Taking action to end poverty

Clearinghouse Review

• In this issue •

Three articles on human rights as a framework for advocacy

• In the September–October 2011 Special Issue •

All articles on the human rights prism in poverty law

To share your suggestions for the Special Issue, e-mail clearinghouse@povertylaw.org

Federal Rights—Any Remedies?
Human Rights Frameworks, Strategies, and Tools
Human Rights Principles in Practice
Human Rights Driving Winning Campaigns

Social Work in Legal Aid Practice
Consumer Law and Criminal Record Barriers
Litigation to Challenge Systemic Problems
Advocacy Notes

How to Protect Tenants of FORECLOSED Homes
Litigation as a tool for social change has a long and proud tradition in the United States. In the nineteenth century cases were brought to challenge discriminatory laws such as the Chinese Exclusion Act and to advance labor rights and the rights of women and people of color. In the twentieth century the epic battle to dismantle Jim Crow laws and the “separate but equal” doctrine culminated in the famous Brown v. Board of Education decision. In the 1960s federal rules were developed to make class action litigation more feasible, and courts approved massive institutional-change cases against industries and governmental units.¹ In the 1970s environmental litigation, aided by the passage of federal laws such as the National Environmental Policy Act, became common.

Starting in the 1980s, however, social justice litigation has become more challenging to pursue due to more conservative judges, tougher class certification and substantive law decisions, more demanding attorney-fee and cost-recovery requirements, the decline in federal enforcement of civil rights and environmental laws, and cutbacks and restrictions on legal services funding.² Still, such litigation remains a potent weapon for change. In recent years the environmental justice and disability rights movements have shown that the path remains open for innovative litigation. Today we nevertheless must be more strategic and thoughtful about how we use litigation. Here I describe a holistic model of social justice litigation that includes adroit use of the media, coalitions, and working partnerships with community and grassroots organizations and other forms of advocacy. I explore the range of procedural devices in the social justice litigator’s tool box. And I remind readers to take pride in and enjoy their work.

¹See Fed. R. Civ. P. 23 (class actions).

Litigation Goals and Resources

Before any litigation is filed, especially litigation that seeks social justice, defining the goal is critical. Is the goal to change a policy or practice? To obtain damages or restitution for past conduct? To educate the public about a practice? To change a precedent? To assist organizing efforts? To empower a community? In many cases, litigation is not the appropriate tool. Not only is litigation costly and slow; it can drain resources and energy from more effective approaches. Sometimes litigation can be counterproductive and disempowering to an affected community.

The goal of social justice work is to advance your cause. Litigation itself is never a goal; it is simply a potential means to an end. Thus, unlike traditional litigation, where the outcome is defined by the judgment or settlement obtained, in social justice work one must consider the best means to the end. Even where litigation is used, it is often merely a part of a broader strategy, and not necessarily the most important part. Our role as lawyers is to facilitate, not dictate, the achievement of the client’s goal.

The most effective social justice advocacy considers all the resources at hand as part of an overall strategy. Such resources may include the following:

- Grassroots or community groups that are most directly affected. These groups are the foot soldiers and decision makers who may be involved in advocacy efforts, such as protests, demonstrations, petition drives, and attendance at hearings and media events. Empowering such groups and helping them establish an ongoing role in the community may be a major goal of the litigation.
- Other allies who have parallel interests, such as workers, consumer groups, or environmental groups.
- Public officials who may have enforcement authority or can help in putting pressure on a defendant.
- The many forms of media, which can bring public attention to an issue or the conduct of a government or business.
- Private firms, with which nonprofit firms may partner.

After the goal is determined, an initial question is whether litigation is even necessary, or whether any steps should be taken before litigation is considered. Would a phone call, letter, or other direct advocacy be more effective and timely? How about contact with a public official? Can (or must) administrative forums be used? Would a public demonstration or protest bring attention to the issue? Creativity here is the hallmark. A law degree does not restrict your options to litigation. Even if litigation seems appropriate, consider low-cost approaches, such as assisting pro per filings or small-claims cases. Attempts to resolve the issue before litigation, even if unsuccessful, may increase the credibility of the plaintiffs and their counsel with the media or the court.

