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Washington University Journal of Law & Policy

Poverty, Justice, and Community Lawyering: Interdisciplinary and Clinical Perspectives

Introduction

Karen L. Tokarz^{*}

Many of today's legal challenges are so complex that one discipline cannot grapple with them effectively. In the search for better law teaching and learning, better preparation of law graduates for both specialization and collaborative practice, and better delivery of legal services and justice, legal educators have turned to interdisciplinary¹ teaching and practice. Law schools have imported expertise from other disciplines into legal education, from the inclusion of non-law materials in legal casebooks, to the addition of social scientists and other non-lawyers to law school faculties, to the

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1. The use of the terms "interdisciplinary," multidisciplinary," "cross-disciplinary," and "transdisciplinary" in legal teaching and practice has generated much debate in recent years. See Anita Weinberg & Carol Harding, *Interdisciplinary Teaching and Collaboration in Higher Education: A Concept Whose Time Has Come*, 14 WASH. U. J.L. & POL'Y 15 (2004). Like Weinberg and Harding, our use of the term does not reflect any position on the debate; rather, we have used the term "interdisciplinary" in this project because it is the label most commonly used by our university to describe the courses and programs in this milieu, e.g., the Washington University School of Law Center for Interdisciplinary Studies and the School of Law Interdisciplinary Environmental Law Clinic.

collaboration with other disciplines for joint seminars and clinical courses, to joint degree programs.

While early advocacy for interdisciplinary legal education came primarily from theoreticians,² with opposition from practitioners, clinical law faculty today are among the most ardent supporters. Clinical law faculty across the country have developed interdisciplinary clinical courses in collaboration with teachers and practitioners in social work, psychology, psychiatry, medicine, education, counseling, environmental engineering, and business. Yet, there has been little systematic examination of the goals and challenges of interdisciplinary clinical legal education, how best to structure these efforts to better prepare practitioners, ways that interdisciplinary collaborations can advance or impede the delivery of services and justice, and the potential impact on each discipline's professional roles and ethical obligations.

In 2002–03, in celebration of the thirtieth anniversary of the Washington University School of Law Clinical Education Program, the Clinical Program and the Center for Interdisciplinary Studies decided to address this need by hosting a national conference and publishing scholarship focused on the practical, pedagogical, ethical, and social justice aspects of interdisciplinary clinical teaching and practice. That one year endeavor soon morphed into a five-year project. To date, we have hosted three conferences and a workshop, and generated twenty-seven articles on interdisciplinary clinical teaching and practice published in three volumes of the *Washington University Journal of Law & Policy*.

The goals of this project are three-fold: to raise awareness about interdisciplinary clinical teaching and practice, to inspire thoughtful discussion and debate, and to develop scholarship, guidelines, and course materials. Throughout the project, we have focused on questions raised in both academia and practice: What are the goals, the rewards, and the challenges of interdisciplinary teaching and

2. See, e.g., Roscoe Pound, *The Need for Sociological Jurisprudence*, 31 A.B.A. REP. 911, 917–21, 925–26 (1907). Pound, who held a Ph.D. in botany but never earned a law degree, was a strong advocate of sociological jurisprudence. He cautioned against legal educators becoming “legal monks” and argued for training in sociology, economics, and politics to prepare a new generation of more capable lawyers and leaders. *Id.*

practice? How does one go about designing and developing an interdisciplinary clinic or course? What are the ethical issues that arise in interdisciplinary education and practice, and what are some guidelines for resolving them? What can we learn from reports from the field as to what are the best practices, different models, and likely problems? In what ways do interdisciplinary collaborations advance or impede the delivery of legal services and justice?

In March of 2003, the School of Law Clinical Education Program and the Center for Interdisciplinary Studies hosted a national interdisciplinary clinical conference on “Promoting Justice Through Interdisciplinary Teaching, Practice, and Scholarship.” In advance of this conference, the *Washington University Journal of Law & Policy* published a volume dedicated to the topic that features articles by seven presenters from the March, 2003, conference.³ In their articles, the authors highlight how interdisciplinary teaching and practice can promote collaboration, communication, cultural awareness, ethical understanding, and justice.

