thomas Tryon, *Tryon: Thousands of Reasons to Fund Legal Aid*, HERALD-TRIB. (Fla.) (Mar. 18, 2012, 1:00 PM), <http://www.heraldtribune.com/article/20120318/COLUMNIST/303189999> (noting decline in federal, state, and foundation funding to legal aid agencies).

5. See *Pro Bono Report 2012: Under Construction*, AM. LAW. (June 27, 2012), [http://www.americanlawyer.com/PubArticleTAL.jsp?id=1202498700455&Pro\\_Bono\\_Report\\_2012\\_Under\\_Construction](http://www.americanlawyer.com/PubArticleTAL.jsp?id=1202498700455&Pro_Bono_Report_2012_Under_Construction) ("Today, the future of pro bono looks a whole lot murkier than it did just a few years ago. While a recovering economy could lift pro bono

This Essay and its accompanying Colloquium spring from a collaborative scholarly commitment to study the access to justice crisis in the United States as a joint enterprise,<sup>6</sup> particularly the clinical, institutional, and programmatic implications of recent empirical research<sup>7</sup> and experimental pilot projects in the field.<sup>8</sup> Both the Essay and the Colloquium canvass research and scholarship on access to justice, including empirical research and evidence-based data assessment, and survey the curricular and institutional effort to redesign legal services delivery and self-help assistance systems, including analysis of the cost-benefit metrics of individual and group representation.<sup>9</sup> Although this Essay and the Colloquium focus primarily on service delivery, resource allocation, and access to justice issues within neighborhood-based antipoverty programs, and the civil justice system more generally, the broader mission of this collective enterprise is to build wide-ranging partnerships among legal scholars, social scientists, policy makers, practitioners, and community groups in order to promote new research and project innovation germane to low-income legal services delivery and resource allocation as well as to access to justice campaigns. The hope is that such partnerships will reinvigorate debate, research, and experimentation within legal education and the profession (bar and bench) specific to individual service delivery, institutional program design, and community access to justice, especially nonlawyer and

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work back to boomtime levels, it's just as likely that changes in law firm staffing and an increasing fixation on cost control could depress pro bono hours for years."); Fred Rackmil, *Pro Bono Decline Continues, Says the American Lawyer; Large Firm Structural Changes Hinder Turnaround*, REUTERS, June 28, 2012, available at <http://www.reuters.com/article/2012/06/28/idUS144380+28-Jun-2012+BW20120628>.

6. On the origins of this collaborative commitment, see Jeffrey Selbin, Jeanne Charn, Anthony Alfieri, & Stephen Wizner, *Service Delivery, Resource Allocation and Access to Justice: Greiner and Pattanayak and the Research Imperative*, 122 YALE L.J. ONLINE 45 (2012).

7. See, e.g., D. James Greiner & Cassandra Wolos Pattanayak, *Randomized Evaluation in Legal Assistance: What Difference Does Representation (Offer and Actual Use) Make?*, 121 YALE L.J. 2118 (2012) (studying low-income clients at the Harvard Legal Aid Bureau); D. James Greiner et al., *The Limits of Unbundled Legal Assistance: A Randomized Study in a Massachusetts District Court and Prospects for the Future*, 126 HARV. L. REV. 903 (2013) (studying indigent tenants in Massachusetts state courts); Carroll Seron et al., *The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of a Randomized Experiment*, 35 LAW & SOC'Y REV. 419 (2001) (studying low-income tenants in New York City's Housing Court).

8. On law school clinics and access to justice, see Stephen Wizner & Jane Aiken, *Teaching and Doing: The Role of Law School Clinics in Enhancing Access to Justice*, 73 FORDHAM L. REV. 997 (2004).

9. For background discussion, see Selbin, Charn, Alfieri, & Wizner, *supra* note 6.

self-representation models of advocacy, in light of the doctrinal limits of *Gideon v. Wainwright*<sup>10</sup> and, more recently, *Turner v. Rogers*.<sup>11</sup>

Against this backdrop, the University of Miami School of Law's Historic Black Church Program (HBCP or "the Program") and other campus-community outreach programs elsewhere provide fertile ground for renewed debate, research, and experimentation regarding not only individual service delivery and institutional program design, but also community access to justice through nonlawyer and self-representation models.<sup>12</sup> Indeed, the curricular and campus-community design structure of the Program offers a kind of laboratory to investigate critical questions of clinical service delivery, resource allocation, and representational efficacy in a time of public and private resource scarcity.<sup>13</sup>

This Essay proceeds in three parts. Part I describes the Historic Black Church Program's mission, its pedagogy of community and public citizenship, and its practice of community education, research, and historic preservation attendant to faith-based outreach and interfaith coalition-building. Part II describes the West Grove Trolley Garage case, its public and private stakeholders, and its legal-political landscape. Part III considers the self-help lessons learned by students, faculty, and community activists from the West Grove Trolley Garage case in pursuing an access to justice strategy of community education, community research, and historic preservation.

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10. 372 U.S. 335 (1963) (declaring the fundamental right of an indigent defendant to assistance of counsel in a criminal trial as essential to fairness).

11. 131 S. Ct. 2507 (2011) (holding that a state must provide safeguards to reduce the risk of erroneous deprivation of liberty in civil contempt proceedings such as child support cases but stopping short of requiring that a state provide counsel to indigent defendants in such proceedings).

12. For earlier assessments of nonlawyer and self-representation models, see Margaret Martin Barry, *Assessing Justice: Are Pro Se Clinics a Reasonable Response to the Lack of Pro Bono Services and Should Law School Clinics Conduct Them?*, 67 *FORDHAM L. REV.* 1879 (1999); Alex J. Hurder, *Nonlawyer Legal Assistance and Access to Justice*, 67 *FORDHAM L. REV.* 2241 (1999); Elizabeth McCulloch, *Let Me Show You How: Pro Se Divorce Courses and Client Power*, 48 *FLA. L. REV.* 481 (1996); Bruce D. Sales et al., *Is Self-Representation a Reasonable Alternative to Attorney Representation in Divorce Cases?*, 37 *ST. LOUIS U. L.J.* 553 (1993); and Helen B. Kim, Note, *Legal Education for the Pro Se Litigant: A Step towards a Meaningful Right To Be Heard*, 96 *YALE L.J.* 1641 (1987).

13. For wide-ranging consideration of legal services design and delivery in clinical and institutional settings, see Ann Southworth, *Collective Representation for the Disadvantaged: Variations in Problems of Accountability*, 67 *FORDHAM L. REV.* 2449 (1999); Jacqueline St. Joan & Stacy Salomonsen-Sautel, *The Clinic as Laboratory: Lessons from the First Year Conducting Social Research in an Interdisciplinary Domestic Violence Clinic*, 47 *LOY. L. REV.* 317 (2001); and Gregg G. Van Ryzin & Marianne Engelman Lado, *Evaluating Systems for Delivering Legal Services to the Poor: Conceptual and Methodological Considerations*, 67 *FORDHAM L. REV.* 2553 (1999).

## I. THE HISTORIC BLACK CHURCH PROGRAM

*There are some who still find the cross a stumbling block, and others consider it foolishness, but I am more convinced than ever before that it is the power of God unto social and individual salvation.*

—Martin Luther King, Jr.<sup>14</sup>

This Part examines the guiding mission, pedagogy, and practice of the Historic Black Church Program. The Program's mission centers on the education and training of law students to assist faith-based nonprofits and related neighborhood groups in low-income, inner-city communities of color. By design, the Program combines a classical and clinical pedagogy of community and public citizenship gleaned from multiple university disciplines, diverse law school pedagogies, and varied legal-political reform practices. Piloted by that pedagogy, Program faculty, staff, and students engage in a multipronged practice of community education, community research, and historic preservation linked to faith-based outreach and interfaith coalition-building in order to fashion innovative advocacy, organizing, and policy approaches to alleviating concentrated inner-city poverty.

