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Developing a Pedagogy of Beneficiary Accountability in the Representation of Social Justice Non-Profit Organizations

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DEVELOPING A PEDAGOGY OF BENEFICIARY ACCOUNTABILITY IN THE REPRESENTATION OF SOCIAL JUSTICE NON-PROFIT ORGANIZATIONS

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This article seeks to begin a conversation on how we teach the problem of beneficiary accountability in the representation of organizations with social justice missions: How do we guide students towards a fuller understanding of the moral responsibility to engage and respect the voices of the communities most directly affected by the non-profit organization's mission? We look at the issue through the pedagogical lens of our experience supervising clinic students, deconstructing the problems of beneficiary accountability that students faced in the representation of two social justice organizations, surveying relevant legal scholarship on organizational representation and community lawyering, and considering alternative teaching methods to better prepare students to meet these challenges. We then explore how other fields—public health, international development, and urban planning—have approached beneficiary accountability in practice and in pedagogy. The experiences of these fields are useful because they have similar tripartite relationship structures (akin to lawyer-organization-beneficiary), explicit ethical obligations towards beneficiary accountability, and a history of critical pedagogy on accountability practices. Moreover, the efforts within these professions to create models of, and solutions to,

beneficiary accountability have been more innovative because these professions are unconstrained by the preeminence of the lawyer-client relationship. The formulation of a complete analytical framework and pedagogical strategy for beneficiary accountability is a significant project beyond the scope of this article. We aim to put a range of experiences and insights on the table for further discussion and conclude by identifying a handful of key concepts that we think will be useful to clinicians and practitioners facing beneficiary accountability issues in their work.

If we believe that lawyers can make a difference in communities—and that social justice non-profit organizations are a vehicle for doing so—we need to fully understand our obligations and relationship to the beneficiary community explicitly targeted by an organization's mission statement. When an advocacy organization works to advance the rights of marginalized individuals, how do the lawyers ensure that the "advancements" sought are what those individuals want and that the process reflects their world view? When a legal services organization providing representation for indigent families decides to expand their services, how do the lawyers determine what would really be helpful to their clients and their children? These lawyers must fully engage the beneficiary community. Engagement is necessary to know the community-identified problems and needs, to develop and prioritize solutions, and to assess the implementation of these solutions. There are significant cognitive obstacles to doing that well: how we conceive of the lawyer-client relationship—the limits of which have been called into serious question by multiple legal scholars, our failure to fully appreciate structural oppression, and the privilege lawyers have to engage in myopic, self-interested practice. Social justice lawyers and teachers need effective ways to dismantle these barriers to meaningful relationships with beneficiary communities, so that these interactions ultimately further the communities' values and goals. This article attempts to identify student assumptions and to develop interventions for use in the law school clinic to surface student. These interventions can lead to insights that have the potential to transform the student attorney's thinking about complex justice issues, as well as the work—lawyering, advocacy, and services—provided by the organizational clients.

I.   THE FRAMEWORK FOR BENEFICIARY ACCOUNTABILITY

This article will focus on organizational representations undertaken by law school clinics. This type of clinical work typically has three critical components: representation of a 501(c)(3) organization with an explicit

social justice mission; an explicit or implicit tripartite relationship between the student attorney, the organizational client, and the beneficiary population for whom the organization advocates; and the work connects to the broader pedagogical mission of the legal clinic.[1] In light of these components, we proceed on the basis of an important underlying presumption that these representations fall within the rubric of community lawyering and that the successes and failures of these projects, for all involved, must be viewed through this lens.[2]

Our understanding of beneficiary accountability in this paper is an amalgam of definitions borrowed from other fields, in particular the field of international development and humanitarian aid.[3] The concept of accountability has evolved from a unidirectional preliminary understanding limited to "being called 'to account' to some authority for one's actions," to the broader notion of an account-giving relationship more akin to a dialogue.[4] Beneficiary accountability, often paired with or incorporated into the idea of beneficiary communication, is defined as a *process* by which beneficiaries participate in the improvement of their situation and organizations manage "information both sent to and received from beneficiaries and integrat[e] beneficiary feedback into the decision-making process of program[me]s."[5] In the context of legal representation of organizations with social justice missions, beneficiary[6] accountability may mean a communication cycle in

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1.   Our experiences, described herein, took place at The Community Justice Project (CJP), a clinic at Georgetown University Law Center, whose mission is to "[p]rovide students with an appreciation for the complexity of working for social justice, an understanding of the variety of skills and strategies that lawyers can use to seek justice, and the faith that students have the capacity to make a difference as a lawyer."

2.   Notably, not all clinics representing organizational clients are engaged in social justice lawyering, particularly considering the rise of transactional clinics in recent years, many of which have eschewed a social justice mission, such as the Kirkland & Ellis Corporate Lab Transactional Clinic at The University of Chicago Law School. *See About the Kirkland & Ellis Corporate Lab*, University of Chicago Law School, http://www.law.uchicago.edu/corporatelab (last visited Apr. 23, 2016).

3.   *See, e.g.*, *Beneficiary Communication and Accountability: A Responsibility, Not a Choice*, Int'l Fed. Red Cross & Red Crescent Socs. (2011), https://www.ifrc.org/PageFiles/94411/IFRC%20BCA%20Lesson%20Learned%20doc_final.pdf (hereinafter IFRC). We do, however, recognize that these fields also have their own problematic histories with expert hegemony and accountability.

4.   Richard Mulgan, "*Accountability:" An Ever-Expanding Concept?*, 78 Pub. Admin. 555, 555-56 (2000).

5.   IFRC, *supra* note 3, at 8.

6.   The term beneficiary admittedly carries paternalist overtones in that it can be read to posit a passive recipient rather than an engaged and autonomous actor, and under this reading the term resists the tenets of community lawyering. We nonetheless default to it because of its prevalence in the other fields we engage with here and to avoid the lack of clarity inherent in proposed alternatives such as "third parties," "affected individuals," or "constituents."

which the individuals affected by a client organization's policies, services, or other strategic choices are involved in the identification of problems and priorities, the development of work processes, the honing and vetting of proposed solutions, and the implementation of advocacy strategies.

II.   THE COMMUNITY JUSTICE PROJECT CASE STUDIES INVOLVING BENEFICIARY ACCOUNTABILITY PROBLEMS

The failure to weave beneficiary accountability into work with a social justice organization creates significant problems for the credibility and efficacy of the project, and the long-term relationship with the community. For the community, the failure may have even more profound consequences: services needed but not acknowledged and provided, critical policy changes not asked for, or the realization that they are barred from making decisions about projects that affect their lives and the decision-makers do not value, or choose not to hear, their voices. In this section we closely examine two case studies of clinic work with non-profit organizational clients on policy projects. The projects were undertaken at Georgetown University Law Center's The Community Justice Project (CJP), a one semester, live-client, ten credit clinic that pioneered clinical project work.[7] These case studies demonstrate the potential complexity of the tripartite relationship between beneficiary community, client organization, and student attorney; the range of assumptions that students bring to the work about themselves, the client, and the community; and the necessity for students to understand beneficiary accountability as an ongoing process, not simply a step in the representation.

In the first case study, the clinic students represented a member-organization of a local coalition working on "Ban the Box" legislation, a proposed fair-hiring law to protect job applicants with criminal records. The second project involved representation of a leading area homeless services provider which wanted to identify and address gaps in services and funding for "unaccompanied" (without children or other dependents) homeless individuals. Our retrospective examination of our own teaching and supervising, as well as the students' admirably zealous representation of the organizational clients, has given us insights into how we and our students might have better understood and addressed the beneficiary accountability issues in the project work.

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7. *See generally* Anna Carpenter, *The Project Model of Clinical Education: Eight Pedagogical Principles to Maximize Student Learning and Social Justice Impact*, 20 CLINICAL L. REV. 39 (2013) (providing an overview of the pedagogical and social justice goals that can be accomplished through project work, as well as a structure for implementing projects in legal clinics).

a. Ban the Box Project

The clinic was retained by a non-profit organization that was part of a larger grassroots coalition with the goal of passing legislation to "Ban the Box." The legislation would bar most private employers from requiring a job applicant to disclose whether he or she had a criminal record before making an offer of employment. A team of three third-year students formed a plan to research jurisdictions with similar bills in place and craft a model bill. Their point of contact with the organizational client was a community organizer with significant policy expertise. The client and students' clinic supervisors advised them that they could and should meet with relevant stakeholders, including the business community, policy-makers, "returning citizens" (people with criminal records), and their advocates. Throughout the representation, the client contact expressed the organization's needs clearly and trusted the students to execute the plan. From the initial stages of the project, the students understood that the client and the larger coalition hoped to draft model legislation.

Following a preliminary round of research, which involved speaking directly with a range of advocates and government agencies in other cities, the students made a presentation to the coalition on best practices from similar anti-discrimination bills in those jurisdictions. The client contact then asked the students to compile their research into a written format, but left the choice of format up to the students, who decided to draft a model bill. They drafted an annotated model bill to provide background information on their sources for the suggested provisions, and to serve as a guide for other jurisdictions to use in their own efforts to draft and pass similar legislation.

