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LECTURE

From a Distance: Responding to the Needs of Others Through Law

The Third Annual Professionalism Lecture

Lucie E. White*

I am very honored to be here for your annual Professionalism Program.¹ In addition to being a distant fan of the innovative educational programs of your law school, I also consider myself an adopted daughter-in-law of the state, having married into a Norwegian-American family that homesteaded in eastern Montana just after the turn of the century. Indeed, I have learned more than I can begin to recite about the power of family and community and faith, and also about the art of storytelling, by listening to my mother-in-law Evelyn recount how she made a homeplace here in Montana for five sons.

I would like to see events like this one at every law school in the country. Such programs inform you about the many public interest opportunities that are available to you. For a variety of reasons, regular law school placement processes often fail to make students aware of these alternatives before you must choose your first legal job. But there is also a second reason that this kind of program should be instituted at other law schools. By giving you a break from "business as usual," this event gives you time to think about a question that is centrally important to your professional well-being as a lawyer, but often marginalized in your everyday legal instruction: What do you want *for yourself* in your future legal

* B.A., Radcliffe College, 1972; J.D., Harvard Law School, 1981. Professor of Law, University of California at Los Angeles School of Law. I want to express my thanks to my daughter, Anna, and my mother-in-law, Evelyn, two women whose insights informed this lecture.

1. Lucie E. White gave the third annual Professionalism Lecture as part of the University of Montana Law School's Professionalism Program which began in 1990.

career? This question does not address your professional obligations; rather, it asks about your vocational fulfillment. Events like this one can bring that often neglected question to the center of the entire community's attention. It is with this question—of your personal vocational satisfaction—that I want to begin my remarks today.

Now, you may be saying to yourselves at this point, "Wait a minute. She's at the wrong lecture. This event is supposed to be focused on lawyers' public service obligations and opportunities, rather than on their hedonistic efforts to find work that they really like." I will suggest today that, at least for most of us who have found our way into law school, these two ostensibly different questions are actually very closely linked. That is, if we really grapple with the supposedly self-regarding question of vocation—of imagining and creating work for ourselves that makes us happy, most of us, I think, will eventually find ourselves pondering a harder question. This is the question of how we, as lawyers, can work with and for other people toward that elusive horizon we call justice. But before I move on to that larger issue, I want to say a few words about the prior, less daunting question, of how we can find work, as lawyers, that we really like to do.

The task of shaping a vocation for yourself in the law isn't a process that is going to start today. Nor is it going to end when you finally commit yourself to that first job. Quite the contrary. We start on the project of creating our life-work when we are young children. And as someone who is moving into the peak age-range for "mid-life crisis" can tell you—as I witness my forty-something colleagues defecting from law to take up wine-making, or preschool teaching, or Jungian therapy—we keep on re-shaping our vocation throughout our lives.

It has been very instructive for me, as the parent of a six-year-old daughter, to re-experience through my conversations with her the kinds of vocation-shaping work that children engage in. For the last few months, one of Anna's favorite pastimes has been to puzzle over what to be when she grows up. As of this morning, her top five vocational choices, in no particular order, were first, to be an airplane pilot, because airline pilots take people to see their grandmas in Montana; second, to be one of the people who give out the Happy Meals at McDonald's, because they get to talk through a neat microphone and hand out toys; third, to be a behind-the-counter person at her local Ben and Jerry's Ice Cream Store, for what she considers obvious reasons; fourth, to be a "head" doctor, which to her is not a psychiatrist, but rather the

doctor in charge at her pediatrician's office, who has a great sense of humor with kids; and finally, to be a pencil, because pencils can draw all kinds of beautiful things that people like.

Two things strike me about my daughter's range of career fantasies. First, her musings seem to converge around the theme of making other people feel good, either by giving out ice cream, taking them to see their grandmas in Montana, or making them well. She seems to seek "work" that addresses other people's needs, as she imagines them. Now some might say that this desire simply shows that she has already been socialized into a gendered understanding of her appropriate work role. But I sense something more complex going on. I don't think she dreams of work that looks toward others simply because she feels this is somehow her proper gender role. Rather, she seems to like thinking about work that gives others pleasure because she imagines herself enjoying—even though at a distance—the pleasure that they would feel. And she is a very typical six-year-old child, who, in real-life, in contrast to her vocational daydreams, still struggles over sharing her toys.