*A. Mission*

Founded in 2008, the Historic Black Church Program serves low-income communities of color in Miami, including Coconut Grove Village West (the "West Grove"), a deeply impoverished and historically segregated Afro-Caribbean-American community.<sup>15</sup> The Program emerged out of the classroom study of community lawyering and a corresponding community-outreach initiative tailored to the circumstances of the West Grove, notably the absence of public and private assistance and the presence of the Coconut Grove Ministerial Alliance ("the Ministerial Alliance"), a consortium of more than a dozen

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14. A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS OF MARTIN LUTHER KING, JR. 42 (James M. Washington ed., 1986).

15. See JAN NIJMAN, MIAMI: MISTRESS OF THE AMERICAS 31 (2011); Arva Moore Parks, *History of Coconut Grove*, in REIMAGINING WEST COCONUT GROVE 20, 20–23 (Samina Quraeshi ed., 2005) (documenting the history of the West Grove); REINHOLD P. WOLFF & DAVID K. GILLOGLY, NEGRO HOUSING IN THE MIAMI AREA: EFFECTS OF THE POSTWAR BUILDING BOOM 12–13 (1951). See generally PLANNING BD. OF THE CITY OF MIAMI, DWELLING CONDITIONS IN THE TWO PRINCIPAL BLIGHTED AREAS 1–29 (1949); MIAMI HERALD, MIAMI NEGROES: A STUDY IN DEPTH 19 (1968).

historic black churches.<sup>16</sup> Initially, at the request of individual church ministries and later the Ministerial Alliance itself, this student-driven initiative focused on the preservation of church and community archives through oral histories<sup>17</sup> and documentary films,<sup>18</sup> the conservation of neighborhood cultural and social resources such as libraries and schools,<sup>19</sup> the creation of legal rights education workshops for at-risk families,<sup>20</sup> and the provision of pro bono referral services<sup>21</sup> in conjunction with local, minority-led bar associations.

To that end, the initiative borrowed from the late twentieth century legal-political practices of civil rights and poor people's movements to facilitate antipoverty coalitions among local churches, nonprofit groups,

16. Marielle A. Moore, *Law School Perspective: Student Report on University of Miami School of Law's Historic Black Church Program*, FLA. PUB. INT. J., Fall 2012, at 5, 5–6, available at [http://www.floridabar.org/TFB/TFBResources.nsf/Attachments/1B2A8680DFFB57A885257ACD006E4CA8/\\$FILE/PILS%20Fall%202012](http://www.floridabar.org/TFB/TFBResources.nsf/Attachments/1B2A8680DFFB57A885257ACD006E4CA8/$FILE/PILS%20Fall%202012).

17. See CTR. FOR ETHICS & PUB. SERV., UNIV. OF MIAMI SCH. OF LAW, HISTORIC BLACK CHURCH PROGRAM ORAL HISTORY FILM PROJECT, G.W. CARVER: A COMMUNITY SCHOOL (2012) [hereinafter G.W. CARVER CHAPBOOK]. For examples of oral history projects elsewhere, see *CDC Oral History Project*, PRATT CENTER FOR CMTY. DEV., <http://prattcenter.net/cdc-oral-history-project> (last visited Feb. 2, 2013); Jacqueline Trescott, 'Griot' Project to Record 2,000 Oral Stories from Black Families, WASH. POST (Feb. 8, 2007), <http://www.washingtonpost.com/wp-dyn/content/article/2007/02/07/AR2007020702117.html>. See generally Jamie L. Wacks, *A Proposal for Community-Based Racial Reconciliation in the United States through Personal Stories*, 7 VA. J. SOC. POL'Y & L. 195, 210–16 (2000).

18. See G.W. CARVER: A COMMUNITY SCHOOL (University of Miami School of Law 2012), available at [http://www.law.miami.edu/webcast/video.php?location=Departments&stream=20120622\\_CEPS\\_BlackChurchProject.mp4&width=720&height=405&page=](http://www.law.miami.edu/webcast/video.php?location=Departments&stream=20120622_CEPS_BlackChurchProject.mp4&width=720&height=405&page=); CHURCHES IN THE WEST GROVE HISTORY: PAST, PRESENT, AND FUTURE (University of Miami School of Law 2011), available at [http://www.law.miami.edu/webcast/video.php?location=Departments&stream=20110513\\_HBCP.mp4&width=720&height=405&page=](http://www.law.miami.edu/webcast/video.php?location=Departments&stream=20110513_HBCP.mp4&width=720&height=405&page=); WEST COCONUT GROVE: PAST, PRESENT, AND FUTURE (University of Miami School of Law 2010), available at [http://www.law.miami.edu/webcast/video.php?location=Departments&stream=20100616\\_HBCP.mp4&width=720&height=405&page=](http://www.law.miami.edu/webcast/video.php?location=Departments&stream=20100616_HBCP.mp4&width=720&height=405&page=). For additional examples of law-school-based documentary film projects, see Steven Chen et al., *Empower: Protecting Children with Disabilities through SSI*, PENN PROGRAM ON DOCUMENTARIES & THE LAW, <https://www.law.upenn.edu/institutes/documentaries/studentvideos/> (last visited Feb. 2, 2013); Rebekah Lee et al., *We Didn't Come Here to Fight: The Struggle for a Safe Education*, PENN PROGRAM ON DOCUMENTARIES & THE LAW, <https://www.law.upenn.edu/institutes/documentaries/studentvideos> (last visited Feb. 2, 2013). See generally Regina Austin, *The Next "New Wave": Law-Genre Documentaries, Lawyering in Support of the Creative Process, and Visual Legal Advocacy*, 16 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 809 (2006).

19. See Anthony V. Alfieri, *Fidelity to Community: A Defense of Community Lawyering*, 90 TEX. L. REV. 635 (2012) (reviewing W. BRADLEY WENDEL, *LAWYERS AND FIDELITY TO LAW* (2010)).

20. *Id.* at 635 n.4.

21. *Id.*

schools, prosecutor and public defender offices, police and fire departments, small businesses, and, when possible, governmental agencies.<sup>22</sup> Like the civil rights and poor people's movements, the initiative confronted both resistance, exerted by entrenched political, cultural, and socioeconomic forces, and scarcity, manifested in public sector neglect, private sector disinvestment, and nonprofit sector abandonment. Resistance took many forms. Political forces (e.g., appointed and elected officials) pressed for the Program's dismantling. Cultural forces (e.g., secular groups and organizations) expressed skepticism about the Program's embrace of faith-based institutions. Socioeconomic forces (e.g., commercial and residential real estate developers and municipal planning authorities) disapproved of the program's defense of displaced homeowners and tenants and its support for the historic preservation of area homes and landmark structures. Scarcity also took several forms. Public sector neglect pervaded all levels of government tied to the West Grove. Private sector disinvestment hampered small businesses and thwarted start-up companies. Nonprofit sector abandonment redirected foundation support and charitable giving to the arts in more rapidly gentrifying neighborhoods.<sup>23</sup>

To address the impoverishment resulting from public sector neglect, private sector disinvestment, and nonprofit sector retreat, the HBCP forged partnerships with local black churches, nonprofit entities, service providers, and schools. The partnerships provided frameworks for the development of community education and community research

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22. The HBCP derives its mission in part from the legal profession's ethical mandate not only to stand as "a public citizen," but also to accept "special responsibility for the quality of justice." MODEL RULES OF PROF'L CONDUCT pmbl. ¶ 1 (2008). Both the American Bar Association and state ethics rules teach that civic responsibility should guide lawyer performance of the professional functions (advocacy, counseling, and negotiation) of representation. The preamble to the *Model Rules of Professional Conduct* notes: "[a]s a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession." *Id.* ¶ 6; see also Mary Ann Dantuono, *A Citizen Lawyer's Moral, Religious, and Professional Responsibility for the Administration of Justice for the Poor*, 66 *FORDHAM L. REV.* 1383 (1997).