In supervision meetings, clinic instructors asked the students about whether they would continue to reach out to a range of stakeholders—in particular, returning citizens themselves—as they continued their research. The importance of beneficiary accountability was explicitly discussed: in one supervision meeting, the instructor and students identified concrete ways in which conversation with, and feedback from, returning citizens could have an impact on the specific provisions of the bill. The students invariably agreed that seeking additional input from returning citizens and other stakeholders was desirable and even necessary. Yet in reality, their initiative flagged. Drafting the bill was an enormous amount of work, and it seemed the students concluded that it was most important to draft a "well-researched" bill. The research was primarily online and library-based legislative research, interspersed with some interviews with policy professionals and those involved in the legislative process. They also focused on their relationship with the client contact, seeing her and the organization as the full embodiment of the "client" at stake, and taking comfort in her expertise and her views of

the issues and priorities involved. They assumed without question that her interest in passing the bill and any work in furtherance of her legislative goals would necessarily be work that benefitted the affected community of returning citizens.

We as supervisors continued to push the students to consider defining the "client" more broadly (the organizational client contact, the coalition, or returning citizens) and to engage in direct communication with the affected local community of job seekers with criminal records. However, in retrospect, we did not have a clear vision of how to frame beneficiary accountability issues that we could share with students. Nor did we have a tailored set of pedagogical tools to get the students to examine what was driving their choices around this issue. Because maximum student autonomy over projects, including final project work, is an important tenet of CJP, and very real time constraints, the students completed the project without concrete input from returning citizens and we sought to re-address beneficiary accountability issues in their final reflections. The draft legislation and accompanying guide were well-received by the client, the larger coalition, and the coalition representative for the returning citizen community, all of whom reviewed the materials and used them as a foundation for legislation passed by the Council of the District of Columbia.

b. Homeless Individuals Project

CJP was retained by a large and well-regarded homeless service provider to assess the situation of unaccompanied individuals experiencing homelessness in the District of Columbia. The focus of the project was to analyze perceived gaps in services and funding for the population and to propose solutions, which would then be presented to key stakeholders in the non-profit and government communities. As with the Ban the Box project, a team of three third-year law students worked on the project over the course of a single semester. Their point of contact at the client organization was an experienced attorney, advocate, and policy analyst, who had extensive experience with, and encyclopedic knowledge of, homeless advocacy in the metro area. Indeed, starting with the students' initial meeting with the client contact and throughout the project, the students were awed by the contact's encyclopedic knowledge of the factual and political complexities of the homeless situation in the District, and struggled to understand what value they could add to the project.

In the initial stage of the project, the students did not meet with any individuals experiencing homelessness. When they did have these interviews later in the semester, the students identified problems that affected homeless

individuals, including lack of access to information and inefficient coordination between service providers. After hearing from the organizational client contact that she was interested in an analysis of the funding situation, the students quickly and exclusively focused on that component. They downplayed their other findings from interviews because they didn't believe the findings aligned with the client's stated interest and they didn't think it would be useful or possible to try to counsel the contact otherwise. They seemed convinced (though the client contact likely would have disagreed) that her expertise, which in their minds had already identified the critical issue, trumped the expertise of the interviewees—homeless individuals and the service—as well as the students' own judgment, which was only beginning to crystallize.

Later in the semester, after some prompting from the clinic supervisors and the organizational client contact herself, the students began organizing group interviews with individuals at shelters, soup kitchens, and other service providers. They quickly immersed themselves in this work, began referring to individuals they had interviewed as their client in supervision meetings, and the focus of their project work shifted to documenting the problems that individuals raised, such as inadequate space for storage of personal belongings at shelters, the fear of losing social support networks if they left shelters, and other concerns. The students felt a strong connection to this role—amplifying voices of individuals experiencing homelessness and using the project to draw attention to problems ignored by policy makers—and at times nearly lost sight of what they were retained to do.

The project experience continued to evolve. After extensive meetings with individuals, the students were well-equipped to articulate the concerns of the community, but their perceived need to engage with the beneficiary community of homeless individuals all but vanished when the students began to seek potential solutions to the problems. At the same time, the client contact emphasized that the funding analysis was a critical and much-needed piece of the project. The students quickly moved to address this issue, but without pausing to assess the extent to which the client contact and organization's agenda could or should be balanced with the set of needs and views the students had taken from the interviews with homeless individuals, the organization's beneficiaries. In this project, unlike Ban the Box, the students did engage the beneficiaries for a limited period of time and for the finite purpose of identifying problems. They did not, though, see the beneficiary community as having a role in the prioritization of needs or the generation of solutions.

c.   Student Assumptions

These case studies raise important questions about students' baseline assumptions regarding the beneficiary community's "qualifications" to participate in the advocacy process and the weight that should be accorded to their voices, as well as the nature of non-profit organizations and their own relationship to beneficiary communities. The students assumed, or quickly embraced without significant consideration, the notion that non-profit organizations are inherently altruistic and trustworthy actors and clients; that the organization's interests perfectly align with the beneficiary community's interests; and that the organizational client contact was an expert, well-equipped to address the exact problems being considered in the project work.

While these assumptions were not without some foundation, when left unchecked they blinded the students to important complexities and undermined the value the students attached to beneficiary accountability. These assumptions, often fostered by the client organization, can similarly blind practitioners. For example, the students' assumptions regarding the clients' altruism failed to see the organizational clients, as meritorious as they are, as potential competitors in a marketplace for funding, recognition, staff, and possibly clients, and possessors of highly-motivating "self" or preservation-related interests. On a practical level, non-profit organizations are deeply entrenched in a network of self-focused interests and concerns—reputation, branding, political viability, finances—often indistinguishable from commercial businesses. The students did not appreciate this larger context and the structural factors driving some of their clients' behavior.

Relatedly, the assumption that the organization's justice interests align perfectly with the desires and interests of the relevant beneficiary community also failed to leave room for the possibility that in many contexts these interests may not be perfectly shared. An organization's larger mission or movement goals can come into conflict with an individual beneficiary's wishes (such as an anti-domestic violence organization that pushes for prosecution of domestic abusers even when a particular survivor may prefer therapeutic counseling for his or her partner). There may be situations where it is an organization's funder, yet another step removed from the beneficiary community, whose preferences are being expressed in the organization's policies or practices.

Finally, students' assumption that the organizational client contact is an expert reinforces the other assumptions about the client's motives and justice interests and presents its own pedagogical challenges. A key pedagogical goal of project work in clinic is that students fully assume a counselor role, even when faced with a sophisticated, educated client contact who occupies

a position of power *vis a vis* the students.[8] While students may grow into the role of informed counselor over the course of the semester, early in the relationship the client point of contact is often seen as unimpeachable. They may subvert the expression and the exercise of their own considered judgment—the core of the clinic experience—in the face of the client's apparent expertise. Students also discount the importance of engaging the beneficiary community in the full cycle of accountability, including the identification of problems, the development of process, and the honing and vetting of proposed solutions.

Students in the above case studies and throughout our experience as clinical supervisors also bring with them a number of assumptions about beneficiary communities, although these vary greatly given the variety of communities themselves. To some extent, though, these assumptions are consistent with the assumptions that necessitated the development of the community lawyering scholarship. Broadly speaking, students assume beneficiary community members are less capable than lawyers or advocacy professionals at articulating their own needs and interests and the best solutions thereto, or that the exigencies of their lives simply make advocacy impracticable. Also at play is something more visceral than an assumption; more like a sensibility, or a feeling, that engaging directly with beneficiary community members is uncomfortable, difficult, even somewhat professionally demeaning. This is paired with an (accurate) recognition that this kind of engagement is significantly inter-personal and thus *personally* demanding, and an uncertainty as to how this engagement squares with the traditional conception of the detached professional in the attorney-client relationship.

Many students come into clinic with a significant degree of consciousness about these often hidden assumptions, and much of clinic and clinical scholarship is dedicated to carefully examining them and working through them. Many students come into clinic with a primary desire to move past such assumptions and engage directly and fully with affected beneficiary community members. But traces of the problems left by these assumptions still linger, in students and in practitioners. Whereas we have a strong set of tools to address assumptions in the context of a traditional bipartite lawyer-client relationship, we have far fewer tools adapted to the unique complexities of the tripartite lawyer-organization-beneficiary relationships under consideration here.

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8. *See id.* at 67-68 (discussing the challenges of role assumption in project work).

III. APPROACHES IN LEGAL SCHOLARSHIP TO THE PROBLEM AND THE
      PEDAGOGY

The spectrum of scholarship we identify as relevant[9] to the issue of
beneficiary accountability does not expressly address how a lawyer for a non-
profit social justice organization, enmeshed in this complex tripartite
relationship, should relate to the beneficiary community or counsel her client
about beneficiary accountability. Neither literature on organizational
representation nor literature on community lawyering has grappled with the
focused issue of teaching beneficiary accountability in the context of
organizational representation. Both, however, provide ample support for the
notion that beneficiary accountability needs to be identified as a priority issue
in the teaching of social justice lawyering, and that significant changes may
be required to our understanding of the lawyer-client relationship in order to
accommodate it.

a. *Organizational Representation*

There are a number of conceptual frameworks in the extensive literature
on organizational representation that support the notion of beneficiary
accountability as an important concern in the representation of organizations
with social justice missions.[10] These include Richard Painter's moral

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9. The growing literature on Millennial learners may also be relevant to the conversation
about beneficiary accountability: in discussions with teachers and practitioners in law, urban
planning, and education, several people felt that current students' "problem" with beneficiary
accountability was, in fact, a Millennial problem and not unique to a professional field. Millennials
—by far the majority of current law students —are identified as individuals born between 1981 and
1999, now ages 16 to 35. Hypotheses floated as to why current students in particular may struggle
with implementing beneficiary accountability included their comfort with and reliance on
technology and social media and their perceived discomfort with personal and telephonic
communication; a general lack of cultural competence (which may ironically stem from their own
inclusive upbringing and expectation of diversity); and a generational desire for quick answers
paired with an inability to slow down to really engage in critical thinking. Interestingly, these
hypotheses are supported by much of the recent scholarship on Millennial learners. *See* Emily A.
Benfer and Colleen F. Shanahan, *Educating the Invincibles: Strategies for Teaching the Millennial
Generation in Law School*, 20 CLINICAL L. REV. 1, 7-8 (2013).

