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CARING FOR THE SOULS OF OUR STUDENTS: THE EVOLUTION OF A COMMUNITY ECONOMIC DEVELOPMENT CLINIC DURING TURBULENT TIMES

GOWRI J. KRISHNA, KELLY PFEIFER, & DANA THOMPSON*

Community Economic Development (CED) clinicians regularly address issues surrounding economic, racial, and social justice, as those are the core principles motivating their work to promote vibrant, diverse, and sustainable communities. When COVID-19 arrived, and heightened attention to police brutality and racial injustice ensued, CED clinicians focused not only on how to begin to address these issues in their clinics, but on how to discuss these issues more deeply and effectively with their students. This essay highlights the ways in which the pandemic school year influenced significant rethinking of one CED clinic's operations: first, the pandemic sharpened the clinic's mission to provide transactional legal services to nonprofit and community-based organizations, social enterprises, and neighborhood-based small businesses in Detroit and in other disinvested urban areas in the region; and second, it prompted the clinic to attempt to foster a culture of care within the virtual classroom. As an epicenter of pandemic, racial, and political turmoil over eighteen months (and counting), Detroit offered a unique setting to engage students in thinking critically about the role of lawyers in assisting communities in their efforts toward economic, racial, and social justice during the pandemic year and beyond.

INTRODUCTION

The introduction to our Community Enterprise Clinic's Fall 2020 syllabus read as follows:

We start the Fall 2020 semester in the midst of a global pandemic brought on by COVID-19, large-scale civil unrest around systemic racism, political turmoil, and economic recession. With the pandemic came disruption, uncertainty, fear, crisis, loss, and a host of other ills

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for so many. It laid bare the deep structural inequities in our society including economic inequality, racism, food and housing insecurity, disparate access to education, and broken systems of incarceration and immigration, to name a few. As a clinic that serves community-based organizations, we have seen how individuals and groups from the most vulnerable and most affected populations have responded to the crisis. Many quickly mobilized in support of their communities in ways you will learn about throughout the semester. As they press on with their pre-pandemic efforts or coalesce around new ones, the need for community lawyers remains. Thus, your time in the clinic is especially critical. We know that your clinic experience will be unlike that of the cohorts that preceded you. Arguably, it will require more patience, flexibility, creativity and stamina than in the past. It will also require pausing and checking in with yourself, asking – How am I feeling? What do I need to sustain myself at this time? Where might I need to shift expectations I have for myself, those that others have of me and my own expectations of others?

The themes in the syllabus introduction encapsulate our intentions for the pandemic year. Our intentions were to center our current reality, not relegate it to the sidelines; to examine the racial, social, and economic inequities highlighted by the pandemic and the wanton killings of unarmed Black men and women by police and private citizens; to show how the continued existence of systemic racism in the United States created and perpetuates the disinvestment of many communities of color in and around Detroit; to help students see through the lens of our clients and understand why they fight for equity and work to improve the conditions of their communities; and to promote a culture of care amongst our students. Though we might argue that we incorporated these objectives prior to the pandemic, this essay illustrates the ways in which we sharpened our commitment to them and the challenges we encountered during the pandemic year. More so than ever, our students critically probed the roles of lawyers and expressed an imperative to connect with our clients' efforts for change.

I. THE BACKGROUND

Beginning in the spring of 2020, the United States faced a series of tumultuous events that drastically changed the lives of the American people and forced American society to publicly confront rarely discussed issues of racial, economic, political, and social injustice. In March 2020, people across the United States were required to shelter in their homes as many political leaders closed down their communities due to the raging, global coronavirus pandemic. In May 2020, Minneapolis police officer Derek Chauvin killed George Floyd, who was stopped by police for passing a counterfeit twenty-dollar bill, by

kneeling on his neck for nine minutes. Mr. Floyd's videotaped killing was widely viewed by a rapt American audience, many of whom were at home and sheltering in place, who were outraged by the brutal killing. His killing, which happened after recent months of other killings of unarmed Black people, including Breonna Taylor and Ahmaud Arbery, by police and private citizens, sparked protests in communities large and small against police violence and racial inequity of Black people. During this same time period, former President Donald Trump was downplaying the severity of COVID-19, claiming it would eventually disappear. He also was mounting his own presidential re-election campaign, and one of his primary campaign strategies was to attack the democratic system of government and claim that the only way he could lose the election was if it was stolen from him by people improperly using mail-in ballots. It is against this backdrop of events that we decided to more intentionally respond to these issues and their impact on our clinical clients, students, and communities in which we work in the University of Michigan Law School's Community Enterprise Clinic seminar.

A. Clinic History & Structure

Michigan Law School's Community Enterprise Clinic (the "Clinic") was founded in 1991. The Clinic is a community economic development¹ clinic that promotes vibrant, diverse, equitable, and sustainable communities by providing transactional legal services to community-based organizations, nonprofits, neighborhood-based small businesses, and social enterprises. These organizations often advocate for and promote racial, economic, and social justice which is a significant part of the Clinic's mission. Second- and third-year law students are enrolled in the Clinic and provide their clients with transactional legal services on a variety of matters. These matters include entity formation, structuring, and governance; drafting, negotiating, and reviewing agreements; and counseling on nonprofit, real estate, intellectual property, and employment matters. The Clinic is a one-semester clinic with opportunities for interested students to continue as advanced students in a subsequent semester.

The Clinic course is divided into two segments, a classroom seminar segment and a client representation segment. The seminar class

¹ There are different definitions of community economic development but the themes in community economic development scholarship that we embrace in our work include creating community and individual assets, democratic participation and equitable development of resources, self-help, conflict to create social change, and citizen participation. See ALICIA ALVAREZ & PAUL TREMBLAY, INTRODUCTION TO TRANSACTIONAL LAWYERING PRACTICE 295-328 (Chapter 10: Introduction to Community Economic Development) (2013).

covers issues relevant to the students' work on client matters, introduces issues facing under-resourced communities in the Detroit metropolitan area and nationally, examines the role race and racism have played in creating and continuing the adverse conditions in these communities, and considers the processes of community and economic development in these urban areas. In the client representation, students work in pairs and serve as counsel to community-based organizations, nonprofits, neighborhood-based small businesses and social enterprises in and around Detroit. In both segments of the course, the Clinic explores the lawyer's role as well as attributes of an effective lawyer.

Many of our clients are working to combat generations of racial injustice perpetrated by various governmental entities, private industry, and private individuals. The Clinic is designed to support our clients' self-determination and to promote racial, economic, and social justice in their communities.

B. The Faculty And Students Of The Community Enterprise Clinic

Dana Thompson has been a clinical professor since 2005 and a practicing attorney since 1999. She is a married Black woman and the mother of a 12-year-old Black boy. Like many other parents during the pandemic, when her son's school closed in March 2020 and remained closed until May 2021 due to the pandemic, Dana supervised her son when he was in virtual school while also handling her professional responsibilities virtually.² Dana was born and raised in the Detroit metropolitan area, experienced racial discrimination firsthand, and witnessed racial inequities impacting Black Detroiters. As a result of her personal experiences, she was motivated to become a lawyer and a clinical professor, representing nonprofits and small businesses operating in disinvested neighborhoods in Detroit and Southeast Michigan to promote racial, economic, and social justice in the region.³

² Women have been disproportionately affected during the pandemic, carrying greater burdens of work, childcare, and household responsibilities than men. See *Enough Already: How the Pandemic is Breaking Women*, NATIONAL PUBLIC RADIO (series, Sept.29, 2020 – Feb.18, 2021), <https://www.npr.org/series/928323746/enough-already-how-the-pandemic-is-breaking-women>.

³ Thompson's scholarship reflects her commitment to racial, economic, and social justice, and her focus on the various ways lawyers and the law can develop and support minority-owned urban small businesses and nonprofits and on community economic development. See Dana Thompson, *The Role of Nonprofits in Community Economic Development*, in BUILDING HEALTHY COMMUNITIES: A GUIDE TO COMMUNITY ECONOMIC DEVELOPMENT FOR ADVOCATES, LAWYERS AND POLICYMAKERS 57-82 (Roger Clay & Susan Jones eds. 2009); Dana Thompson, *The Use of L3Cs for Urban Entrepreneurship and Urban Revitalization*, 2 AM. U. BUS. L. REV. 115 (2012); Dana Thompson, *Lawyers as*

Gowri Krishna was a visiting clinical assistant professor at Michigan Law School during the 2020-2021 academic year, her eighth year of clinical teaching and fifteenth year as a practicing attorney. She is a professor of law at New York Law School, her home institution. Gowri is a married Indian-American woman and the mother of a 6-year old boy who began kindergarten virtually in Ann Arbor during the pandemic school year. Gowri is a native-Midwesterner who had spent a year teaching in the Clinic in 2012. Ever since her third year of law school as a student in a community economic development clinic, Gowri has been practicing transactional law in support of grassroots, nonprofit organizations and small businesses. Much of her focus has been on working with immigrant-run cooperatives.⁴

Kelly Pfeifer was a third-year clinical teaching fellow during the 2020-2021 academic year. She began teaching following twelve years of transactional practice within the community economic development context. She is a married white woman and the mother of two Black children, ages 9 and 5. She handled her teaching responsibilities remotely with both children at home for the first five months of the pandemic; her son returned to in-person preschool/childcare in August and her daughter returned to in-person school for two days a week in April. Kelly grew up in a homogenous small town outside of Ann Arbor and realized how much of the world she had been missing when she moved to the Washington, D.C. area after graduating from college. Much more aware of the challenges so many face, she committed herself to working on issues related to racial, economic, and social justice. As an attorney at a public interest law firm, she represented and advocated on behalf of nonprofits and small businesses in Baltimore before returning to Michigan and bringing her same commitment to justice to Detroit.

Notably, our Clinic has consistently attracted a subset of students far more racially diverse than the law school student population as a whole.⁵ This is always an important factor we consider when approaching and leading conversations about race and racial justice, as

Social Engineers: How Lawyers Should Use Their Social Capital to Achieve Economic Justice, 26 MICH. J. RACE & L. 1 (2021).