The March, 2003, conference was the culmination of two years of planning by a national committee composed of experienced interdisciplinary clinical law teachers, practitioners, and scholars from around the United States and Canada.⁴ The conference built on the earlier work of two committees of the Association of American Law Schools Section on Clinical Education—the Committee on Interdisciplinary Clinical Education and the Committee on Ethics and

3. See 11 WASH. U. J.L. & POL’Y 1 *et seq.* (2003), which includes articles by Jane Aiken, William M. Van Cleve Professor of Law, Washington University, and Stephen Wizner, William O. Douglas Clinical Professor of Law, Yale University; Kim Diana Connolly, Assistant Professor of Law, University of South Carolina; Rebecca Dresser, Daniel Noyes Kirby Professor of Law and Professor of Ethics in Medicine, Washington University; Michael Jenuwine, Clinical Associate Professor of Law, Indiana University-Bloomington; Daniel R. Ray, Assistant Professor & Coordinator, Legal Studies Program, Eastern Michigan University; Dina Schlossberg, Clinical Supervisor and Lecturer, University of Pennsylvania School of Law; Abbe Smith, Associate Professor of Law, Georgetown University; and Nina Tarr, Professor of Law, University of Illinois and Visiting Professor of Law, Washington University.

4. The idea for the conference was nurtured by Susan Brooks, Clinical Professor of Law, Vanderbilt University School of Law, former chair of the Committee on Interdisciplinary Clinical Education of the American Association of Law Schools Section on Clinical Education, who served as a member of the national planning committee for the conference. The planning committee was co-chaired by Michelle Geller, LCSW, Edwin F. Mandel Legal Aid Clinic, University of Chicago School of Law; Randi Mandelbaum, Clinical Professor of Law, Rutgers University School of Law at Newark; and myself.

Professionalism. The conference was designed for those involved in as well as those considering the development of interdisciplinary teaching or practice ventures.

In March of 2004, the School of Law Clinical Education Program and the Center for Interdisciplinary Studies joined with the Washington University School of Medicine, the George Warren Brown School of Social Work, and the Department of Psychology to host a second national conference on “Justice, Ethics, and Interdisciplinary Teaching and Practice.” This conference focused primarily on the intersections of health and the law. The keynote address was presented by Jim Ellis, Professor of Law, University of New Mexico, who successfully argued *Atkins v. Virginia*,⁵ in which the Supreme Court held that executing mentally retarded criminals violates the Eighth Amendment prohibition on cruel and unusual punishment.⁶

Following that conference, the *Journal of Law & Policy* published a second volume on interdisciplinary teaching and practice that includes twelve articles: seven by commentators from the March, 2003, conference and five from the March, 2004, conference.⁷ The

5. 536 U.S. 304 (2002).

6. *Id.* at 321.

7. See 14 WASH. U. J.L. & POL'Y 1 *et seq.* (2004), which includes articles by Lynda E. Frost, Associate, Institute of Law, Psychiatry and Public Policy, University of Virginia, and Adrienne E. Volenik, Professor of Law and Director of the Mental Disabilities Law Clinic, T.C. Williams School of Law, University of Richmond; Toby Golick, Clinical Professor and Director, and Janet Lessem, C.S.W., Clinical Professor and Social Work Supervisor, Bet Tzedek Legal Services, Benjamin N. Cardozo School of Law, Yeshiva University; Carolyn Copps Hartley, Associate Professor, University of Iowa School of Social Work, and Carrie J. Petrucci, Assistant Professor, California State University, Long Beach Department of Social Work; Holly A. Hills, Deborah Rugs and M. Scott Young, Department of Mental Health Law and Policy, Louis de la Parte Florida Mental Health Institute, University of South Florida; Matthew Owen Howard, James Herbert Williams, Michael George Vaughn and Tonya Edmond, George Warren Brown School of Social Work, Washington University in St. Louis; Eric S. Janus, Professor of Law, William Mitchell College of Law, and Maureen Hackett, Clinical Assistant Professor, University of Minnesota Department of Psychiatry; Susan R. Jones, Professor of Clinical Law, The George Washington University Law School; Katherine R. Kruse, Associate Professor, William S. Boyd School of Law, University of Nevada Las Vegas; Richard E. Redding, Professor of Law and Director, Program in Law and Psychology, Villanova University School of Law; Rose Voyvodic, Associate Professor and Academic Director, Clinical Law Program, University of Windsor Faculty of Law, and Mary Medcalf, Field Administrator, University of Windsor School of Social Work; Anita Weinberg, Clinical Professor and Director, Child Law Policy and Legislative Programs, Loyola University Chicago School of Law, and Carol Harding, Professor Emerita of Human Development and Former

