



Race Equity in Legal Advocacy: Moving from Theory to Practice

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As with other civil legal aid organizations, a core part of the mission of Columbia Legal Services (CLS) is to advocate for people living in poverty. In the U.S., poverty is inextricably linked with race. We cannot address issues related to poverty without examining the racialized systems that create and perpetuate economic inequality. Most of us know these facts, perhaps can even cite to supporting statistics. We understand the facts of poverty, and even some of the why (root causes) of poverty. But taking that academic understanding and putting it into action is another story altogether. This is a brief history of CLS's journey and describes some of the tools and processes we have developed along the way to try to incorporate race equity into our advocacy.



The Origins of CLS's Race Equity Work

One thing that drew me personally to work at CLS was knowing that the organization had already taken steps to focus more explicitly on race equity. A key turning point was in 2015, when a group of staff of color came together as “the Collective” and wrote a letter calling for the organization to address racial inequity in our own program and identifying issues impacting staff of color and proposing solutions.

The “Collective Letter,” as we refer to it now, was rooted in the recognition that the organization needed to advocate for equitable treatment for our staff, as well as our clients. While the internal work and the external work of race equity were not at this point expressly linked at CLS, staff of color inherently understood that particularly for a legal aid organization advocating for social justice, both levels of work are both critical and related.

In fact, some race equity guides identify five different levels of work, each of which involves different but

related work: individual, interpersonal, organizational, community, and systemic.² Largely as a result of the Collective Letter, CLS began in earnest to take steps to focus on the first three levels of work, by investing organizational resources in an Equity Director, changing HR policies and practices, developing trainings on a range of equity topics relating to individual and interpersonal work (such as skill-building on implicit bias, allyship, and difficult conversations), and developing spaces for people of color and white staff to caucus separately.

As the more internally-focused race equity work was progressing, meanwhile, two CLS lawyers, Merf Ehman and Nick Allen, had developed a “race equity toolkit” based on learnings from the Shriver Center’s Racial Justice Institute. This tool³ provided a curriculum and set of questions for advocates to apply to proposed advocacy. Yet they found difficulty gaining traction in their efforts to shift the organization to utilize the toolkit consistently and uniformly. Barriers included lack of management buy-in and lack of advocate training, as well as a program structure that consisted of five project teams that often functioned in silos, with different areas of subject matter expertise and cultures. A new question — “How does the proposed advocacy advance racial equity?” — was added to the template advocacy proposal memo. Answers tended to range from statements about the

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disproportionate impact on people of color of the policy or practice targeted by the advocacy, sometimes with some related statistics. However, beyond that, in most of the project groups, the race equity toolkit was not consistently utilized in the process of advocacy development.

This was the status of CLS's race equity work at the time I joined CLS. One of the directives I was given by our new executive director (one of the co-creators of the race equity toolkit) was to incorporate the race equity toolkit into our advocacy. "Great!" I said. And then ... "How the heck do we do that?"

I quickly found myself thrust into discussions about race equity internally and with partner organizations, when, frankly, I was often out of my depth. My own understanding of race equity was fairly limited to my own lived experiences and having worked on social justice issues through policy and legislative advocacy and litigation. I knew how impact litigation and legal reform movements worked. Like most of you, I had studied the civil rights movement and read about how Thurgood Marshall and his NAACP team had carefully constructed a series of cases to create change through litigation. And I also knew enough to often feel very uncomfortable with the way some organizations (including one I previously worked for) issued statements of racial solidarity and threw around language about people of color — without really changing what — or how — they were doing the work, including failing to engage meaningfully with actual people of color who would be impacted by their work.⁴

One thing I learned along the way is that you have to learn along the way. Yes, this may sound like a tautology, but my point is, you cannot read one article (like this one) and truly understand or define the work. As with any deep transformational change, it will be an iterative process and you will not "arrive" at a destination and be finished. There will be missteps; there will be difficult conversations; there will be a lot of internal work, which by necessity is individualized.

