

# Urban Law Annual ; Journal of Urban and Contemporary Law

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Volume 42 *Symposium on the Role of International Law in Global Environmental Protection* | Interuniversity Poverty Law Consortium

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January 1992

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Catherine L. La Fleur

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### Recommended Citation

Catherine L. La Fleur, *Surveying Poverty: Addressing Poverty Law in a Required Course*, 42 WASH. U. J. URB. & CONTEMP. L. 147 (1992)

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# SURVEYING POVERTY: ADDRESSING POVERTY LAW IN A REQUIRED COURSE

*CATHERINE L. LA FLEUR\**

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## I. INTRODUCTION

Legal education has generated its share of myths. One of the greatest of these is that a good legal education must be value free. It is a myth because the American legal system is not value free; it contains biases that must be addressed within legal education. One of the basic biases in the American legal system is a bias toward the wealthy. The once humorous question, "How much justice can you afford?" is no longer humorous. There are not enough lawyers representing the poor in the courts, legislatures, administrative agencies, banks or businesses. There is no longer a war on poverty; indeed, pundits have declared defeat and are calling for the diversion of troops and money to come to the defense of the middle class. Meanwhile, the ranks of the poor are growing and the question becomes, how can attorneys be encouraged to represent the poor? One answer is through legal education that encourages students to have a preferential option for the poor.

All lawyers would agree that law school transformed them. Some argue that their basic attitude toward society was not transformed, but merely the way they thought. I contend that law school does more than teach students how to think like lawyers; it instills in them, either consciously or unconsciously, normative values with which to evaluate

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\* B.S., J.D., Louisiana State University. Assistant Professor of Clinical Law, Loyola University School of Law, New Orleans, Louisiana. The author wishes to thank Professor William Quigley for his cooperation in the production of this Article. The author also wishes to thank Professor James Viator, Loyola University School of Law, for his technical assistance in producing this Article.

and analyze law and society. Because all of law is based on property, however, that normative system has generally ignored poverty and the needs of the poor. Through an examination of the mandatory Law and Poverty course taught at Loyola Law School (New Orleans) (hereinafter Loyola), I intend to show that it is possible to transform the attitudes of students toward the poor and to instill in them a preferential option for the poor.

The Law and Poverty course is designed to educate students as to the demographics and legal needs of the poor, and to dispel the stereotypes which they might have of the poor. This is necessary to allow students to analyze the various poverty populations existing in the country. The course also teaches students to recognize the myriad of social policies and compromises that form the basis of current poverty programs. It was thought that since most lawyers will be in policy making positions rather than in public interest firms or in legal services offices, the course should give students the tools with which to assess and analyze the policy assumptions underlying the current social programs. The students could then incorporate those tools to analyze the effect their actions would have on the poor whether they practice in government, business, or a Wall Street firm. Finally, the course would give the students the opportunity to experience poverty in America, both through interactions with guest speakers who are poor or who work with the poor, and through visiting a housing project and the largest health care provider for the poor in Louisiana. This experiential portion of the course would provide students with the opportunity to personally understand the effects of both poverty and the poverty programs currently in operation.

Students taking the Law and Poverty course in the spring of 1991 were surveyed at the beginning of the course to determine their interest in the course. The majority of the students had little or moderate interest in the course and many complained that the course should not be mandatory. By the end of the course, the majority of the students reported that their opinion of the poor and of poverty law had changed. They also stated that they would incorporate some sort of *pro bono* service into their practice.

The Law and Poverty course is, for the majority of the students, the only exposure they have to poverty and poverty programs while in law school. This exposure seems to be sufficient to impress upon them a preferential option for the poor, namely, the desire to incorporate service to the poor within their future career goals. If this type of program was initiated by the majority of law schools, it could result in a

significant increase not only in the number of public interest or legal services lawyers, but in the number of *pro bono* attorneys nationwide. More significantly, it could increase the number of policy makers and public officials who consciously consider the effect their decisions will have on the poor in America.

## II. BACKGROUND

Poverty Law became a required course at Loyola in 1986. The unusual decision to require a course in poverty law resulted from a fortuitous dovetailing of the university's commitment to social change and a four million dollar federal grant which was given to the university to honor the memory of Congressman Gillis Long, a long time advocate for the poor.

