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The Worst of Times . . . and the Best of Times: Lawyering for Poor Clients Today

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The Worst of Times … and the Best of Times: Lawyering for Poor Clients Today

Cover Page Footnote
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I. Introduction

Lawyering for poor people is in flux. The Legal Services Corporation ("LSC"), the primary provider of legal services for the poor, is beleaguered. While the number of people living in poverty has risen, the Corporation's capacity has been reduced. Congress is expected to cut back on funding and impose even more stringent restrictions on the ability of LSC-funded lawyers to represent the needs of the poor. Yet there are hopeful signs in what otherwise is a discouraging picture. Some lawyers and non-lawyer advocates are demonstrating surprising energy and innovation in advocating for poor people. New forms of practice are emerging that have great promise. They show that effective advocacy may be possible even in a time when traditional approaches are under siege.

This Essay describes three areas in which advocates have developed new models of practice and new forms of advocacy. It examines ways that lawyers and clients are collaborating to create more effective advocacy for battered women, low-income entrepreneurs and nonprofit community-based organizations that serve the poor. It describes how, why and where the new practices operate and analyzes the roots of the new approaches, showing that they can be
traced to changes in lawyering theory and new visions of the lawyer-client relationship.

The Essay assesses whether these models can be sustained and generalized, concluding that although the new approaches are modest in scope, local in operation and tentative in aspirations, they show that creative lawyering for poor people is still possible. The innovative spirit they demonstrate reflects the ongoing search by lawyers and clients to find ways for the American legal profession to ameliorate inequality. The Essay closes by suggesting ways we might be able to encourage the proliferation of similar locally-based practices.

II. The Practices

A. Advocating for Battered Women

Over the last twenty years, a vital movement to assist battered women has emerged; it has involved substantial interaction between movement activists, clients and lawyers. Lawyers have been part of the strategy to insist on treating domestic violence as a crime and ensure that the criminal justice system treats victims fairly. Lawyers, groups advocating for battered women and individual women have recently raised three additional challenges to the legal system: they have asked to revise the relationship between the lawyer, client and lay advocate; demanded greater access to family law services; and created new political alliances for poor people.

Advocates for battered women maintain that any interaction between the client and legal institutions should result in client em-
powerment. Battered women need access to the legal system as a means to the larger goal of beginning an abuse-free life. It is often difficult, however, to separate legal from emotional concerns, and battered women need a counselor or advocate who can combine legal information with non-legal counseling and support and can assist with overall needs assessment and identification. To maintain the link between psychological support and representational skills, domestic violence organizations have developed a system of lay persons, often called “legal advocates,” to assist battered women in court. In Wisconsin, these lay advocates assist in petitioning the court for protection, accompany victims to court and attend divorce hearings with the women. There are fifty domestic violence programs in Wisconsin and almost all utilize these legal advocates, who often work pro bono and part-time.

This extensive system for using lay advocates in court and assisting domestic violence victims is a radical move in light of the continuing uncertainty regarding the definition of the unauthorized practice of law. In Wisconsin, as the legal advocacy system developed, some judges and court commissioners objected to the appearance of non-lawyers in their courts. In 1992, the Wisconsin Coalition against Domestic Violence responded to these objections by lobbying for the successful passage of legislation that specifically authorized the appearance of non-lawyers in court. The legislation authorizes legal advocates, described as “service

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5. This interest in client participation and choice is echoed in the recent poverty law scholarship where client empowerment, in fact, has been a dynamic topic. Two leading writers advance the view that lawyering can create a level of dependence that is detrimental to clients from disadvantaged groups. See Gerald P. López, Rebel- lious Lawyering: One Chicano's Vision of Progressive Law Practice (1992); Anthony V. Alfieri, The Antinomies of Poverty Law and a Theory of Dialogic Empowerment, 16 N.Y.U. Rev. L. & Soc. Change 659 n.51 (1987-88) (discussing the manner in which the “normalizing judgment” of the attorney sometimes “constrains the ambit of client choice”).


