



NATIONAL LAWYERS GUILD
LAW FOR THE PEOPLE



DISORIENTATION HANDBOOK

Creating Your Own Progressive Legal Education



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www.peopleslawoffice.com

Practice Being a People’s Lawyer!

You have unlimited possibilities to better society through your practice of law. Each of you is unique in how you can apply your talents, skills, and creative energies to find ways to use the law to advance justice. If you are like most incoming law students you probably will hear that attorneys cannot mix activism with the practice of law. Your law school experience may reinforce this notion. The purpose of this Disorientation Handbook is to provoke you to challenge traditional notions of how one must practice law and to suggest ways to make your three years of study more enriching and challenging. The National Lawyers Guild strongly recommends that you begin your work as a “people’s lawyer” while in law school.

Your most important lessons are going to come through your interactions with the people—and causes—you represent. The most significant preparation you will need in practice is not the careful analysis of the argument of the opposition, as necessary as that is. What is decisive in preparation is knowing your own people and, out of your relationship with them, coming to under-

stand their thinking, their analysis of the problems facing them, and their perception of the solution, of what must be done. Avoid the pitfalls that so many young lawyers often fall into. Most new lawyers feel that the problems involved are strictly legal and, because they know the law, they have the answers to the problems and know what to do. Consequently, they do not listen to the people involved. And time after time, by focusing so strongly on the legal issues, these attorneys miss the actual problems and fail to develop the approaches really required.

The test for a people’s lawyer is not always the technical winning or losing of the formal proceedings. The real test is the impact of the legal activities on the morale and understanding of the people involved in the struggle. No matter how experienced, clever, and resourceful a lawyer may be, the most important element is still the informed support and active participation of the people involved. Without this, a legal victory has very little meaning indeed.

—Arthur Kinoy (1920-2003), *Guild attorney*



Arthur Kinoy being dragged from the hearing room of the House UnAmerican Activities Committee (HUAC) in 1966.

History of the National Lawyers Guild

Founded in 1937, the National Lawyers Guild was the nation's first racially integrated bar association. In the 1930s, Guild lawyers helped organize the United Auto Workers, the Congress of Industrial Organizations, and supported the New Deal in the face of determined opposition. In the 1940s, Guild lawyers fought against fascists in the Spanish Civil War and WWII, and helped prosecute Nazis at Nuremberg. Guild lawyers fought racial discrimination in cases such as *Hansberry v. Lee*,¹ the case that struck down segregationist Jim Crow laws in Chicago. The Guild was one of the non-governmental organizations selected by the U.S. government to officially represent the American people at the founding of the United Nations in 1945. Members helped draft the Universal Declaration of Human Rights and founded one of

the first UN-accredited human rights non-governmental organizations in 1948, the International Association of Democratic Lawyers (IADL).

In the late 1940s and 1950s, Guild members founded the first national plaintiffs personal injury bar association that became the American Trial Lawyers Association (ATLA), and pioneered storefront law offices for low-income clients that became the model for the community based offices of the Legal Services Corporation. During the McCarthy era, Guild members represented the Hollywood Ten, the Rosenbergs, and thousands of victims of the anti-communist hysteria. Unlike all other national bar associations, the Guild refused to require "loyalty oaths" of its members and was thus labeled "subversive" by the U.S. Justice Department,

which later admitted the charges were baseless, however only after ten years of federal litigation. This period in the Guild's history made the defense of democratic rights and the dangers of political profiling more than theoretical questions for its members and provided valuable experience in defending First Amendment freedoms that informs the work of the organization today.

In the 1960s, the Guild set up offices in the South and organized thousands of volunteer lawyers and law students to support the civil rights movement, long before the federal government or other bar associations. Guild members represented the families of murdered civil rights activists Schwerner, Chaney and Goodman, who were assassinated by local law enforcement/Ku Klux Klan members. Guild-initiated lawsuits brought

the Justice Department directly into Mississippi and challenged the seating of the all-white Mississippi delegation at the 1964 Democratic National Convention. Guild lawyers defended civil rights activists and established new federal constitutional protections in Supreme Court cases such as: *Dombrowski v. Pfister*,² enjoining thousands of racially-motivated state court criminal prosecutions; *Goldberg v. Kelly*,³ establishing the concept of "entitlements" to social benefits which require due process protections; and, *Monell v. Dept. of Social Services*,⁴ holding municipalities liable for police brutality.

In the late 1960s and early 1970s, Guild members represented Vietnam War draft resisters, antiwar activists and the Chicago 7.



Demonstration, June 1950, in support of the Hollywood 10, screenwriters who were convicted of contempt of Congress for refusing to testify before the House UnAmerican Activities Committee (HUAC) and were then blacklisted.

Guild offices in Asia represented GIs who opposed the war. Guild members argued *U.S. v. U.S. District Court*,⁵ the Supreme Court case that established that Nixon could not ignore the Bill of Rights in the name of “national security” and led to the Watergate hearings and Nixon’s resignation. Guild members defended F.B.I.-targeted members of the Black Panther Party, the American Indian Movement, and the Puerto Rican independence movement. Members helped expose illegal F.B.I and C.I.A. surveillance, infiltration and disruption tactics (called COINTELPRO), that the U.S. Senate Church Commission hearings detailed in 1975-76 and which led to enactment of the Freedom of Information Act and other limitations on federal investigative power. The NLG supported self-determination for Palestine, began the ongoing fight against the blockade of Cuba and opposed apartheid in South Africa at a time when the U.S. Government called Nelson Mandela a “terrorist.” Members founded other civil and human rights institutions, such as the Center for Constitutional Rights, the National Conference of Black Lawyers, the Meiklejohn Civil Liberties Institute and the People’s College of Law.

In the 1980s, the Guild pioneered the “necessity defense” and used international law to support the anti-nuclear movement and to challenge the use of nuclear weapons. In a case argued by Guild lawyers, the World Court declared that nuclear weapons violate international law. The Guild’s National Immigration Project began working on immigration issues, spurred by the need to represent Central American refugees and asylum activists. Legal theories for holding foreign human rights violators accountable in U.S. courts, based on early 19th century federal statutes, were pioneered by Guild



Legal services supporters during the 1979 strike in New York City.

lawyers. The Guild organized “People’s Tribunals” to expose the illegality of U.S. intervention in Central America that became even more widely known as the “Iran-Contra” scandal. The Guild prevailed in a lawsuit against the F.B.I. for illegal political surveillance of legal, activist organizations, including the Guild. In the mid-80’s the NLG also published the first major treatise on sexual orientation and the law, as well as the first legal practitioner’s manual on HIV/AIDS.

In the 1990s, Guild members mobilized opposition to the Gulf War, defended Haitian refugees, opposed the U.S. blockade of Cuba and began to define a new civil rights agenda that includes the right to health care, employment, educa-

tion, and housing. Members authored the first reports that detailed U.S. violations of human rights standards regarding the death penalty, racism, police brutality, AIDS discrimination and economic rights. The Guild initiated the National Coalition to Protect Political Freedom to focus opposition to “secret evidence” deportations and First Amendment violations after passage of the 1996 Anti-Terrorism Act, and established the National Police Accountability Project to address police misconduct.

Long before the Seattle WTO demonstrations, the Guild was analyzing the impact of globalization on human rights and the environment and played an active role opposing NAFTA.

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As the 20th century came to a close, the Guild was defending anti-globalization, environmental and labor rights activists from Seattle to D.C. to L.A. Guild members were playing active roles in encouraging cross-border labor organizing and in exposing the abuses in the *maquiladoras* on the U.S.-Mexico Border.

The eight years of the Bush presidency showed us that the struggle for democracy in the U.S. is far from over. Ushered into power by a stolen election that was upheld as fair by our highest court, Bush issued unprecedented and unwarranted buildups of military might and expansions of executive power. Protest organizers across the country reported unlawful searches by local and federal law enforcement; permits were arbitrarily denied based on the event content, and grand juries were convened to question and intimidate activists for exercising their right to dissent. The attacks on civil liberties and the scapegoating of Muslims following 9/11, as well as the polarizing “with us or against us” policies were altogether too reminiscent of the McCarthy era witch-hunts. These measures reinforced our belief that the fight for justice must occur both in the courtrooms and in the streets.

Guild members lobbied Congress and worked with the House Judiciary Committee in an effort to repeal the worst aspects of the 2001 USA PATRIOT Act. Members also filed the first challenges against the use of military tribunals and the detention of prisoners from Afghanistan. Guild members are defending activists, representing immigrants facing deportation, and testifying in federal and state legislatures against attacks on our civil liberties.

Guild members continue to tirelessly defending protestors who have been falsely charged in response to their political organizing. When



The Committee to Assist Southern Lawyers, c. 1963. The Committee depended heavily on the work of young law students to ease the immense burden of civil rights cases filed by just a handful of Southern attorneys. During the first summer, at least 65 Guild attorneys went south to support the increasingly bold and dangerous work of CORE, SNCC, and the SCLC. From left: Len Holt, William Goodman, Denise Kessler, Joe Jordan, Ed Dawley and Emma Gregory.

