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## CASE STUDY

# A BATTERED WOMEN'S RIGHTS CLINIC: DESIGNING A CLINICAL PROGRAM WHICH ENCOURAGES A PROBLEM- SOLVING VISION OF LAWYERING THAT EMPOWERS CLIENTS AND COMMUNITY

*SUSAN BRYANT\* AND MARIA ARIAS\*\**

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### I. BACKGROUND

The Battered Women's Rights Clinic of the City University of New York's Law School at Queens College (CUNY) is an educational experience that is the culmination of a unique legal education. CUNY's innovative lawyering curriculum and its diverse faculty and student body all contribute to this unique education. This case study addresses how CUNY's special mission to train public interest lawyers is implemented in the design and teaching choices of the Battered Women's Rights Clinic. CUNY's curriculum reflects both a vision of the role of law and lawyers in representing battered women and an attempt to teach this vision through some of the activities typically engaged in by

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We want to acknowledge the work of our colleague Nilda de los Santos who works with us in the Battered Women's Rights Clinic and to thank Alice Morey for her valuable assistance on this Article.

students in clinical programs. While the insights which inform these choices arise out of the CUNY experience,<sup>1</sup> they are relevant to law teachers from other schools who are questioning the lawyer's role and designing clinics with a critical perspective. CUNY is the only publicly supported law school in New York City and one of only two in New York State. Dedicated to teaching and training public interest lawyers, CUNY's mandates are to place special emphasis on public service and public interest law; to rethink the traditional law school curriculum to better integrate practice skills with the study of legal doctrine; to incorporate issues of professional responsibility into the core of the curriculum; and to serve the special needs of the diverse population of the City and State of New York.

CUNY selects students who demonstrate commitment to public service and an intention to build careers in public interest practice. About sixty percent of CUNY graduates work in government and public interest jobs; another fifteen percent work in small community-based law firms. The average age of CUNY students is thirty-one years of age with a range in age from twenty years to over sixty years. About sixty percent of the CUNY students are women and approximately thirty-four percent are members of a minority group that is underrepresented in the legal profession. Although CUNY students are drawn from other states and countries, roughly eighty percent of the students are from the New York City area.

CUNY's basic premise for the entire program is that theory cannot be separated from practice, abstract knowledge from practical skill, and understanding of professional role from the experience of professional action. Accordingly, the required curriculum incorporates lawyering courses throughout all three years of law school. CUNY students study the fundamentals of interviewing, counseling, negotiation, and oral and written advocacy through a simulation curriculum in the first two years. By the time students begin their work in the live client clinics during their third year, they have been exposed to basic lawyering skills and are familiar with the lawyering literature of Bellow and Moulton, Binder and Bergman, and Mauet. However, the students have not been able to apply these skills in real world contexts.

In addition to the first two years' simulation courses, students are

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1. Professor Vanessa Merton from Pace University designed the clinical program at CUNY Law School. Professor Howard Lesnick from Pennsylvania Law School designed the overall curriculum. Both of their insights led to the choices that are made today about the goals and methodologies used in all the clinical programs at CUNY.

required to take an in-house clinic or a field placement clinic during their third year. The Battered Women's Rights Clinic is one of four components of CUNY's clinical program. Ninety third year students currently participate in a broad range of advocacy on behalf of low-income clients.<sup>2</sup>

CUNY's clinical programs are designed to fulfill several purposes: (1) to address the surrounding communities' needs by providing service to persons who have difficulty obtaining legal representation; (2) to provide students with the opportunity to enhance the skills acquired through prior simulation and fieldwork in a faculty supervised, live client legal setting; (3) to allow students and faculty to make substantive contributions to developing areas of law; (4) to prepare students for careers in public interest practice; and (5) to encourage students to pursue public interest careers or participate in pro-bono representation after graduation.

