



The Racial Justice Institute: Bringing a Race Equity Lens to Legal Services Advocacy

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Although race and poverty have been entwined throughout America’s history, the link between them has often been ignored. Roughly 43 million people in



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the United States live in poverty. This number is shockingly high, but it is even worse when you look at how poverty is experienced by people of color, twice as many of whom live below the poverty line as whites.

The racial biases that contribute to poverty take many forms and infect all systems in our society. People of color disproportionately experience discrimination in the workplace, environmental contamination, housing discrimination, and over-policing.

And beyond overt racism, systemic biases—preferences built into structures and institutions—are pervasive in many of our institutions. For example, nationally, Black emergency room patients are 50 percent less likely to receive pain medication than their white counterparts. American Indian/Native American children are overrepresented in the child welfare system. These systemic biases result in housing segregation, mass incarceration, and a huge racial wealth gap.

To get at the root of poverty in the United States, we must address the root causes of racial disparities experienced by people of color. A race-conscious approach is especially important for anti-poverty advocates. To generate advocacy strategies that produce

transformative change, we must address not only the consequences of racism, but also the institutions and structures that create systems designed to adversely impact certain groups while advantaging others.

Building a Cadre of Skilled and Committed Racial Justice Advocates

Recognizing the critical link between race and poverty, the Sargent Shriver National Center on Poverty Law (Shriver Center), with support from a dedicated and talented national Advisory Committee, launched the Racial Justice Institute (RJI) in 2014. RJI is a cutting-edge national leadership program, grounded in a commitment to racial equity as an integral and essential part of anti-poverty advocacy. The goals of the RJI are to strengthen advocacy capacity of both individual advocates and organizations and to build an ongoing national network of equal justice advocates who are committed to and skilled in advancing a coordinated racial justice advocacy agenda.

Now in its fifth year, RJI has cultivated over 200 advocates from 81 organizations in 28 states and the District of Columbia. Participating Fellows attend the Institute as members of racial equity teams. The first four cohorts of RJI brought together advocates from many different parts of the country—from Alaska to Florida and all parts in between—who have gone on to serve as catalysts in bringing a race equity lens to the work of their respective organizations. The current 2018 cohort, through a partnership with Legal Services of New York City, marks the launch of a pilot model that aims to equip an entire organization to more effectively advance racial equity, both internally and externally.

Through an intensive, six-month training program, Fellows are exposed to a core set of racial equity concepts, including implicit bias, debiasing, and

systems thinking, and tools like racial impact statements, racial disparity mapping, and communication strategies. A focus on community lawyering, an essential vehicle for supporting communities impacted by explicit and structural racism to engage in the long-term social change work, is at the heart of the process.

With support from skilled coaches and faculty, each race equity team applies the new concepts and skills taught as part of RJI to racial equity issues in their local communities. Over the years, race equity teams have worked on a wide range of projects, from advocating to end disproportionate representation of native children in foster care in Alaska, to challenging educational inequities in St. Louis County, to opposing racial profiling and mass incarceration in North Carolina, to ending the use of jailing people in poverty with criminal fines and fees.

Significantly, a number of race equity teams have chosen to focus internally to align race equity practices within their legal aid organizations. These projects have examined internal organizational processes and capacities (e.g., client intake protocols; case selection criteria; and recruitment, hiring and retention of staff of color) necessary to support the organization's capacity to engage successfully in racial justice advocacy.

From Training to Action

Just five years into the program, RJI Fellows are already having an impact in their local communities.

RJI Fellows are assembling and analyzing data and producing maps to demonstrate disparate impact regarding issues such as school discipline, homelessness, access to housing, and court fines and fees. For example, Morgan Craven (2015) and her colleagues at Texas Appleseed joined with a community partner in a successful campaign to end suspensions for pre-kindergartners through grade 2 students, and to reduce suspensions for grades 3-5 in the Houston Independent School District.