⁴ See Gowri J. Krishna, *Worker Cooperative Creation as Progressive Lawyering? Moving Beyond the One-Person, One-Vote Floor*, 34 BERKELEY J. EMPL. & LAB. L. 101 (2013); Gowri J. Krishna, *Growing the Resistance: A Call to Action for Transactional Lawyers in the Era of Trump*, 7 TENN. J. RACE, GENDER, & SOC. JUSTICE 206 (2018).

⁵ In admissions data for the class of 2023 (1Ls in the 2020-2021 academic year), the class self-reported as 62% white, 20% Asian American, 15% multiracial, 8% African American, 7% Latinx, and 3% Native American, while 3% did not indicate their race. In contrast, our cohort from the fall and winter semesters combined was 34% white, 25% Asian American, 22% African American, 9% Arab American, 6% Latinx, and 3% Native American.

the majority of our students are themselves parts of marginalized racial groups.

C. *Detroit: Race, Rebellion, Pandemic And Politics*

1. *Detroit's History Of Racism*

Detroit has a long history of racial discrimination, segregation, and redlining, especially toward African-Americans. In the early and mid-twentieth century, private individuals, such as residents of all-white homeowner improvement associations, private companies, and the state and federal government, used a variety of tactics to prevent many Black people from moving into all white neighborhoods, participating in the suburbanization of the Southeast Michigan region, and obtaining well-paying and stable employment.⁶ The Dr. Ossian Sweet case offers a well-known example of a white mob who terrorized and attacked the home and loved ones of Dr. Ossian Sweet and his wife Gladys, who were Black, in 1925 as they tried to move into the home they purchased in an exclusively white neighborhood on the east side of Detroit.⁷

A number of Black people were not in the same financial condition as Dr. and Mrs. Sweet, who could buy a home. Many Black people were not able to afford to purchase homes in the early to mid-twentieth century because they were often confined to the lowest paying and most insecure jobs.⁸ Even if they could afford to purchase a home, many Black Detroiters were not able to buy homes in many areas of the city because white real estate brokers endorsed racially discriminatory practices, including racially restrictive covenants on properties, and white bankers refused to loan them money.⁹ Furthermore, the bankers were able to deny Black Detroiters loans as a result of racist policies in two federal agencies: the Federal Housing Admin-

⁶ DAVID M.P. FREUND, *COLORED PROPERTY: STATE POLICY AND WHITE RACIAL POLITICS IN SUBURBAN AMERICA* 5-6 (2007).

⁷ The day after the Sweets moved into their home, hundreds of white people attacked their home with rocks and assaulted a family member and a friend of the Sweets who were both trying to enter their home. The police refused to intervene when the mob was throwing rocks at the home. Police only got involved in the situation when shots came from the Sweets' home, after the mob surged on the Sweets' loved ones trying to enter the home. After the shooting, the police entered the Sweets' home, took the Sweets' friend and family to jail, and charged them with conspiracy to murder and conspiracy with assault with the intent to kill. See Kevin Boyle, *Arc of Justice: A Saga of Race, Civil Rights, and Murder in the Jazz Age*, 17-43 (2004) (giving a riveting account of the attack on the Sweets' home and the subsequent trial of Dr. Ossian Sweet and his defense by the legendary attorney Clarence Darrow).

⁸ THOMAS J. SUGRUE, *ORIGINS OF THE URBAN CRISIS: RACE AND INEQUALITY IN POSTWAR DETROIT* 110 (2005).

⁹ *Id.* at 111.

istration, which would not guarantee mortgages if homes in housing developments were sold to Black people; and the Home Owners' Loan Corporation, whose appraisal practices redlined neighborhoods by identifying those areas with Black people living in them as undesirable.¹⁰

For decades, most Black people were forced to live in Detroit's worst housing in segregated parts of the city.¹¹ Although many of these policies and practices have been eliminated, many other inequities between Black and white Detroiters and metro Detroiters still exist in income, employment, education, and wealth due to the legacy of these earlier policies and practices and continued discrimination.¹²

While racial discrimination and segregation played a prominent role in the decline of Detroit's economy, there were additional economic forces acting on the city of Detroit that led to the city's decline and its Chapter 9 bankruptcy filing in 2013.¹³ From the early days of the twentieth century, the automobile industry was the dominant economic force in the city of Detroit.¹⁴ In the 1950s, Detroit began to lose a lot of its industrial and commercial tax base because the city's large automotive manufacturers began to move their operations out of Detroit to suburban areas.¹⁵ In addition to the loss of manufacturing jobs, Detroit lost revenue from many other sectors of the economy including retail, wholesale trade, construction, finance, insurance, real estate, and other sectors, as companies moved their jobs outside of the city of Detroit.¹⁶ Other circumstances adversely impacting Detroit's economy include the exodus of primarily white Detroiters to the suburbs beginning in the 1950s.¹⁷ The city also suffered a reduction in state and federal revenue sharing at the same time.¹⁸ All of these circumstances led to Detroit becoming the largest U.S. municipality to declare Chapter 9 bankruptcy in 2013.¹⁹

After Detroit emerged from bankruptcy relatively intact in 2014 and during the period prior to the COVID-19 pandemic, Detroit was

¹⁰ *Id.*

¹¹ *Id.*

¹² *Detroit Future City, The State of Economic Equity in Detroit* (May 2021), <https://detroitfuturecity.com/wp-content/uploads/2021/05/The-State-of-Economic-Equity-in-Detroit.pdf>.

¹³ George Galster, *Detroit's Bankruptcy: Treating the Symptom, Not the Cause*, in *WHY DETROIT MATTERS: DECLINE, RENEWAL, AND HOPE IN A DIVIDED CITY* 37 (Brian Doucet ed. 2017).

¹⁴ *Id.* at 36.

¹⁵ *Id.* at 37.

¹⁶ *Id.* at 39.

¹⁷ *Id.* at 39.

¹⁸ *Id.* at 41.

¹⁹ *Id.* at 34.

experiencing a period of economic recovery and growth.²⁰ Some developers and areas of the city received billions of dollars in investment for commercial developments and housing and retail redevelopments.²¹ The population increased in certain parts of the city and more restaurants and other entertainment venues opened.²² However, this growth and investment was primarily focused on the 7.2 mile greater downtown Detroit area while the needs of other Detroit neighborhoods, primarily Black, were largely unmet.²³ Many of these neighborhoods were high poverty and high crime areas that experienced population loss and steadily deteriorating housing and commercial properties.²⁴ Disparities in income and assets reflect the accumulated impact of these historic and ongoing disinvestments in Detroit and in its Black neighborhoods. The median household income of Detroit is half of that of the Southeastern Michigan region and the average value of a white Detroiter's home is \$46,000 more than a Black Detroiter's home.²⁵

2. *Detroit's History Of Protests, Rebellion, And Police Brutality*

Decades before George Floyd was brutally murdered by former Minneapolis Police officer Derek Chauvin, Black Detroiters rebelled against racial discrimination and violence, fought against police brutality, and advocated for fair and equitable policing of Black communities. The Detroit riot in the summer of 1943 was one of the first significant violent racial uprisings in the twentieth century in Detroit. In the summer of 1943, tensions between Black and white Detroiters were high. Black Detroiters experienced overt discrimination in housing, social services, pay, and by the police. White Detroiters resented working alongside Blacks and that Blacks were pushing for better housing and employment opportunities.²⁶ In June of 1943, after an interracial fight occurred in a local, well-known park, the spread of rumors that whites threw a Black woman and her baby off a local bridge and that Black men raped a white woman near that same bridge, led to widespread violence between Black and white Detroiters.²⁷ After the riot was over, 25 Blacks and 9 whites were killed and 675 individu-

²⁰ *Detroit Future City*, *supra* note 12, at 16.

²¹ Galster, *supra* note 13, at 46.

²² *Id.* at 47.

²³ *Id.*

²⁴ *Id.*

²⁵ *Detroit Future City*, *supra* note 12 at 16.

²⁶ *Prelude to 1967: Detroit's racial clashes of 1943-43*, THE DETROIT NEWS, (Jul. 7, 2017), <https://www.detroitnews.com/story/news/local/michigan-history/2017/07/07/detroit-riots-1942-43/103482496/>.

²⁷ *Id.*

als were injured.²⁸ Of the 25 Blacks killed, 17 of them were killed by the police.²⁹

The 1967 Rebellion was the next major racial uprising in the twentieth century in Detroit. The significant reasons for the tensions that led to the Rebellion were years of police violence and discrimination against Black Detroiters.³⁰ For decades, Black Detroiters faced discrimination in numerous facets of life, including education, jobs, and housing, and they faced police brutality by a mostly white and anti-Black racist police force.³¹ The particular incident that sparked the Rebellion was a police raid on a Black after-hours place in Detroit. The anger of Black Detroiters caused by years of police brutality and racial injustice erupted into five days of civil unrest. Although white Detroiters had been steadily moving out of Detroit to the Detroit suburbs and other areas since the 1950s, the Rebellion hastened their move out of the city.

The final incident this section will discuss is the senseless murder of Black Detroiters Malice Green in November 1992 by two white police officers. This killing resembles the George Floyd murder in many ways. Malice Green was sitting in the passenger seat of a vehicle, not causing any disturbance, when three Detroit police officers—Walter Budzyn, Larry Nevers, and Robert Lessnau—approached the car and demanded his driver's license.³² Mr. Green provided the officers his license without protesting and got out of the car when they demanded it. After he left the car, without provocation, they began hitting him with large flashlights and killed him. As was the case with George Floyd's murder and Derek Chauvin's conviction, Larry Nevers was prosecuted for and convicted of murder for killing Malice Green.

These three significant events illustrate the connection between Black Detroiters' experience with police brutality and their wider struggle for racial equity, including the Black Lives Matters protests that erupted around the world in the summer of 2020 in the wake of

²⁸ *Id.*

²⁹ *Id.*

³⁰ Lorraine Boissoneault, *Understanding Detroit's 1967 Upheaval 50 Years Later*, SMITHSONIAN MAG. (July 26, 2017), <https://www.smithsonianmag.com/history/understanding-detroits-1967-upheaval-50-years-later-180964212/>.

