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Living and Lawyering Rebelliously

Cover Page Footnote

Director, The Center for Community Problem Solving; Clinical Professor of Law, New York University. This Essay represents a lightly edited and footnoted version of the keynote address delivered by Professor Lopez at this Symposium.

KEYNOTE ADDRESS

LIVING AND LAWYERING REBELLIOUSLY

Gerald P. López*

I have never thought about living or lawyering in impersonal terms. From my very first memories, I have never thought about living and then asked myself, “What’s Chicano living?” And I have never thought about lawyering and then asked myself, “What’s Chicano lawyering?” We can and should learn from others. We can and should grow. Indeed, we should be learning from others and growing, over and over again, as our lives unfold. Still, we cannot separate who we are from what we try to understand.

When I gave a title to *Rebellious Lawyering: One Chicano’s Vision on Progressive Law Practice*,¹ I meant the second half to convey as strong a message as the first. And I meant to get across that the two parts of the title could not be severed, either in my own way of seeing the world or in what others should understand me to be saying about life and lawyering.

It’s not at all that I’m claiming sole credit for the ideas, skills, and sensibilities I call rebellious. Far from it. Everything I have ever said about living and lawyering has its roots in what I’ve learned from others. It’s only that I know full well that others would inevitably link experiences to vision in ways different from my own. I could not and do not claim to speak for anyone else, no matter how much I believe in and have been nurtured in community.

Still, in writing *Rebellious Lawyering*, I tried my best to connect with others. I had no illusions. My approach to problem solving—and my vision of how problem solving fits within a radically democratic idea of a life well-led—did not click with many I knew well. How could my vision trigger in others recognition of how we might work and live together to tackle particular challenges, to alter our institutions and practices, to change the world as we know it?

Life has taught me, however, that if we can see enough in common in one another’s vision we can act together. What can join us together

* Director, The Center for Community Problem Solving; Clinical Professor of Law, New York University. This Essay represents a lightly edited and footnoted version of the keynote address delivered by Professor López at this Symposium.

1. Gerald P. López, *Rebellious Lawyering: One Chicano’s Vision of Progressive Law Practice* (1992).

ranges from desperate need to uncommon optimism to everyday routine. When we act together, we appreciate the advantages of standing shoulder to shoulder. At least at our best, we know we share enough about how we can and should work together to deal with everyday hassles, to sort through ever-improving ways of collaboration, and, yes, even to inch toward making come true our overlapping dreams of how we might live in community.

* * *

Long before I began thinking about lawyering, I tried with all my might to think through why I felt so repulsed by what seemed to be the reigning approach about how to live and work—how to shape our democratic institutions and the problem-solving practices at the heart of our everyday routines and our future trajectories. And, at the same time, I tried to piece together my own contrasting “philosophy,” one that could guide me across contexts to telling cultural and cognitive details, one that could embrace the lessons of experience and the insights of imagination, one that could both appreciate and challenge life as we know it in pursuit of a future we might currently be able only to prefigure.

Back then I didn’t know how to pull apart the reigning scheme, to identify all the relevant elements, to see how together they could come to feel seamless, natural, and even inescapable. I didn’t even know the word “philosophy,” in English, in Spanish, or in the street versions of both through which I so often expressed myself. But youthful energy propelled me forward. And, with the help of many people, I learned over time to contrast the reigning approach with my own rebellious vision of how, through our institutions and through our practices, we can and should shape our lives and choose our vocations in ways both personally rewarding and collectively valuable.

In the reigning approach to organizational and human behavior, experts rule. These experts collaborate principally and often exclusively with one another (and with support staff paid to enhance their expertise). In framing problems and choices, identifying and implementing worthy strategies, and deciding how much and whose feedback qualifies as necessary for effective monitoring and evaluation, these experts issue top-down mandates with which subordinates typically comply (through a wide range of intermediaries) in order to be rewarded for doing their job. This approach and those who operate within its sway show too little interest in regularly adapting aims and means to what unfolding events and relationships reveal; too little curiosity about the institutional dynamics through which routines and habits form; too little time discovering how well strategies work for everyone affected by its reign; and too little belief in our individual and collective

capacity to shape a future that does not acquiesce in the limits of today's world.

