Three Examples of The Use of Legal Curricula as Tools of Personal Empowerment

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INTRODUCTION

I have been asked to discuss two things with you today. First, I will tell you a little about the kinds of courses I teach at Washington University School of Law. Second, I would like to give you a few examples of how I, and others at my school, have used the legal curriculum to not only teach law to law students but also to help empower people so that they can live more satisfying and fulfilling lives.

First, I teach traditional courses and I also teach non-traditional courses. Examples of traditional courses are Constitutional Law, Torts, Contracts, Property, Estates and Trusts, Corporations, Income Taxes, Criminal Law, and the like. I teach and have taught several traditional courses. For example, I have taught Civil Procedure, which is a fascinating course about rules and procedures in the non-criminal court systems. I teach Torts and Products Liability, both traditional courses that deal with compensation of victims of physical and/or emotional injuries and holding the actor or manufacturer or distributor of the product accountable for his or her or its actions. These are examples of courses American law schools traditionally teach. They involve the case method of learning and really are standard fare for many law schools.

1 Professor of Law and Associate Professor of African and African American Studies at Washington University School of Law. Lecture delivered to the Waseda Law Faculty on Friday, June 27, 2008 at Waseda University School of Law, Tokyo, Japan.
I also teach a few non-traditional courses. Nontraditional courses are, obviously, courses not historically offered to students. They are sometimes different subject matters taught in traditional ways (using the case method/“Socratic” method of teaching) or they are taught in different forms and include different experiences. **One example of a non-traditional course is a course one of my colleagues teaches on Race and the Law.** In this course, students study the impact of one’s race or ethnicity in the law. For example, Black Americans are disproportionately impacted in negative ways in the criminal law area. Students would study the facts supporting this proposition and then study why: is it because Blacks commit more crime? Is it because the criminal justice system reeks of discrimination against Blacks? Is it a combination? What changes can be made, within the law, to affect the statistics? A “Women and the Law” or “Gender in the Law” class would similarly study how law—sometimes positively but more often negatively—impacts women, girls, pregnancy, or even sexual preference issues.

One of the non-traditional courses I teach is entitled: “Stereotypes & Biases: Unconscious Courtroom Drama.” This course is very interesting. In the United States, it is common for there to be differences in people. We are used to seeing different people and differences in people. Yet, it remains the case that in the United States it is not uncommon that being different is treated in unusual ways. For example, we have instances in American history where people who look like me, *i.e.*, Black people were treated differently because of the color of their skin. This was true when blacks were first brought to the United States as slaves and it, not infrequently, continues to remain problematic today. Several studies have been done in 2006 and in 2007, for example, demonstrating that Blacks are more likely to be arrested, tried and convicted and even to have the death sentence imposed against them than identically situated Whites.

In my Stereotypes class, we focus on as many differences as students can imagine and try to determine if those differences make a difference in society, in every day life, in employment,
and, ultimately, as far as we are concerned, do they made a difference in the courtroom. If so, how? Students have studied and written about height: if someone is 6 feet tall is that a good difference or negative one? What if one is considered attractive? Good or bad? What if one is not attractive, very difficult to look at? Good or bad? What if a person has tattoos, painted pictures all over their body? Good? Bad? The list goes on and on. To give you a quick example, though, of what my students find, however, consider this: Generally, they find that jurors and judges favor tall people. They favor attractive people. They do not favor or trust people with tattoos. They do not favor people who are obese. So, we learn not only about what differences exist and whether those differences make a difference but then sometime we get to explore what can be done, if anything, about the different treatment accorded to difference.

I teach or otherwise supervise other non-traditional courses and these courses do more than teach law. They actually have three goals: give our students some actual skills, 2) give back to communities, and 3) empower our clients and people in the communities we serve. I would like to share them in more detail with you today. They are: the civil justice clinic, a public interest externship program in Accra, Ghana, and a high school pipeline program. I will discuss each in order. These three experiences are wonderful examples, I believe, of how legal curricula can be put to many uses; uses that benefit not only the university and the students but also benefits the community in a way that is designed, ultimately to empower the community so that it does not have to rely, as much on lawyers, to fix problems after they have already begun.