7. Interview with Dan Tucherrer, Director of Legal Services of Northeastern Wisconsin, in Madison, Wisconsin (Mar. 14, 1995). As of that date, two of the fifty legal advocates were lawyers.


representatives,” to appear in court with complainants.10 The ser-
vice representative, who must be an employee of an organization
or victim-assistance program that provides counseling and must
charge no fee, has a right to be present at hearings and other court
proceedings and may confer with the complainant.11

Domestic violence victims are also demanding new forms of de-
livery of family law services, and lawyers are responding. Many
battered women are unable to change their lives without obtaining
a divorce, or resolving the issue of custody and visitation rights to
children. Maintenance of child support is also crucial to avert pov-
erty for many women and children.12 Low- and moderate-income
women have little access to family law services, because traditional
services are often too expensive for many women. Nonetheless, in
the 1980s, legal services offices responded to the cutbacks in fund-
ing by eliminating divorce and other family law services.13

A proliferation of approaches to filling the needs of poor women
for divorces and other family law services is now appearing. There
are lawyers in private practices who are providing family law serv-
ices to poor and moderate-income people. Some of these firms
have a self-concious social change focus that includes community
activism on behalf of poor people.14 One example is the Centro
Legal law firm in Milwaukee, which specializes in representing La-
tina women in divorce actions. The lawyers at the firm believe that
such services are especially important in light of the violent rela-
tionships endured by many of their clients. To make the services
affordable, Centro Legal applies a sliding scale fee schedule and
raises funds through grants and contributions that permit subsidi-
zation of services.15

In Kansas, two legal organizations have adopted another innova-
tive approach. The Kansas Legal Services program and the Wich-

10. A service representative is defined as an “individual member of an organiza-
tion or victim assistance program who provides counseling or support services to com-
plainants or petitioners and charges no fee for services...” Wis. Stat. § 895.73(1)(c)
11. Wis. Stat. § 895.73.
12. Martha F. Davis & Susan J. Kraham, Protecting Women’s Welfare in the Face
of Violence, 22 Fordham Urb. L.J. 1141 (1995)[hereinafter Davis & Kraham, Prot-
ecting Women’s Welfare].
13. Interview with Daniel Tucherrer, Director of Legal Services of Northeastern
Wisconsin, in Madison, Wisconsin (Feb. 25, 1995).
14. Louise G. Trubek & M. Elizabeth Kransberger, Critical Lawyering: Social jus-
tice and the Structures of Private Practice (1995) (unpublished manuscript, on file with
the author).
15. Centro Legal por Derechos Humanos Inc., 1993 Annual Report 12
(1993); see also Trubek & Kransberger, supra note 14.
ita Bar Association have implemented the Wichita Lawyers Care Project, a reduced-fee plan that provides low- and moderate-income persons with legal representation by private lawyers and legal service attorneys on a sliding scale fee schedule. The program was developed specifically both to meet the growing need for domestic law services requested from legal service offices and to begin to charge clients for certain types of work.16

A related approach to providing family law services is to enable the clients to represent themselves through the use of pro se procedures and easy-to-use forms. Several bar groups are discussing assisted self-representation. Under an Arizona project, for example, ombudsmen who are based in the courts assist lay people with court procedures.17 In Wisconsin, a Commission on Delivery of Legal Services is considering supporting pro se centers.18 This growth in self-representation is largely fueled by the need for family law services.19

The welfare reform debate presents another challenge to advocates for battered women, focusing their attention on the nexus between antipoverty programs and self-sufficiency for battered women. Domestic violence groups have been politically effective, especially in terms of raising popular awareness of the plight of battered women and influencing legislatures. Despite this efficacy, however, these groups have been criticized for ignoring the race and poverty of their clients in order to win popular and legislative support for their programs.20 The attack on income support programs such as Aid to Families with Dependent Children (AFDC), is changing all that. Domestic violence advocates are realizing that state-provided income maintenance may be crucial to the ability of the battered woman to leave an abusive relationship.21