23. See Mayur Patel & Dennis Scholl, *Building the Arts in Miami*, KNIGHT FOUND. (Oct. 15, 2012), <http://www.knightfoundation.org/publications/building-arts-miami>; Press Release, Greater Miami Convention & Visitors Bureau, Arts and Culture Take Center Stage in Miami, available at [http://global.miamiandbeaches.com/pictures/pressreleases/MPR341\\_Miami%20Arts%20and%20Culture.pdf](http://global.miamiandbeaches.com/pictures/pressreleases/MPR341_Miami%20Arts%20and%20Culture.pdf); Ginia Bellafante, *Bulk of Charitable Giving Not Earmarked for the Poor*, N.Y. TIMES (Sept. 8, 2012), [http://www.nytimes.com/2012/09/09/nyregion/bulk-of-charitable-giving-not-earmarked-for-poor.html?\\_r=1&](http://www.nytimes.com/2012/09/09/nyregion/bulk-of-charitable-giving-not-earmarked-for-poor.html?_r=1&) (noting that of the top individual donations made in New York state, "very little money [went] to causes aimed at enriching the lives of the less fortunate"; two of the top five donations went to the Metropolitan Museum of Art and the Brooklyn Bridge Park Corporation).



initiatives, including environmental justice<sup>24</sup> and historic preservation projects.<sup>25</sup> Rooted in grassroots community organization and legal rights mobilization strategies, the projects established the groundwork for the formulation of a pedagogy of community and public citizenship.

### *B. The Pedagogy of Community and Public Citizenship*

In a prior work addressing the teaching of community and public citizenship in legal education and professional training, I called for the curricular integration of mindfulness and spirituality to steer lawyers toward the promotion of economic justice and democratic community.<sup>26</sup> Basic to interest-group pluralism and liberal legalism, this legal-political enterprise entails building and recovering community in neighborhoods segregated by concentrated poverty and race through legal rights education, organization, and mobilization. Mindfulness and spirituality connect lawyers, clients, and communities through rights-based organizing,<sup>27</sup> multifaceted representation,<sup>28</sup> empowerment,<sup>29</sup> and lay advocacy.<sup>30</sup> Connection comes out of a spiritual faith in community, a

24. On the clinical development of environmental justice projects, see Hope Babcock, *Environmental Justice Clinics: Visible Models of Justice*, 14 STAN. ENVTL. L.J. 3 (1995); Helen H. Kang, *Pursuing Environmental Justice: Obstacles and Opportunities—Lessons from the Field*, 31 WASH. U. J.L. & POL'Y 121 (2009); Janell Smith & Rachel Spector, *Environmental Justice, Community Empowerment and the Role of Lawyers in Post-Katrina New Orleans*, 10 N.Y. CITY L. REV. 277 (2006).

25. Program projects operate jointly with the University of Miami's College of Arts and Sciences, and Schools of Architecture, Communication, Education, and Medicine. See Anthony V. Alfieri, *Integrating into a Burning House: Race- and Identity-Conscious Visions in Brown's Inner City*, 84 S. CAL. L. REV. 541, 592–601 (2011) (reviewing MARTHA MINOW, IN *BROWN'S WAKE: LEGACIES OF AMERICA'S EDUCATIONAL LANDMARK* (2010)); Anthony V. Alfieri, *Post-Racialism in the Inner City: Structure and Culture in Lawyering*, 98 GEO. L.J. 921, 927–28 (2010); see also CTR. FOR ETHICS & PUB. SERV., UNIV. OF MIAMI SCH. OF LAW, BROCHURE (2011) (on file with author); CTR. FOR ETHICS & PUB. SERV., UNIV. OF MIAMI SCH. OF LAW, HISTORIC BLACK CHURCH PROGRAM: 2011–2012 PROJECTS (2011) [hereinafter HISTORIC BLACK CHURCH PROGRAM: 2011–2012 PROJECTS] (on file with author); CTR. FOR ETHICS & PUB. SERV., UNIV. OF MIAMI SCH. OF LAW, STRATEGIC PLAN (2011) (on file with author).

26. Anthony V. Alfieri, *Educating Lawyers for Community*, 2012 WIS. L. REV. 115.

27. See Scott L. Cummings & Ingrid V. Eagly, *A Critical Reflection on Law and Organizing*, 48 UCLA L. REV. 443 (2001).

28. See Sheila R. Foster & Brian Glick, *Integrative Lawyering: Navigating the Political Economy of Urban Redevelopment*, 95 CAL. L. REV. 1999, 2004–05 (2007).

29. See Daniel S. Shah, *Lawyering for Empowerment: Community Development and Social Change*, 6 CLINICAL L. REV. 217, 249–51 (1999).

30. *Id.* at 251–54; see Angela Harris et al., *From "The Art of War" to "Being Peace": Mindfulness and Community Lawyering in a Neoliberal Age*, 95 CAL. L. REV. 2073, 2075–77 (2007).

faith generally absent from legal practice and clinical pedagogy<sup>31</sup> and yet a faith that encourages neighborhood capacity-building relationships with church ministries, nonprofit organizations, and neighborhood coalitions. Defined by self-help in the shared labor of fact investigation, policy research, and organizational governance, those relationships require peacemaking and reconciliation. An extension of Thomas Shaffer's vision of moral community, peacemaking and reconciliation combines a theology of hope and faithful witness.<sup>32</sup>

Typically, curricular experimentation in legal education omits any discussion of faith and spirituality. Neither the American Bar Association's 1979 Cramton report nor the 1992 MacCrate report considers faith or spirituality in terms of critical thinking and problem-solving skills.<sup>33</sup> Only the 2007 Carnegie report treats both ethical judgment and civic commitment as essential professional skills, albeit within a conventional framework of lawyer role and function.<sup>34</sup> And none put forward alternative notions of lawyer responsibility to enlarge economic justice and to enhance participation in democratic community through faith-based, lawyer-client and lawyer-community partnerships.

Establishing community partnerships requires moral and emotional engagement in political organizing and rights-based empowerment. The bonds of engagement enable lawyers to communicate across the boundaries of difference and to embrace more cooperative lawyer-client roles and relationships marked by client participation and self-sufficiency. Accompanied by narratives of client citizenship, competence, and independence, those roles and relationships help

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31. On faith and spirituality in legal practice and clinical pedagogy, see Deborah J. Cantrell, *What's Love Got to Do with It?: Contemporary Lessons on Lawyerly Advocacy from the Preacher Martin Luther King, Jr.*, 22 ST. THOMAS L. REV. 296 (2010); Calvin G.C. Pang, *Eyeing the Circle: Finding a Place for Spirituality in a Law School Clinic*, 35 WILLAMETTE L. REV. 241 (1999); and Russell G. Pearce, *Faith and the Lawyer's Practice*, 75 ST. JOHN'S L. REV. 277 (2001).