## II. DESCRIPTION OF THE BATTERED WOMEN'S RIGHTS CLINIC

### A. Goals

The Battered Women's Rights Clinic fulfills the five goals for clinical programs at CUNY. The clinic meets the first goal by providing legal and other services to battered women, a group that is seriously underserved. Since the Battered Women's Rights Clinic opened in September 1990, it has initiated approximately one hundred cases for individual representation and has advised an additional forty clients. There are no special legal services available for battered women in the communities surrounding the law school and family law representation is very limited.

The Battered Women's Rights Clinic offers its clients a full range of services, not simply family law representation. Offering battered women a variety of services, legal and otherwise, allows the Battered Women's Rights Clinic to provide its clients with the help that they need. For example, the Battered Women's Rights Clinic has developed an area of expertise in providing services to immigrant battered women. This population benefits from a comprehensive approach to service delivery.

The Battered Women's Rights Clinic meets the second goal of CUNY's clinical programs, which is to provide students with the op-

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2. Other clinical courses include Immigrant's Rights Clinic, Law Office Clinic, and Criminal Defense Clinic.

portunity to enhance their interviewing, counseling, case planning, and litigation skills, by having students represent battered women. In a clinical setting, students begin to develop an understanding of how race, gender, ethnicity, and class can influence lawyering. As a result, students are able to define appropriate roles for lawyers. Often lawyering skills courses that are taught through simulation teach skills without an explicit recognition of the importance of context. In the clinical setting, however, the real world makes context more apparent and forces students to apply their lawyering skills to problems with real world complications.

The Battered Women's Rights Clinic meets the third goal of CUNY's clinical programs by providing students with expertise and critical perspectives in family law, particularly battered women's rights. One of the challenges of any public interest clinical program is to help students practice in a particular area of law, while at the same time, be able to criticize it. Students often are more interested in learning how other lawyers practice law than in thinking about how to modify and improve the practice. A critical perspective is especially necessary when representing battered women, whose problems have not been adequately addressed by the law and who often are represented by lawyers who do not understand domestic violence.

The Battered Women's Rights Clinic meets the fourth goal of CUNY's clinical programs by developing students' ability to solve problems for clients through expanded service projects and law reform efforts. Student participation in individual representation and community education allows them to envision the role of the public interest lawyer. Students who engage in legislative work and other projects also see that separating individual representation from broader change may limit an individual client's choices and create burnout for lawyers.

Finally, the Battered Women's Rights Clinic also meets the fifth goal of CUNY's clinical programs by exposing the students to the scarcity of legal resources that are available to battered women. Often, students must refer clients whom the clinic is unable to serve to other legal agencies. The students directly experience the frustration of multiple rejections from other agencies. By widening the students' understanding of the need for legal services for indigent clients, the clinic enhances the students' commitment to meet this need.

### B. *Methodology*

The teaching methods used in the Battered Women's Rights Clinic

include those which are used frequently by many clinical programs — seminars and case conferences — and that which is used less frequently — projects. These three methods combine to provide students different learning opportunities and help meet the goals of CUNY's clinical program.

### 1. Seminars

Students meet in two-hour seminars twice a week. Through a variety of modes the students learn the substantive law, skills, and theoretical perspectives of the law and lawyering necessary to represent battered women. The seminars include faculty lectures, class discussion, use of simulations, and case rounds where students present and lead discussions about their cases. In addition to faculty taught classes, the curriculum includes presentations by lawyers, lay advocates, and other academics working in the battered women's field. Some of this year's presentations include: a family court judge discussing child support; an assistant district attorney outlining the use of criminal court by battered women; battered women's advocates talking about multicultural aspects of family violence; and a battered women's counselor identifying why women choose to stay in an abusive relationship. Students also attend continuing legal education sessions designed to train lawyers in family law and domestic violence.

In the seminars, students are encouraged to develop substantive expertise in family law, including a critical perspective of the law, its implementation, and how it affects battered women and their families. The students use this information when representing their clients and reflecting on their experiences during that representation. The students also strengthen their understanding and application of lawyering skills through role-playing and videotaping seminar sessions.

### 2. Case Conferences

The case conference is the primary teaching vehicle for helping students integrate the substantive material learned in the seminars into ongoing client representation and projects. In the seminar, the students develop building blocks in controlled exercises and discussions. In case conferences, the students integrate the learning and develop greater sophistication of skills, understanding of the clients, and knowledge of the applicable law.