Ok—let me speak, first, about our Civil Justice Clinic:

EXAMPLE 1: The Civil Justice Clinic

My colleague, Peter Joy, tells me that most of you are already familiar with the Washington University School of Law Clinical Program. Peter is the Director for our Criminal Clinic. I teach in our school’s Civil Justice Clinic. The title, Civil Justice, is quite broad and can include a host of civil
matters. Since the clinic has been at Washington University, however, we have focused primarily on domestic violence. Our clients are primarily women and children who have been the victims of violence by spouses, intimate others and parents. Some of our clients, for example, are children who have been physically beaten or sexually molested by a parent or a parent’s intimate partner. Some of our clients are women who have been physically abused, sexually abused and/or emotionally abused by their spouse or intimate partner. Some of our women clients are actually in prison, serving very long and sometimes even life sentences for killing their batterers. In this clinic, students learn to interview clients, gather evidence to support a case, and argue cases before the court. They also counsel their clients. Some have to help their clients with safety plans, help them find a safe place to live, or help them learn to diffuse potentially violent situations and otherwise protect themselves and their children. We try to give the clients some coping and survival strategies and even help them with some foundation or strength for them to be able to continue.

This course is really a fantastic experience for our students too. Aside from the fact that the students learn some law and get to argue cases before a real judge, the other thing is that they get to interact with real clients; they get a really strong understanding that law is serious and real and affect lives in serious ways. They learn that they must be competent or else someone could get hurt or suffer. They learn that not everyone is wealthy or even in the middle class. They learn that not everyone feels empowered to just pick up and move from one situation and start all over. They learn that not everyone has bank accounts, most children don’t grow up with their own bedrooms, that not everyone has a hot, nutritious meal every night, that not everyone has a family members they can call on, or friends, to lend them or give them money so that they can get an apartment or put down on a house or pay their medical bills, or whatever. They learn that many, many people, in fact most people in the United States, don’t have health care and it is not because they are taking a chance, don’t think they need it or otherwise don’t care but rather, it is because
the costs are astronomical and they can’t afford the coverage. The clients we service are indigent. Many of the students at Washington University come from privileged, financially secure backgrounds and so dealing with someone “different” means weird or wrong or deficient. They actually learn that many people work every day, sometimes even 2 jobs, love their children, try to do their best, are good people with good hearts and they still can’t make ends meet or they still get abused and treated badly. They learn that bad things sometime happen to not bad people so it forces them to re-examine conclusions and judgments they have made about people. And they even meet people who have killed another human being and they learn, again, that the face of a killer is not the face they previously thought belonged to killers and indeed are the faces of kind, gentle people who were forced into a life or death situation.

As I hope you can understand from my brief description, this clinical experience is just a wonderful pedagogical tool for our students, and it is also a tool of empowerment for the women we help.

**EXAMPLE 2: Washington University Externships in Ghana**

Our law school currently has programs in five African countries. The programs are located in the following countries:

A--**South Africa**, which is our oldest program in Africa by the way, in existence now since 2000.

B--We also have some smaller programs for students in **Rwanda and Zambia**.

C—We have a program, just started in the summer of 2007 where we place students in a non-governmental organization in **Nairobi, Kenya**. We were unable to travel to Kenya during the summer of 2008 but hope to return to Kenya in the summer of 2009.
D--We also have a program in Accra, Ghana, around for 3 summers now. Let me use the program in Ghana, which I think is reflective of all the kinds of work we do in Africa, as my second example of how legal curricula can be used as a tool to promote personal empowerment.

First, our school is committed to public interest work. It shows its commitment to public interest work in several ways:

1--we allow students to received “school credit” for doing practicums whereby they can choose to work in communities in St. Louis targeted to helping people or otherwise working for the public. Working for a judge, working in the juvenile court system, working in legal aid typed establishments are examples.