32. THOMAS L. SHAFFER, ON BEING A CHRISTIAN AND A LAWYER: LAW FOR THE INNOCENT 111–12 (1981); see also THOMAS L. SHAFFER & MARY M. SHAFFER, AMERICAN LAWYERS AND THEIR COMMUNITIES: ETHICS IN THE LEGAL PROFESSION 196–217 (1991) (defining the community of the faithful); THOMAS L. SHAFFER, FAITH AND THE PROFESSIONS 28–38 (1987) (locating lawyer character in community, moral theology, and professional virtue); Pearce, *supra* note 31.

33. See Roger C. Cramton, *Lawyer Competency: The Role of Law Schools*, 1979 A.B.A. SEC. LEGAL EDUC. & ADMISSIONS TO BAR; Robert MacCrate, *Legal Education and Professional Development—An Educational Continuum*, 1992 A.B.A. SEC. LEGAL EDUC. & ADMISSIONS TO BAR.

34. WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (The Carnegie Found. for the Advancement of Teaching 2007); Anthony V. Alfieri, *Against Practice*, 107 MICH. L. REV. 1073, 1076–78 (2008).

organize and mobilize neighborhood improvement campaigns and give rise to innovative access to justice strategies informed by community education. This Essay turns next to the practices of community education and research.

### *C. Community Education and Research*

The Historic Black Church Program's commitment to a practice of community education and research in cooperation with faith-based outreach and interfaith coalition building arises out of the increasing scarcity of public and private resources available to support antipoverty campaigns within law schools, universities, and the professions. Confronted elsewhere, the same scarcity has given rise to pro se clinics<sup>35</sup> and limited-scope pro bono programs.<sup>36</sup> At their best, community education and research projects reach beyond these important initiatives to advance the larger goal of collective interest group and neighborhood mobilization.<sup>37</sup> That goal, and its accompanying pedagogy,<sup>38</sup> animates economic justice campaigns in urban communities.

To be sure, there is much to learn about community education,<sup>39</sup> both with respect to the connections it fosters<sup>40</sup> and the cross-cultural awareness<sup>41</sup> and competence<sup>42</sup> it demands. Fundamentally, community

35. Margaret Martin Barry, *Accessing Justice: Are Pro Se Clinics a Reasonable Response to the Lack of Pro Bono Legal Services and Should Law School Clinics Conduct Them?*, 67 *FORDHAM L. REV.* 1879 (1999).

36. Elliot A. Anderson, *Unbundling the Ethical Issues of Pro Bono Advocacy: Articulating the Goals of Limited-Scope Pro Bono Advocacy for Limited Legal Services Programs*, 48 *FAM. CT. REV.* 685 (2010); Mary Helen McNeal, *Unbundling and Law School Clinics: Where's the Pedagogy?*, 7 *CLINICAL L. REV.* 341 (2001).

37. Sameer M. Ashar, *Law Clinics and Collective Mobilization*, 14 *CLINICAL L. REV.* 355 (2008).

38. VULNERABLE POPULATIONS AND TRANSFORMATIVE LAW TEACHING: A CRITICAL READER (Soc'y of Am. Law Teachers & Golden Gate Univ. Sch. of Law eds., 2011); Shin Imai, *A Counter-Pedagogy for Social Justice: Core Skills for Community-Based Lawyering*, 9 *CLINICAL L. REV.* 195 (2002); Kimberlee K. Kovach, *The Lawyer as Teacher: The Role of Education in Lawyering*, 4 *CLINICAL L. REV.* 359 (1998); Gerald P. López, *Training Future Lawyers to Work with the Politically and Socially Subordinated: Anti-Generic Legal Education*, 91 *W. VA. L. REV.* 305 (1989).

39. Gerald P. López, *The Work We Know So Little about*, 42 *STAN. L. REV.* 1, 11-13 (1989).

40. See Alexis Anderson et al., *Challenges of "Sameness": Pitfalls and Benefits to Assumed Connections in Lawyering*, 18 *CLINICAL L. REV.* 339 (2012).

41. Carwina Weng, *Multicultural Lawyering: Teaching Psychology to Develop Cultural Self-Awareness*, 11 *CLINICAL L. REV.* 369 (2005).

42. Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 *CLINICAL L. REV.* 33, 42 (2001).

education stems from community knowledge<sup>43</sup>—knowledge gained from unrepresented individuals and groups,<sup>44</sup> and their lay advocates.<sup>45</sup> Learning from, and in association with, these individuals and groups necessitates community-based research<sup>46</sup> and democracy-promoting alliances.<sup>47</sup>

For the Historic Black Church Program, collaborative research started with the preservation of local cultural and social history through the compilation of oral histories,<sup>48</sup> as well as the production of documentary films<sup>49</sup> and other forms of digital media accessible to the public.<sup>50</sup> That research opened opportunities to develop rights education workshops on school discipline and special education for at-risk families, both parents and children.<sup>51</sup> The workshops train students in the skills of community lawyering<sup>52</sup> and the norms of social justice.<sup>53</sup> Although

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43. Gerald P. López, *Shaping Community Problem Solving around Community Knowledge*, 79 N.Y.U. L. REV. 59, 83–93 (2004).

44. See, e.g., Jane Harris Aiken, *Clients as Teachers*, 16 WASH. U. J.L. & POL'Y 81 (2004); Lucie E. White, *To Learn and Teach: Lessons from Driefontein on Lawyering and Power*, 1988 WIS. L. REV. 699.

45. See Gerald P. López, *Lay Lawyering*, 32 UCLA L. REV. 1 (1984).

46. James H. Backman, *Law Schools, Law Students, Civic Engagement, and Community-Based Research as Resources for Improving Access to Justice in Utah*, 2006 UTAH L. REV. 953; Susan R. Jones & Shirley J. Jones, *Innovative Approaches to Public Service through Institutionalized Action Research: Reflections from Law and Social Work*, 33 U. ARK. LITTLE ROCK L. REV. 377 (2011).

47. Lucie White, "Democracy" in *Development Practice: Essays on a Fugitive Theme*, 64 TENN. L. REV. 1073, 1077–78 (1997); Fran Ansley & John Gaventa, *Researching for Democracy & Democratizing Research*, CHANGE MAG., Jan./Feb. 1997, at 46–53.

48. See G.W. CARVER CHAPBOOK, *supra* note 17. See generally Leigh Goodmark, *Telling Stories, Saving Lives: The Battered Mothers' Testimony Project, Women's Narratives, and Court Reform*, 37 ARIZ. ST. L.J. 709, 756 (2005).

49. See G.W. CARVER CHAPBOOK, *supra* note 17. See generally *Harvard Law Documentary Studio*, HARVARD L. DOCUMENTARY STUDIO, <http://www.harvardlawdocs.org/films.html> (last visited Jan. 24, 2013); *Penn Program on Documentaries & the Law*, PENN L., <https://www.law.upenn.edu/institutes/documentaries/> (last visited Jan. 24, 2013); *Advisors*, YALE L. SCH. VISUAL L. PROJECT, <http://yalevisuallawproject.org/advisors/> (last visited Jan. 24, 2013).

50. See HISTORIC BLACK CHURCH PROGRAM: 2011–2012 PROJECTS, *supra* note 25. See generally Fran Ansley & Cathy Cochran, *Going On-Line with Justice Pedagogy: Four Ways of Looking at a Website*, 50 VILL. L. REV. 875 (2005).

