


Identifying and Pursuing Interest Convergence

PLENARY II: 41ST AALS CONFERENCE ON CLINICAL EDUCATION

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Plenary Road Map

- Tirien Steinbach, Berkeley Law (East Bay Community Law Center) - *Introduction and Overview*
 - Elizabeth B. Cooper, Fordham Law - *Interest Convergence Theory Applied in Legislative and Policy Advocacy*
 - SMALL GROUP EXERCISE
 - Stacey-Rae Simcox, Stetson Law - *Interest Convergence Theory Applied in Narrative Framing*
 - Priya Baskaran, West Virginia University Law – *Interest Convergence Theory Applied in Clinical Supervision & Seminar*
 - THINK-PAIR-SHARE EXERCISE
 - TAKE AWAYS
- 

Brown vs. Board of Education and the Interest- Convergence Dilemma

- Prof. Derrick Bell

**Protect the US Int'l
reputation; Stop spread of
Communism in Black
community; Remove barrier
to Southern industrialization**

**Equal access to public
education;
Dignity**





Interest Convergence Theory:

Where there are power dynamics and divergent interests between parties with unequal bargaining power, the subordinate party's interests will not advance unless that interest does not offend the status quo of the majority party.



**Desegregation while
preserving status
quo of dominant
constituent group**

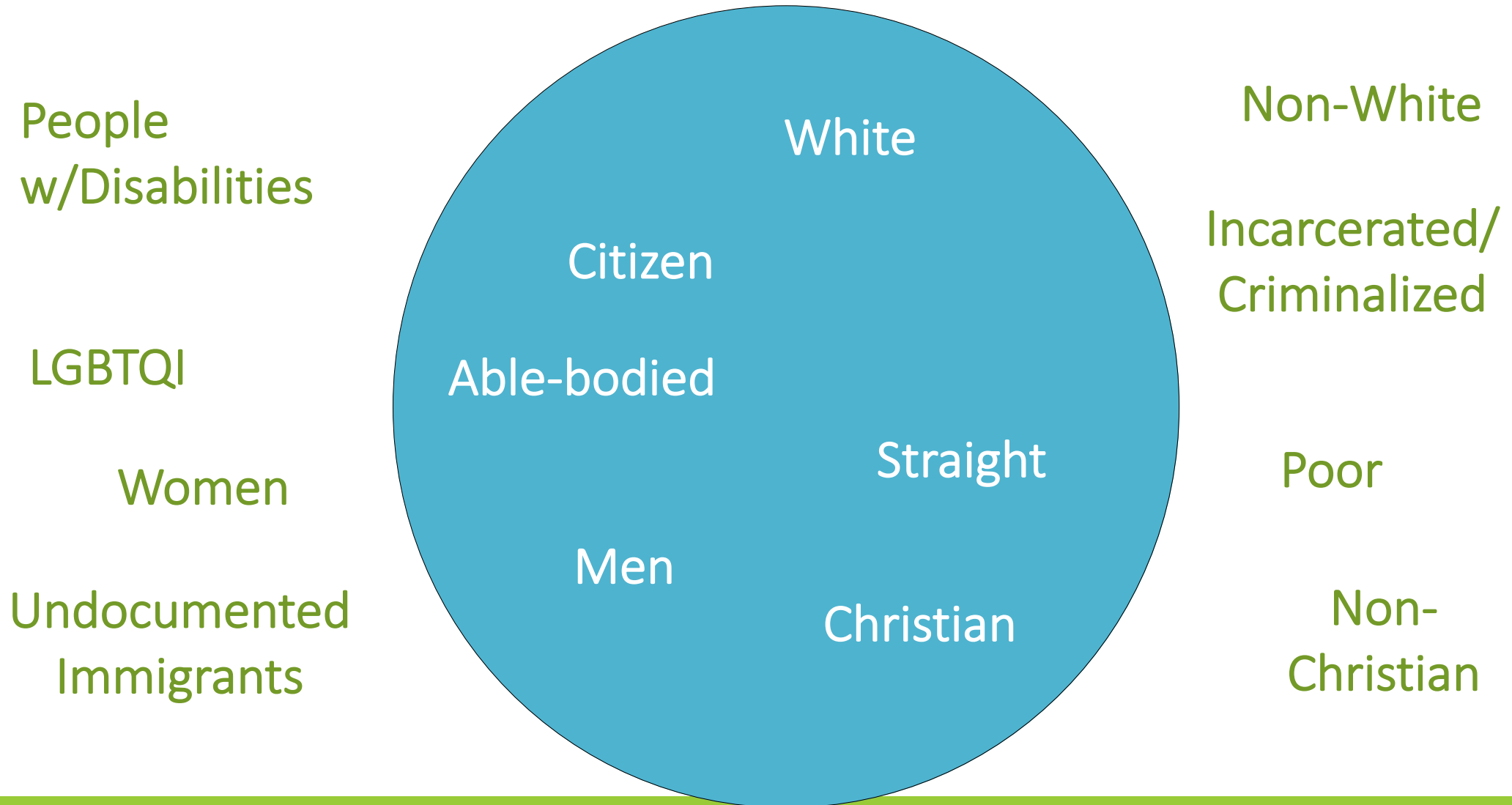
**Re-segregation/
School Inequality**



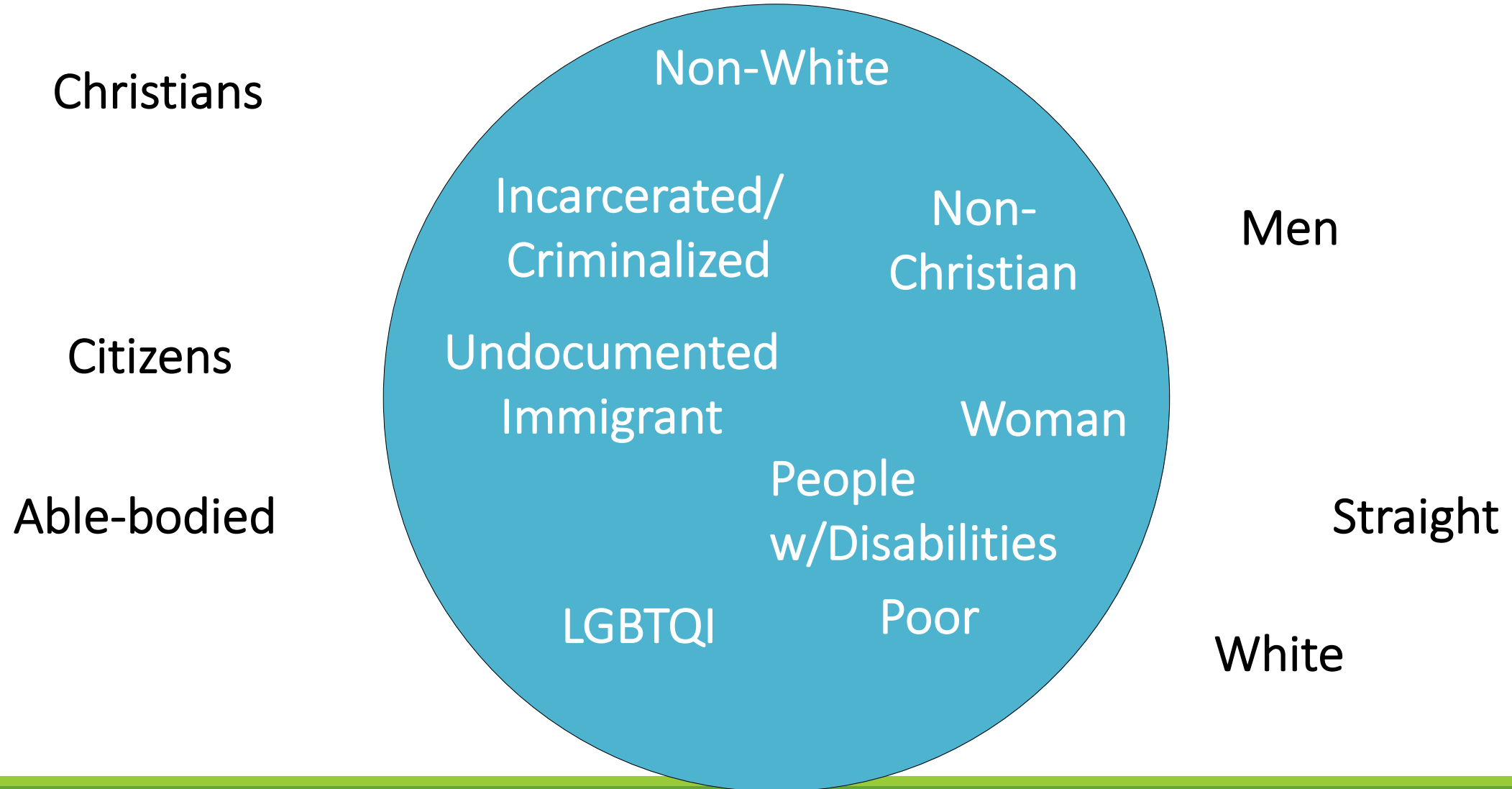
Identifying & Pursuing Interest Convergence