authors come from various backgrounds in law, social work, psychology, psychiatry, education, counseling, and business; they discuss a wide range of interdisciplinary ventures. Almost all of the articles are co-authored, interdisciplinary collaborations.

In March of 2005, the School of Law Clinical Program and the Center for Interdisciplinary Studies partnered again with the George Warren Brown School of Social Work to host a third national conference, this one focused on “Poverty, Wealth, and the Working Poor: Interdisciplinary and Clinical Perspectives.” Mark R. Rank, the Herbert S. Hadley Professor of Social Welfare, George Warren Brown School of Social Work, Washington University in St. Louis, and author of *One Nation, Underprivileged: Why American Poverty Effects Us All* and *Living on the Edge: The Realities of Welfare in America*, presented the first keynote address. Bill Quigley, the Janet Mary Riley Professor of Law at Loyola University New Orleans School of Law, Director of the Law Clinic and the Gillis Long Poverty Law Center, and author of *Ending Poverty as We Know It: Guaranteeing a Right to a Job at a Living Wage*, presented the second.

The 2005 conference generated this third volume on interdisciplinary teaching and practice that includes seven articles from leading social scientists and clinical law teachers and scholars. Several of the articles in this volume focus on a new (old) direction in clinical legal education—community lawyering—as a specific approach to addressing poverty.

In March of 2006, the School of Law Clinical Education Program and the Center for Interdisciplinary Studies sponsored a planning workshop focused on “Community Lawyering: Connecting with Clients and Communities.” The workshop began and ended with comments by Gerald Lopez, Professor of Clinical Law, Director of the Center for Community Problem Solving and of the Community Outreach, Education, and Organizing Clinic at New York University School of Law, and author of *Rebellious Lawyering*. The workshop laid the groundwork for a national conference on community

Director, Center for Children, Families and Community, Loyola University Chicago School of Education and Developmental Psychology Program; and Wenona Y. Whitfield, Associate Professor of Law, Southern Illinois University-Carbondale School of Law.

lawyering, social justice, and clinical legal education to be held in fall 2007. It is our hope that this conference will generate new interdisciplinary clinical scholarship.

MARK R. RANK—“TOWARD A NEW UNDERSTANDING OF AMERICAN
POVERTY”

In his article, Mark R. Rank, the Herbert S. Hadley Professor of Social Welfare in the George Warren Brown School of Social Work at Washington University in St. Louis, asks why the United States, the wealthiest country in the world, also has the highest rate of poverty among the industrialized nations. He believes that the answer to this paradox lies in how we as a nation have traditionally thought about poverty, and consequently the way we have attempted to address poverty. He describes what he sees as a flawed paradigm through which Americans try to understand poverty, and argues for a new paradigm of understanding poverty that he believes can lead to structural changes and programs to alleviate poverty in America.

The old paradigm of poverty, Rank asserts, is based on the myth that, while not everyone will end up rich, hard work and initiative will make it possible for almost everyone to enjoy economic prosperity and live a comfortable lifestyle. This being the case, many Americans attribute the cause of poverty to individual characteristics of those who are poor. According to Rank, whether due to personal characteristics or lack of skills, training or education, the poor are viewed as defective and different from mainstream society. Not only does this perspective dehumanize the condition of poverty by focusing on the deviant behavior that must have caused it, it also absolves the non-poor from any obligation to address the problem. If it is the poor who caused their own condition, it is the poor who must fix it. Rank argues that as long as Americans continue to hold to this mind set, we will fail to understand poverty and to alleviate the problem, and, indeed, have no incentive to do so.