51. See HISTORIC BLACK CHURCH PROGRAM: 2011–2012 PROJECTS, *supra* note 25. See generally Thalia Gonzalez, *Restoring Justice: Community Organizing to Transform School Discipline Policies*, 15 U.C. DAVIS J. JUV. L. & POL'Y 1 (2011).

52. See HISTORIC BLACK CHURCH PROGRAM: 2011–2012 PROJECTS, *supra* note 25. See generally Karen Tokarz et al., *Conversations on "Community Lawyering": The Newest (Oldest) Wave in Clinical Legal Education*, 28 WASH. U. J.L. & POL'Y 359 (2008) (exploring the pedagogical and professional challenges and rewards of community lawyering and legal education); Stephen Wizner, *Beyond Skills Training*, 7 CLINICAL L.

individual need furnishes the impetus for workshops of this kind in low-income, inner-city neighborhoods,<sup>54</sup> collective need fuels their expansion to wider communities<sup>55</sup> across a range of state, regional, and national issues including domestic violence,<sup>56</sup> youth law,<sup>57</sup> immigration,<sup>58</sup> and health care.<sup>59</sup> Often invisible, the inner-city

REV. 327, 330–31 (2001) (encouraging clinical teachers to teach students to employ legal skills and legal theory to meet social needs).

53. See generally Jane H. Aiken, *Provocateurs of Justice*, 7 CLINICAL L. REV. 287, 296 (2001) (urging clinicians to develop in students a desire for social justice in addition to lawyering skills); Juliet M. Brodie, *Little Cases on the Middle Ground: Teaching Social Justice Lawyering in Neighborhood-Based Community Lawyering Clinics*, 15 CLINICAL L. REV. 333 (2009) (focusing on how “neighborhood-based” clinics located in low-income neighborhoods teach students how to advance social justice for underrepresented people and reflect on their acquisition of skills); Jon C. Dubin, *Clinical Design for Social Justice Imperatives*, 51 SMU L. REV. 1461 (1998) (exploring the social justice dimensions of clinical design in South Texas’s underserved communities); Marcy L. Karin & Robin R. Runge, *Toward Integrated Law Clinics That Train Social Change Advocates*, 17 CLINICAL L. REV. 563 (2011) (demonstrating how “the integrated law clinic model” effectively trains social change advocates in essential lawyering skills and addresses a wide range of social issues).

54. See generally Alizabeth Newman, *Bridging the Justice Gap: Building Community by Responding to Individual Need*, 17 CLINICAL L. REV. 615 (2011) (arguing the “collaborative individual law” model uses individual needs as “an incentive to bring isolated individuals into collective action”); Jayashri Srikantiah & Jennifer Lee Koh, *Teaching Individual Representation alongside Institutional Advocacy: Pedagogical Implications of a Combined Advocacy Clinic*, 16 CLINICAL L. REV. 451, 452 (2010) (noting the value of individual-representation cases for simultaneously effecting social change and training law students).

55. See generally Katherine R. Kruse, *Biting off What They Can Chew: Strategies for Involving Students in Problem-Solving beyond Individual Client Representation*, 8 CLINICAL L. REV. 405 (2002) (showing how larger community service projects give students a stake in solving social justice problems beyond the individual case model of resolution); Andrea M. Seielstad, *Community Building as a Means of Teaching Creative, Cooperative, and Complex Problem Solving in Clinical Legal Education*, 8 CLINICAL L. REV. 445 (2002) (emphasizing that a community-based context is central to the student development of creative problem-solving skills).

56. See generally Catherine F. Klein et al., *Early Interventions: Domestic Violence Education for Teens*, in CREATIVE CHILD ADVOCACY: GLOBAL PERSPECTIVES 223, 233–34 (Ved Kimari & Susan L. Brooks eds., 2004) (explaining how students and faculty of the Columbus School of Law’s Families and the Law Clinic at the Catholic University of America informs teenagers about legal rights and social services).

57. See generally Randi Mandelbaum, “Aging Out: Don’t Miss Out”—A Model of Community Legal Education, 48 FAM. CT. REV. 338 (2010) (explicating why community legal education efforts are well suited for youth transitioning out of foster care).

58. See generally Bill Ong Hing, *Legal Services Support Centers and Rebellious Advocacy: A Case Study of the Immigrant Legal Resource Center*, 28 WASH. U. J.L. & POL’Y 265 (2008) (describing how legal services support centers are conducive to addressing migrant rights).

populations affected by poverty and concomitant issues of isolation, neglect, and violence also suffer widespread stereotypical attributions of incompetence and incapacity. Such race-infected “common sense” attributions distort the racial character and ethnic culture of a community, thereby hampering multiracial coalitions.<sup>60</sup> The West Grove Trolley Garage case illustrates how to forge such coalitions during a crisis of scarcity in community access to justice resources.<sup>61</sup>

## II. THE WEST GROVE TROLLEY GARAGE CASE

*I don't think a trolley garage is going to benefit our neighborhood, aesthetically, financially or otherwise.*

—Clarice Cooper<sup>62</sup>

The West Grove Trolley Garage case arose in late December 2012, ignited by the demolition of two homes, a rooming house, and a popular restaurant, Bernice’s Soul Food, on Douglas Road between Frow and

59. See generally Rose Cuison Villazor, *Community Lawyering: An Approach to Addressing Inequalities in Access to Health Care for Poor, of Color and Immigrant Communities*, 8 N.Y.U. J. LEGIS. & PUB. POL’Y 35 (2005) (exploring the use of community lawyering as a means of dismantling discrimination in the context of health care).

60. See generally Kevin R. Johnson, *The Struggle for Civil Rights: The Need for, and Impediments to, Political Coalitions among and within Minority Groups*, 63 LA. L. REV. 759 (2003) (observing that racial discrimination between and within minority groups hinders coalition building); Robyn K. Mallett et al., *What Intergroup Relations Research Can Tell Us about Coalition Building*, 12 WASH. & LEE J. CIVIL RTS. & SOC. JUST. 5 (2005) (highlighting social psychological research that may provide insight into ways communities create cohesive coalitions); George A. Martínez, *African-Americans, Latinos, and the Construction of Race: Toward an Epistemic Coalition*, 19 UCLA CHICANO-LATINO L. REV. 213, 222 (1998) (arguing that “the legal construction of Mexican-Americans as white has generated tensions that form a barrier to coalition building” between African-Americans and Latinos); Karla Mari McKanders, *Black and Brown Coalition Building during the “Post-Racial” Obama Era*, 29 ST. LOUIS U. PUB. L. REV. 473 (2010) (discussing how structural-racism theories may be used as a foundation for building a coalition between African-Americans and Latinos).

61. In light of my work as the founder of the Historic Black Church Program and as a director of the Coconut Grove Ministerial Alliance, the description of the West Grove Trolley Garage case set forth in Part II relies chiefly on contemporaneous newspaper accounts rather than anecdotal reports or personal recollections. A more comprehensive account of the case will be forthcoming upon resolution of the legal-political dispute.

62. Jenny Staletovich & Andres Viglucci, *Building of Bus Depot Rankles Coconut Grove Neighborhood*, MIAMI HERALD (Dec. 29, 2012), <http://www.miamiherald.com/2012/12/29/3159744/building-of-bus-depot-rankles.html> (quoting Clarice Cooper, a West Grove resident who lives three doors down from the new depot).