Occupy encampments spread across the country in 2011, the NLG was on hand to offer legal support. Our Mass Defense committee also created the Green Scare Hotline—a legal resource for activists being targeted by police or the FBI. As part of our AnoNLG project dedicated to defending hacktivists, the NLG has been active in supporting information activists such as Jeremy Hammond and Bradley Manning.

A Guild attorney testified in a decision that put a one-to-two year moratorium on foreclosures, allowing tenants of foreclosed properties to keep their existing leases. Members lobbied to disbar John Yoo for his legal opinions condoning torture. Guild members also work on numerous international issues; they sent a delegation to Gaza to document Israeli war crimes during the Dec. 2008 - Jan. 2009 invasion, and wrote four of twelve amicus briefs filed with the U.S. Supreme Court on behalf of the Cuban Five.

We are now at a time of tremendous challenge and potential for progressive movements. The Guild’s role in this period of transition in the United States is essential; our members are working across the country to reshape the legal and political landscape. The Obama administration has continued many of Bush’s policies of extraordinary rendition, suspension of habeas corpus, and use of the state secrets clause. The work that NLG members do is integral in building grassroots movements necessary to protect civil liberties, extend basic human rights to all, and defend democracy now and in the future.

For more on the Guild's history, visit the interactive timeline on the website (www.nlg.org) and read the NLG report "Breach of Privilege: Spying on Lawyers in the United States" (2014), which examines the long history of surveillance of the legal profession and the NLG in particular.

1. 322 U.S. 32 (1940). 2. 380 U.S. 479 (1965). 3. 397 U.S. 254 (1970). 4. 436 U.S. 658 (1978). 5. 407 U.S. 297 (1972).

How to Survive in Law School

Welcome to boot camp! Just like boot camp in the U.S. Marines, the first year of law school is designed to acculturate you as a future member of an elite corps with its own values, traditions, and illusions. Like any other boot camp, law school functions by depriving you of your individuality, grabbing all your time, weakening your previous ties to the people around you, and offering you resurrection and rebirth if you successfully embrace the institution's own view of the universe. You will receive subliminal training in evaluating fellow students, future clients and peers and the value of different kinds of law practice.

The law school vision runs counter to the egalitarian, democratic impulses of people who come to law school to gain skills useful to movements for social change. Law school indoctrination mirrors the political, social and moral perspective of the Rehnquists, Scalias, Thomases and, alas, Alitos and Robertses who define and dominate modern jurisprudence. It also exalts the work of corporate law firms that wield awesome power in the service of their wealthy clients. Law school is designed to prepare you to accept and perpetuate these realities—not to challenge them.

But what if you need to learn how to develop a progressive law practice that serves the community, how to get the most accomplished with the fewest resources, how to practice law in a way that empowers the disenfranchised? The curriculum will rarely encourage you to think beyond the acceptable range of conventional options, and the work load can be both enervating and demoralizing.

So what can you do to resist?

1. **Stay off the academic treadmill.** Don't overestimate the power of grades. Only a small portion of law school graduates get jobs based on outstanding GPAs. Demonstrated interest in a particular field of law counts with most employers for more than an A+ in real property.

2. **Keep politically active.** Find a way to engage your energies outside of the confines of the law school curriculum. Obsessive focus on school is self-defeating. Make connections now that will help you connect up with a public interest law job when you get out of law school. The National Lawyers Guild and other progressive organizations work on many interesting and important law-related projects and provide opportunities to find mentors who can help you find summer jobs and long-term directions.

3. **Work with friends** in your small section to break open a classroom discussion from time to time. Professors are adept at co-opting or trivializing unconventional ideas. One way to promote critical thinking is to make sure that you and your friends agree that when one of you expresses a "subversive" thought in class, the rest will express their support and try to push the discussion further.

4. **Early on, you will need to inoculate yourself** against feeling jealous toward the classmates who are headed toward \$100,000-plus a year positions straight out of law school. Even though years of banal workaholic drudgery await them, these students are the pride of each institution. Earnings of graduates are a major factor in *U.S. News & World Report's* annual rating of American law schools. The truth is that public interest jobs, though usually low-paying, are far more interesting and rewarding than corporate law. If you become involved in extracurricular political activities, you will discover that there is a nationwide community of activist students, legal workers and lawyers who work together to make law a tool for social change. This discovery is a powerful antidote to law school's message that what really counts is moving and shaking at a downtown law firm.

5. **Try to keep up a life outside of school.** Don't lose your old friends, forget to read a novel from time to time, or abandon your swimming regime. Life is too short and three years is too long to defer your living to some other year. Avoid the total immersion approach to law school.

6. **Fight the power!** Don't accept law school as it is. You can derive great strength from challenging practices that ought to be changed. The law school needs to be prodded on affirmative action in hiring and admissions, on developing a curriculum relevant to the needs of lawyers who intend to serve as agents of social change, on adopting teaching methods that nurture students and help them realize their potential rather than teach them their place in a pecking order. There is nothing more satisfying than changing for the better the institutions through which you pass.

—Ted Franklin is a labor union attorney working for a broad range of clients including unions representing pressmen, janitors, carpenters, iron workers, health care workers, heavy equipment operators, teachers, laborers, and many other trades. He is a partner with the firm Weinberg, Roger & Rosenfeld headquartered in Alameda, California.

It's Not a Choice Between Saving the World and Losing Your Soul

Law school is very expensive, and everyone reading this knows it. Whether you attend a public or a private law school, you are spending an awful lot of money for that privilege. Odds are very good that you borrowed that money and are looking at—or desperately trying to avoid looking at—serious debt at the end of law school.

You probably went to law school with the idea that you were going to do good things with your law degree. You were not going to be one of those people who thought law school would be a greased rail to the high life, without a care about who was paying for the slick clothes and sports car. You were going to make a difference.

But now the reality of the world of finance is breathing down your neck and you're having second thoughts. How are you going to make those payments? Do you know what legal aid attorneys make? That is the sort of buyer's remorse that snaps you awake long before the sun comes up...

Don't give up yet...

You can make a difference in the world without resigning yourself to a life of ramen noodles and wine-in-a-box. With some good foresight and a willingness to make some sacrifices, you can pay back your loans without sacrificing your ideals.

Many progressive law students tell themselves that they're just going to go to the corporate firm for a few years, just to make the big money and pay off the loans so they can do the public interest work that they really want to do. But the golden cage closes quickly, and the fineries the corporate income affords become very comfortable. Soon they are necessities.

Some say they'll take the high-paying corporate gig, but exercise their progressive muscles in pro bono work. It's an appealing fallacy, but a fallacy nevertheless. Those six-digit starting salaries come with a price tag attached, namely a proportional billable hour requirement. Even presuming the big firm is going to let you do the type of pro bono work you like, when you have to bill around 40 hours per week, not much time is left over for doing public interest work.

You still have options...

Options without those pitfalls exist for progressive lawyers. Not all firms are tools of the system. In fact, many are committed to progressive causes, like employment and labor law, environmental law, criminal defense and civil rights. Even personal injury firms, long denigrated as "ambulance chasers," bear a certain Robin Hood quality when you consider that insurance companies make obscene profits by short-changing plaintiffs on legitimate claims.

Firms that handle cases of that sort are also more likely to let you do the pro bono work that you really like. They may not pay you the kind of money that your less socially concerned colleagues will be making, but you'll be getting more hands-on experience while making a decent living.

If you are not adverse to working for the government, it presents an opportunity to work within the system to preserve the rights the people still have, or to enforce the regulations the corporations still face. Public defender offices are notoriously underpaid, but they provide a wealth of experience that easily translates to private practice. Regulatory agencies, like the EPA,

SEC and FTC, require attorneys to enforce the existing regulations and to propose changes to them. Administrative agencies like the NLRB and EEOC, and their state equivalents, need lawyers to defend employees' rights. Even prosecution can be politically progressive when you work for the US Attorney's white-collar crime division. Some state prosecutors are also trying to unburden their overcrowded prisons by creating diversion programs, which need attorneys for oversight.

Non-profits and community organizations necessarily run on shoestring budgets, so they can't afford much more than a subsistence salary for their attorneys. But they are also the vanguard of people's lawyering. The salaries they pay require one to live frugally, but the work allows one to sleep the sleep of the righteous.

It's undeniable that many people pick up a student loan payment book along with the JD at graduation. But the loans that enable us to attend law school should not prevent us from pursuing the sort of work that inspired us to attend law school in the first place.

—Dave Saldana, *Guild attorney*



Download the *NLG Radical Law Student Manual* to learn more about pursuing a social justice-oriented legal career during law school—and beyond!
www.nlg.org/RLSM

Fear Not “The Paper Chase”

The very environment of the classroom is intimidating and scary for most of us. It’s confusing and causes even the most competent and brilliant students to doubt whether they made the right decision.