As an alternative, Rank offers a new approach to understanding poverty based on five key components. The first is that poverty results from structural failings, not individual inadequacies. He believes that the American economic system simply does not provide enough adequately paying jobs for all those who are able to be

employed. No matter what individual characteristics people have, there are always going to be some who are left out of the system. Individual attributes can explain why one person is left out over another, but structural failures are the only explanation for why anyone is left out in the first place.

Rank's second major premise is that poverty is a conditional state that many individuals move in and out of. While the old paradigm focuses on "poor people," his new perspective recognizes that the majority of Americans will experience poverty at least once during their life, and many will move in and out of a state of poverty more than once.

A third building block of Rank's new paradigm for understanding poverty broadens the scope and meaning of poverty from that of low income, to the wider concept that poverty is an actual deprivation that, in turn, causes considerable stress and significantly lowers one's quality of life.

Rank's fourth point is that poverty is an injustice. While the old paradigm blamed the individual for his or her condition of poverty, Rank's new perspective recognizes that poverty is undeserved and unjust. Injustice, rather than blame, becomes the moral compass upon which such a new perspective is based.

Rank's fifth argument is that the injustice of poverty harms not only those experiencing poverty, but also affects and undermines all of us as people and as a nation.

Rank is optimistic that poverty can be reduced and suggests several initiatives predicated on his analysis of the underlying causes of poverty. His proposals include raising and indexing the minimum wage, fiscal policies to ensure adequate numbers of jobs, expanding earnings enhancing programs such as the Earned Income Tax Credit, guaranteeing social goods such as health care, education, housing, and child care, and encouraging the building of individual assets through Individual Development Accounts.

THOMAS M. SHAPIRO—"RACE, HOMEOWNERSHIP, AND WEALTH"

Thomas Shapiro is the Pokross Professor of Law and Social Policy at the Heller School for Social Policy and Management at Brandeis University and the author of *The Hidden Cost of Being*

African American. In his article, Shapiro proposes a new analytical framework for defining racial economic disparities—one that relies on measures of wealth, rather than income. He argues that historic and ongoing discrimination against African-Americans in the United States has prevented African-American families from accumulating wealth, thereby perpetuating economic disparities between whites and blacks in this country. Homeownership is a significant portion of the accumulated wealth of American families, and he asserts that increasing homeownership for blacks, while not a perfect solution to this disparity, is one strategy for narrowing the racial wealth gap.

Just as Mark Rank rejects what he sees as a flawed and antiquated paradigm for understanding poverty in this country, Shapiro argues that the old paradigm for understanding racial economic disparities also is flawed. The old racial economic analysis considers only income disparity, which he believes is only part of the overall picture of the economic state of a family. Shapiro advocates a new paradigm that focuses on wealth, which he defines as the total value of economic assets owned by a family, including savings and home equity. In contrast to income, which is what people use to maintain the status quo of their lives in the absence of unexpected challenges, wealth is what keeps families from falling behind in a time of crisis (such as a sudden illness or loss of job) and what they use in the absence of a crisis to get ahead. Wealth, according to Shapiro, is what allows families to be secure economically and to invest in their future and the future of their children.

While there is still a significant racial income gap, the racial wealth gap is even more pronounced. Shapiro argues that this gap is due in large part to the history of racist policies that prevented African-Americans from accumulating wealth they could then pass on to their children. While a conventional view of wealth focuses on an individual's ability to accumulate wealth over his or her lifetime, Shapiro argues that inheritances, both direct and indirect, that enable individuals to pay for things such as the down payment on a house have a major influence on wealth accumulation.