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18. PRO SE DELIVERY SUBCOMMITTEE, STATEMENT ON PRO SE DELIVERY (Linda S. Balisle, Chair) (recommending the creation of self-help centers that would include a repository of pro se information) (on file with the Fordham Urban Law Journal).
20. Kimberle Crenshaw, Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color, 43 STAN. L. REV. 1241, 1242 (1991) ("Feminist efforts to politicize experiences of women and antiracist efforts to politicize experiences of people of color have frequently proceeded as though the issues and experiences they each detail occur on mutually exclusive terrains.").
Having learned that governmental income support may be necessary to permit their clients to escape abuse and support their children, domestic violence advocates have joined with traditional anti-poverty groups in opposition to some welfare reform proposals. In Wisconsin, the Wisconsin Coalition against Domestic Violence released a report on domestic violence and welfare reform that outlines its objections to any welfare reform plan that does not assist domestic violence victims for the period of time required to move from crisis to self-sufficiency.\(^2\) Coalitions between domestic violence groups and antipoverty groups to fight regressive welfare reform may lay the groundwork for more broad-based advocacy for poor people.\(^3\)

**B. Creating Entrepreneurs**

Recently, attorneys working on behalf of the poor have become interested in assisting low-income people to start their own businesses as a route out of poverty. This kind of job creation offers an alternative approach to increasing employment levels in low-income areas. Rather than simply trying to capture existing jobs for inner-city communities, this community-based approach stresses the creation of new employment opportunities.\(^4\) This approach relies on very traditional legal skills, because lawyers in the United States have always been trained to provide the financial and organizational expertise needed to enable the development and mainte-
nance of entrepreneurship. Thus, the use of lawyers to assist low-income persons seeking self-employment is appropriate and efficient. By deploying skills honed in service to more affluent clients, lawyers can enable clients to gain a sense of self-sufficiency, create jobs for motivated people and develop public programs to support entrepreneurship.

A survey of low-income people enrolled in a local community program demonstrated that "entrepreneurial talent exists among the disadvantaged individuals, that many disadvantaged persons pursue self-employment if it seemed feasible, and that many do pursue it, formally and informally." Moreover, enabling welfare recipients to gain control and involvement in business increases their self-esteem and interpersonal and planning skills, as well as their employability. This not only affects their view of their own competence, it influences the way other people think about low-income persons and the welfare system.

Scholars have noted how groups such as African-Americans involved in the underground economy and recent immigrants can be encouraged to become mainstream entrepreneurs. Thus, in her article discussing the black community, Regina Austin describes the "hidden" economy as quite significant in low-income and working-class neighborhoods and suggests that the underground economy may be an important factor in the development of more self-reliant black urban communities. She emphasizes that the underground economy includes not only entrepreneurial facets, but also social facets that could assist in developing the black community. It is clear that legal assistance can help people use skills learned in the underground economy for more mainstream activity.

Similarly, in a study of poverty and immigration, Professors Tienda and Liang discuss how immigrant communities are able to


27. Regina Austin, "The Black Community," Its Lawbreakers, and a Politics of Identification, 65 S. CAL. L. REV. 1769, 1800 (1992). The "underground" community describes the system of cash or "off the books" employment that is common in inner city communities. Id.


29. See Austin, supra note 27, at 1800.

30. Id. at 1804, 1806.
survive and prosper, and describe the role of organized ethnic communities in generating income for new arrivals through entrepreneurship. The authors conclude that "[i]n an economy stymied by sluggish growth and insufficient job creation, the allocation of funds to stimulate ethnic enterprise should be encouraged."31

Entrepreneurship programs that target those low-income people and communities who would most benefit from the services are a useful endeavor. These programs can show that poor people share the American values of starting one’s own business and contributing towards one’s neighborhood. Moreover, lawyers who are providing business counseling and advocacy for community economic development are contributing knowledge of the business sector to clients who lack this information. To make it possible for low-income people to utilize entrepreneurial programs, however, public policies need to be revised. Presently, AFDC and other poverty programs discourage people from developing businesses; thus, redesigning poverty programs through, for example, the allowance of asset accumulation, is essential.32 Advocates can capitalize on the present movement to change welfare programs as an opportunity to remove these barriers, and perhaps create positive programs to encourage self-employment. Lawyers can monitor legislation and administrative action and lobby for changes. Such work is underway. For example, the National Economic Development & Law Center has prepared lists of barriers to self-employment that the Wisconsin AFDC program creates.33 Lawyers and law students at the University of Wisconsin legal clinic, in collaboration with community groups, are presenting proposed changes to legislators interested in welfare reform and the administrators that oversee the welfare programs.34