The rebellious vision challenges the reigning approach along virtually every dimension. The rebellious vision depends upon networks of co-eminent institutions and individuals.² These co-eminent collaborators routinely engage and learn from one another and all other pragmatic practitioners (bottom-up, top-down, and in every which direction at once). They demonstrate a profound commitment, time and again, to revising provisional goals and methods for achieving them; to searching for how better to realize institutional and individual aspirations; to monitoring and evaluating from diverse perspectives what's working and what's not; and to picturing future possibilities that extend beyond (even as they take cues from) past events and current arrangements.

The great gap between the problem solving championed by the rebellious vision and that nurtured by the reigning approach can be described as revolving around knowledge: Which institutions and which groups of people do we regard as "expert" sources of valuable knowledge? Which institutions and which groups of people do we believe need to be "in the loop" about information? To what degree and to what ends do our institutional and individual practices actively seek out new and evolving information about what we face and what we do? To what degree and to what ends do our practices—institutional and individual—put to use what we learn? Contrasting answers offered by the rebellious vision and the reigning approach can be discerned in the practices of diverse specialists and the everyday people with whom they work (including the lawyers and others who serve low-income, of color, and immigrant communities).³ And they

2. *Id.* at 11-82, 275-329.

3. There are a wide range of people—from Nobel-Prize winning information economists to heralded movement activists to social theorists—whose views reveal the contrast between the rebellious and regnant visions on how we both solve problems and govern ourselves. *See, e.g.*, Roberto Mangabeira Unger & Cornel West, *The Future of American Progressivism: An Initiative for Political and Economic Reform* (1998) (advocating flexibility in institutional structure as prerequisite to reforms that seek to combat injustice); Susan Helper et al., *Pragmatic Collaborations: Advancing Knowledge While Controlling Opportunism*, 9 *Indus. & Corp. Change* 443 (2000) (claiming that collaborative learning explains existence of certain organizational forms that traditional theory of firms would not predict); Bill Ong Hing, *Beyond the Rhetoric of Assimilation and Cultural Pluralism: Addressing the Tension of Separatism and Conflict in an Immigration-Driven Multiracial Society*, 81 *Cal. L. Rev.* 863 (1993); Ascanio Piomelli, *Appreciating Collaborative Lawyering*, 6 *Clinical L. Rev.* 427 (2000); Kim Taylor-Thompson, *Individual Actor v. Institutional Player: Alternating Visions of the Public Defender*, 84 *Geo. L.J.* 2419 (1996); Lucie E. White, "Democracy" in *Development Practice: Essays on a Fugitive Theme*, 64 *Tenn. L. Rev.* 1073 (1997); Shahid Yusuf & Joseph E. Stiglitz, *Development Issues: Settled and Open*, in *Frontiers Of Development Economics: The Future in Perspective* 227, 234 (Gerald M. Meier & Joseph E. Stiglitz eds., 2001) (applying "hard-won" understanding developed via "enlightened theorizing, painstaking analysis, an

can be detected in the workings of democratic politics, market economies, and civil societies, and in the ideologies and routines of those who directly shape and comment upon these spheres.

This great gap between problem-solving methods parallels the contrast between the rebellious vision's and the reigning approach's vying ideas of how we should live. Must we accept what we're now living as our only option? Or can we regard what we're now experiencing as endlessly unfinished, not just in its details but in the very contexts that seemingly define our choices? Must we settle for wildly less than we dream in building our relationships, our institutional capacity, and our democratic communities? Must we deride our own ideas of a better life with labels like naïve and adolescent? Once again, contrasting answers offered by the rebellious vision and the reigning approach can be perceived across institutional and personal realms, in minute particulars about a life well-led and in large statements about our collective mission.