The second striking feature of my daughter's career fantasies is that her fantasies seem more or less untainted by the many external imperatives—the multiple "should's"—that begin to cloud our vocational imagination as we get older. My daughter's notions of what she wants to be when she grows up are not fully informed by the day-to-day reality of the jobs she is considering: no one has ever told her how little money full-time pencils get paid. Yet at the same time, her musings convey a sense of freedom. Through them, she seems to be responding to her own developing sense of who she is, what she likes to do, what she is good at doing, and what would make her happy, deeply happy, in a life of work.

My conversations with my daughter contrast sharply with conversations I often have with law students about their vocational options. In those discussions, the students' efforts to think about possible work-choices in self-centered, self-regarding, self-respecting ways seem repeatedly obstructed by the subtle, internalized voices of obligation. These voices get in the way of the kind of imaginative play that I hear in my daughter. They keep us from being able to picture the day-to-day experiences and long-range commitments that might lead us to love our work, and to get sustenance from it. These subtle voices of obligation too often divert us from focusing on our own needs in a vocation, and lead us to think instead about external features of the job role like salary or status, or what we fear our parents, teachers, peers, or the larger society will think about the work we do.

Too often, I hear from former students who must admit, after five or six years working in high status, high salaried jobs, that their initial job choices were misguided. Positions that looked so attractive on paper don't deliver the day-to-day satisfaction that might sustain them over the long haul. The work might have paid well, but it didn't respond to other, more elusive, and eventually compelling needs—needs that they sought to repress when they made their initial career choices. I hear the same kind of stories from my own law school classmates, now just over a decade into their legal careers. In many cases, classmates who climbed the ladder to law firm partnership in record time finally feel the security to admit to themselves that up to this point, their career paths have responded to others' expectations, rather than their own needs.

It may be that the path toward vocational fulfillment must follow such a trial and error pattern. It may be that the only way we can sort external imperatives from inner needs is by throwing ourselves into that first job and then, over time, discovering how well it fits. But perhaps events like this one can help you make that first choice with somewhat greater wisdom. For events like this ask you to stop for a moment, step out of the pressure of your everyday routines, and ask yourselves, just like my daughter asks herself every day, a series of self-focused questions. What kinds of day to day practical work activities really draw on your talents? What kinds of lawyering activities do you really love doing, for the sheer pleasure of the task itself, quite apart from its external rewards? What kinds of work activity give you energy, rather than taking energy away? What kinds of activity give you the sense of being the person you want to become? Those of you who do aerobic exercise know of the high that you get when those endorphins are released at the peak of a good work-out. Freud, who apparently wasn't a runner, noted that the same kind of rapture comes at the peak of good sex. When you are in the midst of a work project that is really right for you, there is evidence that a similar state takes over, a state of absorption and pleasure and fulfillment, a state that some psychologists have called "flow."²

As law students, you are in a somewhat unique, and very privileged, social position. Unlike many groups in our society, your own prior effort, and probably a little luck, have given you a very good chance of shaping a vocation that provides this kind of deep satis-

2. See, e.g., MIHALY CSIKSZENTMIHALYI, *FLOW: THE PSYCHOLOGY OF OPTIMAL EXPERIENCE* (1990).

faction. I say this because the vocation of law is so open-ended. There are so many different kinds of work activity that you can get paid for with your law degree. And as lawyers, there are so many roles that you can play in your communities, above and beyond your paid job, to enhance your work. But to shape your vocation, you need to approach yourselves with patience and with respect, even if your own needs seem very different from those of your peers. You need to recognize the voices that focus your attention on the external “perks” of various jobs, rather than the intrinsic quality of the work itself. You need to try out as many different kinds of work as possible while you are still in law school. You need to save some of your work-energy for activities outside of your paid job, for it is in these self-directed projects that your vocational passion will often emerge. And you need to be prepared to change jobs, perhaps frequently, especially during the first few years of your career, in order to move toward an employment setting that will best meet your needs. For me, it has taken over ten years of post-law school experimentation to pull the many threads of my own vocational identity into a coherent lawyering job. Perhaps the most prominent of these diverse threads has been a puzzling need to listen hard as people seek to make sense of their troubles and their lives.

My mom says that I was born to be a peer counselor, and she might be right. But, perhaps the rebellious daughter, I studied law instead. I was tempted to repress this need to listen as I sought to fashion a legal career. I was tempted to accept that by choosing law rather than counseling, I had turned away from the family of vocations where listening could be a central part of the work. Yet as I sensed how entrenched this need to listen is, I began a long search for work settings in which I could weave this stubborn thread into my day-to-day job. My present position is by no means all that I might desire, but it gives me a lot more room to express, or indulge, this need than the first job I stumbled into after law school. Continuing to represent a few individual clients in trouble; classroom teaching; coaching students in the arts of legal interviewing; supervising law students as they interview their first clients; counseling students about career choices; and doing research which seeks to juxtapose life histories and legal arrangements—all of these job duties enable me to get paid for what I need to do, and therefore to feel intrinsic satisfaction in my work.