Shapiro argues that both historic and present-day discriminatory housing practices also account for a significant part of the racial wealth gap. In addition to the lack of accumulated family wealth that hinders young African-Americans' ability to purchase homes,

African-Americans also are routinely forced to pay higher interest rates and fees, or are rejected for mortgages completely, even when compared to whites with similar credit.

Shapiro concludes that increased homeownership can be an important and effective strategy for narrowing the racial wealth gap in the United States. He recognizes, however, that it is not the only necessary strategy and not the best strategy for all families.

RONALD ANGEL & LAURA LEIN—“LIVING ON A POVERTY INCOME:
THE ROLE OF NON-GOVERNMENTAL AGENCIES IN THE SCRAMBLE
FOR RESOURCES”

Ronald Angel is Professor of Sociology and Laura Lein is Professor of Social Work and Anthropology at the University of Texas at Austin; they are co-authors of *Poor Families in America's Health Care Crisis: How the Other Half Pays*. In their article, Angel and Lein discuss the wider notion of deprivation of which Rank writes, the economic challenges faced by low-income families, and how these families use both formal and informal social support services to meet their daily needs.

According to Angel and Lein, families living on low income, welfare, or some combination of both are often unable to make ends meet. As both welfare and low-wage jobs provide an unsteady income, low income families are not as able as middle-class families to save and plan for emergencies. Low income families also face a number of financial strains such as poor health and inadequate health care, food and housing insecurity, and lack of adequate transportation and child care. These problems often snowball into major catastrophes if families are unable to gather enough resources from formal and informal sources to deal with these strains.

While many commentators focus on formal, governmental forms of assistance, for example, TANF, food stamps, and Medicaid, Angel and Lein focus their empirical research on informal community resources and private non-governmental organizations (NGOs) that the authors believe are equally important in bridging the gap between a family's income and expenditures. They argue that low-wage income and governmental assistance programs together are often not enough to meet a family's basic needs. Because formal government

assistance often takes months to secure and many families frequently face immediate economic needs, low income families must rely on informal community networks that can provide more immediate help and NGOs that can provide minimal assistance to help a family through a crisis. Because these networks and NGOs are often unable to provide all of the assistance that families need, families must be savvy in seeking out assistance from multiple formal, informal, and non-governmental sources.

Angel and Lein conclude that as long as the United States favors a limited role of government in social welfare, and does not provide for the basic food, housing, health care, and educational needs of all citizens, community networks and NGOs will need to fill the gap to help low-income families survive from day to day.

WILLIAM P. QUIGLEY—“REVOLUTIONARY LAWYERING:
ADDRESSING THE ROOT CAUSES OF POVERTY AND WEALTH”

William Quigley is the Janet Mary Riley Professor of Law at Loyola University New Orleans School of Law, Director of the Law Clinic and the Gillis Long Poverty Law Center, and the author of *Ending Poverty as We Know It: Guaranteeing a Right to a Job at a Living Wage*. In his article, Quigley argues that there is a need for revolutionary lawyers to challenge the status quo of economic inequality in the United States and around the world. Revolutionary lawyers, he asserts, must work to change the purpose and function of the law so that it works to protect human rights over property or corporate rights.

Like many of the other authors in this volume, Quigley calls for a new approach to addressing poverty. He argues that most lawyers work to preserve the wealth and privilege of those in power by upholding an unjust legal framework. He believes that perpetuating this status quo has led to an increasing disparity between the rich and poor in the United States, a decrease in social mobility, and an uneven distribution of food and other resources. Instead of maintaining this status quo through legal maneuvering while claiming neutrality, Quigley argues that lawyers have a moral and ethical obligation to alter their professional goals to put the needs and the

rights of the poor and oppressed above the wants of the rich and powerful.

The first step in Quigley's revolutionary lawyering paradigm is a focus on equal human rights for all people, including political, social, cultural and economic rights. He argues that these rights should take precedence over traditional property rights, which he admits requires a redefinition of the idea of property law. According to Quigley, property rights should extend only so far as to cover the basic needs of each individual and family. In his view, any excess of those needs precludes a legitimate claim to the right to private property. For Quigley, this view extends not only to physical property, but also to the right to make a profit. Quigley argues that corporations do not have a right to make a profit if they do not pay their workers a living wage, and he calls for the democratization of corporations.