* * *

For nearly three decades, I have been among those promoting an idea of progressive law practice that complements, meshes with, and, at its best, serves as one shining example of my rebellious philosophy. And The Center for Community Problem Solving at New York University ("The Center"), which I launched in September 2003 and which I direct, puts into action a brand of effective and accountable problem solving that aims to earn each day and over time the label rebellious.⁴ We at The Center work with many diverse people and institutions addressing a diverse slate of social, economic, and legal challenges. But perhaps no aspect of our work portfolio more vividly demonstrates how my earliest childhood experiences shape our current vision of practice than our Center's campaign to keep people out of the criminal justice system—everyone from youth we hope

unsparing interrogation of practical experience, and the perspective of a half-century" to contemporary and future international economic development issues); Andrea Cornwall & John Gaventa, *From Users and Choosers to Makers and Shapers: Repositioning Participation in Social Policy* (2001) (Institute of Development Studies Working Paper No. 127) (exploring how citizen learning via participatory knowledge generation can help create new space for citizens to shape policy); Anne Marie Goetz & John Gaventa, *Bringing Citizen Voice and Client Focus into Service Delivery* (2001) (Institute of Development Studies Working Paper No. 138) (arguing that citizens must directly influence policy and spending decisions in order to intensify engagement with public service providers); Dani Rodrik et al., *Institutions Rule: The Primacy of Institutions over Geography and Integration in Economic Development* (2002) (unpublished manuscript) (arguing that quality of institutions is more determinative of income levels than are other factors such as geography and trade), at <http://ksghome.harvard.edu/~drodrik.academic.ksg/institutionsrule,%205.0.pdf>.

4. The Ctr. for Cmty. Problem Solving, *Homepage*, at <http://www.communityproblemsolving.org> (last visited Feb. 23, 2005).

never get entangled to those with criminal records we hope never again see the inside of a prison or a jail.

Our campaign can be understood as our Center's opposition to, and my career-long battle against, the "modern war on crime." Through a set of almost unimaginably irrational, mean-spirited, and ultimately dysfunctional policies and practices, this nation's war on crime closely monitors vulgarly "profiled" individuals and groups, hassles them whenever possible, arrests them often without legal justification and for concocted reasons, prosecutes them perhaps as often to immunize front line law enforcement officials as to enforce any law, sentences them for far too long, and locks them up in often utterly inhumane settings.

For decades now, we have done our best to hide from the price we pay for our policies and practices. We have long avoided spelling out and debating the extraordinary financial costs of long-term institutionalization. And we have long evaded making explicit and preparing for the complex consequences of imprisonment: "If we really believe these men and women were hard going in, what the hell do we think they're going to be like coming out of prisons and jails?" We only rarely prepare inmates, families, and communities—either while people are locked up or when they get released—for the challenges of reentering the "outside world." Then we hold those with criminal records to standards everyone else need not meet (or at least can fail to meet without facing dramatic consequences). The message rings out: "You'd better somehow make it, even without support, because we'll be watching your every move and, if you slip, you're going right back to where we think you belong." Now that's nasty, no matter where you call home.

Much as I regard myself and our Center as opposed to this war on crime, I feel bewildered and bothered when I hear this war described as new. It's not that I don't grasp the magnitude of the current crisis. It's not that I don't understand what's both intriguing and maddening about ways in which we inflict and acquiesce in this ugliness. What makes me uneasy and dismayed is that this war on crime is not new. At least it's not new if you're talking about places like East Los Angeles. Let's set the record straight: This nation has been waging a war on low-income, of color, and immigrant communities as far back as I can remember and farther back still. Make no mistake about how much what we're now seeing perpetuates and extends policies and practices long part of life in the United States.

When I was a kid growing up in East L.A. in the 1950s and 1960s, we never knew a world where law enforcement was not in our face. I'm not talking sometimes in our face. I'm talking each and every day. Maybe you had to live in places like East L.A. and Watts and Compton and Pacoima to know just how much—for absolutely no justifiable legal reason—the L.A. Sheriffs, the L.A. Police

Department, and the California Highway Patrol routinely roused us, nastily provoked us, and calculatingly aimed in every way imaginable to get us into the criminal justice system. They thought law enforcement meant relentlessly monitoring and messing with everyone who lived in L.A.'s already economically and culturally marginalized communities. The actions of law enforcement officials—and the policies and practices of which they were a part—affected every family I knew. And my own family suffered life-long consequences.

I lived in a large household of parents, children, grandparents, cousins, aunts, and uncles. Most of those who lived with us came up from Mexico, many initially coming without papers, some quickly getting legal permission to work for a while, some ultimately becoming proud U.S. citizens. Over the years, everyone living with us felt the ugly provocation and real danger of having to deal with L.A.'s law enforcement officers. Not least among these family members who got ensnared in the criminal justice system was my brother—ten years older, a parental figure, a heroin addict by his mid-teens, an angry *pachuco*. By eighteen he found himself locked up, beginning a cycle through various penitentiaries, including Folsom, San Quentin, and Soledad.