Mastering the Material

But there is a bright side. Intellectually speaking, the material is usually not that hard. The concepts are no more mysterious than unfamiliar subjects you’ve studied before. Once you get used to the “legalese” and a few rules, legal analysis is very much like working a puzzle.

The “casebook method,” in a word, sucks. It’s dry and repetitive, and it confuses you. While studying cases, concentrate on learning general principles rather than the specifics of every case. Look for common themes and topics. Don’t bother trying to find some kind of overarching logic or grand scheme—it’s not there. Don’t waste time searching for rationality and consistency, often rules are contradictory and seemingly illogical. Remember the words of Justice Holmes: “The life of the law is not logic but experience.”

If you don’t yet know how, you must learn to budget your time. Falling behind in class tends to make you miserable even if you are capable of studying under extreme pressure. By the same token, too much studying can be as destructive as too little—especially to your social life. There is no point in spending hours staring at unintelligible hieroglyphics when your brain has gone on strike. Studying should be treated as a job: put in your hours, but don’t let it dominate your life to the exclusion of all other activities. After you’ve done your work, put it away. Save some time for more worthwhile activities—like the Guild.

Performing in Class

One of the most frustrating experiences in the first year happens when you’re studying a case that grates against your sense of justice and no one else seems to notice. It could be a contract case with a low-income customer getting defrauded by a furniture company, or a gay man litigating a parental rights case. You have to make the decision whether or not to “go out on a limb” and state your mind. It’s your call.

Just keep in mind that by letting comments and generalities go unchallenged, we buy into the philosophy that nothing can change, and more importantly, we miss a golden opportunity to educate our classmates and maybe just maybe—change the way they think about the law.

The Socratic Method

Many law schools rely heavily on the Socratic method, as it is portrayed in the movie “The Paper Chase.” This method has been known to send students home crying and feeling they can’t hack it. But some professors begin their classes by saying “This is not ‘The Paper Chase’.” This translates to, “I promise not to humiliate you in front of your classmates, but you’d better be prepared.” So just relax, read the cases and give it your best shot. Generally, grades are anonymous and not based on your classroom performance. It’s just not worth getting worked up over. Social injustice, now that’s worth getting worked up over.

So...Why Am I in Law School?

When surrounded by single-minded students intent on making lots of money by using the law to help others profit financially, you can begin to feel somewhat lost or out of place. Just remember, legal skills are extremely valuable when working with those who are oppressed and disenfranchised in this society. Once you master the skills of lawyering, you can use them to help clients and communities to develop their own strategies for dealing with the legal system. You will be better able to make a difference when you leave.

The Struggle Alone and Together

In law school, it’s easy to get the impression that we are alone in struggling to preserve our progressive commitment and identity. It’s not true. Even in the strongest bastions of apathy or conservatism, there are usually a few like-minded souls. Surviving law school requires finding people, organizations and work which can help us maintain our perspective; it’s a hard thing to do alone. It is critical to locate support networks both in and outside of school. Doing legal work with real clients can also help you remember why you wanted to be a lawyer.

It’s also important to make time for some kind of political or community work. Being a progressive lawyer means not just thinking in political terms but aligning and working with movements for social change.

—*Temple Law School NLG Brochure*

Getting Critical

By this point in your school reading, you may be wondering how it is possible that most every professor clings to the notion of the law as a neutral, objective force that is the embodiment of justice. In fact, there are exceptions. Most law schools these days have at least one critical theorist on the faculty. The professor may be a critical legal scholar, a critical race theorist, a feminist legal theorist or a critical queer theorist.

Critical Legal Studies (CLS) has been called a movement, a political location, and a method, among other things. Whatever its appellation, CLS has become a recognized area of study among law students and professors. CLS contends that the law is shaped by the political and moral beliefs of the lawmakers. CLS seeks to show how the legal order systematically reflects, generates and reinforces poverty and class inequity as well as sexism, homophobia and racism. This method of criticism has its roots in the deconstructionist movement in philosophy.

In a similar fashion, Critical Race Theorists argue that the “objective” view of a judge is merely the judge’s privileged ability to protect his or her subjective understanding as the understanding of all people. As the vast majority of judges are white men, CRT argues that this privileged viewpoint ignores the experiences and interests of people of color. There is also a movement within CRT against the intellectual deconstructionism of CLS in favor of pursuing the more immediate need for positive rights legislation.

Feminist Legal Theory criticizes the “male voice” of the law. It starts with the premise that the law is created and taught in a voice that is rigid, limited and without emotion. In particular, the use of precedent perpetuates male supremacy. Because the Constitution was written by men and has, for the most part, been interpreted by men, reliance on historical precedent is bound to benefit men first. This has been particularly criticized in the areas of rape law, pornography regulation and reproductive rights.

Finally, a new group has recently appeared in the field of Critical Studies.

Queer theory builds upon feminist challenges to the idea that gender is part of the essential self, and upon gay/lesbian studies’ close examination of the socially constructed nature of sexual acts and identities. The theory’s goal is to destabilize identity categories, which are designed to identify the “sexed subject” and place individuals within a single restrictive sexual orientation.

Transgender theory emphasizes the importance of physical embodiment in gender and sexual identity. Transgender theory integrates this embodiment with the self and socially constructed aspects of identity through the lived experiences of those with intersecting identities.



Angela Davis and Guild member Doris Walker arrive at Santa Clara Court for the first day of Davis’ trial on murder charges and aborted escape of George Jackson, 1972.

Thus, it provides a theoretical basis for reconciling feminist and queer theoretical scholarship with social work practice and advocacy, with regard not only to issues of working with transgender people but also to larger issues of group identity and social oppression.

The following is a partial listing of published critical legal scholars. They are categorized for the sake of convenience, but the work of many of them focuses on the intersection between two or more bases for oppression:

On queer/trans studies: Gabriel Arkles, Judith Butler, Lee Edelman, Leslie Feinberg, Michel Foucault, Rosemary Hennessy, Robert McRuer, Scott Morgensen, Jose Esteban Munoz, Jay Prosser, Jasbir Puar, Derek Rosenblum, Eve Sedgwick, Dean Spade, Eric Stanley, Susan Stryker, *Gender and Sexual Identity: Transcending Feminist and Queer Theory* by Julie Nagoshi, Craig Nagoshi, and Stephan/ie Brzuzy."

On race and ethnicity: the works of Robin Barnes; Derrick Bell; Stephen Carter; Kimberle Crenshaw, Richard Delgado; Angela Harris; Alex Johnson; Emma Jordan; Kenneth Kalst; Mary Matsuda; Shelby Steele; Patricia Williams; Iris Marion Young; and *Strangers From Different Shores*, edited by Ronald Takaki.

On feminism and essentialism: the works of Leslie Bender; Naomi Cahn; Kimberle Crenshaw, Diana Fuss; Angela Harris; Catherine MacKinnon; Mari Matsuda; Martha Minow; Deborah Rhode; Elizabeth Spelman; Patricia Williams; Heather Ruth Wishik; and Iris Marion Young.

And from the general critical legal movement: the works of Peter Gabel; Duncan Kennedy; Mark Tushnet; and *The Politics of Law*, edited by David Kairys.

Legal Indoctrination

If you're like most first-years, you probably assume that the casebooks required for your classes will be an integral and meaningful part of your education. Sure, you don't have a clue as to what ideas you are supposed to glean and apply from one case to the next, and you have an intuitive sense that the court is failing to discuss relevant social issues, but you dismiss those frustrations as the price of learning to "think like a lawyer." Having probably never read a case before coming to law school, you may feel strangely seduced by the power and prestige of standing above a case and dissecting it under the aloof guidance of your professor.

A few months into your first year, when you pause to reflect on your legal education, you may feel cheated. You have been. Think about it—social conflict (as seen through the lens of legal disputes) is about real people facing real problems with real consequences awaiting them depending on the resolution of the dispute. Legal education (as presented through the study of appellate cases) is about the manipulation of abstract principles to maintain the status quo.

Case law promotes the interests of privileged members of society in two ways: The traditional tactic relies on the subordination of real world outcomes to "the rule of law." This approach is emphasized in first-year classes which tend to focus on the doctrine, the whole doctrine and nothing but the doctrine, regardless of the cruel and unfair consequences of application. The modern approach is more devious as it worms its way around decades of civil rights legislation and case law. Lessons in Advanced Manipulation teach students to ignore inconvenient precedent and rely on selective interpretations of legislative intent in a

result-oriented quest for heterosexual able-bodied affluent white Christian male supremacy.

The casebook method forces students to waste precious time and energy deciphering murky appellate opinions, inhibiting the development of the critical perspective necessary to discern the political implications of the doctrine. By creating a classroom dynamic of fear and competition, professors discourage students from raising points which are tangential to the doctrine and might stand political (as if adherence to or departure from the doctrine itself is not political). Finally, by testing students only on the application of legal doctrine to a given fact pattern, professors transform students into unprincipled drones concerned only with the regurgitation of legal principles. With only an occasional exception, casebook education and first-year legal analysis lend themselves to total abdication of the values and interests which led many students to law school in the first place.