For each of their cases, the students meet with faculty as needed, usually on a biweekly basis and often more frequently as the cases ap-

proach hearings or trials. CUNY students use the “planning, doing, and reflecting” learning model in all three years of law school to learn lawyering skills and examine professional responsibility issues. Students plan events and then reflect on what was learned from them. This allows the students to gain the skills involved in a particular experience and also promotes methods of learning through experience. Students can use these insights throughout their legal careers.

### 3. Projects

Students work on projects generated from the individual representation work of the clinic. As part of their clinic caseload, students work on projects involving legislative advocacy, community education, and research support for community groups and shelter advocates. In addition, students work with city-wide battered women’s advocacy groups, women’s organizations, and immigration groups. Students learn different lawyering skills and perspectives other than those involved in individual representation. One of the current projects requires students to develop a manual for lawyers representing imprisoned women convicted of killing their abusers. Students acquire the necessary expertise to write the manual from their work in individual clemency cases. Writing the manual will help students clarify their understanding of the process. Consequently, their individual representation improves.

This project and others like it allow students to gain insight into the full nature of their clients’ problems and the variety of ways in which lawyers might address these problems. The faculty also hopes to encourage students to recognize that lawyers are responsible for an educated and adequately represented public.

## III. EVALUATION OF PROJECT GOALS AND METHODS

### A. *Meeting the Representation Goal: The Development of an Intake Policy*

The Battered Women’s Rights Clinic began in September 1990. In its first year of operation, the faculty involved the students in the development of intake and other major policies. Together, the faculty and students worked to develop an intake policy designed to accomplish the goal of providing services to a group of people with unmet needs. The faculty designed the intake policy to model good decision making in public interest practice.

The faculty and students discussed three major issues throughout the

development of the intake policy: (1) what kind of information was necessary to determine need and how to obtain that information; (2) how to balance students' educational needs against the needs of clients; and (3) how to prioritize among competing needs. Each of these issues commonly arise in public interest practice. Student focus on these issues provided valuable insights which will be useful to them in their legal practices.

The eleven law students and three faculty members<sup>3</sup> in the clinic started with a needs-assessment of the borough of Queens, where the law school is located. The students and faculty developed an intake policy only after they had interviewed over forty people in relevant organizations, including women's groups, shelters, ethnic community groups, police, prosecutors, and legal service providers. Through the interview process, the students and faculty learned what legal and non-legal services were available in Queens to clients and what kind of services were needed.

Students also learned that potential clients and people who work with those clients have insights into the legal needs of particular clients. Lawyers alone should not decide what legal services are necessary. Thus, the students learned the importance of involving people closely situated with the client in identifying intake needs.

In addition to identifying the legal needs of battered women, the faculty asked the students to identify their educational needs before designing the intake policy. Balancing their own educational needs with the needs of the clients forced the students to experience a professional struggle analogous to one which confronts all lawyers, especially public interest lawyers. Although students in an educational institution may strike a different balance than practicing lawyers, the questions are similar to those that the students will face as professionals in public interest institutions.

The process of developing an intake policy gave students an opportunity to explore the boundaries of their personal and professional lives. It also provided the students with an ongoing method of addressing the needs of the student against the clients' needs. Student recognition of their own legitimate educational needs helped students negotiate the delicate balance that would challenge them the rest of the year and throughout their professional lives.

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3. Title IX funded one faculty position and the Legal Service Corporation funded the other.



Once the students determined that there was a large number of clients who needed legal services, the students developed an intake policy which provided a variety of services. For example, some clients received advice on how to represent themselves, some were referred to lay advocates, and others were referred to pro-bono attorneys. Because there is a fairly effective *pro se* system for protective orders in Queens, the students developed an intake policy which gave priority to clients who, for a variety of reasons, would have difficulty managing the court system on their own and who, because of a lack of resources, would be unable to gain access to the legal system. The students' intake policy gave priority to immigrant women who were isolated from services and unable to represent themselves because of language or cultural differences, or both.<sup>4</sup> In addition, the students assisted many clients who did not meet the intake guidelines. The students provided these clients with information on how to use the *pro se* system.