Quigley provides guidance for lawyers seeking to be revolutionary and focuses on reflective activism. He strongly endorses the concept of solidarity, i.e., that a revolutionary lawyer must work *with*, instead of *for*, people. Solidarity, for him, also means surrounding oneself with others of similar commitment to change, so as to provide a network of mutual support. He believes this approach also will help the revolutionary lawyer find hope, joy and love in life. These are essential, he argues, because if one does not have those things in his or her own life, it is impossible to promote those things in the world. Quigley also recognizes the need to overcome fear of uncomfortable situations and fear of criticism and failure, while working to constantly re-educate oneself to ensure the justice of the actions in which one is engaging. Ultimately, Quigley argues that lawyers should "turn the world upside down and look at it from the perspective of workers, the poor, and the international community" in order to work for justice.

NANCY COOK—"LOOKING FOR JUSTICE ON A TWO-WAY STREET"

Nancy Cook is Associate Professor of Law and Director of the Criminal Justice and Legal Assistance Clinic at Roger Williams University School of Law. In her article, she describes the challenges of community lawyering and her view that traditional lawyering practice disempowers communities and leaves lawyers ineffective in

their mission to serve their clients. Cook advocates for a new perspective of community lawyering that focuses on access as a two-way street: not only do poverty survivors need access to the justice system, but lawyers need to see that they have something to gain from access to these communities.

Like Quigley, Cook argues that the United States' legal system is an inherently dangerous place for those in poverty. The system is not designed to benefit the poor, but rather to preserve the status quo for those with wealth and power. As such, poverty survivors often have much to lose and little to gain from involvement in legal matters. At best, lawyers are able to mitigate the negative effect of the legal system on the lives of their poor clients.

Cook believes that instead of working to empower clients, lawyers are socialized to be the primary actors in legal settings and trained to be in control. But, Cook argues that even the most well-intentioned lawyers often leave their clients worse off by perpetuating dependency on outside actors. She argues that community lawyers need to change their focus from providing access to the justice system *for* those in poverty, to a focus on working *with* those in poverty through collaboration. In order for this to be accomplished, she explains, lawyers must recognize the importance of place, socialization, and social capital.

Using the example of the Criminal Justice and Legal Assistance Clinic at Roger Williams University School of Law, Cook describes a model through which lawyers and law students work in collaboration with poor communities. Although the model is not without challenges, Cook suggests that it creates the necessary space within the communities themselves where law students are able to gain access to the resources of the community, and community members are able to gain access to the resources that the law students can provide. Cook points out that the Clinic is able to create that space by partnering with an existing agency, located within and with ties to the surrounding community. Through this partnership, Cook believes she and her law students have the space to interact with the community residents and develop the relationships needed for collaboration.

JULIET M. BRODIE—“POST-WELFARE LAWYERING: CLINICAL
LEGAL EDUCATION AND A NEW POVERTY LAW AGENDA”

Juliet Brodie is Clinical Associate Professor at University of Wisconsin Law School, Visiting Associate Professor at Stanford Law School, and co-author of *Cases and Materials on Poverty Law: Theory and Practice*. For many years, Brodie has directed the Wisconsin Neighborhood Law Project, a clinic in which law students represent low-income people in the neighborhoods surrounding the law school, with emphases on landlord-tenant, workers' rights, and public benefits matters.

In her article, Brodie discusses the opportunities available to poverty lawyers in the “post-welfare” era and the duty of lawyers to shape the future of poverty law and discourse in the United States. Brodie argues that the “post-welfare” era that began when Clinton signed the federal welfare reform bill in 1996 signaled a dramatic shift in American welfare policy and poverty dialogue. She also asserts that this era is characterized by the nationwide development of a “worker center” movement, in which non-profit service centers serve to organize and advance the cause of low-wage workers.