There are also other threads in my vocational identity. I like to manipulate complex systems of formal rules. I like to play with words in capricious ways. I am very shy about speaking in public. I

have always hated win-lose games. I have worked some of these threads into my present job profile, but others still don't fit. Therefore, my own vocational journey has hardly brought me to the perfect job. But I do feel farther along that path than when I was my daughter's age, or when I graduated from law school. And as my work more fully respects my own idiosyncratic collection of vocational needs, that work energizes, rather than depletes me. It leaves me feeling fresher and more alive at the end of a class, or a client interview, or a session at the computer, than before I began.

Professor Sylvia Law³ has addressed this conception of work very eloquently in an essay on economic justice.⁴ She contrasts an instrumental understanding of work, as a means of getting the money to buy subsistence and satisfaction, with an expressive and humanistic conception. Quoting Pope John Paul II's Encyclical Letter On Human Work, she envisions work as an activity "that expresses a person's dignity and increases it; an activity through which a person achieves fulfillment as a human being and indeed, in a sense; becomes more a human being."⁵ In this view, work is not simply the sale of a saleable piece of oneself in return for compensation. Rather, like speech itself, work can be "an expression of one's energy, one's capacity and desire to be useful, one's responsibility and connection to fellow humans."⁶

As you seek to quiet the imperative voices that urge you to work to satisfy the needs you project onto others, rather than to realize yourselves, I suspect that many of you will encounter a paradox. Realizing yourself as a person requires that you distance yourself from the demands of others. But this project also demands that you dare to hear and respond to others' needs. I am not sure why vocational, and indeed existential, self-realization is so bound up with our encounters with others. My colleague Carrie Menkel-Meadow has surveyed the various theories—biological, social, cultural, and philosophical—that seek to explain why a regard, and indeed yearning, for others rests at the very core of the process of human individuation.⁷ I do not want to take time now to

3. Sylvia Law is a professor of Law at New York University. She was born and raised in Bozeman, Montana. In 1990, she gave the lecture during the first annual Professionalism Program.

4. See generally Sylvia A. Law, "Economic Justice," in *OUR ENDANGERED RIGHT* (Norman Dorsen ed., 1985).

5. *Id.* at 147.

6. *Id.* at 148.

7. See Carrie Menkel-Meadow, *Is Altruism Possible in Lawyering?*, 8 GA. ST. U. L. REV. 385, 416-17 (1992) (presented at the Ninth Annual Henry J. Miller Distinguished Lecture).

address these diverse theories. Rather, I merely want to note how they all converge. They all suggest that a yearning to connect with and respond to the needs of others is likely to rise to the surface if we probe very deeply into our own purely "selfish" needs.

Now there may be some among you who have searched within yourselves and do not find that this statement speaks to your own experience. Perhaps you had to tend to a whole household of younger brothers and sisters when you were a child, and have just gotten sick and tired of answering to other people's needs. Or perhaps you have thought about it rationally and have made a principled decision not to endorse such altruistic impulses, whether or not they are "really" there. If so, I don't want to challenge your life experience or moral judgment today. I don't want to chide you to feel something that you don't want to feel. Indeed, I hope that today you've been somewhat emboldened to resist such nagging imperative voices. Rather, I want to address those among you—and I suspect it is a large majority—who already sense, or who will soon discover, that your own vocational satisfaction is indeed bound up with the challenge of responding to other people's needs.

Sometimes we don't feel comfortable expressing our altruistic feelings because we find ourselves in settings where it is "cool" to be cynical and self-promoting. I often felt myself to be in such settings when I was in law school or law practice. Sometimes we repress our altruistic impulses because we feel pressure to take jobs in which we don't expect much space to express those impulses. Therefore, in order to remain up-beat about our job choices—to cope with the cognitive dissonance, the easiest move is to deny our own feelings. Sometimes we reject our altruistic impulses because we fear that to express those impulses, we must endorse a political ideology with which we disagree. And sometimes we repress our altruistic impulses because the moral dilemmas of hearing and responding to another's needs seem overwhelming, particularly in the absence of social support and guidance. All of these circumstances quite understandably drive us to silence our altruistic feelings. Yet when these pressures are lifted, when we are offered educational and work settings where these feelings are affirmed and supported, I have repeatedly seen students suddenly "get in touch" with the yearning that their lawyering work make a difference in other people's lives.

