

THE LAW SCHOOL *IN* AND *AS* COMMUNITY

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I. INTRODUCTION

THIS year is CUNY School of Law's twentieth anniversary. Preparation for our year-long celebration has provided an opportunity to think about our history and the ways in which the values and aspirations that led to the Law School's creation have been embodied and evolved. Anniversaries, especially big ones, are occasions not only for fundraising, but for "naming" what has been created over the years and sharing our hopes for the future. With this in mind, we have chosen "Building a Community of Justice" as the best way to begin to shape the Law School's next decades.

The phrase works well as a logo, but also, on a more profound level, it provides a framework through which to understand our accomplishments and keep us on course. The anniversary, the process of definition, and the slogan itself have led me to think about what, in legal education, we understand as our community or communities, and how we relate to, engage with, and further their growth and well being. And, of course, because I am a dean, I must also consider what we can get from them.

II. LAW SCHOOLS *IN* COMMUNITY

At a minimum,¹ law schools are located in geographic communities—the city, town, and the particular neighborhood in which they are situated; in communities of affinity—legal education, the legal profession, and/or some more specialized part of it² and, in the case of religiously based law schools, a religion or denomination; and finally, for most law schools, in an organizational community, the university.

A. *Geographic Community*

Community involves a commonality of concerns and, at least ideally, a reciprocity of obligations and benefits. In its position as part of a geographic community a law school may share local concerns with its neighbors, like the location of a bus stop, or the proposed siting of some environmentally dangerous

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1. There are many more, but they are beyond the ambition or page limits of this article. I have chosen what seem the most obvious, and have the most immediate and practical implications.

2. For example, a law school may focus on training its graduates for corporate practice, or for trial work, and so, in addition to the profession as a whole, it may be constituted as part of the large firm and corporate communities, or the personal injury, class action, insurance and defense law communities.

or aesthetically displeasing object or entity³ It will share concerns about public safety—competent and responsive police and fire protection, the availability of regular and affordable transportation, and safe, affordable housing.⁴ It may provide benefits and/or services to its community, and it may seek or enjoy material and other support from it.

The geographic community to which a particular law school belongs will vary in size and population depending on the number of other law schools in the state or city; a law school which is the only such institution in a state, especially if it is a public law school, will experience itself (and be experienced) as part of a much larger geographic community than one of a number of private schools in a large city⁵ CUNY, for example, is often identified as a “Queens law school” rather than a “New York City law school,”⁶ or even a “state law school,”⁷ although we are part of all of these geographic and political communities, as well as our closer, more intimate community of Flushing, Queens. Given these sometimes multiple identities, how does, could or should a law school relate to, or constitute itself as, a member of its geographic communit(ies)?

First, the law school may and I would argue, *should*, assume some responsibility for the well being of its immediate neighbors. In most law schools, the loci for community assistance or empowerment are their live-client clinics and pro bono programs. The former serve individual clients, usually those unable to afford legal services, in a variety of matters. At CUNY, for example, students assist clients (especially victims of domestic violence) with family law problems, older persons with benefits, guardianship and estate planning, and immigrants with naturalization and asylum claims. Clinics at other law schools specialize in creating small businesses or dealing with tax, securities or bankruptcy issues. Law school clinics may also address more generalized community needs, like fair housing, environmental safety community economic development or alternative dispute resolution services. In addition to, or in lieu of work done through clinics, supervised externships may provide assistance to over-burdened not-for-profits and public agencies as well as prosecutors, public defenders and the court system in the law school’s city or state.

Many pro bono programs are purely legal—providing students with opportunities for client representation similar to that offered by law school clinics, albeit without

3. This might include the proposal to situate a toxic waste dump, build an electrical generating facility, or, recently at Fordham University’s Rose Hill campus, an enormous and unsightly radio tower.

4. Although these concerns may be less pressing for law schools with substantial student housing, or with a student body that drives rather than uses public transportation (at which point issues over the construction or expansion of parking lots may quickly surface), they are never entirely absent, since the law school must also be concerned about its faculty and staff.

5. For a discussion of the special responsibilities, as well as the role of public law schools, see, e.g., Rex R. Perschbacher, *The Public Responsibility of a Public Law School*, 31 U. TOL. L. REV. 693 (2000).

6. I am forever reminding people that we are the law school of New York City’s University, but general New York parochialism tends to reserve the designation of “city” for the borough of Manhattan.

7. There are two public law schools in New York State which, in some ways, replicate New York’s upstate/downstate dichotomy: University of Buffalo Law School and CUNY

direct faculty supervision.⁸ The ways in which law students provide legal services, directly through clinics, or more indirectly through pro bono programs and opportunities, demonstrate the mutual advantages that exist for both community and law school. The community benefits the law school by providing a laboratory for learning lawyering skills and for testing and understanding the limits of legal action. By working with and for real clients, especially poor people, law students' vision is expanded, and their commitment to the professional responsibility of providing legal services to those who cannot afford them is nurtured and reinforced.⁹ In turn, the community benefits from vindication of its members' legal rights and legal needs that only lawyers and supervised lawyers-to-be can accomplish.