³¹ *See id.* When discussing a significant cause for Black Detroiters' anger against the police, Boissoneault refers to historian Sidney Fine's book *VIOLENCE IN THE MODEL CITY: THE CAVANAGH ADMINISTRATION, RACE RELATIONS, AND THE DETROIT RIOT OF 1967* (2007) in which he writes about a field survey from before the riot that found that 45 percent of Detroit police officers working in black neighborhoods were "extremely anti-Negro" and an additional 34 percent were "prejudiced"—"more than three-fourths of officers had antagonistic attitudes toward the people they were meant to protect."

³² Elisha Anderson, *25 Years Ago, Malice Green became the face of police brutality in Detroit*, DETROIT FREE PRESS (Nov. 3, 2017), <https://www.freep.com/story/news/local/michigan/detroit/2017/11/03/malice-green-police-brutality-detroit/823635001/>.

the George Floyd murder and the resistance to police brutality and anti-Black racism.

3. *Detroit And COVID-19*

Not long after the pandemic set in, it became clear that COVID-19 had disproportionately killed Black people in the United States. Nationally, Black people are 2.1 times more likely to die from COVID-19 than white people. If they died from the virus at the same rates as white people, 25,000 fewer Black people would have died in 2020.³³ These trends are similar for Black Detroiters who have also been disproportionately killed by COVID-19. Within weeks of reporting its first COVID-19 cases in March 2020, Michigan became one of the nation's hot spots, with the situation in Detroit particularly dire.³⁴ Black residents of Detroit are ten times as likely as white residents to have friends and family who have died from COVID-19.³⁵ Over forty percent of Black residents report having a family member who has died from COVID-19 while fewer than ten percent of white residents report the same.³⁶ Not only do Black Detroiters die at greater levels than white Detroiters but they also face greater challenges with economic security, employment, housing, education, and other essential needs.³⁷

4. *Detroit And The 2020 Presidential Election*

The 2020 presidential election and the efforts by Donald Trump and his supporters to suppress the votes of predominately Black voters in Detroit was another momentous event impacting the Clinic faculty, students, clients and others in Detroit and its surrounding areas during the fall of 2020. During the entire presidential campaign season, President Donald Trump claimed that if he did not win the election, it was due to election fraud and the ability of Democratic voters to easily falsify mail-in ballots, which were disproven claims.³⁸ After President Joe Biden won the 2020 election, Trump and his sup-

³³ Rashawn Ray, Jane Fran Morgan, Lydia Wileden, Samantha Elizondo & Destiny Wiley-Yancy, Brookings Report, *Examining and Addressing COVID-19 racial disparities in Detroit 2* (March 2, 2021), <https://www.brookings.edu/research/examining-and-addressing-covid-19-racial-disparities-in-detroit/>.

³⁴ Julie Mack, *Michigan has become a U.S. epicenter for coronavirus. Why?* MLIVE (March 27, 2020), <https://www.mlive.com/public-interest/2020/03/michigan-has-become-a-us-epicenter-for-coronavirus-why.html>

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ Nicholas Riccardi, *Here's the reality behind Trump's claims about mail voting*, AP NEWS, (Sept. 30, 2020), <https://apnews.com/article/virus-outbreak-joe-biden-election-2020-donald-trump-elections-3e8170c3348ce3719d4bc7182146b582>.

porters claimed that there were more votes counted in Detroit than there were people.³⁹ He made similar claims about fraudulent voting in other cities such as Milwaukee, Philadelphia, and Atlanta, cities with majority Black or large numbers of Black voters.⁴⁰

These claims by Trump and his supporters played out in dramatic fashion in Detroit's TCF Convention Center the day after the election. Election workers were counting absentee ballots in the Convention Center in downtown Detroit and hundreds of Democratic, Republican, and Independent election observers were observing the process.⁴¹ During this vote-counting process, dozens of predominately white election challengers tried to force themselves in the counting room, which was closed off due to COVID-19 restrictions.⁴² These challengers were yelling and demanding that they be let in the room and that election workers should stop counting the ballots.⁴³ These challengers were concerned that many of the absentee ballots were in favor of former Vice President Joseph Biden and many election workers, a number of whom were Black, felt that the challengers were trying to intimidate them and prevent them from doing their jobs.⁴⁴

The actions of two members of the Wayne County Board of Canvassers, who initially refused to certify the election results in Wayne County, provide another example of the attempted disenfranchisement of Black voters in Detroit in the 2020 presidential election. County canvassers in Michigan certify the election results in each county and it is typical for them to certify results even if there are

³⁹ Joe Walsh, *No, Detroit Did Not Report More Votes Than People*, FORBES (Nov. 18, 2020), <https://www.forbes.com/sites/joewalsh/2020/11/18/no-detroit-did-not-report-more-votes-than-people/?sh=578f4aa91baa>.

⁴⁰ Juana Summers, *Trump Push to Invalidate Votes in Heavily Black Cities Alarms Civil Rights Groups*, NPR, ALL THINGS CONSIDERED (Nov. 24, 2020), <https://www.npr.org/2020/11/24/938187233/trump-push-to-invalidate-votes-in-heavily-black-cities-alarms-civil-rights-group>.

⁴¹ Mike Thompson, *Election results: Vote challenger chaos in Detroit was white privilege on steroids*, USA TODAY (Nov. 5, 2020), <https://www.usatoday.com/story/opinion/voices/2020/11/05/election-results-vote-challenger-chaos-detroit-white-privilege-column/6170645002/>. Gowri and Kelly were amongst a number of faculty and students from Michigan Law School who served as nonpartisan election challengers and observed the ballot counting process at the TCF Convention Center, as part of an election protection effort organized through Michigan United and the Lawyers' Committee on Civil Rights Under Law. They were present at the raucous scene described. Gowri and Kelly later spoke with students in supervision meetings about their experiences at the Convention Center.

⁴² Tresa Baldas, Kristen Jordan Shamus, Niraj Warikoo & Evan Petzold, *Chaos erupts at TCF Center as Republican vote challengers cry foul in Detroit*, DETROIT FREE PRESS (Nov. 4, 2020), <https://www.freep.com/story/news/politics/elections/2020/11/04/tcf-center-challengers-detroit-michigan/6164715002/>.

⁴³ *Id.*

⁴⁴ *Id.*

small differences in voting totals.⁴⁵ There are typically four County canvassers consisting of two Republicans and two Democrats. The two Republican Board members, who are also white, initially refused to certify the Wayne County election results because of concerns about voting discrepancies in Detroit. During the meeting, they indicated they would approve the results of other areas in Wayne County except for Detroit. The Board of Canvassers were initially deadlocked, which is very unusual. Ultimately, the two Republican Board members agreed to certify the election results in Wayne County but many critics of the Republicans' actions claimed that they were attempting to block the vote of Black Detroiters.⁴⁶ The events that took place at the TCF Convention Center and by the two Republican members of the Wayne County Board of Canvassers were obvious attempts by Trump and his allies to disenfranchise predominately Black voters and are a modern-day example of voter suppression efforts that have been used throughout history to disenfranchise Black voters.

D. Michigan Law School In The 2020 Pandemic Summer

In the summer of 2020, the Law School faced its own challenges regarding its stance, or initial lack thereof, on the unfolding racial unrest. The Law School initially refrained from stating unequivocally that Black Lives Matter, with the reason given that it was the Dean's policy not to address issues outside of the Law Quad. Members of Michigan Law School's Black Law Students Association ("BLSA") expressed their disappointment that the Law School administration did not condemn anti-Black racism to the wider Law School community in the wake of the killing of George Floyd by a police officer in Minneapolis.

BLSA members also voiced their frustration with the administration's response, or lack of response, to other concerns of Black students at the Law School and issued a list of demands to Dean Mark West. BLSA called on the Law School to take particular steps to reform the Law School curriculum, faculty, student body, and administration procedures. In a coordinated action, a number of incoming 1L students sent individual emails to the Dean, the faculty and the student body expressing support for BLSA's demands. In the wake of BLSA's demands and support of these demands by many other law school students, alumni, and others, Dean Mark West formed the Ad-

⁴⁵ Niraj Warikoo, *Black leaders, civil rights advocates outraged over initial Wayne County canvassers vote*, DETROIT FREE PRESS (Nov. 18, 2020), <https://www.freep.com/story/news/politics/elections/2020/11/18/leaders-blast-gop-initial-vote-against-election-certification/6336040002/>.

⁴⁶ *Id.*

visory Board on Race and Racism, appointing Dana as the Co-Chair.⁴⁷

We were mindful of the situation happening at the Law School and explicitly wanted to take a different approach in the Clinic. As a start, we sent a note to the students over the summer, sharing with them that the Clinic has been in existence for nearly 30 years and has seen first-hand the role race, racism, and economic inequality have played in creating and perpetuating adverse conditions for many in Detroit and the metropolitan area. We noted that we are seeing the country grapple with the need for systemic change as well as individual introspection. The Clinic would have them engaging in both, we said. Through client-centered and community lawyering, they would develop a practice of reflection, asking themselves what assumptions am I bringing to this work? What do I need in order to be fully present and take in what my client says? What did I do well? What might I improve next time? We added that another component of community lawyering is understanding the context in which our clients operate. What are the structures in place that create the conditions in which they function? How do they see their role in relation to those structures? What systemic changes do they (and you) see necessary? How might those changes be achieved? These were all questions they would explore throughout the semester.

II. THE CLINIC PANDEMIC YEAR

[T]o teach in a manner that respects and cares for the souls of our students is essential if we are to provide the necessary conditions where learning can most deeply and intimately begin.⁴⁸

These words by bell hooks encapsulate our teaching philosophy going into the pandemic school year. We knew we needed to recognize that students may have had vastly different experiences over the past five months. We also knew that we were working within a general law school culture that “ultimately teaches many students to put aside their personal life and health and accept persistent discomfort, angst, isolation, even depression as the cost of becoming a lawyer.”⁴⁹

⁴⁷ The Advisory Board on Race and Racism is charged with 1) examining issues of racism and disparity in the Law School community based on race and ethnicity; and 2) issuing actionable, fundamental, transformative recommendations to the Michigan Law community about ways to eradicate systemic, institutional racism and discrimination within the Quad, as well as recommendations for engaging issues of race in constructive ways. The Board acts as a body independent of the Dean.