10. Much of the scholarship on organizational representation, discussed *infra*, undertakes a
nuanced analysis of how the Model Rules of Professional Conduct impact organizational, and
particularly corporate, representation. This article does not set forth a similarly detailed assessment
of how beneficiary accountability plays out in relation to the attorney's ethical obligations. Suffice
to say, the Rules of Professional Conduct do not speak directly to beneficiary accountability.
However, Rules 1.3 (Diligence), 1.7 (Conflict of Interest: Current Clients), 1.13 (Organization as
Client), 2.1 (Advisor), 4.1 (Truthfulness in Statements to Others), and 4.4 (Respect for Rights of
Third Persons) provide entry points to a discussion of beneficiary accountability and help to set the
potential parameters of an interaction between an attorney and the beneficiary community. Most
salient is Rule 2.1, requiring that "a lawyer shall exercise independent professional judgment and

interdependence,[11] Deborah Rhode's moral counseling,[12] William Simon's framework of dealing,[13] and Paul Tremblay's work on counseling community groups,[14] which argue for a model of lawyering and counseling that engages the lawyer's own morals, broadens our understanding of "client," and, at a minimum, allows for a role for beneficiaries.

Painter's theory of moral interdependence was a response to a then-prevailing conception of a lawyer's duty of loyalty that required all but complete moral self-effacement from the lawyer in the lawyer-client relationship.[15] Moral interdependence is premised on the idea that the lawyer's role has evolved, particularly in the representation of corporations. Instead of the client's desires being the lawyer's first and only duty, moral interdependence sees the lawyer's own moral principles and conscience as playing a role in the representation.[16] Painter describes an interdependent lawyering model where lawyers have more options than yes-or-no, legal-or-illegal style legal advice: they overtly identify the "moral dilemmas" behind strategic choices for their clients, discuss related "moral, political, and economic" consequences (such as a potential loss of reputation), and counsel clients as to the purpose *and* spirit of the law.[17]

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render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation." MODEL RULES PROF'L CONDUCT R. 2.1 (2016). The Comment clarifies that "[i]t is proper for a lawyer to refer to relevant moral and ethical considerations in giving advice. Although a lawyer is not a moral advisor as such, moral and ethical considerations impinge upon most legal questions." MODEL RULES PROF'L CONDUCT R. 2.1 cmt. 2 (2016). While the Rule and Comment on their face may justify the incorporation of beneficiary accountability in projects, there is tension with subsequent sections of the Comment, which easily give permission to the attorney to skirt beneficiary accountability, unless explicitly directed to engage in the process by the organizational client or because the process is in the client's interest. *See* MODEL RULES PROF'L CONDUCT R. 2.1 cmt. 5 (2016) ("A lawyer ordinarily has no duty. . . to give advice that the client has indicated is unwanted, but a lawyer *may* initiate advice to a client when doing so appears to be in the client's interest").While there is not an explicit ethical obligation to engage in beneficiary accountability, it is a critical "lawyering value," as envisioned by Juliet Brodie, that needs to be imparted to students. *See* Juliet M. Brodie, *Little Cases on the Middle Ground: Teaching Social Justice Lawyering in Neighborhood-Based Community Lawyering Clinics*, 15 CLINICAL L. REV. 333 (2009).

11.   Richard W. Painter, *The Moral Interdependence of Corporate Lawyers and Their Clients*, 67 S. CAL. L. REV. 507 (1993-1994).

12.   Deborah L. Rhode, *Moral Counseling*, 75 FORDHAM L. REV. 1317 (2006).

13.   William H. Simon, *Whom (or What) Does the Organization's Lawyer Represent: An Anatomy of Intraclient Conflict*, 91 CAL. L. REV. 57(2003).

14.   Paul R. Tremblay, *Counseling Community Groups*, 17 CLINICAL L. REV. 389 (2010); Alicia Alvarez & Paul R. Tremblay, INTRODUCTION TO TRANSACTIONAL LAWYERING PRACTICE (West 2013).

15.   Painter, *supra* note 11, at 509.

16.   *Id.* at 543.

17.   *Id.* at 582-83.

While Painter primarily addresses the representation of corporations and the lawyer's role as a monitor and dealmaker,[18] the representation structure he identifies and the types of client-counseling which flow from moral interdependence lend themselves to a theory of beneficiary accountability. Painter's theory arises from a tripartite relationship in corporate representation, between management, the lawyer, and the constituents, whom he defines as "shareholders, lenders, employees, and the community in which the corporation does business."[19] It maps closely onto the non-profit representation structure of organization, lawyer, and beneficiaries. Under Painter's model, a lawyer's moral authority is greatest when the consequences of counseling or decision-making could injure constituencies who don't have the resources to fight, won't recognize injuries until it is too late, or don't have "rights" protected by law[20]—characteristics typical of the marginalized populations that are frequently the beneficiaries of non-profits' advocacy and services. Painter's interdependence model supports our belief that beneficiary communities are worthy of a lawyer's time and focus in the representation of social justice non-profit organizations, that the voices and interests of beneficiary communities should be factored into their client counseling and the formulation of lawyers' work product.

Deborah Rhode pushes Painter's ideas even further, advocating for a model of counseling in which lawyers to organizations have an obligation to safeguard the public and the legal system at all times. Her vision of counseling advises "clients to comply with the purpose and letter of the law, *and* with core principles of honesty, fairness, and social responsibility that are central to effective legal processes."[21] While Painter's counseling is largely framed as a benefit to the client, Rhode goes further and insists on moral counseling even when it cannot "be packaged in pragmatic terms."[22] Rhode posits that moral counseling is applicable in any legal representation, but the theory is grounded in public mistrust of large corporations' impact on the public's health, safety, and security.[23] Rhode's critical point is that

> [a]s gatekeepers in imperfect legal processes, lawyers have obligations that
> transcend those owed to any particular client. Honesty, trust, and fairness
> are collective goods; neither legal nor market systems can function

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18. *Id.* at 512.
19. *Id.* at 519.
20. *Id.* at 543.
21. Rhode, *supra* note 12, at 1319 (emphasis added).
22. *Id*.
23. *See id.* at 1320.

     effectively if lawyers assume no social responsibility for the consequences
of their counseling role.[24]

Under this conception, lawyers counseling an organization with a social justice mission would see themselves as both advisors and participants in an imperfect process, working towards improving conditions and services for a beneficiary population. Because that imperfect process has numerous, potentially competing voices—the board and management of the organization, its employees "in the field," funders, politicians (and their agendas), sister organizations engaged in the same work, and of course beneficiaries—the lawyer has responsibilities to some extent to all those players.[25] Where the voice of beneficiaries is not adequately engaged, a lawyer's broader duties of "honesty, trust, and fairness" may require the lawyer to take steps to ensure that beneficiaries have a seat at the proverbial table, even where it requires counter-balancing the goals of the retained organizational "client."[26]

     While Painter and Rhode take a broader look at the moral foundations for beneficiary accountability, William Simon and Paul Tremblay provide more detailed and technical justifications for the concept. While neither scholar speaks of beneficiary accountability directly, both articulate theories of more interventionist lawyering on behalf of non-profit organizations that are compatible with the inquiry here. Simon's starting point is a critique of common models of organizational representation—"joint" representation of the organization and its constituents and "entity" representation that focuses on control or authority.[27] He concludes that these approaches are often inadequate for addressing intra-client conflict, which he sees as inevitable given that organizations "consist of multiple individuals with potentially differing interests."[28] He instead proposes taking a step back to view an

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24. *Id.* at 1330.

25. This idea is taken even further by Robin Golden in her article *Collaborative as Client: Lawyering for Effective Change*, 56 N.Y. L. SCH. L. REV. 393 (2011/12). She advocates for "lawyering to a collaborative," in which the "lawyer's obligation can be owed to the shared understanding of the problem itself." *Id.* at 396-97.

26. Rhode adeptly identifies and unpacks the two common criticisms of moral counseling that such counseling impinges on the duty of zealous advocacy owed to the client and it will discourage trust and candor from clients. *See* Rhode, *supra* note 12, at 1330. She notes that zealous advocacy looks different in the counseling context, which lacks the "customary checks on advocacy" of an adversarial proceeding. *Id.* at 1331. She rejects the "client-centered" approach in this context, which may be warranted, given there are few if any concerns of lawyer domination in this context, allowing her to rest on the assertion that "to give moral advice is not to impose it." *See id.* at 1330-31.

27. *See* Simon, *supra* note 13, at 105-108.

28. *Id.* at 59. It is worth noting that Simon rejects the "Control Group" view of entity representation, in which the lawyer understands the organization to be those who have de facto

organization as a "framework of dealing"—an entity with a formal structure and decision-making procedures, but also "a substantive commitment that its constituents be treated fairly."[29]

In the context of representing non-profit organizations with social justice missions, Simon applies the framework-of-dealing lens because "the most important beneficiaries of a charitable organization have little or no control rights" and thus have "less incentive and ability to monitor the organization."[30] Simon focuses on governance issues, where he concludes that lawyers have a greater obligation to engage in monitoring the client,[31] but the logic applies equally well to a lawyer's role *vis a vis* an organization's strategy and advocacy decisions, which have the potential to affect beneficiaries just as much (if not more) than its resolution of governance issues. Under Simon's model, a lawyer would have more latitude, if not an obligation, to look after beneficiaries' place in the overall framework of dealing. In practice, this would mean taking steps to include beneficiary feedback in problem mapping, solution generation, and other aspects of work that will eventually affect them.