C. Counseling Community-Based Nonprofit Organizations

The current scene is notable for the growing presence of community-based nonprofit organizations that work with poor people; these organizations range from parenting support groups to housing rehabilitation services to homeless shelters. The growth of

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33. Id.
these groups in the 1980s stemmed from the preference of government funders to use private groups to deliver new services rather than expand government agencies.\textsuperscript{35} These nonprofits promote different types of participation in the community.\textsuperscript{36} Some stress the community aspect of their work; others affirm their commitment to client empowerment. The nonprofit can link clients to other parts of the society, thus reducing the isolation of the poor. The links to the larger community through the nonprofit can be especially valuable in rural communities where the lack of resources creates a constant struggle for the continued provision of community services.\textsuperscript{37}

A lawyer can serve nonprofits in various ways including acting as business counselor to the organization, advisor to clients served by the nonprofit and lobbyist for legislative and administrative agency policies supportive of organizational goals.\textsuperscript{38} Initially, nonprofits require assistance in deciding on organizational structure and obtaining tax-exempt status.\textsuperscript{39} As the organizations develop, they may require information on zoning regulations for their day-care centers, access to bank loans or other advice on business activities.\textsuperscript{40} Lawyers can apply their expertise to these areas and become invaluable to the nonprofit as it reaches its organizational goals. These nonprofits need a specialized bar whose members combine the skills of the business counselor, government insider and dealmaker.\textsuperscript{41} Such practices are developing. Thus, one firm in Milwau-
kee is developing a community-based practice that represents day-care facilities and minority businesses. The firm provides business advice to nonprofits, the lawyers are active in central city community activities, and a partner is the lead counsel in a lawsuit challenging insurance redlining.42

Lawyers can also assist the clients of the nonprofit; the nonprofit can even offer legal services as part of its service package. The Coalition of Wisconsin Aging Groups, a nonprofit organization that serves the elderly, houses an Elder Law Center that provides legal services to elderly persons through a network of in-house lawyers and community-based lay advocates. The organization advertises the provision of legal services and generates income for the Coalition.43

The continued growth of nonprofits will require advocates who can constantly monitor governmental policy. The continued viability of the nonprofit groups that have proliferated in recent years is dependent on the funding, regulation and tax policy of local, state and national agencies. The proposed block grants, which will reformulate the income support programs for poor people, will drastically affect the continuation of the community nonprofits that provide these services. The initial legislation and accompanying regulations that will be issued in Washington, D.C. and state capitals will determine the role that nonprofits can play in the delivery system.

III. Observations on the Practices: Theories, Client Activism and Sites

The three new practice areas described above show that changes are occurring in the legal field and that these changes construct and facilitate new practices. Three major factors have contributed to these new developments. These are the explosion of scholarship on the ways lawyering can reduce injustice and the new visions scholars have produced; dramatic changes in the understanding of

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42. Interview with Attorney James Hall, in Madison, Wisconsin (Dec. 5, 1994).
43. A description of the elderly benefit program in an earlier period is available. WILLIAM H. SIMON, CENTER FOR PUBLIC REPRESENTATION, AN INNOVATIVE MODEL PROVIDING HIGH QUALITY LEGAL ASSISTANCE FOR THE ELDERLY IN WISCONSIN (1989). Other examples of nonprofit programs that provide legal services include the Center for Public Representation legal clinic at the University of Wisconsin Law School. The students at the clinic have provided counseling on benefit regulations for AFDC recipients who are clients of a nonprofit small business incubator.
the lawyer-client relationship and the concomitant shift to greater collaboration between the lawyer and client; and the proliferation of sites for lawyering and of approaches to funding poverty law work.

A. Lawyering Scholarship

There is an abundant literature that speculates on how law and lawyers may reduce injustice. These theoretical insights about socially conscious lawyering have been discussed and debated over the past few years; this literature influences lawyers, law professors and students. Three major theoretical contributions have influenced the rise of new practices: the deconstruction of the individual case versus law reform dichotomy; the growth of an understanding that transactional business legal skills can contribute to ameliorating poverty; and the application of insights from feminist jurisprudence and critical race theory.