Only you can make your first-year classes more than the miserable, numbing experience they are for most people. Now that you've been put on notice of what to watch out for, you have a responsibility to empower yourself to make changes. Your professors' advice to the contrary, don't be afraid to use commercial outlines to learn the rules more quickly and easily, leaving you more time to think critically and creatively. Bond with classmates who share your concerns and insist that meaningful discussion take place in the classroom. Form reading groups to discuss articles by critical scholars.

Finally, in those unavoidable hours spent with your ten-pound friend, never lose sight of what lies beyond the casebook.

—Michael Friedman, *Guild attorney*



Guild National Executive Committee members prepare to march at the 2002 World Economic Forum protest in New York. From left: David Gespass, Josh Meyers, Dave Saldana and Mark Fancher. In foreground: Rachel Gendell and Dave Nathanson.

PHOTO BY HEIDI BOGHOSIAN

Changing the Fabric of the Law

What does it mean to work “for the people” when, as people of color, and women of color, we are working within a field disproportionately dominated by white males? It means our very presence is an act of resistance.

For people of color in the field of law, we are confronted with a sea of white faces—on both the Left and the Right—who purport to “speak” for us, to “save” us from our communities, and to “save” our communities from themselves. We are “instructed” on who we are and what we should become in order to be the most “effective” advocates of the law. We are “taught” that when we speak out on issues of importance to communities of color, we have “an agenda,” and that the “impartial” legal advocate must be objective and dispassionate when discussing issues of justice and equality. But we know from experience that the law is decidedly not race and gender neutral, and that the legal system in this country was founded on structures that enshrine racism and oppression. The language of the law perpetuates race, class, gender and heterosexual privilege. As a result, we often find ourselves challenging professors, fellow students, co-workers—and all too often, our comrades in the movement—calling on them to confront their own racism and other exclusionary practices.

As people of color, we are diverse and have complicated identities; we face discrimination, glass ceilings, sexual harassment, homophobia, classism, and ageism. We uniquely experience the criminalization and incarceration of brown and black men and women in the criminal justice system. For those of us who speak out against oppression, to work in the field of law and take part in the struggle for justice without analyzing race and privilege would be to disconnect ourselves from our histories and our experiences in this society. We challenge the misguided notion that racism is a problem of the past and that it is our “focus” or “obsession” with race that perpetuates racism. We reject the “color blind” approach to race in the United States for the distorted and deceptive ideology that it is. We are forever mindful of the massive structural change that needs to happen in the law in order for the law to truly represent the people.

In the face of this constant struggle, the experience of being a person of color in the field of law can be alienating, enraging, and isolating—until you realize that you are a part of a movement of other folks of color struggling along side with you, and that with our allies we can push for radical, progressive change in the law, in our communities, and in our own social justice movements.

The United People of Color Caucus (TUPOCC) of the National Lawyers Guild (NLG) was born out of this resistance—formed out of a pressing need to address issues of race and equality within the organization. As progressive people of color, we bring unique experiences to the Guild. We are motivated by the possibilities of justice and solidarity, and emboldened by the history of our ancestors who taught us to raise our fists and voices against racism and oppression. We are empowered by the reality of a contemporary struggle against racism that is present and real. We are a reminder that the NLG, like all other institutions, must look internally at its own patterns and practices, in order to ensure the social justice ideals we seek to support on a global level are reflected within the organization. We realize that our work together and with our white allies will only help the Guild increase its capacity to achieve its longtime mission to eradicate racism.

—*Ranya Ghuma and Renée Sánchez, Guild attorneys and TUPOCC Co-Founders*

ALABAMA MANIFESTO

The United People of Color Caucus (TUPOCC) of the National Lawyers Guild (NLG) is an alliance of law students, legal workers, attorneys and other people of color within the NLG community. The necessity of such an organization is borne from the historical context of the capitalist United States where economic prowess is dependent on the furthered and continued subjugation of people of color, women, the poor, queers and other oppressed people. We are dedicated to fostering and supporting the growth and empowerment of all people of color, particularly within the organization of the NLG. We believe that meaningful social change and actual justice can only be attained when people of color and all other beleaguered communities are more than mere afterthoughts. Equality must be woven throughout the fabric of the organization. We seek to further educate ourselves and inform the larger NLG community about the issues that affect us and investigate the relationship of these issues to social justice. We strongly believe that this work cannot be done unaided, and we encourage support from our allies throughout the NLG in furtherance of our goals. We wish to provide all people of color opportunities in support of these goals, and when such opportunities are not available, to work with our associates and allies to create them. We seek to unite ourselves, represent our communities, achieve our potential, and function as a powerful force within the NLG, our chapters, schools, communities, the United States of America and the global population.

NLG Committees

Animal Rights Activism Committee: engages Guild members to advocate for changes in the law to recognize the rights of non-human animals, and to provide legal support and resources to animal rights and animal welfare activists. Contact ANIMALRIGHTS@NLG.ORG.

Anti-Racism Committee: strives to make the Guild into an effective and active anti-racist organization. Contact ANTIRACISM@NLG.ORG.

Anti-Sexism Committee: agitates for women's rights in the NLG, legal profession and larger movement for social justice. Contact ANTISEXISM@NLG.ORG.

Committee for Democratic Communications: focuses on the rights of all peoples to a system of media and communications based upon the principles of democracy and cultural and informational self-determination. Contact CDC@NLG.ORG or visit WWW.CDC-NLG.ORG.

Disability Rights Committee: works to abolish all disability discrimination and network disability advocates; shares resources and ideas and takes on student mentorships. Contact DISABILITYRIGHTS@NLG.ORG.

Drug Policy Committee: works on drug policy reform and organizes related events highlighting how draconian drug policies affect many other progressive issues the NLG addresses. Contact DRUGPOLICY@NLG.ORG.

Environmental Justice Committee: aids communities disproportionately impacted by environmental hazards and inadequately equipped to counter environmental, public health and safety concerns; engages in research, legal representation, lobbying, organizing, education, and direct action. Contact ENVIRONMENTALJUSTICE@NLG.ORG.

Housing Committee: aims to provide legal support to grassroots movements organizing around self-determination, tenants' rights, foreclosure resistance, squatting/homesteading, homelessness rights, property redistribution, and other housing and land use issues. Contact HOUSING@NLG.ORG.

International Committee: works on issues related to the UN and international NGOs; writes position papers, forms delegations, and represents dissidents in national or international courts. Contact INTERNATIONAL@NLG.ORG or visit WWW.NLGINTERNATIONAL.ORG.

Labor and Employment Committee: works with firms, unions, grassroots and employment groups in the

progressive labor movement from local to international levels; runs a newsletter twice yearly; has opportunities for students. Visit WWW.NLG-LABOREMPLOY-COMM.ORG.

Mass Defense Committee: provides legal support to progressive protest movements and demonstrators; trains legal observers, tracks arrests and police misconduct, and supports demonstrators in court. Contact ABI@NLG.ORG.

Mass Incarceration Committee: challenges the prison industrial complex in all its forms and advocates for prison abolition and alternatives to incarceration. Contact MASSINCARCERATION@NLG.ORG.

Military Law Task Force: provides support for those in and out of the military working on military law issues; trains members to become counselors or military law attorneys; students have been critical to its work. Contact MLTF@NLG.ORG or visit WWW.NLGMLTF.ORG.

National Immigration Project: specializes in the defense of immigrants facing incarceration and deportation. Members enjoy technical assistance from the NIP legal staff and listservs; students join at a discount and network with lawyers and others in a progressive immigration organization. Visit WWW.NATIONALIMMIGRATIONPROJECT.ORG.

Next Generation Committee: involves newer NLG members in projects, governance, and shaping the Guild's future; provides mentorship and mutual support in finding traditional and alternative modalities of practice and advocacy. Contact NEXTGEN@NLG.ORG.

Political Prisoner Support Committee: a network of lawyers, legal workers, and law students committed to providing effective legal support for U.S.-held political prisoners.

Prison Law Project: connects members nationwide to share experiences around prison law work; fills prisoner requests for the Jailhouse Lawyers Handbook. Contact PLP@NLG.ORG.

Queer Caucus: connects queer members to strategize about work and their role in the NLG; brings a more intersectional analysis to the Guild's work for social justice. Contact QUEERCAUCUS@NLG.ORG.

The United People of Color Caucus (TUPOCC): alliance of Guild members identifying as people of color; addresses their varied concerns, organizes against racism and oppression, and supports efforts of people of color to become leaders. Contact TUPOCC@NLG.ORG.

Students in the Guild

Law students currently represent one-third of the Guild's membership and carry out a substantial amount of the programmatic work done in the name of the NLG. Guild students continually pour new ideas and energy into the entire organization and bring their experiences from other contemporary movements for social change to their Guild work. They represent both one of the most active elements of the present Guild as well as, literally, the future of the Guild.

Law students take part in every level of decision-making in the organization and, since law students were admitted into the NLG in 1970, they have consistently pushed for various kinds of organizational change and development. Recently, for example, law students have been at the forefront of efforts to integrate an anti-racist perspective into Guild work and make us more accountable to the communities we work with.