---

3For information on alternative advocacy strategies and tools, see John Bouman, “Expanding Horizons”: Thoughts on Agenda Setting and a Full Advocacy Toolbox for Legal Services, 43 CLEARINGHOUSE REVIEW 534 (March–April 2010); John Bouman, Growing the Toolbox: Diverse Strategies for Public Interest Lawyers in Campaigns to Expand Access to Health Care for Low-Income People, 43 id. 173 (July–Aug. 2009); Gillian MacNaughton, Human Rights Frameworks, Strategies, and Tools for the Poverty Lawyer’s Toolbox, in this issue.

4See generally Jane Hardin, Alliances and Coalitions: Building Associations for Mutual Benefit, 27 CLEARINGHOUSE REVIEW 766 (Nov. 1993); see, e.g., Leticia Camacho & Gillian Dutton, How Coalitions Can Help Legal Aid Attorneys Improve Access for Their Limited-English-Proficient Clients, 42 id. 551 (March–April 2009); John Bouman, The Power of Working with Community Organizations: The Illinois FamilyCare Campaign—Effective Results Through Collaboration, 38 id. 583 (Jan.–Feb. 2005).

5See Hardin, supra note 4 (“V. Coalitions with State and Local Government Officials”).

6See generally Patricia Bath et al., Using the Media, 39 CLEARINGHOUSE REVIEW 458 (Nov.–Dec. 2005) (information on developing media relations and getting coverage of advocacy work); Using Social Media to Network with Other Advocates and Promote Your Work (n.d.), www.povertylaw.org/clearinghouse-review/web-extras/using-social-media-webinar (webinar audio recording and other resources).

7See generally Greg Bass & Jocelyn Larkin, Affirmatively Litigating: Cocounseling with Private Law Firms on Major Litigation, 42 CLEARINGHOUSE REVIEW 605 (March–April 2009).
Unlike private litigation, social justice cases are often public and newsworthy actions. In some cases a defendant’s public image and reputation is the most vulnerable avenue of attack. Strategic use of the media can accomplish this, with the added benefits of getting the word out to potential plaintiffs and witnesses as well as educating the public and decision makers. Moreover, the most effective use of media gives voice to the client whose stories are usually of greatest interest to the media. Achieving greater visibility for the affected communities also may advance the goal of community empowerment.

If nonlitigation approaches are exhausted or inappropriate, you must consider your capacity and resources before embarking on litigation. Is your office able to mount litigation and finance its attendant staff and out-of-pocket costs? Are there restrictions on the types of cases that your office can pursue? Can you expand your envelope by partnering with cocounsel? Can clients or constituent groups help in collecting evidence or organizing documents? If you are unable to take on the case effectively, can you refer the clients to a firm that might be able to handle the case? Is government enforcement a possibility?

Much social justice litigation is conducted by several firms working together. This spreads the risks and increases resources. Private firms and nonprofit firms each present different strengths and limitations. A private firm may have greater resources and litigation experience than a nonprofit firm but may focus more on monetary relief as opposed to injunctive relief and may have less affinity with the goals of the community or client involved. A nonprofit firm has the broadest First Amendment right to contact potential clients and may be better attuned to the needs of the community. Nonprofit firms, however, may be limited by a lack of resources or litigation experience or by funder restrictions on activities. The “fit” among cocounsel is important—frank discussion of work habits and expectations and a written cocounsel agreement are imperative before any litigation is initiated.\(^8\)

**Litigation Options**

If you decide to go forward, what types of cases and procedural devices can you use?

**Individual Suit.** In many situations an individual suit brought on behalf of your client may be the best course of action. Individual actions may seek the full range of remedies, including damages, allowed by statute or common law. Such cases maximize the recovery of the plaintiff, who remains in control of the action and, with a willing defendant, may settle on virtually any terms. If the goal is to change a precedent, an individual “test case”—aimed at developing a record for an appeal—may be the best option. If the case is particularly newsworthy, an individual case may be sufficient to encourage public scrutiny of a defendant.