Pro bono or community service programs may also provide non-legal charitable services, like participation in Habitat for Humanity food collection, "races for the cure," tutoring, mentoring, and the like. These services also contribute to the community and to improving the law school's (and sometimes the University's) image as well. Through active and positive engagement with its neighbors, perceptions of the law school may be transformed from an all too familiar traditional town/gown hostility to appreciation and solidarity. Seeing the law school as a good neighbor may (and often does) lead to support,¹⁰ including financial support, for the continuation or expansion of clinic, externship or pro bono programs.¹¹

Law schools may also offer their physical plants as a community resource. Community groups may use auditoriums or other spaces for meetings, conferences or other gatherings, or space in the law school might be utilized for a legal services office¹² or as a home for social justice organizations.¹³ Law schools may even be the sites for whole courts, or courtrooms,¹⁴ simultaneously providing learning opportunities for students and services to the court and litigants. Law schools may also open their doors to provide community education, or they may take that

8. For a compilation of the enormous variety of law school pro bono programs and opportunities, see the American Bar Association, Directory of Law School Public Interest and Pro Bono Programs, at <http://www.abanet.org/legalservices/probono/lawschools>.

9. Provision of pro bono services, while nowhere mandatory, is an essential part of professional responsibility, Model Rules of Professional Conduct, Rule 6.1. Although there are no definitive studies, it appears, anecdotally, that students who do pro bono work in law school are more likely to provide such services after graduation. See, e.g., Richard L. Abel, *Choosing, Nurturing, Training and Placing Public Interest Law Students*, 70 *FORDHAM L. REV.* 1563, 1567 (2002).

10. The support garnered from deep community involvement may also be moral, or even spiritual. One of the members of an ABA site team visiting Appalachian Law School, where students are required to contribute 25 hours of community service *per semester* remembers attending church services where the congregation prayed for the members of the team, as well as for full accreditation.

11. For example, in recognition of immigration services that students in CUNY's Immigration Law Clinic provide to the Flushing community, the Flushing Chinese Business Association has created a paid summer internship for CUNY students.

12. This is the case, for example, at Touro Law School, which hosts an office of Suffolk Legal Services, and Pace Law School which houses the Hudson Valley Poverty Law Center.

13. For example, in addition to its clinical programs, the Center for Legal and Social Justice at St. Mary's University Law School in San Antonio houses three social justice organizations, Hispanas Unidas, National Student Partnership and Texas Rural Legal Aid.

14. SUNY Buffalo Law School uses its Francis M. Letro Courtroom for state criminal and civil trials and appellate arguments.

education directly into the community to institutions like public libraries, community centers and senior centers. Students and faculty may present programs in areas such as citizenship, domestic violence prevention and remedies, government benefits, living wills and healthcare proxies.¹⁵ Finally, as a sub-set of community legal education, law schools can engage with local primary and high schools in, for example, street law projects, mock-trials, and courses about date rape and domestic violence.¹⁶

In return, beside the pedagogical and personal benefits reaped by participants, the law school can utilize its community activities to seek and obtain financial and political support. The former may take the form of contributions from individuals and businesses in the community; it may also result in increased funding by local and state legislatures.¹⁷ Political support may assist (or defuse opposition to) a law school in projects like building or expansion plans.

B. *Communities of Affinity*

The second community to which law schools belong, that of affinity, includes legal education, and the legal profession, embodied as bar associations or, more generally, the practicing bar. The level of participation in each of these communities will depend on the law schools' values, needs and strategic choices. For religiously affiliated schools, it also includes the denomination or order to which they belong.

Within legal education, almost every law school is, in one form or another, a member of the Association of American Law Schools.¹⁸ Faculty, student services professionals and development staff access and contribute to intellectual and professional growth through conferences, committee service and publication in the *Journal of Legal Education*. Contacts among faculty and staff of different law schools, especially at the annual conference in January, promote a genuine sense of intellectual and educational community. Opportunities to share scholarship and best practices benefit individual law schools, while the Association benefits from the numbers of its members (and their dues) in order to serve as a meaningful voice for the legal education community generally.

15. These are some examples of public education done through CUNY's clinics and student organizations.

16. CUNY's Coalition Against Domestic Violence, a student organization, successfully offered a course on these topics at the local high school for the past several years.

17. For example, building on work done in, and in partnership with, community organizations in Queens, CUNY has secured legislative appropriations from the Queens Borough President and individual members of the New York City Council. The work of graduates in our Community Legal Resource Network (CLRN) (*see infra* discussion part IV.B) has resulted in state appropriations to support that initiative, which is housed at the Law School.

