

PLENARY III: Teaching Community Lawyering Through Collaboration with Grass-roots Organizations: The CUNY School of Law, Battered Immigrant Women's Project (BIWP)

Presenters: Adjunct Profs. Maria Arias, Alizabeth Newman; Martha Garcia, CSW.

I. Overview:

The purpose of the plenary is to examine distinctions of collaboration in community lawyering by identifying often unseen obstacles as well as the opportunities for success.

The plenary is based on the actual quandary faced by the Battered Immigrant Women's Project (BIWP) of CUNY School of Law's clinical program. Third-year law students and social work graduate students were paired with a local Latina women's organization to craft a collaborative project that would address the community's need for information and legal services through a new model of community lawyering.

The plenary exercise will challenge the audience to design a collaborative program among five players with both common and competing interests: the law school faculty, the law students, the social work supervisor and students, the community organization, and the community members. All groups shared the ultimate goal of breaking down barriers to legal services for battered immigrant women; however each had individual short-term needs as well as differing ideas of how to accomplish the long term goals. For example the law students had trepidations about the demands of a semester-long project encompassing the substance of family and immigration law; the social workers identified the primary need of the women as supportive services to assist them in working through issues of domestic violence; the organization was looking to build participation and leadership; and the community members were simply frustrated with a lengthy waiting list for free legal services. This exercise will highlight the often unnamed distinctions that seem to ultimately make or break collaborative efforts, including professional roles, personal values, and cultural beliefs.

II. Introduction and set up of problem faced:

a. The need for services

After years of organizing and advocacy, immigration laws began to acknowledge the unique plight of immigrant women abused by U.S. citizen or legal permanent resident spouses. In addition to the typical manipulative tools used in abusive marriages between citizens, these abusers could also control the sponsorship of the immigrant women's status, and subsequently her ability to work legally. Threats easily followed that intervention from police, hospitals or courts would lead to her deportation and loss of child custody. Particularly in the post 9/11 environment in New York, battered immigrant women were more fearful and trapped than ever.

Relief was made available under provisions of the Violence Against Women Act (VAWA), allowing a woman in such circumstances to petition for her own legal status, independent from her abuser. The legal work requires a detailed description and supporting evidence of the couple's courtship and the abuse that followed. The interviews and the compilation of documents in these cases are emotionally taxing for both client and attorney, neither of who is typically educated in recognizing domestic violence. Many women suffer from post-traumatic stress, causing inconsistency in memory. Language and cultural barriers further complicate the process. The tasks involved are particularly time consuming and the immigration process can drag on for many years. For private attorneys these cases lose money and most pro bono lawyers prefer more discrete projects. Needless to say, access to legal services for this group is extremely limited.

b. Initial collaborations

Joint clinic venture: The first collaborative effort occurred between two clinics at CUNY Law School, the Battered Women's Rights Clinic, focusing on family law issues of battered women, and the Immigrant and Refugee Rights Clinic, concentrating on immigration law. The combined expertise of the two clinics allowed the new BIWP to offer comprehensive legal services to battered immigrant women. Students from both clinics worked together using the special provisions for battered women under the VAWA.

Interdisciplinary teaching: Next, the BIWP recognized the need for supportive services for clients and added to its faculty a clinical social worker who supervised three social work graduate students. Most survivors needed counseling and coordination of supportive services. Further, in recounting the domestic violence for the legal case, women often felt re-traumatized. The law students were not equipped to manage these aspects of the clients' well-being. The emotional and practical difficulties of confronting the domestic abuse would often lead to clients abandoning the legal work and sometimes even returning to the abuser. The social work team could directly address these needs, supporting the women in completing the legal work.

Community collaboration: Third, it was determined that a sound model of community lawyering would not have students wait for clients to find them, but would partner with a trusted, established organization to place the students in the heart of the community. In the initial collaboration between the law school and the community organization, the law students conducted a six-week series on family law. The agency managed the outreach and screened intakes for potential cases that would be referred into the clinical program for individual representation. This partnership was so successful, however, that more cases were identified than the law school could handle. To resolve this dilemma, the law school faculty and the community organization, Services for the Advancement of Women (SEPA Mujer), decided to implement a self-preparation course for petitions under the Violence Against Women Act. While all agreed with the idea in theory, each party had unique concerns.