- Identify constituents and relative positions of power
- Name their points of divergence
- Name their points of convergence
- Pursue convergence
 - “Circle of Human Concern” – Law and policies designed for inclusion rather than exclusion – Prof. John Powell
 - Curb Cut Effect – Focusing on most impacted (marginalized) constituents can help all to “raise all ships” – Angela Glover-Blackwell

The Circle of Human Concern



The Circle of Human Concern



The Circle of Human Concern



The Curb- Cut Effect



“When the walls of exclusion come tumbling down, everybody benefits.”



Interest Convergence
Theory Applied in
Legislative and Policy
Advocacy



Advocacy to Curb NY State Drivers' License Suspensions

Professor Elizabeth B. Cooper, Director, Feerick Center for Social Justice, Fordham Law School

Interest Convergence Theory Applied in Legislative and Policy Advocacy: Driver's License Suspension

Elizabeth B. Cooper, Fordham Law School

- If you owe NYS \$10,000 or more in taxes, the state can suspend your driver's license – even if your income is legally uncollectable
- No exception if you are low-income/living in poverty
- Consequence of License Suspension:
 - Can't Drive to Look for Work, Go to the Grocery Store, Attend Religious Services
 - Can't Take Non-Household Members Anywhere—including to Medical Appointments

Pursuing Interest Convergence Among Constituent Groups

Low-Income Taxpayer (LIT) Arguments (Subordinate Constituent)	Government Arguments (Dominant Constituent)	Seeking Interest Convergence
Stop punishing low-income people for being poor	Law isn't designed to punish poor people - Everyone has to pay their taxes	The debt doesn't disappear - Just don't suspend the driver's licenses
Making life harder for low-income people is cruel and unjust	The law is the law- state needs the income and tax debts must be paid	Those who can pay, but don't, still lose their licenses - If LIT can't pay, the threat of loss of license has no effect = BAD EFFECT
Without a driver's license, LIT can't drive to work, take care of their family – or pay their taxes	This is not the point - tax debts must be paid	The law makes LITs only more dependent on state assistance - This doesn't help the state to raise revenue
Chasing LITs for funds they don't have is inefficient for the state	Hmmm ...	Efficiency is good

Pursuing Interest Convergence Within Coalitions

Client Interests	Powerful Coalition Partner Interests	Bill Provision
Low-income taxpayers People living in poverty	Moderate-income taxpayers	Current Law: \$10,000 threshold No Hardship Exception
\$20,000 threshold or less Automatic exclusion for earning < 250% of federal poverty level	\$50,000 threshold Automatic exclusion for earning < 135% of federal poverty level	Bill as Introduced: \$50,000 threshold < 135% of federal poverty level
Clients benefit most from the 250% automatic threshold Less expensive for the state—and easier to get passed	Clients benefit most by raising the threshold at which the state will seek to suspend the driver's license The higher the threshold, the more expensive the bill—and the harder to get passed	Bill as Amended: \$20,000 threshold <250% of federal poverty level



Hypothetical: Models United

SETTING THE SCENE



Hypothetical: Models United

- Gotham Law School Labor & Employment Law Clinic
- Models United (MU) seeks legal assistance to address rampant abuse in modeling industry:
 - Wage theft
 - Harassment and abuse
 - Horrible working conditions
 - Retaliation
- Clinic also representing Janitors Joining for Justice regarding similar workplace issues
- Clinic faculty and staff perspectives:
 - Professor (Ivy) Blue: What to do?
 - Lou: #MeToo!
 - Sue: Oppressed Models – who knew?
 - Stew: #TimesUp + models = successful legal coup!
 - Clinical Fellow Drew: Help sexist/racist industry improve? No thank you.