Paul Tremblay draws on Simon and others in tying together the scholarships of organizational representation and community lawyering to articulate models of representation that can be deployed in practice.[32] These models are dependent on, and responsive to, the nature of the structure of the organizational client, ranging from "loosely-structured" groups to "well-structured" group clients.[33] For the "well-structured" clients—the type of non-profit organizations involved in the case studies described above, which have "explicit and rigorous schemes in place for expressing the desires of the organization, and for making and implementing decisions"[34]—Tremblay concludes that the lawyer should be empowered to be less neutral in her

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control of it and the organization's interests to be those expressed by the control group, as a model which is tantamount to "might makes right." This model of representation is likely to become the default model in non-profit representation because the lawyer makes different assumptions about the motives of a social justice organization and doesn't bring the same caution and questioning she might bring to the representation of a corporation. *See id.* at 113. Similarly, he notes several deficiencies in the "Authority Structure" approach, whereby "the lawyer's duty is to this structure" because there is a formal arrangement for allocating power and making decisions. *Id.* at 80-81. In many non-profit organizations with social justice missions (and particularly legal service providers), the beneficiary community will have had no role in the creation of the structure, such that a pure Authority Structure model of representation may not incorporate their voice.

29. *Id.* at 86.
30. *Id.* at 112.
31. *Id.* at 113.
32. *See* Tremblay, *supra* note 14, at 393, 458.
33. *Id.* at 389, 413-54.
34. *Id.* at 413.

counseling and indeed should feel a responsibility to probe and assess the client representative's decision-making and risk tolerance, particularly when "the risks implicate the good will, the resources, or the mission of the organization."[35] The lawyer has a further responsibility to determine that the representative is, in fact, an apt representative and proxy for the organization.[36] Tremblay grounds his model on the fact that, unlike an individual client, a well-structured organization has a fairly transparent decision-making process that is "more open to examination and input"[37]—it is essentially designed to receive, process, and resolve differing and/or competing views. Consequently, including the lawyer's input potentially helps the process, rather than threatening to subvert or dominate it.

Tremblay's arguments about counseling community groups with a public mission, which he envisions as "loosely-structured" groups comprised of beneficiaries, are equally applicable to non-profits.[38] First, he finds that a lawyer for an organization with a public mission owes less deference and neutrality to a representative of the organization because the importance of ensuring that a loosely-structured organization stays true to its mission is a paramount and often difficult challenge.[39] Where the lawyer has legitimate expertise relating to the organization's mission and strategy, the lawyer "need not be agnostic about issues of civic policy, community needs, or the public interest."[40] Tremblay also finds that if the leadership of an organization is "unreceptive" to the membership—in our case, beneficiaries—a lawyer can rightfully engage in more interventionist counseling.[41]

In the aggregate, the work of Painter, Rhode, Simon, and Tremblay supports a model of representation in which lawyers for non-profit organizations with social justice missions view their responsibility more broadly and engage in less neutral and more directive counseling. Their model(s) give a lawyer greater leeway to counsel an organizational client to engage in meaningful beneficiary accountability before making decisions, or even to take steps to mediate, communicate, or protect beneficiary interests as part of her representation of the organizational client. While there is ample

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35. *Id.* at 417-18.

36. *Id.* at 420.

37. *Id.* at 421.

38. *See id.* at 421-22, 455-56. He defines community group as a group whose "members are economically and politically powerless and have joined together for collective aims related in some way to their plight of powerlessness." *Id.* at 455. Such a group is an organization comprised of the beneficiaries themselves and, in representing this type of group, the lawyer may have different concerns about beneficiary accountability than those which surfaced in our case studies.

39. *See id.* at 457-8.

40. *Id.* at 459.

41. *See id.* at 462.

theory on which to premise beneficiary-focused counseling, the questions of how to implement it in practice and how to teach about it still remain.

Returning to the experience in the case studies described above, the scholarship opens up new entry points to a conversation about beneficiary accountability that could reach a diverse group of students. One approach to talking about beneficiary accountability, drawing on Painter and Rhode, would focus on the student's internal compass and emphasize the view that lawyers have a moral responsibility to themselves and their communities that favors counseling which increases the public good. A second entry point to conversation would focus on the internal structural complexity of the organizational client, noting that all organizations, by definition, have conflicting voices and allegiances that a lawyer can help clarify and mediate. In addition, organizations with a social justice mission should be driven by adherence to their mission, which can be monitored by counsel. A third entry point to beneficiary accountability would center on the beneficiaries' relationship to the client organization and the inherent power differential since beneficiaries of non-profit organizations generally don't participate in the creation of the organization's structure, don't have a formal voice in decision-making, and have limited, if any, opportunity to monitor the organization. All three of these approaches would, from different perspectives, encourage students to question their traditional conception of the lawyer's role and to consider alternative, broader views of lawyering that emphasize beneficiary accountability.

b. *Community Lawyering*

The moral bases for beneficiary accountability can be difficult for students to internalize. The scholarship on community lawyering[42] articulates important lessons about the primacy of community engagement in social justice work—community lawyering itself often hinges on beneficiary accountability. Studying and reflecting on practitioners' application of the ideals in practice may help students absorb the moral underpinnings of accountability. In order to effectively engage in beneficiary accountability, students must grasp several important insights on community lawyering, including: the ability to critique "lawyer-domination," or hierarchical assumptions about sources of knowledge; the reassessment of the relationship between process and outcome, shifting the focus from traditional "wins" to the transformational potential of a collaborative process; and an

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42.   We use the terms community lawyering and social justice lawyering interchangeably.

understanding of the concrete investment of energy necessary to deconstruct these assumed roles and facilitate such a process.

At its core, social justice lawyering requires a critical examination of the role of the lawyer in the justice project.[43] In a traditional (regnant) lawyer-client relationship, the expert-lawyer, rather than the community, frames the problems, identifies strategies, and determines which feedback is valuable.[44] The problem, often described as "lawyer-domination," is the inherent tendency of many lawyers (and community members) to prioritize the perspective and agenda of the "expert," the lawyer.[45] Social justice advocates have argued that this form of lawyering replicates the existing hegemonic power structures, submitting communities to the same structural marginalization that causes the social issues that the work attempts to combat.[46] The goal of community lawyering is to instead be non-hierarchical, a practice which involves constant self-assessment and critique.[47] Scholars have challenged lawyers to examine their own assumptions about client capacity and lawyer-hegemony before they enter the counseling session or collaborative space[48] and acknowledge that the process for ensuring meaningful participation may involve a significant investment of time and energy into building relationships and creating structures for collaboration.[49]

While the traditional marker of successful lawyering is winning a legal battle, social justice lawyers may define success in other ways.[50] Collective organizing for a lawsuit that results in transformation or mobilization of the community is a worthy, potentially equal, goal.[51] The social justice lawyer's engagement with the community, in its best forms, can facilitate public education and community building, which, in turn, leads to greater monitoring and sustainability of the social justice goals.[52]

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43. *See* Anthony V. Alfieri, *Reconstructive Poverty Law Practice: Learning Lessons of Client Narrative*, 100 YALE L.J. 2107, 2121 (1991).

44. Gerald P. López, *Living and Lawyering Rebelliously*, 73 FORDHAM L. REV 2041, 2042-43 (2005).

45. *See* Alfieri, *supra* note 43, at 2144-45.

46. *See id.*

47. *See* Michael Diamond & Aaron O'Toole, *Leaders, Followers, and Free Riders: The Community Lawyer's Dilemma when Representing Non-Democratic Client Organizations*, 31 FORDHAM URB. L.J. 481, 517 (2004); *see also* Alfieri, *supra* note 43, at 2145.

48. *See, e.g.*, Alfieri, *supra* note 43, at 2131-34.

49. *See id.*

50. *See id.* at 2146.

51. *See, e.g.*, MARK TUSHNET, THE NAACP'S LEGAL STRATEGY AGAINST SEGREGATED EDUCATION, 1925-1950 (2005).

52. ALAN CHEN & SCOTT CUMMINGS, PUBLIC INTEREST LAWYERING: A CONTEMPORARY PERSPECTIVE (Wolters Kluwer 2013).

A number of scholars have also investigated the application of these principles in the law clinic.[53] At one end of the spectrum, clinicians have written about priming law students to work in a "client-centered" manner, undertaking counseling conversations with the recognition that the client bringing the issue is an expert and should be engaged in the justice process.[54] At the other end, clinicians have also examined pedagogical tools for teaching students engaged in policy-based work with community groups.[55] This critical work has not yet expanded into systems of accountability and pedagogical methods for ensuring accountability in the work of students representing social justice organizations on behalf of a larger beneficiary population.[56]

Gerald López's theory of lawyering rebelliously, elaborated in his 1992 text *Rebellious Lawyering: One Chicano's Vision of Progressive Law Practice*, prioritizes community input in, and assessment of, social justice strategies.[57] The model emphasizes that only community-led projects can result in deep and meaningful social change; projects led by "experts" or lawyers, without inclusion of the affected community, inherently devalues the community in which they are working. According to López, "experts" often are not critical about their role or the involvement of marginalized communities in traditional lawyering projects, though they may be well-meaning. Community lawyers themselves may have not internalized the idea that marginalized people have the best insights on how to improve their lives, particularly when they have not built accountability structures into their work. Lawyers that do not engage and consult the community do not see the community to be a source of useful knowledge. As López's critique clarifies, exclusion is subjugation.