In my own law school, I have seen this support provided in clinical programs that give students the hope and the practical skills to do public interest lawyering within the large corporate firms where they sometimes feel doomed to work. I have seen it

provided by volunteer programs that give students the chance to get out into the community in real advocate roles. I have also seen this support provided to students and practicing lawyers in less anticipated, more personal ways. One example stands out especially clearly in my memory.

One of the courses that I teach is a clinical seminar on housing discrimination in which students work on complex litigation under the supervision of young partners in large Los Angeles law firms which have taken on these cases on a pro bono basis. The first year I taught the course one of the partners I worked with was a young man who was seven years out of Stanford Law School. In the eyes of the world, this guy had made it. He was already a litigation partner at a major west coast law firm. I don't even want to think what salary he was making, but I am sure it was far beyond anything that I can ever hope to earn. He drove a BMW convertible and wore the finest of imported designer suits. The case he was working on involved a "mixed race" professional couple; the man was African American and the woman was of European descent. They had rented an apartment in an up-scale westside complex after the resident manager had met with the woman alone. When the couple came back together to sign the lease, the apartment suddenly became unavailable.

In the course of litigating the case, the young partner was able to marshal his "big firm" discovery skills to uncover elusive, but damning evidence that showed how the defendant management company had developed elaborate mechanisms for screening people of color out of its Los Angeles apartments. As a result of this work, the case was settled for a record six figure amount. Needless to say the management company cleaned up its act. At the end of the case the young partner told me that of all the litigation he had been involved in, this was by far his most satisfying experience, "because for once, I felt like I was using my legal skills to get justice."

It was not until he did this case that this young man finally acknowledged that in order to be fulfilled in his job, he needed at least some of his work "to get justice." For him, that opportunity did not come until seven years after he finished law school. It took him this long to find a setting where he could affirm one of his core vocational needs, apparently for the first time. You all don't have to wait that long. You have the support and resources of this law school behind you. You can explore this need while you're still here; you can try out different work settings where you can help people get justice. And you can begin to learn the skills that you

will need to do this work well.

In Los Angeles, after the May unrest that followed the Rodney King verdict, a whole range of law-related initiatives sprung up to help individuals, neighborhoods, and the entire city respond to the deep social crisis that the upheaval made visible. Some of these initiatives involved traditional client advocacy, to secure goods like FEMA grants, emergency Food Stamps, or housing assistance. But other initiatives involved kinds of legal work that are not always associated with "public interest" or "pro bono" in students' minds. These initiatives ranged from helping new businesses organize themselves, to negotiating with large retailers to open new branches in riot areas, to helping groups of women articulate their despair and define goals for their families and neighborhoods. These activities draw upon many unconventional lawyering skills. The diversity of these advocacy roles helps students see that a commitment to public interest does not mean confining oneself within a single set of lawyering strategies. Just as each of our vocations will evolve in a unique way, its public interest dimension will, and should, have a unique profile as well.

However, regardless of the shape that your public interest work eventually assumes, there is a core challenge that will confront you as you try to use the law to "get justice." This challenge can appear so morally daunting that it leads people to turn away from the many opportunities, and indeed their own need, to do this kind of work. It is a challenge that was recently addressed by psychiatrist Robert Coles in a memoir about his own youthful experience in the Civil Rights movement.⁸ Coles tells a story of a group of young white civil rights activists who had gone to Mississippi in the summer of 1964 to "initiate a nonviolent but vigorous and persistent political confrontation with the deeply entrenched segregation that denied even the vote to blacks."⁹ On the eve of commencing their work, some of the group became apprehensive. They suddenly saw clearly the distinctions between "*their* objectives and purposes and those of the people they meant to reach, influence, persuade. 'We are we,' I heard those young men and women say—and then, after a brief pause, '[t]hey are they.'"¹⁰ The chasm between themselves and those they sought to help seemed impossible to bridge. Coles continues:

This separation, for a while, obsessed those who had given it the

8. See Robert Coles, *Foreword* to JOELLE SANDER, *BEFORE THEIR TIME: FOUR GENERATIONS OF TEENAGE MOTHERS* ix-xiii (1991).

9. *Id.* at ix.