⁴⁸ BELL HOOKS, *TEACHING TO TRANSGRESS: EDUCATION AS THE PRACTICE OF FREEDOM* 13 (1994).

⁴⁹ Lawrence S. Krieger, *Institutional Denial About the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence*, 52 J. LEGAL EDUC. 112,

While we think of clinics as places where we would otherwise surface and counter these narratives, it was apparent to us that more than ever before, we had to consider and care for the souls of our students. We wanted to know who they were, how they were doing, what their experiences had been thus far through the pandemic and ensuing social and political disruption, what their current living situation was, and whether those conditions allow them to learn deeply and intimately. Trying to set aside one's personal life and health, including that of our own, would likely not serve us well through the sustained upheaval we were collectively undergoing. Borrowing again from hooks, we added to the syllabus that ours was an *engaged pedagogy*, where everyone should feel a responsibility to contribute, and that we see each of us as an active participant, bringing our whole selves, with our complex lives and experiences, rather than simply seeking compartmentalized bits of knowledge.⁵⁰

We were not in normal times and acknowledging this to the students was important to us. We added the following to our syllabus introduction:

These are not normal times. As they start to become our new normal, though, we must prioritize self-reflection and self-care. We must also work to create a clinical community where we come together to share, to learn, to build trust and provide mutual support. Dana, Gowri and Kelly are committed to supporting you throughout your clinical experience—individually, in your teams and as a whole. Some of our past methods of teaching and lawyering will transfer relatively seamlessly to our online reality while others may not. We welcome your constant feedback and ideas on how to enhance your learning within these new parameters.

We abandoned any notion that what we had done in the past would necessarily work the same way in a virtual setting. The pandemic provided us with an opportunity to solicit student feedback and to adjust more than we would have prior to the pandemic, making it a more dynamic year than in years past. On a personal level, we saw the limits of our own mental and physical well-being, we made mistakes, and we modeled giving ourselves and each other grace. This section shares the ways in which we attempted to create community in our virtual space and deeply engage in the issues of our not-so-normal times.

A. *Summer Engagement*

We saw the summer as an opportunity to start building commu-

118 (2002).

⁵⁰ HOOKS, *supra* note 48, at 10-11.

nity and introduce the students to issues relevant to the Clinic. We asked the students to email the class with responses to the following: something you are curious about with respect to the Clinic; share one or two summer goals; and what is something you're doing for self-care in these stressful times. Their responses gave all of us glimpses, some with pictures attached, of the worlds in which we were each living. To provide context for our clinic's work, we assigned reading that we would not have otherwise had time to assign during the school year. The goal was to pick reading that would not be a slog to get through and that gave students critical context for the clinic's approach and for the communities from which its clients come. The key themes we wanted to introduce to students were critiques of our current economic system, an introduction to democratic means of ownership and governance, and the history of racism and inequity in the city of Detroit. To that end, we chose two books, *OWNING OUR FUTURE* by Marjorie Kelly, and *BLACK DETROIT* by Herb Boyd.

Gowri had been assigning Marjorie Kelly's *OWNING OUR FUTURE* for a number of years, starting as early as 2012. In the book, Marjorie Kelly, a former business ethics journalist who is now a democratic economy theorist, centers the story of a family whose home had been foreclosed upon during the foreclosure crisis (when our typical student was in the eighth grade!). She traces the current ownership of the home back through the twists and turns it went through as it got bought and sold by various mortgage companies. Marjorie Kelly breaks down the elements of our current dominant economy, which she terms extractive, as one that focuses on maximum extraction of physical and financial resources from workers and the environment to yield maximum gain for shareholders.⁵¹ She then posits features of an economy that is generative, creating beneficial rather than harmful outcomes.⁵² She tells the stories of organizations that have elements of generative design.⁵³

⁵¹ MARJORIE KELLY, *OWNING OUR FUTURE: THE EMERGING OWNERSHIP REVOLUTION: JOURNEYS TO A GENERATIVE ECONOMY* 11, 18 (2012) (describing extractive ownership as maximizing profits in the short term, where ownership is disconnected from the life of the enterprise, capital markets controlled on autopilot, capital as master rather than friend, and trading focused solely on price and profits).

⁵² *See id.* (describing generative ownership as creating the conditions for life over the long term, where ownership is rooted in human hands, control is by those dedicated to social mission, where capital is friend rather than master, and where there is collective support for ecological and social norms).

⁵³ The examples Kelly provides include South Mountain Company, a design/build firm located on Martha's Vineyard, Massachusetts. The company is employee-owned and employee-governed. After experiencing a period of fast growth, it reassessed its approach to growth and shifted from a notion of "more" to "enough," meaning that the owner-employees looked beyond growth for the sake of growth and instead focused on what would be sufficient for their collective values. KELLY, *supra* note 51, at 119-121. Another example

Students' responses to the book have shifted over time, from doubt about whether our economy needs changing and whether generative ownership design is sustainable and scalable, to being in firm agreement to the author's claim that the economy is extractive and is the cause of the wealth and income inequality seen today. Students now generally feel that there must be change, and they welcome the language and examples Marjorie Kelly gives them to think about how change might be possible. Further, they have opportunities to work with Clinic clients who are putting democratic principles into practice.

In addition to the reading on extractive and generative economies, we felt the summer afforded us an opportunity to center the role of Black Americans during this time of heightened awareness of systemic and structural racism. The city of Detroit—where most of our clients are based—has a population that is nearly 80% Black.⁵⁴ Often referred to as “America's Blackest City,” Detroit provides an excellent opportunity for in-depth review of Black American history, including key components such as the Underground Railroad, the Great Migration, Motown, and the 1967 rebellion. By providing historical context about the role of Black Americans in Detroit's past, present, and future, we hoped to afford our students the opportunity to better understand their clients and the communities those clients serve.

With this goal in mind, we discussed reading opportunities that could provide this context and background. Dana had recently purchased *BLACK DETROIT: A PEOPLE'S HISTORY OF SELF-DETERMINATION* by Herb Boyd, a well-respected Black journalist from Detroit, and it appeared it would provide just the framing we were aiming to provide. The book gives a detailed history of the growth and decline of Detroit and is particularly focused on the role of Black Detroiters. The publisher of *BLACK DETROIT* describes the book as “[A look] at the evolving culture, politics, economics, and spiritual life of Detroit—a blend of memoir, love letter, history, and clear-eyed reportage that explores the city's past, present, and future and its significance to the African American legacy and the nation's fabric.”⁵⁵

We assigned a reflective essay, due a few days prior to the first class, addressing the themes presented in both *OWNING OUR FUTURE* and *BLACK DETROIT*. Students shared their essays via email with the

Kelly gives is the John Lewis Partnership in London, which has a democratic structure with employee-elected forums at a number of company levels. *Id.* at 179. Its over-76,000 employees give input, share information and make decisions. *Id.*

⁵⁴ U.S.CENSUS BUREAU, *Quick Facts*, <https://www.census.gov/quickfacts/detroit-city-michigan> (last visited May 31, 2021).

⁵⁵ See HarperCollins Publishers (commenting on HERB BOYD, *BLACK DETROIT: A PEOPLE'S HISTORY OF SELF-DETERMINATION* (2018), <https://www.harpercollins.com/products/black-detroit-herb-boyd> (last visited May 31, 2021).

entire class to begin an informal sharing of ideas, and we pulled from the essays during the first class to organize a discussion of these over-all themes of economic and racial justice. In their essays, students reflected on a number of themes. One consistent theme students identified was resilience. One student noted “the variety of areas that Black people from Detroit contributed to despite the pervasive racism that they suffered from. . .made me wonder how much more could have been achieved if they were provided with greater opportunity through more resources and support;” while another said, “community organizers and organizations came together to advocate for a better city and world [showing] there is power in diversity of thought, from separatists to integrationists, and power in organizing at all levels of society.”

Our goal in providing context for client work appeared to have been met, with students sharing reflections such as:

For lawyers to be effective and innovative legal advocates in their communities, I believe it is important to also be versed in the socio-political and financial economies that we are entering. . . Practicing law is not an abstract exercise of doctrinal theory—livelihoods are on the line.

I will aim to understand my client’s situation while recognizing the limits of my understanding given my identity and life experiences.

Approaching every aspect of law by thinking about how the work we do impacts the community, both in the short term and long term, is something I hope to take with me as I work for clients in the clinic and after law school.

We all (faculty and students) noted that while we read the book and learned about the decades and decades of racial injustice in Detroit, we noticed that so much of the injustice perpetrated against Black Americans continued in real time. One student noted, “during multiple incidents described in the book, I had to double check the date because some of what was described sounded exactly like the events going on today.”

For the winter semester, given the shorter time available between semesters, students’ declining mental health, and unusual challenges such as law firm interviewing in January (instead of the usual August), we felt we could not assign this 300+-page book of important but dense reading. Instead, we assigned a video of author Herb Boyd on a book tour for *BLACK DETROIT* in which he discussed many key points of the book. While not the same as assigning the full book to read, we hoped it gave students at least a taste of the information to help set the stage for the coming semester’s work in Detroit.

B. Creating Community And Building Capacity For Challenging Conversations

Centering our current reality meant that we would be having explicit conversations about race and racism among other potentially charged topics. Fearful of how “[i]mproperly navigated racialized interactions diminish psychological safety for all students, but in particular for students of color,”⁵⁶ we grappled with how to create psychological safety in our virtual setting, a task that is difficult to accomplish even in an in-person setting. We used a mix of methods—creating group norms, highlighting crucial skills, and making space for students to bond with each other person to person.

During the first session of our seminar, we invited students to offer norms that would become our group agreement—the expectations of ourselves and of each other during our time together in the Clinic. The group agreement would be a living document that we revisited and revised from time to time. In addition to items such as stepping up/stepping back and deep listening, students added engaging charitably and avoiding judgment; having grace and patience with ourselves and each other; and allowing each of us room to grow, to give each other the space to make mistakes and learn from them and not freeze someone in time. These values reflected a desire to engage thoughtfully and freely in conversations that may be difficult, where students may worry about saying something offensive or being misunderstood, particularly in an era that requires a greater degree of awareness and empathy with historically marginalized groups and the potential to face consequences for offending.