c. Roleplay: Brainstorming Ideas for Problem Solving

Audience members will be asked to form groups of six to discuss the set up of the project, each taking one of the five roles outlined above, with one observer. The subjects to be discussed are up to the group, but could include defining the responsibilities, anticipating what might be difficult in the project, ensuring the quality of work, committing resources, logistics, etc. Some of the distinctions that we hope to explore from these conversations include: the group dynamic, the definition of goals, professional values, and the relationship among the parties.

d. Debriefing Discussions

The group will come back together as a whole to discuss what worked, what didn't work and what they noticed. The designated observers will report on experiences and insights during the roleplay. The group will then discuss any differences in professional roles, personal beliefs and culture that arose, and if they were successful in mediating the differences. What methods were employed to resolve conflicts and how could this have been done differently? Did resolution occur naturally or was it a conscious effort?

e. Question and Answers

Presenters will entertain questions about the actual process of implementing the Self-preparation course.

III. Post plenary: Description of the CUNY BIWP Implemented 2005

As a result of ongoing conversations, negotiations and flexibility on all parts, the actual collaborative process created a unique hybrid program that maximized the strengths offered by each party and succeeded in surpassing the initial goals for all involved.

The self-preparation course was co-sponsored by the CUNY Law School clinical program and a local Latina group, SEPA Mujer, (Services for the Advancement of Women). A 12-week course was taught by law and social work students along with program faculty. The participants originated from a variety of Central American countries. Over three months, they learned about the dynamics of domestic violence, general immigration and family law, specific immigration provisions for battered spouses, the elements of the law, how to prepare their own affidavits, how to collect evidence, and how to manage a pro bono lawyer. The law students learned to appropriately adapt the material to be understood in different cultures and at differing levels of education. The social work students introduced popular education techniques. SEPA Mujer directed the outreach and advised the students on how to effectively convey the information during the classes. Some community members whose cases had already been submitted participated in the group as mentors, and helped the women who were illiterate or in need of other assistance.

At the same time, other law students conducted two pro-bono attorney courses so that at the end of the course, all cases would be turned over to legal counsel for review and completion.

The project dynamic touched all parties at a very human level. The participants formed a tight support network in which the women helped each other in their lives to flee from abusers, find jobs and homes, share childcare and accompany each other to court or police stations. The students learned to recognize potential barriers of class, race, educational levels, and gender and were moved to see how much of a difference they could make using limited resources. The faculty and agency were thrilled that the participants and students rose to the occasion.

The following is a discussion of the project in terms of the success factors outlined by the Wilder Research Center in Collaboration: What Makes it Work, 2nd Edition.

Environment:

Each party was recognized as an expert in her area and was trusted by the others to deliver on project promises. The groups had a history of working together that served as a basis for this new endeavor. Students had delivered classes previously at SEPA Mujer, giving pertinent information. SEPA Mujer had managed successful outreach, filling courses. Clinic faculty had accepted referrals from the organization, demonstrating client-centered lawyering with positive outcomes. The faculty had a supportive history with the organization since its inception. The social work team had assisted the organization's director to form a support group the previous semester. All had attended and presented together at local and national conferences.

Membership Characteristics:

Mutual respect served as the foundation for the project. Each group valued the knowledge and experience of the other parties. The clients were the authorities on the facts of their lives and the reality of domestic violence in their community. The social workers were attuned to the how the group was receiving the information, creating a safe space and providing emotional support and reflection to the participants, students and agency staff. The law students and faculty taught the women the legal elements and created a partnership in obtaining documentation. The organization was expert in bringing the community together and in creating a trusting environment in which all of the work could occur.

Locating the legal work at the agency site was intentionally done to offset some of the power imbalance between community members and lawyers. The students were now the newcomers entering the community's territory. The women had the comfort of their space and their group. In addition, the students were able to see the women in the context of their whole lives, as friends, as mothers, as women; not as broken victims.

Process and structures:

The law school and SEPA Mujer met over several months to plan the program. The roles and objectives were clearly defined. Each party felt ownership over the project. The women understood the responsibility of preparing their own cases and formed a solid, supportive group to help each other complete the process. The agency director referred to the group as "my women" and protected and encouraged them like a lioness with her cubs. The students felt very responsible for carrying out the project through completion. Their initial commitment was to attend the introductory session and the two workshop classes they would prepare. Instead, the four law students attended all sessions. The social workers owned the space in which the process occurred and made sure the women were supported beyond their legal needs. The law faculty were accountable for the accuracy and completeness of the legal process while modeling creative lawyering. Early in the course, the agency director was in a car accident and all parties stepped up participation to ensure that the course continued during her recovery.