In a city-solicited open comment procedure, Alex Kornya of Iowa Legal Aid (2015) used racial impact analysis to persuade the City of Des Moines not to pass a proposal that would have strengthened the collateral consequences of a crime-free nuisance ordinance. The data showed that the impact of the proposal was concentrated in the census tracts with the largest non-white populations; within those tracts, the ordinance was used 200% more frequently against African Americans. Kornya's analysis enabled advocates to make a persuasive case that the proposed nuisance ordinance would have a negative impact on fair housing.

Fellows are employing tools that are emphasized in the RJI curriculum, such as systems analysis, racial disparity mapping, and racial impact study frameworks, to address racial inequities in their local communities. Nearly half of the Fellows report that they have conducted research to guide their race-equity initiatives.

Several RJI Fellows have published reports documenting racial bias and presented findings from their analyses of bias in courts, school districts, and community-based organizations. For example, Antionette Dozier (2014), her colleagues at the Western Center on Law and Poverty, and a coalition of advocates, published "Not Just a Ferguson Problem: How Traffic Courts Drive Inequality in California," a report analyzing racial disparities in traffic court fees. Drawing on the report's findings, Dozier's colleagues advocated for a new state program that allowed motorists with outstanding tickets to pay them off at a reduced amount. As a result, 4.2 million Californians, including a disproportionate number of Latinos whose licenses were suspended because they could not afford the fees, had the right to get their licenses back. They also advocated for and achieved a change in law so that motorists would no longer have their licenses suspended for failing to pay traffic fines and fees.

Jessica Feierman (2016) of Juvenile Law Center in Philadelphia authored a report that exposed the devastating impact of court costs, fees, and fines on youth involved in the juvenile justice system. The report substantiated the disproportionate impact of these burdens on youth of color, especially African American young men. RJI has inspired advocates to reach out to civil rights organizations, churches, and community members and to develop explicit strategies to address racial disparities in youth fines and fees as they move forward in their advocacy efforts.

Three-fourths of Fellows report that they have adopted media outreach strategies and initiated public education campaigns in support of race equity advocacy, or that they plan to do so in the near future.

RJI Fellows are training community actors and public agency administrators and developing tools to support race-equity analysis in administrators' decision making. Training local officials, school principals, teachers, and other district officials to recognize implicit bias and racial inequity is another common approach to community engagement.

For example, after mapping racial disparity in school discipline, Candace Moore and Jessica Schneider (both 2014 alumni) of the Chicago Lawyers Committee

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for Civil Rights worked with a community organization to pass statewide school discipline reform. Together with the Transforming School Discipline Collaborative — an interdisciplinary team of attorneys, school psychologists, policy advocates, and community organizations — they created checklists to help school faculty fulfill the requirements of the state's new school discipline law and have provided training for parents and school personnel throughout the state.

Following the example of these Illinois advocates, members of the 2015 Connecticut Equity Team provided implicit bias training for school principals and school district officials to address the disproportionate number of suspensions and expulsions for students of color. They are hopeful that the learning and relationships forged during this year-long training will solidify relationships for future school-based initiatives.

Other Fellows advocating for educational equity have pursued different approaches to partnering with community actors. For example, the 2016 team from Portland, OR, has been partnering with community organizations who train parent advocates to observe hearings.

RJI Fellows are using race-equity tools to bring litigation to advance racial justice, while forming new partnerships and coalitions with community members. For example, Anita Earls (2014), former Executive Director of the Southern Coalition for Social Justice, helped litigate a case that led the Fourth Circuit U.S. Court of Appeals to strike down North Carolina's voter suppression law. The ruling removed restrictions that unfairly target the types of identification and mechanisms of voting that are more likely to be used by minority voters. As a result, 30,000 African Americans were able to vote in the November election. Anita attributes this success to the community lawyering approach she and her colleagues took to the work; community partners helped advocates identify and obtain testimony from impacted voters who could personally illustrate the racially discriminatory effect of the mechanisms of voting and types of IDs targeted in the legislation.