18. To a lesser degree, law schools with interested and engaged faculty may experience themselves as part of the more explicitly progressive legal education community exemplified by the Society of American Law Teachers (SALT). Unlike AALS, whose members are the law schools themselves, SALT is an association of individual law teachers.

While faculty may participate in the profession¹⁹ and in bar associations in a variety of ways,²⁰ a law school's strongest and most consistent connections with this community are often made through its Career Services Office and its alumni program. Getting to know local lawyers and law firms is critical for getting graduates jobs, so career services professionals must necessarily establish and maintain relationships with the practicing bar. Similarly, the longer a law school is around, the more likely its graduates will constitute a substantial percentage of the profession,²¹ making the alumni office a major source of connection.

The professional community is important to law schools, and vice versa. One of legal education's primary functions is to socialize students for the profession. The profession, which generally speaks through bar associations, is thus continuously concerned with what law schools are doing²²; it may also be engaged in assisting them in various ways. Bar associations provide resources for students, such as scholarships, internships, minority bar prep programs, mentoring and networking opportunities. The profession, especially the local community of lawyers, can supply adjuncts and lecturers who enrich the law school curriculum with their real life experience. Law schools benefit the profession not only initially by training its members, but also by providing continuing legal education (CLE) programs, through scholarship, and by collaborating on law reform efforts.

Some law schools are deeply involved with local bar associations and the local legal community while others engage more nationally. But because the vast majority of law faculty *are* lawyers, and because the vast majority of students will *become* lawyers, law schools are always very much part of the community of lawyers that constitutes the profession.

C. *The University Community*

A third community of which most law schools are a part is the university. Importantly this is a community that can both tax and support.²³ Where a law school is located on a common campus, there are practical aspects to membership. Many resources, from food services to technology, are necessarily shared, as are concerns about such disparate matters as safety and reputation. While resource allocation is often seen as a zero sum game, there is at least one major exception. In the spirit of a rising tide lifting all boats, the law school and its university are

19. They may, for example, sit on judicial screening panels or on disciplinary panels, or participate in activities of the American Law Institute, or attend or speak at judicial conferences. They may also, some to a substantial degree, participate in the profession itself through consulting, private practice, pro bono or "of counsel" status.

20. They may chair, or be members of bar associations' committees or sections, teach at continuing education programs, or hold bar association offices.

21. This is particularly true in states with only one or two law schools.

22. This often has led to criticism, albeit constructive, of how and whether law schools are educating their graduates for the practice of law. See, e.g., AMERICAN BAR ASSOCIATION, AN EDUCATIONAL CONTINUUM—REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992) [hereinafter MACCRATE REPORT].

23. As new deans are often told, "the University is your biggest donor."

closely bound in reputation. Dramatic increases in a law school's reputation can contribute to a similar rise in that of its university, and vice versa.

The law school may be connected to other units of the university as part of a robust intellectual community through interdisciplinary work, joint faculty appointments, and joint degrees and interdisciplinary opportunities for students. More mundanely and materially, the law school and the rest of the University are often connected through faculty and staff unions. As in geographic and professional communities, the law school, through contributions and shared responsibility, can be perceived by the university community as a good citizen. As a result, it can derive a variety of benefits and, when the need arises, it can also hope for protection.

A word about the latter, as it applies to geographic, affinity and university communities. As social-contract theorists understood, membership in a community is as much about protection as it is about creating opportunities for growth and self-actualization. Law schools sometimes need protection—from legislatures that are under-funding them, from universities that are over-taxing them, from a hostile press that attacks them and calls for unacceptable restrictions or even closure. The communities to which a law school belongs can be utilized and mobilized at such times, even as the law school lends its resources to those communities in their times of need.

III. THE ROLE OF THE DEAN

How can, or should, deans situate themselves in any or all of these three communities, what benefits can be expected for their law schools, and what criteria might guide their choices and priorities? Obviously, the answers to these questions vary tremendously depending on the institution as well as the particular strengths and inclinations of individual deans.

In the geographic community a dean, especially of a small school, or in a more rural area, may involve him/herself in local organizations—the Rotary Club, for example—and feel obligated to (or enjoy) participating in frequent community events. Appalachian Law School is an exceptional example where barriers between town and gown are almost entirely permeable, and where its new dean has recently applied for membership in the Grundy Volunteer Fire Department. Most deans are invited to serve on boards of one or more not-for-profits or quasi-governmental organizations in their communities. Deans in public institutions are expected to spend a certain amount of time, working directly and indirectly, in the political sphere. They may testify before city or state legislatures, host events for political leaders, and attend political functions. Public and private deans may choose to create and utilize community advisory boards, or engage community leaders on their Boards of Visitors or Overseers.