With those caveats, do not be deterred! The following describes what incorporating race equity work into advocacy has looked like for me and for our organization. Then, I have identified some considerations and suggestions for the version you can create for yourself and your organization.

Accelerants for CLS's Race Equity Work

A New Strategic Plan. While I was still acclimating to the organization, CLS embarked on strategic planning. This ended up being far more consequential

than the usual 3 to 5 year plan where you tweak your mission and value statements and add a few bullet points of goals for what you'd like to accomplish. Instead, for CLS, this became a year-long process that helped us crystallize our role within our legal services ecosystem.

As a non-Legal Services Corporation (LSC)-funded organization, CLS's focus has always included serving the needs of people who are incarcerated or who do not have U.S. immigration status and using the legal tools of policy advocacy and class action litigation. Our strategic planning resulted in a *new strategic direction*⁵ that focuses more explicitly on community-centered advocacy to address the root causes of racism and their manifestation in unfair treatment and inequitable access to resources, power, and opportunities based on race. We sharpened our focus to *dismantling and transforming two of the key racialized systems* that perpetuate poverty, injustice, and dehumanization: mass incarceration and the impacts of the immigration system. We made difficult decisions to let go of funding that did not match these priorities and to end, transfer, or refocus long-standing work such as public benefits and housing.

A Revamped Structure with New Roles to Connect with Communities. CLS decided that to implement our strategic plan, we needed to reevaluate our structure. In addition to trying to solve longstanding internal issues (such as inequitable professional development opportunities, missed opportunities for collaborative work, and failing to share expertise), to carry out our new plan — which explicitly includes our advocacy being community-driven — we needed to devote resources to connecting with communities. Thus, along with new management structures and processes, we expanded the part-time Equity Director role to Director of Equity and Community Engagement and created a new position of Advocacy and Community Engagement Specialist (initially, three FTEs).

New Advocacy Models and Criteria

Two centerpieces of our strategic plan implementation work are a new community engagement model and new advocacy decision-making criteria. With the caveat that both are still under development, here is a brief description of the "working drafts" that CLS currently uses. We continue to evaluate and adapt these models and tools.

Former Advocacy Decision-making Criteria and Process

Prior to its strategic direction and structure shifts,

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CLS used a fairly standard set of legal advocacy criteria to decide what advocacy we would pursue. The process entailed advocates working up a proposal, vetting it through their project group, and then a group of managers from each project team, along with the advocacy and policy directors, would consider the proposal and decide whether to approve it.

Key criteria included the following (summarized):

- Project priority
- Large number of people affected
- Outcome will reduce poverty
- CLS is the appropriate entity
- Substantial chance of success
- CLS has adequate resources

This process, and the criteria, worked fairly well, but there was clear room for improvement with respect to race equity. As mentioned earlier, proposals varied widely in how they addressed the question “How does the proposed advocacy advance racial equity?” and there was no other specific mechanism or forum to ensure teams used the Race Equity Toolkit.

Once CLS had identified new organizational strategic goals, it was clear that these criteria were not necessarily designed to help us achieve those goals. For starters, sheer numbers affected, and whether or not we would “succeed” in the traditional sense of passing legislation or winning a case, *would not always have a causal relationship with our broad goals of ensuring our advocacy was community-driven and helped to shift power or transform the unjust systems* that were leading to racialized inequities for our client communities.

New Advocacy Decision-making Criteria and Processes

Along with developing new criteria for advocacy, CLS was also shifting our structure and developing new processes and spaces to increase input from and establish a shared understanding and analysis that is critical to our strategic goals.

Process changes. We created “Tables” that are meeting spaces where we focus on the systems that most impact our key client communities of people who are incarcerated and people who are undocumented: ending mass incarceration and protecting immigrant equity. We still have managers charged with driving and coordinating the work of each Table, but they are no longer the supervisors of the same set of people

doing this work. Instead, the Tables are open to all advocates (*i.e.*, they are no longer exclusive spaces for siloed project teams) so that there are more professional development opportunities and cross-fertilization of ideas and expertise — and, importantly, to better ensure that similar analysis is occurring regardless of the specific topic of the proposed advocacy. For example, issues of consumer debt, or housing and homelessness, are no longer artificially separated from how these issues are experienced by people impacted by incarceration (for example, legal financial obligations and criminalization of behaviors associated with living unhoused).