Including students in the development and implementation of an intake policy helped students learn valuable lessons on how to formulate an intelligent intake policy and how to recognize the implicit premises of an intake policy. An unanticipated benefit of allowing students to participate in this manner was their sense of ownership of the clinic. This "ownership" interest in the clinic fostered a learning environment for students and allowed them to truly experience legal practice through real issues, rather than through faculty raised issues.

This year, the second year of the clinic's operation, the students did not repeat the process of developing an intake policy, although they were involved in intake decisions in individual cases. Because they did not interview community members at the start of the clinic nor formulate a new intake policy, these students initially had more difficulty than the previous year's students recognizing the needs of battered women and the implicit choices made in their intake decisions. Although the faculty tried early in the semester to engage these students in discussions focusing on the assumptions involved in intake decisions,<sup>5</sup> the

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4. This took priority in intake because it met both service and educational goals. The faculty believed that public interest lawyers, especially those in New York, should have a working knowledge of general immigration issues. Several students in the clinic also had a personal desire to represent immigrant women. Finally, in their work with battered women, students needed specific knowledge of applicable immigration laws which created exceptions for battered immigrant women.

5. The students were divided into three groups at the beginning of the first class of the semester. They were divided into the intake group, the missions group, and the curriculum group. Faculty asked the groups to formulate policy for the clinic. All the

students did not provide the insight or enthusiasm observed in the original group of students. In response to these findings, the faculty brought advocates and other service providers to the seminar to develop student insights. This helped to develop student knowledge on the identification of legal and non-legal needs of battered women.

From working with two different groups of students on intake issues, it is apparent that students who understand service needs can learn valuable lessons and make intelligent intake decisions. Moreover, experience indicates that consultation with community groups and potential clients is a valuable way to gain this understanding.

### *B. Teaching Interviewing Skills in a Public Interest Context*

One of the service goals for the clinic is conducting intake in a manner that models public interest practice. Likewise, the second goal of the Battered Women's Rights Clinic — improving students' lawyering skills — is designed to model public interest practice. Three underlying themes about poverty law practice influence the skills education in the Battered Women's Rights Clinic. These themes include the diversity of client groups, the importance of practicing in a way which empowers these client groups, and the value of education as well as advocacy in the lawyer's role.

The first theme asks the students to recognize the diversity of any client group and to understand how that diversity affects both an individual client and the viability of more systemic solutions. With this insight, students begin to recognize family violence as an important issue to poverty lawyers and that poverty has to be discussed in the context of gender, race, and culture. Moreover, students learn that violence is not caused by, or limited to, poor families. While violence against women cuts across all class, race, and culture lines, the challenge for the students who only represent poor women is to remember that violence is not just a poor woman's issue. Many students start the clinic with monolithic assumptions about battered women. Through their own work on cases and through seminar readings, they develop a more sophisticated understanding of the diversity of the client group.

At the same time that students realize that violence is not restricted to poor women, they also learn how violence contributes to the femini-

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students compared answers to the questions posed to their group. Although this was an interesting exercise and much was learned about the individual students, they did not experience the insights gained from community interviews that the previous year's students had obtained.

zation of poverty. Students understand how the client's financial situation affects her options and decisions. They also learn that forty percent of the women and children who are in the New York City homeless shelter system are there because of violence against women. As future public interest lawyers, these students recognize that violence contributes to poverty and that poverty affects choices. This perspective gives the students a deeper understanding of battered women and of poverty clients in general.

Students are encouraged to examine how a client's environment may affect and impact her decisions. Poverty, gender, culture, status, and other life experiences influence these choices. For example, if a student represents an orthodox Jewish woman on public assistance, the student must ask how being orthodox Jewish, being a woman, being battered, and being on public assistance affect this woman's options, both from her perspective and the student's. The student must recognize the differences between the perspectives and ask why these differences exist.