At the other end of the spectrum, deans of elite, private, urban law schools may have little contact with local business people, politicians and community organizations, choosing to allocate the majority of their “outside” time to more national or international venues. Such deans may, however, charge associate deans

or others who work with them to be attentive to local needs and, where appropriate, to propose or facilitate collaborations and ameliorations.²⁴

In communities of affinity deans may be active and prominent participants in AALS, including serving as president,²⁵ or may promote faculty scholarship and participation in scholarly organizations through financial contributions or by example. Deans may be active in bar association work, at both the national level, in the ABA where they chair sections and commissions, and in local bar associations where they may serve as officers, lecture or participate in CLE programs. Where relevant to its school's mission, a dean may take leadership in a more specialized legal community like that of legal services providers.²⁶ In the University they may take an active, willing and open-hearted role in governance, chair or serve on committees, provide leadership in inter-unit or interdisciplinary initiatives, help envision and operationalize resource-sharing or, when asked, fill University offices, such as Provost, on an interim basis.²⁷

Obviously no dean can be equally active in all these external communities; many choose one or two for the bulk of their efforts; some eschew almost all in favor of being "inside" deans—that is, deans whose focus is on the law school itself. Internal deans, or deans who devote a substantial amount of their time to the law school may nurture junior faculty make themselves available to students, work with staff to improve administrative tasks or morale, provide opportunities for professional growth across the law school's workforce and interact with graduates, forging more durable relations between the law school and its alumni.

But as even this list of "inside" commitments suggests, thoughtful participation in the communities I have described is also an essential component in creating a healthy and productive community within the law school.²⁸ While it has become commonplace to note the number and variety of "constituencies" a dean must negotiate with and serve; my intent here is to focus attention on the ways in which decanal choices also serve to build or enhance community in and around the law school.

IV THE LAW SCHOOL AS COMMUNITY

In addition to membership in geographic, affinity and (often) university communities, the law school is, itself, a community. At the least, the law school is a geographic or spatial community with students, faculty staff and administration

24. For example, Columbia Law School's Associate Dean for Public Interest, Ellen Chapnick, obtained approval and funding for a housing attorney to assist tenants "in Columbia's backyard" resist gentrification, deterioration and possible loss of their homes.

25. In the last decade, for example, this includes Mary Kay Kane, Gregory Williams and John Sexton.

26. For example, Shelley Broderick of District of Columbia School of Law has twice co-chaired the Coalition of Legal Service Providers, comprised of 35 organizations involved in the direct provision of legal services in the District of Columbia and has furthered that group's work in a number of ways, including utilizing her law school's resources on its behalf.

27. Nina Appell, at Loyola-Chicago, is a recent example.

28. For example, nurturing junior faculty and their scholarship requires making connections to the community of legal education, while staff development activities often benefit from the resources of the university.

inhabiting a building or buildings that, thanks to ABA accreditation standards, are generally entirely their own. Its members share, though not always equally, the advantages of a good reputation and the resources it provides, as well as the disadvantages (sometimes the pain) of its diminution or loss. They have obligations to the institution—the community—and an expectation of benefits from their membership in it. These general characteristics of law schools raise questions as to how they might be enhanced to create and sustain a more positive and nurturing sense of community, and why this might be a goal worth pursuing.

Admittedly, there are a number of challenges to community building. The law school is, inevitably an amalgam of smaller, sometimes antagonistic communities. The faculty may define itself as a “community of scholars,”²⁹ but that pretty much excludes everyone else. Staff may be joined only in concerns over salary and working conditions, while administrators gather the wagons in an “us and them” mentality. Students, who enter filled with idealism and enthusiasm, may become cynical and disillusioned, and may lose any sense of common purpose with the law school’s other inhabitants, wanting only to get out and get a job. In their most atomized form, the dean must negotiate the often-hostile terrain of separate law school communities, synthesizing identity, projecting common vision and making strategic choices.

Ideally the shifting sub-communities that exist in most law schools can be brought together as a functioning learning community to further a common vision or mission. This can be done in a variety of ways that continue to evolve and that are refined through the community’s practice and reflection. Thinking about this potential (which can also, occasionally and happily, be glimpsed in the present) has led me to the work of social theorists like Clifford Geertz and Etienne Wenger.

Geertz defines culture as “the webs of significance that human beings have “spun” and in which they are “suspended.”³⁰ Law schools clearly have and are cultures, which affect and are affected by all the members of the law school community. Some of these cultures are unintentional, while others may be deliberately designed and fostered.³¹ Wenger employs organizational dynamics, learning theories and practice in knowledge management to describe and define what he calls “communities of practice”—groups of people who share common values, who work or share information with and learn from each other in a dynamic, fluid and interactive way.³² I believe that law schools can be constituted as communities of practice, and that Wenger’s work provides a model for deans and others who might seek to enhance education and training in their institutions through community building. Here, I briefly describe Wenger’s theory including

29. The faculty may, of course, itself be divided into separate communities or “camps.” Ditto students, staff and administrators.