Advocacy criteria changes. We incorporated key questions from the Race Equity Toolkit to elevate them in the advocacy proposal stage so that they were not relegated to an afterthought. We also recognized that the questions are not necessarily a checklist, as the former criteria were; rather, they are often questions of degree. Ultimately, these “criteria” are a set of questions that attempt to invite (and require) exploration and analysis that, we hope, will help us identify advocacy that will help us achieve our broader strategic goals.⁶

The questions we now ask for each proposal are the following (summarized):

- *Who is asking us to do this work?* Is the proposed client representative of the affected community or, if a group or organization, representative of the affected community and qualified for legal services representation?
- *To what degree have we (or the requestor) engaged with the affected community?* Does the affected community identify this as a priority issue/problem? Is the proposed advocacy a solution, or would it result in a solution, identified by the affected community? What is the specific request of us from the community?
- *Does the proposed advocacy align with our strategic priorities and race equity?* What racialized systems are at issue, and will this work perpetuate structural or institutional racism? If the advocacy is successful, in what way will the system be changed? How will the group or community’s position be changed? Would the advocacy increase power for, or shift power to, the affected community (not just improve one person’s situation)?
- *Have you considered the ways in which different types of racism, explicit and implicit, are at issue in this advocacy?*
- *To what degree would this work require us to use our specialized expertise (class action, policy,*

nonduplicative of others)?

- *If there is proposed litigation, what are the potential legal claims? Is there further analysis needed?*
- *How does this work fit in with a larger social movement on this or other issues? Who else is working on these issues? How will we collaborate?*
- *Do we have sufficient resources, including staff and financial capacity?*

In addition to answering these key questions from the Race Equity Toolkit when they propose new advocacy, advocates are also encouraged to utilize and refer to the Toolkit throughout the advocacy development process and while engaging in the advocacy. However, we recognize that because analyzing and incorporating race equity in advocacy is an iterative process, *we need to build it into our processes* rather than ask advocates these questions all at once, and only once. One way we have done this is to ensure Advocacy and Community Engagement Specialists are present at Table meetings. They are also available to meet with all advocacy teams separately and help flesh out the community engagement analysis and strategize about how to best seek direction from those most impacted by the proposed advocacy.

Hallmarks of the CLS Community Engagement Model

Our model⁷ includes several key components.

- *It is built on an understanding of anti-racist principles* as outlined by The People's Institute for Survival and Beyond.⁸
- *It defines terms to establish a common understanding* within our organization of foundational concepts, such as community, community partners, community-driven, and accountability.
- *It describes a community engagement continuum with different levels of engagement.* This continuum prioritizes relationships and long-term goals over productivity and quick results to build transparent, healthy and accountable relationships. It describes phases of relationship building and advocacy, but is not necessarily linear with each community partner.
 - » *The relationship-building phases* establish and maintain long-term accountable relationships. Relationship-building includes activities such as making a decision to work with a particular community (group or organization), identifying needs and opportunities, engaging in community outreach, and beginning to establish accountable relationships.

- » *In the advocacy and collaborative organizing phases,* we begin to respond to community asks to investigate or support their work, and to use our specialized tools to help achieve the partners' desired results, while also creating opportunities to shift power.

Reflections and Suggestions for Incorporating Race Equity into Your Advocacy

As I hope has been made clear from the foregoing, the CLS model is just a model, not a plug and play template that will work for everyone. One thing I am particularly mindful of is that many legal services organizations have many restrictions, from what clients they may serve, what types of tools they may use, to onerous reporting that values statistics, such as the number of clients served.⁹ But while the specifics of CLS's plan may not work for your organization, here are some considerations as you develop your own model.