The Guild organizes on various levels and each aspect of the Guild is open to your input and ideas. Here's a brief outline of the different ways law students fit into the Guild's overall structure:

At the Law School Level:

At the majority of law schools in the country you can find a Guild presence, challenging the rest of the law school to "disorient" themselves, think outside the box, and, above all else, organize. You should seek out the Guild chapter at your school as soon as possible. If the chapter is inactive, talk to affiliated students about getting it going again and use the advice given in this handbook for starting a new chapter (page 15). The National Office can also help you with organizing resources and recruitment ideas.

Student chapters are widely recognized as crucial to much of the Guild work that happens from year to year. Because chapter members see each other so often, ideas for and implementation of projects are often discussed and planned at length—creating an environment that is more conducive to coming up with a well-organized and dynamic program than if most of the communication was over email or the phone. This helps form some of our tightest-knit chapters that can mobilize quickly and efficiently around issues. For these and other reasons student chapters have proven to be one of the National Lawyers Guild's greatest strengths.

At the Local Level:

The Guild can be an inroad to relationships with the progressive lawyers, legal workers, and jailhouse lawyers in your area. If there is an active chapter in your area, get in touch! Many chapters have ongoing programs that you can get involved with. Some students serve on the steering committee or board of the local chapter as a representative from their law school chapter. Others primarily work with the local chapter, participating in designing, or coordinating their programs. Meeting the attorneys and legal workers active in the local chapter could prove invaluable to your legal education; this could be your source of mentors, volunteer opportunities, future job prospects, not to mention a fountain of wealth for your political and social life.

If there isn't an active chapter in your area, chances are that there are Guild members near you waiting to be contacted. Call the National Office to find them, then search them out and start organizing with them!

At the Regional Level:

The Guild is divided geographically into nine regions: Far West, Northwest, TexOma, Midwest, Southwest, Mideast, Northeast, Mid-Atlantic, and Southern. A Regional Vice-President (RVP), elected by the region's members, represents each geographic area. Every spring each region holds a regional conference that students are often very active in planning. These conferences, and regional listserves, will be instrumental in meeting and forming relationships with your future comrades, colleagues, and maybe even co-counsels across your state and in the surrounding states.

At the National Level:

Organizing happens on many different fronts at the national level.

The national student network operates as a "student caucus" that meets formally once a year at the National Convention. The caucus elects two Student National Vice Presidents (SNVPs) who serve a two-year term and represent the students to the National Executive Committee (NEC). The NEC is the highest decision-making body of the Guild. It consists of the President, two Executive Vice-Presidents (EVPs), Treasurer, three National Vice Presidents (NVPs), RVPs, the SNVPs, a Legal Worker Vice President, two Jailhouse Lawyer Vice Presidents, representatives from ten committees (which apply for a seat each year), and the staff of the National Office. The NEC meets quarterly to discuss national programs and policies as well as any other pressing issues.

The national student listserv, as well as the strong personal connections made at regional and national meetings allow the chapters to coordinate as a national network. In 2004, for example, the Drake University chapter had their membership records and other information subpoenaed by a federal grand jury and, within a day, students from across the country were organizing a national campaign in response. With more planning, even bigger things can happen: every March 1, student chapters from across the country hold simultaneous events that call for the abolition of the death penalty, they hold press conferences, have speakers and speak-outs, and educate their fellow classmates by tabling or fliering the school. Other student-led projects include a manual for radicalizing law school and a day of action against rising student debt. In addition to attention-grabbing national actions, chapters support each other across state lines by sharing resources, strategies, and action plans that worked for their chapter.

The national committees provide various opportunities for you to be active nationally and work with the experts in the areas of law that interest you. From the Military Law Task Force to the Labor and Employment Committee, there is a niche for you! The committees all have email lists (some have several if they have sub-committees or working groups) and meet in person annually at the National Convention and sometimes in other locations throughout the year. Many operate their own websites and some even have paid staff persons. Each committee has a chair that you can contact about getting involved; this information is on the Guild's website www.nlg.org.

There is a national office in New York City that operates as the administrative wing of the organization, produces the publications,



The NLG Chapter at Villanova Law School gathers signatures for the Keep It Fair campaign to end the school's restrictions on reproductive rights fellowships and externships in 2012. Left to right: Boone Schreiber, Vanessa Stine, Meagan Potter, Whitney Young, Susan Stanton, Alie Muolo.

plans the National Convention with the host chapter, handles the finances, and helps network all the various levels, committees, projects, and people of the organization. The National Student Organizer who works at the National Office is in touch with all the student chapters, committees, and members of the NEC and can help you navigate the different levels of the Guild, answer your questions, and provide support.

At the International Level:

That's right—it doesn't stop with the national level. The Guild is a member of several progressive international legal coalitions and Guild members attend these meetings across the globe. Our International Committee is especially active. We have sent delegations to the Middle East, Haiti, Cuba, Honduras, Venezuela, and Mexico (to name just a few countries) and students have been launched into exciting, cutting edge legal work through their participation.

Get Involved!

There are so many paths the Guild can lead you in. What other legal organization can provide you with a life-long series of amazing opportunities on top of campus, local, national, and international communities to call home? Join the Guild and join thousands of radical, committed individuals who are using the law in creative ways to build and strengthen the movement for justice.

—Traci Yoder, *NLG Student Organizer*

No Student Chapter at Your Law School? Start One!

Chapters sometimes grow out of organizing around a particular political issue. Other times, informal groups of people who have come together over frustration with the legal system decide to affiliate with the Guild. Maybe a few people seek out like-minded folks to join in starting a chapter.

Whatever the original impetus, a small core group of people is necessary to provide the crucial spark to get the chapter off the ground. A solid footing is an important prerequisite for a successful chapter and potential chapters are urged to lay careful groundwork.

In law school, interest in the Guild can be stimulated by announcements of meetings and activities on bulletin boards, special orientation activities, and articles in the school newspaper. If there is no local Guild chapter, informing and involving legal workers and lawyers can be more difficult. Approach people who represent political activists, defendants in capital cases, tenants organizations, or who are involved in other social justice-oriented work. Members of a few chapters are working on ways to involve jailhouse lawyers as active members of their chapters. Get in touch with your Regional Vice President and the National Office for ideas and support. Contact nearby chapters for more ideas.

Participation in regional and national meetings is an important aspect of chapter building. Meeting such a concentration of progressive legal people can be inspiring to people who feel isolated legally and/or politically. Those who attend such meetings often go on to be the more active chapter members so encouraging attendance from the chapter is crucial, even if it means raising some money to help pay for transportation.



PHOTO BY LAURA VOGEL

Columbia Law Student and Guild member Lisa Knox staffs the registration table at the NYC DisOrientation 2010.

While programmatic work is the lifeblood of a Guild chapter, it can be the most difficult aspect to develop. Several chapters have found one or two day retreats helpful in brainstorming and planning chapter work. One way to start is talking with community and other progressive local groups. Also, seek out members of the National Conference of Black Lawyers, NBLSA, La Raza Legal Alliance, and other sister legal organizations to explore the possibilities of joint work.

The organizational structure of a chapter is also important to its success and will be a basic strength of its

work. Factors here are strong leadership, active participation in decision making by all chapter members, and a regular means of communication. Chapter structures vary widely: assess the needs of your particular situation, and talk with your Regional Vice President, the National Office, and members of other chapters for ideas.

Join us in building the Guild, and progressive legal work around the country!