30. CLIFFORD GEERTZ, *THE INTERPRETATION OF CULTURES* 5 (1973).

31. For example, Deborah Rhode, who has been at the forefront of efforts to increase pro bono opportunities in law schools, has used the concept of culture to explain and further a commitment to pro bono efforts. See, e.g., Deborah L. Rhode, *Cultures of Commitment: Pro Bono for Lawyers and Law Students*, 67 *FORDHAM L. REV.* 2415 (1999).

32. See, e.g., ETIENNE WENGER, *COMMUNITIES OF PRACTICE: LEARNING, MEANING, AND IDENTITY* (1998); Etienne Wenger & William M. Snyder, *Communities of Practice: The Organizational Frontier* 78 *HARV. BUS. REV.* 139, 139-40 (2000).

how communities of practice can be built and nurtured, and how CUNY's experience bears this out.

A. *Communities of Practice*

Significantly, law schools are cultures organized around learning. Wenger's work posits that learning is not always, or even necessarily, individualized, but rather "situated" and contextualized.³³ It is social as well as cognitive and arises out of participation with others who engage collectively in social practice. Law students don't just learn substantive law from lectures and reading, they also learn what it means to be a lawyer and a member of the legal profession, through legal work with others in and outside the law school (for example, in clinics and externships) but also from the web of relationships within the law school.

We can socialize our students for the profession through a highly hierarchical model, or one that is more fluid and inclusive. For example, how staff are treated (with respect, with contempt, by being ignored) is part of the learning process for students, in the same way that staff can learn to take pride in, and internalize student (and graduate) successes, or, less productively, perceive students as bothersome or worse. There are often subtle, and not so subtle racial messages in this learning as well, with possibilities for developing respect and inclusiveness or, on the other hand, oblivion, dismissiveness or intolerance.

Like individuals, organizations also "learn" in context, creating explicit and implicit knowledge, legitimizing, and transmitting it. Within organizations, knowledge production can be relatively individualized or, in a functioning community of practice, can be the result of shared efforts, experiments and refinements. Where knowledge is individualized, there is high risk that it may be lost—think, for example, of the IT Director who carries it all "in his head" and whose departure can cause major dislocation—resulting in costly and time-consuming efforts to "reinvent the wheel." Where knowledge is collectively produced and shared, it is more readily accessible and is available for modification and improvement.³⁴ Deans may not generally conceptualize law schools in the way industrial and commercial leaders see their organizations, increasingly focusing on "knowledge management," or KM,³⁵ but similar principles apply. Because the curriculum is relatively stable,³⁶ we may not be as single-mindedly focused on innovation and progressive change as leaders in the corporate sector, but many

33. See generally WENGER, *supra* note 32, at 3-15.

34. See generally *id.* at 249-62.

35. Understanding that knowledge, not simply information, is critical to the ways organizations function and innovate. The purpose of KM, as a field of research and practice, is to better utilize the knowledge or "intellectual capital" contained in an organizational network. More than half of U.S. corporations and almost three quarters of all overseas firms now have KM strategies. S.P. Bate & G. Robert, *Knowledge Management and Communities of Practice in the Private Sector: Lessons for Modernizing the National Health Service in England and Wales*, 80 PUB. ADMIN. 643, 647-48 (2002) (citations omitted).

36. A study currently being conducted by the ABA Section on Legal Education and Admissions to the Bar's Curriculum Committee may reveal far more curricular innovation than we suspect, based on the relatively glacial change deans may observe in their own institutions.

functions of our institutions—technology is a powerful example—depend, at least implicitly, on KM.

There is an enormous amount of knowledge produced in law schools,³⁷ creating possibilities for innovation and growth when shared and circulated. How do we teach our students more effectively? How do we better prepare them for the work they will do on graduation? How can we manage our resources more productively? What can technology do to enhance student learning, faculty teaching and scholarship, and administrative functions? Shifting groups of individuals within the law school community develop and, with facilitation, share learning in these and numerous other areas. Constituting these groups, and the larger law school, as a community of practice is a way of encouraging the flow of knowledge and innovation, fostering new approaches to problem solving, promoting the spread of best practices and developing professional skills and identity.