The Loyola Character and Commitment Statement outlines the educational goals of the university. A primary goal states that "Jesuit education must be a catalyst for needed social change, hence dedicated to fostering a just social order . . . . Education at Loyola succeeds only to the extent that it leads our community to examine how faith relates to society's systematic injustice."<sup>1</sup> The university prides itself on its commitment to the community and to fostering an examination of the conscious and unconscious assumptions that "tend to perpetuate societal inequities and institutional injustices."<sup>2</sup> In recognition of this commitment, the law school established a live client law clinic in 1972. Additionally, students and faculty were encouraged to become involved in the community.

In 1985, the university received a four million dollar federal grant to establish the Gillis Long Poverty Law Center in order to "to demonstrate how . . . legal clinics can be operated to benefit both law students and recipients, and conduct continuing legal education courses and seminars to encourage and prepare practicing attorneys for *pro bono* services."<sup>3</sup> During the discussions conducted among the administrations of the university, the law school, and the law faculty, it became clear that it would be impossible to give every student an opportunity to participate in the law clinic. It was agreed, however, that all students should somehow be exposed to poverty law prior to their graduation from the law school.

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1. LOY. U. SCH. L. BULL., at 16-17.

2. *Id.* at 7.

3. Supplemental Appropriations Act, Pub. L. No. 99-88, 99 Stat. 293, 305 (1985).

Once the decision to introduce students to poverty law was made, it was necessary to decide how to implement it. There was a consensus that some sort of course in law and poverty be offered, but a number of questions still had to be answered: should law students be required to take a course in poverty law, what type of course should be offered, and when should the course be offered? Once the decision was made to require the Law and Poverty course for graduation, it followed that the course had to be a survey course. The format of the course would be a two hour survey course that would be offered in the senior year. Some advocated offering the course in the freshman year, when it was thought that student idealism would be brightest, but it was decided that freshmen would not have the legal foundation to understand the different programs and types of laws affecting the poor.

The course was first taught in the fall of 1987 by Father Michael Gallagher, the former director of the Gillis Long Poverty Law Center. He continued to teach the course until leaving his position in 1991. William Quigley, the current director of Gillis Long, began teaching the course in the 1991 spring semester, and it is his presentation of this course that is the subject of this case study.

### III. GOALS

In teaching Law and Poverty, Professor Quigley had four goals: (1) students would become "literate" as to who was poor in America and as to their legal needs; (2) students would achieve practical experience about poverty in America; (3) students would become "literate" in the current social policies and programs affecting the poor; and (4) students would learn a wide variety of ways in which they, as lawyers, could participate and transform the way society deals with the poor and their problems.

Professor Quigley theorized that for students to learn poverty law, it would be necessary to help them dismantle the popular stereotypes of the poor in America. Acknowledging that any deeply held conviction is usually the result of personal experience, Professor Quigley realized that the myth of a person buying steaks with food stamps had to be confronted and used in class. While former President Ronald Reagan evoked the myth to call for the abolition of the welfare system, Professor Quigley knew that he had to have students confront that image and move beyond it to discover the different constituencies of poverty. Only when the students were able to acknowledge that there were people who needed the current poverty programs and the students could

identify those persons as individuals would they be ready to discuss the causes of poverty.

Professor Quigley also thought that for students to truly understand poverty in America, it would be necessary for the students to experience poverty in some way. He knew that most of the students in the class would be from the middle class and would not have any personal experience of poverty or of the programs designed to aid the poor. Therefore, an important component of the class would be field trips to a housing project and to Charity Hospital,<sup>4</sup> which would enable the students to meet people who were poor and people who worked in programs that were designed to aid the poor.

Finally, Professor Quigley wanted the students to analyze the major poverty programs<sup>5</sup> in the United States in order to discover the social engineering assumptions that formed the basis of the programs. He also wanted students to understand that the programs contained inherent contradictions, an unavoidable result considering that the programs were the result of negotiation and compromise between members of Congress and the executive branch, all of whom held varying assumptions about the causes and cures of poverty. Professor Quigley believed that lawyers working in private practice, as government policy makers, or as public officials influence the lives of the poor as much or perhaps more than they would as legal services attorneys or public interest lawyers. For that reason, he knew that this class had to give the students the skills to analyze legal and policy decisions from the point of view of their effect on the poor. This view is shared by Thomas Shaffer, former dean of the Notre Dame Law School, who stated:

The option for the poor is not a career choice. We are very right to give our graduates who go in for legal services or public interest law at least as much positive reinforcement as we give the ones who make partner on Wall Street, but to be content with that would be more false consciousness. The burdens of poverty are fashioned in the Wall Street offices faster and more effectively than the legal services and public interest offices can lift them. If you

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4. Charity Hospital, now the Medical Center of Louisiana, is the flagship of the statewide hospital network that provides primary health care for the poor. "Big Charity", as the New Orleans hospital is known, is the oldest hospital in the United States and provides care to approximately 1,300 outpatients per day.