Individual suits can maximize individual recoveries but may have no lasting effect on a defendant—either because the claims may not be large enough to have a deterrent effect or because systemic injunctive relief is not available or both. An individual can be “bought off” by settlement—and the claim dismissed as moot—thus defeating any effort to change the law. Many individual settlements are covered by confidentiality agreements, thereby further lessening their impact.

**Multiple-Plaintiff Suit.** A type of case that can increase a defendant’s exposure to broader liability and relief is the multiple-plaintiff suit. However, with each additional plaintiff, the case becomes increasingly complicated and expensive and may even lead to conflicts of interest. Yet a multiple-plaintiff case could increase the media attention to the case. Where personal injury claims are involved, a multiple-plaintiff case may be the only way to bring a broad case against a defendant because such a case is traditionally difficult to bring as a class action.

**Organizational Suit.** Broader impact can sometimes be achieved by filing a

---

\(^8\)For a sample cocounseling agreement, see id. at 612.
suit on behalf of an organization, such as a community group, a union, or an environmental organization. Organizations as plaintiffs may seek relief either for their members (representative standing) or for their own claims (organizational standing), provided that they establish standing.9 Generally a plaintiff in federal court must establish injury in fact and make a claim that is capable of redress.10 Neither individuals nor organizations have standing if all they claim is a generalized interest in the law being followed or in the environment.11 Rather, for an organization to have standing, it must show that either it or its members have suffered or may suffer actual injury from the challenged conduct. Thus, for example, an environmental organization must show that its members’ use of a specific area is affected by the challenged conduct, or a union must establish that an employment policy negatively affects its members. An organization may be able to show that it has suffered injury in the form of diversion of resources or reduced membership.12 If the organization is well known, its name in an action may make the case more newsworthy and thus encourage witnesses to come forward. Such actions may be less susceptible to a defendant’s attempt to moot the claim through a settlement with an individual.

Organizational suits, aside from raising sometimes difficult standing issues, can present challenging questions concerning who has decision-making authority for the organization and what happens if the organizational leadership changes. Potential court-cost liability if the action is unsuccessful and the privacy of the membership lists are also factors about which an organization might be concerned. Relief in an organizational suit is limited to the members or the organization itself—broader injunctive or damage claims are not available.13

**Government Claims.** In many states broad policy changes by a government may be obtained in an action for a writ or a taxpayer suit. While rules vary among states, often such actions have relaxed standing rules that make plaintiffs’ ability to seek broad relief, at least in the form of a declaratory judgment or injunction, relatively easy.14 However, in the absence of a class action, government claims usually may not be used to obtain broad monetary relief.

If the goal is broad systemic relief, such as an injunction or monetary recovery for a large number of people, a class action is likely the most effective vehicle for litigation.15

---


12 See, e.g., Havens Realty Corporation v. Coleman, 455 U.S. 363, 372–80 (1982) (organization dedicated to open housing has standing to challenge realty company’s discriminatory practices because they injured group’s ability to advance its purposes and caused diversion of resources responding to complaints about company); Smith v. Pacific Properties and Development Corporation, 358 F.3d 1097, 1105–6 (9th Cir. 2004) (reversing dismissal of complaint by advocacy group for the disabled where complaint alleged that it diverted resources to monitor and publicize alleged discrimination); MOCHA Society v. City of Buffalo, 199 F. Supp. 2d 40, 46 (W.D.N.Y. 2002) (finding associational standing based on loss of membership). But see Minnesota Federation of Teachers v. Randall, 891 F.2d 1354, 1359 (8th Cir. 1989) (fear of potential loss of union membership is insufficient to confer organizational standing).


14 Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202; see, e.g., Easynriders Freedom RIGHT v. Hannigan, 92 F.3d 1486, 1501–2 (9th Cir. 1996); Soto-Lopez v. New York City Civil Service Commission, 840 F.2d 162, 168 (2d Cir. 1988); Bresgal v. Brock, 843 F.2d 1163, 1770 (9th Cir. 1988); Doe v. Gallinat, 657 F.2d 1017, 1025 (9th Cir. 1982); Galvan v. Levine, 480 F.2d 1255, 1261 (2d Cir. 1973).