1. Individual Representation v. Law Reform

There used to be a sharp debate on whether individual representation of poor people, as opposed to litigation, legislative lobbying and administrative agency monitoring could influence the structure of poverty. That debate has receded as we have realized that, as the new practices demonstrate, effective lawyering requires a combination of concern for the client's situation and advocacy on policy issues.

When advocates for battered women realized that the government benefits programs that enabled their clients to leave their violent homes were under attack, the advocates launched a series of initiatives to save those programs including the organization of coalitions for legislative lobbying in both Washington, D.C. and in the states. Yet, advocates grounded this work in individual representation and based their law reform efforts on an intimate knowledge of the problems of battered women and on the advocates' enormous commitment to individual victim advocacy and empowerment.

Similarly, lawyers and advocates who assist low-income entrepreneurs have realized that AFDC regulations created obstacles to business development. These advocates approached administrators of the income-maintenance programs to inform them of the

44. See generally Symposium, Theoretics of Practice: The Integration of Progressive Thought and Action, 43 HASTINGS L.J. 717 (1992) (considering recent progressive movements with a view toward developing more informed, effective lawyers).
obstacles and convince them to modify the procedures to facilitate job creation. The lawyers' arguments were effective because they included eloquent client stories that the lawyers had obtained when advising individual clients who were trying to set up businesses.45

2. **Application of Skills**

Another recent scholarly debate concerns the lawyer skills and tasks that are employed most effectively to assist poor people. Several scholars have proposed that "rebellious" lawyering, which emphasizes intensive lawyer-client interaction and community organizing, is the most efficacious.46 It is clear from the literature and the description of new practices outlined above, however, that energetic, non-confrontational business and nonprofit counseling is equally useful for individual and community groups. One scholar has described this range of skills as the "lawyer as technical assistant" and has suggested that it be included in the description of creative lawyering.47

3. **Critical Race Theory and Feminist Jurisprudence**

Legal support for low-income entrepreneurs is also validated and constructed by the insights of critical race theory, which teaches that racism can even affect legal and anti-poverty programs. Thus, we can see that prior approaches, which ignored self-employment as a route out of poverty, may have been based on stereotypes of poor people of color.48 Further, critical race scholars assert the need to look at race as well as poverty and to see that the needs of the poor, and the best way to deal with those needs, may be a factor of race as well as income.49 One observer specifi-

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47. Southworth, supra note 25, at 222-25. Southworth criticizes the attitude that curricula focusing on corporate law conflicts with the needs of public interest-oriented students, as "at odds with evidence that many of the most innovative and promising means of helping low-income communities require lawyers skilled in transactional issues." Id. at 233.


49. A recent proposal, for example, by a law school clinic to interview African-American women to identify obstacles to self-employment, indicates a willingness to see race as a factor both in the society at large and within the subjectivity of the client.
cally ties the creation of an African-American community to the support and recognition of the ongoing underground economy. Thus, she links the support of entrepreneurship to the broader goal of creating an African-American community including middle-class as well as working class and poor people.

Feminist jurisprudence, another key theoretical movement, has been essential to practice on behalf of battered women. Feminist methodology and feminist deconstruction of the public-private dichotomy have had an effect on the new practices described above. Thus, a key methodology of the feminist movement is the telling of women's experiences, and this underlies the emerging vision of the attorney-client relationship as an empowering experience. Further, the effort to transform family law into a force to enable women seeking self-sufficiency is connected with the understanding that private law may be as important as public programs for the economic and social survival of women. The groups representing battered women clearly understand the relationship between feminist theory and legal practice, which contributes to the dynamic quality of the field.