2--we provide monetary stipends to students who sign up to commit ten weeks of their summer working for a public interest employer. The stipend is currently around $4,000 for the summer and in the case of my students in Ghana, covers airfare, shots, buying a phone to use while there, and some money for housing. The amount we currently provide to students who travel abroad is the same as the amount for students who work within the United States so there has been talk about thinking of ways to give more money to those who have to travel farther distances for their work.

3--For those who decide that they are so committed to public interest work that they wish to continue that work full time after graduation, we have a loan forgiveness program under which our school agrees to pay the student loans of students who commit to public interest work for a period of years after graduation.

Our externship in South Africa involves some students doing work for credit and some who receive the public interest stipend. The students in Ghana receive the summer public interest stipend. Let me tell you now about the work our students do in Ghana. We have primarily worked
with two organizations in Ghana: FIDA, which is the imprecise acronym for “The International Federation of Women Lawyers” and with the Legal Resource Centre. FIDA provides legal advice and representation for indigent women and children and advocates for legislative reform related to the status and rights of women and children. The Legal Resource Centre is one of the oldest and largest non-governmental organizations in Ghana and works with communities to ensure human rights, social progress and development.

Our students try to help people gain the confidence, ability and strength they need to protect themselves and improve their lives and living and working conditions. In past years, our students have worked on human trafficking laws. Human trafficking involves the kidnapping of people, often children and teenagers and the buying and selling of those people into forced labor situations. These people are sold to others, often sent out of the country or otherwise far from home and worked like slaves. Some must perform physical labor, others sexual labor. They are often beaten, malnourished and otherwise treated poorly. It is not uncommon for illiterate parents, desperate for money to feed their children, to agree to “lend” their children out to work but unbeknown to them, the deal is a final one and often fatal to the relationship as they normally will never see their children again. Our students educate people about the threats, warn and advise parents about the real dangers of loaning their children to strangers, helped advocate laws to outlaw human trafficking, and the like. Our students have also worked on AIDS and HIV awareness issues, domestic violence matters, and literacy issues.

Let’s discuss literacy for a minute. Illiteracy is a huge problem in Ghana. Many of the people in Ghana are uneducated and many are unable to afford school. Even those who attend school often are not getting the quality education they should. Our students have done some literacy appreciation work and some work on how to build schools, raise money to hire teachers and buy supplies. The students have also done some infrastructure work, participating in
discussions and work that will lead to the building of more roads, schools, and structures to support electricity. The students there this summer are likely to add advocacy for funding and building of adequate, clean and safe sewer systems as well.

Again, the lessons learned by the students and the experiences of the wonderful people we get to work with are identical to the lessons and experiences I shared with you earlier about the Civil Justice Clinic: law students are helping to empower people so that they become self sufficient and that they can take care of themselves. Law students are learning that everyone does not come from their background and that it is largely fortuitous where you are born and who you are born to. Our “clients” come out more knowledgeable, safer, more secure, more empowered, and hopefully, ready and able to take control of their lives.

**EXAMPLE 3: A High School Pipeline Project**

There is an organization known as the American Bar Association in the United States. It is the governing body for all licensed attorneys in the U.S. and it accredits law schools. Another organization, the Law School Admissions Council, governs other law school related issues, including drafting of the Law School Admissions Test, which plays an important role in deciding where one might attend law school. These two organizations also keep demographic information on the numbers of people entering the legal profession each year, the gender of the people entering the profession and the race and ethnicity of the people entering the profession each year.

Several years ago, these two organizations started noticing a disturbing trend: that African Americans were not going to law school at the rates that they have been going to law school. In many years there was no growth but rather a decline and in many other years the growth was so small that it was statistically insignificant. They held a conference in 2005 exploring this issue and ultimately embarked upon a campaign, including pleas to law schools, to do something about the
problem. The effort I have created at my school is a small response to that plea and we look forward to expanding it even fivefold in future years. Let me tell you a little about the program.