The second insight which the faculty seeks to develop is the importance of working with clients in a manner that allows the clients to choose what they want from lawyers and the legal system. Developing a vision of the lawyer as a problem-solver who works with people rather than makes choices for people teaches students to use interviewing and counseling skills in ways which empower clients. In representing battered women, students often test the limits of a client-empowerment model, but letting clients make decisions in these types of cases is difficult. By not allowing battered women to make decisions, however, students repeat the abusers' controlling behavior by trying to dominate the clients. Finally, many students learn that some of their clients are good at avoiding that control. Clients often do this in indirect ways, such as failing to return to the clinic, missing appointments, or not serving papers as directed by the student.

Finally, the faculty wants the students to see that their work for clients extends beyond individual representation. Therefore, the faculty requires students to participate in non-litigation projects that include representing groups and doing legislative work.

## VI. INTERVIEWING SKILLS

The interviewing unit of the clinic includes eight two-hour seminars. These seminars consist of simulated videotaped exercises and feedback on live client interviews in case conferences. The interviewing unit, designed to teach the students the theory and practice of interviewing,

is an ideal way of promoting the themes of recognizing diversity and empowering clients. Teaching proper interviewing skills helps the students learn valuable information about the diversity of clients. Moreover, the students learn how to empower clients. When students interview in ways that allow clients' voices to flourish, the students learn important lessons about representing the disadvantaged with a "client-centered approach."<sup>6</sup> This allows the students to see patterns of oppression and, at the same time, recognize the uniqueness of each client's situation.

The seminar component starts with readings that are designed to encourage the use of an interviewing method that prohibits students from placing their clients into a pigeon-hole. The readings include a variety of theories about battered women. These theories emphasize that there are different explanations for the phenomenon and that there are multiple causes and possibilities for addressing those causes.<sup>7</sup> The readings also include materials on cross-cultural issues and Angela Harris's article on race and gender essentialism.<sup>8</sup> Students are encouraged to see clients as belonging to multiple, simultaneous groups that result from their diverse life experiences. Harris's article develops this perspective and helps the students understand that their clients belong to relational and transitory categories.

By recognizing the fact that clients are different from each other or behave differently depending on the surrounding circumstances, stu-

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6. The client-centered approach is a method of interviewing widely taught in clinical programs. Introduced by Binder and Price, this method provides for the possibility of client empowerment. By tying the method to a perspective of the role of lawyers in working with battered women, the students can develop a sophisticated understanding of how these methods actually empower women. *See generally* DAVID A. BINDER ET AL., *LAWYERS AS COUNSELORS: A CLIENT-CENTERED APPROACH* (1991).

7. Students read excerpts from ANGELA BROWNE, *WHEN BATTERED WOMEN KILL* (1987), Lenore Walker, *TERRIFYING LOVE: WHY BATTERED WOMEN KILL AND HOW SOCIETY RESPONDS* (1989), and EDWARD W. GONDOLF & ELLEN R. FISHER, *BATTERED WOMEN AS SURVIVORS* (1988).

8. *See* Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 *STAN. L. REV.* 581 (1990). The discussion of this article, like all theoretical material which is discussed in the seminar, had three parts. First, what is the author saying; second, do we agree with what the author is saying; and third, if what the author says is accurate, how does this influence the choices we make as lawyers. This final question is the critical question for clinical teachers who are trying to integrate theory and practice. Much of the critical literature does not develop practical implications of the critique. By asking the students to begin to do this, however, students will use the insights of the critical literature as they develop their own approach to lawyering.

dents are unlikely to generalize about their clients. Instead, students are more interested in learning as much as they can about their clients. These insights allow students to see how a client might behave differently in court than in a lawyer's office. For example, the client might be less conscious of her ethnicity in a law office with a Latino law student and a Latino law professor and more conscious of this in a courtroom environment where no Latinos are present. In addition, she might act differently in the courthouse with her batterer in close proximity. The client could be very comfortable and forthcoming in one environment and reticent in another.