B. Client Activism

The redefinition of the lawyer-client relationship is evidenced in the practices discussed above. While the shift of the provision of legal services from the exclusive control of the lawyer has been demonstrated most clearly in family law, a recent study by the American Bar Association indicates that this move is more widespread. The report states that "the forms and scope of nonlawyer practice is expanding" and "increasing numbers of low- and moderate-income persons seek solutions to their legal problems through means other than the employment of lawyers." The ABA Commission was surprised at the widespread use of paralegals, technol-

50. Austin, supra note 27, at 1806.
51. Id. at 1806-08.
52. See Davis & Kraham, Protecting Women's Welfare, supra note 12, at 1143-44.
54. See supra part II for a discussion of three emerging lawyering practices.
ogy and self-representation that it identified.\textsuperscript{56} This expansion has occurred despite the Supreme Court's refusal to clarify the status of restrictions on non-lawyers to assist people.\textsuperscript{57}

Lawyers are, however, essential to the overall system of delivering legal services to poor people. While a nonprofit staff can assist clients in obtaining benefits, the lawyer may be required to draft the forms, analyze the statutes and bring the lawsuits challenging the constitutionality of cut-backs. It is also clear, however, that in order to achieve the shift to a more collaborative relationship between the lawyer, client and lay advocate there must be a less heroic and controlling role for the lawyer in these practices. The creation of shared responsibility to provide cost containment, improved access and client empowerment is one hallmark of the new practices.

C. Sites and Financing

It is notable that the new practices are located in a variety of sites, including legal services offices, public interest law firms, law school clinics, private law practices and nonprofit agencies. When the Legal Services Corporation (LSC) was initially formed in the late 1960s, there was a belief that the exclusive site for providing legal services for poor people would be the neighborhood offices and back-up centers funded by LSC. Funding limitations and substantive restrictions on LSC activities, however, have devastated this early premise, and new approaches and practices have developed outside the LSC structure.\textsuperscript{58} Of course, this does not mean that no innovation has or can occur within legal service programs. For example, the reduced fee family law project in Kansas and the entrepreneurship analysis by the National Economic Development and Law Center are products of the LSC system. The reduced capacity of the LSC suggests, however, that the original idea of a single track and a single model has collapsed.

Law schools have initiated training programs that provide legal services to poor people.\textsuperscript{59} There are now law school clinics for self-

\textsuperscript{56} Id.
employment and community development, as well as for battered women. Feminist groups also created new public interest law firms in the 1970s that are dedicated to representing the interests of women. The greatest expansion, however, has been in the number of lawyers in private practice who now provide legal services for poor people. Pro bono activity has created sites for assisting poor people in hundreds of thousands of law offices. The growth of pro bono work by private practitioners began in the 1980s, when the Legal Services Corporation instituted a requirement for private bar involvement. The concept has now expanded beyond that program so that there are now a wide variety of pro bono panels that provide representation. Many of these programs have been organized by bar groups and community organizations. Private practice often provides representation in family law and business counseling, for example, through pro bono assistance.

Community-based law firms are also providing compensated services to nonprofits, small business clients and battered women. These firms, often formed by recent law graduates, are representing under-served groups by targeting their services either toward a location such as a Latino neighborhood or by emphasizing a particular practice such as minority business development. In Milwaukee, for example, there are several practices that serve community nonprofits through transactional and litigation services; these lawyers often also provide community activism and services.

Finally, there are a variety of nonprofits that provide legal services to the poor not only by using lawyers and paralegals, but also by instructing clients in pro se techniques. These include agencies that provide benefit counseling to the elderly and domestic violence shelters that provide court advocacy services.

The proliferation of practice sites can be an asset in the search for diverse funding. The nonprofits receive government funding,

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60. Lehman & Lento, supra note 39, at 65.
62. Examples are the NOW Legal Defense & Education Fund and the Women Defense Fund.
64. For examples, the Dane Bar Association based in Madison, Wisconsin is sponsoring pro bono panels on mediation in neighborhood centers and for community-based nonprofits. LSC offices often conduct family law pro bono panels.
65. See supra notes 14-15 and accompanying text.
charitable contributions and business support. Their community base may enable them to be more credible as a provider of legal services than the traditional independent law firm. The practices that assist self-employment may be able to utilize the community development funding that may be available to support their projects. Law school clinics are largely financed by the schools with a small amount of Federal, State and bar association funding and the time contributions of law students. Private practices often offset the low-cost or free services to the low-income clients with the fees of the well-off clients. The utilization of contingency fees and court-awarded fees can also be maximized in private practice offices.