5. The programs examined in the course included Aid to Families with Dependent Children (AFDC); Social Security; Supplemental Security Income (SSI); Food Stamps; Medicaid; Medicare; and the public housing programs.

spend the day on corporate takeovers and plant closings without thinking about the people you put out of work, you cannot make up for the harm you do by giving a woman free legal advice in the evening when her unemployed husband takes out his frustrations by beating her.<sup>6</sup>

#### IV. CLASS STRUCTURE

The Law and Poverty class in the spring of 1991 was a lecture course that was taught to two sections: a day section of 175 students and a night section with fifty students. Each section met twice a week for fifty minutes.<sup>7</sup> Total enrollment in the two sections was 225 students. Of the 114 who answered the survey given to them at the beginning of the class, fifty-six were women and fifty-eight were men. There were two African-American women, two African-American men, and two Asian-American men in the class. One student identified himself as caucasian of Cuban descent.

The teaching format varied, consisting of lectures by Professor Quigley or by a guest lecturer, presentations by students, videos and discussions, and socratic dialogues. The guest lecturers were people who dealt with poverty and the poor in Louisiana and whose views represented the entire spectrum of political and social philosophy. The speakers included State Representatives David Duke and Mitchell Landrieu; Morris Jeff, head of the New Orleans City Welfare office; Mark Moreau, Executive Director of New Orleans Legal Assistance Corporation; and Kirby Verret, Chief of the Houma Indian Tribe. These lecturers appeared during the day class and their presentations were taped for showing to the night class.

The students were assigned two books: *The New American Poverty*<sup>8</sup> and *The Politics of Rich and Poor*.<sup>9</sup> These books were used to introduce students to the idea that there are many different poverties in the United States, to the social policies and theories reflected in the social programs enacted by Congress, and to the idea that poverty is much more systematic and structured than it was twenty years ago. The

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6. Thomas L. Shaffer & Robert E. Rodes, Jr., *A Christian Theology for Roman Catholic Law Schools*, 14 U. DAYTON L. REV. 5, 17-18 (1988).

7. The case study will be based on the experiences of both the day and night sections. Any significant differences in opinions or experiences will be noted.

8. MICHAEL HARRINGTON, *THE NEW AMERICAN POVERTY* (1984).

9. KEVIN PHILLIPS, *THE POLITICS OF RICH AND POOR: WEALTH AND THE AMERICAN ELECTORATE IN THE REAGAN AFTERMATH* (1990).

books were maps to be used in understanding the programmatic framework of the legislation studied in class and in the deconstruction of the poverty stereotype prevalent in the United States.

Students were also given a packet of articles on the poor, as well as problems in education, health care, housing and homelessness, welfare, and welfare reform in the United States. These articles were used to bring immediate problems and proposed solutions into the class room, helping to move the discussion from the theoretical to the practical. The articles were praised by students as "more to the point" than the books used in the course.

The original design of the course required presenting the class with an overview of who the poor were and of the poverty programs currently in place. The majority of the class would then be spent dissecting the programs to examine the social policies and theories that mandated their creation, analyzing the roots of today's poverty, and inventing possible solutions. It soon became apparent that the students did not know enough about the current programs to be able to critically analyze the content and discuss their theoretical underpinnings. Professor Quigley found that he would have to spend more time on the basic discussion of the current poverty programs than he previously intended, and that the theoretical underpinnings of the programs and theorizing about new solutions to these problems could not be the primary thrust of the class.

Students were given a choice of taking a final exam or writing a thirty page paper on some aspect of law and poverty. Additionally, they were graded on their participation in class discussions and on any presentations they made to the class. Each student was also given a half-grade bonus if they made a trip to the St. Thomas Housing Project or to Charity Hospital<sup>10</sup> and wrote a reflection paper on the experience.