—Tom Berning and Candy Culin

Checklist for Starting a New Chapter

- ❑ **Contact the National Office.** Now. They can get you everything you need to get started, as well as list you among the student chapters on the website and put you in touch with Guild contacts in your area so that you can get involved in local activities. It's possible that there are other member students and member professors already on your campus, and the N.O. will help you find them. The N.O. exists for support – it has tons of publications, recruitment resources, and can help you connect with other Guild members. Ask the N.O. to also send you Disorientation Handbooks and other publications for you to hand out at your first meeting or while tabling campus involvement fairs.
- ❑ **Get recognized on campus.** Talk to other student organizations and your school administration to learn what is required of a new student group on campus. If you need to submit a constitution and bylaws to the student bar association or administrators, see the student section of nlg.org or contact the N.O. for samples. If you need a faculty advisor, try your critical studies department (or an equivalent) or ask the N.O. if there's a Guild professor on staff.
- ❑ **Host your first meeting.** Put up fliers with information about the meeting around school and announce it in as many places as you can: school email lists, social networking sites, campus web forums, classroom chalkboards—everywhere! If it's the beginning of the school year, schedule a time during 1L orientation to table for new members—talk up the Guild and plug the first meeting.
- ❑ **Organize around an issue.** See what people want to work on—a campus issue, something in the local community, a national campaign, or Guild programs. Once you find an issue or two, get going! It's important to harness your energy and run with it. Invite people from nearby NLG chapters and committees, and search the web for community organizations, sister legal organizations, and campus groups who are working on these issues to the initial planning meetings: you'll build critical relationships, learn what's already being done, and plot the best ways to support current projects as Guild students. In all things social justice, unity is key.
- ❑ **Communicate.** It is impossible to stress the importance of regular meetings, but realistically, not everyone will make all of them, and not everything will be resolved at them, either. Contact the National Office so we can set up an NLG listserv for your new chapter so that organizing can continue even when you can't all get together.
- ❑ **Join the Guild.** Applications are available online and on the last page of this Disorientation Handbook, so have everyone fill one out and send it with their sliding scale dues to the N.O. or to the local staffed chapter if you live in Michigan (\$15), Massachusetts (\$25), or in the Bay Area (\$25). Los Angeles students join for free as dues are subsidized by LA attorney members.
- ❑ **Get organized.** Once you have a solid group of people, elect or organize your decision-making structure. You can organize your “leadership” or chapter body in whatever way fits best: some chapters elect a President, VP, Secretary, and Treasurer; some chapters have two chairs and several board members that oversee projects; and other chapters adopt a collective model with two contacts chosen to communicate with and receive notices from the Regional VPs, National Office, and other Guild entities. Your chapter, your call. Contact the National Office with the names and information of two principal contact people for the new chapter.
- ❑ **Get what's coming to you.** Law schools earmark thousands of dollars for student groups and activities. Once you're official, talk to your school administration about setting up a budget and securing funds for all your plans. Also look into funding for travel to the Guild's national and regional conventions. And don't forget to ask established student groups for tips—there are almost always tricks to the process.
- ❑ **Vigilance!** There may be people who at first weren't interested in the chapter because it didn't have a clear identity or defined projects—recruit them! Talk about what sets the Guild apart from other organizations, what you are working on, and always encourage others to participate in meetings and events. Make it clear that they can bring their own ideas and projects to the group as well.
- ❑ **Always feel free** to call the National Office and your Regional VP(s) for contact information in your area, to discuss ideas, or to tell us about the work you are doing so we can share it with other members. The national student coordinator is always eager to talk about radical projects, campaigns, and actions, but is also there to help you brainstorm around the less exciting—but equally critical—items on the agenda: everything from how to run a better meeting to how to plug into the network. Also see the student page of the NLG website for organizing tips, fellowship information, sample documents like budgets and bylaws, and contacts for the other NLG student chapters.

Radicalizing Your Law School

Ideas for Achieving Curriculum Reform, Integration, Personal Satisfaction and Rewarding Jobs

In 1946 a National Lawyers Guild article recognized four crucial reasons to bring law students into the organization: 1) to effect fundamental law school curriculum reform by addressing deficiencies with the case method, lack of contact with practical problems of the bar, and problem resolving techniques; 2) to provide fuller personal integration with the profession while still at law school; 3) to help erase discrimination in legal education; and 4) to assist with post-graduate employment through the Guild's Neighborhood Law offices, since over 80% of the student bodies were veterans.

Sixty years later, the dominant law school curriculum and teaching methods still fail students. This model is harmful to young lawyers' ability to make autonomous decisions about the way in which they practice law, and to how justice is administered in this society. It discourages students from thinking independently about what they can do as lawyers, and instead encourages them to adhere to a status quo model that may espouse values contrary to their own.

A better model integrates multiple teaching models—clinical experience, activist experience, professional mentoring, legal research and writing, creative job opportunities—and instills in students the value of thinking and functioning autonomously. A more effective law school curriculum incorporates a critical analysis of the moral and political content of law. Students are entitled to, and should demand, a wide range of models of how law can be practiced, and the tools to comprehend the social import of their work and the power they possess as students. The legal profession and society at large will benefit from this. Here are several key areas to focus on:

Create Culture that Rewards Rather than Punishes Activism. Give academic credit for initiating or participating in actions that directly help local communities. For example, students may invite Guild members to conduct trainings at law schools on how to serve as legal observers at local events. Students who attend trainings and serve as legal observers during a semester receive one or two academic credits by presenting a paper outlining key points learned at the training and put into practice at documented rallies. More real life training often comes from this experience than from a semester in the classroom—you learn how to collect information for possible use at trial, how to talk with those who have been arrested, and how to inform them of their rights, including the right to remain silent.

Students can work during winter and spring breaks with asylum seekers, detainees, and other non-citizens seeking immigration status in South Florida or on the U.S./Mexico border by volunteering with agencies at the forefront in the fight for immigrants' rights. Arranged through the Guild's National Immigration Project, participating students employ advocacy skills in a context quite different from a clinic or classroom. Students can also participate in Guild military law trainings and delegations to other countries. Students should encourage law schools to give academic credit for such work and to aggressively promote such endeavors in school literature.

Professors/Placement Offices Provide Examples of Alternatives to Corporate Jobs. Ask your professors and law school's job placement office to expand non-corporate job opportunities. Graduates can advance the goals of political and social movements by working as a public defender or for a nonprofit legal services organization. Non-corporate work isn't just in the non-profit sector—consider pro-labor firms, pro-plaintiff firms, or private practice. Certain government jobs provide opportunities to preserve and/or enforce the rights of the people or to enforce regulations imposed on corporations. Examples of agencies with enforcement opportunities include the Environmental Protection Agency, the Securities and Exchange Commission and the Federal Trade Commission, the National Labor Relations Board and the Equal Employment Opportunity Commission, or their state equivalents.

Require Clinical Experience in Public Interest. Clinical programs should be expanded and mandated. Some law students never have the experience of seeing first-hand the needs of their communities or of collaborating with those representing victims of police misconduct, battered women, a person about to be evicted, or someone whose immigration status jeopardizes their rights. Such work sensitizes students and fosters a commitment to serving the community after law school. Pro bono placements can legitimize the practice of working with underserved communities and reveal its many rewards.

(CONTINUED ON PAGE 17)

Professor David Dominguez describes a clinical seminar in which students learn the art of “redemptive lawyering.” In “Redemptive Lawyering: The First (and Missing) Half of Legal Education and Law Practice (37 CAL.W.L.REV. 27 (2000)) he says that lawyers are predominantly conceived as “problem solvers” who step in to usher people through an arcane judicial system designed to handle disputes that could not be resolved privately. Professor Dominguez argues that instead of merely solving problems, lawyers could empower community organizations to tap their own resources as advocates and problem-solvers by building relationships with other organizations, government service providers and businesses. Redemptive lawyering “seeks to cut the legal system down to size” by creating “a responsible network of caring relationships and effective collaboration.” Rather than viewing the lawyer as someone who reacts when someone calls on her to settle a dispute, redemptive lawyering views the lawyer as an instrument in building a civic community less dependent on the legal system and more reliant on its own networks to fulfill people’s needs.

Law School Administration Should Commit to Hybrid Model of Teaching. The Socratic method still has some value in helping students think on their feet, avoid intimidation, develop some competency in public speaking, and learn to analyze and speak about caselaw. But it should be combined with the other frequently used problem-solving methods of teaching, in which students apply rules of law to written fact patterns, more along the lines of how practicing attorneys work.

Legal writing and research should be integrated into each course, in addition to the introductory course required in all schools. Writing forces students to think analytically, express themselves cogently and envision a real-life audience more similar to real life than the classroom environment offers.

Because law professors already serve as role models for students, and because most students develop professionally in their first legal job, law schools should institute a formal mentoring program. In the early days of legal education, apprenticeship in an attorney’s office provided an alternative to law school before taking the bar exam. This real world experience would serve students, and the legal profession, well.

Redemptive lawyering views the lawyer as an instrument in building a civic community less dependent on the legal system and more reliant on its own networks to fulfill people’s needs.

Students Participate in Making Changes. Students should supplement their legal studies by working to effect positive systemic changes in their law schools. They can do this in several areas: admissions; financial aid/loan repayment assistance; student government; faculty/academic committees/alumni/public relations; career planning and faculty diversity. You can learn about the admissions process to ensure that it is asking itself the right questions and that the students, faculty and staff understand how its admissions process works. Loan repayment programs are critical to ensure that students opting to pursue public interest careers can be

assisted in meeting their debt obligations. Student government is a highly effective way in which to promote changes in the curriculum, from allocating student activities funds to speaking as the “legitimate”

voice of the student body when dealing with administration. Students need to work to ensure that this voice is reflective of the range of interests and people comprising the student body. Faculty and academic committees are influential places to decide what courses are required and what new faculty will be hired. Often these committees are unaware that they can play a role in promoting public issues. Involvement with alumni affairs can be a means of promoting a more diverse, public-interest-oriented agenda, as many alumni might be interested in helping to fund such initiatives. Students should maintain pressure on law school faculty and administrators to recruit faculty from diverse backgrounds.

Career Services Work One-on-One with Students to Find or Create Jobs That Will Best Suit Their Needs.

Law school career development centers should encourage students to think creatively about designing their own public interest jobs (see articles on page 20 & 22). Schools should balance the push toward corporate practice by incorporating grassroots legal organizations and alternative bar associations into their career development resources. The career center should invite guest speakers who have experience in these efforts. Guests should talk about their practice, significant cases they have worked on and the challenges and rewards they experience in their day-to-day practices.