IV. Conclusion

The three new areas of poverty law practice sketched above reveal striking congruencies: multifaceted legal skills and tasks to assist poor people; a challenge to the lawyer monopoly; and the proliferation of practice sites. The description, however, also reveals complexity and contradictions as well as similarity.

The practices described above involve a wide range of lawyer skills and knowledge. They range from individual case representation to group advocacy and include transactional counseling, litigation and lobbying. No one attorney can provide all these services competently. The practices further reveal that there is no exclusive route to the interaction of law with effective social change. While the 1960s public interest law practice of litigation, lobbying and administrative monitoring is still crucial, an explicit commitment to client self-respect must also be incorporated into the practice. Thus, the practices describe a view of lawyering that requires numerous skills and tasks combined with client empathy and a sophisticated understanding of the legal system.

Moreover, the lawyering contains contradictions. The aspiration for lawyer commitment is contradicted by the emphasis on client self-help and lay advocacy. The optimism about sources of funding for these institutions and practices may be dubious in light of severe cutbacks in all social welfare funding, including legal services.


67. An interesting discussion of the conflicts between the client empowerment model and the collective action approach is contained in Tremblay, supra note 46.
Finally, the multiple practices and sites for legal services can result in fragmentation and ineffectiveness.

Nonetheless, the locally-based practice in the battered women's shelter, the elder social service nonprofit, the community law office and other new sites now evolving can all be effective approaches to lawyering for poor people. All involve active participation of the clients and community while utilizing lawyer skills and knowledge. Embedded as they are in communities, private firms, nonprofit organizations, law schools and other non-traditional sites, these practices may be more sustainable than other approaches in the face of cutbacks in funding for legal services and the continued marginality of poor people.

We may, however, need to develop techniques and mechanisms to link and assist these fragmented practices and advocacy locations. Lawyers in these new practices described, and in others not discussed here, have common needs and interests. Their individual work could be fostered if they were linked, even informally, in various ways. Advocates in a specific field like battered women could be linked nationally, while all those working on poverty in a city or state could be tied together on a local basis in networks to advocate locally for funding, support public policies that assist the poor, plan litigation with common goals and share insights about lawyer-client interactions. Such networks are relatively easy to form today. The technology for e-mail communication across the city, state and nation is here; many telecommunications community networks are forming and already have the capability to serve as the information link. In addition to informal networks, more organized centers might be established. Bar associations or law schools might provide "back-up" for innovative practices through provision of information, training for lawyers and law students in the skills needed to continue the development of these new practices and assistance in developing funding mechanisms to permit full or partial subsidization of practices. Such locally- or state-based "new back-up centers" could become increasingly important as the

68. Interestingly, third world nonprofits (denominated as non-governmental organizations, or ngo's) have been actively engaging in world activities using the new technology. Legal services in Latin America and international human rights organizations are examples of such effective world-wide nonprofit networks. See Kathryn Sikkink, Human Rights, Principled Issue-Networks, and Sovereignty in Latin America, 47 Int'l Org. 411 (1993).

69. Maryland Bar Associations and Law Schools have a study underway of such a project. Bradley A. Kukuc, Middle Class Access Project Seeks to Link Needy Lawyers, Clients, Md. Law., Dec. 17, 1994, at 1.
federal government delegates anti-poverty policymaking responsibility and funding to the state governments.

In the area of poverty lawyering, it is, to quote that well known observer of poverty, Charles Dickens, "the best of times . . . [and] the worst of times . . ."\textsuperscript{70} The Legal Services Corporation faces an uncertain future. It may survive, but will undoubtedly be weaker than in the past. Yet at the same time, creative lawyers working with innovative clients who understand the value of legal services are forging new models and developing new practices. Those of us who believe that the American legal profession has a duty to reduce inequality must struggle to maintain the best of the old while doing all we can to nurture the new approaches.

\textsuperscript{70} CHARLES DICKENS, A TALE OF TWO CITIES 1 (Oxford Univ. Press, 1953) (1859).