15 LSC-funded programs are prohibited from initiating and participating in class actions (42 U.S.C. § 2996e(d)(5); 45 C.F.R. § 1617.3 (2009)). For information on litigating under the restrictions, see Raun J. Rasmussen, Affirmative Litigation Under the Legal Services Corporation Restrictions, 34 CLEARINGHOUSE REVIEW 428 (Nov.–Dec. 2000). An LSC-funded program that recognizes a systemic problem most effectively addressed through a class action may refer the case to a nonrestricted program (see Houseman & Perle, supra note 2, at 247–48.)
Benefits of a Class Action

A class action allows plaintiffs (“class representatives”) to represent individuals not before the court (“class members”) in order to seek a judgment that encompasses the claims of all class members. Under federal rules and nearly all state procedures, a class action is usually the only way to obtain relief for nonparties and thus is the best means to the broadest possible judgment in an action. In a class action, class relief thus encompasses claims of all class members and binds both defendant and the class.\(^\text{16}\)

Class actions are powerful tools that offer some obvious advantages. By combining the claims of large numbers of individuals, class actions vastly increase the scope of the action and the potential leverage of the plaintiffs. Such actions take advantage of the economies of scale, so that claims that might be too small to justify litigation on their own can support a class action when combined. Class cases are often seen by the media as inherently newsworthy and thus attract media attention. Moreover, broad systemic injunctive relief may be achieved only in a class action.

Yet in some ways the most profound effect of a class action is psychological. In an individual case, even though the individual as plaintiff asserts affirmative claims, the case in large part rises or falls on the testimony of the plaintiff. Most defendants vigorously attack the plaintiff’s credibility and character, and a major goal of any defense is to establish a basis for summary adjudication. For the plaintiff and plaintiff’s counsel, the longest and most difficult hours are those of the plaintiff’s deposition, where literally one false step could doom the case. If the plaintiff loses heart or stamina, the case likely will be lost. A plaintiff in an individual case is consequently in some ways always on the defensive.

Conversely in a class case the focus is much more on the conduct of the defendant. While the plaintiffs’ claims are important, the plaintiffs’ burden at the initial stages of a class case is not to prove the case but merely to establish that class criteria have been satisfied—the most significant of which is a showing that common issues bind the class. Even if a defendant succeeds in obtaining summary judgment on a single plaintiff’s claim, that success is not fatal to the class case so long as other plaintiffs or class members can step forward as class representatives.

While class allegations in a complaint have legal significance, as described below, for most purposes the case is not properly a class action until, after a hearing, the court agrees that class action requirements are met and certifies the case as a class action.\(^\text{17}\) After certification, the case formally goes forward on behalf of the class. Yet the simple act of alleging a class has several consequences. First, a class allegation tolls the statute of limitations for an individual class member’s claims at least until the court denies class certification.\(^\text{18}\) This tolling can be critical because the length of time from the filing of a class action to the certification decision may take one or more years. If the court denies class certification, individual class members whose claims were timely when the action was filed may intervene into the action or file separate actions no matter how much time has passed since the filing of the purported class action.\(^\text{19}\)

Class allegations also justify broader discovery because most courts agree that, before class certification, a plaintiff is entitled to discovery that may support a claim that class treatment is warranted.\(^\text{20}\)
Class Action Criteria

The basic requirements for a case to be certified as a class action are laid out in Rule 23 of the Federal Rules of Civil Procedure.23 Most states have analogs that more or less track the federal rule. Rule 23 applies to all class cases in federal court, while state rules apply in state courts.24 Rule 23 criteria have two parts: basic rules that apply to all class cases (Rule 23(a)) and additional rules that apply depending on the type of claims made (23(b)). Ultimately courts addressing class certification in all cases must consider three basic questions: (1) Is the class large enough to justify class treatment? (2) Are there common issues that would be resolved in a class case—thereby serving judicial economy—and that would be manageable in a single action? (3) Will the rights of absent class members be advanced and protected by the class representatives?

Rule 23(a) Requirements. All class actions must meet the four basic requirements in Rule 23(a).