Oak Avenues in a historic residential neighborhood of the West Grove.<sup>63</sup> A private developer purchased the parcel of properties at the site for \$3.2 million, including the cost of construction.<sup>64</sup> Located one block from the Coral Gables city line, the construction site “backs up to single-family homes and sits catty-corner from a church.”<sup>65</sup> The homes will “face” the garage “at the back and both sides.”<sup>66</sup>

Now under construction, the one-story garage will house municipal offices and twelve trolleys.<sup>67</sup> When the garage opens, trolley “staff and drivers will arrive for work as early as 5 a.m. and not leave until 11 p.m.”<sup>68</sup> Trolley “entrances and exits will be on Frow and Oak” Avenues.<sup>69</sup>

The construction of the trolley garage comes out of an August 2012 land swap agreement between the City of Coral Gables and a private developer permitting the erection of Merrick Manor,<sup>70</sup> an \$80 million<sup>71</sup> “luxury 7-story apartment, office and retail center on Le Jeune Road,” the current site of the Coral Gables trolley garage.<sup>72</sup> Originally part of the Coral Gables industrial district comprised of “a collection of auto body shops, warehouse-type offices and the city’s maintenance yard,” the current trolley garage site and its surrounding area are undergoing gentrification “into a dense, upscale neighborhood of shops, condos and apartments” anchored by the Village of Merrick Park “designer-store mall.”<sup>73</sup> The Coral Gables-owned parcels at the site are valued at under \$1.9 million.<sup>74</sup> Under the terms of the land swap agreement, once the developer completes construction of the West Grove Trolley Garage for the city, the parties will exchange the garage sites, thus making way for the building of Merrick Manor.<sup>75</sup>

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63. *Id.*; Staletovich, *supra* note 1.

64. Staletovich & Viglucci, *supra* note 62.

65. *Id.*

66. *Id.*

67. *Id.*

68. *Id.*

69. *Id.*

70. *Id.*

71. *Id.*

72. Jenny Staletovich & Maria LaMagna, *Controversial Trolley Garage in West Grove Violates Zoning Code, Experts Say*, MIAMI HERALD (Jan. 13, 2013), <http://www.miamiherald.com/2013/01/12/3179454/controversial-trolley-garage-in.html>.

73. Staletovich & Viglucci, *supra* note 62.

74. *Id.*

75. *Id.*

*A. The City of Miami*

The City of Miami “approved” the West Grove Trolley Garage “without a formal public hearing.”<sup>76</sup> Planning and zoning officials explained that “they were bound by zoning rules that allow the facility to be built so long as it’s designed to minimize its impact on the surroundings.”<sup>77</sup> Citing the zoning code, the officials distinguished an auto-related commercial use from an industrial use, defining the trolley garage as an “allowed” commercial use.<sup>78</sup> A Miami commissioner representing the West Grove added that “there was nothing he could legally do to block the depot”<sup>79</sup> and hence worked “to make it more compatible with the neighborhood,”<sup>80</sup> for example by negotiating an agreement from the developer to donate \$200,000 for a neighborhood park.<sup>81</sup> The commissioner insisted that “the zoning code permitted the garage and tied the city’s hands. So he tried to make the best of a bad situation.”<sup>82</sup> Otherwise, he remarked, “there would be no benefit at all.”<sup>83</sup> He also commented that “residents supported the project, even if they now say they oppose it,” pointing out that “no one ever filed an appeal.”<sup>84</sup>

*B. The City of Coral Gables*

The City of Coral Gables reportedly “will benefit substantially” from the land swap agreement.<sup>85</sup> It stands to gain not only “a large, modern depot to replace its obsolete facility” and “a significant boost in property tax revenue from the new development,” but also “more than \$1 million from the swap.”<sup>86</sup> Coral Gables officials publicly commented that the land swap deal “left the details up to the developer, including

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76. *Id.*

77. *Id.*

78. Staletovich & LaMagna, *supra* note 72.

79. Staletovich & Viglucchi, *supra* note 62.

80. *Id.*

81. *Id.*

82. Staletovich & LaMagna, *supra* note 72.

83. *Id.*

84. Staletovich, *supra* note 1 (mentioning that “[the commissioner] has also collected pledges for an additional \$250,000 to install artificial turf and drainage on the field, provide bleachers and eventually acquire property across the street from the park to build a field house”).

85. Staletovich & Viglucchi, *supra* note 62.

86. *Id.*



appearing in community forums.”<sup>87</sup> The officials explained that the developer “could not find land inside Coral Gables at a price that would work for him,” adding that “extending trolley service would have cost the city \$200,000 and also required purchase of a new bus.”<sup>88</sup> Officials maintained that “it was inappropriate for the city to get involved because the developer . . . is building the project.”<sup>89</sup> They emphasized that “Coral Gables did not sign off on the project until after the city of Miami approved it.”<sup>90</sup>

### C. The Private Developer

In a published letter, the private developer asserted through counsel that the West Grove construction site was “specifically zoned for auto-related commercial use,” a permissible use “consistent” with the development of the garage.<sup>91</sup> The letter noted that the garage “received all necessary permits and approvals required to begin construction” and that the land parcels “acquired for the development . . . were largely inactive.”<sup>92</sup> Moreover, the letter mentioned that the parcels “acquired were purchased from locally-based, willing sellers for prices at or above current market values.”<sup>93</sup> Equally important, the letter explained, “all adjacent property owners and homeowners’ associations registered with the local NET [Neighborhood Enhancement Team] office were properly notified.”<sup>94</sup> Notification, the letter added, included reference to stakeholder “rights to appeal the application; however, no appeals were filed.”<sup>95</sup> The letter also observed that the garage was “respectful of its surroundings and nearby residents, including using a traditional Bahamian design that pays homage to the West Grove’s heritage and the addition of new landscaping that will beautify the area.”<sup>96</sup> In sum,

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87. *Id.*

88. *Id.*

89. Jenny Staletovich, *Gables Leader: I Sounded Alarm over Trolley Garage in 2011, Was Ignored*, MIAMI HERALD (Jan. 11, 2013), <http://www.miamiherald.com/2013/01/11/3178143/gables-leader-i-sounded-alarm.html>.

90. *Id.*

91. Mario Garcia-Serra, Letter to the Editor, *Trolley Building Will Beautify, Improve West Grove*, MIAMI HERALD (Jan. 17, 2013), <http://www.miamiherald.com/2013/01/17/3187934/trolley-building-will-beautify.html> (“Two properties contained vacant commercial buildings, one was deemed an unsafe structure by the city of Miami, and another was an abandoned single family home.”).