- *Management buy-in is critical.* CLS's experience shows that without having the gatekeepers at your organization agreeing to devote organizational resources to this effort, the efforts to advance race equity in advocacy will be much more difficult. For CLS, what this looked like was (1) supporting internal equity work that is a necessary foundation to serving clients more effectively — for us this included a mix of a paid leadership position and an Equity Committee of staff volunteers (who meet during the work day); (2) making race equity part of the Advocacy Department's priorities — not "extra" or would-be-nice suggestions; and (3) creating specific staff positions that are tasked with community engagement.
- *Assess your resources and capacity and right-size your plan.* Even with management buy-in, you may not have resources to hire a new cadre of staff. Yet consider that the decision about how to expend resources is itself a decision. (Think of the Defund the Police movement.) Can you divert some of HR staff's time, for example, to provide administrative support for a committee or workgroup that uses work time to examine and propose areas of internal race equity work? Can you incorporate a new question into your advocacy decision-making process? Or perhaps you can add to your client interviewing checklist some more explicit questions to ensure client goals and solutions incorporate broader community goals as part of that discussion.¹⁰
- *Create mechanisms for consistent check-in and*

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utilization of race equity principles. Without structures and processes to support incorporating race equity, it will be easy for good intentions to remain with the training materials or textbooks, figuratively or literally on a shelf. Instead, consider building race equity questions into your intake or advocacy meetings. You could develop a set of values or principles around race equity that your organization follows to add to meeting agendas. Or, if your organization engages in some form of goal-setting, you could include equity and inclusion goals, including with regard to specific advocacy projects — and make SMART goals into SMARTIE goals.¹¹

- *Don't let the perfect be the enemy of the good.* Perfectionism is itself a characteristic of white supremacy culture.¹² If you can start by having regular discussions focusing on race equity at any of the five levels, do that. I hesitate to suggest trainings as a method of incorporating race equity into advocacy, because they can often remain academic and hard to make actionable. But investing some time to organize thoughtfully framed discussions that require people to engage can pay off. And having a common lexicon and shared values, as well as individual and organizational commitment to equity, is an essential foundation to building race equity into your advocacy and establishing accountability within the organization and externally with clients and community partners. *Note of caution:* Often people of color bear the burden of this type of organizational work, such as serving on equity committees, disproportionately. Some antidotes are to ensure that this time is considered work time (*i.e.*, paid labor); that you have representation from different roles and levels in the hierarchy; and that it is racially diverse. (And for when meetings can resume in person, that they have good snacks.)

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Conclusion

As I write this, I am reflecting on all the challenges we still face to move towards becoming an anti-racist organization, and for our work to more fully incorporate race equity. It has been difficult for advocates to shift existing mental models of what legal race equity advocacy should look like. And we are facing uncharted territory in many ways. For example, how do we apply this model effectively to our policy work? How do we adapt this model to be effective in rural communities, or on issues where people are not organized into movements? How do we as lawyers and advocates working in the legal system shift so we are working alongside clients and community partners, when we are conditioned and trained to take the lead?¹³

Further, it can be tempting to use a standard results-driven lens and to measure “success” solely by the metric of the number of new lawsuits filed, or new bills worked on. What is a better measure is *the degree to which our advocacy is more community-driven, and to which we have established stronger accountable relationships and shifted power to impacted communities.*

Ultimately, as our executive director reminds me, there is joy in this work through connecting with each other and confronting racism together. In the words of Lilla Watson, a Murri (indigenous Australian) artist, activist, and academic — “If you have come here to help me you are wasting your time, but if you have come because your liberation is bound up with mine, then let us work together.” The more we can aspire to be lawyers on tap, rather than lawyers on top, for communities, we are moving in the right direction to create lasting, transformative change to the systems that result in racialized poverty.