Throughout the course, the group stayed open to what might be needed to accomplish our goals. Extra sessions were added to deepen the skills, such as storytelling in affidavit form or reflections in self-care. Ten pro bono attorneys were recruited to attend added sessions in which every affidavit and every evidentiary packet would receive individual review and feedback. Last, a final session was added to celebrate the accomplishments of the group together.

Communication:

SEPA Mujer and the law school communicated weekly to review the process. Information about the participants was shared, as was evaluation of the students. Materials for the course were discussed in supervision and generated by the students. Each course handout was reviewed by the social work supervisor for how well it would be received by the women, by the agency director for how well it communicated in the cultural context, and by the law supervisor for how accurately it delivered or elicited information. Course participants generally felt most comfortable expressing concerns to the agency director, who would present the ideas to be discussed with the law students and faculty. The law and social work faculty and students were in continuous conversation about the differences in focus and mandates of their professions.

Purpose:

The focus of the project was a self-preparation course; however, for all involved, the project was a means to a larger end.

Recognizing the limits of law:

The course participants taught the law students the limits of the law. In spite of the special laws in criminal, family and immigration arenas meant specifically to address domestic violence, many women realistically were still in danger. An order of protection could not guarantee that the abuser would not hurt them. A family court case could end with the survivor losing custody. An arrest often resulted in the abuser being jailed for 24 hours and released even angrier. The immigration case could take years, sometimes with no work authorization in the interim.

At first this was disconcerting for the students to hear, but the reality challenged the students to be more creative. They scrutinized strategic decisions on the timing of filing in the context of the individual's circumstances. They continuously questioned how they could help the women

accomplish the goals of freeing themselves from their abusers while keeping them safe? This is where the organizing work of the social workers became essential to foster supportive ties, to connect the women to networks of support, and to conduct advocacy with other agencies.

Understanding the limits of the law made the students more effective with legal work. Often individual clients attempting to complete a VAWA case find the intensity of the process overwhelming. Sometimes the emotional and financial difficulties prevail and the individual returns to the abuser. Built into the self-preparation course were discussions of the potential pitfalls so that each participant had a chance to think through how to handle these difficulties. The women set up support systems with each other and with local organizations. All 15 women completed the course together in spite of setbacks with police, abusers and courts.

Law as a means to an end

Lawyering in a group is instinctually antithetical to the highly individual and confidential process of traditional legal representation. However, in challenging this norm, something additional became possible: the process of preparing the legal cases became a means of healing and empowerment. While it is always difficult to share intimate and painful stories in a group, the women found it enlightening to hear what others had been through. It helped each woman to recognize aspects of her own abusive relationship through the experiences of others. Together the women could identify patterns of abuse, while students, faculty, and agency staff offered broader statistics on domestic violence nationally and globally. The group process helped each woman see that she was not alone, that the abuse was not her fault, and that getting through this horrible time in her life was possible.

Taking Responsibility for her case

Generally people hire attorneys to solve problems for them. The women in the project understood, more than most, the limits of the systems in place for protecting battered immigrant women. Having to be responsible for her own legal case was a scary prospect for most. But as the women grasped the legal elements and experimented with gathering evidence from institutions or individuals in their lives, they felt more and more empowered. They shared what they had learned to make it easier for the others. They buddied up when someone was scared, for example to go to family court or a hospital alone. A session was added on how to manage your pro bono lawyer so they would have realistic expectations. Women who felt strong enough were invited to become mentors to the next group of women. They will be receiving a special leadership course to that end.

Resources

Since funds for this project were limited, all parties had to form realistic goals for what could be accomplished during a year. From the outset of the collaboration, the parties thought through what they could form that would have a lasting impact beyond the life of the project. The time spent training the organization staff and volunteers was seen as an investment in the community beyond the concrete results of completing the individual cases and the providing hands-on, interdisciplinary training to the students. All parties shared the goal of piloting a unique and replicable collaboration to rally community legal resources and extend them into the community.