10. *Id.* (emphasis in original).

life of words, until, one day, a group of us went to see Dr. Martin Luther King, Jr., in order to discuss the matter with him—reflect upon the “gulf” of sorts that we believed existed between what we hoped to accomplish and what many of those who lived in the vulnerable communities of isolated and obscure Delta hamlets or towns might have in mind for themselves. Many blacks, for instance, had said a firm *no* to various voter-registration initiatives—and though fear was an obvious reason, the refusals gave us pause, maybe even prompted some fear in us: are we presuming to know what others want and need, when, in fact, they don’t see things as we do and maybe even have interests and preoccupations other than ours?

Dr. King heard us out—nodding now and then, saying yes rather often but refusing us for many minutes the more extended remarks . . . we needed and sought. We began to tire, at last, of our own voices. . . . It was then that Dr. King spoke, and more tersely, at first, than we expected: “This . . . is part of a larger question: who knows what about whom—who can stand up and with confidence speak the truth about someone else, about others?”¹¹

It is to Dr. King’s “larger question”—who, indeed, can stand up and with confidence speak the truth about someone else?—that I now want to turn. This question has confronted me repeatedly in my own work. Like some of you in your clinical placements at this law school, I have done much of my own public interest work on behalf of individual people in need, within the institutional framework of the federally funded legal services program. One consequence of working in legal aid settings is that I have often been called upon to represent people like Mrs. G.,¹² who are very different from myself—in class and cultural background, ethnicity, personal fortunes, and other dimensions of life experience too numerous to list. Confronting so much difference from people who came to me for help was somewhat overwhelming. Like Dr. King’s mentees, I felt that if I focused clearly on the enormity of this difference, my capacity to respond to people’s sometimes uncertain requests for help would be stymied. Yet at the same time, if I could not keep this difference at the center of my attention, I risked doing my job in ways that misconstrued their preferences and disrespected them as human beings.

11. *Id.* at ix-x.

12. In preparation for the lecture, the students were asked to read Lucie E. White, *Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G.*, 38 BUFF. L. REV. 1 (1990), which describes the experiences of a legal aid lawyer representing “Mrs. G.” in a welfare dispute.

On reflection, I have come to think of the chasm that I feel between myself and many clients as three different kinds of estrangement, each one intensifying the others' effects. The first I will call "professional distance." This distance is imposed by the lawyer's professional status and the mystique that surrounds that status in many clients' perception. In the face of this kind of distance, your own opinions and even words, as the lawyer, will often take on a distorted weight in a client's understanding. The client may view you not simply as another person, both like and unlike herself, but rather as a source of arcane knowledge. For, to many clients who are unfamiliar with the rituals of the law, you may seem to hold the keys of access to realms that the client fears, yet must enter into. Thus, your differences from the client—in social status for one, but, even more importantly, in professional "expertise"—invariably support a dynamic of dependency on the one hand, and domination on the other.

In such relationships, the subordinate partner, though by no means without substantial powers, tends to exercise those powers in indirect ways.¹³ When you, as the dominant member of such a dyad, are confronted by these indirect expressions of power and need, the other can appear opaque, unknowable. You feel yourself speaking—and seek to listen to the other person "through a glass darkly." The styles of rationalist argument that you have practiced so diligently in law school are of very little help.

It is possible for a different kind of legal education to prepare you, at least in part, to respond to this "professional distance." The intensive, practical study of interviewing theory and technique, for instance, a subject that is being taught more and more widely in clinical programs, can help lawyers anticipate and accommodate themselves to the dilemmas imposed by the lawyer's inflated power and the client's vulnerability. But such training, no matter how effective, cannot break through the glass, for that barrier is intrinsic to the institutional structure of the professionalized lawyer/lay client relationship itself.¹⁴

Because their clients' multiple experiences of social and political subordination aggravate the problem of professional distance, poverty lawyers typically feel that problem intensely in their practice. Yet professional distance is by no means restricted to poverty-

13. See generally JAMES SCOTT, *DOMINATION ARTS RESISTANCE: THE HIDDEN TRANSCRIPTS* (1990).

14. See generally IVAN ILLICH ET AL., *DISABLING PROFESSIONS* (Marion Boyers, Inc. 1978); GERALD LOPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* (1992).

law settings. Rather, this problem confronts all lawyers who work with clients who are not highly sophisticated in the cultures of law.

A second kind of estrangement between lawyer and client, which I will call "biographical distance," is less universal in its reach. This is the barrier to lawyer/client understanding that arises when the two parties have few life experiences in common. Just like the systemic social subordination that affects poor clients, biographical distance amplifies the barrier imposed by every lawyer's professional status. Biographical distance arises when two people were not "grown" out of the same soil. It comes when two people have had different formative experiences, in different familial, cultural, socioeconomic, ethnic, religious, and ecological worlds.