## V. EVALUATIONS

Students were surveyed at the start of the course to determine their interest in the course and how they wanted the course taught. Students were also given an opportunity to evaluate the course after the first quarter was completed. The evaluations discussed in this section are

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10. Some students did not attend the class field trips, but were allowed to prepare a reflection paper on their personal experience with some other poverty program. Papers were received from students who worked with New Orleans Legal Assistance Corporation; the Ecumenical Immigration Services which provides legal services to Central American refugees; a local food bank; and a literacy program.



based on those evaluations, on informal discussions with students enrolled in the course, and on comments contained in the reflection papers on the field trips.

### A. *Initial Surveys*<sup>11</sup>

Students were surveyed at the beginning of the course and asked to rate their interest in the course on a scale of 0-10, with zero being the lowest interest level and ten the highest. Of the 113 students who responded, thirty-eight rated their interest level between 0-4 (0 meaning no interest), fifty-three students rated their interest level between 5-7, and twenty-two students rated their interest level between 8-10.

The survey also asked whether the course should be taught as a theoretical examination of the causes of poverty and the historical and political responses to poverty or as a practical examination of major poverty programs with less theoretical analysis. Fourteen students requested that the course be taught as theoretical (although one of these advised the teacher "Don't put politics into lectures"), three wanted a mixture of the two approaches, eleven expressed no preference, and eighty-five wanted a purely practical approach.

When asked what advice they had for the instructor, students advised that he have guest lecturers; that he encourage class participation; that he give personal examples of the problems discussed; that he not preach about doing pro bono work; that he not take their bad attitude personally ("it's not you, it's the circumstances"); and most often, simply good luck.

From the initial survey, it was clear that most students did not actively dislike the idea of a course on law and poverty. However, some seemed to have strong opinions on the content of the course. When asked on the survey what the student would really like to see addressed in the course, one student stated: "How much the rest of society spent on taking care of people who create their own problems."<sup>12</sup>

### B. *First Quarter Evaluations*<sup>13</sup>

Students formally evaluated the course after the first quarter. When

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11. Beginning surveys, *Law and Poverty*, Spring 1991. Originals are on file in the office of Professor William Quigley, Gillis Long Poverty Law Center, 7214 St. Charles Avenue, New Orleans, Louisiana 70118.

12. *Id.*

13. First quarter evaluations, *Law and Poverty*, Spring, 1991. Originals are on file

asked to complete the statement "In the classes so far I was surprised to learn \_\_\_\_\_," the most frequent reply was "that the majority of people receiving welfare are white." Other responses included surprise at the low payments received by welfare recipients, that persons can work full time at a minimum wage job and be below the poverty line, the amount of red tape connected with receiving benefits, how many children lived below the poverty line and how much money the United States had spent on poverty programs since the 1960's. The first goal of the course was accomplished — students were looking beyond the stereotype to discover the different types of poverty that exist.

One student eloquently expressed a concern that was consistently raised by two or three students in evaluations:

There seems to be a constant gloss over the original *mistakes* that these people make so as to remain in poverty. Granted, we are shown examples of a mother (single) with 4 kids trying to work, living in poverty, etc. Where did these 4 kids come from: Surely it was not an immaculate conception. Should we pay for not 1, not 2, not 3, but 4 kids who cannot be effectively provided for? As ugly as this sounds, this is the *main* problem for the deterioration of U.S. major cities. Granted, you have hidden behind statistics which tend to refute the above, yet, walk around New Orleans and get the real view! . . . It seems that a lot of the people in poverty, instead of sacrificing for the future for the betterment of their descendants, have the attitude of living for today with no regard of the consequences and responsibilities of these decisions. They then turn to the government for help to get out of these self created problems.<sup>14</sup>

While the stereotype was being explored, the question remained, "Do poor people have any culpability for their situation?" As the evaluations are anonymous, it is impossible to tell whether the same student wrote the three evaluations which raised this issue. However, whether raised by one, two, or twenty, the comment shows that the question of personal responsibility must be addressed directly within the course.

In the first quarter evaluations, students were again asked to give advice to the instructor. Most of the advice centered on the mechanics of the course. Some of the students advised Professor Quigley to limit class discussion, as "it seems to get out of hand and people get argumentative." Other criticism of the class discussion focused on the fact

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in the office of Professor William Quigley, Gillis Long Poverty Law Center, 7214 St. Charles Avenue, New Orleans, Louisiana 70118.