The interviewing unit also focuses on developing an interviewing method which encourages clients to define their problems. The unit is designed to prevent lawyers from translating clients' stories into legal frameworks too quickly. Early in an initial interview, most lawyers begin to craft legal causes of action and to identify the problems. Often, within the first few minutes of an interview, a lawyer begins to define a case in terms of a legal issue, such as a family offense case, a custody case, or a support case. Unfortunately, the legal framework, instead of the client's needs, determines what is relevant.

Students, like the lawyers they will become, begin the interviewing unit in the clinic exhibiting similar patterns. They frame their interviews according to the law they have just learned and often arrive at "solutions" within the first 15 minutes of their simulated interviews. Once the students ask "what brought you here?," the questions tend to get more narrow and focus on legal issues rather than on information that the client might see as relevant and important. The students are, after all, law students who have been taught to analyze problems within a legal framework.

Most often the students conduct interviews which do not adequately develop the legally relevant facts. Like most interviewing teachers, the faculty can easily point out the failure to develop these 'legal' facts. As they begin to research, students are able to see the inadequate development of these facts. However, the failure to sufficiently probe about the client's real needs and desires is more difficult to identify. The client's framework remains unknown and the student's failure to obtain relevant facts will not be identified through any type of research.

The seminars attempt to change the students' focus from law to clients. The seminars are devoted to identifying questions in the interview which arise out of the students' desire to learn legally relevant facts and questions which help identify facts that the clients see as rele-

vant. Students observe how interviews which are organized around legal frameworks can interfere with developing genuine understandings of clients and their problems. By identifying the source of different questions, students begin to pay attention to the type of information sought in the interview.

During seminar discussions, students plan an interview which seeks relevant information about a client and how she sees her situation. Students identify tentative areas to include in this inquiry: what the client sees as the problem; what the client wants for herself and her family; what her relationship is to the batterer; who plays a role in her life; what her cultural milieu adds; whom she sees as allies; what plans or options she sees; and what she needs to realize these plans.

Without this type of inquiry, the students will make assumptions about the client and her situation. For example, the students may see the police as an ally, although the client may not. The client may come from a culture that distrusts the police or she may be unwilling to participate in criminal prosecutions. The students also may assume that the client's family will support her decision to leave or to stay whereas the client may get very little support from her family. Alternatively, the students may assume that the client makes decisions separate and apart from others whereas the client may consider not only a decision's impact on her, but on her children, her parents, her neighbors, and others. Finally, the students may assume that a protective order from a court will protect the client, whereas the client may know that the batterer's anger over a court order will only aggravate an already bad situation.

In addition to seminar discussions which develop the perspectives and skills involved in learning an interview method geared to client empowerment, the students also learn these same lessons through reflection on their representation of clients. The following is a description of an experience which took place in the clinic last year. The experience taught two students the value of listening more carefully to a client in the initial interview.

The students were relatively experienced interviewers, having worked in legal services offices both before and during law school. One of the students had also worked on battered women's issues for a national organization. The students conducted a two-hour interview of a client living in a battered women's shelter in Queens County. At the end of the interview, the students reported to their faculty supervisor that the client wanted to file petitions in family court seeking an order

of protection and a custody order. The students wanted to bring the case in Bronx County where the batterer husband and father of the child resided in order to protect the confidentiality of the mother's residence in Queens. The students made a follow-up appointment for the client to come and sign the petitions later that same week.

After the students worked hard on the petitions for four straight days, the client did not appear for the scheduled interview. A social worker who was working with the client told the students that the client did not want to proceed with the case and that she did not want to speak to the students about it. In follow-up conversations with the social worker, the faculty supervisor learned that the client was overwhelmed by the choices presented by the students and felt that it was too dangerous for her to bring her husband into court. The students recognized that the client was afraid of her husband and responded to that fear with a legal solution. However, the students, in responding to the client's feelings that she was in danger, mistakenly rushed the client through a process that she was not ready to embrace. Their failure to understand the client's fear of meeting her husband in court resulted in their designing a remedy which did not meet her needs.