According to Wenger, functioning communities of practice have three properties: mutual engagement, joint enterprise, and shared repertoire.³⁸ The first involves people working together and creating relationships that allow them to “connect meaningfully . . . to the contributions and knowledge of others.”³⁹ The second encompasses the way in which participants create shared purpose in the process of pursuing it. While there may be—and inevitably is—disagreement, the enterprise becomes “joint” through “communal negotiation, and creates a sense of ownership, even in the face of forces and influences beyond the members’ control.”⁴⁰ Joint enterprise also promotes mutual accountability in which participants are responsible for “not making th[e] lives [of other members of the community] more difficult.”⁴¹ It isn’t hard to imagine the value of shared enterprise in a law school community where its absence can result in individuals making others’ lives and work very much more difficult indeed!

Third, Wenger observes that communities of practice have a shared repertoire, which “includes the routines, words, stories and actions that have been developed by the group in the course of working together.”⁴² Rather than fixed and static, the repertoire is changing and dynamic, reflecting the repertoires brought to the enterprise by individuals and the continuous reshaping that occurs “as they work with [other] individuals, subgroups or the group as a whole.”⁴³ Most people in any given law school share at least some repertoire, from widely circulated and repeated jokes and “war stories,” to shared (and not always charitable) characterizations of the larger university and its officials.

When a law school functions as a community of practice, everyone’s learning is enhanced, there is a sense of shared identity, the institution itself becomes “smarter” about how to accomplish its goals, and its members take ownership of its well-being

37. This is in addition to legal scholarship, which is itself often a collaborative effort.

38. WENGER, *supra* note 32, at 73.

39. *Id.* at 76. See also Bridget Somekh & Matthew Pearson, *Intercultural Learning Arising from a Pan-European Collaboration: A Community of Practice with a “Hole in the Middle,”* 28 BRIT. EDUC. RES. J. 485, 489 (2002) (utilizing a description of Wenger’s theory in practice).

40. WENGER, *supra* note 32, at 76.

41. Somekh & Pearson, *supra* note 39, at 489 (quoting WENGER, *supra* note 32, at 77-82).

42. WENGER, *supra* note 32, at 83.

43. Somekh & Pearson, *supra* note 39, at 489.

and success.⁴⁴ Given these obvious benefits, how can we cultivate and facilitate our law schools as positive communities of practice?

First, it is important to bring good people together: this implicates hiring and promoting faculty and staff who are willing and able to negotiate a shared purpose, and an admissions process that seeks out and selects students who will share in it. These are incremental and sometimes difficult steps, but there is a faster and simpler kind of recruitment into the community—reaching out to, and re-engaging graduates whose work reflects its values and common purpose. CUNY’s CLRN initiative, described below⁴⁵ is a compelling example of this proposition.

Second, a community of practice requires an infrastructure that encourages connection and collaboration: the physical spaces in the law school can be configured to further interaction, or they can rigidify separation and hierarchy⁴⁶ Food can play an important role; where and when people come together to get it and share it can promote or discourage community⁴⁷

Finally returning to my original observation about the importance of anniversaries, history is also a meaningful part of communities of practice. Providing opportunities for creating and sharing the law school’s history and accomplishments creates community provides opportunities for reflection, and nourishes growth and innovation.

I’ve written generally about communities of practice, and why it is valuable and desirable for law schools to cultivate them. The example of CUNY while particularized because of its public interest niche within legal education, may prove helpful.

B. CUNY as a Community of Practice

CUNY, like many other law schools, is consciously comprised of “group[s] of people who share a concern—a set of problems or a passion about a topic, and who deepen their knowledge and expertise in that area by interacting on an ongoing basis.”⁴⁸ Our faculty is made up of teachers who, by and large, have also been public interest practitioners and who continue to contribute through pro bono work and public service. Our students are recruited and admitted based on their

44. WENGER, *supra* note 32, at 83.

45. See *infra* text at part IV.B. For “thicker” descriptions of the CLRN initiative, see, e.g., Margaret Tebo, *Help for Storefront Lawyers*, A.B.A. J., Jan. 2003, at 44-48; Greg Winter, *Law Schools Urge Graduates to Start Small and Think Local*, N.Y. TIMES, Dec. 16, 2002, at B1.

46. Faculty offices can be grouped together in a distant part of the law school, or they can be spread around the building, abutting classrooms and lawyering seminars as they are at CUNY. Similarly, staff can be essentially segregated, or can be integrated throughout the building. Attractive, thoughtfully-designed space, like the “Commons” that Steve Zamora created at the University of Houston, foster conversations and interaction among all groups at a law school.

47. We do a lot around food at CUNY, and it never fails to bring people together. Food is served at meetings, especially those involving sub-communities who don’t ordinarily interact. Student groups prepare and serve lunches—often with ethnic themes—as fundraisers for their activities, everyone stops by to partake, conversations spring up and ideas for projects often emerge. Celebrations always include food, and everyone is invited. When we grieve, there is comfort food as well as time and space to be together.