López's definition of "community," or beneficiaries, is broad. He advises that guidance for activism should be sought "bottom-up, top-down

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53. *See, e.g.*, Gerald P. López, *Training Future Lawyers to Work with the Politically and Socially Subordinated: Anti-Generic Legal Education*, 91 W. VA. L. REV. 305 (1989).

54. *See, e.g.*, DAVID A. BINDER & SUSAN C. PRICE, LEGAL INTERVIEWING AND COUNSELING: A CLIENT-CENTERED APPROACH (1977).

55. *See, e.g.*, Sameer M. Ashar, *Law Clinics and Collective Mobilization*, 14 CLINICAL L. REV. 355 (2008).

56. Sameer Ashar has written about the benefits of working with strong movements and organizations in which organizers are primed to hold lawyers accountable. In these collaborations, the need to address lawyer-domination is diminished. He does discuss moments of confrontation with organizers, in which he and his students advised them to listen to and prioritize the needs of beneficiaries (workers). *Id.* at 406.

57. *See* GERALD P. LÓPEZ, REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE (1992).

and all directions."[58] Engaging the community, gathering knowledge from everyone, from the families of people in jail to religious leaders in the community, is a part of what López identifies as "leveraging what's available."[59] While the potential community of accountability seems infinite in this articulation, López doesn't seek an ultimate checklist for the work of lawyers in marginalized communities. Instead, he views the multidirectional sharing of knowledge within the community as a continuing process for refining strategies for justice work.[60]

Similar to López, Alfieri embraces a lawyer's continuous critical examination of her role in lawyering in resource-impoverished communities. Alfieri articulates his belief that lawyers will have to take affirmative steps to undo the default model of lawyer-dominant lawyering they have been taught.[61] His model for a critical, self-aware practice is based in part upon four precepts: "suspicion, metaphor, collaboration, and redescription."[62] Alfieri's practice begins with suspicion, asking lawyers to recognize from the start of legal representation the limitations of the lawyer-constructed narrative, a narrative based solely upon a lawyer's own experiences.[63] The next stage is metaphor, requiring lawyers to actively create space for community members' narratives, which, when unsolicited, are effectively marginalized.[64]   Collaboration, the third stage, involves a continued recognition of the value of engagement at each stage of the lawyering.[65] Redescription, the final stage, incorporates the marginalized narrative into the work.[66] Alfieri describes this self-aware practice within the context of individual client representation, but the principles of his practice resonate as broadly in thinking about the inclusion and amplification of marginalized community voices in the representation of social justice organizations. Importantly, as seen in López's observations, Alfieri's vision of critical community lawyering is not a unidirectional exercise. It requires actively ensuring engagement with the community at each stage.[67]

Michael Diamond more explicitly analyzes the lawyer's role in facilitating accountability to community groups, where the group's

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58. Gereld P. López, *Shaping Community Problem Solving Around Community Knowledge*, 79 N.Y.U. L. Rev. 59, 72 (2004).

59. López, *supra* note 44, at 2049.

60. *Id.*

61. *See* Alfieri, *supra* note 43, at 2131-34.

62. *Id.* at 2111, 2134-45.

63. *Id.* at 2134-37.

64. *Id.* at 2138-39.

65. *Id.* at 2140-41.

66. *Id.* at 2141-45.

67. *Id.* at 2147.

leadership may have different goals.[68] Diamond assesses the role of the lawyer in the context of work for groups that are self-governed, in that the leader or management is also a member or a beneficiary,[69] akin to Tremblay's "loosely-structured" group. In Diamond's description of work for member-led community organizations, he disputes the notion that the community lawyer should be driving democratic participation within these groups and instead emphasizes the role of the lawyer as a communicator, who keeps the community informed of decisions made by the leadership.[70] Again, in this context, "community" is a circumscribed group, consisting of organization membership, and unlike the non-profit lawyering model considered in our case studies, the leadership *are* beneficiaries, potentially removing the complexity of the tripartite relationship of lawyer, organization, and beneficiary and returning the relationship to an arguably simpler, more traditional lawyer-organization representation.

Diamond's model emphasizes the importance of fluidity in any lawyering which impacts the needs of a community because each community group will have different democratic participation concerns.[71] Diamond's model, and his emphasis on context, draws on the urban planning models described later in this article. Any effective model of community lawyering must be tailored to the group: the representation should start with an accurate articulation of the community's goals, culled from the community and shared widely,[72] and the lawyers must maintain flexibility and be able to facilitate community input in each different context, at different stages of the representation.

Many clinicians have taken community lawyering precepts further—or more precisely, inwards—and sought to apply them to inform the practice and pedagogy of the clinic itself. For example, Jane Aiken (who first designed and taught CJP), envisions the community lawyering clinic as a vehicle to deconstruct power within society.[73] Building on theories of adult education, and the work of Fran Quigly, Aiken describes crafting moments of "disorientation," where students are confronted with situations that undermine their assumptions and, through supervision and reflection, move not only toward an increased awareness of the world, but an increased critical

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68.   Diamond, *supra* note 47, at 517.

69.   *Id.*

70.   *Id.*

71.   *Id.*

72.   *Id.*

73.   Jane H. Aiken, *Striving to Teach "Justice, Fairness, and Morality,"* 4 CLINICAL L. REV. 1, 10-22 (1997) (citing Fran Quigley, *Seizing the Disorienting Moment*, 2 CLINICAL L. REV. 37, 51 (1995)).

self-awareness.[74]   This self-awareness is ultimately a foundation for challenging the assumed role of the lawyer as expert in the social justice project and deconstructing the power implicit in the lawyering relationship more broadly.

Juliet Brodie emphasizes the possibility of using the clinic structure itself to impart values.[75] She observes that the work of establishing and operating the clinic is fundamentally the work of community lawyering. As clinicians make (or reconsider) decisions about, for example, the location of the clinic in light of accessibility issues, or the types of cases the clinic will take on in response to different expressions of need from different sources, they are faced with undeniable tensions.[76] These difficult choices require clinicians to bring and sustain the values at the core of community lawyering. Bringing students into this clinic operations process provides them with a powerfully real and nuanced experience of community lawyering practice in action. Moreover, clinicians can use these decision-making opportunities to model social justice principles like collaboration and democracy to students.[77]

Community lawyering practices and values are essential to students' understanding and implementation of beneficiary accountability in the context of non-profit representation. An effective model of beneficiary accountability must be grounded in countering the narrative of lawyer/expert-domination; has to emphasize process as much, if not more, than the outcome and the final product; and must be sensitive to the characteristics of the community and the context of the problem. Students must understand their finite representation as one step in the larger effort of community building, power shifting, and the achievement of social justice for a beneficiary community.

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74. *Id.* at 24-25.

75. *See* Juliet M. Brodie*, Little Cases on the Middle Ground: Teaching Social Justice Lawyering in Neighborhood-Based Community Lawyering Clinics*, 15 Clinical L. Rev. 333, 368 (2009).

76. *See id.* at 370.

77. *See also* Ashar, *supra* note 55, at 406. Sameer Ashar advocates for clear, political theoretical underpinnings for the clinic's work. Within this framework, he highlights the usefulness of progressive lawyering for the collective in tying student work to the social justice mission. Ashar argues that teachers should explicitly let the practice and social justice goals inform the fieldwork and pedagogy. His critique of the traditional law school clinic's focus on individual client practice is that client-centered goals often do not implicate the broader advancement of social justice.

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IV. Turning to Other Disciplines: International Development, Public Health, and Urban Planning

Beneficiary accountability is an explicit obligation in other professional fields. Through comparing, first, the particular understanding and implementation of beneficiary accountability practices in other fields, and, second, the pedagogy of accountability in those fields, we can more deeply explore the possibilities of an explicit practice and pedagogy of beneficiary accountability in the representation of non-profit organizations. In this section, we explore the fields of international development, public health, and urban planning, each of which are driven by underlying social justice goals, often work in a tripartite relationship of professional-organization-beneficiary, and have experimented with (and established) practices and pedagogies of beneficiary accountability much richer, in our view, than we see today in legal pedagogy.

a. International Development

The international development community uses a variety of frameworks to address methods of accountability to beneficiaries.[78] While "international development" as a concept alludes to neocolonial, Western primacy and hegemony, the call for accountability protocols has spurred critical conversations in practice and pedagogy. Beneficiary accountability in development projects is considered a human right.[79] Ideally, community participation protocols within the field include designing methods for ensuring participation at all stages of a project so that the people who are affected can direct, monitor and evaluate the outcome and process.[80] Practitioners have found that systems to ensure public participation result in increased commitment, public understanding, shared responsibility, sustainability and effectiveness of the development work.[81]

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78. IFRC, *supra* note 3, at 7-11.

79. *The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies*, UN Practitioners Portal on Human Rights Based Approaches to Programming, http://hrbaportal.org/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies#sthash.T1Ga1k6g.dpuf (last visited Apr. 14, 2016).

80. *See id.*; *see also* Hongpeng Liu, *Enhancing Public Participation for Sustainable Development Projects*, UN Symposium on Hydropower and Sustainable Development (2004), http://www.un.org/esa/sustdev/sdissues/energy/op/hydro_hongpeng.pdf (last visited Oct. 3, 2016) (explaining much of the framework for participation involves holding international governing bodies accountable to local NGOs rather than individual residents).