Numerosity: The first, referred to as “numerosity,” requires a showing that “the class is so numerous that joinder of all members is impracticable.”25 There is no magic number for class size, but cases involving a class of fewer than 40 members are very rare, while classes of more than 100 class members are usually considered sufficiently large for certification.26 Smaller classes are sometimes justified by factors that make stepping forward particularly difficult for class members,

Such discovery often includes class member lists, defendant’s policies, statistical data, or evidence of other claims.

Another consequence that flows from class allegations is that, after class claims are alleged, the court takes on a supervisory role, particularly over any settlement of the case. To preclude abuse of the class action device, the court must approve any class settlement.21 As a result, class allegations have the effect of limiting the ability of counsel to settle a case on any terms that they want, at least where the settlement purports to bind class members.

Thus class actions, even before certification, have profound consequences and are powerful tools for obtaining broad relief. Class cases, by raising the stakes, are often vigorously defended, with a concomitant increase in expense and duration. The intensity of class litigation can be breathtakingly high, particularly before class certification, with a defendant filing repeated motions and vigorously contesting discovery. If class certification is granted (or denied), the losing party often resorts to a discretionary appeal pursuant to Rule 23(f) of the Federal Rules of Civil Procedure.

Whether the case is won or lost, the judgment binds absent class members.22 Thus class counsel must have the resources, experience, and stamina to see a case through to completion. Likewise, the plaintiffs must have the wherewithal to withstand a vigorous and lengthy defense.

21Fed. R. Civ. P. 23(e).
22Id. 23(c)(3).
23For more information on class actions, see Federal Practice Manual, supra note 2, ch. 7 (Class Action).
26See, e.g., General Telephone Company of the Northwest Incorporated v. Equal Employment Opportunity Commission, 446 U.S. 318, 330 (1980) (classes of fifteen members will often be too small); Bacon v. Honda of America Manufacturing Incorporated, 370 F.3d 565, 570 (6th Cir. 2004) (“There is no automatic cut-off point at which the number of plaintiffs makes joinder impracticable, [but] sheer number of potential litigants in a class, especially if it is more than several hundred, can be the only factor needed to satisfy Rule 23(a)(1)”). Stewart v. Abraham, 275 F.3d 220, 226–27 (3d Cir. 2001) (no minimum number required but more than forty is generally sufficient); Consolidated Rail Corporation v. Town of Hyde Park, 47 F.3d 473, 483 (2d Cir. 1995) (“[N]umerosity is presumed at a level of 40 members”).
factors such as where very sensitive private issues are involved, where a serious risk of retaliation exists, or where the class is geographically spread out.27 Numerosity does not require the precise identification of class members at the class-certification stage; rather the plaintiff need only demonstrate that sufficiently large numbers of class members likely exist. This demonstration is often done with defendant’s records or more generalized data, such as census or other governmental records.

**Commonality.** The second, referred to as “commonality,” requires that there be “questions of law or fact common to the class.”28 This requirement goes to the heart of whether a class action is appropriate. Without common issues, there is no advantage to a class action, and there is a high risk that class member rights would be compromised. Consequently the court looks to what facts class members have in common, such as a common challenged policy or practice or a common decision-making process by the defendant.29 Is common proof available, proof such as statistics, expert analysis, or admissions of a defendant? Or, in the absence of such proof, would a class trial devolve into a parade of class members who each have to testify in order to establish liability? Is there a common legal theory and remedy for the class? Commonality, in short, is the glue that holds a class together.

Commonality does not require that all facts be common to the class—in most class cases there will be factual differences among class members.30 The key is one of balance—the more individualized facts a case presents, the higher the barrier to a finding of commonality.