As a primer for engaging in challenging conversations, we assigned a short chapter for the first class titled “Mastering Context Talk, Practical skills for effective engagement,” by Dr. Kennedy V. Hardy.⁵⁷ He defines context talk as “any conversation or dialogue that involves talking about any dimension of diversity.”⁵⁸ He observes that “context talk is seldom progressive, meaningful or effectively executed. Earnest attempts to have fully engaged conversations are often fraught with conflict escalation, verbal withdrawal, emotional cutoff, or diversion and distraction.”⁵⁹ He stresses that context talk is nearly impossible to engage in without preparation, practice, and acquiring

⁵⁶ Erin C. Lane, *Racialized Interactions in the Law School Classroom: Pedagogical Approaches to Creating a Safe Learning Environment*, 67 J. LEGAL EDUC. 780, 783 (Spring 2018).

⁵⁷ See Kennedy V. Hardy, *Mastering Context Talk, Practical skills for effective engagement*, in CULTURALLY SENSITIVE SUPERVISION AND TRAINING (Kenneth V. Hardy & Toby Bobes, eds. 2016).

⁵⁸ *Id.* at 136.

⁵⁹ *Id.*

effective skills.⁶⁰ In full agreement with Hardy on this point, we assigned the chapter in the hopes of laying a foundation upon which we would help prepare and build students' capacities, and our own, for difficult conversations.

Hardy highlights basic communication skills needed for effective communication: practicing deep listening; providing skillful feedback; using "I" messages; attending to verbal and nonverbal communication; developing refined meta-communication skills (the ability and willingness to communicate about the communication); developing a communication style that imbues intimacy, intensity, congruency, transparency, and authenticity; effectively using expressions of acknowledgment; responding therapeutically (expressing non-combative, non-symmetrical, non-hierarchical responses); developing a proficiency in expressing thoughts and feelings; and allowing space for reflection and contemplation.⁶¹ Clearly, students would have differing familiarity with, and mastery of, these skills. Further, Hardy also lays out specialized skills that rely on a high degree of self-awareness, and potentially broaden the range in which individuals are capable of mastering context talk. These skills require developing a multidimensional view of the self, knowing one's self, understanding one's self in relation to others, and identifying one's privileged and subjugated selves.⁶² Despite our concerns that training in "context talk" might require a baseline of skills that not all our students might have, Hardy's taxonomy gave us a starting point for building skills, putting students on notice that the Clinic would engage in context talk and signaling the importance of doing so in a deliberate way. The students articulated and codified some of these skills in the group agreements we created at the beginning of the semester.

Throughout each semester, we often started class with exercises to help us get to know each other. At times we put students in randomized breakout room pairs to chat about questions we would pose, questions that came from a study exploring intimacy between strangers.⁶³ The idea of the study was that mutual vulnerability fosters closeness. Most students appreciated the opportunity to interact one-on-one with classmates other than their Clinic partners and to do so in a way that shed insight into the other person. Ultimately, our challenge, as we will discuss later in this essay, came from relating to each other strictly in a virtual setting and thereby missing the types of inter-

⁶⁰ *Id.*

⁶¹ *See id.* at 137-39 (expanding on each of the general skills listed above).

⁶² *See id.* at 139-40 (expanding on each of the specialized skills listed above).

⁶³ *See* Daniel Jones, *The 36 Questions That Lead to Love*, N.Y. TIMES (Jan. 9, 2015), available at <https://www.nytimes.com/2015/01/09/style/no-37-big-wedding-or-small.html>.

actions and trust that come from doing so.

C. *Three-Part COVID Series*

While we struggle, as others do, with how to balance teaching “skills” and “non-skills” units in the seminar, we knew we had to address the pandemic and its impact broadly on the communities with which we work and specifically on nonprofit organizations and small businesses. Connecting the work of our clinic to what was going on in the world around us was key to teaching students that context matters—what does it mean to represent nonprofit organizations and small businesses? How are they connected to our current reality? What are they trying to achieve? What obstacles and opportunities do they face?

We created a three-part series that we staggered throughout the syllabus. The first in the series was titled “Systemic Inequities Exposed.” The goal of the segment was to have students consider some of the systemic inequities that COVID laid bare and further exacerbated such as the lack of protections for workers; a broken healthcare system; a general lack of a federal safety net; the impact of high rates of incarceration; homelessness; and racial and gender inequality. We assigned a piece by K. Sabeel Rahman that called for radical, bold, race-forward ideas.⁶⁴ We also provided statistics on Black-owned businesses and their disproportionate rates of closure over white-owned businesses due to COVID-19. Close to half of all Black-owned businesses across the country had closed.⁶⁵ Ninety-six percent of Black-owned businesses tend to be small “mom and pop” shops with no employees.⁶⁶

The second session of the series focused on aid to nonprofits and small businesses. Students read about the federal programs designed to help nonprofit organizations and small businesses—the Paycheck Protection Program and the Economic Injury Disaster Loan. We discussed the purpose of the loans and their limitations in actual implementation, including how and why Black business owners were less

⁶⁴ K. Sabeel Rahman, *COVID-19 and the Crisis of Racial Capitalism*, DEMOS (Apr. 6, 2020) https://www.demos.org/sites/default/files/2020-04/COVID_Racial%20Capitalism.pdf.

⁶⁵ MAJORITY STAFF OF HOUSE COMM. ON SMALL BUSINESS, *THE STATE OF BLACK-OWNED SMALL BUSINESSES IN AMERICA 6* (Feb. 26, 2021), https://smallbusiness.house.gov/uploadedfiles/bob_report_final.pdf (reporting that Black business ownership rates dropped 41% between February and April 2020).

⁶⁶ Andre M. Perry, Tynesia Boyea-Robinson & Carl Romer, *How Black-owned businesses can make the most out of the Biden infrastructure plan*, The Avenue - Brookings Institution (Apr. 29, 2021), <https://www.brookings.edu/blog/the-avenue/2021/04/29/how-black-owned-businesses-can-make-the-most-out-of-the-biden-infrastructure-plan/> (noting that ninety-six percent of Black-owned businesses are sole proprietorships owned and operated by one individual).

likely to access the funding. We had a guest speaker, a loan officer from Michigan Women Forward, a community development organization focused on economic opportunity for women. He spoke about their loan program and the impact the pandemic has had on the businesses they support.

A key piece of our discussions around aid to communities was mutual aid, a concept with which most students were unfamiliar. Mutual aid refers to collective coordination to meet peoples' needs.⁶⁷ A central philosophy to many mutual aid networks is that our current systems are unjust and will not meet the needs of people.⁶⁸ We assigned reading and podcast episodes that detailed the history of mutual aid—a history with roots in the Black, indigenous and immigrant communities—and its resurgence during the pandemic.⁶⁹ We collaborated with the Georgetown University Law Center Social Enterprise & Nonprofit Law Clinic to co-host a webinar, titled *Stepping Up and Stepping In: Mutual Aid in a Time of Crisis & Beyond—How communities are filling gaps during the pandemic and the role of lawyers in supporting these efforts*. Two mutual aid organizers, one from Ypsilanti, Michigan, and another from Milwaukee, Wisconsin, spoke about their mutual aid efforts, ones that had started prior to the pandemic, and the shifts they made as the pandemic unfolded. Two lawyers also joined the conversation to provide participants (mostly law students) with the legal landscape of underlying issues around governance, operations, finances, taxes, and liability.

A critical theme of the panel, and subsequently in our seminar session on aid to nonprofits and small businesses, was the difference between charity and solidarity. Mutual aid networks consider themselves as building solidarity as opposed to being a form of charity.⁷⁰ Charity, aid, relief, and social services usually refer to people with money and power making decisions about the provision of support to poor people.⁷¹ It is a way for the extremely rich to give fractions of their fortunes to programs that ultimately maintain the status quo.⁷² Further, charity programs promote the idea that most poverty is a re-

⁶⁷ See DEAN SPADE, MUTUAL AID: BUILDING SOLIDARITY DURING THIS CRISIS (AND THE NEXT) 7 (2020).

⁶⁸ See *id.*

⁶⁹ See SUSTAINABLE ECONOMIES LAW CENTER, MUTUAL AID LEGAL TOOLKIT: FAQs FROM MUTUAL AID ORGANIZERS (Aug. 2020), https://www.theselc.org/mutual_aid_toolkit#h_683645881821598471623494; see also Michael L. Haber, *Legal Issues in Mutual Aid Operations: A Preliminary Guide*, HOFSTRA UNIV. LEGAL STUDIES RESEARCH PAPER No. 2020-06, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3622736.

⁷⁰ See SPADE, *supra* note 67, at 7.

⁷¹ See *id.* at 2.

⁷² See Haber, *supra* note 69, at 5.

sult of laziness or immorality and stigmatize those who receive help.⁷³ Mutual aid, in contrast, aims to be an exchange among equals that builds collective power and rejects hierarchy and domination.⁷⁴ It does not separate politics and injustice from ordinary life.⁷⁵ In seeking solidarity, mutual aid cultivates a shared analysis of the root causes of problems and connects people to social movements that address these causes.⁷⁶ The charity versus solidarity framing was new to many of our students, yet they were quick to see the difference and apply this new lens to how they saw their clients and their clients' work.

The third session in the three-part COVID series looked at "Reimagining a Future after COVID." We used the session as an opportunity to engage students in thinking outside the box about systems change. Students reviewed the Movement for Black Lives' Economic Justice Platform and read part three of Marjorie Kelly's *OWNING OUR FUTURE*, which detailed five core elements of generative design. Our guest speaker for the session shared her organization's vision for a large-scale, worker-owned cooperative franchise and steps they have already made in realizing that vision.

D. Community Lawyering, Theory of Change And Client Selection

As a clinic focused on community economic development, we explore concepts of community, the economy, and development. We also touch on community lawyering, exploring what it means to engage in community lawyering and different approaches to community lawyering. While seminal and easily relevant to ongoing work, many of the go-to pieces on community lawyering date back 20 years. Wanting a more recent take on community lawyering that directly addresses current-day movements, we borrowed from the Movement Law Lab's Build Power / Fight Power training on movement lawyering. Held over the summer of 2020, the five-part course brought together movement lawyering practitioners and educators to share ways to use law to the power of social justice movements.