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- 2 See, *JustLead Washington, Race Equity & Justice Initiative*

- (REJI) *Organizational Race Equity Toolkit*, at 13 (2d ed. 2020), available at <https://justleadwa.org/wp-content/uploads/2020/11/REJI-Toolkit-v2-Final-2020-3.pdf>.
- 3 Columbia Legal Services' Race Equity Tool is published as part of the Appendix to JustLead Washington's REJI Organizational Race Equity Toolkit, Tool I, available at <https://justleadwa.org/wp-content/uploads/2020/11/Tool-I-CLS-Race-Equity-Tool.pdf>.
 - 4 This is a common challenge for organizations. The Management Center provides some starting point suggestions to go beyond performative statements of anti-racism. See *The Management Center, "So you've declared that Black Lives Matter. Now what?"* (June 16, 2020), available at <https://www.managementcenter.org/resources/so-youve-declared-that-black-lives-matter-now-what/>.
 - 5 CLS's new strategic direction is set out in this document: https://columbialegal.org/wp-content/uploads/2019/06/CLS_New-Strategic-Direction-2019.pdf.
 - 6 Due to space constraints, this article does not specific examples of how our advocacy has changed. However, please feel free to direct questions to the author.
 - 7 I am grateful to our Community Engagement Team for their efforts in creating this model, including our Director of Equity and Community Engagement, Travis Andrews, and colleagues Alex Bergstrom, Elvia Bueno, Diana Garcia, Tony Gonzalez, and Brandy Sincyr.
 - 8 The anti-racist principles of The People's Institute for Survival and Beyond are analyzing power, developing leadership, gatekeeping, identifying and analyzing manifestations of racism, learning from history, maintaining accountability, sharing culture, undoing internalized racial oppression, and undoing racism. See <https://www.pisab.org/our-principles/>.
 - 9 The degree to which philanthropy must change in order to support transformational race equity work is another large topic beyond the scope of this article, but for a starting point I encourage you to check out the Community-Centric Fundraising movement at <https://communitycentricfundraising.org/> and Vu Le's entertaining and truth-filled blog, NonprofitAF.com.
 - 10 Another resource from JustLead Washington with ideas on this topic is "Part IV: Principles for Building Equitable Client Relationships," in its Washington Pro Bono Equity Training Guide (Aug. 2019), at 25, available at <https://justleadwa.org/wp-content/uploads/2019/08/Pro-Bono-Equity-Training-Guide-Final-August-2019.pdf>.
 - 11 SMART is a commonly used acronym for Strategic (or Specific), Measurable, Ambitious, Realistic, Time-bound goals. The Management Center adds Inclusive and Equitable to make them SMARTIE goals. See, e.g., The Management Center, "Tips for Writing SMARTIE Goals," available at <https://www.managementcenter.org/article/tips-for-writing-smartie-goals/>.
 - 12 See this seminal piece by Tema Okun, "white supremacy culture," available at https://www.dismantlingracism.org/uploads/4/3/5/7/43579015/okun_-_white_sup_culture.pdf.
 - 13 There are some wonderful resources on the concepts of community lawyering and movement lawyering to explore, such as this interview with Purvi Shah and Chuck Elsesser on Community Lawyering, available at https://s3.amazonaws.com/thinkific-import-development/312903/Purvi_Chuck_CommunityLawyering-200630-204458.pdf. See also Jim Freeman, "Supporting Social Movements: A Brief Guide for Lawyers and Law Students," *12 Hastings Race & Poverty L.J.* 191 (2015), available at https://repository.uchastings.edu/hastings_race_poverty_law_journal/vol12/iss2/3/.

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This is not a "woe is me" story. It is a call to action for cultural diversity in law firms and legal organizations and, more importantly, for reflection on and recognition of each of our implicit biases. My day is over, but these challenges will repeat tomorrow and next week and every month thereafter with a new list of scared, mostly poor, minority tenants, assembled in lines to enter a courthouse, named for the first African American Attorney General of Massachusetts, all in effort to get "justice." We should do better. We can do better.

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