—Heidi Boghosian, NLG Executive Director

Work For the Guild This Summer!

Over four decades of Haywood Burns Fellowships

The Haywood Burns Memorial Fellowships for Social and Economic Justice emerged from the Guild's established tradition of providing legal, political and educational support to the important progressive movements of the day. In 1964, the Guild, working with the Student Non-Violent Coordinating Committee, sent lawyers and law students south to provide legal support for the emerging Civil Rights Movement in what became known as the Mississippi Summer. In late 1972, New York State indicted 62 prisoners who survived the police assault at the Attica Prison. None of the police officers were indicted despite detailed reports of excessive force. In 1973, the Committee was formed in part to respond to this situation. The Summer Projects Committee sent law students to assist on the defense of the Attica Brothers, to support the growing farmworker struggles in California and to support Native American treaty rights in the Pacific Northwest.

Over the years, the Summer Projects Committee has expanded to fund the work of hundreds of students at organizations that are working to protect and further the civil and criminal rights of oppressed people in the United States. In 1996 the program was re-named the Haywood Burns Memorial Fellowships for Social and Economic Justice after the death of Haywood Burns, long-time radical lawyer, law professor, and NLG president.

Although providing legal work under the direction of their attorney-organizers is still important, the primary mission of the Summer Projects is to strengthen the students' long-term commitment to promote justice and equality.

On Being a Haywood Burns Fellow:

Erin Wasley, Fellow at the Meiklejohn Civil Liberties Institute

I learned a good deal of relevant, historical information while working on the book, "Landmark Cases Left Out of Your Textbooks." Working at MCLI was a rich and valuable experience. Working with Ann Ginger was very educational and inspirational.

Walid F. Kandeel, Fellow at Mumia Abu-Jamal Defense Committee

The most salient legal skill that I have learned during this Fellowship was about attorney/client interactions and how to deal with very different types of clients. I do not think this particular skill can be taught effectively in a traditional classroom setting because it requires the element of human interaction with individuals who have unique life experiences.

Michelle Petrotta, Fellow at Farmworker Legal Services of NY

I learned about client contact skills, the importance of weighing all the benefits and disadvantages of legal options for a client, and the importance of the client's involvement in making decisions regarding his/her involvement in a legal process. Further, I learned about the plethora of issues that affect migrant farmworkers – from housing and labor rights issues to discrimination and trafficking. This experience solidified my interest in advocating on behalf of marginalized and disadvantaged populations in my future legal career.

Melissa Bond, Fellow at Sylvia Rivera Law Project

My level of client interaction was invaluable. I coordinated communication between clients and other nonprofit groups; such communication skills are not taught in the classrooms. I'm glad that I was able to transcend the "academy" this summer.

Dan Barrett, Fellow at Gay and Lesbian Advocates and Defenders

I learned to condense difficult research into concise memos, and I learned the value of answering legal questions directly. These experiences will help me to become an effective impact litigator. GLAD offers a fantastic opportunity to see progressive lawyering and I would absolutely recommend the Fellowship to others.

Comments from Project Directors

Kareem Shora of the American-Arab
Anti-Discrimination Committee

Ethan, our Fellow, helped ADC assist an additional 50 individuals who contacted ADC for help over the summer. Ethan was an outstanding, professional, and very helpful Fellow.

Kimmy Sharkey of the Georgia Resource Center

The Fellowship provides GRC with additional manpower that helps us more effectively represent men and women on Georgia's death row. Without the Fellow, we would have struggled to meet the emotional, mental needs of some of our clients. She was a huge help, working with clients to maintain their trust in GRC and keep them emotionally stable. The Fellow provided extraordinary assistance during an evidentiary hearing. She transported witnesses, took care of them during the hearing, and supported our client's mother.

Ann Fagan Ginger of the Meiklejohn Civil Liberties
Institute

It turned out that the Fellows' lack of knowledge of important human rights cases led us to write a new, critical book with their help: "Landmark Cases Left Out of Your Textbooks."

Gabriel Arkles of the Sylvia Rivera Law Project

The program allows us to recruit law students to work here for the summer who might not have applied otherwise or who might not have been able to work here because of lack of funding. Both years we have found exceptional Fellows of color who could not have taken an unpaid internship. Both years they were fluent Spanish speakers, greatly improving our services to Spanish speaking clients.

Jeffrey Light of Patients Not Patents

Our Fellow assisted in preparing an amicus brief and challenging the validity of a patent on a derivative of thalidomide useful for treating cancer and other diseases. Both of these projects were time-sensitive and could not have been completed without the Fellow's help.



Haywood Burns speaking to the media outside Roosevelt Hospital, October 1971. Emerging from the recovery room where H. Rap Brown was supposedly recuperating from a gunshot wound, Burns refused to say whether the patient he saw was or was not Brown.

Applying for Fellowships

Application information on the summer Fellowships will be posted on the NLG website each year in November.

Check www.nlg.org/law-students/fellowships for more information on the Fellows, the history of the Fellowships and upcoming due dates.

Email traci@nlg.org
for more information.

A note on Fellowship options: We encourage applicants to identify grassroots and non-traditional work opportunities for which there is a serious current societal need. This could be a small non-profit, a short-staffed community law firm, or an organizing campaign that needs legal assistance. We generally do not provide funding for work at large non-profits or agencies that receive government funding, though we have made some exceptions if the agencies are severely under-funded or if the project is especially compelling.

Alternative Forms of Law Practice

I want to say a word about law practice, and I have a simple message: there are attractive, rewarding alternatives to the top corporate and business oriented legal jobs. I am disturbed by the message so frequently circulated around the law schools these days. Corporate work is depicted as the most interesting and challenging, while working for the poor, for working people, or for the environment is considered dull and for do-gooders. To me, quite the opposite is true. I will focus on my experience in a small law office that handles mainly civil rights and civil liberties cases, although there are a variety of other alternatives.

I have practiced in Philadelphia for over twenty years with a firm consisting of two or three lawyers and one legal worker or paralegal,¹ and we have tried to make our work comport with our beliefs as closely as we can. I think it is possible for anyone with a legal education and a license to do this. We do not always succeed; there are compromises and difficulties, and nothing is perfect. But we have found, as have others, mainly those associated with the National Lawyers Guild, that it is possible to follow your ideals and to make a quite decent income and lead a decent life.

I am not talking about subsistence. I mean a comfortable middle-class existence. People pay enormous amounts of money for lawyers. It is not difficult to make a lot of money and charge reasonable rates for the normal things that lawyers do. When I first started, we worked primarily on anti-war and civil-rights and civil-liberties cases, but one way we felt we could earn money immediately was by handling consensual divorces. We learned how to do divorce cases, and we wound up divorcing many of our friends.² The fees we charged, as well as our use of paralegals, got us in a little trouble with the local bar. The bar had a recommended schedule of fees for various legal services, and they did not like anyone charging less for those services. As I remember, the recommended fee for a consensual divorce was about \$600 in 1971, the work for which consisted of an interview, completion of a few forms and an appearance at a pro forma hearing. We charged \$300. Our clients were billed at a decent rate, and we made a reasonable income while we pursued the cases we wanted.

I realize that jobs are difficult to find, but that just forces new lawyers and law students to be particularly creative. There are many ways to get started. When we started, we approached a firm of criminal lawyers we knew and asked them if we could rent the extra room they had at the end of their suite. They were very happy to rent it. They liked the kind of work we were going to do; it was different from theirs, but they liked the idea.

They gave us the room at a low rent until we established ourselves. We also shared their copying machine and their library. I do not mean that there are no struggles. There were times when we did not have enough money, but it was not as difficult as it is depicted in most law schools and through the legal profession. We mostly had difficulty imagining that the phone would ring — who would want us? — but it did. We found that most people choose lawyers based on recommendations from friends and from other lawyers. Clients recommend you if you do a good job, which includes treating people with respect and concern as well as being diligent and competent in one's research and courtroom performance.

Moreover, for me this is just a better way to live. It is not necessarily better for everybody, of course, but I would rather spend most of my day talking to people who have, for example, organized a group to label toxic substances in the work place, or to oppose the nuclear arms race. I generally like these people; they are interesting, the things they care about and work on are important to me, and they are fun to have lunch with. I would rather talk to and associate with them for the majority of my



PHOTO BY THOM CINCOTTA

NLG Treasurer Roxana Orrell observes a protest against Arizona's SB 1070 in July 2010. The protest, which took place outside the Maricopa County Sheriff's office, drew Legal Observers from the local Guild chapter as well as Los Angeles, Texas, Massachusetts, and New York.