John Petit (2015) and the Housing Team at Community Legal Aid Services used mapping to show that the sale of delinquent tax liens en masse to a private company in Akron, Ohio, was disproportionately occurring in African American communities. He used community lawyering to leverage the

resources of the community including faith leaders, social service agencies, fair housing advocates and concerned citizens to engage in pre-litigation discussions with the county Fiscal Office. As a result, Legal Aid helped organize the Akron Summit Community Reinvestment Coalition and a specific sub-committee devoted to delinquent property tax issues. The County made significant changes to its procedure for sale of tax liens that resulted in thousands of lower valued homes being removed from the sale process. Instead, the county is working hand in hand with Legal Aid and the reinvestment coalition to offer more realistic repayment plans, financial counseling and targeted legal assistance to save owner-occupied home ownership in traditionally marginalized neighborhoods. While Legal Aid was looking into this problem prior to John participating in RJI, he surmises that without RJI, he would not have conducted the analysis that was the basis for the advocacy. As part of this effort, this work has expanded into broader community lawyering strategies to promote economic opportunity in historically redlined areas.

RJI Fellows are using a common framework and vocabulary to fight structural oppression. In 2015, one year after advocates from the Public Justice Center (PJC) in Baltimore completed the first RJI, an unarmed black man, Freddie Gray, was killed while in police custody. As the Baltimore community rose up in protest, PJC advocates swung into action. Equipped with the tools and frameworks they gained at RJI, PJC advocates responded to protesters' needs, supported community groups looking to advance a legislative agenda against police violence, and served as legal observers to protests. PJC ultimately sued the Baltimore Police Department for a mass arrest of people protesting police violence, which they allege was in retaliation for the protest content.

Reimagining Legal Services Delivery

Advocates working toward race equity must begin by identifying and acknowledging how they themselves are situated within the institutions and structures in which they work. Historically, many legal aid professionals believe that doing anti-poverty work on behalf of people of color means that their organizations are addressing the racial dimensions of poverty. This view limits the advocates' capacity to get at the roots of racialized poverty and stifles the ability to build meaningful alliances with people of color and community groups. When advocates are truly allied with their low-income clients, their collective work is amplified and

creates a ripple effect toward building sustainable local movements.

Using the knowledge and skills gained in the RJI program, Fellows are transforming their legal aid programs and organizations. Some RJI Fellows are establishing race equity teams to introduce racial equity principles and tools to within their organizations' advocacy efforts, structures, and procedures. In collaboration with their colleagues, RJI fellows are reviewing and instituting new policies for recruiting, hiring, and advancing attorneys of color and have begun to recruit additional people of color to their Boards of Directors. They have introduced new case review procedures to include race equity analysis. They are training staff in their organizations about structural racism and implicit bias and race-equity tools. They have secured grants to hire staff to pursue their racial justice initiatives, and they are building the capacity of others in their states and regions to engage in racial justice advocacy.

After advocates from six legal aid programs in Ohio attended the 2015 RJI, they organized a statewide conference to bring what they learned to the larger Ohio community. The now-annual Ohio Racial Justice Symposium brings together 100+ legal aid advocates to learn about advocacy tools, such as racial impact statements, debiasing techniques, and mapping. The symposium and related work is building Ohio advocates' capacity to do race-focused work.

A Michigan team of RJI Fellows is launching a statewide racial equity project this fall. The current phase is about engaging stakeholders, including policy influencers, to share strategies, identify resources, and better collaborate moving forward. The fall training will establish a statewide resource center around race equity issues. Hosting a targeted audience of legal services attorneys, members of community organizations and community advocates will provide a holistic brain trust, which seeks to mitigate systemic inequity.

Illinois-based RJI Fellows are among the advocates who have formed Illinois Community of Advocates for Racial Equity (ICARE), a group aimed at increasing the capacity of legal advocates to advance racial equity. ICARE has trained and provided resources for hundreds of Illinois advocates with a desire to bring a racial justice lens to the work. Through a mix of online and in-person forums they are providing practical strategies and tools to advocates across the state. Recently ICARE hosted a race equity affinity group session during a statewide legal advocates conference to describe how race equity issues impact Illinois, the client community, and the legal profession.