This distance comes, especially, when two people do not share the same socially-defined "identity markers"—markers like "gender," or "race," or "sexual orientation," or "parental status," or "disability." For difference along such dimensions often gives people fundamentally different perspectives on their world; such difference can lead two people in the identical social setting to have contradictory perceptions of the "same" reality. An excellent example of this phenomenon came in the recently released Gender Bias Study for the Ninth Circuit Federal Court of Appeals.¹⁵ This study reported that among women practicing before the federal bar, a significant minority reported that judges and other court officials routinely treat women differently than men. Among men practicing in the same courtrooms at the same time, however, a much smaller percentage observed such gender-based differences in the treatment lawyers received.¹⁶

Such gaps in perception enter the lawyer/client relationship as well. When a lawyer is working across biographical distance, it is often hard for lawyer and client to comprehend each other's values, goals, and needs, or indeed, to interpret each other's words. To some extent, public interest lawyers can choose work settings that evade the problem of biographical distance. There is much public interest work to be done for the benefit of the entire community. And we can seek work among people with similar, if never precisely identical, backgrounds as our own. For some of us there will

15. GENDER BIAS TASK FORCE, NINTH CIRCUIT, THE PRELIMINARY REPORT OF THE NINTH CIRCUIT GENDER BIAS TASK FORCE: DISCUSSION DRAFT, JULY 1992 (1992).

16. For example, when asked whether federal judges singled out female counsel for demeaning remarks about their competence or performance, 18% of the female attorneys observed this behavior from time-to-time or very often, while only 5% of the male attorneys reported similar observations. *Id.* at 53. Additionally, 31% of the female attorneys reported that judges were stricter with female counsel than with men. *Id.* Male attorneys almost never observed this behavior, with only 4% noting any occurrence. *Id.*

be many opportunities for such public interest work. But many people in need are not even remotely like ourselves, and their communities often lack the most basic of legal services. Therefore, we will sooner or later confront the challenge of biographical distance as we do public interest work.

Intensive skill training can help lawyers recognize and acknowledge this kind of distance. And an open exploration of these issues in professionalism courses can help lawyers negotiate the problems that such distance creates, even empowering lawyers to decline representation in cases where biographical differences place too much strain on lawyer/client rapport. Yet, just as in the case of professional distance, even the most sensitive educational programs cannot bridge the interpersonal divide that divergent life experiences can impose.

Even if we choose to work for the most part "at home," we still must negotiate a third kind of estrangement, which I will call "human distance." This is the radical distance that separates all of us from even the most intimate others, with whom we share our lives. This is the distance of which poets, rather than law teachers, generally write.¹⁷

* * *

I want to focus now on the second kind of estrangement that I have named, and address the specific challenge of doing public interest work across great differences of life experience. As I have tried to work in such settings, I have found myself vacillating between two opposite, but equally inadequate strategies for negotiating the distance I have felt. The first I will call projection, and the second, mirroring.

I can recall many instances in which I tried to understand a client's goals by projecting my own values and needs onto her words. I recall, for instance, while I was still in law school, working with a client in Boston who had a third shift job processing claims in a large insurance company. She came in with a question about whether she had received the proper amount of overtime pay in a previous job. Without thinking, I probed her about the conditions of her present, clerical job. I realized later that this probing was motivated by my own memories of problems I had encountered

17. Robert Frost's "The Hill Wife" is a haunting metaphor for this kind of distance: She strayed so far she scarcely heard / When he called her - / And didn't answer - didn't speak - / Or return. / . . . / He never found her, though he looked / Everywhere, / And he asked at her mother's house / Was she there. // Sudden and swift and light as that / The ties gave, / And he learned of finalities / Beside the grave. ROBERT FROST, COMPLETE POEMS OF ROBERT FROST 161, (1967).

several years earlier, when I had worked one summer in a similar job while I was in college. What kinds of rest breaks did she receive? What kind of seating and lighting did the employer provide? Was there any protective shielding over the still primitive version of a video display terminal which she pored over eight hours a night? Did her boss ever hassle her for sexual favors?

Her responses confirmed that the working conditions had not improved since my brief exposure to such employment several years before. At the end of the interview, I felt sure that we had several potential legal and administrative grievances to raise about her job. Indeed, thanks to the "professional distance" I enjoyed even as a law student, I came very close to securing her "agreement" to look further into filing these claims. Then, in a casual aside as we were tying up the session, she described how excited she had been six months before, when she was hired into this job out of a factory in East Boston where she had been exposed to loud noise, high temperatures, noxious metal dust, pornography taped to the walls, a discriminatory job assignment, and unequal pay. She told me how proud she was to be the first person in her family who had managed to move out of that kind of "dirty" work into what she considered a "secretary" job. Not only did she fail to perceive her present job as dangerous or unpleasant, she was also understandably fearful that filing what to her seemed like frivolous claims would get her fired.