14. *Id.*

that it seemed superficial because students didn't know enough to express an opinion. One student, a tad more honest than the rest, simply said discussion was fine, but only call on volunteers.

Many students felt that the amount of assigned reading was too much for a two-hour course, and urged that fewer articles be assigned. Overall, students expressed pleasure with the course, with one student stating: "In my opinion, you have taken a dreaded required course and have transformed it into a pleasant and enlightening experience . . . ."

### C. *Final Evaluations*<sup>15</sup>

The students gave the class high marks in their final evaluations. Overall, they felt that the class structure was sound, although the assigned books were criticized as either being too boring or too ideological. The criticism "too ideological" was also applied to the two guest speakers who were most frequently chosen as the worst speakers. These speakers had the most identifiable philosophies — ultra-liberal and ultra-conservative — and that was the factor that seemed to cause the most criticism.

Students felt that the best aspects of the class were the discussions, the instructor, the speakers and the field trips. Students were quick to praise Professor Quigley for his fairness in presenting the issues and his indisputable commitment to the poor. The "fairness" issue seemed to resonate throughout the evaluations as students were quick to criticize books, articles, and speakers who were (or appeared to be) too one-sided. Students were interested in hearing all theories and philosophies concerning the causes and cures for poverty, even if they had firm views themselves.

For those who made the field trips, they were the high point of the course. Frequent comments told of the impact the trips had on the attitude of students and many commented that the trip they made had changed their attitudes toward the poor. The reflection papers on the trips made it clear that students were both shocked and impressed by what they saw on the trips. Many students came away from the trips determined to work to improve the conditions they observed.<sup>16</sup> How-

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15. *Final Evaluations, Law and Poverty*, Spring, 1991 [hereinafter *Final Evaluations*]. Originals are on file in the office of Professor William Quigley, 7214 St. Charles Avenue, New Orleans, Louisiana, 70118. 147 evaluations were returned. This represented a little over 65% of the class.

16. One student who took this course in the 1991 fall semester has begun to work with personnel at Charity Hospital to raise funds for the institution. He told me that

ever, some students observed and criticized the presentations made during the field trips as being too ideological, proffering repeated criticisms of the Reagan administration during presentations at St. Thomas. Again, the students felt that the presentation was not balanced. One student raised the question of personal responsibility of the poor, citing the case of one resident of the housing project whose third pregnancy was cited as the reason she would not complete her GED program. The student felt that rather than simply gloss over the fact that the woman was pregnant with her third illegitimate child, the speakers should have addressed the issue of single parent homes and the connection that this had with poverty.

Overwhelmingly, the students felt that the course had changed their attitude about the poor and about doing *pro bono* work. Approximately two percent of the students stated that their attitude toward the poor had not changed, with approximately twenty-eight percent of those students stating that they had always been interested in working with the poor. Fewer than one percent of the students who turned in the final evaluation either did not respond to the question or stated that "maybe" their attitude had changed.<sup>17</sup>

In reading the evaluations and speaking with the students, it became apparent that one vital aspect of this course was the instructor. Even students who did not like the course praised Professor Quigley's teaching. One student stated:

I absolutely did not want to take this class and thought I would not like it. I admit I am a republican and moderately conservative. However, I cannot begin to tell you the positive *effect YOU* had. I appreciate your balanced reasoned approach while at the same time presenting issues and topics you so strongly believe in. Similarly, everyone who spoke to us was impressive. Yet I believe you alone were able to open our minds. Everyone that I talk to says the same thing. This was a truly outstanding class and you did a fantastic job. Please keep teaching this, you can't be replaced!<sup>18</sup>

## VI. INSTRUCTOR EVALUATION

At the beginning of the semester, Professor Quigley had qualms

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after his trip to the hospital he felt compelled to immediately begin working to improve the conditions he observed.

17. Final Evaluations, *supra* note 15.

18. *Id.*

about the ability to foster discussion within such a large class. Class discussion is essential in fostering change in students' attitudes, yet the number of students and the classroom setting made it difficult to ensure that all those who wished to participate would be heard. He was delighted to discover that not only was discussion possible, it was lively. The seating arrangement made it harder to ensure full class participation, but this was overcome by the professor moving about the classroom so he could identify and call on all volunteers. One of the major problems was not lack of discussion, but ensuring that no one person or group of persons dominated the discussions.