Hypothetical: Models United

SMALL GROUP EXERCISE

- Groups of 4 people
- “Go around” for each question
 - Short time, shallow dive



Small Group Exercise: Models United

IDENTIFY:

1. Constituent Groups:

- Dominant constituencies/parties
- Subordinated constituencies/parties

2. Interests:

- Dominant constituencies/parties
- Subordinated party/type of subordination
- Others? Clinics? Lawmakers?

3. Strategies for convergence

4. Resulting convergence – project selection? strategy?

INTERESTS

Universal
Cultural
Political
Legal
Personal
Financial

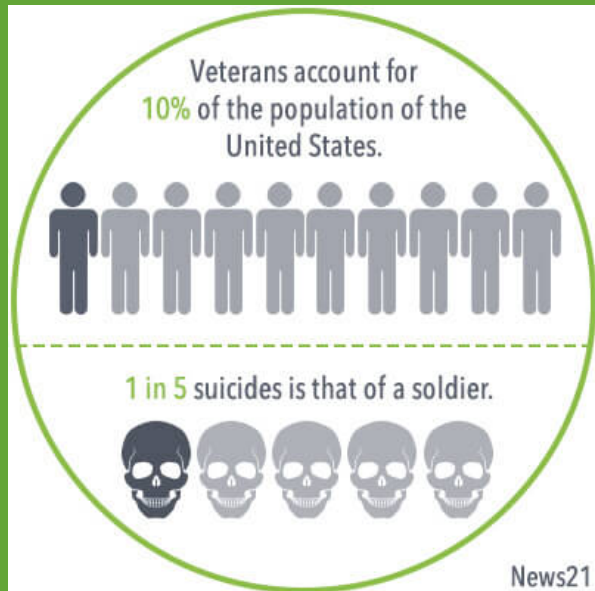
Small Group Exercise: Models United

1. Constituent Groups: Dominant constituencies/parties

- Employers
- Harassers
- Modeling agencies
- “Brands”
- Supermodels (but not most models)?
- Lawmakers



Interest Convergence Theory Applied in Narrative Formation



Interest Convergence In Veterans' Rights Advocacy

Professor Stacey-Rae Simcox, Director, Veterans Advocacy Clinic
Stetson University - College of Law

- Ebb and Flow of Public Support for Veterans
- Veterans and Mental Health & Substance Abuse
- Veterans and Homelessness
- The Rise of Veterans (Therapeutic) Courts
- Interest Divergence in Veterans Rights Advocacy



"America is not at war.
The Marine Corps is at war;
America is at the mall."











SUICIDE FREQUENCY

22 PER DAY
ONE EVERY
65 MINUTES

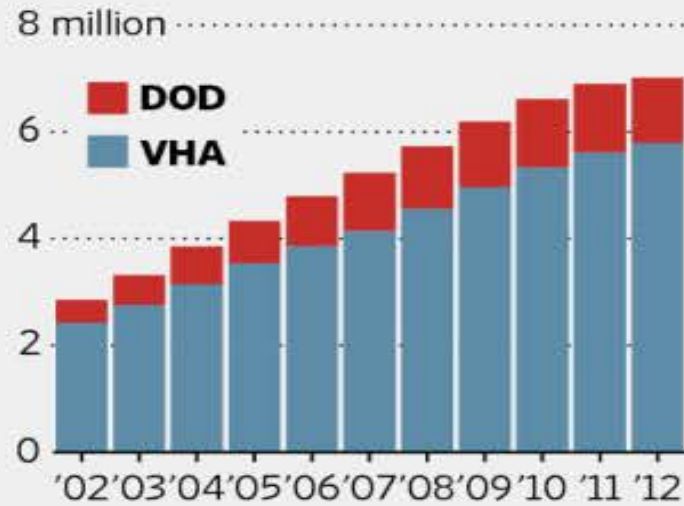


BRYAN PERRY/CNN

Source: Veterans Administration suicide report, February 2013

Rise of Opioids

Opioid painkiller prescriptions written by the Veterans Health Administration and the Department of Defense



Sources: VHA; Defense Dept.
The Wall Street Journal





You Trusted Us Once to Carry Guns
WHY NOT NOW?