Much of the standard reading on community economic development uses the term "empowerment," and discusses community empowerment as a goal of CED lawyers, but does not always break down what power is. We used slides from the Movement Law Lab training that show multiple dimensions of power: personal, interpersonal, institutional and cultural. We gave students time in their clinic partner pairs to answer questions about what power structures were at play

⁷³ See SPADE, *supra* note 67, at 22-23.

⁷⁴ See Haber, *supra* note 69, at 5.

⁷⁵ See SPADE, *supra* note 67, at 27-29.

⁷⁶ See *id.*

for their client organizations, what their clients are working towards and against, and how they can take actions that build power versus create dependency. They identified systemic issues and issues specific to their client's industry—racism, disinvestment, political resistance to change, barriers to employment for formerly incarcerated individuals, lack of access to affordable healthy foods and drinks. Their responses to how to build power rather than create dependency touched on key client-centered lawyering strategies—making information accessible, constantly evaluating how they are partnering with clients and stepping back when the vision they are pursuing is theirs and not the client's, communicating to clients in ways that signal that the client has agency over legal issues and decision-making, connecting clients to other resources and individuals, recognizing that the client-lawyer relationship is reciprocal and that the students should reach out to clients for information so that the students could educate themselves without burdening clients. We also asked them to complete Deepa Iyer's exercise titled, "Mapping Our Roles in a Social Change Ecosystem,"⁷⁷ in which they considered their individual roles in pursuing equity, liberation, inclusion, and justice. Students found themselves playing, or having the ability to play, multiple roles as lawyers working towards social change.

In past years, Dana has included a seminar session on client selection, in which the class discusses factors for deciding whether or not to take on a particular organization or business as a client. This year, before addressing how we select clients, we first discussed theories of change—what a theory of change is, different theories that exist, and how the Clinic's theory of change might impact client selection. We again shared slides from the Movement Law Lab to show its articulation of movement lawyering's theory of change: "Systemic and transformative social change happens when impacted people take collective action, lead their own struggles, and build power to change the root causes of oppression. Therefore, the role of the legal advocates is to make space for, bolster, protect & build power of organized people—not just win cases."⁷⁸

We moved to identifying factors for how the Clinic's selection of clients might support the Clinic's values in supporting systemic change. These factors include how client selection might advance the Clinic's mission to promote economic, racial, and social justice and

⁷⁷ See Deepa Iyer, *Solidarity, and Building Movement Project, Mapping Our Roles in a Social Change Ecosystem* (2020), available at <https://buildingmovement.org/wp-content/uploads/2020/06/Final-Mapping-Ecosystem-Guide-CC-BY-NC-SA-4.0-Handles.pdf>.

⁷⁸ Movement Law Lab, *Build Power, Fight Power Course, Session 1: What is Movement Lawyering?* (July 8, 2020) (materials on file with authors).

community economic development in disinvested neighborhoods in Detroit and other urban areas in Southeast Michigan. Another consideration in taking on representation of organizations involves their lack of access to legal services in the private bar. Our selection criteria would favor organizations with the capacity and mission to effect systemic change: organizations that advance social, economic, or racial justice, and that build connection with the community. We also discussed more practical considerations regarding timeline, scope of work, and clients' willingness to work with students.

Many of the Clinic's clients do not fall under the categories of traditional collective action or organizing groups, but framing the conversation around theory of change and lawyering in a way that centers people impacted by injustice helped us better realize how client selection furthers our pedagogical and lawyering aims. From a pedagogical perspective, we gave students a guide to being intentional and systematic in choices they may make about client representation. If students will not be in a position to make choices about client representation, the theory-of-change framing may be helpful in creating awareness around the impacts of their lawyering.

Thinking about theories of change and movement lawyering also reminded us of the limits of some of our client work. While our small business work helps provide sustainable income for the business owner(s) themselves, and has impacts within the community, small business formation alone, or the creation of nonprofit organizations that are limited in scope, will not close the racial wealth gap or lead to systemic reform. Yet, we do have a number of clients who are creating business or organizations that are generative, that help to build a solidarity economy. These include consumer- and worker-cooperative businesses, mutual aid organizations, and community foundations. The Clinic also continued its participation in past years with the Law For Black Lives Clinical Cohort. Law For Black Lives is a national network of lawyers and legal workers committed to building a responsive legal infrastructure for movement organizations and growing a cadre of movement lawyers. A pair of students from the Clinic researched questions for a Black Lives Matter group on ways that communities might gain control over property left dilapidated by absentee landlords.

E. "Ridding Ourselves Of . . . White Supremacy, Capitalism And Patriarchy:" Our Clients In Their Own Words

During typical semesters, we organize a clinic visit to Detroit within the first few weeks of the semester. Since most of our students are not from the Detroit area, many have never been to the city even

though it is fairly easily reachable at just about 40 miles east of Ann Arbor. Many do not have much of an idea or opinion formed as to what Detroit is like, other than knowing it is the historic home to the automobile industry, that Motown produced scores of influential Black musicians, and what they hear on the news related to poverty, gun violence, and the recent bankruptcy. Without a greater context, students can have a difficult time understanding what Detroit looks like. The downtown and midtown areas are home to significant reinvestment and redevelopment, shining new sports arenas, and hip restaurants, while most of the city's neighborhoods, containing large swaths of vacant land, remain neglected. Those neighborhoods are where our community economic development work is focused.

On these visits, to provide some context for our work, we arrange to meet with former and current clients in their spaces and also visit organizations that support nonprofits and small businesses. Hearing from those working directly to improve neighborhoods by providing jobs, workforce training, services, and necessary funding provides an impactful, formative experience for students as they set out to work with clients working in the realm.

COVID prevented us from in-person visits, but we presented a virtual tour in both semesters. In the fall, we arranged for discussions with three client speakers. We asked our guests to talk about their organizations and to share their experiences working with attorneys, through the Clinic and otherwise, allowing us to address the topic of client-centered lawyering. To allow our clients to prepare for the discussion, and to ensure that we were able to address racial equity whether students raised the questions or not, we provided a list of questions to the guests in advance including what needs their nonprofit or business addresses, what issues they see as most impacting residents of Detroit, and how they see racial inequality affecting the work they do.

Our client guests included: 1) Joan, the founder of a nonprofit focused on enhancing human dignity and sustaining families and individuals living in a particular neighborhood of Detroit, by providing emergency food and personal care services, making vital connections to resources, and establishing a community land trust to preserve affordable housing; 2) Melvin, the founder of an urban farm that hires returning citizens in an effort to provide them with job training; and 3) Jarret, the founder of a social enterprise that employs formerly homeless veterans and provides shared ownership. Without prompting, each of the guests spoke directly to many of the themes from the summer reading, including self-determination, generative economic structures and models, and ways their organizations are addressing racial

injustice. The students noted this connection and we felt it was a nice way to continue building on our key themes of economic and racial justice.

In the winter semester, we engaged with a Detroit-based tour company for a virtual tour and brief history of Detroit. In addition to identifying key landmarks, the tour guide also showed where many clinic clients were based on a map, helping to provide geographic context. Following the tour, two clients joined us to discuss their organizations and their work with lawyers, following the same general question and answer style format as in the fall semester. One guest, Malik, is the founder of a nonprofit formed to address issues related to food insecurity for Black Detroiters; the clinic has represented this client for well over a decade. The other, Deirdre, is the founder of a business formed to highlight issues surrounding race and colorism through fashion and jewelry.

Students were especially and powerfully impacted by conversations with two client representatives during the winter semester. First, the founder of the nonprofit focused on addressing issues related to food insecurity and food sovereignty, Malik, began his remarks to the class by noting that this time of tremendous crisis was leading to a change in the way humans are exploring their relationships to and with one another. He observed that the increasing number of people rising up and demanding greater power and accountability could lead to diminishing white global world power. Malik was explicit in sharing his opposition to the global system of white supremacy and capitalism. He emphasized the need for Black communities to be able to work toward restoring some measure of self-determination, and highlighted the need for increased decision making within communities as opposed to having leadership imposed on those communities. He paused here to note that he didn't expect everyone to agree with him; he, in fact, invited and encouraged criticism and encouraged students to always critique others' ideas.

When a student asked how lawyers can help organizations to further their goals, Malik continued on to say that each person needs to do their own personal work to “. . . rid ourselves of the false notions associated with systems of oppression with white supremacy, patriarchy, and classism. . . .” Another student asked how the organization approached anti-capitalistic work while operating in a capitalist system. Malik noted that there are many contradictions to be acknowledged and addressed while working to dismantle and replace capitalism as our society's fundamental economic system.

Second, another client guest speaker, Payton, joined a seminar session focused on alternate economic models as part of a series dedi-

cated to delving into the community, economic and development aspects of community economic development. Payton is part of a mutual aid nonprofit that is structured with democratic principles in mind, explicitly designed so that working class people participate in and have control of the organization. The founders of the organization adopted these principles inspired by the Sustainable Economies Law Center's worker self-directed nonprofit model.⁷⁹ He addressed the client organization's desire to avoid the nonprofit industrial complex,⁸⁰ as it is "not going to liberate any of us from [the] capitalism, white supremacy, patriarchy, homophobia, transphobia" latent within the state system. Payton identified himself as an anarchist and described how the organization investigated anarchist models as part of its efforts to ensure that ". . . every single one of us has the power. . . to participate in the liberation of our people. . ." via a non-hierarchical governance model.⁸¹ He described his organization's process for collective decision-making by consensus, noting how the bylaws and internal agreements that the organization pulled together at its founding are essentially in conflict with the organization's developing participatory values. The organization adopted these documents as necessary to gain recognition by state and federal agencies, which in turn allows them to do their important work. Part of the Clinic's work over the course of the semester was to assist the organization in changing the language of its founding and other core documents to that used by anarchist and other non-hierarchical organizations around the world, within the confines of the legal requirements.