81. Liu, *supra* note 80, at 5.

Many aid agencies utilize the "Theory of Change" planning model to implement beneficiary accountability.[82] A typical development project will involve a donor, a grantee or implementing organization, and the beneficiary community.[83] The Theory of Change model is the organization's articulation as to why the program plan will succeed in changing the problem in the target community.[84] The Theory of Change process typically involves six steps: identifying long-term goals; backwards mapping and identifying outcomes; completing the outcomes framework; identifying assumptions; developing indicators; and identifying interventions.[85] Donors and organizations that believe strongly in the value of beneficiary accountability have attempted to use the model as a tool for examining assumptions about the role of beneficiary communities and organizations in development projects.[86] Since the model is a way to memorialize a communication and collaboration plan with the community, it should ideally increase transparency and community input. The articulation of a detailed plan outlining how the agency believes change will occur during a project gives the beneficiary community an opportunity to unearth incorrect assumptions about the community's culture, communication, and structure.[87] The plan is also a tool for community-based presentations and discussions. The Theory of Change model is given so much weight that often donors will request the Theory of Change from the grantee organization even before supporting a project.[88]

Critics of the Theory of Change model argue that like many fads in development planning, the tool can become mechanistic.[89] Especially in the early phases of a project, the model is often based on the organization's hypothesis about how change will happen in that particular community.[90] Although the plan could potentially engage beneficiaries, they are typically built with more input from donors.[91] In addition, the plans are often critiqued for glossing over nuance, since uncertainties in a plan may reduce donor

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82. *See generally* Craig Valters, *Theories of Change in International Development: Communication, Learning, or Accountability?, JSRP Paper 17,* LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE JUSTICE AND SECURITY RESEARCH PROGRAMME (JSRP) AND THE ASIA FOUNDATION 3 (Aug. 2014), http://www.lse.ac.uk/internationalDevelopment/research/JSRP/downloads/JSRP17.Valters.pdf.

83. *See id.*

84. *See id.*

85. *Example*, CENTER FOR THEORY OF CHANGE, http://www.theoryofchange.org/what-is-theory-of-change/how-does-theory-of-change-work/example (list visited Apr. 14, 2016).

86. Valters, *supra* note 82.

87. *Id.*

88. *Id.*

89. *Id.* at 4.

90. *See id.*

91. *See id.*

confidence in the project.[92] Some agencies, such as The Asia Foundation, have attempted to realign the model to increase communication with the beneficiary community.[93] One of the Foundation's strategies is "double loop" learning by the organization, where the plan is examined by donors, organization employees, and the stakeholders outside of the organization, including local government and individual community beneficiaries.[94]

Schools engaged in teaching international development policy have necessarily incorporated ideas of accountability and engagement systems into their pedagogical framework.[95] "Critical Global Citizen" is one progressive pedagogical model, which emphasizes students' cultural competence and their understanding of the historical production of knowledge and power.[96] The model, developed by Vanessa Andreotti, a scholar of international development education, employs Gayatri Spivak's ideas of learning to unlearn, learning to learn, learning to listen, and learning to reach out.[97] She identifies four orientations to "society, education, development and diversity": technist instrumentalist, liberal humanist, critical and post-critical, and "other."[98] By asking students to think critically about their role in development projects, Andreotti questions what she calls the "technist instrumentalist" view of development, a view of development as a tool to allow the target country (its beneficiary population) to compete in the global market.[99] The definition of success or progress which animates this view is very narrow and defined by the outside organization or donor. Within this paradigm, the organization's role is to assist "those lagging behind."[100] A

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92. *Id.* at 2.

93. *Id.* at 9-10.

94. *Id.*

95. *See, e.g.*, University of Michigan, *School of Public Health Uses IGR Model to Form Dialogue Program*, STUDENT LIFE: THE PROGRAM ON INTERGROUP RELATIONS, http://igr.umich.edu/article/school-public-health-uses-igr-model-form-dialogue (last visited Apr. 23, 2016) (students reported that program allowed them to reflect on the roles power and privilege play in their interactions with the community).

96. *See* Vanessa Andreotti, *Soft Versus Critical Global Citizen Education*, 3 POL'Y & PRAC. 40 (2011).

97. Vanessa Andreotti, *Critical and Transnational Literacies in International Development and Global Citizenship Education*, 2 J. EDUC. 32, 40 (2014).

98. *Id.* at 42.

99. *Id.* at 42-43.

100. *Id.* at 43. Andreotti also described a related approach to international development, "liberal humanism," which embraces an agenda set not just by external organizations or donors, but by national leaders. As an example, this approach might prioritize education, because the government hopes that improved education will lead to enhanced social order. In this dynamic, the government's objectives lead and the perceived problem is still the community's deficiency. The reliance on the government to articulate the community's needs is also similar to the clinic dynamic

corollary to this view in the law clinic is students' assumption that their role as a lawyer to a non-profit organization and in relation to the beneficiary community is to resolve a discrete legal issue identified by experts.

Instead, Andreotti endorses critical/post-critical processes and awakens students to, what she terms, the "other" narratives.[101] A critical approach to international development prioritizes the inclusion of marginalized communities and questions the field's focus on economic growth to the detriment of a community's autonomy.[102] Projects engaging a critical perspective are "concerned with the transformation of society and the creation of a new social order more inclusive of or led by those who have been silenced or exploited by the current dominant system."[103] The "other" narrative, as Andreotti describes it, focuses on choices that may be imperceptible to those "experts" reared outside of the relevant community's culture and context.[104] The other narrative is potentially inscrutable to those outside of the community and is comprised of frameworks of meanings that exist in communities affected by development.[105] Andreotti writes, "[I]f you [the expert] think you 'understand' this, think again."[106] In this way, the approach in Critical Global Citizenship mirrors much of the community lawyering scholarship, which also focuses on an investigation of complex subjectivities, the difficulties of representation, and inherent expertise of the beneficiary community.[107]

With the pedagogical goal of transferring the concept of critical and "other" narratives, teachers of Critical Global Citizenship lead students through readings and exercises to analyze historical production of knowledge and power.[108] This foundation is used to destabilize "expert" hegemonic assumptions and to combat the marginalization of community voices in development work.[109] The approach is exemplified in an exercise designed by Andreotti to make students question their assumptions about the "benevolence of progress," in which she shows them a poster of indigent

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where students rely heavily on the organization's point of contact to define the problem experienced by the beneficiary community.

101.   *Id.* at 44.

102.   *Id.*

103.   *Id.* at 45.

104.   *Id.* at 45-46.

105.   Andreotti presents as an example the difficulty of translating the "cognitive-relational" concepts of caring for "Pachamama" (Earth) as articulated in Apu Chupaqpata Global Education Centre's Global Education Principles (Peru).   *Id.* at 45-47.

106.   *Id.* at 46.

107.   *Id.* at 44-45.

108.   Andreotti, *supra* note 97, at 34.

109.   *Id.*

children with the slogan "education for all can solve all problems."[110] She poses a series of questions related to the creation, purpose, and placement of the poster.[111] She then follows up with questions about the students' (and the profession's) "complicity in harm": "Who decides what problems and solutions are (in the poster, historically, and in 'our' context)?" What assumptions inform these decisions? How are unequal relationships reproduced through these decisions? How else might the community have identified the problem and conceived of the solutions?[112]

The questions posed in Andreotti's scenario, which go to the heart of professional/expert domination, and the use of a concrete tool like the Theory of Change, would have forced students in our case studies, at a minimum, to name their assumptions about the beneficiary communities and to assess their own role and the client's role in a project that potentially reinforces the power dynamic it is trying to eradicate. This short set of questions also succinctly makes the point, missed by the students in the case studies, that a beneficiary community is not only a rich resource for identifying problems, but also for crafting solutions.

b. *Public Health*

Theories of accountability are deeply embedded in the ethical foundation of the public health field and its diverse sub-fields, ranging from biostatistics to health policy and management.[113] Practitioners strive for "openness and transparency," which means that all decisions should be defensible and open to scrutiny, as well as effective communication that ensures practitioners and the community are in agreement about both the problem and potential solutions.[114] The goals of community accountability are clearly articulated by the American Public Health Association (APHA). The APHA Principles of Ethical Practice in Public Health, adopted in 2002 for public health policies, programs and institutions, emphasize that "public health should advocate for, or work for the empowerment of, disenfranchised community members."[115] Public health institutions should collaborate with communities and build trust.[116] The "policies, programs, and priorities" promulgated by

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110. *Id.* at 39-40.

111. *Id.* at 39.

112. *Id.* at 39-40.

113. Jaquelyn Slomka, Beth Quill, Mary DesVignes-Kendrick, & Linda E. Lloyd, *Professionalism and Ethics in the Public Health Curriculum,* 123 PUB. HEALTH REPS. 27, 28 (2008), http://www.publichealthreports.org/issueopen.cfm?articleID=2076.

114. *See id.* at 29, 32.

115. *Id.* at 29.