PHOTO BY PAUL AIKEN

University of Colorado student Dustin Craun addresses student anti-war demonstrators occupying the University Memorial Center atrium. The CU Guild chapter was instrumental in helping the demonstrators deal with abuses by the local police department.

work day than with some corporate executive who wants me to find a tax break for him. I do not find greed endearing, and I do not find the work involved in figuring out a tax break for someone who is already quite sufficiently rich either interesting or important. Many of the people in my law school class thought they had to do work they did not really care about. They did this work for higher status, or higher pay, or often without thinking. That seems to be the motivation of most law students today, but people who follow that path do not seem very happy with it. Practicing law is really not that much fun in itself. I have never heard of anyone who practices law as a hobby. There is an enormous amount of paper work and pressure, it is tedious, it requires long hours, and it is often frustrating. Each judge's opinion is written as if it embodies truth and reason, but often you cannot tell whether a judge will adopt some seemingly ridiculous distinction. Practice can be exciting and fun; but if you practice year after year, and if it has no purpose that means something to you, it is hard to sustain.

So I think alternative legal practice is fun. It is more interesting and more challenging, you deal with weightier social issues, and you can provide real help to people and groups you care about. I do not mean that one should do this kind of work out of guilt. To me, it is simply a question of how you want to live and taking control of your life.

—David Kairys, *Guild attorney, Professor of Law at Temple University in Philadelphia, editor of The Politics of Law: A Progressive Critique, and author of Philadelphia Freedom: Memoirs of a Civil Rights Lawyer. This article is reprinted from 52 George Washington Law Review 243 (1984).*

1. For the first three years after graduating from law school, I was on a fellowship and primarily practiced as a public defender, so I (and my partner) had litigation experience before starting the firm.

2. Because Pennsylvania law has been influenced by Quakers, it was and is possible to marry there without a license or any state involvement, so we also helped create legally binding marriages on terms a couple could specify themselves.

Create Your Own Public Interest Job

When I began law school I never imagined that, two years out, I would consider fundraising to have become one of my most valuable skills. Competing for the few available public interest law positions can be very tough — especially for someone just out of school. But since the current resources devoted to public interest work do not begin to match the needs in the community, students should recognize finding their own funding is an especially effective route to take. Raising money has enabled me to set up an organization to do exactly the kind of advocacy work I hoped to do on issues of access to health care.

Often, law students are fearful about pursuing a public interest direction because of the intense competition for existing jobs. My advice: find a need (we all know there's plenty of that around), focus your efforts, be visionary about how to fill it, build allies, teach people that your interests are their interests, and organize coalitions. Work hard — you'll impress those around you with your enthusiasm and you'll increase the opportunities to learn what it is you do best. If you're good at what you do, lots of people will want to hire you, but they won't have the money. Your first job may be to raise the money that will allow an existing organization to increase their activities to hire you. This strategy has worked for me and for Health Access.

I was out of law school for less than a year when we formally pulled Health Access together. Health Access is a coalition which emerged from a statewide citizen's effort to stop patient dumping in California. I had been active in this movement during my last two years of law school. The hazardous transfers of uninsured patients from private emergency rooms to larger problems of denied health care access. Galvanized by the unifying, pro-active momentum spawned by the stop patient dumping effort, a core of organizations convened Health Access under the organizational umbrella of Public Advocates, a San Francisco based public interest law firm. We united seniors, unions, health activists, policy experts, civil rights organizations, minority groups, health workers, providers and grassroots organizations. We celebrated our 20th anniversary in 2007 and I am proud to say that Health Access is still going strong, leading the fight for quality, affordable healthcare.

—Maryann O'Sullivan, Founder of Health Access, CA



PHOTO COURTESY OF GRANMA

Guild members marched with one million Cubans in Havana in October 2000 to protest the U.S. blockade against Cuba. Bruce Nestor (left) holds the Guild banner, as Karen Jo Koonan (right) and Cathy Dreyfuss (far right) also lead the Guild contingent.

Why Join the Guild?

The National Lawyers Guild has a rich and long history of being a central part of efforts for social justice. While we are very proud of this history, we want you to join the Guild because of its exciting future. Join the Guild because it continues to play a crucial role in social justice struggles. Join the Guild because we need your passion and creativity if we are to continue to adapt in this ever-changing political climate.

The National Lawyers Guild is a national legal organization committed to social change, human rights, and peace. We are different from other legal organizations because our first commitment is to progressive structural change to our current system of government. Our work supports the efforts of communities organizing themselves by being a legal resource to their work for social change and self-determination, while also working to make direct change through the legal system. This is different from legal organizations that prioritize the Bill of Rights, or lobby elected officials. Because the Guild is building relationships with communities on the front lines of campaigns for social justice, we also know that it is important to employ a variety of legal and political tactics in order to enact change. Membership in the Guild is focused on the legal community; we are made up of legal workers, attorneys, law students and jailhouse lawyers. This positions us uniquely as one of a few national legal associations with social justice politics. We encourage members of the Guild to be making long-term linkages with minority bar associations (bar associations of people of color, women, LGBTQ people and others) as a way to make connections between the work that all of us do.

The network that the Guild provides is integral to the success and sustainability of people's lawyers. Many of us know the story of the law student who goes to school with the goal of changing the world, but isn't able to live and work with other progressive students. Slowly these well-intentioned people aren't able to sustain their work without a community of people to build and learn with; without the support and dialogue with other progressive attorneys they eventually burn out and become de-politicized. Fighting for social justice cannot be done alone.

Involvement in the Guild includes students in a nationwide network of progressive legal people with broad experience in key areas of people's law. Guild members are at the forefront of the legal battles surrounding AIDS, violence—related to race, gender, sexuality or nationality, civil rights, military law, immigration law, housing and economic rights, environmental law and international human rights, among others. Through the Guild students have the opportunity to have mentors, be on listservs that



Guild member Steven Toff (left) serves as an NLG Legal Observer during October mass arrests at Occupy Boston.

provide substantive work ideas, discuss legal strategies and share ideas, and find people to initiate new projects with. This network also proves useful to Guild members in finding jobs, in answering questions about how to proceed in various legal problems and in supporting progressive lawyers when they need it most.

The Guild is larger than the sum of its parts—meaning that as a whole we hold more power and accomplish more than as just a loosely affiliated network of people. We cannot overlook the importance of the Guild as a national organization of legal people, and the impact that we can have on the political development of this country. The Guild is a place where your work, whether it is on a national scale or in your own neighborhood, is linked to the work of thousands of other members of the legal community.

Considering all that the Guild has to offer, the cost of membership is very low. Law student membership is about the price of a night out on the town. In addition to being a member of an incredible organization, you receive *Guild Notes*, other student publications such as this handbook, your local chapter's newsletter, information on Guild publications and committees, voting rights at the national convention and in your local chapter, and much more information about progressive legal organizations and issues.

—Ian Brannigan, former NLG National Membership Coordinator

Become a Member of the NLG!

Name _____

Address _____ City _____

State _____ Zip _____ This is your home office

Phone _____ Email _____

YES, add me to the Guild's listserv, NLG-Announcements

YES, add me to the NLG student listserv (students only)

Other Optional Personal Information: _____
(race, gender, age, sexuality, etc.)

Professional Status (Check all that apply): Attorney Legal Worker Law Student Jailhouse Lawyer

Law School: _____ Year of Graduation: _____

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(please check off committees you would like to join and if dues are required add them to your total payment.)

- | | |
|---|---|
| <input type="checkbox"/> Amicus Committee (by application only) | <input type="checkbox"/> Labor & Employment Committee (\$35; \$15 for students) |
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| <input type="checkbox"/> Committee on Democratic Communications (\$35; \$15 for students) | <input type="checkbox"/> Middle East Subcommittee (\$15) |
| <input type="checkbox"/> Cuba Subcommittee (\$10) | <input type="checkbox"/> Military Law Task Force (\$25, includes newsletter) |
| <input type="checkbox"/> Disability Rights Committee (\$15) | <input type="checkbox"/> Next Generation Committee |
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| <input type="checkbox"/> Environmental Justice Committee | <input type="checkbox"/> Prison Law Project (\$10; free for Jailhouse Lawyers) |
| <input type="checkbox"/> Housing Committee | <input type="checkbox"/> Queer Caucus |
| <input type="checkbox"/> International Committee (\$25; \$15 for students) | <input type="checkbox"/> Task Force on the Americas |
| | <input type="checkbox"/> The United People Of Color Caucus (TUPOCC) (\$15-30 Sliding Scale) |

NLG Suggested Dues Rates*

Law Students: \$20-50

New Attorneys & Legal Workers: \$60

Jailhouse Lawyers: No Dues

Attorneys: Suggested Dues by Income (see nlg.org/join for rates)

*If your law school is in a staffed chapter (Michigan, Massachusetts, San Francisco/Bay Area, New York City, or Los Angeles) contact that chapter directly for membership information. Dues rates vary for the staffed chapters. Learn more at nlg.org/join

Payment

Visa MasterCard Check enclosed (make checks payable to National Lawyers Guild)

Card #: _____ Exp. Date: _____

Total Dues Amount: \$ _____ Signature: _____

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Notes



“An organization of lawyers, law students, legal workers and jailhouse lawyers...in the service of the people, to the end that human rights shall be regarded as more sacred than property interests.”

—Preamble to the NLG Constitution

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