In this case, the students had more feedback from the client about why she missed her appointment than most clients provide. The insight gained from this case provided a valuable lesson to the students on why some clients fail to keep appointments or follow through on tasks. The students learned to ask whether they were suggesting an alternative that their client was not ready, able, or willing to do. Rather than judging the client harshly for her failure to follow professional advice, the students were encouraged to ask themselves what they could have done differently.

A final piece of client empowerment allows the client to participate in defining what a lawyer's role should be. This represents a change from the typical lawyer-client relationship. In this kind of lawyer-client relationship, the lawyer's role is not fixed; rather, it changes with each client because the lawyer alone does not set the professional boundaries.<sup>9</sup> The students in the clinic are encouraged to examine how

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9. Exploring the boundaries of role is a central theme of clinical programs. Students in the clinic are encouraged to consciously explore issues surrounding the question of role. Typical questions range from the practical to the profound and include: what are appropriate conversations with clients; should I give my client my home phone number; should I call her by her first name; how does being a lawyer differ from being a friend, a counselor, etc.?

the definition of role affects other players who come in contact with battered women. As a result, the students learn to identify how role definitions often cause the police, prosecutors, and family court judges to fail to respond to the needs of battered women. Students observe that when judges give women orders of protection, judges do not listen to the women or communicate with them in meaningful ways. The students also experience judges who are hostile to women who return to court for enforcement of orders, rather than leaving their homes. The students observe that when the judges, like the police, behave in pre-defined, role-appropriate ways, rather than as a resource for the women who appear before them. When the students see how other professionals fail to help battered women, they are encouraged to challenge their own narrow definitions of the lawyer's role.

Another example from the clinic demonstrates how role definition can affect the treatment of battered women. One of the clinic students was appalled when a judge at a sidebar complained that he was tired of the student's client appearing before him, asking for orders of protection and violations of orders of protection. The judge told the student that the client had been before him on many occasions and that, at this point, the judge felt the client was "abusing" the court. Because the batterer owned the home, the judge expected the client to leave the home to avoid any violence.

This same student later requested that she be removed from representing this client because the client did not cooperate in keeping appointments. As a result, the student found it almost impossible to prepare direct examinations and arguments for trial. The student argued that the client's behavior interfered with her ability to learn lawyering skills as she was a "student" and deserved to have a client who would allow her to maximize her learning. The student-faculty conversation about this request centered on whether the role of a law student should determine the type of services the client should receive from the law student and whether the role limitations the student wanted for herself were any different from those the judge had set for himself. Analyzing the inquiry from the perspective of who participated in defining the role of the lawyer and how that definition might impact the client, allowed the student to examine one of the critical issues about lawyers and "empowerment."

The interviewing unit and the actual interviews conducted in the clinic present students with professional issues that will continue to challenge them in public interest practices. Students find it difficult to allow their clients to define their problems and their lawyer's role. In-



interviews which encourage this kind of behavior take more time. Students wonder whether they will have the time to do this kind of interviewing when they are no longer students. Moreover, some students find it painful to live with a client's problem and not rush to pack it up neatly with a legal solution. These students came to law school to learn how to solve people's problems and are frustrated by the law's inability to facilitate resolutions. The ultimate challenge for these students is to acknowledge a critical perspective and continue to represent their clients in a less than perfect system.

### CONCLUSION

While many of the insights about practice and law arise in the context of representing battered women in a law clinic, the students in CUNY's Battered Women's Rights Clinic are encouraged to contemplate the types of issues facing public interest practitioners in other areas of practice. Participating in a clinical program designed to teach the perspectives and skills needed by public interest practitioners trains students to be more sophisticated practitioners. Those who represent the disenfranchised in society must be prepared to question, not only the law, but also the methods used by lawyers in the representation of those clients. Lawyers who define a client's problem in legal categories may be unable to develop a true understanding of the problem. Using the clients' definitions helps lawyers focus on what the clients want rather than what the law allows. The students who are encouraged to see problems from the clients' perspectives are more likely as lawyers to recognize the limits of the law and the need for changing it.