One student asked a particularly pointed question about how the mutual aid organization addresses the inherent tension involved with partnering with a large institution like the University of Michigan while knowing that many of the Law School's graduates will be lawyers actively working against the organization's vision. Payton agreed that this was an important point of ongoing discussion and that the organization had, through its consensus decision making process, determined that the organization needs to take advantage of free and donated services whenever possible, even if those services come from capitalist entities, in order to continue its work. The organization remains focused on understanding what they can say and do within the legal parameters binding them.

⁷⁹ See Sustainable Economies Law Center, *Worker Self-Directed Non-Profits*, https://www.theselc.org/worker_selfdirected_nonprofits (last visited Sept. 10, 2021).

⁸⁰ For a brief description of the nonprofit industrial complex and concerns thereof, see INCITE!, *Beyond the Nonprofit Industrial Complex*, <https://incite-national.org/beyond-the-non-profit-industrial-complex/> (last visited Sept. 10, 2021).

⁸¹ Payton made reference to anarchical platformism and syndicalism as specific models of consensus building.

These speakers directly connected to and highlighted the themes of examining alternative economic models, addressing racial injustice, and focusing on other principles of community economic development first set out over the summer and continued throughout the semester. While almost all of our students found these speakers to be insightful and appreciated hearing their thoughts and ideas on how to approach societal change, one of us heard from one student in a supervision session that he found the presentations to be offensive. He struggled with the idea of rejecting capitalism altogether and did not embrace the notion of systemic white supremacy. Through repeated conversations with his supervisor and clinic partner emphasizing the importance of exposing oneself to alternate thoughts and ideas, by the end of the semester he shared that he aimed to work on being more open-minded and to be critical yet careful in examination of topics he finds deeply uncomfortable. However, he wrote in his anonymous (yet easily identifiable due to its content) course evaluation that while he recognized it was fine to disagree politically with guests, he was “pretty shocked by the resounding endorsement by some of the professors of . . . socialists,” and thought that the guests’ desire to “bring down capitalism” was “utter bullshit” despite also criticizing the guests’ use of inflammatory and profane language.

F. Cross-Cultural Lawyering

Cross-cultural lawyering is a key topic in our clinic, as we hope it is for all clinics. While we repeatedly touch on themes about client centeredness, race and racism, poverty, and other cultural issues throughout any semester, we devoted one session of the seminar explicitly to how lawyers can and should identify, understand, and navigate cultural differences with clients and others. The goals of this session are to increase student awareness of their own cultural attributes as well as their clients’ cultural attributes, to know and understand how both sets of cultural attributes impact the attorney-client relationship and communications, to examine unconscious bias and privilege, and to learn skills that will help to cultivate a practice of self-awareness and self-improvement in lawyering interactions.

We did not greatly adjust previous content for the cross-cultural lawyering class; the general scope was largely the same as in previous semesters. However, during this time of Zoom classes and the combination of increased desire to have these conversations and the accompanying heightened concerns about causing offense, we knew we needed to work to build the trust necessary to have the challenging conversations. We also wanted to focus on facilitating the conversations in ways that did not place any additional burden on students of

color. Having the students read about skills for mastering context talk, and subsequently create group agreements that included those skills, helped lay the foundation for discussing cross-cultural lawyering.⁸²

Our primary shift in facilitation was to ensure that each of us took an active role in the class. Most of our seminar sessions are led by just one of the three instructors, generally divided by topic or subject matter. We each bring our own voice to the seminar overall, but we felt it was particularly important for the students to see all of us involved in this particular discussion due to the nation-wide focused attention on conversations surrounding race and culture. Our goal was to normalize the conversation and to model how each of us could lead and contribute to the dialogue, with the hope that the students would follow suit.

To encourage ample pre-class learning and reflection, we provided a series of readings and videos⁸³ cultivated to introduce the topic, and we also assigned each student to take two of the Harvard Implicit Association Tests⁸⁴ prior to the class. We asked the students to reflect on the tests and consider how they felt as they took the tests, what they made of the results and what might influence any implicit biases they had.

Inspired by Chimamanda Ngozi Adichie's TED Talk, "The Danger of a Single Story,"⁸⁵ we also asked the students to think about some of their own "stories" that people might not know in receiving first impressions and making judgments about them. Finally, we asked them to focus on one of their social identities and to be prepared to share in class with one other student an incident from their youths that helped socialize them into those identities.

Although the students were required to do significant work and reflection ahead of the class, with the hopes of giving them foundational material to bolster their contributions to the class discussion, we found that the difficulty of teaching over Zoom, combined with the students' hesitancy to participate in a discussion focused on such sensi-

⁸² See Section II B., *supra*.

⁸³ See ALVAREZ & TREMBLAY, *supra* note 1, at 207-230; Verna Myers, *How to overcome our biases? Walk boldly toward them*, TEDxBEACONSTREET (2014), https://www.ted.com/talks/verna_myers_how_to_overcome_our_biases_walk_boldly_toward_them; Chimamanda Ngozi Adichie, *The danger of a single story*, TED GLOBAL (2009), https://www.ted.com/talks/chimamanda_ngozi_adichie_the_danger_of_a_single_story; Trymaine Lee, *A vast wealth gap, driven by segregation, redlining, evictions and exclusion, separates black and white America*, N.Y. TIMES MAG., THE 1619 PROJECT, (August 14, 2019) <https://www.nytimes.com/interactive/2019/08/14/magazine/1619-america-slavery.html>.

⁸⁴ Harvard University, *Project Implicit*, <https://implicit.harvard.edu/implicit/education.html> (last visited Sept. 10, 2021).

⁸⁵ Chimamanda Ngozi Adichie, *supra* note 83.

tive topics, led to some periods of quiet and thus less participation than we would have preferred. Students had been actively and collectively asking for more opportunities to discuss race and racism in law school courses, so this took us a bit by surprise. After the class, we each touched base with students in supervision to see how they felt about the discussion and to try to tease out why there was such hesitancy to participate in the conversation. In addition to hearing some common and somewhat expected themes about being afraid to misspeak and worrying about saying the wrong thing, we received feedback that they were very uncomfortable with the Zoom meeting being recorded. All classes had been recorded up to this point, by general direction of the Law School administration, in recognition that it was both a simple thing to do and that it would be helpful for students needing to miss class due to health concerns related to the pandemic. With this feedback in mind, we made sure we did not record a later seminar discussion on professionalism and professional identity, which addressed issues surrounding race, sexual orientation, and other potentially sensitive topics. We also did not record these seminar meetings in the winter semester, and we did see participation increase.

It was evident that it was incredibly difficult to build the necessary sense of community and trust that conversations such as these require. The combination of largely knowing one another only via Zoom and the cumulative stress and anxiety over the pandemic, the political season, and the racial reckoning led to hesitation and less outward engagement in the conversation than we had hoped. Without the necessary foundation of trust, which simply could not be created despite our intention and efforts, we were unable to facilitate the conversation as we have in prior semesters in an in-person community.

G. Professionalism And Professional Identity

From an early point in the semester, students had been exploring notions of identity—their personal identities and how they might fit with their preconceived notions of how lawyers look, sound, and act. The Clinic is often the first time that students are feeling what it is to be a lawyer themselves. They start to consider how their personal identities do or do not fit with what they imagine a lawyer to be. These moments provide wonderful opportunities to engage students in dialogue about the roots of their preconceived notions about lawyers and what it might look like to lawyer as themselves, with their unique personalities and identities. Does a lawyer need to mimic as close as possible a dominant white man in a business suit speaking with authority and certainty as he tells the client the best way to proceed in any given situation? In what situations might this be benefi-

cial? When might it not?

Our current moment gave us the chance to have students consider how professionalism in a legal context is largely defined by white supremacy culture. We assigned Aysa Gray's article, "The Bias of 'Professionalism' Standards," in which she posits, "In the workplace, white supremacy culture explicitly and implicitly privileges whiteness and discriminates against non-Western and non-white professionalism standards related to dress code, speech, work style, and timeliness."⁸⁶ We acknowledged to the students that the piece is meant to be thought-provoking and possibly provocative. We gave them a number of prompts to consider before the seminar session that asked what shaped their idea of what professionalism means for lawyers, how their personal and professional identities might be the same or different and what aspects of their personal identity do they anticipate changing in order to fit their conception of what a professional identity should be. We also asked them to consider what their ideal workplace culture looks like and whether they saw themselves as having a role in creating change.

Also prior to the session, we asked students to email us with a ranking of their top three identities they think are most relevant to the above discussion questions. The purpose was to set up small breakout rooms where students could discuss these questions with others who shared one or two of the same identities.⁸⁷ We gave example categories of gender, race, ethnicity, sexual orientation, political affiliation, socioeconomic status, disability, nation of origin and/or citizenship, tribal or indigenous affiliation, and body size/type. Once the students responded, we created small discussion groups, matching students with as many of the same or similar identities as possible. This process was tricky, both for matching students, but also for students making selections. One noted not identifying closely with any of the identities listed. In matching the students, some top identities had several matches, while others did not.

During the seminar session, we shared with the students that the rationale for breaking them out into smaller groups based on similar

⁸⁶ Aysa Gray, *The Bias of "Professionalism" Standards*, STANFORD SOCIAL INNOVATION REVIEW (Jun. 4, 2019), https://ssir.org/articles/entry/the_bias_of_professionalism_standards.

⁸⁷ The inspiration for dividing the class based on identities came from a class session Gowri had in law school, and which she subsequently co-taught, with Professor Russell Pearce at Fordham University School of Law. On the importance of addressing professionalism in law school, Professors Pearce and Eli Wald note, "[t]he formation of professional identity is a long-term, dynamic, life-long journey. . . Law school plays a foundational role in this journey. Indeed, it plays a constitutive role in introducing and forming professional identity." Eli Wald & Russell G. Pearce, *Making Good Lawyers*, 9 U. ST. THOMAS L. J. 403, 413 (2011).

self-identified identities was that there might be greater comfort and openness in discussing issues of professionalism and professional identity among those with similarities. But we also recognized that there might not be, and that other aspects of one's identity may differ from those of others in the room and are worth considering and sharing. We stated that our hope is for students to share reflections, and possibly experiences, on their identity as it relates to notions of professionalism. We asked that when they came back into the larger group, we would discuss what an ideal workplace culture looks like, and whether and how change is possible if what exists now is not ideal.