Fortunately, this short chat was sufficient to wake me up to the presumption with which I had initially approached her. The experience made me a little more sensitive to the depth of difference between my own world, as an economically secure middle class student and soon-to-be lawyer, and her own. Yet even as I try to learn from such experiences, I continue to repeat them. I continue to project my own life experience in order to interpret and represent the legal needs of others.

Sometimes, in frustration with myself, I will resort to an opposite tactic. I will attempt to mirror a client's stated desire, scrupulously cordoning off my own human reactions. These attempts to focus entirely on the client's "literal" statements—as though it were possible to do so without filtering her words through the lens of my own feelings, values, and impulses—is the mindset of the "hired gun." Just like projection, however, this strategy has hardly solved my problem.

For instance, consider trying to use this strategy with a group of clients. In those settings, "the client" does not command a single voice. And like many individuals, group clients cannot always

articulate a single set of priorities to guide you. Rather, even when a group has adopted an organizational structure, chosen leaders, or drafted an agenda, too often the sectors of the group with the least social power—the women, or those who do not speak English, or those who do not have proper immigration documents, for instance—do not raise their voices freely in the group’s internal process. Indeed, when I have probed beneath the veneer of group “consensus,” I have often uncovered conflict, uncertainty, or simply divergent aspirations—a complex of passions that can hardly give clear direction to my “hired gun.”

Yet even in the “easy” cases, where an individual client can say very clearly what she wants, the hired gun strategy does not solve the lawyer’s dilemma of how to bridge the gulf between herself and the other. I recall a case in which an African American client sought redress against a landlord for favoring undocumented Latino applicants over herself and other African Americans, who, as citizens, were more politically and economically secure. The client was furious about this racial favoritism, and wanted us to force the landlord to stop. I was already familiar with landlords in the Los Angeles area who seek out undocumented tenants because they believe—often wrongly—that these groups will feel themselves too vulnerable to claim their legal rights.

We could have stated a claim of illegal discrimination. Yet filing that claim, in dutiful hired gun fashion, did not seem to be the right option. Helping the African American woman vent her understandable frustration toward worse-off Latinos would not address her needs in a way that seemed to “get justice.” I felt on ethically insecure footing when I admitted this to myself. But as I tried to hear what she wanted, I also heard, like an undertone, several other themes: my own moral and political commitments; some knowledge of the complex, shifting demographics of Los Angeles; a conviction that there had to be better ways to vindicate this wrong than a win-lose lawsuit that would pit one ethnic group against another. Finally, I suggested that the client consider joining forces with her Latino neighbors, first to protest the landlord’s tactics and then—perhaps quixotically—to seek more housing options for both groups. She wasn’t interested in becoming a political activist; she just wanted a fair shot at this apartment. Seeming somewhat resentful at my presumption, she decided to seek other counsel. I wondered if my proposal to this woman was any different than the path I had tried to follow with my client in Boston years before. Had I simply swung back again, from mirroring to projection, with no stopping in between?

What I am learning, finally, is that neither projection nor mirroring are adequate strategies for bridging the distance between myself and clients, especially those whose lives have been different from my own in multiple ways. Is there not a third path for approaching this challenge? I think not, at least not an easy one. Yet I also think that there is, if we mean by "third path" a practice that is bounded by paradox at every turn.

After Martin Luther King posed his hard question to the troubled young civil rights workers, he continued with the following words:

[W]e've got to understand people, first, and then analyze their problems. If we really pay attention to those we want to help; if we listen to them; if we let them tell us about themselves—how they live, what they want out of life—we'll be on much more solid ground when we start 'planning' our 'action,' our 'programs,' than if we march ahead, to our own music, and treat 'them' as if they're only meant to pay attention to us, anyway.¹⁸

When King admonishes the young people to "really pay attention to those we want to help," he is talking about something different from either projecting one's own feelings in order to fathom another's meaning, or simply accepting the opacity of the other's words. Rather, he is counseling us to learn as much as possible about the other, but always in the fullness of her own situation. Read the words that the groups with whom you typically work have written; study the history, the anthropology, the social facts about the group's experience. Get involved in the life of the community in roles other than that of the lawyer. This kind of broad exploration of the context of others' lives can seldom be done within the pressured time-frame of a lawsuit. Yet it can become an on-going part of your professional self-education.