In a conversation with the author, Professor Quigley stated that he did not think any of the students were too intimidated to express an opinion. He felt that the students were empowered by the fact that guest speakers had validated all possible views on poverty and the poor. From comments made by students, it was clear that the professor had also created an atmosphere in which all views were welcome and treated with respect.

In assessing the course, Professor Quigley realized that he had learned as much as the students. Teaching the course caused him to re-evaluate his opinion of the current social programs. He became much more critical of the programs and found himself questioning the "social engineering" assumptions present in the programs. Moreover he found himself becoming more critical of the "poor people's rights" decisions, such as *Goldberg v. Kelly*,<sup>19</sup> and questioning whether the decisions had made a positive impact on the impoverished.

Professor Quigley was pleasantly surprised to discover that students were more public interest oriented than he had previously believed. He had thought that today's law students were primarily interested in finding a job in a traditional law firm and that they had no interest in using their law degree for the public good. He found that the students were deeply interested in helping their community. The students acknowledged that due to their large college debt load they had to be concerned with taking higher paying jobs than those offered by traditional public interest jobs. However, most of the students were interested in doing *pro bono* work once they graduated, even if it could not be on a full time basis. The students were eager to use their legal knowledge to transform society, although there were sharp disagreements among the

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19. 397 U.S. 254 (1970).

students as to the methods to be used and the shape of the transformation.

Professor Quigley also learned that the field trips, which he had theorized would be the most effective method of teaching students about poverty, had a greater effect on students if they had learned something about the demographics of the poor and about the poverty programs. He found that students who made the trips later in the semester were able to apply what they had learned in class to what they experienced on the trips and to formulate possible solutions to the problems faster than students who made the trip with little or no knowledge of the programs.

The greatest shock came at the beginning of the semester, when Professor Quigley realized that less than ten percent of the class had any knowledge of the current social programs serving the poor. The class had no working knowledge of the programs or the populations they were created to serve. They had only the haziest notion of what Medicaid, Medicare, Social Security, AFDC or general welfare programs were and how they interacted. This lack of knowledge meant that more of the course would be spent on the basic functions of the programs, and less on analyzing the theoretical framework on which they were constructed.

Ultimately, the course was successful in instilling in the majority of students a preferential option for the poor. In their papers and final examinations, the students demonstrated knowledge of the social programs covered during the semester, as well as knowledge of the policy assumptions that were used in formulating the programs. In their evaluations, students made it clear that they were aware of who the poor were and that the "poverty" experienced was different for each group. They also made it clear that their attitude toward the poor had changed and that they intended to work with the poor in some fashion after their graduation.

## VII. EDUCATIONAL IMPLICATIONS

What general implications can be drawn about teaching poverty law from this case study? First, a survey course in poverty law may be just as effective as a seminar in providing a transformative experience for students. Second, students do not disapprove of value-centered courses, so long as the teacher considers the subject matter from all sides. Third, this type of course may be repeated at any law school. A value-centered course is not strictly the province of a religious or even

a private law school. Finally, providing both theoretical and experiential learning within any course will intensify the learning experience for students.

### A. *Survey Course/Replicability*

One question that I had in beginning this study was whether a survey course in law and poverty would have any discernible effect on students' attitudes concerning the poor. In my experience, survey courses did not provide the same venue for change that a seminar did. My experience indicated that seminars allowed students and professors a more intense interaction than that allowed by survey courses and I believed that without that interaction, changes in attitudes would not be forthcoming. I was gratified to find out that I was wrong.

If the evaluations of this course are accurate, a survey course can be as effective as a seminar in impressing upon students a preferential option for the poor. This is good news because survey courses can reach more students than seminars and are therefore a more cost effective method of education. This factor should make it easier for law schools to implement a similar course.

One element that played a large part in the success of this course may not be replicable at other schools. That element is the fact that the Loyola course is mandatory. Because the course was mandatory, the majority of third year students were enrolled in the two sections studied.<sup>20</sup> This insured that a full range of opinions were represented within the class, which contributed to the class discussions. If a Law and Poverty course is not required, whether that course is a survey course or a seminar, the students will be self-selected and the range of opinions represented could be narrower. This could result in the professor "preaching to the choir" and there would be little or no discernible change in students' attitudes toward the poor.