During the fall of 2007 my school supported my request to form a joint collaboration with a high school in St. Louis and attorneys/lawyers from the Bar Association, where law students at Washington University and 18 high school juniors and seniors were allowed to get to know each other, learn from each other and even work together in a mock law firm on an educational malpractice case. The program was designed to get high school students interested in going to law school and law school students interested in mentoring and maybe even in teaching law down the road. The tool used to accomplish both goals was a law school course created by me entitled “Race, Education & the Legal Profession.” Law students in that class spent the first half of the semester studying, researching and writing papers on the state of public education in America and its impact on minority races, ethnicities, cultures and economically depressed populations. The law school course then linked with the high school. That project, I called “LEAPS” (the Law Exposure & Professionalism Strategies Program), involved lawyers talking to the high school students about corporate culture, professionalism, life in a law firm, and law students talking to the high school students about getting into law school, law school life and discussing their public education
research projects with them. The high school students were then “hired” into law firms, taught case strategy and theory development by the lawyers and law students and were assigned a case to work on for the rest of the semester. The case, modeled on a Georgetown University School of Law case, centered on an illiterate high school senior suing his high school and school district for the failure to educate him. Students had to deal with whether a tort of educational malpractice should be recognized, whether public education should be equal throughout a state, what responsibilities to get an education lie with the students themselves and their parents or guardians and related matters. **LEAPS** culminated with the students’ tour of the courthouse, listening to powerful speeches by three different judges and the opportunity to each argue their position before a judge, in his courtroom.

By the end of the semester, the high school students learned valuable lessons about staying in school, the value of an education, the need for people to fight for those who cannot fight for themselves, and the responsibility of the child and parent to make sure that the child is educated. Students met lawyers and law students, many of whom looked like them and all of whom cared about them and mentored them. Although the program for the fall semester officially concluded on December 1 of 2007, law students voluntarily continued to mentor and work with the high school students in the spring of 2008. We also accomplished our goal of getting some students interested in a career in law. One of the emails I received from one of the participating high school students is telling in this regard:

*Thank you SOOOO MUCH for allowing us the chance to collaborate with Washington University Law School. I enjoyed the experience of working with all of you. Because of this experience I have decided to attend law school at Washington University. Thanks again and I will miss all of you!*
The program was a quite successful. The Mound City Bar Association and Washington University School of Law plan to do the program again in the fall of 2008. Other students from the school of social work for example, will participate in the course in this next rendition as well. By the academic year of 2009-2010, we are planning to begin work to fold this course and experience into a new clinic completely supported by the Dean of our law school, Kent Syverud, and his Associate Dean of Clinics, Annette Appel. This new clinic will be jointly supervised by myself and, I hope, and one of my colleagues, Professor Katherine Goldwasser. That clinic, an “Education Law” clinic, will have students representing children with special needs (disabilities) to help them and their parents’ access education and various education-related services, and we will continue our Race & Education/LEAPS program as well.

CONCLUSION:

I have shared with you three ways my work has formed a mold designed to train law students, give back to needy communities and empower people. The last two points, obviously, are inextricably tied together. People become better at helping themselves, and therefore their communities, when they have an education, when they can read, when they are literate, when they are knowledgeable of their rights and of the laws, and when they have help and support from people who believe in them.

We, at Washington University School of Law, believe these are noble goals, that they are attainable goals and that not only will people and communities be helped, not only will our students learn both valuable life time and legal skills, but our students will also learn about the true good lawyers do and can do to make this world, little by little, one community at a time, a better place for us all. I hope that this talk has stimulated your thinking and will encourage you to leverage your legal curricula in new and innovative ways with the 3 goals I have advanced herein in mind. If you
do, you will also gain many good, competent, careful, caring, empathetic lawyers and attorneys in the process. And the legal profession can always use some of those!

Thank you.