Brodie advocates that poverty lawyers and clinic students cultivate an alliance between “welfare leavers,” the millions of former welfare recipients who recently have entered the wage-labor force, and the newer, low-wage, immigrant workers. She argues that law school clinics have a unique opportunity and responsibility, as part of the more general “anti-poverty lawyering community,” to respond to this movement. Brodie suggests that law school clinics are “useful laboratories” to address the concerns of workers that distinguish this new era.

Brodie believes that law school clinics also must embrace their duty to train a new generation of “post-welfare” and “public interest” poverty lawyers, to foster in students a deep understanding of employment law and social/public discourse characteristic of this era, and to enable students to provide legal education for low-wage worker communities. Brodie uses the University of Wisconsin Law School’s Neighborhood Law Project as a model of a positive collaborative partnership between a law school clinic and a work center. Through her discussion of the Neighborhood Law Project, she

reveals the benefits to both clients and clinic students that can result from community lawyering and the incorporation of an innovative worker mission in today's law school clinics.

LUKE W. COLE & CAROLINE FARRELL—"STRUCTURAL RACISM,
STRUCTURAL POLLUTION, AND THE NEED FOR A NEW PARADIGM"

Luke Cole is the Director of the Center on Race, Poverty and the Environment in San Francisco, California, and the co-author of *From the Ground Up: Environmental Racism and the Rise of the Environmental Justice Movement*. Caroline Farrell is the Managing Attorney for the Center on Race, Poverty and the Environment. In their article, Cole and Farrell assess how traditional environmental and civil rights laws fail to protect minority communities, and how the old understanding of poverty (explained by Mark Rank, William Quigley, and others in this volume) blames the victims of environmental injustice for the problems faced by their communities. Cole and Farrell argue that pollution and racism are structural problems that are closely linked in our society, and argue for a new view of environmental justice that allows communities to speak for themselves, focuses on pollution prevention rather than regulation, and assumes a precautionary principle where potentially dangerous chemicals are considered harmful until proven safe.

To illustrate their call for a new environmental justice paradigm, Cole and Farrell describe the challenges faced by residents of the Waterfront South neighborhood of Camden, New Jersey. Despite an already high concentration of polluting facilities in the neighborhood, the St. Lawrence Cement Company decided to build a cement-grinding plant in Waterfront South. Although the residents protested the building of the plant, the company was able to obtain all of the necessary permits under environmental regulations to build the plant. The residents then tried to stop the plant through civil rights litigation, arguing that the predominantly African-American and Latino neighborhood was bearing a disproportionate burden of pollution. While the federal district court found in favor of the Waterfront South residents, the U.S. Supreme Court ruled in an unrelated case that private citizens had no right to challenge regulations based on disparate impact evidence. According to Cole

and Farrell, the ultimate loss for the Waterfront South residents demonstrates the failure of environmental and civil rights laws to protect citizens from environmental racism.

Cole and Farrell argue that both racism and pollution have connected structural foundations that cannot be corrected through market forces. Pollution is an external cost that provides an incentive for companies to pollute, thereby lowering their costs at the expense of the surrounding community. Regulations can lower the level of pollution, but the creation of pollution is part of our market economy. Racism also is structural within our economic system. Cole and Farrell argue that ostensibly neutral criteria used to determine where a polluting facility will be placed frequently result in disproportionate location of those facilities in low-income communities of color.

In order to address these structural problems in our society, Cole and Farrell call for a new approach to environmental justice that allows communities to speak for themselves and to influence the decisions being made about their own communities. Their environmental justice paradigm would focus not just on the mitigation of the effects of pollution, but also would shift the focus to the prevention of pollution. Their new approach would employ the precautionary principle that assumes that all chemicals are dangerous until proven safe.

CONCLUSION

The thoughtful articles published by the *Journal of Law & Policy* in volume eleven, volume fourteen, and this volume provide a rich set of perspectives and insights on the practical, pedagogical, ethical, and social justice aspects of interdisciplinary teaching and practice. The authors and editors hope this scholarship makes a significant contribution to the discourse about interdisciplinary clinical legal education and practice, and welcome your comments and feedback.