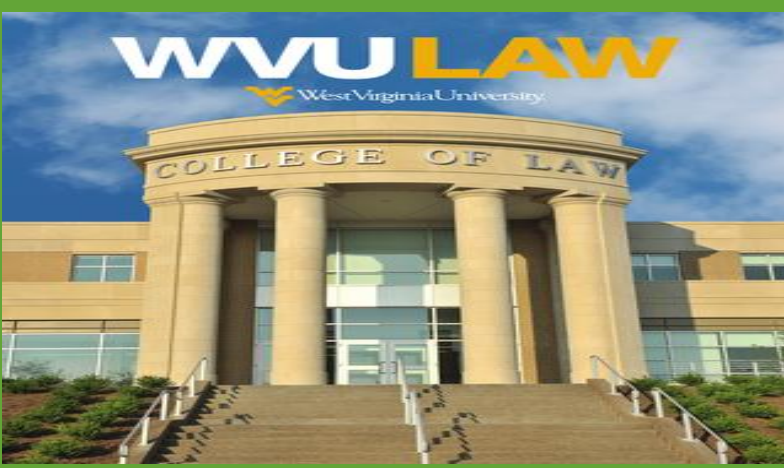
HILL & PONTON

VA VIDEO BLOG

**Will the VA
take my guns?**







Interest Convergence Theory Applied in Clinical Supervision/ Seminar



Interest Convergence & Rural Gun Control

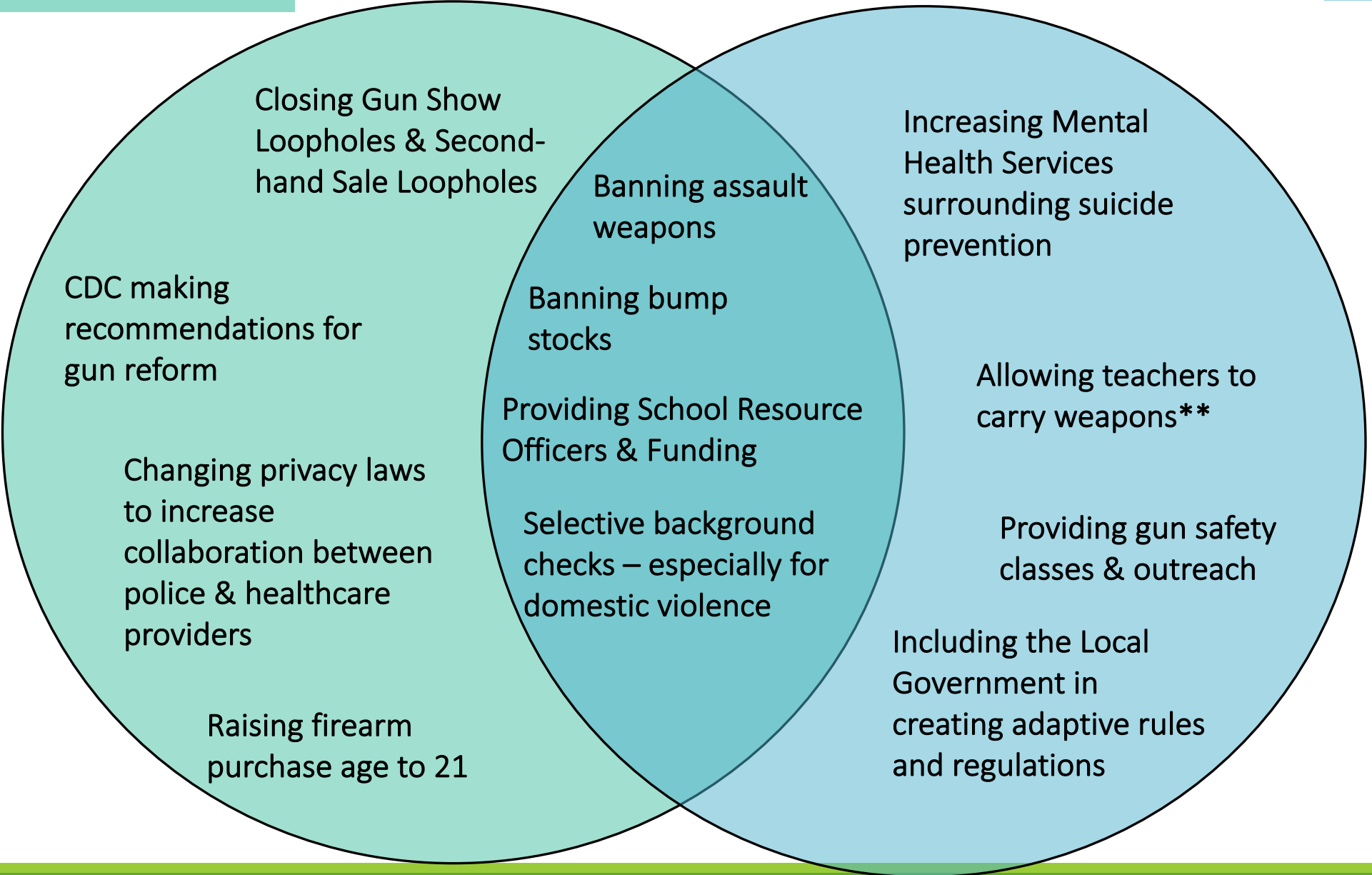
Professor Priya Baskaran, Director, Entrepreneurship and Innovation Law Clinic - West Virginia University - College of Law