Rarely accepting the mockingly cruel treatment of prison guards and officials, my brother grew intimately familiar with solitary confinement. And, more than he now wishes were true, he had far too much to do with the founding of California's earliest prison gangs, which over time spawned more prison gangs, which generated from all quarters mindless violence beyond the imagination of those of us who have never done time. All along, he had very little help trying to understand why he could barely read and write, why he was strung out on heroin, or why he could find a trustworthy second home only through gangs on the street and gangs in the joint.

Back home in East L.A., we tried desperately to figure out how to cope. Baffled by what had happened to our son, our brother, our grandson, our father, our uncle, our cousin, we had no idea how to think about—and literally no vocabulary for talking about—his dyslexia, his addiction, his gang involvement. We found ourselves telling stories of how my brother was off caring for horses in Arizona, picking fruit in California's Central Valley, driving rigs across country (all of which at some point he in fact did). We kept up the front even though we came soon to realize his "exploits" on the street and in the joint were an open "neighborhood secret." We couldn't find any government official or employee to help us—any more than my brother could find somebody to help him.

The little support we did receive came principally from the tiny cluster of friends and family with whom we talked about our not-so-secret secret, and from the folks that we would meet while my mom

and I waited to board the buses that would take us on those long trips for those short visits authorities permitted us to have with my brother. Waiting on those somber lines, we would see people from the other parts of L.A.—people from neighborhoods like East L.A., Compton, South Central, Japantown, Chinatown, San Pedro, and Wilmington on which the war on crime had been long waged, and people for whom these bus rides meant getting to see their imprisoned fathers, grandfathers, uncles, aunts, and children. In our often silent and wary ways, we regarded one another as both strangers and family.

What smacked me hard during those early years was that no one ever asked either my brother and other people in the joint or my mother and father or other family members back home what we were facing, what problems we would frame, what help, if any, we received in addressing our problems, and what we thought of our capacity with and through others to do anything to change either my brother's situation or our own. Not one single person ever asked. Even as a wild, sports-crazy, and not-much-reflective-kid, I still said to myself, "How in God's name can they be running a system where the last thing they ever think of doing is asking the people most directly affected, 'What do you think and how can we make it better?'" You didn't have to believe we had all the answers. We certainly didn't think we did. But couldn't you imagine we had something important to share if anyone indeed cared about effectively solving a range of problems obviously implicated?

I realize that there were people all over Los Angeles and all across the country who never were consulted about what they knew and what they thought. In the reigning vision of democracy, we govern ourselves through experts who ask questions only to confirm what they already have decided to do, often only to hang on to their power. But let's not conflate the reasons many others are not consulted with the reasons no one made inquiries of my brother and my family. When officials didn't ask us folks from East L.A., it was principally because they could not imagine that we had anything worth saying. For generations we had been perceived and described as genetically and culturally inferior. We were dumb and lazy Mexicans, messed-up and needy "wetbacks," cross-bred and inter-bred mongrels. We could fill certain lower-echelon economic and social roles. But in the stock account that had taken cultural and cognitive hold over the Southwest and probably the entire United States, we Mexicanos and Chicanos couldn't possibly have within us anything valuable to offer about how best to solve problems or to govern our shared world.

Even at an early age, I knew enough to say, "Hell no!" But I didn't know much else. Driven by some complex mix of emotions and ideas, I'd try to piece together a radically different philosophy about how we should live and work with others. And, in halting ways, I came to understand how much elementally had to change before we could

ever be able effectively to solve problems, fully to govern ourselves, and richly to imagine how we might shape the future.

We had to learn honestly to assess where we are and have been and how we might fashion paths able to move us, working with what we currently have available, toward a life more like our big-hearted and dream-like aspirations than like our small-minded and mean-spirited behavior. We had to grasp how living is an endless process of framing and attacking problems, evaluating whether our efforts to solve problems are good enough, and working to do it all better still, at once to cope and to thrive. We had to recognize that knowledge can and does come from anywhere, that you're nothing short of a fool if you can't appreciate that fact, and that you're the biggest fool around if you think for a moment that you're an expert who already knows everything there is to know about whatever course of action you or others have charted. In my heart of hearts, perhaps, I hoped East L.A. would give life to one version of how we might live and work together.