Yet such education is only the first step in the practice that Dr. King counsels. It is the second step that presents a greater challenge. In the preface to her recent ethnography of urban squatters in northeastern Brazil, *Death without Weeping: the Violence of Everyday Life in Brazil*,¹⁹ the anthropologist Nancy Scheper-Hughes states the ethic that guides her when she seeks to interpret the lives of people who are very different from herself. She looks to the thought of philosopher Emmanuel Levinas and writes:

Anthropological work, if it is to be in the nature of an ethical and

18. Coles, *supra* note 8, at xi.

19. NANCY SCHEPER-HUGHES, *DEATH WITHOUT WEEPING: THE VIOLENCE OF EVERYDAY LIFE IN BRAZIL* (1992).

a radical project, is one that is transformative of the self but not (and here is the rub) transformative of the other. It demands a 'relationship with the other, who is reached without showing itself touched' . . . or altered, violated, fragmented, dismembered.²⁰

Lawyering is surely different from ethnography. But the ethical challenge of seeking to respond with justice to others' meanings and aspirations may not be all that different in these two diverse practices. In my own work, I have increasingly realized that the path toward bridging—and also respecting—the distance from the people with whom I work is a path that leads me to question myself—my values and visions and indeed my personhood—in deeper and deeper ways. This process is not the same as conceding, as I was forced to with the client in Boston, that people with different histories have different perspectives and priorities. Nor is it the same as my daughter's naive certainty that everyone else in the world would surely respond, in the end, to the same kinds of pleasure—ice cream and bright pictures and visits to grandma—as herself. Rather, it involves a willingness to let what one hears from the other disrupt one's own perspective and revise one's commitments. It is a practice toward the other that seeks first of all simply to *perceive* the other's certainty in its own terms, and then to allow that certainty to challenge one's own.

I will close with a very recent experience with a woman with whom I have been working as part of my current research on the Head Start program. She is a single mother with three children, who are three, five, and nine years old. After finally leaving an abusive marriage, she went on the AFDC rolls. In an effort to put her life back together, she has volunteered regularly in her daughter's Head Start classroom for the last year. This fall, as a result of her exemplary work as a volunteer, she was offered a highly coveted job as an assistant teacher at Head Start. This job would have enabled her to leave welfare. It would have given her work experience and permitted her to take college courses in child development. It would have enabled her to move out of minimum wage service work that she had done over the years, and enter a career path that, at least at this point in her life, she feels enthusiastic about pursuing. I was thrilled for her when she told me the news.

Yet in her next sentence, she informed me that she had decided not to take the job. She said that she hadn't been able to secure reliable child care for her kids in the mornings or after

20. *Id.* at 24 (quoting EMMANUEL LEVINAS, MEANING AND SENSE, *in* COLLECTED PHILOSOPHICAL PAPERS 92 (1987)).

school. She also said that she wanted to have some time during the day to work with her nine year old son at his school. She was afraid that without this kind of support, he would “go under” in the violent world of Los Angeles’ central city schools. So instead of taking the job, she decided to stay on welfare and continue volunteering at Head Start. Her decision amounted to net savings for taxpayers. Both her Head Start salary and her much smaller welfare stipend are paid out of the government’s fisc. Therefore, by continuing nearly full-time volunteer work with the program, she is providing just about as much labor as an assistant teacher, but at a much lower cost to the public.

For her personally, however, the cost-benefit impact of her decision is not nearly so clear-cut. By staying on welfare, this woman will have to put up with unrelenting social stigma, directed at both herself and her children. And she will have to make ends meet for her family on a sub-poverty income. Yet in the end she concluded that this hard decision was the right one, given her own values and her best judgment about her family’s needs.

As I tried to understand her logic, I found myself reflecting on my own life choices, my own perceptions of my family’s and my own needs. I realized that I had always made sure to interpret these needs in ways that did not point toward any compromises in my own career. After all, I reasoned, it is not my fault that the institutions of work are not yet structured to accommodate family responsibilities. Why should I short-change my own ambition as a result? As I heard this woman accept the stigma of welfare in order to respect her children and herself, I wondered about the single-minded choices that, for so long, I had made.

I suspect that over time, most of you who stay in law will discover that seeking to respond, with justice, to the needs of others has become a core commitment in your vocational lives. As you pursue that commitment, you may find yourselves changing in unexpected ways. For the challenge of responding to others, especially across great distances of life experience, inevitably leads us to confront more deeply the uncertainty—the possibility—that is ourselves.