**Typicality.** Whereas commonality looks to facts that are common across the class, the third requirement—“typicality”—looks to the claims of the plaintiff class representatives and asks whether their claims, or the defenses to their claims, are “typical of the claims or defenses of the class.”31 Are the class representatives members of the class they seek to represent, and are their claims sufficiently aligned with the class that they have an incentive to represent the class, as opposed to resolving only their own claims?32 The typicality requirement does not require that class representative claims be identical to those of the class but only that they be sufficiently aligned with the class claims.33

**Adequacy.** Overlapping with typicality is the fourth requirement that the plaintiff class representative “will fairly and adequately protect the interests of the class.”34 Like typicality, “adequacy” asks whether plaintiffs are sufficiently aligned with the class so that plaintiffs have an incentive to represent the class or whether the plaintiffs might have con-

---

27See, e.g., *Mullen v. Treasure Chest Casino Limited Liability Company*, 186 F.3d 620, 624 (5th Cir. 1999) (additional factors supporting finding of adequate numerosity are reluctance of current employees to sue individually for fear of retaliation and possibility that transient nature of employment in gambling business would tend to make joinder difficult because members of potential class would tend to disperse geographically).


29See, e.g., *Stewart v. Abraham*, 275 F.3d 220, 227 (3d Cir. 2001) (commonality can be satisfied if class representatives share single question of fact or law with class members); *Armstrong v. Davis*, 275 F.3d 849, 868 (9th Cir. 2001) (holding that “in a civil rights suit … commonality is satisfied where the lawsuit challenges a system-wide practice or policy that affects all of the putative class members” and rejecting significance of such individual factors as, e.g., hearing disability and learning disability).

30*Parra v. Bashas’ Incorporated*, 536 F.3d 975, 979 (9th Cir. 2008).


33See, e.g., *Armstrong v. Davis*, 275 F.3d 849, 868–69 (9th Cir. 2001) (typicality satisfied by comparing type of injury alleged by named plaintiff with type of injuries of other class members; injuries must be similar but need not be identical; but class representatives should include parties who together have suffered the entire range of injuries alleged, from kidney disability to hearing impairment).

A plaintiff with a secret agenda or who is using class claims merely to extort a greater individual recovery is not an adequate representative. A separate section of Rule 23 requires class counsel to demonstrate their own adequacy and ability to prosecute the action “fairly and adequately” in the interests of the class. Class counsel must show that they are experienced and have the resources to litigate the case.

**Rule 23(b) Requirements.** Additional requirements specified in Rule 23(b) apply depending on the type of claims made in the action.

The highest burden is reserved for cases where the claims are predominantly for damages. In those cases, instead of merely showing that common questions exist, the plaintiffs must show, in addition to other requirements, that common issues predominate over individual issues—a showing that requires a much higher degree of commonality. Accordingly damage cases are the hardest to certify in part because of the judicial assumptions that damage cases often present individualized factors and that plaintiffs prefer individual prosecution of damages cases. Even if the heightened requirements of Rule 23(b)(3) are met, the case may not go forward until notice is given to the class and class members are afforded a right to exclude themselves from the class (“opt out”). Plaintiffs must pay for this notice, which may require mailing or expensive publication, although the cost may be recovered if plaintiffs prevail.

By contrast, where injunctive or declaratory relief is the predominant claim, there is no requirement of a showing of heightened commonality or for offering class members opt-out rights. The drafters of Rule 23(b)(2), with an eye on civil rights claims, sought to provide a streamlined class process where damages were not the primary claim. Difficult questions may arise, however, as to which provision of Rule 23(b) applies where both injunctive relief and damages are sought.

A third type of class claim applies in rare cases where there is a limited fund or where as a practical matter separate judgments for class members might impede the claims of other class members or establish inconsistent standards for the defendant’s conduct. In such cases, opt-out rights are not required before trial.

Most class actions, as with other litigation, ultimately settle, usually after the class certification decision is issued or affirmed on appeal. Class settlements must be approved by the court. After notice to the class, the court holds a hearing to consider objections to the settlement in order to determine if the settlement is “fair, reasonable, and adequate.” Class settlements that include injunctive relief are usually embodied in a consent decree or stipulated judgment, both of which have the force and effect of a court order, violation of which can subject a defendant to contempt sanctions. Settlements for monetary relief

---

35See, e.g., *Denney v. Deutsche Bank AG*, 443 F.3d 253, 268 (2d Cir. 2006) (“Adequacy is twofold: the proposed class representative must have an interest in vigorously pursuing the claims of the class, and must have no interests antagonistic to the interests of other class members.”).

36Fed. R. Civ. P. 23(g).