In both semesters when we had the discussion, comments emerged from white students about seeing their own privilege and their desire to consider how they contribute to a workplace culture that supports white dominance. Some students of color shared what they had experienced or been told about what to expect at some law firms around themes such as physical appearance or how to socialize with colleagues outside of work hours. There was a mix of feedback on the session each semester. Some students saw value in connecting in the small groups and sharing concerns and experiences. We also received feedback that the student-driven conversations were inappropriate and poorly facilitated.

Figuring out how to address this topic, including the format and facilitation, is not easy. This year was Gowri's fourth iteration of leading or co-leading the conversation, and she continues to struggle with the best way to do it. It is an important discussion to have, and the issues are critical to raise. Because discussions about race and identity do not happen often in general and are particularly infrequent in law school settings, attempting to conduct them in the clinical classroom requires navigating tricky questions. Prompted by a student's feedback post-discussion, we asked ourselves the following questions: Does asking students to share potentially traumatic experiences put a burden on BIPOC students? Is there value to students discussing within similar identity groups? Does the conversation benefit BIPOC students or is it a conversation for white students' benefit at the expense of the BIPOC students? Should the format be a training geared towards white students rather than a conversation that ends up putting BIPOC students on the spot? Should we bring in outside experts to facilitate? What types of training and supports do we need to competently facilitate the session ourselves?

H. Stressors And Mental Health

During a time of such high stress, coming from a variety of sources—the pandemic and the forced virtual nature of everything,

the racial injustice, the political tension—we knew that students were likely to struggle with their mental health, as were we as their instructors. We learned that many students specifically registered for a clinic at this time to have real world issues and real clients on which to focus. They wanted to put in tangible work and feel connected to clients. Some were able to handle the clinic obligations fairly similarly to how they would have prior to the pandemic, while others struggled more than they otherwise might have due to the pandemic and the related shift to virtual instruction.

The high stress levels were easily palpable, more so than in past years. 2Ls, in particular, appeared to have an extra heightened focus on grades, since they did not receive grades for the winter semester of their 1L year and since on-campus interviewing (held virtually) was not happening until early January. While a focus on grades is nothing new for law students, the underlying stress of the world and the increased pressure of needing a semester of good grades to secure a summer position made it even more recognizable. 3Ls with secure job offers in hand seemed less committed to clinic work than one might expect in a typical fall semester. Many struggled with basic administrative tasks, like entering time in the clinic's case management system. One student overtly stated that he simply did not have the bandwidth to take on administrative tasks like time keeping and was choosing to focus his limited energy on actual client work. Another student shared that she was unable to focus on any of her classes and was putting all of her energy into her client work. Students also reported greatly appreciating the opportunity to connect, even virtually, with their clinic partner and their clients during a time when they were not otherwise able to meaningfully connect with many people due to the significant limitations of an academic year conducted almost exclusively via Zoom.

In late October, a group of Michigan Law students circulated an online mental health survey which was completed by nearly one-third of the school's students. The results were not good. Students' mental health was suffering in a variety of ways. In light of the survey, we elected to set aside some time in the next seminar session subsequent to the release of the survey for students to talk about the survey and their own mental health. The students truly appreciated the simple action of merely giving them time to talk and for us to listen.

In the winter semester, we noticed a significant uptick in the number of students missing classes. While in a typical semester we may have a couple of students miss a class due to illness, in this term it seemed like we rarely had a full roster of attendees. Additionally, students more frequently chose to turn their cameras off. When asked

about the tendency to turn her camera off, one student noted she just did not feel like she was in “camera ready” mode. We also had one student fall asleep in class two weeks in a row, with his camera on. While we ask that cameras be on for the sake of the conversation and discussion, we knew it would not be helpful to require cameras to be on when students were simply not feeling well enough, in terms of mental and physical health. We discussed these issues as they arose but ultimately chose to allow students to do what they needed to do, and not cause more stress by highlighting absences or lack of engagement.

We checked in regularly with students about their mental health. Whether via a one-on-one mid-semester evaluation meeting, weekly supervision meetings, or leaving an “open door” to students, we made ourselves available. We actively inquired as to how they were managing the Zoom fatigue, pandemic stress, the political turmoil leading up to and through the presidential election, and the continuing trauma of race-based hatred and killings. While checking in on student wellbeing is not new to the world of clinical teaching, as we regularly discuss stress management, confidence (or lack thereof), uncertainty, and reflection, it became much more purposeful since we were genuinely concerned about their mental health during this stressful and tumultuous time.

We added the topic of mindfulness to our seminar, linking it with reflective lawyering and managing uncertainty. We were able to bring in a guest meditation and yoga teacher to lead the class in brief guided meditations.⁸⁸ This seminar session was a highlight of both semesters, as students and faculty alike appreciated the opportunity to sit back, take deep breaths, and calm our minds and bodies. While many of the students were familiar with mindfulness and meditation, virtually all noted that this in-class experience was a helpful reminder to be mindful and take purposeful, meditative pauses on a regular basis.

Our own mental and physical health made teaching a struggle for us as well at times. Since we were living through the same challenges and stress related to the pandemic, the political process, and the continuing racial injustices, we were able to empathize with the students perhaps more so than in previous semesters.

III. MODELING HUMILITY AND GRACE

The year was not without its share of tears, frustrations, disappointment and sense of failure, for professors and students alike. Our goal of creating a sense of community in a virtual setting proved to be

⁸⁸ Our guest was Jess Geevarghese of Kaiel TX, <https://www.kaieltx.com/about>.

a challenge. Even though we laid the groundwork for difficult dialogue and gave opportunities for students to engage in smaller groups, they did not seem to have the same level of connection with each other and with us as students had pre-pandemic, leading to the classes on cross-cultural lawyering falling flat. The critiques around the professional identity unit, as described above, also generated feelings of whether trying to address the issue created more harm than good. In retrospect, we might have used the Hardy piece more explicitly throughout various points in the semester and spent more time helping build and foster the skills necessary to engage in context talk. Revisiting the concepts during classes on interviewing, counseling, and cross-cultural lawyering, for example, may have led to more open and robust conversation.

Despite wanting to center the events around us, we were not always successful. Our last week of class took place during the Derek Chauvin trial and was days after the murder of Daunte Wright. Dana suggested to Kelly and Gowri that we acknowledge Wright's killing and that of those murdered in the Atlanta spa killings a month prior with a moment of silence in class. Dana led the moment of silence, later prompting a reaction from a student asking why the Black professor had to be the one to initiate and that the moment was ripe for Gowri and Kelly to model allyship. We took this feedback to heart, reflected on it together and then addressed it with the class on our last day, where we acknowledged a missed opportunity. In this way, we modeled reflection, taking responsibility, humility, and also grace for ourselves.

CONCLUSION

We end the semester in a place similar to where we started—amidst a global pandemic, on the brink of economic recession, and in the thick of systemic racism and political turmoil that played out like the latest chapter in the book *BLACK DETROIT*.

At the end of the fall semester, we created a booklet with the preface above as a recognition that we had witnessed more of Detroit's history develop in real time, a history similar to that of its past. Detroit was an early epicenter of the pandemic, and as we wrapped up the winter semester, Michigan led the country in the number of COVID cases in a spring surge. We observed the ongoing disenfranchisement of Detroiters in repeated efforts to nullify their votes in the presidential election. The impact of systemic racism could not have been more apparent.

In the midst of this, however, the Clinic's mission remained the same. We continued to represent nonprofits, social enterprises, coop-

eratives, and small businesses in Detroit, guided by the conviction that our representation strengthened them in their struggle against the persistent impacts of historic and ongoing racism. We taught our students how to think critically, develop professional responsibility skills, center their clients in their work, and effect change at micro and macro levels. We provided them with fundamental skills to begin assessing their own biases and to consider their clients' backgrounds and circumstances without making assumptions. Considering national and local events, and of the continuing impact of the pandemic, these lessons seemed vital as never before.

We close this essay with an anecdote from late in the winter semester that showed us that despite all the challenges of this tumultuous time, our students continued to learn, reflect, and work towards change. A student team chose to use their designated time for case rounds to lead a discussion on what it means to be a good lawyer.⁸⁹ They shared examples of their approach to client work over the course of the semester and disclosed that they realized after thoughtful reflection and discussions with their supervisor that they had not initially made client-centered efforts to address their clients' needs. For one client, client-centered effort meant trying to mold a non-profit's somewhat informal constitution into a template for bylaws; for another client, it meant starting out with a dense PowerPoint presentation that was overly complicated and later paring it down to key, easily digestible points. This made them wonder if other students had similar experiences, and they posed the question: What does it mean to meet your client where they are?

After other students contributed anecdotes, the group largely appeared to agree that to be client-centered, a lawyer must meet their clients where the clients are and adjust their approach to find a balance of communication styles, backgrounds, and understandings. This led to a discussion of how lawyers can help break down the barrier that exists between the law and everyday people, and how lawyers can utilize and leverage their societal privilege and elite status to break down power structures for the betterment of their clients.⁹⁰

The team's final question asked what law schools can do outside of clinics and other experiential learning opportunities to help future lawyers learn how to center clients in their work. Students discussed

⁸⁹ Our winter semester pair of third-year students Natalie Vicchio and Miguel Suarez Medina led the presentation.

⁹⁰ For a discussion of how lawyers can take advantage of their professional privilege and status to break down power structures, see generally Dana Thompson, *Lawyers as Social Engineers: How Lawyers Should Use Their Social Capital to Achieve Economic Justice*, *supra* note 3.

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disrupting stagnant teaching styles and moving toward more progressive pedagogy. One student noted that even law clinics providing greatly needed legal services are essentially “just putting band-aids on issues and not solving larger systemic issues.” The session closed with an encouragement to disrupt systems wherever possible, because “things need to change, and they are changing, but not as quickly as we would want.”

It was fitting and encouraging to hear students at the end of the semester pulling these issues to the forefront. As their instructors, we found it wonderful to recognize how the students were taking to heart the themes, ideas and lessons we had provided over the preceding months. They want to confront these issues, and we have started to give them the tools necessary to do so, with the collective goal of seeking economic, racial, and social justice for our clients, communities, and world.