* * *

When I launched The Center for Community Problem Solving ("The Center") in September 2003, we decided that our mission would draw upon and reach beyond the work I'd been doing with others throughout my career.⁵ The Center would team up with low-income, of color, and immigrant communities to solve current legal, social, economic, health, and political problems and to improve our capacity to solve such problems. Along the way, we would strive towards our dream of an accountable and equitable democracy—one where equal citizenship is a concrete everyday reality, not just a vague constitutional promise.

To meet these bold aspirations, The Center puts into action our comprehensive and innovative "rebellious vision of problem solving." Through this vision, we meld street savvy, technical sophistication, and collective ingenuity into a compelling practical force. The power of our rebellious vision lies in extraordinary teamwork—teamwork *in fact* and not in name only. The Center never works alone. We regularly work with problem solvers of all sorts—including residents, merchants, ministers, organizers, researchers, funders, service providers, artists, teachers, corporate executives, journalists, public officials, doctors, lawyers, bankers, religious leaders, and policy makers. Only by routinely partnering with *absolutely anyone* who might in any imaginable way contribute can we get to where together we hope to go in the future.

5. See The Ctr. for Cmty. Problem Solving, About the Center, at <http://www.communityproblemsolving.org/about.html> (last visited Feb. 23, 2005).

Our vision of community problem solving unites certain key fundamentals:

1. We collaborate with those who live and work in low-income, of color, and immigrant communities. We seek out and share knowledge about existing problems, available resources, and useful strategies.
2. Drawing upon this knowledge, we connect those who face problems with those in public, private, and civic realms who help address them. We build networks of valuable know-how among diverse problem solvers and help shape and meet common goals.
3. Where problems remain unaddressed even after making such connections, we help fill those voids by scavenging around for resources (in NYC, across the U.S., across the globe). We leverage what's available with what may never have been tried, taking on apparently insoluble problems through everything from one-time trouble-shooting squads to more-permanent full-fledged partnerships.
4. All the while, we vigilantly monitor how strategies get implemented and candidly evaluate what works and what doesn't. Together with others, we develop and enforce standards by which to measure effectiveness, raising those standards as we increase our collective problem-solving power.
5. By sharing widely and regularly all that can be learned through formal research and informal exchange, The Center aims to improve our problem-solving capacity. We work to convince all involved (individuals, offices, organizations, institutions, coalitions, and networks) that we can and must always together get better at meeting head-on life's evolving challenges.⁶

For the past three decades, I have insisted that we need sophisticated and manageable methods for assessing both the problems faced by, and resources available to, low-income, of color, and immigrant communities. The legal and nonlegal offices, organizations, coalitions, and networks that serve these communities must learn—at least if we are to do our job as well as we should—to document and analyze what problems clients face and, simultaneously, what help they together might find to address these problems. Such research is anything but “academic” or “one shot” or a “luxury.” In our view, studies of this sort must become part of “business as usual” and united with street delivery of services.

Since 1999, in partnership with the Center for Urban Epidemiologic Studies (“CUES”), I have led a multidisciplinary team in conducting The Neighborhood Legal Needs & Resources Project (“The NLN&RP”)—a sweeping study in Spanish, Mandarin, Cantonese, and

6. *Id.*

English of problems and resources in Harlem, East Harlem, Chinatown, the Lower East Side, Bushwick, and Bedford-Stuyvesant.⁷ Relying principally on a sophisticated telephone survey of 2000 residents and intensive in-person interviews of more than 1000 service providers, we have the following aims:

Phase One—Information Gathering: Collect comprehensive information about problems residents face, where they go for help, and how they regard the help they get.

Phase Two—Data Analysis: Analyze the rich data residents and service providers have collaborated with us to generate.

Phase Three—Information Sharing: Team up with those who live and work in these neighborhoods and with a wide assortment of others to share, put to use, and mobilize around what we have learned.