92. *Id.*

93. *Id.*

94. *Id.*

95. *Id.*

96. *Id.*

according to the letter, the garage “will activate formerly-vacant properties, improve the surrounding neighborhood with new landscaping, and bring a new, well-designed building to the area,”<sup>97</sup> an area “which desperately needs new commercial development.”<sup>98</sup>

#### *D. The West Grove Community*

West Grove residents “charge that the Gables—with the cooperation of the city of Miami—is dumping an unwanted industrial facility on a low-income, minority neighborhood that lacks the clout to fight it.”<sup>99</sup> Residents assert that “Miami and Gables officials ignored strenuous objections to the new depot from surrounding homeowners and local organizations, including residents of an abutting West Grove historic district that lies within Gables city boundaries.”<sup>100</sup> They point out that “a bus garage and maintenance shop in the neighborhood . . . will do nothing to lift the area’s fortunes and will only hurt home values already in decline because of the economic crisis.”<sup>101</sup> Furthermore, residents express “worry about safety for the neighborhood children who gather to play and ride bikes along the street.”<sup>102</sup>

During preconstruction negotiations with the developer and municipal officials from Coral Gables and Miami, West Grove homeowner associations requested extension of the trolley service to the commercial corridor of the neighborhood and inclusion of “a small retail space or kiosk in the depot for a business that could serve the community;” they were rebuffed on both counts.<sup>103</sup> Subsequently the homeowner associations “adopted a formal resolution spelling out objections” and “sent it to Miami city commissioners.”<sup>104</sup> Reportedly, when homeowners asked the city how to appeal, “they were told that in addition to a letter, they needed to pay fees amounting to at least \$1,500 to cover the cost of . . . holding a public hearing,” a cost beyond their means.<sup>105</sup> Despite the lack of an appeal, West Grove residents declared that they never signed off on the deal and “received little to no

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97. *Id.*

98. Staletovich & Viglucci, *supra* note 62.

99. *Id.*

100. *Id.*

101. *Id.* (“The area’s homes . . . have provided a measure of social and economic stability even as much of the West Grove has gone into decline, losing population and businesses at a steady pace.”).

102. *Id.*

103. *Id.*

104. *Id.*

105. *Id.*

meaningful notification of the project and, without a public hearing, only token opportunities to express opposition.”<sup>106</sup>

In early January 2013, West Grove homeowners and tenants joined with at-large residents of East, North, and South Coconut Grove to form a steering committee and a support group to halt construction of the garage. The steering committee and support group started an online petition, held rallies and painted a mural at the site, attended public hearings, and convened regular meetings with homeowners and tenants, local councils, church pastors, and nonprofit groups. To assist the steering committee and support group, the graduate student fellows and interns staffing the Historic Black Church Program’s community research and environmental justice projects presented rights education workshops on the civil rights, land use, and public health ramifications of the garage.<sup>107</sup> In late January, the steering committee and support group helped recruit a pro bono legal defense team to represent aggrieved homeowners in state court litigation.<sup>108</sup> The Historic Black Church Program’s fellows and interns also assisted the legal defense team in researching procedural and substantive issues central to the litigation.

### III. NOTES ON COMMUNITY EDUCATION AND ACCESS TO JUSTICE

The literature of the clinical law movement, echoed in part by cause lawyering research<sup>109</sup> and reinforced by the self-help lessons of the West

106. Staletovich & Viglucci, *supra* note 62.

107. See, e.g., Patricia Borns, *Miami’s Commissioner Sarnoff Gets Earful from Constituents*, MIAMI HERALD, Feb. 1, 2013, <http://www.miamiherald.com/2013/02/01/3212792/miamis-commissioner-sarnoff-gets.html>; Patricia Borns, *Coconut Grove Village Council Comes Out against Trolley Project*, MIAMI HERALD, Jan. 18, 2013, <http://www.miamiherald.com/2013/01/18/3189298/coconut-grove-village-council.html>; Howard Cohen, *Resident Issues Objection to Plan*, MIAMI HERALD, Feb. 7, 2013, at 3SE; Jenny Staletovich, *Trolley-Garage Fight Continuing*, MIAMI HERALD, Jan. 11, 2013, at 3B; Jenny Staletovich, *Alliance Opposes Trolley Garage*, MIAMI HERALD, Jan. 16, 2013, at 3B; Jenny Staletovich & Maria LaMagna, *Controversial Trolley Garage in West Grove Violates Zoning Code, Experts Say*, MIAMI HERALD, Jan. 13, 2013, <http://www.miamiherald.com/2013/01/12/3179454/controversial-trolley-garage-in.html#storylink=misearch>.

108. See Jenny Staletovich, *Neighbors of Coconut Grove Trolley Garage Sue Miami City Hall*, MIAMI HERALD, Jan. 31, 2013, <http://www.miamiherald.com/2013/01/31/3211054/neighbors-of-coconut-grove-trolley.html#storylink=misearch>.

109. See, e.g., John Kilwein, *Still Trying: Cause Lawyering for the Poor and Disadvantaged in Pittsburgh, Pennsylvania*, in CAUSE LAWYERING: POLITICAL COMMITMENTS AND PROFESSIONAL RESPONSIBILITIES 181, 185–86 (Austin Sarat & Stuart Scheingold eds., 1998) (discussing client voice and community mobilization); Michael McCann & Helena Silverstein, *Rethinking Law’s “Allurements:” A Relational Analysis*

Grove Trolley Garage case, increasingly views community education as an inventive and empowering form of advocacy dedicated to “helping clients recognize their potential to help themselves.”<sup>110</sup> Endorsing this vision of advocacy, Ingrid Eagly urges lawyers to “spend more time listening to client concerns, helping poor people realize their problem-solving abilities, finding opportunities for client voices to be heard, and encouraging the formation of poor people’s organizations.”<sup>111</sup> From that stance, Eagly demonstrates how community education serves a collaborative training function in teaching community members about procedural and substantive rights through workshops, intensive courses, educational videos, and the media.<sup>112</sup> In this way, she explains, lawyers and legal services programs together may be better able to reach out to underserved populations, afford clients more meaningful opportunities to be heard, respond to client socioeconomic and political concerns inadequately addressed by the law and legal system, encourage client independent problem solving, and develop client and community leadership skills.<sup>113</sup>

According to Eagly, community education offers a valuable opportunity for both current and prospective clients to participate in legal discussions, learn new rights-based information, and play an active problem-solving role in the resolution of legal and nonlegal problems.<sup>114</sup> For Eagly, client and community learning works best in collaborative contexts outside of traditional lawyer and law school clinic office settings.<sup>115</sup> Those contexts, she observes, present “an environment for clients to learn about issues relevant to their cases and to meet others who are facing similar circumstances.”<sup>116</sup> Such dynamic learning environments, she adds, “provide[] an important supplement to the litigation process” by “allowing clients to become more knowledgeable themselves about the institution with which they are dealing.”<sup>117</sup> The

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*of Social Movement Lawyers in the United States*, in *CAUSE LAWYERING*, *supra*, at 261, 266–76 (describing legal-political strategies of social reform movements).

110. Ingrid V. Eagly, *Community Education: Creating a New Vision of Legal Services Practice*, 4 *CLINICAL L. REV.* 433, 433 (1998).

111. *Id.*; see also Corey S. Shdaimah, *Not What They Expected: Legal Services Lawyers in the Eyes of Legal Services Clients*, in *THE CULTURAL LIVES OF CAUSE LAWYERS* 359, 375–80 (Austin Sarat & Stuart Scheingold eds., 2008) (examining lawyer-client connections forged by empathy and equality of treatment).

112. Eagly, *supra* note 110, at 436.

113. *Id.*

114. *Id.* at 435–36.

115. *Id.* at 449.

116. *Id.* at 474.