116. *Id.*

these institutions "should be developed and evaluated" with input from the community.[117] The APHA principles advocate for a model in which a community must consent to the implementation of a public health policy or program and that consent must be informed.[118] In total, these principles include problem identification, solution generation and vetting, implementation, and monitoring as key phases of a public health initiative which should involve community participation.[119] One salient feature of the accountability discourse in the public health arena is the consensus that if the aspirational goal of community accountability is to be realized, concrete and affirmative accountability systems need to be created and implemented, with community feedback as part of the system-development process itself.[120]

Increasingly, schools of public health are developing curricula to addresses the complex ethical decisions involved in community-based work.[121] Teachers in the field are working with students to help them internalize the values of beneficiary accountability and to implement it effectively.[122] One critical approach to public health teaching explored by Vivian Chávez in seminars at San Francisco State University is a "Pedagogy of Collegiality." Her approach, initially formulated in other educational contexts, focuses on mutual learning, respect for diverse learning styles, and shifting attention from the teacher to the students and back again as a way to create a community of equals.[123] Chavez adapts the method to teach public health through a community organizing lens, with the understanding that much of the students' work will involve strategies that impact traditionally marginalized communities.[124] The pedagogy has four "essential features": principles of community organizing; building community and valuing diversity; engaging the senses; and writing across the curriculum.[125]

The framework is heavily influenced by Paolo Freire's theory of critical education, specifically "the process of developing critical consciousness about oppression, building empowerment, and working towards social

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117. *Id.*

118. *Id.*

119. *See id.*

120. *See id.*

121. *See id.* at 28.

122. The University of Texas Health Sciences Center in Houston has developed an interdisciplinary corps of faculty members that specialize in ethics. Their goal is to convey to students the deep ethical roots of practice in diverse communities and to demonstrate the importance of integrated ethical considerations in the field. *Id*. at 33-34.

123. *See* Vivian Chávez, Ruby Asunción Turalba, & Savita Malik, *Teaching Public Health Through a Pedagogy of Collegiality*, 96 Am. J. Public Health 1175, 1176 (2006).

124. *See id.* at 1175.

125. *Id.* at 1176-77.

change."[126] Chávez uses a democratic teaching model that focuses on ethics and community-based participatory research models.[127] A fundamental goal of the Pedagogy of Collegiality is for students to replicate their intentional inclusion in the classroom in their facilitation of engagement in the community.[128]

The initial stages of the coursework, focusing on community organizing principles, involve both experiential and dyadic exercises in class.[129] The teachers themselves engage in the exercises with the students, modeling and impressing upon the students the necessity of structuring participatory dialogue with community members.[130] The teacher facilitates community-building through small group conversations to encourage participation in the classroom and creates reflective opportunities designed to make students consider diverse perspectives and the importance of listening and being heard.[131] The method also gives students themselves the experience of feeling the power of inclusive dialogue. Students describe "finding their voice" through the exercises,[132] which reinforces the value community dialogue may have for marginalized communities and beneficiaries of their public health projects.

Chavez is essentially inculcating her students to be reflective practitioners, a foundational principle of clinical legal education. The Pedagogy of Collegiality goes further, though, and forces a restructuring of the classroom that is more progressive than a typical law course or even many clinical seminars and, arguably, requires more risk-taking by the instructor leading the class. For our case study students, the benefits could have been substantial: we were unable, through direct conversations in supervision, to fully communicate the importance of beneficiary accountability, but the experience of beneficiary accountability, in their own education, could have been sufficiently powerful for them to apply the concept to their own lawyering.

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126. *Id.* at 1175.

127. *See id.*

128. *See id.* at 1178-79.

129. *See id.* at 1177.

130. *Id.*

131. The students "learn the value of developing trust and mutual respect as precursors to community assessment, program planning, and evaluation." *Id.*

132. *See id.*

c.   Urban Planning

The trajectory of urban planning and its related pedagogy over the last fifty years is highly relevant to clinical legal education, and indeed has been shaped by many of the same historical forces and political movements. [133] Both fields also now focus heavily on a model of experiential or service learning. As urban planning has evolved from a purely technical field limited to perceived "rational" decision-making by educated experts to a more inclusive field that emphasizes the empowerment of communities affected by planning and a realization that "all planning is advocacy for one set of interests or another,"[134] the emphasis on community or beneficiary accountability has grown apace.[135]

The code of ethics of the American Planning Association and the American Institute of Certified Planners identifies beneficiary accountability as a key aspirational goal: Planners "shall provide timely, adequate, clear, and accurate information on planning issues to all affected persons and to governmental decision makers" and "shall give people the opportunity to have a meaningful impact on the development of plans and programs that may affect them."[136] The code emphasizes that such participation "should be broad enough to include those who lack formal organization or influence."[137]

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133. *See, e.g.*, Barbara Rahder, *Cracks in the Foundation of Traditional Planning*, PROGRESSIVE PLANNING (Special Issue on Education), Summer 2002 (detailing urban planning's growth and evolution from a "purely technical enterprise" envisioned by white, male engineers and architects in the early twentieth century, to the critiques of the 1960s and 1970s of women, low-income, ethnically and racially diverse communities, and others that planning was not a fair and unbiased enterprise, to the "lets-make-a-deal 1980s" and "the privatization frenzy of the 1990s" to today, when "myths of rationalism, a singular public interest, and the separation of space from society are no longer viable foundations for [the] profession").

134. Marie Kennedy, *Transformative Community Planning: Empowerment Through Community Development*, PLANNERS NETWORK, at 2 (prepared for the 1996 Planners Network Conference), http://www.plannersnetwork.org/magazine-publications/case-studies-and-working-papers/transformative-community-planning-empowerment-through-community-development.

135. *See* Stuart Umpleby, *Citizen Sampling Simulations: A Method for Involving the Public in Social Planning*, 1 POL'Y SCI. 361, 361-62 (1970) (arguing for new forms of communication and new infrastructure to engage the public in federal planning activities because "a basic assumption of the American system of government is that the best means for achieving long-term public support for decision-making procedures is to involve the public in the decision-making process") *and*, thirty-four years later, Jonathan Lachance, *The Need for Techno-Progressive Planners*, *in* PLANNERS NETWORK DISORIENTATION GUIDE 12 (2004-05) (bemoaning the artificial divide between the "soft" skills of "community involvement and consensus-building" and technical "hard" skills traditionally considered planning skills).

136. American Planning Association, *AICP Code of Ethics and Professional Conduct,* Principle A(1)(d)-(e), PLANNING (revised Oct. 3, 2009), https://www.planning.org/ethics/ethicscode.htm.

137. *Id.* at Principle A(1)(e).

The foundational text in urban planning regarding beneficiary accountability is Sherry Arnstein's 1969 paper *A Ladder of Citizen Participation*.[138] The goal of Arnstein's paper was to increase participation and maximize the influence of indigent and under-represented communities in the planning process.[139] The ladder is comprised of eight hierarchical rungs, indicating different levels of citizen participation: the two highest and most desirable rungs are citizen control and delegated power; the middle rungs are partnership, placation, consultation, and informing; and the two lowest rungs of the ladder are therapy and manipulation.[140] The model recognizes that at the lowest rungs, so-called participation can actually be abusive, as "citizens are offered ceremonial opportunities to participate during public planning processes, giving them the illusion of power while decision-making remains in the hands of local elites."[141] Arnstein and other scholars at the forefront of progressive planning were acutely aware that citizen participation—or what we call beneficiary accountability—is really about the power balance in planning and policy formulation.[142]

While Arnstein's ladder is still widely-used and has been further developed by subsequent scholars, it has been extensively and, for our purposes, constructively criticized. As an initial matter, critics have pointed out the lack of specific "how to" techniques for actually implementing citizen participation in the field.[143] It doesn't identify tools for planners or citizens to use to effectuate participation at a given level.[144] More substantively, scholars have critiqued Arnstein's ladder in that, despite its progressive values, it is still premised on a model of top-down planning, in which a process is commenced by expert/outsiders, while citizens, the beneficiaries, then search for (or are provided) an entry point into that process.[145] Arnstein's ladder treats citizen participants, in other words, as "stakeholders with vested interests" rather than "community members with civic responsibilities and capabilities," a lens which is more likely to maximize

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138. Rachel G. Bratt & Kenneth M. Reardon, *Beyond the Ladder: New Ideas About Resident Roles in Contemporary Community Development in the United States*, *in* POLICY, PLANNING, AND PEOPLE: PROMOTING JUSTICE IN URBAN DEVELOPMENT 356 (2013).

139. *Id.* at 360. Sherry R. Arnstein, *A Ladder of Citizen Participation*, 35 J. AM. INST. PLANNERS 212 (1969).

140. *Id.* at 361.

141. *Id.* at 362.

142. *See id.*

143. *See id.* at 364-65; *see also* Mary R. English, Jean H. Peretz, & Melissa J. Manderschied, *Building Communities While Building Plans: A Review of Techniques for Participatory Planning Processes*, 26 PUB. ADMIN. Q. 503, 506-07 (Fall 2002-Winter 2003).

144. *See* English, *supra* note 143, at 185.

