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

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INTRODUCTION

We just got to keep fighting.

—Pierre Sands¹

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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civil and criminal justice systems. 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, declines in foundation support for nonprofit advocacy organizations, and reductions in for-profit law firm underwriting of in-house and bar-sponsored pro bono programs.


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, particularly the clinical, institutional, and programmatic implications of recent empirical research and experimental pilot projects in the field. 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. 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

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.


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*¹⁰ and, more recently, *Turner v. Rogers*.¹¹

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.¹² 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.¹³

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).


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. ¹⁴

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. ¹⁵ 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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historical black churches. 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 and documentary films, the conservation of neighborhood cultural and social resources such as libraries and schools, the creation of legal rights education workshops for at-risk families, and the provision of pro bono referral services 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, university programs, and local bar associations. To this end, it organized student-driven initiatives to preserve church and community archives, to conserve cultural and social resources such as libraries and schools, to create legal rights education workshops for at-risk families, and to provide pro bono legal referral services in conjunction with local, minority-led bar associations.


20. Id. at 635 n.4.

21. Id.
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.

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.

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).

initiatives, including environmental justice\textsuperscript{24} and historic preservation projects.\textsuperscript{25} 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.

\textbf{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.\textsuperscript{26} 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\textsuperscript{27}, multifaceted representation,\textsuperscript{28} empowerment,\textsuperscript{29} and lay advocacy.\textsuperscript{30} Connection comes out of a spiritual faith in community, a

\begin{itemize}
\item \textsuperscript{26} Anthony V. Alfieri, \textit{Educating Lawyers for Community}, 2012 WIS. L. REV. 115.
\item \textsuperscript{27} See Scott L. Cummings & Ingrid V. Eagly, \textit{A Critical Reflection on Law and Organizing}, 48 UCLA L. REV. 443 (2001).
\item \textsuperscript{30} \textit{Id.} at 251–54; see Angela Harris et al., \textit{From "The Art of War" to "Being Peace": Mindfulness and Community Lawyering in a Neoliberal Age}, 95 CAL. L. REV. 2073, 2075–77 (2007).
\end{itemize}
faith generally absent from legal practice and clinical pedagogy 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.

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. 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. 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


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.

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 and limited-scope pro bono programs. 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. That goal, and its accompanying pedagogy, animates economic justice campaigns in urban communities.

To be sure, there is much to learn about community education, both with respect to the connections it fosters and the cross-cultural awareness and competence it demands. Fundamentally, community

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40. See Alexis Anderson et al., Challenges of “Sameness”: Pitfalls and Benefits to Assumed Connections in Lawyering, 18 CLINICAL L. REV. 339 (2012).
education stems from community knowledge—knowledge gained from unrepresented individuals and groups, and their lay advocates.

Learning from, and in association with, these individuals and groups necessitates community-based research and democracy-promoting alliances.

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

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

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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. Scielstad, 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).


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. The West Grove Trolley Garage case illustrates how to forge such coalitions during a crisis of scarcity in community access to justice resources.

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

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


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.

Oak Avenues in a historic residential neighborhood of the West Grove. 63 A private developer purchased the parcel of properties at the site for $3.2 million, including the cost of construction. 64 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.” 65 The homes will “face” the garage “at the back and both sides.” 66

Now under construction, the one-story garage will house municipal offices and twelve trolleys. 67 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.” 68 Trolley “entrances and exits will be on Frow and Oak” Avenues. 69

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, 70 an $80 million 71 “luxury 7-story apartment, office and retail center on Le Jeune Road,” the current site of the Coral Gables trolley garage. 72 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.” 73 The Coral Gables-owned parcels at the site are valued at under $1.9 million. 74 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. 75

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.
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." 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." 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. A Miami commissioner representing the West Grove added that "there was nothing he could legally do to block the depot" and hence worked "to make it more compatible with the neighborhood," for example by negotiating an agreement from the developer to donate $200,000 for a neighborhood park. 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." Otherwise, he remarked, "there would be no benefit at all." 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."

B. The City of Coral Gables

The City of Coral Gables reportedly "will benefit substantially" from the land swap agreement. 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." Coral Gables officials publicly commented that the land swap deal "left the details up to the developer, including

76. Id.
77. Id.
78. Staletovich & LaMagna, supra note 72.
79. Staletovich & Viglucci, 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 & Viglucci, supra note 62.
86. Id.
appearing in community forums."87 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.”88 Officials maintained that “it was inappropriate for the city to get involved because the developer . . . is building the project.”89 They emphasized that “Coral Gables did not sign off on the project until after the city of Miami approved it.”90

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.91 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.”92 Moreover, the letter mentioned that the parcels “acquired were purchased from locally-based, willing sellers for prices at or above current market values.”93 Equally important, the letter explained, “all adjacent property owners and homeowners’ associations registered with the local NET [Neighborhood Enhancement Team] office were properly notified.”94 Notification, the letter added, included reference to stakeholder “rights to appeal the application; however, no appeals were filed.”95 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.”96 In sum,

87. Id.
88. Id.
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,” an area “which desperately needs new commercial development.”

**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.” 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.” 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.” Furthermore, residents express “worry about safety for the neighborhood children who gather to play and ride bikes along the street.”

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. Subsequently the homeowner associations “adopted a formal resolution spelling out objections” and “sent it to Miami city commissioners.” 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. Despite the lack of an appeal, West Grove residents declared that they never signed off on the deal and “received little to no

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.106

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.107 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.108 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 research109 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
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,
108. See Jenny Staletovich, Neighbors of Coconut Grove Trolley Garage Sue
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.” 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.” 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. 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.

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. For Eagly, client and community learning works best in collaborative contexts outside of traditional lawyer and law school clinic office settings. 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.” 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.”


12. Eagly, supra note 110, at 436.

13. Id.

14. Id. at 435–36.

15. Id. at 449.

16. Id. at 474.

17. 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."\(^{118}\) 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.\(^{119}\) 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.\(^{120}\)

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.\(^{121}\) 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.\(^{122}\) Crucial to this advocacy task is community participation in needs assessments and strategic planning partnerships.\(^{123}\) Grassroots participation, Barry notes, is "most effective when it builds on the capacity within the community to provide or continue to provide community education.\(^{124}\)

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.\(^{125}\) 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

\(^{118}\) 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." 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." 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. Although Abel discerns "no agency problems" in self-help regimes, he concedes that self-help carries risks in terms of differentiated individual performance and limited quality control.

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. For Rhode, self-representation and self-help assistance "fall far short" of justice. Indeed, she remarks, the American civil and criminal justice systems present "an increasing possibility" of "law without justice." 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'..."
ability to assist underserved groups." 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. 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. The tools for making such assessments and applying such uses are already emerging in law school clinical evaluation efforts and in university disciplines long engaged in community-based research. 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.

134. Id. at 102.
135. Id. at 120–21.
136. Id.
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.