48. ETIENNE WENGER ET AL., *CULTIVATING COMMUNITIES OF PRACTICE* 4 (2002).

demonstrated commitment to public interest, and many staff members, active in their own communities, find the Law School a congenial and non-alienating place to work. Others, who may originally have come for geographic proximity or free tuition in the University are sooner or later won over to the collective enterprise of using law to promote justice and equality.⁴⁹ Deans and Associate Deans are chosen, in large part, for their compatibility with, and support of, the Law School's mission. Because salaries for all law school employees are considerably lower than in the private sector, or other New York area law schools, people come and stay to participate in a mutual endeavor—training new generations of lawyers who will utilize “law in the service of human needs.”

The members of the CUNY community are extremely diverse, and bring multiple and sometimes conflicting perspectives. While we agree on a joint enterprise, our agreement is negotiated against a background of more than occasional disagreement on means to a shared end. Yet, as Wenger predicts, this diversity also results in a more creative and effective approach to problem solving.

Communities of practice are made up of sub-communities of persons working together in specific areas, who bring their work to the larger community where it is reflected upon, and may be expanded, refined and incorporated. What happens in the classroom is different from what happens in the alumni relations office, but when the Law School is functioning as a community of practice, the work of both, and the Law School itself, are enhanced. The faculty, moving from theory (at the beginning) to joint practice with students (over the past 20 years), has adopted, promoted and refined collaboration as a primary mode for teaching and learning. That same sense of collaboration motivates the work of alumni relations as we mentor and provide resources for our graduates, simultaneously learning from them, and incorporating that learning back into our classrooms.

A powerful example of this shared learning is CLRN, CUNY's Community Legal Resource Network. Born of conversations with graduates over informal dinners, CLRN blossomed into an initiative to assist those who had chosen small and solo community-based practices in order to increase access to justice.⁵⁰ Using its own resources, and additional funding from the Open Society Institute, the Law School facilitated a vibrant community that resembles a virtual law firm or legal services office to assist graduates in business practices,⁵¹ legal research and justice

49. Paying attention to staff, incorporating them not only into the work but also the governance of the community, fostering respect and appreciation for their contributions, and committing resources to them and their professional development are all critical to recruiting and retaining them as members of a community of practice. This is ultimately the dean's responsibility. See, e.g., Kenneth C. Randall, *Staff Matters*, 34 U. TOL. L. REV. 153, 154 (2002).

50. Wenger, McDermott and Snyder note that “starting a community of practice involves ... discovering what you can build on and imagining where this potential can lead.” WENGER ET AL., *supra* note 48, at 72. The dinners revealed the existence of hundreds of practitioners situated in legally underserved communities—ethnic, racial, immigrant, and GLBT (gay, lesbian, bisexual, and transgendered), who were struggling mightily to provide access to justice, but who were isolated, economically precarious and lacking specialized areas of legal knowledge necessary to adequately represent clients in a holistic way. The Law School's collaborative practice allowed us to imagine ways in which they could be brought together for shared learning and resources, and the ways in which such enhancements could redound to the benefit of their clients and their communities.

51. Creating a COP requires a “community coordinator;” in our case, this was the CLRN

initiatives, using technology to network and connect them. These efforts are directed to increasing their individual skills, and enabling them to generate and share best practices and collective knowledge.

Now some four years later, we have seen this initiative create numerous benefits for a significant number of graduates who are both more successful and more effectively engaged in their “justice missions.”⁵² The larger Law School community has similarly benefited, in several major ways. These include: curricular modifications that enable us to better prepare students for the work many of them will choose;⁵³ enhanced recruitment, as we offer a viable career path for idealistic law school applicants who want to use their legal educations to further justice; and alumni relations, which have become a true partnership and collaboration, rather than a loss leader for identifying prospective donors.

Wenger and his colleagues observe that “[t]o remain vibrant, communities need to shift topics . . . , forge new alliances, and constantly redefine their boundaries.”⁵⁴ CLRN is an example of the way in which we have erased the line between student and graduate.

We have now defined our community longitudinally, increasing our capacity to learn and accomplish our goals. CLRN, other graduate connections and the client work done by our clinics, externships, student organizations and pro bono faculty and staff have also created new alliances and similarly redefined our boundaries.

Planning for the twentieth anniversary has given us a lens for observing and naming the ways in which we work and partner with others in the larger public interest community. Collaborating with and across other organizations, like social justice not-for-profits, legal services offices, and, in the sphere of international human rights, NGO’s, as well as other units of City University energizes the Law School and expands its knowledge and effect.⁵⁵ This “practice” has led to a recalibration/renewal/refinement of our community’s “domain” exemplified in the move from “Law in the Service of Human Needs” to the current “Building a Community of Justice.”