37Id. 23(g)(1)(A).

38Id. 23(b)(3).

39Id. 23(c)(2)(B).


44Id. 23(e).

45*Officers for Justice v. Civil Service Commission of San Francisco*, 688 F.2d 615 (9th Cir. 1982).
may establish claims procedures or a class fund that is distributed based on agreed criteria. Class settlements usually include attorney fee provisions that must be approved by the court. Fees may be based on the time and hourly rates of the plaintiffs (“lodestar”) or a percentage of a class fund (“common fund”).

Class litigation is a specialized field, but all litigators, particularly those of us who do social justice work, should be alert to potential class claims—especially if a systemic problem appears to exist. At the very least, if such a case appears, experienced class counsel should be consulted. For inexperienced counsel to attempt to litigate a class case on their own is practically malpractice per se. Thus a first-time “would-be” class litigator must associate with experienced cocounsel.

Challenges of Social Justice Litigation

Social justice litigation can be challenging. We must see ourselves as social justice warriors who are dedicated to our task with pride and courage. We should take pride in our work, for our work is in the public interest in the best sense. We may not have the fancy cars or the high-rise offices of our opposing counsel, but we carry the goals and aspirations of our clients. Pride means that we should give our best. Our clients deserve no less. Pride means that we should not accept second-class treatment by opposing counsel or the courts.

But we should never forget that we are not the movement—we are merely a part of the social justice movement. Our clients are taking the often daunting risks of challenging entrenched authority. They deserve our best efforts.

Be a happy warrior. There is no reason a social justice litigator cannot smile and enjoy working for good. If you cannot enjoy your work, you will not be able to sustain it.

And understand that you will lose, perhaps often. Winning a case is not always the goal of social justice cases. Many defeats sometimes lead to an ultimate victory. If you do not take risks, nothing will likely be obtained. Even if you ultimately lose, your clients have been given a voice and will have stood up and made their case. They will thank you for this.
Subscribe to CLEARINGHOUSE REVIEW!

CLEARINGHOUSE REVIEW: JOURNAL OF POVERTY LAW AND POLICY is the advocate’s premier resource for analysis of legal developments, innovative strategies, and best practices in representing low-income clients. Each issue of the Review features in-depth, analytical articles, written by experts in their fields, on topics of interest to poor people’s and public interest lawyers. The Review covers such substantive areas as civil rights, family law, disability, domestic violence, housing, elder law, health, and welfare reform.

Subscribe today!

We offer two ways to subscribe to CLEARINGHOUSE REVIEW.

A site license package includes printed copies of each monthly issue of CLEARINGHOUSE REVIEW and online access to our archive of articles published since 1967. With a site license your organization’s entire staff will enjoy fully searchable access to a wealth of poverty law resources, without having to remember a username or password.

Annual site license package prices vary with your organization size and number of printed copies.

- Legal Services Corporation–funded programs: $170 and up
- Nonprofit organizations: $250 and up
- Law school libraries: $500

A print subscription includes one copy of each of six issues, published bimonthly. Annual rates for the print-only subscription package are as follows:

- Legal Services Corporation–funded programs: $105
- Nonprofit organizations: $250
- Individuals: $400

A print subscription for Legal Services Corporation–funded programs and nonprofit organizations does not include access to the online archive at www.povertylaw.org.

Please fill out the following form to receive more information about subscribing to CLEARINGHOUSE REVIEW.

Name ____________________________

Organization ____________________________

Street address ____________________________ Floor, suite, or unit __________

City ____________________________ State ________ Zip __________

E-mail ____________________________

My organization is

- [ ] Funded by the Legal Services Corporation
- [ ] A nonprofit
- [ ] A law school library
- [ ] None of the above

What is the size of your organization?

- [ ] 100+ staff members
- [ ] 51–99 staff members
- [ ] 26–50 staff members
- [ ] 1–25 staff members
- [ ] Not applicable

Please e-mail this form to subscriptions@povertylaw.org.
Or fax this form to Ilze Hirsh at 312.263.3846.

Sargent Shriver National Center on Poverty Law
50 E. Washington St. Suite 500
Chicago, IL 60602