Phase Four—Distribution of Tool Kit and Guide: Make available what we learn and how we learned it to those in New York City, across the country, and in international circles interested in studies such as The NLN&RP and its critical role in developing effective problem-solving systems.

In June 2003, we completed our telephone survey of 2000 residents. Already we have learned extraordinary amounts from these interviews. We're now in the midst of running qualitative and quantitative analyses of the data collected through our surveys with residents and service providers. At the same time, we continue our march to complete the outreach side of phase one, combining intense background research and a daily slate of outreach interviews to close in on our goals.

Meanwhile, we keep drawing on everyone—from residents to hip-hop artists to ad executives—about how best to share and organize around what we have learned. Ultimately, through a variety of formats and languages, we will share the information gathered to inform and galvanize the many constituencies implicated in the quality of problem solving in New York City's low-income, of color, and immigrant communities. And we shall make widely available The NLN&RP plan and instruments and further explore its potential for improving everyday and long-term problem solving.

Our partners at CUES are the first to say they could continue to crunch the data we've gathered for years to come. But already we've learned tons. And what we've learned from the communities who have so generously shared with us their experiences and knowledge

7. See The Ctr. for Cmty. Problem Solving, *The Neighborhood Legal Needs & Resources Project*, at <http://www.communityproblemsolving.org/projects/neighborhood/> (last visited Feb. 23, 2005).

has already begun to shape our current work agenda. Here is only a sample of our efforts to keep people out of the criminal justice system.

The Reentry Project aims to help people with criminal records deal with a range of problems; to shape reentry policies and practices; and to improve available services. We develop community education programs, cultivate consortiums of service providers, and implement empirical studies of what works and what doesn't in reentry.⁸

The Reentry Orientation Program connects people coming out of prisons and jails with available resources. Our workshops and guides cover everything from applying for identification and benefits to getting shelter and food to finding affordable housing to accessing education and jobs to managing family and childcare issues to meeting health needs.⁹

The Keeping Our Kids Out of the Criminal Justice System Campaign aspires to prevent our young people from getting entangled in the criminal justice system. Teaming up with teachers, families, and everyone willing to pitch in, we help youth make wise choices, reform our educational and juvenile systems, and raise awareness about incarceration and its alternatives.¹⁰

The Campaign to Hire People with Criminal Records makes the case for why we *all* benefit from recruiting, hiring, and promoting people with criminal records. Collaborating with everyone from employers to public officials to the general public, we work to increase dramatically our clients' employment opportunities and social mobility.¹¹

The Consumer Surveys of Problem-Solving Resources insist that we must have the equivalent of a "Zagat Survey" of resources available to low-income, of color, and immigrant communities. We have developed and will soon implement consumer surveys—beginning with people with criminal records—to allow diverse client populations to share their opinions of those to whom they turn for help.¹²

The Streetwise About Money Campaign helps our client communities manage their money as wisely as possible. We share knowledge and build skills about how to sort through bank accounts,

8. See The Ctr. for Cmty. Problem Solving, The Reentry Project, at <http://www.communityproblemsolving.org/projects/reentry/> (last visited Feb. 23, 2005).

9. See The Ctr. for Cmty. Problem Solving, The Reentry Orientation Program, at <http://www.communityproblemsolving.org/projects/reentry/program.html> (last visited Feb. 23, 2005).

10. See The Ctr. for Cmty. Problem Solving, The Reentry Project, at <http://www.communityproblemsolving.org/projects/reentry/> (last visited Feb. 23, 2005).

11. See *id.*

12. See The Ctr. for Cmty. Problem Solving, Consumer Survey of Problem-Solving Resources, at <http://www.communityproblemsolving.org/projects/consumer/> (last visited Feb. 23, 2005).

credit cards, payday lending, check-cashing, credit counselors, and pawnshops, principally through financial education drives, workshops, manuals, and reform efforts.¹³

The Fair & Just Workplace Campaign, in coordination with the New York State Attorney General's Office, reaches out to low-wage workers, employers, and the public. Through workshops, written materials, public opinion drives, and lawsuits, we work to enforce minimum wage, overtime, and healthy workplace laws.¹⁴

The Public Health Project teams up with low-income, of color, and immigrant communities to better understand health problems, access care, and shape both service and research. We conduct community-based participant-informed research, disseminate findings in accessible formats, and design interventions and mobilize communities based on what we learn.¹⁵

* * *

My mom died on January 24, 2004. For about the last ten years of her life, she suffered dementia's awful wounds. At the beginning, she simply couldn't remember some of what she had lived. In some ways, that might have been a blessing. But in an oddly serendipitous and spiritually meaningful coincidence, at roughly the same time my mother began living with this illness my brother moved back into my mom's small apartment. He returned for the same reason he always had returned: he was a junkie and he was in a jam and he was hiding and he knew my mom would put him up.