### B. *Value Centered*

Some would argue that this course could only be taught at a school that has a strong commitment to a value-centered education. I believe this to be untrue. While Loyola's strong commitment to social justice made it easier for the faculty to institute this course, there was no pres-

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20. Students are not required to take the Law and Poverty course if they are enrolled in Street Law, a seminar that requires students to teach legal subjects in local high schools.

sure from the university administration to teach the course. It would then seem that if a law school is willing to support an instructor who wants to take a value-centered approach to poverty law, this same type of course can be taught.

However, the professor must be honest with her students about her views on law and poverty and must create a place of safety for the students; a place in which they can freely discuss their views and assumptions about law, poverty, and the poor without being ridiculed or made to feel politically incorrect. This is imperative, as it is clear from discussions with students who participated in the course that class discussion was often heated. Students referred to other students as fascists, bleeding heart liberals, and communists.<sup>21</sup> If the students are not free to express their views, the course will be dismissed as propaganda.

From studying this course, it is clear that a teacher's greatest mistake would be to fail to present all sides of the issues, including those that are personally repugnant to the instructor.<sup>22</sup> This means selecting the course materials carefully and incorporating the materials, guest speakers, and other teaching methods to present a complete overview of poverty in America.

The student evaluations of the course make it clear that students welcome courses that are not value free. Only one student commented that the course should not try to change their views on the poor and their problems.<sup>23</sup> Other students commented that the course had opened their eyes to problems that they had not known existed and thanked the professor for doing so.<sup>24</sup>

### C. *Theoretical/Experiential Learning*

Lawrence Kohlberg and his associates have hypothesized that moral growth is promoted in environments where role-taking opportunities exist and where such a process is a normative expectation.<sup>25</sup> Thus, it is

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21. First Quarter Surveys and Final Evaluations, Law and Poverty, Spring, 1991. Originals on file in the office of Professor William Quigley, Gillis Long Poverty Law Center, 7214 St. Charles Avenue, New Orleans, Louisiana, 70118.

22. See comments on David Duke, Final Evaluations, Law and Poverty, Spring 1991. Originals on file in the office of Professor William Quigley, Gillis Long Poverty Law Center, 7214 St. Charles Avenue, New Orleans, Louisiana, 70118.

23. Final Evaluations, *supra* note 15.

24. *Id.*

25. Ann Higgins et al., *The Relationship of Moral Atmosphere to Judgments of Responsibility*, in MORALITY, MORAL BEHAVIOR, AND MORAL DEVELOPMENT 74 (William M. Kurtines and Jacob L. Gewirtz eds., 1984).



possible that the majority of students taking the law and poverty course adopted a preferential option for the poor as a direct result of the experiential learning they experienced in the course.

This experiential learning was mentioned by most students in their evaluations.<sup>26</sup> The students emphasized their visits to Hope House in the St. Thomas Housing project and their interaction with the residents of that project in discussing why their attitudes toward the poor had changed. It was clear that this interaction was the catalyst for change in many of the students.

In putting together a course in poverty law, the instructor ought to build in some type of experiential learning. As suggested by Kohlberg and by the evaluations of this course, if that experience includes placing the students where they will interact with other persons, it is more likely to induce change in the students' attitudes toward poverty and the poor.

It was Professor Quigley's observations that the experiential part of the course is likely to have a greater effect on the students if they have been introduced to the theoretical elements of the program being observed prior to the visit. Thus, an instructor might arrange a visit to a housing project after discussing the public housing program and the effect of one parent households on income. The students would then have a theoretical framework in which to analyze their visit.

### VIII. CONCLUSION

The success of this course suggests that it is possible to teach poverty law to a large group of students and induce a moral transformation. There are those who would say that this is wrong, that legal education must be value free. In a society where it is estimated that over fifty percent of the children live in poverty, I contend that it is immoral for legal education not to instill in its students the preferential option for the poor. This case study shows that it can be done in a traditional setting.

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26. First Quarter Evaluations and Final Evaluations, Law and Poverty, Spring 1991. Originals on file in the office of Professor William Quigley, 7214 St. Charles Avenue, New Orleans, Louisiana, 70118.