Supporting the Work: The Racial Justice Network

From RJI's inception, the Shriver Center recognized that racial justice training was just one part of a longer-term strategy to engage legal aid advocates in a coordinated racial justice agenda. Also critical was ensuring that, after the official training program ended, alumni could continue to learn and work together. Race equity work requires practical tools to support and amplify efforts, but also benefits from the relationships Fellows create and build with others doing the same work.

The Racial Justice Network provides RJI Fellows with a forum for ongoing learning, peer-support, information sharing, leadership development, and joint advocacy on racial equity issues at the local, state, regional and national levels. Over the last four years, Fellows have stayed connected through periodic webinars, online meetings, a listserv and bimonthly newsletter, and joint-advocacy workgroups that focus on specific issues. Currently, the Racial Justice Network sponsors two workgroups: one for advocates working on education equity issues, and another focused on strategies for moving organizations to adopt internal changes necessary to support racial justice work in their communities.² In late June, the Shriver Center will host in Chicago the first national convening of the all RJI Fellows.

The Road Ahead

By connecting anti-poverty advocacy to racial justice, RJI is transforming legal aid. Only when advocates are equipped with a race equity vision can they begin to understand how their clients' experiences connect to a system or practice that disproportionately harms people of color that can and should be dismantled.

Racism requires advocates to perform thoughtful systems analysis to be strategic about how to allocate resources and build community capacity to effect change. While there is still a long way to go to achieve racial equity, we are continually heartened to hear of the many ways that RJI alums are putting their learning into practice.

- 1 Janerick Holmes helps engage equal justice advocates across the country through online trainings, such as the Racial Justice Training Institute (RJTI). He also works to support collaboration through the RJTI Network, a growing cadre of more than 200 advocates committed to advancing a coordinated racial justice advocacy agenda. Prior to joining the Shriver Center, Janerick worked as a Communications Associate at the Mississippi Center

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for Justice. Janerick can be reached at janerickholmes@povertylaw.org

As the first-ever Racial Justice Network Director, Kimberly Merchant leads and provides strategic oversight for the annual Racial Justice Training Institute (RJTI), as well as its expanding alumni advocacy network. Kimberly comes to the Shriver Center with twenty years of experience practicing law. Most recently, she served as the Director of the Mississippi Center for Justice's Educational Opportunities Campaign, where, among other initiatives, she spearheaded efforts to disrupt the school-to-prison pipeline. Kimberly can be reached at KimberlyMerchant@povertylaw.org

Ellen Hemley is Vice President of Advocate Resources and Training at the Sargent Shriver National Center on Poverty Law. Prior to joining the Shriver Center, she served as Executive Director of the Center for Legal Aid Education and Director of Training at the Massachusetts Law Reform Institute. Ellen can be reached at ehemley@povertylaw.org.

- 2 This latter workgroup is a collaboration between the Racial Justice Network and the Legal Impact Network, a dynamic collaborative of advocacy organizations in 33 states and the District of Columbia, also hosted by the Shriver Center.

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create a gap between what people value (e.g., racial equality) and what people do (e.g., racial discrimination). His research focuses on (1) learning how implicit biases change; (2) understanding the consequences of implicit bias for behavior; and (3) developing interventions to reduce the impact of implicit biases on behavior.

- 4 <https://www.nytimes.com/2018/04/18/business/starbucks-racial-bias-training.html>
- 5 From the Center for WorkLife Law at UC Hastings College of the Law, Bias Interrupters Project. <http://biasinterrupters.org/wp-content/uploads/Identifying-Bias-in-Performance-Evaluations-Worksheet.pdf>

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- 9 28 C.F.R. § 36.303.
- 10 28 C.F.R. § 36.301.
- 11 "The Braille Literacy Crisis in America," National Federation of the Blind (2009), www.nfb.org/images/nfb/documents/pdf/braille_literacy_report_web.pdf
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- 14 www.eeoc.gov/facts/accommodations-attorneys.html#fn_2; see also, www.americanbar.org/content/dam/aba/administrative/mental_physical_disability/Guidelines_on_Reasonable_Accommodations_for_Lawyers_for_Disabilities.authcheckdam.pdf
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