In the first few years, he and I cleaned up his legal messes and got him help in trying, once again, to stay off the junk. As always, his situation proved precarious. And on a daily basis he felt the impulse to hit the streets and hustle—who knows what exactly, but a fix if nothing else. But my mom was going downhill fast. My brother knew he couldn't both hit the streets regularly and take care of my mom in a way he felt she deserved. So, for perhaps the first time in his life, he stayed home, trying to learn to live in ways new to him.

Near the end, the dementia had ravaged my mom. But even then, she would suddenly emerge lucid. During those moments, most frequently of all, she would ask me, "How are we going to get your

13. See The Ctr. for Cmty. Problem Solving, *The Streetwise About Money Campaign*, at <http://www.communityproblemsolving.org/projects/streetwise/> (last visited Feb. 23, 2005).

14. See The Ctr. for Cmty. Problem Solving, *The Fair & Just Workplace Campaign*, at <http://www.communityproblemsolving.org/projects/fairjust/> (last visited Feb. 23, 2005).

15. See The Ctr. for Cmty. Problem Solving, *The Public Health Project*, at <http://www.communityproblemsolving.org/projects/publichealth/> (last visited Feb. 23, 2005).

brother a job so he can live out a good life?" Now you could say she was just being a great mother, a great mother to a sixty-four year old man, a life-long junkie, one of the hardest people you could ever meet. And you'd be right: She was a great mother—in fact, she was the perfect mom for me.

But my mom was passing along a message that anchored and propelled her entire life: Not only should my brother not give up, but neither should we, and neither should anybody else. Rather, in her exceedingly radical and practical way, she was insisting we should all think in very concrete terms, "What's the next step in actually trying to live out what we dream for ourselves, for our families and friends, and for the world we aim to make fundamentally a better place?"

Since my mom's death, my brother has been very sick. At first, he contracted a serious infection from sources unknown, then he endured severe complications from diabetes, then he suddenly began throwing up pints of blood from what turned out to be four previously undiagnosed bleeding ulcers. At this point, he's dealing at once with all sorts of serious health problems. Still, at least when gently coaxed, he'll ask me, "Should I stay in L.A. or should I go back to Arizona?"

When I first heard that question, for a moment I thought, "What does he mean?" Then when I heard him ask the question repeatedly, often with follow-ups, it finally dawned on me. My God, my brother's following my mom's lead. He's proclaiming, "I want to see if maybe I can do something with the rest of my life, maybe work with the other Chicanos and Mexicanos taking care of horses in Arizona, certainly not just play out my hand without having learned a damn thing or without having tried. I want to put it all on the line, see if I've got what it takes, see how I can live as a full-grown adult, and see if I can make at least some of what I dream come true."

Is that some crazy utopian claim? I don't think so. In fact, for me it's anything but. The absolutely grounded conviction that my mom lived by all her life and that my brother still clings to is that we can and must strive for something better, knowing that there have been moments of "something better" in the past, and that there can be such moments again in the future. And they both seem to be saying that if we can learn to be any good at working together, we can lengthen these moments. And as we do so, we can change along the way both how we think about our living together and how we think about our solving problems together (including through our professional lawyering).

Yes, the rebellious conviction that drove my mom and still drives my brother is ambitious. Perhaps it's even against the odds. But how do we know what we can individually and collectively accomplish unless, against the reigning approach to how to live and work, we act as if our dreams can come true? Join my mom and my brother. Join millions of people all across the globe. Reject absolutely the

“common sense” and “mature” notion that what we’re now living marks the limits of what’s possible. Imagine we can with others shape our lives, our problem solving, and the futures we dare to dream.