Goals of Class

- Introduce students to the concept of Interest Convergence
- Use the "March for Our Lives" and efforts of the Parkland Student Activists to understand the current constituencies & interests engaged in the national debate
- Create a platform for rural gun control by:
 - Identifying elements of rural gun violence
 - Identifying possible "interest convergence" opportunities
 - Identifying different divergent interests
- Understand consequences to rural residents if excluded from the current national conversation

Seminar Process

- Assign Reading & Discussion Questions to be completed before class
 - Introduces students to the concept of interest convergence
 - Helps them issue spot opportunities for interest convergence in the gun control movement
- Guided Discussion using assignment
- Create a rural gun control platform
- Compare rural platform to Parkland Manifesto to identify possible opportunities for interest convergence and coalition building



Sources of Divergence for Rural Students:

- Understanding Rural Safety Issues
- Valuing Rural Gun Culture

Lessons Learned & Best Practices

Using discussion questions to guide class

- Makes students less likely to “freeze”

Using multi-media to diffuse tensions and introduce difficult topics

- Opportunity to dissect a story involving a difficult topic and ease into the discourse for challenging topics

Empowering students to create their own platform, including identifying priorities and points of contention

Exploring “next steps” and the role of lawyers in social movements & policy advocacy

- We have a platform – now what?

Think-Pair-Share Exercise: Application

- Please pair up with a person near you.
- Think/quick write about an aspect of your clinic - case/client selection; policy advocacy; seminar instruction – where you use or could introduce Interest Convergence Theory.
- For your example IDENTIFY:

1. Constituent Groups:

- Dominant constituencies/parties
- Subordinated constituencies/parties

2. Interests:

- Dominant constituencies/parties
- Subordinated Party/Type of Subordination
- Others? Clinical? Lawmakers?

3. Strategy for Convergence

- Identifying and Overcoming Divergence

4. Resulting Convergence

- Classroom discussion goals
- Legal strategy
- Shift in narrative frame

Some Take Aways

- Interest Convergence is the best way to preserve gains for clients
- A way to teach law students analytical skills and tools for transformative change
- Helps us – as clinicians - to find optimism in hard struggles
- Creates a WAY where there is no way

THANK YOU!