145. *See* Bratt, *supra* note 138, at 364.

community empowerment.[146]   Arnstein's ladder also doesn't provide guidance for how to reconcile competing, potentially conflicting voices of different segments of a community.[147]   And perhaps most importantly, Arnstein's ladder is singular—a single analysis for the whole process— whereas the critiques observe that the level of citizen participation, and the tools used, may differ at each stage of the planning process.[148] Beneficiaries may need and be entitled to different forms of participation and/or information in the process of identifying values and setting goals; the process of gathering, integrating, and forecasting information; the process of developing and assessing options; the process of making concrete decisions; and the process of monitoring implementation and change over time.[149]

A useful paper by Ronit Davidovitch-Marton's describes the planning process used to design a municipal children's park in Petah Tikva, Israel. It powerfully demonstrates why beneficiary accountability cannot be seen simply as a box to be checked at one point during a process, but rather must be conceived as a thread to be woven through the entire process in order to be effective.[150] The paper describes an initially impressive city-wide process, conducted over the course of a year, to engage children, their families, and all twenty-two schools in the town in the planning of the park.[151]   After intensive training of educators and administrators at each school, children and their families developed a vision, a policy, and a design for the park itself, which was ultimately presented to the public.[152]   Later in the process, however, and despite the fact that no articulate opposition to the schools' submission was ever presented, the ultimate plan adopted by the municipality contained almost nothing from the children's designs.[153]   Despite such an intensive level of beneficiary participation for the majority of the process, the municipality received complaints from students, teachers, and parents, who

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146. *See* English, *supra* note 143, at 187.

147. *See* Bratt, *supra* note 138, at 365.

148. *See id.* at 364-65.

149. *See* English, *supra* note 143, at 187-88; *see also* Ronit Davidovitch-Marton, *The Education System as a Platform for Involving the Public in Planning Processes*, 17(3) CHILDREN, YOUTH & ENV'TS 84, 86 (2007) ("[I]t is now clear that methods of collaboration must be adapted to public, professional and community agendas. In other words, public involvement is a contextual process which must reflect the character of the locality, the nature of the community and the overall context in which it takes place. There is no way to simply 'copy' collaboration methods from one environment to another. The contextual nature of the process obliges us to design it from the ground up, and adapted fully to the specific environment.").

150. *See generally* Davidovitch-Marton, *supra* note 149, at 84.

151. *Id.* at 84.

152. *Id.* at 91-93.

153. *Id.* at 97.

did not understand and did not participate in the ultimate compromise- and decision-making.[154]

Despite the critiques, Arnstein's seminal article is still a key piece of urban planning's pedagogy of beneficiary accountability. It is still featured in most introductory planning texts, is required reading in many graduate planning programs, and is one of the most frequently cited planning articles.[155] In addition, Arnstein's ladder has been adopted by several other fields, including environmental psychology, public health, and international development.[156]

Arnstein's ladder addresses some fundamental issues identified in our case studies. First, it makes explicit that beneficiary participation and accountability is a value in the urban planning field and is a part of a project which can and should be assessed as one way of measuring success. Second, the ladder establishes that forms of participation in which the community can exert substantial influence and control are the most desirable; conversely, types of citizen participation which are merely "ceremonial opportunit[ies]" and "give the illusion of power" may, in fact, be negative. The use of the ladder and its hierarchy in clinic, and perhaps even in practice, such as in discussions with the organizational client on the importance of accountability, would have given supervisors, students, and the client a shared vocabulary and point of reference. Ideally the tool could even be used in the beneficiary participation itself, to ensure that beneficiaries better understood the nature of their role in the process and to both critique the role and its realization.

The critiques of Arnstein's ladder also provide important insights on how the urban planning approach might translate to clinical law. In the aggregate, our students struggled to engage their projects' beneficiaries in problem mapping, solution generation, and monitoring. The singular, one-size-fits-all critique of the ladder, based on the idea that any participatory process must be tailored to both the project and the community in question, gives way to an approach where specific tools for increasing participation and power-sharing are mapped on to the different stages of planning. In the homeless project in particular, while the students enthusiastically embraced an accountability-building process at one phase of the project, their potential assumption that accountability was a singular, check-the-box type requirement led them to completely drop attention to beneficiary

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154. *Id.*

155. Bratt, *supra* note 138, at 362 (explaining the article is still included in two major texts published in 2003 and 2004 respectively and is required reading in the graduate planning programs at Berkeley, Cornell, Illinois, Michigan, and Tufts).

156. *Id.* at 363.

accountability once they moved past the phase of identifying problems and moved into the phase of conceiving, honing, and vetting proposed solutions.

Other elements of contemporary urban planning pedagogy we have encountered might also prove useful. For example, a movement of "transformative planning" has emerged that emphasizes process, not product, seeks a more careful balancing between the knowledge of the beneficiary community and skills of the planner, and highlights the reality of planners' own biases and the impact of those biases both on substantive outcomes and on how planners engage the beneficiary community.[157] Similarly, Leonie Sandercock has advanced a theory of "therapeutic planning"[158] which also focuses on planning as a process that has the potential to result in collective growth, and which requires planners to exercise a range of cross-cultural skills.[159]

Both transformative and therapeutic planning require a curriculum focused on "soft skills," emphasizing cultural competence, "negotiation and mediation, facilitation and consensus-building, organizing and working with groups of different sizes and different kinds of internal conflicts," as well as community psychology, an anthropological understanding of culture, and a deep appreciation for context.[160] In these approaches to planning, beneficiary accountability is such a foundational principle that its role is unchallenged— a far cry from the legal field where the needs of beneficiary accountability often run into tension with traditional conceptions of the lawyer-client relationship. Teachers of these strains of urban planning presume the importance of beneficiary accountability and instead move ahead to focus on adjustments to methods and best practices that promise to improve the pedagogy.

One such adjustment is in process at Pratt Institute, which has a graduate planning program steeped in progressive values and committed to social justice.[161] The team of professors who teach "studio," the experiential and often capstone experience of the degree, identified issues with their own

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157. Kennedy, *supra* note 134, at 6-8.

158. Therapeutic and transformative planning are encompassed under the larger umbrella of insurgent planning. LEONIE SANDERCOCK, TOWARDS COSMOPOLIS: PLANNING FOR MULTICULTURAL CITIES 157-59 (1998).

159. LEONIE SANDERCOCK, COSMOPOLIS II: MONGREL CITIES IN THE 21ST CENTURY 162-65 (2003).

160. *Id.* at 164. *See* Interview with Bethany Bingham (June 6, 2015) (notes on file with authors) [hereinafter Bingham Interview].

161. The program in City and Regional Planning describes itself as "[p]ractice-based interdisciplinary study to achieve better economy, equity and environment." Pratt Institute, *City and Regional Planning*, PRATT, https://www.pratt.edu/academics/architecture/city-and-regional-planning (last visited Apr. 14, 2016).

students' ability to implement beneficiary accountability.[162]   In response, studio professors have restructured studio to focus on one community for a two-year cycle to encourage deeper and more trusting relationships with their community clients and to enhance students' learning about community consultation.[163] They are also developing a mandatory workshop on cultural competence to explicitly address students' lack of understanding of the history of planning and to help them appreciate who they are personally and professionally in the larger ecosystem in which they live and work.[164]

V.   New (Borrowed) Approaches for Clinical Legal Education

The conversation about beneficiary accountability in the representation of social justice non-profit organizations has, at its core, the goal of preparing students to think about different and, potentially competing, responsibilities and voices in counseling non-profit organizations and to consider their own role as lawyer and counselor through a moral lens. In envisioning a clinical pedagogy of beneficiary accountability, we aim to teach students to embrace the idea that zealous work for the organization must be related to the goals of the community; to use beneficiary accountability as one way to challenge the hierarchies of lawyer/expert-dominance; to identify and critique their own assumptions; and to think critically about the process of social justice and the value of engagement. Our initial exploration of other fields that explicitly encourage or oblige practitioners to consider accountability principles resulted in the borrowing of six objectives and related tools to begin sketching a clinical pedagogy of beneficiary accountability. Many of these objectives and tools are already being used in different ways and in different places in the legal academy, but they have not been linked together with the goal of teaching beneficiary accountability:

> 1. *Grapple with students' internalized stereotypes and assumptions early on.* Teachers of international development and urban planning engage students directly about relevant stereotypes. In the context of non-profit representation, this might also include assumptions about the non-profit as a benevolent client, the point of contact at the organization as an expert, and the strengths and skills of the beneficiary community.

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162.   *See* Bingham Interview, *supra* note 160.

163.   *Id.*

164.   *Id.*

2. *Teach students about the law as a tool of subjugation.* In all three fields, teachers make students aware of ways in which international development, public health, and urban planning have been used as tools of oppression and emphasize the limitations of students' own experiences. A clinic which uses critical theory more explicitly may have more success in helping students perceive the shortcomings of traditional lawyering models and internalize the importance of beneficiary accountability, such that they transfer the concept to new contexts.

3. *Help students gain comfort with the idea of lawyers as moral actors.* Other fields have codes which require or aspire to beneficiary accountability and critical pedagogies in those fields teach professionals about the moral consequences of their actions and their ability to do harm to the larger society. At a minimum, students should understand moral counseling as one lens through which to consider their lawyering.

4. *Model principles of inclusion in the clinic for students to replicate in the field.* As in Chavez's Pedagogy of Collegiality, teachers who are willing to cede some of their own actual or apparent expertise and value students' input in decision-making may be more likely to produce students who practice beneficiary accountability in the field and question their own expertise.

5. *Give students a tool and vocabulary for beneficiary accountability in organizational representation.* Effective beneficiary accountability must be tailored to the problem, the community, and the larger context. However, students need a tool, like a Theory for Change or Arnstein's ladder, and a shared vocabulary as a starting point: it will help them to communicate with clients, communities, and supervisors and to design and assess their accountability efforts.

6. *Redirect students' focus to the process, not the outcome.* All three fields have begun to see beneficiary accountability as a process itself, not a single step. In fact, the complete failure to implement beneficiary accountability may be less damaging than well-intentioned, but superficial efforts at accountability. In the representation of a social justice organization, students

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should understand beneficiary accountability as an integral part of the entire representation, which may take different forms at different phases of a project.