117. *Id.*

same environments, Eagly notes, “provide mutual aid to others in similar situations,” enabling clients “to participate in the general strategies of the office or advocacy group as well as the particular strategies in their own cases.”<sup>118</sup> Participation of this sort, she remarks, empowers clients “to form support groups or action groups that are part of such strategies, and to recruit others to join and participate.”<sup>119</sup> On this logic, Eagly encourages clinical teachers and antipoverty practitioners to supply communities with alternative means of acquiring diverse problem-solving skills, developing leadership skills, raising consciousness, and carving out space for lawyer-client collaboration in media campaigns, rights trainings workshops, educational materials, and other local courses of study.<sup>120</sup>

Margaret Barry and others in clinical and social reform movements similarly recommend the adoption of community education pedagogies and social justice strategies in law school clinics “both as a vehicle for teaching and a forum for exercising skills essential to single client representation and social justice lawyering.”<sup>121</sup> Like Eagly, they define community education “as a form of systemic advocacy that aims to educate a segment of the community about its rights in a particular legal context to advance the empowerment of that community.”<sup>122</sup> Crucial to this advocacy task is community participation in needs assessments and strategic planning partnerships.<sup>123</sup> Grassroots participation, Barry notes, is “most effective when it builds on the capacity within the community to provide or continue to provide community education.”<sup>124</sup>

In assessing the impact of community education pedagogies and social justice strategies, Eagly, Barry, and others point to the benefits of learning networks, cultural and socioeconomic outreach, political redress, leadership development, and knowledge transfer opportunities via workshops, media campaigns, educational materials, empowerment circles, information sharing, role-plays, and pro se clinics.<sup>125</sup> Broadening these important benefits to a wider population of clients and geography of communities requires a more thorough evaluation of the methods and metrics of community education programs, including the legal services

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118. *Id.*

119. *Id.*

120. *Id.* at 475–80.

121. Margaret Martin Barry et al., *Teaching Social Justice Lawyering: Systematically Including Community Legal Education in Law School Clinics*, 18 CLINICAL L. REV. 401, 403 (2012)

122. *Id.* at 404.

123. *Id.* at 405.

124. *Id.*

125. *Id.* at 406–07.

delivery mechanism of self-help pivotal to the West Grove Trolley Garage case.

Richard Abel describes self-help as “the largest untapped reservoir of legal services, because it is produced by sweat equity with little or no opportunity costs.”<sup>126</sup> To Abel, “self-help is reactive,” as here, yet it “increases the producer’s overall sense of competence” and in fact “may be transferable to other activities and emulated by other people.”<sup>127</sup> Whether self-help is reactive or proactive, or a context-specific mixture of the two as seen in the West Grove Trolley Garage case, all three factors—competence, transferability, and emulation—are crucial to building and recovering community in inner-city neighborhoods blighted by poverty and disadvantaged by racial discrimination. Further, all three variables are subject to qualitative and quantitative measurement, as the canons and practices of clinical education and professional regulation illustrate daily.<sup>128</sup> Although Abel discerns “no agency problems” in self-help regimes,<sup>129</sup> he concedes that self-help carries risks in terms of differentiated individual performance and limited quality control.<sup>130</sup>

Similarly, in assessing the access to justice needs for individuals of limited income and education confined to the current legal services market, Deborah Rhode observes “a rapid growth in self-representation” and related forms of self-help assistance.<sup>131</sup> For Rhode, self-representation and self-help assistance “fall far short” of justice.<sup>132</sup> Indeed, she remarks, the American civil and criminal justice systems present “an increasing possibility” of “law without justice.”<sup>133</sup> Rhode’s search for remedial strategies “to make law more accessible to Americans of modest means” encompasses and endorses “curricular initiatives” designed by law schools “to enhance their own students’

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126. Richard L. Abel, *State, Market, Philanthropy, and Self-Help as Legal Services Delivery Mechanisms*, in *PRIVATE LAWYERS AND THE PUBLIC INTEREST: THE EVOLVING ROLE OF PRO BONO IN THE LEGAL PROFESSION* 295, 305 (Robert Granfield & Lynn Mather eds., 2009).

127. *Id.* at 304–05.

128. The foundational texts of clinical education treat competence, transferability, and emulation as core practice norms and skills, and, accordingly, as both demonstrable and measurable. *See, e.g.*, GARY BELLOW & BEA MOULTON, *THE LAWYERING PROCESS: MATERIALS FOR CLINICAL INSTRUCTION IN ADVOCACY* (1978); DAVID A. BINDER ET AL., *LAWYERS AS COUNSELORS: A CLIENT-CENTERED APPROACH* (2d ed. 1991); ROY STUCKEY, *BEST PRACTICES FOR LEGAL EDUCATION* (2007).

129. Abel, *supra* note 126, at 306.

130. *Id.*

131. DEBORAH L. RHODE, *ACCESS TO JUSTICE* 14 (2004).

132. *Id.*

133. *Id.* at 85.

ability to assist underserved groups.”<sup>134</sup> The community education, community research, and cultural preservation projects of the Historic Black Church Program exemplify such purposeful curricular initiatives. These joint curricular-community initiatives are highly dynamic, creating synergies for cooperative learning and research. In the spring of 2013, for example, the Historic Black Church Program’s environmental justice project and a coalition of neighborhood groups spearheaded a study of the public health effects of a shuttered West Grove incinerator facility (i.e., “Old Smoky”). At the same time, Historic Black Church Program students and faculty introduced a new law school course on social entrepreneurship to address West Grove alternative economic development and legal services delivery strategies.

Like the pragmatic voices heard in this Colloquium, Rhode calls for more programmatic research and evaluation of legal services providers and delivery systems appropriate to the West Grove and other underserved communities.<sup>135</sup> Confronting the deep-seated obstacles to effective program assessment—“the lack of clear and objective standards” and “the insufficiency of data concerning the satisfaction of clients, the quality of assistance, and its impact on the individuals and communities served”—Rhode urges legal scholars, social scientists, practitioners, and policy makers to pursue systematic data collection and empirical research, ongoing assessment of service provider strategies, and cost-effective resource allocation.<sup>136</sup> The tools for making such assessments and applying such uses are already emerging in law school clinical evaluation efforts<sup>137</sup> and in university disciplines long engaged in community-based research.<sup>138</sup> As Rhode reminds us, “rational choices about program design” for service providers in low-income communities depend upon collective efforts to bridge theory and practice in the study of access to justice.<sup>139</sup>

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134. *Id.* at 102.

135. *Id.* at 120–21.

136. *Id.*

137. See Jane H. Aiken & Stephen Wizner, *Measuring Justice*, 2013 WIS. L. REV. 79; Jeanne Charn & Jeffrey Selbin, *The Clinic Lab Office*, 2013 WIS. L. REV. 145; Scott L. Cummings, *Empirical Studies of Law and Social Change: What Is the Field? What Are the Questions?*, 2013 WIS. L. REV. 171.

138. See COLLEEN REID ET AL., OUR COMMON GROUND: CULTIVATING WOMEN’S HEALTH THROUGH COMMUNITY BASED RESEARCH – A PRIMER (2009).

139. RHODE, *supra* note 131, at 121; see also Catherine R. Albiston & Rebecca L. Sandefur, *Expanding the Empirical Study of Access to Justice*, 2013 WIS. L. REV. 101.

## CONCLUSION

This Essay is part of a series of case studies assessing the impact of law-school-affiliated public service projects undertaken in partnership with faith-based, nonprofit groups to educate and to train law students in the ethics, norms, and skills of community lawyering. Housed at the University of Miami School of Law's Historic Black Church Program, the community education, research, and historic preservation projects described here strive to create a pedagogy of civic professionalism and community engagement within a hybrid model of legal education drawing upon multiple university disciplines, diverse law school pedagogies, and varied legal-political reform practices. The remedial purpose of this curricular model is to develop innovative advocacy, organizing, and policy approaches to concentrated inner-city poverty accessible to neighborhood residents and groups. Although only briefly sketched here, this evolving model holds broad relevance to faith-based community outreach and interfaith coalition-building in a time of public and private resource scarcity.