CUNY’s experience, although related to a unique mission, has relevance to others in legal education. Other goals, different from those we have emphasized—legal

Director, Fred Rooney, a graduate of our first class, whose small, community-based practice in a primarily Hispanic area of Bethlehem, Pennsylvania was a successful prototype of the kind of practice we hoped to encourage and facilitate. He was—and is—assisted by a technology specialist and a part-time dedicated librarian/legal research coordinator. Together, they perform many of the functions and further much of the work, envisioned as necessary for a community of practice according to Wenger, McDermott and Snyder. *See generally id.* at 71-91.

52. Now, almost 200 members strong, CLRN has become a national model, as well as a leader in The Law School Consortium Project, which CUNY co-founded, and which now has eleven law schools as members. *See, e.g., supra* note 45. For information on the Consortium, see Law School Consortium Project, at <http://www.lawschoolconsortium.net>.

53. For example, learning the needs of the communities in which CLRN members practice has encouraged us to embark on a curricular and co-curricular micro-enterprise initiative.

54. WENGER ET AL., *supra* note 48, at 105.

55. The Law School has had especially productive collaborations with the graduate Public Health program of Hunter College, with whom we work on occupational health and safety issues and immigrant health, and with the Hunter School of Social Work, whose MSW students assist clinic students representing and serving victims of domestic abuse and the elderly poor.

scholarship, applying a critical perspective to the law and the legal system, improving the profession, understanding and building global connections—can be negotiated as a common enterprise by other, different kinds of law schools. With encouragement and facilitation, students, faculty staff and graduates can develop ways of working with, and learning from, each other in furtherance of those goals, as well as student learning and general organizational health. Given the alternatives—*anomie*, rigid and unproductive hierarchy, disengagement and alienation—the work of community building is an important choice for deans and their institutions.

V ADDITIONAL ASPIRATIONS FOR COMMUNITY

In addition to the notion of “community of practice,” there are two aspirational ideas of community that inspire us at CUNY I offer them as a parting note.

The first is Dr. Martin Luther King’s conception of the “Beloved Community.” From his “aspiration to rebuild community from the social death of slavery and segregation,”⁵⁶ Dr. King offered a vision of the Beloved Community which would “reconcil[e] the truths of individualism and collectivism and embrac[e] diversity without sacrificing unity,”⁵⁷ in order to create more democratic, loving and just individuals. Building on the power of law to eradicate segregation and racial oppression, law schools can commit to embracing diversity in their own communities, and promoting diversity, tolerance and justice in the larger community. Celebrating and defending affirmative action, as the University of Michigan Law School famously did, is one example. It is difficult to imagine any other institution, with the possible exception of religious organizations, for whom the work of building the Beloved Community is more central.

The second aspirational concept is the South African idea of *ubuntu*. The phrase can be roughly translated as “A person is a person through other persons” or “I am a human being because I belong, I participate. I share.”⁵⁸ It connotes the way in which individuals belong in, and are defined by, a “bundle of life” which makes them generous, hospitable, caring and compassionate. The concept of *ubuntu* has been powerfully utilized in South Africa’s transition to “multi-racial” democracy and in the construction and operation of its Truth and Reconciliation Commission.

Both Dr. King’s “Beloved Community” and *ubuntu* resonate significantly with values embedded in our professional codes of ethics and norms. And, used strategically to focus on the plight of the neediest and most downtrodden, they can facilitate enduring bonds among all individuals, and describe and create solidarity in the commitment to justice.

56. ANTHONY E. COOK, *THE LEAST OF THESE: RACE, LAW, AND RELIGION IN AMERICAN CULTURE* 106 (1997).

57. MARTIN LUTHER KING, JR., *WHERE DO WE GO FROM HERE?* 292 (1967), *reprinted in A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS OF MARTIN LUTHER KING, JR.* 630 (James M. Washington ed., 1986).

58. DESMOND M. PILO TUTU, *NO FUTURE WITHOUT FORGIVENESS* 31 (1999).

VI. CONCLUSION

Whatever an individual law school's particular values and mission, commitment to the public good is at the core of the profession for which we train our students, and of which we are, ourselves, generally members. The MacCrate Report, perhaps the most comprehensive examination of legal education and lawyering, significantly includes not only skills necessary for successful practice, but also four primary values. Among these are "Striving to Promote Justice, Fairness and Morality" which, in turn, includes "[t]reating other people (including clients, other attorneys, and support personnel) with dignity and respect" and "Contributing to the Profession's Fulfillment of its Responsibility to Enhance the Capacity of the Law and Legal Institutions to Do Justice."⁵⁹ Choices about the ways in which law schools relate to and participate in communities in which they are located bring varying benefits.⁶⁰ Choices to promote and nurture the law school *as* a community create opportunities to embody and promote our profession's highest values.

59. MACCRATE REPORT, *supra* note 22, at 213.

60. Of course, constructive participation in the affinity communities of the profession and legal education may also further the third MacCrate value, "Striving to Improve the Profession." *Id.* at 216.